

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held on Monday 3 July 2023 at 1:00pm.

Present: Councillors B Brawn, I James and G Stewart.

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

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

1. WELCOME

Councillor Brawn welcomed all present to the meeting.

2. DECLARATIONS OF INTEREST

No declarations were made in terms of the Councillors' Code of Conduct.

3. MINUTES

The minute of meeting of the Local Review Body of 5 June 2023 was submitted and noted.

4. APPLICATIONS FOR REVIEW

- (i) **LRB-2023-15
Planning Application – 22/02168/FLL – Erection of a dwellinghouse, land 25 metres north of 94 South Street, Milnathort – Mrs M Stirling**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse, land 25 metres north of 94 South Street, Milnathort.

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 25 metres north of 94 South Street, Milnathort, be refused for the following reasons:

1. The proposal is contrary to Policy 17, Residential Areas, of the Perth and Kinross Local Development Plan 2 (2019) as the proposal is considered to represent an overdevelopment of the site when taking account of the areas environs, established building line and surrounding density, as a consequence the development is incompatible with the character and amenity of the area.
2. The proposal is contrary to Policies 1A and 1B, Placemaking, of the Perth and Kinross Local Development Plan 2 (2019) as the development would not contribute positively to the quality of the surrounding built environment. The density and siting of development does not respect the character and amenity of the place. Furthermore, the proposal fails to respect the established building line along South Street.
3. The position of the dwelling and the close proximity of the north elevation to the existing site boundary will result in a very dominant built form which is considered to be oppressive when viewed from the private garden ground of the property. An elevation of this scale in such close proximity to the boundary is contrary to Policy 1A of the Perth and Kinross Local Development Plan 2 (2019), which seeks to ensure that new development respects the visual and residential amenity of the 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.

**(ii) LRB-2023-16
Planning Application – 22/01279/FLL – Change of use and alterations to agricultural building and workshop to form 3 holiday accommodation units, Easdale, Weem, Aberfeldy, PH15 2LD – Mr R Tainsh**

Members considered a Notice of Review seeking change of use and alterations to agricultural building and workshop to form 3 holiday accommodation units, Easdale, Weem, Aberfeldy, PH15 2LD.

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 change of use and alterations to agricultural building and workshop to form 3 holiday accommodation units, Easdale, Weem, Aberfeldy, PH15 2LD, be refused for the following reason:
 - 1. The site is located within an area identified by SEPA as being at medium risk of flooding (1:200 or 0.5% AEP flood event). Notwithstanding the level of protection that is offered by the Weem Flood Protection Scheme, the proposed holiday accommodation would increase the vulnerable classification on the site from a 'least vulnerable use' (agriculture) to a 'highly vulnerable use' ('solid' walled holiday accommodation), as per SEPA Flood Risk and Land Use Vulnerability Guidance. The proposal is therefore contrary to the principles and aims of Policy 52 of the Perth and Kinross Local Development Plan 2 , SEPA Planning Information Note 4 (PIN4), and Policy 22 of National Planning Framework 4 , which all look to protect new land uses from unacceptable flood risk.

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-2023-17
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.

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) 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.

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

Note

Councillor Stewart dissented from the majority opinion. He considered that the visibility splay for access and egress between the site and the public road was not of an acceptable standard, and therefore the application for review should be refused.

- (iv) **LRB-2023-18**
Planning Application – 22/01706/FLL – Erection of a dwellinghouse, change of use and alterations to former reservoir building to form linked ancillary building and associated works, Former Water Reservoir, Blairgowrie Road, Dunkeld – Mr E Robinson

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse, change of use and alterations to former reservoir building to form linked ancillary building and associated works, Former Water Reservoir, Blairgowrie Road, Dunkeld.

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 the erection of a dwellinghouse, change of use and alterations to former reservoir building to form linked ancillary building and associated works, Former Water Reservoir, Blairgowrie Road, Dunkeld, be granted subject to:
 1. the imposition of relevant conditions and informatives.
 2. revocation of, or possible legal agreement on, the existing extant permission prior to the issuing of the review consent.

Justification

Members considered that, although the proposal is not in accordance with the Development Plan, the proposal contributed positively to the local built environment, by nature of its siting and design. Members also took into account the

existing extant permission and the greater number of trees that would be felled if that permission was fully built out.

(v) **LRB-2023-19**
Planning Application – 22/01972/FLL – Alterations and extension to dwellinghouse and installation of flue, 45 Tay Avenue, Comrie, Crieff, PH6 2PF – Mr N Dawson

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations and extension to dwellinghouse and installation of flue, 45 Tay Avenue, Comrie, Crieff, PH6 2PF.

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 and extension to dwellinghouse and installation of flue, 45 Tay Avenue, Comrie, Crieff, PH6 2PF, be refused for the following reason:
 1. The proposal, by virtue of its design, form, mass and layout on the principal and side elevation of the dwellinghouse would have a significant detrimental impact on the character and appearance of the property's simple form and character. The proposed flue would also create a negative visual impact, due to its height and location, to the property's principal elevation. Approval would therefore be contrary to the Perth and Kinross Placemaking Supplementary Guidance 2020, which states that front extensions should generally be avoided, in particular where they dominate the principal elevation of the property and where side extensions are set back from building lines. Furthermore, approval would be contrary to Policies 1A and 1B (a), (b), (c), (d) and (g) of the Perth and Kinross Local Development Plan 2 (2019), which seek to ensure that developments contribute positively to the quality of the surrounding built environment in terms of design, proportions and appearance in order to respect the character and amenity of the place.
 2. The proposal, by virtue of its design, mass and siting, would not be in-keeping with the residential character of

the area, which features open spaces and soft landscaping at the front and side.

Approval would therefore be contrary to Policy 17 (a) and (c) of the Perth and Kinross Local Development Plan 2 (2019), which seek to ensure that development contributes positively to the quality of the surrounding built environment by complementing and respecting its surroundings and that which improves the character and environment of the 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.

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