

# MORAY COUNCIL

## MINUTE OF MEETING OF THE PLANNING AND REGULATORY SERVICES COMMITTEE

28 SEPTEMBER 2021

### VARIOUS LOCATIONS VIA VIDEO-CONFERENCE

#### **PRESENT**

Councillors D Bremner (Chair), A McLean (Depute Chair), Cowe, Cowie, Divers, Feaver, Macrae, R McLean, Nicol, Powell, Taylor and Warren.

#### **APOLOGIES**

Apologies for absence were intimated on behalf of Councillor Brown and Ross.

#### **IN ATTENDANCE**

Head of Economic Growth and Development, Development Management and Building Standards Manager, Mr N MacPherson, Principal Planning Officer, Mr R Smith, Principal Planning Officer, Mrs D Anderson, Senior Engineer (Transportation), Legal Services Manager and Mrs L Rowan, Committee Services Officer as Clerk to the Committee.

### **1. DECLARATION OF GROUP DECISIONS AND MEMBER'S INTERESTS**

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillor Cowe declared an interest in Item 11 "Breach of Planning Control Encompassing Land at Duffus".

There were no declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any other declarations of Member's interests in respect of any item on the agenda.

### **2. EXEMPT INFORMATION**

The meeting resolved that in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting during consideration of the items of business appearing at the relevant paragraphs of this minute as specified below, so as to avoid disclosure of exempt information of the class described in the appropriate paragraphs of Part 1 of Schedule 7A of the Act.

| <b><u>Paragraph No. of Minute</u></b> | <b><u>Paragraph No. of Schedule 7A</u></b> |
|---------------------------------------|--|
| 9                                     | 13   |
| 10                                    | 13   |
| 11                                    | 13   |

### **3. MINUTE OF THE MEETING DATED 3 AUGUST 2021**

The minute of the meeting of the Planning and Regulatory Services Committee dated 3 August 2021 was submitted and approved.

#### **4. WRITTEN QUESTIONS**

The Committee noted that no written questions had been submitted.

#### **5. PLANNING APPLICATION 21/00384/APP**

##### **Ward 5 – Heldon and Laich**

**Relocation of existing hot food takeaway and formation of a parking area/paths to be accessed via a track and access onto the B9040 Land 500m South West of West Beach Caravan Park, Hopeman for Mr Barry Scott and Mrs Ruth Scott**

The Committee noted that Planning Application 21/00384/APP had been withdrawn by the Applicant.

#### **6. 21/01193/PAN**

**Installation of Synchronous Compensator with Electrical Connection to adjacent Substation with associated development at Blackhillock Substation, Keith, Moray AB55 5NY**

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that a Proposal of Application Notice (PAN) was submitted on 2 August 2021 on behalf of TINZ Programme 1 ProjectCo 3 Limited.

Following consideration, the Committee agreed:

- (i) to note the terms of the report in respect of a Proposal of Application Notice (PAN) for the installation of synchronous compensator with electrical connection to adjacent substation with associated development at Blackhillock Substation, Keith, Moray, AB55 5NY; and
- (ii) that there were no provisional views/relevant issues on the PAN from any Member of the Council.

#### **7. 21/01269/PAN**

**Construct 5 Wind Turbines (with tip height up to 149.9m) plus Infrastructure at Lurg Hill, Deskford**

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that a Proposal of Application Notice (PAN) was submitted on 18 August on behalf of Alan Mathewson.

During discussion, it was confirmed that the location of the turbines was unchanged and that changes related to the height of the turbines and the requirement for larger foundations however the Committee asked that the Applicant mitigate against the

impact the extra height of the turbines will have on the landscape by positioning them appropriately.

During further discussion surrounding the proposed virtual consultation with the community, it was asked that, given the remote location of the development, connectivity issues be borne in mind for members of the public with poor internet connection.

In response, Mr Smith, Principal Planning Officer advised that he would provide the Applicant with the comments from the Committee.

Thereafter, the Committee agreed:

- (i) to note the terms of the report and asked that the following provisional views/relevant issues be recorded and forwarded to the Applicant in order to inform the development of their proposed formal application for planning permission:
  - that the Applicant mitigate against the impact the extra height of the turbines will have on the landscape by positioning them appropriately; and
  - that connectivity issues be borne in mind for members of the public with poor internet connection during the virtual public consultation; and
- (ii) that the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

## **8. QUESTION TIME**

There were no questions raised.

## **9. BREACH OF PLANNING CONTROL, KINLOSS [PARA 13]**

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the unauthorised siting and use of a caravan for residential purposes within the car park adjoining the Kinloss Chinese take-away and the Abbey Inn, Kinloss.

Following consideration, the Committee agreed:

- (i) to Officers issuing a Planning Enforcement Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997; the Enforcement Notice will require the owner of the caravan to remove the caravan within 16 weeks from the date that the Enforcement Notice taking effect; and
- (ii) that should the Notice not be complied with then authority is given authority to take direct action to remove the caravan.

## **10. BREACH OF A PLANNING CONDITION AT A PROPERTY IN GARMOUTH**

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of a breach of a planning condition at a property in Garmouth.

Following consideration, the Committee agreed:

- (i) to Officers issuing Enforcement Notices under Section 145 of the Town and Country Planning (Scotland) Act 1997 and Section 35 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 -

the Enforcement Notices will require the owner of the property to comply with Condition 1 of planning application 20/00102/APP and Condition 1 of listed building consent 20/00104/LBC within two months of the Enforcement Notice taking effect requiring the owner to submit details for written approval of alternative timber double glazed windows and door units and within 6 months of the Enforcement Notices taking effect complete the work to replace the approved windows and doors.

- (ii) that the notice requiring the submitting of alternative timber double glazed windows and door units and the fitting of the replacement windows work to replace the windows and doors remain as a charge on the property until all work in relation to this is satisfactorily completed.

## **11. BREACH OF PLANNING CONTROL ENCOMPASSING LAND AT DUFFUS**

Councillor Cowe, having declared an interest in this item took no part during its consideration.

A report by the Depute Chief Executive (Economy, Environment and Finance) updated the Committee on unauthorised development consisting of the change of use of land, stationing of three caravans, erection of wooden building, formation of access and the erection of a close-boarded fence on land at Sweethillocks, Duffus.

Following consideration, the Committee agreed:

- (i) to authorise Officers to serve an enforcement notice and take direct action to remedy the following breaches of planning control and restore the land at Sweethillocks, Duffus to its former condition:
  - Siting and use of three caravans for residential/storage purposes;
  - Erection of wooden building;
  - Erection of close boarded fence;
  - Formation of access and hardstanding area; and
- ii) to authorise the Head of Economic Growth and Development to consult with the Head of Governance, Strategy and Performance and, if necessary and appropriate to do so, to seek an interdict in terms of S.146 of the Town and Country Planning Act 1997, in order to prevent further unauthorised development at Sweethillocks.