

MORAY COUNCIL

Minute of Meeting of the Moray Local Review Body

Thursday, 14 December 2023

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

PRESENT

Councillor Amber Dunbar, Councillor Juli Harris, Councillor Sandy Keith, Councillor Marc Macrae, Councillor Paul McBain, Councillor Derek Ross, Councillor Draeyk Van Der Horn, Councillor Sonya Warren

APOLOGIES

Councillor Neil Cameron

IN ATTENDANCE

Mr Miller, Senior Planning Officer as Planning Adviser, Mr Hoath, Senior Solicitor and Ms Smith, Solicitor as Legal Advisers and Mrs Rowan, Committee Services Officer as Clerk to the Moray Local Review Body.

1 Chair

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

2 Declaration of Group Decisions and Members Interests

In terms of Standing Order 21 and 23 and the Councillor's 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 Members interests in respect of any item on the agenda.

3 Minute of the meeting held 16 November 2023

The Minute of the meeting dated 16 November 2023 was submitted and approved.

4 LR294 - Ward 2 - Keith and Cullen

Planning Application 23/00340/APP – Retrospective application for installation of dinosaur head to roof at 1 Bayview Road, Cullen

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 planning permission on the grounds that:

The proposal is contrary to National Planning Framework 4 policy 7 and 14, Moray Local Development Plan 2020 policies DP1 and EP9 where it would detract rather than enhance the conservation area. The dinosaur head would be incongruous to the traditional appearance, materials and character of the conservation area.

A Summary of Information Report set out the reasons for refusal, together with the 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.

In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, Mr Hoath, Legal Adviser advised that he had nothing to raise at this time.

The Planning Adviser reminded the MLRB that, although this was a retrospective planning application, this should not be a reason for refusal and that the application should be determined in the same way as any other planning application. This was noted.

The Chair then asked the Moray Local Review Body (MLRB) if it had sufficient information to determine the request for review. In response, the MLRB unanimously agreed that it had sufficient information to determine the case.

Councillor Macrae, being familiar with the site and having considered the case in detail, moved that the MLRB uphold the appeal and grant planning permission in respect of Planning Application 23/00340/APP as, in his opinion, the siting of the dinosaur head statue on the roof of the building will not have an adverse impact on the appearance of the shop and will preserve the character of the Cullen Seatown Conservation Area, satisfying the requirements of National Planning Framework 4 Policy 7 (Historic Assets and Places) and Policy 14 (Design, Quality and Place), and the Moray Local Development Plan 2020 Policy DP1 (Development Principles) and Policy EP9 (Conservation Areas). He stated that the development is a delightful design that brings joy to the village and adds to the building. He was not of the opinion that the development detracts from the conservation area and stated that people come to Cullen specifically to see the dinosaur which benefits tourism and economic development. He noted that local shops and hotels support the development and further noted that the dinosaur was a temporary fixture that could be removed.

Councillor Ross agreed with the points made by Councillor Macrae and agreed to second his motion.

Councillor Harris, having considered the case in detail, agreed with the original decision of the Appointed Officer and moved that the MLRB dismiss the appeal and uphold the original decision of the Appointed Officer to refuse planning permission in relation to Planning Application 23/00340/APP as it is contrary to policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of National Planning Framework 4 and policies DP1 (Development Principles) and EP9 (Conservation Areas) of the Moray Local Development Plan 2020 stating that the top of a shop was not an appropriate place to display the dinosaur head and that it did not enhance the conservation area. This was seconded by Councillor Dunbar.

The Planning Adviser reminded the MLRB that when making decisions that affect conservation areas, there is a duty on the Planning Authority to preserve or

enhance the conservation area and, in relation to the statement that the dinosaur is a temporary fixture that could be removed, advised that, should the MLRB be minded, a condition could be placed for a temporary planning permission.

Taking the advice of the Planning Adviser into consideration, Councillor Macrae amended his motion to add a condition granting planning permission for a temporary period of 5 years. Councillor Ross, as seconder to Councillor Macrae's motion, agreed with this.

On a division there voted:

For the Motion (5):	Councillors Macrae, Ross, Keith, Warren and Van Der Horn
For the Amendment (3):	Councillors Harris, Dunbar and McBain
Abstentions (0):	Nil

Accordingly, the Motion became the finding of the Meeting and the MLRB agreed to uphold the appeal and grant planning permission in respect of Planning Application 23/00340/APP subject to condition limiting its siting for a temporary period of 5 years, the siting of the dinosaur head statue on the roof of the building will not have an adverse impact on the appearance of the shop and will preserve the character of the Cullen Seatown Conservation Area, satisfying the requirements of National Planning Framework 4 Policy 7 (Historic Assets and Places) and Policy 14 (Design, Quality and Place), and the Moray Local Development Plan 2020 Policy DP1 (Development Principles) and Policy EP9 (Conservation Areas).