

MORAY COUNCIL

MINUTE OF MEETING OF THE PLANNING AND REGULATORY SERVICES COMMITTEE

26 JANUARY 2021

REMOTE LOCATIONS VIA VIDEO CONFERENCE

PRESENT

Councillors Bremner (Chair), A McLean (Depute), Brown, Cowe, Cowie, Edwards, Feaver, Macrae, R McLean, Nicol, Powell, Ross, Taylor and Warren

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, Strategic Planning and Development Manager, Ms E Webster, Principal Planning Officer (Strategic Planning and Development), Mrs D Anderson, Senior Engineer (Transportation), Mr D Westmacott, Planning Officer, Legal Services Manager and Mrs L Rowan, Committee Services Officer as Clerk to the Meeting

1. DECLARATION OF GROUP DECISIONS AND MEMBER'S INTERESTS

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillor Ross declared an interest in item 14 "Unauthorised Work to Property in Archiestown" following discussion with the Legal Services Manager.

The Legal Services Manager advised that she had issued an advice note to Members of the Local Review Body (LRB) which stated that, although the case had been considered at the LRB this did not preclude the Members of the LRB from considering the enforcement report providing they are satisfied that they can consider the enforcement issues with an open mind.

Having considered the legal advice from the Legal Service Manager, there were no other declarations of Member's interests in respect of any item on the agenda or any declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on 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.

<u>Paragraph No. of Minute</u>	<u>Paragraph No. of Schedule 7A</u>
13	8 and 9
14	13
15	13

3. MINUTE OF THE PLANNING AND REGULATORY SERVICES COMMITTEE DATED 10 NOVEMBER 2020

The Minute of the Meeting of the Planning and Regulatory Services Committee dated 10 November 2020 was submitted and approved.

4. MINUTE OF THE SPECIAL MEETING OF THE PLANNING AND REGULATORY SERVICES COMMITTEE DATED 8 DECEMBER 2020

The Minute of the Special Meeting of the Planning and Regulatory Services Committee dated 8 December 2020 was submitted and approved

5. WRITTEN QUESTIONS

The Committee noted that no written questions had been submitted.

Councillor R McLean lost connection at this juncture and took no further part in any decisions.

6. PLANNING APPLICATION 20/00753/AMC

Ward 5: Heldon and Laich

Approval of Matters specified in conditions 1 - 17, 19, 25-34 and 36-58 on planning consent 17/00834/PPP and in relation to S42 application reference 19/01085/APP for a proposed residential development of 113 homes including affordable housing with landscaping parking access and associated works within part of Area 1 at Site R11 Findrassie/Myreside and I8 Newfield, Findrassie, Elgin, Moray for Barratt North Scotland

A report by the Appointed Officer recommended that, for reasons detailed in the report, planning permission be granted for an application for the approval of Matters specified in conditions 1 - 17, 19, 25-34 and 36-58 on planning consent 17/00834/PPP and in relation to S42 application reference 19/01085/APP for a proposed residential development of 113 homes including affordable housing with landscaping parking access and associated works within part of Area 1 at Site R11 Findrassie/Myreside and I8 Newfield, Findrassie, Elgin, Moray for Barratt North Scotland.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation, as the application is a major development as defined under the Hierarchy Regulations 2009 for a development of more than 50 houses, and the site exceeds 2ha.

Following consideration, the Committee agreed to grant planning permission, as recommended, in respect of Planning Application 20/00753/AMC subject to the following conditions and reasons:

1. No development shall commence until details of the affordable housing specification shall be submitted to and approved by the Council, as Planning Authority in consultation with the Head of Housing and Property Service regarding the detailed arrangements for the long-term delivery and provision of the affordable housing accommodation on the site, which shall include evidence to confirm the identity of the organisation (or other similar agency) responsible for the provision and management of all affordable housing provided on the site. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure an acceptable form of development in terms of the required provision and delivery of affordable housing within the site, and that it is managed accordingly for the lifetime of the development.

2. No development shall commence until a site plan identifying the plot numbers of the accessible residential units, Compliance Statement and detailed floor plans and sections which demonstrate compliance with the requirements of policy DP2 (f) and associated policy guidance note of the Moray Local Development Plan 2020, have been submitted to and approved in writing by the Council, as Planning Authority. Thereafter, the units as identified shall at all times remain as accessible housing and capable for adaptation for accessible housing needs unless otherwise agreed with the Council, as Planning Authority. For the avoidance of doubt 10% of the private housing units hereby approved shall be accessible units.

Reason: To ensure an acceptable form of development in terms of the required provision and delivery of accessible housing within the site as required and defined in terms of current planning policy and associated accessible policy guidance.

3. All surface water drainage arrangements for the development site shall be in accordance with the submitted report Drainage Impact Assessment and Level 1 Flood Risk Assessment (Revision D) by Goodson Associates, dated 4 December 2020, and associated drainage drawings submitted with this application. All measures for the management of surface water as outlined within the abovementioned DIA (including maintenance) shall be implemented in full prior to the first occupation of any residential unit hereby approved.

Reason: To ensure that surface water drainage is provided timeously, complies with the principles of SUDS and in order to protect the water environment; and to mitigate against potential birdstrike risks to aircraft operations at RAF Lossiemouth (by ensuring that the SUDs detention is generally dry, holding water only during and immediately after extreme rainfall events).

4. That all foul water drainage arrangements for the development site shall be in accordance with the submitted report Drainage Impact Assessment and Level 1 Flood Risk Assessment (Revision D) by Goodson Associates, dated 4 December 2020, and associated drainage drawings submitted in support of this application; and

- a) For the temporary pumping station as shown on drawing numbers 1500, 1500J and SK38B, no development shall commence until details including a site layout plan and elevations (at scale 1:100 and 1:50 respectively) of these works have been submitted to and approved in writing by the Council as Planning Authority, in consultation with Scottish Water. Thereafter, this infrastructure shall be installed and operational prior to occupation of the first dwelling.
- b) For the permanent pumping station and rising main to the Lossiemouth Waste Water Treatment Works as shown on drawing numbers SK38B, SK39-1, SK39-2 and SK39-3, prior to the completion of the 25th residential unit a planning application for this infrastructure shall be submitted for the approval of the Council, as Planning Authority, in consultation with Scottish Water. Thereafter, once approved, this infrastructure shall be fully installed and operational prior to the completion of the 100th residential unit to the satisfaction of Scottish Water, and evidence to this effect has been submitted to the Council, as Planning Authority.

Reason: To ensure an acceptable form of development in terms of the provision of foul drainage infrastructure for the development, and as these details are currently lacking from the application to allow for full consideration.

5. Unless otherwise agreed with the Planning Authority, in consultation with the Environmental Health and Trading Standards Manager, the glazing and ventilation to windows of the dwellings identified in the plans detailed below shall meet the following requirements:
 - a) The glazing to living apartments of dwelling facades marked in purple on the submitted plan titled 'glazing mark up ACOUSTIC VENTS ONLY' shall consist of double glazing units of 4mm thickness and a 20mm air gap.
 - b) Acoustic trickle vents for all windows to living apartments in facades marked in purple on the above referenced plan in the development shall be provided as the Ryton 9x9 thru wall or Greenwood 5000 EAW, or equal alternative in acoustic performance.
 - c) The glazing to living apartments of dwelling facades marked in yellow on the submitted plan titled 'glazing mark up ALL WINDOWS REQUIRING TO BE CLOSED' shall consist of double glazing units of 4mm thickness and a 20mm air gap.
 - d) Passive trickle ventilation for all windows to living apartments in facades marked in yellow on the above referenced plan in the development shall be provided as Greenwood 6000 S vents, or equal alternative in acoustic performance.

The selection of glazing and ventilation elements for the above identified house plots shall meet the minimum composite acoustic façade requirements indicated in Table 3 of the Noise Impact Assessment supporting document by KSG Acoustics, dated 19 October 2020 (rev 3), titled "Findrassie Area E1,

Noise Impact Assessment, by KSG Acoustics prepared for Barratt North Scotland.”

The above mitigation measures shall be implemented and maintained throughout the lifetime of the development.

Reason: To ensure the residential amenity of the proposed dwellings are suitably mitigated against road traffic noise.

6. A 2.0 metre high close boarded acoustic fence/wall with a minimum surface density of 15 kg/m² shall be provided prior to occupation/use of the dwelling on Plot 1 as described in the mitigation section of the noise impact assessment supporting document by KSG Acoustics, dated 19 October 2020 (rev 3), and titled “Findrassie Area E1 Noise Impact Assessment by KSG Acoustics, prepared for Barratt North Scotland.” The location of this acoustic fence/wall shall be as indicated on the plan titled “glazing mark up ALL WINDOWS REQUIRING TO BE CLOSED.” No development shall commence until scaled drawings of the acoustic fence (1:50 elevation detail) have been submitted to and approved in writing by the Council, as Planning Authority.

The above mitigation measures shall be implemented and maintained throughout the lifetime of the development.

Reason: To ensure the residential amenity of the proposed dwelling and associated garden is suitably mitigated against road traffic noise.

7. Construction works associated with the development hereby approved shall be carried out in adherence to the submitted scheme in the supporting document by Enviro Centre on behalf of Barratt Homes, dated February 2020, and titled “Findrassie, Elgin – Area 1 (E1 and E2) Dust Management Plan July 2020”.

Reason: To ensure that dust emissions from the development are suitably managed and mitigated to protect residential amenity.

8. Construction works associated with the development hereby approved shall be carried out in adherence to the submitted scheme in the supporting document by KSG Acoustics on behalf of Barratt Homes, dated 20th July 2020, titled “Findrassie residential development: Construction noise and vibration, Construction Environmental Management”.

Reason: To ensure that noise and vibration emissions from the development construction phase are suitably managed and mitigated to protect residential amenity.

9. Construction works associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0800 - 1900 hours, Monday to Friday and 0800 - 1300 hours on Saturday only, and at no other times outwith 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 outwith the permitted/stated hours of working.

Reason: To ensure an acceptable form of development in the interests of the amenities of the surrounding area, including neighbouring residential property.

10. The temporary external construction lighting arrangements for the development shall be implemented in accordance with the submitted details, as shown in the plan titled "Findrassie Traffic Plan". No further lighting shall be provided, installed or used within this phase except where otherwise agreed in writing by the Council, as Planning Authority.

Reason: To ensure an acceptable form of development in particular to minimise the potential for light pollution including light glare/spill and disturbance impacts upon the visual amenity and appearance of the surrounding area, including any existing or proposed neighbouring residential property.

11. The mitigation measures as detailed within the submitted Mitigation Statement dated November 2019, and Construction Environmental Management Plan and Pollution Prevention Plan (including employment of an Environmental Clerk of Works (ECoW)) (rev 2) dated July 2020 prepared by Enviro Centre shall be fully adhered to by the developer and appointed contractor during the construction period and operational life of the development, unless otherwise agreed in writing by the Council, as Planning Authority.

Reason: In order to protect the water quantity and quality of Loch Spynie SPA, Ramsar Site and SSSI and to prevent adverse impacts on the integrity of these protected areas and the water environment.

12. The pre-work checks, watching brief and good practice mitigation as set out within the submitted Protected Species Surveys (dated 2019 and 2020) and Construction Environmental Management Document (including employment of an Environmental Clerk of Works (ECoW) dated July 2020 prepared by Enviro Centre shall be fully implemented by the developer and appointed contractor, unless otherwise agreed in writing with this Council as Planning Authority.

Reason: To ensure an acceptable form of development taking into account the need to afford protection to all protected species identified as using the site or adjoining land.

13. No phase of 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 for that phase 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 occupied 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 PERD can be undertaken in line with the phases of development.

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

14. No development shall commence until details confirming the installation of fibre broadband connection for each residential unit (to be provided prior to occupation of each unit) have been submitted to and approved in writing by the Council, as Planning Authority. Thereafter, the development shall be implemented in accordance with these approved details, unless otherwise agreed in writing by the Council.

Reason: To ensure the residential units hereby approved are served by appropriate high speed internet connections, in accordance with policy PP3 – Infrastructure and Services of the Moray Local Development Plan 2020.

15. No trees other than those identified for removal in the submitted Tree Survey Report and associated Tree Protection Plans prepared by Envirocentre dated October 2020 (Amended v3) shall be removed without the prior written approval of the planning authority.

Reason: In order to ensure tree removal is adequately controlled.

16. The mitigation and enhancement recommendations as set out within Chapter 4 of the Tree Survey Report, prepared by Envirocentre dated October 2020 (Amended v3) shall be fully adhered to by the developer and appointed contractor, unless otherwise agreed in writing by this Council, as Planning Authority. Any protection measures shall be implemented prior to any development commencing within that part of the site and retained until completion of that part of the development.

Reason: To ensure an acceptable form of development is provided in accordance with the submitted landscape plans and tree survey, and that suitable protection is afforded to existing trees, shrubs and hedgerows.

17. The mitigation, planting and habitat establishment/management measures as set out within the submitted Biodiversity Plan and accompanying drawing titled Landscape Proposals Sheet 1 of 8, number 415.29.50e (to be amended in accordance with condition 20 of this consent) shall be fully implemented by the developer and appointed contractor, unless otherwise agreed in writing with this Council as Planning Authority.

Reason: In order to retain, protect and enhance biodiversity interests on the site and adjoining the site.

18. Notwithstanding the submitted plan titled Findrassie E1 - Landscaping/Play Areas Delivery Plan Version 6 dated 8 December 2020, no development shall commence until a revised version of this plan which confirms the provision of the equipped play area within the central open space upon completion of 50% of the character area to which it pertains has been submitted to and approved in writing by the Council, as planning authority. For the avoidance of doubt this relates to the Character Area defined as the 'Open Space' area, shaded pink in the submitted Design Response Document 1.1, and the approved equipped play area shall be provided by the completion of the 23rd residential

unit within this character area. Thereafter the development shall be implemented in accordance with these approved details, unless otherwise agreed in writing by the Council, as Planning Authority.

Reason: To ensure the adequate provision of an equipped play area.

19. No development shall commence until details (including surface details/gradient, timescales of delivery and maintenance arrangements) of the footpath links between the development and Elgin Core Path EG31), as shown in drawing titled Findrassie E1 Landscaping/Play Areas Delivery Plan Version 6 dated 8 December 2020 and drawing number 1717, have been submitted to and approved in writing by the Council, as Planning Authority. Thereafter, this development shall be implemented in accordance with these approved details.

Reason: To ensure the provision of safe and suitable access routes for pedestrians both within and to/from the development to the wider core path network and as these details were not included in full with the application.

20. Notwithstanding the submitted landscaping plans and Landscaping/Play Areas Delivery Plan Version 6 dated 8 December 2020, no development shall commence until revised landscape plans, and details of play equipment and public artwork have been submitted to and approved in writing by the Council, as Planning Authority incorporating the following additional information:
- (a) semi-mature tree and shrub planting for all planting across the site;
 - (b) details of all public artwork on the site, which shall reflect local and cultural associations with Thomas Telford and/or Pitgaveny's farming legacy, including timescale for delivery;
 - (c) full details (scaled drawings 1:100 and equipment specification schedule) of the two equipped play areas and seating as identified on the approved site layout plan 17045(PL)002 H including maintenance arrangements; these equipped play areas shall make provision for all-abilities access including in relation to the surface finish, play equipment and seating (benches and picnic tables);
 - (d) details of all walls (drystone and re-constituted stone) across the site, including elevations and locations;
 - (e) details of litter bins to be provided on the site and including timescale for provision;
 - (f) timescales of provision of all landscaping works and both equipped play Areas, and seating across the site (which shall be in accordance with the revised version of the Landscaping/Play Areas Delivery Plan Version 6 dated 8 December, to be submitted for approval in accordance with condition 18 of this consent);
 - (g) the removal of the trees currently shown within the 9m x 215m visibility splays at the northern and southern junctions onto the A941 in the Advanced Planting - East area (AP-E) as detailed in condition 32;
 - (h) the AP-E planting to incorporate the retention of existing trees within the northern part of the site (identified as tree group TG4) and recommended in the Tree Survey Report and associated Tree Protection Plans prepared by Envirocentre dated October 2020 (Amended v3); and
 - (i) long-term maintenance arrangements for the AP-E planting area.

Thereafter the development shall be implemented in accordance with these approved plans and timescales. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council (as Planning Authority) gives written consent to any variation of this planning condition.

Reason: To ensure that the approved landscaping works, equipped play areas and seating are timeously carried out and properly maintained for the lifetime of the development, in a manner which will not adversely affect the development or amenity and character of the area.

21. No development shall commence until full details (including scaled elevational drawings and external material finishes) of the proposed 'key buildings' identified in the Design Response Document 1.1 accompanying this application have been submitted to and approved in writing by the Council, as Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure that the proposals harmonise with the character of the development and the wider area and as these details were not included with the application.

22. Prior to the completion of the 150th dwellinghouse/flat within phases E1 and E2 combined, the provision of a minimum of 570 sqm flexible retail/commercial floorspace, which will include the following: one unit a minimum of 200 sqm GFA for Class 1 (Shops, food) and Class 3 (Food and Drink) and a minimum of three flexible ground floor retail/commercial units for Class 1 (Shops), Class 2 (Financial, Professional and other services) and Class 3 (Food and Drink) and Class 10 (non-residential institutions) (a minimum of 250 sqm GFA in total) (as set out in the Findrassie Masterplan dated November 2015 (including any subsequently reviewed Findrassie Masterplan which supersedes or replaces the identified provisions of the current Findrassie Masterplan during the life-time of the permission hereby approved), shall be completed within phase E2 and made available for use. The units shall be advertised for sale or lease on the open market by a chartered surveyor, for a minimum of 5 years/60 months from the completion of phase E2 after which a review of the marketing period will be required if units remain vacant. In order to inform this process the following details shall be provided for written approval by the council, as Planning Authority:

- Within three months of the completion of all of the units within Phase E2 a detailed schedule for the sale/letting arrangements of the retail/commercial units must be provided to include details of the rent proposed, potential letting terms, and marketing arrangements. The units must be advertised at a market rent as defined by the RICS Valuation – Global Standards or less.
- If any of the units remain vacant after 5 years/60 months from the completion of phase E2 a review by the Council, as Planning Authority of the sale/letting arrangements and marketing period will be undertaken with evidence provided by the applicant in respect of the period which the units were marketed, where they have been marketed and the sales letting price.

Reason: In order to ensure the timely and effective delivery of the flexible ground floor retail/commercial units within the Lossiemouth Road Character Zone to ensure the masterplan is delivered and that a sustainable community is provided.

23. Prior to the commencement of any part of the development accessed from the A941 Elgin to Lossiemouth Road, detailed drawings (scale 1:500) shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority to show the location, design specifications and timescale for delivery of the southern access to the development on the A941 including the proposed design speed, visibility splay requirements and junction type. The design details shall be informed by a Stage 1/2 Road Safety Audit for the proposed junction and any other works proposed on the A941 e.g. bus laybys and pedestrian crossings, and the Road Safety Audit shall be included as part of the required details.

Thereafter, the development access, bus laybys and pedestrian crossings shall be provided in accordance with the approved details and agreed timescales.

Reason: To ensure the provision of a safe and suitable access, including for pedestrians and cyclists, to the development in the interests of road safety.

24. Prior to the commencement of the 50th residential unit accessed from the A941 Elgin to Lossiemouth Road, detailed drawings (scale 1:500) shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority to show the location, design specifications and timescale for delivery of the northern access to the development on the A941 including the proposed design speed, visibility splay requirements and junction type. The design details shall be informed by a Stage 1/2 Road Safety Audit for the proposed junction and any other works proposed on the A941 e.g. bus laybys and pedestrian crossings, and the Road Safety Audit shall be included as part of the required details.

Thereafter, the development access, bus laybys and pedestrian crossings shall be provided in accordance with the approved details and agreed timescales.

Reason: To ensure the provision of a safe and suitable access, including for pedestrians and cyclists, to the development in the interests of road safety.

25. No development shall commence on more than 50 housing units which are accessed from the A941 Elgin - Lossiemouth Road, until a second point of access and/or a route to enable an emergency access for use by all emergency vehicles, pedestrians and cyclists has been provided.

Reason: To ensure an acceptable alternative means of access to the development, including for the emergency services.

26. No boundary fences, hedges, walls or any other obstruction whatsoever over 1.0m in height and fronting onto the public road shall be within 2.4m of the edge of the carriageway, measured from the level of the public carriageway, unless otherwise agreed in writing by the Council, as Planning Authority in

consultation with the Roads Authority.

Reason: To enable drivers of vehicles leaving driveways to have a clear view over a length of road sufficient to allow safe exit, in the interests of road safety for the proposed development and other road users.

27. No walls or any other obstruction whatsoever over 0.6m measured from the level of the public carriageway shall be permitted within any 'forward visibility' areas or any visibility splays crossing plot boundaries within all areas of the residential development, unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority.

Reason: To enable drivers of vehicles to have an acceptable clear forward visibility, in the interests of road safety for the proposed development and other road users.

28. Driveways over service verges shall be constructed to accommodate vehicles and shall be surfaced with bituminous macadam.

Reason: To ensure acceptable infrastructure is provided at the property accesses.

29. Parking provision shall be provided and made available for use at all times to the Moray Council Parking Standards for each class of development use together with provision for secure cycle parking and facilities for electric vehicle charging. The standards for parking as applied at the time of any application for development shall be in accordance with Policy DP1 Development Principles of the Moray Local Development Plan 2020 and associated parking specifications/guidance setting out the standards of parking including any equivalent planning policy and/or guidance which supersedes or replaces the identified provisions of the development plan during the life-time of the permission hereby approved.

Reason: To ensure the permanent availability of the level of parking necessary for residents/visitors/others in the interests of an acceptable development and road safety.

30. No development shall commence until details have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority regarding:

- a) A Construction Traffic Management Plan which shall include the following information:
- duration of works;
 - construction programme;
 - number of vehicle movements (i.e. materials, plant, staff, components);
 - anticipated schedule for delivery of materials and plant;
 - full details of construction traffic routes from the Strategic Road Network (A941/A96) to the site, including any proposals for temporary haul routes and routes to be used for the disposal of any materials from the site;
 - measures to be put in place to prevent material being deposited on the public road;

- measures to be put in place to safeguard the movements of pedestrians;
- traffic management measures to be put in place during works including any specific instructions to drivers; and
- parking provision, loading and unloading areas for construction traffic.

and

- b) Details of any required/proposed temporary construction access which shall include the following information:
- a drawing (scale 1:500 minimum) regarding the location and design specifications of the proposed access(es);
 - specification of the materials used for the construction access(es);
 - all traffic management measures required to ensure safe operation of the construction access(es);
 - details, including materials, for the reinstatement of any temporary construction access(es); and
 - details regarding the timescale for the opening up and closure of any temporary access(es) together with the time period over which the temporary access(es) will be used.

Thereafter, the development shall be implemented in accordance with the approved details.

Reason: To ensure an acceptable form of development in terms of the arrangements to manage traffic during construction works at the site, road safety and the amenity of the area/adjacent properties.

31. Prior to the commencement of the 50th residential unit (house and/or flat/apartment) or prior to the commencement of any non-residential units, including commercial development but excluding the proposed primary school and local community 'hub', the following shall be provided:
- i) written evidence to demonstrate control of the land through ownership or legal agreement to deliver the junction improvements at North Street/Morrison Road (Condition 34 of the planning consent 19/01085/APP refers); and
 - ii) written details of the timescale for delivery of junction improvements at North Street/Morrison Road.

Thereafter, and prior to the commencement of the 100th dwelling (house and/or flat/apartment) OR prior to the commencement of any non-residential units, including commercial development but excluding the proposed primary school and local community 'hub', the North Street/Morrison Road junction improvements and pedestrian and cycle facilities shall be provided in accordance with the approved details and agreed timescales.

Reason: To ensure that the road network continues to operate safely and efficiently for the benefit of all road users, including for pedestrians and cyclists.

32. Notwithstanding the details submitted on drawings 1500 Rev I, 1700 Rev H, 1701-1 Rev A, 1713 Rev H, 415.29.50e, 415.29.51e, 415.29.54e,

17045(PL)002 Rev H and 17045(PL)003 Rev D which are not accepted (visibility splays, road widths, kerbing, drainage, street lighting), no development shall commence until the following details have been submitted for approval in writing by the Planning Authority in consultation with the Roads Authority:

- a. Plan(s) (1:500 min) showing visibility splays at the northern and southern junctions 9.0m x 215m in both directions (clear of any obstructions measured 0.6m above the level of the carriageway); and
- b. Evidence that the statutory process (Roads Construction Consent) to consider the details for road widths, kerbing, street lighting and drainage has been completed and revised plans submitted.

Thereafter, unless otherwise agreed by the Planning Authority in consultation with the Roads Authority, the development shall be completed in accordance with the approved details and no house or flat shall be completed prior to the completion of the junction and A941 roadworks.

The following visibility splay requirements shall be complied with:-

- i) the visibility splays shall be provided in both directions at the site accesses from Findrassie onto the A941 Lossiemouth Road and shall be maintained clear of any obstruction above 0.6 metres in height, measured from the level of the carriageway;
- ii) The visibility splay requirements and landscaping provision within the 9m x 215m visibility splays shall be reviewed within 3 months of any proposed change to the agreed junction layout or the A941 speed limit by the Council, as Planning Authority upon the request of the applicant; and thereafter the advanced planting (currently affected by these splays) shall be planted in the first bare root planting season following the completion of any approved changes to the junction layout or the speed limit; and
- iii) The visibility splay arrangements shall be reviewed 3 years from the date of commencement of construction, and thereafter every 18 months until such time as the splays are reduced, as confirmed by the Council, as Planning Authority in consultation with the Roads Authority. Within 3 months of the reduced splay being confirmed, a revised scaled landscape plan showing the re-introduction of the trees (as many as is practicably possible) within the affected splay areas including timescales for planting shall be submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority.

Reason: To ensure an acceptable road and junction layout is provided and maintained for road users at all times in the interests of road safety and the advance planting requirements are reviewed in association with any changes to the A941 junction layout and A941 speed limit.

33. No development shall commence until the following details have been submitted for approval by the Planning Authority in consultation with the Roads Authority:

- i. Design/specifications for the proposed mounting/installations to be provided for any future EV charging points as indicated on drawings

17045(PL)004 Rev A and 17045(PL)005 Rev A which would not be mounted on a wall/within a garage.

Thereafter the development shall be completed in accordance with the approved details and parking provision and EV infrastructure shall be maintained and available for this purpose unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority.

Reason: In the interests of an acceptable form of development and the provision of infrastructure to support the use of low carbon transport, through the provision of details currently lacking from the submission.

34. Notwithstanding the details of the emergency access and Elgin-Lossiemouth cyclepath modifications submitted on Drawings 17045(PL)002 Rev H, 415.29.56e and 1700H (which are not accepted), prior to the commencement of development, the following details (Plan 1:500) shall be submitted for approval in writing by the Planning Authority in consultation with the Roads Authority:
- a. Construction details for the proposed emergency access from the site onto the A941, including materials and collapsible bollards or gating to control access.
 - b. Revised details showing the rationalising of the proposed and existing paths and provision of landscaping.

Thereafter the emergency access, cyclepath, paths and landscaping shall be completed in accordance with the approved details prior to the completion of the 50th house or flat within the development.

Reason: In the interests of an acceptable form of development and the provision of emergency access.

35. Conditions 31 (notwithstanding condition 19 of this consent), 33, 34 and 36 of the Planning Permission in Principle (application number 17/00834/PPP) and related Section 42 approval (application number 19/01085/APP) regarding off-site junction works and active travel connections are discharged for this application for approval of matters specified in conditions (AMC) only, and shall continue to remain applicable to any future AMC applications for development within the wider Area 1 development, granted under application 17/00834/PPP and associated Section 42 application 19/01085/APP.

Reason: In the interests of an acceptable form of development and the provision of safe access for all road users in the interests of road safety and safe/suitable access for pedestrians and cyclists.

36. Condition 15 of the planning permission in principle (application number 17/00834/PPP) and related Section 42 approval (application number 19/01085/APP) regarding off-site junction works on the A96 trunk road network is not discharged by this application.

Reason: To ensure that the scale and operation of the proposed development beyond 350 dwellings does not adversely affect the safe and efficient operation of the A96 trunk road network.

37. No development shall commence until details of the proposed sub-station including elevations of all works, means of enclosures and associated plant (including noise levels) have been submitted to, and approved by the Council, as Planning Authority, in consultation with Environmental Health and Trading Standards Manager. Thereafter the approved details shall be implemented in full prior to the first occupation of any part of the development.

Reason: To ensure an acceptable form of development as these details are lacking from the application.

7. PLANNING APPLICATION 20/01222/AMC

Ward 8: Forres

Approval of the matters specified in condition 4 (layout of plot), condition 5 (plans sections and elevations), condition 6 (boundary treatments and other development), condition 7 (sections), condition 8 (landscaping) and condition 11 (enhanced accessibility) of 19/00320/PPP to provide 9 terraced houses on plot 14 North Whins, The Park, Findhorn, Moray for Duneland Limited

Under reference to paragraph 8 of the meeting of this Committee dated 20 August 2019, a report by the Appointed Officer recommended that, for reasons detailed in the report, planning permission be granted for the approval of the matters specified in condition 4 (layout of plot), condition 5 (plans sections and elevations), condition 6 (boundary treatments and other development), condition 7 (sections), condition 8 (landscaping) and condition 11 (enhanced accessibility) of 19/00320/PPP to provide 9 terraced houses on plot 14 North Whins, The Park, Findhorn, Moray for Duneland Limited.

The meeting noted that the application could have been determined by the Appointed Officer under the recently revised scheme of delegation however at the meeting of the Planning and Regulatory Services (P&RS) Committee on 20 August 2019 it was agreed that all further applications related to reference 19/00320/PPP be reported to this committee.

Following consideration, the Committee agreed to grant planning permission, as recommended, in respect of Planning Application 20/01222/AMC subject to:

- (i) the completion of a S75 minute of agreement prior to the issue of planning consent; and
- (ii) the following conditions and reasons:
 - 1. The development hereby granted forms part of, and is related to, the development granted planning permission under formal decision notice 19/00320/PPP dated 4 November 2019 wherein the terms and conditions as attached to that permission are hereby reiterated and remain in force in so far as they relate to the development hereby approved, in particular Conditions 10-20 inclusive, including any details already approved there under to discharge the requirements of the identified conditions.

Reason: To ensure an acceptable form of development and that it progresses in accordance with the already approved and required details.

2. Units 14.3 and 14.7 as identified on approved plan A105 revision B hereby approved shall, at all times, remain accessible housing as detailed in the accessible housing compliance statement (revised 07/12/20) unless otherwise agreed with the Council, as Planning Authority.

Reason: To ensure an acceptable form of development in terms of the required provision and delivery of accessible housing within the site as required and defined in terms of current planning policy and associated supplementary planning guidance

3. Prior to the completion of the 5th housing unit across the cumulative development (as defined by the 19/00320/APP site boundary), the widening and improvement of the existing refuge crossing and footway on the east side of the B9011 from the existing main access to the Findhorn Foundation shall be completed in accordance with the approved details (Drawing No 134482/1005 A) as approved under application reference 19/00320/PPP.

Reason: In the interests of pedestrian and cycle connectivity to the proposed development, road safety and the provision of information currently lacking from the submission.

4. No works shall commence on site until a Construction Traffic Management Plan has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include the following information:

- I construction access routes
- II traffic management
- III construction hours / delivery restriction times
- IV program and duration
- V measures to be put in place to safeguard the movements of pedestrians;

Thereafter, the development shall be implemented in accordance with the approved details.

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

5. Development shall not proceed except in accordance with the Drainage Impact Assessment by Graeme Craig Consulting Engineers SK2461/GKIC – 9 Terraced Houses, Plot 14, North Whins, Findhorn revision A received on 15 October 2020.

Reason: In order to minimise the impacts of the development works upon the environment.

6. No trees other than those identified for removal on the approved plan A105 – REV B shall be removed without the prior written approval of the planning authority.

Reason: In order to ensure tree removal is adequately controlled

7. All landscaping works shall be carried out in accordance with approved plan

A105 – REV B. Unless otherwise agreed in writing with the planning authority details all planting, seeding or turfing shall be carried out in the first planting season following the first occupation of any of the units hereby approved. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless otherwise approved by the Council, as Planning Authority.

Reason: To ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development or amenity and character of the area and because no such information was included with the application.

8. The development shall at all times be carried out in accordance with the Duneland, Findhorn Construction Environmental Management Plan dated 18 September 2020 and the associated addendum related to concrete.

Reason: In order to minimise the impacts of the development works upon the environment.

9. For the avoidance of doubt the proposed tool shed identified on approved plan A105 – REV B is not hereby approved.

Reason: To clarify the terms of the permission and because no details of this part of the development have been provided to date.

8. PERFORMANCE REPORT (ECONOMIC GROWTH AND DEVELOPMENT SERVICES) - YEAR TO DECEMBER 2020

Under reference to paragraph 5 of the Minute of the meeting of Moray Council dated 7 August 2019, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the performance of the service for the period from 1 April 2020 to 31 December 2020.

The Committee welcomed the good performance within the report and thereafter agreed to note the:

- (i) performance of the Service Plan, operational performance indicators (by exception) and Complaints to the end of December 2020; and
- (ii) actions being taken to improve performance where required.

9. PLANNING PERFORMANCE FRAMEWORK 2019-20

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the Planning Performance Framework (PPF) for 2019/2020 which was submitted to the Scottish Government (SG) on 30 July 2020, covering the period from 1 April 2019 to 31 March 2020. This report provided a summary of feedback received from the Scottish Government on 17 December 2020 with specific reference to the Performance Markers Report and Red, Amber, Green (RAG) ratings for the 2019/2020 submission.

The Committee joined the Chair in congratulating the Planning Service for receiving 15 green awards for the second year running and thereafter agreed to:

- (i) note the Planning Performance Framework submitted to the Scottish Government on 30 July 2020 as set out in Appendix 1 of the report;
- (ii) note the feedback report received from the Scottish Government on 17 December 2020 as set out in Appendix 2 of the report;
- (iii) authorise the Head of Economic Growth & Development to submit the Planning Performance Framework for 2020/2021 to the Scottish Government by the end of July 2021 (or any other date that may be set);
- (iv) note that the Planning Performance Framework for 2020/2021 will be reported to the first available Planning & Regulatory Services Committee following receipt of the feedback; and
- (v) note the Planning Performance Framework 2019/20 will be circulated to all developers, stakeholders and internal services seeking comment/feedback to assist with continuous improvement to be fed back into the PPF for 2020/21.

10. NATIONAL PLANNING FRAMEWORK 4 POSITION STATEMENT

A report by the Depute Chief Executive, Economy, Environment and Finance informed the Committee of the recently published National Planning Framework (NPF) 4 Position Statement and sought agreement of the Council's response.

Following consideration, the Committee agreed:

- (i) to note the content of the National Planning Framework 4 Position Statement and the timescales for publication of the National Planning Framework 4;
- (ii) that the response, set out in Appendix 1 of the report, be submitted to the Scottish Government;
- (iii) the content of the National Planning Framework 4 Position Statement be reflected in the Council's annual Development Plan Scheme; and
- (iv) the content of National Planning Framework 4 Position Statement be considered by the Council's Climate Change Strategy Working Group, Moray Economic Partnership, Local Development Plan Infrastructure Delivery Group and the Asset Management Group, in particular the concept of 20 minute neighbourhoods and the implications for Council services.

11. EMPLOYMENT LAND AUDIT

A report by the Depute Chief Executive (Economy, Environment and Finance) summarised the employment land supply in Moray and asked the Committee to agree the final version of the Moray Employment Land Audit 2020.

During discussion surrounding the 2 sites at Barmuckity and Forres Enterprise, it was noted that these sites have been ready for some time and it was queried

whether an update could be provided on why there has been no uptake from businesses to use these sites given their accessibility to the A96.

In response, the Strategic Planning and Development Manager advised that a report providing market analysis and levels of interest in the 2 sites at Barmuckity and Forres Enterprise would be brought to a future meeting of the appropriate Service Committee.

Thereafter, the Committee agreed:

- (i) to note the employment land supply in Moray;
- (ii) the responses set out in Section 4 of the report;
- (iii) to approve the finalised Moray Employment Land Audit 2020, as set out in Appendix 1 of the report; and
- (iv) that a report providing market analysis and levels of interest in the 2 sites at Barmuckity and Forres Enterprise be brought to a future meeting of the appropriate Service Committee.

12. QUESTION TIME

There were no questions raised.

13. ELGIN CITY CENTRE DRAFT MASTERPLAN [PARA 8 AND 9]

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to approve the draft Elgin City Centre Masterplan for consultation and for consultation responses to be reported back to a future meeting of this Committee.

During discussion surrounding the consultation process for the Elgin City Centre Masterplan, it was queried whether Elgin Community Centre could be included as part of the consultation.

In response, the Strategic Planning and Development Manager advised that Elgin Community Centre would be approached with a view to taking part in the consultation process.

Thereafter, the Committee agreed:

- (i) the draft Elgin City Centre Masterplan for consultation;
- (ii) that Elgin Community Centre be invited to take part in the consultation process;
- (iii) that the draft Masterplan is a material consideration for development management purposes from the date of publication; and
- (iv) that responses to the consultation are reported back to a future meeting of this Committee.

14. UNAUTHORISED WORK TO PROPERTY IN ARCHIESTOWN [PARA 13]

Councillor Ross, having declared an interest in this item, took no part in its discussion or decision.

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of unauthorised works that have been carried out to a property in the Archiestown Conservation Area.

During discussion, Councillor Brown raised concern in relation to a lack of consistency across Moray in terms of uPVC windows being installed in properties within Conservation Areas and highlighted a recent case that had been considered by the Moray Local Review Body (MLRB) who upheld an appeal in respect of a property in the Conservation Area in Portknockie. He further stated that he had visited the Conservation Area in Archiestown and noted that, out of the 16 properties on the Square, only 4 had wooden window frames, with the others being uPVC. Councillor Brown also highlighted the detrimental impact the Covid-19 pandemic had had on the hospitality industry therefore moved that the Committee take no enforcement action in this case. This was seconded by Councillor Cowe.

Councillor Feaver was of the view that the Applicant had been significantly let down by his advisers, all of whom should have advised him that the installation of uPVC windows in a Conservation Area is against planning policy. Given the property in question is a key building in the Archiestown Square, she was of the view that the windows should have been replaced with wooden framed windows. She also considered that asking for the replacement of only 16 windows with wooden frames out of the 45 windows that had already been replaced with uPVC, over a 5 year term, was reasonable. Taking this into consideration, Councillor Feaver moved as an amendment that the Committee agree the recommendations to take enforcement action as detailed within the report. This was seconded by Councillor A McLean.

On a division there voted:

For the Motion (7): Councillors Brown, Cowe, Edwards, Macrae, Nicol, Powell, Warren

For the Amendment (5): Councillors Feaver, A McLean, Bremner, Cowie and Taylor

Abstentions (0): Nil

Accordingly, the Motion became the finding of the Committee and it was agreed that no enforcement action should be taken in this case.

15. BREACH OF PLANNING CONTROL ON LAND AT KEITH [PARA13]

Councillor Ross, re-joined the meeting at this juncture.

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of a breach of a suspensive planning condition on a site encompassing land at Keith.

Councillor Brown, having considered the report in detail, moved the recommendations as printed within the report.

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

- (i) to the issuing of a Breach of Condition Enforcement Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 as amended requiring the developer to fully comply with Condition 1 of planning consent reference number 17/01558/APP in relation to the provision of a passing place to the Moray Council standards and specification; and
- (ii) in the event of non-compliance, to authorise remediation work by the local authority to complete the passing place and authorise legal action to recover the cost from those parties subject of the Notice.