

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held on Tuesday 20 September 2022 at 10.30am.

Present: Councillors B Brawn, D Cuthbert and Bailie M Williamson

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.

Councillor Brawn acknowledged this meeting as a return to business following the passing of Her Majesty Queen Elizabeth II.

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 16 August 2022 was submitted and noted.

4. APPLICATIONS FOR REVIEW

- (i) **LRB-2022-25**
Planning Application – 21/02169/FLL – Erection of a dwellinghouse and garage/ancillary building, land 30 metres south west of 32 Lintrose Holding, Campmuir – Mr and Mrs Fleming

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse and garage/ancillary building, land 30 metres south west of 32 Lintrose Holding, Campmuir.

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 erection of a dwellinghouse and garage/ancillary building, land 30 metres south west of 32 Lintrose Holding, Campmuir, be granted, subject to:
1. The imposition of relevant conditions, including a condition that suitable access to the farmer's field is maintained, and consideration is given to the conditions detailed in representations made to the application.

Justification

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

Note: Councillor Brawn dissented from the majority opinion. He considered that, although the plot size and frontage proposed was similar to other properties nearby, the proposal was contrary to the Development Plan given the 1¾ storey nature of the proposed property.

(ii) **LRB-2022-27**
Planning Application – 21/02268/FLL – Erection of a dwellinghouse, land 50 metres west of Keltney House, Keltneyburn – Mr and Mrs Stewart

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of dwellinghouse, land 50 metres west of Keltney House, Keltneyburn.

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, land 50 metres west of Keltney House, Keltneyburn, be granted, subject to:
1. The imposition of relevant conditions, including a condition that mature and semi-mature trees are incorporated into the landscaping for this application, and a condition requiring them to be replaced if they do not survive for a period of five years. The details of the planting proposed will be subject to Officer approval.

Justification

Members considered that whilst the proposal is not wholly in accordance with the Development Plan, the family's medical needs for this application were a material consideration which justified the

proposal as a development plan departure, and therefore permission was granted.

(iii) LRB-2022-28

Planning Application – 22/00284/FLL – Change of use from ancillary accommodation unit to dwellinghouse, 19 Main Street, Almondbank – Mrs C Younger

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the change of use from ancillary accommodation unit to dwellinghouse, 19 Main Street, Almondbank.

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 change of use from ancillary accommodation unit to dwellinghouse, 19 Main Street, Almondbank be refused for the following reasons:
 - 1. The proposal has not demonstrated that the change of use from ancillary accommodation to a dwelling can contribute positively to the quality of the surrounding build and natural environment taking account of density and siting. The plot ratio does not respect the character and amenity of place accordingly the proposal is contrary to Placemaking Policy 1A and Policy 1B of the Perth and Kinross Local Development Plan 2 (2019).
 - 2. The proposal is contrary to Policy 17: Residential Areas of the Perth and Kinross Local Development Plan 2 (2019) which seeks to ensure that development is compatible with the amenity and character of the area. It has not been demonstrated that the change of use to a dwellinghouse can be accommodated on the site while respecting its environs or improve the character and environment due to the lack of garden ground and overlooking to the neighbouring/host property.

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 Brawn dissented from the majority opinion. He considered that any issues of overlooking would be for consideration and judgement by future purchasers of either property.

(iv) LRB-2022-29
Planning Application – 21/02017/FLL – Erection of a fence, 1
Commander's Grove, Braco, Dunblane – Ms J McKay

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a fence, 1 Commander's Grove, Braco, Dunblane.

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 erection of a fence, 1 Commander's Grove, Braco, Dunblane, be refused for the following reasons:
 - 1. The proposal is contrary to Policy 1A: Placemaking of the Perth and Kinross Local Development Plan 2 (2019) as the works will not contribute positively to the quality of the surrounding built and natural environment, due to the enclosure of the landscaped area of open space. This fails to respect the character and amenity of place, as it will result in the loss of an existing landscape feature and unbalance the symmetry which exists at the entrance to the estate.
 - 2. The proposals are contrary to Policy 1B: Placemaking of the Perth and Kinross Local Development Plan 2 (2019) parts (a), (b), (c) and (d) as the development will erode the identity and structure of streets and spaces, is out of character with the area, does not complement its surroundings and does not respect the layout of the area.
 - 3. The proposals are contrary to Policy 17: Residential Areas of the Perth and Kinross Local Development Plan 2 (2019) part (c), as the proposal will not improve the character and environment of the area, as it will result in the loss of an area of landscaped open space that should, in combination with the area on the other side of the entrance road, be retained as a landscaped edge to the wider development and visual amenity resource.
 - 4. The proposal is contrary to criterion Policy 39: Landscape of the Perth and Kinross Local Development Plan 2 (2019) part (a), as it will erode the local distinctiveness, visual and landscape quality of the immediate 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.

(v) **LRB-2022-31**
Planning Application – 21/02069/FLL – Erection of 7 dwellinghouses, garage, formation of landscaping and associated works, land 480 metres south east of 4 Pitfar Steadings, Powmill – Mr T Carroll

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of 7 dwellinghouses, garage, formation of landscaping and associated works, land 480 metres south east of 4 Pitfar Steadings, Powmill.

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 7 dwellinghouses, garage, formation of landscaping and associated works, land 480 metres south east of 4 Pitfar Steadings, Powmill, 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 associated Housing in the Countryside Supplementary Guidance (March 2020) as it does not meet any of the criteria within 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 and 6) Development on rural brownfield land.
 - 2. The proposal is contrary to Policy 41: Biodiversity as no ecological survey of the proposed development area of assessment of the likely effects from this development on habitats and species was submitted.
 - 3. The proposal is contrary to Policy 1A: Placemaking as the proposals do not incorporate appropriate landscaping and planting works for the scale and nature of the development proposed.
 - 4. The seven new houses proposed, taken together with the two existing houses adjacent to the application site, would constitute overdevelopment of the site, contrary to Policy 1A: Placemaking, and to the detriment of the appearance of the countryside.

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- 2022-32
Planning Application – 22/00013/FLL – Erection of a garage, land 15 metres north of 20 Greystane Terrace, Invergowrie

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a garage, land 15 metres north of Greystane Terrace, Invergowrie.

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 majority 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 of erection of a garage, land 15 metres north of Greystane Terrace, Invergowrie, 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 proposal is considered to represent an overdevelopment of the site when taking account of the areas environs and surrounding character and therefore the development is incompatible with the character and amenity of the area. Furthermore, the proposal results in the loss of a small area of open space which is considered to have some amenity value to the area.
 2. The proposal is contrary to Policy 1A: Placemaking of the Perth and Kinross Council Local Development Plan 2 (2019) as the development would not contribute positively to the quality of the surrounding built environment. The design, scale and siting of development does not respect the character and amenity of the place.

Justification

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

(vii) LRB-2022-33
Planning Application – 22/00532/FLL – Erection of a dwellinghouse, land 25 metres north east of No. 2 Laggan Road, Crieff

Members considered a Notice of Review seeking review of the decision by the Appointed Officer to refuse erection of a dwellinghouse, land 25 metres north east of No. 2 Laggan Road, Crieff.

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 25 metres north east of No. 2 Laggan Road, Crieff, be refused for the following reasons:
 - 1. The proposal has not demonstrated that the development of a dwelling can contribute positively to the quality of the surrounding built and natural environment taking account of design, density, siting, height, massing, materials, finishes and colours. The dwelling has the appearance of being squeezed into the garden ground of Oakbank, 2 Laggan Road and fails to respect the character and amenity of place. Accordingly, the proposal is contrary to Placemaking Policy 1A and Policy 1B part (c) of the Perth and Kinross Local Development Plan 2 (2019)
 - 2. The proposal is contrary to Policy 17: Residential Areas of the Perth and Kinross Local Development Plan 2 (2019) which seeks to ensure that development is compatible with the amenity and character of the area. It has not been demonstrated that a dwellinghouse can be accommodated on the site while respecting its environs or improve the character and environment 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.