

MORAY COUNCIL

Minute of Meeting of the Moray Local Review Body

Thursday, 27 May 2021

Remote Locations via Video-Conference

PRESENT

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

APOLOGIES

Councillor Ray McLean, Councillor Laura Powell

IN ATTENDANCE

Mrs Gordon, Planning Officer as Planning Adviser, Mr Hoath, Senior Solicitor as Legal Adviser and Mrs 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 Councillor's Code of Conduct, Councillor Bremner declared an interest in Item 4 Case LR257 as he is a personal friend of the Agent and advised that he would take no part in the consideration of this case.

There were no other declarations from Group Leaders or Spokespersons in regard to any prior decision taken on how Members will vote on any item on the agenda or any declarations in respect of any item on the agenda.

2 Minute of Meeting dated 29 April 2021

The minute of the meeting of the Moray Local Review Body dated 29 April 2021 was submitted and approved.

3 LR257 - Ward 5 - Heldon and Laich

Planning Application 20/01692/APP – Alterations and extension, dwelling house, 8 Moray Street, Hopeman

Councillor Bremner, having declared an interest in this item, took no part in the decision.

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 first floor extension, above the existing single storey extension would give rise to an unacceptable level of overshadowing to the nearest neighbouring property window (to the north) which would lead to an overbearing loss of amenity to that property and would be contrary to the requirements of policy DP1 (i) (e).

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.

Councillor Gatt queried why there was no response from the Appointed Officer in relation to the Applicant's Statement of Case.

In response, the Planning Adviser advised that comment on the Notice of Review and Supporting Documents is only sought from interested parties and the Appointed Officer would not be expected to comment at this stage.

Councillor Coy noted that that MLRB should determine each planning application in its own merits therefore queried why a photograph of the neighbouring property's extension had been included in the additional photographs of the site.

In response, the Planning Adviser advised that she had included that photograph to show the property from the back garden.

After considering the information provided from the Planning Adviser, the MLRB agreed that it had sufficient information to determine the case.

Councillor Alexander, having considered the case in detail, noted Councillor Coy's comments in relation to how each planning application should be determined in its own merits however raised concern that the similar extension on the neighbouring property had been granted planning permission and queried whether there had been any change in planning policy since the neighbouring extension had been granted planning permission.

In response, the Planning Adviser advised that the Moray Local Development Plan (MLDP) 2020 had recently been adopted by the Council and that she was not aware of any significant change in the policy which had informed the reason for refusal. The Planning Adviser further advised that it was for the MLRB to consider the application based on the information contained within the case and make a decision in accordance with the MLDP 2020.

After considering the advice from the Planning Adviser, Councillor Alexander stated that, in his opinion, the proposed first floor extension, above the existing single storey extension would not give rise to an unacceptable level of overshadowing to

the nearest neighbouring property window (to the north) and would not lead to an overbearing loss of amenity to that property and therefore complied with policy DP1 (i) (e) (Development Principles) and moved that the MLRB uphold the appeal and grant planning permission in respect of Planning Application 20/01692/APP. This was seconded by Councillor Gatt.

Councillor Coy agreed with the original view of the Appointed Officer and moved as an amendment that the MLRB refuse the appeal and uphold the decision of the Appointed Officer to refuse Planning Application 20/01692/APP. On failing to find a seconder, Councillor Coy's motion fell.

There being no-one otherwise minded, the MLRB agreed to uphold the appeal and grant planning permission in respect of Planning Application 20/01692/APP.