

MORAY COUNCIL

Minute of Meeting of the Moray Local Review Body

Thursday, 30 August 2018

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

PRESENT

Councillor David Bremner, Councillor Paula Coy, Councillor Amy Patience

APOLOGIES

Councillor George Alexander, Councillor Donald Gatt, Councillor Marc Macrae, Councillor Derek Ross

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, Mr P Nevin, Senior Solicitor, as Legal Adviser and Mrs L Rowan, Committee Services Officer as Clerk to the Moray Local Review Body.

1 Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillors 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.

2 Minute of Meeting dated 31 May 2018

The Minute of the Meeting of the Moray Local Review Body dated 31 May 2018 was submitted and approved.

3 Case No LR207 - Ward 5 - Heldon and Laich

Planning Application - 18/00246/APP – Erect 2 Dwellinghouses within Grounds of Torrieston House, Torrieston, Pluscarden

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 IMP1 and H7 of the Moray Local Development Plan 2015 for the following reasons:

- i. The site is part of a large open meadow and would be visually intrusive roadside development. It would be a ribbon form of development diminishing the open separation of houses along the public road. The new house would not be integrated in the landscape and would contribute to a build-up of housing such that the open rural character of the Pluscarden valley setting would be diminished.

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 27 August 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 stated that he agreed with the original decision of the Appointed Officer and moved that the MLRB refuse the appeal and uphold the decision of the Appointed Officer to refuse the application as it is contrary to policies IMP1 and H7 of the Moray Local Development Plan 2015.

There being no-one otherwise minded, the MLRB agreed to dismiss Case LR207 and uphold the original decision of the Appointed Officer to refuse planning permission in respect of planning application 18/00246/APP.

4 Case No LR208 - Ward 3 - Buckie

Planning Application 18/00227/APP – Change of use of amenity land to garden ground at Ferndale, Mains of Buckie, 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 an application on the grounds that the proposal is contrary to the provisions of the adopted Moray Local Development Plan 2015 (Policies E5 and IMP1 as well as the Moray Open Space Strategy Supplementary Guidance 2018) for the following reason:

The proposal to change the land from undeveloped open ground into private enclosed garden ground does not meet any of the policy objectives or exemptions identified and would lead to the loss of part of the Buckie ENV6 designation which is designated to preserve open/amenity space within settlements. The proposal, in failing to maintain the designated ENV6 green corridor, would also fail to comply with

the objectives of the Moray Open Space Strategy Supplementary Guidance 2018.

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 27 August 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 stated that he agreed with the original decision of the Appointed Officer and moved that the MLRB refuse the appeal and uphold the decision of the Appointed Officer to refuse the application as it was contrary to policies E5 and IMP1 of the Moray Local Development Plan 2015 as well as the Moray Open Space Strategy Supplementary Guidance 2018.

There being no-one otherwise minded, the MLRB agreed to dismiss Case LR208 and uphold the original decision of the Appointed Officer to refuse planning permission in respect of planning application 18/00227/APP.

5 Case No LR209 - Ward 5 - Heldon and Laich

Planning Application 18/00383/APP - Erect dwellinghouse on site in garden ground of Ingleside, St Aethans Road, Burghead, Moray

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 the Moray Local Development Plan policies H1 (a), H3 and IMP1 for the following reasons:

- i. 'tandem' backland development. There is a specific presumption against such development under policy H3. At 230 sq m (excluding the access) the site is also significantly below the minimum 400 sq m required for subdivision. The proposals represent over-intensive, cramped development that would result in a loss of residential amenity to the neighbouring properties due to the relationship of a separate new residential building to the private rear areas of neighbouring houses. There would also be a detrimental impact on the character of the area from introducing a new house into a secluded private rear garden area.

The proposal would also introduce vehicular and other activity into what is currently a private rear garden area, to the further detriment of neighbouring residential amenity.

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 27 August 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, the Legal Adviser advised that he had nothing to raise at this time. The Planning Adviser highlighted an error in the decision notice which stated that the site was 230 sq m excluding access when it was actually 320 sq m excluding access as detailed in the Report of Handling. This was noted.

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 stated that he had measured the size of the plot from the plans within the paperwork received and, as the access only extends for 5 m, was of the opinion that the remainder should be included in the size of the plot which he measured to be 390 sq m. He further stated that he did not agree with the reasons for refusal given by the Appointed Officer particularly in relation to the proposal being a tandem backland development as the existing house has its own access.

The Planning Adviser advised that Policy H3 also referred to backland development and that the principals in relation to privacy and vehicle activity would still be relevant.

Councillor Bremner stated that, as the vehicle access only extended for 5 meters, in his opinion the vehicle activity argument was not relevant. In relation to intrusiveness, he stated that the proposal was no different to the surrounding properties and would blend into the character of the area and moved that the appeal be upheld and planning permission granted. This was seconded by Councillor Coy.

There being no-one otherwise minded, the MLRB agreed to uphold the appeal and grant planning permission in respect of planning application 18/00383/APP subject to the receipt of developer obligations as required by the Council.

6 Case No LR210 - Ward 1 - Speyside Glenlivet

Planning Application 18/00581/PPP – to erect a dwelling house and detached garage on a site north of Dowalls Croft, Craigellachie, Moray

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 H7 and IMP1 of the Moray Local Development Plan 2015 and Supplementary Guidance 'Housing in the Countryside' (MLDP 2015) and Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside for the following reason:

The proposal is considered to constitute an inappropriately located site that would contribute to an unacceptable cumulative build-up of development given the large number of built and consented dwellings already along the U64H on 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 27 August 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 stated that he agreed with the original decision of the Appointed Officer and moved that the MLRB refuse the appeal and uphold the decision of the Appointed Officer to refuse the application as it was contrary to policies H7 and IMP1 of the Moray Local Development Plan 2015 and Supplementary Guidance 'Housing in the Countryside' (MLDP 2015) and Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside.

There being no-one otherwise minded, the MLRB agreed to dismiss Case LR210 and uphold the original decision of the Appointed Officer to refuse planning permission in respect of planning application 18/00581/PPP.

7 Case No LR211 - Ward 1 - Speyside Glenlivet

Planning Application 18/00417/APP – Proposed dwelling house and garage, Plot CP1, Adjacent to Muir of Ruthrie, Aberlour, Moray

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 E9, H7 and IMP1 of the Moray Local Development Plan (MLDP) 2015 for the following reasons:

- i. The proposal located on the edge of Aberlour immediately outwith the settlement boundary as defined in the MLDP and would erode the distinction between the built up area and countryside contrary to the objectives of policy E9;
- ii. Development on the edge of the settlement would detract from the setting of the existing houses on the edge of the settlement contrary to policy H7;
- iii. Development on the edge of the settlement would increase development sprawl into the countryside and would not be part of the planned expansion of the settlement therefore would not be readily integrated into the surrounding landscape contrary to policy IMP1.

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 27 August 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 stated that he agreed with the original decision of the Appointed Officer and moved that the MLRB refuse the appeal and uphold the decision of the Appointed Officer to refuse the application as it is contrary to policies E9, H7 and IMP1 of the Moray Local Development Plan (MLDP) 2015.

There being no-one otherwise minded, the MLRB agreed to dismiss Case LR211 and uphold the original decision of the Appointed Officer to refuse planning permission in respect of planning application 18/00417/APP.