

MORAY COUNCIL

MINUTE OF THE MEETING OF THE PLANNING AND REGULATORY SERVICES COMMITTEE

16 AUGUST 2022

COUNCIL CHAMBERS, ELGIN

PRESENT

Councillors Gordon (Chair), Macrae, Cameron, Cowe, Divers, Dunbar, Gatt, Keith, Lawrence, Leadbitter, McBain and Warren.

ALSO PRESENT

Councillor Ross (agenda items 1-7).

IN ATTENDANCE

Head of Economic Growth and Development, Development Management and Building Standards Manager, Mr N MacPherson, Principal Planning Officer, Mr R Smith, Principal Planning Officer, Mrs D Anderson, Senior Engineer (Transportation), Ms L MacDonald, Senior Planning Officer, 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 Dunbar declared an interest in item 14 "Erection of Fence Contrary to Approved Plan at Residential Property in Elgin" and stated that she would leave the Chamber during consideration of this item and take no part in its decision. Councillor Divers stated that he usually declares an interest in all developments linked to Springfield Properties PLC as his son works for the Company and noted that item 8 "22/00692/PAN – Phase 3 of Residential Development, Serviced School Site and Infrastructure at Elgin South, Elgin, Moray" was a Springfield development however, following advice from the Legal Adviser, was of the view that he could take part in consideration of this item as this development is a proposal at this point.

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 further 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.

<u>Paragraph No. of Minute</u>	<u>Paragraph No. of Schedule 7A</u>
13	13
14	13

3. MINUTES

Under reference to the attendance recorded in the Minute of the meeting of this Committee dated 31 May 2022, Councillor Divers stated that he had queried the number of members on the Committee however this was not reflected in the Minute.

In response, the Clerk advised that she would look into this further and amend the Minute if required.

Thereafter the Minute of the meeting of this Committee dated 31 May 2022 was submitted and approved subject to any change required once the Clerk had reviewed her notes and the webcast.

Under reference to paragraph 3 of the Minute of the special meeting of this Committee dated 28 June 2022, Councillor Warren stated that she had queried when site visits would be reinstated and that this was not minuted.

In response, the Clerk advised that she would look into this further and amend the Minute if required.

Thereafter, the Minute of the special meeting of this Committee dated 28 June 2022 was submitted and approved subject to any change required once the Clerk had reviewed her notes and the webcast.

4. WRITTEN QUESTIONS

The Committee noted that no written questions had been submitted.

5. PLANNING APPLICATION 22/00161/APP

WARD 5: HELDON AND LAICH

S42 to vary condition 1 (delivery of affordable housing) and 8-11 (phasing) of application reference 19/00100/APP at R1 Kinneddar Lossiemouth Moray for Tulloch Of Cumingston Ltd

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for a Section 42 Application to vary condition 1 (delivery of affordable housing) and 8-11 (phasing) of application reference 19/00100/APP at R1 Kinneddar Lossiemouth Moray for Tulloch Of Cumingston Ltd.

It was 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

houses within the Development Plan and also as the application had previously been reported to Committee and the current proposal represents a significant change.

During discussion, it was noted that, as the original application had been considered against the Moray Local Development Plan (MLDP) 2015, fewer charging points for electric vehicles were required and it was queried, as this application was being considered against the new MLDP 2020, whether there could be an increase in charging points for the affordable housing part of the development as this was what the S42 was relating to.

In response, Mr MacPherson, Principal Planning Officer advised that the substation for the development was already in place and that any change to the number of charging points may have a significant impact on the substation.

The Legal Services Manager further advised that, although the S42 application was being considered in conjunction with the new MLDP 2020, it would be difficult to justify using it just for the EV charging point element and, in light of the potential changes to the sub-station, would not want the Council to raise expectations for an increase in charging points for the wider development.

The Committee noted the points made by Mr MacPherson and the Legal Services Manager however it was also noted that petrol and diesel vehicles are being phased out over the next 8 years and that a new substation may be required at that time anyway.

Thereafter, the Committee agreed to grant planning permission in respect of Planning Application 22/00161/APP subject to:

- (i) the modification of a legal agreement regarding developer obligations prior to the issue of consent; and
- (ii) the following conditions and reasons:
 1. For the avoidance of doubt, unless amended by the terms of this permission, the development shall be constructed and operated in accordance with the provisions of the application, the approved plans, and the supporting documents including inter alia the Noise Impact Assessment and Construction Traffic Management Plan submitted under 19/00100/APP.

Reason: In order to clarify the terms of permission.

2. As part of the permission hereby granted, the 76 affordable house units (as identified on approved drawing KM/S42/22/04 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 to enable the long term delivery of affordable housing on this site and shall remain affordable housing in perpetuity.

Reason: To ensure an acceptable form of development in terms of the required provision and delivery of the affordable housing units proposed for this site, wherein the benefits of such provision are passed on to serve the community in future years.

3. No works shall take place within the development site until the developer has

secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the Aberdeenshire Council Archaeology Service, and approved by the Moray Council (as Planning Authority). 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 satisfaction of the Planning Authority in agreement with the Aberdeenshire Council Archaeology Service.

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

4. Prior to the commencement of works a detailed plan of public access across the site (during construction and upon completion) must be submitted to and approved by the Council (as Planning Authority) in consultation with the Moray Access Manager. This must show:
 - a) Details of any existing paths within the site;
 - b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures;
 - c) All paths and tracks proposed for construction, for use by walkers, riders, cyclists, all ability users, etc. inclusive of the proposed link from the site towards Lossiemouth High School;
 - d) Any diversions or paths - temporary or permanent - proposed for the purposes of the development and;
 - e) Details of how public access and movement through the site will occur between the different approved Phases 1 - 11 of the development. The development must thereafter be carried out strictly in accordance with the approved public access plan unless otherwise agreed in writing with the Council as Planning Authority.

Reason: In order to ensure public access is maintained during and after the construction period.

5. Acoustically attenuated trickle ventilators shall be provided in the western, northern and southern elevations of lounge and bedroom apartments on plots 1 to 16, 81 to 93, and 94 to 98. They should have an element normalised level difference $D_{n,e}$, of at least 39dB in the 500Hz octave band. If two trickle ventilators are to be installed in a given room, the $D_{n,e}$ should be 42dB, and should four trickle ventilators be installed the $D_{n,e}$ should be 45dB, as stated in accordance with Section 4.12 of the noise impact assessment supporting document dated 28th January 2018, titled "Report on Air Traffic Noise For Tulloch of Cummingston At Sunbank, Lossiemouth, Moray" and provided by Charlie Fleming Associates Limited, Acoustic Consultants, 5 Saltpans, Charlestown, Fife KY11 3EB.

The above mitigation, in combination with the overall building insulation, shall ensure that internal noise levels in the lounge and bedroom apartments at the development associated with external aircraft noise shall not exceed a sound pressure level $L_{Aeq} 16$ hour (0700 to 2300 hours) of 35 dB, as determined with windows closed and trickle ventilators open.

Reason: In order to ensure adequate noise insulation is provided for residences closest to the airbase.

6. Unless otherwise agreed in writing with the Council (as Planning Authority), double glazed external windows installed in the western, northern and southern elevations of lounge and bedroom apartments on plots 1 to 16, 81 to 93, and 94 to 98 shall consist of 4mm and 8mm thick panes of normal float glass separated by a 12mm cavity. The specification and acoustic performance shall be in accordance with Section 4.13 of the noise impact assessment supporting document dated 28th January 2018, titled "Report on Air Traffic Noise For Tulloch of Cummingston At Sunbank, Lossiemouth, Moray", and provided by Charlie Fleming Associates Limited, Acoustic Consultants, 5 Saltpans, Charlestown, Fife KY11 3EB.

Reason: In order to ensure adequate noise insulation is provided for residences closest to the airbase.

7. Beyond the noise insulation requirements specified in conditions 4 and 5 above, prior to development commencing a further scheme of aircraft noise mitigation for the residences and commercial units must be submitted to and approved by the Council as Planning Authority (in consultation with the Ministry of Defence) incorporating the following noise insulation measures in all buildings:-
 - a) Acoustic lagging in the roof space,
 - b) Installation of an acoustic double glazing system which should be at least 6.4mm PVB (polyvinyl butyral) laminated for individual panes (12- 10mm together),
 - c) Installation of sound attenuating ventilation units (to provide a fresh air flow to the property whilst allowing the glazing to remain closed and provide maximum attenuation of the noise).

The development must thereafter be carried out strictly in accordance with the scheme of aircraft noise mitigation approved and be retained in perpetuity.

Reason: In order to ensure adequate noise insulation is provided for residences closest to the airbase.

8. Prior to the commencement of development a scaled plan (1:100) must be submitted for approval by the Council as Planning Authority in consultation with the Roads Authority which details the parking provision and allocation of spaces in accordance with Moray Council Parking Standards (including disabled, motorcycle and cycle parking provision) for the retail units and also details of the provision for deliveries and servicing of the retail units. The approved parking/access arrangements shall then be provided prior to any of the retail units coming into operation.

Reason: To ensure acceptable form of development and confirmation of parking and servicing arrangements.

9. The development shall be completed in accordance with the approved phasing plan KM/S42/22/04 unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure vehicular access is provided in accordance with phasing to ensure adequate servicing of the development.

10. No more than 24 housing units (4 existing + 20 new) in Phase 1 shall take

access from Fisher Place until the approved access is provided from the B9135 and a connection has been made and opened to the public between the B9135 and Phases 1 and 2 as shown on Drawing 02 Phasing Plan Rev J.

Reason: To ensure vehicular access is provided in accordance with phasing to ensure adequate servicing of the development.

11. No more than 23 housing units (5 existing + 18 new) in Phase 2 shall take access from Halliman Way until the approved access is provided from the B9135 and a connection has been made and opened to the public between B9135 as shown on Drawing 02 Phasing Plan Rev J.

Reason: To ensure vehicular access is provided in accordance with phasing to ensure adequate servicing of the development.

12. Phase 1 and Phase 2 of the development shall not be connected via the proposed development site roads until the approved access is provided from the B9135 and a connection has been made and opened to the public between the B9135 as shown on Drawing 02 Phasing Plan Rev J.

Reason: To ensure vehicular access is provided in accordance with phasing to ensure adequate servicing of the development.

13. Prior to commencement of construction on the 6th housing unit within Phase 1 the improvement works identified on plans at the junction of Coularbank Road with the A941 shall be completed to the satisfaction of the Council as Planning Authority in consultation with the Roads Authority.

Reason: In the interests of road capacity and the provision of off-site infrastructure required to support the development.

14. No part of the development taking access from the B9135 shall be connected to Boyd Anderson Drive via either Halliman Way or Fisher Place until evidence has been provided that the statutory process for the implementation of traffic calming on Boyd Anderson Drive has been concluded and any works required have been approved and delivered to the satisfaction of Council as Planning Authority in consultation with the Roads Authority.

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

15. Construction traffic movements within the site shall accord with the principles set out within the approved Construction Traffic Management Plan unless agreed otherwise in writing with the Council as Planning Authority in consultation with the Roads Authority.

Reason: In the interests of road safety for all road users.

16. 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.

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

17. Parking provision shall be provided in accordance with Moray Council Parking

Standards as follows:

- a) 2 spaces up to 3 bedrooms.
- b) 3 spaces for 4 or more bedrooms.
- c) 1.5 spaces per flat (Private up to 2 bedrooms).
- d) 1 space per flat (Affordable up to 2 bedrooms).

Reason: To ensure there is acceptable parking provision within the development.

18. New boundary walls/fences shall be set back from the edge of the public carriageway at a distance of 2.0m.

Reason: To ensure an acceptable form of development, safeguarding the public road in the interests of road safety.

19. Housing units requiring 2 or more 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 submitted to and given prior written approval by the Council as Planning Authority (in consultation with Roads Authority). No part of the driveway shall be included in the public road.

Reason: To ensure an acceptable form of development.

20. Off-Street parking provision shall be outwith visibility splays.

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

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

Reason: To ensure an acceptable form of development.

22. Unless otherwise agreed with the Council as Planning Authority prior to commencement of development, the developer shall provide to the Council as Planning Authority:

- a) Acceptance in writing from Scottish Water that they shall adopt and maintain the surface water sewers and detention basins.
- b) Acceptance in writing from The Moray Council as Roads Authority that they shall adopt and maintain the roadside filtration trenches.

Reason: To ensure the surface water assets are properly maintained to an acceptable standard and to clarify where responsibility for them lies.

23. Unless otherwise agreed in writing with the Moray Council (in consultation with SEPA):-

- a) A minimum 600mm freeboard is maintained between the 1 in 200 year plus climate change water level and finished floor levels (unless otherwise agreed by the Moray Flood Risk Management Team).
- b) Watercourse crossings are appropriately designed to be able to convey the 1 in 200 years plus climate change flow without increasing flood risk elsewhere.
- c) If applicable, further information is submitted to and approved by the Moray Council (in consultation with SEPA) to demonstrate that any re-

profiling of watercourse banks, or land adjacent to the banks, would not increase flood risk elsewhere.

Reason: To protect people and property from flood risk.

24. No development shall commence on site until a site specific Construction and Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Council as Planning Authority in consultation with (SEPA (and SNH or other agencies as appropriate). All works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the Council as Planning Authority.

Reason: In order to minimise the impacts of necessary demolition/construction works on the environment.

25. No development shall commence until details of arrangements for the time-scale(s) for all new planting to be undertaken together with the arrangements for the long term maintenance of all proposed landscaping arrangements have been submitted to and approved by the Council as Planning Authority. Thereafter, the landscaping planting arrangements and maintenance arrangements shall be carried out in accordance with the approved details.

Reason: In order that detailed consideration can be given to the landscaping arrangements and to ensure ongoing maintenance is in place for the landscaped areas of the site.

26. In relation to the approved Landscape Scheme details, any trees or shrubs 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.

27. Prior to the commencement of development, details of an equipped play area (as identified within the Phase 5b of the approved Phasing Plan) including the means of separation from vehicular traffic and provision and maintenance arrangements shall be submitted for the written approval of the Council as Planning Authority. The equipped play area shall be completed and available for use prior to the occupation of the first housing unit in Phase 5b. All work shall be carried out in accordance with the approved details.

Reason: To ensure the adequate provision of an equipped play area in line with Moray Council Supplementary Planning Guidance - Developer Requirements for Housing.

28. Unless otherwise agreed in writing with the Council as Planning Authority (in consultation with the Ministry of Defence) for plots 77-93 and 119-130 no roof mounted or ground based solar panels, metallic superstructures, metal roof cladding or metallic garage doors shall be permitted on any of the dwellings or upon any outbuildings within these plots. Permitted development rights relating

to extensions, outbuildings and domestic renewable energy equipment for the above plots is hereby removed. Therefore, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 2011 (or any order revoking or modifying that order) no development specified in Schedule 1, Parts 1, 1A (Page 8 of 17) and 1ZA, within Classes 1, 2B, 3A, 3B, 4A, 6A, 6B shall be carried out without the prior approval of the Council as Planning Authority. This restriction shall similarly apply to any future change or modification of the development types covered by the above specified Permitted Development Classes.

Reason: To ensure that no permitted development occurs within the affected plots (identified above), which may cause a distraction or hindrance to aircraft or air traffic control, in the interests of National Security.

29. The 20 housing units agreed and designated as the 'Accessible' units as defined in Moray Local Development Plan 2015 Supplementary Guidance - Accessible Housing shall remain as 'accessible' housing unless the prior written consent of the Council as Planning Authority in consultation with the Moray Council Head of Housing & Property has been granted.

Reason: To ensure an acceptable form of development in terms of the delivery of housing mix and provision of accessible housing.

30. The use of the four retail units identified within Phase 9 of the development shall relate to Class 1 Shops as defined under the Town and Country Planning (Use Classes)(Scotland) Order 1997 as amended and for no other purpose without the prior written agreement of the Council (as Planning Authority).

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

31. The surface water drainage system must be provided in accordance with the revised Drainage Impact Assessment (Revision E dated July 2022) and approved drawing KM/DR/22/01.

Reason: In order to ensure that surface water is appropriately managed.

32. Prior to any development commencing, the following details must be submitted to and approved in writing by the Council as Planning Authority (in consultation with the Ministry of Defence);-
- a) Specific landscaping and maintenance arrangements further to the submitted 'Landscaping' 06 Rev C must be submitted showing the use of and precise position of indigenous, non-fruit bearing tree species such as Birch, Hazel, Alder, Wych Elm or Scots Pine. Details must include the specific maintenance programme of keeping the height of trees to a height below 10m above ground level for the duration of their existence. These further landscaping details must be follow the guidance contained within the Civil Aviation Authority Advice Note 3 'Potential Bird Hazards from Amenity Landscaping & Building Design'.
 - b) Confirmation of landscaping arrangements surrounding the detention ponds which must be managed cut grass or hard surfacing so as not to encourage the use of the basins by birds during any periods when they are holding water. The design of the basins must also ensure that flow rates allow the basins to empty within 48 hours following any periods of high rainfall, thereby minimising the period where birds could land on the

water. The management and maintenance of the Surface Water Sustainable Urban Drainage Scheme (SUDS) must be follow the guidance contained within the Civil Aviation Authority Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS).

Reason: To avoid endangering the safe movement of aircraft and the operation of RAF Lossiemouth through the attraction of birds and an increase in the bird hazard risk of the application site.

33. No construction traffic shall access the site from Boyd Anderson Drive.

Reason: To protect the residential amenity of neighbouring properties.

6. 22/01057/PAN

Erection of class 5 purposes with ancillary class 4, the installation of bio-refinery plant, formation of car parking and associated infrastructure at North Street, Rothes, Aberlour, 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 15 July 2022 on behalf of Celtic Renewables.

During discussion surrounding the proposal, the following points were raised and Mr MacPherson, Principal Planning Officer agreed to pass these on to the Developer for consideration before submitting the planning application:

- concern raised at the lack of engagement between the Developer and the community;
- concern in relation to the additional traffic movements on the A941, B9015 and B9013;
- concern in relation to noise pollution;
- concern in relation to acetone and ethanol odour;
- health concern in relation to the effects the use of butanol may have on nearby resident's respiratory system;
- safety concerns due to the use of ethanol and acetone which are highly flammable and a query as to whether a major incident plan will be put in place;
- confirmation that the Developer will be complying with the latest World Health Organisation (WHO) guidance;
- confirmation that controls will be put in place due to the use of hazardous substances;
- request that the design of the development be high quality and not a typical industrial development.

Thereafter, the Committee agreed:

- (i) to note the terms of the report and asked that the following provisional views/relevant issues be recorded and forwarded to the Applicant in order to inform the development of their proposed formal application for planning permission:

- concern raised at the lack of engagement between the Developer and the community;
- concern in relation to the additional traffic movements on the A941, B9015 and B9013;
- concern in relation to noise pollution;
- concern in relation to acetone and ethanol odour;
- health concern in relation to the effects the use of butanol may have on nearby resident's respiratory system;
- safety concerns due to the use of ethanol and acetone which are highly flammable and a query as to whether a major incident plan will be put in place;
- confirmation that the Developer will be complying with the latest World Health Organisation (WHO) guidance;
- confirmation that controls will be put in place due to the use of hazardous substances;
- request that the design of the development be high quality and not a typical industrial development; and

(ii) that the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

Councillor Ross left the meeting at this juncture.

7. 22/00692/PAN

Phase 3 of residential development, serviced school site and infrastructure at Elgin South, 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 6 May 2022 on behalf of Springfield Properties PLC.

During discussion surrounding the proposal, the following points were raised and Mr MacPherson, Principal Planning Officer agreed to pass these on to the Developer for consideration before submitting the planning application:

- confirmation that the development will not impinge on the new proposed route of the A96;
- reassurance that local services will be improved to accommodate the new housing development;
- consideration be given to improving the main road into the development;
- sufficient electric vehicle charging infrastructure be provided for both residents and visitors;
- sufficient cycle storage be provided;
- traffic calming measures be installed around the school;
- consideration be given to the narrowing of the A941 at the post office which causes congestion;
- provision of cycle pathways.

Thereafter, the Committee agreed:

- (i) to note the terms of the report and asked that the following provisional views/relevant issues be recorded and forwarded to the Applicant in order to inform the development of their proposed formal application for planning permission:
- confirmation that the development will not impinge on the new proposed route of the A96;
 - reassurance that local services will be improved to accommodate the new housing development;
 - consideration be given to improving the main road into the development;
 - sufficient electric vehicle charging infrastructure be provided for both residents and visitors;
 - sufficient cycle storage be provided;
 - traffic calming measures be installed around the school;
 - consideration be given to the narrowing of the A941 at the post office which causes congestion;
 - provision of cycle pathways; and
- (ii) that the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal

8. 22/00900/PAN

New distillery process building, bio-plant, offices, warehousing, access road and associated infrastructure at Miltonduff Distillery, Miltonduff, Elgin, Moray, IV30 8TQ

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that a Proposal of Application Notice (PAN) was submitted on 17 June 2022 on behalf of Chivas Brothers Limited.

During discussion surrounding the proposal, the following points were raised and Mr MacPherson, Principal Planning Officer agreed to pass these on to the Developer for consideration before submitting the planning application:

- assurance that noise levels will be minimal so that there is minimal disruption to activities in the Miltonduff Hall;
- consideration be given to potential wear and tear on the surrounding road network;
- consideration be given to a visitor centre being included in the development;
- consideration be given to the design of the development being sympathetic to local history.

Thereafter, the Committee agreed:

- (i) to note the terms of the report and asked that the following provisional views/relevant issues be recorded and forwarded to the Applicant in order to inform the development of their proposed formal application for planning permission:
- assurance that noise levels will be minimal so that there is minimal disruption to activities in the Miltonduff Hall;

- consideration be given to potential wear and tear on the surrounding road network;
- consideration be given to a visitor centre being included in the development;
- consideration be given to the design of the development being sympathetic to local history; and

(ii) that the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal

9. 22/00920/PAN

Proposed primary school with nursery and ASN departments, associated facilities, new access to facilitate off-street car parking and drop-off, new external area for outdoor play on land to south of Myreside Cottage, Covesea 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 21 June 2022 on behalf of the Moray Council Education, Resources and Communities Service.

During discussion surrounding the proposal, the following points were raised and Mr Smith, Principal Planning Officer agreed to pass these on to the Developer for consideration before submitting the planning application:

- consideration be given to installing traffic calming measures as the development is on the edge of the town whilst maintaining a steady flow of traffic on main roads;
- consideration be given to improving the junction on to the main road;
- sufficient electric vehicle charging infrastructure be provided for both residents and visitors;
- consideration be given to introducing 20 mph speed restrictions around the school both during and outwith school hours;
- request that Community Councils/Associations in the Heldon and Laich Ward be consulted if a planning application is received;
- sufficient connectivity paths to ensure 20 minute neighbourhoods;
- consideration be given for the provision of an amphitheatre, outdoor play areas and outdoor learning areas.

Thereafter, the Committee agreed:

(i) to note the terms of the report and asked that the following provisional views/relevant issues be recorded and forwarded to the Application in order to inform the development of their proposed formal application for planning permission:

- consideration be given to installing traffic calming measures as the development is on the edge of the town whilst maintaining a steady flow of traffic on main roads;
- consideration be given to improving the junction on to the main road;
- sufficient electric vehicle charging infrastructure be provided for both residents and visitors;

- consideration be given to introducing 20 mph speed restrictions around the school both during and outwith school hours;
- request that Community Councils/Associations in the Heldon and Laich Ward be consulted if a planning application is received;
- sufficient connectivity paths to ensure 20 minute neighbourhoods;
- consideration be given for the provision of an amphitheatre, outdoor play areas and outdoor learning areas; and

(ii) that the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal

10.22/00935/PAN

Proposed energy management and storage facility (with capacity of up to 50 mw) comprising battery energy storage system, transformers, inverters, cables, access track and boundary landscaping on land south of Westerton Road, Keith

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that a Proposal of Application Notice (PAN) was submitted on 20 June 2022 on behalf of Statkraft UK LTD.

During discussion surrounding the proposal, the following points were raised and Mr Smith, Principal Planning Officer agreed to pass these on to the Developer for consideration before submitting the planning application:

- assurance that there are no health risk as the proposed development is close to a school and playing fields;
- assurance that a major incident plan is in place due to fire risks;
- consideration be given to the blast wall being made from natural materials;
- consideration be given so that the electrical infrastructure is more aesthetically pleasing.

Thereafter, the Committee agreed:

(i) to note the terms of the report and asked that the following provisional views/relevant issues be recorded and forwarded to the Application in order to inform the development of their proposed formal application for planning permission:

- assurance that there are no health risk as the proposed development is close to a school and playing fields;
- Assurance that a major incident plan is in place due to fire risks;
- Consideration be given to the blast wall being made from natural materials;
- Consideration be given so that the electrical infrastructure is more aesthetically pleasing; and

(ii) that the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal

Under reference to paragraph 9 of the Minute of the meeting of the Economic Growth, Housing and Environmental Sustainability Committee on 13 April 2021, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the activity Aberdeenshire Archaeology Service has provided Moray Council for the period 1 April 2021 to 31 March 2022 through the presentation of the Moray Council Archaeology Shared Service Agreement Annual Report.

Following consideration, the Committee agreed:

- (i) to note the content and high level of performance contained within the Moray Council Archaeology Shared Service Agreement Annual Report, as set out in Appendix 1 of the report; and
- (ii) agreed that planning conditions requesting photographic surveys for historic recording purposes are no longer used and replaced with supporting information being submitted prior to determination.

12. QUESTION TIME

Councillor Warren stated that she had raised a question at the recent meeting of Moray Council in relation to the use of UPVC windows in conservation areas and queried whether consideration could be given for this being permitted given that UPVC windows are a more cost effective solution to replace windows and also in light of the cost of living crisis.

In response, the Head of Economic Growth and Development advised that the Chair had asked for training from Historic Environment Scotland for Elected Members to better understand the reasoning behind the current policy in terms of the use of UPVC windows in conservation areas and that the Council currently permitted the use of UPVC windows in conservations areas providing they were not on the front elevation of the building. He further stated that a review of the conservation areas in Moray was underway which would inform any change to the current policy which is a formal process and usually done at the time of changing the Moray Local Development Plan.

Councillor Warren asked if there was a timeline in which this should be completed as this is an important issue.

In response, the Head of Economic Growth and Development advised that it was hoped that the training from Historic Environment Scotland would take place next month. He further added that the Council recently approved place based funding grants which could be accessed by those wishing to replace windows with traditional wooden sash and case windows in conservation areas and on listed buildings.

Councillor Warren queried whether this fund was accessible now.

In response, the Head of Economic Growth and Development advised that it had recently been approved and should be available within a few months.

Councillor Gatt queried when the review of the conservation areas would take place.

In response, the Head of Economic Growth and Development advised that there was no time frame at present and that he would advise the Committee of this in due course.

Councillor Warren stated that, at the recent meeting of Moray Council, she had raised concern at the number of houses used for holiday lets in coastal villages in Moray and reiterated her concern and asked if there was a way to regulate the number of houses used for holiday lets.

In response, the Head of Economic Growth and Development advised that legislation had been introduced to implement control zones for short term lets however before these could be implemented, an evidence base was required and that it was hoped that the upcoming Housing Need and Demand Assessment would provide this information.

Councillor Warren asked if there was a timeline for this piece of work.

In response, the Head of Economic Growth and Development advised that the Housing Need and Demand Assessment was hoped to be completed by December 2022 and that work on control zones could be underway by the start of 2023.

13. Erection of Fence Contrary to Approved Plan at Residential Property in Elgin [Para 13]

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

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the erection of a fence contrary to the approved plan resulting in the obstruction of a neighbouring property's driveway visibility splay.

Following consideration, the Committee agreed:

- (i) to Officers issuing a Planning Enforcement Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997; the Enforcement Notice will require the owner of the fence to remove the fence to allow the visibility splay from the neighbouring driveway to be achieved; and
- (ii) that should the Notice not be complied with then authority is given to take direct action to remove the fence.

14. Breach of Planning Control – Breach of Planning Conditions at Newmill, Keith

Councillor Dunbar re-joined the meeting at this juncture.

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of a breach of planning conditions at land at Newmill, Keith.

Following consideration, the Committee agreed:

- (i) to Officers issuing a Breach of Condition Enforcement Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997;
- (ii) that the Breach of Condition Enforcement Notice will require the developer to fully comply with conditions 1, 2 and 5 of planning application reference number 14/02440/APP in relation to the provision of a landscaping plan, provision of the landscaping and a passing place respectively;
- (iii) to authorise direct action to remedy the breach of conditions in relation to the provision of a passing place and landscaping if the Enforcement Notice is not complied with within the specified time and recover costs from the developer.