

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
17 SEPTEMBER 2019

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 17 September 2019 at 10.30am.

Present: Councillors L Simpson, R Watters and W Wilson.

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

Also Attending: C Brien and G Peebles (Housing and Environment); M Terava (Corporate and Democratic Services); members of the public, including agents and applicants.

Councillor L Simpson, Convener, Presiding.

441. DECLARATIONS OF INTEREST

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

442. MINUTES

The minute of meeting of the Local Review Body of 20 August 2019 (Arts. 381-384) was submitted and noted.

443. APPLICATION FOR REVIEW

- (i) **TCP/11/16(611)
Planning Application – 19/00517/FLL – Erection of a fence (in retrospect), Burnside, 1 Main Street, Keltybridge, Kelty, KY4 0JH – Mr J Leishman**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a fence (in retrospect), Burnside, 1 Main Street, Keltybridge, Kelty.

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 erection of a fence (in retrospect), Burnside, 1 Main Street, Keltybridge, Kelty, refused for the following reasons:
 - 1. The fence, by virtue of its design, height, extent and visually prominent location, is out of keeping with the character of the surrounding area. Accordingly, it is considered to have a significant adverse impact on the visual amenity of the area. The proposal is, therefore, contrary to Policies PM1A and PM1B(c) of the Perth and Kinross Local Development Plan 2014, which seek to ensure that development contributes positively to the character and amenity of the place by respecting it in terms of design, appearance and height.
 - 2. The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special regard is given to the desirability of preserving the adjacent listed buildings and bridge, their setting or any features of special architectural or historic interest. The proposal, by virtue of its design, height, extent and visual prominence at this location does not accord with the requirements of Scottish Planning Policy 2014 (paragraph 141) which indicates the importance of preserving and enhancing listed buildings and their setting. The character, setting, and special interest of the listed buildings to the north and the listed bridge would therefore not be preserved or enhanced by this proposal, which is contrary to Policy HE2: Listed Buildings, of the Perth and Kinross Local Development Plan 2014.
 - 3. The development would establish a precedent for developments of a similar nature, to the detriment of the overall visual amenity and established rural character of the area, and therefore be contrary to the established policies of the Perth and Kinross Local Development Plan 2014 and Scottish Planning Policy 2014.

(ii) **TCP/11/16(612)**
Planning Application – 19/00483/FLL – Erection of a replacement dwellinghouse, Rintoul, Milnathort – Mr A Dawson

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a replacement dwellinghouse, Rintoul, Milnathort.

The Planning Adviser advised members that new information had been submitted by the applicant as part of the Notice of Review, which had not previously been before the Appointed Officer or Interested Parties.

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Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, and comment made by the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) The Council's Development Management Team and Perth & Kinross Heritage Trust be invited to comment on the ARC Architect Report, dated 1 August 2019, submitted as part of the Notice of Review.
- (iii) an unaccompanied site visit be carried out.
- (iv) following receipt of all further information, responses, and site visit the application be brought back to a future meeting of the Local Review Body.

444. DEFERRED APPLICATION FOR REVIEW

- (i) **TCP/11/16(605)
Planning Application – 19/00503/FLL – Formation of vehicular access (in retrospect), South Inchmichael Farm, Errol, Perth, PH2 7SP – Morris Leslie Ltd.**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the formation of vehicular access (in retrospect), South Inchmichael Farm, Errol, Perth, PH2 7SP.

It was noted that, at its meeting of 23 July 2019, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) the applicant be requested to submit further information on the prospective scheme of landscaping referred to in the applicant's Notice of Review submission together also with the proposed structural landscaping of the entire existing and proposed building group at South Inchmichael Farm which would be served by the proposed access; and (ii) following the receipt of all further information, the application be brought back to the Local Review Body.

The Committee Officer advised members that the requested further information had been submitted out with the timescale given to the applicant, and had therefore had not been submitted to Interested Parties, including the Council's Development Management Team, for comment. As the requested further information had not been received within the timescale, the application for review was presented again to Members to accord with the LRB regulations.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Committee Officer, insufficient

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- information was before the Local Review Body to determine the matter without further procedure.
- (ii) interested parties and the Council's Development Management Team be invited to comment on the further information submitted by the applicant on the prospective scheme of landscaping referred to in the applicant's Notice of Review submission together also with the proposed structural landscaping of the entire existing and proposed building group at South Inchmichael Farm which would be served by the proposed access.
 - (iii) following the receipt of all further information and responses, the application be brought back to the Local Review Body.

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