

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held in the Council Chambers, 2 High Street, Perth on Tuesday 10 October 2017 at 10.30am.

Present: Councillors H Anderson, B Brawn and T Gray.

In Attendance: D Harrison (Planning Adviser), G Fogg (Legal Adviser) and D Williams (Committee Officer) (all Corporate and Democratic Services).

Also Attending: S Panton (the Environment Service); members of the public, including agents and applicants.

. APPOINTMENT OF ACTING COVENER

Councillor H Anderson was unanimously appointed as Acting Convener for the meeting.

Councillor H Anderson, Acting Convener, Presiding.

. DECLARATIONS OF INTEREST

Councillor B Brawn declared a non-financial interest in Art. ** (Item 5 (ii)).

. MINUTE

The minute of meeting of the Local Review Body of 12 September 2017 was submitted and noted.

. APPLICATIONS FOR REVIEW

(i) TCP/11/16(486) – Planning application - 17/00735/IPL – Erection of a dwellinghouse (in principle) on land 40 metres South East of Pine Cottage, Bridge of Gaur, Rannoch – Mr S Reynolds

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse (in principle) on land 40 metres south east of Pine Cottage, Bridge of Gaur, Rannoch.

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) on land 40 metres south east of Pine Cottage, Bridge of Gaur, Rannoch, be refused for the following reasons:
1. The Proposal is contrary to Policy RD3 Housing in the Countryside of Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category (1) Building Groups. It is also considered that the proposal cannot satisfy any of the remaining categories (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 Policy PM1A, Placemaking, of the Perth and Kinross Local Development Plan 2014 as it would not contribute positively to the built or natural environment. It is also contrary to policy PM1B a) and b). In particular in terms of PM1B a) it would create further sporadic, ad hoc development that b) has no respect for the site topography or the wider landscape of the area.
 3. The proposal is contrary to Policy NE1B, National Designations, of the Perth and Kinross Local Development Plan 2014 which seeks to protect the quality and character of an area designated as being of national scenic importance. The Construction of a house in this naturally wooded area within the Loch Rannoch and Glen Lyon National Scenic Area would further erode the quality and landscape character for which it has been designated.
 4. The proposal is contrary to Policy NE2B, Forestry, Woodland and Trees, of the adopted Perth and Kinross Local Development Plan 2014 which states that there is a presumption in favour of protecting woodland resources. The policy also requires a tree survey to be provided where there are existing trees on a development site. No tree survey has been submitted to demonstrate that the site can be developed without having an adverse impact on existing trees.

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) TCP/11/16(487) – Planning application 17/00896/FLL – Part change of use from offices to form 3 holiday accommodation units, Units H, J, F, G and 3 Glenruthven Mill, Abbey Road, Auchterarder, PH3 1DP – Mr D Ross

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for a part change of use from offices to form 3 holiday accommodation units, Units H, J, F, G and 3 Glenruthven Mill, Abbey Road, Auchterarder, PH3 1DP.

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) an unaccompanied site visit be carried out;
- (iii) following the site visit, the application be brought back to the Local Review Body.

(iii) TCP/11/16(488) – Planning application 17/01182/IPL – Erection of a dwellinghouse (in principle) on land 30 metres west of 2 Hillview, Tomaknock, Crieff – Miss J Brown

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse (in principle) on land 30 metres west of 2 Hillview, Tomaknock, 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 Review application for the erection of a dwellinghouse (in principle) on land 30 metres west of 2 Hillview, Tomaknock, Crieff, be refused for the following reasons:
 - 1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's

Housing in the Countryside Guide 2014 as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable in principle at this location.

2. The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.
3. The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the siting of the dwellinghouse on this prominent piece of land would erode and dilute the areas landscape character.
4. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character. This includes eroding the visual and scenic qualities of the landscape and the quality of landscape experience through the siting of the dwellinghouse on the prominent piece of land.

Justification

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

DEFERRED APPLICATIONS FOR REVIEW

(i) TCP/11/16(471) – Planning application – 16/01937/FLL – Erection of a dwellinghouse (in retrospect) on land at Hillview, Kinloch, Blairgowrie, PH10 6SD – Mr G Burke

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse (in retrospect) on land at Hillview, Kinloch, Blairgowrie, PH10 6SD.

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 June 2017, the Local Review Body resolved, by unanimous decision, that insufficient information was before the Local Review Body to determine the matter without: (i) receiving a copy of the prior notification 12/00544/PN together with certification for the agricultural building at Balcairn by Kinloch, Blairgowrie; (ii) confirmation of: (a) the Building Warrant (reference 12/01315/NDOM9) for the agricultural building at Balcairn by Kinloch, Blairgowrie; (b) the amendment (15/01004/AMDOM9) to the building warrant issued on 22 December 2015 for the same building; (c) the

completion certificate issued on 17 July 2016 for the same building; and (d) clarification on whether the building warrant and completion certificate for 12/01315/NDOM9 had been issued for an agricultural shed or domestic use; (iii) further information on the measures for phosphorous mitigation proposed by the applicant, including where that mitigation is to be secured; (iv) evidence of SNH and SEPA withdrawing their objections to the proposal, in terms of the impact of the proposal on the Lunan Valley Catchment Area; (v) the applicant providing information to demonstrate their ability to carry out the measures for proposed phosphorous mitigation; (vi) written proof from the applicant of ownership of Chestnut View; (vii) details from the applicant of the extent and location of any other land owned by him in the area; (viii) the applicant providing a copy of the of the legal opinion regarding the description of the planning application, dated 22 December 2016 and referred to in the letter of 14 March 2017 from Brodies LLP Solicitors; and (ix) a copy of the reply sent to the letter of complaint of 14 March 2017 from Brodies LLP.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, including the further information requested by the Local Review Body at its meeting of 27 June 2017, 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 retrospect) on land at Hillview, Kinloch, Blairgowrie, PH10 6SD be refused for the following reason:
 - 1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012, which is limited to the category 3 – economic need and category 5 – conversions and replacements in the Lunan Valley Catchment Area. No economic need for the house has been identified as required by category 3 and the building is not of traditional character, has not been in place for a number of years and no evidence has been submitted that the agricultural building is now redundant as required by category 5.

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) TCP/11/16(476) – Planning application 16/01865/FLL – Formation of access road on land 60 metres East of Kinwreaton, Brucefield Road, Blairgowrie – Mr B Thomson

Councillor Brawn declared a non-financial interest in this item. As a result a quorate of members could not be achieved, and consideration was deferred until a future meeting of the Perth and Kinross Local Review Body.

(iii) TCP/11/16(477) – Planning Application 17/00334/IPL – Residential development (in principle), site of former 1 Lower Gauls, Bankfoot – JM & TT Bechtel

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a residential development (in principle), site of former 1 Lower Gauls, 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.

It was noted that, at its meeting of 25 July 2017, the Local Review Body resolved, by unanimous decision, that insufficient information was before the Local Review Body to determine the matter without: (i) receiving comment from the Interim Development Quality Manager, in consultation with the Council's Flooding Team, on the overview of previous applications and works and the Millard letter of 2 June 2017; (ii) an unaccompanied site visit. The comments and further information having been supplied, and an unaccompanied site visit having been carried out on 5 October 2017, 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, including the further information requested by the Local Review Body at its meeting of 25 July 2017, and having carried out a site visit on 5 October 2017, 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 residential development (in principle), site of former 1 Lower Gauls, Bankfoot, be allowed and planning permission granted, subject to:
 - 1. the prior receipt of Education and Supplementary Transport Infrastructure contributions or the conclusion of a legal agreement; and
 - 2. the imposition of relevant terms, conditions and informatives including flood relief/protection, the use of water resistant materials and measures, surface water

soakaway and the implementation of the bat survey recommendations.

Justification

The proposed residential development was not seen as being of significance to the functional flood plain and ample drainage was available, and in that context, was not contrary to Local Development Plan Policy EP2.

(iv) TCP/11/16(481) – Planning application 17/00252/IPL – Residential development (in principle) on land 40 metres north of 1 Netherhall Steadings, Milnathort – Mr G Sinclair

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for residential development (in principle) on land 40 metres north of 1 Netherall Steadings, Milnathort.

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 22 August 2017, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without an unaccompanied site visit. An unaccompanied site visit having been carried out on 5 October 2017, 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 unanimous decision that:

- (ii) the Review application for residential development (in principle) on land at 40 metres north of 1 Netherall Steadings, Milnathort, be refused for the following reason:
 - 1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to comply with category (1) Building Groups, as the site does not have a defined landscape or topographical boundary to the north and therefore does not result in an extension to the existing building group as a definable site. It is also considered that the proposal cannot satisfy any of the remaining categories (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.

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) TCP/11/16(480) – Planning application 17/00618/FLL – Erection of a dwellinghouse on land 100 metres North West of Glendy Steading, Glenfarg – Mr P Sloan

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse on land 100 metres North West of Glendy Steady, Glenfarg.

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 12 September 2017, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without an unaccompanied site visit. An unaccompanied site visit having been carried out on 5 October 2017, 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, and having carried out a site visit on 5 October 2017, 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 on land at 100 metres North West of Glendy Steading, Glenfarg, be refused for the following reason:
 - 1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012, as the proposal fails satisfactorily comply with category (1) Building Groups. It is also considered that the proposal cannot satisfy any of the remaining categories; (2) Infill Sites; (3) New Houses in the Open Countryside; Activity (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 Policy PM1A Placemaking of the Perth and Kinross Local Development Plan 2014 as

the proposed development would not contribute positively to the quality of the surrounding built and natural environment.

3. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as the proposal would be detrimental to the local landscape character and could be cited as setting a precedent for further development in 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.

(vi) TCP/11/16(483) – Planning application 17/00365/FLL – Change of use, alterations and extension to store to form a flat at 90 Perth Airport, Scone, Perth, PH2 6PL – Morris Leslie Group

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for change of use, alterations and extension to store to form a flat at 90 Perth Airport, Scone, Perth, PH2 6PL.

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 2017, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without an unaccompanied site visit. An unaccompanied site visit having been carried out on 5 October 2017, 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, and having carried out a site visit on 5 October 2017, 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, alterations, and extension to store to form a flat at 90 Perth Airport, Scone, Perth, PH2 6PL, be allowed and planning permission granted, subject to the imposition of relevant terms, conditions and informatives.

Justification

The proposed change of use, alterations and extension to store to form a flat at 90 Perth Airport, Scone, Perth, PH2 6PL, would be beneficial in

creating an additional affordable residential flat in relation to the previously approved formation of flats at the first floor level of this building, which would secure a consistency of residential use and which could reduce the likelihood of conflicting uses, which provided a sufficiently material planning considerations to set aside Local Development Plan Policy ED1A as set out in the decision notice. This proposal was assessed on its own merits and in conjunction with the related proposal, planning application 17/00367/FLL.

(vii) TCP/11/16(484) – Planning application 17/00367/FLL – Change of use and alterations from antiques centre (class 1) to form 14 flats and associated works at 90 Perth Airport, Scone, Perth, PH2 6PL – Morris Leslie Group

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for change of use and alterations from antiques centre (class 1) to form 14 flats and associated works at 90 Perth Airport, Scone, Perth, PH2 6PL.

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 25 July 2017, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without an unaccompanied site visit. An unaccompanied site visit having been carried out on 5 October 2017, 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, and having carried out a site visit on 5 October 2017, 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 and alterations from antiques centre (class 1) to form 14 flats and associated works at 90 Perth Airport, Scone, Perth, PH2 6PL, be allowed and planning permission granted, subject to the imposition of relevant terms, conditions and informatives including revised parking, bin storage, surface water and foul drainage and landscaping.

Justification

The proposed change of use and alterations from antique centre (Class1) to form 14 flats and associated works at 90 Perth Airport, Scone, Perth, PH2 6PL, would be beneficial in creating affordable housing, and furthermore compliment the previously approved

formation of flats above at the first floor level of this building, and it would secure a consistency of residential use which could reduce the likelihood of conflicting uses which, provided a sufficiently material planning consideration to set aside Local Development Plan Policy ED1A as set out in the decision notice. This proposal was assessed on its own merits and in conjunction with the related proposal, planning application 17/00365/FLL.

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