



MORAY LOCAL REVIEW BODY

SUMMARY OF INFORMATION FOR CASE No 002

COUNCILLORS P PAUL (CHAIR), J HOGG & R SHEPHERD

1. **Ward 4 : Fochabers Lhanbryde**
2. Planning application : 09/00963/OUT – Planning permission in principle to form 2 private house plots at Walkers Crescent (Kirkhillhead) Lhanbryde.

Planning permission in principle was refused under the Statutory Scheme of Delegation by the Appointed Officer on 8 October 2009 on the grounds that:-

‘The proposal is contrary to policy T2 in the adopted Moray Local Plan 2008 as a safe and suitable access cannot be provided owing to the substandard access width, and visibility of Walkers Crescent onto the public highway and the use of which would result in hazards to pedestrians and other road users’.

3. Case submitted to LRB on 25 February 2010.
(Members are referred to the Case papers previously circulated for the meeting on 25 February 2010)

Following consideration the LRB agreed that there was insufficient information in order to proceed to determine the request for review and agreed:-

- (i) that an accompanied site inspection be undertaken, the purpose of which being to view access roads, relative road junctions, access to the private driveway, road widths, sign posted route, position of Primary School relative to the development site, visibility and site layout. It was also agreed that the Legal & Planning Advisers be in attendance;

- (ii) that details relating to planning application 06/02562/OUT, granted planning consent on 20 February 2007 for one house plot on the current application site be provided to the LRB;
 - (iii) to seek the views on the new evidence (applicant's Transport Assessment submission) from the Applicant, the Appointed Officer and Interested Parties, in terms of Regulation 15, on:-
 - (a) the substance of the document; and
 - (b) whether they are aware of any facts or circumstances which would preclude the applicant from meeting the statutory test for the consideration of new evidence ie 'new material will only be permitted where the party can demonstrate that it could not have been introduced earlier in the process, or that it arises as a consequence of exceptional circumstances'
 - (iv) that consideration of the possibility of seeking independent advice/survey from a Specialist Adviser on number of children walking in the area be continued to the next meeting of the LRB following the site inspection.
4. Accompanied site inspection carried out on Friday 19 March 2010.
 5. Copy of the Delegation Report (Report of Handling) in regard to application 06/02562/OUT attached as **Appendix 1**
 6. New evidence related to applicant's Transport Assessment **see Document 5** appended to applicant's Grounds for Review.
 7. Copies of the responses received to new evidence submission (Regulation 17) sought in terms of Regulation 15 'Written Submissions Procedure attached as **Appendix 2**