

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 004

PLANNING APPLICATION 09/01611/PPP : PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF A DWELLINGHOUSE ON A SITE ADJACENT TO ROADSIDE CROFT, GRANGE, KEITH

The Local Review Body (LRB) considered a request, on behalf of the applicant, Mr J Moir, seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse planning permission in principle for the erection of a dwellinghouse on a site adjacent to Roadside Croft, Grange, Keith.

Consideration was also given to a request from the applicant's agent for his interpretation of updated Scottish Planning Policy (SPP) Guidance to be included as part of the review submission, a copy of which was tabled at the meeting.

Following consideration and on the advice of the Legal & Planning Advisers, it was also agreed to accept this additional information as new 'New Evidence' in terms of Regulation 17 and to treat the new evidence under the 'Written Submissions' procedure.

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 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. It was also agreed that the Legal & Planning Advisers be in attendance; and
- (ii) to seek the views on the new evidence (applicant's updated information of SPP Guidance) 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'