

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 22 August 2017 at 10.30am.

Present: Councillors W Wilson (Convener), B Band and R Watters.

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

Also Attending: Councillor I James; C Brien (the Environment Service); D Williams (Corporate and Democratic Services); members of the public, including agents and applicants.

Councillor W Wilson, Convener, Presiding.

. **DECLARATIONS OF INTEREST**

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

. **MINUTE**

The minute of meeting of the Local Review Body of 25 July 2017 was submitted and noted.

. **APPLICATIONS FOR REVIEW**

- (i) **TCP/11/16(478) – Planning application 17/00257/FLL – Erection of a garage/workshop on land 50 metres south of 1 Maidenplain Place, Aberuthven – DA Auchterarder**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a garage/workshop on land 50 metres south of 1 Maidenplain Place, Aberuthven.

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 the erection of a garage/workshop on land 50 metres south of 1 Maidenplain Place, Aberuthven be

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allowed and planning permission granted, subject to the imposition of relevant terms, conditions and informatives, including with regard to: (i) the hours of operation of the workshop being restricted to 8.00am to 6.00pm Monday-Saturday and no working on Sunday; (ii) the restriction of noise levels emanating from the workshop/garage; and (iii) ensuring that the existing SUDS facility has sufficient capacity for the existing uses and the proposal.

Justification

The proposal was assessed as according with Policy ED1A and PM1A of the Perth and Kinross Local Development Plan 2014 as it is situated in a defined industrial estate. Furthermore, the proposal would not be expected to create excessive noise, which would detract from the existing amenity of the place, notably as the adjoining houses are currently situated in close proximity to the A9. Further, the noise levels can be controlled by condition.

Note: Councillor Wilson dissented from the majority decision. He considered that the proposal did not accord with the Local Development Plan Policies ED1A and PM1A. He upheld the Appointed Officer's reasons for refusal, and furthermore considered that with regard to Reason 2 for refusal, the proposal would not contribute positively to the quality of the surrounding built and natural environment and would not respect the character and amenity of the place due to its scale, siting and potential for noise.

(ii) TCP/11/16(480) – Planning application 17/00618/FLL – Erection of a dwellinghouse on land 100 metres North West of Glendy Steading, Glenfarg – Mr P Sloan

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 100 metres North West of Glendy Steading, Glenfarg.

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.

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(iii) TCP/11/16(481) – Planning application 17/00252/IPL – Residential development (in principle) on land 40 metres north of 1 Netherhall Steadings, Milnathort – Mr G Sinclair

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for residential development (in principle) on land 40 metres north of 1 Netherhall Steadings, Milnathort.

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 be requested to comment on the new information submitted by the applicant with regard to phosphorous mitigation, included as Document 3 with the paperwork submitted by the applicant as part of the Notice of Review. Comment is requested to include the relationship of the applicant to the property cited in the phosphate mitigation and whether the appropriate level of mitigation could therefore be delivered;
- (iii) following receipt of the requested information from the Interim Development Quality Manager, copies be sent to the agent/applicant and interested parties for comment;
- (iv) following receipt of all further information and responses, the application be brought back to the Local Review Body.

DEFERRED APPLICATIONS FOR REVIEW

(i) TCP/11/16(474) – Planning application 16/02240/FLL – Erection of a dwellinghouse on land 30 metres East of Cairnbank, Corsiehill, Perth – Mr D Hutchison

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 30 metres East of Cairnbank, Corsiehill, 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.

It was noted that, at its meeting of 25 July 2017, the Local Review Body resolved that insufficient information was before the Local Review

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Body to determine the application without an unaccompanied site visit. An unaccompanied site visit having been carried out on 21 August 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 21 August 2017, 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 30 metres East of Cairnbank, Corsiehill, Perth be refused for the following reasons:
 - 1. The proposal is contrary to Policy NE5: Green Belt of the Perth and Kinross Local Development Plan 2014 as it does not lie in one of the categories of acceptable development outlined within the policy.
 - 2. The proposal is contrary to Policy 3 of TayPlan 2012 as it fails to preserve the setting and special character of the Green Belt or safeguard the countryside from inappropriate encroachment.
 - 3. The proposal is contrary to Policies PM1A and PM1B(d) Placemaking of the Perth and Kinross Local Development Plan 2014 as the development represents tandem, or backland, development which would not contribute positively to the quality of the surrounding built environment.

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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