

PERTH AND KINROSS COUNCIL  
LOCAL REVIEW BODY  
3 MARCH 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 3 March 2015 at 10.30am.

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); H Rheinallt (Chief Executive's Service); members of the public, including agents and applicants.

### **160. DECLARATIONS OF INTEREST**

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

### **161. MINUTE OF PREVIOUS MEETING**

The Minute of the meeting of the Local Review Body of 27 January 2015 was submitted and noted.

### **162. 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.

The Planning Adviser displayed photographs of the site in question and described the proposal 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 insufficient information was 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.

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- The applicant's agent was asked to consult with the Planning Adviser 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.

**(ii) TCP/11/16(333)**  
**Planning Application 14/01595/IPL – Erection of dwellinghouse (in principle), land 50 metres west of Torr Na Loisgte, Dunkeld – Mr C Nisbet**

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 50 metres west of Torr Na Loisgte, Dunkeld.

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 dwellinghouse (in principle), land 50 metres west of Torr Na Loisgte, Dunkeld be refused for the following reasons, namely:
  - 1. The proposal is contrary to Policy PM1A: Placemaking of the Perth and Kinross Local Development Plan 2014 as an additional dwelling in this location would not contribute positively to the quality of the surrounding built and natural heritage due to the prominent elevated position of the prospective house combined with the loss of woodland and significant land engineering.
  - 2. The proposal is contrary to Policy RD3 – Housing in the Countryside and EP6 – Lunan Valley Catchment Area of the Perth and Kinross Local Development Plan 2014 in that the proposal does not meet the requirements for development in the Lunan Valley Catchment Area in terms of economic need, conversions or replacement buildings.
  - 3. The proposal is contrary to Policy NE1B – National Designations of the Perth and Kinross Local

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Development Plan 2014 in that it will have an adverse effect on the River Tay National Scenic Area.

4. The proposal is contrary to Policy EP6 of the Perth and Kinross Local Development Plan 2014 as no information has been provided to demonstrate that an acceptable level of phosphorus mitigation would be achieved. The proposal as submitted could have a significant adverse impact on the qualifying interests of the Dunkeld-Blairgowrie Lochs Special Area of Conservation (SAC).

**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(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 P 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.

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) 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.

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**(iv) TCP/11/16(337)**  
**Planning Application 14/01467/IPL – Erection of a dwellinghouse, land 40 metres south west of Sallyvonteen, Milnathort – Mr A W Dawson**

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, land 40 metres south west of Sallyvonteen, Milnathort.

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 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.

Resolved by majority decision that the Review Application for the erection of a dwellinghouse, land 40 metres south west of Sallyvonteen, Milnathort be upheld, subject to conditions and informatives to be prepared by the Planning Officer in consultation with the Planning Adviser, Councillor Lyle and Councillor Cuthbert.

**Justification**

The proposal is not contrary to Policy RD3, Housing in the Countryside of the Perth and Kinross Local Development Plan 2014 or the Council's Housing in the Countryside Guide 2012 as it complies with Category (1) Building Groups.

**Note:** Councillor I Campbell dissented from the majority view. He expressed concern that the application was "in principle" and stated he would have liked to have seen a detailed application. Councillor Campbell considered the proposal is (i) contrary to the Perth and Kinross Local Development Plan, 2014 and the Perth and Kinross Housing in the Countryside Guide 2012 in that it does not fall within one of the accepted categories, and (ii) development of the site would detract from the visual amenity of the traditional steading to the south and the surrounding countryside.

**163. DEFERRED APPLICATIONS FOR REVIEW**

**(i) TCP/11/16(329)**  
**Planning Application 14/01122/IPL – Erection of a dwellinghouse and garage (in principle), Oakdene, Golf Course Road, Blairgowrie, PH10 6LF – Mrs M Brass**

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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 (in principle), Oakdene, Golf Course Road, Blairgowrie, PH10 6LF.

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) 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.

**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 23 February 2015, 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 (in principle), Oakdene, Golf Course Road, Blairgowrie, PH10 6LF be refused for the following reasons:
  - 1. The proposal is contrary to Policy CF1A 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 could set an early precedent, undermining the objectives of the Perth and Kinross Council Local Development Plan 2014 and leading to the further erosion of the open space in the area. The proposal does not meet any of the permitted categories, (a) – (d).
  - 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 impact on the character and amenity of the surrounding 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(330)**  
**Planning Application 14/01494/FLL – Change of use of agricultural ground to residential, demolition of 2 dwellinghouses, erection of replacement dwellinghouse, ancillary garage and shed and formation of an outdoor horse arena, former Binn Farm Cottages, Kinfauns – Mr and Mrs K Knox**

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Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the change of use of agricultural ground to residential, demolition of 2 dwellinghouses, erection of replacement dwellinghouse, ancillary garage and shed and formation of an outdoor horse arena, former Binn Farm Cottages, Kinfauns.

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) an accompanied site visit be carried out; and
- (iii) following the accompanied 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 assessment from their accompanied site visit on 23 February 2015, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Review application for the change of use of agricultural ground to residential, demolition of 2 dwellinghouses, erection of replacement dwellinghouse, ancillary garage and shed and formation of an outdoor horse arena, former Binn Farm Cottages, Kinfauns 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 does not respect the character and amenity of the place, notably, the cumulative impact of the development would adversely affect this locality within the Green Belt.
  - 2. The proposal is contrary to Policy NE5 – Green Belt of the Perth and Kinross Local Development Plan 2014 as it does not meet the permitted categories, specifically the horse arena, garage and shed.

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