

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held virtually on Tuesday 8 March 2022 at 10.30am.

Present: Councillors L Simpson, B Brawn, and D Illingworth.

In Attendance: D Harrison (Planning Adviser), Geoff Fogg (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

Consideration of the minute of meeting of the Local Review Body of 11 January 2022 and 8 February 2022 were deferred until the next meeting of the Local Review Body.

4. APPLICATIONS FOR REVIEW

- (i) **LRB-2021-42**
Planning Application – 21/01145/FLL – Erection of a dwellinghouse, land 50 metres north west of Dunaverig House, Needless Road, Perth – GRM Investments Ltd.

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 north west of Dunaverig House, Needless Road, 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 majority decision that:

- (ii) the review application for the erection of a dwellinghouse, land 50 metres north west of Dunaverig House, Needless Road, Perth, be refused for the following reason:
1. The proposal is contrary to Policy 17, Residential Areas, of the Perth and Kinross Local Development Plan 2 (2019), as the proposal is considered to represent an overdevelopment of the site when taking account of the areas environs and surrounding density. As a consequence, is incompatible with the character and amenity of the area.
 2. The proposal is contrary to Policy 1A, Placemaking, of the Perth and Kinross Local Development Plan 2 (2019), as the proposed development would not contribute positively to the quality of the surrounding built environment. The design, density, scale and siting of the development does not respect the character and amenity of the place, and it does not improve links through the site.
 3. The proposal is contrary to Policy 1B, Placemaking, of the Perth and Kinross Local Development Plan 2 (2019), as the proposed development does not allow for safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport as required by criterion (e).
 4. The proposal is contrary to criterion within Policy 15 and Policy 60B of the Perth and Kinross Local Development Plan 2 (2019), as the alternative form of path provision through the site is not considered to be acceptable due to reduction in the space available and conflict between motor vehicles and pedestrians, as a result of the hemmed in nature of the proposed path.

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 site was unused, and was of suitable size to accommodate the proposed dwellinghouse, and access to the rear of the house was sufficient. Therefore, he considered that the proposal was in accordance with the Development Plan and the Appointed Officer's decision should be overturned.

(ii) **LRB-2021-48**
Planning Application – 21/01028/FLL – Change of use from open space to form extension to garden ground and erection of a fence, 10 Almond Grove, Huntingtowerfield, Perth – Mr E Campbell

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 and erection of a fence, 10 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 and erection of a fence, 10 Almond Grove, Huntingtowerfield, Perth, be refused for the following reason:
 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 surrounding built and natural environment due to extending the garden/fence line hard against the existing footpath links. This fails to respect the character and amenity of place as it results in the loss of existing landscape planting. It fails to provide appropriate intervisibility between path junctions and creates oppressive corridor footpath links to the Right of Way and Core Path network that runs along the River Almond.
 2. The proposal is contrary criterion (a) of 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.
 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 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 on the integrity of the core path, right of way and 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 as a recreational and amenity resource.

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-2021-49
Planning Application – 21/00976/IPL – Erection of dwellinghouse (in principle), land 80 metres north east of Broomhill Farm Cottage, Forteviot – Mr W Drummond**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of dwellinghouse (in principle), land 80 metres north east of Broomhill Farm Cottage, Forteviot.

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 dwellinghouse (in principle), land 80 metres north east of Broomhill Farm Cottage, Forteviot, be granted subject to the following:
 - 1. The imposition of relevant conditions, including conditions regarding transport planning contributions, flood risk, access, and ecological survey, contamination of land assessment and drainage.

Justification

With the imposition of relevant conditions, members considered that the proposal (in principle) was in accordance with the Development Plan.

Note: Councillor Simpson dissented from the majority opinion. He considered that the proposal did not constitute an extension of a building group in a manner that accorded with Local Development plan Policy 17 and the criteria of the associated Housing in the Countryside Guidance. Consequently that proposal was assessed as being contrary

to the Development Plan and the Appointed Officer's decision should be upheld.

(iv) **LRB-2021-50**
Planning Application – 21/01029/IPL – Erection of dwellinghouse (in principle), land 120 metres north west of Prinns Smiddy, Glenfarg – AA Aggregates Construction Limited

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of dwellinghouse (in principle), land 120 metres north west of Prinns Smiddy, Glenfarg.

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 dwellinghouse (in principle), land 120 metres north west of Prinns Smiddy, Glenfarg, be granted subject to the following:
 - 1. The imposition of relevant conditions, including conditions regarding tree survey and protection, boundary landscaping, private drainage and SUDS provision, primary education and transport infrastructure contributions.

Justification

With the imposition of relevant conditions, members considered that the proposal (in principle) was in accordance with the Development Plan.

(v) **LRB-2021-51**
Planning Application – 21/01127/FLL – Installation of solar panels, The Coach House, Aberfeldy – Mr C H Clark

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the installation of solar panels, The Coach House, Aberfeldy.

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 installation of solar panels, The Coach House, Aberfeldy, be refused for the following reason:
 1. The proposal, through the number of roof panels, their nature, location and the extent of the array would adversely affect the appearance of the main publicly visible elevation of a significant building within the Aberfeldy Conservation Area. Such development would neither preserve nor enhance the appearance and character of that designated area of architectural and historic quality, due to the panels being east and west facing roof plains. Any positive renewable energy benefits arising from the proposals would be outweighed by the visual harm to the Aberfeldy Conservation Area. As such the proposal is contrary to Policy 28A of the Perth and Kinross Local Development Plan 2 (2019) and Policy 9 of TAYplan 2016.
 2. The proposal is contrary to Policy 27A of the Perth and Kinross Local Development Plan 2 (2019) and Policy 3 of TAYplan 2016, as the proposed development would have an adverse impact on the adjacent Listed Buildings.
 3. The proposal is contrary to Historic Environment Scotland's supplementary guidance, Managing Change in the Historic Environment: Micro-Renewable (2016), as the proposal would have a detrimental impact on the Aberfeldy Conservation Area and setting of adjacent Listed Buildings.

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 opinion. He considered that the proposal was acceptable, and would not adversely impact the surrounding area and held significant merit in terms of renewable energy benefits. Therefore, he considered that the proposal was in accordance with the Development Plan and the Appointed Officer's decision should be overturned.

(vi) **LRB-2021-52**
Planning Application – 21/01175/FLL – Change of use from agricultural land to garden ground and equine use and the erection of stables/storage buildings (in retrospect), 11 Kinfauns Holdings, West Kinfauns – Mr and Mrs R Doig

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the change of use from agricultural land to garden ground and equine use and the erection of stables/storage buildings (in retrospect), 11 Kinfauns Holdings, West Kinfauns.

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 change of use from agricultural land to garden ground and equine use and the erection of stables/storage buildings (in retrospect), 11 Kinfauns Holdings, West Kinfauns, be refused for the following reason:
 1. The proposal is contrary to Policy 6 - Settlement Boundaries of the Perth and Kinross Local Development Plan 2 (2019), as it would be located out of the settlement boundary of Kinfauns, and there is no justification to permit the development.
 2. Approval would be contrary to Policy 43 - Green Belt of the Perth and Kinross Local Development Plan 2 (2019), as it fails to fulfil any of the development criteria which can be supported within the Perth Green Belt. In addition, the position of the stables building within the Greenbelt would result in a level of visual intrusion which would have a detrimental impact on the character and landscape setting of the Green Belt and erode the distinction between the Green Belt and the settlement of West Kinfauns.
 3. The proposal is contrary to Policy 52, Flooding, of the Perth and Kinross Local Development Plan 2 (2019), as it has not been satisfactorily demonstrated that the development will not result in an increase of surface water and flood risk to property.

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 not a significant departure from the previous use, and would be acceptable in this location. Therefore, he considered that the proposal was in accordance with the Development Plan and the Appointed Officer's decision should be overturned.