

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 11 September 2012 at 10.00am.

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

In Attendance: D Harrison (Planning Adviser), G Fogg (Legal Adviser) and Y Oliver (all Chief Executive's Service).

Also Attending: Members of the public, including agents and applicants; Councillor J Giacomazzi and C Brien (the Environment Service).

Councillor M Lyle, Convener, Presiding.

419. DECLARATIONS OF INTEREST

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

420. MINUTE OF PREVIOUS MEETING

The Minute of meeting of the Local Review Body of 7 August 2012 was submitted and noted.

421. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(197)**
Planning Application 11/01373/FLL – Erection of 3 dwellinghouses on land 300 metres east of Kingswell, Kinfauns – Mr N Cowe

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of 3 dwellinghouses on land 300 metres east of Kingswell, Kinfauns.

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) there was insufficient information before the Local Review Body to determine the matter without further procedure;
- (ii) a written submission from Perth and Kinross Council's Landscape Architect be requested providing information on whether or not the site has good existing landscape framework and the proposed residential uses are compatible with its surroundings ;

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
11 SEPTEMBER 2012

- (iii) following receipt of the written submission, if any, which will be circulated to all interested parties for comment, an unaccompanied site visit be arranged;
- (iv) following the unaccompanied site visit, the application be brought back to a future meeting of the Local Review Body.

(ii) TCP/11/16(198)

Planning Application 12/00406/FLL – Erection of a dwellinghouse on land 70 metres south east of Stockmuir, Abernyste – Ms D Gibb

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 on land 70 metres south east of Stockmuir, Abernyste.

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 information presented by the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.
- (ii) the Appointed Officer's decision be upheld, and the application for the erection of a dwellinghouse on land 70 metres south east of Stockmuir, Abernyste, be refused, for the reasons previously applied by the Appointed Officer, namely:
 - 1. The proposal is contrary to Policy 32 of the Perth Area Local Plan 1995 as it does not fall within or meet the criteria associated with any of the excepted categories of development.
 - 2. The proposal is contrary to the Council's Policy on Housing in the Countryside 2009 as it does not satisfy any of the accepted 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 Non-Domestic Buildings and (6) Brownfield Sites.

(iii) TCP/11/16(199)

Planning Application 12/00734/FLL – Erection of 2 wind turbines at Bloomfield, West Netherton, Milnathort, KY13 0SB – Windtek Ltd

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of 2 wind turbines at Bloomfield, West Netherton, Milnathort, KY13 0SB.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
11 SEPTEMBER 2012

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, sufficient information was before the Local Review Body to determine the matter without further procedure.
- (ii) the Appointed Officer's decision be upheld, and the application for the erection of 2 wind turbines at Bloomfield, West Netherton, Milnathort, KY13 0SB, be refused.

The decision of the Local Review Body was unanimous in relation to reasons for refusal numbers 1 and 2 as previously applied by the Appointed Officer, namely:

1. As the proposed turbines will have an adverse impact on the visual amenity of the area, which is presently enjoyed by a host of receptors including (but not exclusively) existing residential properties and visiting recreational users, the proposal is contrary to Policy 2 of the Kinross Area Local Plan 2004, which seeks to protect existing (visual) amenity from new developments within the landward area.
2. As the proposed turbines will potentially have an adverse impact on the residential amenity of existing residential properties (by virtue of the turbines' appearance and scale when viewed from their properties), the proposal is contrary to Policy 2 of the Kinross Area Local Plan 2004, which seeks to protect existing (residential) amenity from new developments within the landward area.

Councillors Campbell and Gaunt further considered that the application should be refused for the third reason founded upon by the Appointed Officer, namely,

3. The approval of this proposal would establish an undesirable precedent for similar sized developments within the local area, which would be to the detriment of the overall visual character of the area, and which in turn could potentially undermine (and weaken) the established Development Plan relevant policies.

Councillor M Lyle did not support Reason for Refusal No. 3. In his opinion the presence of other turbines in the wider area meant this was no longer a valid reason for refusal.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
11 SEPTEMBER 2012

(iv) **TCP/11/16(200)**

Planning Application 12/00689/FLL – Installation of replacement windows at 3 Lawers View, Taybridge Road, Aberfeldy, PH15 2FG – Mrs Dundas

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the installation of replacement windows at 3 Lawers View, Taybridge Road, Aberfeldy, PH15 2FG.

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:

- (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 Appointed Officer's decision be upheld, and the application for the installation of replacement windows at 3 Lawers View, Taybridge Road, Aberfeldy, PH15 2FG, be refused, for the same reasons, namely:
 - 1. The proposal is contrary to Policy 5 of the Highland Area Local Plan 2000 as the use of uPVC as a material for the replacement windows will adversely affect the traditional character of the building. It is not appropriate in this location and is not in keeping with its surroundings.
 - 2. The proposal is contrary to Policy HE3 of the Perth and Kinross Proposed Local Plan (2012) in that the use of uPVC for the replacement windows will have a significant and harmful impact on the character and appearance of the Conservation Area.
 - 3. Approval would be contrary to the Planning Authority's statutory duties in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to pay special attention to the desirability of preserving the character of a Conservation Area (Section 64(1)).

FOLLOWING A SHORT ADJOURNMENT, THE LOCAL REVIEW BODY RECONVENED.

(v) **TCP/11/16(201)**

Planning Application 11/01399/FLL – Erection of a dwellinghouse at Kingswells, Muirhall Road, Kinfauns, PH2 7LL – Mr N Cowe

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 at Kingswells, Muirhall Road, Kinfauns, PH2 7LL.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
11 SEPTEMBER 2012

Decision:

Resolved by unanimous decision that:

- (i) there was insufficient information before the Local Review Body to determine the matter without further procedure;
- (ii) a written submission from Perth and Kinross Council's Landscape Architect be requested providing information on whether or not the site has good existing landscape framework and the proposed residential uses are compatible with its surroundings ;
- (iii) following receipt of the written submission, if any, which, if received, will be circulated to all interested parties for comment, an unaccompanied site visit be arranged;
- (iv) following the unaccompanied site visit, the application be brought back to a future meeting of the Local Review Body.

(vi) TCP/11/16(202)

Planning Application 12/00710/FLL – Erection of agricultural shed at Windyrush, Glenfoot, Abernethy, PH2 9LS – Mr G Mutch

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of agricultural shed at Windyrush, Glenfoot, Abernethy, PH2.

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.

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 Appointed Officer's decision be upheld, and the application for the erection of an agricultural shed at Windyrush, Glenfoot, Abernethy, PH2 9LS, be refused, for the following reason, namely:
 - 1. The proposal is contrary to Perth Area Local Plan 1995 (Incorporating Alteration No 1, Housing Land 2000) Policy 1 which seeks (amongst other things) to ensure that all new proposals have a good landscape framework setting, are compatible with existing building patterns and land uses, do not cause unacceptable environmental impact and that it is needed to accommodate development associated with the ongoing requirements of existing commercial land uses in the countryside. The proposed development would have a significantly detrimental impact on both the residential amenity of neighbouring properties and the visual amenity and landscape character of the wider area. The need for the

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
11 SEPTEMBER 2012

development for agricultural purposes has not been clearly shown.

422. DEFERRED APPLICATIONS FOR REVIEW

Deferred for Further Written Submissions

(i) TCP/11/16(171)

Planning Application 11/01223/FLL – Review of Condition 2 on planning permission for alterations and extensions to house at Knox House, Coldwells Road, Crieff, PH7 4BA – Mr and Mrs J McLaren

Members considered a Notice of Review seeking a review of Condition 2 on planning permission at Knox House, Coldwells Road, Crieff, PH7 4BA.

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 available.

It was noted that, at its meeting on 27 March 2012, the Local Review Body resolved that:

- (i) there was insufficient information before the Local Review Body to determine the matter without further procedure;
- (ii) a written submission from the Appointed Officer/Conservation Officer be requested providing further information on the material to be used for the render and the specification for its application;
- (iii) following receipt of the written submission, an accompanied site visit be arranged, to which the Agent/Applicant, Interested Parties, Planning Adviser; Appointed Officer/Conservation Officer be invited to attend;
- (iv) following the accompanied site visit, the application be brought back to a future meeting of the Local Review Body.

It was further noted that, at its meeting on 12 June 2012, Councillor M Lyle advised members that, following the accompanied site visit to the premises, which had taken place on 8 June 2012, further information from the Applicants' agent had been received on a possible, revised render system. It therefore appeared appropriate to defer the application to a future meeting of the Local Review Body, to allow the applicant to submit further detailed information.

The Local Review Body resolved that:

- (i) there was insufficient information before the Local Review Body to determine the matter without further procedure;
- (ii) a written submission from the Appointed Officer/Conservation Officer be requested providing further information on the revised

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
11 SEPTEMBER 2012

material to be used for the render and the specification for its application;

- (iii) following receipt of the written submission, the application be brought back to a future meeting of the Local Review Body.

Decision:

Agreed by unanimous decision that, having regard to the material before the Local Review Body, the Written Submission by the Appointed Officer/Conservation Officer, dated 11 May 2012; response to Written Submission by the Agent, dated 18 May 2012; their own assessment from the accompanied site visit on 8 June 2012, Written Submission by the Agent, dated 23 July 2012; response to Written Submission by the Appointed Officer/Conservation Officer, dated 8 August 2012; the Agent's comments on the response to the Written Submission by the Appointed Officer/Conservation Officer, dated 22 August 2012; sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by majority decision that:

the Appointed Officer's decision be upheld, and the application for review of Condition 2 on planning permission for alterations and extensions to house at Knox House, Coldwells Road, Crieff, PH7 4BA, be refused, for the following reason, namely:

1. In order to preserve and enhance the character and appearance of the Conservation Area; to retain the visual amenity of the surrounding area; and to preserve the character and historic integrity of the dwellinghouse.

Note: Councillor M Lyle considered that the proposed render finish, as advised by the applicant, would not be detrimental to the visual amenity of the surrounding area.