

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

Minute of Meeting of the Perth and Kinross Local Review Body held in the Hay Room, Dewar's Centre, Glover Street, Perth on Tuesday 24 May 2016 at 10.40am.

Present: Councillors M Lyle (excluding Art. 388(i)), I Campbell, D Cuthbert and C Gillies (up to and including Art. 388(i)).

In Attendance: D Harrison (Planning Adviser), M Easton (Legal Adviser) and H Rheinallt (Committee Officer) (all Corporate and Democratic Services).

Also Attending: Councillor A Cowan (up to and including Art. 388(ii)); Y Oliver (Corporate and Democratic Services); C Brien and S Panton (both the Environment Service); members of the public, including agents and applicants.

### **386. DECLARATIONS OF INTEREST**

Councillor M Lyle declared a non-financial interest in Art. 388(i) in terms of the Councillors' Code of Conduct.

### **387. MINUTE OF PREVIOUS MEETING**

The minute of meeting of the Local Review Body of 26 April 2016 (Arts. 323-325) was submitted and noted.

The Local Review Body unanimously agreed to vary the order of business.

Councillor Lyle withdrew from the meeting during consideration of Art. 388(i).

Councillor I Campbell was unanimously appointed as Convener for the purposes of hearing Art. 388(i).

Councillor I Campbell, Acting Convener, Presiding.

### **388. APPLICATIONS FOR REVIEW**

#### **(i) TCP/11/16(403) – 16/00002/FLL – Erection of dwellinghouse land 40 metres south east of Calzieveg, Braco – Ms S Auld**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of dwellinghouse, land 400 metres south east of Calzieveg, Braco.

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:

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- (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.
- (ii) the Review Application for erection of dwellinghouse, land 400 metres south east of Calzieveg, Braco extension be refused for the following reasons:
  - 1. The proposal is contrary to Policy RD3 Housing in the Countryside of the Perth and Kinross Local Development Plan 2014 and paragraph 3.3(a) of the associated Housing in the Countryside Guide 2012, as on the evidence submitted to the Local Review Body, the development fails to satisfy the test in that the need for a key worker has not been established.
  - 2. Notwithstanding the fact that the requirement for a key worker has not been established, in the event that such a need had been sufficiently evidenced, the proposal by virtue of its siting is contrary to categories 3(a) to (d) of the siting criteria set out within the Perth and Kinross Housing in the Countryside Guide. The development would not blend sympathetically with the land form, has insufficient existing natural features to provide a backdrop, insufficient mature boundaries and would have a detrimental impact on the surrounding landscape. As such, the proposal is contrary to Policy RD3 Housing in the Countryside of the Perth and Kinross Local Development Plan 2014 as it does not comply with the requirements of the policy and the Housing in the Countryside Guide 2012.
  - 3. The proposal by virtue of its position in an area with insufficient landscape features to define the site or provide a suitable setting for the development does not respect the character and amenity of the place and as such is contrary to Policy PM1A Placemaking of the Perth and Kinross Local Development Plan 2014.

**Justification**

The proposal is not in accordance with the Perth & Kinross Local Development Plan 2014 and there are no material reasons which justify departing from the Development Plan.

COUNCILLOR GILLIES LEFT THE MEETING AT THIS POINT

- (ii) **TCP/11/16(398) – Planning Application 15/01354/IPL – Erection of two units (class 1) and associated works (in principle) including full details of one retail unit, car parking, landscaping and associated works, land 50 metres east of Duchlage Farm, Duchlage Road, Crieff – Aldi Stores Ltd**

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Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of two retail units (Class 1) and associated works (in principle) including full details of one retail unit, car parking, landscaping and associated works, land 50 metres east of Duchlage Farm, Duchlage Road, Crieff.

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, insufficient information was before the Local Review Body to determine the matter without further procedure;
  - (ii) the Development Quality Manager be requested to provide a copy of the planning decision notice concerning the erection of retail units with associated landscaping, access, car parking, servicing and other associated works (16/00349/FLL);
  - (iii) the Council as Roads Authority be requested to provide further information on the impact of traffic management at the application site and any road improvement measures that may be required, and in providing such information taking account of the outcome of the planning decision notice 16/00349/FLL, as well as the impact on, and provision for, public transport in the area as a result of the proposed and approved development at the wider site;
  - (iv) following receipt of the requested information from the Development Quality Manager and Roads Authority, copies be submitted to the applicant and the interested parties for further representation;
  - (v) following receipt of all further information and responses, an accompanied site visit be arranged;
  - (vi) following the completion of the site visit, the application be brought back to the Local Review Body for determination of the specified matters for the purposes of convening a hearing session;
  - (vii) following the determination of the specified matters, a Hearing Session be convened to discuss the specified matters.
- (iii) **TCP/11/16(401) – Planning Application 15/01573/FLL – Erection of two dwellinghouses on land 60 metres north east of South Cottage, Inchtute**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of two dwellinghouses on land 60 metres north east of South Cottage, Inchtute.

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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; and
- (ii) the Review Application for the erection of two dwellinghouses on land 60 metres north east of South Cottage, Inchtute be refused for the following reasons:
  1. The proposal is contrary to Policy RD3 Housing in the Countryside of the Perth and Kinross Council Local Development Plan 2014 and paragraph 1 of the associated Housing in the Countryside Guide 2012. The Local Review Body were not satisfied that the proposed development fell within the definition of a building group within the policy and associated guide.
  2. Notwithstanding the above finding, in the event that the application site were to be classed as a building group, as the site does not have a good, existing landscape framework which is capable of absorbing the proposal, the proposal is contrary to Perth and Kinross Council's Housing in the Countryside Guide 2012 and Policy RD3 of the Perth and Kinross Council's Local Development Plan 2014, both of which seek to ensure that new proposals which extend existing building groups do so into definable sites that are formed by existing topography and/or well established landscape features which would provide a suitable setting for the new housing.
  3. As the proposal would have an adverse impact on the historic setting of adjacent listed building(s), the proposal is contrary to Policy 3 of the Tay Plan 2012 and Policy HE2 of Perth and Kinross Council's Local Development Plan 2014 which seeks to protect the setting of listed buildings from inappropriate developments.
  4. As the proposal does not have a good landscape setting and would impact on the setting of adjacent listed buildings, the proposal is contrary to Policy PM1A of Perth and Kinross Council's Local Development Plan 2014 which seeks to ensure that all new developments must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

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**Justification**

The proposal is not in accordance with the Perth & Kinross Local Development Plan 2014 and the associated supplementary Planning Guidance concerning the erection of houses within the countryside and there are no material reasons which justify departing from the aforesaid Local Development Plan.

**(iv) TCP/11/16(402) – Planning Application – 15/01930/IPL – Renewal of permission 12/01716/IPL (erection of a dwellinghouse in principle) land 100 metres south east of Seggieden House, Kinfauns**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for renewal of permission 12/01716/IPL (erection of a dwellinghouse in principle) land 100 metres south east of Seggieden House, Kinfauns.

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, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the applicant be requested to provide further information on the cost, work involved and timescale of the proposed renovation of the walled garden;
- (iii) the applicant be requested to provide further information on the status and the historical background to, and the architectural merits of, the walled garden;
- (iv) following receipt of the applicant's further information, the Development Quality Manager be provided with a copy and invited to submit further comments;
- (v) following receipt of all further information and responses, 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.

**(v) TCP/11/16/404 – Planning Application – 15/02155/FLL – Erection of dwellinghouse, land north of 5 Marshall Way, Luncarty**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of dwellinghouse land north of 5 Marshall Way, Luncarty.

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.

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**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; and
- (ii) the Review Application for the erection of dwellinghouse land north of 5 Marshall Way, Luncarty be refused for the following reason:
  1. The proposed development by virtue of its size, shape, its forward relationship with the existing house, and being a manufactured site, would result in a development that would have an adverse impact on both the visual amenity and general character of the local area, as well as the residential amenity of both the existing and the proposed dwellings. As such the proposed development is contrary to Policies PM1A and RD1(a) and (c) of the Perth and Kinross Council Local Development Plan 2014 which seeks *inter alia* to protect the visual amenity and character of existing residential areas from inappropriate and unsuitable developments.

**Justification**

The proposal is not in accordance with Policies PM1A and RD1(a) and (c) of the Perth & Kinross Local Development Plan 2014, in that the site was not assessed as being reasonably capable of accommodating the proposed house without resulting in an overdevelopment of the plot in a manner that was detrimental to the amenity of both existing and proposed houses and the locality, and there are no material reasons which justify departing from the aforesaid Development Plan.

**389. DEFERRED APPLICATIONS FOR REVIEW**

**Deferred for unaccompanied site visit.**

- (i) **TCP/11/16(397) – Planning Application – 15/01723/FLL – Alterations and extension to dwellinghouse, Craigwell, Milnathort, Kinross**

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, Craigwell, Milnathort, Kinross.

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.

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It was noted that, at its meeting on 29 March 2016, 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 applicant be invited to submit further information relating to the proposed phosphate mitigation measures to be put in place relating to the Loch Leven Catchment Area;
- (iii) following receipt of the requested information from the applicant, a copy be submitted to the Development Quality Manager for further representation;
- (iv) following receipt of all further information and responses, an unaccompanied site visit be arranged;
- (v) following receipt of all further information and responses, and the completion of 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 the comments from the Planning Adviser and the applicant, and having undertaken an unaccompanied site visit on 16 May 2016, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by majority decision that:

- (i) the Review Application for alterations and extension to dwellinghouse at, Craigwell, Milnathort, Kinross be refused for the following reasons:
  1. Whilst the principle of extension to the existing buildings were acceptable, the proposals before the Local Review Body, by virtue of their sprawling footprint, form and unsympathetic design, would result in an excessive and uncharacteristic extension to the host building, which would result in the over-development of the property. Approval would therefore be contrary to Policies PM1A and PM1B(c) of the Perth and Kinross Local Development Plan 2014, which seek to ensure that development contributes positively to the surrounding build environment in order to respect the character and amenity of the place.
  2. Approval would be contrary to the Perth & Kinross Placemaking Guide, which seeks to ensure that development has an appropriate design, shape, scale and proportions by discouraging unsuitable additions which destroy the composition and architectural integrity of existing buildings.

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**Justification**

The proposal is not in accordance with the Perth & Kinross Local Development Plan 2014, principally due to the combined number and scale of the proposed extensions and their varied forms and designs which cumulatively were assessed as being unsympathetic to the existing building, and there are no material reasons which justify departing from the aforesaid Development Plan.

**Note:** Councillor D Cuthbert dissented from the majority view. He did not support the Appointed Officer's reasons for refusal as he considered that the proposal was accorded with Policies PM1A and PM1B(c) of the Perth and Kinross Local Development Plan 2014.

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