

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 25 July 2017 at 10.30am.

Present: Councillors W Wilson (Convener), H Anderson and R McCall.

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

Also Attending: Councillors E Drysdale and R Watters; S Panton (the Environment Service).

Councillor W Wilson, Convener, Presiding.

. **DECLARATIONS OF INTEREST**

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

. **MINUTE**

The minute of meeting of the Local Review Body of 27 June 2017 was submitted and noted.

. **APPLICATIONS FOR REVIEW**

(i) **TCP/11/16(473) – Planning application 16/01374/FLL – Erection of a forestry workshop (in part retrospect) on land 110 metres North East of Torwood, Blairadam – Mr D Dempster**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a forestry workshop (in part retrospect) on land 110 metres North East of Torwood, Blairadam.

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.

The Planning Adviser drew to the Local Review Body's attention that the Notice of Review contained new information not available to the Appointed Officer during their assessment of the planning application, that information being the Redmoss Woodland Assessment on pages 81-91 of the papers before the Local Review Body.

The Convener referred to an email received by the applicant's agent regarding the order of documents in the papers before the Local

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Review Body, and advised that the Local Review Body had taken due cognisance of the email.

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 erection of a forestry workshop (in part retrospect) on land 110 metres North East of Torwood, Blairadam be refused for the following reasons:
 1. The proposal is contrary to Policy ED3 of the Perth and Kinross Local Development Plan 2014, Rural Business and Diversification, as it fails to demonstrate an appropriate site specific resource or opportunity at this location.
 2. The development is contrary to Policy PM4 of the Perth and Kinross Local Development Plan 2014, as it is not located within the existing settlement boundary, but is directly adjacent to it.
 3. The building, by virtue of its design, form and appearance, has an adverse impact on the character and amenity of the area. Approval would therefore be contrary to Policies PM1A, PM1B(c) and ED3(d) of the Perth and Kinross Local Development Plan 2014, which seek to achieve a high quality of design to reflect the rural nature of the site.
 4. The proposal is contrary to the Scottish Government's Policy on Woodland Removal, the Scottish Forest Strategy, the National Planning Framework as well as Policies NE2A and NE2B of the Perth and Kinross Local Development Plan 2014 as there are no clear public benefits associated with the removal of the woodland. Furthermore, it fails to restore and improve the condition of ancient, native and semi-natural woodland, contrary to Perth and Kinross Council statutory Supplementary Guidance: Forest and Woodland Strategy and there is no felling licence in place from Forestry Commission Scotland for the removal of the woodland.
 5. The proposal is contrary to Policy EP7A of the Perth and Kinross Local Development Plan 2014, as it does not confirm that total phosphorus from development will not exceed the current level permitted by the discharge consents for Kinross and Milnathort waste water treatment works together with the current contribution from built development within the rural area of the catchment.

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6. The proposal is contrary to Policy EP7B of the Perth and Kinross Local Development Plan 2014 as the proposal does not connect to a publicly maintained drainage system or divert out of the catchment or implement phosphorus reduction measures.
7. The proposal is contrary to Policy EP7C of the Perth and Kinross Local Development Plan 2014 as the development does not comply with Policy EP7A and EP7B and does not remove 125% of the phosphorus likely to be generated by the development from the catchment.

Justification

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

Note: Councillor Anderson dissented from the majority decision with regards to the reasons for refusal of the Review. Although he agreed that the Review should be refused, he upheld only the Appointed Officer's reasons for refusal 1, 2, 5, 6, and 7, but did not uphold reasons 3 and 4 above for refusal. He considered that the timber cladding proposed for the forestry workshop would not have an adverse impact on the character and amenity of the area, and that the area does not constitute ancient woodland.

(ii) TCP/11/16(474) – Planning application 16/02240/FLL – Erection of a dwellinghouse on land 30 metres East of Cairnbank, Corsiehill, Perth – Mr D Hutchison

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 East of Cairnbank, Corsiehill, Perth.

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.

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(iii) TCP/11/16(475) – Planning application 17/00572/FLL – Formation of a vehicular access and erection of fence at 21 Chapel Street, Aberfeldy, PH15 2AS – Miss M Mackie

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the formation of a vehicular access and erection of fence at 21 Chapel Street, Aberfeldy, PH15 2AS.

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 formation of a vehicular access and erection of fence at 21 Chapel Street, Aberfeldy, PH15 2AS be allowed and planning permission granted, subject to the relevant terms, conditions and informatives, including measures for (i) adequate visibility for the vehicular access to the public lane between Chapel Street and Burnside, constructed and maintained to the satisfaction of the Planning Authority, in consultation with the Council as Roads Authority, and (ii) details and colour of the gate and colour of the proposed fence, agreed in consultation with the Planning Authority.

Justification

The proposed fence was considered to be acceptable in that it was not assessed as adversely affecting the character and appearance of the Aberfeldy Conservation Area, and in that context, was not contrary to Local Development Plan Policies RD1, HE3A, PM1A and PM1B as set out in the decision notice. The proposed access, which was acceptable to the appointed Officer, was assessed as being acceptable subject to securing adequate visibility in terms of its relationship to the proposed fence.

Note: Councillor Wilson dissented from the majority view. He considered that the Appointed Officer's decision should be upheld as the height of the proposed fence would have an adverse impact on the visual amenity of the Aberfeldy Conservation Area. He considered that the stated purpose of the fence could be achieved by a fence of a lower height.

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(iv) 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

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the formation of access road on land 60 metres East of Kinwreaton, Brucefield 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.

The Planning Adviser drew to the Local Review Body's attention that the Notice of Review contained new information not available to the Appointed Officer during their assessment of the planning application, that information being the Millard letter on page 357 of the papers before the Local Review Body.

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) the Interim Development Quality Manager be requested to comment on the Millard letter of 14 June 2017;
- (iii) the Interim Development Quality Manager, in consultation with Transport Planning, be requested comment on, and if possible quantify, the potential for additional housing to the four properties which already enjoy Planning Permission, being accessed via the proposed private access road in the event of planning permission being granted, notably in relation to additional land within the H62 allocation within the Perth Local Development Plan 2014.
- (iv) the Council as Roads Authority be requested to comment on the Millard letter of 14 June 2017, in particular with reference to; (i) the acceptability of 2m x 11.3m visibility splays to serve the proposed housing; and (ii) the drainage arrangements for surface water being discharged from the surface of Brucefield Road;
- (v) the Council as Roads Authority be requested to provide detail of the extent of the road adopted when Brucefield Road was adopted by the Council;
- (vi) the Council's Community Greenspace Department be requested to provide information on the existence of any core paths relative to the application and the retention and maintenance of any such paths should Planning permission be granted for the proposal;

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- (vii) following receipt of all further information, copies be sent to the agent/applicant and interested parties for further comment;
 - (viii) following receipt of all further information and responses, an unaccompanied site visit be arranged;
 - (ix) following the site visit, the application be brought back to the Local Review Body.
- (v) **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 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.

The Planning Adviser drew to the Local Review Body's attention that the Notice of Review contained new information not available to the Appointed Officer during their assessment of the planning application, that information being: (i) the Overview of previous applications and works on pages 473-476 of the papers before the Local Review Body; and (ii) the Millard letter of 2 June 2017 on pages 457 and 458 of the papers before the Local Review Body.

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) the Interim Development Quality Manager, in consultation with the Council's Flooding Team, be requested to comment on the Overview of previous applications and works and the Millard letter of 2 June 2017;
- (iii) following receipt of the requested information from the Interim Development Quality Manager, copies be sent to the applicant/agent and interested parties for further comment;
- (iv) following receipt of all further information and responses, an unaccompanied site visit be arranged;
- (v) following the site visit, the application be brought back to the Local Review Body.