

MORAY COUNCIL

MINUTE OF MEETING OF THE PLANNING AND REGULATORY SERVICES COMMITTEE

13 NOVEMBER 2018

COUNCIL CHAMBERS, ELGIN

PRESENT

Councillors D Bremner (Chair), A Patience (Depute Chair), G Alexander, J Cowe, G Cowie, P Coy, J Divers, C Feaver, L Laing, M Macrae and A McLean.

APOLOGIES

Apologies were intimated on behalf of Councillors R Edwards and R McLean

IN ATTENDANCE

The Head of Development Services, the Manager (Development Management), Mr A Burnie, Principal Planning Officer, Mr N MacPherson, Principal Planning Officer, Mrs D Anderson, Senior Engineer (Transport Development), the Consultancy Manager, the Senior Planning Officer (Development Planning and Facilitation), the Legal Services Manager (Property and Contracts) as Legal Adviser and Mrs L Rowan, Committee Services Officer as Clerk to the Meeting.

1. Declaration Of Group Decisions and Members Interests

In terms of Standing Order 20 and the Councillors' Code of Conduct, 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 declarations of Members 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.

Paragraph No. of Minute

Paragraph No. of Schedule 7A

16, 17 and 18

Information, which if disclosed to the public, would reveal that the Authority proposes, for the purpose of consultation, make an order or direction under any enactment which might allow an individual or organisation to defeat the purpose of the notice or order.

3. Minutes

The Minute of the Planning and Regulatory Services Committee dated 18 September 2018 was submitted and approved.

Under reference to paragraph 3 of the Minute of the Planning and Regulatory Services Committee dated 25 September 2018, regarding safeguarding and supporting biodiversity, Councillor Feaver stated that she had spoken about habitats such as wetlands and wet grass lands and asked that the Minute be amended to reflect this.

In response, the Chair agreed to arrange to have the Minute amended accordingly.

Thereafter the Minute was approved subject to an amendment to reflect Councillor Feaver's reference to wetlands and wet grass lands.

4. Written Questions

The Committee noted that no written questions had been submitted.

5. Planning Application 18/00811/APP

Ward 8: Forres

Development of a 4.7 hectare site to the north of the existing distillery to deliver 11 new cask warehouses, new access, formation of pond and associated landscaping at Land adjoining Benromach Distillery, Waterford Road, Forres for LDN Architects LLP

A report by the Appointed Officer recommended that, subject to the conditions detailed in the report, planning permission be granted in respect of the development of a 4.7 hectare site to the north of the existing distillery to deliver 11 new cask warehouses, new access, formation of pond and associated landscaping at Land adjoining Benromach Distillery, Waterford Road, Forres for LDN Architects LLP. The report also advised that members of the Committee visited the site of the application on 9 November 2018.

The Committee noted that the application had been referred to Committee as the application is a "major" development as defined under the Hierarchy Regulations

2008 (and the approved Scheme of Delegation) because the gross floor space of the development exceeds 10,000 sqm and/or the site area exceeds 2 ha.

During discussion, it was noted that a number of trees would require to be felled to allow the development to proceed and although the report stated that further tree planting was to take place there was concern that the immature trees would not provide adequate screening for the warehouses.

In response, Mr MacPherson, Principal Planning Officer advised that the proposed plan in relation to landscaping showed that the trees to be planted on edge of site would be of a larger species.

Councillor Feaver raised concern in relation to whether the trees proposed in the plan would provide adequate screening for the new development and moved that the Committee agree to grant planning permission in respect of Planning Application 18/00811/APP, as recommended, subject to an additional condition that any tree planting for screening would be of a size that will grow at a reasonable rate to nestle the warehouses. This was seconded by Councillor Macrae.

Councillor Cowe, in recognising that there had been no objections to the application and as it complied with policy PP1 within the Moray Local Development Plan 2015 in relation to sustaining economic growth, moved that the Committee agree to grant planning permission in respect of Planning Application 18/00811/APP, as recommended subject to the conditions detailed within the report.

Given the concerns raised in relation to tree planting, the Manager (Development Management) suggested that Condition 8 regarding landscaping and planting be amended to include the requirement for a detailed specification in terms of the actual planting sizes to be of a larger planting standard.

Councillors Feaver and Macrae were both in agreement with the suggested amendment to condition 8 from the Manager (Development Management).

Councillor Cowe, having considered the response from the Manager (Development Management) agreed to withdraw his motion.

Following consideration, the Committee unanimously agreed to grant planning permission in respect of Planning Application 18/00811/APP as recommended, for the following reasons subject to an amendment to condition 8 to include the requirement for a detailed specification in terms of the actual planting sizes to be of a larger planting standard.

1. Prior to the commencement of any part of the development the following details shall be submitted for approval by the Planning Authority in consultation with the Roads Authority:
 - (i) Either, written confirmation to be provided that there will be no barriers or gates on the proposed access leading to Waterford Road or, provision of details of any security barrier or gating at the proposed access to the development including setback distance from the road;
 - (ii) Details of any external signage proposed at the boundary of the site fronting onto the public road including siting, dimensions and design;

- (iii) A detailed drawing (scale 1:500 min) shall be submitted showing provision for a dropped kerb crossing of the proposed access onto Waterford Road together with tactile paving, landscaping, fencing, gating and visibility of the crossing on the approach to the crossing from the access;
- (iv) a detailed plan (scale 1:500 minimum) showing provision of a 2.0 metre footway on the northeast side of Waterford Road from a point opposite the north side of the new link road and extending southwards to connect with the existing footway. Provision also for dropped kerb crossing and tactile paving to provide crossing to the west side of Waterford Road at three points, one to the south of Waterford Circle and one each to the north and south sides of the new link road; and thereafter the footway and crossings must be completed in accordance with the approved plans prior to the commencement of the second warehouse within the development.
- (v) Detailed plan(s) (scale 1:500) showing the existing and proposed road drainage on Waterford Road for the full extent of the site frontage shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority and thereafter the roads drainage infrastructure shall be provided in accordance with the approved details prior to the commencement of any other part of the development and thereafter the proposals shall be completed in accordance with the approved details.

Thereafter the development shall be completed in accordance with the approved details unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority.

Reason: In the interests of road safety, an acceptable form of development and the provision of information currently lacking from the submission.

2. Notwithstanding the details submitted (which are not accepted) prior to any development works commencing the following detailed drawing shall be submitted for approval by the Planning Authority. The detailed drawing shall show (scale 1:500 minimum scale) a visibility splay 4.5 metres by 70 metres in both directions at the proposed junction onto Waterford Road, showing boundary walls/fences/hedges set back behind the required visibility splay, and a schedule of maintenance for the splay area shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority and thereafter, the visibility splay shall be provided in accordance with the approved details and maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway.

Reason: In the interest of road safety and the provision of information currently lacking from the submission.

3. Notwithstanding the details submitted which are not accepted, prior to the commencement of any part of the development a detailed phasing plan for the proposed development including the warehouses and the road infrastructure to be provided within each phase shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority and thereafter the development shall be completed in accordance with the approved phasing plan unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority.

Reason: In the interest of road safety and the provision of information currently lacking from the submission.

4. Prior to commencement of each phase of the development a Construction Traffic Management Plan shall be submitted for approval by the Planning Authority in consultation with the Roads Authority and thereafter the construction works shall be completed in accordance with the approved Construction Traffic Management Plan.

Reason: To ensure an acceptable form of development in terms of the arrangements to manage traffic during construction works at the site.

5. Construction works associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0700 – 1900 hours, Monday to Friday, and at no other times out with these permitted hours (including National Holidays) shall construction works be undertaken except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited periods of construction works to be undertaken out with the permitted/stated hours of working.

Reason: To control/restrict the impact of noise emissions resulting from such operations upon the amenities of the locality and neighbouring property.

6. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless a post excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

The programme of works must be submitted to and approved in writing by the Council, as Planning Authority in consultation with Aberdeenshire Council Archaeology Service.

Reason: To safeguard and record the archaeological potential of the area.

7. Prior to the commencement of development a site specific Construction Environment Management Plan (CEMP) shall be submitted to, and approved in writing by, the Council, Planning Authority in consultation with SEPA. All works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the Council, as Planning Authority.

Reason: In order to prevent pollution of the environment and ensure the sustainable management of materials and waste.

8. All landscaping and mitigation planting shall be implemented and maintained in accordance with the approved landscaping plan entitled 'Landscape Proposals Plan drawing number 981 BD LP 01 Rev A and accompanying documents entitled 'Outline Landscape Specification and Maintenance – May 2018, prepared by landscape architects Horner and MacLennan' and 'Arboricultural Method Statement dated 24th May 2018, prepared by ROVAR Environmental Consultants' with the exception of the supply height of the trees specified in the planting schedule in both documents. Prior to any work commencing a revised supply height planting schedule detailing use of a larger planting standard for new trees to be used shall be submitted to and approved in writing by the local planning authority. All landscaping shall be implemented in accordance with the approved revised supply height planting schedule.

Reason: In order to ensure the provision of the landscaping to the development to minimise the visual impact on neighbouring residences and the wider landscape.

9. Prior to the commencement of development, a detailed phasing plan for the proposed development showing the abovementioned landscaping and mitigation planting to be provided within each phase shall be submitted to and approved by the Council, as Planning Authority; and thereafter the development shall be completed in accordance with the approved phasing plan unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that acceptable landscaping and mitigation planting is provided for each phase of the development as detailed phasing information is currently lacking from the submission.

10. Prior to the commencement of development, details of all artificial lighting to be installed on the site for each phase shall be submitted to and approved by the Council, as Planning Authority. This shall be designed and sited to minimise the potential for light pollution, glare effect and nuisance to protect the amenity of surrounding neighbouring housing. The approved lighting arrangements shall be installed prior to each respective phase is complete or building within that phase is occupied.

Reason: To ensure the provision of an acceptable form of development and to protect the amenity of nearby residential premises, as these details are currently lacking from the application.

11. All surface water drainage infrastructure hereby approved shall be installed in accordance within that detailed within the approved drainage layout plan, accompanying Drainage Impact Assessment and SUDS Strategy dated August 2018 (prepared by Caintech) and additional supporting drainage information unless otherwise agreed with the Planning Authority, in consultation with the Flood Risk Management Section.

Reason: To ensure the provision of acceptable drainage infrastructure to the development.

12. Prior to the commencement of development, a detailed phasing plan for the proposed development including the warehouses and drainage infrastructure (as detailed within the abovementioned DIA and SUDS Strategy) to be provided within each phase shall be submitted to and approved by the Council, as Planning Authority in consultation with the Flood Risk Management Section;

and thereafter the development shall be completed in accordance with the approved phasing plan unless otherwise agreed in writing by the Planning Authority in consultation with the Flood Risk Management Section.

Reason: To ensure the provision of acceptable drainage infrastructure for each phase of the development, as detailed phasing information currently lacking from the submission.

13. No development shall commence until a Construction Phase Surface Water Management Plan (CPSWMP) has been submitted to and approved in writing by the Council, as Planning Authority (in consultation with the Moray Flood Risk Management Section), and all work shall be carried in accordance with the approved CPSWMP.

Reason - In order to ensure that surface water from the development is dealt with in a satisfactory manner that avoids flooding and pollution, and as these details are currently lacking from the current application.

6. **Proposed Wind Farm comprising of 7 Wind Turbines 6 of a maximum height base to tip not exceeding 149.9m and 1 of maximum height not exceeding 134m, external transformer housing, site tracks, crane pad foundations, underground electricity cable, control building, temporary construction and compound, 2 borrow pits, associated works/infrastructure and health and safety signage at, Paul's Hill II Wind Farm, Ballindalloch, Moray (Planning Reference 18/00523/S36)**

A report by the Corporate Director (Economic Development, Planning and Infrastructure) asked the Committee to consider a proposed response to a request for consultation from the Scottish Government – Energy Consents Unit (ECU) relating to an application received by them for consent under Section 36 of the Electricity Act 1989 (which includes deemed planning permissions) for the extension of Pauls Hill windfarm.

Following consideration, the Committee agreed:

- (i) to note the contents of the report, as set out in Appendix 1, including the conclusions regarding the planning merits of the development which take into account the Moray Local Development Plan 2015 and all material considerations including the presence of an existing windfarm at Pauls Hill;
- (ii) to respond to the consultation request from the Scottish Government lodging an objection to the proposed development on the basis of the recommendations set out in Appendix 1, in particular in terms of the considered unacceptable landscape and visual impacts that would arise from the position and height of proposed turbines on the site;
- (iii) that no additional comments on the proposal should be submitted;
- (iv) that in the event of approval and prior to determination, the Council request it be consulted on proposed conditions to be attached to any consent; and
- (v) that in the event of approval, no additional expansion of the rock cut at the existing windfarm entrance should be permitted (if this is intended to facilitate turbine delivery) as the details provided are not clear on this matter.

7. Planning Reference - 18/00954/S36 – Construct and Operate an Offshore Windfarm within the Moray Firth, known as Moray West Windfarm

A report by the Corporate Director (Economic Development, Planning and Infrastructure) asked the Committee to consider the consultation received from Marine Scotland in relation to the proposed variation of 3 Electricity Act 1989 Section 36 consents for an offshore windfarm submitted by Moray West Offshore Windfarm. This Section of the Electricity Act relates to consenting offshore electricity generation.

During discussion, it was noted that community benefit had been received as a result of the Beatrice Offshore Windfarm and clarification was sought as to whether the Council could guarantee community and economic benefit as a result of the Moray West Offshore Windfarm.

In response, the Head of Development Services advised that it would not be appropriate to respond to Marine Scotland in relation to community and economic benefit as the consultation response could only take into consideration the planning merits of the application however suggested that he write separately to the Applicant expressing the views of the Council regarding economic and community benefit for Moray in terms of offshore windfarms. This was agreed.

Councillor Feaver was of a view that the application would have a visual impact upon the seascape of Moray. Furthermore, she was not convinced there would be economic benefit for Moray and therefore moved that the Committee respond to the consultation lodging an objection to the proposed development. On failing to find a seconder, Councillor Feaver's motion fell.

Councillor A McLean moved that the Committee agree the recommendations as printed within the report. This was seconded by Councillor Macrae.

There being no-one otherwise minded, the Committee agreed:

- (i) to respond to the consultation to raise no objection to the proposed offshore windfarm development and instruct Officers to respond to Marine Scotland to that effect; and
- (ii) that the Head of Development Services write to the Applicant expressing the views of the Council regarding economic and community benefit for Moray in terms of offshore windfarms.

8. 18/01132/PAN – Proposal of Application Notice for residential development and associated infrastructure at Speyview, Aberlour

A report by the Corporate Director (Economic Development, Planning and Infrastructure) informed the Committee that a Proposal of Application Notice (PAN) had been submitted on 24 August 2018 by Springfield Properties PLC.

Councillor Macrae stated that he recalled a recent planning application, located nearby the site in question, that had been considered by the Moray Local Review Body and subsequently rejected on the grounds that the visibility splay was not sufficient to access the A95 and asked that the planning application include a

transportation assessment to ensure that adequate visibility splay(s) are achieved when entering and exiting the site onto the A95 trunk road.

In response, Mr Burnie, Principal Planning Officer agreed to feed this observation back to the Applicant.

Thereafter, the Committee agreed:

- (i) to note the terms of the report and asked that the planning application include a transportation assessment to ensure that adequate visibility splay(s) are achieved when entering and exiting the site onto the A95 trunk road; 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.

9. 18/01309/PAN - Proposal of Application Notice – Proposed mixed use development with commercial/craft units, community spaces and dwellings, landscape/ecological enhancement proposals and new private road to serve development at North Whins, Findhorn, Forres

A report by the Corporate Director (Economic Development, Planning and Infrastructure) informed the Committee that a Proposal of Application Notice (PAN) had been submitted on 3 October 2018 by Makar (agent) on behalf of Duneland Limited.

During discussion, Councillor Feaver stated that she had received a number of representations from members of the Community in relation to the expansion of housing and industrial units into the dunes; the clearing of the dune landscape that had already commenced, where large tracks have already been cleared prior to the completion of an ecological survey; the stability of the dune system including gorse planting and how much more of the dune system would need to be removed and destroyed to keep the land safe and stable; the expansion of housing and industrial buildings within a community where there is a lack of proper infrastructure; whether this development would be like a previous development which was only available to people who agreed to follow the founding principles of the community including requirements to provide affordable housing; settlement creep and over development of the area.

In response, Mr Burnie, Principal Planning Officer advised that the site was within the settlement boundary of Findhorn and a formal ecological survey is required to be submitted with any planning application for the site. He further advised that the local community within the Findhorn area would have the opportunity to consider and comment further the proposals at a planned consultation event to be held at the end of November 2018.

Thereafter, the Committee agreed:

- (i) to note the terms of the report and asked that the prospective applicant note the following points raised by the Community via the Committee:

Concern regarding:

- a) the expansion of housing and industrial units into the dunes;

- b) the clearing of the dune landscape that has already commenced, in particular where large tracks have already been cleared prior to the completion of any ecological survey;
 - c) the stability of the dune system including gorse planting and how much more of the dune system would need to be removed and destroyed to keep the land safe and stable;
 - d) the expansion of housing and industrial buildings within a community where there is a lack of proper infrastructure;
 - e) whether this development would be like a previous development which was only available to people who agreed to follow the founding principles of the community, including requirements to provide affordable housing; and
 - f) settlement creep and over-development of the area; and
- (ii) 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.

10. 18/01190/PAN - Proposal of Application Notice for residential development and associated infrastructure at St Andrew's Road, Lhanbryde

A report by the Corporate Director (Economic Development, Planning and Infrastructure) informed the Committee that a Proposal of Application Notice (PAN) had been submitted on 6 September 2018 by Springfield Properties PLC.

Councillor A McLean asked that in terms of place-making, the applicant be mindful that the development would be the gateway into Lhanbryde (in terms of approaching Lhanbryde from the west) and reflected within the development.

In response, Mr Burnie, Principal Planning Officer agreed to feed this observation back to the Applicant.

Thereafter, the Committee agreed:

- (i) to note the terms of the report and asked that in terms of place-making, the applicant be mindful that the development would be the gateway into Lhanbryde (in terms of approaching Lhanbryde from the west) and reflected within the development; and
- (ii) 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.

11. Progress of Application 17/00834/PPP for Planning Permission in Principle for Development on Land at Findrassie, Elgin

A report by the Corporate Director (Economic Development, Planning and Infrastructure) informed the Committee about the progress of an application for planning permission in principle for development of land at Findrassie, Elgin.

Following consideration, the Committee agreed to:

- (i) note the progress made on the legal agreement associated with development proposed at Findrassie including the need for further consideration of the draft

legal agreement following the recent receipt of comments/revisals made by the applicant's legal representative; and

- (ii) apply a Direction (under Section 59 of the 1997 Planning Act, as amended) instead of a planning condition, as currently agreed, in respect of the time period within which approval of matters specified in conditions must be made from the date of granting planning permission in principle. This Direction will be incorporated into the formal decision notice.

12. Final Bilbohall Masterplan Supplementary Guidance

A report by the Corporate Director (Economic Development, Planning and Infrastructure) asked the Committee to agree the responses to representations received following consultation on the draft Bilbohall Masterplan and approve the final Bilbohall Masterplan as Supplementary Guidance to the Moray Local Development Plan 2015 (LDP2015).

Following consideration, the Committee agreed:

- (i) to note the public consultation undertaken on the draft Bilbohall Masterplan Supplementary Guidance;
- (ii) the responses to representations on the draft Bilbohall Masterplan Supplementary Guidance as set out in Appendix 2 to the report;
- (iii) to approve the final Bilbohall Masterplan and associated appendices as Supplementary Guidance to the Moray Local Development Plan 2015 (LDP 2015) as set out in Appendix 1 to the report; and
- (iv) that the final Bilbohall Masterplan Supplementary Guidance be used as a material consideration in the determination of planning applications pertaining to Elgin settlement sites R3, R4, R12, CF2 and OPP7 of the LDP 2015.

13. Flood Risk and Drainage Impact Assessment for New Developments Supplementary Guidance

A report by the Corporate Director (Economic Development, Planning and Infrastructure) summarised the representations received to the consultation on the "Flood Risk and Drainage Impact Assessment for New Development Supplementary Guidance" and asked the Committee to approve the responses provided to these and delegate authority to the Head of Development Services to submit the Guidance to the Scottish Government for approval.

Following consideration, the Committee agreed:

- (i) to note the representations received to the "Draft Flood Risk and Drainage Impact Assessment for New Development Supplementary Guidance" as set out in Section 4 of the report;
- (ii) the responses provided to the representations, which are provided on the Members Portal;

- (iii) that the final draft Supplementary Guidance be used as a material consideration for development management purposes; and
- (iv) that the final draft Supplementary Guidance be submitted to the Scottish Government and, upon approval, forms part of the statutory Moray Local Development Plan (MLDP) 2015.

14. Development Services Performance Report – Half Year to September 2018

A report by the Corporate Director (Economic Development, Planning and Infrastructure) informed the Committee of performance of the service for the period from 1 April 2018 to 30 September 2018. The report stated that, at the end of the reporting period, 78% of the performance indicators showed good performance and the 2018/22 Service Plan was 45% complete.

Following consideration, the Committee welcomed the good performance as indicated in the report and thereafter agreed to note the:

- (i) performance against Planning and Regulatory Performance Indicators; Service Plan; and Complaints to the end of September 2018 as outlined within the report; and
- (ii) actions being taken to improve performance where required.

15. Question Time

There were no questions raised.

16. Breach of Planning Control Encompassing Land at Burghead [Para 13]

A report by the Corporate Director (Economic Development, Planning and Infrastructure) informed the Committee of a breach of planning condition on a site encompassing land at Burghead.

Following consideration, the Committee agreed to:

- (i) Officers issuing a Breach of Condition Enforcement Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring the developer to fully comply with Condition 22 of planning application reference number 03/00595/FUL in relation to the provision of a play area and equipment; and
- (ii) authorise direct action in relation to the provision of play area and equipment to secure compliance with this part of the enforcement notice if it is not complied with.

17. Unauthorised Work to a Dwelling within Cullen Conservation Area [Para 13]

A report by the Corporate Director (Economic Development, Planning and Infrastructure) informed the Committee of unauthorised works that have been carried out to a property within the Cullen Conservation Area.

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;
- (ii) that the Enforcement Notice will require the owner of the property to submit details of replacement double glazed timber windows of a traditional style within 12 months of the date of the notice and for fitting of the said windows to be carried out within 3 years of the date of the Notice;
- (iii) that the Notice requiring the fitting of the replacement windows remain as a charge on the property until all work in relation to this is satisfactorily completed;
- (iv) that the offence should not to be referred to the Procurator Fiscal and that no direct action should be taken to secure compliance with the Notice.

18. Unauthorised Work to a Dwelling within Forres Conservation Area [Para 13]

A report by the Corporate Director (Economic Development, Planning and Infrastructure) informed the Committee of unauthorised works that have been carried out to a property within the Forres Conservation Area.

During discussion, clarification was sought as to whether the public are made aware of Enforcement Notices that are issued by the Council as it was thought this may encourage people to give due consideration prior to carrying out any work to their property.

In response, the Manager (Development Management) advised that, if the Applicant appealed against the Enforcement Notice once it had been served, then the information could be traced via the Planning section on the Council's website.

The Head of Development Services suggested that a press release be issued regarding the recent decisions taken by the Planning and Regulatory Services Committee in relation to Enforcement Notices to encourage those who stay in listed buildings or conservation areas to seek advice from the Planning Service prior to carrying out any work to their property.

Following consideration, Councillor Alexander moved that the Committee agree the recommendations as printed within the report with an additional recommendation to issue a press release regarding the recent decisions taken by the Planning and Regulatory Services Committee in relation to Enforcement Notices to encourage those who stay in listed buildings or conservation areas to seek advice from the Planning Service prior to carrying out any work to their property.

There being no-one otherwise minded, the Committee agreed:

- (i) to Officers issuing a Planning Enforcement Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997;
- (ii) that the Enforcement Notice will require the owner of the property to submit details of double glazed timber windows to replace the recently fitted uPVC windows on the front elevation of the property within 12 months of the date the

Enforcement Notice taking effect and subsequently fitting the double glazed timber windows within three years of the Notice taking effect;

- (iii) that the notice requiring the fitting of the replacement windows remain as a charge on the property until all work in relation to this is satisfactorily completed;
- (iv) that the offence should not to be referred to the Procurator Fiscal and that no direct action should be taken to secure compliance with the Notice; and
- (v) that a press release be issued regarding the recent decisions taken by the Planning and Regulatory Services Committee in relation to Enforcement Notices to encourage those who stay in listed buildings or conservation areas to seek advice from the Planning Service prior to carrying out any work to their property.