

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of hybrid meeting of the Perth and Kinross Local Review Body held on Monday 18 December 2023.

Present: Councillors B Brawn, D Illingworth and G Stewart.

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

Also Attending: A Brown and R Ramsay (both Corporate and Democratic Services) and C McLaren (Communities).

1. WELCOME

Councillor Brawn welcomed all present to the meeting.

2. DECLARATIONS OF INTEREST

No Declarations of Interest were made in terms of the Councillors Code of Conduct.

3. MINUTES

The minute of meeting of the Local Review Body of 16 November 2023 was submitted and noted.

4. APPLICATIONS FOR REVIEW

- (i) **LRB-2023-38**
Planning Application – 23/00636/FLL – Siting of 3 accommodation units and a laundry/storage unit for use as short-term letting or workers accommodation, and associated works (in retrospect) land 170 metres north east of Keepers Cottage, Amulree, Dunkeld PH8 0EE – Culfargie Estates and Tay and Torridon Estates

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse siting of 3 accommodation units and a laundry/storage unit for use as short-term letting or workers accommodation, and associated works (in retrospect) land 170 metres north east of Keepers Cottage, Amulree, Dunkeld PH8 0EE.

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 a business plan as per the requirements of Policy 8: Rural Business and Diversification of the Perth and Kinross Local Development Plan 2 (2019), including a monthly breakdown detailing seasonal worker versus tourist use of the accommodation.
- (iii) Development Management to review and comment on the business plan provided.
- (iv) Following receipt of all information and responses, the application be brought back to a future meeting of the Local Review Body.

**(ii) LRB-2023-39
Planning Application – 23/00532/FLL – Erection of a dwellinghouse and associated works at land north of 31 Main Street, Keltybridge – Mr B Ferguson**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse and associated works at land north of 31 Main Street, Keltybridge.

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 and associated works at land north of 31 Main Street, Keltybridge, be refused for the following reasons:
 - 1. The proposed development will have a detrimental impact on the distinct character and visual amenity of the village. The proposed development is poorly designed, will be detrimental to residential amenity and will not contribute positively to the surrounding built and natural environment. The proposal is not consistent with the six qualities of successful places. The proposal does not satisfy NPF4 Policy 14 Design Quality and Place and LDP2 Policy 1A and 1B(c) Placemaking and related Placemaking Supplementary Guidance (2020).
 - 2. The site is not an allocated housing site in LDP2, it is not in the settlement boundary of Keltybridge and the proposal does not address an identified gap in provision and therefore the proposed development does not satisfy NPF4 Policy 16 Quality Homes and LDP2 Policy 6: Settlement Boundaries.

3. The removal of the majority of trees on the site to enable the development of a dwellinghouse is not sustainable as there is evidence that the site has and is naturalising and is of biodiversity value. The proposal is poorly designed and is not in keeping with the character of the area. The proposal does not satisfy NPF4 Policy 9 Brownfield, Vacant and Derelict Land and Empty Buildings and NPF4 Policy 17a(ii) Rural Homes.
4. The poorly designed proposal on a prominent site in the village will have a detrimental effect on the setting of listed buildings on the east side of Main Street. The proposal does not satisfy NPF4 Policy 7c Historic Assets and Places and LDP2 Policy 27A: Listed Buildings.
5. The loss of trees and habitat to enable the proposed development will have an adverse impact on the natural environment and biodiversity including protected species and lead to the fragmentation of an existing network of green infrastructure. The proposal does not satisfy NPF4 Policy 1: Tackling the Climate and Nature Crisis, NPF4 Policy 2: Climate Mitigation and Adaptation, NPF4 Policy 3: Biodiversity, NPF4 Policy 6: Forestry, Woodland and Trees and NPF4 Policy 20: Blue and Green Infrastructure and LDP2 Policy 1A: Placemaking, LDP2 Policy 40B: Trees, Woodland and Development, LDP2 Policy 41: Biodiversity and LDP2 Policy 42: Green Infrastructure.

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-2023-40
Planning Application – 23/00923/FLL – Erection of a dwellinghouse (in principle) land 75 metres north west of Mullmac, Saucher, Kinrossie PH2 6HY – Dunsinnan Farm and Estate**

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 75 metres north west of Mullmac, Saucher, Kinrossie PH2 6HY.

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 (in principle) land 75 metres north west of Mullmac, Saucher, Kinrossie PH2 6HY, 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 (SG) as, whilst the proposed indicative position of the house is within the existing building group, the proposed convoluted new access into the site is located out with the building group and fails to respect the character and building pattern of the existing well nucleated grouping as required by Category 1 of the SG. The proposal also fails to meet any of the other categories of development outlined in the SG.
 2. The proposal is contrary to Policy 9(b) of the National Planning Framework 4 (NPF4) as the proposal is on a greenfield site and is not explicitly supported by policies of the Perth and Kinross Local Development Plan 2 (2019). The proposal also fails to meet any of the categories of development allowed by Policy 17: Rural Homes of NPF4.
 3. The proposed new access into the site would result in Mullmac and Kanrosmar being sandwiched between two accesses to the detriment of the residential amenity of these properties. The proposal is therefore contrary to Policy 1A of the Perth and Kinross Local Development Plan 2019 (LDP2) and Policy 14(c) of National Planning Framework 4 (NPF4) as the proposal fails to respect the residential amenity of the area.
 4. The proposal is contrary to Policy 1A and 1B(d) of the Perth and Kinross Local Development Plan 2 (2019) and Policy 14(b) of National Planning Framework 4 (NPF4) as the proposed new access fails to contribute positively to the surrounding built and natural environment and fails to reinforce the existing street scene and building pattern of the grouping.

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 D Illingworth dissented from the majority opinion. He considered there is only a minor difference from the previously granted permission and considered that the proposal would not be a significant departure from the Development Plan.

(iv) LRB-2023-41

Planning Application – 23/00796/FLL – Installation of replacement windows and door at Melville Terrace, Cowgate, Southbank, Errol PH2 7QS – Mr G Duffy

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse installation of replacement windows and door at Melville Terrace, Cowgate, Southbank, Errol PH2 7QS.

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 replacement windows and door at Melville Terrace, Cowgate, Southbank, Errol PH2 7QS, be refused for the following reasons:
 - 1. The proposed eastmost window, by virtue of its uPVC frames, the height of the meeting rail, and the addition of horns, is detrimental to the traditional character of the house and is detrimental to the character and appearance of the Errol Conservation Area. Approval would therefore be contrary to Policies 7(d) Historic Assets and Places and 16(g)(i) Quality Homes of the National Planning Framework 4; contrary to Policies 1A & 1B(c) Placemaking and 28A Conservation Areas: New Development of the Perth and Kinross Local Development Plan 2; and contrary to the Perth and Kinross Placemaking Supplementary Guidance 2020.
 - 2. The proposed windows in the bay window, by virtue of their uPVC frames, the opening method and the varying frame widths, are detrimental to the traditional character of the house and are detrimental to the character and appearance of the Errol Conservation Area. Approval would therefore be contrary to Policies 7(d) Historic Assets and Places and 16(g)(i) Quality Homes of the National Planning Framework 4; contrary to Policies 1A & 1B(c) Placemaking and 28A Conservation Areas: New Development of the Perth and Kinross Local Development Plan 2; and contrary to the Perth and Kinross Placemaking Supplementary Guidance 2020.
 - 3. The proposed door, by virtue of its non-traditional design; the uPVC frames, and the extensive use of glazing, is detrimental to the traditional character of the house and is

detrimental to the character and appearance of the Errol Conservation Area.

Approval would therefore be contrary to Policies 7(d) Historic Assets and Places and 16(g)(i) Quality Homes of the National Planning Framework 4; contrary to Policies 1A & 1B(c) Placemaking and 28A Conservation Areas: New Development of the Perth and Kinross Local Development Plan 2; and contrary to the Perth and Kinross Placemaking Supplementary Guidance 2020.

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-2023-42
Planning Application – 23/00075/FLL – Change of use of open space and extension to shop 75-77 Balhousie Street, Perth PH1 5BG – Mr A Hussain

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of use of open space and extension to shop 75-77 Balhousie Street, Perth PH1 5BG.

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 change of use of open space and extension to shop 75-77 Balhousie Street, Perth PH1 5BG, be granted, subject to the imposition of relevant terms, conditions and informatives, including a condition requiring one replacement tree to be planted in the remaining area of open space and a bin shelter to be installed for the premises waste management.

Justification

Although contrary to the Development Plan due to the loss of open space, the proposal would allow for the expansion of an existing retail business within the neighbourhood. The loss of open space would not be significant as it would remain in part.

Note

Councillor G Stewart dissented from the majority opinion. He considered the requirement for open space to outweigh the

requirement for business expansion and therefore would have refused the review application.

(vi) LRB-2023-43
Planning Application – 23/00466/FLL – Siting of a holiday accommodation unit, formation of vehicular access and parking area and associated landscaping, land 30 metres south east of Fairygreen Cottage, Kinrossie – Dunsinnan Farm and Estate

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse siting of a holiday accommodation unit, formation of vehicular access and parking area and associated landscaping, land 30 metres south east of Fairygreen Cottage, Kinrossie.

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 a business plan as per the requirements of Policy 8: Rural Business and Diversification of the Perth and Kinross Local Development Plan 2 (2019).
- (iii) Development Management to review and comment on the business plan provided.
- (iv) Following receipt of all information and responses, the application be brought back to a future meeting of the Local Review Body.

5. APPLICATIONS PREVIOUSLY CONSIDERED

(i) LRB-2023-17
Planning Application – 22/01942/IPL – Residential development (in principle) land 50 metres south of Strawberrybank, Longforgan – Mr K Petrie

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse residential development (in principle) land 50 metres south of Strawberrybank, Longforgan.

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 3 July 2023, the Local Review Body resolved that insufficient information was before them to determine the application without (i) comment shall be sought from Transport

Planning on the proposed access visibility splay within the review application, with the Applicant having the opportunity to comment in response. 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 review application for residential development (in principle) land 50 metres south of Strawberrybank, Longforgan, be granted subject to the imposition of relevant terms, conditions and informatives, including two conditions set by Transport Planning and in relation to Developer Contributions.

Justification

Having obtained the relevant information, Members considered that with the imposition of relevant conditions, the proposal is in accordance with the Development Plan.