

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
24 JULY 2018

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 24 July 2018 at 10.30am.

Present: Councillors L Simpson, B Brawn and I James.

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

Also Attending: L Fleming and S Richards (Corporate and Democratic Services); members of the public, including agents and applicants.

Councillor L Simpson, Convener, Presiding.

424. DECLARATIONS OF INTEREST

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

425. MINUTE

The minute of meeting of the Local Review Body of 26 June 2018 was submitted and noted.

426. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(531) - Planning Application – 18/00126/FLL – Installation of CCTV camera (in retrospect) at Flat 4, 9 St Leonard's Bank, Perth, PH2 8EB – Mrs V Ward**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the installation of CCTV camera (in retrospect) at Flat 4, 9 St Leonard's Bank, Perth, PH2 8EB.

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 the installation of CCTV camera (in retrospect) at Flat 4, 9 St Leonard's Bank, Perth, PH2 8EB, be refused for the following reason:
 - 1. The scope, range and field of vision of the CCTV camera and associated microphone is such that it monitors and records extensive areas of communal amenity space, resulting in an infringement of privacy which significantly adversely impacts residential amenity. Approval would therefore be contrary to policies PM1A and RD1 of the Perth and Kinross Local Development Plan 2014, which seek to ensure that the siting of development respects the amenity of the place in order to protect 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.

- (ii) **TCP/11/16(533) - Planning Application – 17/01743/IPL – Erection of a dwellinghouse (in principle) on land 40 Metres south east of The Cottage, Golf Course Road, Blairgowrie – Mr & Mrs Smith**

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) on land 40 Metres south east of The Cottage, Golf Course 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, 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.
- (iii) **TCP/11/16(535) - Planning Application – 18/00243/FLL – Change of use of agricultural buildings to industrial (class 5) and storage/distribution units (class 6) and the formation of parking at 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 a change of use of agricultural buildings to industrial (class 5) and storage/distribution

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units (class 6) and the formation of parking at 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.

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 a change of use of agricultural buildings to industrial (class 5) and storage/distribution units (class 6) and the formation of parking at South Inchmichael Farm, Errol, Perth, PH2 7SP, be granted subject to:
 1. The imposition of relevant conditions, developer contribution and informatives.

Justification

The proposed development, with the imposition of relevant conditions, developer contribution and informatives, was not assessed as being contrary to the Local Development Plan and was compatible with Policies RD3 (a), (c) and (e), of the Perth and Kinross Local Development Plan 2014.

Note: Councillor Simpson dissented from the majority decision. He considered that the Appointed Officer's decision should be upheld, as the proposal was contrary to Local Development Plan Policies RD3 (a), (c) and (e), and that permission for change of use should be refused.

(iv) TCP/11/16(537) - Planning Application – 18/00012/FLL – Erection of a dwellinghouse on land 250 metres north west of Grimmstane, Forneth – Mr J Scuse

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 250 metres north west of Grimmstane, Forneth.

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 erection of a dwellinghouse on land 250 metres north west of Grimmstane, Forneth, 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 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. This application site falls within the Lunan Valley Catchment Area and as such the application of Policy RD3 within the Catchment Area is limited to economic need, conversions or replacement buildings, neither of which applies for this proposal.
 2. The proposal is contrary to Policy ER6 – Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes, of the Perth and Kinross Local Development Plan 2014, as the siting of the proposed development on the banks of the lochan is intrusive to the existing landscape framework and does not conserve or enhance the surrounding landscape as required by the Policy.
 3. The proposal is contrary to Policy EP6 (a) – Lunan Valley Catchment Area, of the Perth and Kinross Local Development Plan 2014, as a lack of information in relation to foul drainage and phosphorous levels have been submitted to adequately assess the proposals.

Justification

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

- (v) **TCP/11/16(538) - Planning Application – 18/002147/FLL – Extension to dwellinghouse, 43 Garry Place, Bankfoot – Mrs K Boath**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse an extension to dwellinghouse, 43 Garry Place, 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.

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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 an extension to dwellinghouse, 43 Garry Place, Bankfoot, be granted subject to:
 - 1. The imposition of relevant conditions requiring the submission of revised details to replace the proposed exposed supporting steelwork with brick pillars or a wall, rendered to match the remainder of the proposed extension.

Justification

The proposed development, whilst not compliant with the Perth and Kinross Local Development Plan 2014, was assessed on balance as being acceptable, in taking account of the exceptional family circumstances of the applicant.

- (vi) **TCP/11/16(539) - Planning Application – 17/02295/FLL – Erection of a retail unit on land 20 metres west of South Inch Filling Station, 4 Edinburgh Road, Perth – Mr M Jahangir**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a retail unit on land 20 metres west of South Inch Filling Station, 4 Edinburgh Road, 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, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) an unaccompanied site visit be carried out;
- (iv) following the site visit, the application be brought back to the Local Review Body.

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