

MORAY COUNCIL

Minute of Meeting of the Moray Local Review Body

Thursday, 16 February 2023

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

PRESENT

Councillor Neil Cameron, Councillor Amber Dunbar, Councillor Juli Harris, Councillor Sandy Keith, Councillor Marc Macrae, Councillor Paul McBain, Councillor Derek Ross, Councillor Sonya Warren

IN ATTENDANCE

Mrs Lisa MacDonald, Senior Planning Officer and Mrs K Donnachie, Planning Officer as Planning Advisers, Mr S Hoath, Senior Solicitor and Mrs J Smith, Solicitor as Legal Advisers and Mrs L Rowan, Committee Services Officer as Clerk to the Committee.

1 Chair

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

2 Declaration of Group Decisions and Members Interests

In terms of Standing Order 21 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.

For transparency, in relation to Item 5, Case LR285, Councillor Warren stated that in the previous Council term, local Buckie Ward Members had been consulted on the sale of this land and that the Applicant is also a member of the Findochty Community Council however she stated that this would not influence her judgement when determining this application.

3 Minute of Meeting dated 19 January 2023

The Minute of the meeting dated 19 January 2023 was submitted and approved.

4 Case LR284 - Ward 4 - Fochabers Lhanbryde

Planning Application 22/01066/APP – Alter and extend dwellinghouse at 35 Gordon Street, Portgordon, 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 planning permission on the grounds that:

The proposed alterations and extension are contrary to Moray Local Development Plan 2020 policy DP1(i)(a) for the following reasons:

1. The proposed rear dormers are considered unacceptable as they are of an irregular shape which is not keeping with the form and character of the existing traditional property and surrounding area.
2. The proposed first floor extension incorporates an irregular roof shape giving the appearance of a two storey flat roof extension which creates unnecessary bulk and is incongruous with the main parent property.

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, the Planning Adviser advised that she had nothing to raise at this time.

The Legal Adviser advised that National Planning Framework 4 (NPF4) had been introduced by the Scottish Government and formally adopted by the Council on Monday 13 February 2023 and now forms part of the Moray Local Development Plan (MLDP) 2020 and all planning applications determined after the date of 13 February 2023 should take NPF4 into consideration. He advised that there are 3 requests for review going through the Local Review Body (LRB) process, 2 of which were on the agenda for consideration today and another due to be heard at the next meeting of the Moray Local Review Body (MLRB). He confirmed that none of these applications had been assessed by the Appointed Officer against NPF4 and acknowledged that, although NPF4 may not change the decision of the Appointed Officer, for fairness and completeness, the Appointed Officer, Interested Parties and the Applicant should be asked to comment on the planning application in light of NPF4. In terms of the LRB procedure, the Legal Adviser advised that, before considering any planning application, the MLRB should consider whether there is adequate information within the case to determine the planning application however in light of the newly adopted NPF4, for fairness and completeness, he recommended that the 2 cases due to be considered at the meeting today be deferred to allow the Appointed Officer, Interested Parties and the Applicant the opportunity to comment on the planning application, taking NPF4 into consideration where relevant. The Legal Adviser further advised that, should the MLRB agree with his recommendation, that comments would be sought from the Appointed Officer, Interested Parties and the Applicant for all future Notice of Review applications received that have not been considered against NPF4 ahead of the case being considered by the MLRB to avoid further deferral of cases.

Having considered the advice from the Legal Adviser, the Chair moved that the MLRB defer Cases LR284 and LR285 to allow the Appointed Officer, Interested Parties and the Applicant the opportunity to comment on the planning application, taking NPF4 into consideration where relevant. This was seconded by Councillor Warren.

There being no-one otherwise minded, the MLRB agreed to defer Cases LR284 and LR285 to allow the Appointed Officer, Interested Parties and the Applicant the opportunity to comment on the planning application, taking NPF4 into consideration where relevant.