

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held on Monday 14 August 2023 at 1:00pm.

Present: Councillors B Brawn, H Anderson and B Leishman.

In Attendance: R Burton (Planning Adviser), C Elliott, (Legal Adviser) and J Guild (Democratic Governance 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

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

3. MINUTES

The minute of meeting of the Local Review Body of 3 July 2023 was submitted and noted.

4. APPLICATIONS FOR REVIEW

- (i) **LRB-2023-20**
Planning Application – 22/01986/FLL – Erection of 2 short term let holiday accommodation units (in retrospect) Land 75 metres North East of The Steading, Kinfauns, Perth – Gloag Foundation

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of 2 short term let holiday accommodation units (in retrospect) Land 75 metres North East of The Steading, Kinfauns, Perth.

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 2 short term let holiday accommodation units (in retrospect) land 75 metres North East of The Steading, Kinfauns, Perth, be refused for the following reasons:
1. The proposal is contrary to Policies 29: Rural Development (parts a & b) and 30: Tourism (part b) of National Planning Policy Framework 4, and Policies 8: Rural Business and Diversification and 9C: Timeshare and Fractional Ownership of the Perth and Kinross Council Local Development Plan 2 (2019). The proposal fails to meet the relevant criteria of countryside development to be justified, promotes unsustainable travel patterns, fails to provide convenient access to the countryside and natural environment, fails to meet a specific need by virtue of its quality or location in relation to existing businesses or tourist facilities, and is not of a high design quality.
 2. The proposal is contrary to Policy 8: Green Belt of National Planning Policy Framework 4 and Policy 43: Green Belt (parts a & d) of the Perth and Kinross Local Development Plan 2 (2019). The proposal fails to demonstrate that a green belt location is essential, undermines the purpose of the Perth Green Belt by developing land within it without sufficient justification and therefore eroding the identity of the settlement, fails to support an established use or develop a new business with direct relationship to the land, and fails to advance public access to the countryside by virtue of its convenient location for pedestrians and cyclists.
 3. The proposal is contrary to Policies 13: Sustainable Transport (part b) and 14: Design, quality and place (part c) of National Planning Policy Framework 4, and Policies 1B: Placemaking (parts a & e) and 60B Transport Standards and Accessibility Requirements: New Development Proposals of the Perth and Kinross Council Local Development Plan 2 (2019). The proposal fails to create a safe, accessible or inclusive environment for guests of the holiday accommodation and discourages pedestrian, bicycle or public transport usage by virtue of its location next to a busy trunk road and motorway junction which is poorly served by streetlighting. The proposal in turn perpetuates car dependency despite its geographic proximity to Perth.

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-2023-21**
Planning Application – 23/00116/FLL – Extension to ancillary accommodation, 6 Main Street, Keltybridge, Kelty – Mr K Crombie

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse extension to ancillary accommodation, 6 Main Street, Keltybridge, 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 extension to ancillary accommodation, 6 Main Street, Keltybridge, Kelty, be refused for the following reasons:

1. The proposal, in addition to the two existing sets of ancillary accommodation, would result in an excessive provision of ancillary accommodation, which would further reduce the functional relationship to the host dwellinghouse.

Refusal would therefore be in line with Policy 14(c) of National Planning Policy Framework 4 and approval would be contrary to Policies 14(a) and (b) and 16(g) of National Planning Policy Framework 4, Policies 1A, 1B(c) and 17(c) of Perth and Kinross Local Development Plan 2 (2019) and Perth and Kinross Placemaking Guide, which seek to ensure that the density and siting of all developments respects the character and amenity of the place.

Furthermore, the proposals are contrary to Perth & Kinross Council's Ancillary and Annex Accommodation 2021 Supplementary Guidance, which seeks to ensure that there is a strong functional relationship between ancillary accommodation and the host dwellinghouse and that the extent of the ancillary accommodation is reasonable and proportionate.

2. The proposal, by virtue of its position, height, orientation and projection, would have an imposing, overbearing and significant adverse impact upon the residential amenity of the adjacent window and garden, in terms of overshadowing in the morning and loss of daylight generally.

Approval would therefore be contrary to Policies 14(a) and (b) and 16(g) of National Planning Policy Framework 4, Perth and Kinross Placemaking Guide 2020, Perth and Kinross Council's Ancillary and Annex Accommodation 2021 and Policies 1A, 1B(c) and 17(c) of the Perth and Kinross Local Development Plan 2 (2019), which seek to protect and where possible improve existing residential 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.

(iii) **LRB-2023-22**
Planning Application – 23/00101/FLL – Extension to dwellinghouse, Wester Hassendean, Montrose Road, Auchterarder PH3 1BZ – Ms J Martin

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse extension to dwellinghouse, Wester Hassendean, Montrose Road, Auchterarder PH3 1BZ.

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, Wester Hassendean, Montrose Road, Auchterarder PH3 1BZ, be granted subject to the imposition of relevant terms, conditions and informatives.

Justification

Members considered the proposal to be in accordance with the Development Plan.

Note

Councillor Brawn dissented from the majority opinion. He considered that, whilst recognising the limited space available, the design was unsympathetic, of excessive proportion and inappropriate materials and therefore not in accordance with the Development Plan.

(iv) **LRB-2023-23**
Review of Condition 2 on planning permission 23/00070/FLL – Change of use of road to form extension to outdoor seating area (for temporary period) at 145-151 South Street, Perth PH2 8NY – Centre Global Ltd.

Members considered a Notice of Review seeking a review of Condition 2 on planning permission 23/00070/FLL – change of use of road to form extension to outdoor seating area (for temporary period) at 145-151 South Street, Perth PH2 8NY.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the material planning considerations 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 of Condition 2 on planning permission 23/00070/FLL – change of use of road to form extension to outdoor seating area (for temporary period) at 145-151 South Street, Perth PH2 8NY, be refused. Condition 2 remains as follows:
 - 2. Permission is hereby granted for a limited temporary period. The use of the seating area must cease by Monday 2 October 2023 and the entirety of the temporary structure removed by Friday 6 October 2023.

Justification

In view of the nature of the development and location of the proposed development on a main arterial route into Perth City Centre and due to the requirement to ensure ongoing maintenance of the gullies and the requirements of the strategic road network in this location.

(v) **LRB-2023-25**
Planning Application – 23/00186/FLL – Part demolition, alterations and extension to dwellinghouse, Forest Lodge, Ladywell, Birnam, Dunkeld PH8 0DU – Ms C Norfolk

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse part demolition, alterations and extension to dwellinghouse, Forest Lodge, Ladywell, Birnam, Dunkeld PH8 0DU.

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 Full Ecological Survey, in addition to the already provided Bat Roost Assessment, both of which will be passed to the Tree and Biodiversity Officer and Development Management for comment.
- (iii) Following receipt of all information and responses, the application be brought back to a future meeting of the Local Review Body.

Note

Councillor Leishman dissented from the majority opinion. He considered enough information to be available to determine the review.