

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 May 2011 at 10.00am.

Present: Councillors M Lyle, W Lumsden and W Wilson.

In Attendance: M Stewart and D Harrison (Planning Advisers); G Fogg (Legal Adviser) and Y Oliver (both Chief Executive's Service).

Also Attending: Members of the public, including agents and applicants; N Brian, G Peebles (up to and including Art. 272(vi)) and C Brien (all the Environment Service).

Councillor M Lyle, Convener, Presiding.

270. DECLARATIONS OF INTEREST

There were no declarations of interest in terms of the Councillor's Code of Conduct.

271. MINUTE OF PREVIOUS MEETING

The Minute of meeting of the Local Review Body of 26 April 2011 was submitted and noted.

272. APPLICATIONS FOR REVIEW

(i) TCP/11/16(94)

Planning Application 10/02044/FLL – Change of use from former railway sidings to vehicular sales and valeting at site 70 metres west of Duntanlich, Tibbermore , PH1 3PA – Mr S Horne

Members considered a Notice of Review submitted by the applicant's agents, RDA Architects, seeking a review of the decision by the Appointed Officer to refuse permission for the change of use from former railway sidings to vehicular sales and valeting at site 70 metres west of Duntanlich, Tibbermore, PH1 3PA.

Mr D Harrison, Planning Adviser, displayed photographs of the site in question, described the proposal, 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:

Agreed by unanimous decision that, having regard to the material before the Local Review Body, sufficient information was before the Local Review Body to determine the matter without further procedure.

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Resolved by a majority decision that:

the Appointed Officer's decision be upheld, and the application for change of use from former railway sidings to vehicular sales and valeting at site 70 metres west of Duntanlich, Tibbermore, PH1 3PA be refused, for the reasons specified in the Report of Handling by the Appointed Officer, namely:

1. The existing business use is contrary to Policy 1 of the Perth Area Local Plan 1995 in that the development has an adverse visual impact on the surrounding landscape, unduly affects neighbouring residential amenity, is not compatible with the existing neighbouring residential use and the existing access is not suitable for a commercial enterprise.
2. This use, if approved, would establish a precedent for developments of a similar nature to the detriment of the overall character of the area which would undermine and weaken the established policies of the Perth Area Local Plan 1995 (Incorporating Alteration No 1 Housing Land 2000).

Note: Councillor W Lumsden considered that the proposal was not contrary to Policy 1 of the Perth Area Local Plan 1995 in that it would not have an adverse visual impact on the surrounding landscape and, if approved, would not establish a precedent for developments of a similar nature.

(ii) **TCP/11/16(97)**
Planning Application 10/00078/IPL – Erection of 3 houses (in principle) at land 50 metres north west of 15 Boreland Holdings, Kinnochy – Mr M Ower

Members considered a Notice of Review submitted by the applicant's agent, Ms Karen Clark, seeking a review of the decision by the Appointed Officer to refuse permission for the erection of 3 houses (in principle) at land 50 metres north west of 15 Boreland Holdings, Kinnochy.

Mr M Stewart, Planning Adviser, displayed photographs of the site, described the proposal, and stated 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, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Appointed Officer's decision be upheld, and the application for the erection of 3 houses (in principle) at land 50 metres north west of 15 Boreland Holdings, Kinnochy be refused, for the

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reasons specified in the Report of Handling by the Appointed Officer, namely:

1. The proposal is contrary to Policy 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No. 1, Housing Land 2000) where it relates to new housing in the countryside in that the proposal does not meet any of the criteria relating to (a) development zones (b) building groups (c) renovation of abandoned houses (d) replacement houses (e) conversion of non-domestic buildings (f) operational need.
2. The proposal is contrary to the Council's Policy on Housing in the Countryside (2009) in that the proposal does not meet any of the categories (1) Building Group (2) Infill Sites (3) New Houses in the Open Countryside (4) Renovation or Replacement (5) Conversion or Replacement of Redundant Non-Domestic Buildings or (6) Rural Brownfield Site.

(iii) TCP/11/16(98)

Planning Application 10/00551/FLL – Alterations and extension to form additional accommodation and storage area at Viewlands House, 25 Viewlands Road, Perth, PH1 1BL – Abbeyfield Perth Society Ltd

Members considered a Notice of Review submitted by the applicant's agents, Murdoch Chartered Architects, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for alterations and extension to form additional accommodation and storage area at Viewlands House, 25 Viewlands Road, Perth, PH1 1BL.

Mr M Stewart, Planning Adviser, displayed photographs of the site, stated 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) there was insufficient information before the Local Review body to determine the matter without further procedure;
- (ii) an accompanied site visit be arranged, to which the applicant, interested parties, planning adviser and appointed officer be invited.

(iv) TCP/11/16(99)

Planning Application 10/02199/FLL – Alterations to form two flats at 36 North Methven Street, Perth – Mr A Johnston

Members considered a Notice of Review submitted by the applicant's agent, Mr William Christie, seeking a review of the decision by the

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Appointed Officer of the Council to refuse permission for alterations to form two flats at 36 North Methven Street, Perth.

Mr M Stewart, Planning Adviser, displayed photographs of the site, stated the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Agreed by unanimous decision that, having regard to the material before the Local Review Body, sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by majority decision that:

the Appointed Officer's decision be overturned and the application for alterations to form two flats at 36 North Methven Street, Perth, be approved, subject to the imposition of appropriate conditions.

Justification

In view of the existence of the comparable box dormer extensions on the properties which lie immediately to the north and south of the application site, the proposal would not be detrimental to the character and appearance of Perth Central Conservation Area and, as such, would not be contrary to Policy 14 of the Perth Central Area Local Plan 1997 or the Scottish Historic Environment Policy 2009.

Note: Councillor M Lyle considered that the proposed alterations, by reason of their location, form and finish would be detrimental to the character and appearance of Perth Central Conservation Area and, as such, approval would be contrary to Policy 14 of the Perth Central Area Local Plan 1997 and the Scottish Historic Environment Policy 2009.

(v) **TCP/11/16(100)**

Planning Application 10/01201/IPL – Residential development (in principle) at West March, Turretbank Road, Crieff, PH7 4JJ – Blazon Investments

Members considered a Notice of Review submitted by the applicant's agents, RDA Architects, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for a residential development (in principle) at West March, Turretbank Road, Crieff, PH7 4JJ.

Mr D Harrison, Planning Adviser, displayed photographs of the site, stated 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:

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- (i) having regard to the information available, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Appointed Officer's decision be upheld, and the application for a residential development (in principle) at West March, Turretbank Road, Crieff, PH7 4JJ be refused, for the reasons specified in the Report of Handling by the Appointed Officer, namely:
 - 1. The proposal is contrary to the Strathearn Area Local Plan Policy 69 which seeks to ensure that major areas of open space are retained and resists any development proposals which erode the areas. The development proposed would result in the erosion of an area identified as part of a major area of open space within the Local Plan.
 - 2. The proposal does not meet the terms of the Strathearn Area Local Plan 2001 Policy 7: Flood Risk as the proposal would result in development within an identified flood plain area.
 - 3. The proposal does not accord with the requirements of the Strathearn Area Local Plan Policy 27: Listed Buildings in that it has not been demonstrated that the proposed development would not have a detrimental effect on the setting of the two Listed Buildings within the immediate area.
 - 4. The proposal does not accord with Scottish Planning Policy 2010 (paragraph 197) in that the proposal would result in a development which would have a significant probability of being affected by flooding.

**(vi) TCP/11/16(101)
Planning Application 11/00194/FLL – Addition of a shower room at rear of property and a storm porch at front of the property at East Lodge, Ballechin, Pitlochry, PH19 0LW – Mr and Mrs Rose**

Members considered a Notice of Review submitted by the applicant's agent, Mr Kyle Grant, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the addition of a shower room at the rear of the property and a storm porch at the front of the property at East Lodge, Ballechin, Pitlochry, PH19 0LW.

Mr M Stewart, Planning Adviser, displayed photographs of the site, stated the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Agreed by unanimous decision that, having regard to the material before the Local Review Body, sufficient information was before the Local Review Body to determine the matter without further procedure.

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Resolved by majority decision that:

the Appointed Officer's decision be upheld, and the application for the addition of a shower room at the rear of the property and a storm porch at the front of the property at East Lodge, Ballechin, Pitlochry, PH19 0LW be refused, for the reasons specified in the Report of Handling by the Appointed Officer, namely:

1. The proposal is contrary to Policy 2 of the Highland Area Local Plan 2000 as the proposed extension(s) represent an incongruous and unsympathetic addition which will adversely affect the visual character of the host building and the surrounding area.
2. The proposal is contrary to Highland Area Local Plan 2000 Policy 5: Design as the cumulative proportions of the buildings are not in keeping with the surroundings and therefore the development does not fit its surroundings.
3. The proposal is contrary to the Scottish Government's "Designing Places" which seeks to ensure good design at all scales of development. The proposed extension will create an unacceptable visual impact to the detriment of the host building.

Note: Councillor W Lumsden considered that the proposal was not contrary to the Development Plan (namely Policies 2 and 5) of the Highland Area Local Plan 2000 and that it would not represent an incongruous and unsympathetic addition and is in keeping with the surroundings.

FOLLOWING A SHORT ADJOURNMENT, THE LOCAL REVIEW BODY RECONVENED.

G PEEBLES LEFT THE MEETING AT THIS POINT.

(vii) TCP/11/16(102)

Planning Application 10/01960/FLL – Erection of two new dwellings and garages at Davidsfold, North Ardbennie, Madderty, PH7 3PT – Mr J Henderson

Members considered a Notice of Review submitted by the applicant's agent, Mr Alexander Smith, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the erection of two new dwellings and garages at Davidsfold, North Ardbennie, Madderty, PH7 3PT.

Mr D Harrison, Planning Adviser, displayed photographs of the site in question, stated 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) there was insufficient information before the Local Review Body to decide the matter without further procedure;

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- (ii) an unaccompanied site visit be arranged;
- (iii) following the site visit, the application be brought back to a future meeting of the Local Review Body.

(viii) TCP/11/16(103)

Planning Application 10/01867/FLL - Conversion of existing pumping station to form a 2 bedroom dwellinghouse with new hardstanding parking space at former Pumping Station, Balnaguard – Mr P Merrick, Braidcrest Limited

Members considered a Notice of Review submitted by the applicant's agents, Slorach Wood Architects, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the conversion of existing pumping station to form a 2 bedroom dwellinghouse with new hardstanding parking space at former Pumping Station, Balnaguard.

Mr M Stewart, Planning Adviser, displayed photographs of the site, stated 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 information available, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Appointed Officer's decision be upheld, and the application for the conversion of existing pumping station to form a 2 bedroom dwellinghouse with new hardstanding parking space at former Pumping Station, Balnaguard be refused, for the reasons specified in the Report of Handling by the Appointed Officer, namely:
 1. The proposal is contrary to Highland Area Local Plan 2000, Policy 2(f) in that the site is not large enough to accommodate the impact of the development satisfactorily in site planning terms.
 2. The proposal is contrary to Policy 54 of the Highland Area Local Plan 2000 as the proposal does not meet the criteria outlined in Category (c) Conversion or Replacement of Non-Domestic Buildings as the conversion is not of traditional form, not of architectural merit, does not make a positive contribution to the landscape and is not capable of conversion to residential use without requiring major extensions. Furthermore, the proposal is contrary to The Housing in the Countryside Policy August 2009, Category 5 as the conversion does not meet the relevant criteria in that the building is not of traditional form, architectural merit or makes a positive contribution to the landscape.

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3. The proposal is contrary to Scottish Planning Policy (SPP) as no Flood Risk Assessment has been submitted. The central purpose of this Policy is to prevent further development which would have a significant probability of being affected by flooding or which would increase the probability of flooding elsewhere. Furthermore, the proposal is contrary to Policy 7 of the Highland Area Local Plan 2000 as development may be in an area liable to flood and no information has been provided to demonstrate otherwise.
4. The proposal is contrary to The Environment and Resources Policy 9 of Perth and Kinross Structure Plan 2002 as there is a presumption against development in areas where there is a significant probability of flooding.

(ix) **TCP/11/16(104)**
Planning Application 10/01990/FLL – Erection of holiday lodges and associated works, including extension of access track, formation of parking spaces and installation of septic tank, at land 400 metres north west of Keeper’s Cottage, Moneydie – Mr Roderick L Melville

Members considered a Notice of Review submitted by the applicant’s agents, Bidwells, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the erection of holiday lodges and associated works, including extension of access track, formation of parking spaces and installation of septic tank, at land 400 metres north west of Keeper’s Cottage, Moneydie.

Mr D Harrison, Planning Adviser displayed photographs of the site, stated the reasons for the Appointed Officer’s refusal of the application and the grounds for the Notice of Review.

Decision:

Agreed by unanimous decision that, having regard to the material before the Local Review Body, sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by majority decision that:

the Appointed Officer’s decision be overturned and the application for the erection of holiday lodges and associated works, including extension of access track, formation of parking spaces and installation of septic tank, at land 400 metres north west of Keeper’s Cottage, Moneydie be approved, subject to the imposition of appropriate conditions, including a condition ensuring that the lodges are used for holiday accommodation only.

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Justification

The proposal is not contrary to Policy 28 of the Perth Area Local Plan 1996 Incorporating Alteration No 1 Housing Land 2000 and does comply with the Council's Chalet and Timeshare Policy Review 1997.

Note: Councillor W Wilson considered that the proposal was contrary to Policy 28 of the Perth Area Local Plan 1995 Incorporating Alteration No 1 Housing Land 2000 in that its location was isolated with no nearby tourism based facilities and there were no material considerations which would justify over-riding the adopted Development Plan.

(x) **TCP/11/16(106)**
Planning Application 10/02068/FLL – Erection of a dwellinghouse at Cockerstone Farm, Bankfoot, PH1 4DN – A & K Duncan

Members considered a Notice of Review submitted by the applicant's agent, Mr Keir Doe, DMH Baird Lumsden, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the erection of a dwellinghouse at Cockerstone Farm, Bankfoot, PH1 4DN.

Mr D Harrison, Planning Adviser, displayed photographs of the site, stated the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

Agreed by unanimous decision that, having regard to the material before the Local Review Body, sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by majority decision that:

The Appointed Officer's decision be overturned and the application for the erection of a dwellinghouse at Cockerstone Farm, Bankfoot, PH1 4DN be approved, subject to the imposition of appropriate conditions, including a condition requiring (i) the provision of a natural slate roof, in place of the proposed concrete tile material, to reflect the existing farmhouse and cottages; and (ii) appropriate landscaping to be provided at the site of the proposed dwellinghouse; but subject to the applicant entering in to a s75 agreement to ensure that:

- (a) the proposed house, together with Cockerstone Farmhouse, Cockerstone Farm Cottage (East), and the land comprising Cockerstone Farm holding be retained in single ownership; and
- (b) an occupancy condition linking the property to which the review application related to an agricultural worker.

Justification

The proposal complies with Policy 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No 1 Housing Land 2000) and is not contrary to the Council's Policy on Housing in the Countryside 2009.

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Note: Councillor M Lyle considered that the proposal was contrary to the Perth Area Local Plan 1995 (Incorporating Alteration No 1 Housing Land 2000) in that there was no justifiable requirement for it.

(xi) TCP/11/16(107)
Planning Application 10/02225/FLL – Alteration and extension to dwellinghouse at Boat House, Pier Road, Kenmore, PH15 2HJ – Newhaven Developments

Members considered a Notice of Review submitted by the applicant's agents, McKenzie Strickland Associates, seeking a review of the decision by the Appointed Officer to refuse permission for the alteration and extension to dwellinghouse at Boat House, Pier Road, Kenmore, PH15 2HJ.

Mr D Harrison, Planning Adviser, displayed photographs of the site and described the proposal, stated 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, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Appointed Officer's decision be upheld, and the application for alteration and extension to dwellinghouse at Boat House, Pier Road, Kenmore, PH15 2HJ be refused, for the reason specified in the Report of Handling by the Appointed Officer, namely:
 1. The proposal is contrary to Policy 95 of the Highland Area Local Plan 2000 as the enlargement of the window openings on the principal (north-west) elevation will distort the proportions of the elevation to a significant extent and dilute the historical reading of the building within this part of the Kenmore Outstanding Conservation Area. The introduction of a large deck area to the front of the house is also considered to detrimentally affect the character of the Conservation Area.

273. DEFERRED APPLICATIONS FOR REVIEW

Site Visit

- (i) **TCP/11/16(95)**
Planning Application 10/01977/FLL - Erection of 2 dwellinghouses on land to west of Old Schoolhouse, Rannoch Station, Pitlochry, PH17 2QA – Mr H N McCorquodale, Dunan Estate

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Members considered a Notice of Review submitted by the applicant's agents, MBM Planning & Development, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the erection of 2 dwellinghouses on land to west of Old Schoolhouse, Rannoch Station, Pitlochry, PH17 2QA.

It was noted that, at its meeting on 26 April 2011, the Local Review Body resolved that:

- (iii) there was insufficient information before the Local Review Body to decide the matter without further procedure, and the application was duly deferred to a future meeting of the Local Review Body;
- (iv) an unaccompanied site visit be arranged;
- (v) following the site visit, the application be brought back to a future meeting of the Local Review Body.

Decision:

By unanimous decision resolved that:

- (i) having regard to the information available and to their own assessment from their attendance at the site visit on 26 May 2011, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Appointed Officer's decision be upheld and the application for the erection of 2 dwellinghouses on land to west of Old Schoolhouse, Rannoch Station, Pitlochry, PH17 2QA be refused, for the reasons specified in the Report of Handling by the Appointed Officer, namely:
 1. The proposal is contrary to Highland Area Local Plan 2000 Policy 2 which, amongst other criteria, requires all development to have regard to the scale, form, colour and density of existing development within the locality, thus ensuring the development does not result in a significant loss of amenity to the local community, and that the site should have a landscape framework capable of absorbing or, if necessary, screening the development. The proposal does not have regard to the form, density and character of the area. The site is not large enough to accommodate the impact of the development satisfactorily in site planning terms. The development is not located within an identified settlement.
 2. The proposal is contrary to Highland Area Local Plan 2000 Policy 3: Landscape in that the proposal would not conserve existing landscape features and sense of local identity nor would it strengthen or enhance landscape character.
 3. The proposal is contrary to the Highland Area Local Plan 2000 Policy 5: Design which requires high standards of design for all developments in the Highland Area with particular encouragement given to ensuring that the proportions of any buildings are in keeping with the

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surroundings. The proportions, scale and design of the proposed dwellinghouses are such that the development is not in keeping with its surroundings and therefore does not fit its location.

4. 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 an established 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 development reflect and respect the existing pattern of any settlement. The development does conflict with other policies in the Local Plan.
5. The proposal is contrary to the Council's Housing in the Countryside Policy 2009 in that the proposed dwellinghouse does not lie within a Building Group, is not an appropriate Infill Site, does not involve the Renovation or Replacement of a House, does not involve the Conversion or Replacement of a Non-Domestic Building, is not on a Brownfield Site and does not comply with all of the criteria for New Houses in the Open Countryside. The development would contribute towards ribbon development.

**(ii) TCP/11/16(96)
Planning Application 10/01768/IPL – Erection of dwellinghouse (in principle) at land 100 metres south east of Briglands Lodge, Crook of Devon, KY13 0PS – Mr D Multon**

Members considered a Notice of Review submitted by the applicant's agents, Clarendon Planning and Development Ltd, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the erection of dwellinghouse (in principle) at land 100 metres south east of Briglands Lodge, Crook of Devon, KY13 0PS.

It was noted that, at its meeting on 26 April 2011, the Local Review Body resolved that:

- (i) there was insufficient information before the Local Review Body to decide the matter without further procedure, and the application was duly deferred to a future meeting of the Local Review Body;
- (ii) an unaccompanied site visit be arranged;
- (iii) following the site visit, the application be brought back to a future meeting of the Local Review Body.

Decision:

By unanimous decision resolved that:

- (i) having regard to the information available and to their own assessment from their attendance at the site visit on 26 May

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- 2011, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Appointed Officer's decision be upheld and the application for the erection of dwellinghouse (in principle) at land 100 metres south east of Briglands Lodge, Crook of Devon, KY13 0PS be refused, for the reasons specified in the Report of Handling by the Appointed Officer, namely:
1. The proposal is contrary to Policy 64 of the Kinross Area Local Plan 2004 as it does not comply with any of the accepted criterion within categories (a) Building Group (b) Renovation or Replacement (c) Conversions or (d) Operational Need.
 2. The proposal is contrary to the Council's policy on Housing in the Countryside (2009) as it does not satisfy any of the accepted categories (1) Building Groups (2) Infill Sites (3) New Houses in the Open Countryside (4) Renovation or Replacement of Houses (5) Conversion or Replacement of Non-Domestic buildings and (6) Brownfield Sites.
 3. The proposed development is contrary to Policy 31 of the Kinross Area Local Plan as the development fails to safeguard the setting of the listed buildings. This also results in the proposal conflicting with Scottish Planning Policy and Historic Scotland's Guidelines for the Detailed Consideration of Listed Buildings and Conservation Area Consent Cases.
 4. The proposal would result in a visually intrusive, conspicuous development and would further establish a precedent for developments of a similar nature to the detriment of the overall character of the area which would undermine and weaken the established policies of the Kinross Area Local Plan and supplementary Council Planning Policy.

Written Submissions

- (iii) **TCP/11/16(73)**
Planning Application 10/01000/FLL – Review of Conditions 1 and 2 imposed on planning application 10/01000/FLL for change of use from agricultural building to vaulting arena (in retrospect) and extension to form ancillary storage at land 20 metres north of Hillside House, Milnathort, KY13 3NR – Mrs E Mackay

Members considered a Notice of Review submitted by the applicant's agents, Hendersons Chartered Surveyors, seeking a review of Conditions 1 and 2 imposed on planning application 10/01000/FLL for change of use from agricultural building to vaulting arena (in retrospect) and extension to form ancillary storage at land 20 metres north of Hillside House, Milnathort, KY13 3NR.

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It was noted that, at its meeting on 28 January 2011, the Local Review Body resolved that:

- (i) there was insufficient information before the Local Review Body to decide the matter without further procedure;
- (ii) further information be requested from the Planning Service with regard to the Roads Authority's views on the proposal as the applicant was apparently unable to comply with the relevant conditions due to access not being within the applicant's control;
- (iii) following receipt of further information, the application be brought back to a future meeting of the Local Review Body.

Decision:

By unanimous decision resolved that:

- (i) having regard to the information available and to the information given by Mr N Brian, Development Quality Manager, to the effect that the Roads Authority had revisited the site and now considered the access acceptable, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Appointed Officer's decision be overturned and Conditions 1 and 2 imposed on planning application 10/01000/FLL for change of use from agricultural building to vaulting arena (in retrospect) and extension to form ancillary storage at land 20 metres north of Hillside House, Milnathort, KY13 3NR, be removed, subject to a revised condition which provided (a) an area being left clear for use as a passing place; and (b) a bitumous surfacing for the passing place must be provided to the satisfaction of the Planning Authority.

Justification

The Roads Authority now considered the access to be acceptable and there were therefore no outstanding road safety issues.

(iv) TCP/11/16(75)

Planning Application 10/01376/FLL – Alterations, extension and conversion of storage building to form dwellinghouse at site 20 metres south west of Gilfillan Court, Commercial Lane, Comrie – McKenzie Properties

Members considered a Notice of Review submitted by the applicant's agents, BDA Design, seeking a review of the decision by the Appointed Officer to refuse permission for alterations, extension and conversion of storage building to form dwellinghouse at site 20 metres south west of Gilfillan Court, Commercial Lane, Comrie.

It was noted that, at its meeting on 28 January 2011, the Local Review Body resolved that:

- (i) there was insufficient information before the Local Review Body to decide the matter without further procedure;

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- (ii) Planning Officers be requested to consider the Flood Risk Assessment and provide a response in writing to the Local Review Body;
- (iii) following receipt of further information, the application be brought back to a future meeting of the Local Review Body.

Decision:

Agreed by unanimous decision that, having regard to the information available, and the written submission from the Environment Service, sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by a majority decision that:

the Appointed Officer's decision be overturned and the application for alterations, extension and conversion of storage building to form dwellinghouse at site 20 metres south west of Gilfillan Court, Comrie be approved, subject to the imposition of appropriate conditions, including (a) a condition that the freeboard is raised 600mm to accommodate any flood risk and (b) a condition re the use of smaller and more dispersed rooflights to the south roof slope.

Justification

The proposal is not contrary to Policy 7 of the Strathearn Area Local Plan 2001 or the Perth and Kinross Structure Plan 2003 Environment and Resources Policy 9 in that it will not have a significant probability of being affected by flooding.

Note: Councillor W Wilson considered that the proposal is not in accordance with the Development Plan in that the degree of risk of flooding had not been adequately minimised.

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