

PERTH AND KINROSS COUNCIL  
LOCAL REVIEW BODY  
20 OCTOBER 2015

## **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 20 October 2015 at 10.30am.

Present: Councillors I Campbell, D Cuthbert and A Gaunt.

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

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

### **671. APPOINTMENT OF CONVENER**

In the absence of the Convener, Councillor I Campbell was unanimously appointed as Acting Convener.

Councillor I Campbell, Acting Convener, presiding.

### **672. DECLARATIONS OF INTEREST**

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

### **673. MINUTE OF PREVIOUS MEETING**

The Minute of the meeting of the Local Review Body of 29 September 2015 was submitted and noted.

### **674. APPLICATION FOR REVIEW**

- (i) TCP/11/16(377) - Planning Application 14/02238/FLL – Erection of dwellinghouse and garage, land 600 metres north west of Broadslap Farm, Dunning – Stuart Partnership**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of dwellinghouse and garage, land 600 metres north west of Broadslap Farm, Dunning.

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 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 and garage, land 600 metres north west of Broadslap Farm, Dunning be refused for the following reasons:
  - 1. This proposal by virtue of its siting, scale and design is inappropriate in this location and would be contrary to Policy ER6 (a) and (b) of the Perth and Kinross Local Development Plan 2014, and the associated Supplementary Guidance: Local Landscape Designations within Perth & Kinross (May 2015), as it would have a detrimental impact on the landscape and is on a prominent hilltop location, thereby being highly visible.
  - 2. The proposal would be contrary to Policy PM1B(b) of the Perth and Kinross Local Development Plan 2014 as the design and scale of the buildings proposed will be visually intrusive and unduly prominent in this location. The proposal will have an adverse impact on the landscape character and visual amenity of this area.
  - 3. The proposal by virtue of its siting, scale and design is contrary to Policy RD3 (c) of the Perth and Kinross Local Development Plan 2014, and the paragraphs (a) to (d) of the Siting Criteria within paragraph 3 of the associated Housing in the Countryside Guide 2012. 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.

**Justification**

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

**675. DEFERRED APPLICATIONS FOR REVIEW**

**Deferred for provision of further information**

- (i) **TCP/11/16(365) - Planning Application 14/00575/IPL – Erection of dwellinghouse and garage (in principle), land 70 metres south west of West Wing, The Coach House, Kinloch – Mr G Allen**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection

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of dwellinghouse and garage (in principle), land 70 metres south west of West Wing, The Coach House, Kinloch.

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 on 28 July 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) the applicant/agent be invited to provide further information to the Local Review Body in terms of the economic need for the proposed development;
- (iii) following receipt of the requested information from the applicant, copies be submitted to the Development Quality Manager and all interested parties for further representation;
- (iv) 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 other 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, sufficient information was before the Local Review Body to determine the matter without further procedure; and
- (ii) that the Local Review Body would not consider the late representation from the Development Quality Manager.

Thereafter, resolved by majority decision that:

- (iii) the Review application for the erection of dwellinghouse and garage (in principle), land 70 metres south west of West Wing, The Coach House, Kinloch, be refused for the following reason:
  - 1. As the proposal does not involve the renovation or replacement of an existing building or the erection of a dwelling which is necessary for economic need, the proposal is contrary to the requirements of Policies RD3 and paragraph 3.3 (a) of the associated Housing in the Countryside Guide 2012, and EP6 (a) of the Perth and Kinross Local Development Plan 2014, which permit new housing within the Lunan Valley Catchment Area only where such development relates to economic need or the conversions/replacement of existing buildings.

**Justification**

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

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**Note:** Councillor D Cuthbert dissented from the majority view. He was of the opinion that Policy EP6 of the Perth and Kinross Local Development Plan 2014, relating to economic need, had been satisfied. Should the Notice of Review be upheld, an additional condition would be added to ensure that any phosphorus discharges would not result in any increase to the current level generated by the development within the locality.

**Deferred from Previous Agenda due to Declarations of Interest**

**(ii) TCP/11/16(369) – Planning Application 15/00083/FLL – Alterations and extension to dwellinghouse, Earnbank House, Kinkell, Strathallan, Auchterarder, PH3 1LD – Mr and Mrs P Medley**

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, Earnbank House, Kinkell, Strathallan, Auchterarder, PH3 1LD.

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 on 29 September 2015, as Councillors M Lyle and J Giacomazzi had declared a non-financial interest in this Notice of Review, the application was deferred to the next meeting of the Local Review Body, scheduled to take place on Tuesday 20 October 2015.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, sufficient information was before the Local Review Body to determine the matter without further procedure;

and thereafter resolved by majority decision

- (ii) the Review application for alterations and extension to dwellinghouse, Earnbank House, Kinkell, Strathallan, Auchterarder, PH3 1LD be upheld and planning permission granted, subject to the imposition of appropriate conditions, including a condition pertaining to the use of appropriate materials in the construction of the proposed development and the submission of details in relation to the proposed solar panels.

**Justification**

The proposal is in accordance with Policies PM1A, PM1B and HE2 of the Perth and Kinross Local Development Plan 2014 and there are no material reasons which justify departing from the Local Development Plan.

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**Note:** Councillor I Campbell dissented from the majority view, however was of the view that the review should be upheld. He was of the opinion that whilst policy PM1A and PM1B of the Perth and Kinross Local Development Plan 2014 were not satisfied, he was of the opinion that the material considerations, being the health and social care needs of one of the occupants of the dwelling, and the decision by the Reporter in respect of the Listed Building Consent appeal, outweighed the application of the Local Development Plan policies in this instance.

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