

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held virtually on Tuesday 17 August 2021 at 10.30am.

Present: Councillors L Simpson, D Illingworth and W Wilson.

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

Also Attending: A Brown, M Pasternak (both Corporate and Democratic Services).

1. WELCOME

Councillor Simpson 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 22 June 2021 was submitted and noted.

4. APPLICATIONS FOR REVIEW

- (i) LRB-2021-21**
Planning Application – 20/01443/FLL – Erection of 2 dwellinghouses, land 40 metres north of 7 Kinclaven Green, Kinclaven – Ballathie Estates Ltd.

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of 2 dwellinghouses, land 40 metres north of 7 Kinclaven Green, Kinclaven.

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 erection of 2 dwellinghouses, land 40 metres north of 7 Kinclaven Green, Kinclaven, be granted, subject to:
 - 1. The imposition of relevant conditions and informatives, including conditions regarding finishing, with particular regards to the colour of cladding and stonework, and the submission of a landscaping plan.

Justification

It was considered that the proposal was in accordance with the Development Plan, as members considered that the proposal did not detract from the amenity of the surrounding area as an extension to a building group, and was in keeping with existing development in the local area.

Note: Councillor Simpson dissented from the majority decision. He considered that the proposal was not in keeping with the pattern of existing development in the local area, and could set an unwanted precedent for future development in the local area. He therefore concluded that permission should not be granted.

- (ii) **LRB-2021-22**
Planning Application – 20/00952/FLL – Erection of a dwellinghouse and change of use of former reservoir building to form ancillary accommodation, former water reservoir, Blairgowrie Road, Dunkeld – Ms C Robinson

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse and change of use of former reservoir building to form ancillary accommodation, former water reservoir, Blairgowrie Road, Dunkeld.

The Legal 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 Legal Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure.
- (ii) The Review Applicants to produce plans to show the re-routing of the main path on site used by the public; how the re-routing may affect existing trees; and how the re-routing will be delivered, including any gates required through the suggested deer perimeter fence.

- (iii) Community Greenspace and Development Management of Perth and Kinross Council to be given the opportunity to comment on plans provided in response to (ii).
- (iv) Clarification from the Tree and Biodiversity Officer of Perth and Kinross Council as to whether a bat survey is required where (a) the stone building referred to in the officer's consultation response has its own planning permission, and (b) if this review is granted, the review applicants propose that that planning permission is revoked
- (v) An unaccompanied site visit be undertaken.
- (vi) Following receipt of all information and responses, and the completion of an unaccompanied site visit, the application be brought back to a future meeting of the Local Review Body.

(iii) LRB-2021-23

Planning Application – 21/00246/FLL – Erection of a dwellinghouse, land 50 metres east of Mill of Muckly Farm Cottage, Dunkeld – Mr and Mrs G Buist

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse, land 50 metres east of Mill of Muckly Farm Cottage, 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 majority decision that:

- (ii) the review application for the erection of a dwellinghouse, land 50 metres east of Mill of Muckly Farm Cottage, Dunkeld, be refused for the following reasons:
 1. The proposal is contrary to Policies 1A and 1B (b) & (c), Placemaking, of the Perth and Kinross Local Development Plan 2 (2019). The proposal, by virtue of its scale and massing, would be incongruous when viewed against the traditional existing structures, would have an adverse impact on visual amenity and does not respect the character and amenity of the place.
 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 Supplementary Guidance March 2020, as

- the proposal fails to satisfactorily comply with A Successful Sustainable Place categories (i) and (iii), and with A Natural Resilient Place (i). The proposal, by virtue of its scale and massing, does not integrate well with its setting, does not enhance the surrounding environment and does not demonstrate how the development will make a positive contribution to the biodiversity of the site.
3. The proposed development will adversely affect the residential amenity of neighbouring property (Plot 2) due to overlooking from the proposed balcony on the southern elevation.

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 decision. He considered that the proposed design was of an acceptable standard, and would not have a negative impact on the existing local area, and as such that the proposal was in accordance with the Development Plan. He therefore concluded that permission should be granted.

(iv) LRB-2021-25
Review of Condition 1 on Planning Permission 20/01359/FLL –
Change of use from office (class 2) to hot food takeaway, 176-178
South Street, Perth – Doreus Property Company Ltd.

Members considered a Notice of Review seeking a review of Condition 1 on Planning Permission 20/01359/FLL – Change of use from office (class 2) to hot food takeaway, 176-178 South Street, 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 seeking a review of Condition 1 on Planning Permission 20/01359/FLL – Change of use from office (class 2) to hot food takeaway, 176-178 South Street, Perth, be granted, and the condition to now read:

1. *Permission is hereby granted for a limited period until 30/06/2026.*

Justification

Members considered that it would be beneficial to the business to extend to limited period of the permission, and this would not have an adverse impact on the amenity of the surrounding area.

5. APPLICATIONS PREVIOUSLY CONSIDERED

(i) LRB-2021-09 Planning Application – 20/01728/FLL – Erection of 2 dwellinghouses and garages, land at Mennieburn Road, Aberuthven – Mr D Wilson

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of 2 dwellinghouses and garages, land at Mennieburn Road, Aberuthven.

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 25 May 2021, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) investigation being undertaken with the Planning Service as to whether, during the preparation of LDP 2 (2019), consideration was given to the incorporation of the application site as part of the defined settlement; (ii) clarification be sought on the inconsistency referred to in the Report of Handling, namely the reference to private foul drainage and the use of a SUDS scheme for surface water but also the reference to a connection to a mains sewer in the planning statement; (iii) and unaccompanied site visit being undertaken. With all further information having been received, and the site visit having taken place on 7 June 2021, the Local Review Body reconvened.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, including all submitted further information, the comments from the Planning Adviser, and having undertaken the requested site visit, 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 erection of 2 dwellinghouses and garages, land at Mennieburn Road, Aberuthven, be granted, subject to:
 - 1. The imposition of relevant conditions and informatives, including access and public footpath, retention of roadside hedge, landscaping, mains drainage connection and SUDS provision, use of natural slate as the roofing material. The

issuing of planning permission is subject to the provision of a contribution to the funding of the A9 Junction improvement, possibly through a legal agreement.

Justification

It was considered that the proposal is in accordance with both the Development Plan and the Housing in the Countryside Supplementary Guidance, as members considered that the proposal constituted an extension to the existing building group.

Note: Councillor Simpson dissented from the majority decision. He considered that the proposal is contrary to the Development Plan and there was not sufficient justification to depart from that. He therefore concluded that permission should not be granted.