

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 31 March 2015 at 10.30am.

Present: Councillors M Lyle, I Campbell, D Cuthbert and A Gaunt (for Art. 238(ii)).

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

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

Councillor M Lyle, Convener, Presiding.

236. DECLARATIONS OF INTEREST

Councillor M Lyle declared a non-financial interest in Art. 238(i) in terms of the Councillors' Code of Conduct.

237. MINUTE OF LAST MEETING

The Minute of meeting of the Local Review Body of 3 March 2015 was submitted and noted.

The Local Review body agreed to change the order of business from this point. Councillor Lyle withdrew from the meeting during consideration of the next item, to be replaced by Councillor Gaunt. Councillor I Campbell was unanimously appointed as Convener for the next item.

Councillor I Campbell, Convener, Presiding

238. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(344)**
Planning Application 14/02028/FLL – Erection of tree house for holiday accommodation, Craighead Farm, Braco, Dunblane, FK15 9LP – I Keir

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of tree house for holiday accommodation, Craighead Farm, Braco, Dunblane, FK15 9LP.

The Planning Adviser displayed photographs of the site, described the proposal, the reasons for the Appointed Officer's refusal and the grounds of the 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) Resolved by unanimous decision that the Review Application for permission for erection of a tree house for holiday accommodation, Craighead Farm, Braco, Dunblane, FK15 9LPbe upheld and planning permission granted, subject to the imposition of appropriate conditions, including notification to the National Grid and confirmation of materials (untreated oak cladding to walls and untreated cedar shingles to roof).

Justification

The proposal is in accordance with the Development Plan.

COUNCILLOR GAUNT LEFT THE MEETING AT THIS POINT.

COUNCILLOR LYLE ENTERED THE MEETING AT THIS POINT.

Councillor M Lyle, Convener, Presiding.

- (ii) **TCP/11/16(334)**
Planning Application 14/01280/FLL – Erection of two dwellinghouses, land 150 metres south west of Merklands House, Ballintuim, PH10 7NN – S Bennett

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of two dwellinghouses, land 150 metres south west of Merklands House, Ballintuim.

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 applicant/agent be requested to provide further information to the Local Review Body in terms of an assessment of the site in terms of its qualities and value as an Ancient Woodland;
- (iii) interested parties and the Development Quality Manager be invited to comment on the further information received from the applicant/agent;
- (iv) an unaccompanied site visit be carried out;
- (v) following receipt of all further information, responses, and site visit the application be brought back to a future meeting of the Local Review Body.

(iii) TCP/11/16(336)
Planning Application 14/01379/FLL - Erection of dwellinghouse, land 30 metres south of Campmuir Cottage, Campmuir – W Burke

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of dwellinghouse, land 30 metres south of Campmuir Cottage, Campmuir.

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 the erection of dwellinghouse, land 30 metres south of Campmuir Cottage, Campmuir be refused for the following reasons:
 - 1. As the proposal will extend an existing building group by altering the established building pattern of the local area (to the detriment of the character of the existing group), the proposal is contrary to Perth and Kinross Council's Housing in the Countryside Guide 2012 and Policy RD3 of the Perth and Kinross Local Development Plan 2014, both of which seek to ensure new developments which extend existing building groups do not have an adverse impact on the existing character of that 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.

(iv) TCP/11/16(338)
Planning Application 14/01308/FLL – Erection of 7 dwellinghouses, formation of access road and associated infrastructure, land 100 metres south of Merryorchard, Rumbling Bridge – Johnson family

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of 7 dwellinghouses, formation of access road and associated infrastructure, land 100 metres south of Merryorchard, Rumbling Bridge.

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;
- (ii) the Review Application for the erection of 7 dwellinghouses, formation of access road and associated infrastructure, land 100 metres south of Merryorchard, Rumbling Bridge be refused for the following reasons:
 - 1. The site is outwith the defined settlement boundary for Rumbling Bridge. Policy PM4 (Settlement Boundaries) of the Perth and Kinross Local Development Plan, 2014, states that for settlements which are defined by a settlement boundary, development will not be permitted except within the defined settlement boundary. The proposal is therefore contrary to policy PM4 of the adopted Local Development Plan.
 - 2. The proposed development is not well integrated with Rumbling Bridge village particularly in terms of access to the A823 for people on foot, bicycle and for the users of public transport. The proposal is therefore contrary to Policy PM1B (e) of the Local Development Plan 2014 which requires new development to create safe, accessible, inclusive places for people which are easily navigable particularly on foot, bicycle and public transport.
 - 3. The development of this site would detract from the rural character of the village and is therefore contrary to Policy PM1 (b) of the Perth and Kinross Local Development Plan 2014 which requires development to respect 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.

- (v) **TCP/11/16(339)**
Planning Application 14/01482/FLL – Erection of dwellinghouse, land 50 metres south east of Moucums View, Leslie Road, Scotlandwell – J Beales

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of dwellinghouse, land 50 metres south east of Moucums View, Leslie Road, Scotlandwell.

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) the Transport Planning Officer be requested to provide further information to the Local Review Body with regard to:
 - The visibility possible at the junction (how much of the 2.4m by 43m specified can be provided?)
 - The width of the road (could it accommodate a fire engine?)
 - The proximity of the access track to the existing dwellinghouse (and clarification of the minimum distance required).
- (iii) the agent, interested parties and the Development Quality Manager be invited to comment on the further information received from the Transport Planning Officer;
- (iv) following receipt of all further information and responses the application be brought back to a future meeting of the Local Review Body.

**(vi) TCP/11/16(340)
Planning Application 14/00627/FLL – Erection of wind turbine and associated infrastructure, land 650 metres north west of Innernyte Farm, Kinclaven – G Lennox**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of wind turbine and associated infrastructure, land 650 metres north west of Innernyte Farm, Kinclaven.

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) the applicant/agent be requested to provide the following information which was omitted from their application to the Local Review Body;

- (a) Landscape and Visual Impact and Cumulative Impact Assessment Report: – illustrative material/ contents of Appendices 3,4,5,6.
- (b) Environmental Statement: – illustrative material/ contents of Appendices 1-10
- (iii) Democratic Services, Perth and Kinross Council be requested to provide the Decision Notice refusing planning permission, and all consultation responses and representations received to the planning application;
- (iv) interested parties and the Development Quality Manager be invited to comment on the further information received from the applicant/agent;
- (v) an unaccompanied site visit be carried out;
- (vi) following receipt of all additional information, responses, and site visit the application be brought back to a future meeting of the Local Review Body.

(vii) TCP/11/16(341)

Planning Application 14/00837/FLL – Erection of 9 turbines and associated infrastructure, Knowes Farm, Dunning – Knowes Renewables LLP

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of 9 turbines and associated infrastructure, Knowes Farm, Dunning.

Decision:

Resolved by unanimous decision 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) the applicant/agent be requested to provide additional information to demonstrate the nature of the proposal and the associated assessments relating to their planning application including the following ;
 - (a) Environmental Report –
 - 1. Non-Technical Summary ;
 - 2. Written statement Part 1;
 - 3. Part 2 – Plan to indicate the proposed access route;
 - 4. Part 3 Risk Assessment and wind speed assessments
 - (b) Figures: Parts 1,2 and 3.
 - (c) Elevation Drawings of the 44 and 55m turbines.
- (iii) Democratic Services, Perth and Kinross Council be requested to provide the Decision Notice refusing planning permission, and all consultation responses and representations received to the planning application;
- (iv) interested parties and the Development Quality Manager be invited to comment on the further information received from the applicant/agent;
- (v) an unaccompanied site visit be carried out;

- (vi) following receipt of all additional information, responses, and site visit the application be brought back to a future meeting of the Local Review Body.

AFTER A SHORT ADJOURNMENT THE LOCAL REVIEW BODY RECONVENED.

(viii) TCP/11/16(343)

Planning Application 14/01696/FLL – Modification of permission 13/00480/FLL (erection of a dwellinghouse and garage) change of house type and layout, land 30 metres north east of Mains of Dalrulzion, Dalrulzion, Bridge of Cally – R McKay

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the modification of permission 13/00480/FLL (erection of a dwellinghouse and garage) change of house type and layout, land 30 metres north east of Mains of Dalrulzion, Dalrulzion, Bridge of Cally.

The Planning Adviser displayed photographs of the site, described the proposal, the reasons for the Appointed Officer's refusal and the grounds of the 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 modification of permission 13/00480/FLL (erection of a dwellinghouse and garage) change of house type and layout, land 30 metres north east of Mains of Dalrulzion, Dalrulzion, Bridge of Cally be refused for the following reason:
 - 1. As a result of the site's isolated, open location and the lack of any evidence that the proposed dwelling would be specifically linked to: (a) economic activity; (b) a local persons housing need; or (c) a pilot project relating to an eco-friendly house, the proposal is contrary to Perth and Kinross Council's Housing in the Countryside Guide 2012 and Policy RD3 of the Perth and Kinross Local Development Plan 2014, both of which seek to ensure that all new proposals for housing in the open countryside meet with specific criteria.

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 view. He considered that although the proposal was contrary to Perth and Kinross Council's Housing in the Countryside Guide 2012 and Policy RD3 of the Perth and Kinross Local Development Plan 2014, the material planning history outweighs this and the proposal addressed a housing need in the area.

(ix) TCP/11/16(345)

Planning Application 14/01925/FLL – Alterations and extension to dwellinghouse, 35 Paterson Drive, Blairgowrie, PH10 6TU. – Mrs Isles.

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, 35 Paterson Drive, Blairgowrie, PH10 6TU.

The Planning Adviser displayed photographs of the site, described the proposal, the reasons for the Appointed Officer's refusal and the grounds of the 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 alterations and extension to dwellinghouse, 35 Paterson Drive, Blairgowrie, PH10 6TU be refused for the following reasons:
 - 1. The proposal, by virtue of its scale and unbalanced design, is not in keeping with either the character or appearance of the existing residential property and will result in an incongruous development being introduced into the local area. Accordingly, the proposal is contrary to Policies RD1, PM1A and PM1B (c) of the Perth and Kinross Local Development Plan 2014.
 - 2. The proposals as submitted would result in a cramped and over-intensive development of the site and cause the loss of private amenity space, to the extent that the space around the dwellinghouse would be inadequate to serve the purposes of the extended unit, to the detriment of the amenity of the house and surrounding area. Approval of the application would therefore be contrary to Policy RD1 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 Campbell dissented from the majority view. He considered that the proposal was contrary to Policies RD1, PM1A and PM1B (c) of the Perth and Kinross Local Development Plan 2014 for the same reasons as set out in 1. above, however, he considered that the proposal was not over-development of the site and therefore not contrary to Policy RD1 of the Perth and Kinross Local Development Plan 2014

- (x) **TCP/11/16(346)**
Planning Application 14/02106/FLL – Erection of dwellinghouse, land 10 metres north west of Cairn Cottage, Coupar Angus Road, Blairgowrie – B McIntyre.

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of dwellinghouse, land 10 metres north west of Cairn Cottage, Coupar Angus Road, Blairgowrie.

The Planning Adviser displayed photographs of the site, described the proposal, the reasons for the Appointed Officer's refusal and the grounds of the 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 dwellinghouse, land 10 metres north west of Cairn Cottage, Coupar Angus Road, Blairgowrie be refused for the following reason:
 - 1. As the proposal, by virtue of the site's limited size and its 'squeezed in' nature would result in a development that would have an adverse impact on both the density and general character of the local area, the proposal is contrary to Policies PM1A and Policy RD1 of the Perth and Kinross Local Development Plan 2014 which both seek (amongst other things) to protect the visual amenity and character of existing areas from inappropriate developments.

Justification

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

239. DEFERRED APPLICATIONS FOR REVIEW

Deferred for Further Information and Unaccompanied Site Visit

- (i) **TCP/11/16(326)**
Planning Application 14/01088/FLL – Alterations and extension to dwellinghouse, 8 School Wynd, Kinross, KY13 8EJ – A Powis.

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, 8 School Wynd, Kinross, KY13 8EJ.

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 27 January 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 applicant notably regarding the rear elevation, boundary and garden ground levels of the adjoining house (5 Swansacre); and the superimposition in outline of the past approval for the single storey extension and the extension as built onto the current plans and elevations.
- (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 23rd March 2015, 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, 8 School Wynd, Kinross KY13 8EJ be refused for the following reasons:
 - 1. The proposal does not accord with the requirements of Scottish Planning Policy 2014 (paragraphs 141 and 143). The listed building and the character and appearance of the Conservation Area will not be preserved or enhanced by this development.

2. The proposal is contrary to Policy HE2: Listed Buildings of the Perth and Kinross Local Development Plan 2014, as the scale and mass of the proposed extension adversely affects the building's special interest, appearance and setting.
3. The proposal is contrary to Policy HE3A: New Development within Conservation Areas of the Perth and Kinross Local Development Plan 2014, as the introduction of an overly dominant extension will not preserve or enhance the character or appearance of the Conservation Area.
4. The proposal is contrary to Policy PM1A: Placemaking of the Perth and Kinross Local Development Plan 2014, as the scale of the proposal does not contribute positively to the quality of the surrounding built environment.
5. The proposal is contrary to Policy PM1B: Placemaking of the Perth and Kinross Local Development Plan 2014, as the height, scale and mass of the proposed extension does not complement its surroundings or integrate sensitively with the existing building.
6. The proposal, by virtue of its height, projection, close proximity and orientation in relation to the neighbouring property (5 Swansacre), would have an adverse overshadowing impact, to the detriment of the residential amenity of the neighbouring property. Approval would, therefore, be contrary to Policy RD1: Residential Areas of the Perth and Kinross Local Development Plan 2014, which seeks to protect and where possible improve existing residential amenity.
7. Approval would be contrary to Perth and Kinross Council's Placemaking Guide (2012) which sets guidelines on acceptable levels of overshadowing.

Justification

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

