

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 6 July 2010 at 10.00am.

Present: Councillors B Band, M Lyle and S Miller.

In Attendance: M Stewart (Planning Adviser); G Fogg (Legal Adviser); J Williamson, B Dunkin and J Robertson (all The Environment Service); M Kay and A Brown (both up to and including Art. 400 (i)) and Y Oliver (all Chief Executive's Service).

Also Attending: Eight members of the public, including applicants and agents.

Councillor B Band, Convener, Presiding.

398. DECLARATIONS OF INTEREST

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

In terms of Standing Order 15, the Local Review Body agreed to vary the order of business.

399. HEARING

(i) Procedure to be used for Hearing

The Perth and Kinross Local Review Body Hearing Rules, which had been issued to the Applicant and all interested parties in connection with the following application, were followed.

(ii) TCP/11/16(8)

Planning Application 08/02192/FLL – Extension to dwellinghouse at Cockersfauld, Muckhart Road, Dunning – Mr M Brambles

It was noted that, at its meeting on 16 February 2010, the Local Review Body had agreed that: (1) a Hearing be convened to consider whether the proposal is contrary to Policy 32 of the Perth Area Local Plan 1995 and the Council's Policy on Housing in the Countryside (December 2005); and (2) that a site visit be arranged.

The Local Review Body heard submissions from Mark Brambles, applicant, and from the Appointed Officer and had regard to their own assessment from their attendance at the site visit.

Decision:

Resolved that:

on a majority decision, the Appointed Officer's decision be upheld, the application for extension to dwellinghouse at Cockersfauld, Muckhart

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
6 July 2010

Road, Dunning be refused, for the reasons previously specified by the Appointed Officer.

400. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(23)**
Planning Application 09/01757/IPL – Erection of a dwellinghouse immediately to the north of the existing property known as “Masirah”, Mossend Green, Powmill – Mr W Whitelaw

Members considered a Notice of Review submitted by the applicants' agent, Mr G Whitelaw, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the erection of a dwellinghouse immediately to the north of the existing property known as “Masirah”, Mossend Green, Powmill.

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 in the Notice of Review.

Decision:

Resolved that:

- (i) there was insufficient information before the Local Review Body to decide the matter without further procedure and was duly referred to a future meeting of the Local Review Body.
 - (ii) a site visit be arranged.
 - (iii) a Hearing be convened to:
 - (1) consider the visual impact of the proposal; and
 - (2) allow one of the elected members representing Ward 8 (Councillor M Barnacle) the right to appear, as he had requested.
- (ii) **TCP/11/16(25)**
Planning Application 10/00190/IPL – Erection of a dwellinghouse (in principle) at land 50 metres north west of Mill House, St Martins, Perth – J Fenton & Sons

Members considered a Notice of Review submitted by the applicants' agent, Mr I McCully, seeking a review of the decision by the Appointed Officer of the Council to refuse the erection of a dwellinghouse (in principle) at land 50 metres north west of Mill House, St Martins, Perth.

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:

Resolved that:

- (i) having regard to the information available to the Local Review Body, sufficient information was available to determine the matter without further procedure;

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
6 July 2010

- (ii) by unanimous decision, the Appointed Officer's decision be upheld, the application for the erection of a dwellinghouse (in principle) at land 50 metres north west of Mill House, St Martins, Perth be refused, for the reasons previously specified by the Appointed Officer.

(iii) TCP/11/16(26)
Planning Application 10/00191/IPL – Residential development (in principle) at land 130 metres north east of Kirklands, St Martins, Perth – J Fenton & Sons

Members considered a Notice of Review submitted by the applicants' agent, Mr I McCully, seeking a review of the decision by the Appointed Officer of the council to refuse permission for a residential development (in principle) at land 130 metres north east of Kirklands, St Martins, Perth.

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 that:

- (i) having regard to the information available, sufficient information was before the Local Review Body to determine the matter without further procedure.
- (ii) by unanimous decision, the Appointed Officer's decision be upheld, the application for a residential development (in principle) at land 130 metres north east of Kirklands, St Martins, Perth be refused, for the reasons specified by the Appointed Officer.

(iv) TCP/11/16(29)
Planning Application 09/02229/AML – Erection of a dwellinghouse, garage with upper floor accommodation and stables (Approval of Matters Specified by Conditions) at land west of North Lodge, Dunning – Mr and Mrs Marshall

Members considered a Notice of Review submitted by the applicants' agents, Alliance Planning, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the erection of a dwellinghouse, garage with upper floor accommodation and stables (Approval of Matters Specified by Conditions) at land west of North Lodge, Dunning.

The Planning Adviser displayed photographs of the site in question, tabled drawings of the site, 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. It was noted that the following condition:-

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
6 July 2010

“6. The design of the house shall reflect the traditional character of the area;” which was referred to in the Report of Handling (page 216 of Agenda) was not included in the original decision (page 188 of Agenda) and the Report of Handling was incorrect with regard to this.

Decision:

Resolved that:

- (i) having regard to the information available, sufficient information was before the Local Review Body to determine the matter without further procedure
- (ii) by unanimous decision, the Appointed Officer’s decision be overturned and the application for the erection of a dwellinghouse, garage with upper floor accommodation and stables (Approval of Matters Specified by Conditions) at land west of North Lodge, Dunning be approved, under exception of the proposal for the living accommodation above the garage and a condition requesting the submission of a formal landscape plan, for the approval of the Appointed Officer, being included within the appropriate planning conditions to be drawn up by the Planning Adviser.
- (iii) a letter deleting the upper floor accommodation from the garage be requested from the applicant.

Justification

The Local Review Body was satisfied that:

- (i) the Reserved Matters application was appropriate having regard to the planning permission in principle; and
- (ii) the Reserved Matters application accorded with the requirements of the Council’s Approved Housing in the Countryside Policy and had no detrimental impact upon the amenity of the area nor the building group within which it was set and was otherwise in accordance with Development Plan policies.

(v) TCP/11/16(30)

Planning Application 09/02230/AML – Erection of a dwellinghouse, garage with upper floor accommodation and stables (Approval of Matters Required by Conditions) at land between North Lodge and Blaeberry, Dunning – Mr and Mrs J A and D Marshall

Members considered a Notice of Review submitted by the applicants’ agents, Alliance Planning, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the erection of a dwellinghouse, garage with upper floor accommodation and stables (Approval of Matters Required by Conditions) at land between North Lodge and Blaeberry, Dunning.

The Planning Adviser displayed photographs of the site in question, tabled drawings of the site, 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.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
6 July 2010

Decision:

Resolved that:

- (i) having regard to the information available, sufficient information was before the Local Review Body to determine the matter without further procedure
- (ii) by unanimous decision, the Appointed Officer's decision be overturned and the application for the erection of a dwellinghouse, garage with upper floor accommodation and stables (Approval of Matters Required by Conditions) at land between North Lodge and Blaeberry, Dunning be approved, under exception of the proposals for the living accommodation above the garage and a condition requesting the submission of a formal landscape plan, for the approval of the Appointed Officer, being included within the appropriate planning conditions to be drawn up by the Planning Adviser.
- (iii) a letter deleting the upper floor accommodation from the garage be requested from the applicant.

Justification

The Local Review Body was satisfied that:

- (i) the Reserved Matters application was appropriate having regard to the planning permission in principle; and
- (ii) the Reserved Matters application accorded with the requirements of the Council's Approved Housing in the Countryside Policy and had no detrimental impact upon the amenity of the area nor the building group within which it was set and was otherwise in accordance with Development Plan policies.

- (vi) **TCP/11/16(31)**
Planning Application 09/01733/IPL – Erection of dwellinghouse (in principle) at land 70 metres west of Tighnabruaich, Amulree – Culfargie Estates Ltd

Members considered a Notice of Review submitted by the applicants' agents, MBM Planning, 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 land 70 metres west of Tighnabruaich, Amulree.

Mr M Stewart 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 that:

- (i) there was insufficient information before the Local Review body to decide the matter without further procedure, and was duly referred to a future meeting of the Local Review Body.
- (ii) a site visit be arranged.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
6 July 2010

(vii) TCP/11/16(32)
Planning Application 10/00368/FLL – Proposed small rear dormer to form one room in the roof space at 3 Harley Terrace, Perth – Mr and Mrs J Tracey

Members considered a Notice of Review submitted by the applicants' agent, Mr R Crerar, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for a proposed small rear dormer to form one room in the roof space at 3 Harley Terrace, Perth.

Mr M Stewart 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 that:

- (i) having regard to the information available, there was sufficient information to determine the matter without further procedure.
- (ii) by unanimous decision, the Appointed Officer's decision be upheld, the application for the proposed small rear dormer to form one room in the roof space at 3 Harley Terrace, Perth be refused, for the reasons previously specified by the Appointed Officer.

(viii) TCP/11/16(33)
Planning Application 10/00120/FLL – Alterations and extension to dwellinghouse at Cabernet, Kingswell Road, Longforgan – Mr and Mrs P Hunter

Members considered a Notice of Review submitted by the applicants' agents, Montgomery Forgan Associates, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the alterations and extension to dwellinghouse at Cabernet, Kingswell Road, Longforgan.

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

Decision:

Resolved that:

- (i) having regard to the information available to the Local Review Body, sufficient information was available to determine the matter without further procedure.
- (ii) by unanimous decision, the Appointed Officer's decision be overturned and the application for alterations and extension to dwellinghouse at Cabernet, Kingswell Road, Longforgan be approved subject to conditions to be drafted by the Planning Adviser.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
6 July 2010

Justification

The LRB was satisfied that the proposal is in accordance with Policy 1 of the Perth Area Local Plan in that it will not have a significant impact on residential amenity, and the design is not incompatible with that in the locality.

(ix) TCP/11/16(17)

Planning Application 09/01597/IPL – Erection of 2 dwellinghouses at land 60 metres northwest of 13 The Holdings, Kinfauns – Mr and Mrs K Smith

Members considered a Notice of Review submitted by the applicants' agent, Mr D Sweeney, seeking a review of the decision by the Appointed Officer of the Council to refuse permission for the erection of 2 dwellinghouses at land 60 metres northwest of 13 The Holdings, Kinfauns.

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:

Resolved that:

- (i) having regard to the information available to the Local Review Body, there was sufficient information to determine the matter without further procedure.
- (ii) by unanimous decision, the Appointed Officer's decision be upheld, the application for the erection of two dwellinghouses at land 60 metres northwest of 13 The Holdings, Kinfauns be refused, for the reasons previously specified by the Appointed Officer.

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