

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
6 MARCH 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 6 March 2018 at 10.30am.

Present: Councillors W Wilson (excluding Art. 107 (v)), B Brawn, R McCall and L Simpson (up to and including Art. 107(v)).

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

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

Councillor W Wilson, Convener, Presiding.

105. DECLARATIONS OF INTEREST

Councillor W Wilson declared a non-financial interest on Art. 107(v).

106. MINUTE

The minute of meeting of the Local Review Body of 6 February 2018 was submitted and noted.

107. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(506) - Planning Application – 17/01339/FLL – Erection of a dwellinghouse on land 40 metres north of The Stables, Main Street, Almondbank – Mr J Jenkins**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse on land 40 metres north of The Stables, Main Street, Almondbank.

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 on land 40 metres north of The Stables, Main Street, Almondbank, be refused for the following reason:
 - 1. The proposal will intensify the use of an existing sub-standard access and junction which has poor visibility onto the public road and as such the proposed development would result in pedestrian and traffic safety issues contrary to Policy TA1B of the Perth and Kinross Local Development Plan 2014, which seeks to ensure the safety of all road users.

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(510) - Planning Application – 17/01738/FLL – Erection of a dwellinghouse and garage with ancillary accommodation, land 30 metres south east of Chance Inn Cottage, Kinross – Mr G Jack**

Members considered a Notice of Review seeking review/amendment of condition 10 (no permitted development) of the conditions imposed by the Appointed Officer for the erection of a dwellinghouse and garage.

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 seeking removal/amendment of condition 10 (no permitted development) of the conditions imposed by the Appointed Officer for the erection of a dwellinghouse and garage with ancillary accommodation, land 30 metres south east of Chance Inn Cottage, Kinross, be refused and Condition 10 continue to read as follows:
 - 1. '10. No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 1, 2, 3 and Part 2, Class 7 of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 or any Order revoking and re-enacting that Order shall be erected in the curtilage of the dwelling.

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Reason – In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality; to reserve the rights of the Planning Authority’.

Justification

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

(iii) TCP/11/16(511) – Planning application - 17/01049/FLL – Erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design), land 120 metres west of Chance Inn Cottage, Kinross – Mr and Mrs G Jack

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design), land 120 metres west of Chance Inn Cottage, 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.

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 the erection of a dwellinghouse, garage and stables and formation of vehicular access (revised design), land 120 metres west of Chance Inn Cottage, Kinross, be refused for the following reasons:
 - 1. The proposal is contrary to Policy PM1A: Placemaking of the Perth and Kinross Local Development Plan 2014, as the scale, massing and location of the stable building is considered to be unacceptable; it would not contribute positively to the quality of the surrounding built environment as it would create sporadic development in the open countryside. Furthermore, it would not respect the character and amenity of the building group at Chance Inn.
 - 2. The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes

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the character of the countryside by creating sporadic development northwards in the open countryside to the detriment of the building group and sense of place.

3. The proposal is contrary to Policy ER6(a) of the Perth and Kinross Local Development Plan 2014 as it erodes the local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of the landscape experience due to the scale and mass of the proposed stables in the open countryside.

Justification

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

- (iv) **TCP/11/16(512) – Planning application - 17/01662/FLL – Erection of a dwellinghouse, agricultural building, fencing business store including formation of yard and siting of portable buildings, formation of vehicular accesses and associated works, land 300 metres south east of Distillery Cottages, Milton of Edradour – Mr R Robertson**

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, agricultural building, fencing business store including formation of yard and siting of portable buildings, formation of vehicular accesses and associated works, land 300 metres south east of Distillery Cottages, Milton of Edradour.

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:

- (ii) 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 the erection of a dwellinghouse, agricultural building, fencing business store including formation of yard and siting of portable buildings, formation of vehicular accesses and associated works, land 300 metres south east of Distillery Cottages, Milton of Edradour, 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

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Plan 2014, in addition to the Council's Housing in the Countryside Guide 2012, as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable in principle at this location.

2. The proposal is contrary to Policy ED3 – Rural Business and Diversification, of the Perth and Kinross Local Development Plan 2014, as the farming business is not considered to be established and there is no site specific justification which would allow for the site to be acceptable.
3. The proposal is contrary to Policy ER6 - .Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes, of the Perth and Kinross Local Development Plan 2014, as the siting and scale of the proposed development is highly intrusive to the existing landscape framework and does not conserve or enhance the surrounding landscape as required by the policy.
4. The proposal is contrary to Policy PM1B – Placemaking criterion (a) and (b), of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside, whilst the removal of trees and overall location of the proposed development would additionally erode and dilute the areas landscape character.
5. The proposal is contrary to the Scottish Government's Policy on Woodland Removal, the Scottish Forest Strategy, the National Planning Framework as well as Policy NE2B of the Perth and Kinross Local Development Plan 2014, as there are no clear public benefits associated with the removal of certain trees within the woodland to provide selected views for the proposed development.

Justification

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

HAVING DECLARED A NON-FINANCIAL INTEREST, COUNCILLOR W WILSON WITHDREW FROM THE MEETING DURING CONSIDERATION OF ART. 107(v).

Councillor B Brawn was unanimously appointed as Convener for the purposes of hearing Art. 107(v).

Councillor B Brawn, Acting Convener, Presiding.

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(v) TCP/11/16(514) – Planning application - 17/01699/FLL – Formation of decking, Café Tabou, 4 St. John’s Place, Perth, PH1 5SZ – Mr and Mrs Michalak

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the formation of decking, Café Tabou, 4 St. John’s Place, Perth, PH1 5SZ.

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:

- (iii) 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 formation of decking, Café Tabou, 4 St. John’s Place, Perth, PH1 5SZ, be refused for the following reasons:
 - 1. The proposal is contrary to Policy RC1 of the Perth and Kinross Local Development Plan 2014 which seeks to ensure the encouragement of Class 2 & 3 development (e.g. restaurant use) in ground floor units which contribute to the character of the retail area and provides an attractive shop frontage treatment. The proposal does not positively contribute to the character of the retail area by virtue of its placement, design, material finish and consequentially nor is the proposal an appropriate addition to the restaurant’s frontage, resulting in non-compliance with criterion (c).
 - 2. The proposal is contrary to Policy HE3A of the Perth and Kinross Local Development Plan 2014 which seeks to ensure that development within a Conservation Area will preserve or enhance its character or appearance with appropriate design, materials, scale and siting of a new development. The proposal is not in keeping with the local character of the conservation area due to the use of non-traditional materials and, unsympathetically, would cover a section of granite paving, identified within the Perth Central Conservation Area Appraisal as a high quality material which contributes to the character of the area.
 - 3. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014 which seeks to ensure that development contributes positively to the quality of the surrounding built and natural environment,

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whilst respecting the character and amenity of the place. The proposal, by virtue of its inappropriate placement, material finish and scale would result in an adverse impact on the visual amenity and character of the local area. The proposal is not an appropriate addition to the local context within the Perth Central Conservation Area or settings of listed buildings.

4. The proposal is contrary to Policy PM1B(c) of the Perth and Kinross Local Development Plan 2014 which seeks to ensure that all proposals are of a design and density which complements its surroundings in terms of appearance, height, scale, massing, materials, finish and colours. The proposal is of an appearance, non-traditional material and finish which does not complement its surroundings in a conservation area or the settings of listed buildings, and is of scale and mass which cannot be moved easily in the event of an emergency in order to access and maintain the public road and underground services.

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 considered that the Appointed Officer's decision should be overturned and that permission for the formation of decking should be granted. He reasoned that the formation of decking would have enhanced the surrounding area and therefore complied with the Perth and Kinross Local Development Plan 2014.

COUNCILLOR L SIMPSON LEFT THE MEETING AT THIS POINT

COUNCILLOR W WILSON RETURNED TO THE MEETING AT THIS POINT

Councillor W Wilson, Convener, Presiding.

- (vi) TCP/11/16(515) – Planning application - 17/01488/FLL – Installation of replacement windows, Woodend Cottage, Fairmount Road, Perth, PH2 7AW – S Parkinson and R Letby**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the installation of replacement windows, Woodend Cottage, Fairmount Road, Perth, PH2 7AW.

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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 Installation of replacement windows, Woodend Cottage, Fairmount Road, Perth, PH2 7AW, be refused for the following reasons:
 - 1. The removal of the existing sash and case windows is not justified as it has not been demonstrated that they are beyond repair, beyond economic repair or that any attempt has been made to retain the sash and case windows. Approval would therefore be contrary to the Perth and Kinross Placemaking Guide, Policies PM1A, PM1B(c) and HE3 of the Perth & Kinross Local Development Plan 2014, Historic Scotland's "Managing Change in the Historic Environment" 2010 and "Historic Environment Policy Statement" 2016 and paragraph 115 of the Scottish Planning Policy 2014, all of which seek to safeguard the historic built environment.
 - 2. Notwithstanding the lack of justification for the removal of the existing sash and case windows, the proposed windows are of an inappropriate type as they do not replicate the design, appearance, proportion, opening method or astragal detail. Approval would have a detrimental impact on the character and appearance of the Conservation Area and would therefore be contrary to the Perth and Kinross Placemaking Guide, Policies PM1A, PM1B(c) and HE 3 of the Perth and Kinross Local Development Plan 2014, Historic Scotland's "Managing Change in the Historic Environment" 2010 and "Historic Environment Policy Statement" 2016 and paragraph 115 of the Scottish Planning Policy 2014, all of which seek to safeguard the historic built 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 Brawn dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned

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and that permission for Installation of replacement windows, Woodend Cottage, Fairmount Road, Perth, PH2 7AW should be granted. He reasoned that the proposed replacement windows would not have a detrimental effect upon the area, thereby meeting the criteria of the Perth and Kinross Local Development Plan 2014 and other policy.

**(vii) TCP/11/16(516) - Planning Application – 17/01447/FLL –
Alterations and extension to dwellinghouse, Balnagowan,
Aberargie, Perth, PH2 9NE – Mrs A Kennedy**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations and extension to dwellinghouse, Balnagowan, Aberargie, Perth, PH2 9NE.

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 alterations and extension to dwellinghouse, Balnagowan, Aberargie, Perth, PH2 9NE, be refused for the following reason:
 - 1. The proposed development by virtue of its large scale and forward projection is not in keeping with either the character or appearance of the existing residential property and will result in an incongruous development being introduced into the local area. Accordingly, the proposal is contrary to Policies RD1, PM1A and PM1B (c and d) 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.

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