

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
8 DECEMBER 2015

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of Meeting of the Perth and Kinross Local Review Body held in the Gannochy Suite, Dewar's Centre, Glover Street, Perth on Tuesday 8 December 2015 at 10.30am.

Present: Councillors M Lyle, H Anderson, I Campbell and A Gaunt (up to and including Art. 788(i)).

In Attendance: D Harrison (Planning Adviser), M Easton (Legal Adviser) and Y Oliver (Committee Officer) (all Democratic and Corporate Services).

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

786. DECLARATIONS OF INTEREST

Councillor M Lyle declared a non-financial interest in Art. 788(i) in terms of the Councillors' Code of Conduct.

787. MINUTE OF PREVIOUS MEETING

The Minute of meeting of the Local Review Body of 10 November 2015 was submitted and noted.

The Local Review Body unanimously agreed to vary the order of business.

Councillor Lyle withdrew from the meeting during consideration of Art. 788(i).

Councillor I Campbell was unanimously appointed as Convener for the purposes of hearing Art. 788(i).

Councillor I Campbell, Acting Convener, Presiding.

788. DEFERRED APPLICATION FOR REVIEW

Deferred for further information and unaccompanied site visit.

- (i) TCP/11/16(367) - Planning Application 13/01174/FLL – Change of use of agricultural shed for the processing and storage of biomass materials (in retrospect), land at Lambhill, Blairingone – Barnhill Estates**

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 agricultural shed for the processing and storage of biomass materials (in retrospect), land at Lambhill, Blairingone.

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The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting on 25 August 2015, the Local Review Body resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the applicant be invited to submit further information confirming the nature and volume of traffic associated with the proposed development; clarifying the boundaries of the application site relative to the proposal; and commenting on the enforcement notice appeal decision of the Reporter dated 17 July 2015 – ENA-340-2025;
- (iii) the Council's Legal representative be requested to provide comments on the enforcement notice appeal decision of the Reporter dated 17 July 2015 ENA-340-2025;
- (iv) The Development Quality Manager be requested to provide copies of the planning decision notices concerning the Erection of 2 Agricultural Buildings (PK/97/1665 "A") and Storage of Waste Wood Material on the Lower Hardstanding Area (12/01354/FLL) at Lambhill, Blairingone.
- (v) following receipt of the requested information from the applicant, Legal representative and the Development Quality Manager, copies be submitted to the Development Quality Manager and all interested parties for further representation;
- (v) following receipt of all further information and responses, an unaccompanied site visit be arranged;
- (vi) that following the site visit, the application be brought back to the Local Review Body for determination of the Review or for such further procedure as the Local Review Body may determine.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, and their own assessment from the unaccompanied site visit on 22 September 2015 (and 30 November 2015), insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the applicant be requested to arrange a demonstration of both models of wood-chipping equipment proposed in order to assist members in appreciating the extent and nature of noise generated by the main plant involved;
- (iii) having had the opportunity of visiting the site a Hearing Session be convened to address the following specified matters:
seek to gain greater clarity regarding the planning history of the site and how the applicant understands that the nature of the proposal would operate within the terms of the existing consents

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and the current application should the appeal against refusal be upheld.

The framing of issues for the guidance of parties to the Hearing was delegated to the Local Review Body's advisers/officers.

COUNCILLOR GAUNT LEFT THE MEETING AT THIS POINT.

COUNCILLOR LYLE RETURNED TO THE MEETING AT THIS POINT.

Councillor M Lyle, Convener, Presiding.

789. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(378) - Planning Application 15/01198/FLL – Erection of ancillary residential accommodation and workshop, The Orchard, Balhomais, Weem, Aberfeldy, PH15 2JE – Mr and Mrs I Hulbert**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of ancillary residential accommodation and workshop, The Orchard, Balhomais, Weem, Aberfeldy, PH15 2JE.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

The Convener advised members that the wrong Report of Handling had been uploaded to the Council website and subsequently included with the PKLRB papers.

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) the agent/applicant be given the opportunity of commenting on the correct Report of Handling;
- (iii) an unaccompanied site visit be carried out; and
- (iii) that following the unaccompanied site visit, the application be brought back to the Local Review Body for determination of the Review or for such further procedure as the Local Review Body may determine.

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(ii) TCP/11/16(380) - Planning Application 15/00445/FLL – Erection of four wind turbines and ancillary works, Parks of Keillour Farm, Methven, PH1 3RB – Mr M C R Stamford

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 and ancillary works, Parks of Keillour Farm, Methven, PH1 3RB.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the applicant and the Council's landscape officer be invited to indicate the viewpoints and sections of road that they consider of highest priority for viewing by Members;
- (iii) Forestry Commission Scotland be requested to provide information on their plans for felling the adjoining plantations during the next 25 years;
- (iv) an unaccompanied site visit be carried out; and
- (v) that following the site visit and the receipt of all requested information, the application be brought back to the Local Review Body for determination of the Review or for such further procedure as the Local Review Body may determine.

(iii) TCP/11/16(382) - Planning Application 15/00915/FLL – Formation of a vehicular access, Eastlea and St Leonards, 68 and 66 Main Street, Abernethy, PH2 9LA – Mr B Walker

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the formation of a vehicular access, Eastlea and St Leonards, 68 and 66 Main Street, Abernethy, PH2 9LA.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in 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.

Thereafter, resolved by majority decision that:

- (i) the Review Application for formation of a vehicular access, Eastlea and St Leonards, 68 and 66 Main Street, Abernethy, PH2 9LA be upheld and planning permission granted, subject to

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the imposition of appropriate conditions, including a condition requiring the submission of a plan showing a revised layout of the parking and turning to the rear which ensures that vehicles would be able to exit the site in a forward gear. It was recognised that, while visibility to the west was restricted by the gable of No 66 Main Street, this was similar to many other accesses and required to be balanced with the benefits of providing off street parking. It was further noted that the pavement at this location was wider than normal.

Justification

The proposal is in accordance with Policies PM1A, RD1 and HE3A of the Perth & Kinross Local Development Plan and there are no material reasons which justify departing from the aforesaid Local Development Plan.

Note: Councillor M Lyle dissented from the majority view. He was of the opinion that the Appointed Officer's reasons for refusal were correct, however was also of the opinion that contrary to Policy HE3A of the Perth and Kinross Local Development Plan 2014.

(iv) TCP/11/16(383) - Planning Application 15/01501/FLL – Extension to dwellinghouse, Assynt, Den Road, Scone, PH2 6PY – Mr and Mrs A Robertson

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the extension to dwellinghouse, Assynt, Den Road, Scone, PH2 6PY.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure; and
- (ii) the Review Application for the erection of a dwellinghouse, land 10 metres north west of Cairn Cottage, Coupar Angus Road, Blairgowrie be refused for the following reasons:
 - 1. The proposed extension, by virtue of its awkward relationship with the existing house, unsympathetic design, form, position and proportions, would lead to an imbalance with the existing house, resulting in a detrimental impact on visual amenity. Approval would therefore be contrary to Policies RD1, PM1A and PM1B(c) of the Perth and Kinross Local Development Plan 2014, which seek to ensure that development

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contributes positively to the character and amenity of the built environment by complementing its surroundings in terms of design and appearance.

2. Approval would be contrary to the Perth & Kinross Council Placemaking Guide, which seeks to ensure that development has an appropriate design, shape, scale and proportions by discouraging unsuitable additions which destroy the composition of existing buildings, particularly on the front elevation of a house.

Justification

The proposal is not in accordance with the Perth & Kinross Local Development Plan 2014 and there are no material reasons which justify departing from the aforesaid Development Plan.

- (v) **TCP/11/16(384) - Planning Application 15/00900/IPL – Erection of dwellinghouse (in principle), Mailingsland, 9 Hunter Street, Auchterarder, PH3 1PA –Mr J Stainton**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of dwellinghouse (in principle), Mailingsland, 9 Hunter Street, Auchterarder, PH3 1PA.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and 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
- (v) that following the site visit the application be brought back to the Local Review Body for determination of the Review or for such further procedure as the Local Review Body may determine.

- (vi) **TCP/11/16(385) - Planning Application 15/01254/FLL – Extension to dwellinghouse, Dunnottar House, 54 Muirs, Kinross, KY13 8AU – Mr D Keith**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for extension to dwellinghouse, Dunnottar House, 54 Muirs, Kinross, KY13 8AU.

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The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

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

Thereafter, resolved by majority decision that:

- (i) the Review Application for extension to dwellinghouse, Dunnottar House, 54 Muirs, Kinross, KY13 8AU be upheld and planning permission granted, subject to the imposition of appropriate conditions. On balance, the proposal was considered to accord with Policies RD1, PM1A and PM1B(c) of the Perth and Kinross Local Development Plan 2014.

Justification

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

Note: Councillor M Lyle dissented from the majority view. He agreed with the Appointed Officer's reasons for refusal as he felt that approval would be in accord with policies PM1A and PM1B(c) of the Perth and Kinross Local Development Plan 2014, as the development would contribute to the surrounding built environment in order to respect the character and amenity of the place, and that the development would have an appropriate design, shape, scale and proportions by discouraging unsuitable additions which destroy the composition and architectural integrity of existing buildings.

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