

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
26 MAY 2015

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of Meeting of the Perth and Kinross Local Review Body held in the Hay Room, Dewar's Centre, Glover Street, Perth on Tuesday 26 May 2015 at 10.30am.

Present: Councillors M Lyle, I Campbell and J Giacomazzi.

In Attendance: D Harrison (Planning Adviser); G Fogg (Legal Adviser) and P Frazer (Committee Officer) (both Chief Executive's Service).

Also Attending: C Brien (The Environment Service); members of the public, including agents and applicants.

Councillor M Lyle, Convener, Presiding.

333. DECLARATIONS OF INTEREST

There were no Declarations of Interest made in terms of the Councillors' Code of Conduct.

334. MINUTE OF LAST MEETING

The Minute of meeting of the Local Review Body of 28 April 2015 was submitted and noted.

335. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(352)**
Planning Application 15/00012/FLL – Change of use of former plumb centre to scout hall, Unit 3, Breadalbane Terrace, Perth, PH2 8BY – Mr J Kenny

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 former plumb centre to scout hall, Unit 3, Breadalbane Terrace, Perth, PH2 8BY.

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

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- (ii) the Review Application for the change of use of former plumb centre to scout hall, Unit 3, Breadalbane Terrace, Perth, PH2 8BY be upheld and planning permission granted, subject to the imposition of appropriate conditions, including improved pedestrian access through the provision of a 'virtual footpath' within the access road and associated warning signage, cycle parking and an informative regarding external lighting. The decision notice is to confirm that this planning permission relates to a change of use from Class 4 – Business to Class 10 – Non-Residential Institutions.

Justification

The proposal is not in accordance with the Development Plan. Considering the particular circumstances of this proposal in providing a service to the community, in combination with the long duration of this unit being vacant, it was concluded, on balance, that a departure from Perth and Kinross Local Development Plan Policy ED1A was justified.

- (ii) **TCP/11/16(353) - Planning Application 14/02219/IPL – Erection of dwellinghouse (in principle), land 50 metres south west of Kilburn, Stanley, PH1 4PT – Mr and Mrs A Telfer.**

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), land 50 metres south west of Kilburn, Stanley, PH1 4PT.

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 comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure; and
- (ii) the Review Application for the erection of dwellinghouse (in principle), land 50 metres south west of Kilburn, Stanley, PH1 4PT be refused for the following reasons:
 - 1. The proposal is contrary to the Perth and Kinross Local Development Plan 2014 Policy RD3: Housing in the Countryside and the Council's Housing in the Countryside Guide 2012 as the proposed development land is not within a building group, does not constitute an infill site or a rural brownfield site, and the proposed house has not been justified in association with an established economic activity as required under the terms of the above policy guidance.

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Justification

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

(iii) TCP/11/16(354) - Planning Application 15/00005/IPL – Erection of dwellinghouse (in principle), land 15 metres south east of Helfran Cottage, Balgowan, PH1 1QW – Mrs H P Foulcer

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), land 15 metres south east of Helfran Cottage, Balgowan, PH1 1QW.

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 Review Application for permission for the erection of dwellinghouse (in principle), land 15 metres south east of Helfran Cottage, Balgowan, PH1 1QW be refused for the following reason:
 - 1. The proposal is contrary to policy RD3, Housing in the Countryside, of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012. The proposal fails to satisfactorily comply with category (1) Building Groups. A dwelling on this site would not respect the character or layout of the group.
 - 2. The proposal is contrary to Policy PM1: Placemaking of the Perth and Kinross Local Development Plan 2014 as an additional dwelling in this location would not contribute positively to the quality of the surrounding area. The site is of such a restricted size at 250 square metres that it would be incapable of containing a dwelling house with adequate private amenity space, privacy and car parking to meet the standards required by the Planning Authority.

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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(iv) TCP/11/16(355) - Planning Application 14/01885/IPL – Erection of a dwellinghouse (in principle) land 50 metres south west of Milton Farm Cottage, Abernyte, PH14 9SJ – Mr M Sands

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) land 50 metres south west of Milton Farm Cottage, Abernyte, PH14 9SJ.

The Planning Adviser displayed photographs of the site 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 comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) further information be provided by the applicant in the form of a Tree Survey notably the species, age, condition and canopy spread of the existing trees within, and adjacent to, the site and an assessment of the potential risks to the longevity of the trees as a consequence of development within the application site;
- (iii) further information be provided assessing the provision of foul drainage system to serve the proposed development;
- (iv) following receipt of the requested information from the applicant, copies be submitted to the Development Quality Manager and all interested parties for further representation;
- (iv) following receipt of all further information and responses, an unaccompanied site visit be arranged;
- (v) following the unaccompanied site visit, the application be brought back to the Local Review Body for determination of the Review or for such further procedure as the Local Review Body may determine.

336. DEFERRED APPLICATION FOR REVIEW

**(i) TCP/11/16(348)
Planning Application 14/01859/IPL – Demolition of building and erection of dwellinghouse, Laggan Dhu, Ballintuim, Blairgowrie, PH10 7NG – Mr B Noonan.**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the demolition of building and erection of dwellinghouse, Laggan Dhu, Ballintuim, Blairgowrie, PH10 7NG.

The Planning Adviser displayed a photograph of the site and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

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It was noted that, at its meeting on 28 April 2015, the Local Review Body resolved that:

- (i) having regard to the material before the Local Review Body and 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;
- (iii) that following the site visit, the application be brought back to the Local Review Body for determination of the Review or for such further procedure as the Local Review Body may determine.

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 19 May 2015, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) Resolved by majority decision that the Review Application for the demolition of buildings and erection of dwellinghouse, Laggan Dhu, Ballintuim, Blairgowrie, PH10 7NG be upheld and planning permission granted, subject to the imposition of appropriate conditions, including those concerning the removal of all existing buildings, education contribution, ground contamination, drainage and SUDS provision, additional landscaping, external materials (stone and slate) and the design and form of the house to reflect traditional vernacular properties in the locality.

Note: Councillor I Campbell dissented from the majority view. He was not persuaded that the site was brownfield land; it did not have a robust landscape framework and he expressed his concern that an assumption had been made there would be no alternative use for the buildings. He was also not persuaded that the proposed house would provide an environmental improvement. Consequently, he did not consider it complied with Policy RD3 of Perth and Kinross Local Development Plan and the associated Supplementary Guidance.

- (ii) **TCP/11/16(350)**
Planning Application 14/02196/IPL – Erection of dwellinghouse (in principle), land 60 metres south of Easter Auchtar, Fearnan, PH15 2PG – Mr and Mrs Seath

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), land 60 metres south of Easter Auchtar, Fearnan, PH15 2PG.

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The Planning Adviser displayed a photograph of the site and described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

It was noted that, at its meeting on 28 April 2015, the Local Review Body resolved that:

- (i) having regard to the material before the Local Review Body and 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; and
- (iii) that following the site visit, the application be brought back to the Local Review Body for determination of the Review or for such further procedure as the Local Review Body may determine.

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 19 May 2015, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Review Application for permission for the erection of dwellinghouse (in principle), land 60 metres south of Easter Auchtar, Fearnan, PH15 2PG be refused for the following reasons:
 - 1. The proposal is contrary to Policy RD3 a) Housing in the Countryside, of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012. The proposal fails to satisfactorily comply with any of the 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 Redundant Non Domestic Buildings, and (6) Rural Brownfield Land. The site is located adjacent to an established building but is not considered to be in the grounds of a country house/estate.
 - 2. The proposal is contrary to Policy PM1A: Placemaking of the Perth and Kinross Local Development Plan 2014 as an additional dwelling in this location would not contribute positively to the quality of the surrounding area in terms of character, amenity or natural heritage.

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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