

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held in the Hay Room, Dewar's Centre, Glover Street, Perth on Tuesday 27 September at 10.30am.

Present: Councillors M Lyle, I Campbell (excluding Art.??(i)), A Gaunt and D Cuthbert (Art.??(i) only).

In Attendance: D Harrison (Planning Adviser), G Fogg (Legal Adviser) and H Rheinallt (Committee Officer) (all Corporate and Democratic Services).

Also Attending: C Brien, J Ferguson and S Panton (up to and including Art.??(iii)) (all the Environment Service); members of the public, including agents and applicants.

Councillor M Lyle, Convener, Presiding.

. **DECLARATIONS OF INTEREST**

Councillor I Campbell declared a non-financial interest in Art.??(i) in terms of the Councillors' Code of Conduct.

. **MINUTE OF PREVIOUS MEETING**

The minute of meeting of the Local Review Body of 23 August 2016 (Arts. 567-570) was submitted and noted.

The Local Review Body unanimously agreed to vary the order of business.

Councillor I Campbell withdrew from the meeting during consideration of Art. ??(i).

. **APPLICATIONS FOR REVIEW**

- (i) **TCP/11/16(433) – Planning application 15/02148/FLL – Change of use of doctors surgery to form 2 flats at The Rowans, High Street, Errol, Perth, PH2 7QJ – Dr L Easton**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for change of use of doctor's surgery to form 2 flats at The Rowans, High Street, Errol, Perth, PH2 7QJ.

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;
- (ii) the Review application for change of use of doctor's surgery to form 2 flats at The Rowans, High Street, Errol, Perth, PH2 7QJ, be refused for the following reason:
 - 1. The loss of an important, existing community facility (doctor's surgery) without sufficient justification in relation to a) the availability and provision of alternative premises for the practice and patients of the practice, b) evidence that the existing practice is unviable and c) evidence that the existing practice has secured alternative premises means that the proposal is contrary to the requirements of Policies RD1 and CF3 of the Perth and Kinross Local Development Plan 2014 – both of which seek to protect important, existing (and necessary) communities facilities that serve a local community, unless their loss is justified.

Justification

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

COUNCILLOR D CUTHBERT LEFT THE MEETING AT THIS POINT

COUNCILLOR I CAMPBELL RESUMED HIS PLACE ON THE LOCAL REVIEW BODY

- (ii) **TCP/11/16(424) – Planning application 16/00817/FLL – Installation of replacement windows and doors, Carsehall Cottage, Wester Balgedie, Kinross, KY13 9HE – Mr K Blacklock**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for installation of replacement windows and doors, Carsehall Cottage, Wester Balgedie, Kinross, KY13 9HE.

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, insufficient information was before the Local Review Body to determine the matter without further procedure;

- (ii) the applicant be requested to provide further information on whether the existing timber surrounds to the windows will be retained;
 - (iii) the applicant be requested to provide further information on how the windows will be installed relative to the fabric of the building;
 - (iv) the applicant be requested to provide further information on possible alternative designs for the windows which would suit the building;
 - (v) the applicant be requested to provide further information on the age and history of the buildings, and of the types of windows originally installed in the building;
 - (vi) following receipt of all information, copies be submitted to the Development Quality Manager for any further representation;
 - (vii) following receipt of the further information and responses, the application be brought back to the Local Review Body.
- (iii) **TCP/11/16(425) – Planning application 16/00880/FLL – Installation of a telecommunication mast and antenna, 21 Netherlea, Scone, PH2 6QA – Mr A Barclay**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for installation of a telecommunication mast and antenna, 21 Netherlea, Scone, PH2 6QA.

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;
- (ii) The review application for installation of a telecommunication mast and antenna, 21 Netherlea, Scone, PH2 6QA be upheld and planning permission granted, subject to the imposition of appropriate conditions relating to the following requirements:
 - (a) the removal of the existing temporary masts and antenna;
 - (b) a time-limit on the planning permission of five years;
 - (c) noise containment measures as recommended in the consultation reply from Environmental Health.

Justification

Taking account of the removal of the existing temporary masts, it was considered reasonable to grant planning permission due to the limited impact the telecommunication mast and antenna would have on the visual amenity of the area. Consequently, the proposal is seen as being

in accordance with the relevant policies of the Perth and Kinross Local Development Plan 2014.

(iv) TCP/11/16(426) – Planning application 16/00452/FLL – Erection of a dwellinghouse, land east of 55 Bonhard Road, Scone – Mrs L Maule

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of a dwellinghouse, land east of 55 Bonhard Road, Scone.

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;
- (ii) the Review application for erection of a dwellinghouse, land east of 55 Bonhard Road, Scone be refused for the following reason:
 - 1. The proposal is contrary to Policies PM1A, PM1B(c) and Policy RD1(a) and (c) of the Perth and Kinross Local Development Plan 2014 which both seek (amongst other things) to protect or improve the character and amenity of existing areas from inappropriate developments. The proposal, by virtue of its design and siting being squeezed in between two existing properties, would result in a development that would have an adverse impact on both the visual amenity and the general character of the local area.

Justification

The proposed plot was assessed as being disproportionately narrow and small in comparison to neighbouring plots in Bonard Road. The development was also viewed as being detrimental to the amenity of Nos 55 and 57 Bonard Road and the immediate locality. Consequently, 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(427) – Planning application 16/00994/FLL – Erection of a dwellinghouse (in principle), land 90 metres north east of Meadows Cottage, Forneth – Mr I Menzies

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of a dwellinghouse (in principle), land 90 metres north east of Meadows Cottage, Forneth.

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, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the applicant be requested to provide further information on the possibility of using the alternative site (land parcel 17), in particular: information regarding the minimum distance(s) required between overhead cables and dwellinghouses; clarification of the information shown on the Scottish and Southern Energy plan (associated with the letter of 25 April 2016) submitted with the Notice of Review to identify the existing routed of the overhead line on an OS base; information regarding the landscape framework of the alternative site (land parcel 17); and the size of the proposed plot.
- (iii) following receipt of the further information, an unaccompanied site visit be arranged and carried out;
- (iv) following receipt of the further information and the site visit being carried out, the application be brought back to the Local Review Body.

(vi) TCP/11/16(428) – Planning application 16/00261/FLL – Alteration and extension to dwellinghouse, 29 Myrtle Road, Scone, PH2 6QZ – Mr and Mrs Byiers

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for alteration and extension to dwellinghouse, 29 Myrtle Road, Scone, PH2 6QZ.

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 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;
- (ii) the Review Application for alteration and extension to dwellinghouse, 29 Myrtle Road, Scone, PH2 6QZ be refused for the following reasons:
 - 1. The proposed development by virtue of its scale and unbalanced design, is not in keeping with 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(c), PM1A and PM1B(c) of the Perth and Kinross Local Development Plan 2014.
 - 2. The proposal is contrary to the Scottish Government's Guidance "Designing Places" which seeks to ensure good design at all scales of development. The proposed extension will create an unacceptable visual impact to the detriment of the host building.

Justification:

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan. The proposed first floor development is assessed as being excessively large and dominant in relation to the hipped roof form of the existing house. Overall, the proposal is viewed as detracting from the character of the street.

(vii) TCP/11/16(429) - Planning application 16/00601/FLL – Siting of 14 storage containers, yard, Stirling Road, Milnathort – Mr R Kay

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for siting of 14 storage containers, yard, Stirling Road, Milnathort.

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 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;
- (ii) the Review application for siting of 14 storage containers, yard, Stirling Road, Milnathort be refused for the following reasons:

1. The proposal is contrary to Policy PM1 Placemaking of the Perth and Kinross Local Development Plan 2014 as due to the type of structures proposed, the development would not contribute positively to the quality of the surrounding built heritage, and would not respect the character and amenity of the place, namely Stirling Road which is a main route through Milnathort.
2. The proposal is contrary to Policy RD1 Residential Areas of the Perth and Kinross Local Development Plan 2014 as the the containers, by virtue of their design and appearance, are not compatible with the amenity and character of the area.

Justification:

The proposal is not in accordance with the Perth and Kinross Local Development Plan 2014 and there are no material reasons which justify departing from the Development Plan. While the previous use of the site for the storage of trailers is recognised, the indefinite siting of the storage containers on land adjacent to a main route through Milnathort was assessed as being contrary to maintaining the amenity of the locality=.

(viii) TCP/11/16(431) – Planning application 16/00300/FLL – Change of use, alterations and extension to office to form dwellinghouse, land 50 metres south west of Gruinard, Cleish – Mr and Mrs Thomson

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for change of use, alterations and extension to office to form dwellinghouse, land 50 metres south west of Gruinard, Cleish.

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 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;
- (ii) the Review application for change of use, alterations and extension to office to form dwellinghouse, land 50 metres south west of Gruinard, Cleish 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 fails to satisfactorily comply with category (5) Conversion or Replacement of Redundant Non Domestic Buildings as

the original form of the building is lost, and therefore the proposal does not constitute a change of use, alterations and extension. It is also considered that the proposal cannot satisfy any of the remaining categories (1) Building Groups (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, or (6) Rural Brownfield Land. In addition, notwithstanding the description of the proposal, the extent of the proposed demolition/alteration and extension was considered to be tantamount to a new build development rather than the change of use of an existing building. The existing building was not assessed as being of traditional form and construction in terms of Policy RD3.

2. The proposal is contrary to the Perth and Kinross Local Development Plan 2014 Policy PM1 Placemaking and the Perth and Kinross Placemaking Guide, as the topography of the site is such that the footprint of the proposed dwelling would result in an overdevelopment of the site resulting in a lack of useable garden ground.

Justification

The proposal is not in accordance with the Perth and Kinross Local Development Plan 2014 and there are no material reasons which justify departing from the Development Plan.

(ix) TCP/11/16(436) - Planning application 16/01077/IPL – Erection of a dwellinghouse (in principle) on land 100 metres north east of Tigh Na Blair, Meikleour – Mr B Thomas

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of a dwellinghouse (in principle) on land 100 metres north east of Tigh Na Blair, 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 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;
- (ii) the Review application for erection of a dwellinghouse (in principle) on land 100 metres north east of Tigh Na Blair, Meikleour 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

fails to satisfactorily comply with any of the associated categories: (1) Building Groups, (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, and (6) Rural Brownfield Land. The site is located within an established, landscaped front garden of a residential dwelling, but this in itself is not sufficient criteria to support this nature of development. Approval would be of detriment to the established character of the area.

2. The proposal is contrary to Policy PM1: Placemaking as an additional dwelling in this location would not contribute positively to the quality of the surrounding built and natural heritage and would not convincingly respect the character and amenity of the place.
3. The proposal would result in sporadic development outwith the settlement and contrary to the relevant Housing in the Countryside criterion. Approval would establish a precedent for developments of a similar nature to the detriment of the overall character of the area thus undermining and weakening the established policies of the Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012.

Justification

The proposal is not in accordance with the Perth and Kinross Local Development Plan 2014 Policies RD3 and PM1 and the associated Housing in the Countryside Guide 2012 and there are no material reasons which justify departing from the Development Plan.

