

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 26 July 2011 at 10.00am.

Present: Councillors M Lyle (excluding Art. 442(ii)), I Campbell (excluding Arts. 441(i) and 442(i)), W Wilson (Arts. 441(i), 442(i) and 442(ii)) and W Lumsden.

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 and N Brian (the Environment Service).

Councillor M Lyle, Convener, Presiding.

439. DECLARATIONS OF INTEREST

Councillor M Lyle declared a non-financial interest in Items 3(iii) – TCP/11/16(116) and 4(i) – TCP/11/16(75) on the agenda (Art. 442(ii)).

Councillor I Campbell declared a non-financial interest in Items 3(vii) – TCP/11/16(122) and 4(i) TCP/11/16(75) on the agenda (Arts. 441(i) 442(i)).

440. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Local Review Body of 5 July 2011 was submitted and noted.

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

COUNCILLOR I CAMPBELL RETIRED TO THE PUBLIC BENCHES AND COUNCILLOR W WILSON TOOK HIS PLACE ON THE LOCAL REVIEW BODY FOR THE PURPOSES OF CONSIDERING THE FOLLOWING ITEM.

441. APPLICATION BROUGHT BACK TO THE LOCAL REVIEW BODY

- (i) **TCP/11/16(75)**
Planning Application 10/01376/FLL – Alterations, extension and conversion of storage building to form dwellinghouse at site 20 metres south west of Gilfillan Court, Commercial Lane, Comrie – McKenzie Properties

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for alterations, extension and conversion of storage building to form dwellinghouse at site 20 metres south west of Gilfillan Court, Commercial Lane, Comrie.

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The Planning Adviser displayed photographs of the site in question, described the proposal, the request by the applicant's agents, 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 January 2011, the Local Review Body resolved that:

- (i) there was insufficient information before the Local Review Body to decide the matter without further procedure;
- (ii) Planning Officers be requested to consider the Flood Risk Assessment and provide a response in writing to the Local Review Body;
- (iii) following receipt of further information, the application be brought back to a future meeting of the Local Review Body.

It was further noted that, at its meeting on 31 May 2011, the Local Review Body resolved, by majority decision, that the Appointed Officer's decision be overturned and the application for alterations, extension and conversion of storage building to form dwellinghouse at site 20 metres south west of Gilfillan Court, Comrie be approved, subject to the imposition of appropriate conditions, including (a) a condition that the freeboard is raised 600mm to accommodate any flood risk and (b) a condition re the use of smaller and more dispersed rooflights to the south roof slope.

Following determination of the application by the Local Review Body, it became apparent that, by raising the floorboard to the 600mm height needed to address the flood risk fully, as required by the proposed planning condition requested by the LRB, there would be insufficient headroom within the building to allow, for example, the development of the roofspace as proposed. Accordingly the condition would not be reasonable and would fail to meet the tests of the relevant planning circular.

The case therefore required to be brought back before the same composition of the Local Review Body to further consider how they now wish to determine the review application in light of this further information.

Decision:

Resolved by majority decision that:

The Appointed Officer's decision be upheld and the application for alterations, extension and conversion of storage building to form dwellinghouse at site 20 metres south west of Gilfillan Court, Commercial Lane, Comrie be refused, for the reasons previously applied, namely:

1. The proposal is contrary to Policy 7 of the Strathearn Area Local Plan 2001 where development in areas liable to flood will not normally be permitted.

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2. The proposal would result in development which would have a significant probability of being affected by flooding, contrary to Scottish Planning Policy 2010.
3. The proposal is contrary to the Perth and Kinross Structure Plan 2003 Environment and Resources Policy 9 which states that there is a presumption against development in areas where there is a significant probability of flooding.

Note: Councillors Lumsden and Wilson voted for the Appointed Officer's decision to be upheld and Councillor M Lyle voted for the decision to be overturned.

442. APPLICATIONS FOR REVIEW

COUNCILLOR I CAMPBELL, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING ITEM, WITHDREW FROM THE CHAMBERS AT THIS POINT.

- (i) **TCP/11/16(122)**
Planning Application 11/00573/FLL – Review of Condition 3 on planning permission 11/00573/FLL for removal of existing conservatory and alterations and extension to dwellinghouse at 24 Coats Drive, Luncarty, PH2 3FD – Mr and Mrs M Clark

Members considered a Notice of Review seeking a review of Condition 3 on planning permission 11/00573/FLL for removal of existing conservatory and alterations and extension to dwellinghouse at 24 Coats Drive, Luncarty, PH2 3FD.

The Planning Adviser displayed photographs of the site in question, described the proposal, the request by the applicant's agent, 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 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 Condition 3 on planning permission 11/00573/FLL for removal of existing conservatory and alterations and extension to dwellinghouse at 24 Coats Drive, Luncarty, PH2 3FD be amended, to read as follows:

3. An expansion joint be introduced between the existing house and the proposed extension with the proposed eaves overhang to the proposed extension being omitted.

Reason - In the interests of visual amenity, to minimise the difference in colours between the existing and proposed renders and the impact of the proposed extension.

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Note: Councillors Lumsden and Lyle voted for the Appointed Officer's decision to be overturned and Councillor Wilson voted for the decision to be upheld.

HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING APPLICATION, COUNCILLOR M LYLE LEFT THE CHAMBERS AT THIS POINT.

COUNCILLOR I CAMPBELL RETURNED TO THE CHAMBERS AT THIS POINT AND JOINED THE OTHER LOCAL REVIEW BODY MEMBERS.

The Convener of the Local Review Body not being present, it was necessary to appoint an elected member to act as Convener to the Local Review Body for the purposes of hearing the following application.

Councillor W Wilson nominated Councillor I Campbell, seconded by Councillor W Lumsden.

Councillor I Campbell was thereby appointed Acting Convener of the Local Review Body for the purposes of hearing Item 4(ii) – TCP/11/16(116) – 11/01442/FLL.

(ii) TCP/11/16(116)
Planning Application 11/01442/FLL – Erection of 1 x 330kW wind turbine at Feddal Farm, Braco – M Spurway

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the erection of 1 x 330kW wind turbine at Feddal Farm, Braco.

The Planning Adviser displayed photographs of the site in question, described the request by the applicant's agents, 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;
following the site visit, the application be brought back to a future meeting of the Local Review Body.

COUNCILLOR W WILSON LEFT THE CHAMBERS AT THIS POINT.

COUNCILLOR M LYLE RETURNED TO THE CHAMBERS AT THIS POINT AND RESUMED HIS ROLE AS CONVENER.

(iii) TCP/11/16(110)
Planning Application 11/00002/IPL – Erection of a dwellinghouse (in principle) at Glenearn Cottage, Bridge of Earn, PH2 9HL – Mr and Mrs Edwards

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the erection of a dwellinghouse (in principle) at Glenearn Cottage, Bridge of Earn, PH2 9HL.

The Planning Adviser displayed photographs of the site in question, described the request by the applicant's agent, 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) 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 a dwellinghouse (in principle) at Glenearn Cottage, Bridge of Earn, PH2 9HL be refused, for the reasons previously applied by the Development Quality Manager, namely:
 1. The proposal is contrary to Policy 32 of the Perth Area Local Plan 1995 as it does not fall within or meet the criteria associated with any of the excepted categories of development.
 2. The proposal is contrary to the Council's Policy on Housing in the Countryside 2009 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.

(iv) TCP/11/16(112)
Planning Application 11/00028/FLL – Extension to dwellinghouse at Faskally Cottage, West Lineside, Pitlochry, PH16 5JZ – Mr and Mrs T Childs

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer of the Council to refuse permission for an extension to dwellinghouse at Faskally Cottage, West Lineside, Pitlochry, PH16 5JZ.

The Planning Adviser displayed photographs of the site in question, described the request by the applicant's agent, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

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Decision:

Agreed by unanimous decision that, having regard to the information available, 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 an extension to dwellinghouse at Faskally Cottage, West Lineside, Pitlochry, PH16 5JZ be refused, for the reasons previously applied by the Development Quality Manager, namely:

1. The proposal is contrary to Policy 2 of the Highland Area Local Plan 2000 as the proposed box dormer extension represents an incongruous and unsympathetic addition which will adversely affect the visual character of the host building and the surrounding area.
2. The proposal is contrary to Highland Area Local Plan 2000 Policy 5: Design as the cumulative proportions of the buildings are not in keeping with the surroundings and therefore the development does not fit its surroundings.
3. In the interests of residential amenity as the proposed development will result in the overlooking of the neighbouring property, to the detriment of the amenity of the surrounding area, contrary to policy 2 of the Highland Area Local Plan 2000.
4. The proposal is contrary to the Scottish Government's "Designing Places" which seeks to ensure good design at all scales of development. The proposed dormer extension is out of scale with and will dominate the host building.

Note: Councillors Campbell and Lyle, whilst supporting the proposed porch extension, disagreed with the boxed dormer extension on the north elevation and voted to uphold the Appointed Officer's decision. Councillor Lumsden voted for the decision to be overturned.

- (v) **TCP/11/16(118)**
Planning Application 10/00635/IPL – Erection of a dwellinghouse and double garage at Brantwood, Oliverburn, Pitroddie, PH2 7NU – Mr M W Dagnall

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the erection of a dwellinghouse and double garage at Brantwood, Oliverburn, Pitroddie, PH2 7NU.

The Planning Adviser displayed photographs of the site in question, described the request by the applicant, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

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Decision:

Resolved by unanimous decision that:

- (i) 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 a dwellinghouse and double garage at Brantwood, Oliverburn, Pitroddie, PH2 7NU be refused, for the reasons previously applied by the Development Quality Manager, namely:
 - 1. As the application site is located within an Area of Great Landscape Value (AGLV), the proposal is contrary to Policies 12 and 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No 1 Housing Land 2000), both of which state that there will be presumption against built development within the AGLV designation, except for development necessary for operational need.
 - 2. As a result of the proposal being contrary to a policy relating to a specific designation within the relevant Local Plan (Policy 12 of the Perth Area Local Plan 1995 (Incorporating Alteration No. 1 Housing Land 2000)), the proposal is contrary to the Council's Policy on Housing in the Countryside (2009) which seeks to ensure that Local Plan policies relating to specific designations are complied with.
- (vi) **TCP/11/16(119)**
Planning Application 11/00021/FLL – Erection of two semi-detached dwellinghouses at Meadowside, Coupar Angus – G S Brown Construction Ltd

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the erection of two semi-detached dwellinghouses at Meadowside, Coupar Angus.

The Planning Adviser displayed photographs of the site in question, described the request by the applicants, 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) 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 semi-detached dwellinghouses at Meadowside, Coupar Angus be refused, for the reasons previously applied by the Development Quality Manager, namely:

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1. The proposal is contrary to Policy 49 in the Eastern Area Local Plan 1998 relating to new Housing in the Countryside as it would not meet any of the criteria relating to: (a) Development Zones; (b) Building Groups; (c) Renovation of abandoned houses; (d) Replacement Houses; (e) Conversion of Non-Domestic Buildings; and, finally, (f) Operational Need.
2. The proposal is contrary to the Council's Housing in the Countryside Policy (August 2009), in that the proposal does not meet with the following categories: (i) Building Groups; (ii) Infill Sites; (iii) New Houses in the Open Countryside; (iv) Renovation or Replacement of Houses; (v) Conversion or Replacement of Non-Domestic Buildings; (vi) Rural Brownfield Land.
3. In the interest of visual amenity, the proposed development, by reason of being located on a prominent site, would have a detrimental impact on the visual amenity of the area, and would as a consequence, be contrary to the Housing in the Countryside Policy (Dec 2009), as well as Policy 49 of the Eastern Area Local Plan 1998.
4. The applicant has not provided sufficient information to mitigate against any likely adverse noise issues emanating from the adjacent grain dryer building (East of Scotland Farmers Limited). As a consequence, the application does not provide sufficient information to demonstrate that there are no adverse noise issues and, ultimately, that this is a suitable location for the proposed dwelling.

(vii) **TCP/11/16(121)**

Planning Application 10/00876/FLL – Erection of four wind turbines, access road and associated infrastructure at Welton of Creuchies Farmhouse, Alyth, PH11 8LB – Mr J Ferguson

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the erection of four wind turbines, access road and associated infrastructure at Welton of Creuchies Farmhouse, Alyth, PH11 8LB.

The Planning Adviser described the request by the applicant's agent, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review. Mr G Fogg, Legal Manager, advised members that having regard to the material submitted and complexity of the issues arising, they should accede to the request for a site visit and a Hearing.

Decision:

Resolved by unanimous decision that:

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- (i) there was insufficient information before the Local Review Body to decide the matter without further procedure;
- (iii) an unaccompanied site visit be arranged;
- (iii) a Hearing be convened to further assess the landscape and visual impact with particular reference to the cumulative impact of the Drumderg Windfarm;
- (iv) the applicant and Appointed Officer be invited to indicate the most critical viewpoints which they would wish the members of the LRB to consider during the site visit if practicable.

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