

MORAY COUNCIL

Minute of Meeting of the Moray Local Review Body

Thursday, 25 October 2018

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

PRESENT

Councillor George Alexander, Councillor David Bremner, Councillor Paula Coy, Councillor Donald Gatt, Councillor Amy Patience, Councillor Derek Ross

APOLOGIES

Councillor Ray McLean

IN ATTENDANCE

Also in attendance at the above meeting were:

The Senior Planning Officer (Development Planning and Facilitation) and Mrs E Gordon, Planning Officer as Planning Advisers, Legal Services Manager (Property and Contracts) as Legal Adviser and Mrs L Rowan, Committee Services Officer as Clerk to the Moray Local Review Body.

1. Chair

The meeting was chaired by Councillor Patience.

2. Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillors Code of Conduct, Councillor Gatt declared an interest in Item 5 on the agenda Case LR214 in relation to Planning Application 18/00626/APP having had previous correspondence from the Applicant in relation to the application and advised that he would leave the meeting during discussion of the item if required.

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.

3. Minute of Meeting dated 27 September 2018

The Minute of the Meeting of the Moray Local Review Body dated 27 September 2018 was submitted and approved.

4. LR212 - Ward 7 - Elgin City South

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 policies PP1, IMP1, T5 and T2 of the Moray Local Development Plan 2015 for the following reasons:

1. The employing of two assistants and caring for up to 9 children will result in a significant intensification of use of this house, which, in turn, would result in an unreasonable level impact on the residential amenity of the surrounding neighbouring properties, at odds with the requirements of policies PP1 and IMP1.

2. The proposal does not incorporate adequate on-site vehicular parking facilities to meet the Moray Council Parking Standards and is contrary to Policy T5, and as a result would also be likely to lead to an undesirable increase in on-street parking to the detriment of road safety.

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

With regard to the unaccompanied site inspection carried out on 23 October 2018, the Chair stated that all members of the Moray Local Review Body (MLRB) present, 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 and 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 they had sufficient information to determine the request for review. In response, the MLRB unanimously agreed that it had sufficient information.

Councillor Patience, having had the opportunity to visit the site and consider the Applicant's grounds for review, sought clarification as to how the calculation had been made that had resulted in the Report of Handling stating that there would be 22 additional traffic movements as a result of the Applicant's proposal.

In response, the Planning Adviser advised that she presumed the calculation had been made taking into consideration the increase in cared for children to 9 and an additional member of staff.

Councillor Alexander suggested that the calculation was made taking into consideration that there was be a drop off and pick up for 9 children added to the arrival and departure of 2 assistants which would total 22 traffic movements.

Councillor Patience queried whether there was an error in the Report of Handling in that it should read "total number of traffic movements" and not "additional traffic movements" as printed.

The Legal Adviser advised that if the MLRB were unsure as to whether the figure detailed within the Report of Handling was the total number of traffic movements or additional traffic movements as a result of the proposal then the case should be deferred to request clarity from Transportation in this regard.

Councillor Gatt, having had the opportunity to visit the site and consider the Applicant's grounds for review, also raised a query in relation to the number of assistants that the Applicant intended to employ as the paperwork from the Appointed Officer made reference to 2 assistants and the Applicant only made reference to one.

In light of the queries raised at the meeting, the Chair sought the agreement of the MLRB to defer the case until the next meeting of the MLRB once clarification has been received as to how the additional traffic movement calculation was made, specifically whether these were additional to the current number of vehicle movements or the total number of vehicle movements generated by the business and how many assistants would be employed by the Applicant as there are references to 2 assistants in some paperwork and only one in others. This was unanimously agreed.

Thereafter the MLRB agreed to defer Case LR212 for further clarification as to how the additional traffic movement calculation was made, specifically whether these were additional to the current number of vehicle movements or the total number of vehicle movements generated by the business and how many assistants would be employed by the Applicant as there are references to 2 assistants in some paperwork and only one in others.

5. LR214 - Ward 2 - Keith and Cullen

Councillor Gatt, having declared an interest in Case LR214, left the meeting at this juncture and took no part in the discussion.

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 would be contrary to policies PP1, H7 and IMP1 of the Moray Local Development Plan (MLDP) 2015 and Supplementary Guidance 'Housing in the Countryside' (2015) for the following reasons:

1. The existing row of 5 houses immediately adjacent to the proposed site is at odds with the established traditional development pattern of the surrounding countryside. The row of houses is not included as part of a rural grouping as defined by the MLDP 2015 and is classed a ribbon development further along the roadside. The proposed house would act to extend this ribbon development further along the roadside and as such is not compliant with criteria (b) of the policy H7, which aims to restrict ribbon development due to the detrimental impact that it has on the character of the countryside.

2. The proposed site is very open within the surrounding landscape and any house on this site, will on occasion appear above the ridgeline on which it is sited especially when traveling on the main road through the valley (B9018), in turn resulting in a very prominent and obtrusive development within the surrounding landscape. The site has no mature features or planting that would act to settle the development into the

landscape and although the applicants have carried out planting along the northern boundary of the site, this is immature at present and would take a substantial amount of time to mature and assist with the integration of the house and as such does not justify the erection of a house on this site.

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

With regard to the unaccompanied site inspection carried out on 23 October 2018, the Chair stated that all members of the Moray Local Review Body (MLRB) present, 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 Planning or Legal 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 they had sufficient information to determine the request for review. In response, the MLRB unanimously agreed that it had sufficient information.

Councillor Ross, having had the opportunity to visit the site and consider the Applicant's grounds for review, disagreed with the view of the Appointed Officer in relation to the proposal being prominent and obtrusive and was of the view that, given that there was already a large barn and large shed adjacent to the site and the Applicant had attempted some planting on the site to help integrate the house into its surroundings, the proposed development would not be contrary to policy H7 of the MLDP 2015. He also disagreed that the proposal was contrary to policy PP1 in relation to sustainable economic growth as the proposal aimed to provide employment for local people and therefore moved that the appeal be upheld and planning permission granted in respect of planning application 18/00626/APP.

Councillor Bremner, having had the opportunity to visit the site and consider the Applicant's grounds for review, was of the same opinion as Councillor Ross and further stated that in his opinion the design complied with policy with regard to the size and proportion of the proposal and the materials that were to be used were environmentally friendly. He further stated that he disagreed with the Appointed Officer regarding the proposal being ribbon development as he was of the view that the proposal would enhance the site as it was currently quite industrial having a large barn and shed located next to it. Councillor Bremner agreed to second Councillor Ross' motion to uphold the appeal and grant planning permission in respect of planning application 18/00626/APP.

There being no-one otherwise minded, the MLRB agreed to uphold the appeal and grant planning permission in respect of planning application 18/00626/APP subject to standard conditions and the receipt of developer obligations as required by the Council as it was agreed that the proposal would not detract from the current surroundings, was not visually intrusive, would not form a ribbon development, was aesthetically pleasing and provide employment for the local community and therefore complied with policies PP1, H7 and IMP1 of the MLDP 2015 and Supplementary Guidance 'Housing in the Countryside' 2015.

6. LR215 - Ward 2 - Keith and Cullen

Councillor Gatt re-joined the meeting at this juncture.

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 unacceptable and contrary to the provisions of the adopted Moray Local Development Plan 2015 (Policies H7 and IMP1) and, as a material consideration, the associated Supplementary Planning Guidance 'Housing in the Countryside' where, because of its siting/location characteristics, the proposal is located in a prominent location when viewed from the south west and given the size and scale of the house design proposed, the proposal would lead to an obtrusive form of development which does not relate to the surrounding countryside. As such, the location and siting characteristics of the proposal are unacceptable and in failing to integrate sensitively into the surrounding landscape, the development would detract from the character, appearance and amenity of the rural countryside area within which it is located.

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

With regard to the unaccompanied site inspection carried out on 23 October 2018, the Chair stated that all members of the Moray Local Review Body (MLRB) present, 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 and 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 they 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, agreed with the decision of the Appointed Officer in that the proposal would not blend into the landscape and moved that the appeal be refused and the original decision of the Appointed Officer upheld.

There being no-one otherwise minded, the MLRB agreed to dismiss Case LR215 and uphold the Appointed Officer's decision to refuse planning permission in respect of Planning Application 18/00659/APP.