

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 1 April 2014 at 10.00am.

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

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

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

Councillor M Lyle, Convener, Presiding

206. DECLARATIONS OF INTEREST

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

207. MINUTE OF LAST MEETING

The Minute of meeting of the Local Review Body of 4 March 2014 was submitted and noted.

208. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(293)
Planning Application 13/01546/FLL – Removal of condition No 2
from planning consent 13/00159/FLL to enable agricultural unit to
be used to house livestock – Mr Shortreed**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the removal of condition No 2 from planning consent 13/00159/FLL to enable agricultural unit to be used to house livestock.

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 Appointed Officer's decision be upheld, and the application for the removal of condition No 2 from planning consent 13/00159/FLL to enable agricultural unit to be used to house livestock be refused, for the following reason, namely:
1. The removal of Condition 2 would be detrimental to the residential amenity of the nearby houses in terms of odour and noise associated with the use of the building for housing livestock. As such, the proposal is considered to be contrary to Policies PM1A and EP8 of the Perth and Kinross Council Local Development Plan 2014.

Justification

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

209. DEFERRED APPLICATIONS FOR REVIEW

Deferred for a Site Visit by the Local Review Body Members and Comments on Photographs prepared by the Planning Adviser.

- (i) **TCP/11/16(276)
Planning Application 11/01485/FLL – Erection of three wind turbines, Ardlebank Farm, Ballintuim, Blairgowrie, PH10 7NQ – Mr G 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, at Ardlebank Farm, Ballintuim, Blairgowrie, PH10 7NQ.

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, showing views of the site, and views to the site from part of the Cateran Trail, were also displayed.

It was noted that, at its meeting on 29 October 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;
- (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.

It was also noted that, at its meeting on 28 January 2014, the Local Review Body resolved that:

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- (i) having regard to the material before the Local Review Body, the issue of a further sixteen photographs which were taken by the Local Review Body's Planning Adviser showing views of the site, and views to the site from part of the CATERAN TRAIL, and their own assessment from their unaccompanied site visit on 21 January 2014, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) all interested parties, having been issued with a set of the sixteen photographs taken by the Planning Adviser will be offered the opportunity to submit further representations on this material to the Local Review Body;
- (iii) the applicant be invited to comment on any further representations received from interested parties;
- (iv) following receipt of the applicant's response 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 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 permission for the erection of three wind turbines, Ardlbank Farm, Ballintuim, Blairgowrie, PH10 7NQ be refused, for the following reasons, namely:
 1. The proposal is contrary to Policy PM1A of the Perth and Kinross Council Local Development Plan 2014 as the siting of the development would be detrimental to the character and amenity of the area.
 2. The proposal is contrary to Policy PM1B (b) of the Perth and Kinross Council Local Development Plan 2014 as it does not respect the surrounding landmarks, views or skylines, as well as the wider landscape character of the area.
 3. The proposal does not achieve sufficient support from: Policy ER1A (a),(b) and (g) of the Perth and Kinross Council Local Development Plan 2014 in respect of: (a) landscape character, visual integrity, and wildness qualities; (b) carbon reduction targets; and (g) the anticipated negative impact on tourism, notably in relation to the enjoyment of the CATERAN TRAIL.
 4. The proposal does not meet with Policy ER6 (a), (b) and (d) of the Perth and Kinross Council Local Development Plan 2014 in that it does not maintain and enhance the landscape qualities of the area regarding: (a) the diversity and quality of Perth and Kinross's landscape and the visual and scenic qualities of the landscape; (b) safeguarding the views, viewpoints and landmarks from

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development that would distract from their visual integrity or scenic quality; and (d) safeguarding the relative wildness of the area's landscapes.

Justification

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

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