

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 27 September 2011 at 10.00am.

Present: Councillors M Lyle (excluding Art. 532(ii)), B Band (Art. 532(ii) only), W Wilson (Art. 532(i) only), W Lumsden (excluding Art. 532(i)) and I Campbell.

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

Also Attending: Councillor I Miller (up to and including Art. 533(iv)); members of the public, including agents and applicants; N Brian, C Brien and G Peebles (the Environment Service) and representatives from Loch Lomond and the Trossachs National Park Authority.

Councillor M Lyle, Convener, Presiding.

530. DECLARATIONS OF INTEREST

Councillor M Lyle declared a non-financial interest in Item Art. 532(ii) on the agenda.

531. MINUTE OF PREVIOUS MEETING

The Minute of meeting of the Local Review Body of 30 August 2011 (Arts. 463-467) was submitted and noted.

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

532. DEFERRED APPLICATIONS FOR REVIEW

Further Information

- (i) **TCP/11/16(121)
Planning Application 10/00876/FLL – Erection of four wind turbines, access road and associated infrastructure at Welton of Creuchies Farmhouse, Alyth, PH11 8LB – Mr J Ferguson**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of four wind turbines, access road and associated infrastructure at Welton of Creuchies Farmhouse, Alyth, PH11 8LB.

The Planning Adviser summarised the main aspects of the proposal, notably regarding its visual landscape and cumulative impacts,

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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 26 July 2011, the Local Review Body resolved that:

- (i) there was insufficient information before the Local Review Body to decide the matter without further procedure;
- (ii) an unaccompanied site visit be arranged;
- (iii) a Hearing be convened to further assess the landscape and visual impact with particular reference to the cumulative impact of the Drumderg Windfarm; and
- (iv) the applicant and Appointed Officer be invited to indicate the most critical viewpoints which they would wish the members of the LRB to consider during the site visit if practicable.

It was further noted that, at its meeting on 30 August 2011, the Local Review Body resolved that:

- (i) having regard to the material before the Local Review Body; their own assessment from their attendance at the site visit on 24 August 2011 and the Hearing Statement received from the applicant's agents, insufficient information was before the Local Review Body to determine the matter without further procedure; and
- (ii) the applicant be requested to provide the further survey information and associated protection plans relating to a report on the impact of the proposal on all protected species, as detailed in the letter dated 16 December 2010 from Scottish Natural Heritage, which report should also advise on the required mitigation measures to be taken.

Preliminary Issue:

Nick Brian, Development Quality Manager advised, having seen the protected species reports, that the issues could be addressed, in consultation with Scottish Natural Heritage, by way of condition.

Decision:

Agreed by unanimous decision that, having regard to the material before the Local Review Body; their own assessment from their attendance at the site visit on 24 August 2011, the Hearing Statement received from the applicant's agents and the further information submitted on the impact of the proposal on all protected species, as detailed in the letter dated 16 December 2010 from Scottish Natural Heritage, 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 overturned and the application for the erection of four wind turbines, access road and associated infrastructure at Welton of Creuchies Farmhouse, Alyth, PH11 8LB be approved, subject to the imposition of appropriate conditions, including

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conditions on the implementation of species protection plans and possible legal agreement.

Justification

The proposal is not contrary to the Development Plan.

Note Councillor I Campbell considered that the proposal was contrary to Environment and Resource Policy 14 of the Perth and Kinross Structure Plan 2003, Policy 9 of the Eastern Area Local Plan 1998 and Guidelines 1 (Landscape impact), 2 (Visual Impact) and 3 (Cumulative Landscape and Visual Impacts) of the Council's Supplementary planning guidance for Wind Energy Development in Perth and Kinross 2005.

COUNCILLOR W WILSON LEFT THE MEETING AT THIS POINT AND COUNCILLOR B BAND TOOK HIS PLACE ON THE LOCAL REVIEW BODY.

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

The Convener of the Local Review Body not being present, it was necessary to appoint an elected member to act as Convener to the Local Review Body for the purposes of hearing the following application.

Councillor I Campbell nominated Councillor B Band, seconded by Councillor W Lumsden.

Councillor B Band was thereby appointed Acting Convener of the Local Review Body for the purposes of hearing Art. 532(ii).

Hearing and Site Visit

**(ii) TCP/11/16(125)
Planning Application 10/02191/FLL – Erection of a wind turbine at
Pairney Farm, Auchterarder, PH3 1DT – Mr D Mitchell**

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 Pairney Farm, Auchterarder, PH3 1DT.

It was noted that, at its meeting on 30 August 2011, 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; and
- (iii) a Hearing be convened to allow the Zone of Visibility Study and a further photo-montage to be considered and to allow the Appointed Officer to comment on these productions.

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The Legal Adviser explained that members should be careful of what conclusions they draw from seeing the constructed turbine on their site visit. That turbine is not in the same location as the application proposal. Members are only considering the proposal for the application site, not the unauthorised erected turbine located approximately 35m away.

The Local Review Body heard submissions from Ms A Ellis, agent on behalf of the applicant.

FOLLOWING A SHORT ADJOURNMENT THE LOCAL REVIEW BODY RECONVENED.

The applicant's agent requested that Notice of Review TCP/11/16(125) – Planning Application 10/02191/FLL for the erection of a wind turbine at Pairney Farm, Auchterarder, PH3 1DT be withdrawn from the order of business. It was stated that it was intended that a retrospective application for erection of the turbine on the other site be submitted.

Decision:

Resolved by unanimous decision that:

Notice of Review TCP/11/16(125) – Planning Application 10/02191/FLL – Erection of a wind turbine at Pairney Farm, Auchterarder, PH3 1DT be withdrawn from the order of business.

COUNCILLOR M LYLE RE-ENTERED THE CHAMBERS AT THIS POINT AND RESUMED THE CHAIR FOR THE FOLLOWING ITEMS.

COUNCILLOR B BAND RETIRED TO THE PUBLIC BENCHES AT THIS POINT.

533. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(130)**
Planning Application 11/00400/IPL – Erection of a dwellinghouse (in principle) at Muirward House, Scone, PH2 6NL – Mrs L Barlow

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 Muirward House, Scone, PH2 6NL.

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; and

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- (ii) the Appointed Officer's decision be upheld, and the application for the erection of a dwellinghouse (in principle) at Muirward House, Scone, PH2 6NL be refused, for the reasons previously applied by the Development Quality Manager, namely:
1. The proposal is contrary to Policy 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No 1, Housing Land 2000) where it relates to new housing in the countryside, as it does not meet any of the criteria relating to (a) development zones (b) building groups (c) renovation of abandoned houses (d) replacement of houses (e) conversion of non-domestic buildings or (f) operational need.
 2. The proposal is contrary to the Council's Policy on Housing in the Countryside (2009) as it does not meet any of the acceptable categories of development relating to (1) Building Group (2) Infill Sites (3) New houses in the open countryside (4) Renovation or Replacement of houses (5) Conversions or Replacement of Redundant Non-Domestic buildings or (6) Rural Brownfield Sites.

(ii) **TCP/11/16(131)**
Planning Application 11/00125/FLL – Erection of a Manager's House and Garage at Land 270 metres north west of Baltree Farm, Hatchbank, Kinross – Mr and Mrs J Fernie

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a Manager's House and Garage at Land 270 metres north west of Baltree Farm, Hatchbank, Kinross.

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) written submissions be requested from the Development Quality Manager/Appointed Officer commenting on the additional information submitted by the Applicant relating to the operational needs justification;
- (iii) following receipt of written submissions and any response by the Applicant, an accompanied site visit be arranged, to which the agent, applicant, interested parties, planning adviser and appointed officer be invited; and
- (iv) following the site visit, the application be brought back to a future meeting of the Local Review Body.

(iii) TCP/11/16(132)
Planning Application 11/00593/FLL – Extension to dwellinghouse at 7 Bayview Road, Invergowrie, DD2 5AR – A Smith

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for extension to dwellinghouse at 7 Bayview Road, Invergowrie, DD2 5AR.

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 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 extension to dwellinghouse at 7 Bayview Road, Invergowrie, DD2 5AR be refused, for the reasons previously applied, namely:

1. The proposal is contrary to Policy 71 of the Perth Area Local Plan 1995, incorporating Alteration No 1 Housing Land 2000, as the introduction of a first floor balcony and access doors would visually imbalance the overall residential block, to the detriment of the character and visual amenity of the village.
2. The proposal is contrary to Policy 71 of the Perth Area Local Plan 1995, incorporating Alteration No 1 Housing Land 2000, as the proposals will have a significant affect on the established residential amenity of the surrounding area and lower flat in particular, by reasons of overlooking and loss of privacy.

Note Councillor I Campbell considered that the proposal was not contrary to the Perth Area Local Plan 1995 incorporating Alteration No1 Housing Land 2000, Policy 71: Perth Village Area.

(iv) TCP/11/16(133)
Planning Application 11/00980/FLL – Erection of a replacement sun lounge at 26 Isla Road, Alyth, PH11 8EN – Mr D Mollison

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a replacement sun lounge at 26 Isla Road, Alyth, PH11 8EN.

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.

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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 replacement sun lounge at 26 Isla Road, Alyth, PH11 8EN be refused, for the reason previously applied by the Development Quality Manager, namely:
As the proposal will reduce the amount of usable private amenity space associated with the dwellinghouse, by virtue of the scale of the extension, the proposal constitutes over development of the site which is contrary to the aims of Policy 56 of the Eastern Area Local Plan 1998 which seeks to ensure that all new proposals do not adversely affect the (residential) amenity and density of the area concerned.

COUNCILLOR I MILLER LEFT THE COUNCIL CHAMBERS AT THIS POINT.

(v) TCP/11/16(134)

Planning Application 11/00352/IPL – Erection of a dwellinghouse (for farm manager) at Drummawhance Farm, Auchterarder, PH3 1NP – Mr and Mrs Cepok

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 (for farm manager) at Drummawhance Farm, Auchterarder, PH3 1NP.

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 (for farm manager) at Drummawhance Farm, Auchterarder, PH3 1NP be refused, for the reasons previously applied by the Development Quality Manager, 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 is not an infill site,

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it does not meet the requirements of new houses in the open countryside (i.e. on the grounds of economic activity), 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.

2. The proposal is contrary to the Strathearn Area Local Plan 2001 Policy 54: Housing in the Countryside in that the proposal does not lie within a building group, does not involve the renovation or replacement of traditional domestic or non-domestic buildings nor is there proven operational need and it would result in the extension of development into a site not defined by surrounding topography, landscape features or field boundaries.

**(vi) TCP/11/16(135)
Planning Application 11/00505/IPL – Erection of two dwellinghouses (in principle) at Ross Farm, Madderty, Crieff, PH7 3PQ – Mr R Mackie**

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 principle) at Ross Farm, Madderty, Crieff, PH7 3PQ.

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 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 Appointed Officer's decision be overturned and the application for the erection of two dwellinghouses (in principle) at Ross Farm, Madderty, Crieff, PH7 3PQ be approved, subject to the imposition of appropriate conditions, including conditions addressing (i) an education contribution; (ii) size, design and external materials of houses and plot ratio to be similar to existing cottage and (iii) details of existing and proposed ground levels to minimise underbuilding.

Note Councillor I Campbell considered that the proposal was contrary to (i) Policies 1, 2 and 32 of the Perth Area Local Plan 1995; (ii) the Council's policy on Housing in the Countryside; and (iii) would result in a visually intrusive, conspicuous development and would further establish a precedent.

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- (vii) **TCP/11/16(136)**
Planning Application 11/00992/FLL – Alterations and extension to dwellinghouse at 2 Easterton Buildings, Greenbank Road, Glenfarg, PH2 9NW – Mr and Mrs McNeil

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for alterations and extension to dwellinghouse at 2 Easterton Buildings, Greenbank Road, Glenfarg, PH2 9NW.

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 alterations and extension to dwellinghouse at 2 Easterton Buildings, Greenbank Road, Glenfarg, PH2 9NW be refused, for the reasons previously applied by the Development Quality Manager, namely:
 - 1. The proposal is contrary to Policy 71 of the Perth Area Local Plan 1995 Incorporating Alteration No. 1 Housing Land 2000 as it exhibits design which is out of character with the host building and incongruous with the surrounding street scene, and therefore will not adversely affect the village character.
 - 2. The development would be detrimental to the character and appearance of an adjacent statutorily listed building.

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