

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held virtually on Tuesday 11 January 2022 at 10.30am.

Present: Councillors L Simpson, B Brawn 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 and 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

- (i) The minute of meeting of the Local Review Body of 9 November 2021 was submitted and noted.
- (ii) The minute of meeting of the Local Review Body of 7 December 2021 was submitted and noted.

4. APPLICATIONS FOR REVIEW

- (i) **LRB-2021-41**
Planning Application – Review of Condition 3 on planning consent 21/01608/FLL – Part change of use of dwellinghouse to allow operation of childminding business for a temporary period (5 years) at 31 Orchard Way, Inchture – N Hallyburton

Members considered a Notice of Review seeking a review of Condition 3 on planning consent 21/01608/FLL – Part change of use of dwellinghouse to allow operation of childminding business for a temporary period (5 years) at 31 Orchard Way, Inchture.

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 3 on planning consent 21/01608/FLL – Part change of use of dwellinghouse to allow operation of childminding business for a temporary period (5 years) at 31 Orchard Way, Inchture, be granted and Condition 3 be removed from planning consent 21/01608/FLL.

Justification

Whilst accepting that the proposal did not comply fully with the Development Plan, Members considered that the proposal was acceptable in this setting and given the circumstances, therefore Condition 3 should be deleted.

(ii) LRB-2021-43

Planning Application – 21/01138/FLL – Change of use from open space to form extension to garden ground, erection of garden buildings and associated works (in retrospect), 8 Almond Grove, Huntingtowerfield, Perth – L Paton

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of use from open space to form extension to garden ground, erection of garden buildings and associated works (in retrospect), 8 Almond Grove, Huntingtowerfield, 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 change of use from open space to form extension to garden ground, erection of garden buildings and associated works (in retrospect), 8 Almond Grove, Huntingtowerfield, Perth, be refused for the following reasons:
 - 1. The proposal is contrary to Policy 1A, Placemaking, of the Perth and Kinross Local Development Plan 2 (2019), as the proposal does not contribute positively to the quality of the surrounding built and natural environment due to extending the 2 metre high fence hard against the existing footpath links. This fails to respect the character and amenity of place as it results in the loss of existing

landscaped open space and fails to provide appropriate intervisibility between path junctions and creates an oppressive corridor footpath link, in conjunction with the fence to the north, to the Right of Way and Core Path network that runs along the River Almond.

2. The proposal is contrary to criterion (a) Policy 1B, Placemaking, of the Perth and Kinross Local Development Plan 2 (2019), as it erodes the previous coherent structure of streets, spaces and buildings, by introducing built development on an area of amenity open space.
3. The proposal is contrary to Policy 15, Public Access, of the Perth and Kinross Local Development Plan 2 (2019), as the proposed fence line creates a corridor effect, in conjunction with the fence to the north, along the footpath with kinks and blind spots. There is severely limited intervisibility at junction locations and this will reduce the safety of pedestrians and cyclists using the path network. Consequently, the proposal has an adverse impact upon the integrity of well used routes.
4. The proposal is contrary to criterion (c) of Policy 17, Residential Areas, of the Perth and Kinross Local Development Plan 2 (2019), as the proposal will not improve the character and environment of the area as it results in the loss of an area of open space that should be retained (in part) as a recreational and amenity resource.
5. The proposal is contrary to criterion (a) of Policy 39, Landscape, of the Perth and Kinross Local Development Plan 2 (2019), as it erodes local distinctiveness, visual and scenic qualities of the landscape and the quality of the landscape experience.

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-2021-44
Planning Application – 21/01168/FLL – Erection of
garage/workshop/garden machinery store, Craigend House,
Powmill, Kinross – Mr and Mrs D Ritchie

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of garage/workshop/garden machinery store, Craigend House, Powmill, 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:

- (ii) 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 garage/workshop/garden machinery store, Craigend House, Powmill, Kinross, be refused for the following reasons:
 - 1. The proposal, by virtue of its introduction of built development into the lower roadside location, has an inappropriate siting. The proposal would be disassociated with Craigend House and its outbuildings, as it would sit on a lower level.
Approval would therefore be contrary to Perth and Kinross Placemaking Supplementary Guidance 2020 and Policy 1A, Placemaking, of the Perth and Kinross Local Development Plan 2 (2019), which states that development must contribute positively to the quality of the surrounding built and natural environment by respecting the siting, character and amenity of the place.
 - 2. The proposal is contrary to Policies 1A and 1B(c), Placemaking, of the Perth and Kinross Local Development Plan 2 (2019), as the proposal by virtue of its scale and massing would be incongruous as a garage/workshop, and would not contribute positively to the surrounding built and natural environment.

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-2021-45
21/01698/FLL – S42 application to modify Condition 5 (hours of deliveries) of permission 12/00823/FLL, 92 Atholl Road, Pitlochry – Greggs PLC**

Members considered a Notice of Review seeking a review of an S42 application to modify Condition 5 (hours of deliveries) of permission 12/00823/FLL, 92 Atholl Road, Pitlochry.

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) Condition 5 of Planning Permission 12/00823/FLL to be amended to read as follows:

- 5. Servicing of, and deliveries to, the premises shall be carried out between 0700 and 1900 Monday to Saturday and between 1300 and 1900 on Sundays, only.

Justification

In considering a number of factors, including the business needs, residential amenity of neighbouring properties and the nature of Pitlochry, Members considered that this modification to Condition 5 represented was reasonable and workable resolution between the interests of the different parties.