

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 October 2013 at 10.00am.

Present: Councillors M Lyle, A Gaunt and J Giacobazzi.

In Attendance: D Harrison (Planning Adviser), C Elliott (Legal Adviser), P Frazer (Committee Officer) and J Frawley (all Chief Executive's Service).

Also Attending: Councillor H Anderson; C Brien (The Environment Service); members of the public, including agents and applicants.

Councillor M Lyle, Convener, Presiding

610. DECLARATIONS OF INTEREST

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

611. MINUTE OF LAST MEETING

The Minute of meeting of the Local Review Body of 24 September 2013 (Arts. 553-557) was submitted and noted.

612. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(273)
Planning Application 13/00871/FLL – Formation of hardstanding and siting of takeaway food van (in retrospect), land 10 metres north east of Leemar, Stirling Street, Blackford – Pakula.**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the formation of hardstanding and siting of a takeaway food van (in retrospect), on land 10 metres north east of Leemar, Stirling Street, Blackford.

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;

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- (ii) the Review Application for the formation of hardstanding and siting of a takeaway food van (in retrospect), on land 10 metres north east of Leemar, Stirling Street, Blackford be refused for the following reasons:-
1. The temporary nature of the takeaway van, located within an established residential garden is detrimental to the visual amenity of the area and therefore fails to improve the character or environment of the village as required by Policy 74(b) of the Strathearn Area Local Plan 2001 and Policy RD1 of the Proposed Local Development Plan 2012.
 2. The application site fronts onto the principal access serving a major industrial site (Highland Spring) and the proposed takeaway would result in on-street parking of cars and HGV's associated with these premises, thereby reducing the width of the carriageway and creating potentially hazardous circumstances of others accessing and servicing the industrial premises. Based on the assessment of the site, and the experience of the previous operation of the proposed takeaway van, the proposed development is not considered to be in the interest of public road safety.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

- (ii) **TCP/11/16(274)**
Planning Application 13/01092/FLL – Modification of condition no. 5 (occupancy) on planning permission 08/01449/FUL, Highland Adventure Safaris, Dull, Aberfeldy, PH15 2JQ

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the modification of condition no. 5 (occupancy) on planning permission 08/01449/FUL, Highland Adventure Safaris, Dull Aberfeldy, PH15 2JQ.

The Planning Adviser displayed photographs of the site 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;

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- (ii) the Review Application for the Modification of condition no. 5 (occupancy) on planning permission 08/01449/FUL, Highland Adventure Safaris, Dull, Aberfeldy, PH15 2JQ be refused for the following reason:
1. The proposed modified condition does not comply with the appropriate tests, notably regarding enforceability, as defined by the courts which are incorporated into Scottish Government Circular 4/1998. The modified condition is therefore ultra-vires and, if applied, would not be expected to retain sufficient control regarding use as holiday accommodation only. Removal of the existing occupancy condition and substitution with the modified condition would result in application 08/01449/FUL being contrary to Policy 32 of the Highland Area Local Plan 2000 and ED4 of the Proposed Perth and Kinross Local Development Plan and would result in the Council having no effective control over the occupancy of the units.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

- (iii) **TCP/11/16(275)**
Planning Application 13/00637/FLL – Modification of existing consent (10/02200/FLL), alterations, extension and sub division of property into two residential units (in retrospect), 12 Bank Street, Crieff, PH7 3JQ – Mr D Peebles

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission on application 13/00637/FLL for the modification of existing consent (10/02200/FLL), alterations, extension and sub division of property into two residential units (in retrospect), 12 Bank Street, Crieff, PH7 3JQ.

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 Review application relating to planning application 13/00637/FLL for the modification of existing consent (10/02200/FLL), alterations, extension and sub division of property into two residential units (in retrospect), 12 Bank Street,

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Crieff, PH7 3JQ be upheld and planning permission granted for the retention of the existing UPVC windows. Having assessed the fenestration of the proposed windows and the nature of development in the immediate locality with specific reference to windows, the development was not considered to fail to preserve the character and amenity of the Crieff Conservation Area and, in that context, was not considered to be contrary to Policy 71 of the Strathearn Area Local Plan.

(iv) TCP/11/16(276)
Planning Application 11/01485/FLL - Erection of three wind turbines, Ardlebank Farm, Ballintuim, Blairgowrie, PH10 7NQ – Mr Graeme Richardson

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of three wind turbines, Ardlebank Farm, Ballintuim, Blairgowrie, PH10.

The Planning Adviser introduced the proposal.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) an unaccompanied site visit be carried out; and
- (iii) following the unaccompanied site visit, the application be brought back to a future meeting of the Local Review Body.

(v) TCP/11/16(277)
Planning Application 13/00962/IPL – Erection of a dwellinghouse (in principle), North Lodge of Orchil, Braco, Dunblane, FK15 9LG - Dr I Colquhoun

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of a dwellinghouse (in principle), North Lodge of Orchil, Braco, Dunblane, FK15 9LG.

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.

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;

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- (ii) the Review Application for the Erection of a dwellinghouse (in principle), North Lodge of Orchil, Braco, Dunblane, FK15 9LG be refused for the following reasons:
1. The proposal is contrary to the Council's approved Housing in the Countryside Guide 2012 and Policy RD3 of the Proposed Perth and Kinross Local Development Plan in that the proposed development is not supported by any of the categories identified within the Council's Housing in the Countryside Guide, 2012.
 2. The proposal is contrary to Policy 54 of the adopted Strathearn Area Local Plan 2001, and the Housing in the Countryside Guide 2012, in that it is not supported by any of the categories identified in the policy.
 3. The proposal is contrary to clause (h) of Policy 2 (Development Criteria) of the Strathearn Area Local Plan 2001 in that the proposed development would not be in a settlement that is subject to an inset map.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

- (vi) **TCP/11/16(279)**
Planning Application 13/01230/FLL – Erection of wind turbine and ancillary works, land 700 metres south of Glenbran Farm, Abernyte

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of wind turbine and ancillary works, land 700 metres south of Glenbran Farm, Abernyte.

The Planning Adviser introduced the proposal.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure;
 - (ii) an unaccompanied site visit be carried out; and
 - (iii) following the unaccompanied site visit, the application be brought back to a future meeting of the Local Review Body.
- (vii) **TCP/11/16(282)**
Planning Application 13/01157/FLL – Alterations and extension to dwellinghouse, 26 Coltward, Campmuir, Blairgowrie, PH13 9JF - Mrs & Mrs Martin.

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Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for alterations and extension to dwellinghouse, 26 Coltward, Campmuir, Blairgowrie, PH13 9JF.

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 Review application for alterations and extension to dwellinghouse, 26 Coltward, Campmuir, Blairgowrie, PH13 9JF be upheld subject to suitable conditions including the use of natural slate and wet dash render to match the existing house.

Justification

The proposal is in accordance with the Development Plan, particularly in light of the scale and form of the adjoining properties.

613. DEFERRED APPLICATIONS FOR REVIEW

Unaccompanied Site Visit

- (i) **TCP/11/16(271)
Planning Application 13/00762/FLL – Erection of a dwellinghouse and garage, land 20 metres north west of Balleave Farm Cottage, Kinross**

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 and garage, land 20 metres north west of Balleave Farm Cottage, Kinross.

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 24 September 2013, the Local Review Body resolved that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure;

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- (ii) an unaccompanied site visit be carried out; and
- (iii) following the unaccompanied site visit, the application be brought back to a future meeting of the Local Review Body.

Decision:

Agreed by majority decision that, having regard to the unaccompanied site visit that was undertaken on 28 October 2013 and the material before the Local Review Body, sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by majority decision that the Review Application for the erection of a dwellinghouse and garage, land 20 metres north west of Balleave Farm Cottage, Kinross be refused for the following reason:

1. The proposal is contrary to Policy 64 of the Kinross Area Local Plan 2004, Policy RD3 of the Proposed Perth and Kinross Local Development Plan 2012 and the Housing in the Countryside Guide 2012; the site fails to satisfy the associated policy siting criteria through a lack of established landscape boundary definition or topographical site containment. The sub-division of a field or newly planted hedge or tree belt in order to create a site, does not result in an acceptable proposal in terms of meeting these requirements.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

Note: Councillor J Giacopazzi dissented from the majority view. He considered that on balance the proposal was not contrary to Policy 64, regarding operational need and that whilst the site does not have an adequate landscape framework presently, the proposed development would not have an adverse impact on the visual amenity of the area by virtue of its rural location and relationship with the adjoining property.

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