

## **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 2 July 2013 at 10.00am.

Present: Councillors M Lyle, J Giacomazzi and C Gillies.

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

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

Councillor M Lyle, Convener, Presiding

### **434. DECLARATIONS OF INTEREST**

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

### **435. MINUTE OF LAST MEETING**

The Minute of meeting of the Local Review Body of 4 June 2013 was submitted, approved as a correct record and authorised for signature.

### **436. APPLICATIONS FOR REVIEW**

- (i) TCP/11/16(229)  
Planning Application 12/00628/IPL – Erection of a dwellinghouse (in principle) on land 60 metres north east of Old Church, Lawers – Mr and Mrs W Reid**

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) on land 60 metres north east of Old Church, Lawers.

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 comments from the Planning Adviser sufficient information was before the Local Review Body to determine the matter without further procedure.

Members considered that the site was not well defined and did not form part of a building group or meet any of the criteria or categories which

would provide support for the erection of a house in this location. Consequently, they resolved by unanimous decision that:

The Review Application for the erection of a dwellinghouse (in principle) on land 60 metres north east of Old Church, Lawers be refused for the following reasons:

1. The proposal is contrary to Highland Area Local Plan 2000 Policy 2 which, amongst other criteria, requires all development to be compatible with its surroundings in land use terms and not to result in a significant loss of amenity to the local community. The proposal is not compatible with its surroundings in land use terms and does not have regard to the existing amenity and character of the area. The development would therefore have a significant detrimental effect on the amenity of the area.
2. The proposal is contrary to Highland Area Local Plan 2000 Policy 3: Landscape in that the proposal would not conserve existing landscape features and sense of local identity nor would it strengthen or enhance landscape character.
3. The proposal does not meet the terms of Highland Area Local Plan 2000 Policy 7: Flood Risk as the proposal would result in development within an identified flood plain area.
4. The proposal is contrary to Highland Area Local Plan 2000 Policy 54: Housing in the Countryside in that the proposal does not lie within a building group, does not constitute extension of an established building group onto a definable site, does not involve the renovation or replacement of traditional domestic or non-domestic buildings, there is no operational need nor does the development reflect and respect the existing pattern of any settlement. The development does conflict with other policies in the Local Plan.
5. The proposal is contrary to Highland Area Local Plan 2000 Policy 28: Listed Buildings in that the proposed development would be detrimental to the essential character of the setting of the listed building.
6. The proposal is not in accordance with Highland Area Local Plan 2000 Policy 25: Archaeology in that the proposed development would not safeguard the setting and archaeological landscape of the associated scheduled monument.
7. The proposal does not accord with the requirements of Scottish Planning Policy 2010 (paragraph 113) in that the proposal would result in a development which would not be appropriate to the character and setting of the listed building.

### **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(251)**  
**Planning Application 12/02067/FLL – Erection of a wind turbine and associated infrastructure on land 800 metres north east of Roundlaw Farm Cottage, Trinity Gask – Mr J Roberts**

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 associated infrastructure on land 800 metres north east of Roundlaw Farm Cottage, Trinity Gask.

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 there was insufficient information before the Local Review Body to determine the matter without further procedure.

Resolved by unanimous decision that:

- (i) an unaccompanied site visit be arranged;
- (ii) further information be requested from Perth and Kinross Council's Landscape Architect to provide a more extensive analysis of his assessment of the proposal and the information on landscape and visual impact submitted by the applicant;
- (iii) further information be requested from the applicant on:
  - (a) quantifying the projected economic benefit of the proposal to the estate and the local economy in more specific detail;
  - (b) which areas of forestry are in the control of the applicant; and
  - (c) whether there are Forestry Management Plans in place and, if so, what relevance do these Plans have in relation to the phasing of felling and restocking over the prospective duration of the proposal and landscape and visual impact;
- (iv) following receipt of the further written submissions and the unaccompanied site visit, the application be brought back to a future meeting of the Local Review Body.

**(iii) TCP/11/16(252)**  
**Planning Application 12/02141/FLL – Deletion of Condition 2 and revision of the application site address, the Bothy, Middle Third House, Dunning – Mr and Mrs Mason**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the deletion of Condition 2 and revision of the application site address.

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 comments from the Planning Adviser sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by unanimous decision that:

The Review Application for the deletion of Condition 2 and revision of the application site address be upheld.

**Justification**

The imposition of Condition 2 was not considered to comply with the guidance contained in Conditions Circular 4/1998.

*FOLLOWING A SHORT ADJOURNMENT, THE LOCAL REVIEW BODY RECONVENED.*

**(iv) TCP/11/16(254)**

**Planning Application 12/02209/FLL – Alterations and extension to dwellinghouse at 8 Gellyburn Road, Almondbank, PH1 3LA – Mr and Mrs D McDonald**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the alterations and extension to dwellinghouse at 8 Gellyburn Road, Almondbank, PH1 3LA.

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.

Notwithstanding the orientation of the building and proposed extension which removes the consideration of loss of sunlight, members resolved by majority decision that:

The Review Application for alterations and extension to dwellinghouse at 8 Gellyburn Road, Almondbank, PH1 3LA be refused for the following reasons:

1. The two storey extension is considered to be excessive in scale. Consequently it has an overbearing and dominant impact on the

character of the area contrary to Policy 71 of the Perth Area Local Plan 1995 Incorporating Alteration No 1 Housing Land 2000.

2. The proposed development will overshadow the neighbouring semi-detached property resulting in an unacceptable loss of daylight and will be detrimental to their residential amenity, contrary to Policy 71 of the Perth Area Local Plan 1995 Incorporating Alteration No. 1 – Housing Land 2000.
3. The development, if approved, would establish a precedent for developments of a similar nature to the detriment of the overall visual amenity and established character of the area, which would therefore undermine and weaken the established policies of the Perth Area Local Plan 1995.

**Note:** Councillor J Giacobazzi considered that the proposal is not contrary to (i) Policy 71 of the Perth Area Local Plan 1995 Incorporating Alteration No 1 Housing Land 2000 as it is not excessive in scale; (ii) Policy 71 of the Perth Area Local Plan 1995 Incorporating Alteration No 1 Housing Land 2000 as it will not overshadow the neighbouring semi-detached property resulting in an unacceptable loss of daylight; and (iii) it will not establish a precedent for developments of a similar nature to the detriment of the overall visual amenity and established character of the 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.

**(v) TCP/11/16(255)**  
**Planning Application 13/00126/FLL – Request for removal of Condition 2, 89A South Street, Milnathort – A J Spence Ltd**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the removal of Condition 2.

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 removal of Condition 2 be refused subject to the revision of the associated reason to substitute the

reference to residential amenity with the reference to the units being of a design and materials suitable for temporary accommodation only.

**Note:** Councillor J Giacopazzi considered that Condition 2 should be removed and the proposal be made permanent.

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

##### **UNACCOMPANIED SITE VISIT**

- (i) **TCP/11/16(245)**  
**Planning Application 13/00165/IPL – Erection of a dwellinghouse at Plot 4 (in principle), Kirktonlees, Castleton Road, Auchterarder, PH3 1JS – Mr and Mrs A W and H E Milne**

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 Plot 4 (in principle), Kirktonlees, Castleton Road, Auchterarder, PH3 1JS.

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 4 June 2013, the Local Review Body resolved that:

- (i) an unaccompanied site visit be arranged;
- (ii) 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 having regard to the material before the Local Review Body and their own assessment from their unaccompanied site visit on 27 June 2012, sufficient information was before the Local Review Body to determine the matter without further procedure; and

Having considered the relationship of the site to existing buildings and extant planning permissions, combined with the extension of development onto farmland and the lack of defined landscape boundaries or features, members resolved by unanimous decision that: The Review Application for the erection of a dwellinghouse at Plot 4 (in principle), Kirktonlees, Castleton Road, Auchterarder, PH3 1JS be refused for the following reasons:

1. The proposal is contrary to the Council's approved Housing in the Countryside Policy 2012 and to Policy RD3 of the Proposed Local Development Plan in that the development does not respect the character, layout and building pattern of the existing group and it does not demonstrate that a high standard of

- residential amenity can be achieved for the existing property and the proposed house.
2. The proposal is contrary to Policy 2(a) of the adopted Strathearn Area Local Plan 2001 in that it does not have an existing landscape framework that would absorb or screen the development.
  3. The proposal is contrary to Policy 54 of the adopted Strathearn Area Local Plan 2001 Housing in the Countryside in that it would detract from the character and amenity of existing housing and extend the group into an area with no definable landscape features or boundaries.

**Justification**

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

**ACCOMPANIED SITE VISIT**

- (ii) **TCP/11/16(250)**  
**Planning Application 13/00096/FLL – Modification of existing consent (12/01759/FLL) for the replacement of boundary wall at site of former Birchgrove, Castleton Road, Auchterarder – Mr T Kane**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the modification of existing consent (12/01759/FLL) for the replacement of boundary wall at site of former Birchgrove, Castleton Road, Auchterarder.

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 4 June 2013, the Local Review Body resolved that:

- (i) the applicant/agent be requested to provide samples of the materials approved under planning permission 12/01759/FLL and proposed to be used for the replacement of the boundary wall, such samples to be made available to members and officers at the site visit;
- (ii) an accompanied site visit be arranged;
- (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 having regard to the material before the Local Review Body and their own assessment from their

accompanied site visit on 27 June 2012, sufficient information was before the Local Review Body to determine the matter without further procedure; and

Resolved by unanimous decision that the Review Application for the modification of existing consent (12/01759/FLL) for the replacement of boundary wall at site of former Birchgrove, Castleton Road, Auchterarder be upheld subject to the imposition of appropriate conditions confirming the specification of the walling material as inspected at the site visit.

**Justification:**

The proposal is in accordance with the Development Plan.