

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
5 MARCH 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 5 March 2019 at 10.30am.

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

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

Also Attending: C Brien (Housing and Environment); L Potter (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**

- (i) The minute of meeting of the Local Review Body of 11 December 2018 was submitted and noted.
- (ii) The minute of meeting of the Local Review Body of 8 January 2019 was submitted and noted.

. **APPLICATIONS FOR REVIEW**

- (i) **TCP/11/16(579)**
Planning Application – 18/01767/FLL – Alterations and extension to dwellinghouse (in part retrospect) at Greenmount, 69 Main Street, Longforgan, Dundee – Mr B Dooley

Members considered a Notice of Review seeking the review of Condition 2 of planning permission 18/01767/FLL for the alterations and extension to dwellinghouse (in part retrospect) at Greenmount, 69 Main Street, Longforgan, Dundee, to allow the use of opaque film instead of obscure glass.

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

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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 review of Condition 2 of planning permission 18/0167/FLL for the alterations and extension to dwellinghouse (in part retrospect) at Greenmount, 69 Main Street, Longforgan, Dundee, to allow for the use of opaque film, be refused with Condition 2 being altered to give the applicant extra time to change the glass in the windows:

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

2. For the avoidance of doubt, and within twelve weeks of this decision notice, the window serving the study/guest bedroom on the west elevation shall be fitted with obscure glass to a minimum height of 1.8 metres above internal finished floor level. The obscure glazing shall be a Pilkington privacy level of 3 or more (or equivalent) and shall be maintained for the life of the building to the satisfaction of the Council as Planning Authority.

Reason - In order to safeguard the residential amenity of the area.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

- (ii) **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.

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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 Appointed Officer be requested to submit a response to the flooding report submitted as part of the Notice of Review;
- (iii) an unaccompanied site visit be carried out;
- (iv) following the receipt of all requested further information, the application be brought back to the Local Review Body.

(iii) TCP/11/16(584)
Planning Application – 18/01816/FLL – Erection of a dwellinghouse on land 20 metres west of 14 Toberargan Road, Pitlochry – Mr and Mrs Haworth

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse on land 20 metres west of 14 Toberargan Road, 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, 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(585)
Planning Application – 18/01759/FLL – Extension to dwellinghouse, Lindisfarne, Old Perth Road, Milnathort, Kinross – Mr and Mrs Hodgkinson

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the extension to dwellinghouse, Lindisfarne, Old Perth Road, Milnathort, Kinross.

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 having carried out a site visit on 4 February 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 extension to dwellinghouse, Lindisfarne, Old Perth Road, Milnathort, Kinross, be granted subject to:
 - 1. The imposition of relevant terms, conditions and informatives, including a condition regarding finishing materials.

Justification

The proposal, with the imposition of relevant terms, conditions and informatives, was not considered to be contrary to the Development Plan.

- (v) **TCP/11/16(586)**
Planning Application – 18/01718/FLL – Change of use from construction compound to vehicle sales and display area, siting of reception/sales office building, formation of parking areas and associated works on land 60 metres north east of Bencloich, East Huntingtower, Perth – Mr M Heron

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the change of use from construction compound to vehicle sales and display area, siting of reception/sales office building, formation of parking areas and associated works on land 60 metres north east of Bencloich, East Huntingtower, 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 majority decision that:

- (ii) the Review application for the change of use from construction compound to vehicle sales and display area, siting of reception/sales office building, formation of parking areas and associated works on land 60 metres north east of Bencloich, East Huntingtower, Perth, be refused for the following reasons:

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1. The proposal is contrary to Policy PM4: Settlement Boundaries as the site is located out with the settlement boundary of the Local Development Plan (LDP) adopted 2014 where the principle of development is resisted.
2. The proposal is contrary to Policy HE1A: Scheduled Monuments as the proposed vehicle sales use will be highly visible and have a significant impact on the setting of Huntingtower Castle a scheduled ancient monument.
3. The proposal is contrary to Policy PM1A: Placemaking as the vehicle sales use with associated vehicle repair, wash storage area to the north east corner of the site will not contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.
4. The proposal is contrary to Policy EP3C: Water, Environment and Drainage of the Perth and Kinross Local Development Plan 2014, as the proposal is close to the settlement boundary and does not connect to a public sewer and instead utilises a septic tank system.
5. The proposal is contrary to Policy TA1B: Transport Standards and Accessibility Requirements of the Perth and Kinross Local Development Plan 2014, as the formation and use of the access for vehicle sales will have a detrimental impact on the proper operation of the traffic control at both the slip and the old Perth Mart. There is no provision for to make the site accessible to pedestrians/cyclists. It has not demonstrated that a suitable loading vehicle such as a car transporter could access & egress the site in a forward gear and no dedicated loading facilities have been identified demonstrating a suitable location to load/unload vehicles onto the site in a safe manner without impeding traffic flow. As a consequence it will have a detrimental impact on the road network and undermine the benefits associated with Phase 1 of the Perth Transport Futures Project.
6. Approval of this application would be premature before the outcome of the Local Development Plan process is known. An approval would circumvent the will of the council without a proper assessment of all the alternatives having been undertaken and would not be in the long term public interest.

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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Note: Councillor Anderson dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and permission for change of use from construction compound to vehicle sales and display area, siting of reception/sales office building, formation of parking areas and associated works be granted. Whilst accepting that the proposal was contrary to the Local Development Plan, he reasoned that the proposed development would be appropriate as the ground was already a hard standing and the existing septic tank provision was modest.

DEFERRED APPLICATIONS FOR REVIEW

(i) TCP/11/16(555)

Planning Application – 17/02026/FLL – Erection of 17 huts, formation of car parking and associated works on land at Gellybanks Farm, Bankfoot – Mr T Newall-Watson

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of 17 huts, formation of car parking and associated works on land at Gellybanks 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.

It was noted that, at its meeting of 11 December 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) the applicant submitting a copy of previous appeal decision notice – reference PPA-340-2091 and (ii) an unaccompanied site visit. With all further information having been received, and an unaccompanied site visit having taken place on 26 February 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 26 February 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 17 huts, formation of car parking and associated works on land at Gellybanks Farm, Bankfoot, be refused for the following reasons:

1. The proposal is contrary to Policy ED4C(c) of the Perth and Kinross Local Development Plan 2014, Caravan Sites, Chalets and Timeshare Developments as the

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development does not meet a specific need by virtue of its quality or location in relation to existing tourism facilities.

2. The proposal is contrary to, Policy ED3 of the Perth and Kinross Local Development Plan 2014, Rural Business and Diversification as it will not contribute to the local economy through the provision of permanent employment, or visitor accommodation, or additional tourism or recreational facilities, or involves the re-use of existing buildings.
3. The proposal is contrary to criterion (a) of Policy ED3, Rural Business and Diversification and Policy PM1A, Placemaking of the Perth and Kinross Local Development Plan 2014, as it has not been shown that there will not be a detrimental impact on neighbouring land uses from the installation of an on-site water supply.
4. The proposal is contrary to criterion (b) of Policy ED3 and Policy PM1A of the Perth and Kinross Local Development Plan 2014, Rural Business and Diversification as the path layout cannot be satisfactorily accommodated within the local landscape capacity of the location. As well as criterion (a) of Policy ER6 of the Perth and Kinross Local Development Plan 2014 as the path layout erodes local distinctiveness, visual and scenic qualities of the landscape and the quality of the landscape experience within the woodland.
5. The proposed development is not considered to easily accessible by all modes of transport in particular walking, cycling and public transport, accordingly it fails to comply with Policies TA1B and ED3(e) of the Perth and Kinross Local Development Plan. This will be further exacerbated if no on-site water supply is provided.
6. The proposal is contrary to Reforesting Scotland's Thousands Huts Guidance note which confirms the acceptability of a multiple hut development will depend on its impact on the environment. In this case the site is not located in a sustainable location which means the development cannot be supported.

Justification

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

THEREAFTER, THE MEETING WAS ADJOURNED FOR A 30 MINUTE RECESS, RECOMMENCING AT 12.55PM.

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(ii) TCP/11/16(556)
Planning Application – 18/01176/IPL – Residential Development (in principle) on land 60 metres south west of Burnside House, Benarty Road, Kelty – Lomond Group (Scotland) Ltd

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse a residential development (in principle) on land 60 metres south west of Burnside House, Benarty Road, Kelty.

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 13 November 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) the Interim Development Quality Manager commenting on the Tree Survey Report as it relates to the proposal and the grounds of refusal; (ii) the Interim Development Quality Manager submit copies of the Decision Notices for Planning Applications 16/00001/FLL and 17/00262/FLL; and (iii) the Interim Development Quality Manager commenting on whether Condition 10 of Planning Application 17/00262/FLL relating to structural landscaping has been complied with and to what extent. With all further information having been received, 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, 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 a residential development (in principle) on land 60 metres south west of Burnside House, Benarty Road, Kelty, be refused for the following reason:
 - 1. By virtue of the sites lack of a suitable landscape containment, the proposal fails to accord with the requirements of Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014 and Perth and Kinross Council's Housing in the Countryside Guide 2012, both of which require all new developments that extend an existing building group to take place in a definable site formed by existing topography and or well established landscape features which would provide a suitable setting.
 - 2. As the proposal would not respect the existing building pattern of the area, the proposal is contrary to the

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requirements of Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014 and Perth and Kinross Council's Housing in the Countryside Guide 2012, both of which require all new developments which extend an existing building group to respect the character, layout and building pattern of the existing group.

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 residential development be granted. He reasoned that the site had defined boundaries and was therefore in accordance with the Local Development Plan.

**(iii) TCP/11/16(563)
Planning Application – 18/01255/FLL – Extension to
dwellinghouse at 7 Ardblair Road, Blairgowrie – Mr C Duncan**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse an extension to dwellinghouse at 7 Ardblair Road, Blairgowrie.

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 11 December 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) the Interim Development Quality Manager submitting the Decision Notice and Report of Handling prepared by the Appointment Officer, recognising that those documents have no formal status; and (ii) the applicant being invited to comment on the information contained in the Decision Notice and Report of Handling documents. With all further information having been received 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, 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 an extension to dwellinghouse at 7 Ardblair Road, Blairgowrie, be refused for the following reasons:
 - 1. The proposals, by virtue of their scale, unsympathetic and unbalanced design, layout and proportions are not in keeping with the character or appearance of the existing residential property and will result in an incongruous visually detrimental development being introduced to the local area.
Approval would therefore be contrary to Policies PM1A and PM1B(c) and RD1 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 layout, design, appearance, height, scale and massing.
 - 2. The proposals by virtue of their design, layout and proximity to boundaries would introduce direct and uninterrupted lines of sight across surrounding rear gardens, to the detriment of their residential amenity.
Approval would therefore be contrary to PM1A and RD1 of the Perth and Kinross Local Development Plan 2014, which seek to retain and where possible improve existing residential amenity.

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(577)**
Planning Application – 18/01294/IPL – Residential development (in principle) on land 120 metres north east of Longforgan Transmission Station, Longforgan – Mrs H Craven

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse a residential development (in principle) on land 120 metres north east of Longforgan Transmission Station, Longforgan.

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 February 2019, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without an unaccompanied site visit. An unaccompanied site visit having taken place on 26 February 2019, the Local Review Body reconvened.

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Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, and having carried out a site visit on 26 February 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 a residential development (in principle) on land 60 metres south west of Burnside House, Benarty Road, Kelty, be refused for the following reason:
 - 1. The proposal does not extend the existing group into a definable site formed by existing topography and / or well established landscape features which would provide a suitable setting. The proposal does not respect the character, layout or building pattern of the existing group, and would contribute towards ribbon development. The proposal is therefore contrary to the specific requirements of the building groups section of the Council's Housing in the Countryside Guide 2012 and Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014, which both seek to ensure that all proposals which extend existing building groups do so into definable sites formed by existing topography and / or well established landscape features which provide a suitable setting, that proposals respect the character, layout and building pattern of the existing group and do not contribute towards ribbon development.

Justification

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