

PERTH AND KINROSS COUNCIL  
LOCAL REVIEW BODY  
16 OCTOBER 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 16 October 2018 at 10.30am.

Present: Councillors B Brawn, E Drysdale, I James (excluding Art. 600(i)) and B Band (Art. 600(i) only).

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

Also Attending: M Barr (Housing and Environment); L Aitchison (Corporate and Democratic Services); members of the public, including agents and applicants.

### **597. APPOINTMENT OF ACTING CONVENER**

Councillor B Brawn was unanimously appointed as Acting Convener for the meeting.

Councillor B Brawn, Acting Convener, Presiding.

### **598. DECLARATIONS OF INTEREST**

Councillor I James declared a non-financial interest in Art 600(i).

### **599. MINUTE**

The minute of meeting of the Local Review Body of 18 September 2018 was submitted and noted.

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

### **600. APPLICATIONS FOR REVIEW**

HAVING DECLARED AN INTEREST IN THE FOLLOWING ITEM, COUNCILLOR I JAMES WITHDREW FROM THE MEETING DURING CONSIDERATION OF ART. 600(i).

- (i) **TCP/11/16(552) – Planning Application – 18/00263/FLL – Erection of an office building (class 4) including access ramp, 3 ancillary storage sheds, formation of car parking, external storage area, landscaping and associated works (in retrospect) at Hillview, Kinloch, Blairgowrie, PH10 6SD – Mr P Brown**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of an office building (class 4) including access ramp, 3 ancillary storage sheds, formation of car parking, external storage area, landscaping and associated works (in retrospect) at Hillview, Kinloch, Blairgowrie, PH10 6SD.

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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, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Local Review Body be provided with the papers and plans before the Local Review Body when previous application relating to the property was considered - Reference 16/01937/FLL;
- (iii) the applicant be requested to submit a plan showing the full extent of land and property in their ownership, or in which they have an interest in this locality;
- (iv) the applicant be requested to submit a plan identifying the location and extent of their business premises previously owned and/or occupied at Blairgowrie, as referred to in their submission;
- (v) the applicant be requested to submit a plan and details of drainage provision envisaged at Chestnut Cottage/WoodAcre, as referred to in their submission, accompanied by written confirmation of the acceptance of that proposal from the owner(s) of those properties involved;
- (vi) following receipt of the above information, an unaccompanied site visit be carried out;
- (vii) following the receipt of all requested further information and the unaccompanied site visit, the application be brought back to the Local Review Body.

COUNCILLOR B BAND LEFT THE MEETING AT THIS POINT.

COUNCILLOR I JAMES RETURNED TO THE MEETING AT THIS POINT.

- (ii) **TCP/11/16(544) – Planning Application – 18/00419/IPL – Erection of a dwellinghouse (in principle) on land 20 metres south of 41 Mary Findlay Drive, Longforgan – Carse Developments Ltd**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse (in principle) on land 20 metres south of 41 Mary Findlay Drive, Longforgan.

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:**

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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 erection of a dwellinghouse (in principle) on land 20 metres south of 41 Mary Findlay Drive, Longforgan, be refused for the following reasons:
  - 1. The proposal is contrary to Policy PM1A: 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 would result in overdevelopment through the loss of open space that would not contribute positively to the housing area and would not respect the character and 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 amenity value are retained. The development of this site for a dwellinghouse would encroach onto an existing area of public open space and that is of local amenity value and would set an unwelcome precedent for further 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.

**(iii) TCP/11/16(550) - Planning Application – 18/00473/FLL – Erection of a wind turbine and associated works on land south east of Warlawhill Farm, Carnbo, Kinross – Ecotricity**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a wind turbine and associated works on land south east of Warlawhill Farm, Carnbo, Kinross.

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.

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**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;
- (ii) the applicant be requested to provide a set of full size photographs and photo montages for VP's 9 and 10, and the additional photographs for VP's 7 and 8;
- (iii) the appointed planning officer be requested to comment on the revised photo montages;
- (iv) An unaccompanied site visit be carried out;
- (v) following the receipt of all requested further information, the application be brought back to the Local Review Body.

**(iv) TCP/11/16(551) - Planning Application – 16/00674/IPL – Residential development (in principle) on land 150 metres west of Lochran Moss, Blairadam – Mr A Wheelwright**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a residential development (in principle) on land 150 metres west of Lochran Moss, Blairadam.

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 erection of a residential development (in principle) on land 150 metres west of Lochran Moss, Blairadam, be refused for the following reasons:
  - 1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 as it would not comply with any of the categories of the policy guidance where a dwellinghouse would be acceptable in principle at this location, as it does not form part of a building group. Specifically, the site is not within a building group and does not form a definable site adjacent to a building group.
  - 2. The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of the policy guidance or criterion

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where a dwellinghouse would be acceptable in this location.

3. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it is located in an open field and the three indicative plots would not be contained. As a consequence, the development would erode local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience in this area of Perth and Kinross.
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 (b), 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.

**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 Drysdale dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and that permission for residential development (in principle) should be granted. In his view, the proposal would not be contrary to the Perth and Kinross Local Development Plan 2014 or the Housing in the Countryside Guide (SPG) 2014, and would not lead to a loss of amenity in this area of Perth and Kinross.

**(v) TCP/11/16(553) - Planning Application – 18/00549/FLL – Erection of a dwellinghouse on land 20 metres west of 2 Errol Road, Main Street, Invergowrie – Mr R Kenneth**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse on land 20 metres west of 2 Errol Road, Main Street, Invergowrie.

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:

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- (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;
- (ii) an unaccompanied site visit be carried out;
- (iii) following the receipt of all requested further information, the application be brought back to the Local Review Body.

**(vi) TCP/11/16(554) – Planning Application – 18/00715/FLL – Erection of a workshop/store on land 20 metres north west of Orwell Cottage, Academy Road, Crieff – Miss J Brown**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a workshop/store on land 20 metres north west of Orwell Cottage, Academy 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 erection of a workshop/store on land 20 metres north west of Orwell Cottage, Academy Road, Crieff, be refused for the following reasons:
  - 1. The proposal, by virtue of its position, height and close proximity to the adjoining properties, would have a dominant and imposing impact, to the detriment of the residential amenity of the neighbouring properties. Approval would therefore be contrary to the Perth and Kinross Council Placemaking Guide, Policies PM1A, PM1B(c) and RC1 of the Perth and Kinross Local Development Plan 2014, which seek to protect and, where possible, improve existing residential amenity and ensure that development contributes positively to the quality of the built environment by respecting the amenity of the place.
  - 2. The proposal will result in an increase in traffic on Academy Road with none of the improvements to the access arrangements outlined in the previous application indicated in this submission. The proposal will therefore result in an increase risk to pedestrian and traffic safety and is therefore contrary to Policy TA1B of the Perth and Kinross Local Development Plan 2014.

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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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