

MORAY COUNCIL

Minute of Meeting of the Moray Local Review Body

Thursday, 16 December 2021

Various Locations via Video-Conference

PRESENT

Councillor David Bremner, Councillor Gordon Cowie, Councillor Donald Gatt, Councillor Ray McLean, Councillor Louise Nicol, Councillor Laura Powell, Councillor Derek Ross, Councillor Amy Taylor

IN ATTENDANCE

Also in attendance at the above meeting were 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 Sutherland, Committee Services Officer as Clerk to the Moray Local Review Body.

1 Chair

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

2 Declaration of Group Decisions and Members Interests

In terms of Standing Order 20 and the Councillor's Code of Conduct, Councillor Gatt declared an interest in Item 4, LR265 - Ward 8 - Forres, as the Applicant had contact him to discuss the planning application therefore stated he would not take part in the determination.

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 LR265 - Ward 8 - Forres

Planning Application 21/01250/PPP - Erect dwelling house with detached garage at Florries Field, Damfield, Rafford

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 proposal for a new dwelling house on this site would be contrary to Moray Local Development Plan (MLDP) 2020 policy DP1 for the following reason:-

The existing U107E/B9011 junction serving the site is considered to be inadequate to serve the proposed development, by reason of its restricted visibility and width. The proposal if permitted, would result in an intensification of use of the constrained junction and be likely to give rise to conditions detrimental to the road safety of road users contrary to MLDP policy DP1 'Development Principles' section (ii)- 'Transportation', part 'c)' (safe access to and from the road network).

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 the Applicant had raised concerns regarding a representation from a Neighbour that he was not aware of until the agenda had been published and asked that an email trail confirming this be circulated to the Moray Local Review Body (MLRB). The MLRB noted the email trail that had been circulated ahead of the meeting.

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 because the junction was inadequate in terms of policy DP1 (Development Principles) however planning application 21/00512/APP submitted by the Council to improve the junction did not receive any objections from Transportation and had subsequently been approved with the junction being brought up to an adequate standard. Councillor Bremner sought clarification as to why Transportation had objected to one application and not the other.

In response, the Planning Adviser advised that planning application 21/00512/APP was to replace the existing fence to improve visibility however that was not taking into account an additional dwelling. If another house was to be erected, then the fence would need to be set back further to improve visibility and the junction widened to accommodate 2 cars.

Councillor Ross was of the view that the application should be determined on its own merit and raised concern with regard to road safety as it was difficult to see oncoming traffic when turning left at the junction.

Councillor Bremner acknowledged the response from the Planning Adviser however noted that the Applicant had provided a photograph of 2 vehicles passing in the junction. He remained of the view that the junction complied with policy DP1 (Development Principles) and moved that the MLRB uphold the appeal and grant planning permission in respect of Planning Application 21/01250/APP. On failing to find a seconder, Councillor Bremner's motion fell.

Thereafter, the MLRB agreed to dismiss the appeal and uphold the original decision of the Appointed Officer to refuse planning permission in respect of

Planning Application 21/01250/APP as the application fails to comply with policy DP1 (Development Principles) of the MLDP 2020.