

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of hybrid meeting of the Perth and Kinross Local Review Body held on Monday 12 February 2024.

Present: Councillors B Brawn, D Illingworth and G Stewart.

In Attendance: L Tierney (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) and C McLaren (Communities).

1. WELCOME

Councillor Brawn welcomed all present to the meeting. Councillor Brawn noted that this was Lesley Tierney's first meeting as Planning Adviser and welcomed her to the meeting.

2. DECLARATIONS OF INTEREST

No Declarations of Interest were made in terms of the Councillors Code of Conduct.

3. MINUTES

The minute of meeting of the Local Review Body of 15 January 2023 was submitted and noted.

4. APPLICATIONS FOR REVIEW

- (i) **LRB-2023-50
Planning Application – 23/01235/IPL – Renewal of permission 20/00985/IPL (Erection of farm shop and formation of ancillary parking (in principle)), land 60 metres east of Tay Cottage, Killin – T Allen and B Snoxhall**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse renewal of permission 20/00985/IPL (Erection of farm shop and formation of ancillary parking (in principle)), land 60 metres east of Tay Cottage, Killin.

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 renewal of permission 20/00985/IPL (Erection of farm shop and formation of ancillary parking (in principle)), land 60 metres east of Tay Cottage, Killin, be refused for the following reasons:

1. The proposal is contrary to Policy 13: Sustainable Transport of the National Planning Framework 4 (NPF4) as the proposal is likely to only be accessible by private car and fails to provide for (i) direct, easy, segregated and safe links to local facilities and communities via walking, wheeling and cycle networks, and (ii) accessible public transport ideally supporting the use of existing services.
2. The proposal is contrary to Policy 29: Rural Development of the National Planning Framework 4 (NPF4) as no detailed current information has been provided to demonstrate how the proposed development relates to the current operation of Morenish Farm and to demonstrate how the proposal contributes towards the viability, sustainability and diversity of the rural community and local rural economy. Furthermore, the site is remote and likely to be only accessible by private car and therefore fails to contribute towards local living and there is no provision for sustainable transport access.
3. The proposal is contrary to Policy 30: Tourism of the National Planning Framework 4 (NPF4) in particular criteria (i) as there is no up to date supporting information on the contribution which the proposal would make to the local economy and criteria (iv) as no information has been presented on opportunities for sustainable travel or any consideration of traffic generation or scope for sustaining rural public transport services.

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 Illingworth dissented from the majority opinion. He considered that the proposed development was on a tourist route, Heart 200, and therefore complied with policy and permission (in principle) should be granted.

(ii) **LRB-2023-51**
Planning Application – 23/01599/FLL – Change of use from flat to a short-term let accommodation unit (in retrospect), 81 Balhousie Street, Perth, PH1 5BG – B Szmajdzinski

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of use from flat to a short-term let accommodation unit (in retrospect), 81 Balhousie Street, Perth, PH1 5BG.

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 change of use from flat to a short-term let accommodation unit (in retrospect), 81 Balhousie Street, Perth, PH1 5BG be granted, subject to the imposition of relevant terms and conditions.

Justification

It was considered that the proposal was in accordance with the Development Plan and should therefore be granted subject to suitable conditions.

Note: Councillor Stewart dissented from the majority opinion. He considered that the proposed development was not in accordance with the Development Plan and the Appointed Officer's decision should be upheld.

**(iii) LRB-2023-52
Planning Application – 23/01131/IPL – Erection of a dwellinghouse (in principle), land 50 metres north of The Stackhouse, Hatchbank, Kinross – Mr G Muirhead**

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 50 metres north of The Stackhouse, Hatchbank, 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 (in principle), land 50 metres north of The Stackhouse, Hatchbank, Kinross, be granted subject to the imposition of relevant terms and conditions.

Justification

It was considered that the proposal was in accordance with the Development Plan and should therefore be granted subject to suitable conditions.

(iv) **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 – L Deans

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of use from flat to short term let accommodation (in retrospect), 4 Knowehead House, Dundee Road, Perth, PH2 7EY.

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 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.
- (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.

(v) **LRB-2023-54**
Planning Application – 23/01311/FLL – Change of use of flat to form short-term let accommodation unit, 4 Kirk View Apartments, Bonnethill Road, Pitlochry, PH16 5FB – Legacy Land Limited

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of use of flat to form short-term let accommodation, 4 Kirk View Apartments, Bonnethill Road, Pitlochry, PH16 5FB.

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 change of use of flat to form short-term let accommodation, 4 Kirk View Apartments, Bonneathill Road, Pitlochry, PH16 5FB, be refused for the following reasons:
 - 1. The proposed retrospective change of use is contrary to Policy 30(e): Tourism of National Planning Framework 4 (2023) as the proposal would 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 benefit.
 - 2. The proposal is contrary to National Planning Framework 4 (2023) Policy 14(c): Design, Quality and Place, and Perth and Kinross Local Development Plan 2 (2019) Policy 1A: Placemaking and Policy 17(d): Residential Areas, as the short term let accommodation would adversely impact on the amenity of neighbouring residents and the short-term let use would not be compatible with the amenity and character of the surrounding predominantly residential 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.

Note: Councillor Illingworth dissented from the majority opinion. He considered that the proposed development was close to the town centre of Pitlochry, and therefore complied with policy and permission (in principle) should be granted.

- (vi) **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 from 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.

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 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.
- (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.

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