

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held on Tuesday 24 October 2022 at 10.30am.

Present: Councillors B Brawn, B Leishman and G Stewart.

In Attendance: R Burton (Planning Adviser), G Fogg (Legal Adviser), J Guild (Committee Officer) (all Corporate and Democratic Services).

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

1. WELCOME

Councillor Brawn 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 20 September 2022 was submitted and noted.

4. APPLICATIONS FOR REVIEW

- (i) **LRB-2022-34**
Planning Application – 22/00751/IPL – Erection of a hotel (in principle), 10-12 and 14 South Methven Street, Perth – Urban Plan Consultants Ltd.

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a hotel (in principle), 10-12 and 14 South Methven Street, 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 erection of a hotel (in principle) 10-12 and 14 South Methven Street, Perth, be granted, subject to:

1. The application for approval of matters specified in conditions including, amongst other matters, information on both Noise Management and the appropriate Archaeological Investigation.

Justification

Having regard to the Dangerous Buildings Notices issued for 10-12 South Methven Street and the adjoining tenement, 14 South Methven Street, Members were satisfied that the building was beyond economic repair and that the proposal was otherwise in accordance with the Development Plan.

(ii) LRB-2022-35

Planning Application – 22/00714/IPL – Erection of a dwellinghouse (in principle), Sunnybrae, Windsole, Auchterarder – Mr A Mann

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of dwellinghouse (in principle), Sunnybrae, Windsole, 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 unanimous decision that:

- (ii) The review application for the erection of dwellinghouse (in principle), Sunnybrae, Windsole, Auchterarder, be refused for the following reasons:
 1. The proposed development is contrary to Policy 6 'Settlement Boundaries' of the Perth and Kinross Local Development Plan 2 (2019) which seeks to prevent the unplanned and ad hoc expansion of those settlements which have a boundary identified in the Local Development Plan.
 2. The proposed development is contrary to Policies 1A and 1B '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 area in terms of character or amenity and could lead to ribbon development which would be to the detriment of the visual amenity of the area and impact on the rural landscape character of this edge of settlement location.

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-2022-36
Planning Application – 22/00477/FLL – Change of use from agricultural storage building to dwellinghouse, including alterations, extension and installation of flue, land 160 metres north east of Logie Brae Farm, Craigie, Clunie – Mr and Mrs Duncan

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the change of use from agricultural storage building to dwellinghouse, including alterations, extension and installation of flue, land 160 metres north east of Logie Brae Farm, Craigie, Clunie.

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, insufficient information was before the Local Review Body to determine the matter without further procedure.
- (ii) The report prepared by SAC Consulting and submitted with the Notice of Review, be provided to Development Management for review and comment.
- (iii) The applicant to produce further information on Phosphorous Mitigation in order that the proposal be assessed against Policy 45 (Lunan Lochs Catchment Areas) of the adopted Perth and Kinross Local Development Plan 2 (2019).
- (iv) Following receipt of all information and responses, the application be brought back to a future meeting of the Local Review Body.

(iv) LRB-2022-37
Planning Application – 22/00265/FLL – Siting of 5 holiday accommodation units, reception building, formation of landscaping and associated works, Waterloo Farm, Waterloo, Bankfoot – Forgandenny Property Limited

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the siting of 5 holiday accommodation units, reception building, formation of landscaping and associated works, Waterloo Farm, Waterloo, Bankfoot.

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 application for the siting of 5 holiday accommodation units, reception building, formation of landscaping and associated works, Waterloo Farm, Waterloo, Bankfoot, be refused for the following reasons:
 - 1. There is a lack of information, a detailed flood risk assessment has not been submitted with this application. The site is susceptible to flooding as identified by PKC Flooding consultation response. As a result, the proposal is contrary to Policy 52 New Development and Flooding of the Perth and Kinross Local Development Plan 2 (2019).
 - 2. There is a lack of information, there is no drainage impact assessment illustrating how surface water and foul drainage will be managed to comply with Policy 53B: Water Environment and Drainage: Foul Drainage, Policy 53C: Water Environment and Drainage: Surface Water Drainage and Policy 47: River Tay Catchment Area of the Perth and Kinross Local Development Plan 2 (2019).
 - 3. The proposal is contrary to Policy 41: Biodiversity of the Perth and Kinross Local Development Plan 2 (2019), as no survey information has been provided on the sites relationship with ecology, in particular potential European Protected Species which are likely to utilise the Corral Burn. Accordingly, the ecological impact can be satisfactorily mitigated to ensure the protection of wildlife and wildlife habitats.
 - 4. There is a lack of information as no tree survey or tree constraints/root protection plan has been submitted. The application cannot be assessed against 40A and 40B of the Perth and Kinross Local Development Plan 2 (2019).
 - 5. There is a lack of information, as no business plan has been submitted to justify a tourism-related development to comply with Policy 8: Rural Business and Diversification.

Justification

Due to the lack of information provided, Members considered it not possible to determine whether the proposal is in accordance with the Development Plan.

(v) LRB-2022-38
Planning Application – 22/00506/FLL – Erection of a dwellinghouse, land 90 metres south east of Church Pool Cottage, Aberfeldy – Mr and Mrs McBride

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse, land 90 metres south east of Church Pool Cottage, 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 unanimous decision that:

- (ii) The application for erection of a dwellinghouse, land 90 metres south east of Church Pool Cottage, Aberfeldy, 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 Council's Housing in the Countryside Guide 2020 as the proposal fails to satisfactorily comply with any of 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, or (6) Rural Brownfield Land.
 - 2. The proposal is contrary to "Placemaking" Policies 1A and 1B of the adopted Perth and Kinross Local Development Plan 2 (2019) as the proposed development would result in the development of an isolated plot of ground which would not complement its surroundings or contribute positively to the quality of the surrounding area in terms of character or amenity.

Justification

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

(vi) LRB- 2022-39
Planning Application – 22/00394/IPL – Erection of a dwellinghouse (in principle) land 10 metres west of The Sycamore, Paterson Place, Longforgan – Mr D Smith

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse

(in principle) land 10 metres west of The Sycamore, Paterson Place, Longforgan.

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 application for erection of a dwellinghouse (in principle) land 10 metres west of The Sycamore, Paterson Place, Longforgan, be refused for the following reasons:
 - 1. The proposal is contrary to Policies 1A, 17 and 28A of the Perth and Kinross Local Development Plan 2 (2019) which seek to ensure that new development respects the character and amenity of the area and preserves and enhances the character and appearance of the Conservation Area. The proposal results in the loss of the linear garden ground of 79 Main Street which extends to Paterson Place and is considered to form an important part of the historic character of the Longforgan Conservation Area. Therefore, the development of the site would be of detriment to the surrounding built and natural environment and fails to enhance or preserve the character of the Longforgan Conservation Area.
 - 2. The proposal is contrary to Policy 28A: Conservation Areas of the Perth and Kinross Local Development Plan 2 (2019) which, amongst other requirements, states that applications for Planning Permission in Principle in Conservation Areas will not be considered acceptable. The submission includes indicative plans which fail to provide detailed information regarding the design, materials and form of the dwelling to demonstrate that the dwelling will respect the character and appearance of the Longforgan Conservation Area and fail to show the development in its setting.

Justification

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

5. APPLICATION PREVIOUSLY CONSIDERED

- (i) **LRB-2022-13**
Planning Application – 21/02247/FLL – Alterations and extension to dwellinghouse Meadows of Fungarth, Dunkeld PH8 0ET – Ms A Kincaid

Members considered a Notice of Review seeking review of the decision by the Appointed Officer to refuse alterations and extension to dwellinghouse Meadows of Fungarth, Dunkeld PH8 0ET.

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.

It was noted that, at its meeting of 11 July 2022, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) The applicant to produce further information on phosphate mitigation, with Development Management in conjunction with SEPA to comment on said information, in line with Policy 45A of Perth and Kinross Local Development Plan 2 (2019). With the requested information provided by the applicant, the Local Review Body reconvened.

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 application for alterations and extension to dwellinghouse Meadows of Fungarth, Dunkeld PH8 0ET, be refused for the following reasons:
1. The extension, by virtue of its raised eaves and ridge height would exceed the existing cottage, and its excessive proportions would result in an extension which has unacceptable scale, massing and inappropriate form, which dominates, overwhelms and overdevelops the modest proportions and traditional character of the existing cottage.
Approval would therefore be contrary to Perth and Kinross Council's Placemaking Guide 2020 and Policies 1A and 1B (c) of the Perth and Kinross Local Development Plan 2 (2019), which seek to ensure that proposals contribute positively to the quality of the built environment by respecting the existing scale, form, massing, design, proportions, height and appearance, in order to respect the character and amenity of the place.
 2. The proposal contains lack of information in relation to drainage proposals, therefore, it is not possible to carry out an assessment of its impact on the Lunan Valley

Catchment Area and the Tay Special Area of Conservation catchment.

The proposal is therefore contrary to Policies 38A, 45A, 53A and 53B of Perth and Kinross Local Development Plan 2 (2019) as no drainage specification has been provided, it has not been demonstrated that total phosphorous output does not exceed the level currently permitted, that there is a reduction in phosphorous output or that there is no adverse effect on the water 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.

Note

Although Councillor Brawn agreed that the proposal contains a lack of information in relation to drainage proposals, he did not consider the application to be contrary to Perth and Kinross Council's Placemaking Guide 2020 and Policies 1A and 1B (c) of the Perth and Kinross Local Development Plan 2 (2019).