

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 24 April 2012 at 10.00am.

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

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

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

Councillor M Lyle, Convener, Presiding

. **DECLARATIONS OF INTEREST**

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

. **MINUTE OF LAST MEETING**

The Minute of meeting of the Local Review Body of 27 March 2012 was submitted and noted.

THE LOCAL REVIEW BODY UNANIMOUSLY AGREED TO VARY THE ORDER OF BUSINESS.

. **APPLICATIONS FOR REVIEW**

- (i) **TCP/11/16(179)**
Planning Application 11/01134/FLL – Installation of replacement windows (in retrospect) at 1 Pitheavlis Castle, Pitheavlis Castle Gardens, Perth, PH2 0GU – Mrs D Hutchison

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the installation of replacement windows (in retrospect) at 1 Pitheavlis Castle, Pitheavlis Castle Gardens, Perth, PH2 0GU.

The Planning Adviser 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 by unanimous decision that:

- (i) there was insufficient information before the Local Review Body to determine the matter without further procedure;
- (ii) an unaccompanied site visit be arranged;

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

(ii) TCP/11/16(168)

Planning Application 11/00962/FLL – Siting of caravan (in retrospect) at The Old Mart, Airlie Street, Alyth, PH11 8ES – Mr A Murdoch

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the siting of a caravan (in retrospect) at The Old Mart, Airlie Street, Alyth, PH11 8ES.

The Planning Adviser 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 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 siting of caravan (in retrospect), The Old Mart, Airlie Street, Blairgowrie, PH11 8ES, be refused, for the reasons previously applied by the Appointed Officer, namely:
 - 1. As the static caravan is located within an established, active industrial area where it would be very difficult to provide a suitable level of residential amenity for any occupant, the proposal is contrary to Policy 56 of the Eastern Area Local Plan 1998 which seeks to ensure that residential amenity is protected.
 - 2. Perth and Kinross Council considers the sub-standard form of housing accommodation offered by static caravans only to be acceptable on a temporary basis, where an exceptional short term need has been fully demonstrated. The Council has no evidence before them which fully demonstrates (and justifies) that there is a genuine operation need for a night watchman associated with the existing industrial activity. The Council therefore considers the static caravan's use to be one of a general residential use, which, as per Refusal Reason 1, is unacceptable in this location.

(iii) TCP/11/16(173)

Planning Application 11/01510/FLL – Temporary (5 years) siting of a metal storage unit, installation of 2 air conditioning units, formation of vehicular access and hardstanding and erection of screen fence (in part retrospect) at 102 Glengarry Road, Perth, PH2 0AB – Mr G Casson

Mr G Fogg, Legal Manager, advised the meeting that it had come to light that not all interested parties in this case had been advised of the request for a Notice of Review. As it was a statutory obligation to advise all interested parties, the Local Review Body was therefore unable to determine the Notice of Review at this time.

Notwithstanding this, the Planning Adviser 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 to enable members to become more familiar with the case.

Decision:

Resolved by unanimous decision that:

- (i) the application be deferred to a future meeting of the Local Review Body, to allow the Local Review Body's statutory obligation to advise all interested parties of the request for a Notice of Review.

(iv) TCP/11/16(175)

Planning Application 11/01569/IPL – Residential development (in principle) on Land 70 Metres West of Enfield Cottage, Solsgirth – Mr D Broome

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for residential development (in principle) on Land 70 Metres West of Enfield Cottage, Solsgirth.

The Planning Adviser 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:

Agreed by unanimous decision that, 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.

Resolved by majority decision that:

the Appointed Officer's decision be upheld, and the application for residential development (in principle) on Land 70 Metres West of

Enfield Cottage, Solsgirth be refused, for the reasons previously applied by the Appointed Officer, namely:

1. The proposal is contrary to Policy 48 of the Kinross Area Local Plan 2004 as it consists of residential development outwith the settlement boundaries contained within the local plan.
2. 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.
3. No plans to indicate the size of the proposed new building and proposed elevation treatment have been submitted with the application. It is therefore contrary to Policy 64 of the Kinross Area Local Plan 2004 which requires the submission of this information.
4. The proposal is contrary to the Council's policy on Housing in the Countryside (2009) and Policy 64 of the Kinross Area Local Plan 2004 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.
5. There is a lack of information submitted on the potential impact on the woodland within the site. The assessment against the National Policy on 'woodland removal' as well as policies 1, 5, 6, 26 and 27 cannot be fully assessed. This warrants refusal following the precautionary principle approach.
6. 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 2004 and supplementary Council planning policy.

The majority of the Local Review Body who resolved to refuse the application accepted the advice given by Mr D Harrison, Planning Adviser, namely, that the words "Kinross Area Local Plan 2004" should be inserted into Reasons 3 and 4 in order to clarify these reasons for refusal.

Note: Councillor W Lumsden considered that the proposal was not contrary to Policy 64 of the Kinross Area Local Plan 2004 as she considered that it did comply with Category (1) Building Groups. She submitted that she would be prepared to restrict the development to three houses in total, with the boundary of the site being in line with Vine House. In the circumstances, particularly that she was defeated and also that she has not been re elected to the new council, I suggest we leave it as narrated above.

(v) TCP/11/16(176)
Planning Application 11/01065/FLL – Change of use from office to residential dwellinghouse at Old Bank House, Brown Street, Blairgowrie, PH10 6EX – Dr E Peterson

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for change of use from office to residential dwellinghouse at Old Bank House, Brown Street, Blairgowrie, PH10 6EX.

The Planning Adviser 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 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 change of use from office to residential dwellinghouse at Old Bank House, Brown Street, Blairgowrie, PH10 6EX, be refused, for the reason previously applied by the Appointed Officer, namely:
 - 1. As the applicant has failed to make a financial contribution to help address capacity issues at Newhill Primary School, or indicated a willingness to pay a financial contribution at a later date, the proposal is contrary to the Council's Approved Planning Guidance Note on Primary Education and New Housing Developments (2009) which seeks financial contributions for all new mainstream dwellings within the catchment of primary schools that are operating at (or over) 80% of their capacity.

(vi) TCP/11/16(177)
Planning Application 11/01925/FLL – Erection of a dwellinghouse at Trigona, Forgandenny Road, Bridge of Earn, PH2 9EZ – Mr and Mrs W Nicol

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of a dwellinghouse at Trigona, Forgandenny Road, Bridge of Earn, PH2 9EZ.

The Planning Adviser 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 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 overturned and the application for the erection of a dwellinghouse at Trigona, Forgandenny Road, Bridge of Earn, PH2 9EZ be approved, subject to the imposition of appropriate conditions, including provision for an education contribution of £6,395 towards the cost of increasing school capacity which could either be a financial payment upon which the planning consent will be issued or a Section 75 legal agreement following which, upon signing by both parties, the planning consent should be issued.

Justification

The proposal is not contrary to Policy 32 of the Perth Area Local Plan and is therefore in accordance with the Development Plan.

(vii) TCP/11/16(178)**Planning Application 11/01902/FLL – Erection of a conservatory at 67 Woodlands Park, Blairgowrie, PH10 6UW – Mr and Mrs D Irvine**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of a conservatory at 67 Woodlands Park, Blairgowrie, PH10 6UW.

The Planning Adviser 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.

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 overturned and the application for the erection of a conservatory at 67 Woodlands Park, Blairgowrie, PH10 6UW be approved, subject to the imposition of appropriate conditions.

Justification

The proposal is not contrary to Policy 56 of the Eastern Area Local Plan 1998 and is therefore in accordance with the Development Plan.

DEFERRED APPLICATION FOR REVIEW

Unaccompanied Site Visit

- (i) **TCP/11/16(170)
Planning Application 11/01501/IPL – Erection of dwellinghouse (in principle) at land 80 metres west of Top Cottage, Craigend Farm Cottages, Methven – Mr W Bibby**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of dwellinghouse (in principle) at land 80 metres west of Top Cottage, Craigend Farm Cottages, Methven.

The Planning Adviser described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review. Photographs of the site in question were also available.

It was noted that, at its meeting on 27 March 2012, the Local Review Body resolved that:

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

Decision:

Agreed by unanimous decision that, having regard to the material before the Local Review Body and their own assessment from their unaccompanied site visit on 17 April 2012, 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 upheld and the application for erection of dwellinghouse (in principle) at land 80 metres west of Top Cottage, Craigend Farm Cottages, Methven be refused, for the reason previously applied by the Appointed Officer, namely:

1. The site is located in the countryside where there is a presumption against the construction of new dwellings except in certain limited circumstances. On the basis of the submitted information the Council as Planning Authority is not satisfied that the principle of a new dwelling on this site would comply with category 1 of the Council's approved Housing in the Countryside Policy 2009. The erection of a new dwelling without complying with the criteria of the Council's Housing in the Countryside Policy 2009 would be a harmful change to the character and appearance of the countryside; would conflict with the objectives of Government Planning Guidance set out in SPP, would be

contrary to the approved; Sustainable Communities Policies 6 and 9 of the Perth and Kinross Structure Plan 2003; and policies 1, 2 and 3 of the Strathearn Area Local Plan 2001.

Note: Councillor W Lumsden considered that the proposal would comply with category 1 of the Council's approved Housing in the Countryside Policy 2009 and was therefore in accordance with the Development Plan.

VALEDICTORY

This being the last meeting of the Local Review Body before the Local Government Elections on 3 May 2012 the Convener thanked members for their contribution to the work of the Body since its inception in 2009 and expressed his appreciation to officers for the support and advice provided during his term of office as Convener.