

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held in the Council Chambers, 2 High Street, Perth on Tuesday 5 December 2017 at 10.30am.

Present: Councillors W Wilson, H Anderson, R Watters.

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

Also Attending: D Niven (the Environment Service); members of the public, including agents and applicants.

Councillor W Wilson, Convener, Presiding.

. **DECLARATIONS OF INTEREST**

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

. **MINUTE**

The minute of meeting of the Local Review Body of 7 November 2017 was submitted and noted.

. **APPLICATIONS FOR REVIEW**

- (i) **TCP/11/16(493) - Planning Application – 17/00972/FLL – Change of use and alterations to industrial unit (class 5) to form 2 flats at 32 Main Street, Almondbank, Perth, PH1 3NJ – Mr Martin Congalton**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse a change of use and alterations to industrial unit (class 5) to form 2 flats at 32 Main Street, Almondbank, Perth, PH1 3NJ.

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 a change of use and alterations to industrial unit (class 5) to form 2 flats at 32 Main Street, Almondbank, Perth, PH1 3NJ, be refused for the following reasons:
 - 1. The proposal is contrary to Policy RD1: Residential Areas of the Perth and Kinross Local Development Plan 2014, which seeks to ensure that development is compatible with the character and amenity of the area are retained, as it has not been demonstrated that the two flatted dwellinghouse can be accommodated on the site, taking account of the design, massing and overlooking from the rear box dormer window located on the north elevation.
 - 2. The proposal is contrary to Policy PM1A: Placemaking of the Perth and Kinross Local Development Plan 2014, as the conversion of the building would not contribute positively to the quality of surrounding built environment and would not respect the character and amenity of place due to the scale and massing of the box dormer window on the north elevation of the building.

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(494) - Planning Application – 17/01352/IPL – Erection of a dwellinghouse (in principle), Hoodshill, Fossoway, Kinross, KY13 0PW – Mr Roger Buick**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse (in principle), Hoodshill, Fossoway, Kinross, KY13 0PW.

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 the erection of a dwellinghouse (in principle), Hoodshill, Fossoway, Kinross, KY13 0PW, be refused for the following reasons:

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1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location.
2. The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in the location.
3. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the character and amenity of place as there will be a privacy issue between this proposal and the approved application 10/01244FLL that is still capable of implementation.
4. The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside as there is no sufficient containment to the site.
5. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as the formation of a dwelling curtilage in this location would erode local distinctiveness, diversity and the quality of Perth and Kinross's landscape character.

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 Watters dissented from the majority decision. . He considered that the Appointed Officer's decision should be overturned and that permission for the erection of a dwellinghouse should be granted, and that the proposed erection of a dwellinghouse would represent an improvement and would be reasonably enclosed so as to not impact upon the surrounding area, thereby meeting the criteria of the Housing in the Countryside Guide 2012.

(iii) TCP/11/16(495) – Planning application - 17/01130/IPL – Erection of a dwellinghouse (in principle) at land 50 metres north of East Saucher House, Saucher, Kinrossie – Mr & Mrs Taylor

Members considered a Notice of Review seeking an amendment of condition 5 (proportions and appearance) of the conditions imposed by the Appointed Officer for the erection of a dwellinghouse (in principle) at land 50 metres north of East Saucher House, Saucher, Kinrossie.

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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.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application seeking an amendment of condition 5 (proportions and appearance) of the conditions imposed by the Appointed Officer for the erection of a dwellinghouse (in principle) at land 50 metres north of East Saucher House, Saucher, Kinrossie, be granted subject to the following
 1. Condition 5 to now read as follows;
 - '5. The dwellinghouse shall be of single storey proportions and appearance.'
 2. In this context, the roof pitch shall not exceed 45 Degrees, the principle ridge shall run parallel to the existing dwellinghouse, and the eaves level shall not be greater than 3.3 metres above ground level and 3 metres above ground floor level.

Justification

The proposal to vary the terms of Condition 5 is sufficiently in accordance with the Development Plan, notably in relation to Local Development Plan policies PM1A and PM1B (c).

(iv) TCP/11/16(496) – Planning application - 17/00899/IPL – Residential development (in principle), land 40 metres north west of Northbarns Farm, Bankfoot – Mr G F Collie

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for a residential development (in principle), land 40 metres north west of Northbarns 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.

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Thereafter, resolved by unanimous decision that:

- (ii) the Review application for a residential development (in principle), land 40 metres north west of Northbarns Farm, Bankfoot, be refused for the following reasons:
 - 1. The proposal is contrary to Policy RD3 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, due to the prominent nature on the landscape.
 - 2. The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location, in particular the absence of any landscape features and screening, and a defined site.
 - 3. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity, and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience through the siting of the development within this area of Perth and Kinross.
 - 4. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the character and amenity of this area of Perth and Kinross.
 - 5. The proposal is contrary to Policy PM1B, criterion (a) and (b) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.
 - 6. The proposal does not provide a satisfactory residential environment due to the proximity of the agricultural buildings to the north where there is the potential for future residents at this site to suffer annoyance from noise and odour, contrary to Policy EP8 of the Perth and Kinross Local Development Plan 2014.

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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(v) TCP/11/16(498) – Planning application - 17/00834/FLL – Formation of decking (in retrospect), Burnbane and Upper Delvine Fishing Hut, Kinclaven – Clayfield Investments Limited

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the formation of decking (in retrospect), Burnbane and Upper Delvine Fishing Hut, Kinclaven.

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 and legal adviser, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) comment be received from the Interim Development Quality Manager on the potential discrepancy between the plans submitted and the decking;
- (iii) to allow for the applicant to comment on any comments made by the Interim Development Quality Manager;
- (iv) following receipt of all comments, the application be brought back to the Local Review Body.

(vi) TCP/11/16(500) – Planning application - 17/01074/IPL – Erection of dwellinghouse (in principle), land 100 metres north west of West Kinnochtry House, Kinnochtry, Coupar Angus – L Watt & M Brown

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), land 100 metres north west of West Kinnochtry House, Kinnochtry, Coupar Angus.

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, 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 site visit, the application be brought back to the Local Review Body.

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A TEN MINUTE RECESS FOLLOWED

DEFERRED APPLICATION FOR REVIEW

- (i) **TCP/11/16(468) – Planning application – 16/02074/FLL – Erection of 8 dwellinghouses and associated works, land 60 metres west of The Bothy, Newburgh – G & W Miller & Sons**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of 8 dwellinghouses and associated works, land 60 metres west of The Bothy, Newburgh.

It was noted that, at its meeting of 30 May 2017, the Local Review Body resolved by unanimous decision that insufficient information was before the Local Review Body to determine the matter without an unaccompanied site visit. An unaccompanied site visit having been carried out on 26 June 2017, the Local Review Body reconvened on 27 June 2017. At its meeting of 27 June 2017, the Local Review Body resolved by unanimous decision that insufficient information was before the Local Review Body to determine the matter without the applicant providing an ecological survey of the buildings in relation to European Protected Species. It was noted that the Local Review Body unanimously agreed that, following receipt of the requested information from the applicant, copies be sent to the Interim Development Quality Manager and Interest Parties for further comment. At its meeting of 7 November 2017, the Local Review Body resolved by unanimous decision that insufficient information was before the Local Review Body to determine the matter without all members considering the application comment from the Interim Development Quality Manager on the Ecological Survey, and subsequent comment from the applicant, and without all members of the Local Review Body considering and determining this review application having undertaken an unaccompanied site visit. The comments having been supplied, and a further unaccompanied site visit having been carried out on 29 November 2017, the Local Review Body reconvened.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, including the further information requested by the Local Review Body at its meetings of 27 June 2017 and 7 November 2017, and having carried out site visits on 26 June 2017 and 29 November 2017, 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:

- (iii) the Review application for the erection of 8 dwellinghouses and associated works, land 60 metres west of The Bothy, Newburgh, be granted, subject to:
1. the resolution of a Section 75 or 69 Agreement prior to the release of any planning consent.
 2. to secure Affordable Housing, Education and Supplementary Transport Infrastructure contributions.
 3. the imposition of relevant terms, conditions and informatives including a bat protection plan, submission of samples of external finishing materials, assessment for land contamination and identification and provision for any necessary remediation, access road improvement details, to provide housing places at suitable intervals, structural planting landscaping details and the requirement of the provision of the proposed stone walls.

Justification

The proposed erection of 8 dwellinghouses was seen as an improvement to the surrounding area, and in that context, with the imposition of relevant conditions and informatives, was not assessed as being contrary to Local Development Plan Policy RD3. Furthermore, the submitted ecological survey and any subsequent bat protection plan was considered to have adequately addressed concerns regarding Local Development Plan Policy NE3.

Note: Councillor Wilson dissented from the majority decision. He considered that the Appointed Officer's decision should not be overturned and that permission for the erection of 8 dwellinghouse should be refused.

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