

## PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held virtually via Microsoft Teams on Tuesday 10 November 2020 at 10.30am.

Present: Councillors H Anderson, E Drysdale 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: A Brown, B Parker, and L McGuigan (all Corporate and Democratic Services).

Councillor H Anderson, Convener, Presiding.

### 1. DECLARATIONS OF INTEREST

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

### 2. MINUTES

The minute of meeting of the Local Review Body of 13 October 2020 was submitted and noted.

### 3. APPLICATIONS FOR REVIEW

- (i) **LRB-2020-07**  
**Planning Application – 19/01730/FLL – Extension to**  
**dwellinghouse, 98 David Douglas Avenue, Scone, Perth, PH2 6QG**  
**– Mr and Mrs Lackie**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse an extension to dwellinghouse, 98 David Douglas Avenue, Scone, Perth, PH2 6QG.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling, the grounds set out in the Notice of Review and the further information received.

**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 an extension to dwellinghouse, 98 David Douglas Avenue, Scone, Perth, PH2 6QG, be refused for the following reasons:
  - 1. As the proposal will result in the loss of light to an adjacent residential property (96 David Douglas Avenue) and appear oppressive from that property, all to the detriment of the neighbouring property's residential amenity, the proposal is contrary to Policy 17 of the Perth and Kinross Local Development Plan 2 (2019), which seeks to ensure the residential amenity of existing areas is not adversely affected by new proposals.
  - 2. The proposal, by virtue of its unsympathetic design, visual massing, poor form and composition 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 Policy 1A and 1B (c) of the Perth and Kinross Local Development Plan 2 (2019).

#### **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) **LRB-2020-17  
Planning Application –20/00093/FLL – Erection of a  
maintenance/storage shed, land 100 metres north east of Old  
Church, Lawers – Mr A Thomson**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a maintenance/storage shed, land 100 metres north east of Old Church, Lawers.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling, the grounds set out in the Notice of Review and the further information received.

#### **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 maintenance/storage shed, land 100 metres north east of Old Church, Lawers, be refused for the following reasons:

1. The proposal is contrary to Policies 1A and 1B ((b) and (c)), 'Placemaking', of the Perth and Kinross Local Development Plan 2 (2019), as there is no justification for a shed of this scale in this highly sensitive location. A shed of this scale would be of detriment to the surrounding environment. As such, the proposal is not considered to contribute positively to the quality of place and detracts from the character and amenity of the place.
2. The proposal is contrary to Policy 26A, 'Scheduled Monuments and Archaeology', of the Perth and Kinross Local Development Plan 2 (2019), as the contemporary design of the shed in this location would introduce a modern element into an area that has remained largely unchanged since the settlement was in use and would therefore compromise the appreciation of the monument. There is also no sound justification or exceptional circumstances to grant this application, as required by the policy.
3. The development would establish an undesirable precedent for developments of a similar nature which would be to the detriment of the overall visual amenity and established rural character of the area, and therefore contrary to the established policies of the Local Development Plan 2 (2019) and Scottish Planning Policy.

#### **Justification**

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

THERE FOLLOWED A FIVE MINUTE RECESS

**(iii) LRB-2020-18**

**Planning Application – 19/00951/IPL – Siting of a hut (in principle) at land 70 metres north of The Steading, Keltneyburn – Mr P. P.C. Allan**

Members considered a Notice of Review seeking a review of Conditions 2 and 3 of Planning Permission 19/00951/IPL – Siting of a hut (in principle) at land 70 metres north of The Steading, Keltneyburn.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling, the grounds set out in the Notice of Review and the further information received.

**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 request to remove and/ or amend Conditions 2 and 3 of Planning Permission 19/00951/IPL – Siting of a hut (in principle) at land 70 metres north of The Steading, Keltneyburn be refused with the exception of correcting a spelling error in Condition 2: Consequently, Conditions 2 and 3 of this planning consent are confirmed to read as follows:-

- 2. *‘This permission shall enure solely for the benefit of Mr Peter Allan and not for the benefit of the land.  
Reason – Due to the nature of the development, this should be a personal permission only to ensure the development accords with the Scottish Planning Policy definition of a recreational ‘hut’.*
- 3. *‘The development hereby approved shall be used solely for the benefit of the personal recreational enjoyment of Mr Peter Allan and his spouse, partner or family member only, and shall not be used as their sole or main residence, shall not be used by any other person(s), nor shall the ‘hut’ be sold or let out to any third person(s).  
Reason – In order to control and restrict the use of the building*

**Justification**

The proposal is for a development intended, and granted consent, for the enjoyment of applicant and his family members. Specifically, the prospective hut would not be assessed as a facility to be available to members of the wider public. As such, the conditions are considered appropriate to reflect the purpose and intention of the inclusion of the reference to ‘hut’s in Scottish Planning Policy ( 2014).

- (iv) **LRB-2020-19  
Planning Application – 20/00135/IPL – Erection of a dwellinghouse (in principle), land 70 metres north east of Dunvegan, Great North Road, Blairadam – Mr J Lillie**

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), land 70 metres north east of Dunvegan, Great North Road, Blairadam.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer’s

Report of Handling, the grounds set out in the Notice of Review and the further information received.

**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), land 70 metres north east of Dunvegan, Great North Road, Blairadam, be refused for the following reasons:
  - 1. The proposal is contrary to Policy 19 of the Perth and Kinross Local Development Plan 2 (2019) and the Council's Housing in the Countryside Supplementary Guidance 2020, as the proposal fails to comply with Category 1, Building Groups, as there are not three existing buildings at the site equivalent to the size of a cottage and the site does not meet the definition of Rural Brownfield as defined under Category 6. 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 Houses or (5) Conservation or Replacement of Redundant Non-Domestic Buildings.
  - 2. The proposal is contrary to Policy 58B of the Perth and Kinross Local Development Plan 2 (2019), as it has not been demonstrated that the proposed site is safe for development in the absence of a report from the Coal Authority.

**Justification**

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

**(v) LRB-2020-20  
Planning Application – 20/00560/FLL – Installation of replacement windows, Fernbank, 50 Main Street, Longforgan – Mr D McCulloch**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the installation of replacement windows, Fernbank, 50 Main Street, Longforgan.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling, the grounds set out in the Notice of Review and the further information received.

**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 installation of replacement windows, Fernbank, 50 Main Street, Longforgan, be granted subject to:
  - 1. The imposition of relevant terms, conditions and informatives.

**Justification**

Whilst accepting that the proposal does not accord with Scottish Planning Policy 2014, Perth and Kinross' Placemaking Guide 2020 and Local Development Plan policies 1A, 1B, 17 and 28A, as the proposal did not preserve or enhance the character and appearance of the Conservation Area, it was considered that material considerations, notably the presence of similar windows in the locality, outweighed policy considerations and approval should be granted.



