

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 7 August 2012 at 10.00am.

Present: Councillors M Lyle (except for Art. 355(i)), C Gillies (up to and including Art. 356(i)), A Gaunt (except for Art. 354(i)) and I Campbell.

In Attendance: M Stewart (Planning Adviser); C Elliott (Legal Adviser) and Y Oliver (all Chief Executive's Service).

Also Attending: Members of the public, including agents and applicants; N Brian (The Environment Service).

Councillor M Lyle, Convener, Presiding

351. DECLARATIONS OF INTEREST

Councillor M Lyle declared a non-financial interest in Art. 356(i).

Councillor A Gaunt declared a non-financial interest in Art. 354(i).

352. MINUTE OF PREVIOUS MEETING

The Minute of meeting of the Local Review Body of 10 July 2012 was submitted and noted.

353. ORDER OF BUSINESS

In terms of Standing Order 15 the Local Review Body unanimously agreed to vary the order of business.

COUNCILLOR A GAUNT, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING APPLICATION, LEFT THE CHAMBERS AT THIS POINT. COUNCILLOR C GILLIES TOOK HER PLACE ON THE LOCAL REVIEW BODY.

354. APPLICATIONS FOR REVIEW

(i) TCP/11/16(196)

Planning Application 12/00173/FLL – Alteration and extension to dwellinghouse at 21 Ochil Gardens, Dunning, PH2 0SR – Mr and Mrs Cameron

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for alteration and extension to dwellinghouse at 21 Ochil Gardens, Dunning, PH2 0SR.

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 alteration and extension to dwellinghouse at 21 Ochil Gardens, Dunning, PH2 0SR, be refused, for the following reasons, namely:
 - 1. 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 is out of scale with and will over-dominate the host building.
 - 2. The proposal by way of its design, scale and form over-dominates the existing dwellinghouse and as such is considered contrary to Policy 71 of the Perth Area Local Plan 1995 (Incorporating Alteration No 1 Housing Land 2000) which seeks to ensure existing residential amenity and village character will be retained and where possible improved.

COUNCILLOR A GAUNT RETURNED TO THE CHAMBERS AT THIS POINT.

COUNCILLOR M LYLE, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING APPLICATION, LEFT THE CHAMBERS AT THIS POINT.

355. APPOINTMENT OF ACTING CONVENER

The Convener of the Local Review Body being absent, it was necessary to appoint a member present to act as Convener to the Local Review Body for the purposes of hearing the following application.

Councillor C Gillies nominated Councillor I Campbell, seconded by Councillor A Gaunt.

Councillor I Campbell was thereby appointed Acting Convener of the Local Review Body for the purposes of hearing the following application.

Councillor I Campbell, Acting Convener, Presiding
(Art. 356(i) only)

356. DEFERRED APPLICATION FOR REVIEW

Deferred for Unaccompanied Site Visit

- (i) **TCP/11/16(184)
Planning Application 11/02012/FLL – Erection of a wind turbine on land 520 metres north east of Tay Forth Machinery Ring, Newhill, Glenfarg – B and J Hamilton**

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 on land 520 metres north east of Tay Forth Machinery Ring, Newhill, Glenfarg.

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 10 July 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 6 August 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 on land 520 metres north east of Tay Forth Machinery Ring, Newhill, Glenfarg, be refused, for the following revised reasons, namely:
 1. As the proposed turbine would have a significant adverse impact on the landscape character of the area, the proposal is contrary to Policy 1 of the Perth Area Local Plan 1995, notably, the location does not provide a good landscape framework capable of absorbing a tall structure that would be viewed on the skyline from numerous surrounding public places. The proposed turbine would 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 local residents, tourists and visiting recreational users.

2. 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 C GILLIES RETIRED TO THE PUBLIC BENCHES AT THIS POINT.

COUNCILLOR M LYLE RETURNED TO THE MEETING AT THIS POINT AND RESUMED HIS ROLE AS CONVENER OF THE LOCAL REVIEW BODY.

357. APPLICATIONS FOR REVIEW (Continued)

(i) TCP/11/16(192)

Planning Application 12/00222/FLL – Alteration and extension to dwellinghouse at Maranatha, 25 Station Road, Methven, PH1 3QF – Mr A Ferguson

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for alteration and extension to dwellinghouse at Maranatha, 25 Station Road, Methven, PH1 3QF.

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 alteration and extension to dwellinghouse at Maranatha, 25 Station Road, Methven, PH1 3QF be refused, for the reason previously applied by the Appointed Officer, namely:
 1. The privacy of both adjoining residential properties would result in an increased level of overlooking of both garden areas to the detriment of the levels of residential amenity previously enjoyed by the occupants of both of these properties and as such is considered contrary to Policy 71 of the Perth Area Local Plan 1995 (Incorporating Alteration No 1 Housing Land 2000) which seeks to ensure existing residential amenity and village character will be retained and where possible improved.

(ii) TCP/11/16(193)
Planning Application 12/00068/FLL – Erection of a wind turbine at Rosefield, Balbeggie, PH2 6AT – Mr J Miller

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 at Rosefield, Balbeggie, PH2 6AT.

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 wind turbine at Rosefield, Balbeggie, PH2 6AT, be refused, for the following revised reasons, namely:
 - 1. As the proposed turbine is considered to 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 1 of the Perth Area Local Plan 1995, which seeks to protect existing (visual) amenity from new developments within the landward area.
 - 2. The proposed turbine is deemed contrary to Policy ER1A of the Perth and Kinross Proposed Local Development Plan January 2012, in failing to comprehensively satisfy the associated policy considerations, through the quality of the associated supporting information submitted.

(iii) TCP/11/16(194)
Planning Application 12/00117/FLL – Erection of one pair of semi-detached dwellings on site east of 9 Friar Place, Scotlandwell – Mrs M Paterson

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of one pair of semi-detached dwellings on site east of 9 Friar Place, Scotlandwell.

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) the Development Quality Manager be requested to provide further information to the Local Review Body on:
 - (a) open space management and maintenance in relation to enforcement; and
 - (b) clarification of how the site is dealt with in the Proposed Local Development Plan and its relationship with Opportunity Site H54;
- (iii) the Development Quality Manager's information be forwarded to the applicant who would be given fourteen days in which to respond in accordance with the Local Review Body regulations;
- (iv) following receipt of the applicant's response, the application be brought back to a future meeting of the Local Review Body.

(iv) TCP/11/16(195)

Planning Application 10/01798/IPL – Erection of 2 detached holiday let chalets on land 80 metres north east of Tormaukin Hotel, Glendevon – Mr F Worrell

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of 2 detached holiday let chalets on land 80 metres north east of Tormaukin Hotel, Glendevon.

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 detached holiday let chalets on land 80 metres north east of Tormaukin Hotel, Glendevon, be refused, for the following revised reasons , namely:
 1. The proposal, by virtue of the siting of proposed chalet buildings, prominence, loss of established trees and landscape setting would adversely affect the amenity of the area harming the appearance and character of the countryside. Such

development would conflict with Policies 1, 2, 3, 5, 29, 31, 46 and 47 of the Strathearn Area Local Plan (2001).

2. In the absence of any specific justification relating to farm diversification, market demand and employment the Council cannot be satisfied that any economic benefits arising from the proposal would outweigh the visual harm to local amenity. In such circumstances the proposal would conflict with Policies 29, 31, 46 and 47 of the Strathearn Area Local Plan (2001).

358. DEFERRED APPLICATIONS FOR REVIEW (Continued)

Deferred for Unaccompanied Site Visit

(i) TCP/11/16(188)

Planning Application 11/01420/IPL – Erection of a dwellinghouse at Old Mill of Ross, The Ross, Comrie, PH6 2JS – Ms K Collins

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 Old Mill of Ross, The Ross, Comrie, PH6 2JS

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 10 July 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:

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 6 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 the erection of a dwellinghouse at Old Mill of Ross, The Ross, Comrie, PH6 2JS, be refused for the following, revised reasons, namely:

1. As development of this site would have an adverse impact on the character of the existing building group, the proposal is

contrary to both Policy 54 of the Strathearn Local Plan 2001 and the 2009 Housing in the Countryside Policy insofar as both policies only allow for development within an existing building group where the character and amenity of the group is not adversely affected by the development which is proposed.

2. As it has not been fully demonstrated that the site is not liable to flood risk and/or that physical development of the site would not result in off-site flooding risk increasing, the proposal is considered to be contrary to Policy 7 of the Strathearn Local Plan 2001 which seeks to restrict development on areas that are liable to flood.
3. As development of this site would have an adverse impact on the setting of the adjacent Listed Building(s), the proposal is contrary to Policy 27 of the Strathearn Local Plan 2001 which seeks to protect the settings of Listed Buildings from inappropriate development.
4. A recommendation of approval by Perth and Kinross Council, in light of the proposal's adverse impact on the setting of adjacent Listed Buildings, would be contrary to the requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, which states that a Planning Authority, in considering whether to grant planning permission for development which affects the setting of a Listed Building(s), shall have special regard to the desirability of preserving the setting of the affected building. If Perth and Kinross Council (as the Planning Authority) were to support this planning application, the Council as Planning Authority would not have had due regard to the desirability of preserving the setting of the adjacent Listed Buildings.

Note: Councillor M Lyle disagreed with the inclusion of Reason for Refusal No 2 as he considered that it was unnecessary to request a flood risk assessment.