

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held virtually on Tuesday 9 November 2021 at 10.30am.

Present: Councillors L Simpson, D Illingworth and W Wilson.

In Attendance: D Harrison (Planning Adviser) (except 5(i)), C Elliott (Legal Adviser) and D Williams (Committee Officer) (all Corporate and Democratic Services).

Also Attending: A Brown, M Pasternak (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

Consideration of the minute of meeting of the Local Review Body of 12 October 2021 was deferred until the next meeting of the Local Review Body.

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

5. APPLICATIONS PREVIOUSLY CONSIDERED

- (i) **LRB-2021-22**
Planning Application – 20/00952/FLL – Erection of a dwellinghouse and change of use of former reservoir building to form ancillary accommodation, former water reservoir, Blairgowrie Road, Dunkeld – Ms C Robinson

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse and change of use of former reservoir building to form ancillary accommodation, former water reservoir, Blairgowrie Road, Dunkeld.

The Legal 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 17 August 2021, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) the Applicant producing

plans to show the re-routing of the main path on site used by the public; how the re-routing may affect existing trees; and how the re-routing will be delivered, including any gates required through the suggested deer perimeter fence; (ii) Community Greenspace and Development Management of Perth and Kinross Council to be given the opportunity to comment on plans provided in response to (i); (iii) Clarification from the Tree and Biodiversity Officer of Perth and Kinross Council as to whether a bat survey is required where (a) the stone building referred to in the officer's consultation response has its own planning permission, and (b) if this review is granted, the review applicants propose that that planning permission is revoked, and; (iv) unaccompanied site visit being undertaken. With all further information having been received, and the site visit having taken place, the Local Review Body reconvened.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, including all submitted further information, the comments from the Legal Adviser, and having undertaken the requested site visit, 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 and change of use of former reservoir building to form ancillary accommodation, former water reservoir, Blairgowrie Road, Dunkeld, be refused for the following reasons:
 - 1. The proposal requires a significant number of trees to be removed, which are rich in bio-diversity and are within both a designated Ancient Woodland and an area which has been identified as an area of Upland Birchwood, which is a priority habitat in the UK Bio-diversity Action Plan. Notwithstanding the 39 trees which are shown for removal to accommodate the dwelling, access and visibility splays, additional trees will be required to be removed to ensure that the maximum available visibility splays are delivered and the pressure for further tree removals within the area of healthy trees will increase by the presence of a dwelling in the location proposed. The proposal is contrary to Policy 40A of the Perth and Kinross Local Development Plan 2 (2019), which seeks to ensure that areas of existing woodland of natural, historic and heritage value are protected.
 - 2. The proposed removal of trees to a) accommodate the development, and b) as part the proposed woodland management plan, will have an adverse impact on the bio-diversity of the area in the short term. This impact exceeds and differs to that which would result from that associated to the extant approved development associated to the wider site. In the absence of a long-

term woodland management scheme in place and secured for the future, the proposal is contrary to Policy 41 of the Perth and Kinross Local Development Plan 2 (2019) which seeks to protect wildlife and their habitats.

3. The proposal involves the removal of a number of trees to create a site which is suitable for a dwelling. The proposal is contrary to the Principles of 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 seek to ensure that sites in the countryside are not manufactured.

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 opinion. Whilst accepting that the proposal did not accord with the Development Plan, the existing planning permission should be taken into consideration as should the contemporary design adding to the local area, and that a landscaping plan could be required. The Appointed Officer's decision should be overturned.

4. APPLICATIONS FOR REVIEW

- (i) **LRB-2021-31
Planning Application – 21/00590/IPL – Erection of a dwellinghouse (in principle), land 100 metres north east of Tressait House, Strathtummel – Mr C Hendry**

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), land 100 metres north east of Tressait House, Strathtummel.

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), land 100 metres north east of Tressait House, Strathtummel, be refused for the following reasons:

1. The proposal is contrary to Policy 19, Housing in the Countryside, of the Perth and Kinross Local Development Plan 2 (2019), and the associated Housing in the Countryside Supplementary Guidance (2020). The proposal does not comply with any of the categories of development contained within the policy and guidance. In particular, the site is not within an existing building group and does not meet the policy definition of infill due to the presence of the intervening Allt Tressait Burn, the degree of vertical and horizontal separation from the building group to the east and the lack of a road frontage to the west of the site.
2. The proposal is contrary to Policy 38B, National Designations, and Policy 39, Landscape, of the Perth and Kinross Local Development Plan 2 (2019). The site is within the Loch Tummel National Scenic Area (NSA) where proposals should not adversely affect the integrity of the area or the qualities for which it has been designated. Policy 39 requires proposals to be compatible with the distinctive characteristics and features of Perth and Kinross's landscapes and not erode local distinctiveness, diversity and quality and the quality of landscape experience. The proposed development, in a prominent location within the NSA, would erode the landscape character and local distinctiveness, and as such would be contrary to Policies 38B and 39.

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 opinion. He considered that the proposal was in accordance with the Development Plan. In his view, the proposal constituted an infill site within the existing building group. Therefore, he considered that the proposal was in accordance with the Development Plan and the Appointed Officer's decision should be overturned.

(ii) **LRB-2021-32**
Planning Application – 21/00904/FLL – Erection of place of worship (Class 10) and associated works, land 30 metres east of Castle Wynd, Kinfauns Holdings, West Kinfauns – Perth Gospel Trust

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of place of worship (Class 10) and associated works, land 30 metres east of Castle Wynd, Kinfauns Holdings, West Kinfauns.

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 place of worship (Class 10) and associated works, land 30 metres east of Castle Wynd, Kinfauns Holdings, West Kinfauns, be refused for the following reasons:
 - 1. The proposal is contrary to Policy 14A, Open Space Retention and Provision: Existing Areas, of the Perth and Kinross Local Development Plan 2 (2019), as it would result in built development on a significant part of an area that is designated as open space of amenity value. The impact of the development would change the open character of the land and have an adverse impact of visual amenity that would lead to an erosion of the landscape buffer between the A90 Trunk Road and the built development at Kinfauns.
 - 2. The proposal is contrary to Policy 39, Landscape, category (b), of the Perth and Kinross Local Development Plan 2 (2019), as it would detract from the open aspect and views from the site to Kinnoull Hill that contributes to the setting of, and in particular the entrance to, Kinfauns settlement.

Justification

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

- (iii) **LRB-2021-34**
Planning Application – 21/00687/FLL – Erection of a dwellinghouse and formation of vehicular access, land 50 metres north east of Ard-Darach, Perth Road, Birnam – Mr G Fyfe

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse and formation of vehicular access, land 50 metres north east of Ard-Darach, Perth Road, Birnam.

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:

- (ii) 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 and formation of vehicular access, land 50 metres north east of Ard-Darach, Perth Road, Birnam, be refused for the following reasons:

1. The proposal is contrary to Policy 14A, Open Space Retention and Provision: Existing Areas, of the Perth and Kinross Local Development Plan 2 (2019), as the proposed development would reduce the remaining area of designated open space and its loss would result in a detrimental impact on the character of the area.
2. The proposal is contrary to Policies 1A and 1B, Placemaking, of the Perth and Kinross Local Development Plan 2 (2019), as the proposed development would result in the overdevelopment of the existing plot, significantly impacting on the amenity of the house that is under construction and also providing a poor standard of private amenity space to the proposed new plot. The loss of open space would also not contribute positively to the quality of the surrounding area in terms of character or amenity.
3. The proposal is contrary to Policy 68B, Transport Standards and Accessibility Requirements: New Development Proposals, of the Perth and Kinross Local Development Plan 2 (2019), as the proposed means of access may result in the loss of parking capacity within the existing lay-by and parked cars could impact on the available visibility splay for vehicles egressing from the proposed plot.
4. The proposal is contrary to Policy 41, Biodiversity of the Perth and Kinross Local Development Plan 2 (2019) as there is insufficient information to assess the potential impact on any habitats and protected species within the woodland that lies in the western area of the plot.
5. The proposal is contrary to Policy 40, Forestry, Woodland and Trees of the Perth and Kinross Local Development Plan 2 (2019) as there is insufficient information to assess the impact on existing mature woodland within the site.

Justification

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