

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of hybrid meeting of the Perth and Kinross Local Review Body held on Monday 11 July 2022 at 10.30am.

Present: Councillors B Brawn, I James, and H Anderson.

In Attendance: R Burton (Planning Adviser), C Elliott (Legal Adviser), D Williams and J Guild (Committee Officers) (all Corporate and Democratic Services).

Also Attending: A Brown, 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

- (i) The minute of meeting of the Local Review Body of 5 April 2022 was submitted and noted.
- (ii) Consideration of the minute of meeting of the Local Review Body of 6 June 2022 was deferred until the next meeting of the Local Review Body.

4. APPLICATIONS FOR REVIEW

- (i) **LRB-2022-11**
Planning Application - 21/01973/FLL - Erection of a dwellinghouse land 50 metres south west of Leighland Stables, Mawcarse Crossroads, Mawcarse – Mr A Young

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 south-west of Leighland Stables, Mawcarse Crossroads, Mawcarse.

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, land 50 metres south-west of Leighland Stables, Mawcarse Crossroads, Mawcarse, be refused for the following reason:
 - 1. The proposal is contrary to Policy 19, Housing in the Countryside, of the Perth and Kinross Local Development Plan 2 (2019) and the associated Housing in the Countryside Supplementary Guidance 2020 (SG) as the site was not part of an existing building group as defined by the SG and does not involve the replacement of a dwellinghouse as defined within the SG. The proposal also fails to meet any of the other categories of development outlined in the SG.

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-2022-12**
Planning Application – 21/02213/FLL – Alterations and extension to dwellinghouse, An Tigh Sgoile, Ardtalnaig, Aberfeldy – Mr and Mrs Walsh

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations and extension to dwellinghouse, An Tigh Sgoile, Ardtalnaig, 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 review application for alterations and extension to dwellinghouse, An Tigh Sgoile, Ardtalnaig, Aberfeldy, be granted, subject to:
 - 1. The imposition of relevant conditions, including a condition that the window on the southwest elevation requires to be fitted with opaque glass in order to mitigate privacy issues for the neighbouring property, terms and informatives.

Justification

With the imposition of relevant conditions, members considered that the proposal was in accordance with the Development Plan, and therefore permission was granted.

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

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations and extension to dwellinghouse, Meadows of Fungarth, 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, insufficient information was before the Local Review Body to determine the matter without further procedure.
- (ii) 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).
- (iii) Following receipt of all information and responses, the application be brought back to a future meeting of the Local Review Body.

(iv) LRB-2022-14
Planning Application – 22/00132/IPL – Erection of a dwellinghouse (in principle), land 30 metres south west of 1 Bardmony Farm Cottage, Alyth – Mr R Mew

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 30 metres south west of 1 Bardmony Farm Cottage, Alyth

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 dwellinghouse (in principle), land 30 metres south west of 1 Bardmony Farm Cottage, Alyth, be granted, subject to:
 - 1. The imposition of relevant conditions, including a condition that the property be of single storey

appearance, with roof lights to allow accommodation in the roof space, in keeping with the neighbouring properties, terms and informatives.

Justification

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

- (v) **LRB-2022-15**
22/00203/FLL – Siting of holiday accommodation unit and sauna unit (in retrospect), land 145 metres north east of Kirkmichael Hotel, Main Street, Kirkmichael – Mr G Norwood

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse siting of holiday accommodation unit and sauna unit (in retrospect), land 145 metres north east of Kirkmichael Hotel, Main Street, Kirkmichael.

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 siting of holiday accommodation unit and sauna unit (in retrospect), land 145 metres north east of Kirkmichael Hotel, Main Street, Kirkmichael, be granted, subject to:
 - 1. The imposition of suitable conditions, terms and informatives.

Justification

In the absence of a Landscape Framework, members considered that the proposal (in retrospect) was in accordance with the Development Plan, as the accommodation is not visible from the village of Kirkmichael, and therefore permission was granted.

5. APPLICATION PREVIOUSLY CONSIDERED

(i) LRB-2021-27

Planning Application – 21/00001/FLL – S42 application to delete condition 6 (access upgrade) of permission 20/01319/FLL, land 180 metres south west of Powmill Cottage, Rumbling Bridge – Mr K O'Reilly

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the S42 application to delete condition 6 (access upgrade) of permission 20/01319/FLL, land 180 metres south west of Powmill Cottage, Rumbling Bridge.

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 14 September 2021, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) Legal and Planning Advisers to undertake an investigation into the potential remedies for the adoption or upgrading of the access and to better understand the applicant's submission as regards to completing a legal agreement to secure the upgrading of the access road. Such investigation is to consider such matters as the construction specification for the road ownership and rights of usage, the financial mechanism and a phasing for the upgrading and a potential for any agreement as to the future maintenance of the road by interested parties. With the requested investigation by the Legal and Planning Advisers having taken place, 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, insufficient information was before the Local Review Body to determine the matter without further procedure.
- (ii) Further written information to be provided by Transport Planning on their updated position on the review application, with comment from Development Management.
- (iii) Following receipt of all information and responses, the application be brought back to a future meeting of the Local Review Body.