

MORAY COUNCIL

Minute of Meeting of the Moray Local Review Body

Thursday, 30 May 2019

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

PRESENT

Councillor George Alexander, Councillor David Bremner, Councillor Paula Coy, Councillor Ray McLean, Councillor Derek Ross, Councillor Amy Taylor

APOLOGIES

Councillor Donald Gatt

IN ATTENDANCE

Also in attendance at the above meeting were the Legal Services Manager, Eily Webster, Senior Planning Officer, Emma Gordon, Planning Officer and Tracey Sutherland, Committee Services Officer.

1 Chair

Councillor Taylor, being Chair of the Moray Local Review Body, chaired the meeting.

2 Declaration of Group Decisions and Members Interests

In terms of Standing Order 20 and the Councillor's Code of Conduct, Councillor Ross stated that he was unable to attend the site visit due to a prior engagement with the Cairngorm National Park as he represented Moray Council on this Outside Body. He further stated that he was of the view that it was custom and practice to keep Fridays free from Council business to enable Members to fulfil their role on Outside Bodies such as the Cairngorm National Park however as Moray Local Review Body site visits had been changed from Mondays to Fridays, there would be some occasions where he would be unable to attend site visits.

In response, the Chair acknowledged Councillor Ross' concern and advised that the Legal Adviser would provide further information with regard to site visits later on in the meeting.

There were no other 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 Members interests in respect of any item on the agenda.

The Minute of the Meeting of the Moray Local Review Body dated 28 March 2019 was submitted and approved.

4 Site Visits

The Chair invited the Legal Adviser to provide an update in relation to Moray Local Review Body (MLRB) site visits.

The Legal Adviser advised that, whilst she appreciated that there would be occasions where Members would be unable to attend site visits, her advice had consistently been that each member should be present at the same site visit with officers present. She further advised that there had been a recent incident at Midlothian Council where an Elected Member had visited a site unaccompanied, engaged in conversation with an objector to the development and subsequently raised this at the Committee meeting. This had resulted in a harsh punishment from the Standards Commission. The Legal Adviser advised that a briefing note would be issued to Members in relation to site visits and that it was her intention to provide a report to Moray Council in the near future so that an agreed policy and procedure could be put in place with regard to site visits. This was noted.

Councillor Coy stated that, whilst she appreciated the advice provided by the Legal Adviser, she had visited the site on her own with the documentation that had been issued ahead of the MLRB meeting.

In response, the Legal Adviser advised that, whilst she appreciated that the site of the application in question had been considered by the MLRB before and was already familiar to the Body, her original advice remained.

5 LR222 - Ward 6 - Elgin City North

Planning Application 18/01576/APP – Convert part of bar to 3no flats at The Golden Pheasant, North Street, Bishopmill, Elgin, IV30 4EF

A request was submitted by 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 the Moray Local Development Plan 2015 because:

- i. The proposal would involve a significant intensification of the use of an existing access where visibility is severely restricted and the access lane is not wide enough to allow two vehicles to pass clear of the public road. This proposal will therefore fail to provide safe entry and exit to the site, giving rise to conditions detrimental to the safety of road users. This is contrary to policies T2, H1 and IMP1.
- ii. A Noise Impact Assessment has not been provided that demonstrates the occupants of the proposed residential units will not be subject to adverse noise emissions detrimental to their residential amenity from nearby sources (road traffic, the remaining public house, its internal ventilation systems and the car parking area to the rear). This is contrary to policies EP8 and IMP1.

The proposal also fails to comply with the requirements of the Proposed Moray Local Development Plan 2020 (policies PP3, DP1, DP2 and EP14).

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, in addition to the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.

With regard to the unaccompanied site inspection carried out on 24 May 2019, the Chair stated that all present members of the Moray Local Review Body (MLRB), with the exception of Councillors Ross and Coy, were shown the site where the proposed development would take place and had before them papers which set out both the reasons for refusal and the Applicant's grounds for review.

In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, both the Legal and Planning Advisers advised that they had nothing to raise at this time.

The Chair asked the MLRB if it had sufficient information to determine the request for review. In response, the MLRB unanimously agreed that it had sufficient information.

Councillor Bremner, having had the opportunity to visit the site and consider the Applicant's grounds for review stated that he had some sympathy for the application however based on the current policies of the Council saw no way that the MLRB could approve the application.

The Chair shared the same opinion as Councillor Bremner and moved that the MLRB refuse the appeal and uphold the original decision of the Appointed Officer to refuse planning application 18/01576/APP.

There being no-one otherwise minded, the MLRB agreed to dismiss Case LR222 and uphold the original decision of the Appointed Officer to refuse Planning Application 18/01576/APP as the proposal is contrary to Policies T2, H1, EP8 and IMP1 of the Moray Local Development Plan 2015.