

# MORAY COUNCIL

## Minute of Meeting of the Moray Local Review Body

Thursday, 28 October 2021

### Various Locations via Video-Conference

#### **PRESENT**

Councillor David Bremner, Councillor Gordon Cowie, Councillor Paula Coy, Councillor Donald Gatt, Councillor Ray McLean, Councillor Louise Nicol, Councillor Laura Powell, Councillor Amy Taylor

#### **APOLOGIES**

Councillor Derek Ross

#### **IN ATTENDANCE**

Ms Webster, Principal Planning Officer (Strategic Planning and Development) and Mr Henderson, Planning Officer as Planning Advisers, Legal Services Manager and Mr Hoath, Senior Solicitor as Legal Advisers and Mrs Rowan, Committee Services Officer as Clerk to the Moray Local Review Body.

#### **1 Chair**

Councillor Taylor, being Chair of the Moray Local Review Body, chaired the meeting.

#### **2 Declaration of Group Decisions and Members Interests**

In terms of Standing Order 20 and the Councillor's 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.

#### **3 Minute of Meeting dated 30 September 2021**

The Minute of the meeting of the Moray Local Review Body dated 30 September 2021 was submitted and approved.

#### **4 LR264 - Ward 8 - Forres**

#### **Planning Application 21/00593/APP – Replacement windows at Sunny Bank, Victoria Road, Forres**

Under reference to paragraph 6 of the Minute of the meeting of the Moray Local Review Body (MLRB) dated 30 September 2021, the MLRB continued to consider

a request from the Applicant seeking a review of the decision of the Appointed Officer to refuse planning permission on the grounds that:

The proposed development is contrary to Policy DP1: Development Principles and Policy EP9: Conservation Areas of the adopted Moray Local Development Plan (MLDP) 2020 and, as a material consideration, associated Replacement Windows and Doors Guidance for the following reasons:

- the removal of original timber sash and case windows and replacement with non-traditional UPVC units located on principal elevations and elevations on a public view would fail to preserve or enhance the established traditional character and appearance of Forres Outstanding Conservation Area; and
- the proposed finishes are considered to adversely affect the character and appearance of Forres Outstanding Conservation Area, are not appropriate to the surrounding area, and do not respect the architectural authenticity of the building and the character of Forres Outstanding Conservation Area.

The Chair stated that, at the meeting of the MLRB on 30 September 2021, the MLRB agreed to defer Case LR264 to a future meeting of the MLRB to allow the Appointed Officer the opportunity to comment on additional information included with the Applicant's Notice of Review application and that the additional information submitted by the Applicant was available at Appendix 3 and the Appointed Officer's response to the additional information was detailed at Appendix 4 of the case.

In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, Mr Henderson, Planning Adviser advised the MLRB of a mistake in the Report of Handling where reference to the south elevation should read north and reference to the north elevation should read south, and confirmed that if you were to stand facing the building, you would be facing the south elevation which was the principal elevation. This was noted.

The Legal Adviser advised that he had no preliminary matters to raise at this time.

Councillor Gatt, having considered the case in detail, was of the view that the proposal complied with policy DP1 (Development Principles) of the MLDP 2020 as, in his opinion, there was nothing relevant in this policy that would prohibit the proposal. With regard to policy EP9 (Conservation Areas), Councillor Gatt highlighted that this policy stated that contemporary designs and materials can be acceptable and have a positive effect on the conservation area and that with regard to replacement doors and windows, the policy states that UPVC doors and windows may be acceptable if they are of an appropriate traditional style and not on a principal elevation or an elevation on public view. Whilst Councillor Gatt accepted that the proposal included the replacement of windows on the principal elevation of the building, he pointed out that the Council's guidance on replacement windows and doors stated that the form of windows and doors in the immediate surroundings of the building would be taken into consideration and that traditional UPVC windows would be permissible providing there is no damage to the character or appearance of the conservation area. Councillor Gatt noted that the building was part of a semi-detached building with the adjacent property having a sun lounge with UPVC windows on the front of the building. Furthermore, the building on the other side of the building in question had installed UPVC windows, similar to those proposed by the Applicant and that there were many other buildings in the conservation area that had UPVC windows. Taking the above into

consideration, Councillor Gatt moved that the MLRB uphold the appeal and grant planning permission in respect of Planning Application 21/00593/APP as in his view it complied with all policies within the MLDP 2020. This was seconded by Councillor R McLean.

In response, Mr Henderson, Planning Adviser advised that, in terms of MLDP 2020 policy DP1, the proposal was considered to be out of character to the conservation area. With regard to MLDP 2020 policy EP9, Mr Henderson advised that contemporary materials may be used however should be sensitive to the conservation area however there was specific guidance when considering windows and doors which states that windows and doors on principal elevations should be made from traditional materials. Mr Henderson further pointed out that the other half of the semi-detached property mentioned by Councillor Gatt received planning permission for the sun lounge in 1998 and would have been considered against an earlier version of the MLDP.

Councillor Coy agreed with the original decision of the Appointed Officer and moved, as an amendment, that the MLRB dismiss the appeal and refuse planning permission in relation to Planning Application 21/00593/APP as the proposed development is contrary to Policies DP1 (Development Principles) and EP9 (Conservation Areas) of the adopted MLDP 2020 and, as a material consideration, associated Replacement Windows and Doors Guidance. This was seconded by Councillor Bremner.

On a division there voted:

For the Motion (3):	Councillors Gatt, R McLean and Powell
For the Amendment (4):	Councillors Coy, Bremner, Nicol and Taylor
Abstentions (1):	Councillor Cowie

Accordingly, the Amendment became the finding of the MLRB and it was agreed to dismiss the appeal and refuse planning permission in relation to Planning Application 21/00593/APP as the proposed development is contrary to Policies DP1 (Development Principles) and EP9 (Conservation Areas) of the adopted MLDP 2020 and, as a material consideration, associated Replacement Windows and Doors Guidance.