

## **PERTH AND KINROSS LOCAL REVIEW BODY**

Minute of Meeting of the Perth and Kinross Local Review Body held in the Council Chambers, Fourth Floor, Council Building, 2 High Street, Perth on Tuesday 7 May 2013 at 10.00am.

Present: Councillors M Lyle, H Anderson and A Gaunt.

In Attendance: D Harrison (Planning Adviser), G Fogg (Legal Adviser) and Y Oliver (Committee Officer) (all Chief Executive's Service).

Also Attending: Members of the public, including agents and applicants.

Councillor M Lyle, Convener, Presiding

### **295. DECLARATIONS OF INTEREST**

There were no Declarations of Interest in terms of the Councillors' Code of Conduct.

### **296. MINUTE OF LAST MEETING**

The Minute of meeting of the Local Review Body of 9 April 2013 was submitted, approved as a correct record and authorised for signature.

### **297. DELIBERATION OF MATERIALS TO BE USED FOR ROOF TILES (SLATE OR PANTILE)**

- (i) **TCP/11/16(230)  
Planning Application 12/02131/FLL – Erection of a dwellinghouse on land 30 metres north east of 4 Blairfordel Steading, Kelty – Mr J Watters**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse on land 30 metres north east of 4 Blairfordel Steading, Kelty.

It was noted that, at its meeting on 9 April 2013, the Local Review Body resolved by majority decision that:

The Review Application for the erection of a dwellinghouse on land 30 metres north east of 4 Blairfordel Steading, Kelty, be upheld subject to the imposition of appropriate conditions, including (i) the provision of a Section 75 Agreement in connection with an education contribution, should the relevant sum not be paid prior to the Decision Notice being issued; and (ii) a condition to provide for intrusive site investigation works being carried out for the purposes of testing for the presence of methane or possible subsidence before further development is commenced.

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At that meeting, the Local Review Body requested that the application be brought back to the next meeting of the Local Review Body, being held on Tuesday 7 May 2013, for the purposes of determining whether the materials to be used on the roof of the proposed dwellinghouse be slate, concrete tile or clay pantile.

The Planning Adviser displayed photographs of the site and existing development to illustrate the existing roofing materials.

**Decision:**

Resolved by unanimous decision that, having regard to the material before the Local Review Body and comments from the Planning Adviser sufficient information was before the Local Review Body to determine the matter of the roofing material without further procedure.

Resolved by unanimous decision that having regard to the varied use of both slate and pantile across the building group:

The material to be used on the roof of the proposed dwellinghouse be a concrete tile to match the existing development at Blairfordel Steading.

**298. APPLICATIONS FOR REVIEW**

- (i) **TCP/11/16(235)**  
**Planning Application 12/01780/IPL – Erection of a dwellinghouse and garage on land 40 metres north east of St Barbaras, Glenalmond College, Glenalmond – Mr P MacNaughton**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse and garage on land 40 metres north east of St Barbaras, Glenalmond College, Glenalmond.

The Planning Adviser displayed photographs of the site in question and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

**Decision:**

Resolved by unanimous decision that, having regard to the material before the Local Review Body and comments from the Planning Adviser sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by unanimous decision that:  
The Review Application for the erection of a dwellinghouse and garage on land 40 metres north east of St Barbaras, Glenalmond College, Glenalmond be refused for the following reason:

The proposal is contrary to the Council's adopted, revised Housing in the Countryside Guide 2012 as it does not fall within any of the

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categories of this policy which would support the principle of a dwellinghouse on the site. In particular, the members of the Local Review Body were satisfied that the application site does not form part of a building group.

**Justification**

The proposal is not in accordance with Perth Area Local Plan Policy 32, Proposed Local Development Plan Policy RD3 and the Council's adopted, revised Housing in the Countryside Guide 2012 and there are no other relevant material planning considerations for approving this proposal against these policies.

**(ii) TCP/11/16(236)**

**Planning Application 12/02055/FLL - Alterations and extension to dwellinghouse at Dall Mill, Dall, Pitlochry, PH17 2QH – Mr and Mrs R Benson**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for alterations and extension to dwellinghouse at Dall Mill, Dall, Pitlochry, PH17 2QH.

The Planning Adviser displayed photographs of the site and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Councillor M Lyle requested clarification of the consultation response in relation to flooding. The Planning Adviser referred members to correspondence between Perth and Kinross Council's Flooding Officer and the agent, stated that the officer had become satisfied with the proposal and advised that the basis of Reason for Refusal No. 4 (flooding) had now been resolved.

**Decision:**

Resolved by unanimous decision that, having regard to the material before the Local Review Body and comments from the Planning Adviser sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by majority decision that:

The Review Application for alterations and extension to dwellinghouse at Dall Mill, Dall, Pitlochry, PH17 2QH, be upheld subject to the imposition of appropriate conditions, including conditions addressing tree protection and management and samples/specification of external and flood resistant materials. The majority of the Local Review Body was satisfied that the proposal would have no adverse effect upon existing visual amenity given the substantial tree planting of the surrounding area, considered that the bulk or mass of the extension was not excessive and that the extension was sensitively designed.

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**Note:** Councillor H Anderson considered that the proposal was contrary to (i) Policies 2 and 5 of the Highland Area Local Plan 2000 as, in his opinion, the proposed extension by reason of its bulk and design would detract from the appearance of the existing unit, resulting in an unbalanced and unsympathetic extension, out of scale and out of keeping with the character and appearance of the existing dwellinghouse and surrounding traditional built development; (ii) Placemaking Policies PM1A and PM1B of the Proposed Local Development Plan 2000 as it did not pay sufficient regard to the character and amenity of the local environment, and the design forwarded does not compliment its surroundings in terms of height, scale, massing, materials, finishes and colours.

**(iii) TCP/11/16(237)  
Planning Application 12/02144/FLL – Erection of two dwellinghouses and associated site water dispersal on land 10 metres west of 1 Leetown, Glencarse – Mr J W Grant**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of two dwellinghouses and associated site water dispersal on land 10 metres west of 1 Leetown, Glencarse.

The Planning Adviser displayed photographs of the site in question and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

**Decision:**

Resolved by unanimous decision that, having regard to the material before the Local Review Body and comments from the Planning Adviser sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by unanimous decision that:

The Review Application for the erection of two dwellinghouses and associated site water dispersal on land 10 metres west of 1 Leetown, Glencarse be refused for the following amended reason:

As the proposal (by virtue of the buildings' advanced position on their plots) will result in a development which is out of character with the local building pattern, the proposal is contrary to (i) Policy 1 (as opposed to Policy 71 stated in the Notice of Refusal) of the Perth Area Local Plan 1995 (Incorporating Alteration No. 1, Housing Land 2000) which seeks to ensure that the character of existing areas is protected from inappropriate new developments; and (ii) Policies PM1A(c) and PM1A(d) of the Proposed Local Development Plan.

**Note:** Councillors M Lyle, A Gaunt and H Anderson all disagreed with Reason for Refusal No. 2 as, in their opinion, the proposal was not injurious to the residential amenity of existing houses (by virtue of the

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size of buildings in relation to the size of plots), and would not result in the overdevelopment of each plot, thereby not adversely affecting the residential amenity of future occupiers.

*FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.*

**(iv) TCP/11/16(238)  
Planning Application 12/02175/FLL – Installation of 12 solar panels (in retrospect) at Rockdale House, Kinfauns, PH2 7JZ – Mr and Mrs Wilson**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the installation of 12 solar panels (in retrospect) at Rockdale House, Kinfauns, PH2 7JZ.

The Planning Adviser displayed photographs of the site in question and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

**Decision:**

Resolved by unanimous decision that, having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by unanimous decision that:

The Review Application for the installation of 12 solar panels (in retrospect) at Rockdale House, Kinfauns, PH2 7JZ be refused for the following amended reason:

The proposed development is considered to have a detrimental visual impact on the character of the statutorily listed building. Approval would therefore be contrary to Policies 1 and 25 of the Perth Area Local Plan 1996 (Incorporating Alteration No. 1 Housing Land 2000); would be contrary to the guidance contained in Historic Scotland's Scottish Historic Environment Policy; and to the Council's statutory duty in relation to Listed Buildings under Section 14(2) of the Town & Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

**Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan nor would it comply with the Town & Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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(v) **TCP/11/16(239)**  
**Planning Application 12/01984/FLL – Alterations and extension to dwellinghouse at 29 Broom Road, Kinross, KY13 8BU – Mr and Mrs Alexander**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for alterations and extension to dwellinghouse at 29 Broom Road, Kinross, KY13 8BU.

The Planning Adviser displayed photographs of the site in question and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

**Decision:**

Resolved by unanimous decision that, having regard to the material before the Local Review Body and comments from the Planning Adviser sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by unanimous decision that:

The Review Application for alterations and extension to dwellinghouse at 29 Broom Road, Kinross, KY13 8BU, be upheld subject to the imposition of appropriate conditions.

**Justification:**

Councillors M Lyle, H Anderson and A Gaunt considered that the proposal was not contrary to: Policies 2, 6 or 67 of the Kinross Area Local Plan 2004 in that (i) it was not of excessive scale, unsympathetic design or dominant visual massing or unacceptable or detrimental to the visual amenity of the dwellinghouse; (ii) it was not of excessive proportion or out of keeping with the existing house, nor would it result in an awkwardly unbalanced extension; and (iii) it would not have an adverse impact on the visual amenity, particularly in view of the wide variety of design of residential dwellings in the surrounding area.

(vi) **TCP/11/16(240)**  
**Planning Application 12/01784/IPL – Removal of hardstanding, demolition of garage/workshop and erection of new dwellinghouse (in outline) at Grieve's House, Snabs Farm, Longforgan, DD2 5HH – Mr and Mrs Lawson**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for removal of hardstanding, demolition of garage/workshop and erection of new dwellinghouse (in outline) at Grieve's House, Snabs Farm, Longforgan, DD2 5HH.

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The Planning Adviser displayed photographs of the site in question and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

**Decision:**

Resolved by unanimous decision that, having regard to the material before the Local Review Body and comments from the Planning Adviser sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by unanimous decision that:

The Review Application for the removal of hardstanding, demolition of garage/workshop and erection of new dwellinghouse (in outline) at Grieve's House, Snabs Farm, Longforgan, DD2 5HH, be upheld subject to the imposition of appropriate conditions and the building being limited to one-and-a-half storeys, the location of the house within the western element of the plot, education contribution and watching brief regarding land contamination. The members of the Local Review Body considered that the proposed dwellinghouse should not extend eastwards of the building line of the properties located to the south and to be located to the north of the proposal.

Members were informed by the Planning Adviser that the demolition of the garage/workshop did not require planning permission and was not part of the consideration of this Notice of Review.

**Justification**

Councillors M Lyle, H Anderson and A Gaunt considered that the proposal was not contrary to (i) Policy 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No. 1, Housing Land 2000) as it does form part of a building group; and (ii) the Council's adopted, revised Housing in the Countryside Guide 2012 as it does form part of an infill site in part.

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