

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held on Monday 13 February 2023 at 1.00pm.

Present: Councillors B Brawn and H Anderson, and Bailie C McLaren.

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

Also Attending: A Brown, M Pasternak and R Ramsay (all Corporate and Democratic Services) and C Brien (Communities).

1. WELCOME

Councillor Brawn welcomed all present to the meeting.

2. NATIONAL PLANNING FRAMEWORK 4

The Planning Adviser, R Burton, gave a brief introductory summary of the new National Planning Framework 4, which came into force earlier that day, 13 February, and consequently now formed part of the Development Plan under which all applications before the Local Review Body were to be considered.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. MINUTES

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

5. APPLICATIONS FOR REVIEW

- (i) LRB-2022-57**
Planning Application – 22/00899/FLL – Erection of a dwellinghouse and garage, land 60 metres north west of Killieard House, Killiecrankie, PH16 5LN – B Parkins

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse and garage, land 60 metres north west of Killieard House, Killiecrankie, PH16 5LN.

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 garage, land 60 metres north west of Killeard House, Killiecrankie, PH16 5LN, be granted, subject to the following:
 - 1. The imposition of relevant conditions and informatives, including any possible legal agreement.

Justification

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

- (ii) **LRB-2022-58**
Planning Application – 22/00773/FLL – Extension to dwellinghouse, 58 Fairies Road, Perth, PH1 1LZ – Mr and Mrs S Ritchie

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse extension to dwellinghouse, 58 Fairies Road, Perth, PH1 1LZ.

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, 58 Fairies Road, Perth, PH1 1LZ, be granted, subject to the following:
 - 1. The imposition of relevant conditions and informatives.

Justification

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

Note

Bailie McLaren dissented from the majority opinion. She considered that the proposed extension eroded the character of the original bungalow, and therefore did not consider the proposal to be in accordance with the Development Plan.

(iii) LRB-2022-59
Planning Application – 22/00707/FLL – Siting of 2 static caravans for welfare/storage use, erection of animal shelter and associated works (in part retrospect) (for a temporary period), land 100 metres north east of Blairfordel Farm, Kelty – Ms B Tutty

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse siting of 2 static caravans for welfare/storage use, erection of animal shelter and associated works (in part retrospect) (for a temporary period), land 100 metres north east of Blairfordel Farm, Kelty.

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 siting of 2 static caravans for welfare/storage use, erection of animal shelter and associated works (in part retrospect) (for a temporary period), land 100 metres north east of Blairfordel Farm, Kelty, be refused for the following reasons:
 - 1. The proposal is contrary to Policy 1A, Placemaking, of the Perth and Kinross Local Development Plan 2 (2019) as the development does not contribute to the quality of the surrounding built and natural environment. The proposal, by virtue of the design and density of the development on an undeveloped rural site within a wider area of land within numerous ownerships, is detrimental to the character and amenity of the place.
 - 2. The proposal is contrary to Policy 8, Rural Business and Diversification, of the Perth and Kinross Local Development Plan 2 (2019) as development of the site has not been justified in terms of a site-specific resource or opportunity in relation to a new or existing business.
 - 3. The proposal is contrary to Policy 39, Landscape, of the Perth and Kinross Local Development Plan 2 (2019) as the type of development within a small plot which lies in a wider piece of rural land would have a negative impact of the wider landscape character.

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-2022-60**
Planning Application – 22/00980/FLL – Erection of a dwellinghouse, land 40 metres north west of 11 Glenisla View, Airlie View, Alyth – Airlie Green Low Energy Homes Ltd

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse, land 40 metres north west of 11 Glenisla View, Airlie View, 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.

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, land 40 metres north west of 11 Glenisla View, Airlie View, Alyth be refused for the following reasons:
 - 1. The proposed site is manufactured and includes the removal of 4 trees and will directly impact on the root protection areas (RPA) of a further 10 trees. It has not been demonstrated how the development can be implemented without significant damage occurring to the 10 trees which have their RPA affected by the development. If implemented, there would also be significant pressure for the further removal of remaining trees to create a more suitable residential environment for the occupiers of the dwelling. In light of this, the proposal is therefore contrary to the principals of Policy 40B, Trees, Woodland and Development, of the Perth and Kinross Local Development Plan 2 (2019) which seek to avoid the removal of individual or groups of trees.
 - 2. The ecology survey submitted (Plan 11) is not detailed enough to fully assess what impact the development would have on protected species (bats), and what mitigation measures may be necessary to address any adverse impact. Additional surveys are required, as per the conclusions of the submitted ecology report. The proposal is therefore contrary to Policy 41 (biodiversity) of

- the Perth and Kinross Local Development Plan 2 (2019) which seeks to protect both local and protected wildlife.
3. The removal of existing trees to create space for the dwelling, parking and driveway would have an instant adverse impact on the visual amenity of the area. This would be increased further if additional trees within the site are removed either after being damaged during construction or on completion, both of which are reasonably probable. The proposal is therefore contrary to Policy 1A (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019), as the development would have an adverse impact on the visual amenity of the area and the development proposed would not contribute positively to the quality of the existing natural environment.
 4. As a result of the awkward shape of the site and the presence of existing trees across the site, the proposal site is being manufactured and would appear to be squeezed in and out of character with the surrounding building pattern of the area. The removal of the existing trees would also result in an adverse impact on the visual amenity of the area. The proposal is therefore contrary to Policy 17 (residential areas) of the Perth and Kinross Local Development Plan 2 (2019) which seeks to ensure that all new developments within settlements are compatible with the (visual) amenity and character of the area concerned.

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-2022-62**
Planning Application – 22/00648/FLL – Change of use from agricultural land to form extension to garden ground and erection of a shed, Toscana, Whitelea Road, Burrelton, Blairgowrie, PH13 9NY – Mr G Morris

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of use from agricultural land to form extension to garden ground and erection of a shed, Toscana, Whitelea Road, Burrelton, Blairgowrie, PH13 9NY.

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 change of use from agricultural land to form extension to garden ground and erection of a shed, Toscana, Whitelea Road, Burrelton, Blairgowrie, PH13 9NY, be refused for the following reasons:
 - 1. The proposal is contrary to Policies 1A and 1B(c), Placemaking, of the Perth and Kinross Local Development Plan 2 (2019). The excessive scale of the proposed garden ground and the siting, design and scale of the proposed shed does not contribute positively to the quality of the built and natural environment, does not complement its surroundings and does not respect the character and amenity of the place.
 - 2. The proposal is contrary to Policy 6, Settlement Boundaries, of the Perth and Kinross Local Development Plan 2 (2019) as the site lies outwith the Burrelton/Woodside settlement boundary and it does not meet any of the exceptions that would allow development to adjoin the settlement.
 - 3. The proposal is contrary to Policy 5, Soils, of National Planning Framework 4 and Policy 50, Prime Agricultural Land, of Perth and Kinross Local Development Plan 2 (2019) as the proposal involves the loss of prime agricultural land and does not fall within the permitted exceptions.

Justification

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

- (vi) **LRB-2022-63**
Planning Application – 22/01010/IPL – Erection of a dwellinghouse (in principle), land 40 metres south east of Tethyknowe House, Blairingone – Kaas Ventures Ltd.

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 40 metres south east of Tethyknowe House, Blairingone.

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 full contaminated land report with remediation plan, with Development Management to comment on the submission.
- (iii) Following receipt of all information and responses, the application be brought back to a future meeting of the Local Review Body.

(vii) LRB-2022-64

Planning Application – 22/01009/IPL – Erection of a dwellinghouse and garage (in principle), land 35 metres south west of Tethyknowe House, Blairingone – Kaas Ventures Ltd.

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse and garage (in principle), land 35 metres south west of Tethyknowe House, Blairingone.

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 and garage (in principle), land 35 metres south west of Tethyknowe House, Blairingone, 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). Residential development of this site would not contribute positively to the built and natural environment and detract from the landscaped setting of the existing building group.
 - 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 (March 2020) as it does not meet any of the criteria within the categories 1) Building Groups, 2) Infill sites, 3) New houses in the open countryside, 4) Renovation or replacement of houses, 5)

Conversion or replacement of redundant non-domestic buildings and 6) Development on rural brownfield land.

Development of the proposed site would not integrate into or enhance the surrounding environment and would detract from the visual amenity of the existing building group and surrounding area.

3. The proposal is contrary to Policy 39, Landscape, of the Perth and Kinross Local Development Plan 2 (2019). This requires proposals to be compatible with the distinctive characteristics and features of Perth and Kinross's landscapes and not erode local distinctiveness, diversity and quality and the quality of landscape experience. Development of the site would significantly diminish the landscape setting of the wider building group and would erode local distinctiveness and the historic and cultural dimension of the local landscape.
4. 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. It has not been demonstrated that development of the site can be achieved without significant impact on the existing woodland resource.
5. The proposal is contrary to Policy 17(a), Rural Homes, of National Planning Framework 4, as development of this site would not be in keeping with the character of the area.
6. The proposal is contrary to Policy 17(a)(ii), Rural Homes, of National Planning Framework 4, as it has not been not been demonstrated that the land has not or will not return to a natural state without intervention.

Justification

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

(viii) LRB-2022-65

Planning Application – 22/01088/FLL – Alterations and extension to dwellinghouse, formation of vehicular access and driveway, erection of gates and associated works, 2 Oakbank Crescent, Perth, PH1 1DD – Mr C and Mrs M Smith

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations and extension to

dwellinghouse, formation of vehicular access and driveway, erection of gates and associated works, 2 Oakbank Crescent, Perth, PH1 1DD.

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, formation of vehicular access and driveway, erection of gates and associated works, 2 Oakbank Crescent, Perth, PH1 1DD, be granted, subject to the following:
 - 1. The imposition of relevant conditions and informatives.

Justification

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

Note

Bailie McLaren dissented from the majority opinion. She considered that the proposal constituted overdevelopment and therefore did not consider the proposal to be in accordance with the Development Plan.

