

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 9 April 2013 at 10.00am.

Present: Councillors M Lyle (except for Art. 199(i)), C Gillies (Art. 199(i) only), I Campbell and J Giacomazzi.

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

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

Councillor M Lyle, Convener, Presiding
(with the exception of Art. 199(i))

196. DECLARATIONS OF INTEREST

Councillor M Lyle declared a non-financial interest in Art. 199(i) in terms of the Councillors' Code of Conduct.

197. MINUTE OF LAST MEETING

The Minute of meeting of the Local Review Body of 12 March 2013 was submitted, approved as a correct record and authorised for signature.

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

COUNCILLOR M LYLE, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING APPLICATION, LEFT THE CHAMBERS AT THIS POINT. COUNCILLOR C GILLIES TOOK HIS PLACE ON THE LOCAL REVIEW BODY.

198. APPOINTMENT OF ACTING CONVENER

The Convener of the Local Review Body being absent, it was necessary to appoint a member present to act as Convener to the Local Review Body for the purposes of hearing the following application.

Councillor J Giacomazzi nominated Councillor I Campbell, seconded by Councillor C Gillies.

Councillor I Campbell was thereby appointed Acting Convener of the Local Review Body for the purposes of hearing the following application.

Councillor I Campbell, Acting Convener, Presiding
(Art. 199(i) only).

199. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(233)**
Planning Application 12/01371/IPL – Erection of a dwellinghouse (in principle) on land 90 metres north west of 4 Holding, West Kincardine, Crieff – James Tainsh

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 (in principle) on land 90 metres north west of 4 Holding, West Kincardine, Crieff.

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, having regard to the material before the Local Review Body and 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 Review Application for the erection of a dwellinghouse (in principle) on land 90 metres north west of 4 Holding, West Kincardine, Crieff, be upheld subject to the imposition of appropriate conditions, including the inclusion of an appropriate suspensive condition to deal with potential contamination of the land and a contribution towards provision for primary school education.

Justification

Councillors Giacomazzi and Campbell considered that the proposal lay within an identified building group and that it was therefore in accordance with the terms of both the Development Plan and the Housing in the Countryside Guide 2012.

Note: Councillor C Gillies considered that the proposal was contrary to (i) the Council's approved Housing in the Countryside Guide 2012 as, in his opinion, it did not constitute infill development nor did it involve the renovation or replacement of houses; (ii) the Strathearn Area Local Plan 2001 Policy 54: Housing in the Countryside in that it did not lie within a building group; and (iii) the Strathearn Area Local Plan 2001 Policy 2 in that it did not have a landscape framework capable of absorbing or screening the development.

COUNCILLOR C GILLIES LEFT THE MEETING AT THIS POINT.

COUNCILLOR M LYLE RETURNED TO THE MEETING AND RESUMED HIS ROLE AS CONVENER OF THE LOCAL REVIEW BODY.

(ii) TCP/11/16(230)
Planning Application 12/02131/FLL – Erection of a dwellinghouse on land 30 metres north east of 4 Blairfordel Steading, Kelty – James Watters

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 on land 30 metres north east of Blairfordel Steading, Kelty.

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, having regard to the material before the Local Review Body and 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 Review Application for the erection of a dwellinghouse on land 30 metres north east of 4 Blairfordel Steading, Kelty, be upheld subject to the imposition of appropriate conditions, including (i) the provision of a Section 75 Agreement in connection with an education contribution, should the relevant sum not be paid prior to the Decision Notice being issued; and (ii) a condition to provide for intrusive site investigation works being carried out for the purposes of testing for the presence of methane or possible subsidence before further development is commenced.

The Local Review Body requested that the application be brought back to the next meeting of the Local Review Body, being held on Tuesday 7 May 2013, for the purposes of determining whether the materials to be used on the roof of the proposed dwellinghouse be slate, concrete tile or clay pantile.

Note: Councillor I Campbell considered that the proposal is contrary to (i) Policy 64 of the Kinross Area Local Plan and the adopted, revised Housing in the Countryside Guide 2012 as, in his opinion, it does not respect the character, layout and building pattern of the group; (ii) Policy 31 of the Kinross Area Local Plan as the location, scale and design does not appropriately respect the character or setting of the adjacent listed buildings; and (iii) Policy RD3, PM1 and HE2 of the Proposed Local Development Plan 2012 as it fails to contribute successfully to the existing built and natural environment or appropriately respect the setting and character of existing development, including a resultant adverse impact on the setting of a listed building.

Justification

Councillors Lyle and Giacopazzi considered that the proposal lay within an identified building group; that it would not have an adverse impact on the existing listed buildings and that it was therefore in accordance with the Development Plan.

(iii) TCP/11/16(231)**Planning Application 12/01435/IPL – Erection of a dwellinghouse (in principle) at Pitkeathly Mains Farmhouse, Bridge of Earn, PH2 9HL – Mr and Mrs Richard Bott**

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 (in principle) at Pitkeathly Mains Farmhouse, Bridge of Earn, PH2 9HL.

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, having regard to the material before the Local Review Body and comments from the Planning Adviser sufficient information was before the Local Review Body to determine the matter without further procedure.

Resolved by unanimous decision that:

The Review Application for the erection of a dwellinghouse (in principle) at Pitkeathly Mains Farmhouse, Bridge of Earn, PH2 9HL be refused for the following reason:

The proposal is contrary to the Council's adopted, revised Housing in the Countryside Guide 2012 as it does not fall within any of the categories of this policy which would support the principle of a dwellinghouse on the site. In particular, the Members of the Local Review Body were satisfied that the Appointed Officer had correctly assessed that the site did not form part of a building group.

Justification

The proposal is not in accordance with the Council's adopted, revised Housing in the Countryside Guide 2012 and there are no other relevant material planning considerations for approving this proposal against this policy.

(iv) TCP/11/16(232)
Planning Application 12/02035/FLL – Extension to dwellinghouse at 31 Manse Crescent, Stanley – Mr and Mrs M Langlands

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for extension to dwellinghouse at 31 Manse Crescent, Stanley.

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, 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 Review Application for the extension to dwellinghouse at 31 Manse Crescent, Stanley be refused for the following reasons:

1. The proposal is contrary to Policy 71 of the Perth Area Local Plan 1995 incorporating Alteration No 1 Housing Land 2000 as the cumulative proportions of the buildings are not in keeping with the surroundings and, therefore, the proposed extension represents an incongruous and unsympathetic addition which will adversely affect the visual character of the host building and the surrounding area.
2. As a result of reducing the amount of light entering the adjoining property (29 Manse Crescent), which would be to the detriment of the residential amenity of this property, the proposal is contrary to Policy 71 of the Perth Area Local Plan 1995 (incorporating Alteration No 1 Housing Land 2000), which seeks to ensure that new developments within villages do not adversely affect the character, density and amenity of the area concerned.
3. The proposal is contrary to the Scottish Government's "Designing Places" which seeks to ensure good design at all scales of development. The cumulative development of the rear extension(s) are not in keeping with the surroundings and will dominate the host building.

Note: Councillor J Giacopazzi considered that the proposal is not contrary to Policy 71 of the Perth Area Local Plan 1995 (incorporating Alteration No. 1) as it would not reduce the amount of light entering the adjoining property (29 Manse Crescent) significantly.

(v) TCP/11/16(234)
Planning Application 12/01522/FLL – Erection of farm worker's cottage on land 130 metres north of Corryvechter House, Crieff – Ben Challum Ltd

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of farm worker's cottage on land 130 metres north of Corryvechter House, Crieff.

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 there was insufficient information before the Local Review Body to determine the matter without further procedure.

Resolved by unanimous decision that:

- (i) an unaccompanied site visit be arranged;
- (ii) the applicant/agent be requested to provide further information to the Local Review Body (with the Appointed Officer being permitted to comment if appropriate thereafter) on:
 - (a) the suitability of the dwellinghouse currently occupied by the stockman/general worker;
 - (b) further explanation by the Scottish Agricultural College (SAC) as to the requirement that a new house needs to be built to accommodate the existing worker; and
 - (c) the justification for the incorporation of agricultural land within the curtilage of the proposed dwellinghouse;
- (iii) following the unaccompanied site visit and receipt of the further information the application be brought back to a future meeting of the Local Review Body.