

THE MORAY COUNCIL
MINUTES OF THE THREE MEETINGS OF THE LOCAL REVIEW BODY

WEDNESDAY 19 MAY 2010

COUNCIL OFFICE, ELGIN

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

PRESENT

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

IN ATTENDANCE

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

CASE 005
PLANNING APPLICATION 09/01961/PPP : PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF A NEW DWELLINGHOUSE ON A SITE AT GROALPANS GLEN OF NEWMILL KEITH

Under reference to Paragraph (b) of the Minute of the meeting of the Local Review Body (MLRB) dated 22 April 2010 the MLRB resumed consideration of the review of this Planning Application.

The meeting noted that the MLRB had undertaken an unaccompanied site inspection on Friday 14 May 2010. The Planning Adviser advised that he assisted in pointing out the site on approach and on site advised as to the general nature of the proposal. He summarised the reasons for refusal and grounds for seeking a review and advised that there had been two previous refusals on the site. He also advised that members of the MLRB viewed the aspects referred to in the applicant's submission in regard to height/elevation/other properties in the location and the extent of prominence and backdrop. He also confirmed that he was not required to give any substantive planning advice.

The MLRB agreed 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.

Councillor Ross expressed the view that, in his opinion, there was no natural backdrop and the site was overtly prominent when viewed from several vantage points. Councillor MacKay was of the opinion that the proposed site

was not located on made-up ground and was far less prominent than the neighbouring property known as 'Heaven's Doorstep'.

Clarification was sought in regard to the approval of the two storey dwelling known as 'Heaven's Doorstep' which is located approximately 250 metres uphill to the north-east of the site under review and it was noted that the development was approved under delegation to the Appointed Officer.

Councillor Paul expressed the view that, in her opinion, the site was not in an overtly prominent position, had a natural backdrop and would not detract from the rural character of the surrounding countryside. She was also of the view that given the topography of the surrounding countryside all the properties in the area could be considered relatively prominent. For these reasons Councillor Paul moved that the request for review be granted and the application for planning permission in principle be approved, as complying with policy, subject to appropriate conditions. The motion was seconded by Councillor MacKay.

Councillor Ross was still of the opinion that a one and a half storey dwelling on this site would be overtly prominent and for this reason the request for review should be refused and the decision of the Appointed Officer upheld.

Accordingly the MLRB agreed, by a two to one majority, that the request for review be granted and that the application for planning permission in principle be approved as complying with policy, subject to Moray Council standard planning application conditions to include a condition restricting the height of the proposed dwelling to single storey and conditions and informatives recommended by consultees.

On the conclusion of consideration of this case the Chairman referred to this and other instances of what he considers were inconsistencies in the application and interpretation of planning policies by planning officers in the determination of planning applications. Whilst noting that this was not an issue for the MLRB the Planning Adviser undertook to bring the MLRB's concerns to the attention of the Council's Head of Development Services.