

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 30 August 2011 at 10.00am.

Present: Councillors M Lyle (excluding Items 3(i) TCP/11/16(116) – 11/01442/FLL) and 4(i) TCP/11/16(125 – 11/02191/FLL) (Arts. 465(i) and 466(i), B Band (Arts, 465(i) and 466(i) only), I Campbell and W Wilson.

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

Also Attending: Members of the public, including agents and applicants and N Brian (the Environment Service).

Councillor M Lyle, Convener, Presiding.

463. DECLARATIONS OF INTEREST

Councillor M Lyle declared a non-financial interest in Items 3(i) TCP/11/16(116) – 11/01442/FLL and 4(i) TCP/11/16(125) – 11/0219/FLL on the agenda (Arts. 465(i) and 466(i)).

464. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Local Review Body of 26 July 2011 was submitted and noted.

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

HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING APPLICATIONS, 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 applications.

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

Councillor B Band was thereby appointed Acting Convener of the Local Review Body for the purposes of hearing Items 3(i) TCP/11/16(116) – 11/01442/FLL and 4(i) TCP/11/16(125) – 11/0219/FLL (Arts. 465(i) and 466(i)).

465. DEFERRED APPLICATION FOR REVIEW

Site Visit:

(i) TCP/11/16(116)

Planning Application 10/01442/FLL – Erection of a 1 x 330kW wind turbine at Feddal Farm, Braco - Mr Mark Spurway

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a 1 x 330kW wind turbine at Feddal Farm, Braco.

The Planning Adviser 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.

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

Decision:

Agreed by unanimous decision that, having regard to the material before the Local Review Body, and to their own assessment from their attendance at the site visit on 24 August 2011, sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by majority decision that:

- (i) the Appointed Officer's decision be overturned and the application for the erection of a 1 x 330kW wind turbine at Feddal Farm, Braco be approved, subject to the imposition of appropriate conditions, including a condition regarding the control of noise from the wind turbine.

Justification

The proposal is not contrary to the Development Plan.

Note: Councillor I Campbell considered that the proposal was contrary to Environment and Resource Policies 4 and 14 of the Perth and Kinross Structure Plan 2003 as well as Policies 2, 3 and 11 of

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
30 AUGUST 2011

the Strathearn Area Local Plan 2001 and there were no material considerations which would justify a departure therefrom.

466. APPLICATIONS FOR REVIEW

(i) TCP/11/16(125)

Planning Application 11/02191/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.

The Planning Adviser 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 by unanimous decision 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;
- (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.

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

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

(ii) TCP/11/16(120)

Planning Application 11/00300/IPL – Residential development (in principle) at Midfield, Perth Road, Abernethy, PH2 9LW – Mr and Mrs Bett

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) at Midfield, Perth Road, Abernethy, PH2 9LW.

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.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
30 AUGUST 2011

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) at Midfield, Perth Road, Abernethy, PH2 9LW be refused, for the reason previously applied by the Development Quality Manager, namely:
The proposal is contrary to Policy 2 of the Perth Area Local Plan as it represents built development on land adjoining and outwith the village settlement of Abernethy.

(iii) TCP/11/16(123)

Planning Application 11/00269/FLL – Alteration and extension to dwellinghouse at 33 Poplar Crescent, Perth, PH1 1HR – Mr S Crichton

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the alteration and extension to dwellinghouse at 33 Poplar Crescent, Perth, PH1 1HR.

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 alteration and extension to dwellinghouse at 33 Poplar Crescent, Perth be refused, for the reason previously applied by the Development Quality Manager, namely:
The proposed development is contrary to Policy 41 in the Perth Area Local Plan 1995, which seeks to protect residential amenity standards, by virtue of the excessive scale of the extension and its proximity to adjacent residential property with the consequent loss of daylighting, overlooking with facing side

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
30 AUGUST 2011

windows, loss of privacy and the loss of two parking spaces all seriously detrimental to maintaining acceptable residential amenity standards within established residential areas.

(iv) TCP/11/16(124)

Planning Application 11/00180/FLL – Change of use from garden ground to hardstanding for commercial purposes (in retrospect) at 4 Smith Street, Kinross, KY13 8DD – Mr J Wardrope

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the change of use from garden ground to hardstanding for commercial purposes (in retrospect) at 4 Smith Street, Kinross, KY13 8DD.

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 change of use from garden ground to hardstanding for commercial purposes (in retrospect) at 4 Smith Street, Kinross, KY13 8DD be approved, subject to the imposition of appropriate conditions, including a condition to replace the felled trees and provide soft landscaping.

Justification

The proposal will preserve and enhance the Kinross Conservation Area.

Note: Councillor M Lyle considered that the proposal was contrary to S64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and there were no material considerations which would justify a departure therefrom.

467. DEFERRED APPLICATION FOR REVIEW

Site Visit and Hearing:

(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, 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.

The applicant's landscape architect displayed photomontages of the proposal from a number of key viewpoints and summarised the applicant's case.

The Appointed Officer summarised his position which rested on the papers submitted previously.

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;
- (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.

Decision:

Resolved by unanimous decision 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

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
30 AUGUST 2011

- applicant's agents, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (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.

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