

## **PERTH AND KINROSS LOCAL REVIEW BODY**

Minute of Meeting of the Perth and Kinross Local Review Body held in the Hay Room, Dewar's Centre, Glover Street, Perth on Tuesday 26 April 2016 at 10.30am.

Present: Councillors M Lyle, H Anderson and J Giacopazzi.

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

Also Attending: H Rheinallt (Corporate and Democratic Services) and C Brien (the Environment Service); members of the public, including agents and applicants.

### **323. DECLARATIONS OF INTEREST**

There were no Declarations of Interest in terms of the Councillors' Code of Conduct.

### **324. MINUTE OF PREVIOUS MEETING**

The Minute of meeting of the Local Review Body of 29 March 2016 (Arts. 260-263) was submitted and noted.

Councillor M Lyle, Convener, Presiding.

### **325. APPLICATIONS FOR REVIEW**

#### **(i) TCP/11/16(396) – Planning Application 15/02061/FLL – Extension to dwellinghouse, 6 Greig Place, Perth, PH1 2UJ – Mr D Tarbet**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for extension to dwellinghouse, 6 Greig Place, Perth, PH1 2UJ.

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:

- (i) the Review Application for extension to dwellinghouse, 6 Greig Place, Perth, PH1 2UJ be refused for the following reason:
  1. Due to the massing and scale of the proposal, particularly in relation to its oppressive and imposing character on the

PERTH AND KINROSS COUNCIL  
LOCAL REVIEW BODY  
26 APRIL 2016

neighbouring property at 5 Greig Place, the proposal is contrary to the Perth and Kinross Local Development Plan 2014, Policies PM1A as it does not respect the amenity of the place; and Policy RD1 as existing residential amenity is not protected.

**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 J Giacobazzi dissented from the majority view. He considered the proposal did not have a significant overshadowing effect on the neighbouring property, 5 Greig Place. He took account of the extension not being much larger than permitted development rights. He therefore considered that the proposal was in accordance with the Perth and Kinross Local Development Plan.

**(ii) TCP/11/16(399) - Planning Application 15/02093/FLL – Change of use and alterations to hotel to form 12 flats, Glenfarg Hotel, Main Street, Glenfarg, Perth, PH2 9NU – Arngask Hotels Ltd**

C Elliott, Solicitor, Perth and Kinross Council addressed the meeting and advised that, whilst the applicants had submitted information which they wished to remain confidential, the Local Review Body operates to different rules to the consideration of the original planning application by the Appointed Officer. That information has either been made public or withdrawn by the applicant. The information which was before the Local Review Body members in determining the review was the same information which was available to the public.

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for change of use and alterations to hotel to form 12 flats, Glenfarg Hotel, Main Street, Glenfarg, Perth, PH2 9NU.

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 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.

PERTH AND KINROSS COUNCIL  
LOCAL REVIEW BODY  
26 APRIL 2016

Thereafter, resolved by majority decision that:

- (i) the Review Application for change of use and alterations to hotel to form 12 flats, Glenfarg Hotel, Main Street, Glenfarg, Perth, PH2 9NU be upheld and planning permission granted, subject to the imposition of appropriate conditions and informative including a) a revised layout for parking circulation and provision for bin storage to the rear of the hotel building incorporating measures for the retention and protection of the existing yew trees b) flood mitigation and a bat survey and mitigation measures.
- (ii) prior to the issuing of the planning permission, a S.75 Legal Agreement be entered into between the site owner(s) and any other parties with an interests in the site, or a sum paid to Perth and Kinross Council, regarding the sum of £72,555 in respect of Affordable Housing and Primary Education Provision contributions payable to Perth and Kinross Council.

**Justification**

The proposal is in accordance with the Perth and Kinross Local Development Plan 2014 and there are no material considerations which justify departing from the Development Plan.

**Note:** Councillor H Anderson dissented from the majority view. Whilst he agreed that the proposal should not be considered as a community facility in the context of Perth and Kinross Local Development 2014 Plan Policy CF3, he considered that the proposal was contrary to Policy RD1 of the Perth and Kinross Local Development Plan 2014 as the change of use had not been sufficiently demonstrated through market evidence that the existing use is no longer viable.

**(iii) TCP/11/16(400) – Planning Application 15/01924/FLL – Formation of caravan site (1 pod unit) (in retrospect), Mill of Logierait, Logierait, Pitlochry, PH9 OLH – Mr P Guinan**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the formation of caravan site (1 pod unit) (in retrospect), Mill of Logierait, Logierait, Pitlochry, PH9 OLH.

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:

- (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; and

PERTH AND KINROSS COUNCIL  
LOCAL REVIEW BODY  
26 APRIL 2016

- (ii) the Review Application for the formation of caravan site (1 pod unit) (in retrospect), Mill of Logierait, Logierait, Pitlochry, PH9 OLH be upheld subject to the imposition of conditions and informatives including a condition that confirms the extent of the development being approved relates solely to the retention of 1 pod unit on the application site only.

**Justification**

The proposal is in accordance with the Perth and Kinross Local Development Plan 2014 in relation to Policy ED3 regarding rural business and diversification. The proposal can be accommodated within the landscape and is well related to the associated farm. On the basis of the information available, the potential flooding threat relative to the limited scale and nature of the development was, on balance, considered to be acceptable in this instance.

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