

THE MORAY COUNCIL
MINUTES OF THE THREE MEETINGS OF THE LOCAL REVIEW BODY
THURSDAY 25 FEBRUARY 2010
COUNCIL OFFICE, ELGIN
REQUESTS FOR REVIEW : WARD 2 : KEITH & CULLEN

PRESENT

Councillors J Hogg (substituting for Councillor R Shepherd), D Ross (substituting for Councillor J Mackay) and P Paul.

IN ATTENDANCE

R Gunn, Principal Solicitor (Litigation & Licensing) Legal Adviser, M Cross, Principal Planning Officer (Planning & Development) Planning Adviser, V Valiente, Solicitor and the Senior Committee Services Officer, Clerk to the meeting.

1. CHAIR

It was agreed that Councillor Ross take the Chair.

2. DECLARATIONS OF INTEREST

The meeting noted that as one of the Ward members Councillor Shepherd could not participate in Cases 001 & 004.

In terms of Standing Order 20 the meeting noted that there were no other declarations of interest in regard to Cases 001 and 004.

3. CASE 001

PLANNING APPLICATION 09/00961/OUT : OUTLINE TO ERECT NEW DWELLINGHOUSE AT CLAYLAND AUCHAIRN KEITH

The Local Review Body (LRB) considered a request, on behalf of the applicant, Mr S Moir, seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse outline planning permission for the erection of a new dwellinghouse at Clayland, Auchairn, Keith.

During discussion clarification was sought in regard to the status, in terms of the Regulations, of the two Inquiry Reporter decisions referred to in the Notice of Review as a matter not before the Appointed Officer at the determination of the application. Following a short adjournment the Legal Adviser advised the LRB that the information contained in these decisions forms part of the planning history of the area which it is assumed the Appointed Officer would

have been aware of when considering and determining the application and therefore not considered to be new evidence, in terms of Regulation 17. This advice was accepted by the LRB.

Following consideration the LRB agreed that there was insufficient information in order to proceed to determine the request for review and agreed that an unaccompanied site inspection be undertaken, the purpose of which being to view the site in the context of Policy H8, in particular to the natural backdrop, prominence of the site and overall character of the area and that the Legal & Planning Advisors be in attendance.