

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 31 August 2010 at 10.00am.

Present: Councillors B Band, M Lyle and K Lyall.

In Attendance: M Stewart (Planning Adviser); C Elliott (Legal Adviser) and Y Oliver (both Chief Executive's Service).

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

Councillor B Band, Convener, Presiding.

481. DECLARATIONS OF INTEREST

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

482. MINUTE OF PREVIOUS MEETING

The Minute of meeting of the Local Review Body of 6 July 2010 was submitted and noted.

In terms of Standing Order 15, the Local Review Body unanimously agreed to vary the order of business.

483. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(42)**
Planning Application 10/00585/FLL – Proposed extension to dwellinghouse and formation of off-street car parking at 17 Smith Lane, New Alyth – Ms Sarah-Jane Goodwin

Members considered a Notice of Review submitted by the applicant's agent, Fox Planning Consultancy, seeking a review of the decision by the appointed officer to refuse permission for a proposed extension to dwellinghouse and formation of off-street car parking at 17 Smith Lane, New Alyth.

The Planning Adviser displayed photographs of the site in question, described the proposal, the reasons for the appointed officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
31 August 2010

was before the Local Review Body to determine the matter without further procedure;

- (ii) by unanimous decision, the appointed officer's decision be overturned and the application for the proposed extension to dwellinghouse and formation of off-street car parking at 17 Smith Lane, New Alyth be approved subject to satisfactory planning conditions to be formulated by the Planning Adviser and Legal Services including (a) obscure glazing in the lower portion of the kitchen window; and (b) more appropriate fencing to the eastern front boundary, all to the satisfaction of the Planning Authority.

Justification

The Local Review Body was satisfied that:

1. The proposal is not contrary to Policy 71 of the Eastern Area Local Plan 1998 in that it does not constitute overdevelopment of a physically restricted site.
2. The proposal is in accordance with the Development Plan.

- (ii) **TCP/11/16(34)**
Planning Application 09/02182/FLL – Alterations to house (formation of a dormer) at 34 Viewlands Terrace, Perth – Mr and Mrs R Williamson

Members considered a Notice of Review submitted by the applicants, seeking a review of the decision by the appointed officer of the Council to refuse permission for alterations to house (formation of a dormer) at 34 Viewlands Terrace, Perth.

The Planning Adviser displayed photographs of the site in question, described the request by the applicants, the reasons for the appointed officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved that:

- (i) having regard to the information available, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) by unanimous decision, the appointed officer's decision be overturned and the application for alterations to house (formation of a dormer) at 34 Viewlands Terrace, Perth be approved, subject to satisfactory conditions to be formulated by the Planning Adviser and Legal Services.

Justification

The Local Review Body was satisfied that:

1. The proposal is not contrary to Policy 41 of the Perth Area Local Plan 1995 Incorporating Alteration No. 1 Housing Land 2000, in that it does not propose an incongruous design.
2. The proposal is in accordance with the Development Plan.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
31 August 2010

(iii) TCP/11/16(35)
Planning Application 09/02223/FLL – Erection of a dwellinghouse at Glendy Mill Cottage, Glenfarg – Mr and Mrs M Curtis

Members considered a Notice of Review submitted by the applicants' agent, R T Hutton, seeking a review of the decision by the appointed officer of the Council to refuse permission for the erection of a dwellinghouse at Glendy Mill Cottage, Glenfarg.

The Planning Adviser displayed photographs of the site in question, described the request by the applicants' agent, the reasons for the appointed officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved that:

- (i) there was insufficient information before the Local Review Body to decide the matter without further procedure, and was duly deferred to a future meeting of the Local Review Body;
- (ii) a site visit be arranged to consider whether the proposal forms part of a grouping and consider the landscape framework of the proposal.

(iv) TCP/11/16(36)
Planning Application 10/00116/FLL – Erection of new agricultural building at Wolfhill Farm, Guildtown – Mr P McArthur

Members considered a Notice of Review submitted by the applicant's agent, Hardies Property & Construction Consultants, seeking a review of the decision by the appointed officer of the Council to refuse the erection of new agricultural building at Wolfhill Farm, Guildtown.

The Planning Adviser displayed photographs of the site in question, described the proposal, the reasons for the appointed officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved that:

- (i) having regard to the information available, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) by unanimous decision, the appointed officer's decision be upheld, the application for the erection of new agricultural building at Wolfhill Farm, Guildtown be refused, for the reasons specified by the appointed officer.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
31 August 2010

(v) **TCP/11/16(37)**
Planning Application 10/00290/FLL – First floor dormer and ground floor porch at 46 Athollbank Drive, Perth – Mr C Barr

Members considered a Notice of Review submitted by the applicant's agent, Mr M Cowan, seeking a review of the decision by the appointed officer of the Council to refuse permission for a first floor dormer and ground floor porch at 46 Athollbank Drive, Perth.

The Planning Adviser displayed photographs of the site in question, described the request by the applicant's agent, the reasons for the appointed officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved that:

- (i) having regard to the information available, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) on a majority decision, the appointed officer's decision be upheld, the application for a first floor dormer and ground floor porch at 46 Athollbank Drive, Perth be refused, for the reasons specified by the appointed officer.

Cllr K Lyall dissented from the majority decision on the basis that any overlooking or effect on residential amenity would not be significant and therefore the proposal accords with the Development Plan.

(vi) **TCP/11/16(38)**
Planning Application 08/01210/FLL – Erection of 4 dwellinghouses at site west of Carnbo Farmhouse, Carnbo – Caledonian Trust PLC

Members considered a Notice of Review submitted by the applicants' agent, Turley Associates, seeking a review of the decision by the appointed officer of the Council to refuse permission for the erection of 4 dwellinghouses at site west of Carnbo Farmhouse, Carnbo.

The Planning Adviser displayed photographs of the site in question, described the request by the applicants' agent, the reasons for the appointed officer's refusal of the application and the grounds for the Notice of Review.

The Legal Adviser referred to Turley Associates' letter dated 10 June 2010 and advised that, in Legal Services' view, the appointed officer's decision was not invalidated for the reasons suggested.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
31 August 2010

Decision:

Resolved that:

- (i) having regard to the information available, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) by unanimous decision, the appointed officer's decision be upheld, the application for the erection of 4 dwellinghouses at site west of Carnbo Farmhouse, Carnbo be refused, for the following reasons:
 - (a) the proposal contravenes the Kinross Area Local Plan 2004, Policy 94 as it would adversely affect the character and amenity of Carnbo; and
 - (b) the cumulative impact of exceeding the 5 units specified in the Kinross Area Local Plan 2004 and taking into account existing consents already issued.

**(vii) TCP/11/16(39)
Planning Application 10/00049/IPL – Erection of a dwellinghouse (in principle) at West Park, Braco – Ms R Gray**

Members considered a Notice of Review submitted by the applicant, seeking a review of the decision by the appointed officer of the Council to refuse permission for the erection of a dwellinghouse (in principle) at West Park, Braco.

The Planning Adviser displayed photographs of the site in question, described the request by the applicant, the reasons for the appointed officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved that:

- (i) having regard to the information available, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) by unanimous decision, the appointed officer's decision be upheld, the application for the erection of a dwellinghouse (in principle) at West Park, Braco be refused, for the reasons specified by the appointed officer.

**(viii) TCP/11/16(41)
Planning Application 10/00082/IPL – Erection of dwellinghouse (in principle) replacing former bothy at Balnabein, Grandtully, Aberfeldy – Edinburgh Northern Ltd**

Members considered a Notice of Review submitted by the applicants' agent, John Forbes, Architect, seeking a review of the decision by the appointed officer of the Council to refuse permission for the erection of a dwellinghouse (in principle) replacing former bothy at Balnabein, Grandtully, Aberfeldy.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
31 August 2010

The Planning Adviser displayed photographs of the site in question, described the request by the applicants, the reasons for the appointed officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved that:

- (i) having regard to the information available, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) by unanimous decision, the appointed officer's decision be upheld, the application for the erection of a dwellinghouse (in principle) replacing former bothy at Balnabein, Grandtully, Aberfeldy be refused, for the reasons specified by the appointed officer.

FOLLOWING A SHORT ADJOURNMENT, THE LOCAL REVIEW BODY RECONVENED.

(ix) TCP/11/16(43)

Planning Application 10/00307/IPL – Erection of dwellinghouse at land to north west of Middle Cottage, Dalshian, Pitlochry – Mr P Telford

Members considered a Notice of Review submitted by the applicant's agent, MBM Planning & Development, seeking a review of the decision by the appointed officer of the Council to refuse permission for the erection of a dwellinghouse at land to north west of Middle Cottage, Dalshian, Pitlochry.

The Planning Adviser displayed photographs of the site in question, described the request by the applicant's agent, the reasons for the appointed officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved that:

- (i) having regard to the information available, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) on a majority decision, the appointed officer's decision be overturned and the application for the erection of a dwellinghouse at land to north west of Middle Cottage, Dalshian, Pitlochry be approved subject to satisfactory planning conditions to be formulated by the Planning Adviser and Legal Services to include:
 - (a) the requirement for a tree survey,
 - (b) the requirement for a bat survey, and
 - (c) that the floor height of the dwellinghouse shall be as per the Scottish Environment Protection Agency's recommendations.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
31 August 2010

An informative is also to be included in the approval recommending that a deliverable legal agreement be drawn up to address (a) flood mitigation per the Scottish Environment Protection Agency's requirements and (b) an education provision should this sum not be paid prior to detailed consent being issued.

The Local Review Body recommended that the legal agreement be drawn up prior to determination of the reserved matters.

Justification

The Local Review Body was satisfied that:

1. a dwellinghouse in principle is acceptable as the site is within the settlement boundary and given the planning history of the site, and
2. the appointed officer's reasons for refusal can more appropriately be dealt with at the approved matters stage.

Councillor M Lyle dissented from the majority decision on the basis that the appointed officer's decision should be upheld for the reasons specified by the appointed officer.

(x) TCP/11/16(31)

Planning Application 09/01733/IPL – Erection of dwellinghouse (in principle) at land 70 metres west of Tighnabraich, Amulree – Culfargie Estates Ltd

It was noted that, at its meeting on 11 May 2010, the Local Review Body had agreed that a site visit be arranged.

Decision:

Resolved that:

On a unanimous decision, the appointed officer's decision be upheld, the application for erection of dwellinghouse (in principle) at land 70 metres west of Tighnabraich, Amulree be refused, for reasons 1, 3 and 4 (detailed below) as set out in the Refusal Notice dated 2 March 2010 but not reason 2 (also detailed below) as set out in the Refusal Notice dated 2 March 2010 previously specified by the appointed officer:

Appointed Officer's Reasons for Refusal agreed by Local Review Body:

1. The proposal is contrary to Highland Area Local Plan Policy 2 which, amongst other criteria, requires all development to have a landscape framework capable of absorbing and if necessary screening the development, that the development should not result in a significant loss of amenity to the local community and that built development should be located in settlements identified in the Local Plan. The proposal does not have regard to the density and character of the area and is located outwith any identified settlement and therefore would have a detrimental effect on the amenity of the area.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
31 August 2010

3. The proposal is contrary to Highland Area Local Plan 2000 Policy 54: Housing in the Countryside in that the proposal does not lie within a building group, does not constitute extension of a building group onto a definable site, does not involve the renovation or replacement of traditional domestic or non-domestic buildings, there is no operational need nor does the site lie within the Western Highland Perthshire area identified.
4. The proposal is contrary to the Council's Housing in the Countryside Policy 2009 in that it does not constitute development within a building group, nor the extension of a building group onto a definable site, it is not an infill site, it does not meet the requirements of new houses in the open countryside, it does not involve the renovation or replacement of houses, it does not involve the conversion or replacement of redundant non-domestic buildings nor does the site constitute rural brownfield land.

Appointed Officer's Reason for Refusal not agreed by Local Review Body:

2. The proposal is contrary to Highland Area Local Plan 2000 Policy 45: Development Adjacent to Settlements as part of the development site lies outwith the settlement boundary identified in the Local Plan.

(xi) TCP/11/16(49)

Planning Application 10/00436/FLL – Erection of farmhouse north east of Drumcharry Steading, Keltneyburn – Mr D Kerr

Members considered a Notice of Review submitted by the applicant's agent, Mr H W Paterson, seeking a review of the decision by the appointed officer of the Council to refuse permission for the erection of farmhouse north east of Drumcharry Steading, Keltneyburn.

The Planning Adviser displayed photographs of the site in question, described the request by the applicant's agent, the reasons for the appointed officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved that:

- (i) having regard to the information available, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) by unanimous decision, the appointed officer's decision be upheld, the application for erection of farmhouse north east of Drumcharry Steading, Keltneyburn be refused, for the reasons specified by the appointed officer.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
31 August 2010

(xii) TCP/11/16(51)
Planning Application 10/00753/FLL – Erection of a conservatory at 10 Millhill Way, Greenloaning – Mrs C McWhinnie

Members considered a Notice of Review submitted by the applicant's agent, Mr J Gordon, seeking a review of the decision by the appointed officer of the Council to refuse permission for the erection of a conservatory at 10 Millhill Way, Greenloaning.

The Planning Adviser displayed photographs of the site in question, described the request by the applicant's agent, the reasons for the appointed officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved that:

- (i) having regard to the information available, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) by unanimous decision, the appointed officer's decision be overturned and the application for the erection of a conservatory at 10 Millhill Way, Greenloaning be approved subject to satisfactory conditions to be formulated by the Planning Adviser and Legal Services.

Justification

The Local Review Body was satisfied that:

1. The proposal is not contrary to Policies 2, 5 & 74 of the Strathearn Area Local Plan 2001 in that it will not overlook adjoining private amenity space to the detriment of the amenity and character of the area; and
2. The proposal is in accordance with the Development Plan.

(xiii) TCP/11/16(44)
Planning Application 10/00384/FLL – Erection of dwellinghouse at Plot 5, Camghouran Farm, Rannoch, Pitlochry – Mr F McGibbon

Members considered a Notice of Review submitted by the applicant's agent, Mr P O'Shea, seeking a review of the decision by the appointed officer of the Council to refuse permission for the erection of dwellinghouse at Plot 5, Camghouran Farm, Rannoch, Pitlochry.

The Planning Adviser displayed photographs of the site in question, described the request by the applicant's agent, the reasons for the appointed officer's refusal of the application and the grounds for the Notice of Review.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
31 August 2010

Decision:

Resolved that:

- (i) having regard to the information available, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) by unanimous decision, the appointed officer's decision be upheld, for the reasons previously specified by the appointed officer.

(xiv) TCP/11/16(45)

Planning Application 10/00391/FLL – Erection of eco-dwellinghouse for an agricultural worker at Plot 1, Camghouran Farm, Rannoch, Pitlochry – Mr F McGibbon

Members considered a Notice of Review submitted by the applicant's agent, Mr P O'Shea, seeking a review of the decision by the appointed officer of the Council to refuse permission for the erection of eco-dwellinghouse for an agricultural worker at Plot 1, Camghouran Farm, Rannoch, Pitlochry.

The Planning Adviser displayed photographs of the site in question, described the request by the applicant's agent, the reasons for the appointed officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved that:

- (i) having regard to the information available, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) by majority decision, the appointed officer's decision be upheld, for the reasons previously specified by the appointed officer.

Councillor Band dissented from the majority decision on the basis that the review should be allowed as the proposal met the criteria of the Housing in the Countryside Policy and is of good design.

(xv) TCP/11/16(46)

Planning Application 10/00609/FLL – Erection of a dwellinghouse to rear of Lott's Cottage, Waterloo – Mr and Mrs R Potter

Members considered a Notice of Review submitted by the applicants, seeking a review of the decision by the appointed officer of the Council to refuse permission for the erection of a dwellinghouse to rear of Lott's Cottage, Waterloo.

The Planning Adviser displayed photographs of the site in question, described the request by the applicants, the reasons for the appointed officer's refusal of the application and the grounds for the Notice of Review.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
31 August 2010

It was noted that all of the members and the Planning Adviser had made an informal site inspection on 30 August 2010.

Decision:

Resolved that:

- (i) having regard to the information available, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) by unanimous decision, the appointed officer's decision be overturned and the application for erection of a dwellinghouse to rear of Lott's Cottage, Waterloo be approved subject to satisfactory conditions to be formulated by the Planning Adviser and Legal Services including conditions to address:
 - (a) sewerage;
 - (b) drainage;
 - (c) access; and
 - (d) that the ridge height of the proposed dwellinghouse shall be no higher than the dwellinghouse to the north west, 'High Bank'.

Also, an informative should be added that an education contribution is to be paid either prior to detailed consent being issued or deferred by way of a legal agreement.

Justification:

The Local Review Body was satisfied that:

- 1. The proposal does not constitute backland or tandem development;
- 2. The proposal would not set a precedent for further applications of a similar nature;
- 3. The scale of the proposed house is appropriate; and
- 4. The proposed development complies with the Development Plan.

(xvi) TCP/11/16(48)

Planning Application 10/00735/FLL – Erection of an oak PVC conservatory to front of Windyhillock, 7 Forrest Crescent, Fowlis Wester – Mr and Mrs Flynn

Members considered a Notice of Review submitted by the applicant's agent, Mr J Allan, seeking a review of the decision by the appointed officer of the Council to refuse permission for the erection of an oak PVC conservatory to the front of Windyhillock, 7 Forrest Crescent, Fowlis Wester.

The Planning Adviser displayed photographs of the site in question, described the request by the applicants, the reasons for the appointed officer's refusal of the application and the grounds for the Notice of Review.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
31 August 2010

Decision:

Resolved that:

- (i) having regard to the information available, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) by unanimous decision, the appointed officer's decision be overturned and the application for the erection of an oak PVC conservatory to front of Windyhillock, 7 Forrest Crescent, Fowls Wester be approved, subject to satisfactory conditions to be drawn up by the Planning Adviser and Legal Services.

Justification:

The Local Review Body was satisfied that:

1. The proposal is not contrary to Policy 5 of the Strathearn Area Local Plan 2001 in that it is not out of keeping with the surroundings;
2. The proposal is not contrary to Policy 26 of the Strathearn Area Local Plan 2001 and the Scottish Historic Environment Policy 2009 in that it would not be detrimental to the character and appearance of the conservation area; and
3. The proposal is not contrary to the Development Plan.

(xvii) TCP/11/16(50)

Planning Application 10/00674/FLL – Installation of a small scale 22kW Hannevind wind turbine to provide power to the farm business and the farmhouse at West Blair Farm, Glenfarg – Mr A MacLean

Members considered a Notice of Review submitted by the applicant's agent, Ecodyn Limited, seeking a review of the decision by the appointed officer of the Council to refuse permission for the installation of a small scale 22kW Hannevind wind turbine to provide power to the farm business and the farmhouse at West Blair Farm, Glenfarg.

The Planning Adviser displayed photographs of the site in question, described the request by the applicant's agents, the reasons for the appointed officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved that:

- (i) having regard to the information available, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) by unanimous decision, the appointed officer's decision be upheld, the application for the installation of a small scale 22kW Hannevind wind turbine to provide power to the farm business and the farmhouse at West Blair Farm, Glenfarg be refused, for the reasons previously specified by the appointed officer.

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