

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held virtually on Tuesday 20 July 2021 at 10.30am.

Present: Councillors L Simpson, D Illingworth 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, M Pasternak and L McGuigan (both Corporate and Democratic Services).

1. WELCOME

Councillor Simpson welcomed all present to the meeting.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

The minute of meeting of the Local Review Body of 22 June 2021 was submitted and noted.

4. APPLICATIONS FOR REVIEW

- (i) **LRB-2021-16**
Planning Application – 21/00099/FLL – Alterations and extension to dwellinghouse and erection of a garden building (in retrospect), 1 Blairfordel Steading, Kelty – Mr F Sneddon

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations and extension to dwellinghouse and erection of a garden building (in retrospect), 1 Blairfordel Steading, 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.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for alterations and extension to dwellinghouse and erection of a garden building (in retrospect), 1 Blairfordel Steading, Kelty, be refused for the following reasons:
 - 1. The proposal, by combination of its prominent location, widespread use of white upvc cladding and inter-visibility with the principal elevation of the adjacent category C-Listed Farmhouse and Steading, has an adverse impact on visual amenity and results in an adverse impact on the setting of the listed building which also erodes local distinctiveness.

Approval would therefore be contrary to Policies 1A, 1B(b) and (c), 27A and 39 of the Perth and Kinross Local Development Plan 2 (2019), which seek to safeguard the setting of listed buildings from inappropriate development and ensure that development contributes 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.

- (ii) **LRB-2021-17
Planning Application – 20/00950/IPL – Erection of a dwellinghouse and garage (in principle) land 80 metres south east of Keepers Cottage, Braco – Blackford Farms Ltd.**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse and garage (in principle) land 80 metres south east of Keepers Cottage, Braco.

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 and garage (in principle) land 80 metres south east of Keepers Cottage, Braco, be refused for the following reasons:

1. The proposal concerns the sub-division and change of use of a small portion of a larger walled garden and would include a significant amount of new landscaping/boundary treatments to create a residential curtilage. To this end, 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), both of which require new developments within existing walled gardens to take place in relation to an existing country or estate house and within an existing, identifiable site which separates the site naturally from the surrounding land. Ardoch house was demolished some years ago.
2. As it has not been demonstrated that the proposal would not have an adverse effect on the setting of the Scheduled Ancient Monument to the north of the site (SM1601, Ardoch Roman military complex) the proposal is contrary to Policy 26A of the Perth and Kinross Local Development Plan 2 (2019), which states that there is a presumption against development which would have an adverse effect on the settings of Scheduled Ancient Monuments.

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 Illingworth dissented from the majority decision. He considered that the benefits to the proposal, namely that the proposal would enable the walls of the walled garden to be repaired and maintained by the applicant and that archaeological excavation could be undertaken to provide additional information through a planning condition. These were seen as significant aspects in support of permission being granted.

(iii) LRB-2021-18
Planning Application – 20/00277/FLL – Erection of a dwellinghouse, land 170 metres north west of Tom Na Moine, Acharn – Mr A S Flotats

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse, land 170 metres north west of Tom Na Moine, Acharn.

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, land 170 metres north west of Tom Na Moine, Acharn, 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 4, Renovation or Replacement of Houses, as the site of the new dwellinghouse is substantially remote from the ruinous dwelling it is proposed to replace. The proposal also fails to satisfy any of the remaining categories (1) Building Groups, (2) Infill Sites, (3) New Houses in the Open Countryside, (5) Conservation or Replacement of Redundant Non-Domestic Buildings and (6) Rural Brownfield of the Housing in the Countryside Supplementary Guidance (2020).

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) LRB-2021-19
Planning Application – 20/00756/FLL – Erection of a dwellinghouse, land 30 metres south of Moucums View, Hayfield, Leslie Road, Scotlandwell – Mr J Beales**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse, land 30 metres south of Moucums View, Hayfield, Leslie Road, Scotlandwell.

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 dwellinghouse, land 30 metres south of Moucums View, Hayfield, Leslie Road, Scotlandwell, be refused for the following reasons:

1. The proposal is contrary to Policies 1A and 1B(c) of the Perth and Kinross Local Development Plan 2 (2019) and the Supplementary Placemaking Guidance 2020 as the proposal, by virtue of the design and height of the dwelling, is not considered to positively contribute to the surrounding built environment in terms of design, appearance, height, scale and massing.
2. The proposal is contrary to Policy 17 of the Perth and Kinross Local Development Plan 2 (2019) as the design and height of the dwelling would not ensure that the proposal contributes positively to the quality of the surrounding built environment by respecting the design, character, appearance and amenity of the place. The additional traffic using this private road is also seen as failing to protect the residential amenity of existing houses, including Moucums View.
3. The proposal is contrary to the Perth and Kinross Local Development Plan 2 (2019), Policy 60B, New Development Proposals, as the development is not designed for the safety and convenience of all potential users due to the proposed increase in traffic and that the existing junction cannot support the additional traffic and that the applicant is not in ownership of the land required to provide the necessary visibility splay.
4. The proposal fails to comply with the visibility splay standards set out in Designing Streets: A Policy Statement for Scotland (The Scottish Government: 22 March 2010; Page 33), which states that for a 30mph street, a visibility splay of 2.4 metres by 43 metres shall be provided. The applicant has failed to provide supporting evidence to show the available visibility splay for Hayfield nor what improvements can be made to support the additional traffic.

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 Illingworth dissented from the majority decision. He considered that the precedent provided by the extant permission for an additional house served by this access was a significant planning consideration which provided support for this proposal. He considered that the additional traffic and the proposal would not have a significant adverse impact on the locality. The long-distance views of the proposal were not seen as having a significant impact on the

appearance of Scotlandwell. He therefore concluded that permission should be granted.

(v) LRB-2021-20
Planning Application – 21/600408/FLL – Alterations and extensions to dwellinghouse, Hillview Cottage, Taybridge Terrace, Aberfeldy – T and M Clark

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations and extensions to dwellinghouse, Hillview Cottage, Taybridge Terrace, Aberfeldy.

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 extensions to dwellinghouse, Hillview Cottage, Taybridge Terrace, Aberfeldy, be refused for the following reasons:

- 1. The proposals, by virtue of their unsympathetic design, bulk, scale and visual massing, excessive proportions, poor form and composition would overwhelm and unbalance the existing cottage and compromise its architectural integrity, resulting in an adverse impact on the visual amenity of the cottage and surrounding area.

Approval would therefore be contrary to Policies PM1A and PM1A and PM1B(c) of the Perth and Kinross Local Development Plan 2 (2019) which seek to ensure that development contributes positively to the character and amenity of the place by complementing its surroundings in terms of design, appearance, height, scale and massing.

Justification

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