

# **MORAY COUNCIL**

## **Minute of Meeting of the Moray Local Review Body**

**Thursday, 29 November 2018**

**Council Chambers, Council Office, High Street, Elgin, IV30 1BX**

### **PRESENT**

Councillor George Alexander, Councillor David Bremner, Councillor Paula Coy, Councillor Derek Ross

### **APOLOGIES**

Councillor Donald Gatt, Councillor Ray McLean, Councillor Amy Patience

### **IN ATTENDANCE**

Also in attendance at the above meeting were:

The Senior Planning Officer (Development Planning and Facilitation) and Mrs E Gordon, Planning Officer as Planning Advisers, Legal Services Manager (Property and Contracts) as Legal Adviser and Mrs L Rowan, Committee Services Officer as Clerk to the Moray Local Review Body.

#### **1. Chair**

In the absence of Councillor Patience, the meeting was chaired by Councillor Bremner, being the Deputy Chair of the Moray Local Review Body.

#### **2. Declaration of Group Decisions and Members Interests**

In terms of Standing Order 20 and the Councillors' Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Member's interests in respect of any item on the agenda.

#### **3. Minute of Meeting dated 25 October 2018**

The Minute of the Meeting of the Moray Local Review Body dated 25 October 2018 was submitted and approved.

#### **4. Order of Business**

In terms of Standing Order 28, the Chair sought the agreement of the Moray Local Review Body to vary the order of business set down on the agenda and take item 5 "LR216 - Ward 2 - Keith & Cullen", as the first item of business. This was agreed.

## **5. LR216 - Ward 2 - Keith & Cullen**

### **Planning Application 18/00628/PPP – Erect dwelling house on site adjacent to Bracobrae, Grange, Keith**

The Chair stated that the Moray Local Review Body (MLRB) had received an email from the Clerk advising that incorrect paperwork had been issued with the Agenda for Case LR216 and asked the Legal Adviser to provide further information in this regard.

The Legal Adviser advised that it had become apparent that the wrong Site Location Plan had been published in the Agenda and, in order to ensure that there is no dubiety over the site which is subject of the review, asked that the MLRB consider deferring Case LR216 until the next meeting of the MLRB scheduled for 20 December 2018 to allow publication of the correct paperwork. This was agreed.

Thereafter, the MLRB agreed to defer Case LR216 until the next meeting of the MLRB scheduled for 20 December 2018 to allow publication of the correct paperwork.

## **6. LR212 - Ward 7 - Elgin City South**

### **Planning Application 18/00542/APP – Operate Childminding Business from Dwelling at 6 Holyrood Drive, Elgin IV30 8TP**

Under reference to paragraph 4 of the Minute of the Meeting of the Moray Local Review Body (MLRB) dated 25 October 2018, the MLRB continued to consider a request from the Applicant seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse an application on the grounds that the proposal is contrary to policies PP1, IMP1, T5 and T2 of the Moray Local Development Plan 2015 for the following reasons:

1. The employing of two assistants and caring for up to 9 children will result in a significant intensification of use of this house, which, in turn, would result in an unreasonable level impact on the residential amenity of the surrounding neighbouring properties, at odds with requirements of policies PP1 and IMP1.
2. The proposal does not incorporate adequate on-site vehicular parking facilities to meet the Moray Council Parking Standards and is contrary to Policy T5, and as a result would also be likely to lead to an undesirable increase in on-street parking to the detriment of road safety.

A Summary of Information report set out the reasons for refusal, together with documents considered or prepared by the Appointed Officer in respect of the planning application and the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.

The Chair stated that Case LR212 had been deferred for clarification with regard to how the traffic movement calculation had been made and how many assistants would be employed by the Applicant and that this information could be found at Appendix 5.

Having had this further information, the Chair asked the MLRB if they had sufficient information to determine the request for review. In response, the MLRB unanimously

agreed that it had sufficient information.

In response to a question from the Chair as to whether the Legal and Planning Advisers had any preliminary matters to raise, the Legal Adviser advised that she had nothing to raise at this time. The Planning Adviser advised that, with regard to the further clarification that had been requested, the Applicant had advised that she would be employing 1 assistant and that, when calculating vehicle movements, the application for the child-minding business had been considered as a whole which was based on 9 children and 2 assistants. It was noted that the earlier reference to employing 2 assistants had been from the Applicant during consideration of the application.

She further advised that the application had not been refused as a result of the traffic movements but was refused on the basis that there was inadequate parking provision. She advised that Parking Standards stipulate that a 3 bedroom property requires 2 parking spaces and, as the Applicant had converted her garage, currently the property only had one parking space. At the time of application to convert her garage, the Applicant was advised that she would need to create a further parking space however at the time of determining the application that was the subject of the review, the proposal was deficient in terms of the car parking standards.

Councillor Alexander, having had the opportunity to visit the site and consider the Applicant's grounds for review and further information provided, stated that, although he was aware of the need for child care facilities in Moray, he was of the opinion that the Council's policies detailed within the Moray Local Development Plan 2015 should be adhered to, for consistency in determining similar applications.

Councillor Ross, having had the opportunity to visit the site and consider the Applicant's grounds for review was of the same view as Councillor Alexander and moved that the appeal be refused as the proposal was contrary to policies PP1, IMP1, T5 and T2 of the Moray Local Development Plan 2015 in terms of having an unreasonable level impact on the residential amenity and lack of adequate on-site vehicular parking. This was seconded by Councillor Coy.

There being no-one otherwise minded, the MLRB agreed to dismiss Case LR212 and uphold the decision of the Appointed Officer to refuse planning permission in respect of Planning Application 18/00659/APP as the proposal was contrary to policies PP1, IMP1, T5 and T2 of the Moray Local Development Plan 2015.