

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of hybrid meeting of the Perth and Kinross Local Review Body held on Monday 13 May 2024.

Present: Councillors B Brawn, K Harvey and Bailie M Williamson.

In Attendance: L Tierney (Planning Adviser), G Fogg, (Legal Adviser) and D Williams (Democratic Governance Officer) (all Strategy, People and Resources).

Also Attending: A Brown and S Dockerill (both Strategy, People and Resources) and C McLaren (Economy, Place and Learning).

Councillor B Brawn, Convener, Presiding

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 15 April 2024 was submitted and noted.

4. APPLICATIONS FOR REVIEW

- (i) **LRB-2024-09**
Planning Application - 23/01529/FLL - Change of use of flat to form a short-term let accommodation unit (in retrospect), 75 Muirton Place, Perth, PH1 5DL – Ms S Devyotova

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer for the change of use of flat to form a short-term let accommodation unit (in retrospect), 75 Muirton Place, Perth, PH1 5DL.

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 of flat to form a short-term let accommodation unit (in retrospect), 75 Muirton Place, Perth, PH1 5DL, be refused for the following reasons:
1. The proposed retrospective change of use is contrary to Policy 30, Tourism e) of National Planning Framework 4 (2023) as the proposal will result in:
 - i. An unacceptable impact on local amenity and character of the area: and
 - ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.
 2. The proposal is contrary to National Planning Framework 4 (2023) Policy 14c): Design, Quality and Place and Perth and Kinross Local Development Plan 2 (2019), Policy 1A: Placemaking and Policy 17 d) Residential Area as the short-term let accommodation would adversely impact on the amenity of residents and the short-term let use is not compatible with the amenity and character of a long-established residential street.

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-2024-10
Planning Application - 23/01564/FLL - Erection of dwellinghouse, land 20 metres south west of 4 Lageonan Road, Grandtully, Aberfeldy – Mr S Hendry**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse, land 20 metres south west of 4 Lageonan Road, Grandtully, Aberfeldy.

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) Development Management to review and comment on the Tree Survey, Arboricultural Impact Assessment, Tree Protection and Compensatory Planting Plan attached to the applicant's Notice of Review.
- (iii) Transport Planning to review and comment on the visibility splay included in the updated site plan attached to the applicant's Notice of Review.

- (iv) The applicant to review and comment on the responses as per (ii) and (iii) above.
- (v) Following receipt of all information and responses, the application be brought back to a future meeting of the Local Review Body.

(iii) LRB-2024-11

Planning Application - 23/01520/FLL - Erection of a dwellinghouse, fence and gate, formation of driveway, parking, landscaping and associated works, land 50 metres north west of Newlands Wood, Newlands Farm, Wester Balgedie, Kinross - Mr R Erskine

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to erection of a dwellinghouse, fence and gate, formation of driveway, parking, landscaping and associated works, land 50 metres north west of Newlands Wood, Newlands Farm, Wester Balgedie, 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 unanimous decision that:

- (ii) the review application for erection of a dwellinghouse, fence and gate, formation of driveway, parking, landscaping and associated works, land 50 metres north west of Newlands Wood, Newlands Farm, Wester Balgedie, Kinross, be refused for the following reasons:
 1. The proposal is contrary to Policy 17 Rural homes of the National Planning Framework 4 (2023) as the proposal fails to meet any of the specific circumstances listed.
 2. the proposal is contrary to Policy 19 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 of replacement of houses, 5) Conversion or replacement of redundant non-domestic buildings and 6) Development on rural brownfield land.
 3. The proposal is contrary to Placemaking Policies 1A and 1B of the Perth and Kinross Local Development Plan 2 (2019) and the associated supplementary Placemaking Guidance and Policy 14 Design Quality and Place of National Planning Framework 4 (2023) which seeks to ensure that development contributes positively to the quality of the surrounding built and natural environment. This site is

within a woodland where the development may result in tree/landscaping loss which would impact the wider landscape character of the area.

4. The proposal is contrary to Policy 40 Forestry Woodland and Tress of the Perth and Kinross Local Development Plan 2 (2019) and Policy 6 Forestry, woodland and trees of National Planning Framework 4 (2023) as the submission fails to consider the impact of the development in relation to trees.
5. The proposals are contrary to Policy 3 of National Planning Framework 4 and Policy 41 Biodiversity, of the Perth and Kinross Local Development Plan 2 (2019) as no ecological impact assessment has been provided to assess the impact on biodiversity of the development and to demonstrate enhancement or mitigation measures.
6. The proposal is contrary to Policy 46A and 46B, Loch Leven Catchment Area, of the Perth and Kinross Local Development Plan 2 (2019). The site lies within the Loch Leven Catchment Area where phosphorus mitigation is required to protect the Loch Leven SPA and Ramsar Site. No details of phosphorus mitigation have been submitted.

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-2024-12
Planning Application – 23/01906/FLL – Erection of a dwellinghouse,
land 35 metres east of Gateside Cottage, Forteviot, Perth – Mr and
Mrs Roberts**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse, land 35 metres east of Gateside Cottage, Forteviot, 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 the erection of a dwellinghouse, land 35 metres east of Gateside Cottage, Forteviot, Perth, be refused for the following reasons:
 1. The proposal is contrary to Policy 17 Rural Homes of National Planning Framework 4 as it fails to meet any of the

- criteria within Policy 17a) and is not suitably scaled, sited or designed to be in keeping with the character of the area.
2. 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.
 3. The proposal is contrary to Policy 1A and 1Bb), Placemaking of the Perth and Kinross Development Plan 2 (2019). The proposed development would not contribute positively to the built and natural environment due to the un-contained nature of the site, its exposed position and the lack of a suitable well-established landscape framework. Development would therefore detract from the visual amenity and landscape character of the area.
 4. The proposal is contrary to Policy 39 (Landscape) of the Perth and Kinross Local Development Plan 2 (2019) as it has not been demonstrated through assessment against a landscape capacity study that the site is appropriate for the development and meets the criteria in Policy 39 that seeks to maintain and enhance the landscape qualities of Perth and Kinross.

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-2024-13
Planning Application – 22/01959/FLL - Mixed use development comprising alterations to church, relocation of memorial, erection of community centre with sport/education facilities, offices, community café, formation of replacement MUGA, landscaping, parking and associated works, land 30 metres west of St Columba's Episcopal Church, 19 Perth Road, Stanley – Stanley Development Trust**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the mixed use development comprising alterations to church, relocation of memorial, erection of community centre with sport/education facilities, offices, community café, formation of replacement MUGA, landscaping, parking and associated works, land 30 metres west of St Columba's Episcopal Church, 19 Perth Road, Stanley.

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 provide, by written submission, the outcome of the Listed Building Consent appeals that are currently being considered by the DPEA.
- (iii) Following receipt of the DPEA decisions, the application be brought back to a future meeting of the Local Review Body.

6. DEFERRED APPLICATIONS FOR REVIEW

(i) LRB-2023-53

Planning Application - 23/01040/FLL - Change of use of flat to form short-term let accommodation unit (in retrospect), 4 Knowehead House, Dundee Road, Perth, PH2 7EY - Mr L Deans

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of flat to form short term let accommodation unit (in retrospect) 4B Bonnethill Road, Pitlochry PH16 5BS.

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 12 February 2024, the Local Review Body resolved that insufficient information was before them to determine the application without further procedure; (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) Development Management to review and comment on the proposal in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let; (iii) The applicant to review and comment on the response from Development Management as per (ii) above and in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let; and (iv) Following receipt of all information and responses, the application be brought back to a future meeting of the Local Review Body, along with a copy of the Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let.

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 of flat to form short term let accommodation unit (in retrospect) at 4 Knowehead House, Dundee Road, Perth, PH2 7EY, be refused for the following reasons:
1. The proposed retrospective change of use is contrary to Policy 30, Tourism e) of National Planning Framework 4 (2023) as the proposal will result in:
 - i. An unacceptable impact on local amenity and character of the area: and
 - ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.
 2. The proposal is contrary to National Planning Framework 4 (2023) Policy 14c): Design, Quality and Place and Perth and Kinross Local Development Plan 2 (2019), Policy 1A: Placemaking and Policy 17 d) Residential Area as the increased activity, noise and disruptive behaviour caused by users of the short-term let adversely impacts on the amenity of neighbours and the continuation of the short-term let is not compatible with the amenity and character of the existing residential development.

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-2023-55**
Planning Application - 23/01028/FLL – Change of use of flat to short-term let, unit 5B South Inch Court, Perth, PH2 8BG – R Kaskar

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of use of flat to short-term let, unit 5B South Inch Court, Perth, PH2 8BG.

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 12 February 2024, the Local Review Body resolved that insufficient information was before them to determine the application without further procedure; (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) Development Management to review and comment on the proposal in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let; (iii) The applicant to review and comment on the response from Development Management as per (ii) above and in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let; and (iv) Following receipt of all information and responses, the application be

brought back to a future meeting of the Local Review Body, along with a copy of the Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let.

Resolved:

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 of flat to short-term let, unit 5B South Inch Court, Perth, PH2 8BG, be refused for the following reasons:
 - 1. The proposed retrospective change of use is contrary to Policy 30, Tourism e) of National Planning Framework 4 (2023) as the proposal will result in:
 - i. An unacceptable impact on local amenity and character of the area: and
 - ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.
 - 2. The proposal is contrary to National Planning Framework 4 (2023) Policy 14c): Design, Quality and Place and Perth and Kinross Local Development Plan 2 (2019), Policy 1A: Placemaking and Policy 17 d) Residential Area as the short-term let accommodation would adversely impact on the amenity of residents of the flats and the short-term let use is not compatible with the amenity and character of the existing private, quiet, enclosed residential development.

Justification

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