

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 2 November 2010 at 10.00am.

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

In Attendance: Councillor M Barnacle (up to and including Item 3(ii)); M Stewart and D Harrison (Planning Advisers); G Fogg (Legal Adviser); J Russell and D Niven (both The Environment Service); C Flynn and Y Oliver (both Chief Executive's Service).

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

Councillor B Band, Convener, Presiding.

586. DECLARATIONS OF INTEREST

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

587. MINUTE OF PREVIOUS MEETING

The Minute of the Local Review Body of 31 August 2010 was submitted and noted.

588. HEARING

(i) Procedure to be used for Hearing

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, were followed.

(ii) TCP/11/16(23)

Planning Application 09/01757/IPL – Erection of a dwellinghouse immediately to the north of the existing property known as “Masirah”, Mossend Green, Powmill, FK14 7NJ – Mr W Whitelaw

It was noted that, at its meeting on 6 July 2010, the Local Review Body had agreed that: (1) a site visit be arranged and (2) a Hearing be convened to (i) consider the visual impact of the proposal; and (ii) allow one of the elected members representing Ward 8 (Councillor M Barnacle) the right to appear on the Applicant's behalf.

The Local Review Body heard submissions from Councillor M Barnacle, on behalf of the applicant, and Mr D Niven, Assistant Planning Officer, Perth and Kinross Council (the Appointed Officer) and had regard to their own assessment from their attendance at the site visit.

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Decision:

Resolved that:

By unanimous decision, the Appointed Officer's decision be upheld, the application for erection of a dwellinghouse immediately to the north of the existing property known as "Masirah", Mossend Green, Powmill be refused, for the reasons previously specified by the Appointed Officer.

589. APPLICATIONS FOR REVIEW

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

It was noted that, at its meeting on 31 August 2010, the Local Review Body had agreed that a site visit be arranged to consider whether the proposal forms part of a grouping and consider the landscaping framework of the proposal.

The Local Review Body had regard to their own assessment from their attendance at the site visit.

Decision:

Resolved that:

On a majority decision, the Appointed Officer's decision be overturned and the application for the erection of a dwellinghouse at Glendy Mill Cottage, Glenfarg, be approved subject to satisfactory planning conditions to be formulated by the Planning Adviser and Legal Services.

Justification:

The Local Review Body was satisfied that:

The proposed development does comply with the relevant policies of the Perth Area Local Plan, in particular Policy 32 'Housing in the Countryside' and the revised Housing in the Countryside Policy (2009).

Councillor W Wilson agreed with the majority decision but dissented from the reason for which the application should be upheld. He considered that, whilst the proposal does not, at present, extend the group into a definable site formed by existing topography and landscape features, it does relate to the existing building group and landscape and there has been landscaping undertaken which will lead to a better landscape framework in the future and this therefore justifies the application as a departure from the Development Plan.

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(ii) TCP/11/16(53)
Planning Application 10/00580/FLL – Replacement of conservatory frames and roof at The Sheiling, 52 Main Street, Longforgan – Mr and Mrs D Boyack

Members considered a Notice of Review submitted by the applicants' agent, John Cowan, per C R Smith, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the replacement of conservatory frames and roof at The Sheiling, 52 Main Street, Longforgan.

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) 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 replacement of conservatory frames and roof at The Sheiling, 52 Main Street, Longforgan, be approved subject to satisfactory planning conditions to be formulated by the Planning Adviser and Legal Services.

Justification:

The Local Review Body was satisfied that:

The proposal is not contrary to Policies 24 and 71 of the Perth Area Local Plan (1995) (incorporating Alteration No 1 Housing Land 2000) and it is in accordance with the Development Plan.

(iii) TCP/11/16(56)
Planning Application 08/00236/FLL – Erection of a dwellinghouse at Appin Cottage, Strowan Road, Comrie – Mr M Riddell

Members considered a Notice of Review submitted by the applicant's agent, James Denholm Partnership, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the erection of a dwellinghouse at Appin Cottage, Strowan Road, Comrie.

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.

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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;
- (iii) a Hearing be convened to further address the flood risk associated with the site and the two reasons for refusal of the application.

(iv) TCP/11/16(57)

Planning Application 10/00703/FLL – Erection of a detached dwellinghouse at Heughfield Road, Bridge of Earn – Mr J Robertson

Members considered a Notice of Review submitted by the applicant's agent, Messrs McLaren Murdoch & Hamilton, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the erection of a detached dwellinghouse at Heughfield Road, Bridge of Earn.

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) on a majority decision, the Appointed Officer's decision be overturned and the application for the erection of a dwellinghouse at Heughfield Road, Bridge of Earn be approved, subject to satisfactory planning conditions to be formulated by the Planning Adviser and Legal Services, including an appropriate condition with regard to landscaping.

Justification:

The Local Review Body was satisfied that:

1. The proposal is not contrary to Policy 71 of the Perth Area Local Plan 1995 incorporating Alteration No 1 – Housing Land 2000.
2. The proposal is in accordance with the Development Plan.

Councillor W Wilson dissented from the majority decision on the basis that the proposed development does not comply with the relevant policies of the Perth Area Local Plan.

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(v) **TCP/11/16(58)**
Planning Application 10/00525/FLL – Change of use, erection of fence and reinstatement of hardstanding at land 200 metres southeast of Damside Farm, Kinrossie – Mr I M Walker

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 change of use, erection of fence and reinstatement of hardstanding at land 200 metres southeast of Damside Farm, Kinrossie.

Mr M Stewart 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) on a majority decision, the Appointed Officer's decision be upheld, the application for change of use, erection of fence and reinstatement of hardstanding at land 200 metres southeast of Damside Farm, Kinrossie be refused, for the reasons specified by the Appointed Officer.

Councillor M Lyle dissented from the majority decision on the basis that the proposal is not contrary to Policy 1 (General Background) in the Perth Area Local Plan 1995 and is, therefore, in accordance with the Development Plan.

(vi) **TCP/11/16(59)**
Planning Application 10/00510/IPL – Residential development (in principle) at land adjacent to Churchmouse Cottage, Carnbo – Mr N Drummond

Members considered a Notice of Review submitted by the applicant's agent, Emac Planning LLP, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for a residential development (in principle) at land adjacent to Churchmouse Cottage, Carnbo.

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.

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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;
- (iii) an indicative site layout, or layouts, be submitted by the applicant, to show the proposed development, the existing development of three houses adjoining the site to the west, and an indication of the two houses, subject to the successful appeal, on the site adjoining to the east;
- (iv) a Hearing be convened for the purposes of providing further information with regard to the site layout.

(vii) TCP/11/16(60)

Planning Application 10/01237/FLL – Clarification of Condition 2 on Planning Application 10/01237/FLL for new build house at Plot 2, Butts Acre, Leslie Road, Scotlandwell – Mr G Jack

Members considered a Notice of Review submitted by the applicant's agent, Mr C Wood, seeking a review of the decision by the Appointed Officer to refuse permission for clarification of Condition 2 on Planning Application 10/01237/FLL for new build house at Plot 2, Butts Acre, Leslie Road, Scotlandwell.

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) 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 Hearing be convened for the purposes of further information on the history of the site and the overall development of the four houses at Butts Acre, with particular regard to the specification of materials being provided by the Appointed Officer.

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