

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of meeting of the Perth and Kinross Local Review Body held in the Council Chambers, 2 High Street, Perth on Tuesday 10 January 2017 at 10.30am.

Present: Councillors M Lyle, H Anderson and D Cuthbert.

In Attendance: D Harrison (Planning Adviser), G Fogg (Legal Adviser) and H Rheinallt (Committee Officer) (all Corporate and Democratic Services).

Also Attending: Councillor G Laing (up to Art. 4(ii)); C Brien (The Environment Service); members of the public, including agents and applicants.

Councillor M Lyle, Convener, Presiding.

1. DECLARATIONS OF INTEREST

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

2. MINUTES OF PREVIOUS MEETINGS

- (i) The minute of special meeting of the Local Review Body of 29 November 2016 (Arts. 799-800) was submitted and noted.
- (ii) The minute of meeting of the Local Review Body of 6 December 2016 (Arts. 824-827) was submitted and noted.

3. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(446) – Planning application 16/01358/IPL – Residential development (in principle), land 60 metres north east of 11 Park Grove, Spittalfield - Mr G McLuskey and Mr S McKillop**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for a residential development (in principle), land 60 metres north east of 11 Park Grove, Spittalfield.

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, sufficient information was before the Local Review Body to determine the matter without further procedure;

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Thereafter, resolved by majority decision that:

- (i) the Review application for residential development (in principle), land 60 metres north east of 11 Park Grove, Spittalfield be upheld and planning permission granted, subject to appropriate terms, conditions and informatives, including with regard to: (i) the delivery of the access road to a standard adoptable by the Council; (ii) ecological, contaminated land, and archaeological surveys; and (iii) an education contribution appraisal.

Justification

The site is allocated for a comprehensive mixed residential and employment development within the Perth and Kinross Local Development Plan 2014 (Site MU6). While a comprehensive, rather than piecemeal, development would be preferred, it was recognised that the land had remained derelict for many years, despite its allocation. In balancing the individual circumstances of this site, it was considered that the partial development may lead to the comprehensive development which would remove the dereliction. In that context, it was considered acceptable to allow this partial development of the site contrary to the Local Development Plan allocation.

Note: Councillor Lyle dissented from the majority decision. He considered that the site would benefit from a comprehensive proposal for its entirety. He further considered that although the site had not been developed, it had only been designated as Mixed Use Site MU6 since the adoption of the Perth and Kinross Local Development Plan 2014 on 3 February 2014.

- (ii) **TCP/11/16(447) – Planning application – 16/01001/FLL – Installation of 11 PV Solar Panels on Roof at 27 Newton Street, Blairgowrie, PH10 6HZ – Mr and Mrs Seal**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the installation of 11 PV solar panels on Roof at 27 Newton Street, Blairgowrie, PH10 6HZ.

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 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 installation of solar panels on roof at 27 Newton Street, Blairgowrie, PH10 6HZ be refused for the following reasons:

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1. The proposal is contrary to Policy HE3: Conservation Areas of the Perth and Kinross Local Development Plan 2014 and Policy 3 of TAYplan 2012 as the proposal would harm the character and appearance of the Blairgowrie Conservation Area and furthermore would not preserve or enhance the Conservation Area.
2. The proposal is contrary to Historic Environment Scotland's supplementary guidance, Managing Change in the Historic Environment: Micro-renewables (June 2016) as the proposal would have a detrimental impact on the character and appearance of the Blairgowrie Conservation Area.

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(448) – Planning application 16/01058/FLL – Removal of condition 3 (occupation/ownership) of permission 15/01349/FLL for the erection of a dwellinghouse and associated office studio at Powmill Cottage, Rumbling Bridge, Kinross, KY13 0QG

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for removal of condition 3 (occupation/ownership) of permission 15/01349/FLL for the erection of a dwellinghouse and associated office studio at Powmill Cottage, Rumbling Bridge, Kinross, KY13 0QG.

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 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 removal of condition 3 (occupation/ownership) of permission 15/01349/FLL for the erection of a dwellinghouse and associated office studio at Powmill Cottage, Rumbling Bridge, Kinross, KY13 0QG, be refused for the following reason:
 1. Recognising the allocation of the site within the Perth and Kinross Local Development Plan 2014, E23 (Employment Site) Zoning, Condition 3 was considered to be necessary, reasonable and serving a planning purpose in the Council being able to retain control over the development of the site in accordance with that

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allocation. To remove the condition as requested was assessed as prospectively allowing for the development of the site for residential purposes, contrary to the provision and intention of the Local Development Plan allocation.

Justification

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

4. DEFERRED APPLICATIONS FOR REVIEW

(i) TCP/11/16(427) – Planning application 16/00994/FLL – Erection of a dwellinghouse (in principle), land 90 metres north east of Meadows Cottage, Forneth – Mr I Menzies

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of a dwellinghouse (in principle), land 90 metres north east of Meadows Cottage, Forneth.

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.

It was noted that, at its meeting of 27 September 2016, the Local Review Body resolved by unanimous decision that further information and an unaccompanied site visit was required. That information having been supplied, and an unaccompanied site visit having been carried out on 9 January 2017, the Local Review Body reconvened.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, including further information requested by the Local Review Body at its meeting of 27 September 2016, the comments from the Planning Adviser and having undertaken a site visit on 9 January 2017, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the review application for erection of a dwellinghouse (in principle), land 90 metres north east of Meadows Cottage, Forneth be upheld and planning permission granted, subject to appropriate terms, conditions and informatives.

Justification

The proposal was assessed as according with Perth and Kinross Local Development Plan 2014 in terms of Policy RD3c) (Housing in the Countryside) and EP6 (Lunan Valley Catchment Area) and Section 3 of the Supplementary Planning Guidance, Housing in the Countryside. It

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was considered that the information submitted had demonstrated an operation need for the house in terms of economic activity related to the associated farming business. In terms of siting, while it was recognised that it would be preferable for the house to be more closely located in relation to the farm, the proposed siting was considered to be the most alternative in terms of the landscape context and supporting security.

(ii) **TCP/11/16(438) – Planning application 16/00425/FLL – Installation of replacement windows at The Day Centre, 64 High Street, Kinross, KY13 8AJ – Kinross Day Centre**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for installation of replacement windows at The Day Centre, 64 High Street, Kinross, KY13 8AJ.

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.

It was noted that, at its meeting of 18 October 2016, the Local Review Body resolved by unanimous decision that further information and an unaccompanied site visit was required. That information having been supplied, and an unaccompanied site visit having been carried out on 9 January 2017, the Local Review Body reconvened.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, including the additional information requested by the Local Review Body at its meeting of 18 October 2016, the comments from the Planning Adviser, and the site visit carried out on 9 January 2017, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the review application for installation of replacement windows at The Day Centre, 64 High Street, Kinross, KY13 8AJ be upheld and planning permission granted, subject to appropriate terms, conditions and informatives.

Justification

While the use of polycarbonate glazing was not generally supported in a Conservation area context, the need to improve the window arrangements and appearance of this community facility was recognised. On balance, it was considered reasonable to grant planning permission as the proposal accords sufficiently with Policy HE3A and PM1A.

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(iii) TCP/11/16(445) – Planning application 16/01191/IPL – Erection of dwellinghouse, stable block and livery building (in principle) on land 70 metres south west of South Latch Farm, Abernyte, Perth, PH14 9SU

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of dwellinghouse, stable block and livery building (in principle) on land 70 metres south west of South Latch Farm, Abernyte, Perth, PH14 9SU.

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.

It was noted that, at its meeting of 6 December 2016, the Local Review Body resolved by unanimous decision that an unaccompanied site visit was required. An unaccompanied site visit having been carried out on 9 January 2017, the Local Review Body reconvened.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, the comments from the Planning Adviser, and having undertaken a site visit on 9 January 2016, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) The review application for erection of dwellinghouse, stable block and livery building (in principle) on land 70 metres south west of South Latch Farm, Abernyte, Perth, PH14 9SU 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 as the proposal fails to satisfactorily comply with category (3) 'New Houses in Open Countryside,' particularly in relation to 3.3 Economic Activity. It is also considered that the proposal cannot satisfy any of the remaining categories (1) Building Groups, (2) Infill Sites, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land.

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