

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
13 NOVEMBER 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 13 November 2018 at 10.30am.

Present: Councillors B Brawn, R McCall 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 (Housing and Environment); L Aitchison (Corporate and Democratic Services); members of the public, including agents and applicants.

659. APPOINTMENT OF ACTING CONVENER

Councillor W Wilson was unanimously appointed as Acting Convener for the meeting.

Councillor W Wilson, Presiding.

660. DECLARATIONS OF INTEREST

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

661. MINUTE

The minute of meeting of the Local Review Body of 16 October 2018 was submitted and noted subject to the following amendment:

On Page 4, line 6, reference to the *appointed officer*, should read *applicant*.

662. APPLICATIONS FOR REVIEW

- (i) TCP/11/16(556) – Planning Application – 18/01176/IPL – Residential Development (in principle) on land 60 metres south west of Burnside House, Benarty Road, Kelty – Lomond Group (Scotland) Ltd**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse a residential development (in principle) on land 60 metres south west of Burnside House, Benarty Road, 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.

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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 Interim Development Quality Manager be requested to comment on the Tree Survey Report, as it relates to the proposal and the grounds of refusal;
- (iii) the Interim Development Quality Manager be requested to submit copies of the Decision Notices for Planning Applications 16/00001/FLL and 17/00262/FLL;
- (iv) comment from the Interim Development Quality Manager on whether the Condition 10 of Planning Application 17/00262/FLL relating to structural landscaping has been complied with and to what extent;
- (v) following the receipt of all requested further information and any comment from the applicant and any interested parties, the application be brought back to the Local Review Body.

(ii) TCP/11/16(558) – Planning Application – 18/00835/IPL – Erection of a dwellinghouse (in principle) on land 80 metres north west of Loanfoot Cottage, East Trinity Gask – Mr J Roberts

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 80 metres north west of Loanfoot Cottage, East Trinity Gask.

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 dwellinghouse (in principle) on land 80 metres north west of Loanfoot Cottage, East Trinity Gask, be refused for the following reasons:
 - 1. By virtue of the distance between the existing buildings, the site is not considered to be located within an existing building group, but falls to be addressed as an extension to an existing group and/or infill site. The site does not have a) a good landscape framework which is capable of absorbing the proposal, b) site boundaries which are capable of providing a suitable enclosure, and c)

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comparable plot sizes/shape which would respect the existing building pattern/size of neighbouring plots. To this end, the proposal is contrary to the specific requirements of both the Building Groups and Infill Sites categories of the Council's Housing in the Countryside Guide 2012 and Policy RD3 of the Perth and Kinross Local Development Plan 2014, which both seek to ensure that all proposals which extend existing building groups or takes place between existing buildings (infill) takes place within definable sites that are formed by existing topography and/or well established landscape features, have a good landscape setting with suitable site boundaries and would result in a development that respects the existing building pattern of the area. The proposal is also contrary to Policy RD3 and the Housing in the Countryside Guide 2012 as it does not meet any of the other specified categories of the guidance.

2. As the proposal would adversely affect the historic setting of adjacent listed buildings, notably the prominence of the rural church and churchyard in the open landscape, the proposal is contrary to Policy HE2 of the Perth and Kinross Local Development Plan 2014, the Scottish Planning Policy 2014 and the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, all of which seek to ensure the protection of listed building settings from inappropriate development new developments.

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 Brawn dissented from the majority decision. He agreed the review should be refused in terms of ground of refusal No 1 above, however, given the topography and the distance, he did not consider this proposal adversely affected the historic setting of the adjacent listed buildings.

(iii) TCP/11/16(559) – Planning Application – 18/00836/IPL – Erection of a dwellinghouse (in principle) on land 170 metres north west of Loanfoot Cottage, East Trinity Gask – Mr J Roberts

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 170 metres north west of Loanfoot Cottage, East Trinity Gask.

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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 unanimous decision that:

- (ii) the Review application for erection of a dwellinghouse (in principle) on land 170 metres north west of Loanfoot Cottage, East Trinity Gask, be refused for the following reasons:
 - 1. By virtue of the distance between the existing buildings, the site is not considered to be located within an existing building group, but falls to be addressed as an extension to an existing group and/or infill site. The site does not have a) a good landscape framework which is capable of absorbing the proposal, b) site boundaries which are capable of providing a suitable enclosure, and c) comparable plot sizes/shape which would respect the existing building pattern/size of neighbouring plots. To this end, the proposal is contrary to the specific requirements of both the Building Groups and Infill Sites categories of the Council's Housing in the Countryside Guide 2012 and Policy RD3 of the Perth and Kinross Local Development Plan 2014, which both seek to ensure that all proposals which extend existing building groups or takes place between existing buildings (infill) takes place within definable sites that are formed by existing topography and/or well established landscape features, have a good landscape setting with suitable site boundaries and would result in a development that respects the existing building pattern of the area. The proposal is also contrary to Policy RD3 and the Housing in the Countryside Guide 2012 as it does not meet any of the other specified categories of the guidance.
 - 2. As the proposal would adversely affect the historic setting of adjacent listed buildings, notably the prominence of the rural church and churchyard in the open landscape, the proposal is contrary to Policy HE2 of the Perth and Kinross Local Development Plan 2014, the Scottish Planning Policy 2014 and the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, all of which seek to ensure the protection of listed building settings from inappropriate development new developments.

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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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