

PERTH AND KINROSS COUNCIL  
LOCAL REVIEW BODY  
12 NOVEMBER 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 12 November 2019 at 10.30am.

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

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

Also Attending: C Brien and K Stirton (Art. 567(i) only) (Housing and Environment); M Terava (Corporate and Democratic Services); members of the public, including an agent.

Councillor H Anderson, Convener, Presiding.

### **564. DECLARATIONS OF INTEREST**

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

### **565. MINUTES**

The minute of meeting of the Local Review Body of 15 October 2019 (Arts. 510-512) was submitted and noted.

### **566. APPLICATION FOR REVIEW**

- (i) **TCP/11/16(614)**  
**Planning Application – 19/00619/FLL – Erection of a conservatory, Ivybank Guest House, Boat Brae, Blairgowrie – Mr G Hack and Mr N Robinson**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a conservatory, Ivybank Guest House, Boat Brae, 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.

**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 erection of conservatory, Ivybank Guest House, Boat Brae, Blairgowrie, be refused for the following reason:
  - 1. The proposal, by virtue of its standardised “projecting bay” conservatory design and its position on the principal elevation, would result in an unsympathetic and incongruous appearance which is detrimental to the visual amenity of the host building.

Accordingly, approval would be contrary to Policies PM1A, PM1B (c) and RD1 (c) of the Perth and Kinross Local Development Plan 2014, which seek to ensure that development is designed to contribute positively to the quality of the surrounding built environment in order to 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.

- (ii) **TCP/11/16(615)**  
**Planning Application – 19/00473/IPL – Residential development (in principle), land 110 metres south east of Birkfield Park, Rumbling Bridge – Alduis Ltd**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse residential development (in principle), land 110 metres south east of Birkfield Park, Rumbling Bridge.

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 residential development (in principle), land 110 metres south east of Birkfield Park, Rumbling Bridge, be refused for the following reasons:
  - 1. The proposal is contrary to Policy ED1 of the Perth and Kinross Local Development Plan 2014 and Policy 7A of the proposed Perth and Kinross Local Development Plan, which identify the site for employment uses. A residential

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development on this site would be contrary to this allocation and has not been justified.

2. Policy EP8 (Noise Pollution) of the Perth and Kinross Local Development Plan 2014 and Policy 54 of the proposed Perth and Kinross Local Development Plan seek to locate noise sensitive uses away from sources of noise generation. A Noise Impact Assessment is required on this site. The proposal is contrary to the policies as no Noise Impact Assessment has been submitted to demonstrate that this is a suitable site for the type of development proposed.
3. Policy NE2B, Forestry Woodland and Trees of the Perth and Kinross Local Development Plan 2014 and Policy 38B of the proposed Perth and Kinross Local Development Plan require a tree survey to be submitted where there are trees on a site. There are trees on the site and no tree survey has been submitted, to enable suitable assessment to be carried out.

**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(616)  
Planning Application – 19/00620/IPL – Erection of a dwellinghouse (in principle), land 50 metres south west of Belfield, Woodlands Road, Blairgowrie – Mr M Wojtowicz**

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 50 metres south west of Belfield, Woodlands 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.

**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 50 metres south west of Belfield, Woodlands Road, Blairgowrie, be refused for the following reasons:
  1. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the erection of

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a house on the site would not respect the character and amenity of this area of Rosemount. It would erode the semi-rural character if the area and any additional development would severely limit the prospects of making a positive contribution to the quality of the surrounding built and natural environment.

2. The proposal is contrary to Policy PM1B of the Perth and Kinross Local Development Plan 2014, criterion (b), as the erection of a dwelling would not respect the wider landscape character area of the site due to the detrimental impact it would have on the amenity value of the area, particularly when viewed from the public road and designated open space area that can be accessed by the public.
3. The proposal fails to comply with Policy 14A, Existing Open Space Retention and Provision, of the Proposed Perth and Kinross Local Development Plan, as the proposal would impact on the sense of openness and semi-rural nature of the area, which is a key characteristic of Rosemount. As a consequence, development on the site would have a detrimental impact upon the open space area designation, set what could be viewed as precedent and threaten the integrity of the wider open space designation.

**Justification**

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

THERE FOLLOWED A 20 MINUTE RECESS

**(iv) TCP/11/16(617)**

**Planning Application – 19/00652/FLL – Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to remove condition 3 (occupancy) of permission 10/00184/FLL (erection of dwellinghouse and agricultural shed, formation of new access road), Easter Comrie, Keltneyburn, Aberfeldy – Mr N McAdam**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to remove condition 3 (occupancy) of permission 10/00184/FLL (erection of dwellinghouse and agricultural shed, formation of new access road), Easter Comrie, Keltneyburn, 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 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 under Section 42 of the Town and Country Planning (Scotland) Act 1997 to remove condition 3 (occupancy) of permission 10/00184/FLL (erection of dwellinghouse and agricultural shed, formation of new access road), Easter Comrie, Keltneyburn, Aberfeldy, be granted due to the following:
  - 1. The Scottish Government Circular 3/2012, on Planning Obligations in relation to occupancy conditions.
  - 2. The material change in circumstances of the associated farm holding and the applicant since the grant of permission 10/00184/FLL.
  - 3. Changes in farming practice since the grant of permission 10/00184/FLL.

**Justification**

Whilst accepting that the proposal was contrary to the Development Plan, members considered there was reasonable justification for departing from the Plan, for the reasons listed above.

**Note:** Councillor Anderson dissented from the majority decision. He considered that the Appointed Officer's decision should be upheld and the application for removal of condition be refused. In his opinion, there was not sufficient justification to overturn the Appointed Officer's decision and removal of condition should not be granted.

**(iii) TCP/11/16(618)  
Planning Application – 19/01280/FLL – Erection of a shed, 10  
Kinmond Drive, Perth – 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.

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 majority decision that:

- (ii) the Review application for the erection of a shed, 10 Kinmond Drive, Perth, 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 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 Wilson dissented from the majority decision. He considered the Appointed Officer's decision should be overturned and permission for the erection of a shed be granted. In his opinion, whilst accepting that the proposed shed was of substantial size, he felt there was sufficient space within the garden and immediate surrounding area to accommodate the proposed shed.

**567. DEFERRED APPLICATION FOR REVIEW**

- (i) **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.

It was noted that, at its meeting of 23 July 2019, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) 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; and (ii) following the receipt of all further information, the application be brought back to the Local Review Body.

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It was further noted that at when the Local Review Body reconvened at its meeting of 17 September 2019, the Local Review Body were advised that the information requested by the Local Review Body at its meeting of 23 July 2019 had been received outwith the given timescale, and had therefore not been submitted to Interested Parties, including the Council's Development Management Service, for comment. As the requested further information had been received outwith the given timescale, in line with Local Review Body regulations, the requested further information was not presented before the Local Review Body. In light of this, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) interested parties and the Council's Development Management Team be invited to comment on the further information submitted by the applicant 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. On 12 November 2019, 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 and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure.
- (ii) the applicant be invited to submit further information on the construction specification for the proposed road as it would be fully constructed.
- (iii) the road construction specification and landscaping scheme to be submitted to the Council's Development Management Service and Perth and Kinross Heritage Trust.
- (iv) the applicant to carry out an archaeological survey of the land affected by the proposal, including the proposed road as would be fully constructed and prospective landscaping scheme: the terms of which, and agency for, the survey to have the prior written approval of the Council's Development Management Service, in consultation with Perth and Kinross Heritage Trust.
- (v) Any comment from the Council's Development Management Service and Perth and Kinross Heritage Trust, in light of all information received, on the proposed road as would be fully constructed.
- (vi) following the receipt of all further information and responses, the application be brought back to the Local Review Body.

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