

PERTH AND KINROSS COUNCIL  
LOCAL REVIEW BODY  
21 AUGUST 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 21 August 2018 at 10.30am.

Present: Councillors L Simpson, H Anderson (up to and including Art. 434(i)), B Brawn and W Wilson (excluding Art. 434(i)).

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

Also Attending: C Brien (Housing and Environment); S Richards (Corporate and Democratic Services); members of the public, including agents and applicants.

Councillor L Simpson, Convener, Presiding.

### 432. DECLARATIONS OF INTEREST

Councillor W Wilson declared a non-financial interest in Art. 434(i).

### 433. MINUTE

The minute of meeting of the Local Review Body of 24 July 2018 was submitted and noted.

### 434. APPLICATIONS FOR REVIEW

HAVING DECLARED A NON-FINANCIAL INTEREST, COUNCILLOR W WILSON WITHDREW FROM THE MEETING DURING CONSIDERATION OF ART. 434(i).

- (i) **TCP/11/16(536) - Planning Application – 18/00238/IPL – Erection of a dwellinghouse (in principle) on land 30 metres south east of Dorus Mor, Western Road, Auchterarder – Mrs and Mrs S Bonney**

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 30 metres south east of Dorus Mor, Western Road, Auchterarder.

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 erection of a dwellinghouse (in principle) on land 30 metres south east of Dorus Mor, Western Road, Auchterarder, be refused for the following reasons:
  - 1. The proposal is contrary to Policies PM1A and PM1B(d): Placemaking of the Perth and Kinross Local Development Plan 2014, which requires that all development must contribute positively to the quality of the surrounding built and natural environment and that the design and siting of development should respect the character and amenity of the place. The proposed development, by virtue of the backland nature of the site, would result in over development that would not contribute positively to the area and would not respect the character, density or amenity of the place.
  - 2. The proposal is contrary to Policy RD1: Residential Areas of the Perth and Kinross Local Development Plan 2014, which seeks to ensure that development is compatible with the character and amenity of the area and that areas of the amenity value are retained. The development of this backland site for a dwellinghouse would be detrimental to the character and amenity of the area and would set an unwelcome precedent for further backland development in the immediate locality.

**Justification**

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

COUNCILLOR H ANDERSON LEFT THE MEETING AT THIS POINT.

COUNCILLOR W WILSON RETURNED TO THE MEETING AT THIS POINT.

- (ii) **TCP/11/16(540) - Planning Application – 18/00215/IPL – Residential development (in principle), land 40 metres north east of 4 Newbigging Grange, Wolfhill – Mr S Mercer Nairne**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse residential development (in principle), land 40 metres north east of 4 Newbigging Grange, Wolfhill.

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 majority decision that:

- (ii) the Review application for residential development (in principle), land 40 metres north east of 4 Newbigging Grange, Wolfhill, 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 fails to create a sense of identity and erodes the character of the countryside due to this exposed piece of land.
  3. The proposal is contrary to Policy PM1B, criterion (b), of the Perth and Kinross Local Development Plan 2014, as the siting of a residential development on this exposed piece of land would erode and dilute the area's landscape character.
  4. 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. This includes eroding the visual and scenic qualities of the landscape and the quality of landscape experience through the siting of the residential development on this exposed piece of land with a lack of established boundary treatments.

**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 Wilson dissented from the majority decision. He considered that the proposal was in accordance with the Development Plan and the Appointed Officer's decision should be overturned. He considered that the site is an infill site for an existing building group and is sufficiently defined in terms of its boundaries, and that permission for residential development (in principle) should be granted.

- (iii) **TCP/11/16(542) - Planning Application – 18/00261/FLL – Alteration and extension to dwellinghouse, Riverbank, Inchyra, Perth – Mr G Parker**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alteration and extension to dwellinghouse, Riverbank, Inchyra, Perth.

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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, 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 alteration and extension to dwellinghouse, Riverbank, Inchyra, Perth, be granted subject to:
  - 1. The imposition of relevant conditions, including those regarding the revision of the external wall material to match the existing house and the submission of details concerning the use of flood resistant materials and methods.
  - 2. The imposition of relevant terms and informatives

**Justification**

The proposed development, with the imposition of relevant conditions, terms, and informatives, was assessed as being in accordance with the Development Plan including being compatible with the Perth and Kinross Local Development Plan 2014.

**Note:** Councillor Wilson dissented from the majority decision. He considered that the Appointed Officer's decision should be upheld and the application refused, due to the scale and massing of the proposed alteration and extension relative to the existing bungalow.

**(iv) TCP/11/16(543) - Planning Application – 18/00489/IPL – Erection of a dwellinghouse (in principle) on land 100 metres north east of Logiebrae, Craigie, Clunie – Ms K Walker**

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 100 metres north east of Logiebrae, Craigie, Clunie.

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;

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- (ii) the Development Quality Manager submit a copy of the appeal decision letter regarding planning application 08/01216/FUL;
- (iii) the Development Quality Manager supply copies of relevant Eastern Area Development Plan policies as referred to in appeal decision regarding planning application reference 08/01216/FUL;
- (iv) the Development Quality Manager submit plans and decision notice for the erection of agricultural shed reference 09/00170/FUL;
- (v) the Applicant be requested to submit any available documentation which illustrates and establishes the history and nature of the former use(s) of the ruinous building within the application site;
- (vi) the Development Quality Manager comment on the relevance of Local Development Plan Policy EP6(a), notably in relation to replacement buildings;
- (vii) an unaccompanied site visit be carried out;
- (viii) following the receipt of all requested further information, and the undertaking of the site visit, the application be brought back to the Local Review Body.

**435. DEFERRED APPLICATIONS FOR REVIEW**

**(i) TCP/11/16(527) - Planning Application – 18/00015/FLL – Erection of a dwellinghouse on land north east of Firgrove Park, Golf Course Road, Blairgowrie – Mr & Mrs Clark**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection a dwellinghouse on land north east of Firgrove Park, 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.

It was noted that, at its meeting of 29 May 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) clarification from the Development Quality Manager on terms of grant of other developments in the vicinity of the proposed development identified by the applicant, and the planning context of those sites including whether they are within the designated open space, and subsequently comment in response from the applicant, and; (ii) an unaccompanied site visit. With all further information having been received, and the unaccompanied site visit having taken place on 16 August 2018, the Local Review Body reconvened.

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**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, with all requested further information having been received and having carried out a site visit on 16 August 2018, 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 on land north east of Firgrove Park, Golf Course Road, Blairgowrie, be refused for the following reason:
  - 1. The proposal is contrary to the Perth and Kinross Development Plan 2014, Policy CF1A, Open Space Retention and Provision due to its position in this policy area. No wider community benefit is associated with this proposal which is also unrelated to any recreational land use. As such, it could also be cited as a precedent for the further erosion of small areas of the wider open space zoning in Rosemount which would be detrimental to the wider character of the 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.

- (ii) **TCP/11/16(530) - Planning Application – 17/02003/FLL – Change of use of river bank to garden ground, erection of a shed, fence, gate, access steps and associated works (in retrospect) at 26 Almond Grove, Huntingtowerfield, Perth – Mr M Paton**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the change of use of river bank to garden ground, erection of a shed, fence, gate, access steps and associated works (in retrospect) at 26 Almond Grove, Huntingtowerfield, 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 26 June 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without an unaccompanied site visit. With the unaccompanied site visit having taken place on 16 August 2018, the Local Review Body reconvened.

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**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, and having carried out a site visit on 16 August 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 change of use of river bank to garden ground, erection of a shed, fence, gate, access steps and associated works (in retrospect) at 26 Almond Grove, Huntingtowerfield, Perth, be granted subject to:
  - 1. The imposition of relevant conditions, including those regarding fencing and gates, and informatives, including regarding Core Path legislation.

**Justification**

The proposed development, whilst contrary to the Local Development Plan, was seen as improving local amenity whilst also not being adjudged as likely to set a precedent for similar proposals in this locality.

**(iii) 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.

It was noted that, at its meeting of 24 July 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without an unaccompanied site visit. With the unaccompanied site visit having taken place on 16 August 2018, the Local Review Body reconvened.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, and having carried out a site visit on 16 August 2018, 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 (in principle) on land 40 metres south east of The Cottage, Golf Course Road, Blairgowrie, be refused for the following reasons:

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1. The proposal is contrary to the Perth and Kinross Development Plan 2014, Policy CF1A, Open Space Retention and Provision due to its position in this policy area. No wider community benefit is associated with this proposal which is also unrelated to any recreational land use. As such, it could also be cited as a precedent for the further erosion of small areas of the wider open space zoning in Rosemount which would be detrimental to the wider character of the area.
2. The proposal is contrary to the Perth and Kinross Development Plan 2014, Policy PM1A, Placemaking, and Policy RD1, Residential Areas, as the proposed site would not reflect the overriding character of development in the area of large detached dwellings in large detached plots.

**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(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.

It was noted that, at its meeting of 18 July 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without an unaccompanied site visit. With the unaccompanied site visit having taken place on 16 August 2018, the Local Review Body reconvened.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, and having carried out a site visit on 16 August 2018, 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 retail unit on land 20 metres west of South Inch Filling Station, 4 Edinburgh Road, Perth, be granted subject to:

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1. The imposition of relevant conditions, including those regarding opening time being consistent with the existing business, details of any proposed external lighting, ventilation, air conditioning and refrigeration units, the control of any associated noise, external finishing materials; and informatives including regarding signage; and subject to a suitable legal agreement for payment of a transport contribution.

**Justification**

The proposed development was considered as being in accordance with the Local Development Plan, and therefore the appointed officer's decision should be overturned with the imposition of relevant conditions, informatives and terms.

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