

## 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 28 May 2019 at 10.30am.

Present: Councillors L Simpson, H Anderson 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); L Potter and M Terava (Corporate and Democratic Services); members of the public, including agents and applicants.

Councillor L Simpson, Convener, Presiding.

### . **DECLARATIONS OF INTEREST**

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

### . **MINUTES**

The minute of meeting of the Local Review Body of 30 April 2019 (Arts. \*\*-\*\*) was submitted and noted.

### . **APPLICATION FOR REVIEW**

#### (i) **TCP/11/16(593) Planning Application – 18/01735/FLL – Erection of ancillary accommodation, Bracklynn, Cuilc Brae, Pitlochry – Mr N Kinnell**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of ancillary accommodation, Bracklynn, Cuilc Brae, Pitlochry.

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 ancillary accommodation, Bracklynn, Cuilc Brae, Pitlochry, be refused for the following reasons:

1. The development is contrary to Policy RD1 of the Perth and Kinross Local Development Plan 2014, in that the proposed ancillary accommodation is considered to be entirely divorced from the main dwellinghouse with no shared facilities and is therefore tantamount to a new dwelling. The proposal does not have regard to the density and character of the area, having a detrimental effect on the amenity of the area by virtue of the sites restricted size. The site is not large enough to accommodate the development satisfactorily in site planning terms.
2. As the proposal will result in the loss of privacy to an adjacent residential property (Calluna) and appear oppressive from that property, all to the detriment of the neighbouring properties residential amenity, the proposal is contrary to Policy RD1 of the Perth and Kinross Local Development Plan 2014, which seeks to ensure the residential amenity of existing areas is not adversely affected by new proposals.
3. The proposal, by virtue of its unsympathetic design, bulk, scale and visual massing, including excessive proportions and composition results in over-development of the site, resulting in an adverse impact on the visual amenity of the surrounding area.

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 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.

**(ii) TCP/11/16(594)  
Planning Application – 19/00139/IPL – Erection of a dwellinghouse (in principle) on land 40 metres north east of Flowerdale Farm, Kinrossie – Mr R Filshie**

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) on land 40 metres north east of Flowerdale Farm, Kinrossie.

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 majority decision that:

- (ii) the Review application for the erection of a dwellinghouse (in principle) on land 40 metres north east of Flowerdale Farm, Kinrossie, be refused for the following reason:
  - 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 2012, 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.

**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 Gray dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and permission for the erection of a dwellinghouse should be granted. He considered that the proposal appropriate for the site was not contrary to the Council's Housing in the Countryside Guide 2012 and, with the imposition of relevant conditions, would be acceptable in this location.

- (iii) **TCP/11/16(595)  
Planning Application – 18/01749/FLL – Change of use of agricultural land to garden ground, erection of stables/store/workshop/garage building, ancillary shelter and formation of a vehicular access at Robins Nest, Ballathie, Kinclaven, Perth – Ms K Shepherd**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of use of agricultural land to garden ground, erection of stables/store/workshop/garage building, ancillary shelter and formation of a vehicular access at Robins Nest, Ballathie, Kinclaven, Perth.

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) an unaccompanied site visit be carried out;
- (iii) following the undertaking of the site visit, the application be brought back to the Local Review Body.

**(iv) TCP/11/16(596)**

**Planning Application – 18/01656/FLL – Erection of a wind turbine and ancillary equipment, Aviva Headquarters, Pitheavlis, Perth – Aviva**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a wind turbine and ancillary equipment, Aviva Headquarters, Pitheavlis, Perth.

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.

**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 invited to submit information on noise impact in response to the comments of the Council's Environmental Health Officer;
- (iii) the applicant be invited to submit information on shadow flicker impact in response to the comments of the Council's Environmental Health Officer;
- (iii) following the receipt of any or all further information, the application be brought back to the Local Review Body.

**(v) TCP/11/16(597)**

**Planning Application – 18/02160/IPL – Erection of a dwellinghouse (in principle), land 70 metres south west of Bonnington View, Bonnington Road, Rattray – Ms L Stewart**

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 70 metres south west of Bonnington View, Bonnington Road, Rattray.

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 70 metres south west of Bonnington View, Bonnington Road, Rattray, be refused for the following reason:
  - 1. The proposal is contrary to Policy PM4, 'Settlement Boundaries', of the Perth and Kinross Local Development Plan 2014, as the proposed development site is located out with the defined settlement boundary of Blairgowrie and Rattray and the development of this site would link and existing building group with the settlement boundary this forming a large extension to the defined settlement.

**Justification**

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

**DEFERRED APPLICATIONS FOR REVIEW**

- (i) **TCP/11/16(583)  
Planning Application – 18/01662/FLL – Change of use of office to dwellinghouse, erection of 2 units (class 4), erection of 7 dwellinghouses, 8 flats and associated works, land 60 metres north of Burnside Joiners, Home Street, Aberfeldy – Lomond Group**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the change of use of office to dwellinghouse, erection of 2 units (class 4), erection of 7 dwellinghouses, 8 flats and associated works, land 60 metres north of Burnside Joiners, Home Street, Aberfeldy.

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.

It was noted that, at its meeting of 5 March 2019, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) the Appointed Officer submitting a response to the flooding report submitted as part of the

Notice of Review; and (ii) an unaccompanied site visit. With all further information having been received, and an unaccompanied site visit having taken place on 23 May 2019, the Local Review Body reconvened.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, with requested further information having been received, and having carried out a site visit on 23 May 2019, 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 change of use of office to dwellinghouse, erection of 2 units (class 4), erection of 7 dwellinghouses, 8 flats and associated works, land 60 metres north of Burnside Joiners, Home Street, Aberfeldy, be granted subject to:
  - 1. The imposition of relevant terms, conditions and informatives, including those regarding affordable housing contribution, the undertaking of a land contamination study, noise and industrial impact assessment, and tree protection.

**Justification**

It was recognised that the proposal was not in accordance with the Local Development Plan. The Local Review Body deemed that there was sufficient justification for approval of the proposal as a development plan departure as it would secure a desired improvement to the site and because it appeared likely to be to in accordance with the emerging Local Development Plan 2.

**Note:** Councillor Simpson dissented from the majority decision. He considered that the Appointed Officer's decision should be upheld and the erection of dwellinghouse be refused. In his opinion, the proposal did not comply with the Local Development Plan, and there was not sufficient justification to depart from these policies and guidance.

- (ii) **TCP/11/16(588)  
Planning Application – 18/01796/FLL - Erection of cider/juice production building with pick your own facility and farm shop, siting of an accommodation unit (for a temporary period), erection of a polytunnel and formation of vehicular access, parking and associated works, land 100 metres south of 3 Gowrie Farm, Stanley – Mr PJ Neill**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a cider/juice production building with pick your own facility and farm shop, siting of an accommodation unit (for a temporary period), erection of a

polytunnel and formation of vehicular access, parking and associated works on land 100 metres south of 3 Gowrie Farm, Stanley.

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.

It was noted that, at its meeting of 5 March 2019, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) comment from the Interim Development Quality Manager on the certified accounts lodged as part of the Review; (ii) comment from the Interim Development Quality Manager on the potential running of operation, as it may affect neighbouring residential properties, in consultation with Environmental Health, based on the additional information submitted with the Review; (iii) comment from the Interim Development Quality Manager on the assessment of application as a new business, including as a site specific resource, under Policy ED3 of the Perth and Kinross Local Development Plan 2014, based on the additional information submitted with the Review; (iv) the Interim Development Quality Manager considering and providing comment on the letter from Stanley and District Community Council dated 16 January 2019, submitted with the Review, and to clarify whether the Community Council submitted a representation to the planning application and, if so, provide a copy of any representation; (v) any other comment from the Interim Development Quality Manager on the additional information submitted with the Review; and (vi) an unaccompanied site visit. With all further information having been received, and an unaccompanied site visit having taken place on 23 May 2019, the Local Review Body reconvened.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, with requested further information having been received, and having carried out a site visit on 23 May 2019, 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 cider/juice production building with pick your own facility and farm shop, siting of an accommodation unit (for a temporary period), erection of a polytunnel and formation of vehicular access, parking and associated works on land 100 metres south of 3 Gowrie Farm, Stanley, be granted subject to:
  1. The prior submission of a transport infrastructure contribution; and
  2. The imposition of relevant terms, conditions and informatives, including conditions regarding access, parking and turning; an Archaeological evaluation; water supply;

drainage; additional landscaping and the further information identified as required by the Environmental Health Officer.

**Justification**

It was recognised that the proposal was not in accordance with the Local Development Plan. The Local Review Body deemed that there was sufficient justification for approval of the proposal as a development plan departure in order to assist in the prospective establishment of this rural enterprise.