

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held virtually on Tuesday 22 June 2021 at 10.30am.

Present: Councillors L Simpson, B Brawn 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 and 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

The minute of meeting of the Local Review Body of 25 May 2021, was submitted and noted.

4. APPLICATIONS FOR REVIEW

(i) LRB-2021-12 Planning Application – 20/00126/IPL – Erection of a dwellinghouse (in principle), land 90 metres south of Hillview, Blairadam – Mr G Allan

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 south of Hillview, Blairadam.

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 dwellinghouse (in principle), land 90 metres south of Hillview, Blairadam, be refused for the following reasons:
1. The proposals is not considered to comply with Policy 19, Housing in the Countryside, of the Perth and Kinross Local Development Plan 2 (2019) and associated Housing in the Countryside Supplementary Guidance (2020), as the proposed dwelling does not meet any of the defined categories which permit the erection of dwellings in the countryside.
 2. The proposal has not demonstrated that the development has taken account of the watercourse running through the proposed site and the potential impact any bridge structure could have on flood storage, the conveyance of water and how this could affect the existing dwellings and the proposed dwelling. There is a lack of information to assess the proposal against Policy 52, New Development and Flooding, of the Perth and Kinross Local Development Plan 2 (2019).
 3. There is a lack of information as no noise impact assessment has been submitted with this application. As a result, it does not confirm that a satisfactory residential environment can be achieved for the proposed dwelling due to the proximity of the M90 motorway. Consequently, there is the potential for future residents at this site to suffer annoyance from noise, contrary to Policy 56, Noise Pollution, of the Perth and Kinross Local Development Plan 2 (2019).
 4. There is a lack of information regarding visibility splays at the proposed access onto the B996 and how this relates to the bend in the road. It has not been shown that access to the plot can be formed from the public road to comply with Policy 60B, Transport Standards and Accessibility Requirements: New Development Proposals, of the Perth and Kinross Local Development Plan 2 (2019), or the National Road Development Guide.

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-2020-13**
Planning Application – 20/01365/FLL – Installation of lamp posts, Logiealmond Estate, Logiealmond – Logiealmond Estate Ltd.

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the installation of lamp posts, Logiealmond Estate, Logiealmond.

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 installation of lamp posts, Logiealmond Estate, Logiealmond, be refused for the following reasons:
 - 1. The proposal is contrary to Policies 1A and 1B(b), Placemaking, of the Perth and Kinross Local Development Plan 2 (2019), as the introduction of the proposed urban street furniture into an open upland rural setting and subsequent illumination would not complement its surroundings or contribute positively to the quality of the surrounding area in terms of character or amenity.
 - 2. The proposal is contrary to Policy 39, Landscape, of the Perth and Kinross Local Development Plan 2 (2019), as the introduction of the proposed urban street furniture into an open upland rural setting and subsequent illumination would erode local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual and scenic qualities of the landscape, and the quality of the landscape experience.

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-2021-14
Planning Application – 20/01602/IPL – Residential development (in principle), land 30 metres north east of Oakfield Cottage, Forgandenny – B & N Investments**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse residential development (in principle), land 30 metres north east of Oakfield Cottage, Forgandenny.

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 residential development (in principle), land 30 metres north east of Oakfield Cottage, Forgandenny, 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 boundary identified in the Local Development Plan. The site is located adjacent to the settlement boundary of Forgandenny. Furthermore, the proposal does not involve rural business and diversification, is not considered to be justifiable on operational need and is not considered to address a shortfall in housing land supply and therefore does not meet any of the development types which may be considered to be justifiable on operational need and is not considered to address a shortfall in housing land supply and therefore does not meet any of the development types which may be considered to be acceptable on a site adjacent to a settlement boundary as outlined in Policy 6.
 2. There is clear beneficial physical separation between Forgandenny and the detached house at Boatloan (Oakfield Cottage) to the west of the application site and development of this site would create visually obvious ribbon development extending from the settlement boundary from County Place, resulting in the extension of the village of Forgandenny in a haphazard manner along a country road to the detriment of the visual amenity of the area and impacting on the rural landscape character of this edge of settlement location. The proposal is therefore contrary to Policy 1A, Placemaking, of the Perth and Kinross Local Development Plan 2 (2019).

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-2021-15**
Planning Application – 20/01974/FLL – Erection of 2
dwellinghouses, land 80 metres south of Bowerswell, Waterloo,
Bankfoot – Mr and Mrs Baillie

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of 2

dwellinghouses, land 80 metres south of Bowerswell, 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 Review application for the erection of 2 dwellinghouses, land 80 metres south of Bowerswell, Waterloo, Bankfoot, be refused for the following reasons:

1. By virtue of the distance between the existing buildings, the site is not considered to be located within an existing building group but is considered to be an extension to an existing group and/or an infill site. As the site has a very open landscape framework which is not capable of absorbing the development proposed and would not respect the existing building pattern/size/shapes of neighbouring plots, the proposal is contrary to the specific requirements of both the building groups and infill sites sections of the Council's Housing in the Countryside Supplementary Guidance 2020 and Policy 19 of the Perth and Kinross Local Development Plan 2 (2019). These policies both seek to ensure that all proposals which extend existing building groups or takes place between existing buildings (infill), takes place within definable sites that are formed by existing topography and/or well established landscape features, have a good landscape setting with suitable site boundaries and would result in a development that respects the existing building pattern of the area.
2. The site is elevated above the public road and is in a prominent position in the landscape. Notwithstanding a significant degree of proposed 'cutting' into the natural levels/slopes to reduce the visual prominence of the development, it has not been demonstrated that the development would not have an adverse impact on the visual amenity of the area. Accordingly, the proposal is contrary to Policy 1A of the Perth and Kinross Local Development Plan 2 (2019), which seeks to ensure that all developments contribute positively to the quality of the surrounding built and natural environment.
3. The site is elevated above the public road and is in a prominent position in the landscape. Notwithstanding a significant degree of proposed 'cutting' into the natural

levels/slopes to reduce the visual prominence of the development, it has not been demonstrated that the development would not have an adverse impact on the visual amenity of the area and artificial levels are having to be created. Accordingly, the proposal is contrary to Policy 1B(b) of the Perth and Kinross Local Development Plan 2 (2019) which seeks to ensure that all proposals respect the existing site topography and any surrounding important landmarks, views or skylines as well as the wider landscape character of the area.

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. APPLICATIONS PREVIOUSLY CONSIDERED

(i) LRB-2021-03 Review of Decision to impose Condition 5 – 20/01516/FLL – Formation of raised decking at Craigvrack Hotel, 38 West Moulin Road, Pitlochry – Ms A Kaushik

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to impose condition 5 in relation to the formation of raised decking at Craigvrack Hotel, 38 West Moulin Road, Pitlochry.

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 27 April 2021, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) clarification from the Council's Planning Department and Licensing Board on (a) the level of controls over other establishments in reasonable proximity to the applicant's hotel and (b) the extent to which the rest of the outdoor area around the applicant's premises are or are not controlled by either Planning or Licensing controls. 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, the comments from the Planning Adviser, and having undertaken site visits, 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 seeking of a review of the decision by the Appointed Officer to impose condition 5 in relation to the formation of raised decking at Craigvrack Hotel, 38 West Moulin Road, Pitlochry, be granted, and Condition 5 of Planning Permission 20/01516/FLL be removed.

Justification

The Local Review Body considered matters had been sufficiently addressed through other Planning and Licensing conditions, and therefore it was appropriate for Condition 5 to be removed from Planning Permission 20/01516/FLL.

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