

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
6 FEBRUARY 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 6 February 2018 at 10.30am.

Present: Councillors W Wilson, I James and L Simpson.

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

Also Attending: S Panton and G Peebles (the Environment Service); members of the public, including agents and applicants.

Councillor W Wilson, Convener, Presiding.

55. DECLARATIONS OF INTEREST

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

56. MINUTE

The minute of meeting of the Local Review Body of 9 January 2018 was submitted and noted.

57. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(503) - Planning Application – 17/01363/FLL – Alterations and extension to dwellinghouse, 16 Station Road, Invergowrie, Dundee, DD2 5DU – Mr & Mrs Paesano**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations and extension to dwellinghouse, 16 Station Road, Invergowrie, Dundee, DD2 5DU.

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:

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- (ii) the Review application for alterations and extension to dwellinghouse, 16 Station Road, Invergowrie, Dundee, DD2 5DU, be refused for the following reason:
1. The proposed extension, by virtue of its unsympathetic scale, design and massing, would have a detrimental impact on the character and external appearance of the Listed Building. Approval would therefore be contrary Paragraph 141 of Scottish Planning Policy 2014, Policies PM1A, PM1B(c) and HE2 of the Perth and Kinross Local Development Plan 2014, all of which seek to safeguard listed buildings from inappropriate 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.

(ii) TCP/11/16(505) - Planning Application – 17/01299/FLL – Erection of a dwellinghouse and garage on land 70 metres north east of Middlebank, Waterloo, Bankfoot, Perth – Mr M Guild

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 70 metres north east of Middlebank, Waterloo, Bankfoot, 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 the erection of a dwellinghouse and garage on land 70 metres north east of Middlebank, Waterloo, Bankfoot, Perth, be refused for the following reasons:
1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012, 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.
 2. The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal for a dwellinghouse and garage on a

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prominent piece of land fails to create a sense of identity and erodes the character of the surroundings.

3. The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the siting of the dwellinghouse and garage on this prominent piece of land would erode and dilute the areas landscape character.
4. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposal for a dwellinghouse and garage on a prominent piece of land does not contribute positively to the surrounding area.
5. The proposal is contrary to Policy ER6 (a) of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character. This includes eroding the visual and scenic qualities and the quality of landscape experience through the siting of the dwellinghouse and garage on this prominent piece of land.

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(507) – Planning application - 17/01628/FLL – Change of use from office (class 4) to barbers (class 1) (in retrospect), Suite 1, The Bungalow, Aberfeldy Business Park, Dunkeld Road, Aberfeldy – Miss H McAllister

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse a change of use from office (class 4) to barbers (class 1) (in retrospect), Suite 1, The Bungalow, Aberfeldy Business Park, Dunkeld Road, 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.

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.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for a change of use from office (class 4) to barbers (class 1) (in retrospect), Suite 1, The Bungalow, Aberfeldy Business Park, Dunkeld Road, Aberfeldy, be granted subject to suitable conditions, including a condition controlling

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noise from any plant, terms and informatives, including an informative regarding advertisement consent.

Justification

Whilst accepting that this change of use would represent a departure from the Development Plan, the Local Review Body considered that a combination of the small scale of the unit, the presence of other uses outwith Use Classes 4, 5 and 6 within the Aberfeldy Business Park, the employment provided by the proposal and the proximity to housing justified a departure from the Development Plan.

(iv) TCP/11/16(508) – Planning application - 17/01250/FLL – Erection of a dwellinghouse, land 400 metres north east of Leepark, Coldrain – Mr D S McFadzean

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, land 400 metres north east of Leepark, Coldrain.

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) Defer for the Applicant to submit an updated report from SAC on the justification of need, reflective of the additional land referred to in the Notice of Review;
- (iii) following receipt of the updated report, the Interim Development Quality Manager be invited to comment on the report;
- (iv) following the receipt of all further information, the application be brought back to the Local Review Body.

THERE FOLLOWED A TWENTY MINUTE RECESS

(v) TCP/11/16(509) – Planning application - 17/01524/FLL – Erection of dwellinghouse and outbuilding, land 150 metres north west of Upper Cloan telecommunications mast, Auchterarder – K Laver & D Malcolm

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 outbuilding, land 150 metres north west of Upper Cloan telecommunications mast, Auchterarder.

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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) an unaccompanied site visit be carried out;
- (iii) following the site visit, the application be brought back to the Local Review Body.

58. DEFERRED APPLICATION FOR REVIEW

- (i) **TCP/11/16(500) – Planning application - 17/01074/IPL – Erection of dwellinghouse (in principle), land 100 metres north west of West Kinnochtry House, Kinnochtry, Coupar Angus – L Watt & M Brown**

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), land 100 metres north west of West Kinnochtry House, Kinnochtry, Coupar Angus.

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 December 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 30 January 2018, 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 30 January 2018, 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 erection of a dwellinghouse (in principle), land 40 metres north west of Kinnochtry House, Kinnochtry, Coupar Angus, be refused for the following reasons:
 - 1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012, as it does not

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comply with any of the categories of the policy guidance where a dwellinghouse would be acceptable in principle at this location.

2. The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2012, as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse would be acceptable in the location.
3. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape experience through the siting of the development within this area of Perth and Kinross by virtue of its location.
4. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the character and amenity of this area of Perth and Kinross.
5. The proposal is contrary to policy PM1B, criterion (a), of the Perth and Kinross Local Development Plan 2014 as the proposal, by virtue of its location, fails to create a sense of identity and erodes the character of the countryside.

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 James dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and that permission for the erection of a dwellinghouse (in principle) should be granted. The proposed erection of a dwellinghouse would form part of a building group and create a sense of identity in the surrounding area, thereby meeting the criteria of the Perth and Kinross Local Development Plan 2014.

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