

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
14 December 2010

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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 14 December 2010 at 2.00pm.

Present: Councillors B Band, W Wilson (Item 4(i) only); I Campbell and M Lyle.

In Attendance: M Stewart and D Harrison (Planning Advisers); C Elliott (Legal Adviser); C Brien and G Peebles (both The Environment Service) and Y Oliver (Chief Executive's Service).

Also Attending: Members of the public, including agents and applicants.

Councillor B Band, Convener, Presiding.

671. DECLARATIONS OF INTEREST

Councillor I Campbell declared a non-financial interest in Item 4(i) in terms of the Councillors' Code of Conduct.

672. MINUTE OF PREVIOUS MEETING

The Minute of the Local Review Body of 2 November 2010 was submitted and noted.

In terms of Standing Order 15, the Committee unanimously agreed to vary the order of business.

673. HEARING

- (i) **TCP/11/16(28) – Planning Application 09/02232/FLL – Replacement of dwellinghouse at Damside House, Auchterarder, PH3 1EU – Mr and Mrs S Steele**

Members were advised that, due to the adverse weather conditions, the proposed site visit to the application site, which had been requested by the Local Review Body at its meeting on 1 June 2010, could not take place. The application was therefore deferred to a future meeting of the Local Review Body.

674. APPLICATIONS FOR REVIEW

COUNCILLOR I CAMPBELL, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING APPLICATION, LEFT THE CHAMBERS AT THIS POINT AND TOOK NO PART IN THE DISCUSSION AND DECISION THEREOF.

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- (i) **TCP/11/16(71)**
Planning Application 10/01158/FLL – Review of conditions imposed on planning application 10/01158/FLL for erection of a McGregor “Cheviot” sheephouse polytunnel at Errichel Farm, by Aberfeldy, PH15 2EL – Mr A Budge-Reid

Members considered a Notice of Review submitted by the applicant, Mr A Budge-Reid, seeking a review of a decision by the Appointed Officer of the Council to impose a condition relating to a time restriction for the erection of a McGregor “Cheviot” sheephouse polytunnel at Errichel Farm, by Aberfeldy, PH15 2EL.

M Stewart displayed photographs of the site in question, described the request by the applicant, the reasons for the Appointed Officer’s decision to impose a condition relating to a time restriction and the grounds for the Notice of Review.

Decision:

Resolved that:

- (i) having regard to the information available, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) by unanimous decision, the Appointed Officer’s decision with regard to conditions imposed on Planning Application 10/01158/FLL be overturned with Condition 2 being retained and amended as necessary by the Planning Adviser and Condition 1 being deleted.

Justification

The Local Review Body was satisfied that:

The polytunnel is not in an inappropriate location.

Councillor W Wilson originally suggested that permission for the polytunnel be given for five years but later agreed with the decision made by Councillors B Band and M Lyle.

COUNCILLOR W WILSON LEFT THE CHAMBERS AT THIS POINT AND TOOK NO FURTHER PART IN THE PROCEEDINGS.

COUNCILLOR I CAMPBELL ENTERED THE CHAMBERS AT THIS POINT.

- (ii) **TCP/11/16(54)**
Planning Application 10/00765/FLL – Erection of a single 11Kz Gaia-Wind Turbine at Mutehill, Powmill, FK14 7NP – Mr C Barr

Members considered a Notice of Review submitted by the applicant’s agent, Gaia-Wind Ltd, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the erection of a single 11Kz Gaia-Wind Turbine at Mutehill, Powmill, FK14 7NP.

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C Elliott advised members that they should not assume no objections had been received. One had been received from a local resident, however, it was late and given the terms of the Local Review Body regulations, had not been placed before members.

D Harrison displayed photographs of the site in question, described the request by the applicant's agent, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved that:

- (i) having regard to the information available, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) by unanimous decision, the Appointed Officer's decision be upheld and the application for the erection of a single 11Kz Gaia-Wind Turbine at Mutehill, Powmill be refused, for the reasons specified by the Appointed Officer.

(iii) TCP/11/16(61)

Planning Application 10/01187/FLL – Erection of fence (retrospective in part) at Kilmorich Cottage, Kindallachan, Pitlochry, PH9 0NW – Mr I R Wisely

Members considered a Notice of Review submitted by the applicant, Mr I R Wisely, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the erection of a fence (retrospective in part) at Kilmorich Cottage, Kindallachan, Pitlochry, PH9 0NW.

D Harrison displayed photographs of the site in question, described the request by the applicant, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved that:

- (i) having regard to the information available, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) by unanimous decision, the Appointed Officer's decision be upheld and the application for the erection of a fence (retrospective in part) at Kilmorich Cottage, Kindallachan, Pitlochry, PH9 0NW be refused, for the reasons specified by the Appointed Officer.

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Note: Members of the Local Review Body noted that, as most of this fence had been erected, the need for enforcement action required further consideration by officers.

(iv) **TCP/11/16(62)**
Planning Application 10/00953/FLL – Erection of a wind turbine at Letham Farm, Glenfarg, PH2 9QF – Mr E Cheape

Members considered a Notice of Review submitted by the applicant's agent, Gaia-Wind Ltd, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the erection of a wind turbine at Letham Farm, Glenfarg, PH2 9QF.

M Stewart displayed photographs of the site in question, described the request by the applicant, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved that:

- (i) having regard to the information available, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) on a majority decision, the Appointed Officer's decision be overturned and the application for the erection of a wind turbine at Letham Farm, Glenfarg, PH2 9QF be approved, subject to the imposition of appropriate conditions, including a condition or possible legal agreement pertaining to the removal of the wind turbine if/when no longer required.

Justification

The Local Review Body was satisfied that:

- (i) the proposed turbine is not considered to have any significant visual impact on the surrounding landscape and will not, therefore, have an adverse impact on the visual amenity of the area;
- (ii) approval of this application will not establish a precedent for developments of a similar nature.

Councillor I Campbell dissented from the majority decision on the basis that he considered the proposed development fails to comply with the Development Plan and Supplementary Planning Guidance in line with the Appointed Officer's decision..

(v) **TCP/11/16(63)**
Planning Application 10/00780/IPL – Change of use to residential (in principle) at land 70 metres west of Highfield, Beech Hill Road, Coupar Angus, PH13 9AZ – Mr W Abernethy

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Members considered a Notice of Review submitted by the applicant's agent, Mr D Macdonald, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the change of use to residential (in principle) at land 70 metres west of Highfield, Beech Hill Road, Coupar Angus, PH13 9AZ.

M Stewart displayed photographs of the site in question, described the request by the applicant's agent, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved that:

- (i) having regard to the information available, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) by unanimous decision, the Appointed Officer's decision be upheld and the application for change of use to residential (in principle) at land 70 metres west of Highfield, Beech Hill Road, Coupar Angus, PH13 9AZ be refused, for the reasons specified by the Appointed Officer.

(vi) TCP/11/16(64)

Planning Application 10/01071/IPL – Residential development (in principle) at land 60 metres southwest of Thor-Bay, Abernyte Road, Balbeggie, PH2 6HQ – Mr and Mrs I Gardiner

Members considered a Notice of Review submitted by the applicant's agent, MBM Planning & Development, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for a residential development (in principle) at land 60 metres southwest of Thor-Bay, Abernyte Road, Balbeggie, PH2 6HQ.

M Stewart displayed photographs of the site in question, described the request by the applicant's agent, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved that:

- (i) having regard to the information available, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) by unanimous decision, the Appointed Officer's decision be upheld and the application for change of use to residential development (in principle) at land 60 metres southwest of Thor-Bay, Abernyte Road, Balbeggie, PH2 6HQ be refused, for the reasons specified by the Appointed Officer.

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(vii) TCP/11/16(65)
Planning Application 10/01060/FLL – Erection of chalet at The Bungalow, East Haugh, Pitlochry, PH16 5TB – Mr and Mrs A Drummond

Members considered a Notice of Review submitted by the applicants' agent, Mr H W Crawford, seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a chalet at The Bungalow, East Haugh, Pitlochry, PH16 5TB.

D Harrison displayed photographs of the site in question, described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

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) following the unaccompanied site visit, the application be brought back to a future meeting of the Local Review Body.

(viii) TCP/11/16(66)
Planning Application 10/01102/IPL – Creation of new residential plot within gardens of existing house at land 15 metres north east of Silverstone, Perth Road, Crieff, PH7 3EQ – Mr T Barron

Members considered a Notice of Review submitted by the applicant's agent, McKenzie Strickland Associates, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the creation of new residential plot within gardens of existing house at land 15 metres north east of Silverstone, Perth Road, Crieff, PH7 3EQ.

M Stewart displayed photographs of the site in question, described the request by the applicant's agent, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

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) written submissions be requested from (i) the applicant's agent, requesting further information regarding the impact of the application on adjoining property including overlooking and with possible design solutions to be provided, and (ii) the Development Quality Manager, requesting further information on

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the planning history of the adjoining sites to the east, with each party being given the opportunity to comment on the written submissions received from the other;

- (iv) following receipt of the written submissions and the unaccompanied site visit being carried out, the application be brought back to a future meeting of the Local Review Body.

(ix) TCP/11/16(67)
Planning Application 10/00563/FLL – Erection of a dwellinghouse at Sunnyside, Drum, Kinross, KY13 0PP – Mr A Wood

Members considered a Notice of Review submitted by the applicant's agent, Mr R T Hutton, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the erection of a dwellinghouse at Sunnyside, Drum, Kinross, KY13 0PP.

D Harrison displayed photographs of the site in question, described the request by the applicant, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved that:

- (i) having regard to the information available, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) on a majority decision, the Appointed Officer's decision be upheld, the application for the erection of a dwellinghouse at Sunnyside, Drum, Kinross, KY13 0PP be refused, for the reasons specified by the Appointed Officer.

Councillor I Campbell dissented from the majority decision on the basis that he considered the proposal does comply with the Development Plan and the Council's Housing in the Countryside Policy 2009.

(x) TCP/11/16(68)
Planning Application 10/00759/FLL – Erection of a dwellinghouse with detached garage and ancillary accommodation at Earnieside Farm, Dunning Glen, Dollar, FK14 7LB – Mr P Jones

Members considered a Notice of Review submitted by the applicant, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the erection of a dwellinghouse with detached garage and ancillary accommodation at Earnieside Farm, Dunning Glen, Dollar, FK14 7LB.

D Harrison displayed photographs of the site in question, described the request by the applicant, 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 that:

- (i) having regard to the information available, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) by majority decision, the Appointed Officer's decision be upheld, the application for the erection of a dwellinghouse with detached garage and ancillary accommodation at Earnieside Farm, Dunning Glen, Dollar, FK14 7LB be refused, for the reasons specified by the Appointed Officer.

Councillor M Lyle dissented from the majority decision on the basis that the Appointed Officer's decision be upheld only on ground for refusal No. 3.

- (xi) **TCP/11/16(69)**
Planning Application 10/00899/FLL – Extension to Manager's Accommodation at Middleton Stables, Fossoway, KY13 0UP – Ms S Penman

Members considered a Notice of Review submitted by the applicant's agent, Montgomery Forgan Associates, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for an extension to manager's accommodation at Middleton Stables, Fossoway, KY13 0UP.

D Harrison displayed photographs of the site in question, described the request by the applicant, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved that:

- (i) having regard to the information available, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) by unanimous decision, the Appointed Officer's decision be upheld, the application for an extension to manager's accommodation at Middleton Stables, Fossoway, KY13 0UP be refused, for the reasons specified by the Appointed Officer.

Note: Members of the Local Review Body requested that the Planning Enforcement Officer visit the abovementioned site.

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