

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held on Monday 16 January 2023 at 1:00pm.

Present: Councillors B Brawn, D Cuthbert, G Stewart (for Item 4(vii) only) and Bailie M Williamson.

In Attendance: R Burton (Planning Adviser), C Elliott, (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

In terms of the Councillors' Code of Conduct, Councillor D Cuthbert declared a non-financial interest in Item 4(vii).

3. MINUTES

The minute of meeting of the Local Review Body of 20 December 2022 was submitted and noted.

THE COMMITTEE UNANIMOUSLY AGREED TO VARY THE ORDER OF BUSINESS AT THIS POINT.

HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING ITEM, COUNCILLOR D CUTHBERT LEFT THE CHAMBER.

COUNCILLOR G STEWART JOINED THE MEETING.

4. APPLICATIONS FOR REVIEW

(vii) LRB-2022-56

Planning Application – 22/00739/FLL – Part change of use of dwellinghouse to form a beauty salon, 29 Croft Wynd, Milnathort KY13 9GH – Mrs S Kellett

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse part change of use of dwellinghouse to form a beauty salon, 29 Croft Wynd, 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 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 part change of use of dwellinghouse to form a beauty salon, 29 Croft Wynd, Milnathort, Kinross, be granted, subject to the following:
 - 1. The imposition of relevant conditions and informatives, including conditions to ensure (i) only the applicant is permitted to work from the premises; (ii) times of operation are limited to 9am – 5pm Monday to Friday and 9am – 12pm Saturday; (iii) the permission pertains to the current applicant only and will cease should the property be sold and; (iv) permission be granted for an initial period of three years only, all to ensure residential amenity of the area is protected.

Justification

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

COUNCILLOR G STEWART LEFT THE MEETING AT THIS POINT.

COUNCILLOR D CUTHBERT RETURNED TO THE CHAMBER FOR THE FOLLOWING ITEMS OF BUSINESS.

- (i) **LRB-2022-49**
Planning Application – 21/02195/FLL – Erection of a dwellinghouse, Land 30 metres West of Wester Carmichael Cottage, Forgandenny Road, Bridge of Earn PH2 9EZ – Ms R McFadzean

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse, Land 30 metres West of Wester Carmichael Cottage, Forgandenny Road, Bridge of Earn.

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 dwellinghouse, Land 30 metres West of Wester Carmichael Cottage, Forgandenny Road, Bridge of Earn, 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, as the scale/mass/design of the dwelling proposed would not meet the criteria outlined under Category 1 which requires that new housing respect the character, scale and form of the group, should not detract from the visual amenity of the group and that a high standard of residential amenity has not been provided for existing dwellings.
 - 2. The proposal is contrary to Policies 1A and 1B (c) (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019) and the Placemaking Supplementary Guidance 2020, which all seek to ensure that all new developments contribute positively to the quality of the surrounding built and natural environment, and that all proposals complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours. Due to a combination of the scale, height, massing and appearance of the dwelling, compounded by the tapering nature of the site and siting adjacent to a modest cottage, the proposal is not considered to contribute positively to the surrounding environment.

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-2022-50**
Planning Application – 22/00841/FLL – Siting of 4 holiday accommodation units and associated works, Land 350 metres South West of Glensherup Farm, Glendevon, FK14 7JY – Glensherup Cabins

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse siting of 4 holiday accommodation units and associated works, Land 350 metres South West of Glensherup Farm, Glendevon.

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 siting of 4 holiday accommodation units and associated works, Land 350 metres South West of Glensherup Farm, Glendevon, be refused for the following reasons:
 1. The layout of the proposal is not considered to respect the character or contribute positively to the quality of the natural environment contrary to Policy 1A and 1B (b) of the Perth and Kinross Local Development Plan 2 (2019).
 2. The proposal is contrary to Policy 39 of the Perth and Kinross Local Development Plan 2 (2019) and the Landscape Supplementary Planning Guidance 2020 as the development will erode local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and quality of landscape experience.
 3. There is a lack of information on water supply for the site. The location and connection to the private supply has not been shown. Clarity should be provided on the supply arrangement and connection to this infrastructure and how it relates to the application sites redline boundary to enable assessment against Policy 53E: Water Supply of the Perth and Kinross Local Development Plan 2 (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.

Note

Councillor Brawn dissented from the majority opinion. He considered the attractive, isolated location to be suitable for the proposed design of holiday accommodation units, which would blend into the surrounding area. He also considered the conditions relating to unsustainable travel patterns not relevant to this application. With the opportunity to seek additional information in relation to passing places and water supply for the site, he considered the proposal to be in accordance with the Development Plan.

(iii) LRB-2022-51
Planning Application – 21/01685/FLL – Siting of 2 holiday accommodation units and associated works, Land 30 metres North East of Stable Cottage, Huntingtowerfield PH1 3JL – Mr G Whyte

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse siting of 2 holiday accommodation units and associated works, Land 30 metres North East of Stable Cottage, Huntingtowerfield.

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) Thereafter resolved by unanimous decision that:
the review application for siting of 2 holiday accommodation units and associated works, Land 30 metres North East of Stable Cottage, Huntingtowerfield, be refused for the following reasons:
 1. The proposal is contrary to Policy 17: Residential Areas of the Perth and Kinross Local Development Plan 2 (2019). The style and design of the caravan units, which incorporate a large outdoor decking area, along with the intensification of the sites use is considered to conflict with the residential amenity of the area.
 2. The layout and design of the proposal is not considered to respect the residential character of the area or illustrate that site infrastructure can be installed in a way which still contributes positively to the quality of the nature environment or the wider landscape character of the area. Accordingly, the proposal is contrary to Policy 39: Landscape, Policy 40A and 40B as well as Placemaking Policies 1A and 1B (c) of the Perth and Kinross Local Development Plan 2 (2019).
 3. The proposal is contrary to Policy 9B: Caravan Sites, Chalets and Timeshare Developments: New and Expanded Touring Caravan, Motorhome, Campervan, and Camping Sites, of Perth and Kinross Local Development Plan 2 (2019), as the proposal fails to comply with the Placemaking Policies 1A and 1B (c).
 4. There is a lack of information, there is no drainage information illustrating how surface water and foul drainage will be managed to comply with Policy 53B: Water Environment and Drainage: Foul Drainage, Policy

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) LRB-2022-53
Planning Application – 22/00801/IPL – Erection of a dwellinghouse
(in principle), Land 70 metres North of Cairnie House, Cairnie
Road, St Madoes – Mrs A Burns**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse (in principle), Land 70 metres North of Cairnie House, Cairnie Road, St Madoes.

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) Thereafter resolved by unanimous decision that:
the review application for erection of a dwellinghouse (in principle), Land 70 metres North of Cairnie House, Cairnie Road, St Madoes, be refused for the following reasons:
 1. The proposal does not comply with Policy 19 Housing in the Countryside of the Perth and Kinross Local Development Plan 2 (2019) and associated Housing in the Countryside Supplementary Guidance as the proposed dwelling does not meet any of the defined categories which permit the erection of dwellings in the countryside.
 2. The proposal does not comply with Policy 50: Prime Agricultural Land of the Perth and Kinross Local Development Plan 2 (2019) as the site is outside an identified settlement on prime agricultural land where it does not meet any expectations that would allow development on prime agricultural land.

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) LRB-2022-54
Planning Application – 22/00032/FLL – Erection of a dwellinghouse, agricultural/forestry storage building, stables and associated works, land 180 metres East of Garden Cottage, Auchterarder PH3 1PP – Mr and Mrs I Pirie

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse, agricultural/forestry storage building, stables and associated works, Land 180 metres East of Garden Cottage, Auchterarder.

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 to produce further information namely: 1. a tree survey, 2. an ecological report, 3. further information on the proposed foul drainage system and the surface water drainage system including their location and operation measures and 4. further information on the existing private track connecting to the U25 road particularly with regard to visibility splays, with Development Management to comment on all submissions.
- (iii) An unaccompanied site visit to be undertaken.
- (iv) Following receipt of all information and responses, the application be brought back to a future meeting of the Local Review Body.

(vi) LRB-2022-55
Planning Application – 22/01083/FLL – Extension to dwellinghouse and formation of raised terrace (revised design), Fermoye, Glenfoot, Abernethy, Perth PH2 9LS – Mr J Haslam

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse extension to dwellinghouse and formation of raised terrace (revised design), Fermoye, Glenfoot, Abernethy, Perth.

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 extension to dwellinghouse and formation of raised terrace (revised design), Fermoyale, Glenfoot, Abernethy, Perth, 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, it is in keeping with other properties within the general area.

Note

Bailie Williamson dissented from the majority opinion. He considered the proposal to be contrary to the Development Plan and saw no material reasons which justified departing from the Development Plan.