

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
1 MAY 2018

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Minute of meeting of the Perth and Kinross Local Review Body held in the Council Chamber, 2 High Street, Perth on Tuesday 1 May 2018 at 10.30am.

Present: Councillors W Wilson, R McCall and L Simpson.

In Attendance: D Harrison (Planning Adviser), G Fogg (Legal Adviser) and D Williams (Committee Officer) (all Corporate and Democratic Services).

Also Attending: C Brien (the Environment Service); S Richards (Corporate and Democratic Services); members of the public, including agents and applicants.

Councillor W Wilson, Convener, Presiding.

245. DECLARATIONS OF INTEREST

There were no declarations of interest made in terms of the Councillors' Code of Conduct.

246. MINUTE

The minute of meeting of the Local Review Body of 3 April 2018 was submitted and noted.

247. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(513) – Review of Refusal to Discharge Condition 5 of Consent 12/01423/FLL to permit the alternative installation of 7 No. Senvion MM92 Turbines – Tullymurdoch Limited**

Members considered a Notice of Review seeking a review of the refusal to discharge Condition 5 of Consent 12/01423/FLL to permit the alternative installation of 7 No. Senvion MM92 turbines.

The Planning Adviser summarised the extensive planning history of the two planning applications relating to this windfarm development.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning and Legal Advisers, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the refusal to discharge Condition 5 of Consent 12/01423/FLL to permit the alternative installation of 7 No. Senvion MM92 turbines, be granted and Condition 5 of Consent 12/01423/FLL be discharged to that effect.

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Justification

The Local Review Body recognised that the Council had already approved the siting of 7 No. Servion MM92 turbines as proposed in the context of 15/01561/FLL and that the planning application had been implemented in terms of a commencement of development on site and therefore justified the discharge of Condition 5 of Consent 12/01423/FLL.

(ii) TCP/11/16(524) - Planning Application – 17/02047/FLL – Erection of a dwellinghouse (in principle), land north of 59 Station Road, Invergowrie – Mr S Adams

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection a dwellinghouse (in principle), on land north of 59 Station Road, Invergowrie.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in 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.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the erection of a dwellinghouse (in principle), on north of 59 Station Road, Invergowrie, be refused for the following reasons:
 - 1. The proposal, by virtue of the sites narrow width and close relationship with the existing property, would have an adverse impact on the density and visual character of the area whilst not achieving a satisfactory level of separation between the proposed new dwelling and the existing dwelling. To this end, the proposal is contrary to Policies PM1A and RD1 of the adopted Perth and Kinross Local Development Plan 2014, which both seek to ensure that new developments within residential areas do not adversely affect the character, density and amenity (visual and residential) of existing areas.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

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248. DEFERRED APPLICATIONS FOR REVIEW

(i) TCP/11/16(508) – Planning application - 17/01250/FLL – Erection of a dwellinghouse, land 400 metres north east of Leepark, Coldrain – Mr D S McFadzean

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse, land 400 metres north east of Leepark, Coldrain.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting of 6 February 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without (i) an updated report from SAC on the justification of need, reflective of the additional land referred to in the Notice of Review and; (ii) comment from the Development Quality Manager on the updated report from SAC. With the requested further information having been received, the Local Review Body reconvened.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, including the requested further information, and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure;

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the erection of a dwellinghouse, land 400 metres north east of Leepark, Coldrain, be refused for the following reasons:
 - 1. The proposal is contrary to Policy PM1A: Placemaking, of the Perth and Kinross Local Development Plan 2014 as the development would not contribute positively to the quality of the surrounding environment. The density and siting of the development does not respect the character and amenity of the place.
 - 2. The proposal is contrary to Policy PM1B, criterion (c) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

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(ii) TCP/11/16(523) - Planning Application – 17/01749/FLL – Erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm, Kinross – S Kinnaird

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse and stables on land 90 metres west of Findatie Farm, Kinross.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting of 3 April 2018, the Local Review Body resolved that insufficient information was before the Local Review Body to determine the application without clarification on the siting and position of the proposed site. With the further information having been received, the Local Review Body reconvened.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, including the requested clarification on the siting and position of the proposed site, and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) an unaccompanied site visit be carried out;
- (i) following the site visit, the application be brought back to the Local Review Body.

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