

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 29 March 2011 at 10.00am.

Present: Councillors M Lyle (except Art. (Item 4(i))), L Caddell (only for Art. (Item 4(i))), I Campbell and W Lumsden.

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

Also Attending: Members of the public, including agents and applicants; and N Brian, G Peebles and J Russell (all the Environment Service).

Councillor M Lyle, Convener, Presiding.

174. DECLARATIONS OF INTEREST

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

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

175. MINUTE OF PREVIOUS MEETING

The Minute of meeting of the Local Review Body of 1 March 2011 was submitted and noted.

176. APPOINTMENT OF ACTING CONVENER

Councillor M Lyle, having declared a non-financial interest in the first item being considered, left the Chambers at this point and took no part in the discussion and decision thereof.

COUNCILLOR L CADDELL ENTERED THE CHAMBERS AT THIS POINT.

The Convener and Vice-Convener of the Local Review Body both being absent, it was necessary to appoint someone to act as Convener to the Local Review Body for the purposes of hearing the following application.

Councillor I Campbell nominated Councillor W Lumsden, seconded by Councillor L Caddell.

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

177. DEFERRED APPLICATION FOR REVIEW

- (i) **TCP/11/16(80)**
Planning Application 10/01224/FLL – Installation of 2 225kw ACSA wind turbines at Dunduff House, Braco Castle Farm, Braco, FK15 9LA – N Muir

Members considered a Notice of Review submitted by the applicants' agents, Maple Leaf Architecture Ltd, seeking a review of the decision by the appointed officer to refuse permission for the installation of 2 225kw ACSA wind turbines at Dunduff House, Braco Castle Farm, Braco, FK15 9LA.

It was noted that, at its meeting on 28 January 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) further information be requested from the applicant with regard to visual impact, in particular a zone of theoretical visibility map for a 15km radius with wireline drawings and/or photomontages.
- (iii) an unaccompanied site visit be arranged.
- (iv) a Hearing be convened to address the issue of visual impact.

The Legal Adviser, C Elliott, explained that the further information requested on 28 January 2011 from the applicant had not and will not be produced. This review had been brought back to the Local Review Body to determine what procedure should now be followed.

The Planning Adviser, M Stewart explained that a drawing had been submitted. That drawing, No AL(0-002) was distributed to members.

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 comment on the additional information provided by the Applicant.
- (iii) an unaccompanied site visit be arranged.
- (iv) a Hearing be convened to address the issue of visual impact.

COUNCILLOR L CADDELL LEFT THE CHAMBERS AT THIS POINT.

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

178. APPLICATIONS FOR REVIEW

(i) TCP/11/16(85)

Planning Application 10/01318/FLL – Change of use of part of an existing residential curtilage to store 6 campervans in connection with campervan hire business at Birch House, Church Lane, Bankfoot – Big Tree Campervans Ltd

Members considered a Notice of Review submitted by the applicant seeking a review of the decision by the appointed officer to refuse permission for the change of use of part of an existing residential curtilage to store 6 campervans in connection with campervan hire business.

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 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 overturned and the application for the change of use of part of an existing residential curtilage to store 6 campervans in connection with campervan hire business be approved, subject to the imposition of appropriate conditions, including:
 - (a) conditions contained in Memo dated 6 September 2010 from the Environmental Health Manager, Perth and Kinross Council;
 - (b) conditions proposed by the applicant in the document "Reasons for Asking Local Review Body to Review Decision" submitted with the application for Notice of Review; and
 - (c) a condition limiting the number of campervans to 6.

Justification

1. The proposal is not contrary to Policy 71 of the Perth Area Local Plan in that it provides for small-scale tourism and leisure activities.
2. The proposal is not contrary to the Perth Area Local Plan 1995 in that it will not establish a precedent for developments of a similar nature.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
29 March 2011

(ii) TCP/11/16(86)
Planning Application 10/01509/FLL – Extension to form new entrance and kitchen at The Cottage, Forteviot, PH2 9BT – Mr and Mrs Bergius

Members considered a Notice of Review submitted by the applicants seeking a review of the decision by the Appointed Officer to refuse permission for an extension to form new entrance and kitchen at The Cottage, Forteviot, PH2 9BT.

Mr M Stewart displayed photographs of the site in question and described the request by the applicants, 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 to form new entrance and kitchen at The Cottage, Forteviot, PH2 9BT be refused, for the reasons previously applied by the Development Quality Manager.

(iii) TCP/11/16(89)
Planning Application 10/01627/FLL – Replacement of 5 windows at 142D South Street, Perth, PH2 8PA – Mr J Batchford

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 replacement of 5 windows at 142D South Street, Perth, PH2 8PA.

The Planning Adviser 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:

- (i) having regard to the information available, sufficient information was before the Local Review body to determine the matter without further procedure.

And Resolved by majority decision that:

- (ii) the Appointed Officer's decision be upheld, and the application for the replacement of 5 windows at 142D South Street, Perth, be refused, for the reasons previously applied by the Development Quality Manager.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
29 March 2011

- (iv) **TCP/11/16(90)**
Planning Application 10/01872/FLL – Alterations and extension to existing dwellinghouse at Distillery House, Milton of Edradour, PH16 5JP – Mr A Symington

Members considered a Notice of Review submitted by the applicant's agent, Mr C A Smith, Architect – CASA, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for alterations and extension to existing dwellinghouse at Distillery House, Milton of Edradour, PH16 5JP.

The Planning Adviser 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 by unanimous decision that:

- (i) there was insufficient information before the Local Review Body to decide the matter without further procedure, and the application was duly deferred to a future meeting of the Local Review Body.
- (ii) an accompanied site visit be arranged, with the agent being requested to peg out the site prior to the visit taking place.

179. REQUEST FOR AGREEMENT OF CONDITIONS

- (i) **TCP/11/16(2)**
Planning Application 09/00733/FLL – Erection of a dwellinghouse at Wester Camghouran, South Loch Rannoch, PH17 2QG – Mr and Mrs Murray

Members were advised that the above application had been approved by the Local Review Body on 5 January 2010, subject to conditions, etc to be drawn up by the Planning Adviser, in consultation with the Head of Planning, such conditions to be submitted to a future meeting of the Local Review Body for agreement.

Decision:

Resolved by unanimous decision that:

Conditions attached to the Draft Review Decision Notice for Planning Application 09/00733/FLL, for the erection of a dwellinghouse at Wester Camghouran, South Loch Rannoch, PH17 2QG, be approved.

180. DEFERRED APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(78)**
Planning Application 10/00950/FLL – Demolish existing structurally unsound extension and erect replacement, thereby supporting existing building and disguise outward signs of subsidence – Mr R Cameron

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 to demolish existing structurally unsound extension and erect replacement, thereby supporting existing building and disguise outward signs of subsidence.

It was noted that, at its meeting on 1 March 2011, the Local Review Body resolved that:

- (i) following a request from N Brian, Development Quality Manager, the application be deferred to a future meeting of the Local Review Body, for clarification of the drawings to be considered with the review application.

Decision:

By unanimous 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) the Appointed Officer's decision be upheld, and the application to demolish existing structurally unsound extension and erect replacement, thereby supporting existing building and disguise outwards signs of subsidence, be refused, for the reasons previously applied by the Development Quality Manager.

- (ii) **TCP/11/16(65)**
Planning Application 10/01060/FLL – Erection of chalet at The Bungalow, East Haugh, Pitlochry, PH16 5TB – Mr A Drummond 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 of the Council to refuse permission for the erection of chalet at The Bungalow, East Haugh, Pitlochry, PH16 5TB.

It was noted that, at its meeting on 1 February 2011, the Local Review Body resolved that:

- (i) On a majority decision, the application be deferred to a future meeting of the Local Review Body, to allow the Applicant's Agent to submit a written statement detailing the precise intended use for the proposed building, with any written statement being copied to the Appointed Officer for comment.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
29 March 2011

Decision:

By unanimous decision resolved that:

The Appointed Officer's decision be overturned and the application for the erection of chalet at The Bungalow, East Haugh, Pitlochry, PH16 5TB, be approved subject to satisfactory planning conditions and possible legal agreement including a restriction for holiday use only and that the use of the chalet is ancillary to the cottage.

Justification

The proposal accords with the Development Plan including as it is compatible with its surroundings and that there is sufficient open space surrounding the site.

(iii) **TCP/11/16(81)**

Planning Application 10/00968/FLL – Demolition of cottage and erection of 8 care cottages, 8 care apartments, 2 garages and formation of road and associated parking at Stonefield, Golf Course Road, Blairgowrie, PH10 6LJ – Argus Construction

Members considered a Notice of Review submitted by the applicants' agents, Messrs Yeoman McAllister, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the demolition of cottage and erection of 8 care cottages, 8 care apartments, 2 garages and formation of road and associated parking at Stonefield, Golf Course Road, Blairgowrie, PH10 6LJ.

It was noted that, at its meeting on 1 March 2011, the Local Review Body resolved that an unaccompanied site visit be arranged and, following the site visit, the application be brought back to a future meeting of the Local Review Body.

Decision:

By unanimous 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) the application for the demolition of cottage and erection of 8 care cottages, 8 care apartments, 2 garages and formation of road and associated parking at Stonefield, Golf Course Road, Blairgowrie, PH10 6LJ, be refused, for the following reasons:
 1. The proposal is contrary to the Eastern Area Local Plan 1998, Policy 56 in that, insofar as it relates to the proposed apartment block, it would have a significant adverse effect on the amenity of the area due to its massing and due to overlooking.

~~~~~