

PERTH AND KINROSS COUNCIL  
LOCAL REVIEW BODY  
8 JANUARY 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 8 January 2019 at 10.30am.

Present: Councillors L Simpson, H Anderson, R Watters and W Wilson.

In Attendance: D Harrison (Planning Adviser), G Fogg (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.

### **1. DECLARATIONS OF INTEREST**

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

### **2. MINUTE**

Consideration of the minute of meeting of the Local Review Body of 11 December 2018 was deferred until a future meeting of the Local Review Body.

THE LOCAL REVIEW BODY UNANIMOUSLY AGREED TO VARY THE ORDER OF BUSINESS AT THIS POINT.

COUNCILLOR W WILSON WITHDREW FROM THE MEETING AT THIS POINT.

### **3. DEFERRED APPLICATIONS FOR REVIEW**

- (i) **TCP/11/16(549) - Planning Application – 18/00584/FLL – Alterations to boundary wall, formation of vehicular access and car parking area, Perth Bridge Club, 49-51 King Street, Perth – Perth Bridge Club**

It was noted that at the first consideration of this Application for Review, at the meeting of the Local Review Body on 18 September 2018, the Local Review Body agreed that the same three members, Councillors L Simpson, H Anderson and R Watters, undertake the second consideration of the Application for Review.

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations to boundary wall, formation of vehicular access and car parking area, Perth Bridge Club, 49-51 King Street, Perth.

PERTH AND KINROSS COUNCIL  
LOCAL REVIEW BODY  
8 JANUARY 2019

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 18 September 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) the applicant providing revised site and existing elevation drawings to remove the ambiguities with the existing drawings, and the details of the proposal and the discrepancies between the existing and proposed measurements of the front wall and gate and the drawings before the Local Review Body at its meeting of 9 September 2019, and; (ii) comment from the appointed officer on the safety aspects of vehicles reversing into and out of the proposed parking area. With all further information having been received, the Local Review Body reconvened.

**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 boundary wall, formation of vehicular access and car parking area, Perth Bridge Club, 49-51 King Street, Perth, be granted subject to:
  - 1. The imposition of relevant terms, conditions and informatives, including a condition for the retention of sufficient walling to support a full length of the coping stone to the northern side of the original cast iron gate, the finishing of the exposed wall end with a dressed stone coin detail and the provision and retention of the proposed landscaping strip on the southern boundary of the proposed parking area.

**Justification**

The proposed development, with the imposition of relevant terms, conditions and informatives, was not assessed as being contrary to the Local Development Plan and was sufficiently compatible with Policy HE3: Conservation Areas of the Perth and Kinross Local Development Plan 2014, recognising the presence of similar developments in the area.

**Note:** Councillor Simpson dissented from the majority decision. He considered that the Appointed Officer's decision should be upheld and alterations to boundary wall, formation of vehicular access and car parking area be refused. In his view, the proposal did not comply with Policy HE3: Conservation Areas of the Perth and Kinross Local Development Plan 2014 and compromised the integrity of

PERTH AND KINROSS COUNCIL  
LOCAL REVIEW BODY  
8 JANUARY 2019

Conservation Areas, irrespective of the presence of other private parking provision in the locality.

COUNCILLOR R WATTERS LEFT THE MEETING AT THIS POINT.

COUNCILLOR W WILSON RETURNED TO THE MEETING AT THIS POINT.

**4. APPLICATIONS FOR REVIEW**

**(i) TCP/11/16(567) – Planning Application – 18/00750/IPL – Erection of a dwellinghouse (in principle) on land 40 metres north west of Trinity Gask Public Hall, Trinity Gask – Mr J Roberts**

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 north west of Trinity Gask Public Hall, 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 the erection of a dwellinghouse (in principle) on land 40 metres north west of Trinity Gask Public Hall, Trinity Gask, be refused for the following reasons:
  - 1. The backland/tandem nature of the site to the rear of the existing building group is not in keeping with the existing road side building pattern of the existing building group. To this end, the proposal is contrary to the specific requirements of both the Building Groups and Infill Sites sections of the Council's Housing in the Countryside Guide 2012 and Policy RD3 of the Perth and Kinross Local Development Plan 2014, both of which seek to ensure that all proposals which extend building groups must respect the character, layout and building pattern of the group.
  - 2. The site does not have a) a good landscape framework which is capable of absorbing the proposal or b) site boundaries which are capable of providing a suitable setting. To this end, the proposal is contrary to the specific requirements the Building Groups section of the Council's Housing in the Countryside Guide 2012 and

PERTH AND KINROSS COUNCIL  
LOCAL REVIEW BODY  
8 JANUARY 2019

Policy RD3 of the Perth and Kinross Local Development Plan 2014, both of which seek to ensure that all proposals which extend existing building groups takes place within definable sites that are formed by existing topography and/or well established landscape features and have a good landscape setting with suitable site boundaries.

**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 that the erection of a dwellinghouse (in principle) be granted. In his view, whilst the proposal did not fully comply with the Local Development Plan, he considered that the site was sufficiently contained by neighbouring buildings.

**(ii) TCP/11/16(568) – Planning Application – 18/01302/FLL – Erection of a dwellinghouse on land 30 metres north west of Nether Gothens Farm, Meikleour – Mr S G Mercer Nairne**

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 30 metres north west of Nether Gothens Farm, Meikleour.

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 on land 30 metres north west of Nether Gothens Farm, Meikleour, be granted subject to:
  - 1. The imposition of relevant conditions and informatives, including conditions regarding the provision of significant structural landscaping on land adjoining the application site and Nether Gothens Farm Cottage and archaeological matters.

PERTH AND KINROSS COUNCIL  
LOCAL REVIEW BODY  
8 JANUARY 2019

2. A suspensive condition preventing work from beginning on the proposed dwellinghouse until after the demolition of the existing wooden house on the site.

**Justification**

The proposed development, was not assessed as complying with Policy RD3 of the Perth and Kinross Local Development Plan 2014. However, recognising the presence of the derelict timber house and the prospect of providing a suitable landscape setting for the existing and proposed properties, the proposal was considered as being capable of securing an overall improvement to the existing condition of the site.

**Note:** Councillor Anderson dissented from the majority decision. He considered that the Appointed Officer's decision should be upheld and erection of a dwellinghouse be refused. In his view, the proposal did not comply with Policy RD3 of the Perth and Kinross Local Development Plan 2014 and there was not sufficient evidence to justify overturning the Appointed Officer's decision.

**(iii) TCP/11/16(569) – Planning Application – 18/01180/FLL – Extension to dwellinghouse, Wester Ballindean Farm Cottage, East Inchtute, Perth, PH14 9QS – Mr & Mrs Smith**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse an extension to dwellinghouse, Wester Ballindean Farm Cottage, East Inchtute, Perth, PH14 9QS.

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 an extension to dwellinghouse, Wester Ballindean Farm Cottage, East Inchtute, Perth, PH14 9QS, be refused for the following reasons:
  1. The proposals, by virtue of their inappropriate design, form, detailing and materials, would have a significant adverse impact on the character and special interest of the Listed Building. Approval would therefore be contrary to Scottish Planning Policy 2014, Policies 2 and 9 of TAYplan 2017 and Policy HE2 of the Perth and Kinross

PERTH AND KINROSS COUNCIL  
LOCAL REVIEW BODY  
8 JANUARY 2019

Local Development Plan 2014, which seek to protect the character and special interest of Listed Buildings.

2. The proposals, by virtue of their inappropriate design, form, detailing and materials, would have an adverse impact on visual amenity. Approval would therefore be 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 of the area.

**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(571) – Planning Application – 18/01335/FLL – Alterations to dwellinghouse, Lagan-Righ, Logierait, Pitlochry, PH9 0LH – Mrs A Gilmour**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations to dwellinghouse, Lagan-Righ, Logierait, Pitlochry, PH9 0LH.

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 to dwellinghouse, Lagan-Righ, Logierait, Pitlochry, PH9 0LH, be refused for the following reason:
  1. The proposal, by its virtue of its unsympathetic design, inappropriate materials, 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 PM1B(c) of the Perth and Kinross Local Development Plan 2014, which seek to ensure that

PERTH AND KINROSS COUNCIL  
LOCAL REVIEW BODY  
8 JANUARY 2019

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.

**(v) TCP/11/16(572) – Planning Application – 18/01083/FLL – Erection of 4 dwellinghouses, 2 garages and associated works on land 45 metres south of Hillcrest, Maryburgh, Kelty – KJJ Properties Limited**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of 4 dwellinghouses, 2 garages and associated works on land 45 metres south of Hillcrest, Maryburgh, 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 the erection of 4 dwellinghouses, 2 garages and associated works on land 45 metres south of Hillcrest, Maryburgh, Kelty, be refused for the following reasons:
  - 1. The proposal is contrary to Policies PM1A, PM1B(b) and PM1B(c): Placemaking, of the Perth and Kinross Local Development Plan 2014, which requires that all development must contribute positively to the quality of the surrounding built and natural environment and that the design of the development should respect the character and amenity of the place. The proposed development, by virtue of the layout not reflecting the prevailing character of development, would constitute the overdevelopment of the site. As such, the proposal would not contribute positively to the area and would not respect the character, density or amenity of Maryburgh.
  - 2. The proposal is contrary to Policy RD1: Residential Areas, of the Perth and Kinross Local Development Plan 2014, which requires that all development must not have

PERTH AND KINROSS COUNCIL  
LOCAL REVIEW BODY  
8 JANUARY 2019

an adverse impact upon residential amenity. The proposed development does not have sufficient amenity space associated with plots 3 and 4 for the scale of the proposed dwellinghouses and is therefore contrary to the policy as future occupiers will not have suitable amenity space.

**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 37 MINUTE RECESS.

**(vi) TCP/11/16(574) – Review of Condition 1 of Planning Consent – 18/01331/FLL – Alterations and erection of gatepiers and gate at Craiginsh, Blairadam, Kelty, KY4 0HX – Mr A Sham**

Members considered a Notice of Review seeking a review of Condition 1 of Consent 18/01331/FLL, alterations and erection of gatepiers and gate at Craiginsh, Blairadam, Kelty, KY4 0HX.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised 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 review of Condition 1 of Consent 18/01331/FLL, alterations and erection of gatepiers and gate at Craiginsh, Blairadam, Kelty, KY4 0HX, be granted, with Condition 1 now to read:
  - 1. Prior to the commencement of development for the erection of the stone piers, a detailed specification of wooden gates shall be submitted to, and approved in writing by, the Council as Planning Authority, and thereafter installed as approved.  
Reason – In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
  - 2. All proposed external finishing materials for the proposed wall and piers shall match those of the existing frontage boundary wall in type, colour and texture.  
Reason – In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.



PERTH AND KINROSS COUNCIL  
LOCAL REVIEW BODY  
8 JANUARY 2019

**Justification**

The Local Review Body considered that the proposed entrance gates could be of vertical timber boarding without significant adverse impact on the environmental quality of the locality, subject to the approval of a suitably detailed design specification through the revised conditions of the existing Planning Permission 18/01331/FLL.

**(vii) 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.

**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 receipt of all requested further information, and the undertaking of the site visit, the application be brought back to the Local Review Body.

**3. DEFERRED APPLICATIONS FOR REVIEW CONT.**

**(ii) TCP/11/16(550) - Planning Application – 18/00473/FLL – Erection of a wind turbine and associated works on land south east of Warlawhill Farm, Carnbo, Kinross – Ecotricity**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a wind turbine and associated works on land south east of Warlawhill Farm, Carnbo, 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.

It was noted that, at its meeting of 16 October 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) the applicant providing a

PERTH AND KINROSS COUNCIL  
LOCAL REVIEW BODY  
8 JANUARY 2019

set of full size photographs for VP's 9 and 10, and the additional photographs for VP's 7 and 8, and; (ii) an unaccompanied site visit. With all further information having been received, and the unaccompanied site visit having taken place on 5 December 2018, the Local Review Body reconvened. It was further noted that, at its meeting of 11 December 2018, the Local Review Body resolved that insufficient information was before the Local Review Body without; (i) a further unaccompanied site visit, due to a lack of visibility at its site visit on 5 December 2018. With a further unaccompanied site visit having taken place on 7 January 2019, and the further information requested at its meeting of 16 October having been previously received, the Local Review Body reconvened.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, with all requested further information having been received, and having carried out a site visits on 5 December 2018 and 7 January 2019, 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 wind turbine and associated works on land south east of Warlawhill Farm, Carnbo, Kinross, be granted subject to:
  - 1. The imposition of relevant terms, conditions and informatives, including a condition regarding finishing.

**Justification**

The proposed development, with the imposition of relevant terms, conditions and informatives, was not assessed as being contrary to the Local Development Plan and was compatible with Policies ER1A(a), ER6(a) and ER6(b) of the Perth and Kinross Local Development Plan 2014.

- (iii) **TCP/11/16(552) – Planning Application – 18/00263/FLL – Erection of an office building (class 4) including access ramp, 3 ancillary storage sheds, formation of car parking, external storage area, landscaping and associated works (in retrospect) at Hillview, Kinloch, Blairgowrie, PH10 6SD – Mr P Brown**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of an office building (class 4) including access ramp, 3 ancillary storage sheds, formation of car parking, external storage area, landscaping and associated works (in retrospect) at Hillview, Kinloch, Blairgowrie, PH10 6SD.

PERTH AND KINROSS COUNCIL  
LOCAL REVIEW BODY  
8 JANUARY 2019

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 16 October 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) the papers and plans before the Local Review Body when previous application relating to the property was considered - Reference 16/01937/FLL; (ii) the applicant submitting a plan showing the full extent of land and property in their ownership, or in which they have an interest in this locality; (iii) the applicant submitting a plan identifying the location and extent of their business premises previously owned and/or occupied at Blairgowrie, as referred to in their submission; (iv) the applicant submitting a plan and details of drainage provision envisaged at Chestnut Cottage/WoodAcre, and referred to in their submission, accompanied by written confirmation of the acceptance of that proposal from the owner(s) of those properties involved, and; (v) an unaccompanied site visit. With all further information having been received, and an unaccompanied site visit having taken place on 7 January 2019, the Local Review Body reconvened.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, with requested further information having been received, and having carried out a site visit on 7 January 2019, 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 an office building (class 4) including access ramp, 3 ancillary storage sheds, formation of car parking, external storage area, landscaping and associated works (in retrospect) at Hillview, Kinloch, Blairgowrie, PH10 6SD, be refused for the following reason:
  - 1. The proposal is contrary to Policy ED3: Rural Business, of the Perth and Kinross Local Development Plan 2014, which states that there is a preference that rural businesses are located within or adjacent to settlements. This site is located outwith a settlement and no site specific resource is apparent and no locational justification has been provided for this specific site.
  - 2. The storage shed located to the front of the main building in a prominent location fails to respect the quality of the surrounding natural and residential environment, and fails to respect the agricultural character and visual amenity of the area and is therefore contrary to Policy PM1A and the Perth and Kinross Local Development Plan 2014.

PERTH AND KINROSS COUNCIL  
LOCAL REVIEW BODY  
8 JANUARY 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.

~~~~~