

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
1 February 2011

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 1 February 2011 at 10 am.

Present: Councillors B Band, M Lyle and I Campbell.

In Attendance: M Stewart and D Harrison (Planning Advisers); C Elliott (Legal Adviser); N Brian and D Niven (both The Environment Service) and Y Oliver (Chief Executive's Service).

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

Councillor B Band, Convener, Presiding.

47. DECLARATIONS OF INTEREST

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

48. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Local Review Body of 14 December 2010 was submitted and noted.

49. HEARINGS

(i) 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 applications, were followed.

(ii) **TCP/11/16(28)**

Planning Application 09/02232/FLL – Replacement of dwellinghouse at Damside House, Auchterarder, PH3 1EU – Mr and Mrs S Steele

It was noted that, at its meeting on 1 June 2010, the Local Review Body agreed that:

(i) Written submissions be requested from the Appointed Officer:

(a) seeking comment on the financial justification for the replacement of the existing house submitted by the Applicants and how that may be assessed against the Strathearn Local Plan 2001, Policy 54 and the Housing in the Countryside Policy, August 2009, Category 4 'Renovation or Replacement of Houses', and;

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- (b) obtaining independent architectural advice on the architectural quality of the existing and replacement houses; with the Applicants being given the opportunity to make comment on any written submissions by/through the Appointed Officer.
- (ii) Following receipt of written submissions, an unaccompanied site visit be arranged, to be attended by the three members (plus reserve) constituting the meeting of the Local Review Body at which this application will be heard;
- (iii) A Hearing be convened to:
 - (a) consider the financial justification for the replacement of the existing house submitted by the Applicants and how that may be assessed against the Strathearn Local Plan 2001, Policy 54 and the Housing in the Countryside Policy, August 2009, Category 4 'Renovation or Replacement of Houses', and
 - (b) consider the independent architectural advice on the architectural quality of the existing and replacement houses.

The Local Review Body heard submissions from Mr P Houghton, agent 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.

Decision:

Resolved that:

By unanimous decision, the Appointed Officer's decision be overturned and the application for the replacement dwellinghouse at Damside House, Auchterarder, PH3 1EU, be approved subject to satisfactory planning conditions including a Woodland Management Scheme. The Local Review Body also requested that the Council give consideration to a Tree Preservation Order being imposed to retain as much of the mature woodland as possible.

Justification:

The Local Review Body was satisfied that:

The proposed development does comply with the relevant policies of the Strathearn Area Local Plan, in particular Policy 54 'Housing in the Countryside' and the revised Housing in the Countryside Policy (2009).

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(iii) 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

It was noted that, at its meeting on 2 November 2011, the Local Review Body had agreed that a Hearing be convened to provide 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.

The Local Review Body heard submissions from Mr C Wood, agent on behalf of the applicant, and Mr N Brian, Development Quality Manager, Perth and Kinross Council.

Decision:

Resolved that::

By unanimous decision, the Appointed Officer's decision be upheld, the application for clarification of Condition 2 on planning application 10/01273/FLL for new build house at Plot 2, Butts Acre, Leslie Road, Scotlandwell be refused.

Justification:

The proposal for grey roof tiles contravenes:-

- (i) Kinross Area Local Plan 2004, Policies 2 and 6 in terms of not fitting the location: and
- (ii) NPPG 18, Planning and the Environment and the Scottish Historic Environment Policy in terms of affecting the setting of a Conservation Area.

FOLLOWING A SHORT ADJOURNMENT THE LOCAL REVIEW BODY RECONVENED.

50. APPLICATIONS FOR REVIEW

(i) TCP/11/16(65)

Planning Application 10/01060/FLL – Erection of chalet at The Bungalow, East Haugh, Pitlochry, PH16 5TB – Mr and Mrs A Drummond

It was noted that, at its meeting on 14 December 2010, the Local Review Body had agreed that an unaccompanied site visit be arranged.

Mr D Harrison displayed photographs of the site in question, described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds of the Notice of Review. Members of the Local Review Body had regard to their own assessment from their attendance at the site visit.

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Decision:

Resolved that:

On a majority decision, the application be deferred to a future meeting of the Local Review Body, to allow the Applicant's Agent to submit a written statement detailing the precise intended use for the proposed building, with any written statement being copied to the Appointed Officer for comment.

(ii) TCP/11/16(70)

Planning Application 10/00856/FLL – Erection of dog breeding facilities and formation of kennel runs (in retrospect) at Baltree Farm, Hatchbank, Kinross, KY13 0LF – Mr G Hutt

Members considered a Notice of Review submitted by the applicant's agent, R T Hutton, seeking a review of the decision by the Appointed Officer to refuse permission for the erection of dog breeding facilities and formation of kennel runs (in retrospect) at Baltree Farm, Hatchbank, Kinross, KY13 0LF.

Mr D Harrison 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;
- (ii) by unanimous decision, the Appointed Officer's decision be upheld, and the application for the erection of dog breeding facilities and formation of kennel runs (in retrospect) at Baltree Farm, Hatchbank, Kinross, KY13 0LF be refused, for the reasons previously applied by the Development Quality Manager, with the exception of Reason No. 4 contained in the Report of Handling being amended such that the Local Review Body considered there could be a significant impact on the amenity of neighbouring properties due to noise, the Body being concerned as to the accuracy of the noise report.

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(iii) TCP/11/16(72)

Planning Application 10/00061/FLL – Erection of dwellinghouse (for care worker) at Tulchan Croft, Glenalmond, Perth, PH1 3SG – Mr F McGibbon

Members considered a Notice of Review submitted by the applicant's agent, Mr N MacLeod, seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse (for care worker) at Tulchan Croft, Glenalmond, Perth, PH1 3SG.

Mr D Harrison 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 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, and the application for the erection of a dwellinghouse (for care worker) at Tulchan Croft, Glenalmond, Perth, PH1 3SG be refused, for the reasons previously applied by the Development Quality Manager.

51. RECONSIDERATION OF APPLICATION FOR REVIEW

(i) TCP/11/16(16)

Planning Application 09/01582/FLL – Alteration to garage/stable/byre to form a dwellinghouse at Glenquey Reservoir, Glendevon, Dollar, FK14 7JX – Mr G And Mr C Livingstone.

It was noted that, at its meeting held on 6 April 2010, the Local Review Body overturned the Appointed Officer's decision to refuse the application, subject to a Section 75 Agreement being entered into in connection with education requirements. The applicant subsequently declined to enter into this agreement and the Notice of Review was placed on the agenda for the meeting on 1 February 2011, with a recommendation for refusal, due to his refusal to comply with the original decision of the Local Review Body.

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The Local Review Body noted that the applicant, Mr G Livingstone, had intimated, on 30 January 2011, that he no longer wished to proceed and had withdrawn his review application.

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