

MORAY COUNCIL

Minute of Meeting of the Moray Local Review Body

Thursday, 31 March 2022

Various Locations via Video-Conference

PRESENT

Councillor David Bremner, Councillor Gordon Cowie, Councillor Donald Gatt, Councillor Louise Nicol, Councillor Laura Powell, Councillor Amy Taylor

APOLOGIES

Councillor Aaron McLean, Councillor Ray McLean, Councillor Derek Ross

IN ATTENDANCE

Ms Webster, Principal Planning Officer (Strategic Planning and Development) Mrs Gordon and Mr Henderson, Planning Officer as Planning Advisers, Mr Hoath, Senior Solicitor as Legal Adviser and Mrs Rowan, Committee Services Officer as Clerk to the Moray Local Review Body.

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, 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 24 February 2022

The Minute of the meeting of the Moray Local Review Body dated 24 February 2022 was submitted and approved.

4 LR271 - Ward 3 - Buckie

Planning Application 21/01271/PPP – Erect dwelling house on site at Newlands Lane/rear of 68 East Church Street, Buckie

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 in principle on the grounds that:

The proposed development is contrary to Policy DP1 Development Principles of the adopted Moray Local Development Plan (MLDP) 2020 for the following reasons:

1. The proposal involves sub division of the plot associated with 68 East Church Street Buckie, and falls short of the minimum plot size of 400 square metres required by the policy; and
2. The proposed site does not reflect the character and appearance of the surrounding area due to its limited size and narrow frontage which does not reflect the density and layout of the surrounding 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, both the Legal and Planning Advisers advised that they had nothing to raise at this time.

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.

During discussion, the MLRB acknowledged that the proposal would improve the site and was in keeping with similar properties in Buckie however, in terms of the MLDP policy DP1 (Development Principles) the site was too small for the proposal therefore the MLRB unanimously agreed to refuse planning permission in principle in respect of Planning Application 21/01271/PPP.

5 LR272 - Ward 2 - Keith and Cullen

Planning Application 21/00059/APP – Demolish existing store and erection of dwellinghouse at Store, Seatown, Cullen Buckie

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:

1. The proposal would be contrary to policies PP1, PP3, DP1, DP2 and EP9 of the Moray Local Development Plan (MLDP) 2020 and associated guidance contained within the Cullen Conservation Area Character Appraisal for the following reasons:
2. The proposed development by virtue of the unsympathetic design detailing would have an adverse impact on the character and appearance of what is an exceptionally prominent site on the frontage of the Cullen Conservation Area.
3. Furthermore the applicants have failed to provide 3 car parking spaces, which if the development were permitted, would be likely to give rise to conditions detrimental to the road safety of road users. The lack of an EV charging point within the site is a matter which should be easily overcome,

however, failure to provide this as part of the proposals results in a further reason for refusal on this basis.

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

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.

Following consideration, the MLRB unanimously agreed to refuse planning permission in respect of Planning Application 21/00059/APP as the proposal is contrary to policies PP1 (Placemaking), PP3 (Infrastructure and Services), DP1 (Development Principles), DP2 (Housing) and EP9 (Conservation Areas) of the MLDP 2020 and associated guidance contained within the Cullen Conservation Area Character Appraisal.