

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of hybrid meeting of the Perth and Kinross Local Review Body held on Tuesday 16 August 2022 at 10.30am.

Present: Councillors B Brawn, I James and Bailie C McLaren.

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.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

- (i) The minute of meeting of the Local Review Body of 6 June 2022 was submitted and noted.
- (ii) The minute of meeting of the Local Review Body of 11 July 2022 was submitted and noted.

4. APPLICATIONS FOR REVIEW

- (i) **LRB-2022-16**
Planning Application - 21/02209/FLL – Installation of replacement windows, Hill House, Upper Allan Street, Blairgowrie – Dr and Dr Shaw

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the installation of replacement windows, Hill House, Upper Allan Street, 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 installation of replacement windows, Hill House, Upper Allan Street, Blairgowrie be granted subject to the imposition of relevant conditions and informatives.

Justification

Members considered that whilst the proposal is not in accordance with the Development Plan, for this particular proposal the impact would not be significant due to other examples of the use of UPVC in the area, and also there will be an energy conservation gain for the property, and therefore permission was granted.

(ii) LRB-2022-18 Planning Application – 22/00345/FLL – Extension to dwellinghouse and formation of roof terrace, 51 Muirs, Kinross – Mr and Mrs Reid

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse extension to dwellinghouse and formation of roof terrace, 51 Muirs, Kinross.

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 the extension to dwellinghouse and formation of roof terrace, 51 Muirs, Kinross, be refused for the following reasons:
 1. The proposed two-storey extension, by way of its excessive height and unsympathetic flat-roofed, wrap-around design, would have a jarring effect which has an adverse impact on the visual amenity of the house and surrounding area. Approval would therefore be contrary to Perth & Kinross Council Placemaking Guide 2020 and Policies 1A, 1B(c) and 17(c) of Perth & Kinross Local Development Plan 2 (2019), which seek to ensure that development contributes positively to the quality of the surrounding built environment in order to respect the character and amenity of the place.
 2. The proposed rooftop terrace, by virtue of its elevated location and close proximity to the boundaries, would have an imposing and detrimental impact on the amenity of the area and the adjacent church memorial garden and area of contemplation. Approval would therefore be contrary to Perth & Kinross Placemaking Guide 2020 and Policies 1A, 1B(c) and 17(c) of Perth & Kinross Council Local Development Plan 2 (2019), which seek to ensure that external terraces are

appropriately located in order to respect the character and amenity of the place.

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 Brawn dissented from the majority opinion. He considered that the proposal would not impact on neighbouring properties. Therefore, he considered that the proposal was in accordance with the Development Plan and the Appointed Officer's decision should be overturned.

(iii) LRB-2022-19

Planning Application – 21/02146/FLL – Erection of a dwellinghouse, land 400 metres south east of Haugh Cottages, East Haugh – Mr S Lavery

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse, land 400 metres south east of Haugh Cottages, East Haugh.

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, land 400 metres south east of Haugh Cottages, East Haugh, 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 Council's Housing in the Countryside Supplementary Guidance 2020, as it does not comply with any of the categories of the policy guidance where a residential development would be acceptable in principle at this location. In particular, it has not been satisfactorily demonstrated that the proposal meets Category 3.5 'Houses for Sustainable Living' for a one-off bespoke house required on the land.
 - 2. The siting of the dwellinghouse and the creation of its associated curtilage is not considered to respect the character or contribute positively to the quality of the natural environment or the wider landscape character of the area contrary to Policy 39: Landscape as well as placemaking

Policy 1A and 1B(b) of the Perth and Kinross Local Development Plan 2 (2019).

3. The siting of the dwellinghouse and the creation of its associated curtilage along with the installation of drainage infrastructure is considered to have a detrimental impact on the woodland resource at the site contrary to Policy 40A and 40B of the adopted Perth and Kinross Local Development Plan 2 (2019).

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-2022-20

Planning Application – 21/01583/FLL – Alteration and extension to dwellinghouse and erection of a garage and formation of vehicular access, Clover Cottage, Kinfauns Holdings, West Kinfauns – Mr and Mrs Hughes

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the alteration and extension to dwellinghouse and erection of a garage and formation of vehicular access, Clover Cottage, Kinfauns Holdings, West Kinfauns.

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 application for the alteration and extension to dwellinghouse and erection of a garage and formation of vehicular access, Clover Cottage, Kinfauns Holdings, West Kinfauns, be refused for the following reasons:
 1. Approval would be contrary to Policy 43 of the Perth and Kinross Local Development Plan 2 (2019) as the proposed development would have a significant detrimental impact on the character and landscape setting of the Green Belt in which the site is located. The proposals are contrary to policy due to their unsuitably large scale, excessive form, inappropriate design and absence of any mitigating factors.
 2. The proposed development is contrary to Placemaking Policies 1A and 1B (subcategories b, c and d) of the Perth & Kinross Local Development Plan 2 (2019), as it will not contribute positively to the quality of the surrounding environment, nor will it respect the character or amenity of

the place, in terms of design, height, scale, massing and relationship to the existing building or wider local architectural vernacular.

3. The proposed extension in view of height and massing would dominate the existing house, contrary to the Perth and Kinross Council Placemaking Guide 2020, and to the detriment of the immediate area and the house itself.

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-2022-21

Planning Application – 21/02067/FLL – Formation of camping and caravan site, erection of office/café/shop building, WC/shower building and a pergola, formation of play and parking areas and associated works, land 100 metres west of Alex Butter Landscaping Ltd, West Countlich Farm, Kindallachan – Alex Butter Landscaping Ltd

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse formation of camping and caravan site, erection of office/café/shop building, WC/shower building and a pergola, formation of play and parking areas and associated works, land 100 metres west of Alex Butter Landscaping Ltd, West Countlich Farm, Kindallachan.

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 application for formation of camping and caravan site, erection of office/café/shop building, WC/shower building and a pergola, formation of play and parking areas and associated works, land 100 metres west of Alex Butter Landscaping Ltd, West Countlich Farm, Kindallachan, be refused for the following reasons:
 1. The proposal is contrary to Policy 8: Rural Business and Diversification of the Perth and Kinross Local Development Plan 2 (2019) as no detailed information has been submitted to demonstrate that this proposal relates to the expansion of an existing business and no information has been presented to demonstrate that the proposal would improve the quality of new or existing tourism facilities, allow a new market to be exploited or extends the tourism season.

2. The proposal is contrary to Policy 9C: Chalets, Timeshare and Fractional Ownership of the Perth and Kinross Local Development Plan 2 (2019) as the proposal does not involve the expansion of an existing hotel, guest house or chalet park, does not involve the replacement of static caravans with permanent structures and no detailed supporting information has been presented to demonstrate that the proposal meets a specific need by virtue of its quality or location in relation to existing tourism facilities.
3. The proposal is contrary to Policy 40B: Forestry Woodland and Trees of the Perth and Kinross Local Development Plan 2 (2019) which requires tree surveys to be submitted where there is potential impact on existing trees on site. There are existing trees on site and no information has been submitted to indicate the impact which the proposed development would have on existing trees.
4. The proposal is contrary to Policy 41: Bio Diversity of the Perth and Kinross Local Development Plan 2 (2019) which seeks to ensure that wildlife and wildlife habits will be protected. There are records of protected species on and within the immediate vicinity of the site and no ecology survey has been submitted to demonstrate any potential impact on protected species and how the impact will be appropriately mitigated.
5. The proposal is contrary to Policy 52: Flooding of the Perth and Kinross Local Development Plan 2 (2019) as the access road into the site is located within the functional flood plain and therefore the site may be cut off for the vehicular access during a flood event increasing the number of persons at risk from flooding with no safe access and egress, contrary to Scottish Planning Policy and the Council's duty under the Flood Risk Management (Scotland) Act 2009. No information has been presented to demonstrate how safe access and egress to the site would be achieved during a flood event. Furthermore, the site is also considered to be at risk from high and medium probability flood risk and no information has been submitted to demonstrate how site drainage will cater for this run off and manages surface water ponding.
6. The proposal is contrary to Policy 53C: Surface Water Flood Risk of the Perth and Kinross Local Development Plan 2 (2019) which requires development to be provided with an appropriately designed surface water drainage system. No information has been submitted to detail how surface water drainage will be catered for in terms of a detailed surface water drainage design and a Drainage Impact Assessment prepared to meet the requirements of the Council's Flood Risk and Flood Risk Assessments Supplementary Guidance 2021.
7. The proposal is contrary to Policy 60B: Traffic and Transport of the Perth and Kinross Local Development Plan 2 (2019) which requires all development sites to be easily accessible

by all modes of transport. Insufficient information has been submitted to demonstrate the traffic generation associated with the proposed use and no detail on any linkages to surrounding cycle and path networks has been submitted. Furthermore, no detailed information has been submitted to demonstrate the appropriate upgrade of the junction with the public road to ensure appropriate visibility and no information has been submitted to demonstrate that the existing private access is capable of accommodating the proposal without appropriate upgrade.

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- 2022-23
Planning Application – 21/02290/IPL – Erection of dwellinghouse (in principle), land 20 metres north of Powderwells Farm, New Alyth – Mr and Mrs Milne

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of 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.

Decision:

Resolved by majority 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 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.
- (iii) Following receipt of all information and responses, the application be brought back to a future meeting of the Local Review Body.

(vii) LRB-2022-24
Planning Application – 22/00326/IPL – Erection of a dwellinghouse (in principle), land 60 metres north of Knowhead House, Bendochy – Mr B Lawson

Members considered a Notice of Review seeking review of the decision by the Appointed Officer to refuse erection of a dwellinghouse (in principle), land 60 metres north of Knowhead House, Bendochy.

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 application for erection of a dwellinghouse (in principle), land 60 metres north of Knowhead House, Bendochy, 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 Council's Housing in the Countryside Guide 2020 as the proposal fails to satisfactorily comply with any of 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, or (6) Rural Brownfield Land. In particular, the proposed dwellinghouse would not form part of a Building Group or extension to it, nor is it within the garden ground associated with an existing country or estate house.
 - 2. The proposal is contrary to 'Placemaking Policies' 1A and 1B of the adopted Perth and Kinross Local Development Plan 2 (2019) as the proposed development would result in the development of an isolated plot of ground which would not complement its surroundings or contribute positively to the quality of the surrounding area in terms of character or amenity.

Justification

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