

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 April 2014 at 10.00am.

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

In Attendance: D Harrison (Planning Adviser), C Elliott (Legal Adviser) and Y Oliver (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

. **DECLARATIONS OF INTEREST**

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

. **MINUTE OF LAST MEETING**

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

. **APPLICATIONS FOR REVIEW**

- (i) **TCP/11/16(294)
Planning Application 13/01328/FLL – Erection of two wind turbines and associated sub-station, transformer kiosks, hardstanding areas and access road, South Kilduff Wind Farm, Fossoway – ClearWinds Ltd**

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 and associated sub-station, transformer kiosks, hardstanding areas and access road, South Kilduff Wind Farm, Fossoway.

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 Appointed Officer's decision be upheld, and the application for the erection of two wind turbines and associated sub-station, transformer kiosks, hardstanding areas and access road, South Kilduff Wind Farm, Fossoway be refused, for the following reasons, namely:
1. The proposal is contrary to Policy PM1A of the Perth and Kinross Council Local Development Plan 2014 as the siting of the development would be detrimental to the character and amenity of the area thereby reducing the quality of the natural environment.
 2. The proposal is contrary to Policy PM1B (b) of the Perth and Kinross Council Local Development Plan 2014 as it does not respect site topography and any surrounding landmarks, views or skylines, as well as the wider landscape character of the area, mainly due to its position in an open, flat, lowland loch basin landscape.
 3. The proposal does not achieve sufficient support from: Policy ER1A (a), (b) and (g) of the Perth and Kinross Council Local Development Plan 2014 in respect of: (a) landscape character and visual integrity; (b) carbon reduction targets; and (g) the anticipated negative effects on the Perth and Kinross economy including tourism and recreation interests either individually or cumulatively. The degree and nature of the landscape and visual impacts are assessed as being too great for there to be a reasonable expectation that they would be outweighed by the social, economic and environmental benefits of the proposal.
 4. The proposal does not meet with Policy ER6 (a) and (b) of the Perth and Kinross Council Local Development Plan 2014 in that it does not maintain and enhance the landscape qualities of the area regarding: (a) the diversity and quality of Perth and Kinross's landscape and the visual and scenic qualities of the landscape; and (b) safeguarding views, landscape identity and scenic quality.
 5. Notwithstanding the broad support for renewable energy and rural development contained in the Scottish Planning Policy 2010, the proposal is considered to have a significant adverse impact on the landscape heritage of the area, principally due to its flat and open character which is not viewed as having the capacity to absorb the development. The projected economic and environmental benefits are also not viewed as being sufficient to set aside the anticipated adverse visual and landscape impacts.

Justification

The proposal is not in accordance with the Perth and Kinross Council Development Plan 2014 and there are no material reasons which justify departing from the Development Plan.

**(ii) TCP/11/16(295)
Planning Application 13/01988/IPL – Residential development (in principle), Polney Lodge, Dunkeld, PH8 0HU – Mr G Howie**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for residential development (in principle), Polney Lodge, Dunkeld, PH8 0HU.

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 the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Appointed Officer's decision be upheld, and the application for permission for residential development (in principle), Polney Lodge, Dunkeld, PH8 0HU be refused, for the following reasons, namely:
 - 1. The proposal is contrary to Policy RD3 of the Perth and Kinross Council Local Development Plan 2014, and the Council's Housing in the Countryside Guide 2012, which seeks to ensure that all new proposals for housing in the open countryside have a good, existing landscape framework which is capable of absorbing the development proposed. The proposal does not fulfil any of the categories within this policy, and associated guide, which would support such a development.
 - 2. The proposal is contrary to Policy PM1A of the Perth and Kinross Council Local Development Plan 2014 as the siting of the development would be detrimental to the quality of character and amenity of the area's natural environment.
 - 3. The proposal is contrary to Policy HE4 of the Perth and Kinross Council Local Development Plan 2014 as it would detract from the integrity, character and quality of the Designed Landscape of Dunkeld House.
 - 4. The proposal, if approved, may be cited as a precedent for developments of a similar inappropriate nature, which, individually and cumulatively, would be expected to further erode the integrity, character and quality of the Designed Landscape of Dunkeld House.

Justification

The proposal is not in accordance with the Perth and Kinross Council Development Plan 2014 and there are no material reasons which justify approval of the application.

**(iii) TCP/11/16(296)
Planning Application 13/02044/FLL – Erection of a dwellinghouse
and detached garage, Easter Balcraig, Murrayshall, Perth, PH2
7PG – Mr D Harris**

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 detached garage, Easter Balcraig, Murrayshall, Perth, PH2 7PG.

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) 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.

*FOLLOWING A SHORT ADJOURNMENT, THE LOCAL REVIEW BODY
RECONVENED.*

DEFERRED APPLICATIONS FOR REVIEW

Deferred for Provision of Further Information

**(i) TCP/11/116(285)
Planning Application 13/01452/IPL – Erection of a dwellinghouse
(in principle), Sand and Gravel Pit, Bishophall, Kinclaven –
Ballathie Estate Ltd**

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), Sand and Gravel Pit, Bishophall, Kinclaven.

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. Photographs of the site in question were also displayed.

It was noted that, at its meeting on 28 January 2014, 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 before the Local Review Body to determine the matter without further procedure;
- (ii) the applicant be requested to provide a plan indicating the curtilage of the proposed dwellinghouse within the application site;
- (iii) following receipt of the requested information, an unaccompanied site visit be carried out; and
- (iv) following the unaccompanied site visit, the application be brought back to a future meeting of the Local Review Body.

It was also noted that, at its meeting on 4 March 2014, the Local Review Body resolved that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, the provision of a plan indicating the curtilage of the proposed dwellinghouse within the application site and their own assessment from their unaccompanied site visit on 26 February 2014 insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) due to the location of the site within the River Tay SAC, the agent/applicant be invited to provide an environmental study of the application site concerning potential impact of the development on European Protected Species and their habitat, notably regarding otters, to enable an Appropriate Assessment to be undertaken by the Planning Authority prior to the determination of this application;
- (iii) following completion of this work, the application be brought back to a future meeting of the Local Review Body.

Note: On further investigation, it transpired that an Appropriate Assessment had been carried out at the planning application stage. A copy was sent to the agent for information and comment.

Decision:

Resolved by unanimous decision that having regard to the material before the Local Review Body, the plan indicating the curtilage of the proposed dwellinghouse within the application site, their own assessment from their unaccompanied site visit on 26 February 2014 and the Appropriate Assessment, sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by majority decision that the Review Application for permission for the erection of a dwellinghouse (in principle), Sand and Gravel Pit, Bishophall, Kinclaven be refused, for the following reasons, namely:

1. The proposal is contrary to Policy RD3 of the Perth and Kinross Council Local Development Plan 2014, and the Council's Housing in the Countryside Guide 2012 on the grounds that it is not considered to fall into any of the appropriate categories.

Notably, the site is not considered to constitute rural brownfield land under Part 6 of the Housing in the Countryside Guide 2012 where the proposed development would remove dereliction or result in significant environmental improvement. In this context it is noted that the site has not previously contained any buildings and, for the greater part, presently contains established trees and scrub.

2. The proposal is contrary to Policy PM1A of the Perth and Kinross Council Local Development Plan 2014 as it will not contribute positively to the quality of the natural environment, notably due to the elevated position of the proposed house relative to the surrounding landscape.
3. The proposal is contrary to Policy PM1B(b) of the Perth and Kinross Council Local Development Plan 2014 as it is not **expected to** respect site topography, views or skylines, as well as the wider landscape character of the area, notably due to the elevated position of the proposed house relative to the surrounding landscape.
4. The proposal, if approved, may be cited as a precedent for developments of a similar inappropriate nature in other parts of the application site, which, individually and cumulatively, fail to preserve or enhance the character or appearance of the area and be in conflict with the Local Development Plan policies identified above.

Justification

The proposal is not in accordance with the Perth and Kinross Council Development Plan 2014 and there are no material reasons which justify departing from the Development Plan.

Note: Councillor Lyle dissented from the majority view. He considered that the proposal is not contrary to Policy RD3 of the Perth and Kinross Council Local Development Plan 2014 as it is a brownfield site and therefore accords with policy.

Deferred for Provision of Further Information and an Unaccompanied Site Visit

- (ii) **TCP/11/16(290)**
Planning Application 13/01803/FLL – Erection of two wind turbines, associated plant and access track, Craiglaw Farm, Rumbling Bridge, Kinross, KY13 0QQ – Fine Energy

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, associated plant and access track, Craiglaw Farm, Rumbling Bridge, Kinross, KY13 0QQ.

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. Photographs of the site in question, and views towards the site, were also displayed.

It was noted that, at its meeting on 4 March 2014, 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 before the Local Review Body to determine the matter without further procedure;
- (ii) further information be requested from the Planning Adviser in respect of the nearby developments of a similar nature that are identified in the submission by the Friends of the Ochils that have not been included in the Applicant's site assessment;
- (iii) following receipt of the requested information, an unaccompanied site visit be carried out; and
- (iv) 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 having regard to the material before the Local Review Body, further information from the Planning Adviser, as requested by the Local Review Body at its meeting on 4 March 2014 and their own assessment from their unaccompanied site visit on 22 April 2014, sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by majority decision that the Review Application for permission for the erection of two wind turbines, associated plant and access track, Craiglaw Farm, Rumbling Bridge, Kinross, KY13 0QQ be upheld and planning permission granted, subject to the imposition of appropriate conditions, including the selection of an appropriate colour and finish of the turbines and associated plant and provision for the restoration of the site (including financial measures) following the expiry of the planning consent or the cessation of the project.

Justification

The proposal is in accordance with the Perth and Kinross Council Local Development Plan 2014.

Note: Councillor I Campbell dissented from the majority view. He considered that the proposal is contrary to Policies PM1B(b) and ER6(a) and (b) of the Perth and Kinross Council Local Development Plan 2014 as it would be visually intrusive.

