

PERTH AND KINROSS COUNCIL  
LOCAL REVIEW BODY  
23 AUGUST 2016

## **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 23 August 2016 at 10.45am.

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

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

Also Attending: C Brien, P Antwi, G Ashcroft, H Belford and S Panton (all the Environment Service); members of the public, including agents and applicants.

Councillor M Lyle, Convener, Presiding.

### **567. DECLARATIONS OF INTEREST**

There were no Declarations of Interest in terms of the Councillors' Code of Conduct.

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

The minute of meeting of the Local Review Body of 26 July 2016 (Arts. 552-554) was submitted and noted.

### **569. APPLICATIONS FOR REVIEW**

- (i) **TCP/11/16(420) – Planning application 16/00641/IPL – Erection of a dwellinghouse (in principle) on land 40 metres north west of Beechgrove, Heughfield Road, Bridge of Earn – Mr F Stewart**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of a dwellinghouse (in principle) on land 40 metres north west of Beechgrove, Heughfield Road, Bridge of Earn.

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.

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Thereafter, resolved by majority decision that:

- (i) the Review Application for erection of dwellinghouse (in principle) on land 40 metres north west of Beechgrove, Heughfield Road, Bridge of Earn, be refused for the following reasons:
  - 1. As the proposal, by virtue of the site's awkward shape and size would result in a development that would not offer a suitable level of amenity and would result in a 'squeezed in' development, the proposal is contrary to Policies PM1A and RD1 of the Perth and Kinross Local Development Plan 2014 – the general aims of which both seek (amongst other things) to ensure that all new proposals within settlements offer a suitable level of residential environment for future occupiers and respect the surrounding environs.
  - 2. As the proposal has not been accompanied by a noise impact assessment (carried out by a suitably qualified consultant), it has not been demonstrated that the future occupiers of a dwelling on this site would not be adversely affect by the adjacent railway line. To this end, the proposal is contrary to Policy EP8 of the Perth and Kinross Local Development Plan 2014 which seeks to ensure that noise sensitive uses are not approved next to sources of noise.

**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 view. He supported the Appointed Officer's Reason 1 for refusal, however, he did not support Reason 2 for refusal as he considered that the proposal accorded with Policy EP8 of the Perth and Kinross Local Development Plan in that there was a reasonable expectation that noise could be adequately mitigated.

**(ii) TCP/11/16(421) - Planning Application 16/00535/FLL – Erection of a dwellinghouse on land 60 metres north east of The Spa, Pitkeathly Wells, Bridge of Earn – Mr A Burgess**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of a dwellinghouse on land 60 metres north east of The Spa, Pitkeathly Wells, Bridge of Earn.

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.

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**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.

Thereafter, resolved by majority decision that:

- (i) the Review Application for erection of a dwellinghouse on land 60 metres north east of The Spa, Pitkeathly Wells, Bridge of Earn be refused for the following reason:
  - 1. The proposal is contrary to the Perth and Kinross Local Development Plan 2014 Policy RD3 Housing in the Countryside and the supplementary Housing in the Countryside Guide 2012. The development would not meet the requirements of Category 1 Building Groups as by virtue of the positioning of the development, it is not part of the building group, which is characterised by development located to both the west and the east of the public road within smaller plots.

**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 view. He supported the Appointed Officer's Reason 1 for refusal, as he considered that the proposal did not accord with Policy RD3 Housing in the Countryside and the supplementary Housing in the Countryside Guide 2012, in that the development would not meet the requirements of Category 1 Building Groups as the proposal would not respect the character, layout and building pattern of the group which is characterised by development located to the west of the public road within smaller plots. In his view the boundary of the building group is the public road, not beyond into the proposed site.

- (iii) **TCP/11/16(422) – Planning Application 16/00375/IPL – Erection of a dwellinghouse (in principle) on land 100 metres south of Bowmanis, Tibbermore – Mr and Mrs G Oswald**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of a dwellinghouse (in principle) on land 100 metres south of Bowmanis, Tibbermore.

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.

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**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 the erection of dwellinghouse (in principle) on land 100 metres south of Bowmanis, Tibbermore be refused for the following reasons:
  - 1. The proposal is contrary to Policy NE5 of the Perth and Kinross Local Development Plan 2014 as the application site is located within the Green Belt and fails to relate to any of the categories (a) – (f) which outline what types of development could be supported within the Green Belt. Furthermore, Policy NE5 specifically states that the Housing in the Countryside Policy RD3 of the Local Development Plan does not apply in the Green Belt.
  - 2. The proposal is contrary to Tayplan Policy 3 as it fails to preserve the setting and special character of the Green Belt or safeguard the countryside from inappropriate development.

**Justification**

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

**570. DEFERRED APPLICATIONS FOR REVIEW**

**Deferred for written submissions, accompanied site visit and determination of the specified matters for the purposes of convening a hearing session**

- (i) **TCP/11/16(398) – Planning Application – 15/01354/IPL – Erection of two units (class 1) and associated works (in principle) including full details of one retail unit, car parking, landscaping and associated works, land 50 metres east of Duchlage Farm, Duchlage Road, Crieff – Aldi Stores Ltd**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of two units (class 1) and associated works (in principle) including full details of one retail unit, car parking, landscaping and associated works, land 50 metres east of Duchlage Farm, Duchlage Road, Crieff.

The Planning Adviser displayed photographs of the site.

It was noted that, at its meeting of 24 May 2016, the Local Review Body resolved by unanimous decision that:

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- (i) having regard to the material before the Local Review Body, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Development Quality Manager be requested to provide a copy of the planning decision notice concerning the erection of retail units with associated landscaping, access, car parking, servicing and other associated works (16/00349/FLL);
- (iii) the Council as Roads Authority be requested to provide further information on the impact of traffic management at the application site and any road improvement measures that may be required, and in providing such information taking account of the outcome of the planning decision notice 16/00349/FLL, as well as the impact on, and provision for, public transport in the area as a result of the proposed and approved development at the wider site;
- (iv) following receipt of the requested information from the Development Quality Manager and Roads Authority, copies be submitted to the applicant and the interested parties for further representation;
- (v) following receipt of all further information and responses, an accompanied site visit be arranged;
- (vi) following the completion of the site visit, the application be brought back to the Local Review Body for determination of the specified matters for the purposes of convening a hearing session;
- (vii) following the determination of the specified matters, a Hearing Session be convened to discuss the specified matters.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, and having undertaken an accompanied site visit on 22 August 2016, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Council as Roads Authority be requested to provide details of proportionate options available to resolve the traffic circulation and capacity issues at the King Street/Gallowshill junction, and approximate costings for these options;
- (iii) following receipt of the aforementioned information, the Council as Roads Authority and the applicant be requested to comment on the options available, including information on the viability of the options and any potential constraints to their completion;
- (iv) the applicant be requested to provide details of any provision for public transport considered in relation to the proposed development;
- (v) the Development Quality Manager be requested to provide a copy of the planning decision notice and the Appointed Officer's Report of Handling concerning the demolition of outbuildings,

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- land 50 Metres east of Duchlage Farm, Duchlage Road, Crieff (15/01721/LBC);
- (vi) the applicant be requested to consider the possibility of retaining the traditional listed farm buildings subject of 15/01721/LBC and to provide information on indicative proposals regarding their development and reuse as part of the proposed development;
  - (vii) following receipt of all information, copies be submitted to the applicant, interested parties, Development Quality Manager and the Council as Roads Authority for any further representations;
  - (viii) following receipt of all further information and responses, the application be brought back to the Local Review Body.

**Deferred for unaccompanied site visit**

- (ii) **TCP/11/16(411) – Planning application 15/02171/IPL – Residential development (in principle) on land at Muckersie Mill, Forgandenny, Perth, PH2 8DJ – Mr D Cantlay**

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 at Muckersie Mill, Forgandenny, Perth PH2 8DJ.

The Planning Adviser displayed photographs of the site.

It was noted that at its meeting of 26 July 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) An unaccompanied site visit be arranged and carried out, and thereafter, the item be brought back to the Local Review Body for further consideration.

**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 undertaken an unaccompanied site visit on 22 August 2016, 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 residential development (in principle) on land at Muckersie Mill, Forgandenny, Perth, PH2 8DJ be refused for the following reason:
  - 1. The proposal is contrary to Policy RD3, Housing in the Countryside, of the adopted Perth and Kinross Local

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Development Plan 2014 and the Council's Housing in the Countryside Guide 2012. The proposal fails to satisfactorily comply with any of 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) Rural Brownfield Land. In particular the site does not meet the terms of category 1 relating to building groups as the proposal would not respect the character, layout and building pattern of the group.

**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 Cuthbert dissented from the majority decision. He considered that the development was in accordance with Policy RD3 of Perth and Kinross Local Development Plan 2014 as an extension of a Building Group into a definable site.

**(iii) TCP/11/16(416) - Planning application 16/00362/IPL – Erection of a dwellinghouse (in principle) land 20 metres east of Lochend, Scotlandwell – Mr and Mrs I McKenzie**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of a dwellinghouse (in principle) on land 20 metres east of Lochend, Scotlandwell.

The Planning Officer displayed photographs of the site.

It was noted that at its meeting of 26 July 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) An unaccompanied site visit be arranged and carried out, and thereafter, the item be brought back to the Local Review Body for further consideration.

**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 undertaken an unaccompanied site visit on 16 August 2016,

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- sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the review application for erection of a dwellinghouse (in principle) on land 20 metres east of Lochend, Scotlandwell be refused for the following reasons:
1. The proposal is contrary to Policy RD3, Housing in the Countryside, of the adopted Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012. The proposal fails to satisfactorily comply with any of the categories (1) Building Groups, (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion of Replacement or Redundant Non Domestic Buildings, and (6) Rural Brownfield Land. The site is located adjacent to an established building group but the proposed site does not result in a satisfactory expansion of the building group.
  2. The proposal is contrary to the Perth and Kinross Council's Housing in the Countryside Guide 2012 clause h). By virtue of its location adjacent to a working farm future occupiers will suffer a loss of amenity due to noise and odours from the farm that would not provide a satisfactory residential environment and the introduction of a dwelling in this location would compromise the continuation of legitimate agricultural and related activities.

**Justification**

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

**(iv) TCP/11/16(417) – Planning Application 16/00363/IPL – Erection of a dwellinghouse (in principle) land 30 metres west of Lochend Farmhouse, Scotlandwell – Mr and Mrs I McKenzie**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of a dwellinghouse (in principle) on land 30 metres west of Lochend Farmhouse, Scotlandwell.

The Planning Adviser displayed photographs of the site.

It was noted that at its meeting of 26 July 2016, the Local Review Body unanimously resolved 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.



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- (ii) An unaccompanied site visit be arranged and carried out, and thereafter, the item be brought back to the Local Review Body for further consideration.

**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 undertaken an unaccompanied site visit on 16 August 2016, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the review application for erection of a dwellinghouse (in principle) on land 30 metres west of Lochend Farmhouse in Scotlandwell be refused for the following reasons:
  - 1. The proposal is contrary to Policy RD3, Housing in the Countryside, of the adopted Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012. The proposal fails to satisfactorily comply with any of 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) Rural Brownfield Land. The site is located adjacent to an established building group but the proposed site does not result in a satisfactory expansion of the building group.
  - 2. The proposal is contrary to Policy NE2B of the adopted Perth and Kinross Local Development Plan 2014 which 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.
  - 3. The proposal is contrary to the Perth and Kinross Council's Housing in the Countryside Guide 2012 clause h). By virtue of its location adjacent to a working farm future occupiers will suffer a loss of amenity due to noise and odours from the farm that would not provide a satisfactory residential environment and the introduction of a dwelling in this location would compromise the continuation of legitimate agricultural and related activities.
  - 4. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 in that development of this site would conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.

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**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(418) – Planning application 16/00011/FLL – Erection of 9 flats on land 30 metres east of 177 High Street, Old Causeway, Kinross – Mr A Neilson**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of 9 flats on land 30 metres east of 177 High Street, Old Causeway, Kinross.

The Planning Adviser displayed photographs of the site.

It was noted that at its meeting of 26 July 2016 the Local Review Body unanimously resolved 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 and carried out, and thereafter, the item be brought back to the Local Review Body for further consideration.

**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 undertaken an unaccompanied site visit on 16 August 2016, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the review application for erection of 9 flats on land 30 metres east of 177 High Street, Old Causeway, Kinross be refused for the following reasons:
  - 1. As the proposed design of the building would not contribute positively to the quality of the surrounding built and natural heritage, it fails to respect the character and amenity of the area convincingly and has an adverse impact on the visual amenity of the area. The proposal is contrary to Policies PM1A, PM1B(c) and Policy RD1 of the Perth and Kinross Local Development Plan 2014, in that the height, scale, massing and general design of the development would not be appropriate for the area.
  - 2. As the proposed building scale and south gable living room window arrangement will have an overbearing effect and an overall potential adverse impact on neighbouring residential amenity, the proposals would, as

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- a result, not be in accordance with Policy RD1(a) and (c) of the Perth and Kinross Local Development Plan 2014.
3. The proposals are contrary to Policy HE3A of the Perth and Kinross Local Development Plan 2014, in failing to satisfy policy criteria, which seeks to ensure that development outwith a Conservation Area, which will impact upon its special qualities, must remain appropriate to its appearance, character and setting.

**Justification:**

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

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