

TCP/11/16(255)
Planning Application 13/00126/FLL – Request for removal
of Condition 2

**PAPERS SUBMITTED
BY THE
APPLICANT**

CHIEF EXECUTIVES
DEMOCRATIC SERVICES
16 MAY 2013
RECEIVED

Notice of Review

NOTICE OF REVIEW 16 MAY 2013

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)		Agent (if any)	
Name	A SPENCE LTD	Name	
Address	89A SOUTH STREET MILNATHORT KINROSS	Address	
Postcode	KY13 9XB	Postcode	
Contact Telephone 1		Contact Telephone 1	
Contact Telephone 2		Contact Telephone 2	
Fax No		Fax No	
E-mail*		E-mail*	

Mark this box to confirm all contact should be through this representative: ☐

* Do you agree to correspondence regarding your review being sent by e-mail? Yes ☒ No ☐

Planning authority	PERTH AND KINROSS COUNCIL		
Planning authority's application reference number	13/00126/PLL		
Site address	89A SOUTH STREET MILNATHORT		
Description of proposed development	SITING OF TWO STOREY PORTACABINS		
Date of application	22.01.2013	Date of decision (if any)	21.03.2013

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

1. Application for planning permission (including householder application) ☒
2. Application for planning permission in principle ☐
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

Reasons for seeking review

1. Refusal of application by appointed officer ☐
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☒

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

1. Further written submissions ☐
2. One or more hearing sessions ☐
3. Site inspection ☒
4. Assessment of review documents only, with no further procedure ☒

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|--------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

HEALTH AND SAFETY OF VISITORS TO SITE

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

CONDITION 2 - TEMPORARY PERIOD

WE OWN 89 & 89A (BOTH RESIDENTIAL PROPERTIES)

WE ARE PART OF A MINI INDUSTRIAL ESTATE

THIS DEVELOPMENT IS LOWER THAN EXISTING WORKSHOP 1970/1971

* See email from applicant dated 17 May
2013

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No
☐ ☒

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

LOCATION PLAN

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

13.05.2013

CHX Planning Local Review Body - Generic Email Account

From: Margaret Spence [REDACTED]
Sent: 17 May 2013 09:39
To: CHX Planning Local Review Body - Generic Email Account
Cc: Margaret
Subject: Notice of review 13/00126/FLL

Hi

Notice of Review 13/00126/FLL.

I omitted the word REMOVAL in my statement, which should read **Removal of Condition 2**
Please amend accordingly.
Many Thanks

M Spence

Commercial & Agricultural Vehicle Repairs
89A SOUTH STREET
MILNATHORT
KINROSS
KY13 9XB

VAT Reg No 300 7981 73

25 APR 2013

For PERTH & KINROSS COUNCIL

land to Milnthorpe
Golf Club.

Property boundary
trees, hedges

- existing steel office (8th floor)

1-store (est high)

proposed new office (high ftg) above existing (Dickson)

(Disused)

□ building (just over 20ft high)

Ref: Nt 300 / 981 / 3

BUILDING WARRANT NO. 12/01595 EXT

**PERTH & KINROSS COUNCIL HEREBY GRANT
PERMISSION UNDER SECTION 9 OF THE
BUILDING (SCOTLAND) ACT 2003 TO CARRY OUT
DEVELOPMENT ACCORDING TO THE WARRANT
DATED**

25 APR 2013

AS ATTACHED HERETO

For PERTH & KINROSS COUNCIL

RESTORATION & RENOVATION

1B car sales

THE FAIR

-Registered in Scotland. No. 313753. Registered Office: 89A South Street, Milnathort, Kinross, KY13 9XB
Directors: J.Spence, I.Spence, M.Spence

<p>TCP/11/16(255) Planning Application 13/00126/FLL – Request for removal of Condition 2</p>
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PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS

PERTH AND KINROSS COUNCIL

A J Spence Ltd
McNeil Partnership
28 Victoria Avenue
Milnathort
KY3 9YE

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 21 March 2013

Town and Country Planning (Scotland) Acts.

Application Number **13/00126/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 22nd January 2013 for planning permission for Siting of two storey portacabins (in retrospect) 89A South Street Milnathort Kinross KY13 9XB subject to the undernoted conditions.

Development Quality Manager

Conditions Referred to Above

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
2. That the permission hereby granted is for a temporary period and shall expire on 31 March 2015.

Reasons for Conditions

1. To ensure that the development is carried out in accordance with the plans approved.
2. In order to safeguard the residential amenity of the area.

Justification

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

Notes

- 1 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 2 No work shall be commenced until an application for building warrant has been submitted and approved.

The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan Reference

13/00126/1

13/00126/2

13/00126/3

13/00126/4

REPORT OF HANDLING

DELEGATED REPORT

Ref No	13/00126/FLL
Ward No	N8- Kinross-shire

PROPOSAL: Siting of two storey portacabins (in retrospect)

LOCATION: 89A South Street, Milnathort, KINROSS, KY13 9XB.

APPLICANT: A J Spence Ltd

RECOMMENDATION: APPROVE THE APPLICATION

SITE INSPECTION: 30 January 2013



OFFICER'S REPORT:

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by Planning Etc (Scotland) Act 2006 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The adopted development plan applicable to this area comprises the TAYplan Strategic Development Plan 2012 and the Kinross Area Local Plan 2004. The Local Development Plan - Proposed January 2012 is viewed as a material consideration.

Site description:-

The application site 89A South Street, Milnathort is a HGV repair and fabrication workshop located 60m to the east of South Street which is zoned for an industrial/business sites in the development plan.

The (retrospective) proposal is:-

Seeks consent for 2 modular cabins (9.60m long x 3.00m breadth x 2.46m in height) placed on top of each other (effective height 5.12m with a .1m base to each of the modular cabins) to the north west of the existing workshop whose height is approximately 7.8m. The modular cabins will be used for office/storage.

It is proposed to erect a 14 step 1m wide steel access stairway 2.72m in height finishing in a 1m wide square platform with a 1.1m handrail rising up the stair to the platform.

A single storage unit is sited to the rear of the modular cabins.

The site measures 1485.36sqm with the footprint of the modular cabins measuring approximately 28.9sqm on this industrial/business site.

Assessment

The determining issues in this case are whether: - the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy. In this case policy 71 of the adopted Local Plan which relates to industrial/business uses are considered the predominant criterion in the determination of this application.

There are no issues of strategic relevance raised in this application.

Access and Parking Arrangements:

The access arrangements are increased with the provision of a disabled parking bay to the north west of the site.

Overshadowing and Overlooking:

Overall, I have taken account of overshadowing and overlooking and consider that this proposal would have no material effect on the amenity of the neighbouring properties, as regards privacy, or loss of daylight or sunlight. 1 letter of representation has been received.

In light of the above it is concluded that;

- (a) there is no significant loss of sunlight, daylight or privacy of the occupants of neighbouring property
- (b) there is adequate space to accommodate this development and therefore, does not result in overdevelopment
- (c) the design and materials are acceptable and therefore respect the character of the existing HGV repair and fabrication workshop building

Taking the above into account I conclude that the proposal complies with the adopted Kinross Area Local Plan 2004, in particular Policy 71. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommend for approval.

DEVELOPMENT PLAN

TAYplan Strategic Plan 2012

The strategic plan has set down three key principles, which it seeks to achieve through targeted objectives:

Ensuring effective resource management and promoting an accessible, connected and networked region;
 Supporting sustainable economic development and improving overall regional image and distinctiveness;
 Enhancing the quality of place through better quality outcomes.

No relevant strategic policy in this case.

Kinross Area Local Plan 2004/Industrial/Business Uses

Policy 71 Inset Map 2 identifies areas of predominantly industrial and business uses which are generally defined by Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997. This includes general and light industrial uses, offices, storage and distribution. The following criteria will apply to new proposals in these areas: -

- a. uses should be compatible with the amenity of adjoining residential areas and existing uses on site.
- b. proposals should only generate traffic appropriate to their location.

Perth & Kinross Council Local Development Plan - Proposed Plan January 2012

Members will be aware that on the 30 January 2012 the Proposed Plan was Published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading up to adoption. Currently undergoing a period of representation, the Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. This means that it is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. It is therefore a material consideration in the determination of this application.

Under the LDP the site is located within the settlement of Milnathort.

Policy ED1: Employment and Mixed Use Areas

Policy ED1A

Areas identified for employment uses should be retained for such uses. Within these areas any proposed development must be compatible with surrounding land uses. In addition all the following criteria will be applied to development proposals in these areas (individual sites may also have specific requirements):

- (a) Proposals should not detract from the amenity of adjoining, especially residential, areas.
- (b) The local road network should be suitable for the traffic generated by the proposals.
- (c) There should be good walking, cycling and public transport links to new employment generating uses.
- (d) Proposals for retail uses in employment areas

SITE HISTORY

07/01416/FUL Extension to house 20 July 2007 Application Permitted

CONSULTATIONS/COMMENTS

Local Flood Prevention Authority	No objections provided it is for a limited period.
Transport Planning	No objections.
Environmental Health	The site is zoned for industrial/business uses and they will be located around 30 metres from the closest residential property and directly adjacent to an existing HGV repair and fabrication workshop

TARGET DATE: 22 March 2013

REPRESENTATIONS RECEIVED:

Number Received: 1

Summary of issues raised by objectors:

- Objects to the visual appearance of the 2 modular cabins as they are located on top of each other.

Response to issues raised by objectors:

- The site is zoned for industrial/business uses and they will be located around 30 metres from the closest residential property and directly adjacent to an existing HGV repair and fabrication workshop

Additional Statements Received:

Environment Statement	Not required
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Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	None
Report on Impact or Potential Impact	None submitted.

Legal Agreement Required:

Summary of terms - not required.

Direction by Scottish Ministers - not required.

Conditions:-

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
- 2 That the permission hereby granted is for a temporary period and shall expire on 31 March 2015.

Reasons:-

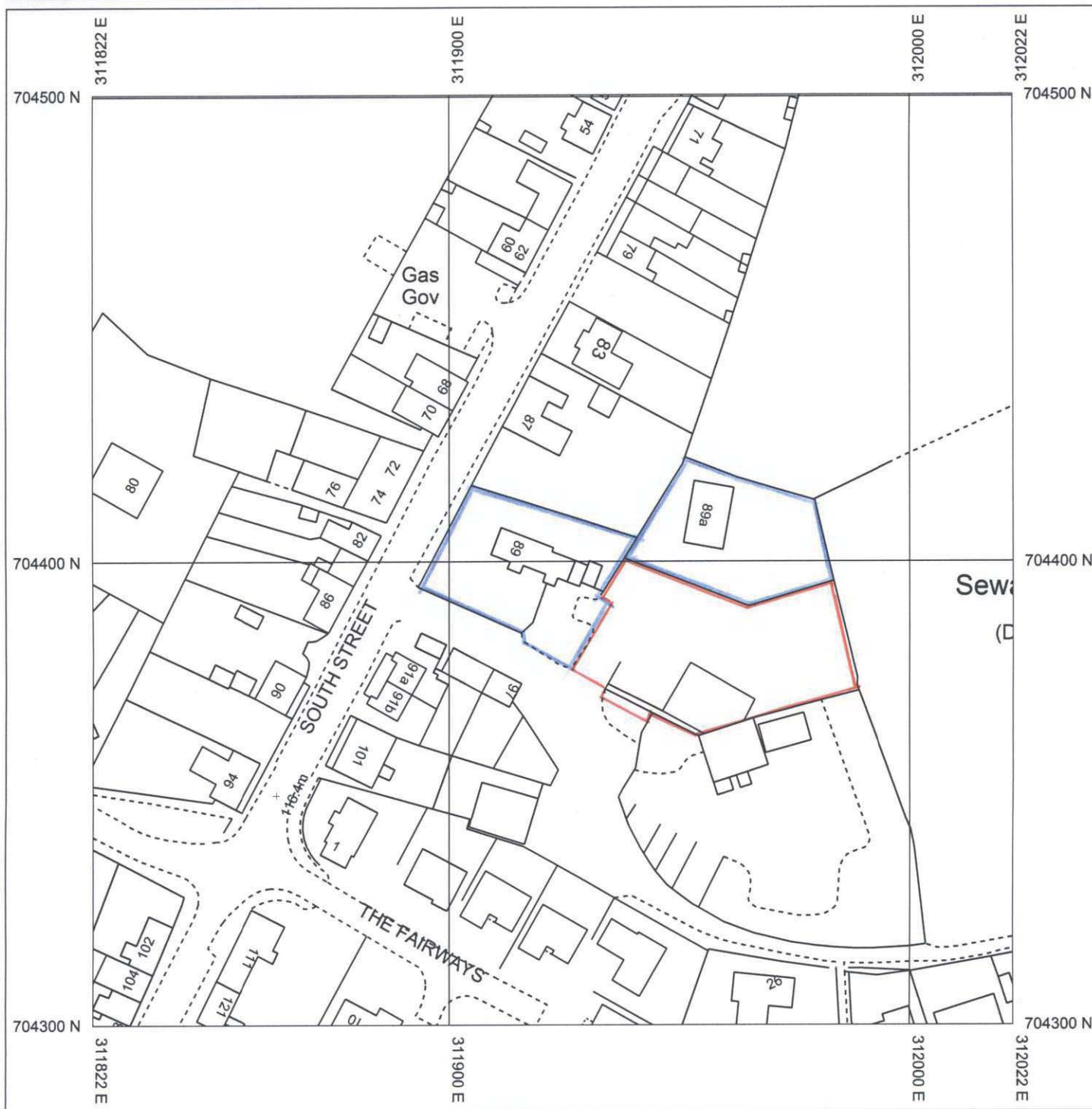
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Justification

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Notes

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The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.

PERTH AND KINROSS COUNCIL

DRAWING REF: 13/00126/1

0 20 40

Scale 1:1250

Supplied By: **Danscot Perth**

Serial number: 001072981

Plot Centre Coordinates: 311922, 704400

McNeil Partnership

Technical Services Division
28 Victoria Avenue, Milnathort, Kinross
KY13 9YE
tel/fax 01577-863000

Project: **INSTALL STORAGE AND OFFICE
ACCOMMODATION FACILITIES ON SITE**

For: **A.J. SPENCE LTD.,
89A SOUTH STREET
MILNATHORT**

**KINROSS-SHIRE
KY13 9XB**

Tel: **01577-865052**

Scales: As shown Drawing No. -

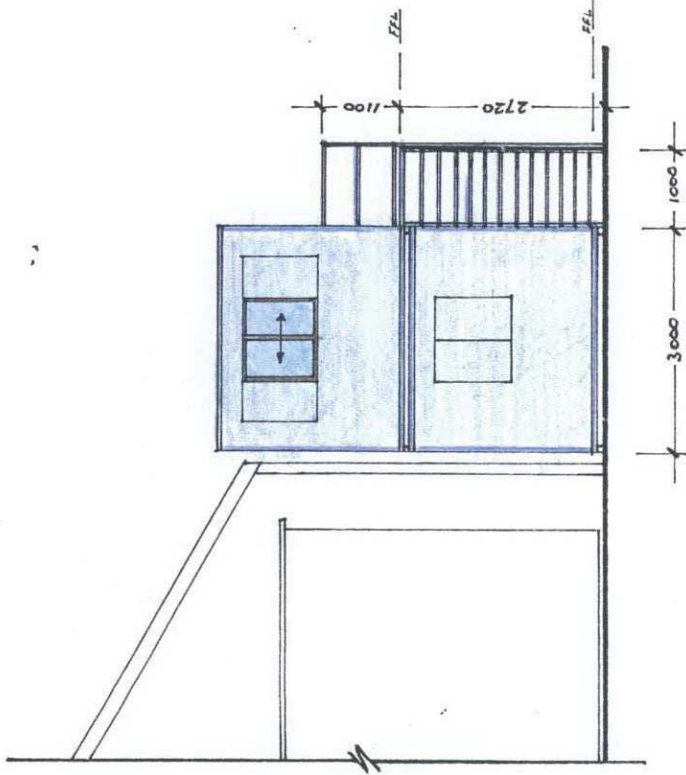
Drawn By: **E.J. McNEIL**

Notes:-

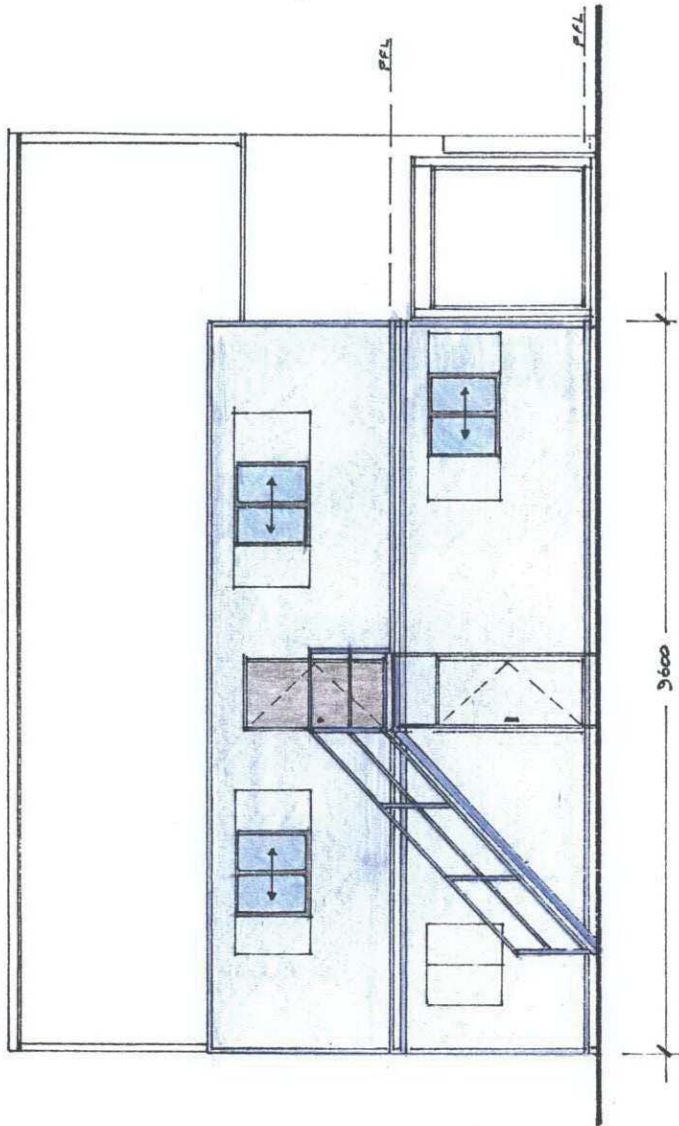
We certify that this is a true & accurate plan of the
works referred to in this application for Warrant/
Planning consent

Signed:- Date:-

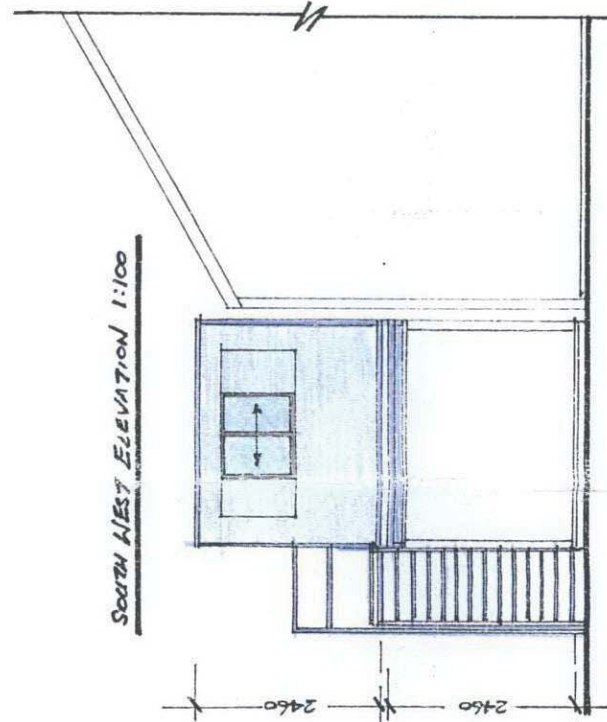
NORTH EAST ELEVATION 1:100



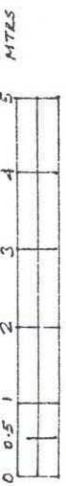
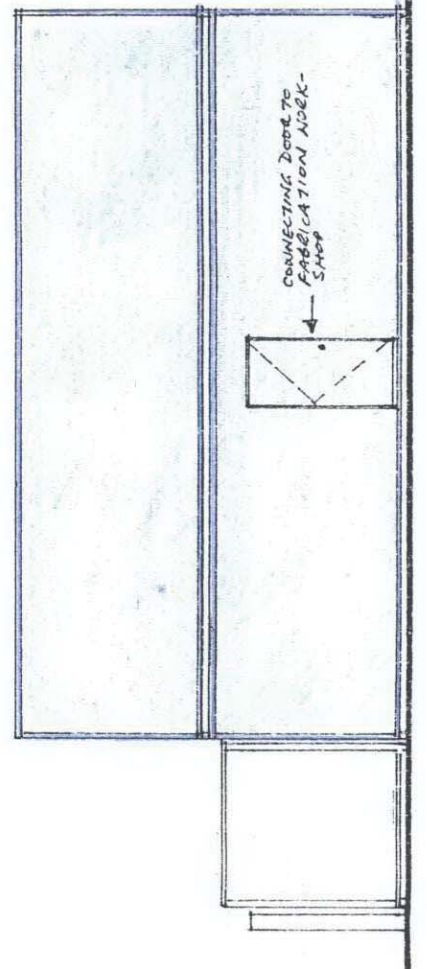
NORTH WEST ELEVATION 1:100



SOUTH WEST ELEVATION 1:100



SOUTH EAST ELEVATION 1:100



PERTH AND KINROSS COUNCIL

DRAWING REF: **B0012612**

McNeil Partnership
 Technical Services Division
 28 Victoria Avenue, Milnathort, Kinross
 KY13 9YE
 tel/fax 01577-863000

Project: **INSTALL STORAGE AND OFFICE
 ACCOMMODATION FOR 27 ACADAMICS ON SITE**

For: **A.J. SPENCE LTD.,
 89A SOUTH STREET
 MILNATHORT
 KINROSS - SHIRE
 KY13 9XB**
 Tel: **01577 - 865052**

Scales: As shown Drawing No.:-

Drawn By: **E.-J. McNEIL**

Notes:-

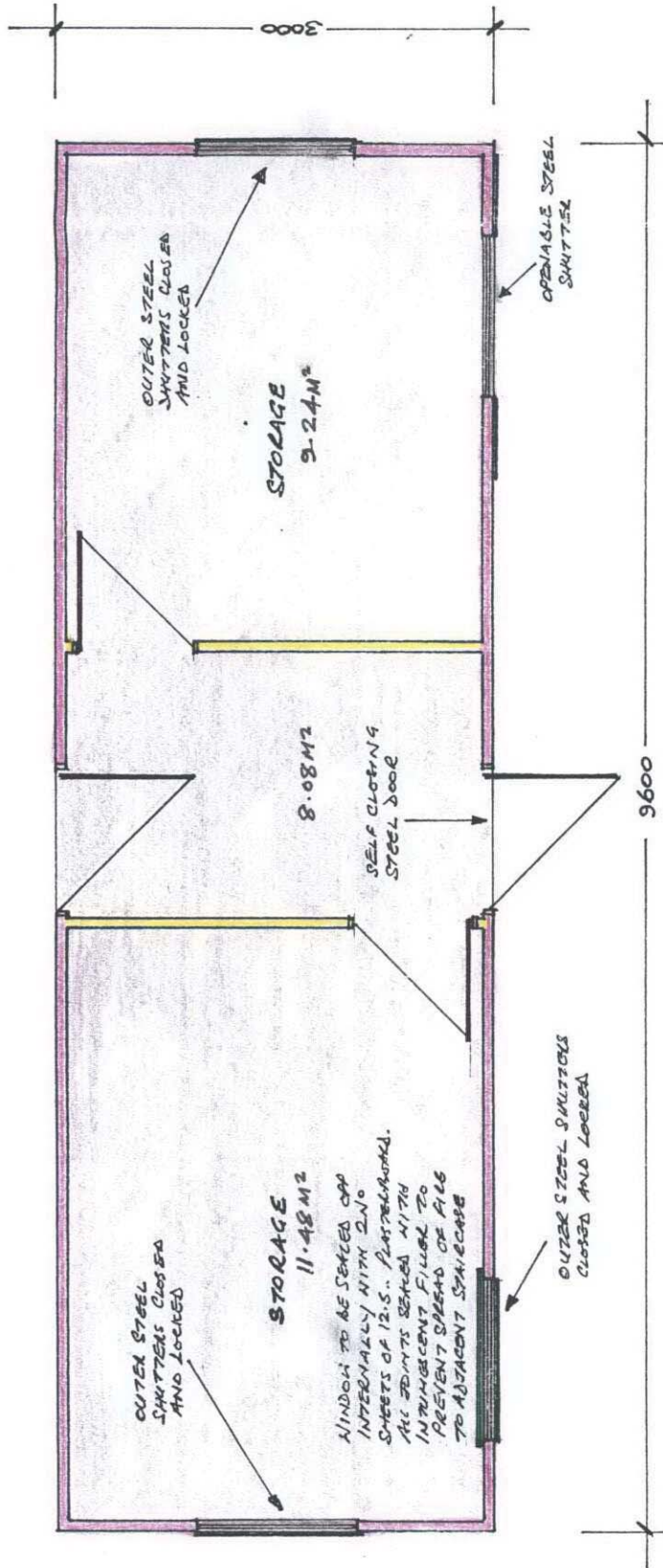
We certify that this is a true & accurate plan of the
 works referred to in this application for Warrant/
 Planning consent

Signed:- Date:-

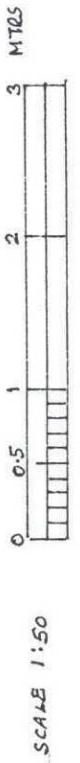
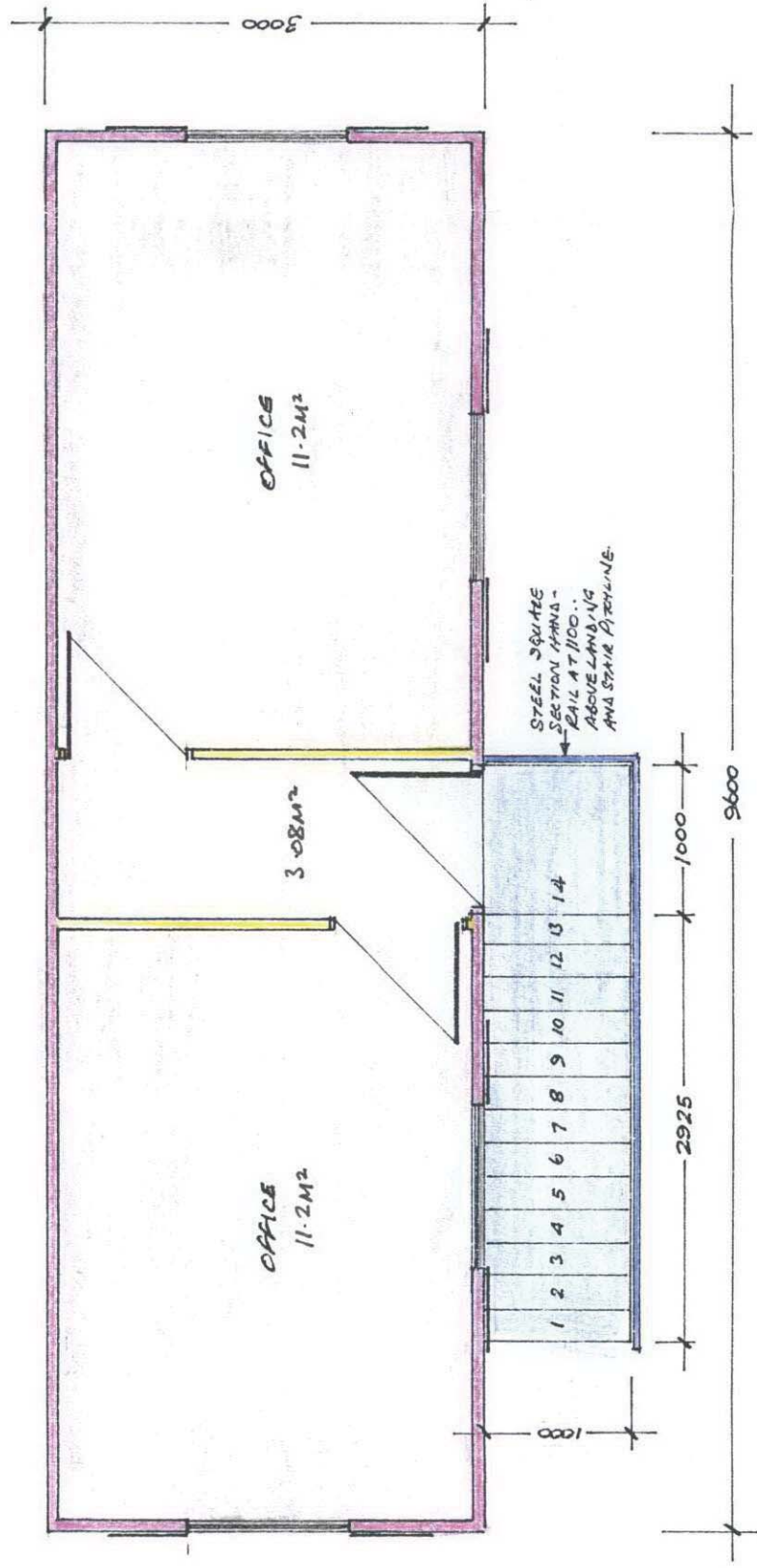
PERTH AND KINROSS COUNCIL

DRAWING REF: **B/001263**

LOWER CABIN FLOOR PLAN 1:50



UPPER CABIN FLOOR PLAN 1:50



McNeil Partnership
 Technical Services Division
 28 Victoria Avenue, Milnathort, Kinross
 KY13 9YE
 tel/fax 01577-863000

Project: *INSTALL STORAGE AND OFFICE
 ACCOMMODATION PARTICULARS ON SITE*

For: *A.J. SPENCE LTD.,
 89A SOUTH STREET
 MILNATHORT
 KINROSS - SHIRE
 KY13 9XB*

Tel: *01577 - 865052*

Scales: As shown Drawing No.:-

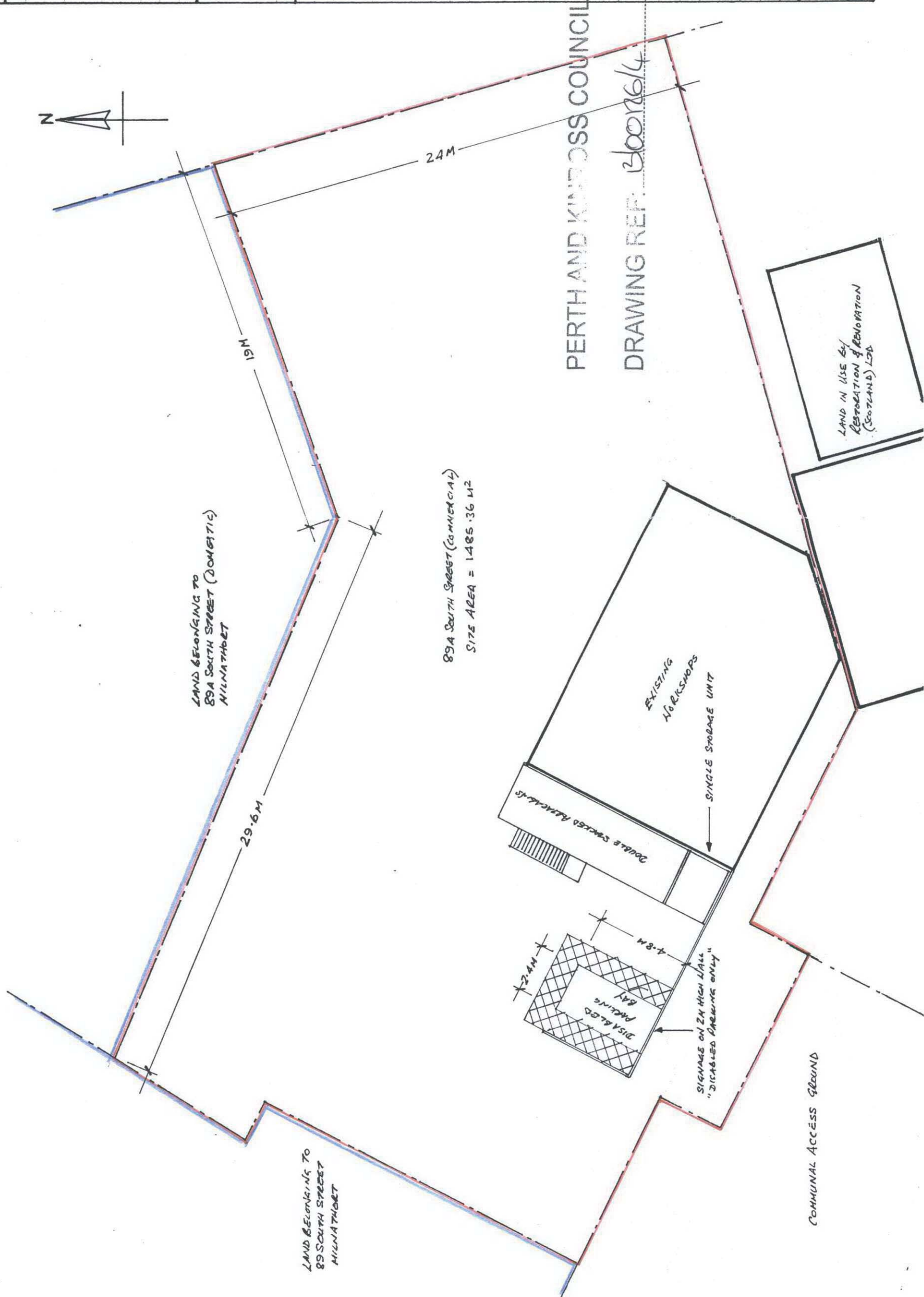
Drawn By: *E-J. McNEIL*

Notes:-

We certify that this is a true & accurate plan of the
 works referred to in this application for Warrant/
 Planning consent

Signed:- Date:-

SITE PLAN 1:200



TCP/11/16(255)
Planning Application 13/00126/FLL – Request for removal
of Condition 2

REPRESENTATIONS

- Objection from Willie Robertson, dated 15 February 2013

-----Original Message-----

From: Willie Robertson

Sent: 15 February 2013 16:41

To: Linda Al-Ibrahimi

Subject: Comments online

Dear Mr. Beveridge,

I would like to lodge an objection to planning application 13/00126/FLL for the siting of two portacabins at 89a South Street, Milnathort.

I am relaxed about the use of portacabins if they are kept as single storey units. The view of the double storey portacabin from my garden and house is however very unsightly and therefor I object to this. I have attached a photograph showing the view from my property.

If you are minded to grant consent, I would appreciate if the units could be screened with appropriate planting. I would ask that the units are not occupied until the screening is in place.

Regards,

Willie Robertson
85 South Street,
Milnathort,
Kinross
KY13 9XA

ENTERED IN COMPUTER
18 FEB 2013

