

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
7 NOVEMBER 2017

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 November 2017 at 10.30am.

Present: Councillors W Wilson, M Barnacle, T Gray (excluding Art. 631(i)) and A Jarvis (Art. 631(i) only).

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

Also Attending: C Brien (the Environment Service); K Molley (Corporate and Democratic Services); members of the public, including agents and applicants.

Councillor W Wilson, Convener, Presiding.

629. DECLARATIONS OF INTEREST

Councillor T Gray declared a non-financial interest in Art. 631(i).

630. MINUTE

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

THE COMMITTEE UNANIMOUSLY AGREED TO VARY THE ORDER OF BUSINESS AT THIS POINT.

631. DEFERRED APPLICATION FOR REVIEW

HAVING DECLARED AN INTEREST IN THE FOLLOWING ITEM, COUNCILLOR T GRAY WITHDREW FROM THE MEETING DURING CONSIDERATION OF ART. 631(i).

- (i) TCP/11/16(468) – Planning application – 16/02074/FLL – Erection of 8 dwellinghouses and associated works, land 60 metres west of The Bothy, Newburgh – G & W Miller & Sons**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of 8 dwellinghouses and associated works, land 60 metres west of The Bothy, Newburgh.

It was noted that, at its meeting of 30 May 2017, the Local Review Body resolved by unanimous decision that insufficient information was before the Local Review Body to determine the matter without an unaccompanied site visit. An unaccompanied site visit having being carried out on 26 June 2017, the Local Review Body reconvened on

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27 June 2017. At its meeting of 27 June 2017, the Local Review Body resolved by unanimous decision that insufficient information was before the Local Review Body to determine the matter without the applicant providing an ecological survey of the buildings in relation to European Protected Species. It was noted that the Local Review Body unanimously agreed that, following receipt of the requested information from the applicant, copies be sent to the Interim Development Quality Manager and Interest Parties for further comment.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Legal Adviser, including the further information requested by the Local Review Body at its meeting of 27 June 2017, and having carried out a site visit on 26 June 2017, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) it be ensured that all members of the Local Review Body considering and determining this review application had undertaken a formal unaccompanied site visit;
- (iii) comment be received from the Interim Development Quality Manager on the Ecological Survey, and allowing for the applicant to comment on any comments made by the Interim Development Quality Manager.

COUNCILLOR A JARVIS LEFT THE MEETING AT THIS POINT.

COUNCILLOR T GRAY RETURNED TO THE MEETING AT THIS POINT.

632. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(489) - Planning Application – 17/00636/IPL – Residential development (in principle) on land at Mains of Stobhall Farm, Cargill – Mr J Thomson**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse residential development (in principle) on land at Mains of Stobhall Farm, Cargill.

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 residential development (in principle) on land at Mains of Stobhall Farm, Cargill, be refused for the following reasons:
1. In relation to 'rural brownfield land', as the whole site is not 'formerly' occupied by buildings, the proposal fails to meet the Council's specific criteria required for an acceptable rural brownfield site as is indicated in both Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Housing in the Countryside Guide 2012 – which both state that acceptable rural brownfield sites relate to sites which were 'formerly occupied by buildings' and not sites which are currently occupied. Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 do not offer support for new residential developments on sites of existing, non-traditional, non-domestic building regardless of whether or not the existing buildings are redundant (or not).
 2. As the site does not have a) a good landscape framework which is capable of absorbing the proposal and b) existing boundaries which are capable of providing a suitable enclosure, the proposal is contrary to Part 1 (Building Groups) of the Council's Housing in the Countryside Guide 2012 and Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014. Both the policy and guide seek to ensure that proposals for new development that extend existing building groups takes place within definable sites that are formed by existing topography and/or well established landscape features, have a good landscape setting and have suitable site boundaries.
 3. As the presence (or otherwise) of European protected species has not been established, the proposal is potentially contrary to Policy NE3 of Perth and Kinross Council's adopted Local Development Plan 2014 which states that planning permission should not be granted for a development that would either individually or cumulatively be likely to have an adverse effect upon European protected species.
 4. The proposal is contrary to, or not supported by, any of the other Categories within Policy RD3 of the Perth and Kinross Local Development Plan and Perth and Kinross Council's Housing in the Countryside Guide 2012.

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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(ii) TCP/11/16(490) - Planning Application – 17/00875/FLL – Erection of a dwellinghouse on land 40 metres south west of Glencoe, Baird Terrace, Crieff – Mr & Mrs G McOmish

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 40 metres south west of Glencoe, Baird Terrace, 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:

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 Interim Development Quality Manager to comment on the Ecological Survey contained in the review application, and subsequently allow for further comment by the Applicant and Interested Parties on the Development Quality Manager's comments;
- (iii) following the receipt of further comment, the application be brought back to the Local Review Body.

(iii) TCP/11/16(491) – Planning application - 17/00839/FLL – Extension to dwellinghouse (in retrospect) at 24 Friar Street, Perth, PH2 0ED – Mr N Arthur

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the extension to dwellinghouse (in retrospect) at 24 Friar 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 extension to dwellinghouse (in retrospect) at 24 Friar Street, Perth, be refused for the following reasons:

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1. The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the host building and wider residential area.
2. The proposal is contrary to Policy PM1B, criterion (c) of the Perth and Kinross Local Development Plan 2014, as the design and density of the proposal does not complement its surroundings in terms of appearance, height, scale and massing.
3. The proposal is contrary to Policy RD1 of the Perth and Kinross Local Development Plan 2014, as the proposal would result in an increase in smoke and odour nuisance to both the host property and neighbouring properties through the 'downwash' effect, thus compromising residential amenity.
4. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the design of the proposal does not contribute positively to the surrounding built environment or respect the character of place in terms of appearance, height, scale and massing.

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(492) – Planning application - 17/01203/FLL – Extension to dwellinghouse at Ardanish, Gordon Road, Crieff, PH7 4BL – Mr M McKee

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the extension to dwellinghouse at Ardanish, Gordon Road, 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:

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 extension to dwellinghouse at Ardanish, Gordon Road, Crieff, be refused for the following reasons:

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1. The proposals, by virtue of their poor integration, inappropriate form, unsympathetic design, massing, proportions and external finishing materials, would result in an adverse impact on the traditional character and appearance of the house and surrounding Conservation Area.
Approval would therefore be contrary to Policies HE3A, RD1(c), PM1A and PM1B(c) of the Perth and Kinross Local Development Plan 2014, which seek to ensure that development contributes positively to, or improves, the character and amenity of the built environment by complementing its surroundings in terms of design, appearance, massing, materials, colours and finishes in order to preserve or enhance the character and appearance of the Conservation Area.

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 7 MINUTE RECESS

634. DEFERRED APPLICATIONS FOR REVIEW

- (ii) **TCP/11/16(476) – Planning application - 16/01865/FLL – Formation of access road on land 60 metres East of Kinwreaton, Brucefield Road, Blairgowrie – Mr B Thomson**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for formation of access road on land 60 metres East of Kinwreaton, Brucefield 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 25 July 2017, the Local Review Body resolved, by unanimous decision, that insufficient information was before the Local Review Body to determine the matter without: (i) receiving comment from the Interim Development Quality Manager on the Millard letter of 14 June 2017; (ii) receiving comment, and possible quantification, from the Interim Development Quality Manager, in consultation with Transport Planning, on the potential for additional housing to the four properties which already enjoy Planning Permission, being accessed via the proposed private access road in the event of planning permission being granted, notably in relation to additional land within the H62 allocation within the Perth Local

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Development Plan 2014; (iii) comment from the Council as Roads Authority on the Millard letter of 14 June 2017, in particular with reference to; (a) the acceptability of 2m x 11.3m visibility splays to serve the proposed housing; and (b) the drainage arrangements for surface water being discharged from the surface of Brucefield Road; (iv) details from the Council, as Roads Authority, the extent of the road adopted when Brucefield Road was adopted by the Council; (v) information from the Council's Community Greenspace Department on the existence of any core paths relative to the application and the retention and maintenance of any such paths should Planning permission be granted for the proposal; (vi) an unaccompanied site visit, following the receipt of all further information and comment on all further information and comment on all further information from the applicant/agent and interested parties. The comments and further information having been supplied, and unaccompanied site visits having been carried out on 5 October 2017 and 3 November 2017, 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, including the further information requested by the Local Review Body at its meeting of 25 July 2017, and having carried out site visits on 5 October and 3 November 2017, 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 formation of access road on land 60 metres East of Kinwreaton, Brucefield Road, Blairgowrie, be refused for the following reasons:
 - 1. As the proposed access does not provide suitable visibility splays in both directions which are considered acceptable to serve the development which will be accessed from the new access, the proposal would have an adverse impact on the residential amenity and the existing character of the local area by introducing a development which would compromise road and pedestrian safety to an unacceptable degree. To this end, the proposal is considered to be contrary to Policies RD1 and PM1A of the Perth and Kinross Local Development Plan 2014, which both seek to ensure that existing residential areas are not adversely affected by inappropriate new developments.

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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(iii) TCP/11/16(487) – Planning application - 17/00896/FLL – Part change of use from offices to form 3 holiday accommodation units, Units H, J, F, G and 3 Glenruthven Mill, Abbey Road, Auchterarder, PH3 1DP – Glendevon Construction Ltd

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for a part change of use from offices to form 3 holiday accommodation units, Units H, J, F, G and 3 Glenruthven Mill, Abbey Road, Auchterarder, PH3 1DP.

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 10 October 2017, 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 been carried out on 3 November 2017, 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, and having carried out a site visit on 3 November 2017, 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 part change of use from offices to form 3 holiday accommodation units, Units H, J, F, G and 3 Glenruthven Mill, Abbey Road, Auchterarder, PH3 1DP, be refused for the following reasons:
 - 1. The proposal for holiday accommodation is contrary to Policy ED1A of the Perth and Kinross Local Development Plan 2014, which seeks to retain the site for employment uses. The development, as proposed, would not safeguard the site for employment uses. Insufficient justification has been provided to demonstrate that the existing use is no longer viable.
 - 2. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed use is not compatible with the character and amenity of the site. The use of part of the building for holiday accommodation could detract from the attractiveness of the remainder of the site for the existing businesses and future occupiers of the business units.

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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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