

## **PERTH AND KINROSS LOCAL REVIEW BODY**

Minute of meeting of the Perth and Kinross Local Review Body held in the Council Chambers, 2 High Street, Perth on Tuesday 12 September 2017 at 10.30am.

Present: Councillors W Wilson (Convener), I James and R Watters.

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

Also Attending: Councillor L Simpson; G Peebles (the Environment Service); members of the public, including agents and applicants.

Councillor W Wilson, Convener, Presiding.

### **479. DECLARATIONS OF INTEREST**

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

### **480. MINUTE**

The minute of meeting of the Local Review Body of 22 August 2017 was submitted and noted.

### **481. APPLICATIONS FOR REVIEW**

- (i) **TCP/11/16(482) – Planning application 17/00831/FLL – Siting of 2 storage containers on land 80 metres North of Old Church, Lawers – Mr Angus Thomson**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the siting of 2 storage containers on land 80 metres North 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 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:

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- (ii) the Review application for the siting of 2 storage containers on land 80 metres North of Old Church, Lawers be refused for the following reasons:
1. The Proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of Old Lawers Village through the siting of the proposed containers not being respective of the sensitive location.
  2. The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the provision of 2 storage containers would erode and dilute the areas landscape and the character of Old Lawers Village as a landmark.
  3. The proposal is contrary to Policies PM1B, criterion (c) of the Perth and Kinross Local Development Plan 2014, as the design of the proposed storage containers does not complement its surroundings in terms of height, scale, massing and appearance.
  4. The development could establish a precedent for developments of a similar nature to the detriment of the overall visual amenity and established rural character of the area.
  5. The proposal is contrary to Policy HE1 of the Perth and Kinross Local Development Plan 2014 as the development would have an adverse effect on the integrity and setting of the Old Lawers Village Scheduled Ancient Monument and there is no sound justification or exceptional circumstances to grant this application as required by the policy. The proposed siting/use of storage containers is not seen as essential to carrying out the prospective tree surgery work at Old Lawers Village.

**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) **TCP/11/16(483) – Planning application 17/00365/FLL – Change of use, alterations and extension to store to form a flat at 90 Perth Airport, Scone, Perth, PH2 6PL – Morris Leslie Group**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for a change of use, alterations and extension to store to form a flat at 90 Perth Airport, Scone, Perth, PH2 6PL.

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.

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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) an unaccompanied site visit be carried out;
- (iii) following the site visit, the application be brought back to the Local Review Body.

**(iii) TCP/11/16(481) – Planning application 17/00367/FLL – Change of use and alterations from antiques centre (class 1) to form 14 flats and associated works at 90 Perth Airport, Scone, Perth, PH2 6PL – Morris Leslie Group**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for a change of use and alterations from antiques centre (Class 1) to form 14 flats and associated works at 90 Perth Airport, Scone, Perth, PH2 6PL.

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) an unaccompanied site visit be carried out;
- (iii) following the site visit, the application be brought back to the Local Review Body.

**(iv) TCP/11/16(485) – Planning Application – 17/00160/FLL – Realignment of vehicular access and alterations to boundary wall at Blairingone Church, Main Street, Blairingone, Dollar, FK14 7NY – Mr N Kinnell**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the realignment of vehicular access and alterations to boundary wall at Blairingone Church, Main Street, Blairingone, Dollar, PH2 6PL.

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.

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**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 realignment of vehicular access and alterations to boundary wall at Blairingone Church, Main Street, Blairingone, Dollar, FK14 7NY be refused for the following reason:
  1. The proposal is contrary to Perth and Kinross Local Development Plan 2014 Policy TA1B: New Development Proposal which requires that development should provide safe access and appropriate car parking. The proposed alterations would not provide safe access to or egress from the site due to the nature of the adjacent road, the location of the access, the visibility constraints and the lack of a turning provision to enable for vehicles to enter and leave the proposed parking area in a forward gear.

All members declined to support reasons 1, 2 and 3 of the Appointed Officer's decision notice dated 2 May 2017 regarding the prospective impact of the proposal on Blairingone Church as a Listed 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.

**Note:** Councillor James dissented from the majority view. He considered that the Appointed Officer's decision should be overturned and that vehicular access should be allowed, and that the proposed alterations would provide safe access to or egress from the site. He noted that the Council could exercise additional control through a legal agreement as landowner.

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