

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 1 November 2011 at 10.00am.

Present: Councillors M Lyle, I Campbell and T Gray.

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

Also Attending: Members of the public, including agents and applicants; N Brian and J Ferguson (the Environment Service).

Councillor M Lyle, Convener, Presiding.

578. DECLARATIONS OF INTEREST

There were no declarations of interest in terms of the Councillors' Code of Conduct.

579. MINUTES

(i) Minute of Meeting of Local Review Body of 27 September 2011

The Minute of meeting of the Local Review Body of 27 September 2011 was submitted and noted.

(ii) Addendum to Minute of Meeting of Local Review Body of 30 August 2011

The Addendum to Minute of meeting of the Local Review Body of 30 August 2011 was submitted and noted.

580. APPLICATIONS FOR REVIEW

(i) TCP/11/16(137) Planning Application 11/00555/FLL – Alterations and extension to dwellinghouse at 1 Newholme Avenue, Pitlochry, PH16 5DQ – Mr G Johnstone

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 1 Newholme Avenue, Pitlochry, PH16 5DQ.

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The Planning Adviser displayed photographs of the site in question, 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 1 Newholme Avenue, Pitlochry, Ph16 5DQ be refused, for the reasons previously applied, subject to Reason 4 being amended as undernoted:

1. The proposal is contrary to Policy 2(b) of the Highland Area Local Plan 2000 as the proposal does not have regard to the scale, form or character of the original building to which the dormer is to be added and therefore will have a detrimental effect on the visual amenity of the area.
2. The proposal is contrary to Policy 5(d) of the Highland Area Local Plan 2000 as the proposal does not ensure that the proportions of the building are in keeping with its surroundings.
3. The proposal is not in accordance with the objectives outlined in the Pitlochry Conservation Area Appraisal which seeks to prevent the erosion of character through small-scale change.
4. Approval would be contrary to the Planning Authority's statutory duties in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to pay special attention to the desirability of preserving the character of a Conservation Area (Section 64(1)) and to the Scottish Environment Historic Policy (SHEP).

Note: Councillor T Gray considered that the proposal was not contrary to the Planning Authority's statutory duties in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to pay special attention to preserving and enhancing the character and appearance of a Conservation Area.

**(ii) TCP/11/16(138)
Planning Application 11/00891/IPL – Erection of a dwellinghouse
(in principle) at Sunnyside, Drum, Kinross, KY13 0PP – Mr A Wood**

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 Sunnyside, Drum, Kinross, KY13 0PP.

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.

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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.

(iii) TCP/11/16(139)

Planning Application 10/01878/IPL – Erection of a dwellinghouse (in principle) at land 70 metres north east of Bennathie Cottage, Coupar Angus, PH13 9HN – Ms C Bell

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 land 70 metres north east of Bennathie Cottage, Coupar Angus, PH13 9HN.

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 a dwellinghouse (in principle) at land 70 metres north east of Bennathie Cottage, Coupar Angus, PH13 9HN be refused, for the reasons previously applied by the Development Quality Manager, namely:
 - 1. The proposal is contrary to Policy 49 of the Eastern Area Local Plan 1998 where it relates to new housing in the countryside as it does 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 (f) operational need.
 - 2. The proposal is contrary to the Council's Policy on Housing in the Countryside (2009) in that the proposal does not meet any of the categories (1) Building Group (2) Infill Sites (3) New houses in the open countryside (4) Renovation or Replacement (5) Conversion or Replacement of Redundant Non-Domestic buildings or (6) Rural Brownfield Site. In addition, the proposal fails to meet with the Policy's required siting criterion which is

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applicable to all proposals for new houses within the countryside.

3. As the site does not have an existing landscape framework, the proposal is contrary to Policy 2, criteria (a) of the Eastern Area Local Plan 1998 which seeks to ensure that all new sites within the landward area have a good landscape framework within which the development can be set and, if necessary, screened completely.

(iv) TCP/11/16(140)
Planning Application 11/01214/FLL – Erection of a replacement garage at site 10 metres west of 6 Mill Street, Alyth – J W Wheatley & Sons

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a replacement garage at site 10 metres west of 6 Mill Street, Alyth.

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; and
- (ii) the Appointed Officer's decision be upheld, and the application for the erection of a replacement garage at site 10 metres west of 6 Mill Street, Alyth be refused, for the reasons previously applied by the Development Quality Manager, namely:
 1. In the interests of visual and residential amenity; the proposed development by reason of its design, scale, layout, access and materials would detract from the appearance and setting of the adjacent stone built dwellinghouse, and impact upon the established character of the surrounding area. Approval would therefore be contrary to Policies 1 and 56 of the Eastern Area Local Plan 1998.
 2. The removal of the boundary wall and formation of new access is likely to result in vehicles reversing on to the public highway to the detriment of vehicle and pedestrian safety. The proposal is therefore contrary to Policy 56 of the Eastern Area Local Plan 1998 which seeks to ensure the character, visual and residential amenity of existing areas is not adversely affected by new proposals.
 3. The proposal is contrary to the Scottish Government's "Designing Places" which seeks to ensure good design at all scales of development. The proposed extension will

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create an unacceptable visual impact to the detriment of the adjacent building and wider streetscene.

(v) **TCP/11/16(141)**
Planning Application 11/00792/IPL – Erection of a dwellinghouse (in principle) at Redmyre Farm, Balruddery, Invergowrie, DD2 5LH – Mr B Kaye

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 Redmyre Farm, Balruddery, Invergowrie, DD2 5LH.

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 the erection of a dwellinghouse (in principle) at Redmyre Farm, Balruddery, Invergowrie, DD2 5LH be approved, subject to the imposition of appropriate conditions, including conditions addressing (i) an education contribution; (ii) contamination measures; and (iii) the removal of permitted development rights.

Justification

On balance and considering the planning history of the site, the weight to be given to the extant planning consent for the erection of 4 houses as a material consideration was sufficient to justify a departure from the revised Housing in the Countryside Policy 2009 regarding the development of brownfield land.

Note: Councillor T Gray considered that the proposal was contrary to the Council's Housing in the Countryside Policy 2009 in that it does not fulfil the criteria which would support its development as a brownfield site.

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