

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
25 JUNE 2019

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held in the Council Chamber, 2 High Street, Perth on Tuesday 25 June 2019 at 10.30am.

Present: Councillors L Simpson, B Brawn and T Gray.

In Attendance: D Harrison (Planning Adviser), G Fogg (Legal Adviser) and D Williams (Committee Officer) (all Corporate and Democratic Services).

Also Attending: C Brien (Housing and Environment); M Terava (Corporate and Democratic Services); members of the public, including agents and applicants.

Councillor L Simpson, Convener, Presiding.

351. DECLARATIONS OF INTEREST

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

352. MINUTES

The minute of meeting of the Local Review Body of 28 May 2019 (Arts. 291-294) was submitted and noted.

353. APPLICATION FOR REVIEW

- (i) **TCP/11/16(598)**
Planning Application – 19/00078/FLL – Extension to dwellinghouse, Westwinds, St Davids, Madderty, Crieff, PH7 3PJ – Mrs J Melville

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse an extension to dwellinghouse, Westwinds, St Davids, Madderty, Crieff, PH7 3PJ.

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.

Thereafter, resolved by majority decision that:

- (ii) the Review application for an extension to dwellinghouse, Westwinds, St Davids, Madderty, Crieff, PH7 3PJ, be refused for the following reason:

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1. The proposals, by virtue of their inappropriate scale, excessive proportions, poor form, design, composition and proximity to boundaries would overdevelop, overwhelm and unbalance the existing dwellinghouse resulting in development which will impact negatively on established amenity levels and be out of keeping with the character and appearance of the existing house and surrounding built environment.

Approval would therefore be contrary to Policies RD1(c), PM1A and PM1B(c) of the Perth and Kinross Local Development Plan 2014 which seeks to ensure that development contributes positively to the character and amenity of the place by complementing its surroundings in terms of design, appearance, height, scale and massing.

Justification

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

Note: Councillor Brawn dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and permission for an extension to dwellinghouse should be granted. He considered that the proposal appropriate for the site, not contrary to the Development Plan and, with the imposition of relevant conditions, would be acceptable in this location.

- (ii) **TCP/11/16(599)
Planning Application – 18/02257/IPL – Erection of a dwellinghouse (in principle), land 30 metres west of Craigellachie, Chapelhill – Mr M Baxter**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse (in principle), land 30 metres west of Craigellachie, Chapelhill.

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 unanimous decision that:

- (ii) the Review application for the erection of a dwellinghouse (in principle), land 30 metres west of Craigellachie, Chapelhill, be refused for the following reason:
 - 1. The proposal is contrary to the Policy PM4, Settlement Boundaries, of the Perth and Kinross Local Development Plan 2014, as the site lies outwith the defined settlement of Cottown/Chapelhill, and there are no overriding considerations or circumstances to justify granting permission contrary to this policy.

Justification

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

- (iii) **TCP/11/16(601)**
Planning Application – 19/00283/FLL – Alterations to boundary wall, formation of hardstanding and erection of retaining walls (in retrospect), 2 Croft Terrace, Errol – Ms A Anderson

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations to boundary wall, formation of hardstanding and erection of retaining walls (in retrospect), 2 Croft Terrace, Errol.

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:

- (ii) 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.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for refuse alterations to boundary wall, formation of hardstanding and erection of retaining walls (in retrospect), 2 Croft Terrace, Errol, be granted subject to:
 - 1. The imposition of relevant terms, conditions and informatives, including that regarding the surface of the parking space.

Justification

Members noted that Listed Building Consent for these works within the Errol Conservation Area had been granted by Scottish Government on appeal since the previous consideration of this proposal by the Local Review Body. Whilst accepting that the proposal was contrary to Policy PM1B(c) of the Perth and

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Kinross the Development Plan 2014, the Local Review Body considered that the prospective use of Croft Terrace as a private road was essentially a civil, rather than planning, consideration. Regarding the prospective change in circumstances for traffic on Gas Brae, this was assessed as being acceptable due to the very lightly trafficked nature of the road. The personal circumstances of the applicant regarding impaired mobility was also noted and taken into consideration in concluding that planning permission be granted.

(iv) TCP/11/16(602)
Planning Application – 19/00048/IPL – Erection of a dwellinghouse (in principle), land 120 metres north west of Loakmill Farm, Bankfoot – Mrs M Paterson

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse (in principle), land 120 metres north west of Loakmill Farm, Bankfoot.

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.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the erection of a dwellinghouse (in principle), land 120 metres north west of Loakmill Farm, Bankfoot, 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 the Council's Housing in the Countryside Guide 2014, as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable in principle at this location.
 - 2. The proposal is contrary to Policy ER6 'Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes' of the Perth and Kinross Local Development Plan 2014, as the siting of the development on a prominent piece of land with no suitable landscape containment erodes the local distinctiveness, diversity and quality of Perth and Kinross's landscape character.

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3. The proposal is contrary to Policy NE3 'Biodiversity' of the Perth and Kinross Local Development Plan 2014, as insufficient information has been submitted to demonstrate the presence, or otherwise, of protected species within the development 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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