

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 10 July 2012 at 10.00am.

Present: Councillors M Lyle (except for Item 3(i)), A Gaunt (item 3(i) only), I Campbell and C Gillies.

In Attendance: D Harrison and M Stewart (Planning Advisers); 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**

Councillor M Lyle declared a non-financial interest in Art. (Item 4(i) – TCP/11/16(184).

. **MINUTE OF LAST MEETING**

The Minute of meeting of the Local Review Body of 12 June 2012 was submitted and noted.

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

. **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 C Gillies nominated Councillor I Campbell, seconded by Councillor A Gaunt.

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

APPLICATIONS FOR REVIEW

- (i) **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

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a wind turbine on land 520 metres north east of Tay Forth Machinery Ring, Newhill, Glenfarg.

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.

COUNCILLOR A GAUNT RETIRED TO THE PUBLIC GALLERY AT THIS POINT.

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

- (ii) **TCP/11/16(186)**
Planning Application 12/00054/FLL – Change of use of public open space to garden ground at Hollybush Cottage, Dollerie Terrace, Crieff, PH7 3QQ – Mr B Roberts

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the change of use of public open space to garden ground at Hollybush Cottage, Dollerie Terrace, Crieff, PH7 3QQ.

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 the change of use of public open space to garden ground at Hollybush Cottage, Dollerie Terrace, Crieff, PH7 3QQ, be refused, for the reasons previously applied by the Appointed Officer, and an additional Reason 3, as undernoted:
1. The proposal is contrary to Policy S2 of the Strathearn Area Local Plan, 2001. A change of use from public open space to private garden ground would result in a significant loss of amenity to the local community.
 2. The proposal is contrary to Policy S66 of the Strathearn Area Local Plan, 2001 as it would result in the loss of an area of open space of amenity value.
 3. The proposal, if granted, could set a precedent for similar development in this area.

(iii) TCP/11/16(187)
Planning Application 12/00031/IPL – Erection of two dwellinghouses and garages (in principle) at Stiellsmuir, Woodlands Road, Blairgowrie, PH10 6LE – Mr D Rendall

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of two dwellinghouses and garages (in principle) at Stiellsmuir, Woodlands Road, Blairgowrie, PH10 6LE.

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 the erection of two dwellinghouses and garages (in principle) at Stiellsmuir, Woodlands Road, Blairgowrie, PH10 6LE, be refused, for the reasons previously applied by the Appointed Officer, namely:
 1. The proposal is contrary to Policy 66 of the Eastern Area Local Plan 1998 as the site is zoned for agriculture and there is a strong presumption against built development.
 2. The proposal is contrary to Policy 2 of the Eastern Area Local Plan 1998 criteria c) in that the development would result in damage to the character of the area.
 3. The proposal is contrary to Policy CF1 Open Retention of the Perth and Kinross Council Proposed Local Development Plan 2012 as the site is located within an area zoned as open space and that the circumstances to

permit development have not been met or would not apply to this type of development.

(iv) TCP/11/16(188)
Planning Application 11/01420/IPL – Erection of a dwellinghouse at Old Mill of Ross, The Ross, Comrie, PH6 2JS – Ms K Collins

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 Old Mill of Ross, The Ross, Comrie, PH6 2JS.

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.

(v) TCP/11/16(189)
Planning Application 12/00284/IPL – Erection of a dwellinghouse on land 350 metres north east of Shieldrum Farm, Bridge of Cally - Miss R Ferguson and Mr C Thomson

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 350 metres north east of Shieldrum Farm, Bridge of Cally.

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 on land 350 metres north east of Shieldrum Farm, Bridge of Cally, be approved, subject to the imposition of appropriate conditions.

Justification

The proposal is not contrary to Policies 2 and 38 of the Eastern Area Local Plan 1998 and complied with Criteria 3, Paragraphs 3.3 (a) and 3.4 of the Housing in the Countryside Policy 2009 as the applicants have lived in the area for substantially more than three years, are inadequately housed and adequate proof of residency and work status has been produced.

FOLLOWING A SHORT ADJOURNMENT, THE LOCAL REVIEW BODY RECONVENED.

(vi) TCP/11/16(190)

Planning Application 11/02166/FLL – Change of use from office to two dwellinghouses at 100 Main Street, Methven, PH1 3QP – Mr B Milarvie

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the change of use from office to two dwellinghouses at 100 Main Street, Methven, PH1 3QP.

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 the change of use from office to two dwellinghouses at 100 Main Street, Methven, PH1 3QP, be refused, for the following, revised reason, namely:
 - 1. The proposal is contrary to Perth Area Local Plan 1995 Policy 71 which requires that residential amenity and village character will be retained and where possible improved. The proposed development would result in the inappropriate overdevelopment of the site, adversely affecting the established residential amenity due to the scale of the extensions, lack of private amenity space, overlooking and lack of parking provision. The proposed development would also result in an unacceptably low standard of residential amenity for any future occupants of the dwellinghouses.

(vii) TCP/11/16(191)
Planning Application 12/00502/FLL – Erection of a conservatory at 96 David Douglas Avenue, Scone, PH2 6QG – Mrs K Carswell

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a conservatory at 96 David Douglas Avenue, Scone, PH2 6QG.

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 the erection of a conservatory at 96 David Douglas Avenue, Scone, PH2 6QG, be refused, for the reason previously applied by the Appointed Officer, namely:

1. The proposal is contrary to Policy 71 of the Perth Area Local Plan 1995 (Incorporating Alteration No 1, Housing Land 2000) as it will have a detrimental impact on residential amenity. Its elevated position combined with extensive glazing will result in an unacceptable level of overlooking leading to loss of privacy of neighbouring properties.

Note: Councillor I Campbell considered that the proposal was not contrary to Policy 71 of the Perth Area Local Plan 1995 (Incorporating Alteration No 1, Housing Land 2000) as, in his assessment, the proposal would not have a detrimental impact on residential amenity or lead to loss of privacy of neighbouring properties.

DEFERRED APPLICATION FOR REVIEW

Deferred for Unaccompanied Site Visit

(i) 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 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 12 June 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 the unaccompanied site visit on 3 July 2012, sufficient information was before the Local Review Body to determine the matter without further procedure; and
- (ii) the Appointed Officer's decision be upheld, and the application for the erection of a dwellinghouse at Port An Eilean Hotel, Strathummel, Pitlochry, PH16 5RU, be refused, for the following, revised reasons, namely:
 - 1. The proposal is contrary to Policy 54 of the Highland Area Local Plan 2000 as the current and proposed development within the application site is not considered to comply with any of the categories which support a new house, notably in terms of Category (c), (i), (ii) and (iii) – Conversion or Replacement of a Non-Domestic Building. The proposal does not constitute a conversion or replacement of the existing buildings within the criteria contained within this Category as the existing buildings would be substantially or completely demolished and the new house would be substantially larger than, and of a different form and character to, the present buildings.
 - 2. The proposal is contrary to the Council's Housing in the Countryside Policy in that the proposal does not meet Category 5 - Conversion or Replacement of a Non-Domestic Building. Most notably, the proposal does not constitute a conversion or replacement of the existing buildings within the criteria contained within this Category as the existing buildings would be substantially or completely demolished and the new house would be substantially larger than, and of a different form and character to, the present buildings which are of limited architectural merit. The proposal is tantamount to the development of a new house in the open countryside and as such does not meet the criteria in Category 3 of this policy.

Justification

The proposal is not in accordance with the Development Plan, and associated Housing in the Countryside Policy 2009, and there are no other material reasons which justify departing from the Development Plan.

REFERRED BACK TO LRB FOR DETERMINATION FOLLOWING RECEIPT OF FURTHER INFORMATION

(i) TCP/11/16(15)

Planning Application 09/00436/FLL – Erection of a dwellinghouse on land east of Ruthven Yard, Abbey Road, Auchterarder – Mr and Mrs A Macpherson

Mr G Fogg, Legal Manager, advised the Local Review Body that, at its meeting on 11 May 2010, the PKLRB reviewed the decision in the context of the Development Plan and other developments in the locality and determined to overturn the decision by the Appointed Officer and approve the application subject to:

- (a) appropriate planning conditions; and
- (b) the payment of a contribution towards meeting education provision by prior arrangement, or through a Section 75 Agreement, as a prerequisite of issuing planning permission.

Following exchanges of correspondence, the applicant had indicated that they do not wish to proceed further with discussions regarding the education contribution arrangements. The applicant had advised that the cost of compliance with the drainage conditions means the proposal is no longer viable.

Consequently, the application is accordingly remitted back to the Local Review Body for further consideration.

Decision:

Resolved by unanimous decision that the application for the erection of a dwellinghouse on land east of Ruthven Yard, Abbey Road, Auchterarder, be refused, because the Applicant is unwilling to comply with a planning condition in relation to drainage nor to meet the contribution required in terms of the Council's education policy and there were no grounds evident to the LRB on which to justify the omission of a private drainage condition or the suspension of the education contribution in terms of the said policy.

(ii) TCP/11/16(106)

Planning Application 10/02068/FLL – Erection of a dwellinghouse at Cockerstone Farm, Bankfoot, PH1 4DN – A & K Duncan

Mr G Fogg, Legal Manager, advised the Local Review Body that, at its meeting on 31 May 2011, the PKLRB reviewed the decision in the context of the Development Plan and other material considerations and

resolved to overturn the decision by the Appointed Officer and approve the application subject to:

- (a) the imposition of appropriate conditions, including a condition requiring;
 - (i) the provision of a natural slate roof, in place of the proposed concrete tile material, to reflect the existing farmhouse and cottages, and
 - (ii) appropriate landscaping to be provided at the site of the proposed dwellinghouse;
- (b) the applicant entering in to a Section 75 agreement to ensure that:
 - (i) the proposed house, together with Cockerstone Farmhouse, Cockerstone Farm Cottage (East), and the land comprising Cockerstone Farm holding be retained in single ownership; and
 - (ii) an occupancy condition linking the property to which the review application related to an agricultural worker.

The terms of the Section 75 were proposed by the applicant at the Hearing in order to satisfy the Local Review Body that the dwellinghouse was for agricultural and related purposes. The applicant's agent has, however, subsequently indicated that the applicant is no longer willing to agree to the title being restricted in this way.

The application is accordingly remitted back to the Local Review Body for further consideration.

Decision:

Resolved by unanimous decision that the application for the erection of a dwellinghouse at Cockerstone Farm, Bankfoot, PH1 4DN, be refused, because the applicant was no longer willing to enter in to a s75 agreement in order to tie the occupation of the proposed dwellinghouse to the farm within which it was to be sited and accordingly the application could not be justified in terms of either the Development Plan or the Housing in the Countryside Policy 2009.

