

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
23 JULY 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 23 July 2019 at 10.30am.

Present: Councillors L Simpson, H Anderson and B Brawn.

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

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

Councillor L Simpson, Convener, Presiding.

374. DECLARATIONS OF INTEREST

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

375. MINUTES

The minute of meeting of the Local Review Body of 25 June 2019 (Arts. 351-353) was submitted and noted.

376. APPLICATION FOR REVIEW

- (i) **TCP/11/16(600)**
Planning Application – 18/02264/FLL – Change of use of land and building from agricultural contractors business to storage and distribution (class 6) and erection of ancillary office building (in retrospect), The Steading, Inchcoonans, Errol – Munro Estates Ltd

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse a change of use of land and building from agricultural contractors business to storage and distribution (class 6) and erection of ancillary office building (in retrospect) at The Steading, Inchcoonans, 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:

- (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 majority decision that:

- (ii) the Review application for a change of use of land and building from agricultural contractors business to storage and distribution (class 6) and erection of ancillary office building (in retrospect) at The Steading, Inchcoonans, Errol, be refused for the following reasons:
 - 1. The proposal is contrary to Policy ED3 (Rural Business) of the Perth and Kinross Local Development Plan 2014 which states that there is a preference that rural businesses are located within or adjacent to settlements. The site is located out with a settlement and no site specific resource is apparent and no locational justification has been provided for this specific site. The use should be directed to a zoned industrial estate.
 - 2. There is a lack of information on the foul drainage arrangements installed at the site to assess the acceptability of the proposal against Policy EP3B 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.

Note:

- (i) Councillor Simpson agreed with the appointed officer's third reason for refusal relating to the loss of agricultural land but he was supported by Councillor Anderson in respect of the first two reasons for refusal only.
- (ii) Councillor Brawn dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and permission for a change of use of land and building be granted. Whilst accepting that the proposal was contrary to the Development Plan, he considered that, taking economic benefits into account, the proposal would be acceptable in this location subject to further information on drainage and the imposition of relevant conditions.

- (ii) **TCP/11/16(603)**
Planning Application – 18/02241/IPL - Erection of a dwellinghouse (in principle), land 20 metres north of 33 Holding, Northbank, Longforgan – Mr R Dalley

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 20 metres north of 33 Holding, Northbank, Longforgan.

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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 the erection of a dwellinghouse (in principle), land 20 metres north of 33 Holding, Northbank, Longforgan, 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 its associated supplementary guidance. The proposal does not comply with any of the categories of development contained within the policy and guidance. In particular it is contrary to the Building Groups section of the policy and guide. The proposal would not respect the surrounding layout and building pattern of the group, would detract from existing residential amenity and lead to over development of the area.
 - 2. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014 as development of this site would not contribute positively to the quality of the surrounding built and natural environment. In addition the density and backland nature of the development would not respect the character and amenity of the place.

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(604)**
Planning Application – 19/00024/IPL – Residential development (in principle), land 60 metres north of Lizal, St Martins – RJM Partners

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse a residential development (in principle), land 60 metres north of Lizal, St Martins.

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.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for a residential development (in principle), land 60 metres north of Lizal, St Martins, be refused for the following reason:
 - 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 2012 as the proposal fails to comply with category (1) Building Groups as the proposed site is physically and visually separate from the existing group of buildings to the north and development on the site would adversely affect the rural character of the area. Furthermore the proposal is located outwith the nucleated and well defined existing building groups, has no defined topography or well established landscape features on its western boundary and extending development will contribute to the creation of ribbon development along the public road. It is also considered that the proposal cannot satisfy any of the remaining categories (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land.

Justification

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

- (iv) **TCP/11/16(605)**
Planning Application – 19/00503/FLL - Formation of vehicular access (in retrospect), South Inchmichael Farm, Errol, Perth, PH2 7SP – Morris Leslie Ltd

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the formation of vehicular access (in retrospect), South Inchmichael Farm, Errol, Perth, PH2 7SP.

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, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the applicant be requested to submit further information on the prospective scheme of landscaping referred to in the applicant's Notice of Review submission together also with the proposed structural landscaping of the entire existing and proposed building group at South Inchmichael Farm which would be served by the proposed access;
- (iii) following the receipt of further information, the application be brought back to the Local Review Body.

**(v) TCP/11/16(606)
Planning Application – 18/01802/FLL - Erection of a dwellinghouse and garage, land 30 metres north west of Easter Ballindean Lodge, Inchtute – Mr R Morgan**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse and garage, land 30 metres north west of Easter Ballindean Lodge, Inchtute.

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 and garage, land 30 metres north west of Easter Ballindean Lodge, Inchtute, 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, in addition to the Council's Housing in the Countryside Supplementary Guidance 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. There are no existing definable site boundaries, either in terms of topography or well established landscape features, on the eastern or northern boundaries; therefore the proposal does not meet the

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- requirements of criterion (a) building groups, as an extension of a building group.
2. The proposal is contrary to Policy HE2 'Listed Buildings', of the Perth and Kinross Local Development Plan 2014, as the proposal will negatively impact upon the setting of the adjacent listed buildings (Easter Ballindean and Ballindean West Lodge), notably when viewed from the public road to the south due to its more elevated position.

Justification

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

**(vi) TCP/11/16(607)
Planning Application – 18/02103/FLL - Extension to
dwellinghouse, The Lodge, Balruddery, Invergowrie, Dundee, DD2
5LH – Jaspar Ltd**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse an extension to dwellinghouse, The Lodge, Balruddery, Invergowrie, Dundee, DD2 5LH.

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, The Lodge, Balruddery, Invergowrie, Dundee, DD2 5LH, be refused for the following reasons:
1. Insufficient details have been submitted to verify that decontamination measures have been implemented or that anything in this regard has been submitted to the Planning Authority in respect of Condition 4 of planning application 13/02219/AML. As a consequence a full and complete assessment cannot be undertaken for this current application, against the Perth and Kinross Local Development Plan, in particular Policy EP12.
 2. Insufficient details have been submitted to demonstrate fully that existing private water supply(s)/infrastructure, which currently serves existing residential properties, would not be adversely affected by the operation of the

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swimming pool. The proposal therefore has the potential to adversely affect the residential amenity enjoyed by the occupier(s) of the existing properties by virtue of potentially compromising their private water supply(s). As a consequence a full and complete assessment cannot be undertaken for this current application, against the Perth and Kinross Local Development Plan, in particular Policy PM1A.

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 application should be deferred for further information on decontamination.

(vii) TCP/11/16(608)
Planning Application – 19/00098/FLL – Alterations to dwellinghouse (in retrospect), 41 King Street, Perth – Mr I Evans

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations to dwellinghouse (in retrospect), 41 King Street, 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 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 dwellinghouse (in retrospect), 41 King Street, Perth, be granted subject to:
 - 1. The imposition of relevant terms, conditions and informatives.

Justification

Whilst accepting that the proposal was contrary to the Development Plan, members considered that, due to the tightly enclosed nature of the elevation facing into a private courtyard, the improvement works undertaken and noting similar developments within Conservation Area, the proposal would be acceptable in this instance.

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(viii) **TCP/11/16(609)**
Planning Application – 19/00630/FLL - Erection of a shed,
10 Kinmond Drive, Perth, PH2 0TG – Mr P Dix

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a shed, 10 Kinmond Drive, Perth, PH2 0TG.

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 shed, 10 Kinmond Drive, Perth, PH2 0TG, be refused for the following reason:
 - 1. The proposals as submitted would result in a cramped and over-intensive development of the site and cause the loss of private amenity space, to the extent that the space around the dwellinghouse would be inadequate to serve the purposes of the existing dwellinghouse, to the detriment of the amenity of the house and surrounding area. Approval of the application would therefore be contrary to Policy RD1 (c) 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.

Note: Councillor Brawn dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and permission for erection of a shed be granted, subject to relevant condition on the size of the shed. He considered that the location of the proposal, within the applicant's private garden ground, would be acceptable, also noting that the shed could be removed should the property change ownership.

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