

## PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held in the Hay Room, Dewar's Centre, Glover Street, Perth on Tuesday 6 December at 10.30am.

Present: Councillors M Lyle, I Campbell and D Cuthbert.

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

Also Attending: C Brien and A Rennie (The Environment Service); members of the public, including agents and applicants.

Councillor M Lyle, Convener, Presiding.

### . **DECLARATIONS OF INTEREST**

There were no declarations of interest in terms of the Councillors' Code of Conduct.

### . **MINUTE OF PREVIOUS MEETING**

The minute of meeting of the Local Review Body of 8 November 2016 (Arts. 758 - 760) was submitted and noted.

### . **APPLICATIONS FOR REVIEW**

- (i) **TCP/11/16(440) – Planning application 13/00148/IPM – Mixed use development including holiday lodges, leisure facilities, care home, assisted living accommodation, farm shop and café and associated landscaping and access routes (in principle) on land 300 metres west of the Old Manse, Gilmerton – Crieff Hydro Ltd**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for a mixed use development including holiday lodges, leisure facilities, care home, assisted living accommodation, farm shop and café and associated landscaping and access routes (in principle) on land 300 metres west of the Old Manse, Gilmerton.

#### **Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Review application for mixed use development including holiday lodges, leisure facilities, care home, assisted living accommodation, farm shop and café and associated landscaping and access routes (in principle) on land 300 metres west of the Old Manse, Gilmerton be refused for the following reason:

1. The Council has screened the development in accordance with the provisions of the Environmental Impact Assessment (Scotland) Regulations 2011 and has determined that the proposal is likely to have significant effects on the environment. An Environmental Statement has been submitted but there is a lack of information on how the development could impact on air quality. In the absence of the required Environmental Information the Council cannot assess the extent of the development impacts, the magnitude and complexity of those impacts; the probability of those impacts and the duration, frequency and reversibility of the impacts and cannot be satisfied that the proposals will not harm receptors.

### **Justification**

The Local Review Body did not accept the applicant's justification for late submission of the Air Quality Assessment which had not been submitted to the Appointed Officer at the time of determination of the planning application. Therefore, the applicant had not meet the legal test required by Section 43B of the Town and Country Planning (Scotland) Act 1997, in that a party to review proceedings is not to raise any matter which was not before the appointed person at the time the determination was made, unless that party can demonstrate that: either the matter could not have been raised before that time; or that its not being raised before that time was a consequence of exceptional circumstances. Furthermore, the Local Review Body did not accept the applicant's assertion that the Appointed Officer had taken the view that apart from the Air Quality Report, there were no other planning reasons for refusing the application.

### **(ii) TCP/11/16(441) – Planning application 16/00789/FLL – Erection of a dwellinghouse on land 30 metres north east of 9 Altamount Park, Coupar Angus Road, Blairgowrie – Mr R Fraulo**

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 30 metres north east of 9 Altamount Park, Coupar Angus Road, Blairgowrie.

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;

- (ii) the Review application for erection of a dwellinghouse on land 30 metres north east of 9 Altamount Park, Coupar Angus Road, Blairgowrie be refused for the following reasons:
1. The scale, siting, form, proportions and design of the proposal fails to relate successfully to the surrounding environs and character of the area and fails to complement its surroundings. The proposal is therefore contrary to Policies PM1A, PM1B(c) and RD1 of the Perth and Kinross Local Development Plan 2014.
  2. The scale, siting, form, proportions and design of the proposal fails to protect the character and setting of the category C listed walled garden and category B listed Altamount House. The proposal is therefore contrary to Policy HE2 of the Perth and Kinross Local Development Plan 2014 which seeks to ensure new development is appropriate to the setting of listed structures and buildings. The proposal is also contrary to Scottish Historic Environment Policy 2011 and Historic Environment Scotland's 'Managing Change in the Historic Environment' regarding respecting the settings of listed buildings.

#### **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) **TCP/11/16(443) – Planning application 16/00823/FLL – Installation of a hydro-electric scheme and associated works at Drumchastle Hydro Scheme, Dunalastair – Allt Mor Hydro Ltd**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for installation of a hydro-electric scheme and associated works at Drumchastle Hydro Scheme, Dunalastair.

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;
- (ii) The review application for installation of a hydro-electric scheme and associated works at Drumchastle Hydro Scheme, Dunalastair be refused for the following reason:
  1. The Council has screened the development in accordance with the provisions of the Environment

Impact Assessment (Scotland) Regulations 2011 and has determined that the proposal is likely to have significant effects on the environment. An Environmental Statement has been submitted but there is a lack of information on how the development could impact on landscape and in particular the National Scenic Area, The River Tay SAC, European Protected Species, other species protected under the Wildlife Countryside Act 1981, the impact on existing watercourses and water quality and the woodland resource. In the absence of the required Environmental Information the Council cannot assess the extent of the development impacts, the magnitude and complexity of these impacts; the probability of those impacts and the duration, frequency and reversibility of the impacts and cannot be satisfied that the proposals will not harm receptors.

#### **Justification**

There is a lack of information to enable full assessment of the application. This provides sufficient weight to warrant refusal of the application.

**(iv) TCP/11/16(444) – Planning application 16/00656/FLL – Erection of 3 dwellinghouses (change in design) (in part retrospect) on land 100 metres north west of Boreland House, Cleish – Mr K Thomas**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of 3 dwellinghouses (change in design) (in part retrospect) on land 100 metres north west of Boreland House, Cleish.

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 3 dwellinghouses (change in design) (in part retrospect) on land 100 metres north west of Boreland House, Cleish be refused for the following reason:
  - 1. The development does not contribute positively to the quality of the surrounding built and natural environment as the design, height and scale of the development does not respect the character and amenity of the surrounding

area and is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014.

**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 Lyle dissented from the majority decision. He considered that, while he had reservations about the proposal and its appearance, the impact of the increase in height of some 145mm was minimal.

- (v) **TCP/11/16(445) – Planning application 16/01191/IPL – Erection of dwellinghouse, stable block and livery building (in principle) on land 70 metres south west of South Latch Farm, Abernyte, Perth, PH14 9SU – Mr J White**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of dwellinghouse, stable block and livery building (in principle) on land 70 metres south west of South Latch Farm, Abernyte, Perth, PH14 9SU.

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 arranged;
- (iii) following the site visit, the application be brought back to the Local Review Body.

**DEFERRED APPLICATIONS FOR REVIEW**

- (i) **TCP/11/16(424) – Planning application 16/00817/FLL – Installation of replacement windows and doors, Carsehall Cottage, Wester Balgedie, Kinross, KY13 9HE**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for installation of replacement windows and doors, Carsehall Cottage, Wester Balgedie, Kinross, KY13 9HE.

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 September 2016, the Local Review Body 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 be requested to provide further information on whether the existing timber surrounds to the windows will be retained;
- (iii) the applicant be requested to provide further information on how the windows will be installed relative to the fabric of the building;
- (iv) the applicant be requested to provide further information on possible alternative designs for the windows which would suit the building;
- (v) the applicant be requested to provide further information on the age and history of the buildings, and of the types of windows originally installed in the building;
- (vi) following receipt of all information, copies be submitted to the Development Quality Manager for any further representation;
- (vii) following receipt of the further information and responses, the application be brought back to the Local Review Body.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, including further information requested by the Local Review Body at its meeting of 27 September 2016, 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:

- (i) The review application for installation of replacement windows and doors, Carsehall Cottage, Wester Balgedie, Kinross, KY13 9HE be upheld and planning permission granted, subject to appropriate terms, conditions and informatives, including with regard to the use of astragals on the replacement windows.

**Justification:**

It was considered reasonable to grant planning permission as the proposal would improve the character of the Wester Balgedie Conservation Area. Therefore, the proposal is in accordance with Policies PM1 and HE3 of the Perth and Kinross Local Development Plan 2014. Furthermore, it was considered unreasonable to require the applicants to: (i) use sash and case type windows if they do not fit in the structure of the window openings; and (ii) use wooden frames due to the proximity of the windows to the road which would reduce their longevity.

**Note:** Councillor Campbell dissented from the majority decision. He considered that the proposal contravened Policy HE3 of the Perth and

Kinross Local Development Plan 2014 as the replacement with plastic window frames would not preserve or enhance the character or appearance of the Conservation Area.

- (ii) **TCP/11/16(427) – Planning application 16/00994/FLL – Erection of a dwellinghouse (in principle), land 90 metres north east of Meadows Cottage, Forneth – Mr I Menzies**

Due to the inability of the Local Review Body to carry out an unaccompanied site visit, this item be deferred until the next meeting of the Local Review Body on 10 January 2017.

