

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 29 March 2016 at 10.30am.

Present: Councillors M Lyle, I Campbell and A Gaunt.

In Attendance: Councillor G Laing (with the exception of Art. 263(iii)); D Harrison (Planning Adviser), G Fogg (Legal Adviser) and Y Oliver (Committee Officer) (all Corporate and Democratic Services).

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

260. DECLARATIONS OF INTEREST

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

261. MINUTE OF PREVIOUS MEETING

The Minute of meeting of the Local Review Body of 1 March 2016 (Arts. 207-210) was submitted and noted.

Councillor M Lyle, Convener, Presiding.

262. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(395) – Planning Application 15/01706/FLL – Erection of dwellinghouse, workshop and garage, land 70 metres north-east of Tullibole Kirkyard, Fossoway – Mr P Chumley**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of dwellinghouse, workshop and garage, land 70 metres north-east of Tullibole Kirkyard, Fossoway.

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; and

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- (ii) the Review Application for the erection of dwellinghouse, workshop and garage, land 70 metres north-east of Tullibole Kirkyard, Fossoway 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 2012. The proposed dwellinghouse does not meet the criteria for development within or directly adjacent to a building group, does not involve the Renovation or Replacement of a House, does not involve the Conversion or Replacement of a Non-Domestic Building, is not on a Brownfield Site. The information submitted, which outlines the business case for the proposal, is not considered sufficient to justify the erection of a new dwellinghouse on the site in association with the relocated business operation under Paragraph 3.3 - Economic Activity section of the New Houses in the Open Countryside category within the Guide.
 2. The proposal is contrary to Policy HE1A of the Perth and Kinross Local Development Plan 2014 as the proposed dwellinghouse and associated garage and workshop will have an adverse impact on the setting of the adjacent Scheduled Monument (SM 8023), as the visual amenity and sense of place associated with the rural setting of the monument will be significantly altered, and its relationship within the 'designed' landscape associated with nearby Tullibole Castle will be compromised.

Justification

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

- (ii) **TCP/11/16(397) - Planning Application 15/01723/FLL – Alterations and extension to dwellinghouse, Craigwell, Milnathort, Kinross, KY13 0NR – MacLellan Property Ltd**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for alterations and extension to dwellinghouse, Craigwell, Milnathort, Kinross, KY13 0NR.

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;

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- (ii) the applicant be invited to submit further information relating to the proposed phosphate mitigation measures to be put in place relating to the Loch Leven Catchment Area;
- (iii) following receipt of the requested information from the applicant, a copy be submitted to the Development Quality Manager for further representation;
- (iv) following receipt of all further information and responses, an unaccompanied site visit be arranged;
- (v) following receipt of all further information and responses, and the completion of the unaccompanied site visit, the application be brought back to the Local Review Body for determination of the Review or for such further procedure as the Local Review Body may determine.

263. DEFERRED APPLICATIONS FOR REVIEW

Deferred for Further Information and Unaccompanied Site Visit

- (i) **TCP/11/16(380) - Planning Application 15/00445/FLL – Erection of four wind turbines and ancillary works, Parks of Keillour Farm, Methven, PH1 3RB – Mr M Stamford**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of four wind turbines and ancillary works, Parks of Keillour Farm, Methven, PH1 3RB.

The Planning Adviser 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 on 26 January 2016, the Local Review Body 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) the applicant and the Council's landscape officer be invited to indicate the viewpoints and sections of road that they consider of highest priority for viewing by Members;
- (iii) Forestry Commission Scotland be requested to provide information on their plans for felling the adjoining plantations during the next 25 years;
- (iv) an unaccompanied site visit be carried out; and
- (v) that following the site visit and the receipt of all requested information, the application be brought back to the Local Review Body for determination of the Review or for such further procedure as the Local Review Body may determine.

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Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, and their own assessment from the unaccompanied site visit on 15 March 2016, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Review application for the erection of four wind turbines and ancillary works at Parks of Keillour Farm, Methven, PH1 3RB be refused for the following reasons:
 1. The proposal by virtue of the location, prominence, excessive scale and layout of the proposed wind turbines would result in unacceptable adverse landscape impacts having regard to landscape character and setting within the immediate landscape and wider landscape character types contrary to Policy 6 of TAYplan and Policies ER1A(a), ER6(a)(b) of the Perth and Kinross Local Development Plan 2014.
 2. The location, prominence, excessive scale and layout of the proposed wind turbines, the proposal would result in unacceptable visual impacts. Accordingly the proposal is contrary to Policies ER1A(a), ER6(a)(b)(c)(f) of the Perth and Kinross Local Development Plan 2014.
 3. The proposal by virtue of the location, prominence, excessive scale and layout of the proposed wind turbines and their relationship to other wind turbine developments in the area, notably on the hills to the north and south, would give rise to unacceptable cumulative landscape and visual impacts. Accordingly the application is contrary to TAYplan Policy 6 and Policies ER1A(a) (g – negative effect on tourism) and (h) and ER6(a)(b)(c) of the Perth and Kinross Local Development Plan 2014.
 4. The development does not contribute positively to the quality of the surrounding built and natural environment as the design, siting and scale of the development does not respect the character and amenity of the Strathearn area of Perthshire and is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014.
 5. The application proposal is contrary to Perth and Kinross Council's Supplementary Guidance on Landscape June 2015 as the prospective visual impact would adversely affect the special landscape quality of the designated Special Landscape Areas of Glenalmond and Sma' Glen; Upper Strathearn; Ochil Hills; and Sidlaw Hills.

Justification

The proposal is not considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

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(ii) TCP/11/16(387) – Planning Application 15/00839/IPL – Residential development (in principle), Gateside Farm, Meiklour, Perth, PH2 6EN – Mr G Wilson

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for residential development (in principle), Gateside Farm, Meiklour, Perth, PH2 6EN.

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 on 26 January 2016, the Local Review Body 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) the Development Quality Manager be requested to provide further information on:
 - (a) the number and extent of the lay-bys sought on the access road leading to the proposed site; and
 - (b) the adequacy of the access onto the A93 from the proposed site and whether it requires improvement;
- (iii) the applicant be invited to submit further information on:
 - (a) an indicative plan of, and ability to deliver, the possible number of lay-bys; and
 - (b) what contaminants he considers to be on the proposed site;
- (iv) following receipt of the requested information from the Development Quality Manager and the applicant, copies be submitted to each other 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 site visit, the application be brought back to the Local Review Body for determination of the Review or for such further procedure as the Local Review Body may determine.

Resolved:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, and their own assessment from the unaccompanied site visit on 15 March 2016, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Review application for residential development (in principle), Gateside Farm, Meiklour, Perth, PH2 6EN be granted, subject to the imposition of appropriate conditions notably limiting the extent of built development to a maximum of 5 houses within the area formally occupied by buildings within the application site and the provision of laybys on the access route to the A93.

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Justification

The proposal is in accordance with the Development Plan, and the associated Housing in the Countryside Guide, in that it would lead to a significant environmental improvement provided the extent of built development does not exceed the area and scale commensurate with securing a significant environmental improvement related to the prevailing conditions of the application site.

(iii) TCP/11/16(388) – Planning Application 15/01585/IPL – Residential development (in principle), land 70 metres north-east of Mains of Edradour Farm, Edradour – Atholl Estates

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for residential development (in principle), land 70 metres north-east of Mains of Edradour Farm, Edradour.

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 on 26 January 2016, the Local Review Body 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) the Development Quality Manager be invited to submit further information on whether the whole of the proposed site is part of a building group in terms of the Housing in the Countryside Guide 2012 and Perth and Kinross Local Development Plan 2014 Policy RD3, especially the assessment of the eastern area of the proposed site within the field in relation to that policy and guide;
- (iii) following receipt of the Development Quality Manager's further information, the applicant and the interested party be provided with a copy and invited to submit further comments;
- (iv) following receipt of all further information and responses, an unaccompanied site visit be arranged;
- (v) following the site visit, the application be brought back to the Local Review Body for determination of the Review or for such further procedure as the Local Review Body may determine.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, and their own assessment from the unaccompanied site visit on 15 March 2016, sufficient information was before the Local Review Body to determine the matter without further procedure;

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- (ii) the Review application for residential development (in principle), land 70 metres north east of Mains of Edradour Farm, Edradour 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 (1) 'Building Groups' as the site does not provide sufficient established boundaries or category (6) 'Rural Brownfield Land' as there are presently buildings standing on the site. It is also considered that the proposal cannot satisfy any of the remaining categories (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, 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.

Note: The Local Review Body unanimously rejected Reason 2 of the Appointed Officer's Reasons for Refusal, namely:
'The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014 as the proposed site is located on an exposed, elevated position where development would not contribute positively to the quality of the surrounding built and natural environment.'

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