

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 30 May 2017 at 10.30am.

Present: Councillors W Wilson, H Anderson and B Band.

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

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

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 4 April 2017 was submitted and noted.

. **APPLICATIONS FOR REVIEW**

- (i) **TCP/11/16(462) - Planning Application 16/01630/FLL – Part change of use, alterations and extension to form flat and alterations and extension to restaurant at Fern Cottage Restaurant, Ferry Road, Pitlochry, PH16 5DD – Pitfern Ltd**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for part change of use, alterations and extension to form flat and alterations and extension to restaurant at Fern Cottage Restaurant, Ferry Road, Pitlochry, PH16 5DD.

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;
- (ii) the Review application for the part change of use, alterations and extension to form flat and alterations and extension to

restaurant at Fern Cottage Restaurant, Ferry Road, Pitlochry, PH16 5DD be refused for the following reasons:

1. The proposal is contrary to Policy PM1A Placemaking of the Perth and Kinross Local Development Plan 2014 as it would not respect the character and amenity of the place.
2. The proposal is contrary to Policy PM1B(c) of the Perth and Kinross Local Development Plan 2014 as the design, mass and location of the extension on the front elevation engulfs the traditional host building and the addition of the walkway to the rear would not complement its surroundings.
3. The proposal is contrary to Policy HE3 Conservation Areas of the Perth and Kinross Local Development Plan 2014 as the front extension engulfs the principal wall elevation of this traditional building, thus failing to preserve or enhance the character and appearance of the conservation 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(463) – Planning Application 16/01801/IPL – Erection of a dwellinghouse (in principle) on land 30 metres West of Drumgarland, Crook of Devon – Mr and Mrs E Cameron

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) on land 30 metres West of Drumgarland, Crook of Devon.

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;
- (ii) the Review application for the erection of a dwellinghouse (in principle) on land 30 metres West of Drumgarland, Crook of Devon be refused for the following reason:
 1. The proposed development is contrary to Policy EP2 'New Development and Flooding' of the Perth and Kinross Local Development Plan 2014 as the site is assessed as being unsuitable for development due to the existing flood risk. The applicant has, in particular, failed to provide sufficient evidence to demonstrate the site,

which is known to have flooded in the past, is no longer subject to the prospect of flooding in the future. In this context, it is also noted that the applicant does not have control over the maintenance of surface water drainage systems immediately upstream and downstream of the application 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.

(iii) TCP/11/16(464) – Planning application 16/02035/FLL – Erection of a dwellinghouse and garage with ancillary accommodation on Land 120 metres North West of Obney Croft, Waterloo, Bankfoot – Mr F McDonald

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 garage with ancillary accommodation on Land 120 metres North West of Obney Croft, Waterloo, 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.

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 the erection of a dwellinghouse and garage with ancillary accommodation on Land 120 metres North West of Obney Croft, Waterloo, Bankfoot, be refused for the following reason:
 - 1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with category (5) Conversion or Replacement of Redundant Non Domestic Buildings as the building is not of traditional form or construction, is not of architectural merit and does not make a positive contribution to the landscape or contribute to local character. It is also considered that the proposal cannot satisfy any of the remaining categories (1) Building Groups, (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, or (6) Rural Brownfield 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.

(iv) TCP/11/16(465) – Planning application 16/01820/IPL – Erection of a dwellinghouse (in principle) Plot 1 on land 500 metres North West of Fracoch, Geal, Gask – Mr and Mrs D Huisman

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) Plot 1 on land 500 metres North West of Fracoch, Geal Gask.

The Planning Adviser displayed photographs of the site together with plot 2 (TCP/11/16(466)) and plot 3 (TCP/11/16(467)) and described the proposal, and the proposals for plot 2 and plot 3, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review, and for plot 2 and plot 3, the information relating to all three applications before the Local Review Body at this location effectively being the same.

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 the erection of a dwellinghouse (in principle) Plot 1 on land 500 metres North West of Fracoch, Geal Gask, be refused for the following reasons:
 - 1. The proposal is contrary to Policy RD3 'Housing in the Countryside', of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012. The proposal fails to satisfactorily comply any of the categories (1) Building Groups, (2) Infill sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, and (6) Rural Brownfield Land.
 - 2. The proposal is contrary to Policy PM1A 'Placemaking' of the Perth and Kinross Local Development Plan 2014 as a dwelling in this elevated and exposed location would not contribute positively to the quality of the surrounding area in terms of character, amenity or natural heritage.
 - 3. The proposal is contrary to Policy NE2B 'Forestry, Woodland and Trees' of the Perth and Kinross Local Development Plan 2014, as well as Scottish Planning Policy (SPP) and the Scottish Government's Control of Woodland Removal Policy as the removal of the existing area of ancient woodland would result in the loss of an

- irreplaceable resource and would not achieve any significant and clearly defined additional public benefits.
4. The proposal is contrary to Policy NE3 'Biodiversity' of the Perth and Kinross Local Development Plan 2014 as the development would likely have a significant impact on the biodiversity value of the existing woodland habitat.

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(466) – Planning application 16/01858/IPL – Erection of a dwellinghouse (in principle) Plot 2 on land 500 metres North West of Fracoch, Geal, Gask – Mr and Mrs D Huisman

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) Plot 2 on land 500 metres North West of Fracoch, Geal, Gask.

The Planning Adviser had previously displayed photographs of this site, described the proposal, and summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review together with plot 1 (TCP/11/16(465)) and plot 3 (TCP/11/16(467)) at Art.**(iv) above.

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 the erection of a dwellinghouse (in principle) Plot 2 on land 500 metres North West of Fracoch, Geal Gask, be refused for the following reasons:
 - 1. The proposal is contrary to Policy RD3 'Housing in the Countryside', of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012. The proposal fails to satisfactorily comply any of the categories (1) Building Groups, (2) Infill sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, and (6) Rural Brownfield Land.
 - 2. The proposal is contrary to Policy PM1A 'Placemaking' of the Perth and Kinross Local Development Plan 2014 as a dwelling in this elevated and exposed location would not contribute positively to the quality of the surrounding area in terms of character, amenity or natural heritage.

3. The proposal is contrary to Policy NE2B 'Forestry, Woodland and Trees' of the Perth and Kinross Local Development Plan 2014, as well as Scottish Planning Policy (SPP) and the Scottish Government's Control of Woodland Removal Policy as the removal of the existing area of ancient woodland would result in the loss of an irreplaceable resource and would not achieve any significant and clearly defined additional public benefits.
4. The proposal is contrary to Policy NE3 'Biodiversity' of the Perth and Kinross Local Development Plan 2014 as the development would likely have a significant impact on the biodiversity value of the existing woodland habitat.

Justification

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

(vi) TCP/11/16(467) – Planning application 16/01857/IPL – Erection of a dwellinghouse (in principle) Plot 3 on land 500 metres North West of Fracoch, Geal, Gask – Mr and Mrs D Huisman

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) Plot 3 on land 500 metres North West of Fracoch, Geal, Gask.

The Planning Adviser had previously displayed photographs of this site, described the proposal, and summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review together with plot 1 (TCP/11/16(465)) and plot 2 (TCP/11/16(466)) at Art.**(iv) above.

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 the erection of a dwellinghouse (in principle) Plot 3 on land 500 metres North West of Fracoch, Geal, Gask be refused for the following reasons:
 1. The proposal is contrary to Policy RD3 'Housing in the Countryside', of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012. The proposal fails to satisfactorily comply any of the categories (1) Building Groups, (2) Infill sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, and (6) Rural Brownfield Land.

2. The proposal is contrary to Policy PM1A 'Placemaking' of the Perth and Kinross Local Development Plan 2014 as a dwelling in this elevated and exposed location would not contribute positively to the quality of the surrounding area in terms of character, amenity or natural heritage.
3. The proposal is contrary to Policy NE2B 'Forestry, Woodland and Trees' of the Perth and Kinross Local Development Plan 2014, as well as Scottish Planning Policy (SPP) and the Scottish Government's Control of Woodland Removal Policy as the removal of the existing area of ancient woodland would result in the loss of an irreplaceable resource and would not achieve any significant and clearly defined additional public benefits.
4. The proposal is contrary to Policy NE3 'Biodiversity' of the Perth and Kinross Local Development Plan 2014 as the development would likely have a significant impact on the biodiversity value of the existing woodland habitat.

Justification

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

(vii) TCP/11/16(468) – Planning application – 16/02074/FLL – Erection of 8 dwellinghouses and associated works on land 60 metres West of The Bothy, Newburgh – G&W Miller & Sons

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of 8 dwellinghouses and associated works on land 60 metres West of The Bothy, Newburgh.

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 arranged;
- (iii) following the completion of the site visit, the application be brought back to the Local Review Body.

(viii) TCP/11/16(469) – Planning application 16/02068/FLL – Erection of a dwellinghouse, installation of air source heat pump, formation of a riding area and associated landscaping on land 100 metres South of Craigend Cottage, St Davids, Madderty – Mr D Piper

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of a dwellinghouse, installation of air source heat pump, formation of a riding area and associated landscaping on land 100 metres South of Craigend Cottage, St Davids, Madderty.

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;
- (ii) the Review application for the erection of a dwellinghouse (in principle) on land 100 metres South of Craigend Cottage, St Davids, Madderty be refused for the following reasons:
 - 1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2014 as it does not comply with any of the categories of the policy guidance. Where a dwellinghouse or dwellinghouses would be acceptable in principle at this location, it also fails to adhere to the detailed siting criterion.
 - 2. The proposal is contrary to Policy PM1A: Placemaking of the Perth and Kinross Local Development Plan 2014 as the development would not contribute positively to the quality of the surrounding environment. The siting of development does not respect the character and amenity of the place.
 - 3. The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.
 - 4. The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the formation of a dwelling curtilage of this scale would erode and dilute the area's landscape character.
 - 5. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as the formation of a dwelling curtilage of this scale would erode local distinctiveness, diversity and the quality of Perth and Kinross's landscape character.

6. The proposal is contrary to Policy PM4 of the Perth and Kinross Local Development Plan 2014 as the development is not located within a defined Settlement Boundary in the Plan and there is no justification for its approval under Policy RD3 of the Perth and Kinross Local Development Plan 2014.

Justification

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

(ix) TCP/11/16(470) – Planning application 16/02094/FLL – Erection of 6 dwellinghouses, formation of community garden and associated works on land 70 metres North of Gean Tree Cottage, Muirhall Road, Perth – Goldcrest Partners LLP

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of 6 dwellinghouses, formation of community garden and associated works on land 70 metres North of Gean Tree Cottage, Muirhall Road, 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, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Review application for the erection of 6 dwellinghouses, formation of community garden and associated works on land 70 metres North of Gean Tree Cottage, Muirhall Road, Perth be refused for the following reasons:
 1. The proposal is contrary to Policy CF1A(b) of the Perth and Kinross Local Development Plan 2014 as the proposed development site would result in the loss of an area of land that is identified for retention as open space and if approved, may be cited by others as setting a precedent, undermining the objectives of the Local Plan and leading to the further erosion of open space in the area.
 2. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014 as the proposed development will result in the loss of open space which would have an adverse impact on the character of the surrounding area.
 3. The proposal is contrary to Policy EP3C of the Perth and Kinross Local Development Plan 2014 as the proposed

development lacks sufficiently detailed information in relation to proposed drainage arrangements for surface water.

4. The proposal is contrary to Policy RD1 of the Perth and Kinross Local Development Plan 2014 as the proposed development is not compatible with the amenity and character of an area by virtue of the amount of overlooking both in respect to the proposed plots and the neighbouring properties to the east and west of the site.
5. The proposal is contrary to Policies PM1A and PM1B(c) of the Perth and Kinross Local Development Plan 2014 in that with a sloping site and the proposed layout, the proposal constitutes overdevelopment of the site and thus would not respect the character of the place and would not complement its surroundings.

Justification

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