

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held on Tuesday 29 November 2022 at 10.30am.

Present: Councillors B Brawn, H Anderson and R Watters.

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

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

1. WELCOME

Councillor Brawn welcomed all present to the meeting.

Councillor Brawn advised that Item 5(iii) had been withdrawn from the agenda due to further information being unavailable to the Local Review Body.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

The minute of meeting of the Local Review Body of 24 October 2022 was submitted and noted.

4. APPLICATIONS FOR REVIEW

- (i) **LRB-2022-41**
Planning Application – 22/00329/FLL – Erection of a dwellinghouse, land 90 metres north east of Craignorth House, Balthayock – Mr R Townsley

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse, land 90 metres north east of Craignorth House, Balthayock.

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 erection of a dwellinghouse, land 90 metres north east of Craignorth House, Balthayock, be refused for the following reasons:
 - 1. The proposal is for a new dwelling within an area designated as “Green Belt” within the Perth and Kinross Local Development Plan 2 (2019). As the proposal a) does not support an established use, or a new business which has a relationship with the land, b) is not essential for agriculture, horticulture or forestry operations, or c) is not in compliance with criteria (4) or (5) of the Council’s Housing in the Countryside Policies, it is contrary to Policy 43 (Green Belt) of Perth and Kinross Local Development Plan 2 (2019), which only allows for certain new development within the “Green Belt” area.
 - 2. The proposal is for a new dwelling within the “Green Belt” which is not linked to a proven economic need, and not a conversion or replacement of existing traditional buildings. The proposal is therefore contrary to both Policy 19 (Housing in the Countryside) of Perth and Kinross Local Development Plan 2 (2019) and the associated approved Supplementary Guidance of 2020, which only allow for new housing within the “Green Belt” area in certain instances.

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 Watters dissented from the majority opinion. He considered there to be an established business in situ, and the proposal to therefore be acceptable under the terms of Policy 43(a) of the Perth and Kinross Local Development Plan 2 (2019).

- (ii) **LRB-2022-42**
Planning Application – 21/02140/FLL – Alterations and formation of a balcony and external stairs, Rognvaldsay, Perth Road, Blairgowrie – Mr and Mrs G Walker

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations and formation of a balcony and external stairs, Rognvaldsay, Perth Road, Blairgowrie.

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 formation of a balcony and external stairs, Rognvaldsay, Perth Road, Blairgowrie, be refused for the following reason:

- 1. The proposed balcony and access stair, by virtue of their height, siting and orientation, would from an elevated vantage point, create direct and uninterrupted lines of sight towards neighbouring properties and their associated areas or private amenity space. This would result in an adverse overlooking impact, to the detriment of the privacy and residential amenity of neighbouring properties.

Approval would therefore be contrary to the Perth and Kinross Placemaking Guide 2020 Policies 1A and 1B, and Policy 17 of the Perth and Kinross Local Development Plan 2 (2019), which seek to ensure that the siting, height and design of development respects the character and amenity of the place and does not impact on established amenity levels.

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-2022-43**
Review of Condition 5 imposed on planning permission
22/00926/FLL – Erection of beauty treatment building to form
extension to existing Class 2 business and associated works, 2
Errol Road, Invergowrie – Fresh Inc Medispa

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to impose Condition 5 on planning permission 22/00926/FLL – Erection of beauty treatment building to form extension to existing Class 2 business and associated works, 2 Errol Road, Invergowrie.

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 of Condition 5 imposed on planning permission 22/00926/FLL – Erection of beauty treatment building to form extension to existing Class 2 business and associated works, 2 Errol Road, Invergowrie, be refused. Condition 5 remains as follows:
 - 5. The finishing materials are not approved. The roof shall have a sedum green roof or similar and the walls shall be clad in a natural timber cladding. Prior to the commencement of any development on site, details of alternative finishing materials shall be submitted to and subsequently approved in writing by the Planning Authority. The details, as approved, shall be implemented as part of the site development and thereafter maintained.

Justification

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

5. APPLICATIONS PREVIOUSLY CONSIDERED

- (i) **LRB-2021-27**
Planning Application – 21/00001/FLL – S42 application to delete Condition 6 (access upgrade) of permission 20/01319/FLL, land 180 metres south west of Powmill Cottage, Rumbling Bridge – Mr K O'Reilly

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse a S42 application to delete Condition 6 (access upgrade) of permission 20/01319/FLL, land 180 metres south west of Powmill Cottage, Rumbling Bridge.

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 14 September 2021, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) Legal and Planning Advisers to undertake an investigation into the potential remedies for the adoption or upgrading of the access and to better understand the applicant's submission as regards to completing a legal

agreement to secure the upgrading of the access road. Such investigation is to consider such matters as the construction specification for the road ownership and rights of usage, the financial mechanism and a phasing for the upgrading and a potential for any agreement as to the future maintenance of the road by interested parties. With the requested investigation by the Legal and Planning Advisers having taken place, the Local Review Body reconvened.

It was noted that, at its meeting of 11 July 2022, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) Further written information to be provided by Transport Planning on their updated position on the review application, with comment from Development Management. 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, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter resolved by majority decision that:

- (i) The review application for a S42 application to delete Condition 6 (access upgrade) of permission 20/01319/FLL, land 180 metres south west of Powmill Cottage, Rumbling Bridge, be granted, subject to:
 - 1. The imposition of relevant conditions allowing the applicant to upgrade only the section of road in front of their property only, to a private standard.

Justification

With the imposition of relevant conditions, members considered that the proposal was in accordance with the Development Plan, and therefore permission was granted.

Note

Councillor Watters dissented from the majority opinion. He did not consider it appropriate for the applicant to upgrade only the section of road in front of their property and therefore considered the condition appropriate to ensure an acceptable standard is met and maintained going forward.

- (ii) **LRB-2022-03**
Planning Application – 21/01504/FLL – Erection of boundary wall, West Lodge Caravan Park, Comrie, Crieff – TRI Scotland Ltd.

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a boundary wall, West Lodge Caravan Park, Comrie, Crieff.

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 6 June 2022, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) Further information from the applicant on whether they wish to demolish the existing wall having regard to the configuration of both the new and existing walls and (ii) clarification as to whether Transport Scotland has received, and is content with, the transport information apparently submitted on the applicants behalf. 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, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) The application for the erection of a boundary wall, West Lodge Caravan Park, Comrie, Crieff, be refused for the following reasons:
 - 1. The proposed demolition of the existing wall and the realignment of the boundary would have an adverse impact on the character and visual amenity of the site. The wall relates to the Category C listed Lawers West Lodge and is therefore also listed. Its demolition would result in the loss of historic fabric and an adverse impact on the character and setting of the associated listed buildings. The proposal is therefore contrary to Policy 27A of the Perth and Kinross Local Development Plan 2 (2019), which seeks to ensure that the architectural and historic interest of listed buildings is protected; and Policy 1A of the Perth and Kinross Local Development Plan 2 (2019) which seeks to ensure that all new developments respect the character and amenity of the area concerned.
 - 2. The proposal is contrary to Policy 60B of the Perth and Kinross Local Development Plan 2 (2019) as the proposal is adjacent to the A85 trunk road and it has not been demonstrated that the proposal is acceptable to Transport Scotland and does not adversely impact on road safety.

Justification

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