

# **MORAY COUNCIL**

## **MINUTE OF MEETING OF THE PLANNING & REGULATORY SERVICES COMMITTEE**

**8 OCTOBER 2019**

**COUNCIL CHAMBERS, ELGIN**

### **PRESENT**

Councillors Bremner (Chair), Taylor (Depute), Alexander, Cowie, Coy, Edwards, Feaver, Laing, Macrae and A McLean

### **APOLOGIES**

Apologies were intimated on behalf of Councillors Cowe, Divers and R McLean

### **IN ATTENDANCE**

Head of Development Services, Development Management and Building Standards Manager, Mr N MacPherson, Principal Planning Officer, Mr R Smith, Principal Planning Officer, Strategic Planning and Development Manager, Mrs D Anderson, Senior Engineer (Transport Development), Principal Planning Officer (Strategic Planning and Development), Mr R Anderson, Principal Environmental Health Officer, Mr W Burnish, Senior Engineer (Flood Risk Management), Legal Services Manager and Mrs L Rowan, Committee Services Officer as Clerk to the Committee.

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

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillor Laing declared an interest in item 12e) on the Supplementary Agenda "Discharge of Planning Condition imposed on 19/00550/APP – Linkwood Steading, Linkwood Road, Elgin".

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

## **2. EXEMPT INFORMATION**

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

**3. MINUTE OF THE PLANNING AND REGULATORY SERVICES COMMITTEE  
DATED 20 AUGUST 2019**

The minute of the meeting of the Planning and Regulatory Services Committee dated 20 August 2019 was submitted and approved.

**4. WRITTEN QUESTIONS**

The Committee noted that no written questions had been submitted.

**5. PLANNING APPLICATION 19/00211/APP**

**WARD 1: SPEYSIDE GLENLIVET**

**Change of use of farm sheds to whisky cask warehouses at Viewfield Farm  
Craigellachie Aberlour Moray AB38 9QT**

A report by the Appointed Officer recommended that, for the reasons detailed in the report, planning permission be granted for an application to change the use of farm sheds to whisky cask warehouses at Viewfield Farm, Craigellachie, Aberlour, Moray, AB38 9QT for Forsyths Ltd.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation, as the application is for a site with an area of 2 or more hectares. The report also advised that Members of the Committee visited the site of the application on 4 October 2019.

During his introduction, Mr Smith, Principal Planning Officer advised the Committee of 2 errors within the report, one in terms of Consultations at page 48 which should state that there should be 3 passing places provided and not 2 as printed, and in terms of Roads Access at page 50 which should state that there are approximately 2 vehicle movements per day and not 20 as printed. This was noted.

Following consideration, the Committee agreed:

- (i) to note the following errors in the report:
  - Page 48 – Consultations: there should be 3 passing places provided and not 2 as printed; and
  - Page 50 - Roads Access: there are approximately 2 vehicle movements per day and not 20 as printed.
- (ii) to grant planning permission in respect of planning application 19/00211/APP, as recommended, subject to the following conditions and reasons:

1. For the avoidance of doubt, this consent relates to buildings 1, 2 and 3 only per drawing number P01 B hereby approved. All other buildings within the site do not form part of this consent and shall not be used for storage (including any land within the curtilage of the site) without the prior approval of the Council, as Planning Authority.

**Reason** – To ensure the buildings within the site are operated in line with the details that were assessed as part of this application.

2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (or any order revoking and re-enacting that order) the approval hereby granted only relates to the use of the three buildings as Whisky Cask Storage and for no other use or purpose without the prior approval of the Council, as Planning Authority.

**Reason** - In order to retain Local Authority control over the use of the site and to ensure that consideration can be given to the effects and impact of uses other than that approved herewith.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any order revoking and re-enacting that order) no development specified in Article 3, Schedule 1, Part 3, Class 13 shall be carried out without the approval of the Council, as Planning Authority.

**Reason** - In order to retain control over the use of the site and to ensure that consideration can be given to the effects and impact of uses other than that approved herewith.

4. Unless otherwise agreed in writing with the Council, as Planning Authority, in consultation with the Environmental Health Manager, deliveries and activities associated with the proposed storage use (as outlined in the Revised Noise Impact Assessment, dated 26 June 2019) shall only be permitted between the hours of 0800 - 1630 Monday to Thursday and 0800 - 1230 on a Friday.

**Reason** – In order that activity associated with the use is undertaken during reasonable working hours, in the interests of the amenity of the surrounding area.

5. The rating level of noise associated with the use hereby granted shall not exceed the background sound level by more than 5 dB(A) at the nearest noise sensitive dwelling.

Any measurement and assessment to demonstrate compliance with the rating level shall be undertaken in accordance with BS 4142: 2014 Methods for rating and assessing industrial and commercial sound.

**Reason** – In order that any noise emissions from the activity hereby granted shall be within acceptable levels.

6. The operations on site shall be carried out in accordance with the method statement/phasing information dated 30 August 2019 from Ken Mathieson Architects hereby approved.

**Reason** – In order to ensure the development is carried out in accordance with the approved phasing and method details, in the interests of the amenity of neighbouring properties.

7. No development shall commence until a detailed drawing (scale 1:500 at A3) showing the location and design of three passing places on the U58H between the A95 and the site entrance (to the Moray Council's standards and specifications), has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority; and thereafter the passing places shall be constructed in accordance with the approved drawing prior to the use/any development commencing (except for those works associated with the provision of the passing places).

**Reason** – To enable drivers of vehicles to have adequate forward visibility to see approaching traffic and for two vehicles to safely pass each other ensuring the safety and free flow of traffic on the public road.

8. No development shall commence until a detailed drawing (scale 1:500 at A3) showing proposals to strengthen/reinforce the edge of the public road U58H where it meets the unadopted vehicle overrun area, has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority, and thereafter the works shall be constructed in accordance with the approved drawing prior to the use commencing.

**Reason** – To ensure acceptable infrastructure at the development access.

## **6. PLANNING APPLICATION 19/00923/APP**

### **WARD 1: SPEYSIDE GLENLIVET**

#### **Replace existing warehouse 15-17 with new warehouse at Glenfiddich Distillery, Castle Road, Dufftown, Keith, Moray, AB55 4DH**

A report by the Appointed Officer recommended that, for the reasons detailed in the report, planning permission be granted for an application to replace the existing warehouse 15-17 with a new warehouse at Glenfiddich Distillery, Castle Road, Dufftown, Keith, Moray, AB55 4DH for William Grant and Sons.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation, as the application is for a development where the gross floor space of the building, structure or other erection constructed as a result of the proposal exceeds 2000 sq metres. The report also advised that Members of the Committee visited the site of the application on 4 October 2019.

Following consideration, the Committee agreed to grant planning permission in respect of planning application 19/00923/APP, as recommended, subject to the following conditions and reasons:

1. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Council, as Planning Authority, in consultation with the Roads Authority. Thereafter development shall not proceed except in accordance with the approved CTMP.

**Reason:** To ensure acceptable development that does not create any hazard to road users in the interests of road safety and the provision of information currently lacking from the submission

2. No development shall commence until a site-specific Construction Environmental Management Plan (CEMP), which shall identify all potential pollution risks and site works that might impact on the environment together with all required/proposed preventative measures and (a schedule of) mitigation measures to be implemented during all stages of the development including the construction stage has been submitted to and approved in writing by the Council, as Planning Authority. In particular, the Plan shall detail the arrangements to protect the adjacent Maltkin Burn during construction including measures to address the risk of water pollution due to the release of sediment from exposed surfaces, contaminant discharges and accidental spillage. Thereafter development shall not proceed except in accordance with the approved details.

**Reason:** To prevent pollution.

3. All surface water drainage proposals shall be in accordance with the submitted report Drainage Impact Assessment 132238 - New Warehouse Glenfiddich Distillery, Dufftown for Wm Grant and Sons by Fairhurst dated 28 August 2019.

**Reason:** To ensure that surface water drainage is provided timeously and complies with the principles of SuDS; in order to protect the water environment.

## **7. PLANNING APPLICATION 19/00517/APP**

### **WARD 4: FOCHABERS LHANBRYDE**

**Partial remix of existing consent (ref: 10/01267/APP) to provide 46 affordable homes on Phase 2 and 3 on R1 Stynie Road Mosstodloch Moray for Moray Council**

A report by the Appointed Officer recommended that, for the reasons detailed in the report, planning permission be granted for an application to provide 46 affordable homes on Phase 2 and 3 on R1 Stynie Road, Mosstodloch, Moray for Moray Council.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation, as the application is on a housing site designated for 50 or more dwellings within the Development Plan, regardless of whether the application is for all or part of the site. The report also advised that Members of the Committee visited the site of the application on 4 October 2019.

In terms of biodiversity, Councillor Feaver acknowledged what was being proposed in relation to trees and shrubs however was of the view that more could be done such as amphibian and mammal friendly kerbs and drainage therefore scoring the design principle for biodiversity as green in the quality audit was misleading.

In response, the Head of Development Services advised that the biodiversity design principle was scored in accordance with the current Moray Local Development Plan

(MLDP) 2015 and in consultation with Scottish National Heritage (SNH) and that adding anything else would go beyond current policy.

Councillor Macrae being a Ward Member of the proposed development welcomed the proposal and moved that the Committee grant planning permission in respect of planning application 19/00517/APP as recommended. This was seconded by Councillor Cowie.

Councillor Feaver remained of the view that more could be achieved in terms of biodiversity and moved, as an amendment, that the Committee agree to grant planning permission in respect of planning application 19/00517/APP with an additional condition that the proposed development include amphibian and mammal friendly drains. This was seconded by Councillor Laing.

On a division there voted:

For the Motion (6): Councillors Macrae, Cowie, A McLean, Alexander, Bremner and Coy

For the Amendment (3): Councillors Feaver, Laing and Edwards

Abstentions (1): Councillor Taylor

Accordingly, the motion became the finding of the Committee and it was agreed to grant planning permission in respect of planning application 19/00517/APP, as recommended, subject to:

- (i) the completion of a Legal Agreement; and
- (ii) the following conditions and reasons:

1. Prior to the commencement of any works, a full site Construction Environmental Management Plan, including a dedicated pollution prevention section, shall be submitted to and approved in writing by the Council, as Planning Authority, in consultation with SEPA; and thereafter all work shall be carried out in accordance with the approved plan.

**Reason** - In order to minimise the impacts of necessary construction works on the environment.

2. No development shall commence until an amended Landscape Scheme has been submitted to and approved by the Council, as Planning Authority. This shall be based upon the Planning Landscaping Layout drawing number MS01\_PH2-3PL03 E and detail the following:
  - (a) hedging to be provided along the northern boundary of the site between the proposed trees;
  - (b) details of the landscaping arrangements to integrate the proposed open space area in the southern corner of the site with the adjacent existing open space area leading to Mossmill Park;
  - (c) details of the enclosures to be erected around the bin collection points;
  - (d) the location of the bin collection points adjacent to Plot 60 amended and set back amongst the shrub planting, off the service verge (along with provision of an associated hardstanding leading onto the public road); and

- (e) the arrangements for the time-scale(s) for all new planting, seeding and turfing to be undertaken together with the arrangements for the long-term maintenance of all proposed landscaping arrangements.

Thereafter, the landscaping arrangements shall be carried out in accordance with the approved scheme details. 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 are timeously carried out and properly maintained in a manner which will not adversely affect the development or amenity and character of the area.

- 3. Prior to the commencement of development 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 all of the residential units approved on site are affordable and managed accordingly.

- 4. Prior to the commencement of development a Construction Phase Surface Water Management Plan shall be submitted to and agreed in writing with the Council, as Planning Authority. The plan shall include measures to prevent increased flood risk to neighbouring properties and measures to ensure heavily silted surface water does not enter the River Spey catchment. Thereafter the development shall be carried out in accordance with the agreed details.

**Reason** - To prevent surface water flooding during the course of the development and minimise risk to the River Spey SAC.

- 5. Notwithstanding the details submitted on the site layout plan and street lighting plan (Drawing MS01\_PH2- 3\_PL0(c) and MS01-ENG-320) which are not accepted. Prior to commencement of construction a detailed plan (1:500 min) shall be submitted for approval by the Council, as Planning Authority in consultation with the Roads Authority showing the following details:
  - a) The full extent of prospectively adoptable roads to be provided as part of the application/Phase 2/3 of the development (including roads and verges currently shown out with the red line boundary in front of plots 18-43).
  - b) The proposed footway connection on the eastern side of plot 16 shall be provided with a raised kerb on its eastern side and a dropped kerb crossing on both sides of the road in front of plot 25.
  - c) Provision of a 2 metre wide footway in front of plots 63 to 72 with dropped kerb road crossing of internal site roads.

- d) Carriageway widening to accommodate two-way car movement through the road bend fronted by plots 23/24 and 43/44.
- e) Removal of trees proposed in the verge adjacent/west of plot 64.

**Reason** - To ensure acceptable:-

- a) Provision of information currently lacking from the submission to ensure adequate development infrastructure that does not create any hazard to road users in the interests of road safety.
  - b) Infrastructure for non-motorised road users, ensuring the provision of routes to schools and local facilities and a sustainable development.
  - c) Infrastructure for non-motorised road users, in the interest of road safety.
  - d) Infrastructure for non-motorised road users, in the interest of road safety.
  - e) Provision of adequate development infrastructure and in the interests of road safety.
6. Prior to the commencement of construction the following shall be submitted for approval by the Council, as Planning Authority in consultation with the Roads Authority:
- a) A Construction Traffic Management Plan including details of any temporary site access arrangements, site compounds, lay down areas and site parking (Plan scale 1:500 min), proposals to safeguard non-motorised road users and control procedures to address the impact of heavy goods vehicles/construction traffic on the U18E Stynie Road which includes the repair of any damage to the public road attributable to the development and the prevention of materials or water being deposited on the public road.
  - b) Details (Plan(s) scale 1:500 min) showing the provision of off-site infrastructure for non-motorised users which comprises the following items including signage and road markings:
    - i) A new 3.0m wide cycleway (approx. 360m in length) along the eastern side of the U18E Stynie Road between the northern site access and the back of the bellmouth on the north side of the junction at Mossmill Park (Point A as shown on sketch 10/01267/MC/01 Rev A submitted with Planning Application Ref 18/01536/APP)),
    - ii) A new 2.0m wide footway (approx 35m in length) along the western side of the U18E Stynie Road between a point opposite the site frontage at the southern site boundary to the back of the bellmouth at the car park for Speymouth Hall;
    - iii) A pedestrian crossing point, including dropped kerbs and tactile paving, on both sides of the U18E Stynie Road at a point to be agreed with the Roads Authority between the site boundary and the footway to Speymouth Hall;
    - iv) Widening of the existing footway (Approx 55m in length) along the eastern side of the U18E Stynie Road to provide a continuous 3.0m wide cycleway from the new 3.0m wide cycleway detailed in item i) above (Point A) and Findlay Road (Point B) as shown on sketch 10/01267/MC/01 Rev A submitted with Planning Application Ref 18/01536/APP);
    - v) A pedestrian crossing point, including dropped kerbs and tactile paving, on both sides of the U18E Stynie Road at a point to be agreed with the Roads Authority approximately 10 metres to the north of Glebe Road; and



- vi) Provision of cycle route signage to the Moray Council standards and specification from the development to the B9015 (Main Street).
- c) Details (Plan scale 1:1000 min) for the widening of the U18E Stynie Road to 5.5m along the full extent of the site frontage (approx. 250m) onto Stynie Road, to the Moray Council standards and specification, including the extension of street lighting and road drainage.
- d) Details (Plan(s) scale 1:500 min) of a 4.5m x 120m visibility splay in both directions at the access.

Thereafter the off-site infrastructure works (b and c) shall be completed in accordance with the approved details prior to the commencement of the 5th house or flat within the development.

**Reason** - To ensure acceptable:-

- a) Development that does not create any hazard to road users in the interests of road safety.
  - b) Infrastructure for non-motorised road users, ensuring the provision of routes to schools and local facilities and a sustainable development.
  - c) Infrastructure at the development access and to cater for additional traffic generated by the development.
  - d) To ensure acceptable access and visibility in the interest of road safety for the proposed development and other road users.
7. Parking provision shall be provided and maintained for use in accordance with the approved site layout plan (Drawing No. MS01\_PH2-3 PL01 A) unless otherwise agreed in writing with Moray Council Transportation.

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

8. The visibility splay detailed in Condition 6(d) shall be maintained clear of any obstructions. All boundary fences shall be set back behind the visibility splay which will become part of the adopted public road.

**Reason** - To ensure acceptable access and visibility in the interest of road safety for the proposed development and other road users.

9. New boundary walls/fences/planting shall be set back from the edge of the prospective public carriageway at a distance of 2.0m. No fences, walls, planting or obstructions in or along the front/rear of service verges.

**Reason** - To ensure acceptable development in the interests of road safety.

10. 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.

11. Houses requiring 2 parking spaces shall have a driveway length of 6.0m minimum in front of any garage to permit a second car to park, unless alternative parking arrangements are provided. No part of the driveway shall be included in the public road.

**Reason** - To ensure acceptable development in the interests of road safety.

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

**Reason** - To ensure acceptable infrastructure at the individual development accesses.

13. Unless otherwise agreed in writing with the Council, as Planning Authority, the equipped play area and surrounding area of open space approved under planning application 18/01536/APP (phase 1) shall be provided in accordance with the approved plans prior to the commencement of the 20th residential unit in any phase of the development covering the whole R1 designation. Thereafter the equipped play area shall be maintained in accordance with the approved Landscape Management Plan MS01\_SL\_PL-05 for the lifetime of the development.

**Reason** - To ensure the timely provision of the play area and surrounding open space.

14. All surface water drainage infrastructure within the development shall be implemented in accordance with the details contained in the approved "Drainage Strategy Report" and associated drainage drawings MS01\_ENG-635, MS01-ENG-206, MS01-ENG-625, MS01-ENG-205, MS01-ENG-630, MS01-ENG-207 and MS01-ENG-640. Unless otherwise agreed in writing with the Council, as Planning Authority, this drainage infrastructure will be completed prior to the first occupation of any housing unit in the development and thereafter maintained for the lifetime of the development in accordance with the approved 'Drainage Strategy Report'.

**Reason** - To ensure an acceptable form of development is provided in accordance with intentions stated in the submitted Drainage Assessment, and to provide for adequate protection of the water environment from surface water run-off during the lifetime of the development.

15. For the avoidance of doubt, the informal path within the northern part of the site adjacent to the SUDs basin shall be provided in accordance with the details shown on the approved Site Plan (drawing number MS01\_PH2-3\_PL01D) and Landscaping Plan (drawing number MS01\_PH2-3PL03E).

**Reason** - To avoid any ambiguity between the approved site/landscaping plans and other approved plans, which do not show the full path.

## **8. PLANNING APPLICATION 19/00460/APP**

### **WARD 4: FOCHABERS LHANBRYDE**

#### **Formation of 28 dwellinghouse plots (Maverston Phase 2 remix - within boundary of approval 06/01554/REM) and all associated infrastructure and landscaping works including construction haul road at Maverston Urquhart Elgin Moray IV30 8LR**

A report by the Appointed Officer recommended that, for the reasons detailed in the report, planning permission be granted for an application for the formation of 28 dwellinghouse plots (Maverston Phase 2 remix - within boundary of approval 06/01554/REM) and all associated infrastructure and landscaping works including construction haul road at Maverston, Urquhart, Elgin, Moray, IV30 8LR for Maverston LLP.

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 2008 as the application exceeds 2ha. The report also advised that Members of the Committee had previously visited the site of the application.

During his introduction, Mr Smith, Principal Planning Officer advised that standard informatives from the Transportation Service had been omitted from the report in error which, if approved, would be included with the decision notice. This was noted.

During discussion surrounding the entrance road to the site which had already been developed, Councillor Cowie noted that this road was not yet to an adoptable standard and it was queried whether this could be completed prior to any work commencing on site.

In response, Mrs Anderson, Senior Traffic Engineer advised that the road in question was not yet adopted as it was still being used by haulage and construction vehicles. Once the proposed temporary haul road is completed as an alternative for the large construction vehicles and following installation of traffic calming measures, the road could be completed and then adopted by the Council.

Councillor Cowie asked if a condition could be added to the planning permission to ensure that the temporary haul road and entrance road to the site, including traffic calming measures, are completed prior to the commencement of any building work on the 28 dwellinghouse plots.

In response, Mr Smith, Principal Planning Officer agreed to this request.

Councillor Feaver raised concern as the proposed haul road was through an ancient woodland and moved that the Committee grant planning permission in respect of Planning Application 19/00460/APP, including the additional condition proposed by Councillor Cowie, with the exception of conditions 1 and 2 effectively refusing planning permission for the temporary haul road because of its proximity to and destruction of ancient woodland which is contrary to policy ER2 of the Moray Local Development Plan (MLDP) 2015 and that the existing road into the development is used for all works.

The Legal Adviser advised that, as the temporary haul road was integral to the planning application and also formed part of the condition suggested by Councillor Cowie, refusing planning permission for the temporary haul road, whilst approving the rest of the proposal would not be possible.

After considering the advice from the Legal Adviser, Councillor Feaver moved that the Committee refuse Planning Application 19/00460/APP as it is contrary to policy ER2 (Development in Woodland) of the MLDP 2015. On failing to find a seconder, Councillor Feaver's motion fell.

Councillor Cowie moved that the Committee agree to grant planning permission in respect of planning application 19/00460/APP, as recommended, including the additional condition to ensure that the temporary haul road and entrance road to the site, including traffic calming measures, are completed prior to the commencement of any building work on the 28 dwellinghouse plots.

There being no-one otherwise minded, the Committee agreed to grant planning permission in respect of planning application 19/00460/APP subject to:

- (i) the completion of a (Section 75) legal agreement in terms of developer obligations and affordable housing;
- (ii) the inclusion of the following informative from the Transportation Service that had been omitted from the report in error:

Planning consent does not carry with it the right to carry out works within the public road boundary.

Before commencing development the applicant is obliged to apply for Construction Consent in accordance with Section 21 of the Roads (Scotland) Act 1984 for new roads. The applicant will be required to provide technical information, including drawings and drainage calculations, a programme for the proposed works, and a Road Bond to cover the full value of the works in accordance with the Security for Private Road Works (Scotland) 1985 Regulations. Advice on this matter can be obtained from the Moray Council web site at [http://www.moray.gov.uk/moray\\_standard/page\\_65638.html](http://www.moray.gov.uk/moray_standard/page_65638.html)

Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 56 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road. Advice on these matters can be obtained by emailing [roadspermits@moray.gov.uk](mailto:roadspermits@moray.gov.uk)

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority. The applicant shall free and relieve the Roads Authority from any claims arising out of their operations on the road or extension to the road.

The applicant shall be responsible for ensuring that surface/ground water does not run from the public road into their property.

No retaining structures or embankments shall be constructed along the edge of the road, whether retaining the public road or ground adjoining the public road without prior consultation and agreement of the Roads Authority.

- (iii) the following conditions and reasons including an additional condition to ensure that the temporary haul road and entrance road to the site, including traffic calming measures, are completed prior to the commencement of any building work on the 28 dwellinghouse plots;
1. Notwithstanding the provisions of Article 3 and Schedule 1 Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), Planning permission for the haul road hereby approved is granted for a temporary period only and shall cease to have effect on 8 October 2024 (the 'cessation date'). Prior to the cessation date, the haul road shall be removed and reinstated in accordance with a scheme approved in writing by the Council, as Planning Authority under condition 2 of this permission.

**Reason:** In recognition of the temporary nature of the proposed development, to enable the Council, as Planning Authority to reassess the impact of the development after a given period of time and secure removal and restoration.

2. No development shall commence until a reinstatement plan for the area affected by the haul road hereby approved has been submitted to and approved in writing by the Council, as Planning Authority. Thereafter, the approved scheme shall be implemented in full in accordance with condition 1 above. For the avoidance of doubt the reinstatement plan shall make provision for the replanting of trees along the area of the haul road hereby approved.

**Reason:** To secure removal and appropriate restoration.

3. No development shall commence until a tree survey which identifies all trees to be removed, topped or lopped within the area affected by the haul road hereby approved has been submitted to and approved in writing by the Council, as Planning Authority. This should show that the route of the haul road has been designed to minimise the loss of trees by minimising its footprint and aligning it through the previously cleared woodland blocks as far as practicable, as per the recommendations contained within the submitted report entitled 'Maverston Proposed Phase 2 Housing Development Extended Phase 1 Habitat Survey' by Northern Ecological Services dated April 2019. Thereafter, the approved scheme shall be implemented in full in accordance with condition 1 above.

**Reason:** To ensure that the woodland affected by the haul road route is surveyed and to minimise the impact of the development upon the trees along the route.

4. No development shall commence until a pre-construction badger survey, in line with the recommendations contained within the submitted report entitled 'Maverston Proposed Phase 2 Housing Development Extended Phase 1 Habitat Survey' by Northern Ecological Services dated April 2019, has been undertaken and a report of survey has been submitted to, and approved in writing by, the Council, as Planning Authority. The survey shall include

mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified and a species protection plan. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

**Reason:** To ensure that the site and its environs are surveyed and the development does not have an adverse impact on protected species or habitat.

5. No development shall commence until a pre-construction reptile survey, in line with the recommendations contained within the submitted report entitled 'Maverston Proposed Phase 2 Housing Development Extended Phase 1 Habitat Survey' by Northern Ecological Services dated April 2019, has been undertaken and a report of survey has been submitted to, and approved in writing by the Council, as Planning Authority. The survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

**Reason:** To ensure that the site and its environs are surveyed and the development does not have an adverse impact on protected species or habitat.

6. No development shall commence until a pre-construction red squirrel survey, in line with the recommendations contained within the submitted report entitled 'Maverston Proposed Phase 2 Housing Development Extended Phase 1 Habitat Survey' by Northern Ecological Services dated April 2019, has been undertaken and a report of survey has been submitted to, and approved in writing by, the Council, as Planning Authority. The survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

**Reason:** To ensure that the site and its environs are surveyed and the development does not have an adverse impact on protected species or habitat.

7. No development shall commence until a pre-construction bat survey, in line with the recommendations contained within the submitted report entitled 'Maverston Proposed Phase 2 Housing Development Extended Phase 1 Habitat Survey' by Northern Ecological Services dated April 2019, has been undertaken and a report of survey has been submitted to, and approved in writing by the Council, as Planning Authority. The survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

**Reason:** To ensure that the site and its environs are surveyed and the development does not have an adverse impact on protected species or habitat.

8. No development shall commence until plan Nos. HLD K345.18/SL-02, HLD K345.18/SL-03 Rev D and 117587/1101 Rev C have been updated to reflect the approved drainage layout 117587/2010 revision C, and have been

submitted to and approved by the Council, as Planning Authority. Thereafter the development shall be implemented in accordance with these approved plans.

**Reason:** To avoid any ambiguity regarding the layout.

9. No development shall commence until details have been submitted to and approved in writing by the Council, as Planning Authority, regarding details of a woodland planting scheme (the Replanting Scheme) within Moray to compensate, in this case, the removal of 32,200m<sup>2</sup> of existing woodland from the site in order to accommodate the development. All proposals shall be in accordance with approved plan HLD K345.18/SL-03 Rev D (or any revision approved under condition 7 above). The Replanting Scheme details shall:
- a) include the specifications for:
    - i. on-site replanting;
    - ii. off-site compensatory planting;
    - iii. tree maintenance and measures for protection of existing trees (including Deer Management);
- and
- b) comply with the requirements set out in the UK Forestry Standard (Forestry Commissions, 2011. ISBN 978-0-85538-830-0) and the guidelines to which it refers and include:
    - i. details of the location of the area to be planted;
    - ii. details of land owners and occupiers of the land to be planted;
    - iii. the nature, design and specification of the proposed woodland to be planted;
    - iv. details of all necessary consents for the Replanting Scheme and timescales within which each shall be obtained;
    - v. the phasing and associated timescales for implementing the Replanting Scheme;
    - vi. proposals for the maintenance and establishment of the Replanting Scheme, including annual checks; protection from predation; replacement planting; fencing; ground preparation; and drainage, etc. For the avoidance of doubt a technically competent professional(s) (e.g. chartered forester) with the required experience should inspect the replanting scheme at regular intervals (year 1, 5 and 10) to ensure that the trees are planted correctly, maintained to the required standard and ultimately established into woodland.

Thereafter, the development shall be implemented in accordance with the approved Replanting Scheme details, including the phasing and timescales as set out therein.

**Reason:** Details of the matters specified are lacking from the submission and to ensure an acceptable form of development where replacement or compensatory planting is provided where the development results in a loss of woodland.

10. No development shall commence until a phasing plan detailing the timescales of all landscaping works as shown on plans HLD K345.18/SL-02 and HLD K345.18/SL-03 Rev D and the Maintenance Schedule HLD K 345.18 dated 18 April 2019 (or any revisions approved under condition 7 above) has been

submitted to and approved by the Council, as Planning Authority. Thereafter the development shall be implemented in accordance with these approved plans and timescales.

**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.

11. All landscaping works shall be carried out in accordance with the details shown on approved plans HLD K345.18/SL-02 and HLD K345.18/SL-03 Rev D and the Maintenance Schedule HLD K 345.18 dated 18 April 2019 (or any revisions approved under condition 7 above). For the avoidance of doubt with the exception of those trees required to be removed for the construction of the haul road no trees shall be removed from the woodland in the northern part of the site.

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.

12. No development shall commence until details of an equipped play area as identified on approved plan 10313-P(00)002 C including the maintenance arrangements have been submitted to and approved in writing by the Council, as Planning Authority along with details of measures to allow recreational access to the woodland to the north. The equipped play area shall be provided in accordance with the approved details and available for use prior to the occupation of the 14<sup>th</sup> house hereby approved. Thereafter the play area shall be maintained in accordance with the approved details.

**Reason:** To ensure the adequate provision of an equipped play area and its future maintenance.

13. All foul and surface water drainage proposals shall be in accordance with the submitted report Drainage Assessment Proposed Residential Development at Maverston, Moray, Issue 02, dated September 2019 and approved plans 117587/2010 revision C. No development shall commence until full written and plan details of the detention basins and specifications for the inlet headwalls to the detention basins have been submitted to and approved in writing by the Council, as Planning Authority. Thereafter the approved details shall be implemented in full. For the avoidance of doubt.

**Reason:** To ensure that surface water drainage is provided timeously and complies with the principles of SuDS; in order to protect the water environment.

14. No development shall commence until two passing places have been provided on the C19e to the Moray Council standards and specification as indicated on Appendix C of the approved Transport Statement.



**Reason:** To enable drivers of vehicles to have adequate forward visibility to see approaching traffic and for two vehicles to safely pass each other ensuring the safety and free flow of traffic on the public road.

15. No development shall commence until a visibility splay 4.5 metres by 165 metres, with all boundaries set back to a position behind the required visibility splay, has been provided in both directions at the haul road access onto the public road; and thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway.

**Reason:** To enable drivers of vehicles entering or exiting the site to have a clear view so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road.

16. The width of the access road shall be 5.5m with localised narrowing and 2.0m service verge and drainage provision as shown on Drawing No. 117587/1101 Rev B. The road shall be constructed to Moray Council standards and specification for Roads Construction Consent.

**Reason:** To ensure acceptable infrastructure at the development access.

17. The width of each individual vehicular access shall be a minimum of 3.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the prospective public carriageway. The part of the access over the prospective public footway/verge shall be to the Moray Council specification and surfaced with bituminous macadam. Drop kerbs shall be provided across the access to the Moray Council specification.

**Reason:** To ensure acceptable infrastructure at individual development accesses.

18. No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.

**Reason:** To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the new access/accesses.

19. Parking provision shall be as follows:
- Minimum of 2 spaces for a dwelling with three bedrooms or less; or
  - Minimum of 3 spaces for a dwelling with four bedrooms or more;

No houses shall be occupied until the parking for that plot has been provided. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council, as Planning Authority.

**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.

20. No boundary fences, hedges, walls or any other obstruction fronting onto the prospective public road shall be within 2.4 of the edge of the carriageway and shall not exceed 1.0m in height.

**Reason:** To ensure acceptable infrastructure at the development access.

21. 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 as a minimum the following information:

- Duration of works;
- Construction programme;
- Number of vehicle movements (i.e. materials, plant, staff, compounds)
- Schedule of delivery of materials and plant;
- Full details of construction traffic routes to the site including any temporary construction accesses;
- measures to be put in place to prevent material being deposited on the public road; and
- Traffic management measures to be put in place during works including any specific instructions to drivers.

Thereafter, the development works shall proceed in accordance with the approved details, unless otherwise approved in writing by the Council, as Planning Authority in consultation with the Roads Authority.

**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.

22. All development on the site hereby approved shall be connected to the public sewer or to a private system built to adoptable standard.

**Reason:** To ensure that foul drainage is adequately managed.

23. That for any subsequent detailed application relative to this approval, at least 3 units (10% of non-affordable units) shall be designed and built to wheelchair accessible spaces standards (as defined in the Moray Council 'Accessible Housing' Supplementary Guidance). Any application for the 9th, 18th and 27th such unit on the overall site shall each include an Accessible Housing Compliance Statement with sufficiently detailed plans to demonstrate that one accessible housing unit meeting these requirements has been provided as part of each tranche of development so that a minimum of 3 accessible units is provided overall. Thereafter the accessible units shall be provided in accordance with the agreed arrangements prior to the completion of the 9th, 18th and 27th units respectively. For the avoidance of doubt at least 50% of the wheelchair accessible units must be delivered as a single storey dwelling with no accommodation in the upper roof space, i.e. a bungalow. Thereafter the internal layout of these units shall remain as built and approved in perpetuity unless otherwise agreed with the Council, as Planning Authority.

**Reason:** To ensure an acceptable form of development which provides accessible housing on the site.

24. The permission hereby granted shall not be exercised in addition to, or in conjunction with the permission approved under formal decision notice 06/01554/REM dated 10 September 2007.

**Reason:** In order to avoid any ambiguity regarding the terms of this consent.

## **9. PLANNING APPLICATION 18/01453/APP**

### **WARD 5: HELDON & LAICH**

#### **Restore and convert existing Millie Bothy to office and erect 10 no self-catering holiday units at Millie Bothy Roseisle Beach Moray**

A report by the Appointed Officer recommended that, for the reasons detailed in the report, planning permission be refused for an application to restore and convert the existing Millie Bothy to an office and erect 10 no self-catering holiday units at Millie Bothy, Roseisle Beach, Moray for Millie Bothy Ltd.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation, as the application raises matters of wider community interest and/or planning significance. The report also advised that Members of the Committee visited the site of the application on 4 October 2019.

During his introduction, Mr MacPherson, Principal Planning Officer advised that members may have received communication from the Applicant however this was not to be considered as a late representation in terms of the Late Representation Procedure as this only related to those individuals who had previously made a representation on the planning application. With this in mind, Mr MacPherson advised that the Committee should discount this information when determining the application. This was noted.

Following consideration, the Committee agreed to refuse planning permission, as recommended, in respect of planning application 18/01453/APP as the proposal is contrary to policies IMP1, PP3, ED7 and ED8 of the Moray Local Development Plan (MLDP) 2015 for the following reasons:

1. The introduction of tourism self-catering huts and the associated intensification of activity in this location would have a detrimental impact upon the secluded character and rural amenity of this sensitive area, therefore the proposal represents an inappropriate form of development for this location.
2. Development of the nature proposed would significantly alter the character of this unspoilt open dune area where its high amenity value for current users would be compromised by the introduction of an incompatible use. The existing dune area and grassland contributes to character and appearance of this wider area of unspoilt coastline.
3. The proposed accommodation would not be located so as to protect and enhance the natural environment in this location where this part of Roseisle Forest and its undeveloped nature is of wider benefit to tourism and the wider local community.

## 10. PLANNING APPLICATION 19/00800/APP

### WARD 6: ELGIN CITY NORTH

#### **Plot substitution (approved under ref 08/02766/FUL) to change from private to affordable house types on Plots 142 – 149 Spynie Elgin Moray**

A report by the Appointed Officer recommended that, for the reasons detailed in the report, planning permission be granted for an application for a plot substitution (approved under ref 08/02766/FUL) to change from private to affordable house types on Plots 142 – 149, Spynie, Elgin, Moray for Robertson Homes.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation, as the proposal (as a whole or in part) has previously been reported to Committee or to a Departure Hearing (Special Committee Meeting) and the Appointed Officer considers that significant amendments have been made to any previous application for Committee to reconsider the development. The report also advised that Members of the Committee visited the site of the application on 4 October 2019.

Following consideration, the Committee agreed to grant planning permission, as recommended, in respect of planning application 19/00800/APP subject to the following conditions and reasons:

1. The development hereby granted forms part of, and is related to, a development granted planning permission under formal decision notice 08/02766/FUL dated 9 December 2009 wherein:
  - a) 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 3 - 26 inclusive, including any details already approved thereunder to discharge the requirements of the identified conditions; and
  - b) no part of the development hereby granted shall be exercised in conjunction with, or in addition to, the house design and plot layout details already approved for this part of the development.

**Reason:** To ensure an acceptable form of development and that it progresses in accordance with the already approved and required details and that only one permission is implemented, the house designs and plot layout arrangements hereby approved being considered as an acceptable alternative to that already approved and not an addition thereto.

2. As part of the permission hereby granted, the houses hereby approved shall only be used for affordable housing purposes in accordance with the agreement(s) reached between the applicant/developer and Moray Council and/or any registered social landlord (e.g. housing association or similar) to enable the long term delivery of affordable housing on this site; and no development shall commence until details of the agreement(s) to confirm the arrangements for the delivery of the proposed affordable accommodation hereby approved shall be 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 an acceptable form of development in terms of the required provision and delivery of the affordable housing accommodation proposed for this site wherein the benefits of such provision are passed on to serve the community in future years.

3. All landscaping shall be carried out in accordance with the submitted report AREA 2, SPYNIE, ELGIN OUTLINE LANDSCAPE SPECIFICATION AND MAINTENANCE SCHEDULE dated August 2019 and approved plan 1108/PL02. All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the commencement of development any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

**Reason:** In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

4. Two car parking spaces shall be provided within each plot prior to the first occupation/completion of the house, whichever is the sooner. The parking spaces shall thereafter be retained for the purposes of parking vehicles.

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

5. No boundary fences, hedges, walls or any other obstruction whatsoever over 1.0 metre in height and fronting onto the public road shall be within 2.4 metres of the edge of the carriageway, measured from the level of the public carriageway.

**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.

6. Driveways over service verges shall be constructed to accommodate vehicles and shall be surfaced with bituminous macadam unless otherwise agreed with the Council, as Planning Authority in consultation with the Roads Authority.

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

7. 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:

- duration of works;
- construction programme;
- 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.

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.

8. All surface water drainage proposals shall be in accordance with the submitted report Drainage Impact Assessment A/181043 AFFORDABLE RESIDENTIAL DEVELOPMENT – 8 PLOTS HAMILTON GARDENS, SPYNIE, ELGIN, dated July 2019.

**Reason:** To ensure that surface water drainage is provided timeously and complies with the principles of SuDS; in order to protect the water environment.

## 11. PLANNING APPLICATION 19/00811/APP

### WARD 6: ELGIN CITY NORTH

**Variation of Condition 1 of previous permission Ref: 15/01092/APP to reduce the number of affordable units from 43 to 37 at R7 Spynie Hospital North, Elgin, Moray for Robertson Homes.**

A report by the Appointed Officer recommended that, for the reasons detailed in the report, planning permission be granted for an application for a variation of Condition 1 of previous permission 15/01092/APP to reduce the number of affordable units from 43 to 37 at R7 Spynie Hospital North, Elgin, Moray for Robertson Homes.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation, as the proposal (as a whole or in part) has previously been reported to Committee or to a Departure Hearing (Special Committee Meeting) and the Appointed Officer considers that significant amendments have been made to any previous application for Committee to reconsider the development. The report also advised that Members of the Committee visited the site of the application on 4 October 2019.

During his introduction, Mr MacPherson, Principal Planning Officer advised that informatives from the Transportation Service in relation to works on the public road, construction consent and street lighting had been omitted from the report in error and that, should the application be approved, these would be included with the decision notice. This was noted

Following consideration, the Committee agreed to grant planning permission in respect of planning application 19/00811/APP subject to:

- (i) an amendment to the existing S75 legal agreement;
- (ii) the inclusion of the following informative from the Transportation Service which had been omitted from the report in error:

Planning consent does not carry with it the right to carry out works within the public road boundary.

Construction Consent for the roads will be required under Section 21 of the Roads (Scotland) Act 1984, which shall include a CCTV survey of all existing roads drainage to be adopted and core samples to determine the construction depths and materials of the existing road. Arrangements for a Road Bond will be reviewed in accordance with the Security for Private Road Works (Scotland) 1985 Regulations.

The developer must contact the Roads Authority Street Lighting Section at Ashgrove Depot, Elgin [Tel (01343) 557300, Ext 7327] to discuss the implications for street lighting arising from their proposals.

The Transportation Manager must always be contacted before any works commence. This includes any temporary access, which should be agreed with the Roads Authority prior to work commencing on it.

(iii) the following conditions and reasons:

1. Condition 2 as attached to the applications for planning permission as granted under formal decision notice 15/01092/APP is hereby varied and shall be substituted by the following: "The plot substitutions hereby approved including house types and site layout arrangements as hereby approved relate to the provision of 37 affordable houses (as defined and subject to the detailed arrangements for the delivery of this accommodation as set out within a Section 75 agreement associated with this application) and the affordable housing accommodation development as hereby approved shall not be used for any other housing purposes without the prior written consent of the Council, as Planning Authority.

**Reason:** To ensure an acceptable form of development in accordance with the applicant's submitted particulars, to provide for at least the partial provision and delivery of affordable housing on the site at Spynie (in accordance with the requirements of condition 10 of formal decision notice 08/02766/FUL dated 9 December 2009) wherein the accommodation as hereby approved (including the arrangements for delivery of the accommodation) is considered as an acceptable alternative to that previously approved, and to retain control over the use of the site and ensure that consideration is given to the effects and impact of other housing uses other than that approved herewith.

2. The development hereby granted forms part of, and is related to, a development granted planning permission under formal decision notice 08/02766/FUL dated 9 December 2009 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 3 - 26 inclusive, including any details already approved thereunder to discharge the requirements of the identified conditions; and no part of the development hereby granted shall be exercised in conjunction with, or in addition to, the house design and plot layout details already approved for this part of the development.

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

permission is implemented, the house designs and plot layout arrangements hereby approved being considered as an acceptable alternative to that already approved and not an addition thereto.

3. All landscaping shall be carried out in accordance with the submitted report AREA 1, SPYNIE, ELGIN OUTLINE LANDSCAPE SPECIFICATION AND MAINTENANCE SCHEDULE dated August 2019 and approved plan 1108/PL01. All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the commencement of development any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

**Reason:** In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site

4. All surface water drainage proposals shall be in accordance with the submitted report Drainage Impact Assessment A/181043 AFFORDABLE RESIDENTIAL DEVELOPMENT, HAMILTON GARDENS, SPYNIE, ELGIN, dated July 2019.

**Reason:** To ensure that surface water drainage is provided timeously and complies with the principles of SuDS; in order to protect the water environment.

5. Parking provision shall be provided as follows:

- 2 spaces for a dwelling with three bedrooms or less; or
- 3 spaces for a dwelling with four bedrooms or more.

The car parking spaces shall be provided within the site prior to first occupation or completion of the dwellinghouse, whichever is the sooner. Thereafter, the parking spaces shall be retained throughout the lifetime of the development.

**Reason:** To ensure an acceptable development is provided in terms of parking provision.

6. 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:

- duration of works;
- construction programme;
- 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.

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.



## **12. PLANNING APPLICATION 19/00547/APP**

### **WARD 7: ELGIN CITY SOUTH**

#### **Affordable housing landscaping and associated infrastructure (including relocation of playpark) at Playpark Bain Avenue Elgin Moray**

A report by the Appointed Officer recommended that, for the reasons detailed in the report, planning permission be refused for an application for affordable housing, landscaping and associated infrastructure (including relocation of playpark) at Playpark, Bain Avenue, Elgin, Moray for Springfield Properties PLC.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation, as the Appointed Officer is minded to refuse the application as a material departure from the development. The report also advised that Members of the Committee visited the site of the application on 4 October 2019.

Following consideration, the Committee agreed to refuse planning permission, as recommended, in respect of planning application 19/00547/APP as the proposal is contrary to the Elgin ENV3 Amenity Greenspace designation and policies E5 Open Space, H1 Housing Land and PP3 Placemaking of the Moray Local Development Plan (MLDP) 2015 for the following reasons:

1. The proposal would result in the unacceptable loss of the Elgin ENV3 designation at Bain Avenue, where the benefits of the proposed affordable houses are not considered to outweigh the value of losing this amenity and recreational open space area. The loss of this designated space would be contrary to policy E5 and H1 Housing Land by having a detrimental impact on the surrounding environment with a reduction of amenity space.
2. The additional housing on the ENV designation will negatively reduce the size of the overall green space and its ability to function as a neighbourhood park and its ability to adapt to any future recreational needs of the development and is therefore contrary to Policy PP3.

## **13. PLANNING APPLICATION 19/00794/APP**

### **WARD 7: ELGIN CITY SOUTH**

#### **Section 42 Application to vary condition 3 of Planning Permissions 03/01749/FUL (P/PP/75/96/GE/46) 05/02364/FUL 06/02174/FUL and 10/01154/APP to allow the sale of food and drink at Unit 3 Elgin Retail Park Edgar Road Elgin Moray IV30 6RP**

A report by the Appointed Officer recommended that, for the reasons detailed in the report, planning permission be granted for a Section 42 application to vary condition 3 of Planning Permissions 03/01749/FUL (P/PP/75/96/GE/46) 05/02364/FUL 06/02174/FUL and 10/01154/APP to allow the sale of food and drink at Unit 3, Elgin Retail Park, Edgar Road, Elgin, Moray, IV30 6RP for Robertson of Elgin Executive Retirement Fund.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation, as the proposal (as a whole or in part) has previously been reported to Committee or to a Departure Hearing (Special Committee Meeting) and the Appointed Officer considers that significant amendments have been made to any previous application for Committee to reconsider the development. The report also advised that Members of the Committee visited the site of the application on 4 October 2019.

Following consideration whereby the Committee debated whether the reasons for completely removing the restriction on food retail for Unit 3 at Elgin Retail Park could be fully justified when taking into consideration policies in terms of the retail impact of the proposal and whether it could be located in the town centre, the Committee agreed to grant planning permission, as recommended, in respect of planning application 19/00794/APP subject to the following condition and reason:

1. Condition 3 as attached to the applications for planning permission as granted under formal decision notices P/PP/75/96/GE/46 (or 03/01749/FUL), 05/02364/FUL, 06/02174/FUL and 10/01154/APP is hereby varied and shall be substituted by the following: "With the exception of Unit 3 (as identified on approved plan (LP-)001) the permission hereby granted is for non-food retailing only, except that up to 300 sqm (public trading area) of food sales will be allowed within the Elgin Retail Park, subject to such floorspace forming no more than 40% of the public trading area of any individual trading unit".

**Reason:** In order to retain the overall non-food retail character and nature of the development granted on the site and to provide for an acceptable scale or amount of food retailing within the Elgin Retail Park which would not have a significant adverse impact on the vitality and viability of Elgin town centre.

#### **14. PLANNING APPLICATION 18/01142/APP**

##### **WARD 8: FORRES**

##### **Residential development (316 units) and associated infrastructure at R3 Ferrylea and Long 3 Forres Moray**

A report by the Appointed Officer recommended that, for the reasons detailed in the report, planning permission be granted for an application for residential development (316 units) and associated infrastructure at R3 Ferrylea and Long 3, Forres, Moray for Springfield Properties PLC.

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 in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2008 (over 500 residential units) and the application is on a housing site designated for 50 or more dwellings within the Development Plan. The report also advised that Members of the Committee visited the site of the application on 4 October 2019.

During his introduction, Mr Smith, Principal Planning Officer advised that a further condition had been added to the report requiring submission of details of the foul pumping station and associated fencing at the North West corner of the site, for approval. The developer had confirmed that the pumping station will be below ground apart from a control cabinet. This was noted.

During discussion, concern was raised that, since earth works had started on the site, at least 2 houses adjacent to the site had experienced increased water flow into their gardens during and after heavy rainfall and it was queried whether any mitigations factors had been proposed in the development to alleviate this.

In response, Mr Burnish, Senior Engineer (Flood Risk Management) advised that if the flooding had started since work began on site, this would be covered by the SEPA agreement and that any surface water onsite would be mitigated against with the SuDS design.

The Legal Adviser further advised that any flood issues which had arisen since work commenced on the site would have to be resolved between the affected residents and the Developer and that, when determining the application, the Committee should be satisfied that the proposal would not worsen the flooding situation and that assurance from Officers had been given on this point in terms of the proposed SuDS drainage forming part of the development.

In relation to the pumping station, it was noted that tree planting is proposed in the development however concern was raised that there was no planting proposed around the pumping station and it was queried whether acoustic screening could be provided in that area to alleviate any noise pollution from the pumping station.

In response, Mr Smith, Principal Planning Officer advised that the majority of the pumping station would be underground which should alleviate any noise pollution however the need for additional landscaping and acoustic screening would be included in the condition asking for further details in relation to the pumping station. This was agreed.

Councillor Taylor stated that the original masterplan complied with policy H1 of the Moray Local Development Plan (MLDP) 2015 in terms of landscaping provision and capacity figures however raised concern that the planning application was for 195 more houses than what was proposed in the original masterplan and that this was an unacceptable change in terms of density and consequently landscaping provision, therefore didn't comply with policy H1 of the MLDP 2015. Councillor Taylor further stated that, in her opinion, the proposal did not comply with policy IMP1 of the MLDP 2015 in terms of scale, density and character as the site was originally identified as having capacity for 380 units whereas the proposal would bring the number of units on the site to 575. Councillor Taylor also noted that in the quality audit a significant number of issues had only just achieved amber status and felt that the Council should not accept the bare minimum on such issues. Councillor Taylor therefore moved that the Committee refuse planning application 18/01142/APP as it did not comply with policies H1 (Housing Land) and IMP1 (Developer Requirements) of the MLDP 2015 particularly when you have regard to the Masterplan for the site. This was seconded by Councillor Macrae.

Councillor A McLean, noted the amber scoring in the majority of design principles in the Quality Audit however was content that a significant amount of work had taken place to ensure that the proposal complied with the policies in the MLDP 2015 and as there is a significant housing need in Forres moved that the Committee agree to grant planning permission, as recommended, in respect of Planning Application

18/01142/APP with the additional condition in relation to mitigating factors for noise pollution at the pumping station. This was seconded by Councillor Coy.

On a division there voted:

For the Motion (5): Councillors Taylor, Macrae, Alexander, Edwards and Feaver

For the Amendment (3): Councillors A McLean, Coy and Cowie

Abstentions (2): Councillors Bremner and Laing

Accordingly, the motion became the finding of the Committee and it was agreed to refuse planning permission in respect of planning application 18/01142/APP as the proposal is considered to be contrary to the following policies of the MLDP 2015 for the reasons stated:

- IMP1 (Developer Requirements) in terms of scale, density and character as the site was originally identified as having capacity for 380 units whereas the proposal would bring the number of units on the site to 575; and
- H1 (Housing Land) - the original masterplan complied with policy H1 of the MLDP 2015 in terms of landscaping provision and capacity figures however an additional 195 houses is considered to be an unacceptable change in terms of density and consequently landscaping provision.

## **15. PLANNING APPLICATION 19/00615/APP**

### **WARD 8: FORRES**

#### **Erect student residences (6 flats with total of 42 bed spaces), with associated parking and landscaping at Knockomie Braes Forres Moray**

A report by the Appointed Officer recommended that, for the reasons detailed in the report, planning permission be granted for an application to erect student residences (6 flats with total of 42 bed spaces), with associated parking and landscaping at Knockomie Braes, Forres, Moray for Springfield Properties PLC.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation, as the application is on a housing site designated for 50 or more dwellings within the Development Plan. The report also advised that Members of the Committee visited the site of the application on 4 October 2019.

During his introduction, Mr Smith, Principal Planning Officer advised the Committee of an error at Condition 6 in the report where the minimum width for Mannachie Road should read 5.5m and not 6m as printed. This was noted.

Councillor A McLean welcomed the application for the provision of student accommodation which he considered to be well needed due to the nearby locations of the Glasgow School of Art in Forres and Moray College UHI. He also welcomed the commitment from the Applicant to provide 42 electric bikes to be available for students residing in the student accommodation and moved that the Committee

grant planning permission, as recommended, in respect of planning application 19/00615/APP. This was seconded by Councillor Coy.

Councillor Macrae noted reference to the recently refused planning application 18/01142/APP in conditions 1 and 6 of the report and sought clarification as to whether the Applicant could deliver the infrastructure mentioned in condition 6 given that it was to be delivered in association with planning application 18/01142/APP.

In response, the Head of Development Services advised that receiving planning consent does not necessarily mean that the development will go ahead as other factors have to be considered however, should the Committee be minded to approve the application, officers could reword conditions 1 and 6, removing reference to planning application 18/01142/APP.

On considering the advice from the Head of Development Services, Councillor A McLean agreed to amend the terms of his motion to approve planning application 19/00615/APP including the rewording of conditions 1 and 6, removing reference to planning application 18/01142/APP. As seconder to Councillor A McLean's motion, Councillor Coy also agreed to this amendment.

Councillor Feaver raised concern in terms of policy T5 in relation to parking provision at the proposed development given that the accommodation could potentially be occupied by students studying further afield than Forres and Elgin. In terms of PP3 and IMP1, Councillor Feaver raised further concern as to how the building would present on the landscape given its size, and in light of the recent refusal of planning application 18/01442/APP moved as an amendment that the Committee refuse Planning Application 19/00615/APP as it is contrary to policies T5 (Parking Standards), PP3 (Placemaking) and IMP1 (Developer Requirements). This was seconded by Councillor Macrae.

Prior to continuing with the debate, the Chair sought the agreement of the Committee to suspend Standing Order 74 to allow the meeting to continue beyond 12.45 pm. This was unanimously agreed.

Councillor Taylor agreed with Councillor Feaver in that the proposed development did not comply with policies PP3 in terms of placemaking and IMP1 in terms of Developer Requirements however was of the view that it did comply with policy T5 and moved an amendment in those terms.

On considering Councillor Taylor's amendment, Councillor Feaver agreed to withdraw her amendment and second Councillor Taylor's amendment.

On a division there voted:

For the Motion (7):	Councillors A McLean, Coy, Alexander, Bremner, Cowie, Edwards and Laing
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For the Amendment:	Councillors Taylor, Feaver and Macrae
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Abstentions (0):	Nil
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Accordingly, the motion became the finding of the Committee and it was agreed to grant planning permission, as recommended, in respect of planning application 19/00615/APP subject to:

- (i) the completion of a legal agreement in terms of developer obligations; and
  - (ii) the following conditions and reasons including amendments to:
    - condition 1 removal of reference to planning application 18/01142/APP; and
    - condition 6 – removal of reference to planning application 18/01142/APP and change minimum road width to 5.5m and not 6m as printed.
1. Prior to the use or occupation of the development the following infrastructure shall be completed to the satisfaction of the Planning Authority in consultation with the Roads Authority (unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority).
    - a) Mannachie Road widening to a continuous minimum width of 5.5m with a 3m wide cyclepath on the west side from the existing Falconer Avenue junction, south to the end of the site frontage at West Park Croft.
    - b) A continuous cyclepath connection is provided from the proposed development to the existing network at Falconer Avenue.
    - c) The road link via Falconer Avenue between the A940 (Grantown Road) and C14E (Mannachie Road) shall be completed and opened to traffic including buses.

**Reason** – To ensure acceptable infrastructure is provided on the route(s) to/from the development in the interests of sustainable transport and the safety of all road users.

2. Notwithstanding the details on drawing P(--02) 'Site Layout Plan' and in lieu of additional car parking and to address the remote location of the proposed development from any associated educational establishment, no development shall commence until details of the following have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority
  - a) Details (Plan 1:1000 min) showing a direct, 3 metre wide path connection from the proposed cycle storage area to Mannachie Road, a dropped kerb access onto Mannachie Road and visibility splays for cycle access and crossings as necessary.
  - b) Details of 42 electric bicycles to be provided (with timescales for their provision) to accommodate a mix of user requirements e.g. user height, load carrying needs, user ability (tricycle).
  - c) Details of the proposed vehicle charging infrastructure to be provided.
  - d) Detailed design (Plan 1:100 min) of the proposed weatherproof secure storage/lockers/racks.
  - e) Details for the provision of cycle personal protective equipment (PPE) including storage.
  - f) Details of the management and maintenance regime for all cycle equipment and storage facilities including drying and cleaning of PPE.
  - g) Travel Plan information to be provided to visitors and a schedule for updating information. Details to include travel options for walking, cycling and public transport, maps for routes to key destinations, guidance on the use of cycle equipment, travel safety advice, contact details for maintenance and assistance.

Thereafter the development shall be implemented in accordance with the approved details and items (a) to (f) provided prior to the development being occupied or brought into use and shall be maintained for the lifetime of the development in accordance with the approved details unless otherwise agreed in writing by the Council, as Planning Authority.

**Reason** – Provision of pedestrian and cycle infrastructure required to support the sustainable transport requirements of the proposed development and to address information currently lacking from the submission

3. Prior to commencement of development a detailed drawing (Scale 1:100 min) showing a visibility splay of 2.4 metres by 35 metres measured in both directions at the site access clear of any obstruction above 0.26 metres in height measured from the level of the carriageway into the proposed new roadway shall be submitted for approval by the Council, as Planning Authority in consultation with the Roads Authority.

Thereafter the visibility splay shall be provided prior to any occupation or use of the access, and maintained for the lifetime of the development.

**Reason** - To ensure the provision and future maintenance of visibility at the access to the development in the interests of road safety.

4. No development shall commence until a detailed drawing (scale 1:200) showing arrangements for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the public footway/carriageway are submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority; and thereafter the access shall be constructed in accordance with the approved drawing.

**Reason:** To ensure acceptable infrastructure at the development access through the provision of details currently lacking and to ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the new access.

5. 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. duration of works;
  - ii. construction programme;
  - iii. anticipated schedule for delivery of materials and plant;
  - iv. full details of any temporary construction access;
  - v. measures to be put in place to prevent material being deposited on the public road;
  - vi. measures to be put in place to safeguard the movements of pedestrians;
  - vii. traffic management measures to be put in place during works including any specific instructions to drivers; and
  - viii. parking provision, loading and unloading areas for construction traffic.

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.

6. Prior to the use or occupation of the development the following infrastructure shall be completed to the satisfaction of the Planning Authority in consultation with the Roads Authority (unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority).
  - a) Mannachie Road widening to a continuous minimum width of 5.5m with a 3m wide cyclepath on the west side from the existing Falconer Avenue junction, south to the end of the site frontage at West Park Croft.
  - b) A continuous cyclepath connection is provided from the proposed development to the existing network at Falconer Avenue.
  - c) The road link via Falconer Avenue between the A940 (Grantown Road) and C14E (Mannachie Road) shall be completed and opened to traffic including buses.

**Reason** – To ensure acceptable infrastructure is provided on the route(s) to/from the development in the interests of sustainable transport and the safety of all road users.

7. The vehicular access shall have a maximum gradient of 1:20 measured for the first 5.0 m from the edge of the public carriageway. The section of access over the public footpath/verge shall be to the Moray Council specification and surfaced in bitmac.

**Reason** - In the interests of road safety.

8. No boundary fences, hedges, walls or any other obstruction whatsoever over 1.0 metre in height and fronting onto the public road shall be within 2.4 metres 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.

9. No development shall commence until a Landscape Scheme (drawn to scale) is submitted to and approved by the Council, as Planning Authority. This Landscape Scheme shall show details of the numbers, species, position, planting distances and sizes of all planting to be undertaken.

**Reason** - In order that detailed consideration can be given to the landscaping of the site.

10. That all planting, seeding or turfing forming part of the approved Landscape Scheme shall be carried out in the first planting and seeding seasons following the occupation of the student accommodation; or the completion of the building works, whichever is the sooner. 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** - In order 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.

11. No development shall commence until details of the communal bin storage area, as indicated in the approved site layout plan, and approved in writing by, the Council, as Planning Authority. The communal storage areas shall be constructed in accordance with the approved details prior to the first occupation of development and thereafter maintained in perpetuity.

**Reason** - To ensure that suitable provision is made for the storage of communal waste and recycling bins.

12. Notwithstanding the submitted information, no development shall commence unless a scheme for the provision of a surface water drainage system with accompanying drainage statement, designed in line with the SuDS Manual (by CIRIA, C753) and the Council's Supplementary Guidance on Flood Risk and Drainage Impact Assessments for New Developments has been submitted to and approved in writing by the Council, as Planning Authority in consultation with Moray Flood Risk Management. Thereafter, the development shall not be occupied unless the approved surface water drainage system has been installed and provided for use.

**Reason** - In order to ensure the development is served by a suitable surface water drainage system.

13. The development hereby approved shall be used as student accommodation (sui generis) only.

**Reason** – That the form of the development and its associated infrastructure is only suitable for use as student accommodation.

## **16. ORDER OF BUSINESS**

The Chair sought the agreement of the Committee to vary the order of business and take item 14a) "Environmental Health Service Delivery Plan" as the next item of business to allow Councillor Coy to take part in the debate as she had an appointment to attend. This was agreed.

## **17. ENVIRONMENTAL HEALTH SERVICE DELIVERY PLAN**

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to approve the Food Law Enforcement Service Delivery Plan 2019-2020 and note the Performance Review based on the Food Law Enforcement Service Delivery Plan 2017/18.

Following consideration, the Committee agreed to:

- (i) approve the Environmental Health Service Delivery Plan for 2019/2020 as set out in Appendix 1 of the report; and

- (ii) note the Performance Review based on the Food Law Enforcement Strategy Service Delivery Plan 2017-18 as set out in Appendix 2 of the report.

## **ADJOURNMENT OF MEETING**

In terms of Standing Order 25, the Meeting agreed to adjourn at 1.00 pm for lunch and reconvene at 2.00 pm.

## **RESUMPTION OF MEETING**

### **PRESENT**

Councillors Bremner (Chair), Taylor (Depute), Alexander, Cowie, Edwards, Feaver, Laing, Macrae and A McLean

### **APOLOGIES**

Apologies were intimated on behalf of Councillors Cowe, Coy, Divers and R McLean

### **IN ATTENDANCE**

Head of Development Services, Development Management and Building Standards Manager, Mr N MacPherson, Principal Planning Officer, Mr G Templeton, Principal Planning Officer, Mrs D Anderson, Senior Engineer (Transport Development), Senior Planning Officer (Development Planning and Facilitation), Legal Services Manager and Mrs L Rowan, Committee Services Officer as Clerk to the Committee.

## **18. PROCEDURAL CLARIFICATION**

At the invitation of the Chair, the Legal Adviser advised the Committee that, when considering item 12a) Planning Application 18/01142/APP, a procedure seeking agreement from the Committee to delegate decision making on application 19/01184/APP for the installation of a SuDS basin at R3 Ferrylea, Forres to the Appointed Officer, had been overlooked and no decision taken.

Following consideration, the Committee agreed that Planning Application 19/01184/APP for the installation of a SuDS basin at R3 Ferrylea, Forres be considered at a future meeting of this Committee.

## **19. 19/01025/PAN - DEVELOPMENT OF HOUSING AND ASSOCIATED INFRASTRUCTURE AT SPYNIE HOSPITAL, DUFFUS ROAD, ELGIN**

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that a Proposal of Application Notice (PAN) was submitted on 16 August 2019 for a proposed housing development and associated infrastructure by Moray Council, Housing and Property and NHS Grampian.

Following consideration, the Committee agreed:

- (i) to note the terms of the report in respect of a Proposal of Application Notice (PAN) for development of housing and associated infrastructure at Spynie Hospital, Duffus Road, Elgin; and
- (ii) that there were no provisional views/relevant issues on the PAN from any Member of the Council.

## **20. 19/00930/PAN - R15 DEVELOPMENT SITE, BILBOHALL ROAD, ELGIN, MORAY**

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that a Proposal of Application Notice (PAN) was submitted on 26 July 2019 by Moray Council, on behalf of The Bilbohall Consortium.

Following consideration, the Committee agreed:

- (i) to note the terms of the report;
- (ii) that the recently agreed Bilbohall Masterplan be considered by the prospective applicant in order to inform the development of their proposed formal application for planning permission; and
- (iii) 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.

## **21. DISCHARGE OF PLANNING CONDITION IMPOSED ON 19/00550/APP - LINKWOOD STEADING, LINKWOOD ROAD, ELGIN**

Councillor Laing, having declared an interest in this item, left the meeting at this juncture and took no part in the debate.

Under reference to paragraph 10 of the Minute of this Committee dated 20 August 2019, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the details submitted by the Applicant to discharge condition 2 imposed on decision notice 19/00550/APP in relation to a scheme of material finishes for the external walls of the 6 apartments granted consent on 25 September 2019.

Following consideration, the Committee agreed to discharge condition 2 imposed on planning permission 19/00550/APP and approve the details submitted as set out in Appendix 1 and Appendix 2 - Option 2 subject to the feature stone being reclaimed or natural stone and the timber features and roughcast finish to be replaced with reclaimed or natural stone.

Councillor Laing re-joined the meeting at this juncture.

## **22. OVERNIGHT PARKING OF MOTORHOMES ON CAR PARKS**

Councillor Coy re-joined the meeting during discussion of this item.

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the legislative background and control regarding overnight parking of motorhomes on car parks and how numbers have increased across a number of locations in Moray without consent. The report also asked the Committee to consider adopting revised standards for site licences issued under the Caravan Sites and Control of Development Act 1960 for proposed sites that need planning permission for the overnight parking of motorhomes with on board facilities at car parks.

Following consideration, the Committee agreed:

- (i) to note the legislative background to the overnight parking of motorhomes and the current mechanisms for controlling the use in existing car parks as set out in Section 4 of the report;
- (ii) to note the approved Moray Council standards for Holiday Caravan Sites that currently apply to all sites as set out in Appendix 1 of the report; and
- (iii) the revised standards with immediate effect to be applied to car parks that provide areas for overnight parking for motorhomes with on board facilities (this is separate from the need to obtain planning permission) as set out in Appendix 2 of the report.

### **23. MORAY LOCAL DEVELOPMENT PLAN 2015 - ANNUAL MONITORING REPORT**

Under reference to paragraph 5 of the Minute of this Committee dated 24 June 2015 and paragraph 10 of the Minute of this Committee dated 19 April 2016, a report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to consider and approve the Moray Local Development Plan (MLDP) Annual Monitoring Report 2019.

During his introduction, Mr Templeton, Principal Planning Officer advised of an error at the quality audit for Dyke in terms of the car parking design principle which should be coloured green and not red as printed. This was noted.

The Committee joined the Chair in welcoming the performance detailed within the report and thereafter agreed:

- (i) to note an error in terms of quality auditing for Dyke where the score should be green and not red as printed; and
- (ii) to approve the Monitoring Report as set out in Appendix 1 of the report.

### **24. QUESTION TIME**

Councillor Feaver asked that in future, any maps included within reports feature a North/South facing compass.

In response, the Head of Development Services agreed to this request.

## **25. TREE PRESERVATION ORDERS [PARA 13]**

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to serve Tree Preservation Orders (TPOs) in response to a number of issues that have arisen.

Following consideration, the Committee agreed to serve Tree Preservation Orders (TPOs) at:-

- (i) Knockomie (Forres), as set out in Appendix 1 of the report; and
- (ii) Miltonhill (Kinloss), as set out in Appendix 2 of the report.