

## 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 December 2012 at 10.00am.

Present: Councillors M Lyle, I Campbell (with the exception of Arts. 610(iii) and (iv)), A Gaunt and H Anderson (Arts. 610(iii) and (iv) only).

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

Also Attending: J Williamson (up to and including Art. 610(i)) and C Brien (from Art. 609(iv) onwards) (both the Environment Service); members of the public, including agents and applicants.

Councillor M Lyle, Convener, Presiding.

### 607. DECLARATIONS OF INTEREST

Councillor I Campbell declared a non-financial interest in Arts. 610(iii) and (iv) in terms of the Councillors' Code of Conduct.

### 608. MINUTE OF LAST MEETING

The Minute of meeting of the Local Review Body of 6 November 2012 was submitted and noted.

### 609. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(213)**  
**Planning Application 12/01304/IPL – Erection of two dwellinghouses (in outline) at Chimneys, Drumkilbo, Meigle, PH12 8QS – Miss J Murray**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of two dwellinghouses (in outline) at Chimneys, Drumkilbo, Meigle, PH12 8QS.

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 two dwellinghouses (in outline) at Chimneys, Drumkilbo, Meigle, PH12 8QS, be refused, for the reasons previously applied by the Appointed Officer, namely:
1. The proposal is contrary to the Council's Housing in the Countryside Policy 2009 in that it does not constitute development within a building group, nor the extension of a building group onto a definable site; it does not meet the requirements of new houses in the open countryside; it does not involve the renovation or replacement of houses; it does not involve the conversion or replacement of redundant non-domestic buildings nor does the site constitute rural brownfield land. Furthermore, the proposal does not comply with the requirements of the infill sites part of the policy in that not all of the gap is incorporated within the proposed plots, the plots and their frontages are not comparable to the other plots in the vicinity and the proposal would result in ribbon development.
  2. The proposal is contrary to Eastern Area Local Plan 1998 Policy 38 which restricts types of developments in rural areas to agriculture, forestry, recreation, tourism related projects or operational developments of statutory undertakers and telecommunications operators for which a countryside location is essential. The proposed development does not fall within any of the identified categories. The development would result in a significant loss of visual amenity and character of the area by virtue of its elevated location and the creation of ribbon development. The character and visual amenity of the area would be detrimentally affected by the development of dwellinghouses at the location proposed.

**(ii) TCP/11/16(214)**  
**Planning Application 12/01051/FLL – Installation of solar panels on roof of View Bank, High Street, Errol, PH2 7QE – Mr R Humphry**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the installation of solar panels on roof of View Bank, High Street, Errol, PH2 7QE.

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:**

Agreed by unanimous decision that, having regard to the material before the Local Review Body 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 the installation of solar panels on roof of View Bank, High Street, Errol, PH2 7QE, be refused, for the following reason, namely:

1. The proposed development is considered to have a detrimental visual impact on the character and appearance of the building as well as the Errol Conservation Area. The proposal also creates an adverse impact on the amenity of the surrounding area. Approval would therefore be contrary to Policies 24 and 71 of the Perth Area Local Plan 1995 (Incorporating Alteration No. 1 Housing Land 2000); would be contrary to Historic Scotland's Technical Guidance Notes 2011 (formerly part of the Memorandum of Guidance on Listed Buildings and Conservation Areas); and to the Council's statutory duty in relation to Listed Buildings under Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

**Note:** Councillor A Gaunt considered that the proposed installation of solar panels would not have a detrimental visual impact on either the character and appearance of the building nor on the Errol Conservation Area nor would it create an adverse impact on the amenity of the surrounding area.

**(iii) TCP/11/16(215)  
Planning Application 12/00990/IPL – Erection of a dwellinghouse (in principle) on plot at Blashieburn Stables, Vicar's Bridge Road, Blairingone – Mr C McLean**

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 plot at Blashieburn Stables, 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, 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 (in principle) on plot at Blashieburn Stables, Vicar's Bridge Road, Blairingone, be refused, for the reasons previously applied by the Appointed Officer, namely:
  1. The proposal is contrary to Policy 2 of the Kinross Area Local Plan 2004 criteria (a) in failing to have a landscape

- framework capable of absorbing, and if necessary screening, the development.
2. The proposal is contrary to Policy 54 of the Kinross Area Local Plan 2004, in failing to provide detailed plans of the elevations of the proposed development in its landscape setting in relation to the sites designation within an 'Area of Great Landscape Value'.
  3. The proposal is contrary to Policy 64 of the Kinross Area Local Plan 2004, in failing to satisfy any of the associated criteria for Housing in the Countryside.
  4. The proposal is contrary to the Council's Housing in the Countryside Policy 2009 in that it does not constitute development within a building group, nor the extension of a building group onto a definable site; it is not an infill site; it does not meet the requirements of new houses in the open countryside; it does not involve the conversion or replacement of redundant non-domestic buildings of traditional form and construction nor does the site constitute rural brownfield land.
  5. The proposal is contrary to Policy 84 of the Kinross Area Local Plan in failing to include a mining report in support of the application to identify the site is not subject to undermining and can be safely developed.

**(iv) TCP/11/16(216)  
Planning Application 12/01089/IPL – Residential Development (in principle) on land 60 metres west of 14 Rawes Farm Steading, Longforgan – Mr N Walker**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for a residential development (in principle) on land 60 metres west of 14 Rawes Farm Steading, Longforgan.

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:**

Agreed by unanimous decision that, having regard to the material before the Local Review Body 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 residential development (in principle) on land 60 metres west of 14 Rawes Farm Steading, Longforgan, be refused, for the following reasons, namely:

1. As the proposal does not have an established landscaping framework, the proposal is contrary to Policy 1 of the Perth Area

- Local Plan 1995 (Incorporating Alteration No 1, Housing Land 2000), which seeks to ensure that all new sites within the landward area of the Local Plan have a good existing landscape framework in which the development proposed can be set.
2. As the proposal constitutes an extension of an existing building group into a site which does not have a good existing landscape framework, the proposal is contrary to Policy 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No 1, Housing Land 2000) as the proposal does not accord with any of the acceptable categories of development i.e. (a) development zones (b) building groups (c) renovation of abandoned houses (d) replacement houses (e) conversion of non-domestic buildings (f) operational need.
  3. As the proposal constitutes an extension of an existing building group into a site which does not have a good existing landscape framework or will result in significant environmental benefit to the area, the proposal is contrary to the Council's policy on Housing in the Countryside (2009) as the proposal does not accord with any of the acceptable categories of development i.e. (1) Building Groups (2) Infill Sites (3) New houses in the open countryside (4) Renovation or Replacement (5) Conversion or Replacement of Redundant Non-Domestic buildings or (6) Rural Brownfield Land.

**Note:** Councillor I Campbell considered that the proposal was not contrary to Policies 1 and 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No 1, Housing Land 2000) as, in his opinion, it does have an established landscape framework by virtue of the existing buildings which serve to augment the tree planting and it constituted the completion, rather than an extension, of an existing building group. For these reasons he would have upheld the review application.

*FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.*

## **610. DEFERRED APPLICATIONS FOR REVIEW**

### **Deferred for Further Written Submissions and Unaccompanied Site Visits**

- (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 Appointed Officer's decision 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.

It was noted that, at its meeting on 11 September 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 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 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.

**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 7 December 2012, sufficient information was before the Local Review Body to determine the matter without further procedure; and
- (ii) the Appointed Officer's decision be upheld, and the application for the erection of 3 dwellinghouses on land 300 metres east of Kingswell, Kinfauns, be refused, for the reasons previously applied by the Appointed Officer, namely:-
  - 1. As the proposal will have a visible impact on the landscape character of an area designated as being of Great Landscape Value (AGLV), the proposal is contrary to Policies 12 and 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No 1 Housing land 2000), both of which state that there will be presumption against built development within the AGLV designation, except for development necessary for operational need.
  - 2. As a result of the proposal being contrary to a policy relating to a specific designation within the relevant Local Plan (Policy 12 of the Perth Area Local Plan 1995 (Incorporating Alteration No 1, Housing Land 2000), the proposal is contrary to the Council's Policy on Housing in the Countryside (2009) which seeks to ensure that Local Plan policies relating to specific designations are complied with.
  - 3. The proposal is contrary to Policy NE5: Green Belt of the Perth and Kinross Council Proposed Local Development Plan 2012 as the site is located within an area identified as Green Belt. This policy states that the Housing in the

Countryside Policy does not apply in the Green Belt. The Local Review Body was satisfied that this policy of the Proposed Local Development Plan 2012 was a material consideration which further justified the refusal of the application.

**(ii) TCP/11/16(201)**  
**Planning Application 11/01399/FLL – Erection of a dwellinghouse at Kingswells, Muirhall Road, Kinfauns, PH2 7LL – Mr N Lowe**

Members considered a Notice of Review seeking a review of the Appointed Officer's decision to refuse permission for the erection of a dwellinghouse at Kingswell, Muirhall Road, Kinfauns, PH2 7LL.

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.

It was noted that, at its meeting on 11 September 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 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 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.

**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 7 December 2012, sufficient information was before the Local Review Body to determine the matter without further procedure; and
- (ii) the Appointed Officer's decision be upheld, and the application for the erection of a dwellinghouse at Kingswells, Muirhall Road, Kinfauns, PH2 7LL be refused, for the reasons previously applied by the Appointed Officer, namely:
  - 1. As the proposal will have a visible impact on the landscape character of an area designated as being of Great Landscape Value (AGLV), the proposal is contrary to Policies 12 and 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No 1 Housing Land 2000), both of which state that there will be presumption against built

- development within the AGLV designation, except for development necessary for operational need.
2. As a result of the proposal being contrary to a policy relating to a specific designation within the relevant Local Plan (Policy 12 of the Perth Area Local Plan 1995 (Incorporating Alteration No 1, Housing Land 2000), the proposal is contrary to the Council's Policy on Housing in the Countryside (2009) which seeks to ensure that Local Plan policies relating to specific designations are complied with.
  3. As the proposal does not have a good existing framework, the proposal is contrary to Policy 1 of the Perth Area Local Plan 1995 (Incorporating Alteration No 1, Housing Land 2000) which seeks to ensure that all new developments within the landward area have a good existing landscaping framework.
  4. The proposal is contrary to Policy NE5: Green Belt of the Perth and Kinross Council Proposed Local Development Plan 2012 as the site is located within an area identified as Green Belt. This policy states that the Housing in the Countryside Policy does not apply in the Green Belt. The Local Review Body was satisfied that this policy of the Proposed Local Development Plan 2012 was a material consideration which further justified the refusal of the application.

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

*COUNCILLOR H ANDERSON TOOK HIS PLACE ON THE LOCAL REVIEW BODY.*

**(iii) TCP/11/16(203)  
Planning Application 12/00273/FLL – Erection of 2 wind turbines at Farmhouse, Mains of Murthly, Aberfeldy, PH15 2EA – Mr N Lowe**

Members considered a Notice of Review seeking a review of the Appointed Officer's decision to refuse permission for the erection of 2 wind turbines at Farmhouse, Mains of Murthly, Aberfeldy, PH15 2EA.

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.

It was noted that, at its meeting on 9 October 2012, the Local Review Body resolved that:

1. there was insufficient information before the Local Review Body to determine the matter without further procedure;
2. a written submission be invited from the Appointed Officer on the Visual Impact Assessment submitted by the applicant (which

- information had not been submitted with the original Notice of Review);
3. a written submission from the applicant on the cumulative impact of the proposal, including the proposal for the erection of 2 wind turbines at Errichel House, Aberfeldy (Notice of Review TCP/11/16(206) – Planning Application 12/00275/FLL);
  4. an unaccompanied site visit be arranged;
  5. following the unaccompanied site visit, and the receipt of these further written representations, 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 their own assessment from the unaccompanied site visit on 7 December 2012, sufficient information was before the Local Review Body to determine the matter without further procedure; and
- (ii) the Appointed Officer's decision be overturned and the application for the erection of 2 wind turbines at Farmhouse, Mains of Murthly, Aberfeldy, PH15 2EA, be approved on the basis that the proposed turbines are satisfactorily contained within the landscape, are not visible from the road above and will have no adverse impact upon the amenity of the area, subject to the imposition of appropriate conditions, including in particular, an appropriate archaeological condition.

**Justification**

The proposal is sufficiently in accordance with the Development Plan, it is generally in accordance with the Council's Supplementary Guidance on Windfarms and there are no material considerations of such weight which justify the refusal of planning permission.

**(iv) TCP/11/16(206)  
Planning Application 12/00275/FLL – Erection of 2 wind turbines at Errichel House, Aberfeldy, PH15 2EL – Mr A Budge-Reid**

Members considered a Notice of Review seeking a review of the Appointed Officer's decision to refuse permission for the erection of 2 wind turbines at Errichel House, Aberfeldy, PH15 2EL

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.

It was noted that, at its meeting on 9 October 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 be invited from the Appointed Officer on the Visual Impact Assessment submitted by the applicant (which information had not been submitted with the original Notice of Review);
- (iii) a written submission from the applicant on the cumulative impact of the proposal, including the proposal for the erection of 2 wind turbines at Farmhouse (Notice of Review TCP/11/16(203) – Planning Application 12/00273/FLL);
- (iv) an unaccompanied site visit be arranged;
- (v) following the unaccompanied site visit, and the receipt of these further written representations, 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 and their own assessment from the unaccompanied site visit on 7 December 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 the erection of 2 wind turbines at Errichel House, Aberfeldy, PH15 2EL, be refused, for the following Reasons, being Reasons 1 and 2 only of the Appointed Officer's Report of Handling, namely:

1. As the proposed turbines will have an adverse impact on the visual impact 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 Highland Area Local Plan 2000, which seeks to protect existing amenity from new developments within the landward area.
2. The proposal is contrary to Policy 11 of the Highland Area Local Plan 2000 as the proposal would result in an unacceptable intrusion into the landscape character of the area.

**Note:** Councillor H Anderson considered that the proposal would not have an adverse impact on the visual amenity of the area or result in an unacceptable intrusion into the landscape character of the area provided the turbines were of a colour that blended into the landscape and for these reasons he would have upheld the application for review.

*FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED*

*COUNCILLOR I CAMPBELL RETURNED TO THE CHAMBERS AT THIS POINT.*

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

## **Deferred for Unaccompanied Site Visit**

### **(v) TCP/11/16(205)**

#### **Planning Application 12/00401/FLL – Erection of a wind turbine and an anemometer mast on land 550 metres south west of Drumick Farm, Glenalmond – Clearwinds Ltd**

Members considered a Notice of Review seeking a review of the Appointed Officer's decision to refuse permission for the erection of a wind turbine and an anemometer mast on land 550 metres south west of Drumick Farm, Glenalmond.

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 6 November 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) an unaccompanied site visit be arranged;
- (iii) 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 their own assessment from the unaccompanied site visit on 7 December 2012, sufficient information was before the Local Review Body to determine the matter without further procedure; and
- (ii) the Appointed Officer's decision be upheld, and the application for the erection of a wind turbine and an anemometer mast on land 550 metres south west of Drumick Farm, Glenalmond, be refused, for the reasons previously applied by the Appointed Officer, namely:
  - 1. As the proposed turbine will have a significant 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 Strathearn Local Plan 2001, which seeks to protect existing (visual) amenity from new developments within the landward area, and Environmental and Resource Policy 14 of the Perth and Kinross Structure Plan 2003 which seeks to protect existing local environmental quality from inappropriate renewable energy developments.

2. As the proposed turbine will potentially have a significant adverse impact on the residential amenity of existing residential properties (by virtue of the turbine's appearance and scale when viewed from their properties), the proposal is contrary to Policy 2 of the Strathearn Local Plan 2001, which seeks to protect existing (residential) amenity from new developments within the landward area.
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.