

## PERTH AND KINROSS LOCAL REVIEW BODY

Minute of Meeting of the Perth and Kinross Local Review Body held in the Gannochy Suite, Dewar's Centre, Glover Street, Perth on Tuesday 26 January 2016 at 10.30am.

Present: Councillors M Lyle, I Campbell and D Cuthbert.

In Attendance: Councillor G Laing (up to and including Art. 41(i)), D Harrison (Planning Adviser), C Elliott (Legal Adviser) and Y Oliver (Committee Officer) (all Corporate and Democratic Services).

Also Attending: C Brien and K Stirton (the Environment Service); members of the public, including agents and applicants.

### 39. DECLARATIONS OF INTEREST

There were no declarations of interest in terms of the Councillors' Code of Conduct.

### 40. MINUTE OF PREVIOUS MEETING

The Minute of meeting of the Local Review Body of 8 December 2015 was submitted and noted.

Councillor M Lyle, Convener, Presiding.

### 41. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(386) - Planning Application 15/00925/FLL – Alterations and extension to dwellinghouse, Ordie Cottage, Luncarty, Perth, PH1 4PR – Mr and Mrs R Gormley**

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, Ordie Cottage, Luncarty, Perth, PH1 4PR.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

#### **Decision:**

Resolved by unanimous decision that:

- (i) 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.

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Thereafter, resolved by majority decision that:

- (ii) the Review application for alterations and extension to dwellinghouse, Ordie Cottage, Luncarty, Perth, PH1 4PR be upheld and planning permission granted, subject to the imposition of appropriate conditions and informatives.

**Justification**

Recognising the presence of the existing front extension that would be being replaced, on balance, the proposal is viewed as acceptable in relation to Policies PM1A and PM1B(c) of the Perth and Kinross Local Development Plan 2014 and the Perth & Kinross Placemaking Guide.

**Note:** Councillor Campbell dissented from the majority view. He agreed with the Appointed Officer's Reason No. 1 for refusal as he felt the proposed extension to the front elevation of the house, by way of design and massing including how it meets the first floor dormer, did not give credence to the existing design of the house. He had no concerns regarding the proposed extension to the rear elevation of the house.

(ii) **TCP/11/16(387) - Planning Application 15/00839/IPL – Residential development (in principle), Gateside Farm, Meikleour, Perth, PH2 6EN – Mr G Wilson**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for residential development (in principle), Gateside Farm, Meikleour, Perth, PH2 6EN.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Development Quality Manager be requested to provide further information on:
  - (a) the number and extent of the lay-bys sought on the access road leading to the proposed site; and
  - (b) the adequacy of the access onto the A93 from the proposed site and whether it requires improvement;
- (iii) the applicant be invited to submit further information on:
  - (a) an indicative plan of, and ability to deliver, the possible number of lay-bys; and
  - (b) what contaminants he considers to be on the proposed site;

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- (iv) following receipt of the requested information from the Development Quality Manager and the applicant, copies be submitted to each other and all interested parties for further representation;
- (v) following receipt of all further information and responses, an unaccompanied site visit be arranged;
- (vi) following the site visit, the application be brought back to the Local Review Body for determination of the Review or for such further procedure as the Local Review Body may determine.

**(iii) TCP/11/16(388) - Planning Application 15/01585/IPL – Residential development (in principle), land 70 metres north east of Mains of Edradour Farm, Edradour – Atholl Estates**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for residential development (in principle), land 70 metres north east of Mains of Edradour Farm, Edradour.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Development Quality Manager be invited to submit further information on whether the whole of the proposed site is part of a building group in terms of the Housing in the Countryside Guide 2012 and Perth and Kinross Local Development Plan 2014 Policy RD3, especially the assessment of the eastern area of the proposed site within the field in relation to that policy and guide;
- (iii) following receipt of the Development Quality Manager's further information, the applicant and the interested party be provided with a copy and invited to submit further comments;
- (iv) following receipt of all further information and responses, an unaccompanied site visit be arranged;
- (v) following the site visit, the application be brought back to the Local Review Body for determination of the Review or for such further procedure as the Local Review Body may determine.

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(iv) **TCP/11/16(389) – Planning Application 15/01367/FLL – Change of use of landscaped open space to garden ground and erection of a fence, 10 Springfield Road, Kinross, KY13 8BA – Mr B Henderson**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for change of use of landscaped open space to garden ground and erection of a fence, 10 Springfield Road, Kinross, KY13 8BA. The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) 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; and
- (ii) the Review Application for the change of use of landscaped open space to garden ground and erection of a fence, 10 Springfield Road, Kinross, KY13 8BA be refused for the following reasons:
  - 1. The proposed development would result in the loss of an attractive area of public amenity space and designated green space. The proposal is therefore contrary to Policies RD1 and PM1A of the Perth and Kinross Local Development Plan 2014, which seek to retain small areas of public open space where they are of amenity value in order to preserve existing residential amenity and to respect the character and amenity of the place. The land has been designated as Amenity Greenspace in the Council's Open Space Strategy.
  - 2. The proposed fence, by virtue of its height, design, extent and position, would have an adverse impact on the character and visual amenity of the area. Approval would therefore be contrary to Policies PM1A, PM1B(g) and RD1 of the Perth and Kinross Local Development Plan 2014, which seek to ensure that developments are sympathetic to the character and amenity of the area.
  - 3. The proposal would reduce the welcoming feeling of the street scene, diminishing the established identity of the area and reducing the quality of life for visitors and surrounding residents. Approval

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would therefore be contrary to Planning Advice Note 77, Scottish Planning Policy 2014, Designing Places, Designing Streets and Creating Places.

**Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

FOLLOWING A SHORT ADJOURNMENT, THE LOCAL REVIEW BODY RECONVENED.

**42. DEFERRED APPLICATIONS FOR REVIEW**

**Deferred for unaccompanied site visit.**

- (i) **TCP/11/16(378) – Planning Application 15/01198/FLL – Erection of ancillary residential accommodation and workshop, The Orchard, Balhomais, Weem, Aberfeldy, PH15 2JE – Mr and Mrs I Hulbert**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of ancillary residential accommodation and workshop, The Orchard, Balhomais, Weem, Aberfeldy, PH15 2JE.

The Planning Adviser described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting on 8 December 2015, the Local Review Body resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the agent/applicant be given the opportunity of commenting on the correct Report of Handling;
- (iii) an unaccompanied site visit be carried out; and
- (iv) that following the unaccompanied site visit, the application be brought back to the Local Review Body for determination of the Review or for such further procedure as the Local Review Body may determine.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, and their own assessment from the unaccompanied site visit on 18 January 2016, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Review application for the erection of ancillary residential accommodation and workshop, The Orchard, Balhomais,

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Weem, Aberfeldy, PH15 2JE be upheld and planning permission granted, subject to the imposition of appropriate conditions, (including limiting the use of the ancillary accommodation to family and friends and excluding commercial letting) and informatives.

**Justification**

The proposal is in accordance with Policies PM1A and PM1B of the Perth and Kinross Local Development Plan 2014. The proposal was viewed as having a suitable landscape framework, is contained within a building group, could be provided with sufficient parking and could be expected to enjoy a satisfactory level of amenity.

**(ii) TCP/11/16(384) – Planning Application 15/00900/IPL – Erection of dwellinghouse (in principle), Mailingsland, 9 Hunter Street, Auchterarder, PH3 1PA – Mr J Stainton**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of dwellinghouse (in principle), Mailingsland, 9 Hunter Street, Auchterarder, PH3 1PA.

The Planning Adviser described the proposal and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting on 8 December 2015, the Local Review Body resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) an unaccompanied site visit be carried out; and
- (iii) that following the site visit the application be brought back to the Local Review Body for determination of the Review or for such further procedure as the Local Review Body may determine.

**Resolved:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, and their own assessment from the unaccompanied site visit on 18 January 2016, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Review Application for the erection of dwellinghouse (in principle), Mailingsland, 9 Hunter Street, Auchterarder, PH3 1PA be refused for the following reason:
  - 1. The proposal is contrary to Policies PM1A and Policy RD1 a) and c) of the Perth and Kinross Local Development Plan 2014 which both seek (amongst other things) to protect or improve the character and amenity of

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existing areas from inappropriate developments. The proposal by virtue of its siting in a backland location, does not respect its environs and would not contribute positively to the quality of the surrounding built and natural environment, including the potential impact in undertaking the development within close proximity to the two mature copper beech trees and the prospective reduction in their longevity due to the presence of a house within the site.

**Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

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