

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 24 September 2013 at 10.00am.

Present: Councillors M Lyle, H Anderson and A Gaunt.

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

Also attending: Members of the public, including agents and applicants.

Councillor M Lyle, Convener, Presiding

553. DECLARATIONS OF INTEREST

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

554. MINUTE OF LAST MEETING

The Minute of meeting of the Local Review Body of 27 August 2013 (Arts. 482-484) was submitted, approved as a correct record and authorised for signature.

555. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(269)
Planning Application 13/00435/FLL – Erection of a dwellinghouse, land 20 metres south west of Fungarth Farm Cottage, Dunkeld – Atholl Estates**

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, land 20 metres south west of Fungarth Farm Cottage, Dunkeld.

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:

- (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 provide further information to the Local Review Body on whether the Scottish Environment Protection Agency and Scottish Natural Heritage had been consulted and, if so, what their comments were, and if not, to obtain a consultation response from each organisation regarding this proposal;

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- (iii) the Roads Authority be asked to confirm whether or not the access improvements it is seeking relate to west or east or both of the access points onto the A923;
- (iv) the agent/applicants be invited to provide revised comments on the now determined planning application for the proposed house immediately to the south of the application site (13/01349/FLL) which was pending at the time of the Notice of Review submission;
- (v) following receipt of all further information and responses, the application be brought back to a future meeting of the Local Review Body.

(ii) TCP/11/16(270)
Planning Application 13/00951/FLL – Change of use of boating retreat building to holiday let, The Croft, Fearnan, Aberfeldy, PH15 2PF – Mr and Mrs A Douthwaite

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the change of use of boating retreat building to holiday let, The Croft, Fearnan, Aberfeldy, PH15 2PF.

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;
- (ii) the Review Application for the change of use of boating retreat building to holiday let, The Croft, Fearnan, Aberfeldy, PH15 2PF be refused for the following reason:
The proposed change of use to holiday letting accommodation could set an inappropriate precedent for further similar development along the shore of Loch Tay to the detriment of the amenity of the area. The introduction of holiday letting accommodation on land outwith the settlement between the public road and the loch does not accord with the established character and use of this foreshore area for domestic purposes ancillary to the associated houses within Fearnan. The proposal is therefore contrary to (i) Policy 2 of the Highland Area Local Plan 2000 which seeks to ensure that development reflects the character of the area and does not result in significant harm to the amenity of the area; and (ii) Policy 45 of the Highland Area Local Plan 2000 (Development Adjacent to Settlements).

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Justification

The decision is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

(iii) 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 – Mr S Mullan

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.

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.

(iv) TCP/11/16(272)

Planning Application 13/00259/IPL – Demolition of farm bothy and farm buildings and residential development (in principle), Farm Bothy, Damside Farm, Kinrossie, Perth, PH2 6HZ – Miller Farms

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the demolition of farm bothy and farm buildings and residential development (in principle), Farm Bothy, Damside Farm, Kinrossie, Perth, PH2 6HZ.

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 demolition of farm bothy and farm buildings and residential development (in principle), Farm Bothy, Damside Farm, Kinrossie, Perth, PH2 6HZ be refused for the following reasons:
1. As the site does not have a good, existing landscape framework, the proposal is contrary to Policy 1 of the Perth Area Local Plan 1995 (Incorporating Alteration No. 1, Housing Land 2000), which seeks (amongst other things) to ensure that all new sites have a good landscape framework which is capable of absorbing the development which is proposed.
 2. The proposal is contrary to Policy 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No. 1, Housing Land 2000) as the proposal does not accord with any of the acceptable categories of development i.e. (a) development zones (b) building groups (c) renovation of abandoned houses (d) replacement houses (e) conversion of non-domestic buildings (f) operational need.
 3. The proposal is contrary to the Council's Housing in the Countryside Guide (2012) as the proposal does not accord with any of the acceptable categories of development i.e. (1) Building Groups (2) Infill Sites (3) New houses in the open countryside (4) Renovation or Replacement (5) Conversion or Replacement of Redundant Non-Domestic buildings or (6) Rural Brownfield Land.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify approval of the planning application.

FOLLOWING A SHORT ADJOURNMENT, THE LOCAL REVIEW BODY RECONVENED.

556. DEFERRED APPLICATIONS FOR REVIEW

Further Written Submissions And Site Visit

(i) TCP/11/16(251)

Planning Application 12/02067/FLL – Erection of a wind turbine and associated infrastructure on land 800 metres north east of Roundlaw Farm Cottage, Trinity Gask – Mr J Roberts

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 and associated infrastructure on land 800 metres north east of Roundlaw Farm Cottage, Trinity Gask.

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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 shown and the photomontages at A3 size were also available.

It was noted that, at its meeting on 2 July 2013, the Local Review Body resolved that:

- (i) an unaccompanied site visit be arranged;
- (ii) further information be requested from Perth and Kinross Council's Landscape Architect to provide a more extensive analysis of his assessment of the proposal and the information on landscape and visual impact submitted by the applicant;
- (iii) further information be requested from the applicant on:
 - (a) quantifying the projected economic benefit of the proposal to the estate and the local economy in more specific detail;
 - (b) which areas of forestry are in the control of the applicant; and
 - (c) whether there are Forestry Management Plans in place and, if so, what relevance do these Plans have in relation to the phasing of felling and restocking over the prospective duration of the proposal and landscape and visual impact;
- (iv) following receipt of further written submissions and the unaccompanied site visit, the application be brought back to a future meeting of the Local Review Body.

Decision:

Resolved by unanimous decision that having regard to the material before the Local Review Body and their own assessment from their unaccompanied site visit on 18 September 2013, sufficient information was before the Local Review Body to determine the matter without further procedure; and

Resolved by majority decision that the Review Application for the erection of a wind turbine and associated infrastructure on land 800 metres north east of Roundlaw Farm Cottage, Trinity Gask be refused for the following reasons:

1. As the proposed turbine will have a significant adverse impact on the visual amenity of the area, which is presently enjoyed by a host of receptors including (but not exclusively) existing residential properties and visiting recreational users, the proposal is contrary to Policy 2 of the Streathearn Area Local Plan 2001, which seeks to protect existing (visual) amenity from new developments within the landward area from inappropriate renewable energy developments.
2. As the proposed turbine will potentially have a significant adverse impact on the residential amenity of existing residential

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properties (by virtue of the turbine's appearance and scale when viewed from their properties), the proposal is contrary to Policy 2 of the Strathearn Area Local Plan 2001, which seeks to protect existing (residential) amenity from new developments within the landward area.

3. As the proposal will have a detrimental impact on the sensitive landscape associated with the Gask Ridge, the proposal is contrary to Policy 3 of the Strathearn Area Local Plan 2001, which seeks to conserve local landscapes from inappropriate developments.
4. The approval of this proposal would establish an undesirable precedent for similar sized developments within the local area, which would be to the detriment of the overall visual character of the area, and which in turn could potentially undermine (and weaken) the established Development Plan relevant policies.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which merit approval of the planning application.

Note: Councillor M Lyle dissented from the majority view. He considered that the proposal was not contrary to Policy 2 of the Strathearn Area Local Plan 2001 as the proposed turbine would not have a significant adverse impact on the visual amenity of the area (by virtue of its appearance and scale when viewed from other properties).

**(ii) TCP/11/16/11/16(256)
Planning Application 12/01934/FLL – Erection of a wind turbine,
meter house and associated access track at The Corb, Bridge of Cally,
Blairgowrie, PH10 7JX – Mr N Bailey**

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, meter house and associated access track at The Corb, Bridge of Cally, Blairgowrie, PH10 7JX.

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 shown.

It was noted that, at its meeting on 6 August 2013, the Local Review Body resolved that:

- (i) The applicant's agent be requested to provide a single plan at 1:50,000 scale indicating the positions of the existing turbines forming the Drumderg windfarm, the approved position of the 4 No. wind turbines at Welton of Creuchies and the proposed wind turbine at The Corb on an Ordnance Survey base;

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- (ii) Following submission of the single plan, and subsequent consultation with interested parties, an unaccompanied site visit be arranged.

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 18 September 2012, sufficient information was before the Local Review Body to determine the matter without further procedure; and
- (ii) the Appointed Officer's decision be overturned, and the application for the erection of a wind turbine, meter house and associated access track at The Corb, Bridge of Cally, Blairgowrie, PH10 7JX be upheld subject to the prior conclusion of a Section 75 Agreement to make provision for the decommissioning of the proposed turbine to accord with Policy 9 of the Eastern Area Local Plan and the imposition of appropriate conditions, including noise control and aviation lighting.

557. REVISED DRAFT STANDING ORDERS FOR THE REGULATION OF PROCEEDINGS AND DRAFT GUIDANCE NOTE ON PROCEDURES FOR THE LOCAL REVIEW BODY

There was submitted the revised Draft Standing Orders for the Regulation of Proceedings and Draft Guidance Note on Procedures for the Local Review Body. Following the implementation of The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, the opportunity has been taken to review and update the Standing Orders for the Regulation of Proceedings and the Guidance Note on Procedures for the Local Review Body.

Members of the Local Review Body, together with Mr G Fogg, Solicitor, undertook to comment on the revised Draft Standing Orders and Draft Guidance Note. It was noted that D Harrison had already submitted his suggested revisals and these had been incorporated into the drafts.

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