

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 9 October 2012 at 10.00am.

Present: Councillors M Lyle, C Gillies and T Gray.

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

Also Attending: Councillor J Giacomazzi and members of the public, including agents and applicants.

Councillor M Lyle, Convener, Presiding.

. **DECLARATIONS OF INTEREST**

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

. **MINUTE OF LAST MEETING**

The Minute of meeting of the Local Review Body of 11 September 2012 was submitted and noted.

. **APPLICATIONS FOR REVIEW**

THE LOCAL REVIEW BODY UNANIMOUSLY AGREED TO VARY THE ORDER OF BUSINESS

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

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 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.

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 being 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 Errichel House, Aberfeldy (Notice of Review TCP/11/16(206) – Planning Application 12/00275/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.

(ii) 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 decision by the Appointed Officer 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.

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 being 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, Mains of Murthly, Aberfeldy (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.

(iii) TCP/11/16(204)
Planning Application 12/00292/IPL – Residential development (in principle) on land 70 metres west of Highfield, Beech Hill Road, Coupar Angus – Mr W Abernethy

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 70 metres west of Highfield, Beech Hill Road, Coupar Angus.

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 a residential development (in principle) on land 70 metres west of Highfield, Beech Hill Road, Coupar Angus, be refused, for the reason previously applied by the Appointed Officer, namely:
 - 1. The proposal is contrary to Eastern Area Local Plan 1998 Policy 66 which carries a strong presumption against built development on the site and the retention of the land for agricultural purposes in that it would result in the permanent loss of agricultural land.

The Local Review Body unanimously agreed that the following additional reason for refusal should be added:

- 2. The granting of planning permission (in principle) for the development of this land for housing on the basis of the proposal in the Proposed Local Development Plan 2012 to extend the Coupar Angus settlement to include the application site, and for which representations against that proposal have been received, would be premature before an examination on behalf of the Scottish Ministers of the Proposed Local Development Plan has taken place.

(iv) TCP/11/16(207)

Planning Application 12/00748/IPL – Erection of a dwellinghouse at Plot 1, Farleyer Field House, Weem, Aberfeldy, PH15 2JE – Mrs M P Stewart

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 1, Farleyer Field House, Weem, Aberfeldy, PH15 2JE.

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 at Plot 1, Farleyer Field House, Weem, Aberfeldy, PH15 2JE, be refused, for the following reasons, namely:
 - 1. The proposal is contrary to the Development Plan i.e. Policy 54 Housing in the Countryside of the Highland Area Local Plan (2000) in that the proposal does not meet any of the categories (b) Renovation or Replacement (c) Conversions (d) Operational Need and is not located within (e) Western Highland Perthshire. The application site is remote from the building group to the north east and therefore is not considered to extend the group into a definable site as required by category (a).
 - 2. The proposal is contrary to the Council's Housing in the Countryside Policy 2009 in that the proposal does not involve development within or directly adjacent to a building group, does not involve the Renovation or Replacement of a House, does not involve the Conversion or Replacement of a Non-Domestic Building, is not on a Brownfield Site and does not comply with any of the criteria for New Houses in the Open Countryside as although within the grounds of an estate house approval would detrimentally affect the integrity and setting of the site.
 - 3. The proposed development is contrary to Policy 19 of the Highland Area Local Plan 2000 which seeks to protect and enhance Historic Gardens and Designed Landscapes (HGDL). The site is located within an area of woodland which forms part of an important landscape boundary to the Castle Menzies HGDL. The application has failed to demonstrate that development would not adversely affect the woodland and result in the removal of trees. Approval would result in pressure from future occupiers to fell trees to improve residential amenity and provide views out of the site all to the detriment of the character of the HGDL.
 - 4. The proposal is contrary to Policy 3 of the Highland Area Local Plan 2000 which seeks to conserve landscape features and a sense of local identity and strengthen and enhance landscape character. The application has failed to demonstrate that development would not adversely affect the woodland and result in the removal of trees. Approval would result in pressure from future occupiers to

fell trees to improve residential amenity and provide views out of the site all to the detriment of the landscape character of the area.

(v) TCP/11/16(208)
Planning Application 12/00785/IPL – Erection of a dwellinghouse at Plot 2, Farleyer Field House, Weem, Aberfeldy, PH15 2JE – Mrs M P Stewart

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 2, Farleyer Field House, Weem, Aberfeldy, PH15 2JE.

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 at Plot 2, Farleyer Field House, Weem, Aberfeldy, PH15 2JE, be refused, for the following reasons, namely:
 - 1. The proposal is contrary to the Development Plan i.e. Policy 54 Housing in the Countryside of the Highland Area Local Plan (2000) in that the proposal does not meet any of the categories (b) Renovation or Replacement (c) Conversions (d) Operational Need and is not located within (e) Western Highland Perthshire. The application site is remote from the building group to the north east and therefore is not considered to extend the group into a definable site as required by category (a).
 - 2. The proposal is contrary to the Council's Housing in the Countryside Policy 2009 in that the proposal does not involve development within or directly adjacent to a building group, does not involve the Renovation or Replacement of a House, does not involve the Conversion or Replacement of a Non-Domestic Building, is not on a Brownfield Site and does not comply with any of the criteria for New Houses in the Open Countryside as although within the grounds of an estate house approval would detrimentally affect the integrity and setting of the site.

3. The proposed development is contrary to Policy 19 of the Highland Area Local Plan 2000 which seeks to protect and enhance Historic Gardens and Designed Landscapes (HGDL). The site is located within an area of woodland which forms part of an important landscape boundary to the Castle Menzies HGDL. The application has failed to demonstrate that development would not adversely affect the woodland and result in the removal of trees. Approval would result in pressure from future occupiers to fell trees to improve residential amenity and provide views out of the site all to the detriment of the character of the HGDL.
4. The proposal is contrary to Policy 3 of the Highland Area Local Plan 2000 which seeks to conserve landscape features and a sense of local identity and strengthen and enhance landscape character. The application has failed to demonstrate that development would not adversely affect the woodland and result in the removal of trees. Approval would result in pressure from future occupiers to fell trees to improve residential amenity and provide views out of the site all to the detriment of the landscape character of the area.

DEFERRED APPLICATIONS FOR REVIEW

Deferred for Further Information

- (i) **TCP/11/16(173)**
Planning Application 11/01515/FLL - Temporary (5 years) siting of a metal storage unit, installation of 2 air conditioning units, formation of vehicular access and hardstanding and erection of screen fence (in part retrospect) at 102 Glengarry Road, Perth, PH2 0AB – Mr G Casson

Members considered a Notice of Review seeking a review of the Appointed Officer's decision to refuse permission for the temporary (5 years) siting of a metal storage unit, installation of 2 air conditioning units, formation of vehicular access and hardstanding and erection of screen fence (in part retrospect) at 102 Glengarry Road, Perth, PH2 0AB.

It was noted that, at its meeting on 24 April 2012, the Local Review Body had been advised that it had come to light that not all interested parties in this case had been advised of the request for a Notice of Review. As it was a statutory obligation to advise all interested parties, the Local Review Body was therefore unable to determine the Notice of Review at this time.

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:

- (i) 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.
- (ii) the Appointed Officer's decision be upheld, and the application for temporary (5 years) siting of a metal storage unit, installation of 2 air conditioning units, formation of vehicular access and hardstanding and erection of screen fence (in part retrospect) at 102 Glengarry Road, Perth, PH2 0AB, be refused, for the following reason, namely:
 - 1. The metal storage container is detrimental to both the visual and residential amenity of the immediate area, contrary to Policy 41 of the Perth Area Local Plan 1995 Incorporating Alteration No. 1 Housing Land 2000.

