

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held virtually on Tuesday 2 March 2021 at 10.00am.

Present: Councillors L Simpson, B Brawn and C Purves.

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

Also Attending: A Brown, M Pasternak and L McGuigan (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 and the minute of special meeting of the Local Review Body, both of 2 February 2021, were submitted and noted.

4. APPLICATIONS FOR REVIEW

- (i) **LRB-2020-28**
Planning Application – 20/01197/FLL – Erection of 4 dwellinghouses, land 350 metres south east of Broadgreen, Cargill – Freewheelin Ltd.

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of 4 dwellinghouses, land 350 metres south east of Broadgreen, Cargill.

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 4 dwellinghouses, land 350 metres south east of Broadgreen, Cargill., be refused for the following reasons:

1. The proposal is contrary to Policy 19, Housing in the Countryside, 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 or Replacement of Houses, 5) Conversion or Replacement of Redundant Non-Domestic Buildings, and 6) Development on Rural Brownfield Land. In particular the site, although being formerly developed, does not meet the definition of rural brownfield land outlined in Category 6.
2. The proposal is contrary to Policy 41, Biodiversity, of the Perth and Kinross Local Development Plan 2 (2019) as the ecological survey of the proposed development area or assessment of the likely effects from this development on habitats and species is insufficient, in particular in relation to bats.
3. The proposal is contrary to Policy 40, Forestry and Trees, of the Perth and Kinross Local Development Plan 2 (2019) as information to make an assessment of the potential impact of this development on the existing trees and woodland area has not been provided.

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-2020-01
Planning Application – 20/01220/FLL – S42 application to delete Condition 6 (occupancy: to permit use as dwellinghouses) of permission 10/02127/FLL, Altamount House, Coupar Angus Road, Blairgowrie – Ms C Kelly**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse a S42 application to delete Condition 6 (occupancy: to permit use as dwellinghouses) of permission 10/02127/FLL, Altamount House, Coupar Angus Road, Blairgowrie.

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 an S42 application to delete Condition 6 (occupancy: to permit use as dwellinghouses) of permission 10/02127/FLL, Altamount House, Coupar Angus Road, Blairgowrie, be refused for the following reasons:

1. The 'as built' layout would not contribute positively to the area by virtue of offering a low level of residential amenity for future occupiers of the dwellings, by creating the potential for direct overlooking and loss of privacy to occur, and by creating a residential development which would appear 'cramped and squeezed in'. Accordingly, the proposal is contrary to Policy 1, Placemaking, of the Perth and Kinross Local Development Plan 2 (2019), which seeks to ensure that new developments contribute positively to the quality of the built environment of the area.
2. The 'as built' layout would not provide a suitable level of residential amenity for future occupiers of the dwellings by virtue of the lack of amenity space, close relationship between units, and overlooking and loss of privacy. Accordingly, the proposal is contrary to Policy 17, Residential Areas, of the Perth and Kinross Local Development Plan 2 (2019), which seeks to ensure that residential amenity is protected and provided in relation to new developments.

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-2021-02**
Planning Application – 20/01712/FLL – Erection of ancillary accommodation unit, Robins Mead, Woodlands Road, Blairgowrie – Mr R Walker

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of ancillary accommodation unit, Robins Mead, Woodlands Road, Blairgowrie.

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 ancillary accommodation unit, Robins Mead, Woodlands Road, Blairgowrie, be refused for the following reasons:
 - 1. As a consequence of the design, scale, position and limited functional relationship with the main dwellinghouse, the development is contrary to Policy 17 of the Perth and Kinross Local Development Plan 2 (2019). The location of the proposal and subsequent surrounding garden ground, along with the separate drainage connections, and extent of accommodation proposed, means that the proposed ancillary accommodation could be readily severable from the main dwellinghouse and capable of functioning as an independent unit, and is therefore tantamount to a new dwelling.
 - 2. The proposal is contrary to Policy 53B, Water, Environment, and Drainage (Foul Drainage), of the Perth and Kinross Local Development Plan 2 (2019), in that the proposals fail to connect to the public sewer.

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 Brawn dissented from the majority decision. He considered that the proposal did constitute ancillary accommodation to the main property and was in accordance with the Local Development Plan, and as such permission for the erection of ancillary accommodation should be granted.