

MORAY COUNCIL

Minute of Meeting of the Moray Local Review Body

Thursday, 28 January 2021

remote locations via video-conference,

PRESENT

Councillor George Alexander, Councillor David Bremner, Councillor Gordon Cowie, Councillor Paula Coy, Councillor Donald Gatt, Councillor Ray McLean, Councillor Laura Powell, Councillor Derek Ross, Councillor Amy Taylor

APOLOGIES

IN ATTENDANCE

Ms Webster, Principal Planning Officer (Strategic Planning and Development) and Mrs Gordon, 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.

Chair

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

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.

Minute of Meeting dated 17 December 2020

The Minute of the Meeting of the Moray Local Review Body dated 17 December 2020 was submitted and approved.

LR246 - Ward 5 - Heldon and Laich

Planning Application 20/00622/APP – Retrospective consent to convert existing domestic garage to sweet workshop (including sales) at 14 Park Place, Lossiemouth

Under reference to paragraph 8 of the Minute of the meeting of the Moray Local Review Body (MLRB) dated 17 December 2020, the MLRB continued to consider a

request from the Applicant seeking a review of the decision of the Appointed Officer to refuse planning permission on the grounds that:

The proposal is contrary to the provisions of the Moray Local Development Plan (MLDP) 2020 because the use of a domestic garage as a sweet workshop including sales to customers would result in a business use which would involve visiting members of the public to the site and would be detrimental to the residential character and amenity of the site and adjoining neighbouring properties and is therefore contrary to policies DP1, PP1 and PP2 of the MLDP 2020.

At the meeting of the MLRB on 17 December 2020, the MLRB determined that it did not have sufficient information to make a decision and deferred consideration of the Review to request further representation from the Appointed Officer on a plan that had been circulated to the MLRB ahead of the meeting which included information that was not before the Appointed Officer at the time of determination.

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.

Having received the further representation from the Appointed Officer in terms of the new information submitted by the Applicant, the Chair then asked the 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 Bremner, having considered the case in detail, noted that the application had been refused as it was found to be contrary to policies DP1 (Development Principles), PP1 (Placemaking) and PP2 (Sustainable Economic Growth) of the MLDP 2020 and sought clarification as to which parts of these policies the application did not comply with.

In response, the Planning Adviser advised that policy DP1 was applicable to all developments as they should not adversely impact on neighbouring properties in terms of scale, density and character. PP2 relates to Sustainable Economic Growth however this policy must be balanced with the need to safeguard Moray's natural and built environment. It is the Appointed Officer's view that this proposal would have an adverse impact on its neighbouring properties therefore does not comply with policies DP1 and PP2. Policy PP1 relates to placemaking and it is the Appointed Officer's view that the proposal is detrimental to the character and amenity of the neighbouring properties and would not be compatible with the surrounding area.

Having considered the advice from the Planning Adviser, Councillor Bremner did not agree with the view of the Appointed Officer and moved that the MLRB uphold the appeal and grant planning permission in relation to Planning Application 20/00622/APP as, in his opinion, the proposal is not contrary to policies DP1 (Development Principles) and PP1 (Placemaking) and would not adversely impact neighbouring properties given that the business is being run from the Applicant's garage therefore no further development of the property is taking place. He was also of the view that the proposal complied with policy PP2 as it is a business in Moray that, although small, would still contribute to sustainable economic growth in Moray. This motion was seconded by Councillor Gatt.

There being no-one otherwise minded, the MLRB agreed to uphold the appeal and grant planning permission in relation to Planning Application 20/00622/APP subject to standard conditions and reasons.