

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held virtually on Tuesday 7 December 2021 at 10.30am.

Present: Councillors L Simpson, D Illingworth and I James.

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

- (i) The minute of meeting of the Local Review Body of 12 October 2021 was submitted and noted.
- (ii) Consideration of the minute of meeting of the Local Review Body of 9 November 2021 was deferred until the next meeting of the Local Review Body.

4. APPLICATIONS FOR REVIEW

- (i) **LRB-2021-33**
Planning Application – 21/00736/FLL – Erection of 2 dwellinghouses, land 90 metres north east of North Lodge, Dunkeld – E & J Bremner

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of 2 dwellinghouses, land 90 metres north east of North Lodge, 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 2 dwellinghouses, land 90 metres north east of North Lodge, Dunkeld, be refused for the following reasons:

1. The proposal is contrary to criterion within Policy 1A of the Perth and Kinross Local Development Plan 2 (2019), as the development fails to respect the character and amenity of the place and has an adverse impact due to an inappropriate siting of the development in an area of open space within the Dunkeld Conservation area.
2. The proposal is contrary to criterion (a) of Policy 1B of the Perth and Kinross Local Development Plan 2 (2019), as the development erodes the coherent structure of streets, spaces and buildings of this area of Dunkeld.
3. The proposal is contrary to Policy 17, Residential Areas, of the Perth and Kinross Local Development Plan 2 (2019) as the development will not retain this area of open space, therefore the amenity value of the space will be eroded. Furthermore, the proposal does not improve the character and environment of the settlement of Dunkeld, see criterion (b).
4. The proposal is contrary to Policy 28A, Conservation Areas, of the Perth and Kinross Local Development Plan 2 (2019), as the siting of the building and the extent of cut and fill at this sloping site will have an adverse impact on the special qualities, its appearance, character and setting of the Dunkeld Conservation Area. It also fails to take cognisance of the amenity value of the site and the importance the site makes in key views within Dunkeld as detailed in the Dunkeld Conservation Area Appraisal.
5. The proposal is contrary to Policy 60B, Transport Standards and Accessibility Requirements, of the Perth and Kinross Local Development Plan 2 (2019), as it fails to illustrate a layout that can achieve a suitable level of parking (two spaces per dwelling), along with turning facilities within the site to ensure vehicles can enter and exit in a forward gear. As a consequence, vehicles will need to reverse onto or off private access/core path to the detriment of vehicle and pedestrian safety. Furthermore, the redline boundary of the site does not extend to or cover access to the public road.

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 proposal was in accordance with the Development Plan. In his view, the proposed development

constituted organic growth of the settlement. Therefore, with the imposition of relevant conditions, with particular reference to parking, he considered that the proposal was in accordance with the Development Plan and the Appointed Officer's decision should be overturned.

(ii) **LRB-2021-35**
Planning Application – 21/01221/FLL – Erection of garage and boundary treatments, formation of vehicular access and associated works (in part retrospect), land 45 metres south west of 7 Almond Place, Huntingtowerfield – Mr A & Mrs M Pettigrew

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of garage and boundary treatments, formation of vehicular access and associated works (in part retrospect), land 45 metres south west of 7 Almond Place, Huntingtowerfield.

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 garage and boundary treatments, formation of vehicular access and associated works (in part retrospect), land 45 metres south west of 7 Almond Place, Huntingtowerfield, 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 the introduction of a 1.9 metre high fence line hard against the existing footpath and cycle links. The introduction of built development on the site results in the loss of the amenity area of open space. This fails to respect the character and amenity of place as it results in the loss of existing landscape planting and a biodiversity resource, it fails to provide appropriate intervisibility between the path junction with the National Cycle route, and creates an oppressive corridor footpath link along the Right of Way and Core Path network that runs along the River Almond.
 - 2. The proposal is contrary to criterion (a) of Policy 1B, Placemaking, of the Perth and Kinross Local

- Development Plan 2 (2019), as it erodes the previous 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 along the Right of Way and Core Path which runs along the River Almond. There is 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 the core path, right of way and well used routes.
 4. The proposal is contrary to criterion (a) of Policy 17, Residential Areas, of the Perth and Kinross Local Development Plan 2 (2019), as the proposal will result in the urbanisation of an area of amenity open space and 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 an amenity resource.
 5. The proposal is contrary to Policy 40B of the Perth and Kinross Local Development Plan 2 (2019), as there are existing trees on the site and no tree survey has been submitted to demonstrate the extent of impact which the proposed development would have on these trees.

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-2021-37
Planning Application – 21/01075/FLL – Erection of a dwellinghouse and garage, installation of an air source heat pump and associated works, land 160 metres north west of Craigton House, Cleish – Mr A Smith

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse and garage, installation of an air source heat pump and associated works, land 160 metres north west of Craigton House, Cleish.

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 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 and garage, installation of an air source heat pump and associated works, land 160 metres north west of Craigton House, Cleish, 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, due to its scale, siting and design, the development would not contribute positively to the quality of the surrounding built and natural environment in this rural location.
 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 with 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, in terms of Category 3), it has not been satisfactorily demonstrated that:
 - there is no scope for renovating, converting or developing an existing domestic or non-domestic building as an alternative to new build;
 - that the proposed site is the best possible option in terms of landscape fit;
 - that the proposed design is of a high quality and appropriate to the location; and
 - that sufficient mitigation measures have been identified to minimise adverse impact.
 3. The proposal is contrary to Policy 46A and 46B, Loch Leven Catchment Area, of the Perth and Kinross Local Development Plan 2 (2019), as 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-2021-38**
Planning Application – 21/00947/FLL – Siting of 4 holiday accommodation units, formation of parking area, landscaping and associated works, land 70 metres south east of Coup Steps, Powmill – Fossoway Cabins

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the siting of 4 holiday accommodation units, formation of parking area, landscaping and associated works, land 70 metres south east of Coup Steps, Powmill.

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 siting of 4 holiday accommodation units, formation of parking area, landscaping and associated works, land 70 metres south east of Coup Steps, Powmill, be granted, subject to:
 - 1. The imposition of relevant conditions and informatives, including conditions regarding landscaping and boundary treatments and connection to the public water supply, foul water drainage and drainage.

Justification

It was considered that the proposal, with the imposition of relevant conditions, is in accordance with the Development Plan, and therefore planning permission should be granted.

(v) **LRB-2021-40**
Planning Application – 21/01524/FLL – Alterations to dwellinghouse and formation of decking, Donavoured, Cloan Drive, Auchterarder – D Nicolson

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations to dwellinghouse and formation of decking, Donavoured, Cloan Drive, Auchterarder.

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 alterations to dwellinghouse and formation of decking, Donavoured, Cloan Drive, Auchterarder, be granted, subject to:
 - 1. The imposition of relevant conditions and informatives.

Justification

It was considered that the proposal, with the imposition of relevant conditions, is in accordance with the Development Plan, and therefore planning permission should be granted.

Note: Councillor Simpson dissented from the majority opinion. He considered that the proposal was in not accordance with the Development Plan. In his view, the proposed development was incongruous and not in keeping with the immediate surrounding area. Therefore, he considered that the proposal was not in accordance with the Development Plan and the Appointed Officer's decision should be upheld.