

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 3 December 2013 at 10.00am.

Present: Councillors M Lyle, I Campbell, J Giacomazzi (up to Art. 699(i)) and A Gaunt (for Art. 699(i)).

In Attendance: D Harrison (Planning Adviser), G Fogg (Legal Adviser), 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

696. DECLARATIONS OF INTEREST

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

697. MINUTE OF LAST MEETING

The Minute of meeting of the Local Review Body of 29 October 2013 (Arts. 610-613) was submitted and noted.

698. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(278)**
Planning Application 13/00810/FLL – Permanent siting of static caravan (in retrospect), Loon Brae Cottage, Kirkton Road, Rattray, Blairgowrie, PH10 7EZ – Mr and Mrs Hagan

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the permanent siting of static caravan (in retrospect), Loon Brae Cottage, Kirkton Road, Rattray, Blairgowrie, PH10 7EZ.

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 majority 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;

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
3 DECEMBER 2013

- (ii) the Review Application for the permanent siting of static caravan (in retrospect), Loon Brae Cottage, Kirkton Road, Rattray, Blairgowrie, PH10 7EZ be upheld subject to suitable conditions including that there shall be no more than one static caravan on the site and that use of the caravan be limited to family and friends of the owner of Loon Brae Cottage only with no commercial letting.
- (iii) The potential need for the control of the use of the caravan to ensure that it is not occupied for permanent residential purposes through a Section 75 agreement in accordance with Policy 26 of the Eastern Area Local Plan 1998, or a condition, is to be investigated further prior to the issuing of the decision notice and, in the case of a potential legal agreement, reported back to the Local Review Body for further consideration.

Note: Councillor M Lyle dissented from the majority view. He considered that, on balance, the application should be refused as there appeared to be no demonstrable link between the application site and Loon Brae Cottage.

(ii) TCP/11/16(280)
Planning Application 13/01073/FLL – Install replacement windows and doors, 69-71 High Street, Kinross, KY13 8AA – Ms Crighton-Stuart

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 and doors, 69-71 High Street, Kinross, KY13 8AA.

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 majority 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 installation of replacement windows and doors, 69-71 High Street, Kinross, KY13 8AA be upheld subject to conditions that:-
 - (a) The proposed UPVC windows be of a sash and case design (with astragals) that has been accepted by Historic Scotland; and
 - (b) The proposed rear replacement door is undertaken in hardwood.

Note: Councillor I Campbell dissented from the majority view. He considered that on balance the appearance of uPVC windows would

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
3 DECEMBER 2013

not preserve or enhance the character or appearance of the conservation area.

- (iii) **TCP/11/16(281)**
Planning Application 13/01051/FLL – Change of use of landscaped open space area to garden ground, 19 Latch Burn Wynd, Dunning, PH2 0SP – Mrs Boardman

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for change of use of landscaped open space area to garden ground, 19 Latch Burn Wynd, Dunning, PH2 0SP

The Planning Adviser displayed photographs of the site, described the proposal, the reasons for the Appointed Officer's refusal and the grounds of the 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 change of use of landscaped open space area to garden ground, 19 Latch Burn Wynd, Dunning, PH2 0SP be refused for the following reasons:-
 - 1. The proposal is contrary to Policy 71 of the Perth Area Local Plan 1995, Incorporating Alteration No.1 Housing Land 2000, as the residential amenity and village character are neither retained nor improved. The proposal represents the piecemeal removal of part of a larger area of amenity open space which would be to the detriment of the locality. As such, it may also be cited by others seeking similar piecemeal development which would diminish and erode the planned open space amenity of this housing estate.
 - 2. The proposal is contrary to Policy RD1 of the Perth and Kinross Proposed Local Development Plan which seeks to retain areas of public open space of amenity value within residential areas.

Justification

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

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
3 DECEMBER 2013

- (iv) **TCP/11/16(283)**
Planning Application 13/01349/FLL – Erection of a dwellinghouse and outbuilding, land 30 metres south of Fungarth Farm Cottage, Dunkeld -

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 outbuilding, land 30 metres south 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:

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.

FOLLOWING A SHORT ADJOURNMENT THE COMMITTEE RECONVENED

- (v) **TCP/11/16(284)**
Planning Application 13/00850/FLL – Change of use from woodland to garden ground, land 30 metres north of 14 Turretbank Road, Crieff – Mr Orr

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for change of use from woodland to garden ground, land 30 metres north of 14 Turretbank Road, Crieff

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;
- (ii) the Review Application for change of use from woodland to garden ground, land 30 metres north of 14 Turretbank Road, Crieff be refused for the following reasons:
 - 1. The proposal is contrary to Policy S2 of the Strathearn Area Local Plan, 2001. A change of use to private garden ground is not compatible with the surroundings in land use

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
3 DECEMBER 2013

terms and would result in a significant loss of amenity to the local community.

2. The proposal is contrary to Policy S66 of the Strathearn Area Local Plan, 2001 as it would result in the loss of an area of open space of recreational and amenity value.
3. The proposal is contrary to policy RD1 of the Proposed Local Development Plan 2012. The change of use to private garden ground would adversely affect an area of open space that is of recreational and amenity value.
4. The proposal is contrary to policy CF2 of the Proposed Local Development Plan. The change of use to private garden ground may have an adverse impact upon a well used route and would unreasonably affect access rights.
5. The proposal is contrary to Scottish Planning policy Open Space and Physical Activity (paragraphs 149 and 150). The change of use to private garden ground would have an adverse impact upon a well used route and may unreasonably affect access rights.

Justification

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

699. DEFERRED APPLICATIONS FOR REVIEW

Unaccompanied Site Visit

- (i) **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 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 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.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
3 DECEMBER 2013

Decision:

Agreed by unanimous decision that, having regard to the unaccompanied site visit that was undertaken on 26 November 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 unanimous decision that the Review Application for the erection of wind turbine and ancillary works, land 700 metres south of Glenbran Farm, Abernyte be upheld subject to appropriate conditions including, and regarding, colour, noise control, and access. The need to make provision for decommissioning commensurate with other planning consents for single wind turbine proposals is to be investigated further by officers and either applied, or reported back to the Local Review Body for further consideration, as appropriate.