

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 16 March 2010 at 10.00am.

Present: Councillors B Band, M Lyle and W Lumsden.

In Attendance: M Stewart (Independent Planning Adviser); G Fogg (Legal Adviser); M Kay (Art. 165 only), A Wilson and Y Oliver (all Chief Executive's Service).

Also Attending: Seven members of the public, including applicants and their agents and also A Baxter (The Environment Service).

Councillor B Band, Convener, Presiding.

162. DECLARATIONS OF INTEREST

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

163. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Local Review Body of 16 February 2010 (Arts. 90-92) was submitted and noted.

164. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(11)
Planning Application 09/00149/FLL – Removal of Condition 10
from previous consent PK/93/0251 at gap site east of 9 Friar Place,
Scotlandwell – Ms M Paterson**

There was considered a Notice of Review submitted by the applicants' agent, Mr J Thomson, seeking a review of the decision, by the Appointed Officer of the Council, to refuse permission for the removal of Condition 10 from previous consent PK/93/0251 at gap site east of 9 Friar Place, Scotlandwell.

Mr M Stewart 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 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) by unanimous decision, the Appointed Officer's decision be upheld, the application for the removal of Condition 10 from previous consent PK/93/0251 at gap site east of 9 Friar Place, Scotlandwell, be refused, for the reasons previously applied by the Development Quality Manager.

Note: G Fogg, Legal Adviser, was asked to liaise with the Planning Enforcement Officer, with a view to ensuring adherence to the original conditions imposed on PK/93/0251.

**(ii) TCP/11/16(12)
Planning Application 09/01147/IPL – Erection of a dwellinghouse
at Lochran Moss, Blairadam – Mr and Mrs J Addison**

There was 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 at Lochran Moss, Blairadam.

Mr M Stewart displayed photographs of the site in question, and described the proposed development, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Resolved on a 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 decision of the Appointed Officer be overturned and the application for the erection of a dwellinghouse at Lochran Moss, Blairadam, be approved for the following reasons:
 - (a) While the proposal is contrary to Policy 64 of the Kinross Area Local Plan, it is not contrary to the Council's Supplementary Planning Policy on Housing in the Countryside (December 2005) being the development of a brownfield site.
 - (b) The application be subject to conditions to be drafted by the Planning Adviser, incorporating Perth and Kinross Council's standard conditions for this form of development.

Justification

The proposed development complies with the Supplementary Planning Guidance of the revised Housing in the Countryside Policy (2005) and is therefore a justified departure from the Kinross Area Local Plan.

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- (iii) **TCP/11/16(13)**
Planning Application 08/01201/FUL – Removal of Condition 4 from 08/01201/FUL to allow livery use of four stables at Mill Hill, Blairforge – Mr and Mrs Mercer

There was 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 removal of removal of Condition 4 from 08/01201/FUL to allow livery use of four stables at Mill Hill, Blairforge.

Mr M Stewart displayed photographs of the site in question, and 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 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) by unanimous decision, the Appointed Officer's decision be upheld, the application for removal of Condition 4 from 08/01201/FUL to allow livery use of four stables at Mill Hill, Blairforge, be refused, for the reasons previously applied by the Development Quality Manager.

Note: The Local Review Body considered that if the access road was improved with a standard bellmouth, passing places, and improved parking and turning provision, the proposal would be more likely to receive a more favourable consideration. Any new proposal would have to be the subject of a revised separate application. The Local Review Body therefore suggested that the applicants investigate the scope and viability of carrying out improvements to access and parking and discuss this further with the Council's Planning Services.

165. HEARING

- (i) **Procedure to be used for Hearing**

There was noted the Perth and Kinross Local Review Body Hearing Rules, which had been issued to the Applicant and all interested parties in connection with the following application.

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(ii) **TCP/11/16(4)**
Planning Application 08/01497/FLL – Erection of 3 dwellinghouses at Isla Mount, Blairgowrie Road, Coupar Angus – Applicant’s Request to Permit Additional Information – Mr and Mrs R Farquharson

It was noted that, at its meeting on Tuesday 16 February 2010, the Local Review Body agreed that: (1) a Hearing be convened to allow the applicant and The Environment Service to make representations on the draft Eastern Area Local Plan; and (2) a site visit be arranged to be attended by the three Members (plus reserve) constituting the meeting of the Local Review Body due to take place on 16 March 2010.

Mr M Stewart displayed photographs of the site, and described the proposed development, the reasons for the refusal of the application by the Appointed Officer of the Council, and the grounds for the Notice of Review.

The Local Review Body heard submissions respectively from the applicant’s agent and from the Appointed Officer, and had regard to their own assessment from attendance at the site visit.

Decision:

Resolved that:

- (i) the decision of the Appointed Officer be overturned and application for the erection of 3 dwellinghouses at Isla Mount, Blairgowrie Road, Coupar Angus, be approved for the following reasons:
 - (a) The Local Review Body considered that the site was, for all intents and purposes, part of the settlement of Coupar Angus, and that the Eastern Area Local Plan 1998, which showed the site outwith the settlement, was out of date. The proposal therefore represented a justifiable departure to the Development Plan. This being the case the reasons for refusal which related to the proposal as being considered as development in the countryside were not relevant.
 - (b) In connection with the existing tree cover, the level of residential amenity available to all three plots will be of satisfactory level and will not ultimately result in pressure from future owners/occupiers to pursue Perth and Kinross Council for the removal of additional trees to improve their residential amenity, thereby not resulting in a significant visual impact on the existing views when entering and leaving Coupar Angus along the A923 road. The proposal is therefore not contrary to Policy 38, criteria (c) of the Eastern Area Local Plan 1998 which seeks to ensure that all new developments are compatible with their surroundings and that the amenity of the local community should not be adversely affected.

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- (c) It is considered that a satisfactory means of access can be formed.
- (ii) The application be subject to conditions to be drafted by the Planning Adviser, incorporating Perth and Kinross Council's standard conditions for this form of development.

Justification

The proposal is not contrary to the Development Plan.

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