

MORAY COUNCIL

MINUTE OF MEETING OF THE PLANNING & REGULATORY SERVICES COMMITTEE

19 JUNE 2018

COUNCIL CHAMBERS, ELGIN

PRESENT

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

APOLOGIES

Apologies for absence were intimated on behalf of Councillors J Divers and R McLean.

IN ATTENDANCE

The Head of Development Services, the Manager (Development Management), Mr N MacPherson, Principal Planning Officer (Development Management), Mr A Burnie, Principal Planning Officer (Development Management), Mr G Templeton, Principal Planning Officer (Planning & Development), Ms E Webster, Senior Planning Officer, Ms R MacDougall, Planning Officer, Mrs D Anderson, Senior Engineer (Transport Development), the Acting Consultancy Manager, Legal Services Manager (Property & Contracts) as Legal Adviser to the Committee 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 Councillor's Code of Conduct, there were no declarations from group leaders or spokespersons in regard to any prior decisions taken on how members will vote on any item on the Agenda nor any other declarations of Members Interest in respect of any item on the Agenda.

2. RESOLUTION

The meeting resolved that under Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for items 13-15 of business on the grounds that they involve the likely disclosure of exempt information of the class described in Paragraph 1 of Part 1 Schedule 7A of the Act.

Para Number of Minute

Para Number of Schedule 7A

13
14
15

13
13
12

3. MINUTE OF THE PLANNING AND REGULATORY SERVICES COMMITTEE DATED 24 APRIL 2018

The minute of the meeting of this Committee dated 24 April 2018 was submitted and approved subject to the inclusion of wording at paragraph 10 to reflect the requirement for a transport statement within the Kinloss Golf Course Masterplan.

4. WRITTEN QUESTIONS

The Committee noted that no written questions had been submitted.

5. PLANNING APPLICATIONS

WARD 2: KEITH AND CULLEN

17/01198/EIA

ERECTION OF 5 WIND TURBINES (AT MAX HEIGHT 130M TO BLADE TIP) CONTROL BUILDING AND SUBSTATION AND FORMATION OF ACCESS TRACKS (INCLUDING TURNING HEADS), HARDSTANDING, TEMPORARY CONSTRUCTION COMPOUND AND ASSOCIATED WORKS FOR INFRASTRUCTURE AT LURG HILL, DESKFORD FOR VENTO LUDENS LTD

A report by the Appointed Officer recommended that, for the reasons detailed in the report, planning permission be refused in respect of the erection of 5 wind turbines (at max height 130m to blade tip), control building and substation and formation of access tracks (including turning heads), hardstanding, temporary construction compound and associated works for infrastructure at Lurg Hill, Deskford for Vento Ludens Ltd. The report also advised that members of the Committee visited the site of the application on 15 June 2018.

The Committee noted that the application had been referred to Committee as the application raises matters of wider community interest and/or planning significance by virtue of the scale or height of the turbines, which exceed 40m (to blade tip).

During his introduction, Mr MacPherson, Principal Planning Officer advised that the Applicant had received further correspondence from the Ministry of Defence (MOD) confirming that a proposal by the Applicant to mitigate the unacceptable effects of the proposed development on the Air Traffic Control radar had been accepted and a suitable condition agreed however the MOD maintained their objection in relation to the effect on the Precision Approach Radar. Mr MacPherson confirmed that, even with this new information, there had been no formal withdrawal of objection from the MOD. He further advised that the Applicant had submitted a late representation which had been circulated to Members of the Committee however no new material planning considerations were included in this late representation. Mr MacPherson reminded the Committee that although the Applicant had made reference to the benefit to the Community in terms of business rates, these should not form part of the consideration process and should not be given any material weight.

Following consideration, Councillor Cowe moved that the Committee agree to refuse planning permission in respect of Planning Application 17/01198/EIA, as

recommended, for the reasons detailed in the report. This was seconded by Councillor A McLean.

There being no-one otherwise minded, the Committee agreed to refuse planning permission in respect of Planning Application 17/01198/EIA, as recommended, for the following reasons:

1. The proposal is located within the Broad Forested Hills within Upland Farmland (8a) landscape character type identified in the MWELCS 2017. The MWELCS judges that there is some limited scope to accommodate the large typology of wind turbine (80m - 130m high) within this landscape character type although constraints to development include the proximity of smaller scale settled landscapes and cumulative effects with other operational and consented wind energy development. The guidance set out in the MWELCS for this landscape character type concludes that turbines less than 100m high would be likely to minimise landscape and visual effects. This proposal would introduce a group of noticeably larger turbines into an area where a disparate array of differently sized operational wind turbines is already present. The consented Aultmore wind farm would add further wind energy development close by, although the siting of this particular development in the interior of a broad forested plateau and the use of 90m and 110m high turbines reduces its prominence from surrounding settled areas and cumulative effects with single and small groups of large farm turbines sited in the Grange Crossroads area.
2. Significant adverse effects would occur on the character of the nearby Burn of Deskford Valley where the proposed 130m high turbines would dominate the scale of buildings, woodlands and farmland. There would also be significant adverse effects on views from settlement and the B9018 in the Kirkton of Deskford to Grange Crossroads area, within approximately 5km of the proposed wind farm site and from Knock Hill and the Bin of Cullen. The contrasts of scale and siting between this proposal and operational wind turbines sited on the lower slopes of Lurg Hill would contribute to these adverse visual effects.
3. A number of inhabited properties within the immediate surrounding area would also experience significant visual impacts due to the close proximity and height of the proposed turbines, and their elevated position, which would be overbearing and unacceptable for occupants/visitors. Trees seen in the context of the proposed turbines (as a scale indicator) would further emphasise the overwhelming vertical scale of the turbines viewed from these locations.
4. The proposal would therefore give rise to significant adverse landscape character, visual, cumulative and amenity impacts, contrary to policies ER1, PP1 and IMP1, as it would not provide for a sensitive development of renewable energy nor integrate into the surrounding landscape the proposal. It would also be counter to relevant advice and guidance as contained in the MOWE and MWELCS.
5. The proposed turbines will be detectable by, and cause unacceptable interference to both the ATC and PAR radar at RAF Lossiemouth, and as such would have a significant and detrimental effect on operations and on the provision of air traffic services at RAF Lossiemouth, contrary to policy ER1.

WARD 4: FOCHABERS LHANBRYDE

17/01422/APP

ERECTION OF A NEW PRIMARY SCHOOL WITH ASSOCIATED EXTERNAL HARD AND SOFT LANDSCAPING, FENCING, CAR PARKING, PLAYGROUND, LIGHTING, SPRINKLER HOUSING, EXTERNAL EQUIPMENT STORES, CYCLE SHELTERS AND EXTERNAL REFUSE STORE AT ELGIN SOUTH, ELGIN FOR HUB NORTH SCOTLAND

A report by the Appointed Officer recommended that, subject to the conditions detailed in the report, planning permission be granted in respect of the erection of a new primary school with associated external hard and soft landscaping, fencing, car parking, playground, lighting, sprinkler housing, external equipment stores, cycle shelters and external refuse store at Elgin South, Elgin for HUB North Scotland. The report also advised that members of the Committee visited the site of the application on 15 June 2018.

The Committee noted that the application is a 'local' development by reference to current Heirarchy Regulations 2009 but a 'major' development by reference to the Council's approved Scheme of Delegation where the gross floor space of the building/structure exceeds 2000 sq m.

During his introduction, Mr Burnie, Principal Planning Officer advised the Committee of a typo at Condition 17 a) and c) which should read "in accordance with Condition 36 iii)" and not iv) as printed. This was noted.

Following consideration, Councillor Alexander moved that the Committee agree to grant planning permission in respect of Planning Application 17/01422/APP, as recommended, subject to the conditions and reasons detailed in the report.

There being no-one otherwise minded, the Committee agreed to grant planning permission in respect of Planning Application 17/01422/APP, as recommended, subject to the following conditions and reasons:

1. The permission hereby granted shall relate to the application as amended by the applicant's agent in terms of both amended and additional design details (for school building, sprinkler tank enclosure, bin store, and ASN and nursery external stores etc.) and site layout details (including alteration of the road layout, revised surface water drainage layout including addition of surface water (SUDs) attenuation pond and amended application site boundary to include the connection of two footpaths between the school and the existing Core Path EG06 and the extension of the "avenue" path onto the (northern) boundary of the school site etc.) all as described on, but not limited to, drawings 6061-JMA-00-ZZ-DR-A-00-2102 P08 S2 and 6061-JMA-ZZ-ZZ-DR-A-00-0002 P010 S2, etc.

Reason: To ensure an acceptable form of development in the interests of the appearance and amenity of the development and the surrounding area, and in accordance with the amended application particulars.

2. No development shall commence until details have been submitted to and approved by the Council, as Planning Authority regarding:

- a) samples and/or specifications and colouration of all external material finishes for all buildings/structures within the development;
- b) the location, design including confirmed height and external appearance of all discharges including the kitchen extract vent and three chimney flues or equivalent to be installed on the development as identified on drawing 6061-JMA-00-02-DR-A-00-0101 P03 S2;
- c) where not contained within any roof plant or deck area and/or projecting above any parapet and/or screen enclosing the roof areas of the school building, details to confirm the location and design specifications including height, external appearance and material finishes for all fixed plant and machinery, including ventilation and extraction, air conditioning and refrigeration systems or similar to be externally mounted or installed on the building;
- d) details to confirm the location, extent of roof area and design specifications for all proposed photo-voltaic panels to be installed within the roof area of the building including the size of each panel and array (or string) of panels and their height of projection above the roof slope and any parapet and/or screen enclosing the roof areas of the school building;
- e) details to confirm the location, design specifications and material finishes including colour of the proposed cycle shelter to be provided within the site as identified on drawing 6061-JMA-ZZ-ZZ-DR-A-00-0002 P010 S2. The details shall demonstrate that the design of the shelter provides for secure parking for 33 no cycle spaces, in accordance with Condition 14;
- f) details to confirm the location, design specifications and material finishes and timescale(s) for provision of all fences, railings or other means of enclosure to be erected within and around the boundaries of the site;
- g) details to confirm the location, size (dimensions) and design specifications and timescale for the provision of the proposed MUGA-multi-play games court within the site;
- h) a revised External Lighting Layout to accompany and relate to the revised site layout arrangements for the development (and therefore the lighting information contained within drawing 62933-DSSR-EXT-XX-DR-MEP-63001 P3 (by DSSR for Hub North Scotland) is not accepted here because it refers to initially submitted site layout details);
- i) details to confirm the timescale(s) to provide the connection of each foot path to be provided between the grounds of the school and the existing Core Path EG06, and the “avenue” path to be provided between the southern and northern boundaries of the school site; and
- j) in the event of any revision to the proposed drainage arrangements to service the site, details to confirm the finalised locations of both foul and surface water manholes to be provided to enable the separate discharge and disposal of foul and surface water off the site.

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

Reason: Details of the matters specified are lacking from the submitted particulars or are described as “tbc” or illustrative or subject to specialist design or equivalent, and to ensure an acceptable form of development in the interests of the appearance and amenity of the development and the surrounding area.

3. In relation to the proposed (amended) landscaping arrangements, no development shall commence until details have been submitted to and approved by the Council, as Planning Authority regarding:

- a) the arrangements to protect existing planting located along the western boundary of the site before, during and after construction works for the school including the formation of the path links to be provided between the school and Core Path EG06 (the former dismantled railway line) located along the western boundary of the site;
- b) to supplement the proposed (tree, shrub and hedge) planting along the southern boundary, details of further hedge planting (including location and planting specifications (number, species, position, planting distances and sizes) to be provided between the (vehicle) access to the site and the area of 'feature paving (opportunity to connect with the wider masterplan subject to discussion with adjacent land owner)' located adjacent to the proposed cycle shelter (drawing ED12204-L-4000 Rev F refers);
- c) details, to include the location and planting specifications (number, species, position, planting distances and sizes) of the proposed SUDs wetland habitat planting area including aquatic planting etc. (drawing ED12204-L-4002 Rev D refers); and
- d) details to confirm the timescale(s) for all landscape planting arrangements to be provided within the site.

Thereafter, the development shall be implemented in accordance with the approved landscaping details and for all landscaping requirements whether provided in accordance with the requirements of this condition or the amended landscaping arrangements already provided, any trees, shrubs and hedging which, within a period of 5 years from the planting, die, are removed or become seriously damaged or diseased shall be replaced not later than the end of the following planting season with others of similar size, number and species unless otherwise agreed, in writing, with the Council, as Planning Authority.

Reason: In order that detailed consideration can be given to the landscaping of the site including landscaping details currently lacking from the submission and to ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the amenity and character of the development or the surrounding area.

4. The arrangements for the management and disposal of surface water within (and off) the site shall be undertaken in accordance with the (revised) drainage strategy and design details identified within the Drainage Assessment & Flood Risk Assessment (September 2017, Issue 04 dated 16 May 2018 by Waterman) including the proposed drainage layout (drawing WE-SA-92-0700-A10 by Waterman) with surface water drainage discharging to an above ground SUDs attenuation pond arrangement (replacing an earlier proposed below ground attenuation system which is not approved) located towards and within the north western corner of the site (drawing 6061-JMA-ZZ-ZZ-DR-A-00-0002 P010 S2 refers) **BUT** no development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with Moray Flood Risk Management and SEPA regarding:
 - a) detailed design specifications, to include cross and long sections (to scale) to describe the actual formation of the proposed SUDs pond (as opposed to "Typical" details shown in the identified Drainage Assessment & Flood Risk Assessment), including its extent, size or area and depth of pond and permanent water level, angle of repose/incline of side slopes, and any proposed series of terraces or benches to be provided within the pond, for example for the establishment of the proposed aquatic zone,

- together with confirmation of the design standard(s) (related to flood and/or rainfall event period(s)) and finished levels for the pond shall be related to existing ground levels and a fixed datum level;
- b) details of any separate or specialist surface water drainage arrangements and requirements for the proposed MUGA multi-play games court;
 - c) details of the arrangements to address the integration of any separate or specialist drainage arrangements (for example, for the proposed MUGA multi-play games court) into the overall surface water drainage scheme for the school as hereby approved;
 - d) as proposed/identified within the identified Drainage Assessment & Flood Risk Assessment, details to confirm the results of any further infiltration tests (in line with BRE digest 365) carried out on the site to determine ground conditions including soil porosity and feasibility for infiltration within the site;
 - e) notwithstanding the indicative details included in the identified Drainage Assessment & Flood Risk Assessment, details to confirm:
 - i) the arrangements for the disposal of surface water off the site, including the location and route of the pipe from the proposed SUDs attenuation pond and manholes into which surface water will be discharged within the school site to the proposed outfall into the Linkwood Burn;
 - ii) the design specifications including material finish of the outfall including inlet and outlet levels; and
 - iii) the design specifications, which may include cross-sections, to describe the pipe dimension, pipe bedding and depth and width of trench; and
 - f) details to confirm the adopting authority/authorities or in perpetuity body/bodies for all surface water drainage arrangements.

Thereafter, the development shall be implemented in accordance with the approved surface water drainage arrangements and all approved surface water arrangements shall be provided and made operational prior to first use and occupation of the school.

Reason: To ensure an acceptable and sustainable form of development is achieved in relation to the management and disposal of surface water from the site including details of the matters specified are currently lacking from the current proposed drainage design.

5. In the event that the results of further investigation of porosity and infiltration (Condition 4 d) refers) inform and determine any required/proposed revision to the proposed surface water drainage arrangements identified within Condition 4 above then, prior to development works commencing on the site a revised surface water drainage scheme shall be submitted to and approved by the Council, as Planning Authority in consultation with Moray Flood Risk Management and SEPA. The revised scheme shall identify:
 - a) the (revised) drainage strategy and details of all sustainable drainage (SUDs-based) features to be provided including details of the location, design construction specifications, level(s) of treatment, supporting calculations (including use of the simple index approach) and time-scale(s) for the provision and maintenance of all (sustainable) surface water features including roads drainage to be incorporated into the site layout of the development;

- b) be designed to and demonstrate compliance with all aspects of guidance contained within the SUDs Manual by CIRIA C753;
- c) be designed to manage surface water rainfall events up to and including the 1 in 200-year plus climate change rainfall return event, provide above ground attenuation, and the rate and volume of surface water run-off from the post-development situation shall not exceed the surface water run-off from the existing greenfield site; and
- d) confirm the adopting authority/authorities or in perpetuity body/bodies for all surface water drainage arrangements.

Thereafter, the development shall be implemented in accordance with the approved (revised) surface water drainage arrangements and all approved surface water arrangements shall be provided and made operational prior to first use and occupation of the school.

Reason: To ensure an acceptable if revised sustainable form of development is achieved in relation to the management and disposal of surface water following further investigation of soil porosity and infiltration within the site.

6. No development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with Moray Flood Risk Management and SEPA regarding a construction surface water management plan (which may also be included as part of the requirements of Condition 7). The plan shall:

- a) include the location, design specifications and time-scales(s) for the provision and duration of all required, proposed temporary site construction SUDs in order to demonstrate that surface water run-off from the site will be managed and not increase the risk of flooding during the construction phase of the development; and
- b) in taking into account all proposed construction working practices to be undertaken within the site, identify all measures to be adopted and implemented to control, intercept and prevent surface water and sediment run-off from the site including, but not be limited to, measures identified in the Drainage Assessment & Flood Risk Assessment (September 2017, Issue 04 dated 16 May 2018 by Waterman).

Thereafter, the development shall be implemented in accordance with the approved construction surface water management details and all proposed/approved arrangements shall be provided and in-situ prior to first commencement of construction works on the site.

Reason: To ensure an acceptable form of development and to mitigate and minimise the impact of construction works on the existing (water) environment, including the absence of confirmed or actual measures to be adopted within the submitted Drainage Assessment & Flood Risk Assessment.

7. Notwithstanding the submitted Construction and Management Environmental Plan (by Balfour Beatty, which is not hereby accepted), no development shall commence until a site-specific Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Council, as Planning Authority in consultation with SEPA, SNH and other agencies as appropriate. The CEMP shall:

- a) address all pollution prevention and environmental management issues related to the development;
- b) identify all risks and detailed pollution prevention measures, site management and mitigation measures for all elements potentially capable of giving rise to pollution and be supported by drawing(s) to show the location of management features;
- c) specifically address and include the following:
 - incorporation of CIRIA C753 guidance and SEPA's Guidance for Pollution Prevention 2 into site-specific proposals;
 - a site-specific plan to show areas where spill kits will be held, the welfare compound, fuel storage areas, etc. (i.e. general site construction site activities);
 - details about how the concrete wash will be emptied and where wastewater will be disposed, including arrangements to prevent spills and leaks;
 - details of the provision for wheel/boot wash including the location of the facility and arrangements to remove wash effluent off the site, and details for the provision for a drip tray for any refuelling bowser;
 - a drainage plan for SUDs for all relevant construction areas and due to the presence of the Linkwood Burn and its tributary, details about how these waterbodies will be protected during the construction phase (see also Condition 6 above); and
 - a wet weather management plan showing how excavation and movement of top soils and the re-grading of land during construction will be minimised or prevented/avoided in wet weather; and
- d) in accordance with the submitted Preliminary Ecological Appraisal (August 2017 by Waterman), identify and confirm all ecological measures, including 'good practice' measures to be adopted, including but not limited to mitigation arrangements to be adhered to in the form of protection measures to habitats and protected and notable fauna including birds (nesting and foraging) and bats (foraging and commuting) during the construction phase of the development.

Thereafter, and throughout its construction period, the development shall be implemented in accordance with the approved CEMP details.

Reason: To ensure an acceptable form of development and to minimise impacts of construction upon the surrounding land, air and water environment, including protected and notable species/habitats and the amenity of neighbouring property.

8. No development shall commence until details have been submitted to the Council, as Planning Authority in consultation with SNH to confirm all required/proposed mitigation and enhancement measures to be incorporated into the development in relation to habitats and protected and notable fauna. The details shall be based closely upon (but not limited to) the recommendations within the submitted Preliminary Ecological Appraisal (August 2017 by Waterman) and shall:
 - a) identify and confirm all landscape planting species intended to provide a variety of foraging resources for protected and other species, for example bats and birds;
 - b) identify and confirm all measures to be included and adopted to minimise the risk to wildlife including protected and other species and habitats during construction;

- c) identify and confirm all ecological enhancement measures to be incorporated into the design of the development. The enhancement measures may include, but not be limited to:
 - measures to retain and enhance green corridors (for example, along the western boundary of the site);
 - measures to provide and enhance foraging and commuting opportunities for protected (and other) species (including any revisions, where required, to currently submitted landscape details to improve connectivity between the site and foraging/commuting routes);
 - the provision of bat boxes, bird boxes and invertebrate boxes/bug hotels (to include details about the number, location, design specifications and timescale(s) for provision of such boxes or similar, to enhance the value of the site to species); and
 - details to demonstrate that a sensitive external lighting scheme is provided, to minimise the impact of the development during both construction and operation of the development;
- d) details to confirm the arrangements including timescale(s) for undertaking ground breaking and vegetation clearance operations on the site, to be undertaken outwith the bird breeding season and where such works cannot be undertaken outwith the bird breeding season, the arrangements to undertake further on-site, pre-commencement survey work arrangements to check the site for the presence of protected species and mitigation measures to be adopted in the event of the presence of protected species and habitats on the site; and
- e) details to confirm the location, design specifications and timescale(s) for provision of proposals for anti-gull prevention measures to be incorporated into the design of the development.

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

Reason: Details of the actual measures to be adopted in order to mitigate the impact of the development upon habitats and species, and to enhance bio-diversity are lacking from the submitted particulars and to ensure an acceptable form of development in accordance with the recommendations identified in the submitted Preliminary Ecological Appraisal both to afford protection of species and habitats and identification of measures to conserve and enhance biodiversity of the site as well as raise educational and environmental awareness as part of the development.

- 9. Construction works associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0800 - 1900 hours, Monday to Friday, and 0800 - 1300 hours on Saturdays only, and at no other times outwith these permitted hours (including national holidays) shall construction works be undertaken except where previously agreed, in writing, with the Council, as Planning Authority in consultation with the Environmental Health Manger and where so demonstrated that operation constraints require limited periods of construction works to be undertaken outwith the permitted/stated hours of working.

Reason: To minimise the impact of construction works on the amenity of the surrounding area, including neighbouring residential property.

10. Unless otherwise agreed, construction noise criteria for the permitted construction hours (Condition 9) shall be in accordance with BS 5228 ABC method detailed in Table 11, Section 4.1.1 of the submitted Noise Impact Assessment (document WIE 12754-101-2-1-2-MM, August 2017, titled "Linkwood Primary School, Elgin, Noise Impact Assessment", by Waterman).

Reason: To minimise the impact of construction works upon the amenity of the surrounding area, including neighbouring residential property in accordance with the applicant's submitted Noise Impact Assessment.

11. No development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Environmental Health Manager regarding the proposed kitchen ventilation/extraction system to be installed, including all measures to mitigate and control cooking odours together with the arrangements for the maintenance of any installed system.

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

Reason: Details of the matters specified are lacking from the submission and to ensure an acceptable form of development in the interests of the amenity of the area including any neighbouring residential property.

12. Fixed mechanical plant associated with the operation of the development shall not exceed the rating level $L_{Ar, Tr}$ of 33 dB during the daytime period of 0700 to 2300 hours at the nearest noise sensitive dwelling. Where required, all measurement and assessment to demonstrate compliance with the rating level as hereby specified shall be undertaken in accordance with BS 4142: 2014 Methods for rating and assessing industrial and commercial sound.

Reason: To ensure an acceptable form of development and minimise the impact of fixed plant operational noise associated with the development upon the amenity of the surrounding area, including neighbouring property.

13. No development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with Aberdeenshire Archaeology Services regarding a written scheme of investigation to implement a programme of archaeological works on the site. The scheme shall provide for a monitored 5-7% trial trenching evaluation of the site. The results of the evaluation shall inform and identify whether further phases of mitigation are required.

Thereafter, the development shall ensure that the approved programme of works is fully implemented and all recording and recovery of archaeological resources within the site shall be undertaken to the satisfaction of the Council, as Planning Authority in consultation with Aberdeenshire Archaeology Services.

Reason: To safeguard and record the archaeological potential of the site in accordance with the recommendations of the submitted Historic Environment Desk Based Assessment (September 2017, by Waterman).

14. Parking provision for Linkwood Primary School as hereby approved shall be provided and made available for use at all times in accordance with the following level(s) of provision:

- standard spaces – 36 spaces
- disabled spaces – 4 spaces
- secure and covered cycle spaces – 33 spaces

Thereafter, the school shall not be brought into use until all parking has been provided in accordance with the approved details and the parking arrangements shall be retained and maintained in perpetuity as parking spaces 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.

15. No development shall commence until details have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority regarding the formation of any proposed/required construction access (which includes any temporary access) to the development from any public road. The required details shall include:
- i) a drawing (scale 1:500 minimum) regarding the location and design specifications of the proposed access;
 - ii) all traffic management measures required to ensure safe operation of the construction access; and
 - iii) details including materials and timescales for the formation and subsequent re-instatement of the land once any temporary construction access is no longer required.

Thereafter, the works 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.

16. 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;
 - number of vehicle movements (i.e. materials, plant, staff, components);
 - anticipated schedule for delivery of materials and plant;
 - measures to be put in place to prevent material being deposited on the public road; 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.

17. Prior to the first use commencing or occupation of Linkwood Primary School and through it's association and location within the Phase 1 Elgin South

development area (as approved under formal decision notice 16/01244/APP dated 10 May 2018), the following shall be delivered in accordance with required and/or approved details (including location and design specifications informed by a Stage 1/2 Road Safety Audit) and agreed timescales which shall previously have been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority:

- a) the delivery of a new pedestrian and cycle bridge crossing the Linkwood Burn, in accordance with Condition 36 i) and iii) of the aforementioned formal decision notice;
- b) the delivery of a 3.0m wide cycle path connection from the new pedestrian and cycle bridge crossing to the proposed development entrance including provision of a toucan crossing on Linkwood Road, in accordance with Condition 59 i) and iii) of the aforementioned formal decision notice;
- c) the delivery of a continuous 6.0m wide carriageway and pedestrian and cycle shared use path on the eastern side of the road side from the Linkwood bridge to the junction with Reiket Lane, in accordance with Condition 36 ii) and iii) of the aforementioned formal decision notice; and
- d) a detailed drawing (scale 1:500) showing the location, design specifications and timescale for delivery of a 6m wide road (minimum) with 3m wide shared use path on the north side from the site access to and including a new priority junction onto Linkwood Road with a 4.5m x 120m visibility splay at the junction. The design details for this road shall also be informed by a Stage 1/2 Road Safety Audit (RSA) and the RSA shall be included as part of the required details.

Reason: To ensure acceptable infrastructure is provided to access the development by foot, cycle, vehicle and public transport in the interests of road safety, including the provision of details currently lacking from the submission.

WARD 4: FOCHABERS LHANBRYDE

17/01710/APP

**ERECT INDOOR TENNIS COURT CENTRE AT
MORAY SPORTS CENTRE, LINKWOOD ROAD,
ELGIN FOR MORAY SPORTS CENTRE**

A report by the Appointed Officer recommended that, subject to the conditions detailed in the report, planning permission be granted in respect of the erection of an indoor tennis court centre at Moray Sports Centre, Linkwood Road, Elgin for Moray Sports Centre. The report also advised that members of the Committee visited the site of the application on 15 June 2018.

The Committee noted that the application had been referred to the Committee as the application is a major development under the approved Scheme of Delegation where the gross floorspace of the Centre exceeds 2000 sq m.

During his introduction, Mr Burnie, Principal Planning Officer advised the Committee of a typo at Condition 6 a) and c) which should read "in accordance with Condition 36 iii)" and not iv) as printed. This was noted.

Following consideration, the Chair moved that the Committee agree to grant planning permission in respect of Planning Application 17/01710/APP, as recommended, subject to the conditions and reasons detailed within the report.

There being no-one otherwise minded, the Committee agreed to grant planning permission in respect of Planning Application 17/01710/APP, as recommended, subject to the following conditions and reasons:

1. In respect of the proposed (4-court) indoor Tennis Court Centre facility:
 - a) no part of the development as hereby granted shall be exercised in conjunction with, or in addition to, the 6-court outdoor tennis facility included as part of the development approved under formal decision notice 16/01244/APP dated 10 May 2018; and
 - b) no part of the permission as hereby granted extends to 'Phase 2' of the indoor Tennis Court Centre as indicated on drawing MSC_SL_PL_02 Rev A.

Reason - In accordance with the applicant's supporting statement/letter as submitted with the application (1 November 2017) and in order to ensure an acceptable form of development whereby only one permission to provide tennis courts alongside the Moray Sports Centre (as approved under formal decision notice 16/01244/APP dated 10 May 2018) is implemented, the indoor tennis court facility being proposed in lieu of the previously proposed outdoor tennis court facility and is considered here as an acceptable alternative to that already approved rather than an addition thereto. No detailed design, site layout and servicing arrangements for 'Phase 2' have been provided as an integral part of this current application.

2. As part of the development hereby approved:
 - a) the indoor Tennis Court Centre shall operate alongside, and be used in conjunction with the Moray Sports Centre (to be provided as part of the development approved under formal decision notice 16/01244/APP dated 10 May 2018) including provision for, and use of, parking and changing accommodation and access to/from and through the Moray Sports Centre;
 - b) the proposed access onto Linkwood Road shall be a temporary access for use during the construction of the indoor Tennis Court Centre; and
 - c) the area located to the south and east of the indoor Tennis Court Centre shall be used solely as a site compound area for use during the construction of the indoor Tennis Court Centre as hereby approved.

Reason - In accordance with the applicant's submitted particulars and amended details and to ensure an acceptable form of development.

3. Once provided and first made available for use:
 - a) in relation to toilet facilities or equivalent provision being provided within under formal decision notice 16/01244/APP dated 10 May 2018), the 2no. portaloos, where so installed for use in conjunction with the indoor Tennis Court Centre, shall be permanently removed from the site and the land shall revert to its intended use as part of the landscaped external sports and recreational area forming part of the Moray Sports Centre, in accordance with the aforementioned formal decision notice; and
 - b) in relation to the indoor Tennis Court Centre as hereby approved, the temporary hardcore aggregate surface to the site compound together with all site compound accommodation equipment machinery and materials shall be permanently removed from the site and the temporary access

onto Linkwood Road shall be permanently closed up and all affected land shall revert to its intended use as part of the landscaped external sports and recreational area forming part of the Moray Sports Centre and/or landscaping arrangements to be provided along Linkwood Road, in accordance with the aforementioned formal decision notice.

Reason - In accordance with the applicant's submitted particulars and amended details, and to ensure an acceptable form of development wherein the site compound and access arrangements off Linkwood Road are all temporary facilities to be provided solely during the construction phase of the Centre as hereby approved.

4. No development shall commence until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has previously been submitted to and approved by the Council, as Planning Authority in consultation with Aberdeenshire Council Archaeology Service. The required scheme details shall provide for a 5 - 7% trial trenching archaeological evaluation of the site and the results of the evaluation shall inform and identify whether further archaeological mitigation is required.

Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the agreement of the Council, as Planning Authority in consultation with Aberdeenshire Council Archaeology Service.

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

5. No development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Moray Access Manager regarding a detailed Public Access Plan for the development as hereby approved. The Public Access Plan shall:
 - a) address the arrangements (existing, during construction and upon completion of the development) for public access across the site;
 - b) be based upon, and incorporate the requirements of, Condition 25 of the development as approved under formal decision notice 16/01244/APP dated 10 May 2018 including any Public Access Plan prepared for the Moray Sports Centre alongside which the indoor Tennis Court Centre would operate; and
 - c) include the timescale(s) for the provision of all foot and cycle paths, in particular proposals for connectivity of the indoor Tennis Court Centre as hereby approved to existing and/or proposed foot and cycle path arrangements along Linkwood Road, the latter to be provided in accordance with the aforementioned decision notice.

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

Reason - To ensure an acceptable form of development wherein details of the matter specified is lacking from the submission, and in the interests of public access and connection of the site to wider path networks.

6. Prior to the first use commencing or occupation of the indoor Tennis Centre, and through its association, use and location within the grounds of the Moray Sports Centre (to be provided as part of the development approved under formal decision notice 16/01244/APP dated 10 May 2018), the following shall be delivered in accordance with details (including location and design specifications informed by a Stage 1/2 Road Safety Audit) and agreed timescales which shall previously have been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority:
 - a) the delivery of a new pedestrian and cycle bridge crossing of the Linkwood Burn, in accordance with Condition 36 i) and iii) of the aforementioned formal decision notice;
 - b) the delivery of a 3.0m wide cycle path connection from the new pedestrian and cycle bridge crossing to the proposed development entrance including provision of a toucan crossing on Linkwood Road, in accordance with Condition 59 i) and iii) of the aforementioned formal decision notice; and
 - c) the delivery of a continuous 6.0m wide carriageway and pedestrian and cycle shared use path on the eastern side of the road side from the Linkwood bridge to the junction with Reiket Lane, in accordance with Condition 36 ii) and iii) of the aforementioned formal decision notice.

Reason – To ensure acceptable infrastructure is provided to access the development by foot, cycle, vehicle and public transport in the interests of road safety, through the provision of details currently lacking from the submission.

7. As part of the development hereby granted and through its association, use and location within the grounds of the Moray Sports Centre (to be provided as part of the development approved under formal decision notice 16/01244/APP dated 10 May 2018):
 - a) prior to development works commencing on the indoor Tennis Centre as hereby approved, details shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority regarding the detailed location and design specifications for cycle parking provision, in accordance with the requirements of Condition 5 i) and 56 of the aforementioned formal decision notice; and
 - b) prior to use of the indoor Tennis Court Centre hereby approved first commencing, all operational parking (disabled, car motorcycle and cycle) for the development associated with the adjacent Moray Sports Centre shall be provided and made available for use, in accordance with the operational parking specifications required under Condition 5 i) and 56 of the aforementioned formal decision notice.

Reason - To ensure the permanent availability of the level of parking necessary in the interests of an acceptable development and road safety and in accordance with the applicant's submitted particulars which confirm that the indoor Tennis Centre will operate alongside the MSC and utilise its car parking.

8. As part of the development hereby granted and through its association, use and location within the grounds of the Moray Sports Centre (to be provided as part of the development approved under formal decision notice 16/01244/APP dated 10 May 2018), no development shall commence until the following details have been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority:

- a) a Travel Plan, which sets out proposals for reducing dependency on the private car, in accordance with Condition 40 of the aforementioned formal decision notice. The Plan shall be implemented from the first date of use of the indoor Tennis Court Centre hereby approved; and
- b) a Travel Information Pack, which sets out opportunities for travel by foot, cycle and public transport, in accordance with Condition 41 of the aforementioned formal decision notice; and

Thereafter, the Plan and Pack shall be provided and made available in accordance with the approved details.

Reason - To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment together with details of the matters specified being insufficient or lacking from the submitted particulars, and to ensure an acceptable form of development in the interests of, amenities and appearance of the development including the provision of cycle parking for persons attending the site.

9. No development shall commence until details (scale 1:500) have been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority showing the vehicle swept paths for any operational (servicing) associated with the temporary toilet facilities

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

10. No development shall commence on any area proposed for development of the indoor Tennis Centre until details have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority regarding the formation of any required/proposed (temporary) site construction accesses (which includes any temporary access(es) to the area proposed for development from any public road). The details shall include:

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

Thereafter, the works shall be provided 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.

11. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority (in accordance with the scope of the CTMP which shall previously have been agreed with the Council, as

Roads Authority). The CTMP details shall include but not be limited to the following:

- duration of works;
- construction programme;
- number of vehicle movements (i.e. materials, plant, staff, components);
- anticipated schedule for delivery of materials and plant;
- measures to be put in place to prevent material being deposited on the public road;
- parking provision, loading and unloading areas for construction traffic.

Thereafter, the CTMP shall be implemented in accordance with the approved details for the duration of the construction works associated with the indoor Tennis Centre.

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

12. No development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with Moray Flood Risk Management for a construction surface water management plan for the development. The plan shall include the location, design specifications and time-scales(s) for the provision and duration of all required, proposed temporary site construction SUDs in order to demonstrate that surface water run-off from the site will be managed and not increase the risk of flooding during the construction phase of the development.

Thereafter, the development shall be implemented in accordance with the approved construction surface water management plan details.

Reason - To ensure an acceptable and sustainable form of development is provided in order to minimise the impact of construction works on the (water) environment, including details which are lacking from the submission including confirmation of actual measures to be provided.

WARD 4: FOCHABERS LHANBRYDE

17/01958/APP

ERECT 61-BED HOTEL, ASSOCIATED PLANT, PARKING ACCESS, LANDSCAPING AND WORKS AT LAND TO THE SOUTH OF THE A96(T) AT PLOT 3B BARMUCKITY BUSINESS PARK, ELGIN FOR DRUM CAPITAL PROJECTS LTD/TRAVELODGE HOTELS LTD

A report by the Appointed Officer recommended that, subject to the conditions detailed in the report, planning permission be granted in respect of the erection of a 61-bed hotel, associated plant, parking access, landscaping and works at land to the south of the A96(T) at Plot 3B, Barmuckity Business Park, Elgin for Drum Capital Projects Ltd/Travelodge Hotels Ltd. The report also advised that members of the Committee visited the site of the application on 15 June 2018.

The Committee noted that the application had been referred to the Committee as the application has been advertised as a departure from the local development plan.

During his introduction, Mr MacPherson, Principal Planning Officer advised that, in relation to the landscaping detailed in condition 2, it was intended to use Ash trees however due to a disease affecting Ash trees at the moment, the Applicant had agreed to use a suitable alternative species. Mr MacPherson sought the agreement of the Committee to include an informative that the landscaping scheme referred to in condition 2 and 4 shall not include the provision of any proposed Ash trees and that these should be replaced with a suitable native alternative. This was agreed.

During discussion surrounding the provision of accessible car parking spaces at the proposed development, Councillor Cowe raised concern that there were not enough accessible spaces to accommodate other users of the facility beyond the number of accessible rooms within the hotel and moved to grant planning permission in respect of Planning Application 17/01958/APP, as recommended, subject to the conditions and reasons detailed within the report including an additional condition for the provision of an amended plan detailing an increase to at least 5 disabled parking spaces to the satisfaction of the Transportation Service. This was seconded by Councillor Coy.

There being no-one otherwise minded, the Committee agreed to grant planning permission in respect of Planning Application 17/01958/APP, as recommended, subject to the following conditions and reasons including:

- (i) an additional condition for the provision of an amended plan detailing an increase to 5 disabled parking spaces to the satisfaction of the Transportation Service; and
 - (ii) an informative from the Manager (Development Management) that the landscaping scheme referred to in condition 2 and 4 shall not include the provision of any proposed Ash trees and that these should be replaced with a suitable native alternative.
1. The use hereby approved shall not come into use until it is accessed from a fully opened roundabout entrance onto the A96 trunk road.

Reason - To ensure that the movement of traffic and pedestrians is confined to the permitted means of access thereby lessening the danger to and interference with the free flow of traffic on the trunk road.

2. Unless otherwise agreed in writing with the Council as Planning Authority the following submission supplements the approved landscaping for the site and can be identified as the approved Landscape Design for Elgin Business Park – Phase 1 submitted to Moray Council on 30st May 2018. This includes the following report and associated drawings listed below:
 - a) Landscape Design Report - Elgin Business Park
 - b) Detailed Landscape Proposal: Associated Details, Drawing No. LSCP_SL_01 Rev #
 - c) Detailed Landscape Proposal: Plan, Drawing No. LSCP_SL_01 Rev C.
 - d) Detailed Landscape Proposal: Existing & Proposed Sections A-A, Drawing No. LSCP_SL_02 Rev B
 - e) Detailed Landscape Proposal: Existing & Proposed Sections B-B, Drawing No. LSCP_SL_03 Rev B

The boundary screen planting and associated engineering works/structures shall be implemented in full in accordance with the timescales set out in section 6 of the Landscape Design Report. Any trees, shrubs and hedge plantings which within a period of 5 years from 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 spacing unless the Council, as Planning Authority gives written consent to any variation of this condition and during and after the specified period all landscaping details shall be maintained in accordance with the above Landscape Design Report Maintenance Schedule Section 8.

Reason - In order to ensure that the approved landscaping works and related adjoining landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development of the amenity, appearance, character and quality of the development and the surrounding area.

3. 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 hotel; 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.

4. The landscaping shall be carried out in accordance with the approved landscape scheme and once planted must thereafter be maintained in accordance with the submitted Travelodge landscaping maintenance policy submitted as part of the landscaping scheme.

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.

5. During the night time hours of 2300 to 0700 hours the rating level of noise associated with the development shall not exceed 34 dB at the nearest noise sensitive dwelling. 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 the interests of residential amenity or noise sensitive buildings.

6. The northern composite façade of the proposed hotel (comprising walls, windows and ventilation methods) shall provide a noise reduction of at least 46 dB RW to external road traffic noise levels, in order to ensure that internal levels in bedrooms meet with the noise levels stated in Table 4 of the noise impact assessment supporting document by ITP Energised, 7 Dundas Street, Edinburgh, EH3 6QG, dated 29/01/2018. Project Number 11297-002 and titled "Proposed Hotel - Barmuckity Business Park, Elgin, Noise & Vibration Assessment."

Reason – In order to ensure that the noise levels for prospective users of the hotel are sufficiently protected from trunk road traffic noise.

7. No development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Environmental Health Manager, details of measures to suitably control cooking odours arising from the use of the premises, including the installation and maintenance of any required/proposed ventilation system. Thereafter, the odour control arrangements shall be implemented in accordance with the approved details.

Reason – In order to ensure that further consideration and control can be maintained over any measures required to prevent cooking odours from causing a nuisance.

8. Construction works associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0800 - 1900 hours, Monday to Friday and 0800-1300 hours on Saturdays only, and at no other times out with these permitted hours (including national Holidays) shall construction works be undertaken except where previously agreed in writing with the Council as Planning Authority and where so demonstrated that operational constraints require limited periods of construction works to be undertaken out with the permitted/stated hours of working.

Reason - To minimise the potential disturbance and impact from construction operations occurring within the site upon the amenity of the surrounding area including the nearest noise-sensitive property.

9. Unless otherwise agreed in writing with the Council as Planning Authority in consultation with the Environmental Health Manager, all noise emissions and any monitoring shall observe and not exceed limits described in BS 5228-1:2009 Code of Practice for noise and vibration control on construction and open sites (Part 1: Noise, Table E.1, page 119 refers) during the permitted hours of construction phase.

Reason - To minimise the potential disturbance and impact from construction operations occurring within the site upon the amenity of the surrounding area including the nearest noise-sensitive property.

10. The dust control mitigation measures referred to in Appendix F of the ITP Energised report: Air Quality Impact Assessment dated 2/2/18 project number 11297 must be implemented for the construction phase of the development.

Reason – In order to ensure nuisance, road safety and health risks from dust generated on the site are kept to a minimum.

11. Prior to the commencement of development the following must be submitted for approval by the planning authority in consultation with the roads authority:
 - a) a plan (1:1000 min) showing the extent of the road and path network to be completed by others prior to any part of the proposed development becoming operational or brought into use;
 - b) a plan (1:500 min) is required showing a visibility splay of 4.5 metres by 70 metres at the site access, with boundary walls/fences/hedges set back

to a position behind the required visibility splay, the visibility splay clear of any obstructions over 0.6 metres in height as measured from the edge of the carriageway, and a schedule of maintenance for the splay.

- c) A plan (1:500 min) showing the provision of a 3 metre wide dropped kerb crossing across the access to the development.

Thereafter the development must be completed in accordance with the approved details prior to any part of the development being occupied or brought into use.

Reason – To ensure an acceptable infrastructure is provided on the route to/from the development in the interests of road safety and 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.

- 12. Prior to development commencing sample panels of the proposed Vieo aluminium wall cladding, alternative wall cladding/panels, rainwater goods, aluminium roof cladding and aluminium feature flashing must all be submitted to and approved in writing by the Council as Planning Authority.

Reason - In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.

- 13. Unless otherwise agreed in writing with the Council as Planning Authority, the surface water drainage arrangements for the development, must be maintained in accordance with the “Drainage & SUDS Maintenance Plan, Barmuckity Business Part, Elgin, - Site 3B, May 2018, Issue 2” submitted on the 29th May 2018. Furthermore, evidence must be submitted to Moray Council of the 5 yearly tank interior survey and maintenance (if required) each time this is carried out as specified on Page 4 of the approved maintenance plan.

Reason – To ensure the proposed surface water drainage arrangements for the development are properly maintained so as to remain fully functional and not to contribute to flooding off or on site.

- 14. No work shall commence until a revised drawing scale 1:500 has been submitted to and approved in writing by the planning authority in consultation with the transportation section to show the provision of a total of 5 accessible car parking spaces to be provided within the site, within close proximity to the building entrance.

The approved details shall be fully implemented in accordance with the approved revised drawing.

Reason: To increase the provision of accessible car parking spaces within the site.

6. HOUSING LAND AUDIT 2018

A report by the Corporate Director (Economic Development, Planning and Infrastructure) summarised the housing land supply situation in Moray and asked the Committee to agree the final version of the Moray Housing Land Audit 2017.

Scottish Planning Policy requires planning authorities to carry out an annual Housing Land Audit to ensure there is a 5 year effective housing land supply available at all times. The Housing Land Audit 2017 identifies that there is a 6.76 year effective supply of housing land with a total 24 year established land supply.

Following consideration, the Committee agreed:

- (i) to note the housing land supply in Moray; and
- (ii) the finalised Moray Housing Land Audit.

7. MORAY EMPLOYMENT LAND AUDIT 2018

A report by the Corporate Director (Economic Development, Planning and Infrastructure) provided the Committee with a summary of the key findings of the Moray Employment Land Audit 2018 and asked the Committee to agree the Moray Employment Land Audit 2018.

Scottish Planning Policy requires that the supply of marketable employment sites be regularly reviewed to ensure there is a sufficient supply of land to meet current and anticipated market requirements. The Employment Land Audit 2018 identifies that there is 80.62 hectares (net) of marketable/effective employment land, of which 18.07 hectares (net) is immediately available.

Following consideration, the Committee agreed:

- (i) to note the employment land supply in Moray, as summarised in Section 4 and Appendix 1 of the report; and
- (ii) the finalised Moray Employment Land Audit 2018 as set out in Appendix 2 of the report.

8. MORAY HOUSING NEED AND DEMAND ASSESSMENT 2017

A report by the Corporate Director (Economic Development, Planning and Infrastructure) informed the Committee of the status of the Housing Need and Demand Assessment (HNDA) and its findings.

Scottish Planning Policy requires that Local Development Plans and Local Housing Strategies are developed in tandem and that both are supported by a HNDA. The report found that the Council's HNDA was assessed as "robust and credible" on 5 April 2018.

The Committee joined the Chair in commending the Service in achieving a "robust and credible" status and thereafter agreed to note:

- (i) the "robust and credible" status of the Housing Need Demand Assessment 2017, and its key findings;
- (ii) that the "robust and credible" status of the Housing Need and Demand Assessment 2017 has been reported to Communities Committee in May 2018; and

(iii) the implications for the Local Development Plan 2020 as set out in Section 6 of the report.

9. FLOOD RISK AND DRAINAGE IMPACT ASSESSMENT FOR NEW DEVELOPMENTS SUPPLEMENTARY GUIDANCE

A report by the Corporate Director (Economic Development, Planning and Infrastructure) asked the Committee to approve the content of the draft Supplementary Guidance on Flood Risk and Drainage Impact Assessment for New Developments and thereafter, agree to issue the guidance for public consultation. The Supplementary Guidance aims to improve the design and construction of new developments with regard to flood risk and drainage and provides clear advice on the flood risk and drainage factors that should be considered when planning a new development.

Following consideration, the Committee agreed:

- (i) the content of the Supplementary Guidance as set out in Appendix 1 of the report;
- (ii) that the draft Supplementary Guidance be used as a material consideration for development management purposes;
- (iii) to issue the Supplementary Guidance for public consultation for an 8 week period; and
- (iv) that consultation responses are reported to a future meeting of this Committee along with the final Flood Risk and Drainage Impact Assessment for New Developments Supplementary Guidance.

10. ALIGNING PLANNING AND ROADS CONSTRUCTION CONSENT

A report by the Corporate Director (Economic Development, Planning and Infrastructure) informed the Committee of a proposal to seek to align Planning Consent and Roads Construction Consent (RCC) in circumstances where the applicant/developer agrees to this approach.

Following consideration, the Committee agreed:

- (i) to note that Designing Streets is Scotland's policy statement on street design;
- (ii) that aligning the design principles of Planning and RCC should be promoted as best practice by Moray Council in circumstances where the applicant/developer agrees to this approach and signs a Processing Agreement;
- (iii) to note that existing procedures will be reviewed to enable the consenting processes to be aligned as proposed in Appendix 1 of the report;
- (iv) to the proposed financial incentives to be offered to assist developers with the additional upfront costs of aligning consents;
- (v) to noted that regardless of an aligned process as set out above, the roads authority consultation response will state if insufficient detail is received to fix the street layout and enable a proper assessment of a planning application, allowing for a quicker turnaround time in complex planning applications;

- (vi) to instruct officers to consult with developers for a period of six weeks on the proposal and report back the responses to the next available Planning & Regulatory Services Committee; and
- (vii) a training session is arranged for Members on Designing Streets, the use of Street Engineering Reviews and Quality Audit as material planning considerations.

11. DEVELOPMENT SERVICES PERFORMANCE REPORT – HALF YEAR TO MARCH 2018

Under reference to paragraph 9 of the meeting of this Committee dated 30 May 2017, a report by the Corporate Director (Economic Development, Planning and Infrastructure) informed the Committee of the performance of the service for the period from 1 October 2017 to 31 March 2018.

At the end of the reporting period, which is the second half of 2017/18, 62.5% of the performance indicators showed good performance and the Service Plan was 83% complete.

The Committee joined the Chair in commending Development Services for the good performance indicated within the report and thereafter agreed to:

- (i) note performance against Planning and Regulatory Performance Indicators, Service Plan and Complaints to the end of March 2018 as outlined in the report;
- (ii) note the actions being taken to improve performance where required; and
- (iii) approve the proposed changes to the performance indicators which are reported to this Committee, as set out in Appendix 1 of the report.

12. QUESTION TIME

Under reference to paragraph 10 of the Minute of this Committee dated 24 April 2018, Councillor Feaver stated that it was her understanding that the Committee had agreed that a transportation statement would be included within the Kinloss Golf Course Masterplan and asked that this be reflected in the Minute.

In response, the Chair stated that the Clerk would review the webcast and amend the minute, in conjunction with Councillor Feaver, the Chair and Senior Officers, if required.

13. TREE PRESERVATION ORDERS [PARA 13]

A report by the Corporate Director (Economic Development, Planning and Infrastructure) asked the Committee to agree a series of actions to serve Tree Preservation Orders (TPOs) in response to a number of issues that have arisen.

Following consideration, the Committee agreed to serve TPOs at the locations identified at Appendices 1 and 2 of the report.

14. BREACH OF PLANNING CONTROL ENCOMPASSING LAND AT SPEYBAY [PARA 13]

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

Following consideration, the Committee agreed to:

- (i) Officers issuing a Breach of Condition Enforcement Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring the developer to fully comply with Condition 6 of the planning application referred to in para 4.7 of the report in relation to the provision of an aggregate footpath; and
- (ii) authorise direct action in relation to the provision of the aggregate footpath to secure compliance with this part of the enforcement notice if it is not complied with.

15. LAND ADVERSELY AFFECTING AMENITY OF NEIGHBOURHOOD ON LAND AT ROSEISLE, MORAY [PARA 12]

A report by the Corporate Director (Economic Development, Planning and Infrastructure) sought approval to issue a notice requiring proper maintenance of land in respect of the untidy state of the area of land in front and adjacent to a property at Roseisle, Moray which is having an adverse effect on the amenity of the neighbourhood.

Following consideration, the Committee agreed to:

- (i) the serving of an Amenity Notice requiring those parties with an interest in the site to comply with the terms of the notice by:
 - (a) forming a grass verge to the front of the property measuring 20m x 1.0m; with post and wire boundary fence to rear of grass verge along the frontage of the site and three traffic bollards within the verge to prevent vehicle overrun;
 - (b) constructing an access into the property measuring 8.0m x 1.0m with 30' splayed ends surfaced in bituminous tarmac; and
- (ii) grant delegated authority to the Head of Development Services, in consultation with the Chair of this Committee, to take direct action to provide the works described at Para 3(i) a), and b) in the event that the terms of the notice are not complied with by those parties with an interest in the site and to recover any costs incurred, as a result of direct action, as a civil debt.