

# MORAY COUNCIL

## Minute of Meeting of the Moray Local Review Body

Thursday, 27 January 2022

### Various Locations via Video-Conference

#### **PRESENT**

Councillor David Bremner, Councillor Gordon Cowie, Councillor Donald Gatt, Councillor Aaron McLean, Councillor Ray McLean, Councillor Louise Nicol, Councillor Laura Powell, Councillor Derek Ross, Councillor Amy Taylor

#### **IN ATTENDANCE**

Ms Webster, Principal Planning Officer (Strategic Planning and Development) 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 Minutes**

The Minutes of the meetings of the Moray Local Review Body dated 28 October 2021 and 16 December 2021 were submitted and approved.

#### **4 Case LR266 - Ward 1 - Speyside Glenlivet**

##### **Planning Application 21/00517/APP – Erect dwelling house and garage at Site Adjacent to the Wood of Coneloch, Birnie**

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 house fails to comply with policy DP4 – Rural Housing of the Moray Local Development Plan 2020 because its height at 7.5 metres exceeds the

maximum height specified in policy DP4's design criteria, requiring rural houses to be no more than 6.75 metres in height.

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

Councillor Gatt sought confirmation from the Planning Adviser that the Applicant currently had planning permission for a building 4.1 metres taller than the proposal in question.

In response, Mr Henderson, Planning Adviser advised that in 2012, planning permission was granted for a new house and that the development was commenced in 2015 therefore this planning application is currently live however stated that this planning application had been considered against a previous Moray Local Development Plan.

Councillor Gatt stated that the difference in height between the proposal and the maximum height specified in policy DP4's design criteria of 6.75 metres is 0.75 metres and moved that the MLRB uphold the appeal and grant planning permission in respect of Planning Application 21/00517/APP as in his opinion, the proposal is an acceptable departure from policy DP4 (Rural Housing) as the Applicant currently has planning permission for a proposal significantly higher than what is currently being proposed. This was seconded by Councillor R McLean.

Councillor A McLean moved as an amendment that the MLRB uphold the original decision of the Appointed Officer to refuse planning permission as the proposed house fails to comply with policy DP4 (Rural Housing) of the MLDP 2020 as its height, at 7.5 metres, exceeds the maximum height of 6.75 metres specified in policy. This was seconded by Councillor Ross.

On a division there voted:

For the Motion (3):	Councillors Gatt, R McLean and Powell
For the Amendment (6):	Councillors A McLean, Ross, Bremner, Cowie, Nicol, and Taylor
Abstentions (0):	Nil

Accordingly, the Amendment became the finding of the Meeting and the MLRB agreed to refuse planning permission in respect of Planning Application 21/00517/APP as the proposed house fails to comply with policy DP4 (Rural Housing) of the MLDP 2020 as its height, at 7.5 metres, exceeds the maximum height of 6.75 metres specified in policy.