

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held on Monday 13 March 2023 at 1:00pm.

Present: Councillors B Brawn, D Cuthbert and I Massie.

In Attendance: R Burton (Planning Adviser), G Fogg, (Legal Adviser) and J Guild (Committee Officer) (all Corporate and Democratic Services).

Also Attending: A Brown and M Pasternak (both Corporate and Democratic Services) and C Brien (Communities).

1. WELCOME

Councillor Brawn welcomed all present to the meeting.

2. DECLARATIONS OF INTEREST

No declarations were made in terms of the Councillors' Code of Conduct.

3. MINUTES

The minute of meeting of the Local Review Body of 13 February 2023 was submitted and noted.

4. APPLICATIONS FOR REVIEW

- (i) **LRB-2022-67**
Planning Application – 22/01236/FLL – Alterations to garage/workshop to form dwellinghouse, land 40 metres north east of Eldorado, Glenfoot, Abernethy – Mr R Munro

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations to garage/workshop to form dwellinghouse, land 40 metres north east of Eldorado, Glenfoot, Abernethy.

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 garage/workshop to form dwellinghouse, land 40 metres north east of Eldorado, Glenfoot, Abernethy, 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 satisfactorily comply with category (5) Conversion or replacement of redundant non-domestic buildings, as the policy requirements have not been met. 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 and (6) Rural Brownfield Land.
 2. The proposal is contrary to Perth and Kinross Local Development Plan 2 (2019) and the Council's Placemaking Supplementary Guidance 2020. In relation to Policy 1 Placemaking 1A, the resultant design would not contribute positively to the quality of the surrounding environment and 1B I as the design does not complement its surroundings in terms of appearance.

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-2022-68**
Planning Application – 21/01407/FLL – Alterations and extensions to dwellinghouse, 3 Glencairn Place, Abernethy PH2 9JG – Ms K Murphy

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations and extensions to dwellinghouse, 3 Glencairn Place, Abernethy PH2 9JG.

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, 3 Glencairn Place, Abernethy PH2 9JG, be

granted subject to the imposition of relevant conditions and informatives.

Justification

Members considered that although the proposal is not in accordance with the Development Plan, the visibility of the proposed dormer is very limited from the road and therefore has minimal impact on the character of the existing dwellinghouse and surrounding area.

**(iii) LRB-2023-01
Planning Application – 22/01884/FLL – Extension to dwellinghouse and formation of roof terrace, 51 Muirs, Kinross KY13 8AU – Mr and Mrs Reid**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse extension to dwellinghouse and formation of roof terrace, 51 Muirs, Kinross KY13 8AU.

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 extension to dwellinghouse and formation of roof terrace, 51 Muirs, Kinross KY13 8AU, be granted subject to the imposition of relevant conditions and informatives.

Justification

With the imposition of relevant conditions and informatives, Members considered the proposal to be in accordance with the Development Plan.

**(iv) LRB-2023-02
Planning Application – 22/01282/FLL – Erection of a cinema and community radio hub and associated works, 47- 49 East High Street, Crieff PH7 3HY – Creative Crieff**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a cinema and community radio hub and associated works, 47 – 49 East High Street, Crieff PH7 3HY.

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 erection of a cinema and community radio hub and associated works, 47 – 49 East High Street, Crieff PH7 3HY be granted subject to:
 - 1. The imposition of relevant conditions and informatives, including conditions relating to noise management, hours of operation not exceeding 11pm, hours of bistro operation not exceeding the time of the last film showing, utilisation of as much material from the original building as possible during construction and an archaeological site survey to be carried out following demolition and prior to construction.

Justification

Members considered that although the proposal is not in accordance with the Development Plan and whilst the importance of the Conservation Area has been taken into consideration, the economic benefits and the opportunity to redevelop and repurpose this increasingly derelict site, outweigh this.

**(v) LRB-2023-03
Planning Application – 22/01623/FLL – Installation of solar panels, Appletree House, The Ross, Comrie, Crieff PH6 2JU – Mr and Mrs Palmer**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse installation of solar panels, Appletree House, The Ross, Comrie, Crieff PH6 2JU.

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 installation of solar panels, Appletree House, The Ross, Comrie, Crieff PH6 2JU, be granted subject to the imposition of relevant conditions and informatives.

Justification

Members considered that although the proposal is not entirely in accordance with the Development Plan, when taking into consideration the influence of National Planning Framework 4, particularly in relation to climate change mitigation, the review should be granted.

**(vi) LRB-2023-04
Planning Application – 22/01488/FLL – Alterations to
dwellinghouse, Birnam Cottage, Perth Road, Birnam, Dunkeld PH8
0AA – Mr N Riley**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations to dwellinghouse, Birnam Cottage, Perth Road, Birnam, Dunkeld PH8 0AA.

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, Birnam Cottage, Perth Road, Birnam, Dunkeld PH8 0AA, be granted subject to relevant conditions and informatives including a condition ensuring the use of Spanish or Welsh slate.

Justification

With the imposition of relevant conditions and informatives, Members considered the proposal to be in accordance with the Development Plan.

5. APPLICATIONS PREVIOUSLY CONSIDERED

(i) LRB-2022-47 Planning Application – 22/00772/FLL – Extension to dwellinghouse and erection of porch, Sunnyhall, Kinnaird, Inchtute PH14 9QY – Miss J Graham

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse extension to dwellinghouse and erection of porch, Sunnyhall, Kinnaird, Inchtute PH14 9QY.

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 20 December 2022, the Local Review Body resolved that insufficient information was before them to determine the application without (i) information to be sought from the Council's Tree and Biodiversity Officer as to whether and why a bat survey may be required for this particular proposal. With the requested information provided, 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, insufficient information was before the Local Review Body to determine the matter without further procedure.
- (ii) The applicant to produce a Preliminary Roost Assessment, with PKC Tree and Biodiversity Officer to comment on said report.
- (iii) Following receipt of all information and responses, the application be brought back to a future meeting of the Local Review Body.