

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 27 June 2017 at 10.30am.

Present: Councillors H Anderson, M Lyle (excluding Art. 379(i)), R McCall and B Brawn (Art. 379(i) only).

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

Also Attending: Councillor B Brawn; C Brien and J Williamson (up to and including Art. 379(ii)) (both The Environment Service); members of the public, including agents and applicants.

375. APPOINTMENT OF CONVENER

In the absence of the Convener, Councillor M Lyle was unanimously elected Acting Convener.

Councillor M Lyle, Acting Convener, Presiding.

376. DECLARATIONS OF INTEREST

Councillor M Lyle declared a non-financial interest in Art. 379(i) in terms of the Councillors' Code of Conduct.

377. MINUTE

The minute of meeting of the Local Review Body of 30 May 2017 was submitted and noted.

378. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(471) – Planning application 16/01937/FLL – Erection of a dwellinghouse (in retrospect), Hillview, Kinloch, Blairgowrie, PH10 6SD – Mr G Burke**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of a dwellinghouse (in retrospect), Hillview, Kinloch, Blairgowrie, PH10 6SD.

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 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 provide a copy of the prior notification 12/00544/PN together with the certification for the agricultural building at Balcairn by Kinloch, Blairgowrie;
- (iii) the Council's Building Standards Service be requested to provide details/confirmation of: (a) the Building Warrant (reference 12/01315/NDOM9) for the agricultural building at Balcairn by Kinloch, Blairgowrie; (b) the amendment (15/01004/AMDOM9) to the building warrant issued on 22 December 2015 for the same building; (c) the completion certificate issued on 17 July 2016 for the same building; and (d) clarification on whether the building warrant and completion certificate for 12/01315/NDOM9 had been issued for an agricultural shed or a domestic residence;
- (iv) the Interim Development Quality Manager be requested to provide further information on the measures for phosphorous mitigation proposed by the applicant including where that mitigation is to be;
- (v) the Interim Development Quality Manager be requested to provide evidence of SNH and SEPA withdrawing their objections to the proposal, in terms of the impact of the proposal on the Lunan Valley Catchment Area;
- (vi) the applicant be requested to provide information to demonstrate their ability to carry out the measures for proposed phosphorous mitigation;
- (vii) the applicant be requested to provide written proof of ownership of Chestnut View;
- (viii) the applicant be requested to provide details of the extent and location of any other land owned by them in the area;
- (ix) the applicant be requested to provide a copy of the legal opinion regarding the description of the planning application, dated 22 December 2016 and referred to in the letter of 14 March 2017 from Brodies LLP Solicitors;
- (x) the Council's Complaints Department be requested to provide a copy of the reply sent to the letter of complaint of 14 March 2017 from Brodies LLP Solicitors;
- (xi) following receipt of the requested information from the Interim Development Quality Manager, the Council's Building Standards Service, and the Council's Complaints Officer, copies be sent to the applicant/agent and interested for further comment;
- (xii) following receipt of the requested information from the applicant/agent, copies be sent to the Interim Development Quality Manager and interested parties for further comment;

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(xiii) following receipt of all further information and responses, the application be brought back to the Local Review Body.

(ii) TCP/11/16(472) – Planning application 17/00538/IPL – Erection of a dwellinghouse (in principle), land at Kirktonlees, Castleton Road, Auchterarder – Mr and Mrs A Milne

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 at Kirktonlees, Castleton 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;
- (ii) the Review application for the erection of a dwellinghouse (in principle), land at Kirktonlees, Castleton Road, Auchterarder be refused for the following reason:
 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 the proposal fails to comply with category (1) Building Groups. The proposal would constitute an extension to a building group, but it does not have a fully defined landscape or topographical boundary, notably to the north and south, and therefore is not considered to be a definable site. It is also considered that the proposal cannot satisfy any of the remaining categories (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.

Justification

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

379. DEFERRED APPLICATIONS FOR REVIEW

HAVING DECLARED AN INTEREST IN THE FOLLOWING ITEM, COUNCILLOR M LYLE WITHDREW FROM THE MEETING DURING CONSIDERATION OF ART. 379(i).

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Councillor H Anderson was unanimously appointed as Acting Convener for the purposes of hearing Art. 379(i).

Councillor H Anderson, Acting Convener, Presiding.

(i) TCP/11/16(451) – Planning application 16/01317/FLL – Erection of a dwellinghouse and garage, land 400 metres north east of Broadslap Farm, Dunning – The Stuart Partnership

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 garage, land 400 metres north east of Broadslap Farm, Dunning.

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 Tuesday 7 February 2017, the Local Review Body resolved, by unanimous decision, that insufficient information was before the Local Review to determine the matter without: (i) clarification on the future occupation and use of the previous farm manager's house, steading buildings and ten acres of farmland situated to the north of the railway link, following the closure of the level crossing; (ii) clarification on access to the aforementioned property and farmland; and (iii) an unaccompanied site visit. That information having been supplied, and an unaccompanied site visit having been carried out on 26 June 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, including the further information requested by the Local Review Body at its meeting of 7 February 2017, and having carried out a site visit on 26 June 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 and garage, land 400 metres north east of Broadslap Farm, Dunning be refused for the following reasons:
 - 1. The proposal by virtue of its siting, scale and design is inappropriate in this prominent location and would be contrary to Policy ER6: Managing Future Landscape Change of the Perth and Kinross Local Development Plan 2014 as the proposed development would not maintain or enhance the special landscape of the area. Rather, the proposed development would dominate the landscape as it would be seen from a considerable distance, particularly due to the lack of landscaping at the site.

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2. The proposal by virtue of its siting and design is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Perth and Kinross Housing in the Countryside Guide 2012 siting criteria 3 a) to d). The development would not blend sympathetically with the land form, has insufficient natural features to provide a backdrop, insufficient mature boundaries and does not have a good fit with the surrounding landscape to ensure that it will be well integrated with its setting.

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 B BRAWN LEFT THE MEETING AT THIS POINT.

COUNCILLOR M LYLE RETURNED TO THE MEETING AT THIS POINT AND RESUMED HIS ROLE AS ACTING CONVENER.

- (ii) **TCP/11/16(457) – Planning application 16/01664/FLL – Change of use from open space to garden ground and formation of vehicular access, 37 and 38 Potterhill Gardens, Perth – Mr D Bonthron**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the change of use from open space to garden ground and formation of vehicular access, 37 and 38 Potterhill Gardens, 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 7 March 2017, the Local Review Body resolved, by unanimous decision, that insufficient information was before the Local Review Body to determine the matter without: (i) information on underground services at the site; (ii) clarification on the existing gradient of the site and proposed gradient of the proposal; and (iii) an unaccompanied site visit. The information not having been provided within the expected timeframe, and an unaccompanied site visit having been carried out on 26 June 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 an unaccompanied site visit on 26 June 2017, albeit in the absence of the further information requested by the Local Review Body at its meeting of 7 March 2017, sufficient

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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 change of use from open space to garden ground and formation of vehicular access, 37 and 38 Potterhill Gardens, Perth be refused for the following reasons:
1. The proposal is contrary to Policy RD1 of the Perth and Kinross Local Development Plan 2014 which seeks to retain small areas of private and public open space which are of recreational and amenity value as the proposal results in the loss of open space which has an important amenity value in the streetscene.
 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 built and natural environment, due to the loss of open space in the area.
 3. The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the removal of the existing vegetation and the formation of parking facilities would erode and dilute the visual amenity and 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.

Note:

Councillor Anderson dissented from the majority decision. He considered that the proposal was contrary to Policies RD1 and PM1A of the Perth and Kinross Development Plan 2014. However, he considered that there were material considerations which warranted granting planning permission. Parking provision is badly needed in the area as the current level of vehicle ownership had not been envisaged when the housing was first been developed with areas of open space. Furthermore, the application site is currently overgrown and not of benefit to the visual amenity and character of the area, therefore the proposal would improve the visual amenity of the area.

- (iii) **TCP/11/16(468) – Planning application 16/02074/FLL – Erection of 8 dwellinghouses and associated works on land 60 metres West of The Bothy, Newburgh – G and W Miller and Sons**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of 8 dwellinghouses and associated works on land 60 metres West of The Bothy, Newburgh.

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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 30 May 2017, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without an unaccompanied site visit. An unaccompanied site visit having been carried out on 26 June 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 an unaccompanied site visit on 26 June 2017, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the applicant be requested to provide an ecological survey of the buildings in relation to European Protected Species;
- (iii) following receipt of the requested information from the applicant, copies be sent to the Interim Development Quality Manager and Interest Parties for further comment;
- (iv) following receipt of all further information and responses, the application be brought back to the Local Review Body.

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