

## 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 6 August 2013 at 10.00am.

Present: Councillors M Lyle, I Campbell (with the exception of Art. 440(i)), J Giacobazzi and H Anderson (Art. 440(i) only).

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); members of the public, including agents and applicants.

Councillor M Lyle, Convener, Presiding

### 438. DECLARATIONS OF INTEREST

Councillor I Campbell declared a non-financial interest in Art. 440(i) in terms of the Councillors' Code of Conduct.

### 439. MINUTE OF LAST MEETING

The Minute of meeting of the Local Review Body of 2 July 2013 was submitted, approved as a correct record and authorised for signature.

*IN TERMS OF STANDING ORDER 15 OF THE REGULATION OF PROCEEDINGS OF THE LOCAL REVIEW BODY, IT WAS UNANIMOUSLY AGREED TO VARY THE ORDER OF BUSINESS.*

*COUNCILLOR I CAMPBELL, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING APPLICATION, LEFT THE CHAMBERS AT THIS POINT.*

*COUNCILLOR H ANDERSON TOOK COUNCILLOR CAMPBELL'S PLACE ON THE LOCAL REVIEW BODY, FOR THE PURPOSES OF HEARING THE FOLLOWING APPLICATION.*

### 440. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(260)**  
**Planning Application 13/00175/FLL – Erection of garage and studio flat, The Stables, Percy Street, Stanley, Perth, PH1 4LU – Mr C Fyfe**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a garage and studio flat, The Stables, Percy Street, Stanley, Perth, PH1 4LU.

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 majority decision that:

The Review Application for the erection of garage and studio flat, The Stables, Percy Street, Stanley, Perth, PH1 4LU be upheld subject to the imposition of appropriate conditions, including a condition confirming that the occupation and use of the proposed building would be ancillary to The Stables building only.

**Justification**

The proposal is not contrary to Policy 71 of the Perth Area Local Plan 1995 (Incorporating Alteration No 1, Housing Land 2000) in that it will not have an adverse impact on the character and density of the local area or the residential amenity presently enjoyed by neighbouring residential properties. The impact on the amenity and privacy of neighbouring properties was not so severe as to justify the refusal of planning permission. It was also noted that the density of development was widely variable in this locality and the building would be sited in a backland location.

**Note:** Councillor H Anderson considered that the proposal is contrary to Policy 71 of the Perth Area Local Plan 1995 (Incorporating Alteration No 1, Housing Land 2000) as it will (by virtue of the plot's limited size) have an adverse impact on the character and density of the local area, and will (by virtue of the design and location of the building) have an adverse impact on the residential amenity presently enjoyed by neighbouring residential properties.

*COUNCILLOR H ANDERSON LEFT THE MEETING AT THIS POINT.*

*COUNCILLOR I CAMPBELL RETURNED TO THE MEETING AT THIS POINT FOR THE PURPOSE OF HEARING THE FOLLOWING APPLICATIONS.*

- (ii) **TCP/11/16(256)**  
**Planning Application 12/01934/FLL – Erection of a wind turbine, meter house and associated access track at The Corb, Bridge of Cally, Blairgowrie, PH10 7JX – Mr N Bailey**

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, meter house and associated access track at The Corb, Bridge of Cally, Blairgowrie, PH10 7JX.

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) The Applicant's agent be requested to provide a single plan at 1:50,000 scale indicating the positions of the existing turbines forming the Drumderg windfarm, the approved position of the 4 No. wind turbines at Welton of Creuchies and the proposed wind turbine at The Corb on an Ordnance Survey base;
- (ii) Following submission of the single plan, and subsequent consultation with interested parties, an unaccompanied site visit be arranged.

**(iii) TCP/11/16(257)**

**Planning Application 13/00672/IPL – Erection of a dwellinghouse (in principle) at The Paddocks, Redgorton, Perth, PH1 3EL – Mr N Donald**

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) at The Paddocks, Redgorton, Perth, PH1 3EL.

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 erection of a dwellinghouse (in principle) at The Paddocks, Redgorton, Perth, PH1 3EL be upheld subject to the imposition of appropriate conditions including a tree survey/management plan, education contribution, noise attenuation measures, and protection of public footpath.

**Justification**

The proposal is not contrary to Policies 32 and 1 of the Perth Area Local Plan 1995 (Incorporating Alteration No 1 Housing Land 2000) and the Housing in the Countryside Guide 2012, as the site is not

considered to be prominent, being enclosed by mature tree planting, and its development would not have an unacceptable visual impact on the local surroundings.

**(iv) TCP/11/16(258)**  
**Planning Application 13/00457/FLL – Formation of a dormer at 7 Carrington Terrace, Crieff, PH7 4DY – Ms Tanya Bowyer-Bower**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the formation of a dormer at 7 Carrington Terrace, Crieff, PH7 4DY.

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 majority decision that:

The Review Application for the formation of a dormer at 7 Carrington Terrace, Crieff, PH7 4DY be refused for the following reasons:

1. The proposal is contrary to Policy 2 of the Strathearn Area Local Plan 2001 as the proposed dormer extension represents an incongruous and unsympathetic addition which will adversely affect the visual character of the host building, the adjoining terrace and the surrounding area.
2. The proposal is contrary to Strathearn Area Local Plan 2001 Policy 5: Design as the design of the proposed dormer is not in keeping with the host building and the development does not fit its surroundings.
3. The proposal is contrary to Policy HE3A: Conservation Areas of the Proposed Local Development Plan 2012 in that it does not preserve or enhance the character or appearance of the Conservation Area by virtue of its bulky box style design and its siting directly off the roof ridge.
4. The proposal is contrary to the Scottish Government's policy statement Designing Places (2008) which seeks to ensure good design at all scales of development. The proposed dormer extension would create an undesirable precedent for similar extensions that could lead to an erosion of the character of the 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 J Giacomazzi considered that the proposal is not contrary to (i) Policy 2 of the Strathearn Area Local Plan 2001 as it does not represent an incongruous and unsympathetic addition which would adversely affect the visual character of the host building, the adjoining terrace and the surrounding area. It would not be highly visible; (ii) the Strathearn Area Local Plan 2001 Policy 5: Design as the design is sufficiently in keeping with the host building and the development does fit its surroundings; (iii) Policy HE3A: Conservation Areas of the Proposed Local Development Plan 2012 in that it does preserve or enhance the character or appearance of the Conservation Area; and (iv) the Scottish Government's policy statement Designing Places (2008) as it will not create an undesirable precedent for similar extensions.

**(v) TCP/11/16(259)  
Planning Application 13/00280/FLL – Renewal of consent  
(08/00315/FUL) – Erection of a dwellinghouse and removal of  
condition 9 (occupancy condition) Craigow, Milnathort, Kinross,  
KY13 0RP – Mr and Mrs P Milne Home**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to re-impose Condition 9 (occupancy condition) in granting the renewal of planning permission for the consent (08/00315/FUL) – erection of a dwellinghouse and removal of condition 9 (occupancy condition) Craigow, Milnathort, Kinross, KY13 0RP.

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 majority decision that:

The Review Application for the renewal of consent (08/00315/FUL) – erection of a dwellinghouse and removal of condition 9 (occupancy condition) Craigow, Milnathort, Kinross, KY13 0RP, be upheld.

**Justification:**

The imposition of Condition 9 (occupancy condition) on Planning Application 08/00315/FUL (subsequently Condition 8 on Planning Application 13/00280/FLL) was recognised as being discretionary within the Housing in the Countryside Guide 2012. On balance, recognising the established nature of the equestrian business and the existence of extant planning permissions, the removal of the condition was considered to be acceptable in this instance.

**Note:** Councillor M Lyle considered that the removal of the occupancy condition would result in a development which was contrary to the Housing in the Countryside Guide 2012.