

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
29 JULY 2014

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of Meeting of the Perth and Kinross Local Review Body held in the Council Chambers, Fourth Floor, Council Building, 2 High Street, Perth on Tuesday 29 July 2014 at 10.30am.

Present: Councillors M Lyle, I Campbell and A Gaunt.

In Attendance: D Harrison (Planning Adviser), C Elliott (Legal Adviser) and Y Oliver (Committee Officer) (all Chief Executive's Service).

Also Attending: C Brien (with the exception of Art. 523(i)) and G Peebles (The Environment Service); members of the public, including agents and applicants.

Councillor M Lyle, Convener, Presiding

520. DECLARATIONS OF INTEREST

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

521. MINUTE OF LAST MEETING

The Minute of meeting of the Local Review Body of 1 July 2014 was submitted and noted.

522. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(305)**
Planning Application 13/02335/FLL – Erection of a dwellinghouse and formation of an access road, land south of Mill Lade Court, Auchterarder – Mr A Bone

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 and formation of an access road, land south of Mill Lade Court, Auchterarder.

The Planning Adviser displayed photographs of the site in question and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure;

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- (ii) the Review application for the erection of a dwellinghouse and formation of an access road, land south of Mill Lade Court, Auchterarder be refused for the following reasons:
1. The proposal is contrary to Policy PM4 (Settlement Boundaries) of the Perth and Kinross Council Local Development Plan 2014 which states that for settlements which are defined by a settlement boundary, development will not be permitted, except within the defined settlement boundary. The site is outwith the settlement boundary of Auchterarder.
 2. The proposal is contrary to Policy RD3 of the Perth and Kinross Council Local Development Plan 2014, and the associated Housing in the Countryside Guide 2012, in that it does not fulfil any of the categories which might support such a development.
 3. The proposal is contrary to Policies PM1A and PM1B(b) of the Perth and Kinross Council Local Development Plan 2014, as it would have a significant impact on the character and amenity of the surrounding area and amenity open space through the loss of woodland and it does not consider and respect site topography or the wider landscape character 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 .

- (ii) **TCP/11/16(306)**
Planning Application 14/00004/FLL – Alterations and extension to dwellinghouse, Murray Cottage, 54 Bonnethill Road, Pitlochry, PH16 5ED – Mr and Mrs Weatherhead

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for alterations and extension to dwellinghouse, Murray Cottage, 54 Bonnethill Road, Pitlochry, PH16 5ED.

The Planning Adviser displayed photographs of the site and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and 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 alterations and extension to dwellinghouse, Murray Cottage, 54 Bonnethill Road, Pitlochry, PH16 5ED be upheld, subject to suitable conditions.

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Justification

The proposal is not contrary to Policy RD1 of the Perth and Kinross Council Local Development Plan 2014 in that it will not cause a significant and unacceptable level of overlooking of windows or communal areas, to the detriment of the privacy and residential amenity of neighbouring properties at 1 and 3 Murray Place, Pitlochry.

(iii) TCP/11/16(307)

Planning Application 13/02258/FLL – Erection of a cattle court (in retrospect), land 50 metres south east of Ashknowe, Duncrievie, Glenfarg – Mr J Forbes

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a cattle court (in retrospect), land 50 metres south east of Ashknowe, Duncrievie, Glenfarg.

The Planning Adviser displayed photographs of the site in question and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and comments from the Planning Adviser insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the agent/applicant be requested to provide written confirmation that the application site is part of an agricultural holding;
- (iii) Environment Services be requested to provide the two letters referred to in the objector's letter on page 167 of the papers dated 15 January 2014.
- (iv) an accompanied site visit be carried out; and
- (v) following receipt of the further information and the accompanied site visit, the application be brought back to a future meeting of the Local Review Body.

523. DEFERRED APPLICATIONS FOR REVIEW

Deferred for Unaccompanied Site Visit

(i) TCP/11/116(303)

Planning Application 13/01905/FLL – Erection of two wind turbines on land 1300 metres south east of Tombuie Cottage, Bolfracks, Amulree – Bolfracks Estate

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of two wind turbines on land 1300 metres south east of Tombuie Cottage, Bolfracks, Amulree.

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The Planning Adviser described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

It was noted that, at its meeting on 1 July 2014, the Local Review Body resolved that:

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

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and their own assessment from their unaccompanied site visit on 21 July 2014, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Review application for the erection of two wind turbines on land 1300 metres south east of Tombuie Cottage, Bolfracks, Amulree be refused for the following reasons:
 - 1. Due to the siting, size of turbines, prominence and visual association with existing and approved windfarms/turbines within the locality, the proposal would have a major adverse cumulative impact on existing landscape character and visual amenity, including views from elevated positions such as Schiehallion, Ben Lawers and other upland locations within the National Scenic Area to the north. The Council is not satisfied that either the social and economic benefits of the proposed turbines, or the contribution of the development to national targets and objectives for renewable energy and reductions in greenhouse gas emissions, would be sufficient to outweigh the significant adverse effects on local environmental quality. Accordingly, the proposal is contrary to Policies PM1A, ER1A and ER6(b) of the Perth and Kinross Council Local Development Plan 2014. Notwithstanding the presumption in favour of sustainable development and economic growth, the proposal is also assessed as being contrary to Scottish Planning Policy 2014, in that it is not considered to constitute 'the right development in the right place' but undermines the distinctive character of this panoramic upland landscape.
 - 2. The proposed scale of the turbines cannot be absorbed by the existing landscape framework surrounding the site. The proposal would result in the upper hub and blades breaching the skyline notably from the key viewpoint of Drummond Hill and from other public places such as Glen Quaich and the road below Drummond Hill. Consequently, the proposal would contravene the

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recommendations contained within the Tayside Landscape Character Assessment 1999 (TLCA). This would result in an adverse landscape impact which is not considered to be justified in terms of economic and social benefits, or its contribution to national targets and objectives for renewable energy and reductions in greenhouse gas emissions. Accordingly, the proposal is contrary to Policies PM1A, ER1A and ER6(b) of the Perth and Kinross Council Local Development Plan 2014. Notwithstanding the presumption in favour of sustainable development and economic growth, the proposal is also contrary to Scottish Planning Policy 2014, in that it is not considered to constitute 'the right development in the right place' but undermines the distinctive character of this panoramic landscape.

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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