

## 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 7 February 2017 at 10.30am.

Present: Councillors M Lyle (excluding Art.\*\*(i)), I Campbell and D Cuthbert (up to and including Art.\*\*(i)) and A Gaunt.

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

Also Attending: C Brien (The Environment Service); members of the public, including agents and applicants.

Councillor M Lyle, Convener, Presiding.

### . **DECLARATIONS OF INTEREST**

Councillor M Lyle declared a non-financial interest in Art.\*\*(i) in terms of the Councillors' Code of Conduct.

### . **MINUTE**

The minute of meeting of the Local Review Body of Tuesday 10 January 2017 was submitted and noted.

THE LOCAL REVIEW BODY UNANIMOUSLY AGREED TO VARY THE ORDER OF BUSINESS.

COUNCILLOR LYLE WITHDREW FROM THE MEETING DURING CONSIDERATION OF ART.\*\*(I).

Councillor I Campbell was unanimously appointed as Convener for the purposes of hearing Art.\*\*(i).

Councillor I Campbell, Acting Convener, Presiding.

### . **APPLICATIONS FOR REVIEW**

- (i) **TCP/11/16(451) – Planning application 16/01317/FLL – Erection of a dwellinghouse and garage on land 400 metres north east of Broadslap Farm, Dunning – The Stuart Partnership**

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 and garage on land 400 metres north east of Broadslap Farm, Dunning.

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) the applicant be requested to provide further clarification on the future occupation and use of the previous farm manager's house, steading buildings and ten acres of farmland situated to the north of the railway line, following the closure of the level crossing;
- (iii) the applicant be requested to provide further clarification on what entitlement, if any, exists, or is envisaged, to gain vehicular and/or pedestrian access to the above property and farmland, given the recent closure of the level crossing;
- (iv) following receipt of the requested information from the applicant, copies be submitted to the Development Quality Manager and interested parties for further representation;
- (v) following receipt of all further information and responses, an unaccompanied site visit be arranged;
- (vi) following the site visit, the application be brought back to the Local Review Body.

COUNCILLOR CUTHBERT LEFT THE MEETING AT THIS POINT

COUNCILLOR LYLE RETURNED TO THE MEETING AT THIS POINT

Councillor M Lyle, Convener, Presiding.

**(ii) TCP/11/16(449) – Planning application 16/01124/FLL - Erection of a coffee shop/takeaway and associated works on land 65 metres north of The Triangle, Perth – Go Americano Ltd**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of a coffee shop/takeaway and associated works on land 65 metres north of The Triangle, 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;
- (ii) The review application for erection of a coffee shop/takeaway and associated works on land 65 metres north of The Triangle, Perth be upheld and planning permission granted, subject to a)

the prior payment of the appropriate Transport Infrastructure Contribution, and, subsequently, b) the appropriate terms, conditions and informatives, including with regards to surface water drainage attenuation details, parking, external lighting, landscaping, and a suspensive condition relating to the current parking and access issues on the access road to the site.

### **Justification**

The site is allocated for high amenity employment uses or for car sales within the Perth and Kinross Local Development Plan 2014 (Site ED1). The proposal was assessed as a justified departure from the Perth and Kinross Local Development Plan 2014 in terms of Policy ED1. It was considered that the proposal would provide economic benefits and could be viewed as a high amenity employment use. The information submitted had demonstrated that the proposed use would generate employment and encourage other developments close to the site. The Local Review Body also took account of the recent Reporter's decision to uphold the appeal against refusal of planning permission for planning application 14/01356/FLL, in which a class 3 use had been allowed on land zoned for office use.

### **(iii) TCP/11/16(450) – Planning application 16/01281/FLL – Erection of a dwellinghouse on land 20 metres north east of Dalmhor Bungalow, Ewanfield, Crieff – Corryard Developments**

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 on land 20 metres north east of Dalmhor Bungalow, Ewanfield, Crieff.

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:**

- (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;
- (ii) the Review application for the erection of a dwellinghouse on land 20 metres north east of Dalmhor Bungalow, Ewanfield, Crieff be refused for the following reasons:
  - (1) The proposal would adversely affect the density and character of the existing area, by virtue of the physical limitations of the site to satisfactorily accommodate the development and associated requirements for private amenity space. The proposal also fails to respect the established character of the area by proposing development within a backland location. The proposal is therefore contrary to Policy RD1 and PM1A and PM1B (c) and (d) of the Perth and Kinross Local Development Plan

2014 and Policy 2 of TAYPlan, which seeks to ensure development is compatible with the amenity and character of the area and respects an existing building line.

- (2) The proposal is contrary to Policy HE3A of the Perth and Kinross Local Development Plan 2014 as it fails to preserve or enhance the character or appearance of the Crieff Conservation Area.

### **Justification**

The proposal is not in accordance with the Perth and Kinross Local Development Plan 2014 and there are no material reasons which justify departing from the Development Plan.

**(iv) TCP/11/16(454) – Planning application 16/01789/IPL – Erection of a dwellinghouse (in principle) on land 30 metres east of Gairneybridge Farm, Gairneybridge, Kinross, KY13 9JZ – Mr A King**

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) on land 30 metres east of Gairneybridge Farm, Gairneybridge, Kinross, KY13 9JZ.

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:**

- (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;
- (ii) the Review application for the erection of a dwellinghouse (in principle) on land 30 metres east of Gairneybridge Farm, Gairneybridge, Kinross, KY13 9JZ be refused for the following reasons:
  - (1) The proposal is contrary to Policy HE2 of the Perth and Kinross Local Development Plan 2014, as the development of the site is considered to disrupt the visual relationship between the neighbouring farmhouse and the category B listed Secession Church Monument. As such, the proposal is considered to detrimentally impact upon the setting of the listed monument.
  - (2) The proposal is contrary to Policies PM1A and PM1B (d) of the Perth and Kinross Local Development Plan 2014, in that the proposal does not respect the character and amenity of the place, as it would disturb the current relationship of the building line between the existing stone built farmhouse and the residential steading

development, mainly due to the position of the proposed house plot in the front garden area of the farmhouse.

**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(455) – Planning application 16/01511/IPL – Erection of a dwellinghouse (in principle) on land 250 metres north east of Balnairn, Foss – Mr and Mrs Horsfall**

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) on land 250 metres north east of Balnairn, Foss.

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.

The Convener advised members that additional information relating to the Notice of Review had been received from the applicants' agent, following submission of the Notice of Review. The Local Review Body unanimously agreed to take this information into account.

**Decision:**

- (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 information submitted by the applicant with their Notice of Review, and other information subsequently accepted by the Local Review Body at the meeting, be submitted to the Development Quality Manager for comment;
- (iii) the applicant be requested to provide further clarification on whether any other sites for the erection of a dwellinghouse had been considered, and if so, where were they located and why they had been deemed unsuitable;
- (iv) following the receipt of the further information, an unaccompanied site visit be carried out;
- (v) following the site visit, the application be brought back to the Local Review Body.

**(vi) TCP/11/16(456) – Planning application 16/01405/FLL – Alterations and extension to dwellinghouse at 116 Brahan Terrace, Perth, PH1 2LL – Mr C McDonald**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for alterations

and extension to dwellinghouse at 116 Brahan Terrace, Perth, PH1 2LL.

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:**

- (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.