

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
28 APRIL 2015

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 28 April 2015 at 10.30am.

Present: Councillors M Lyle, I Campbell, T Gray and D Cuthbert (for Arts. 268(i) and 269(i)).

In Attendance: D Harrison (Planning Adviser); M Easton (Legal Adviser) and P Frazer (Committee Officer) (all Chief Executive's Service).

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

Councillor M Lyle, Convener, Presiding.

266. DECLARATIONS OF INTEREST

Councillor M Lyle declared a non-financial interest in Art. 268(i) and Councillor Gray declared a non-financial interest in Art. 269(i) in terms of the Councillors' Code of Conduct.

267. MINUTE OF LAST MEETING

The Minute of meeting of the Local Review Body of 31 March 2015 was submitted and noted.

The Local Review body agreed to change the order of business from this point to hear Item 5(i) and Item 4(v).

Councillor Lyle withdrew from the meeting during consideration of Art. 268(i), to be replaced by Councillor Cuthbert. Councillor I Campbell was unanimously appointed as Convener for Arts. 268(i) and 269(i).

Councillor I Campbell, Convener, Presiding

268. DEFERRED APPLICATIONS FOR REVIEW

- (i) TCP/11/16(332)**
Planning Application 14/00468/FLL – Erection of a wind turbine and ancillary infrastructure, Colliston Farm, Drunzie, Glenfarg, PH2 9PE – Mr G Baillie.

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a wind turbine and ancillary infrastructure, Colliston Farm, Drunzie, Glenfarg, PH2 9PE.

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

It was noted that, at its meeting on 3 March 2015, the Local Review Body resolved that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser insufficient information was now before the Local Review Body to determine the matter without further procedure.
- (ii) further information be requested from the applicant notably the provision of a location plan showing other operational turbines and consented and pending turbine applications within 10k of the proposed site and the height of said turbines. The request relates to wind turbines of a height to tip of 50 metres or less. The applicant's agent was asked to consult with the Planning Advisor in the production of this information;
- (iii) following receipt of the requested information from the applicant, copies be submitted to the Development Quality Manager and all interested parties for further representation;
- (iv) following receipt of all further information and responses, an unaccompanied site visit be arranged;
- (v) 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 20 April 2015, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Review Application for permission for erection of a wind turbine and ancillary infrastructure, Colliston Farm, Drunzie, Glenfarg, PH2 9PE be refused for the following reasons:
 - 1. As the proposed scale of the turbine would not be absorbed by the existing landscape framework surrounding the site, which in turn will lead to the turbine becoming a prominent feature within the landscape which would have a significant adverse impact on the visual amenity and landscape character of the area (in isolation and in combination with other wind energy proposals), the proposal is contrary to Policy 6 of the Tay Plan 2012 and Policies ER1A and ER6 of the Perth and Kinross Local Development Plan 2014, all of which seek to ensure that all new developments do not have a significant impact on existing landscapes.
 - 2. An approval of the proposal would contravene the recommendations contained within the Tayside Landscape Character Assessment 1999 and Kinross-shire Landscape Character Assessment 1995, in relation

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to tall structures on the landscape surrounding Loch Leven Basin.

Justification

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

COUNCILLOR LYLE RETURNED TO THE MEETING AT THIS POINT.
COUNCILLOR GRAY LEFT THE MEETING AT THIS POINT.

269. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(351)**
Planning Application 14/01529/FLL – Modification of permission 12/02130/FLL (erection of farmhouse) change of house type and site layout, land 100 metres west of Glencallan, Methven, PH7 3NW – Mr R Bowie and Ms P Macpherson.

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the modification of permission 12/02130/FLL (erection of farmhouse) change of house type and site layout, land 100 metres west of Glencallan, Methven. The Review specifically related to the Appointed Officer's refusal of the requested deletion of Condition 2 of this planning permission.

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 comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure; and
- (ii) that the item be continued to a later meeting of the Local Review Body to afford the applicant/agent and Perth and Kinross Council's Legal Services section the opportunity to progress the revocation of the previous planning permission 12/02130/FLL within the immediate future.

COUNCILLOR GRAY RETURNED TO THE MEETING AT THIS POINT.
COUNCILLOR CUTHBERT LEFT THE MEETING AT THIS POINT.

Councillor M Lyle, Convener, Presiding.

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- (ii) **TCP/11/16(347)**
Planning Application 14/01804/FLL – Erection of a dwellinghouse, (in principle), land 70 metres north east of Bennathie Cottage, Bendochy, PH13 9HN – Ms C Bell

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), land 70 metres north east of Bennathie Cottage, Bendochy.

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 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 permission for the erection of a dwellinghouse, (in principle), land 70 metres north east of Bennathie Cottage, Bendochy be refused for the following reason:
 - 1. As the site does not have a good landscape framework which is capable of absorbing the proposal, the proposal is contrary to parts (a) and (c) of Policy RD3 of the Perth and Kinross Local Development Plan 2014 and parts 1 and 3 of Perth and Kinross Council's Housing in the Countryside Guide 2012, both of which seek to ensure that new proposals which extend existing building groups do so into definable sites that are formed by existing topography and/or well established landscape features which would provide a suitable setting for the new housing.

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(348)**
Planning Application 14/01859/IPL – Demolition of building and erection of dwellinghouse, Laggan Dhu, Ballintuim, Blairgowrie, PH10 7NG – Mr B Noonan

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the demolition of building and erection of dwellinghouse, Laggan Dhu, Ballintuim, Blairgowrie, PH10 7NG.

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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, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) an unaccompanied site visit be carried out;
- (iii) that following the site visit, the application be brought back to the Local Review Body for determination of the Review or for such further procedure as the Local Review Body may determine.

(iv) TCP/11/16(349)

Planning Application 14/01748/FLL – Change of use and alterations to health centre (class 11) to form dwellinghouse, former leisure centre, Pitheavlis, Perth – Sonder PKFR Ltd.

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 to health centre (class 11) to form dwellinghouse, former leisure centre, Pitheavlis, Perth.

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; and
- (ii) the Review Application for the change of use and alterations to health centre (class 11) to form dwellinghouse, former leisure centre, Pitheavlis, Perth be refused for the following reasons:
 - 1. The proposal is contrary to TAYplan policy 3, Managing TAYplan's assets, which seeks to ensure that employment land is available to support the growth of the economy. The change of use to a dwellinghouse would be inappropriate in this location on land identified for employment generating uses.
 - 2. The site is identified as existing employment land in the Perth and Kinross Local Development Plan 2014. The proposal for change of use to a dwellinghouse is not considered to be an appropriate use of employment land. The proposal is therefore contrary to policy ED1 of the Perth and Kinross Local Development Plan 2014 which

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seeks to retain identified employment land for employment uses. Both the application site and the adjacent Aviva office premises lie within a larger area designated as existing employment land. The development of the application site at this specific location for residential purposes would adversely affect the future use of the larger area as employment 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(350)**
Planning Application 14/02196/IPL – Erection of dwellinghouse (in principle), land 60 metres south of Easter Auchtar, Fearnan, PH15 2PG – Mr and Mrs Seath

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of dwellinghouse (in principle), land 60 metres south of Easter Auchtar, Fearnan.

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, 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) that following the site visit, the application be brought back to the Local Review Body for determination of the Review or for such further procedure as the Local Review Body may determine.

270. DEFERRED APPLICATION FOR REVIEW

- (i) **TCP/11/16(335)**
Planning Application 14/01375/AML – Erection of dwellinghouse and carport (matters specified by conditions), land 110 metres south west of Little Bradyston, Murthly – Mr and Mrs Osbaldstone.

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the Erection of dwellinghouse and carport (matters specified by conditions), land 110 metres south west of Little Bradyston, Murthly.

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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 3 March 2015, the Local Review Body resolved 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) further information be requested from the Planning Adviser regarding the height of the proposed dwellinghouse and carport in comparison to the adjacent cottages;
- (iii) further clarification be requested from the applicant on the Tree Survey notably which trees are being retained, which trees are being removed, and what scale has been used for the tree survey, why and does it conform to that scale;
- (iv) following receipt of the requested information from the applicant, copies be submitted to the Development Quality Manager and all interested parties for further representation;
- (v) following receipt of all further information and responses, an unaccompanied site visit be arranged;
- (vi) 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 20 April 2015, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Review application for the erection of dwellinghouse and carport (matters specified by conditions), land 110 metres south west of Little Bradyston, Murthly be refused for the following reasons:
 - 1. The proposal does not accord with the terms of Condition 3 of the related in principle consent (Ref: 13/00688/OUT) as the proposed house is not single storey in height and its design does not reflect the traditional local architectural character of the area.
 - 2. The proposal is contrary to the Policies PM1A and PM1B (b) and (c) of the Perth and Kinross Local Development Plan 2014, as the scale and design of the proposed dwelling does not reflect the traditional local architectural character of the area and would result in the loss of the majority of the most substantial trees within the site.

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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