

## PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held in the Council Chamber, 2 High Street, Perth on Tuesday 11 December 2018 at 10.30am.

Present: Councillors L Simpson, B Brawn, and R Watters.

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

Also Attending: C Brien (Housing and Environment); L Aitchison (Corporate and Democratic Services); members of the public, including agents and applicants.

Councillor L Simpson, Convener, Presiding.

### . **DECLARATIONS OF INTEREST**

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

### . **MINUTE**

The minute of meeting of the Local Review Body of 13 November 2018 was submitted and noted.

THE LOCAL REVIEW BODY UNANIMOUSLY AGREED TO VARY THE ORDER OF BUSINESS AT THIS POINT.

### . **DEFERRED APPLICATIONS FOR REVIEW**

#### (i) **TCP/11/16(550) - Planning Application – 18/00473/FLL – Erection of a wind turbine and associated works on land south east of Warlawhill Farm, Carnbo, Kinross – Ecotricity**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a wind turbine and associated works on land south east of Warlawhill Farm, Carnbo, Kinross.

It was noted that, at its meeting of 16 October 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) the applicant providing a set of full size photographs for VP's 9 and 10, and the additional photographs for VP's 7 and 8, and; (ii) an unaccompanied site visit. With all further information having been received, and the unaccompanied site visit having taken place on 5 December 2018, the Local Review Body reconvened.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, and having carried out a site visit on 5 December 2018, insufficient information was before the Local Review Body to determine the matter without further procedure due to the lack of visibility during the site visit;
- (iii) a further unaccompanied site visit be carried out;
- (iv) following the completion of a further unaccompanied site visit, the application be brought back to the Local Review Body.

**APPLICATIONS FOR REVIEW**

**(i) TCP/11/16(555) – Planning Application – 17/02026/FLL – Erection of 17 huts, formation of car parking and associated works on land at Gellybanks Farm, Bankfoot – Mr T Newall-Watson**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of 17 huts, formation of car parking and associated works on land at Gellybanks Farm, 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, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the applicant be requested to submit a copy of previous appeal decision notice – reference PPA-340-2091;
- (iii) an unaccompanied site visit be carried out;
- (iv) following the receipt of all requested further information, the application be brought back to the Local Review Body.

**(ii) TCP/11/16(557) – Planning Application – 18/01142/FLL – Change of use from agricultural land to equestrian, siting 2 containers to provide field shelter and storage and formation of parting (in retrospect) at Cuil Farm, Boltachan, Aberfeldy – Ms A McLeod**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of use from agricultural land to equestrian, siting 2 containers to provide field shelter and storage and formation of parting (in retrospect) at Cuil Farm, Boltachan, Aberfeldy.

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 unanimous decision that:

- (ii) the Review application for change of use from agricultural land to equestrian, siting 2 containers to provide field shelter and storage and formation of parking (in retrospect) at Cuil Farm, Boltachan, Aberfeldy, be refused for the following reasons:
  - 1. The proposal is contrary to Policies PM1A and PM1B (b) and (c) 'Placemaking', of the Perth and Kinross Local Development Plan 2014, as the design and layout of the unit, by virtue of its open nature on the South East elevation and confined layout, does not contribute positively to the quality of place or respect the rural environment in which the proposal is located. Furthermore, the proposal would set an undesirable precedent for similar future development in this area.
  - 2. The proposal is contrary to Policy ER6 (a) 'Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes', of the Perth and Kinross Local Development Plan 2014, as the siting of the unit in the open countryside erodes the visual amenity of the place, resulting in the landscape character of the area being compromised.

**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(560) – Planning Application – 18/00450/FLL – Siting of 4 holiday accommodation units, formation of a vehicular access and associated works, Hillview, Kinnard, Blairadam, Kelty – Mr D Allan**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the siting of 4 holiday accommodation units, formation of a vehicular access and associated works, Hillview, Kinnard, Blairadam, Kelty.

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 unanimous decision that:

- (ii) the Review application for the siting of 4 holiday accommodation units, formation of a vehicular access and associated works, Hillview, Kinnard, Blairadam, Kelty, be refused for the following reasons:
  - 1. The proposal is contrary to Policy ED4C (a), (b) and (c), Caravan sites, Chalets and Timeshare Development, of the Perth and Kinross Local Development Plan 2014. The proposal a) does not involve the expansion of an existing chalet park or b) is not the expansion of an existing facility nor is it replacing static caravans with more permanent structures or c) it does not meet a specific need by virtue of its quality or location.
  - 2. The proposal is contrary to Policy ED3, Rural Business and Diversification, of the Perth and Kinross Local Development Plan 2014. It is not within or adjacent to a settlement boundary and it has not been demonstrated that the development would improve the quality of new or existing visitor facilities, allow a new market to be exploited or extend the tourism season.
  - 3. The proposal is contrary to Policy PM1A, Placemaking, of the Perth and Kinross Local Development Plan 2014. The development would not contribute positively to the quality of the built and natural environment. The design and siting of the development does not respect the character and amenity of the place and does not create and improve links within and beyond the site, due to the high density of the proposal, the inadequate standard of amenity space, and the lack of landscaping and landscape containment.

**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(561) – Planning Application – 18/00964/IPL – Erection of a dwellinghouse (in principle) on land 60 metres south west of 1 Couttie Bridge Cottage, Coupar Angus – Mr A Espley**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse (in principle) on land 60 metres south west of 1 Couttie Bridge Cottage, Coupar Angus.

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 erection of a dwellinghouse (in principle) on land 60 metres south west of 1 Couttie Bridge Cottage, Coupar Angus, be refused for the following reason:
  - 1. The proposal, by its physical location is not considered to be part of either a) an existing building group or, b) an infill site – both as defined by Policy RD3 of the Perth and Kinross Local Development Plan 2014 and Perth and Kinross Council's Housing in the Countryside Guide 2012. To this end, the proposal is contrary to both Policy RD3 of the Perth and Kinross Local Development Plan 2014 and Perth and Kinross Council's Housing in the Countryside Guide 2012 as the development fails to accord with any of six categories of acceptable development in relation to new housing in the open countryside.

**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 Brawn dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and that permission for the erection of a dwellinghouse (in principle) should be granted. In his view, whilst accepting that the proposal would be contrary to the Policy RD3 of the Perth and Kinross Local Development Plan 2014, and the associated Housing in the Countryside Guide 2012, the site would be suitable for a dwelling in this instance.

- (v) **TCP/11/16(562) – Planning Application – 18/00726/FLL – Change of use and alterations to agricultural steading to form 2 dwellinghouses, alterations to existing vehicular access and associated works (in part retrospect) at Hosh Farm Steading, The Hosh, Crieff, PH7 4HA – Mr R Findlay**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of use and alterations to agricultural steading to form 2 dwellinghouses, alterations

to existing vehicular access and associated works (in part retrospect) vehicular access and associated works (in part retrospect) at Hosh Farm Steading, The Hosh, Crieff, PH7 4HA.

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 unanimous decision that:

- (ii) the Review application for change of use and alterations to agricultural steading to form 2 dwellinghouses, alterations to existing vehicular access and associated works (in part retrospect) vehicular access and associated works (in part retrospect) at Hosh Farm Steading, The Hosh, Crieff, PH7 4HA, be refused for the following reason:
  - 1. The proposal is contrary to Policy EP2, New Development and Flooding of the Perth and Kinross Local Development Plan 2014, as the proposed development is located in an area where there is a significant probability of flooding and a satisfactory flood risk assessment has not been provided to confirm that the increase in residential dwelling units on the site can be accommodated without an increase in the number of people potentially being at risk from flooding.

**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:** The Members of the Local Review Body requested that, in the event of any further application for this site, consideration be given by the Council as Planning Authority to waiving the Developer Contribution relating to Education.

**(vi) TCP/11/16(563) – Planning Application – 18/01255/FLL – Extension to dwellinghouse at 7 Ardblair Road, Blairgowrie – Mr C Duncan**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse extension to dwellinghouse at 7 Ardblair Road, Blairgowrie.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised 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) the Interim Development Quality Manager be requested to provide the Decision Notice and Report of Handling prepared by the Appointed Officer, recognising that those documents have no formal status.
- (ii) the applicant be requested to comment on the information contained in the Decision Notice and Report of Handling documents;
- (v) following the receipt of all requested further information, the application be brought back to the Local Review Body.

THERE FOLLOWED A 40 MINUTE RECESS

**(vii) TCP/11/16(564) – Planning Application – 18/00912/FLL – Formation of a vehicular access at Crindledyke, High Street, Rattray, Blairgowrie – Mr E Mieztis**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse formation of a vehicular access at Crindledyke, High Street, Rattray, 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.

**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 at Crindledyke, High Street, Rattray, Blairgowrie, be refused for the following reasons:
  - 1. In the interests of pedestrian and traffic safety; the restricted space and inability to park perpendicular or provide turning facilities within the site is contrary to policies contained within the National Roads Development Guide and Policy PM1B (e) of the Perth and Kinross Local Development Plan 2014, which states that all

- buildings, streets and spaces should create safe, accessible, inclusive places for people.
2. The proposal is contrary to Perth and Kinross Local Development Plan 2014 Placemaking Policies PM1A and PM1B (c), which require development to contribute positively to the quality of the surrounding built environment and respect the character of and amenity of the place. The proposed development would not respect the character and amenity of the area due to the removal of a section of the original boundary wall and railings.
  3. The proposal does not accord with Perth and Kinross Local Development Plan 2014 Policy RD1: Residential Area. The front garden area makes a positive contribution to the setting and residential amenity of the house. It was further noted that alternative on street vehicular parking facilities exist nearby.

### **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 Brawn dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and that permission for formation of vehicular access granted. In his view, the proposal complied with Policies PM1A and PM1B of Perth and Kinross Local Development Plan 2014, as he did not consider the road safety aspect to be significant and also reasoned there had been precedence of similar development in the area.

**(viii) TCP/11/16(565) – Planning Application – 18/00024/FLL – Alterations to building (in retrospect), staff accommodation, Dunalastair Hotel, Kinloch Rannoch, Pitlochry – Mr K Usmani**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations to building (in retrospect), staff accommodation, Dunalastair Hotel, Kinloch Rannoch, Pitlochry.

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 unanimous decision that:

- (ii) the Review application for alterations to building (in retrospect), staff accommodation, Dunalastair Hotel, Kinloch Rannoch, Pitlochry, be refused for the following reason:
  - 1. The dormer extensions, by virtue of the excessive proportions, inappropriate combined bulk, massing, design and composition, does compromise the character and architectural integrity of the host building, resulting in an adverse impact on the visual amenity of the area.. Approval would therefore be contrary to Policies RD1, PM1A and PM1B (c) of the Perth and Kinross Local Development Plan 2014, which seek to ensure that development contributes positively to the character and appearance of the area by complementing its surroundings in terms of design, appearance, scale and massing.

#### **Justification**

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

**(ix) TCP/11/16(566) – Planning Application – 18/01103/FLL – Alterations to dwellinghouse and boundary walls, erection of retaining wall, landscaping and associated landscaping works (in part retrospect), 2 Croft Terrace, Errol – Mrs A Anderson**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse alterations to dwellinghouse and boundary walls, erection of retaining wall, landscaping and associated landscaping works (in part retrospect), 2 Croft Terrace, Errol.

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 unanimous decision that:

- (ii) the Review application for alterations to dwellinghouse and boundary walls, erection of retaining wall, landscaping and associated landscaping works (in part retrospect), 2 Croft Terrace, Errol, be refused for the following reasons:
  - 1. There is a lack of provision of acceptable manoeuvring space within the curtilage of the site to enable a vehicle to

- enter and leave the site in forward gear. The proposal is, therefore, contrary to the overarching principles of Policy PM1B (e) of the Perth and Kinross Local Development Plan 2014, which seeks to ensure that all new proposals create safe, accessible, inclusive places for all people.
2. The development fundamentally alters the boundary line at the front of the property, to the detriment of the historic and visual relationship with the neighbouring property and to 2 Croft Terrace. Approval would therefore be contrary to Policy HE2 of the Perth and Kinross Local Development Plan 2014, which seeks to safeguard listed buildings from inappropriate development.
  3. The proposed development is contrary to Policy HE3(a) of the Perth and Kinross Local Development Plan 2014, as the alteration to the boundary line at the front of the property does not protect or enhance the character or appearance of Errol 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.

### **DEFERRED APPLICATIONS FOR REVIEW**

#### **(ii) TCP/11/16(543) - Planning Application – 18/00489/IPL – Erection of a dwellinghouse (in principle) on land 100 metres north east of Logiebrae, Craigie, Clunie – Ms K Walker**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse (in principle) on land 100 metres north east of Logiebrae, Craigie, Clunie.

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.

It was noted that, at its meeting of 21 August 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without; (i) the Development Quality Manager submitting a copy of the appeal decision letter regarding planning application 08/01216/FUL; (ii) the Development Quality Manager supplying copies of relevant Eastern Area Development Plan policies as referred to in appeal decision regarding planning application reference 08/01216/FUL; (iii) the Development Quality Manager submit plans and decision notice for the erection of agricultural shed reference 09/00170/FUL; (iv) the Applicant be submitting any available documentation which illustrates and establishes the history and nature of the former use(s) of the ruinous building within the application site;

(v) the Development Quality Manager commenting on the relevance of Local Development Plan Policy EP6(a), notably in relation to replacement buildings; (vi) an unaccompanied site visit. With all further information having been received, and the unaccompanied site visit having taken place on 5 December 2018, the Local Review Body reconvened.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, with all requested further information having been received and having carried out a site visit on 5 December 2018, 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 erection of a dwellinghouse (in principle) on land 100 metres north east of Logiebrae, Craigie, Clunie, 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 4 (e) (i), (ii) and (iii), Renovation or Replacement of Houses, as it has not been demonstrated that an appropriate replacement dwelling could be accommodated and that the site does not have established site boundaries capable of providing suitable enclosure. 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, (5) Conversion or replacement of redundant non-domestic buildings, (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.

**Note:** Councillor Watters dissented from the majority decision. He considered that the Appointed Officer's decision should be overturned and that permission for erection of a dwellinghouse (in principle) be granted. In his view, the proposal complied with the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012, as he considered the site was contained in a defined area and would be appropriate to approve in principle.

**(iii) TCP/11/16(553) - Planning Application – 18/00549/FLL – Erection of a dwellinghouse on land 20 metres west of 2 Errol Road, Main Street, Invergowrie – Mr R Kenneth**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse erection of a dwellinghouse on land 20 metres west of 2 Errol Road, Main Street, Invergowrie.

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.

It was noted that, at its meeting of 16 October 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without an unaccompanied site visit. With the unaccompanied site visit having taken place on 5 December 2018, the Local Review Body reconvened.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, and having carried out a site visit on 5 December 2018, sufficient information was before the Local Review Body to determine the matter without further procedure;

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for erection of a dwellinghouse on land 20 metres west of 2 Errol Road, Main Street, Invergowrie, be refused for the following reason:
  - 1. The proposal would both result in a constrained development, which would be out of character with the immediate area, and a development that would have an adverse impact on the (historic) visual amenity of the area. To this end, the proposal is contrary to policies RD1 (a) and (c) and PM1A of the Perth and Kinross Local Development Plan 2014, which both seek to ensure that new developments do not have an adverse impact on the environment in which they are located.
  - 2. The proposal would a) adversely affect the historic setting of a group of listed buildings, b) adversely affect the existing visual relationship between the listed former school buildings and the 'A' listed All Souls Church, and c) adversely affect the key views of same buildings from the north along Main Street. The proposal is therefore contrary to Policy HE2 of the Perth and Kinross Local Development Plan 2014, the Scottish Planning Policy 2014 and the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, all of which seek to ensure the protection of listed building settings from inappropriate developments.

3. Insufficient information has been submitted to demonstrate fully that the erection of a dwelling on the site would not adversely affect existing trees, some of which are subject to Tree Preservation Order, or to justify proposed tree removals. To this end, the proposal is contrary to the principles of Policy NE2B of the Perth and Kinross Local Development Plan 2014, which states that any planning application where trees are affected should be accompanied by a tree survey.

**Justification**

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

