

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 12 June 2012 at 10.00am.

Present: Councillors Murray Lyle, Bob Band and Ian Campbell.

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

Also Attending: Councillors Kate Howie (up to and including Art. 251(iii)) and Henry Anderson; N Brian, Development Quality Manager; members of the public, including agents and applicants.

Councillor M Lyle, Convener, Presiding

249. DECLARATIONS OF INTEREST

Councillor M Lyle declared a non-financial interest in Art. 251(v).

250. MINUTE OF PREVIOUS MEETING

The Minute of meeting of the Local Review Body of 24 April 2012 was submitted and noted.

251. APPLICATIONS FOR REVIEW

- (i) TCP/11/16(180)**
Planning Application 11/02130/FLL – Alterations and extension to dwellinghouse at Buzzards Base, Keillour, by Methven, PH1 3RD – Mrs K Oliver

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for alterations and extension to dwellinghouse at Buzzards Base, Keillour, by Methven, PH1 3RD.

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 alterations and extension to dwellinghouse at Buzzards Base, Keillour, by Methven, PH1 3RD be refused, for the reason previously applied by the Appointed Officer, namely:

1. The proposal by way of its scale and proportions engulfs the original dwellinghouse and as such is considered contrary to Policies 2(b) and 5 of the Strathearn Area Local Plan 2001 which seek to ensure built development has regard to the scale and form of development within the locality and to ensure the proportions are in keeping with existing development.

Note: Councillor B Band considered that the proposal was not contrary to Policies 2(b) and 5 of the Strathearn Area Local Plan 2001 in that it did have regard to the scale and form of development within the locality.

(ii) TCP/11/16(181) – 12/00231/FLL – Alterations and extension to form additional accommodation at Viewlands House, 25 Viewlands Road, Perth, PH1 1BL – Abbeyfield Perth Society Ltd

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for alterations and extension to form additional accommodation at Viewlands House, 25 Viewlands Road, Perth, PH1 1BL.

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 overturned and the application for alterations and extension to form additional accommodation at Viewlands House, 25 Viewlands Road, Perth, PH1 1BL be approved, subject to the imposition of appropriate conditions.

Justification

The proposal is not contrary to Policies 41 and 59 of the Perth Area Local Plan 1995 Incorporating Alteration No 1 Housing Land 2000.

Note: Councillor I Campbell considered that the proposal was contrary to the Perth Area Local Plan 1995 Incorporating Alteration No 1 Housing Land 2000 in that the scale, form and design would significantly and detrimentally affect the density, character and amenity of the area.

(iii) TCP/11/16(182)
Planning Application 11/01827/FLL – Erection of a dwellinghouse at Port An Eilean Hotel, Strathtummel, Pitlochry, PH16 5RU – Mr I Gray

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 at Port An Eilean Hotel, Strathtummel, Pitlochry, PH16 5RU.

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.

(iv) TCP/11/16(183)
Planning Application 11/02020/FLL – Erection of a dwellinghouse and garage at 31-33 King Street, Perth, PH2 8JA – Mr and Mrs D Donaldson

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 garage at 31-33 King Street, Perth, PH2 8JA.

The Planning Adviser displayed photographs of the site in question together with the surrounding properties 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 the erection of a dwellinghouse and garage at 31-33 King Street, Perth, PH2 8JA be refused, for the following, revised reasons, namely:

1. The proposal does not accord with the Perth Central Area Local Plan 1997, Policy 14 in that it will not preserve or enhance Perth Central Conservation Area in respect of design.

2. The proposed development is contrary to the Proposed Perth and Kinross Local Development Plan, Policy HE3 as the proposal will not preserve the character and appearance of the Perth Central Conservation Area in respect of design.
3. Approval would be contrary to the Planning Authority's statutory duties in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Section 64 to have special attention to the desirability of preserving or enhancing the character or appearance of Perth Central Conservation Area in respect of design.
4. Approval would be contrary to the Perth and Kinross Structure Plan, Environment and Resources Policy 8 that 'new development which would adversely affect Listed Buildings, Conservation Areas, or their setting will not be permitted unless there is a proven public interest.....' in respect of design.

Note: Councillor B Band considered that the proposal accords with the Development Plan in that it would preserve and enhance the character and appearance of the Perth Central Conservation Area.

(v) TCP/11/16(184)
Planning Application 11/02012/FLL – Erection of a wind turbine on land 520 metres north east of Tay Forth Machinery Ring, Newhill, Glenfarg – B and J Hamilton

As Councillor M Lyle had previously declared a non-financial interest in this application, the Local Review Body was unable to consider it at this meeting. It would therefore be added to the agenda for the Local Review Body meeting being held on Tuesday 10 July 2012.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

(vi) TCP/11/16(185)
Planning Application 12/00220/FLL – Alteration and extension to dwellinghouse at 3 Geddes Drive, Perth, PH1 1QD – Mr and Mrs Park

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for alteration and extension to dwellinghouse at 3 Geddes Drive, Perth, PH1 1QD.

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 alteration and extension to dwellinghouse at 3 Geddes Drive, Perth, PH1 1QD be approved, subject to the imposition of appropriate conditions, including the submission of a revised detail of the proposed garage gable fascia to minimise maintenance requirements.

Justification

The proposal is not contrary to Policy 41 of the Perth Area Local Plan 1995 Incorporating Alteration No. 1 Housing Land 2000 as it does not represent over-development of the property and the scale and proximity of the extensions to adjacent properties would not have an adverse impact on residential amenity.

252. DEFERRED APPLICATIONS FOR REVIEW

Deferred for Written Submission and Unaccompanied Site Visit

- (i) **TCP/11/16(166)
Planning Application 08/00728/FLL – Alterations and change of use from café shop to one dwelling and one flat (in retrospect) at 2-8 South Street, Milnathort – Mr S Clarke**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for alterations and change of use from café shop to one dwelling and one flat at 2-8 South Street, Milnathort.

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) a written submission from the applicant be requested providing further information on the efforts made to market the property as a viable commercial unit;
- (iii) following receipt of the written submission, an unaccompanied site visit be arranged;
- (iv) following the unaccompanied site visit, the application be brought back to a future meeting of the Local Review Body.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body; the Written Submission by the Agent and their own assessment

- from the unaccompanied site visit on 8 June 2012, sufficient information was before the Local Review Body to determine the matter without further procedure; and
- (ii) the Appointed Officer's decision be overturned and Members were minded to approve the application for alterations and change of use from café shop to one dwelling and one flat at 2-8 South Street, Milnathort, subject to the imposition of appropriate conditions, including conditions relating to (i) replacement timber doors; and (ii) the provision of flood control measures for external doors and air vents on the ground floor, and subject to a possible legal agreement for payment of an education contribution.

Justification

The proposal is not contrary to the adopted Development Plan in that the proposed change of use would not be expected to result in a significant loss to the retail provision to the village.

Notwithstanding the known risk of flooding in central Milnathort, the change of use was considered to be justified recognising the long duration of the former commercial premises remaining vacant, the severely limited prospect of a commercial use being secured in the present economic climate and the desirability of property/listed building being occupied and maintained. Further, recent flood prevention works have been carried out in the area including in 2010.

Note: The Council's intention to grant planning permission contrary to the advice of the Scottish Environment Protection Agency will require to be referred to the Scottish Ministers for consideration prior to any decision being issued.

Deferred for Written Submission and Accompanied Site Visit

- (ii) **TCP/11/16(171)**
Planning Application 11/01223/FLL – Review of Condition 2 on planning permission for alterations and extensions to house at Knox House, Coldwells Road, Crieff, PH7 4BA – Mr and Mrs J McLaren

Members considered a Notice of Review seeking a review of Condition 2 on planning permission for alterations and extensions to house at Knox House, Coldwells Road, Crieff, PH7 4BA.

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) a written submission from the Appointed Officer/Conservation Officer be requested providing further information on the material to be used for the render and the specification for its application;
- (iii) following receipt of the written submission, an accompanied site visit be arranged, to which the Agent/Applicant, Interested Parties, Planning Adviser, Appointed Officer/Conservation Officer be invited to attend;
- (iv) following the accompanied site visit, the application be brought back to a future meeting of the Local Review Body.

Councillor M Lyle advised members that, following the accompanied site visit to the premises, which had taken place on 8 June 2012, further information from the Applicants' agent had been received on a possible, revised render system. It therefore appeared appropriate to defer the application to a future meeting of the Local Review Body, to allow the applicant to submit further detailed information.

Decision:

Resolved by unanimous decision that:

- (i) there was insufficient information before the Local Review Body to determine the matter without further procedure;
- (ii) the applicants be requested to provide further information to the Local Review Body regarding the revised render specification;
- (iii) on receipt of the revised render specification, a copy be forwarded to the Appointed Officer and Conservation Officer for comment;
- (iv) the Appointed Officer's and/or the Conservation Officer's comments on the revised render specification be forwarded to the applicants who would be given fourteen days in which to respond in accordance with the Local Review Body regulations;
- (v) following receipt of the applicants' response, the application be brought back to a future meeting of the Local Review Body.

Deferred for Written Submission

- (iii) **TCP/11/16(172)**
Planning Application 11/01666/FLL – Alterations and repositioning of entrance gateway to Mansfield Place, Isla Road, Perth PH2 7HG – Mr J Parr

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for alterations and repositioning of entrance gateway to Mansfield Place, Isla Road, Perth, PH2 7HG.

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) a written submission be requested from the Appointed Officer/Conservation Officer whereby further information is provided on:
 - (a) the other compromise proposals discussed and the Officers' views on those;
 - (b) the proposal and the Officers' views;
 - (c) any other possible compromise proposal which may be acceptable and the Officers' position on those;
 - (d) Historic Scotland's views on the application proposals; and
 - (e) following receipt of the written submissions from the Appointed Officer/Conservation Officer (including Historic Scotland's views), the application be brought back to a future meeting of the Local Review Body.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body; the Written Submission from the Appointed Officer and e-mail from the Applicant in response to the Written Submission from the Appointed Officer, 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 alterations and repositioning of entrance gateway to Mansfield Place, Isla Road, Perth, PH2 7HG be approved, subject to the imposition of appropriate conditions, and on condition that the proposals are carried out in accordance with the drawings on Page 551 of the Local Review Body papers.

Justification

The proposal is not contrary to Policies 25 and 41 of the Perth Area Local Plan in that the proposed development is not considered to have a detrimental visual impact on the character of the statutorily listed building.

Deferred for Unaccompanied Site Visit

(iv) 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 installation of replacement windows (in retrospect) at 1 Pitheavlis Castle, Pitheavlis Castle Gardens, Perth, PH2 0GU.

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 24 April 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:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and their own assessment from their unaccompanied site visit on 8 June 2012, sufficient information was before the Local Review Body to determine the matter without further procedure; and
- (ii) the Appointed Officer's decision be overturned and the application for installation of replacement windows (in retrospect) at 1 Pitheavlis Castle, Pitheavlis Castle Gardens, Perth, PH2 0GU be approved, subject to the imposition of any appropriate conditions.

Justification

The proposal is not contrary to the adopted Local Plan in that the replacement windows will not have a detrimental effect on the integrity and character of the listed building.

