

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
5 FEBRUARY 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 5 February 2019 at 10.30am.

Present: Councillors L Simpson, B Brawn 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 Potter (Corporate and Democratic Services); members of the public, including agents and applicants.

Councillor L Simpson, Convener, Presiding.

55. DECLARATIONS OF INTEREST

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

56. MINUTES

- (i) The minute of meeting of the Local Review Body of 11 December 2018 was submitted and noted.
- (ii) The minute of meeting of the Local Review Body of 8 January 2019 was submitted and noted.

57. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(570)**
Planning Application – 18/01196/FLL – Formation of a vehicular access on land 20 metres south of Beech Manor Care Home, Golf Course Road, Blairgowrie – Mrs D MacMillan

Members considered a Notice of Review seeking the removal of Condition 2 from planning permission 18/01196/FLL for the formation of a vehicular access on land 20 metres south of Beech Manor Care Home, Golf Course Road, Blairgowrie.

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.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
5 FEBRUARY 2019

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the removal of Condition 2 from planning permission 18/01196/FLL for the formation of a vehicular access on land 20 metres south of Beech Manor Care Home, Golf Course Road, Blairgowrie, be refused with the conditions remaining as:
 - 1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.
 - 2. The vehicular access as shown on the approved plans is approved to serve the property known as Stonefield only.
Reason: In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

- (ii) **TCP/11/16(576)**
Planning Application – 18/01227/IPL – Erection of a dwellinghouse (in principle) on land 40 metres east of Yetts O Hyuax, Glendevon – Mr F Worrell

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse (in principle) on land 40 metres east of Yetts O Hyuax, Glendevon.

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 (in principle) on land 40 metres east of Yetts O Hyuax, Glendevon, be refused for the following reasons:
 - 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

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
5 FEBRUARY 2019

fails to satisfactorily comply with category (1) Building Groups in that, as an extension to the existing building group, the proposal would detract from the visual amenity of the group and that the site by virtue of its topography would not provide a suitable setting, due to the elevated nature of the 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, (6) Rural Brownfield Land.

2. The proposal is contrary to Policy PM1A Placemaking of the Perth and Kinross Local Development Plan 2014 as it is considered that the development of the site would not respect the character and amenity of the place due to the elevated nature of the site.

Justification

The proposal 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(577)
Planning Application – 18/01294/IPL – Residential development (in principle) on land 120 metres north east of Longforgan
Transmission Station, Longforgan – Mrs H Craven**

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 120 metres north east of Longforgan Transmission Station, Longforgan.

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, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) an unaccompanied site visit be carried out;
- (iii) following the undertaking of the site visit, the application be brought back to the Local Review Body.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
5 FEBRUARY 2019

(iv) TCP/11/16(578)
Planning Application – 18/01419/FLL – Erection of a fence at 2
Gowrie Farm, Stanley, Perth – Mrs M Souter

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a fence at 2 Gowrie Farm, Stanley, 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.

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 erection of a fence at 2 Gowrie Farm, Stanley, Perth, be 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 rural 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 developments contribute positively to the character and amenity of the place by respecting it in terms of design, appearance and height.
 - 2. 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 contrary to the established Policies PM1A and PM1B(c) of the Perth and Kinross Local Development Plan 2014 and Scottish Planning Policy 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.

Note: Councillor Brawn dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and permission for erection of a fence be granted. He considered that the proposal did accord with Policies PM1A and PM1B(c) of the Perth and Kinross Local Development Plan in that the proposed fencing, which would normally be Permitted Development, would not be out of place at this locality.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
5 FEBRUARY 2019

(v) **TCP/11/16(581)**
Planning Application – 18/01400/FLL – Alterations to roof at
Wester Parkhead House, Parkhead Road, Blairgowrie – Farmcare
Ltd

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations to roof at Wester Parkhead House, Parkhead Road, Blairgowrie.

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 alterations to roof at Wester Parkhead House, Parkhead Road, Blairgowrie, be refused for the following reason:
 - 1. The proposal would have a significant adverse impact on the character of the existing building and adjoining traditional buildings by introducing an untraditional and unsympathetic material onto the roof of a traditional two story dwellinghouse. Accordingly, the proposal is contrary to Policies PM1A and PM1B (c) of the Perth and Kinross Local Development Plan 2014 which seek to ensure that developments contribute positively to the quality of the surrounding built environment by respecting the character and amenity of the place.

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 Wilson dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and permission for alterations to roof be granted. Whilst accepting that the proposal did not accord with the Local Development Plan, he considered that, with the imposition of relevant conditions regarding colour and materials, the alterations to the roof would be beneficial in retaining the dwellinghouse.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
5 FEBRUARY 2019

58. DEFERRED APPLICATION FOR REVIEW

- (i) **TCP/11/16(575)**
Planning Application – 18/00874/FLL – Erection of a dwellinghouse on land 300 metres south west of Nether Allan, Blackford – Mr and Mrs W McLaren

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 300 metres south west of Nether Allan, Blackford.

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 1 January 2019, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without an unaccompanied site visit. With the unaccompanied site visit having taken place on 4 February 2019, the Local Review Body reconvened.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and having carried out a site visit on 4 February 2019, 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 wind turbine and associated works on land 300 metres south west of Nether Allan, Blackford, be granted subject to:
1. The imposition of relevant terms, conditions and informatives, including a condition regarding external finishing materials of render, natural stone and natural slate, acoustic fencing, structural landscaping, the extent of the house plot curtilage.

Justification

Whilst accepting that the proposal was not fully in accordance with the Local Development Plan, the Local Review Body deemed that there was still sufficient justification for approval on the grounds of economic need, animal welfare and security.

Note: Councillor Simpson dissented from the majority decision. He considered that the Appointed Officer's decision should be upheld and the erection of dwellinghouse be refused. In his opinion, the proposal did not comply with either the Local Development Plan or the Council's Housing in the Countryside Guide, and there was not sufficient justification to depart from these policies and guidance.

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