

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held virtually on Tuesday 30 March 2021 at 11.00am.

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, M Pasternak and B Parker (all 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 minutes of the meetings of the Local Review Body of 2 March 2021 were submitted and noted.

4. APPLICATIONS PREVIOUSLY CONSIDERED

(i) TCP/11/16(624) Planning Application – 19/01120/FLL – Erection of 4 dwellinghouses, land 60 metres west of Rawes Farm Steading, Longforgan – Mr N Walker

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of 4 dwellinghouses, land 60 metres west of Rawes Farm Steading, Longforgan.

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 2 March 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 Service providing copies (a) for 08/01767/FUL the decision notice, report of handling, DPEA decision; and proposed site plan; (b) for 12/01084/IPL the decision notice, report of handling; LRB decision notice, and proposed site plan; and (c) for 15/01390/FLL the decision notice, report of handling, and proposed site

plan; (ii) the Applicant being invited to submit further information on how the site would be serviced with regards to foul and surface water and drainage. Any information submitted is then to be forwarded for comment from the Council's Development Management Service; and (iii) an unaccompanied site visit be undertaken. With all further information having been received, and members all having undertaken unaccompanied site visits at separate times, 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 erection of 4 dwellinghouses, land 60 metres west of Rawes Farm Steading, Longforgan, be granted subject to:
 - 1. The imposition of relevant terms, conditions including the provision of foul and surface water drainage, further contaminated land investigation and confirmation of finished floor levels with regard to flooding to a standard capable of meeting SEPA's requirements, informatives, and legal agreement including Transport Infrastructure and Affordable Housing Contributions.

Justification

The Local Review Body considered the site to be sufficiently well defined and the proposal as an enhancement to the site, and therefore considered that the proposal did accord with the Local Development Plan.

(ii) LRB-2020-02

Review of Conditions 3, 4, 5 and 7 attached to planning consent 19/01510/FLL – Erection of a dwellinghouse, garage and retaining wall (in part retrospect), former Council Offices, Newton Terrace, Blairgowrie – Mr R Halhead

Members considered a Notice of Review seeking a review of conditions 3, 4, 5 and 7 attached to planning consent 19/01510/FLL – Erection of a dwellinghouse, garage and retaining wall (in part retrospect), former Council Offices, Newton Terrace, Blairgowrie.

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 21 July 2020, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) the Applicant providing a copy of the properties title deeds; and (ii) an unaccompanied site visit be undertaken. With all further information having been received, and members all having undertaken unaccompanied site visits at separate times, 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 that:

- (ii) Conditions 3, 4, 5 and 7 attached to planning consent 19/01510/FLL – Erection of a dwellinghouse, garage and retaining wall (in part retrospect), former Council Offices, Newton Terrace, Blairgowrie be removed or varied, as follows;
 - 1. By majority decision, Condition 3 of planning consent 19/01510/FLL be removed.
 - 2. By unanimous decision, Condition 4 of planning consent 19/01510/FLL to read as follows:
“Within 3 months of the date of this decision notice, details of an opaque glazed screen shall be submitted for the written approval of Council as Planning Authority. The screen as approved shall be erected within three months of the date of the written approval being given. The approved screen shall project at 1.8 metres high in a southerly direction midway along the edge of the balcony from the west facing gable of the house for a distance of 3.1 metres or thereby and thereafter at 1.1 metres high for the remainder of the balcony along the west elevation. The glazed privacy screen shall be retained in perpetuity.”
 - 3. By unanimous decision, Condition 5 of planning consent 19/01510/FLL to remain as set out in Decision Notice 19/01510/FLL.
 - 4. By unanimous decision, Condition 7 of planning consent 19/01510/FLL be removed.

Justification

The Local Review Body considered some elements of the proposal to be sufficiently in accordance with the Local Development Plan to enable conditions to be removed.

Regarding Condition 4, members considered that a degree of screening was necessary to provide an adequate level of privacy from overlooking from the elevated position in relation to the adjoining residential property to the west.

Note: With regards to Decision (ii) 1, Councillor Simpson dissented from the majority opinion. In his view, the removal of Condition 3 was not sufficiently in accordance with the Development Plan and therefore, in his view Condition 3 should remain.

(iii) 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

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. It was further noted that, at its meeting of 8 December 2020, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) clarification from the applicant of 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. 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 at this time, due to continuing uncertainty around the status of previous planning permission regarding its

implementation of otherwise. Members noted that since the previous consideration, the applicant has submitted an application for a Certificate of Lawful Use or Development to the Council as Planning Authority. It was understood that a decision had been issued on the Certificate application. Regarding that there was a prospect of an appeal to the Scottish Government, the final status of the previous planning permission continued to be uncertain, therefore it was considered inappropriate for the LRB to seek to defer this Review case until such time that aspect was clarified.

- (ii) the outcome of the application for Certificate of Lawful Use or Development and subsequent submission by the Council's Development Management Team of a decision notice and any possible appeal decision notice.
- (iii) Comment from both the Applicant and the Council's Development Management Team on the status of permission 14/02062/FLL in light of the above decision and any subsequent appeal decision.
- (iv) following the receipt of all further information and responses, the application be brought back to the Local Review Body.

(iv) LRB-2020-16

Planning Application – 19/02095/FLL – Change of use from vacant land to commercial vehicle parking and open storage areas, formation of hardstanding and vehicular access (in part retrospect), land 80 metres south west of Unit C1, Muirhouses, Grange, Errol – Morris Leslie Ltd.

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse a change of use from vacant land to commercial vehicle parking and open storage areas, formation of hardstanding and vehicular access (in part retrospect), land 80 metres south west of Unit C1, Muirhouses, Grange, Errol.

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 13 October 2020, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) clarification being sought on the discrepancies in assessment between the applicant's arboriculturist's survey and that of the Council's Tree Officer, with particular reference to the species of tree concerned.; (ii) comment from the Development Quality and Building Standards Manager on whether or not the envisaged reduction in tree size to 10 metres would be an acceptable method of managing the trees within the application site; and (iii) an unaccompanied site visit be undertaken. With all further information having been received, and members all having

undertaken unaccompanied site visits at separate times, 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, change of use from vacant land to commercial vehicle parking and open storage areas, formation of hardstanding and vehicular access (in part retrospect), land 80 metres south west of Unit C1, Muirhouses, Grange, Errol, be refused for the following reasons:
 - 1. The proposal is contrary to Policy 14A, Open Space Retention and Provision: Existing Areas, of the Perth and Kinross Local Development Plan 2 (2019) as it results in the loss of a significant area of zoned Open Space which is of amenity value. It does not meet any of the exceptional criteria where loss would be permitted.
 - 2. The proposal is contrary to Policy 7A, Employment and Mixed Use Areas: Business and Industrial, of the Perth and Kinross Local Development Plan 2 (2019) as the proposal for the formation of open storage would have a detrimental visual impact on housing to the north of the road and it would not be compatible with the amenity of this adjoining land use. The loss of woodland and zoned open space that previously acted as a buffer means the zoned employment and mixed-use are no longer has an appropriate screen buffer in place.
 - 3. The proposal is contrary to Policy 1B, criterion (a), of the Perth and Kinross Local Development Plan 2 (2019), as the proposal fails to create a sense of identity and erodes the coherent structure of the streets, spaces and buildings by removing woodland and an area of zoned open space. As a consequence, the screening it afforded to residential properties and the road, Low Carse Road, C484 to the north has been significantly diminished.
 - 4. The proposal is contrary to Policy 1B, criterion (b) and (g), of the Perth and Kinross Local Development Plan 2 (2019), as the removal of the woodland from a zoned area of open space and the formation of a hardstanding area for open storage on the open space and on the wider mixed use site would erode and dilute the areas landscape character.
 - 5. The proposal is contrary to Policy 39 of the Perth and Kinross Local Development Plan 2 (2019), as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of

the landscape and the quality of landscape experience through the removal of the woodland/tree belt to accommodate the development.

6. The proposal is contrary to the Scottish Governments Policy on Woodland Removal, the Scottish Forest Strategy, the National Planning Framework as well as Policy 40A and 40B of the Perth and Kinross Local Development Plan 2 (2019), as there are no clear public benefits associated with the woodland removal.
7. There is a lack of information to fully assess the application in relation to contaminated land, Policy 58A of the Perth and Kinross Local Development Plan 2 (2019) and Surface Water Drainage Policy 53C 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.