

**EXTRACT FROM**  
**MINUTE OF MEETING OF THE LOCAL REVIEW BODY**

**WEDNESDAY 24 MARCH 2010**

**(a) REQUEST FOR REVIEW : WARD 5 : HELDON & LAICH**

**PRESENT**

Councillors P Paul (Chair) D Ross & R Shepherd.

**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.

**DECLARATIONS OF INTEREST**

In terms of Standing Order 20 the meeting noted that there were no declarations of interest in regard to Case 003.

**CASE 003**  
**PLANNING APPLICATION 09/01714/PPP : PLANNING**  
**PERMISSION IN PRINCIPLE FOR 5 PLOTS IN PADDOCK AT NEWTON**  
**HOUSE, ELGIN**

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.

Prior to resuming consideration of the review the Chair advised the meeting of the response from the Appointed Officer, which had been circulated to members of the LRB for information, as to the reasons for a one month delay between the date of the decision notice and the intimation of the decision to the applicant and, on behalf of the Council, the Chair apologised to the applicant for any inconvenience caused and hoped that the applicant and fellow members of the LRB could accept the explanation given.

The meeting noted that the LRB had carried out an accompanied site inspection on Friday 19 March 2010.

On the resumption of consideration of the review the LRB agreed that it considered that it now had sufficient information in order to proceed to determine the request for review.

The LRB agreed with the view expressed by Appointed Officer that the application was contrary to Policy H8 of the Moray Local Plan. Indeed, this appeared to be accepted by the applicant. The LRB then considered whether

or not Section 114 of Scottish Planning Policy (SPP) in regard to 'Enabling Development' was a material consideration of sufficient weight to justify departing from policy and approving the application as an acceptable departure.

The meeting noted that the Appointed Officer was of the opinion that the separation distance between the listed building and the proposed development is such that it was a stand alone development and should be assessed as such. The LRB however was of the view, having carried out a site inspection, that the proposed development was within the grounds of Newton House and of sufficient close physical proximity to justify considering Section 114 of the SPP in regard to Enabling Development as a material consideration.

Following consideration the LRB agreed that in principle, it was of the opinion that the terms of Section 114 of the SPP relating to 'Enabling Development' was a material consideration of sufficient weight to justify departing from Policy H8 of the Moray Local Plan and agreed that it was therefore minded to grant the request for review and approve planning permission in principle, as an acceptable departure, subject to the following information being provided to the satisfaction of the LRB at a future meeting:-

- (i) confirmation of the accuracy of the financial appraisal;
- (ii) the investigation of appropriate terms with a view to reaching a Section 75 Agreement to secure the restoration of Newton House in terms of the existing planning permission; and
- (iii) appropriate conditions to attach to any subsequent consent granted to include:-
  - (a) those recommended by consultees;
  - (b) standard conditions; and
  - (c) specific conditions relating to the paddock development being carried out in accordance with the approved plans, woodland planting, in particular on the eastern boundary of the site, street lighting suitable for a rural setting and the reinstatement of the footpath to the A96.