

THE MORAY COUNCIL
MINUTES OF THE THREE MEETINGS OF THE LOCAL REVIEW BODY
WEDNESDAY 24 MARCH 2010
COUNCIL OFFICE, ELGIN

(b) REQUESTS FOR REVIEW : WARD 2 : KEITH & CULLEN

PRESENT

Councillors D Ross (Chair), J Hogg and P Paul.

IN ATTENDANCE

R Gunn, Acting 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. DECLARATIONS OF INTEREST

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

2. CASE 001

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

Under reference to the Minute of the meeting of the Local Review Body (LRB) dated 25 February 2010 the LRB resumed consideration of the review of this Planning Application.

The meeting noted that the LRB had undertaken an unaccompanied site inspection on Friday 19 March 2010. In this regard the Legal Adviser advised the meeting that, in the interests of transparency, it was proposed that for unaccompanied site inspections the Planning and Legal Advisers would, prior to the LRB resuming consideration of an application following the site inspection, advise the meeting what if any advice they were required to give during the course of the site inspection. This was agreed.

The meeting noted that in respect of this case the only legal advice given was to reiterate previous advice that members of the LRB should not discuss any aspect of the case either in transit to or during the site inspection and to advise as to the purpose of the site inspection, as previously agreed by the LRB. The Planning Adviser also advised that he assisted in pointing out the site on approach and also advised the meeting as to what the LRB viewed on the site inspection, but was required to give no substantive planning advice.

Thereafter the LRB agreed that it considered that it now had sufficient information in order to proceed to determine the request for review and proceeded to consider the terms of refusal and grounds for review with specific reference to the prominence of the site when viewed from the adjoining public road network and the reasons for refusal. The LRB also agreed that Policy H8 was the lead policy.

Following consideration Councillor Ross was of the view that the request for review should be upheld and planning consent granted on the grounds that, in his opinion, he did not consider there was a lack of sufficient backdrop, it would not be an overtly prominent site in the countryside and would not detract from the rural character of the area. Councillor Paul was of the view that, in her opinion, having had the opportunity to visit the site, the request for review should be refused and the Appointed Officer's decision upheld for the reasons detailed in the decision notice. Councillor Hogg was of the opinion that whilst he did not agree that the site was 'overtly prominent' when viewed from all the adjoining public roads he was marginally of the view that the visual impact, when viewed from the adjacent 'C' class road was unacceptable in that it would, with the lack of sufficient backdrop to offset its prominence, detract from the character of the surrounding area. Councillor Hogg was of the view that the request for review should be refused on these grounds and the Appointed Officer's decision to refuse the application upheld.

Thereafter LRB agreed, on a two to one majority, that the original decision of the Appointed Officer to refuse the application be upheld on the grounds that the proposal is contrary to Policy H8 of the Moray Local Plan 2008 for the following reasons:-

- (i) that the proposal would be located within an open rural setting of largely uniform landform character, which would lack sufficient backdrop to offset its prominence when viewed from the adjoining Class 'C' road; and
- (ii) the resultant development would represent an unacceptable visual impact from the adjoining class 'C' road, which would detract from the rural character of this part of the countryside.