

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 November 2011 at 10.00am.

Present: Councillors M Lyle, I Campbell and T Gray.

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

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

Councillor M Lyle, Convener, Presiding.

639. DECLARATIONS OF INTEREST

There were no declarations of interest in terms of the Councillors' Code of Conduct.

640. MINUTE OF LAST MEETING

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

641. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(142)**
Planning Application 11/00965/FLL – Erection of a dwellinghouse at Airds, School Road, Forgandenny, PH2 9EL – Strathallan School

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 at Airds, School Road, Forgandenny, PH2 9EL.

C Elliott, Solicitor, asked members to note the following errors in the papers:

Page 43, the Decision Letter dated 26 August 2011 incorrectly refers to the Perth Central Area Local Plan 1997 whereas it should be the Perth Area Local Plan 1995 (amended by Alteration No1 – Housing Land 2000), and incorrectly refers to Historic Scotland's Memorandum of Guidance whereas it should be the Scottish Historic Environment Policy.

Page 39, the Report of Handling correctly refers to the Perth Area Local Plan 1995, however, the first sentence of Policy 24 is incorrect

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and should read instead: 'Proposals Map A identifies existing Conservation Areas whose architectural or historical character will be retained'.

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

(ii) TCP/11/16(143)

Planning Application 11/01025/FLL – Installation of replacement windows at 31 John Street, Blairgowrie, PH10 6HW – Mr G Tosh

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the installation of replacement windows at 31 John Street, Blairgowrie, PH10 6HW.

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 installation of replacement windows at 31 John Street, Blairgowrie, PH10 6HW be approved, subject to the imposition of appropriate conditions.

Note: Councillor I Campbell considered that the proposal was contrary to Policy 56 of the Eastern Area Local Plan 1998, Environmental Resource Policy 8 of the Perth and Kinross Structure Plan 2003, and Historic Scotland's Technical Guidance Notes in that it would constitute an adverse impact on the character and amenity of the Blairgowrie Conservation Area, by virtue of the use of uPVC as the construction and finishing material.

- (iii) **TCP/11/16(144)**
Planning Application Review of Conditions 4 and 5 on planning permission 11/00646/FLL for change of use of Unit 11 to manufacturing and workshop and Unit 13 to office and store at Cultybraggan Training Camp, Comrie – Mr A Freestone

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to delete Conditions 4 and 5 on planning permission 11/00646/FLL for change of use of Unit 11 to manufacturing and workshop and Unit 13 to office and store at Cultybraggan Training Camp, Comrie.

The Planning Adviser displayed photographs of the site in question and described the proposal, the reasons for the Appointed Officer's refusal of the request 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 request for the deletion of Conditions 4 and 5 on planning permission 11/00646/FLL for change of use of Unit 11 to manufacturing and workshop and Unit 13 to office and store at Cultybraggan Training Camp, Comrie be refused.

- (iv) **TCP/11/16(146)**
Planning Application 11/00188/FLL – Erection of a wind turbine at Middleton, Fossoway, KY13 0PB – Strathtyrum & Fossoway Farms

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 Middleton, Fossoway, KY13 0PB.

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) the applicant be requested to provide a Zone of Theoretical Visibility Study (ZTV) and photomontages demonstrating the impact of the proposed wind turbine from viewpoints on the A91, such viewpoints to be agreed with Mr D Harrison, Planning Adviser.

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- (iii) following submission of the ZTV and photomontages the Council's Appointed Officer be given the opportunity to comment thereon.
- (iv) following receipt of the Appointed Officer's comments on the ZTV and photomontages, an unaccompanied site visit be arranged.
- (v) following the unaccompanied site visit, the application be brought back to a future meeting of the Local Review Body.

642. DEFERRED APPLICATIONS FOR REVIEW

Written Submission and Accompanied Site Visit

- (i) **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 described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review. Photographs of the site in question were also available.

It was noted that, at its meeting on 27 September 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) 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.
- (iv) 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, their own assessment from their attendance at the site visit on 22 November 2011, the Written Submission by the Environment Service and the Response to the Written Submission by the Applicant, sufficient information was before

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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 the erection of a Manager's House and Garage at land 270 metres north west of Baltree Farm, Hatchbank, Kinross be refused, for the reasons previously applied by the Development Quality Manager, namely:

1. The proposal is contrary to Policy 48 of the Kinross Area Local Plan 2004 as it consists of the erection of a dwelling outwith the settlement boundaries contained within the Local Plan.
2. The proposal is contrary to Policy 64 of the Kinross Area Local Plan 2004 as it does not comply with any of the accepted criterion within categories (a) Building Group (b) Renovation or Replacement (c) Conversions or (d) Operational Need.
3. The proposal is contrary to the Council's policy on Housing in the Countryside (2009) as it does not satisfy any of the accepted categories (1) Building Groups (2) Infill sites (3) New Houses in the Open Countryside (4) Renovation or Replacement of Houses (5) Conversion or Replacement of Non-Domestic Buildings and (6) Brownfield Sites.
4. The proposal would establish a precedent for developments of a similar nature to the detriment of the overall character of the area thus undermine and weaken the established policies of the Kinross Area Local Plan 2004 and supplementary Council planning policy.

Note: Councillor T Gray considered that the proposal was not contrary to Policy 64 of the Kinross Area Local Plan 2004 in that it does comply with category (d) Operational Need.

Unaccompanied Site Visit

**(ii) TCP/11/16(138)
Planning Application 11/00891/IPL – Erection of a dwellinghouse
(in principle) at Sunnyside, Drum, Kinross, KY13 0PP – Mr A Wood**

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 Sunnyside, Drum, Kinross, KY13 0PP.

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.

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

- (i) there was insufficient information before the Local Review Body to determine the matter without further procedure.

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- (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.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and their own assessment from their unaccompanied site visit on 22 November 2011, sufficient information was before the Local Review Body to determine the matter without further procedure; and
- (ii) the Appointed Officer's decision be upheld, and the application for the erection of a dwellinghouse (in principle) at Sunnyside, Drum, Kinross, KY13 0PP be refused, for the reasons previously applied by the Development Quality Manager, subject to Reason 3 being amended as undernoted, namely:
 - 1. The proposals conflict with the objectives of the adopted Kinross Area Local Plan 48 in that the erection of a dwelling on a site immediately adjacent to the settlement boundary is proposed. The proposals would give rise to the proliferation of housing in the open countryside and would be visually damaging to the appearance and character of the countryside.
 - 2. The proposal would not meet any of the six stated exceptions set out in the Council's approved Housing in the Countryside Policy (2009), which provide for some limited new residential development in the countryside. Accordingly, the proposals would harmfully affect the appearance and character of the open countryside.
 - 3. The position of the new dwelling in close proximity to a new general purpose agricultural shed would create a poor standard of amenity for occupiers of any new dwelling with the potential for disturbance through use, noise, dust and smell. Such development if approved would conflict with the objectives of Policy 2 of the adopted Kinross Area Local Plan 2004.

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