

MORAY COUNCIL

Minute of Meeting of the Moray Local Review Body

Thursday, 17 August 2023

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

PRESENT

Councillor Neil Cameron, 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

IN ATTENDANCE

Mrs L MacDonald, Senior Planning Officer, as Planning Adviser, Mr S Hoath, Senior Solicitor, and Mrs J Smith, Solicitor as Legal Advisers and Mrs L Robinson, Committee Services Officer, as Clerk to the Committee.

1. Chair

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

2. Declaration of Group Decisions and Members Interests *

In terms of Standing Order 21 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 Meeting dated 15 June 2023

The minute of the meeting dated 15 June 2023 was submitted as an accurate account of the meeting.

4. LR290 - Ward 7 - Elgin City South

Planning Application 22/01849/APP - Erect free standing car port at 32 Muirfield Road, Elgin

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 proposed car port does not comply with the Moray Local Development Plan Policy DP1 - Development Principles and National Planning Framework 4 Policy 16 - Quality Homes because it would sit forward of the principle elevation of a mid-terrace house in an area where there are no buildings/structures that sit to the front of houses. The proposal therefore would appear out of place and be detrimental to the established character of the surrounding area. It would also set a precedent for further similar development.

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 and Planning Advisers had any preliminary matters to raise, the Legal Advisers advised that they had nothing to raise at this time.

Mrs MacDonald, Planning Adviser, advised that there was an error in Response Point 1 in the Statement of Case submitted by the Applicant. In the response the Applicant states that they are of the opinion that NPF4 policies were not in place at the time of the application and therefore should not be considered. Mrs MacDonald advised that NPF4 was not in place when the application was submitted but was in place when the application was determined and therefore should be considered.

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 Harris sought clarification as to whether the Applicant had provided any evidence of free standing structures to the front of houses in the estate.

In response, the Planning Adviser confirmed that all of the photographs provided by the Applicant were of porches, extensions or conservatories, there was nothing free standing and, as per the Appointed Officer's report, it was the freestanding nature of the building that was the issue.

Councillor Van der Horn sought clarification on the plans that had been submitted by the Applicant, as he was of the opinion that the elevations showed free standing structures at neighbouring properties and that was not how the properties were in reality.

In response, the Planning adviser confirmed that they were actually three separate drawings, 2 side elevations and the front, but the way they had been presented looked confusing when viewed as A4.

Councillor Van der Horn accepted this explanation.

There being no one otherwise minded, the MLRB unanimously agreed to uphold the original decision of the Appointed Officer to refuse Planning Application 22/01849/APP as the proposal does not comply with the Moray Local Development Plan Policy DP1 - Development Principles and National Planning Framework 4 Policy 16 - Quality Homes.