

## **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 May 2010 at 10.00am.

Present: Councillors B Band, W Lumsden (substituting for Councillor A Jack) and M Lyle.

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

Also Attending: D Niven, The Environment Service; 4 members of the public, including applicants and their agents.

Councillor B Band, Convener, Presiding.

### **240. DECLARATIONS OF INTEREST**

There were no Declarations of Interest made in terms of the Councillors' Code of Conduct.

### **241. MINUTES OF PREVIOUS MEETINGS OF THE LOCAL REVIEW BODY**

#### **(i) 16 March 2010**

The Minute of Meeting of the Local Review Body of 16 March 2010 (Arts. 162-165) was submitted and approved for signature.

#### **(ii) 6 April 2010**

The Minute of Meeting of the Local Review Body of 6 April 2010 (Arts. 197-200) was submitted and approved for signature.

IN TERMS OF STANDING ORDER 15, THE LOCAL REVIEW BODY UNANIMOUSLY AGREED TO VARY THE ORDER OF BUSINESS.

### **242. HEARING**

#### **(i) Procedure to be used for Hearings**

There was noted the Perth and Kinross Local Review Body Hearing Rules, which had been issued to the applicant and all interested parties in connection with the following application (Arts. 242(ii)).

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(ii) **TCP/11/16(18)**  
**Planning Application 09/01795/FLL – Erection of 15m high wind turbine at Abbey Farm, Madderty, Crieff – Mr T Clark (Art. 199/10)**

It was noted that, at its meeting on Tuesday 6 April 2010, the Local Review Body agreed: (1) a Hearing be convened for the purposes of considering the visual impact of the proposal and to allow for further discussion on the extent of possible felling; and (2) arrangement of a site visit, to be attended by the three members (plus reserve) constituting the meeting of the Local Review Body due to take place on 11 May 2010, along with the Planning Adviser. The site visit was to be accompanied, i.e. the applicant and a member of the Planning Service would be in attendance also.

The Local Review Body heard submissions from Mr T Clark, applicant, and from the Appointed Officer, and had regard to their own assessment from attendance at the site visit.

**Decision:**

Resolved that:

- (i) on a majority decision, the decision of the Appointed Officer relating to Condition 4 of planning application 09/01795/FLL be overturned, and Condition 4 be amended to:

The trees in the shelter belt immediately to the north of the application site, but excluding the first 50 metres adjacent to the mast, shall not be wilfully damaged, destroyed or uprooted, and no trees felled or lopped without the previous written consent of the local Planning Authority. Any trees which die, or are removed without the permission of the local Planning Authority, or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species to the satisfaction of the local Planning Authority unless the local Planning Authority gives written consent to any variation.

**243. APPLICATIONS FOR REVIEW**

(i) **TCP/11/16(9)**  
**Planning Application 09/01279/IPL – Review of Condition 3 to allow erection of one and a half storey dwellinghouse at Blashieburn, Vicar’s Bridge Road, Blairingone, FK14 7LR – Mrs S Jones**

There was considered a Notice of Review submitted by the applicant seeking a review of the decision by the Appointed Officer of the Council to restrict the height of the proposed dwellinghouse by Condition 3 of the existing consent in principle at Blashieburn, Vicar’s Bridge Road, Blairingone.

Mr M Stewart displayed photographs of the site in question, and described the proposal, the reasons for the Appointed Officer’s

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Condition 3 of the existing consent in principle and the grounds for the Notice of Review.

**Decision:**

Resolved 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) by unanimous decision, the Appointed Officer's decision be overturned, and Condition 3 of planning application 09/01279/IPL be amended to read as follows:  
The height of the house hereby permitted be no higher than the ridge of the roof of the adjoining house, Sheldon House, and reflect the character of the surrounding area to the satisfaction of the Planning Authority.

- (ii) **TCP/11/16(17)  
Planning Application 09/01597/IPL – Erection of 2 dwellinghouses at land 60 metres north west of 13 The Holdings, Kinfauns – Mr and Mrs Smith**

There was considered a Notice of Review submitted by the applicant's agent, Mr D Sweeney, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the erection of 2 dwellinghouses at land 60 metres north west of 13 The Holdings, Kinfauns.

Mr M Stewart displayed photographs of the site in question, and described the proposed development, 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) clarification be sought as to whether the planning application should have been determined by the Development Control Committee as there were eleven representations (all objecting) to the original application.
- (iii) if in light of such clarification, the matter remains with the Local Review Body, an unaccompanied site visit take place in advance of consideration of the Review.

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**(iii) TCP/11/16(20)**  
**Planning Application 09/01976/FLL – Proposed new farmhouse to replace existing at Parks of Keillour Farm, Keillour by Methven, PH1 3RB – Mr T Drake**

There was considered a Notice of Review submitted by the applicant's agent, Archid Architects Ltd, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for a proposed new farmhouse to replace the existing farmhouse at Parks of Keillour Farm, Keillour by Methven.

Mr M Stewart 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 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) by unanimous decision, the decision of the Appointed Officer be overturned and the application for the erection of the proposed new farmhouse to replace the existing farmhouse at Parks of Keillour Farm, Keillour, by Methven, be approved subject to conditions to be drafted by the Planning Adviser, incorporating Perth and Kinross Council's standard conditions for this form of development and also including an occupancy condition restricting the occupancy of the farmhouse to the operation of the farm.

**(iv) TCP/11/16(21)**  
**Planning Application 09/01679/FLL – Installation of a swimming pool at Thornhill, Ferntower Road, Crieff, PH7 3BX – Mr and Mrs Reid**

There was considered a Notice of Review submitted by the applicant's agent, Arum Resources Ltd, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the installation of a swimming pool at Thornhill, Ferntower Road, Crieff.

Mr M Stewart 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 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.

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- (ii) by unanimous decision, the Appointed Officer's decision be upheld insofar as the application for the installation of a swimming pool at Thornhill, Ferntower Road, Crieff be refused, for reasons 1 and 3 given in the Report of Handling.

(v) **TCP/11/16(22)**  
**Planning Application 09/01843/FLL – Installation of windows (in retrospect) at Weaver's Beam, Perth Road, Dunning, PH2 0RY – Mrs B Jones**

There was considered a Notice of Review submitted by the applicant's agent, Elements Architecture Ltd, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the installation of windows (in retrospect) at Weaver's Beam, Perth Road, Dunning.

Mr M Stewart 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 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) by unanimous decision, the Appointed Officer's decision be upheld, the application for the installation of the windows (in retrospect) at Weaver's Beam, Perth Road, Dunning, be refused for the reasons previously applied but only for the east and north ground floor elevation windows. (Windows 1 to 4 inclusive, as indicated on the submitted drawings)

**Note:** The Local Review Body requested that the applicant be advised to submit a revised application for the replacement of the east and north ground floor elevation windows. (Windows 1 to 4 inclusive, as indicated on the submitted drawings)

(vi) **TCP/11/16(15)**  
**Planning Application 09/00436/FLL – Erection of a dwellinghouse on land east of Ruthven Yard, Abbey Road, Auchterarder – Mr and Mrs A MacPherson (Art. 199(ii)/10)**

There was considered a Notice of Review submitted by the applicant's agent, Mrs A Gaunt, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the erection of a dwellinghouse on land east of Ruthven Yard, Abbey Road, Auchterarder.

Mr M Stewart 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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It was noted that, at its meeting on Tuesday 6 April 2010, the Local Review Body agreed that a site visit, to be attended by the three members (plus reserve) constituting the meeting of the Local Review Body due to take place on 11 May 2010, should be arranged. It was noted that this site visit had taken place.

**Decision:**

Resolved that:

- (i) by unanimous decision, the Appointed Officer's decision be overturned and the application for the erection of a dwellinghouse on land east of Ruthven Yard, Abbey Road, Auchterarder be approved, subject to conditions to be drafted by the Planning Adviser, incorporating Perth and Kinross Council's standard conditions for this form of development, and including a condition requiring that the house and workshop should not be sold separately. A Section 75 Agreement on an education contribution was required.

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