

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
29 MAY 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 29 May 2018 at 10.30am.

Present: Councillors W Wilson, T Gray 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: Councillor B Brawn; C Brien (the Environment Service); S Richards (Corporate and Democratic Services); members of the public, including agents and applicants.

Councillor W Wilson, Convener, Presiding.

311. DECLARATIONS OF INTEREST

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

312. MINUTE

The minute of meeting of the Local Review Body of 1 May 2018 was submitted and noted.

313. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(525) - Planning Application – 18/00081/IPL – Erection of a dwellinghouse (in principle) on land 20 metres south of Scarhead Cottage, Glenfarg – Mr A Cameron**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection a dwellinghouse (in principle), on land 20 metres south of Scarhead Cottage, 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, 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 20 metres south of Scarhead Cottage, Glenfarg, 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 does not 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) 2014 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 PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the density and siting of the existing dwelling and therefore does not respect the character and amenity of this area of Perth and Kinross.
 4. The proposal is contrary to Policy PM1B, criterion (b), of the Perth and Kinross Local Development Plan 2014, as the proposal fails to respect the wider landscape character of the area due to the proposal being squeezed in. In addition, a further dwelling squeezed into the site results in an inappropriate density contrary to criterion (c).
 5. The proposal is contrary to Policy EP3C: Water, Environment and Drainage of the Perth and Kinross Local Development Plan 2014, as it has not been demonstrated that a Sustainable Urban Drainage System can be accommodated on this constrained site.
 6. The proposal is contrary to Policy ER6(a) of the Perth and Kinross Local Development Plan 2014 as the formation of a dwelling and its curtilage would erode local distinctiveness, diversity and the quality of Perth and Kinross's landscape character.

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(526) - Planning Application – 17/01297/FLL – Erection of a garage/workshop on land north west of Choc Sualtach, Kirkmichael – Mr M Aitken**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection a garage/workshop on land north west of Choc Sualtach, Kirkmichael.

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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 the erection of a garage/workshop on land north west of Choc Sualtach, Kirkmichael, be refused for the following reasons:
 - 1. As the necessary controls which would be required to mitigate noise at neighbouring residential properties are not considered to be reasonably controllable or enforceable via planning conditions, the proposal would have an adverse impact on the residential amenity of adjacent properties. To this end, the proposal is contrary to Policy EP8 (Noise Pollution) of the Perth and Kinross Local Development Plan 2014 which states that there is a presumption against the siting of new development which will generate high levels of noise in the locality of noise sensitive uses.
 - 2. As the necessary controls which would be required to mitigate noise at neighbouring residential properties are not considered to be reasonably controllable or enforceable via planning conditions, the proposal would have an adverse impact on the residential amenity that is currently enjoyed by adjacent properties, and the proposal is not considered to be compatible with the surrounding land uses. To this end, the proposal is contrary to Policy ED3(a) (Rural Businesses and Diversification) of the Perth and Kinross Local Development Plan 2014, which seeks to ensure that all new proposals are compatible with the surrounding land uses and will not detrimentally impact on the amenity of residential properties within or adjacent to the site.
 - 3. The proposal is contrary to Policies PM1A and PM1B(b) of the Perth and Kinross Local Development Plan 2014 as the proposed building would not compliment the built and natural environment, and also not respect the wider landscape character of the area, due to its incongruous design.

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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Note: Councillor Gray dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and that permission for the erection of a garage/workshop should be granted. In his view, there was precedence with existing workshops/garages, and that the proposed development therefore complied with the Perth and Kinross Local Development Plan 2014, and that suitable conditions could be reasonably enforced.

(iii) 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.

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) defer the application to allow for 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;
- (iii) following receipt of comment from the Development Quality Manager, the applicant be given the opportunity to make further comment;
- (iv) an unaccompanied site visit be carried out;
- (v) following the receipt of all further information, the application be brought back to the Local Review Body.

(iv) TCP/11/16(529) - Planning Application – 17/01958/FLL – Change of use from an agricultural store, yard and former grain store to business (class 4), general industrial unit (class 5) and storage and distribution unit (class 6), and erection of a temporary office building (in retrospect), former grain store, Inchcoonans, Errol – Munro Estates Ltd.

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse a change of use from an agricultural store, yard and former grain store to business (class 4),

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general industrial unit (class 5) and storage and distribution unit (class 6), and erection of a temporary office building (in retrospect), former grain store, Inchcoonans, Errol.

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 a change of use from an agricultural store, yard and former grain store to business (class 4), general industrial unit (class 5) and storage and distribution unit (class 6), and erection of a temporary office building (in retrospect), former grain store, Inchcoonans, Errol, be refused for the following reasons:

1. The proposal is contrary to Policy ED3 (Rural Business) of the Perth and Kinross Local Development Plan 2014 which states that there is a preference that rural businesses are located within or adjacent to settlements. The site is located outwith a settlement and no site specific resource is apparent and no locational justification has been provided for this specific site.
2. There is a lack of environmental information to assess the impacts of the scheme with regards to noise. This has meant the application cannot be fully assessed against Policy EP8 (Noise Pollution) of the Perth and Kinross Local Development Plan 2014.
3. There is a lack of information on the foul drainage arrangements installed at the site to access the acceptability against Policy EP3B of the Perth and Kinross Local Development Plan 2014.

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 15 MINUTE RECESS

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314. DEFERRED APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(519) – Planning application - 17/02272/FLL – Alterations and extension to dwellinghouse at Evearn, Forgandenny, Perth, PH2 9HS – Mr A & Mrs C Gordon**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for alterations and extension to dwellinghouse at Evearn, Forgandenny, Perth, PH2 9HS.

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 3 April 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 24 May 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 24 May 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 alterations and extension to dwellinghouse at Evearn, Forgandenny, Perth, PH2 9HS, be granted subject to:
1. The imposition of relevant conditions and informatives including the submission of details and proposed colour(s) for any external materials that differ from the existing corresponding external materials of the existing dwellinghouse.

Justification

The proposed alterations and extension, with the imposition of relevant conditions and informatives, was not assessed as being contrary to the Local Development Plan.

- (ii) **TCP/11/16(521) – Planning application - 17/01915/IPL – Erection of a dwellinghouse (in principle) on land 30 metres south of Balnacree House, Donavourd – Mr P McRobbie**

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) on land 30 metres south of Balnacree House, Donavourd.

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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.

It was noted that, at its meeting of 3 April 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 24 May 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 24 May 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) on land 30 metres south of Balnacree House, Donavoured , be refused for the following reasons:
 - 1. The proposal is contrary to Policy RD3, Housing in the Countryside, of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfy any of categories (1) Building Groups, (2) Infill Sites, (3) 'New Houses in the Open Countryside', (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land. In particular the proposal does not meet the building group criteria (1) as it does not respect the layout and building pattern of the group and does not extend the group into a definable site formed by existing topography and or well established landscape features.
 - 2. The proposal is contrary to Policy PM1A: Placemaking of the Perth and Kinross Local Development Plan 2014. Due to the open, sloping nature of the site, the lack of a landscape framework and its position below and detached from other buildings in the group above it is considered that development of a dwellinghouse on this site would have an adverse visual impact and would not contribute positively to the built and natural 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.

Note: Councillor Gray dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and that permission for the erection of a

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dwellinghouse (in principle) should be granted. Whilst accepting that the proposed development would not comply with the Perth and Kinross Local Development Plan 2014, in his view the proposed development would improve the visual landscape amenity and create a balance in that part of Perth and Kinross.

(iii) TCP/11/16(523) - Planning Application – 17/01749/FLL – Erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm, Kinross – S Kinnaird

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 stables on land 90 metres west of Findatie Farm, 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.

It was noted that, at its meeting of 3 April 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without clarification on the siting and position of the proposed site. With the further information having been received, the Local Review Body reconvened on 1 May 2018. At its meeting on 1 May 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 24 May 2018, the Local Review Body reconvened.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, including the requested clarification on the siting and position of the proposed site, the comments from the Planning Adviser, and having carried out a site visit on 24 May 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 and stables on land 90 metres west of Findatie Farm, Kinross, be refused for the following reasons:
 - 1. The proposal is contrary to Policy RD3, Housing in the Countryside, of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category (1) Building Groups, or category (2) Infill Sites. It is also considered that the proposal cannot satisfy any of the remaining categories, (3) New Houses in the Open Countryside, Activity (4) Renovation or

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Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land.

2. The proposal is contrary to Policy PM1A Placemaking of the Perth and Kinross Local Development Plan 2014 as the proposed development would not contribute positively to the quality of the surrounding natural environment, due to the openness of the site and prominence of the proposed dwelling.
3. The proposal is contrary to Policy PM1B(b) of the Perth and Kinross Local Development Plan 2014 as the development fails to consider and respect site topography and the wider landscape character of the area, specifically within the Loch Level Special Catchment Area, due to the openness of the site and prominence of the proposed dwelling.
4. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as the proposal would be detrimental to local landscape character and would jeopardise completing the implementation and establishment of landscaping proposals approved as part of planning application 15/00449/AML (Erection of 16 holiday lodges and associated works), to integrate the chalets into the Loch Leven Special Catchment 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.

315. VALEDICTORY

This being his last meeting as Convener of the Perth and Kinross Local Review Body, Councillor Wilson paid tribute to all fellow members who had served on the Local Review Body during his time as Convener. He also expressed thanks to all officers, with specific gratitude to David Harrison, Planning Adviser, for his assistance during his time as Convener of the Local Review Body.

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