

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held on Tuesday 20 December 2022 at 10.45am.

Present: Councillors B Brawn, H Anderson and D Cuthbert.

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

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 29 November 2022 was submitted and noted.

4. APPLICATIONS FOR REVIEW

- (i) **LRB-2022-40**
Planning Application – 22/00442/FLL – Alterations to flat, 16
Dundee Road, Perth PH2 7EY – Mr K Donaldson

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations to flat, 16 Dundee Road, Perth PH2 7EY.

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 flat, 16 Dundee Road, Perth PH2 7EY, be granted, subject to relevant conditions and

informatives, including a condition that the finishing materials for the additional dormer, match the existing two dormers.

Justification

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

**(ii) LRB-2022-44
Planning Application – 22/00165/FLL – Alterations and extension to dwellinghouse, 1 Glebe Terrace, Perth PH2 7AG – Dr I Morrison**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations and extension to dwellinghouse, 1 Glebe Terrace, Perth PH2 7AG.

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 alterations and extension to dwellinghouse, 1 Glebe Terrace, Perth PH2 7AG, be refused for the following reasons:

1. The proposed extension by virtue of its scale, height, design, materials and relationship to the existing dwellinghouse and proximity to adjacent roads, would appear visually incongruous and out of keeping with the character and appearance of the host building and surrounding area. Approval would therefore be contrary to the Perth and Kinross Supplementary Guidance 2020 and Policies 1A and 1B (parts b, c and d) and 17 of the Perth and Kinross Local Development Plan 2 (2019), which seek to ensure that new development respects the character and amenity of the place and does not impact on established amenity levels.
2. The character and appearance of the adjacent Conservation Area will not be preserved or enhanced by this proposal due to the scale, form, design, finishes and visibility of the extension. Approval would therefore be contrary to Policy 28A of the Perth and Kinross Local Development Plan 2 (2019), which seeks to ensure that the development preserves and enhances the character and appearance of the Conservation Area.

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 Anderson dissented from the majority opinion. He considered the design of the proposal to be appropriate for the site and therefore in accordance with the Development Plan.

(iii) LRB-2022-45
Planning Application 22/00853/FLL – Erection of a dwellinghouse and associated works, land 85 metres south east of Whispering Pines, Mawcarse KY13 9SJ – Mr and Mrs A Stewart

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, land 85 metres south east of Whispering Pines, Mawcarse KY13 9SJ.

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, land 85 metres south east of Whispering Pines, Mawcarse KY13 9SJ, 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 area cannot be defined as a building group as it is described in the Supplementary Guidance. Therefore, the application site is not located within an identifiable building group and does not involve the extension of a building group into a definable site. Even if the area could be defined as a building group, which it cannot, the application site is not a defined site as required by the Supplementary Guidance as it does not have defined boundaries on all sides formed by existing topographical features, landscape features or roads. Post and wire

fencing does not constitute a definable boundary as defined in the Supplementary Guidance.

The proposal also fails to meet any of the other categories of development outlined in the 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.

**(iv) LRB-2022-46
Planning Application – 22/00174/FLL – Erection of 2
dwellinghouses, a garage and associated works, Duncrieve House
Duncrieve, Glenfarg PH2 9PD – Mr and Mrs Burgess**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of 2 dwellinghouses, a garage and associated works, Duncrieve House, Duncrieve, Glenfarg PH2 9PD.

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 2 dwellinghouses, a garage and associated works, Duncrieve House, Duncrieve, Glenfarg, be refused for the following reasons:
 - 1. The proposed development is contrary to Placemaking Policies 1A and 1B of the Perth and Kinross Local Development Plan 2 (2019). The proposed development does not contribute positively to the built and natural environment, is out of character with its surroundings and does not respect the character of Duncrieve House and its woodland setting.
 - 2. 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 scale, layout and design of the development does not have a good fit with the landscape character of the area and the development does not integrate into or enhance the

surrounding environment. The proposed houses would detract from the visual amenity of the adjacent building group and impact on the wider landscape setting due to extensive tree removal. In addition, the resultant residential amenity of the new houses would be severely affected by the retained trees which would lead to pressure for further tree felling.

3. The proposal is contrary to Policy 40A, Forest and Woodland Strategy, of the Perth and Kinross Local Development Plan 2 (2019) that seeks to protect existing trees and woodland. It is also contrary to Policy 40B, Trees, Woodland and Development, of the Perth and Kinross Local Development Plan 2 (2019) which states that there will be a presumption in favour of protecting woodland resources. Development as proposed would result in tree loss for which insufficient mitigation is provided and no information has been provided to show how the retained woodland would be protected, managed and enhanced.

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-2022-47
Planning Application – 22/00772/FLL – Extension to
dwellinghouse and erection of porch, Sunnyhall, Kinnaird,
Inchture PH14 9QY – Miss J Graham**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse extension to dwellinghouse and erection of porch, Sunnyhall, Kinnaird, Inchture PH14 9QY.

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) Information to be sought from the Council's Tree and Biodiversity Officer as to whether and why a bat survey may be required for this particular proposal.
- (iii) Following receipt of all information and responses, the application be brought back to a future meeting of the Local Review Body.

(vi) LRB-2022-48

Planning Application – 22/00175/FLL – S42 application to remove condition 3 (occupancy) of planning permission 04/00351/FUL Staff Accommodation, Craigvrack Hotel, 38 West Moulin Road, Pitlochry, PH16 5EQ – Global Hotels Ltd.

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to impose Condition 3 (occupancy) of planning permission 04/00351/FUL Staff Accommodation, Craigvrack Hotel, 38 West Moulin Road, Pitlochry, PH16 5EQ.

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 removal of condition 3 (occupancy) of planning permission 04/00351/FUL Staff Accommodation, Craigvrack Hotel, 38 West Moulin Road, Pitlochry, be refused for the following reasons:
 - 1. The retention of the condition is necessary, relevant to planning and to the development permitted, it is enforceable, precise, and reasonable in all other aspects and consistent with Circular 4/1998.

Justification

The proposal is not in accordance with Circular 4/1998.

Note

Councillor Cuthbert dissented from the majority opinion. He considered the removal of Condition 3 would have no impact on the staff accommodation building remaining as part of the hotel and would not give authority for it to be sold for an alternative purpose.

5. APPLICATIONS PREVIOUSLY CONSIDERED

(i) LRB-2022-23

Planning Application – 21/02290/IPL – Erection of a dwellinghouse (in principle) Land 20 metres north of Powderwells Farm, New Alyth – Mrs and Mrs Milne

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 20 metres north of Powderwells Farm, New Alyth.

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 16 August 2022, the Local Review Body resolved that insufficient information was before them to determine the application without (i) The applicant to produce a Contaminated Land Investigation and Remediation Plan, with Development Management and the Council's Contaminated Land Officer to comment on said information, in line with Category 6 of the Council's Housing in the Countryside Guide 2020. 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:

- (ii) The review application for erection of a dwellinghouse (in principle) land 20 metres north of Powderwells Farm, New Alyth. be granted, subject to:
 - 1. The application for approval of matters specified in conditions including, amongst other matters, the dwellinghouse be of a single storey nature so as not to restrict views of neighbouring properties due to be developed.

Justification

Members considered that although the proposal is not in accordance with the Development Plan, as planning permission has been approved for two neighbouring properties, this proposal may form part of a building group in future and, in particular, it would remove the concrete plinth.

Note

Councillor Brawn 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.

