

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held virtually on Tuesday 8 December 2020 at 10.30am.

Present: Councillors H Anderson, I James and W Wilson.

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

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

Councillor H Anderson, Convener, Presiding.

1. WELCOME

Councillor Anderson 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 10 November 2020 was submitted and noted.

4. APPLICATIONS FOR REVIEW

(i) LRB-2020-22

Planning Application – 20/00288/FLL – Alterations to boundary fence, formation of hardstanding area, erection of storage shed and associated works, King George V Playing Field, Muirs, Kinross – Mr G Duhre

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations to boundary fence, formation of hardstanding area, erection of storage shed and associated works, King George V Playing Field, Muirs, 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:

- (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 alterations to boundary fence, formation of hardstanding area, erection of storage shed and associated works, King George V Playing Field, Muirs, Kinross, be refused for the following reasons:
 1. The proposal is contrary to Policy 17, Residential Areas, of the Perth and Kinross Local Development Plan 2 (2019), as the development would diminish an existing buffer between the dwellings and the recreational sports pitch which would be detrimental to the residential amenity of the existing dwellings.
 2. The proposal is contrary to Policy 1A and 1B(g), Placemaking, of the Perth and Kinross Local Development Plan 2 (2019) as the formation of the hardstanding and loss of the trees would not respect the character and amenity of the place and would detrimentally impact the wider visual amenity.
 3. The proposal is contrary to Policy 40A Forestry and Woodland Strategy of the Perth and Kinross Local Development Plan 2 (2019) which seeks to encourage the protection and management of groups of trees of amenity value.

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 James dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and permission for alterations to boundary fence, formation of hardstanding area, erection of storage shed and associated works should be approved. In his opinion, whilst accepting that the proposal did not comply fully with the Local Development Plan, particularly with regard to the proposed removal of trees, he reasoned that the benefits of the proposal justified granting the Review.

- (ii) **LRB-2020-23**
Planning Application –20/00792/FLL – Erection of a replacement dwellinghouse, land 150 metres south west of Glencroft, Abernethy – Mrs D Rennie

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a replacement dwellinghouse, land 150 metres south west of Glencroft, Abernethy.

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 a replacement dwellinghouse, land 150 metres south west of Glencroft, Abernethy, be refused for the following reasons:
 - 1. The proposal is contrary to Policy 19 of the Perth and Kinross Local Development Plan 2 (2019) and the Council's Housing in the Countryside Supplementary Guidance 2020, as the proposal fails to comply with Category 4, Renovation or Replacement of Houses, as the scale of the proposed house is not similar to that of the existing house. In particular, as the dwelling proposed has a substantially larger footprint and comprises of an additional storey. It is also considered that the proposal cannot satisfy any of the remaining categories (1) Building Groups, (2) Infill Sites, (3) New Houses in the Open Countryside, (5) Conversion or Replacement of Redundant Non-Domestic Buildings or (6) Rural Brownfield.

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-2020-24**
Planning Application – 20/00514/IPL – Erection of a dwellinghouse (in principle), land 90 metres east of Westmill Farmhouse, Inchtute – Mr and Mrs Burton

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse (in principle), land 90 metres east of Westmill Farmhouse, Inchtute.

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 (in principle), land 90 metres east of Westmill Farmhouse, Inchture, be refused for the following reasons:
 - 1. The proposal is contrary to Policy 19 of the Perth and Kinross Local Development Plan 2 (2019) and the Council's Housing in the Countryside Supplementary Guidance 2020, as the proposal fails to comply with Category 1, Building Groups, as the development of the site would contribute to Ribbon Development, which is not supported. It is also considered that the proposal cannot satisfy any of the remaining categories; (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement Houses or (5) Conservation or Replacement of Redundant Non-Domestic Buildings or (6) Rural Brownfield.
 - 2. The proposal is contrary to Policy 6 of the Perth and Kinross Local Development Plan 2 (2019), as it is considered that the retention of the field access in order to separate the site from the settlement boundary of Kannaird is not in line with the spirit of the policy nor what the policy is trying to achieve, i.e. to prevent the unplanned and ad hoc expansion of those settlements which have a boundary identified in the Local Development Plan.

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 Wilson dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and permission for the erection of a dwellinghouse (in principle) be approved. In his opinion, whilst accepting that the proposal did not comply with the Local Development Plan, he considered this would be an acceptable development in this location.

THERE FOLLOWED A 10 MINUTE RECESS

5. DEFERRED APPLICATIONS FOR REVIEW

- (i) LRB-2020-12**
Planning Application – 19/02087/FLL – Erection of 3
dwellinghouses, land 30 metres south west of Leiland House and
50 metres south east of Tillyochie Farmhouse, Balado – Mr R
Paterson

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of 3 dwellinghouses, land 30 metres south west of Leiland House and 50 metres south of Tillyochie Farmhouse, Balado.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling, the grounds set out in the Notice of Review and the further information received.

It was noted that, at its meeting of 15 September 2020, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) the Council's Development Management and Building Standards Manager consulting with SEPA on the further information provided by the Applicant regarding phosphorous mitigation, and subsequently providing comment back to the Local Review Body; and (ii) the Council's Development Management and Building Standards Manager to enter discussions with the Applicant to investigate and assess whether Planning Permission 14/02062/FLL has been timeously implemented and constitutes extant consent, and subsequently providing comment back to the Local Review Body. With all further information having been received, 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, and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure.
- (ii) the applicant should be invited to clarify further certain particulars of Planning Permission 14/02062/FLL, with the appointed officer then invited to comment thereafter, to assist the Local Review body in an assessment as to whether this permission is extant or has lapsed.
- (iii) following the receipt of all further information and responses, the application be brought back to the Local Review Body.

(ii) LRB-2020-13
Planning Application – 19/01781/FLL – Erection of a
dwellinghouse, land 40 metres north west of Carraig Mhor,
Sauchie Road, Crieff – Mr J Bryce

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse, land 40 metres north west of Carraig Mhor, Sauchie Road, Crieff.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling, the grounds set out in the Notice of Review and the further information received.

It was noted that, at its meeting of 15 September 2020, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) comment from the Council's Development Management and Building Standards Manager on why the proposal is deemed to be contrary to categories (a), (b), (c), (d) and (g) of Policy 1B of the Perth and Kinross Local Development Plan 2 (2019); (ii) clarification from the Council's Development Management and Building Standards Manager on whether a Developer Contribution for Education would be required; (iii) clarification from the Council's Development Management and Building Standards Manager on whether Policy 52, New Development and Flooding, of the Perth and Kinross Local Development Plan 2 (2019), was assessed and viewed as a ground of refusal; (iv) comment from the Council's Development Management and Building Standards Manager on drainage issues raised by representations; (v) comment from the Council's Development Management and Building Standards Manager on the revised site plan relating to the provision of visibility splays submitted as part of the Notice of Review; (vi) comment from the Council's Development Management and Building Standards Manager on whether or not there is an intention to introduce a 20mph speed limit on Sauchie Road; (vii) clarification from the Council's Development Management and Building Standards Manager on whether or not there is any requirement that vehicles must leave the site in forward gear; (viii) comment from the Council's Development Management and Building Standards Manager on the Ecological Appraisal submitted by the applicant as part of the Notice of Review; (ix) comment from the Council's Development Management and Building Standards Manager on the Tree Survey and Arboriculture Impact Report submitted by the applicant as part of the Notice of Review; and (x) to allow comment from the Council's Development Management and Building Standards Manager on any other aspects submitted by the applicant as part of the Notice of Review. With all further information having been received, 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, 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 (in principle), land 90 metres east of Westmill Farmhouse, Inchture, be refused for the following reasons:
 1. The proposal is contrary to Perth and Kinross Local Development Plan 2 (2019), Policy 14, Open Space Retention and Provision: Existing Areas, as the proposal does not constitute development which is ancillary to the existing use and it would have a detrimental impact on the amenity value of the site.
 2. The proposal is contrary to Perth and Kinross Local Development Plan 2 (2019), Policy 1A, Placemaking, as the development of the site would not contribute positively to the quality of the surrounding built and natural environment as it would lead to the loss of an area of open space.
 3. The proposal is contrary to the Perth and Kinross Local Development Plan 2 (2019), Policy 1B, Placemaking, as it does not satisfy criteria (a), (b), (c), (d) and (g) as set out in the policy.
 4. The proposal is contrary to the Perth and Kinross Local Development Plan 2 (2019), Policy 40A criteria (a), (d) and (e), Forestry, Woodland and Trees, as the proposal fails to protect the existing trees on site: trees identified as being retained would be in such close proximity to the proposed house that they are assessed as being threatened by the proposed development both during the construction period and thereafter following the occupation of the house due to the prospective desire of occupants to enjoy an open outlook, sunlight and daylight.
 5. The proposal is contrary to Policy 41 of the Perth and Kinross Local Development Plan 2 (2019), as insufficient information has been provided to assess the impact of the proposed development on protected species.
 6. The proposal is contrary to Policy 60B of the Perth and Kinross Local Development Plan 2 (2019), as the parking area as shown on the proposed plan does not allow for vehicles to turn and access the carriageway in a forward gear, and the location of the parking area is immediately adjacent to an existing neighbouring fence which will impact considerably on forward visibility.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.