

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of hybrid meeting of the Perth and Kinross Local Review Body held on Monday 15 January 2024.

Present: Councillor B Brawn, Bailie C McLaren and Councillor K Allan.

In Attendance: R Burton (Planning Adviser), G Fogg, (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. Councillor Brawn noted that this was to be the last meeting which Ross Burton would attend as Planning Adviser and thanked him for the support he had given in this role.

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 18 December 2023 was submitted and noted.

4. APPLICATIONS FOR REVIEW

- (i) LRB-2023-44**
Planning Application – 23/01088/FLL – Change of flat to form short term let accommodation unit (in retrospect) 4B Bonnethill Road, Pitlochry PH16 5BS – Ms M McMillan

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of flat to form short term let accommodation unit (in retrospect) 4B Bonnethill Road, Pitlochry PH16 5BS.

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) Development Management to review and comment on the proposal in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let.
- (iii) The applicant to review and comment on the response from Development Management as per (ii) above and in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let.
- (iv) Following receipt of all information and responses, the application be brought back to a future meeting of the Local Review Body, along with a copy of the Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let.

(ii) LRB-2023-45

Planning Application – 23/00921/FLL – Alterations to boundary wall to form vehicular access, formation of driveway, car parking and paths at Lower Flat, Rose Cottage, Isla Road, Perth PH2 7HG – Mr and Mrs Whittet

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations to boundary wall to form vehicular access, formation of driveway, car parking and paths at Lower Flat, Rose Cottage, Isla Road, Perth PH2 7HG.

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 boundary wall to form vehicular access, formation of driveway, car parking and paths at Lower Flat, Rose Cottage, Isla Road, Perth PH2 7HG, be refused for the following reasons:
 - 1. Approval would be contrary to National Planning Framework 4 Policy 14(a) where the proposal is designed in such a way that does not improve the quality of the area, and (b) lacks connected designing for pedestrian experience relating to safety and inappropriate connectivity to the public road network, inconsistent with the "connected" quality of a successful place, and (c); Policy 16 criteria (g)(i) where the proposal lacks full clarity

- on gatepier material finishes; and Policy 18 (b) where there would be a resultant detrimental impact onto the infrastructure network; and as informed by Placemaking Supplementary Guidance; the National Roads Development Guide and Designing Streets.
2. Approval would be contrary to the Perth and Kinross Local Development Plan 2 Policy 1A and 1B with particular note to criteria (a), (c) and (e) where the proposal would result in road user and pedestrian safety issues at its access point and full clarity of gatepier material finishes have not been provided; and Policy 60B where the proposal has not been designed for the safety of all potential users; and as informed by the National Roads Development Guide and Designing Streets.

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-2023-46
Planning Application – 23/01362/FLL – Change of use of flat to form short term let accommodation unit (in retrospect) at 2 Jubilee Place, Pitlochry PH16 5GA – Mr and Mrs Lewis

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of use of flat to form short term let accommodation unit (in retrospect) at 2 Jubilee Place, Pitlochry PH16 5GA.

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) Development Management to review and comment on the proposal in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let.
- (iii) The applicant to review and comment on the response from Development Management as per (ii) above and in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let.
- (iv) Following receipt of all information and responses, the application be brought back to a future meeting of the Local

Review Body, along with a copy of the Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let.

(iv) LRB-2023-47
Planning Application – 23/00572/FLL – Change of use from flat to short term let accommodation (in retrospect) 4A Bonnethill Road, Pitlochry PH16 5BS – Ms M McMillan

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of use from flat to short term let accommodation (in retrospect) 4A Bonnethill Road, Pitlochry PH16 5BS.

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) Development Management to review and comment on the proposal in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let.
- (iii) The applicant to review and comment on the response from Development Management as per (ii) above and in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let.
- (iv) Following receipt of all information and responses, the application be brought back to a future meeting of the Local Review Body, along with a copy of the Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let.

(v) LRB-2023-48
Planning Application – 23/00924/FLL – Part change of use of dwellinghouse to nursery business, Dalshian House, Croftinload, Pitlochry PH16 5TD – Mrs L Brown

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 nursery business, Dalshian House, Croftinload, Pitlochry PH16 5TD.

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 nursery business, Dalshian House, Croftinload, Pitlochry PH16 5TD, be refused for the following reasons:
 - 1. Approval would be contrary to National Planning Framework 4 Policy 22 criteria (a) (i – iv) where, particularly under criteria iii, the proposal would not result in an equal or less vulnerable use in respect of flood risk.
 - 2. Approval would be contrary to the Perth and Kinross Local Development Plan 2 Policy 52 where the proposal does not avoid an overall increase, reduce overall or manage flood risk with an increased land use vulnerability classification; and as informed by Flood Risk and Flood Risk Assessments Supplementary Guidance.

Justification

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