

PERTH AND KINROSS COUNCIL  
LOCAL REVIEW BODY  
4 MARCH 2014

## **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 4 March 2014 at 10.00am.

Present: Councillors M Lyle, I Campbell and J Giacobazzi.

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

Also Attending: Councillor Cuthbert (up to and including Art. 148(iii)); C Brien (The Environment Service); members of the public, including agents and applicants.

Councillor M Lyle, Convener, Presiding.

### **146. DECLARATIONS OF INTEREST**

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

### **147. MINUTE OF LAST MEETING**

The Minute of meeting of the Local Review Body of 28 January 2014 was submitted and noted.

### **148. APPLICATIONS FOR REVIEW**

- (i) **TCP/11/16(288)**  
**Planning Application 13/01220/FLL – Erection of dwellinghouse, formation of vehicular access/parking and associated landscaping and drainage works on land 90 Metres South West of Woodlands, Trinafour**

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, formation of vehicular access/parking and associated landscaping and drainage works on land 90 Metres South West of Woodlands, Trinafour.

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;

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- (ii) the Review Application for the erection of dwellinghouse, formation of vehicular access/parking and associated landscaping and drainage works on land 90 Metres South West of Woodlands, Trinafour be refused for the following reason, 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.

**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(289)**  
**Planning Application 13/01394/FLL – Single storey extension to dwellinghouse, Ashbank, Cowgate, Errol, Perthshire, PH2 7QS**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for a single storey extension to dwellinghouse, Ashbank, Cowgate, Errol, Perthshire, PH2 7QS.

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 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;

Resolved by majority decision that the Review Application for permission for a single storey extension to dwellinghouse, Ashbank, Cowgate, Errol, Perthshire, PH2 7QS be refused, for the following reasons, namely:

1. The proposal is contrary to the Perth and Kinross Council Local Development Plan 2014, Policy HE3A in that it does not ensure that the design (notably the flat roof form), material and scale of the development are appropriate to the appearance, character and setting of this building and the Errol Conservation Area.

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2. The proposal is also contrary to Policy PM1B (c) in that it does not reflect or fulfil the placemaking criteria regarding scale, massing and materials which are sympathetic to the surrounding built environment in a Conservation Area.
3. The proposal, if approved, may be cited as a precedent for developments of a similar inappropriate nature, which, individually and cumulatively, fail to preserve or enhance the character or appearance of the 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.

**Note:** Councillor Giacomazzi dissented from the majority view. He considered that the proposal is not contrary to the Local Development Plan 2014, Policy HE3A in that the proposed extension was not visually dominant and that a precedent had been set by similar development in the local area.

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

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, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) that further information be requested from the Planning Advisor 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.

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*AFTER A SHORT ADJOURNMENT THE COMMITTEE RECONVENED*

**(iv) TCP/11/16(291)  
Planning Application 13/02117/IPL – Erection of dwellinghouse (in principle), land at Blashieburn Vicar’s Bridge Road, Blairingone**

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), land at Blashieburn Vicar’s Bridge Road, Blairingone.

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, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) that further information be requested from the Development Quality Manager in respect of a history of site applications and previous consents for the site under review and the adjoining land to the north east, with particular reference to boundary issues;
- (iii) following receipt of the requested information, an accompanied site visit be carried out; and
- (iv) following the accompanied site visit, the application be brought back to a future meeting of the Local Review Body.

**149. DEFERRED APPLICATIONS FOR REVIEW**

**Provision of Further Information**

**(i) TCP/11/116(283)  
Planning Application 13/01349/FLL – Erection of a dwellinghouse and outbuilding, land 30 metres south of Fungarth Farm Cottage, Dunkeld**

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 outbuilding, land 30 metres south of Fungarth Farm Cottage, Dunkeld.

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.

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It was noted that, at its meeting on 28 January 2013, the Local Review Body resolved that:

- (i) having regard to material before the Local Review Body; and their own assessment from their unaccompanied site visit on 21 January 2014, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) further information be requested from the applicant on:
  - (a) the proposed waste water treatment provision, with specific reference to phosphorous discharge mitigation and comments on this proposed scheme from the Scottish Environment Protection Agency;
  - (b) the planning history and status of the group of buildings adjacent to the south eastern boundary of the application site.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the further information requested and received, 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 on land 30 metres south of Fungarth Farm Cottage, Dunkeld be upheld, subject to suitable conditions including:
  - (a) the submission of plans and specifications of a sewage and drainage treatment scheme for this development and the adjoining house(es) to meet the requirement of the Council in consultation with SEPA;
  - (b) A suspensive condition requiring the completion of the provision of the approved drainage treatment plant serving this and adjoining property(ies) capable of securing a net improvement in excess of 25% regarding phosphorous discharge to comply with Perth and Kinross Council Local Development Plan Policy EP6, prior to the commencement of development for the erection of the proposed house or outbuilding.

**Justification**

Consent already having been given for a similar development at an adjoining property.

**Unaccompanied Site Visit**

- (ii) **TCP/11/16(285)  
Planning Application 13/01452/IPL – Erection of a dwellinghouse (in principle), Sand and Gravel Pit Bishophall, Kinclaven**

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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 (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 2013, 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.

**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) 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.

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