



Planning and Regulatory Services Committee

Tuesday, 10 December 2019

NOTICE IS HEREBY GIVEN that a Meeting of the **Planning and Regulatory Services Committee** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Tuesday, 10 December 2019** at **09:30**.

BUSINESS

1 Sederunt

2 Declaration of Group Decisions and Members Interests *

3 Resolution

Consider, and if so decide, adopt the following resolution:
"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 Item 12 of business on the grounds that it involves the likely disclosure of exempt information of the class described in the relevant Paragraphs of Part 1 of Schedule 7A of the Act."

4 Minute of Meeting dated 8 October 2019 **7 - 44**

5 Written Questions **

Guidance Note **45 - 46**

6 Planning Application 19/00899/APP **47 - 86**

Report by Appointed Officer

7 Planning Application 19/01127/APP **87 - 148**

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| 8 | 19/01433/PAN - Proposal of Application Notice Construction of Temporary Contractors Compound to Facilitate Works as part of the RAF Lossiemouth Development Plan at Land South of RAF Lossiemouth Report by Depute Chief Executive (Economy, Environment and Finance) | 149 - 156 |
| 9 | Building Standards Annual Performance Report 2019-20 Report by Depute Chief Executive (Economy, Environment and Finance) | 157 - 204 |
| 10 | Tree Preservation Order - Woodland at Knockomie, Forres Report by Depute Chief Executive (Economy, Environment and Finance) | 205 - 208 |
| 11 | Question Time *** Consider any oral question on matters delegated to the Committee in terms of the Council's Scheme of Administration. | |

Item which the Committee may wish to consider with the Press and Public excluded

12 Review of Developer Obligations [Paras 6 & 9]

- Information relating to the financial or business affairs of any particular person(s);
- Information on proposed terms and/or expenditure to be incurred by the Authority;

Summary of Planning and Regulatory Services

Committee functions:

Town and Country Planning; Building Standards; Environmental Health; Trading Standards; Weights & Measures, Tree Preservation Orders, and Contaminated Land issues.

Any person attending the meeting who requires access assistance should contact customer services on 01343 563217 in advance of the meeting.

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| GUIDANCE NOTES |
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* **Declaration of Group Decisions and Members Interests** - The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.

** **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

*** **Question Time** - At each ordinary meeting of the Committee ten minutes will be allowed for Members questions when any Member of the Committee can put a question to the Chair on any business within the remit of that Section of the Committee. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than ten minutes after the Committee has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he/she can submit it in writing to the proper officer who will arrange for a written answer to be provided within seven working days.

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THE MORAY COUNCIL

Planning and Regulatory Services Committee

SEDERUNT

Councillor David Bremner (Chair)
Councillor Amy Taylor (Depute Chair)

Councillor George Alexander (Member)
Councillor John Cowe (Member)
Councillor Gordon Cowie (Member)
Councillor Paula Coy (Member)
Councillor John Divers (Member)
Councillor Ryan Edwards (Member)
Councillor Claire Feaver (Member)
Councillor Marc Macrae (Member)
Councillor Ray McLean (Member)
Councillor Louise Nicol (Member)

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MORAY COUNCIL

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

8 OCTOBER 2019

COUNCIL CHAMBERS, ELGIN

PRESENT

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

APOLOGIES

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

IN ATTENDANCE

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

1. DECLARATION OF GROUP DECISIONS AND MEMBER'S INTERESTS

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

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

2. EXEMPT INFORMATION

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

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

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

4. WRITTEN QUESTIONS

The Committee noted that no written questions had been submitted.

5. PLANNING APPLICATION 19/00211/APP

WARD 1: SPEYSIDE GLENLIVET

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

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

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

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

Following consideration, the Committee agreed:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason – To ensure acceptable infrastructure at the development access.

6. PLANNING APPLICATION 19/00923/APP

WARD 1: SPEYSIDE GLENLIVET

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

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

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

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

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

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

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

Reason: To prevent pollution.

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

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

7. PLANNING APPLICATION 19/00517/APP

WARD 4: FOCHABERS LHANBRYDE

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

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

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

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

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

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

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

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

On a division there voted:

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

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

Abstentions (1): Councillor Taylor

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

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

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

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

2. No development shall commence until an amended Landscape Scheme has been submitted to and approved by the Council, as Planning Authority. This shall be based upon the Planning Landscaping Layout drawing number MS01_PH2-3PL03 E and detail the following:
 - (a) hedging to be provided along the northern boundary of the site between the proposed trees;
 - (b) details of the landscaping arrangements to integrate the proposed open space area in the southern corner of the site with the adjacent existing open space area leading to Mossmill Park;
 - (c) details of the enclosures to be erected around the bin collection points;
 - (d) the location of the bin collection points adjacent to Plot 60 amended and set back amongst the shrub planting, off the service verge (along with provision of an associated hardstanding leading onto the public road); and

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

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

Reason - To ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development or amenity and character of the area.

- 3. Prior to the commencement of development details of the affordable housing specification shall be submitted to and approved by the Council, as Planning Authority in consultation with the Head of Housing and Property Service regarding the detailed arrangements for the long-term delivery and provision of the affordable housing accommodation on the site, which shall include evidence to confirm the identity of the organisation (or other similar agency) responsible for the provision and management of all affordable housing provided on the site.

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

Reason - To ensure all of the residential units approved on site are affordable and managed accordingly.

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

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

- 5. Notwithstanding the details submitted on the site layout plan and street lighting plan (Drawing MS01_PH2- 3_PL0(c) and MS01-ENG-320) which are not accepted. Prior to commencement of construction a detailed plan (1:500 min) shall be submitted for approval by the Council, as Planning Authority in consultation with the Roads Authority showing the following details:
 - a) The full extent of prospectively adoptable roads to be provided as part of the application/Phase 2/3 of the development (including roads and verges currently shown out with the red line boundary in front of plots 18-43).
 - b) The proposed footway connection on the eastern side of plot 16 shall be provided with a raised kerb on its eastern side and a dropped kerb crossing on both sides of the road in front of plot 25.
 - c) Provision of a 2 metre wide footway in front of plots 63 to 72 with dropped kerb road crossing of internal site roads.

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

Reason - To ensure acceptable:-

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

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

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

Reason - To ensure acceptable:-

- a) Development that does not create any hazard to road users in the interests of road safety.
 - b) Infrastructure for non-motorised road users, ensuring the provision of routes to schools and local facilities and a sustainable development.
 - c) Infrastructure at the development access and to cater for additional traffic generated by the development.
 - d) To ensure acceptable access and visibility in the interest of road safety for the proposed development and other road users.
7. Parking provision shall be provided and maintained for use in accordance with the approved site layout plan (Drawing No. MS01_PH2-3 PL01 A) unless otherwise agreed in writing with Moray Council Transportation.

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

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

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

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

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

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

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

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

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

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

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

13. Unless otherwise agreed in writing with the Council, as Planning Authority, the equipped play area and surrounding area of open space approved under planning application 18/01536/APP (phase 1) shall be provided in accordance with the approved plans prior to the commencement of the 20th residential unit in any phase of the development covering the whole R1 designation. Thereafter the equipped play area shall be maintained in accordance with the approved Landscape Management Plan MS01_SL_PL-05 for the lifetime of the development.

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

14. All surface water drainage infrastructure within the development shall be implemented in accordance with the details contained in the approved "Drainage Strategy Report" and associated drainage drawings MS01_ENG-635, MS01-ENG-206, MS01-ENG-625, MS01-ENG-205, MS01-ENG-630, MS01-ENG-207 and MS01-ENG-640. Unless otherwise agreed in writing with the Council, as Planning Authority, this drainage infrastructure will be completed prior to the first occupation of any housing unit in the development and thereafter maintained for the lifetime of the development in accordance with the approved 'Drainage Strategy Report'.

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

15. For the avoidance of doubt, the informal path within the northern part of the site adjacent to the SUDs basin shall be provided in accordance with the details shown on the approved Site Plan (drawing number MS01_PH2-3_PL01D) and Landscaping Plan (drawing number MS01_PH2-3PL03E).

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

8. PLANNING APPLICATION 19/00460/APP

WARD 4: FOCHABERS LHANBRYDE

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

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

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation, as the application is a major development as defined under the hierarchy regulations 2008 as the application exceeds 2ha. The report also advised that Members of the Committee had previously visited the site of the application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To secure removal and appropriate restoration.

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To avoid any ambiguity regarding the layout.

9. No development shall commence until details have been submitted to and approved in writing by the Council, as Planning Authority, regarding details of a woodland planting scheme (the Replanting Scheme) within Moray to compensate, in this case, the removal of 32,200m² of existing woodland from the site in order to accommodate the development. All proposals shall be in accordance with approved plan HLD K345.18/SL-03 Rev D (or any revision approved under condition 7 above). The Replanting Scheme details shall:
- a) include the specifications for:
 - i. on-site replanting;
 - ii. off-site compensatory planting;
 - iii. tree maintenance and measures for protection of existing trees (including Deer Management);
- and
- b) comply with the requirements set out in the UK Forestry Standard (Forestry Commissions, 2011. ISBN 978-0-85538-830-0) and the guidelines to which it refers and include:
 - i. details of the location of the area to be planted;
 - ii. details of land owners and occupiers of the land to be planted;
 - iii. the nature, design and specification of the proposed woodland to be planted;
 - iv. details of all necessary consents for the Replanting Scheme and timescales within which each shall be obtained;
 - v. the phasing and associated timescales for implementing the Replanting Scheme;
 - vi. proposals for the maintenance and establishment of the Replanting Scheme, including annual checks; protection from predation; replacement planting; fencing; ground preparation; and drainage, etc. For the avoidance of doubt a technically competent professional(s) (e.g. chartered forester) with the required experience should inspect the replanting scheme at regular intervals (year 1, 5 and 10) to ensure that the trees are planted correctly, maintained to the required standard and ultimately established into woodland.

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

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

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

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

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

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

Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless otherwise approved by the Council, as Planning Authority.

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

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

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

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

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

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

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

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

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

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

Reason: To ensure acceptable infrastructure at the development access.

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

Reason: To ensure acceptable infrastructure at individual development accesses.

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

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

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

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

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

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

Reason: To ensure acceptable infrastructure at the development access.

21. No works shall commence on site until a Construction Traffic management Plan has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include as a minimum the following information:
- Duration of works;
 - Construction programme;
 - Number of vehicle movements (i.e. materials, plant, staff, compounds)
 - Schedule of delivery of materials and plant;
 - Full details of construction traffic routes to the site including any temporary construction accesses;
 - measures to be put in place to prevent material being deposited on the public road; and
 - Traffic management measures to be put in place during works including any specific instructions to drivers.

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

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

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

Reason: To ensure that foul drainage is adequately managed.

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

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

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

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

9. PLANNING APPLICATION 18/01453/APP

WARD 5: HELDON & LAICH

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

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

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

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

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

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

10. PLANNING APPLICATION 19/00800/APP

WARD 6: ELGIN CITY NORTH

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

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

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

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

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

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

2. As part of the permission hereby granted, the houses hereby approved shall only be used for affordable housing purposes in accordance with the agreement(s) reached between the applicant/developer and Moray Council and/or any registered social landlord (e.g. housing association or similar) to enable the long term delivery of affordable housing on this site; and no development shall commence until details of the agreement(s) to confirm the arrangements for the delivery of the proposed affordable accommodation hereby approved shall be submitted to and approved in writing by the Council, as Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

- duration of works;
- construction programme;
- measures to be put in place to prevent material being deposited on the public road;
- measures to be put in place to safeguard the movements of pedestrians;

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

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

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

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

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

11. PLANNING APPLICATION 19/00811/APP

WARD 6: ELGIN CITY NORTH

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

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

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

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

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

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

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

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

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

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

(iii) the following conditions and reasons:

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

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

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

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

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

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

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

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

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

5. Parking provision shall be provided as follows:

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

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

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

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

- duration of works;
- construction programme;
- measures to be put in place to prevent material being deposited on the public road;
- measures to be put in place to safeguard the movements of pedestrians;
- traffic management measures to be put in place during works including any specific instructions to drivers; and
- parking provision, loading and unloading areas for construction traffic.

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

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

12. PLANNING APPLICATION 19/00547/APP

WARD 7: ELGIN CITY SOUTH

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

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

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

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

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

13. PLANNING APPLICATION 19/00794/APP

WARD 7: ELGIN CITY SOUTH

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

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

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

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

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

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

14. PLANNING APPLICATION 18/01142/APP

WARD 8: FORRES

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

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

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation, as the application is a major development as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2008 (over 500 residential units) and the application is on a housing site designated for 50 or more dwellings within the Development Plan. The report also advised that Members of the Committee visited the site of the application on 4 October 2019.

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

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

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

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

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

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

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

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

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

On a division there voted:

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

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

Abstentions (2): Councillors Bremner and Laing

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

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

15. PLANNING APPLICATION 19/00615/APP

WARD 8: FORRES

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

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

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

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

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

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

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

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

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

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

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

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

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

On a division there voted:

For the Motion (7): Councillors A McLean, Coy, Alexander, Bremner, Cowie, Edwards and Laing

For the Amendment: Councillors Taylor, Feaver and Macrae

Abstentions (0): Nil

Accordingly, the motion became the finding of the Committee and it was agreed to grant planning permission, as recommended, in respect of planning application 19/00615/APP subject to:

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

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

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

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

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

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

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

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

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

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

5. No works shall commence on site until a Construction Traffic Management Plan has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include the following information:
 - i. duration of works;
 - ii. construction programme;
 - iii. anticipated schedule for delivery of materials and plant;
 - iv. full details of any temporary construction access;
 - v. measures to be put in place to prevent material being deposited on the public road;
 - vi. measures to be put in place to safeguard the movements of pedestrians;
 - vii. traffic management measures to be put in place during works including any specific instructions to drivers; and
 - viii. parking provision, loading and unloading areas for construction traffic.

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

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

6. Prior to the use or occupation of the development the following infrastructure shall be completed to the satisfaction of the Planning Authority in consultation with the Roads Authority (unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority).

- a) Mannachie Road widening to a continuous minimum width of 5.5m with a 3m wide cyclepath on the west side from the existing Falconer Avenue junction, south to the end of the site frontage at West Park Croft.
- b) A continuous cyclepath connection is provided from the proposed development to the existing network at Falconer Avenue.
- c) The road link via Falconer Avenue between the A940 (Grantown Road) and C14E (Mannachie Road) shall be completed and opened to traffic including buses.

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

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

Reason - In the interests of road safety.

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

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

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

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

10. That all planting, seeding or turfing forming part of the approved Landscape Scheme shall be carried out in the first planting and seeding seasons following the occupation of the student accommodation; or the completion of the building works, whichever is the sooner. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council, as Planning Authority gives written consent to any variation of this planning condition.

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

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

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

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

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

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

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

16. ORDER OF BUSINESS

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

17. ENVIRONMENTAL HEALTH SERVICE DELIVERY PLAN

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

Following consideration, the Committee agreed to:

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

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

ADJOURNMENT OF MEETING

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

RESUMPTION OF MEETING

PRESENT

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

APOLOGIES

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

IN ATTENDANCE

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

18. PROCEDURAL CLARIFICATION

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

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

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

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

Following consideration, the Committee agreed:

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

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

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

Following consideration, the Committee agreed:

- (i) to note the terms of the report;
- (ii) that the recently agreed Bilbohall Masterplan be considered by the prospective applicant in order to inform the development of their proposed formal application for planning permission; and
- (iii) the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

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

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

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

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

Councillor Laing re-joined the meeting at this juncture.

22. OVERNIGHT PARKING OF MOTORHOMES ON CAR PARKS

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

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

Following consideration, the Committee agreed:

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

23. MORAY LOCAL DEVELOPMENT PLAN 2015 - ANNUAL MONITORING REPORT

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

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

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

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

24. QUESTION TIME

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

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

25. TREE PRESERVATION ORDERS [PARA 13]

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

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

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



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| <p>GUIDANCE NOTE PRODUCED FOR PLANNING & REGULATORY SERVICES COMMITTEE</p> <p>MEETING OF 29 JANUARY 2019</p> <p>REPORT ON APPLICATION</p> |
|--|

“Note for guidance of the Committee where the decision of the Planning and Regulatory Services Committee is contrary to the recommendations of the Director of Environmental Services in respect to a Planning Application.”

Any Councillor putting forward a motion to refuse an application, contrary to recommendation, shall clearly state the reasons for refusal. These reasons should be based on policies contained in the approved Local Development Plan or some other material consideration. Time should be allowed to ensure that these reasons are carefully noted for minuting purposes.

Where Councillors put forward a motion to approve an application, contrary to recommendation, an indication should be given of any specific matters which should be subject of conditions along with reasons which should be based on policies in the approved Local Development Plan or some other appropriate consideration.

Note for guidance where the decision of the Planning and Regulatory Services Committee is to depart from the Local or Structure Plan.

Where a Councillor is convinced that there is reason to depart from Local Development Plan policy; then the Councillor's reasons for making the motion should be clearly stated for minuting purposes. Any matters which should be subject to conditions drafted subsequently by the Director of Environmental Services should be indicated. If the Committee remains of a mind to approve such an application then the whole matter will be subject to statutory procedures as apply. In such cases, Councillors should be aware that the application may require to be advertised as a departure and any objections reported to the next available meeting of the Planning and Regulatory Services Committee. It also may be necessary to convene a hearing to consider the views of objectors.

There are three potential consequences if Committee takes a decision where the proper procedures have not been followed in whole or in part. Firstly, the person aggrieved by a decision may apply to the Supreme Courts in Scotland for an Order either compelling the Council to act according to law, quashing the decision altogether or declaring a decision to be unlawful coupled with an order to prevent the decision being implemented. A referral to the Supreme Courts in these circumstances is known as applying for Judicial Review.

Secondly, in addition to the application for Judicial Review when questions of alleged failure, negligence or misconduct by individuals or local authorities in the management of public funds arise and are raised either by or with the External Auditor of the Council and where an individual can be blamed the sanctions available are:-

Censure of a Councillor or an Officer

Suspension of a Councillor for up to one year

Disqualification of a Councillor for up to five years

In the case of the Council being to blame, recommendations may be made to the Scottish Ministers about rectification of the authorities accounts. Ministers can make an order giving effect to these recommendations.

Thirdly, whilst the Ombudsman accepts that Planning authorities have the freedom to determine planning applications as they wish procedural impropriety may be interpreted as maladministration. This can also lead to recommendations by the Ombudsman that compensation be paid.

Consistent implementation of departure procedures maintains public confidence in the planning system and is consistent with the time and effort invested in preparing the Local Development Plan.

WARD 01_17

19/00899/APP
23rd July 2019

Erection of 4No new whisky storage warehouses with associated drainage and access retrospective permission to change a previously approved warehouse to a filling store (inclusive of welfare facilities) amend the previously approved drainage scheme details for the existing warehouses (Condition 9 of 17/00339/APP) and altered parking arrangements. Tamdhu Distillery Knockando Aberlour Moray for Ian MacLeod Distillers

Comments:

- A SITE VISIT has been carried out.
- Advertised as a departure from the development plan and for neighbour notification purposes.
- Application referred to committee under the approved Scheme of Delegation where the floor space for general industry/storage exceeds 2000m² (in this case 3862m²).
- One representation received.

Procedure:

- Payment towards provision of compensatory woodland planting received.

Recommendation Approve subject to the following;-

Conditions/Reasons

1. Within three months of the date of this decision notice a visibility splay of 4.5m x 90m shall be provided and maintained thereafter in both directions at the junction of the site access onto the private road, clear of any obstruction above 0.6m in height (measured from the level of the carriageway) as shown on previously submitted drawing 'Proposed Road Access Plans, Sections & Details 5929-17/ 302'.

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

2. Within one month of the completion of the development an 'after' road condition video survey of the delivery and construction traffic routes from the B9102 Dandaleith – Grantown Road shall be submitted to the Council, as Planning Authority in consultation with the Roads Authority. Any damage to the road network, including the roadside verge, identified as a result of construction traffic and passing vehicles shall be 'made good' within three months of the completion of the development, unless otherwise agreed in writing with the Council, as Planning Authority in consultation with the Roads Authority.

Reason: To ensure that the condition of the road does not deteriorate as a result of construction traffic associated with the development, in the interests of road safety.

3. A minimum of four car parking spaces shall be provided within the site prior to the completion of the development. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

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

4. The rating level of noise associated with the development's filling store No. 3 operations shall not exceed the background sound level by more than 5 dB(A) 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 order to ensure the filling store operates so as not to cause an unacceptable impact upon neighbouring residential amenity

5. Unless otherwise agreed with the Planning Authority, in consultation with the Environmental Health Manager, the development's filling store No. 3 operations shall be permitted from 07:45 to 16:30 hours Monday to Thursday and 07:45 to 13:00 hours on Fridays only.

Reason: In order to ensure the filling store operates at times compatible with neighbouring residential amenity.

6. The approval hereby granted must be developed in accordance with the revised drainage information contained within the updated "Supporting Information" document prepared by SAC Consulting for Algo Design and Build in September 2019 and submitted under cover of email dated 4th November 2019.

Reason: In order to ensure the correct drainage information is adhered to.

Reason(s) for Decision

The Council's reason(s) for making this decision are:-

Whilst the proposal departs from several policies and the rural grouping designation within the Moray Local Development Plan 2015 (namely ED7, E9, IMP1 and Knockando (Lower) rural grouping statement) there are material considerations that justify approval as a departure from the Moray Local Development Plan. The site would occupy a well-defined, discrete and enclosed parcel of land enclosed by woodland and existing warehouses, close to two distilleries that would not compromise the wider aims of the Moray Local Development Plan, and would assist rural business growth. No other material considerations arose preventing approval of the development.

List of Informatives:

THE DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that:-

A Building Warrant will be required for the proposals. Should you require further assistance please do not hesitate to contact Building Standards, Environmental Services Department, Council Office, High Street, ELGIN IV30 1BX or by telephoning 01343 563243.

The new warehouses will require separate Hazardous Substances Consent and it is advised to undertake pre-application consultation directly with the Health and Safety Executive. It should be noted that the below informative from SEPA regarding surface drainage provisions for Major Accident (fire / explosion) contingency will be assessed as part of any Hazardous Substances Consent application for the warehouses and filling store, and the design should incorporate this provision.

During construction work the applicant and/or the developer should remain vigilant for signs of protected species including Bats, Otters, Badgers and Red Squirrels. If they come across any signs of these species or other European Protected Species, as listed in the Conservation (Natural Habitats) Regulations 1994 all work in that area must cease immediately and Scottish Natural Heritage or Moray Council must be contacted for further advice.

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

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

The formation of the required visibility splays will involve the removal of trees and vegetation and the lowering of ground levels.

The developer should note that this development is served by a private road, which is not adopted by the Roads Authority.

Public utility apparatus may be affected by this proposal. Contact the appropriate

utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

SCOTTISH NATURAL HERITAGE has commented that;-

The site drainage arrangement during and after construction should ensure mitigation is in place such that no significant effect on the River Spey Special Area of Conservation occurs.

SEPA

Waste water drainage - The proposed septic tank proposal will be assessed under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) guidance, as it requires registration and authorisation under CAR. We ask that the local team is contacted on Shaw House, Mid Street, Fraserburgh, AB43 9JN, Tel: 01346 510502 for further advice.

It would be advisable that the applicant provides a demonstration of the sufficient capacity of the stormcell arrangement for the amount that could be credibly lost to ground in a warehouse Major Accident (fire / explosion), linking back to the site's Environmental Risk Assessment (ERA). The concern would be effects of inundation with flammable spirit potentially affecting escalation / emergency response to a warehouse fire.

| LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT | |
|--|--|
| Reference No. Version No. | Title/Description |
| PL-01 B | Location plan |
| PL-02 B | Site block plan |
| PL_03 | Elevations and floor plan |
| PL_04 | Floor plan section and construction specifications |



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

19/00899/APP

Page 51

Site Address:

Tamdhu Distillery
Knockando

Applicant Name:

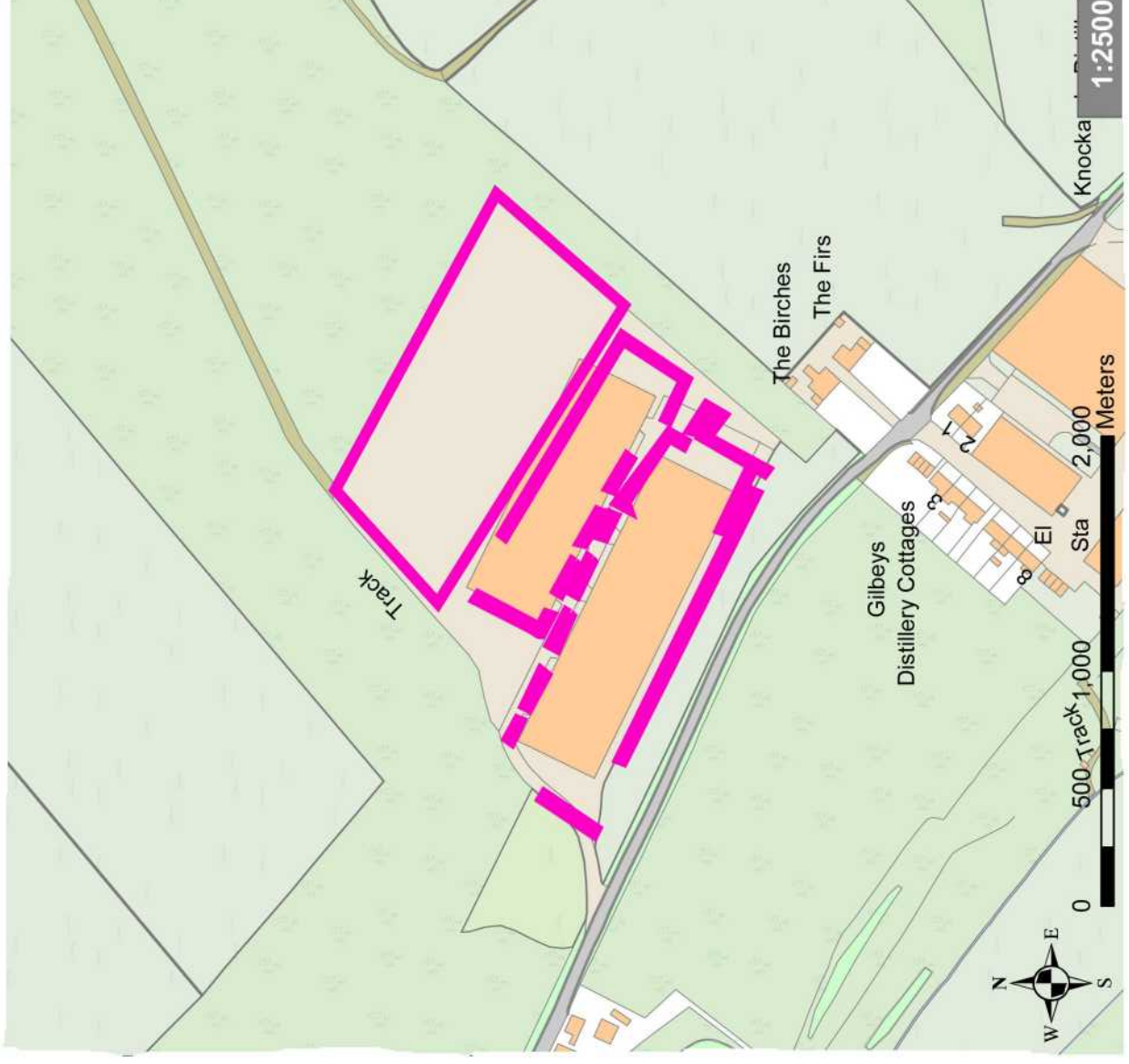
Ian MacLeod Distillers

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Location Plan











PLANNING APPLICATION: 19/00899/APP

In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

THE PROPOSAL

- Application for the erection of 4 new bonded warehousing (Class 6 Storage and Distribution) and associated works on ground to the east of Tamdhu Distillery.
- The application also comprises a retrospective element;-
 - to change the use of one of the previously approved warehouses (17/00339/APP see history) to a filling store (inclusive of welfare facilities)
 - amend the previously approved drainage scheme details for the existing warehouses (Condition 9 of 17/00339/APP)
 - altered parking arrangements at the existing warehouses.
- The proposed new buildings, consisting of one block of 4 joined warehouses, would have a gross floor space of 3862m² and finishes of juniper green profile sheeting to the roof and walls.
- The floor space of the warehouse that has been changed the filling store is 970 m² and includes a small ground floor area for staff in one corner of the building.
- Associated works would include the extension of the existing internal road system and drainage arrangements to serve the proposed new warehouses.
- Access arrangements would involve the use of the minor public road which joins onto the B9102 road to the north and internal road system. Improvements have already been made to the public road in the location.

THE SITE

- The site (0.98 hectares) is formerly woodland sitting to the north east side of Lower Knockando. The site appear to have been felled and levelled at the same time as the site was being prepared for the recently constructed warehouses
- The site is bound by other woodland to the west and north, new warehouses to the south, and to the south east by Knockando Distillery and associated distillery housing.
- The site is located within an Area of Great Landscape Value and within the catchment of the River Spey, which along with a number of its tributaries, has been designated as a Special Area of Conservation (SAC).
- The site sits close to but out with the Lower Knockando rural grouping as designated within the Moray Local Development Plan 2015 and as proposed within the Moray Local Development Plan 2020.

HISTORY

For the site:

17/00339/APP - Erection of 9no whisky storage warehouses at Tamdhu Distillery, Knockando approved by committee in July 2017. These warehouses are immediately adjacent and south of the current application site, and were constructed earlier in 2019. It is one of these warehouses that has been changed into a filling store, with staff facilities and is also where the amended drainage arrangements are located.

Elsewhere nearby:

17/00153/APP - Erection of 2 no whisky storage warehouses at Tamdhu Distillery Knockando Aberlour Moray AB38 7RP approved under delegated power on 10/04/17. These warehouses are located south west of Tamdhu Distillery.

17/00152/APP - Installation of a fish pass for upstream migration of fish on the Knockando Burn situated adjacent to the present intake weir at Tamdhu Distillery Knockando Aberlour Moray AB38 7RP. Application permitted on late April 2017.

16/01885/APP - Erect new malt intake erect new silos and access platform at Tamdhu Distillery Knockando Aberlour Moray AB38 7RP approved under delegated power on 07/02/17.

12/01548/APP - Erect whisky bonded warehouse at Tamdhu Distillery Knockando Aberlour Moray AB38 7RP. Approved by Committee on 07/12/12.

POLICY - SEE APPENDIX

ADVERTISEMENTS

- The application has been advertised under neighbour notification procedures and as a departure from the development plan.

CONSULTATIONS

Forestry Commission - Consultation highlights the need for compensatory woodland planting. This matter is addressed through the payment being made by the applicant to the Council for compensatory planting elsewhere via the Woodland Trust.

Planning and Development Obligations - None sought for this application.

Moray Flood Risk Management - No objection, drainage information was updated to ensure up to date climate figures were used in the attenuation calculations.

SEPA - Approve subject to informative relating to drainage requirements.

Building Standards - A Building Warrant is required.

Transportation - approve subject to conditions and informatives.

Contaminated Land (Environmental Health) – no objections.

Environmental Health – recommend conditions to control the noise levels and times of operation of the filling store.

Private Water supplies (Environmental Health) – no objections.

Scottish Natural Heritage – no objection. SNH do comment that the surface water drainage arrangements during and after construction should take care not to impact upon the nearby River Spey Special Area of Conservation (SAC). An informative to this affect is recommended.

Scottish Water – no objection.

OBJECTIONS-REPRESENTATIONS

NOTE: Following the determination of this application, name and address details will be/have been removed (i.e. redacted) in accordance with the General Data Protection Regulations (paragraph 3 of Minute, Planning & Regulatory Services Committee 16 September 2014).

A letter of representation has been received from:-

[REDACTED]

The grounds of representation or objection are summarised below.

Issue: If permission is given then there must be full protection of all wildlife flora and fauna.

Comment (PO): It is noted that the site which was previously woodland had been cleared, at what appears to be the same time as the adjoining warehouses were recently constructed. This will have resulted in the loss of some coniferous woodland habitat. The applicants are making a contribution toward off site compensatory tree planting which should go some way to off-setting the loss of habitat.

Issue: No demolition should take place until the Council are absolutely convinced that no bats are in situ. The bat mating season is approaching (letter written in August 2019).

Comment (PO): There is no demolition works proposed as part of the development. The mature coniferous woodland that was felled may have provided bat habitat, but the trees were in good condition during the previous site visit in 2017. The site had been cleared by the time of the site visit in 2019.

OBSERVATIONS

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e. the adopted Moray Local Development Plan 2015 (MLDP) unless material considerations indicate otherwise. On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Moray Local Development Plan 2020 was approved as the "settled view" of the Council and minimal weight will be given to it, with the 2015 MLDP being the primary consideration.

Further consideration of the weight to be attached to the Proposed Plan was considered and agreed at the Planning and Regulatory Services Committee on 29th January 2019, with the Committee agreeing that between June/ August 2019 and adoption of the new LDP in mid-2020, the weight to be given to matters set out in the Proposed Plan will vary;

- Where matters set out in the Proposed Plan are subject to unresolved objections which will be considered through Examination, then those matters will continue to be given minimal weight as a material consideration in the development management process.
- Where matters set out in the Proposed Plan are not subject to unresolved objections, they will be given greater weight as a material consideration in the development management process.

The weight to be given will be considered on a case by case basis and will be agreed by the Development Management Manager and Development Plans Principal Planning Officer.

In this case the proposal is not subject to a designated site.

The main issues are considered below.

Siting and Design and departure issues (ED7, E9, IMP1 and Lower Knockando rural grouping designation)

Policy E9 Settlement Boundaries defines the extent to which any settlement or rural grouping should expand within the lifetime of the development plan and to maintain a clear distinction between built up areas and the open countryside. In this case the proposals depart from the policy as it would result in built development outwith and near to the defined rural grouping boundary of Lower Knockando. The development site, does however sit adjacent to another warehouse development approved as a departure under 17/00339/APP (see history section) which has now effectively altered the settlement boundary.

Policy ED7 Rural Business Proposals permits new business development and extensions to existing industrial activities in the countryside providing this meets specified criteria regarding locational justification, siting, design, landscape, emissions, the environment and infrastructure. Given the site location immediately out with the settlement boundary, it was advertised a potential departure from policy ED7.

Policy IMP1 Developer Requirements seeks compatibility with the surrounding area and integration with the landscape. The application was advertised as a departure from this policy also given the previously stated conflict with its location and the adjoining rural grouping.

In terms of siting and visual impact, the submitted plans for the warehouses show them in a location surrounded by mature woodland or existing warehouses. Many of these trees are to be protected and retained under planning approval 17/00339/APP to the south of the current site, ensuring the existing enclosure is maintained. The buildings would sit behind the existing warehouse development of similar buildings to the south and given the surrounding woodland backdrop and elevated land to the north west and north east the warehouses would not dominate the skyline from any direction. The River Spey sitting to the south and east of this location is heavily forested and there are no public roads on the opposing bank from which the site would be prevalent. The site is therefore discretely located from close or distant views.

The low profile design of the proposed buildings (7m to eaves and 11m to the ridge) would represent an acceptable form of development, albeit a departure from policy E9 Settlement Boundaries. Neutral coloured finishes of juniper green profile sheeting to the walls and roof would further ensure that the development blends sensitively with its surroundings. Policy E7 Area of Great Landscape Value requires development proposals to incorporate the highest standards of siting and design and to not have a significant adverse effect on the landscape character of the area. The above mentioned siting and visual mitigation measures would also satisfy the requirements of E7.

In terms of amenity, the proposal which is in part for maturation storage, similar to the nearby warehousing, would not fundamentally alter the character of the wider area which is host to two distilleries. The eastern end of the site is where warehouses would come closest to residential properties approximately 100m to the south, but as the houses are not orientated towards the warehouses and are themselves set within a distillery, it is not considered that they will be detrimentally. The site would sit within a discrete location and would not affect or compromise the rural grouping, or be seen from the Speyside Way to the south. The altered warehouse to filling store results in little visible change to the previously approved warehouse.

On the basis of the above, the locational rationale for the warehouses, and precedent already set by the newly constructed warehouses straddling the Lower Knochando settlement boundary, and would support the local economy the current proposal would be an acceptable departure from ED7 Rural Business Proposals, E9 Settlement Boundaries and IMP1 Developer Requirements in terms of its siting. Whilst not formally consulted, the Strategic Planning and Delivery Manager following discussion agrees with the above conclusions on departure matters, noting that similar issues had arisen for 17/00339/APP closer too and straddling the rural settlement boundary.

Impact on Woodland (E4 and ER2)

Policies E4 Trees and Development, ER2 Development in Woodlands and the Councils own supplementary guidance on 'Trees and Development' seeks to ensure where a development irreversibly removes an area of woodland (in this case coniferous forestry land) it must be compensated for to ensure the woodland asset within Moray is not diminished or removed by development. These policies are in line with the requirement of the Scottish Government policy document Control of Woodland Removal. The application details show that an area of 0.75 hectares of woodland within the national forest inventory area would be lost by the development of warehousing (albeit already felled). The previously submitted ecology report for 17/00339/APP did encompass the area subject of the current planning application which identified the area to be host to mature coniferous plantation (Scots Pine and Larch).

In line with the above policies and guidance, the applicants considered various options but have agreed to make a financial contribution whereby a payment made to the Council is ring-fenced for use by Moray Council in conjunction with the Woodland Trust Scotland to provide compensatory woodland elsewhere in Moray, at a rate per hectare which is inclusive of several decades of forest management. The calculation in this case would relate to the 0.75 hectares identified and this payment has already been offered up front by the applicant. A payment of £9000 would be made in this regard and of note a similar larger payment was made for the loss of over 1 hectare under planning application 17/00339/APP in 2017. On the basis of the payment being made, the proposal would comply with the above policies.

Access (T2 and T5)

Policies T2 and T5 require provision of a safe/ suitable access onto the public road network and adequate parking facilities. The proposed access arrangements involving the use of the minor unclassified public road leading past Tamdhu toward Knockando Distillery have largely been provided under the previous planning application 17/00339/APP although it is noted that the visibility splay required at the access to the site has not been provided and is presently severely obstructed due to trees, vegetation and high bank in both directions. A condition is recommended to being about the timeous provision of that splay and as with the previous warehouses a condition also pursues the road survey to be undertaken to assess the impact on the local road network.

In terms of parking facilities and compliance with policy T5 Parking Standards, the proposed 4 parking spaces in association with the filling store are acceptable to the Transportation Manager.

Flood Risk (EP7 and EP8)

The application site (or parts thereof) lies adjacent to the 1 in 200 year (0.5% annual probability) flood envelope of the surface water ponding and flooding. As such the proposal requires assessment under the terms of policy EP7 Control of Development in Flood Risk Areas, including consultation with SEPA and the Council's Flood Risk Management Team who ultimately have raised no objection to the grant of planning permission having assessed the proposed surface water proposed drainage infrastructure.

Surface Water Drainage (EP5, EP10 and IMP1)

Policy EP5 Surface Water Drainage requires the provision of SUDs to handle any surface water arising from the development. This application includes some retrospective changes to the surface water system serving the now constructed warehouses approved under planning application 17/00339/APP, where the developer has now installed a filtration system dealing with surface water on site, and negating the need for an outfall southward toward the River Spey. The altered drainage scheme would also receive the surface water from the proposed block of 4 warehouses.

Although the proposed arrangements have been indicated on the plans and supporting information, further details/clarification of the proposed SUDs scheme were requested and was subsequently supplied. SEPA and the Council's Flood Risk Management Team confirmed that they are satisfied, subject to informatives.

The proposal would therefore comply with the requirements of policy EP5 Surface Water Drainage: Sustainable Urban Drainage Systems.

Nature Conservation (E1, E3 and IMP3)

Policy E1 Natura Sites and National Nature Conservation Sites aims to protect the integrity of such sites against inappropriate development. The proposal site lies within the catchment of the River Spey, which along with a number of its tributaries has been designated a Special Area of Conservation (SAC) and requires specific attention particularly during construction to ensure that no pollution of the river or impact upon protected species arises. Both SEPA and SNH have been consulted in this regard and have raised no objection to the granting of approval subject to an informative seeking to safeguard water environment.

It is noted that the site has already been cleared and levelled, but comfort is taken from the ecological statement submitted which confirms that protected species would not be compromised by the proposed development. This ecology statement was carried out in 2017 for planning application 17/00339/APP and did include the area covered by the current planning application, that found no evidence of key protected species on site. This was supported by a site walk over undertaken by the Planning Officer where no evidence of badger sets or latrines was detected.

An informative note is however recommended drawing the developer's attention to the fact that The Conservation (Natural Habitats &c.) Regulations 1994 make it illegal to deliberately or recklessly kill, injure, disturb or capture/take European Protected Species of animal or to damage or destroy the breeding sites or resting places of such animals. There are no other structures on the site that might play host to protected species, and the proposals are considered to comply with the above policy E3 Protected Species.

Developer Obligations (IMP3)

Policy IMP3 seeks contributions from developers where development would have a measurable adverse or negative impact on existing infrastructure, community facilities or amenity. In this case, there has been no contribution required. Improvements have been made to the local road network.

On the basis of the above the application is being recommended for approval.

REASON(S) FOR DECISION

The Council's reason(s) for making this decision are: -

Whilst the proposal departs from several policies and the rural grouping designation within the Moray Local Development Plan 2015 (namely ED7, E9, IMP1 and Knockando (Lower) rural grouping statement) there are material considerations that justify approval as a departure from the Moray Local Development Plan. The site would occupy a well-defined, discrete and enclosed parcel of land enclosed by woodland and existing warehouses, close to two distilleries that would not compromise the wider aims of the Moray Local Development Plan, and would assist rural business growth. No other material considerations arose preventing approval of the development.

**Author/Contact
Officer:**

Neal MacPherson
Principal Planning Officer

Ext: 01343 563266

**Beverly Smith
Development Management & Building Standards Manager**

APPENDIX

POLICY

Adopted Moray Local Development Plan 2015

Primary Policy PP1: Sustainable Economic Growth

The Local Development Plan identifies employment land designations to support requirements identified in the Moray Economic Strategy. Development proposals which support the Strategy and will contribute towards the delivery of sustainable economic growth and the transition of Moray towards a low carbon economy will be supported where the quality of the natural and built environment is safeguarded and the relevant policies and site requirements are met.

Primary Policy PP2: Climate Change

In order to contribute to reducing greenhouse gas emissions, developments of 10 or more houses and buildings in excess of 500 sq m should address the following:

- Be in sustainable locations that make efficient use of land and infrastructure
- Optimise accessibility to active travel options and public transport
- Create quality open spaces, landscaped areas and green wedges that are well connected
- Utilise sustainable construction techniques and materials and encourage energy efficiency through the orientation and design of buildings
- Where practical, install low and zero carbon generating technologies
- Prevent further development that would be at risk of flooding or coastal erosion
- Where practical, meet heat and energy requirements through decentralised and local renewable or low carbon sources of heat and power
- Minimise disturbance to carbon rich soils and, in cases where it is agreed that trees can be felled, to incorporate compensatory tree planting.

Proposals must be supported by a Sustainability Statement that sets out how the above objectives have been addressed within the development. This policy is supported by supplementary guidance on climate change.

Policy ED7: Rural Business Proposals

New business developments, or extensions to existing industrial/economic activities in the countryside, will be permitted if they meet all of the following criteria:

- a) There is a locational justification for the site concerned, particularly if there is serviced industrial land available in a nearby settlement.

- b) There is capacity in the local infrastructure to accommodate the proposals, particularly road access, or that mitigation measures can be achieved.
- c) Account is taken of environmental considerations, including the impact on natural and built heritage designations, with appropriate protection for the natural environment; the use of enhanced opportunities for natural heritage integration into adjoining land.
- d) There is careful control over siting, design, landscape and visual impact, and emissions. In view of the rural location, standard industrial estate/urban designs may not be appropriate.

Proposals involving the rehabilitation of existing properties (e.g. farm steadings) to provide business premises will be encouraged, provided road access and parking arrangements are acceptable.

Where noise emissions or any other aspect is considered to be incompatible with surrounding uses, there will be a presumption to refuse.

Outright retail activities will be considered against retail policies, and impacts on established shopping areas, but ancillary retailing (eg farm shop) will generally be acceptable.

Policy E1: Natura 2000 Sites and National Nature Conservation Sites

Natura 2000 designations

Development likely to have a significant effect on a Natura 2000 site which is not directly connected with or necessary to its conservation management must be subject to an appropriate assessment of the implications for its conservation objectives. Proposals will only be approved where the appropriate assessment has ascertained that there will be no adverse effect on the integrity of the site.

In exceptional circumstances, proposals that could affect the integrity of a Natura site may be approved where;

- a) there are no alternative solutions; and
- b) there are imperative reasons of over-riding public interest including those of a social or economic nature, and
- c) if compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

For Natura 2000 sites hosting a priority habitat or species (as defined in Article 1 of the Habitats Directive), prior consultation with the European Commission via Scottish Ministers is required unless either the imperative reasons of overriding public interest relate to human health, public safety or beneficial consequences of primary importance to the environment.

National designations

Development proposals which will affect a National Park, Site of Special Scientific Interest (SSSI) or National Nature Reserves will only be permitted where:

- a) the objectives of designation and the overall integrity of the area will not be compromised; or
- b) any significant adverse effects on the qualities for which the site has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

Policy E3: Protected Species

Proposals which would have an adverse effect on a European protected species will not be approved unless;

- there is no satisfactory alternative; and
- the development is required to preserve public health or public safety, or for other reasons of overriding public interest, including those of a social or economic nature, and beneficial consequences of primary importance for the environment; and the development will not be detrimental to the maintenance of the population of species concerned at a favourable conservation status of the species concerned.

Proposals which would have an adverse effect on a nationally protected species of bird will not be approved unless;

- There is no other satisfactory solution
- The development is necessary to preserve public health or public safety
- The development will not be detrimental to the conservation status of the species concerned.

Proposals which would have an adverse effect on badgers or their setts must be accompanied by a Badger Protection Plan to avoid, minimise or compensate for impacts. A licence from Scottish Natural Heritage may be required as well as planning permission. Where a protected species may be affected a species survey should be prepared to accompany the application to demonstrate how any offence under the relevant legislation will be avoided.

Policy E4: Trees and Development

The Council will serve Tree Preservation Orders (TPO's) on potentially vulnerable trees which are of significant amenity value to the community as a whole, or trees of significant biodiversity value.

Within Conservation Areas the Council will only agree to the felling of dead, dying, or dangerous trees. Trees felled within Conservation Areas or subject to TPO protection should be replaced, unless otherwise agreed with the Council.

Woodland removal will only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The Council may attach conditions on planning consents ensuring that existing trees and hedges are retained or replaced.

Development proposals will be required to meet the requirements set out in the Council's Trees and Development Supplementary Guidance. This includes carrying out a tree survey to identify trees on site and those to be protected. A safeguarding distance should be retained between mature trees and proposed developments.

When imposing planting or landscaping conditions, native species should be used and the Council will seek to promote green corridors.

Proposals affecting woodland will be considered against Policy ER2.

Policy E7: Areas of Great Landscape Value (AGLV) and impacts upon the wider landscape

Development proposals which would have a significant adverse effect upon an Area of Great Landscape Value will be refused unless:

- a) They incorporate the highest standards of siting and design for rural areas
- b) They will not have a significant adverse effect on the landscape character of the area, in the case of wind energy proposals the assessment of landscape impact will be made with reference to the terms of the Moray Wind Energy Landscape Capacity Study.
- c) They are in general accordance with the guidance in the Moray and Nairn Landscape Character Assessment.

New developments should be designed to reflect the landscape characteristics and special qualities identified in the Landscape Character Assessment of the area in which they are proposed.

Proposals for new hill tracks should ensure that their alignment minimises visual impact; avoids sensitive natural heritage features, avoids adverse impacts upon the local hydrology; and takes account of the likely type of recreational use of the track and wider network.

Policy E9: Settlement Boundaries

Settlement boundaries are drawn around each of the towns, villages and rural communities representing the limit to which these settlements can expand during the Local Development Plan period. Development proposals immediately outwith the boundaries of these settlements will not be acceptable, unless the proposal is a designated "LONG" term development site which is being released for development under the terms of Policy H2.

(In accordance with policy H11, for proposals involving Gypsy/Traveller sites, a distance of 1km will be applied as being "immediately outwith".)

EP4: Private Water Supplies

All proposals to use a private water supply must demonstrate that a wholesome and adequate supply can be provided. Applicants will be required to provide a National Grid Reference for each supply source and mark the supply (and all works associated) e.g. the source, holding tank and supply pipe, accurately on the application plan. The applicant will also be required to provide information on the source type (e.g. well, borehole, spring). This information is necessary to enable the appropriate authorities to advise on the environmental impact, adequacy, wholesomeness, capacity of supply for existing and proposed users and pollution risks.

Policy EP5: Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)

Surface water from development should be dealt with in a sustainable manner that has a neutral effect on the risk of flooding or which reduces the risk of flooding. The method of dealing with surface water should also avoid pollution and promote habitat enhancement and amenity. All sites should be drained by a sustainable drainage system (SUDS). Drainage systems should contribute to enhancing existing "blue" and "green" networks while contributing to place-making, biodiversity, recreational, flood risk and climate change objectives.

Specific arrangements should be made to avoid the issue of permanent SUD features becoming silted-up with construction phase runoff. Care must be taken to avoid the introduction of invasive non-native species during the construction of all SUD features.

Applicants must agree provisions for long term maintenance of the SUDS scheme to the satisfaction of the Council in consultation with SEPA and Scottish Water as appropriate.

A Drainage Assessment (DA) will be required for developments of 10 houses or more, industrial uses, and non-residential proposals of 500 sq metres and above.

The Council's Flood Team will prepare Supplementary Guidance on surface water drainage and flooding.

Policy EP7: Control of Development in Flood Risk Areas

New development should not take place if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere. Proposals for development in areas considered to be at risk from flooding will only be permitted where a flood risk assessment to comply with the recommendations of National Guidance and to the satisfaction of both the Scottish Environment Protection Agency and the Council is provided by the applicant. This assessment must demonstrate that any risk from flooding can be satisfactorily mitigated without increasing flood risk elsewhere. Due to continuing changes in climatic patterns, the precautionary principle will apply when reviewing any application for an area at risk from inundation by floodwater.

The following limitations on development will also be applied to take account of the degree of flooding as defined in Scottish Planning Policy;

- a) In areas of little to no risk (less than 0.1%) there will be no general constraint to development.

- b) Areas of low to medium risk (0.1% to 0.5%) will be considered suitable for most development. A flood risk assessment may be required at the upper end of the probability range (i.e. close to 0.5%), and for essential civil infrastructure and most vulnerable uses. Water resistant materials and construction may be required. Areas within this risk category will generally not be suitable for civil infrastructure. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during extreme flooding events.
- c) Areas of medium to high risk (0.5% or above) may be suitable for:
- Residential, institutional, commercial and industrial development within built up areas provided flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood management plan;
 - Essential infrastructure within built up areas, designed and constructed to remain operational during floods and not impede water flow;
 - Some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place and
 - Job related accommodation e.g. for caretakers or operational staff.

Areas within these risk categories will generally not be suitable:

- Civil infrastructure and most vulnerable uses;
- Additional development in undeveloped and sparsely developed areas, unless a location is essential for operational reasons, e.g. for navigation and water based recreation, agriculture, transport or utilities infrastructure (which should be designed to be operational during floods and not impede water flow), and
- An alternative, lower risk location is not available and
- New caravan and camping sites.

Where development is permitted, measures to protect against or manage flood risk will be required and any loss of flood storage capacity mitigated to achieve a neutral or better outcome. Water resistant materials and construction should be used where appropriate. Elevated buildings on structures such as stilts are unlikely to be acceptable.

Policy EP8: Pollution

Planning applications for developments that may cause significant pollution in terms of noise (including RAF aircraft noise), air, water and light emissions will only be approved where a detailed assessment report on the levels, character and transmission of the potential pollution is provided by the applicant. The assessment should also demonstrate how the pollution can be appropriately mitigated. Where the Council applies conditions to the consent to deal with pollution matters these may include subsequent independent monitoring of pollution levels.

Policy EP9: Contaminated Land

Development proposals on potentially contaminated land will be approved provided that:

- a) The applicant can demonstrate through site investigations and risk assessment, that the site is in a condition suitable for the proposed development and is not causing significant pollution of the environment; and
- b) Where necessary, effective remediation measures are agreed to ensure the site is made suitable for the new use and to ensure appropriate disposal and/or treatment of any hazardous material.

The Council recommends early contact with the Environmental Health Section, which can advise what level of information will need to be supplied.

Policy EP10: Foul Drainage

All development within or close to settlements (as defined in the Local Development Plan) of more than 2,000 population equivalent will require to connect to the public sewerage system unless connection to the public sewer is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed investment to address this constraint has been specifically allocated within its current Quality Standards Investment Programme and the following requirements apply:

- Systems shall not have an adverse impact on the water environment;
- Systems must be designed and built to a standard which will allow adoption by Scottish Water.
- Systems must be designed such that they can be easily connected to a public sewer in the future. Typically this will mean providing a drainage line up to a likely point of connection.

All development within or close to settlements (as identified in the Local Development Plan) of less than 2000 population equivalent will require to connect to public sewerage system except where a compelling case is made otherwise. Factors to be considered in such a case will include size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage problems within the area. Where a compelling case is made, a private system may be acceptable provided it does not pose or add risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or amenity of the general area. Consultation with Scottish Environment Protection Agency will be undertaken in these cases.

Where a private system is deemed to be acceptable (within settlements as above or small scale development in the countryside) a discharge to land (either full soakaway or raised mound soakaway) compatible with Technical Handbooks (which sets out guidance on how proposals may meet the Building (Scotland) Regulations 2004) should be explored prior to considering a discharge to surface waters.

Policy EP11: Hazardous Sites

The Council will have regard to the presence of major hazard sites, and apply the PADHI (Planning Advice for Development near Hazardous Installations) methodology for planning applications within the consultation distances around these sites. Formal consultations with the Health and Safety Executive and also the Scottish Environment Protection Agency (SEPA) will take place as appropriate.

Policy ER2: Development in Woodlands

All woodlands

Development which involves the loss of woodlands will be refused where the development would result in unacceptable adverse effects on the amenity, landscape, biodiversity, economic or recreational value of the woodland or prejudice the management of the forest. Woodland removal will only be supported where it can be demonstrated that the impact on the woodland is clearly outweighed by social or economic benefits of national, regional and local importance, and if a programme of proportionate compensatory planting has been agreed with the Planning Authority.

Protected Woodlands

Woodland removal within native woodlands, ancient semi natural and woodlands within sites protected under the terms of policies E1 and E2 will not be supported.

Tree surveys and new planting

Development proposals must take account of the Council's Trees and Development supplementary guidance. The Council will require the provision of compensatory planting to mitigate the effects of woodland removal.

Where appropriate the Council will seek opportunities to create new woodland and plant native trees in new development proposals. If a development would result in the severing or impairment of connectivity between important woodland habitats, mitigation measures should be identified and implemented to support the wider green network.

Policy T2: Provision of Access

The Council will require that new development proposals are designed to provide the highest level of access for end users including residents, visitors, and deliveries appropriate to the type of development and location. Development must meet the following criteria:

- Proposals must maximise connections and routes for pedestrian and cyclists, including links to active travel and core path routes, to reduce travel demands and provide a safe and realistic choice of access.
- Provide access to public transport services and bus stop infrastructure where appropriate.
- Provide appropriate vehicle connections to the development, including appropriate number and type of junctions.

- Provide safe entry and exit from the development for all road users including ensuring appropriate visibility for vehicles at junctions and bends.
- Provide appropriate mitigation/modification to existing transport networks where required to address the impacts of new development on the safety and efficiency of the transport network. This may include but would not be limited to, the following measures, passing places, road widening, junction enhancement, bus stop infrastructure and drainage infrastructure. A number of potential road improvements have been identified in association with the development of sites the most significant of these have been shown on the Settlement Map as TSPs.
- Proposals must avoid or mitigate against any unacceptable adverse landscape or environmental impacts.

Developers should give consideration to aspirational core paths (under Policy 2 of the Core Paths Plan) and active travel audits when preparing proposals.

New development proposals should enhance permeability and connectivity, and ensure that opportunities for sustainable and active travel are protected and improved.

The practicality of use of public transport in more remote rural areas will be taken into account however applicants should consider innovative solutions for access to public transport.

When considered appropriate by the planning authority developers will be asked to submit a Transport Assessment and Travel Plan.

Significant travel generating proposals will only be supported where:

- Direct links to walking and cycling networks are available;
- Access to public transport networks would involve walking no more than 400m;
- It would not have a detrimental effect on the capacity of the strategic road and/or rail network; and
- A Transport Assessment identifies satisfactory mechanisms for meeting sustainable transport requirements and no detrimental impact to the performance of the overall network.

Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.

Policy T5: Parking Standards

Proposals for development must conform with the Council's current policy on parking standards.

Policy IMP1: Developer Requirements

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It should comply with the following criteria

- a) The scale, density and character must be appropriate to the surrounding area.
- b) The development must be integrated into the surrounding landscape
- c) Road, cycling, footpath and public transport must be provided at a level appropriate to the development. Core paths; long distance footpaths; national cycle routes must not be adversely affected.
- d) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water.
- e) Where of an appropriate scale, developments should demonstrate how they will incorporate renewable energy systems, and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria.
- f) Make provision for additional areas of open space within developments.
- g) Details of arrangements for the long term maintenance of landscape areas and amenity open spaces must be provided along with Planning applications.
- h) Conservation and where possible enhancement of natural and built environmental resources must be achieved, including details of any impacts arising from the disturbance of carbon rich soil.
- i) Avoid areas at risk of flooding, and where necessary carry out flood management measures.
- j) Address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- k) Address and sufficiently mitigate any contaminated land issues
- l) Does not sterilise significant workable reserves of minerals or prime quality agricultural land.
- m) Make acceptable arrangements for waste management.

Policy IMP3: Developer Obligations

Contributions will be sought from developers in cases where, in the Council's view, a development would have a measurable adverse or negative impact upon existing infrastructure, community facilities or amenity, and such contributions would have to be appropriate to reduce, eliminate or compensate for that impact.

Where the necessary contributions can be secured satisfactorily by means of planning conditions attached to a planning permission, this should be done, and only where this

cannot be achieved, for whatever reason, the required contributions should be secured through a planning agreement.

The Council will prepare supplementary guidance to explain how the approach will be implemented in accordance with Circular 3/2012 on Planning Obligations. This will detail the necessary facilities and infrastructure and the scale of contributions likely to be required.

In terms of affordable housing, developments of 4 or more units will be expected to make a 25% contribution, as outlined in policy H8.

Knockando (Lower)

A distillery complex within which the provision of gap sites is limited because of the predominantly industrial character of the community. As no other opportunities exist, the Council will permit the removal of trees at Site A to accommodate a number of house sites subject to compliance with policy ER2 - Development in Woodlands. Development of 4 or more houses must comply with placemaking and affordable housing policies (see page 3).

A public water supply is available but the public drainage system (septic tank, which serves only part of the community) is at present working to capacity.

Development will depend on the suitability of ground conditions for soakaways or the installation of an appropriate system to a watercourse with sufficient dilution. Developers must demonstrate that there will not be an adverse effect on the integrity of the River Spey SAC. Sufficient information will be required at planning application stage to confirm that adequate protection measures are able to be implemented to protect the water environment.

Any future residential development must consider the potential for excessive noise from existing noise sources in the vicinity. Applicants should have regard to noise measurement criteria which are appropriate.

Parts of Knockando (Lower) are at risk of flooding and applications for development may be asked to carry out a detailed Flood Risk Assessment.

Character Description: 5 Distillery Village.

Specific Character Features

- **Group B** buildings dominant.

Proposed Moray Local Development Plan 2020

PP2 SUSTAINABLE ECONOMIC GROWTH.

"Development proposals for employment land which support the Moray Economic Strategy to deliver sustainable economic growth will be supported where the quality of the natural and built environment is safeguarded, there is a clear locational need and all potential impacts can be satisfactorily mitigated. "

PP3 INFRASTRUCTURE & SERVICES.

Development must be planned and co-ordinated with infrastructure to ensure that places function properly and proposals are adequately served by infrastructure and services. A Utilities Plan must be submitted with planning applications setting out how existing and new utility (including gas, water, electricity, pipelines and pylons) provision have been incorporated into the layout and design of the proposal.

a) Development proposals will need to provide for the following infrastructure and services:

- i) Education, Health, Transport, Sports and Recreation and Access facilities in accord with Supplementary Guidance on Developer Obligations and Open Space.
- ii) Green infrastructure and network requirements specified in policy EP5 Open Space, Town and Village Maps and, contained within Supplementary Guidance on the Open Space Strategy, Masterplans and Development Briefs.
- iii) Mitigation/modification to the existing transport network to address the impact of the proposed development in terms of safety and efficiency. This may include but not be limited to passing places, road widening, junction enhancement, bus stop infrastructure, and drainage infrastructure. A number of potential road and transport improvements are identified and shown on the Town and Village Maps as Transport Proposals (TSP's) including the interventions in the Elgin Transport Strategy. These requirements are not exhaustive and do not pre-empt any measures which may result from the Transport Assessment process.
- iv) Electric car charging points must be provided at all commercial, community and communal parking facilities. Access to charging points must also be provided for residential on plot parking provision. Car share parking spaces must be provided within communal parking areas where a need is identified by the Transportation Manager.
- v) Active Travel and Core Path requirements specified in the Council's Active Travel Strategy and Core Path Plan.
- vi) Safe transport and access routes linking to existing networks and mitigating the impacts of development off-site.
- vii) Information Communication Technology (ICT) and fibre optic broadband connections for all premises unless justification is provided to substantiate it is technically unfeasible.
- viii) Foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS), including construction phase SUDS.
- ix) Measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland including the provision of local waste storage and recycling facilities designed into the development in accord with policy PP1 Placemaking. For major applications a site waste management plan may be required to ensure that waste minimisation is achieved during the construction phase.

- x) Infrastructure required to improve or increase capacity at Water Treatment Works and Waste Water Treatment Works will be supported subject to compliance with policy DP1.

b) Development proposals will not be supported where they:

- i) Create new accesses onto trunk roads and other main/key routes (A941 & A98) unless significant economic benefits are demonstrated.
- ii) Adversely impact on active travel routes, core paths, rights of way, long distance and other access routes and cannot be adequately mitigated by an equivalent or better alternative provision in a location convenient for users.
- iii) Adversely impact on blue/green infrastructure, including green networks important for wildlife unless an equivalent or better alternative provision will be provided.
- iv) Are incompatible with key waste sites at Dallachy, Gollanfield, Moycroft and Waterford and would prejudice their operation.
- v) Adversely impact on community and recreational sites, buildings or infrastructure including CF designations and cannot be adequately mitigated.
- vi) Adversely impact on flood alleviation and mitigation infrastructure.
- vii) Compromise the economic viability of bus or rail facilities.

c) Harbours.

Development within and diversification of harbours to support their sustainable operation will be supported subject to compliance with other policies and settlement statements.

d) Developer Obligations.

Developer obligations will be sought to mitigate any measurable adverse impact of a development proposal on local infrastructure, including education, healthcare, transport, sports and recreational facilities and access routes. Obligations will be sought to reduce, eliminate or compensate for this impact.

Where necessary obligations that can be secured satisfactorily by means of a planning condition attached to planning permission will be done this way. Where this cannot be achieved, the required obligation will be secured through a planning agreement in accordance with Circular 3/2012 on Planning Obligations.

Developer obligations will be sought in accordance with the Council's Supplementary Guidance on Developer Obligations. This sets out the anticipated infrastructure requirements, including methodology and rates.

Where a developer considers that the application of developer obligations renders a development commercially unviable a viability assessment and 'open-book accounting' must be provided by the developer which Moray Council, via the District Valuer, will verify,

at the developer's expense. Should this be deemed accurate then the Council will enter into negotiation with the developer to determine a viable level of developer obligations.

The Council's Developer Obligations Supplementary Guidance provides further detail to support this policy.

DP1 DEVELOPMENT PRINCIPLES.

This policy applies to all developments, including extensions and conversions and will be applied proportionately.

The Council will require applicants to provide impact assessments in order to determine the impact of a proposal. Applicants may be asked to determine the impacts upon the environment, transport network, town centres, noise, air quality, landscape, trees, flood risk, protected habitats and species, contaminated land, built heritage and archaeology and provide mitigation to address these impacts.

Development proposals will be supported if they conform to the relevant Local Development Plan policies, proposals and additional guidance, meet the following criteria and address their individual and cumulative impacts:

(i) Design

- a) The scale, density and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.
- b) The development must be integrated into the surrounding landscape which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g. distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided with planning applications for all proposals where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the "Right Tree in the Right Place".
- c) Make provision for new open space and connect to existing open space under the requirements of Policy EP5 and provide details of the future maintenance of these spaces. A detailed landscape plan must be submitted with planning applications and include information about green/blue infrastructure, tree species, planting, ground/soil conditions, and natural and man-made features (e.g. grass areas, wildflower verges, fencing, walls, paths, etc.).
- d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours and integrate into the landscape.
- e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.

- f) Proposals do not result in backland development or plots that are subdivided by more than 50% of the original plot. Sub-divided plots must be a minimum of 400m², excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and the resultant plot density and layout reflects the character of the surrounding area.
 - g) Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.
 - h) Existing stone walls on buildings and boundaries must be retained.
 - i) Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.
- i) Proposals must orientate and design buildings to maximise opportunities for solar gain

(ii) Transportation

- a) Proposals must provide safe entry and exit from the development, including the appropriate number and type of junctions, maximise connections and routes for pedestrians and cyclists, including links to active travel and core path routes, reduce travel demands and ensure appropriate visibility for all road users at junctions and bends. Road, cycling, footpath and public transport connections and infrastructure must be provided at a level appropriate to the development and connect people to education, employment, recreation, health, community and retail facilities.
- b) Car parking must not dominate the street scene and must be provided to the side or rear and behind the building line. Minimal (25%) parking to the front of buildings and on street may be permitted provided that the visual impact of the parked cars is mitigated by hedging or low stone boundary walls. Roadways with a single carriageway must provide sufficient off road parking to avoid access routes being blocked to larger service vehicles and prevent parking on pavements.
- c) Provide safe access to and from the road network, address any impacts on road safety and the local road and public transport network. Any impacts identified through Transport Assessments/ Statements must be identified and mitigated. This may include but would not be limited to, passing places, road widening, junction improvements, bus stop infrastructure and drainage infrastructure. A number of potential mitigation measures have been identified in association with the development of sites and the most significant are shown on the Proposals Map as TSP's.
- d) Provide covered and secure facilities for cycle parking at all flats/apartments, retail, community, education, health and employment centres.
- e) Garages and parking provision must be designed to comply with Moray Council parking specifications see Appendix 2.
- f) The road layout must be designed to allow for the efficient mechanical sweeping of all roadways and channels, pavements, turning areas and junctions. The road layout must also be designed to enable safe working practices, minimising reversing of

service vehicles with hammerheads minimised in preference to turning areas and to provide adequate space for the collection of waste and movement of waste collection vehicles.

- g) The road and house layout in urban development should allow for communal refuse collection points where the design does not allow for individual storage within the curtilage and / or collections at kerbside. Communal collection points may either be for the temporary storage of containers taken by the individual householder or for the permanent storage of larger containers. The requirements for a communal storage area are stated within the Council's Kerbside Collection Policy, which will be a material consideration.
- h) Road signs should be minimised designed and placed at the back of footpaths to reduce street clutter, avoid obstructing pedestrian movements and safeguarding sightlines.
- i) Within communal parking areas there will be a requirement for electric car charging points. Parking spaces for car sharing must be provided where a need is identified by the Transportation Manager.

iii) **Water environment, pollution, contamination.**

- a) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water including temporary/ construction phase SUDS (see Policy EP12).
- b) New development should not be located in areas at flood risk or increase vulnerability to flooding (see Policy EP12). Exceptions to this would only be considered in specific circumstances, e.g. extension to an existing building or change of use to an equal or less vulnerable use. Where this exception is applied the proposed development must include resilience measures such as raised floor levels and electrical sockets.
- c) Proposals must avoid major hazard sites and address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- d) Proposals must protect and wherever practicable enhance water features through for example naturalisation of watercourses by introducing a more natural planform and removing redundant or unnecessary structures.
- e) Proposals must address and sufficiently mitigate any contaminated land issues.
- f) Make acceptable arrangements for waste collection and management and encourage recycling.
- g) Avoid sterilising significant workable reserves of minerals, prime agricultural land or productive forestry.
- h) Proposals must avoid areas at risk of coastal erosion and coastal change.

BUSINESS & INDUSTRY

- a) Development of employment land is supported to deliver the aims of the Moray Economic Strategy. A hierarchical approach will be taken when assessing proposals for business and industrial uses. New and existing employment designations are set out in Settlement Statements and their description identifies where these fall within the policy hierarchy.

Proposals must comply with Policy DP1, site development requirements within town and village statements, and all other relevant policies within the Plan. Office development that will attract significant numbers of people must comply with Policy DP7 Retail/Town Centres.

- b) **Business Parks.**

Business parks will be kept predominantly for 'high-end' businesses such as those related to life sciences and high technology uses. These are defined as Class 4 (business) of the Town and Country Planning (Use Classes) (Scotland) Order 1997. This applies to new proposals as well as redevelopment within established Business Parks.

Proposals for the development of new business parks must adhere to the key design principles set out in town statements or Development Frameworks adopted by the Council.

- c) **Industrial Estates.**

Industrial Estates will be primarily reserved for uses defined by Classes 4 (business), 5 (general) and 6 (storage and distribution) of the Town and Country Planning (Use Classes) (Scotland) Order 1997. This applies to new proposals as well as redevelopment within established Industrial Estates. Industrial Estates could be suitable sites for waste management facilities.

- d) **Existing Business Areas.**

Long established business uses will be protected from non-conforming uses (e.g. housing). The introduction or expansion of non-business uses (e.g. retail) will not be permitted, except where the total redevelopment of the site is proposed.

- e) **Other Uses.**

Class 2 (business and financial), 3 (food and drink), 11 (assembly and leisure) and activities which do not fall within a specific use class (*sui generis*), including waste management facilities will be considered in relation to their suitability to the business or industrial area concerned, their compatibility with neighbouring uses and the supply of serviced employment land. Retail uses will not be permitted unless they are considered ancillary to the principal use (e.g. manufacture, wholesale). For this purpose, 'ancillary' is taken as being linked directly to the existing use of the unit and comprising no more than 10% of the total floor area up to a total of 1,000 sq metres (gross) or where a sequential approach in accordance with town centre first principles has identified no other suitable sites and the

proposal is in accordance with all other relevant policies and site requirements are met.

f) Areas of Mixed Use.

Proposals for a mix of uses where site specific opportunities are identified within Industrial Estate designations in the Settlement Statement, will be considered favourably the servicing of employment land and will not compromise the supply of effective employment land. A Development Framework that shows the layout of the whole site, range of uses, landscaping, open space and site specific design requirements must be provided. The minimum levels of industrial use specified within designations must be achieved on the rest of the site.

g) Rural Businesses and Farm Diversification.

Proposals for new business development and extensions to existing businesses in rural locations including tourism and distillery operations will be supported where there is a locational need for the site and the proposal is in accordance with all other relevant policies.

A high standard of design appropriate to the rural environment will be required and proposals involving the rehabilitation of existing properties (e.g. farm steadings) to provide business premises will be encouraged.

Outright retail activities will be considered against policy DP7, and impacts on established shopping areas, but ancillary retailing (e.g. farm shop) will generally be acceptable.

Farm diversification proposals and business proposals that will support the economic viability of the farm business are supported where they meet the requirements of all other relevant Local Development Plan policies.

h) Inward Investment Sites.

The proposals map identifies a proposed inward investment site at Dallachy which is safeguarded for a single user business proposal seeking a large (up to 40ha), rural site. Additional inward investment sites may be identified during the lifetime of the Plan.

Proposals must comply with Policy DP1 and other relevant policies.

EP3 SPECIAL LANDSCAPE AREAS AND LANDSCAPE CHARACTER.

i) Special Landscape Areas (SLA's).

Development proposals within SLA's will only be permitted where they do not prejudice the special qualities of the designated area set out in the Moray Local Landscape Designation Review, adopt the highest standards of design in accordance with Policy DP1 and other relevant policies, avoid adverse effects on the landscape and visual qualities the area is important for, and are for one of the following uses;

- a) In rural areas (outwith defined settlement and rural grouping boundaries);
 - i) Where the proposal involves an appropriate extension or change of use to existing buildings, or
 - ii) For uses directly related to distilling, agriculture, forestry and fishing which have a clear locational need and demonstrate that there is no alternative location, or
 - iii) For nationally significant infrastructure developments identified in the National Planning Framework.
- b) In urban areas (within defined settlement, rural grouping boundaries and LONG designations);
 - i) Where proposals conform with the requirements of the settlement statements, Policies PP1, DP1 and DP3 as appropriate and all other policy requirements, and
 - ii) Proposals reflect the traditional settlement character in terms of siting and design.
- c) The Coastal (Culbin to Burghead, Burghead to Lossiemouth, Lossiemouth to Portgordon, Portgordon to Cullen Coast), Cluny Hill, Spynie, Quarrywood and Pluscarden SLA's are classed as "sensitive" in terms of Policy DP4 and no new housing in the open countryside will be permitted within these SLA's.

Proposals for new housing within other SLA's not specified in the preceding para will be considered against the criteria set out above and the criteria of Policy DP4.

Where a proposal is covered by both a SLA and CAT or ENV policy/ designation, the SLA policy will take precedence.

ii) Landscape Character.

New developments must be designed to reflect the landscape characteristics identified in the Landscape Character Assessment of the area in which they are proposed.

Proposals for new roads and hill tracks associated with rural development must ensure that their alignment and use minimises visual impact, avoids sensitive natural heritage and historic environment features, including areas protected for nature conservation, carbon rich soils and protected species, avoids adverse impacts upon the local hydrology and takes account of recreational use of the track and links to the wider network.

EP6 SETTLEMENT BOUNDARIES

Settlement boundaries are drawn around each of the towns, villages and rural groupings representing the limit to which these settlements can expand during the Local Development Plan period.

Development proposals immediately outwith the boundaries of these settlements will not be acceptable, unless the proposal is a designated "LONG" term development site which is being released under the terms of Policy DP3.

EP7 FORESTRY, WOODLANDS AND TREES.

a) Forestry.

Proposals which support the economic, social and environmental objectives and projects identified in the Moray Forestry and Woodlands Strategy will be supported where they meet the requirements of all other relevant Local Development Plan policies. The Council will consult Forestry Commission Scotland on proposals which are considered to adversely affect commercial forests.

b) Woodlands.

In support of the Scottish Government's Control of Woodland Removal Policy, development which involves permanent woodland removal will only be permitted where it would achieve significant and clearly defined additional public benefits and where removal will not result in unacceptable adverse effects on the amenity, landscape, biodiversity, economic or recreational value of the woodland or prejudice the management of the woodland.

Where woodland is removed in association with development, developers must provide compensatory planting to be agreed with the planning authority either on site, or an alternative site in Moray which is in the applicant's control or through a commuted payment to the planning authority to deliver compensatory planting and recreational greenspace within Moray.

Woodlands identified in the Ancient Woodland Inventory are important not just for the trees, but for the soil structure, flora and fauna that rely on such woodlands. Ancient woodland ecosystems have been created over hundreds of years and are irreplaceable. Woodland removal within native woodlands identified as a feature of sites protected under Policy EP1 or woodland identified in the Ancient Woodland Inventory will not be supported.

c) Trees and Tree Preservation Orders.

Development proposals must to retain existing healthy, mature trees and incorporate them within the proposal. Where mature trees exist on or bordering a development site, a tree survey and tree protection and mitigation plan must be provided with planning applications if the trees (or their roots) have the potential to be affected by development and construction activity. Proposals must identify a safeguarding distance to ensure construction works, including access and drainage arrangements, will not damage or interfere with the root systems in the short or longer term.

The Council will serve Tree Preservation Orders (TPO's) on potentially vulnerable trees which are of significant amenity value to the community as a whole, trees that contribute to the distinctiveness of a place or trees of significant biodiversity value.

Within Conservation Areas, the Council will only agree to the felling of dead, dying, or dangerous trees. Trees felled within Conservation Areas or subject to TPO must be replaced, unless otherwise agreed by the Council.

EP14 POLLUTION, CONTAMINATION & HAZARDS.

a) Pollution.

Development Proposals which may cause significant air, water, soil, light or noise pollution or exacerbate existing issues must be accompanied by a detailed assessment report on the levels, character and transmission of the potential pollution with measures to mitigate impacts. Where significant or unacceptable impacts cannot be mitigated, proposals will be refused.

b) Contamination.

Development proposals on potentially contaminated land will be approved where they comply with other relevant policies and;

- i) The applicant can demonstrate through site investigations and risk assessment, that the site is in a condition suitable for the proposed development and is not causing significant pollution of the environment, and
- ii) Where necessary, effective remediation measures are agreed to ensure the site is made suitable for the new use and to ensure appropriate disposal and/ or treatment of any hazardous material.

c) Hazardous sites.

Development proposals must avoid and not impact upon hazardous sites or result in public safety concerns due to proximity or use in the vicinity of hazardous sites.

WARD 03_17

19/01127/APP
12th September
2019

Residential development for 11 dwellings including affordable houses and associated infrastructure/landscaping on Whiteland Site To Rear Of Ewing Crescent Buckie Moray for Mr Fredrick Parkes

Comments:

- A SITE VISIT has been carried out.
- The application is reported to committee because the site extends to more than 2ha.
- The application was advertised for neighbour notification purposes.
- 48 representations received. 42 opposed and 6 in support.

Procedure:

A S.75 agreement will be required before a decision can be issued.

Recommendation

Grant Planning Permission – Subject to the following:

Conditions/Reasons

1. All landscaping shall be carried out as detailed on the approved plan entitled 'Compensatory Tree Planting Plan rev B'. Notwithstanding the approved landscaping details no development shall commence until details of additional planting along all boundaries that plots 9,10 & 11 share with the property known as Briarbank' have been submitted to and approved in writing by the planning authority. There after approved landscaping shall be carried out in accordance with condition 2 below.

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

2. No development shall commence until details of the timescales and maintenance arrangements for all proposed landscaping (including the compensatory planting) and open space have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall not proceed except in accordance with the approved details. For the avoidance of doubt all

landscaping shall be carried out as detailed on the approved plan entitled 'Compensatory Tree Planting Plan rev B'.

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

3. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. A full specification for archaeological works can be provided by Aberdeenshire Archaeology Service and the work shall comprise a 5-7% archaeological trial trenching to be undertaken by a suitably qualified archaeological contractor. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

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

4. No development, site excavation or groundwork (including archaeological trial trenching) shall commence until the tree protection measures detailed in the Aboricultural Impact Assessment/Method Statement, Proposed Housing Development, Site to Rear of Ewing Crescent, Buckie, dated 2 September 2019 and on the approved plan entitled Tree Protection Plan Revision C have been implemented in full. These measures shall remain in place throughout the construction period and must not be moved or removed during the construction period without the prior written approval of the Planning Authority.

Reason: In order to ensure the protection of retained trees, which are important amenity assets, during construction.

5. No trees within the application site, other than those which are specifically identified for removal on the approved plans, shall be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority

Reason: In order to ensure the protection of retained trees, which are important amenity assets.

6. No works shall commence on site until a construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Council as Planning Authority in consultation with the Roads Authority. The CTMP shall include as a minimum the following information:

- a. Duration of works;
- b. Construction programme;
- c. Number of vehicle movements (i.e materials, plant , staff, compounds)
- d. Schedule of delivery of materials and plant;
- e. Full details of construction traffic routes to the site including any temporary construction accesses;
- f. measures to be put in place to prevent material being deposited on the public road;
- g. Traffic management measures to be put in place during works including any specific instructions to drivers;
- h. Parking provision for site staff;
- i. Drop-off and turning provision for delivery vehicles to ensure entry and exit in a forward gear;
- j. Hours of operation and restrictions during school arrival and departure times from the existing housing;
- k. Arrangements for providing residents with information on works, points of contact for liaison and emergencies.

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

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

- 7. Notwithstanding the details submitted for the proposed 2.5m path connection to Barr Close, and the non-adopted private access road serving plots 5-8 (which are not accepted). No development shall commence until the following details have been submitted to and approved in writing by the Council, as Planning Authority in consultation with Roads Authority. Thereafter, the development shall only progress in accordance with the approved details and the approved arrangements shall be completed and open for use prior to the occupation of any house within the development:
 - a. Plan(s) (1:200min) showing a kerbed, continuous 2.5m cyclepath along the frontage of plots 5 to 8 between the plots and the private drive. The path shall be tapered at 1:10 (minimum) into the 2m footpath at plot 4. From the end of the shared driveway serving plot 8 to the turning head at Barr Close, the cycle path shall be widened to 3.0m (taper details to be agreed but not less than 1:10) and set back 0.5m from the plot boundary.

Reason: In the interests of pedestrian and cycle connectivity to the proposed

- 8. The road width shall be 5.5 metres wide with a continuous 2 metre wide footway on the south side from Greenlaw Lane and with a road narrowing/traffic calming feature opposite plot 2 as shown on Drawing No. BW01 900.

Reason: To ensure acceptable infrastructure at the development access.

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

Reason: To ensure acceptable infrastructure at individual development accesses.

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

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

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

The car parking spaces shall be provided within the site prior to the occupation or completion of each dwellinghouse, whichever is the sooner. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

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

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

Reason: To ensure acceptable infrastructure at the development access

13. Trees shall be set back at a minimum of 5.0m from the edge of the prospective public road carriageway, unless suitable root protection is utilised. The details of any proposed root protection shall be submitted to and approved in writing by the Council, as planning authority in consultation with the roads authority. Thereafter the root protection measures shall be installed in accordance with the agreed details.

Reason: to prevent root interference that could compromise the public road carriageway (and the utilities contained therein) thereby ensuring acceptable infrastructure at the development access, in the interests of road safety.

14. All foul and surface water drainage proposals shall be in accordance with the submitted report Drainage Assessment Proposed Development Buckie, August 2019. Thereafter the approved details shall be implemented in full prior to the first occupation of any part of the development.

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

15. The house hereby approved on plot 6 shall be accessible in accordance with the applicant's Accessible Housing Statement of Compliance (as contained within the applicants Design and Access Statement dated August 2018) and drawings Ash House type drawing no 6. Thereafter, the accommodation shall, at all times, remain capable for adaptation to accessible housing needs unless otherwise agreed with the Council, as Planning Authority.

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

16. The 2m high privacy fence identified on the approved site plan (1A) shall be provided prior to the first occupation of any of the houses approved on plots 9-11 and maintained in perpetuity.

Reason: In order to safeguard the amenity of neighbouring properties.

17. The houses hereby approved on plots 9-11 shall only be used for affordable housing purposes in accordance with the agreement(s) reached between the applicant/developer and Moray Council and/or any registered social landlord (e.g. housing association or similar) to enable the long term delivery of affordable housing on this site; and no development shall commence until details of the agreement(s) to confirm the arrangements for the delivery of the proposed affordable accommodation hereby approved shall be submitted to and approved in writing by the Council, as Planning Authority.

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

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

18. For the avoidance of doubt there shall be no change in levels within a 6m buffer zone from the top of the Burn of Buckie.

Reason: To ensure that the development does not increase the risk of flooding on site or elsewhere.

19. Notwithstanding the provisions of Article 3 and Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no additional upper floor windows or other openings shall be installed in the south east facing elevations of the houses hereby approved on plots 9 or 10, without planning permission being granted on application to the Planning Authority.

Reason: In order to safeguard the privacy and amenity of occupants of the adjacent property.

Reason(s) for Decision

The Council's reason(s) for making this decision are:-

The proposal accords with the provisions of the development plan and there are no material considerations that indicate otherwise.

List of Informatives:

THE DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that:-

A Section 75 Legal Agreement will need to be agreed and Acknowledged with the Registers of Scotland prior to issue of the planning permission.

A Building Warrant will be required from the Building Standards Section prior to the construction of any dwellings.

The TRANSPORTATION MANAGER has commented that:

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

Before commencing development the applicant is obliged to apply for Construction Consent in accordance with Section 21 of the Roads (Scotland) Act 1984 for new roads. The applicant will be required to provide technical information, including drawings and drainage calculations. Advice on this matter can be obtained from the Moray Council web site at http://www.moray.gov.uk/moray_standard/page_65638.html

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

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

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

The applicant shall free and relieve the Roads Authority from any claims arising out of their operations on the road or extension to the road.

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

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

SCOTTISH WATER has commented that:

Infrastructure within boundary

Scottish Water records appear to show abandoned water infrastructure within your site. Please note that Scottish Water records are indicative only and your attention is drawn to the disclaimer below. If the infrastructure requires to be removed to allow your works to proceed please contact the Scottish Water Asset Impact Team using the email address below for guidance prior to commencing the works.

It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Scottish Water asset plans can be obtained from our appointed asset plan providers:

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk www.sisplan.co.uk

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

Please find all of our application forms on our website at the following link
<https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-Our-Network>

10 or more domestic dwellings:

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

SCOTTISH ENVIRONMENT PROTECTION AGENCY has commented:

You will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that any discharge does not result in pollution of the water environment.

Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office.

| LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT | |
|--|---------------------------------|
| Reference No. Version No. | Title/Description |
| 1 | Location plan |
| 1 of 1 B | Compensatory tree planting plan |
| 900 | Road layout |
| 901 | Longitudinal sections |

| | |
|-----|--|
| 902 | Road drainage layout |
| 903 | Drainage longitudinal sections |
| 904 | Kerbing layout |
| 905 | Engineering construction |
| 906 | Swept path analysis |
| 907 | Manhole schedule |
| 3 | Plot 4 - elevations and floor plans |
| 4.1 | Plot 7 - elevations and floor plans |
| 5.1 | Plots 1 and 8 - elevations and floor plans |
| 7 | Plot 11 - elevations and floor plans |
| 8 | Plot 9 - elevations and floor plans |
| 8.1 | Plot 10 - elevations and floor plans |
| 9 | Garage details - plots 1,2,3,4,5,6,7 and 8 |
| 908 | Construction details |
| 2 | Site plan and sections |
| 4 | Plot 2 - elevations and floor plans |
| 6 | Plot 6 - elevations and floor plans |
| 5 | Plot 3 - elevations and floor plans |
| 3.1 | Plot 5 - elevations and floor plans |



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:
19/01127/APP
Page 97

Site Address:

Whiteland Site To Rear Of
Ewing Crescent Buckie

Applicant Name:

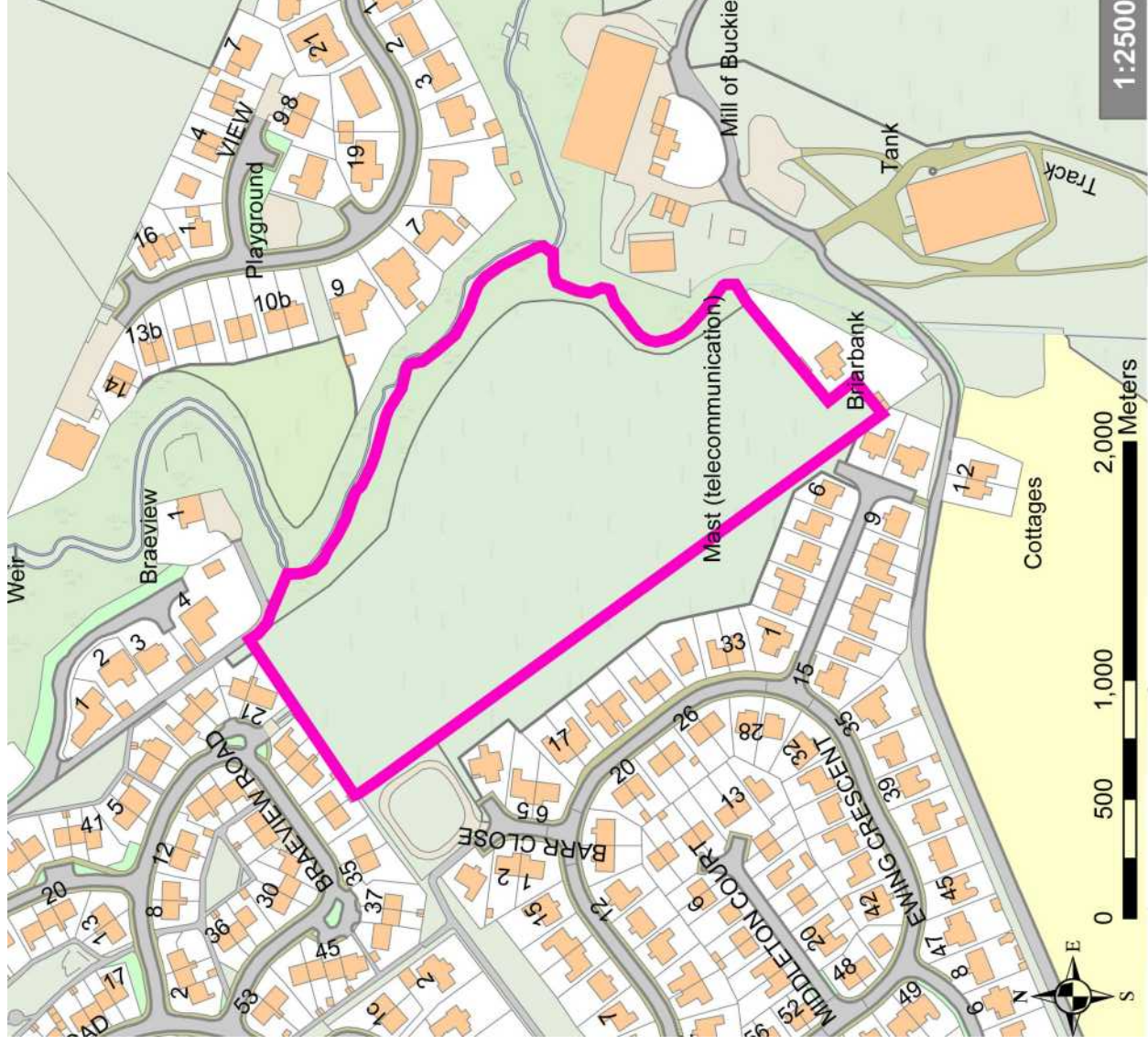
Mr Fredrick Parkes

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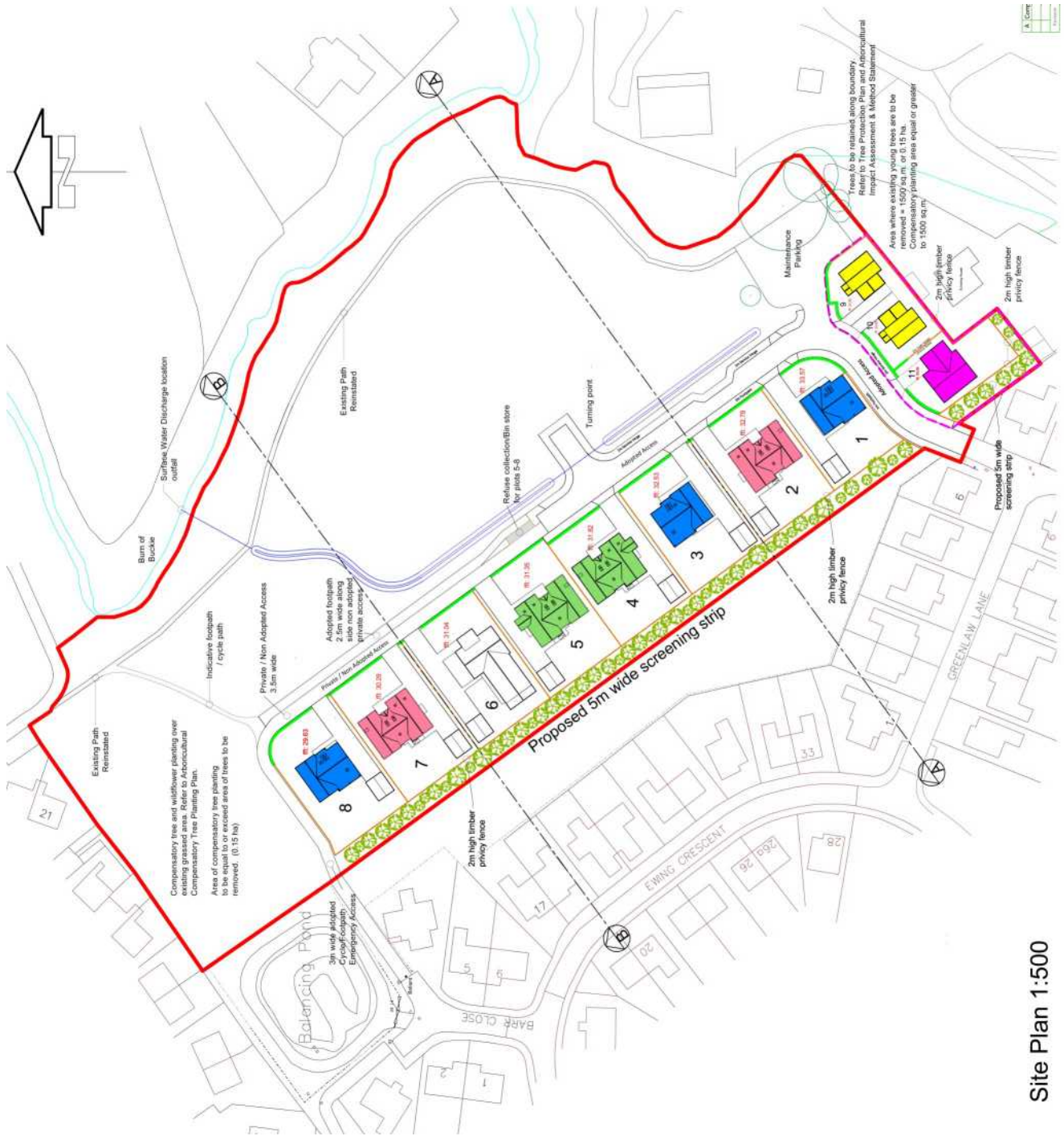
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Location Plan



Site Location



Site Plan 1:500











PLANNING APPLICATION: 19/01127/APP

In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

THE PROPOSAL

- This application seeks planning permission for 11 houses with associated access, parking and surface water drainage. Footpaths and an area of landscaping with a maintenance parking area are also proposed.
- The houses are shown in the western and southern part of the site with landscaped areas to the north and west.
- The site will be served from the south west via Greenlaw Lane. It is proposed that the road will be adopted as far as plot 4 and thereafter it will be a private access.
- Footpath connections are proposed to the north east and north west.
- The development includes 3 affordable housing units (plots 9-11) and one accessible unit (plot 6).
- Six house types are proposed - Ash (4 bedroom single storey house, accessible), Spruce (5 bedroom 1 ¾ storey house), Birch (4 bedroom 1 ¾ storey house), Rowan (4 bedroom 1 ¾ storey house), AF-01 (two bedroom affordable single storey house with car port) and AF02 (4 bedroom two storey affordable house).
- Plots 1-8 will each have a single storey garage. The garages will be timber clad with concrete roof tiles.
- The houses will be finished in a white synthetic render with flat grey concrete tiles on the roof and some elements of timber cladding.
- Surface water will be directed to a swale running through the landscape area and discharging to an existing burn which follows the north eastern boundary of the site.
- The houses will be connected to the public sewer and water supply.
- Some 1500m2 of trees will be removed but an equivalent level of compensatory planting will be provided in the northern part of the site.
- Two other additional areas of planting are proposed in the eastern part of the site and screen planting is proposed along the south western boundary and a small section of the south eastern boundary.
- The application is supported by a Design and Access Statement (including Sustainability Statement and Accessible Housing Statement), Ecological Assessment, Arboricultural Impact Assessment and Method Statement, Drainage Assessment, Habitat Survey, Landscaping Plan, Design Statement, Transport Assessment, Tree and Woodland Survey.

THE SITE

- The site extends to 2.8ha and is to the north east of the recent development at Barhill Road in Buckie.

- The site is largely open grass land but there is a band of mature trees along the north eastern boundary of the site. This is part of a larger woodland that continues to the east of the application site.
- There is a group of sycamore trees in the south east of the site.
- The development will connect to the public road at Greenlaw Lane to the south west of the site.
- Foot/cycle path connections are proposed at the north west and north east of the site.
- There are changes in levels across the site. The site is slightly higher than the development to the west.
- There are houses on the boundary of the site to the north west, south west and south east of the site.
- The Mill of Buckie which is a site of archaeological interest is to the east of the site.
- The site is not covered by any designation in the current Moray Local Development Plan (2015).
- In the Moray Local Development 2020 the site is covered by the Buckie ENV6 designation. An objection was received to the allocation of this ENV designation during the public consultation therefore minimal weight can be given to this designation at this time. At a meeting of the Planning and Regulatory Services committee on June 25 2019 the Committee agreed the Council's response to the objection to the ENV allocation. It was agreed that subject to a future planning application being approved the Council would not object to part of the site being "white land" with small scale residential proposals to be determined against Local Development Plan policies and the remainder of the site being identified as an ENV.

HISTORY

19/00621/APP - Erect 11 dwelling including affordable houses formation of Community Woodland and related pedestrian /Cycle pathways on Site To Rear Of Ewing Crescent Buckie – withdrawn 03/09/19.

POLICY - SEE APPENDIX

ADVERTISEMENTS

- Advertised for neighbour notification purposes.

CONSULTATIONS

Strategic Planning & Delivery:

- The site is classed as "white land" in the Moray Local Development Plan 2015 and there is no existing use on the site;
- The site is designated as ENV6 in the Moray Local Development Plan 2020 but minimal weight is attached to this designation as objections have been received. At a meeting of the Planning and Regulatory Services committee on June 25 2019 the Committee agreed that the Council would not object to a small area of the site being designated 'white land' with the rest remaining ENV;

- The site is regarded as a windfall site. It will contribute to the housing land supply and SPP's requirements to provide a range of attractive sites;
- The proposal does not affect the quality of the surrounding environment. The proposal is for a strip of housing backing onto an existing large housing development with good connections being provided. It has been sited to maximise the area of open space and reflects the existing development while having its own character;
- The proposed landscaping would transform and reconfigure the area of unmanaged grassland;
- The applicant has provided an Ecological Report which states that the proposed development will make a positive contribution to the local ecological and green network and deliver significant ecological enhancements to the current undermanaged site;
- Significant compensatory planting has been provided on the site which exceeds the number of trees that will be lost. Adequate servicing and infrastructure can be provided; and
- The accompanying Quality Audit shows that the proposal has complied with Primary Policy PP3 Placemaking and scored green in every category.

Developer Obligations: Obligations of £71500 are sought towards primary education and health care requirements. This will be controlled by legal agreement.

Transportation: No objection.

- The development is below the threshold where a Transport Assessment would be required
- The existing road network has been designed to adoptable standard
- The existing access from Barhill Road can be accessed from multiple points and there are other pedestrian access
- A cycle path is proposed to the north which is would be the most direct route for non-vehicular trips to schools, shops and services
- The proposed new road is relatively short and narrow which will deter fast speeds
- Greenlaw Lane would remain a cul-de-sac with limited traffic and no through traffic
- A footway along at least one side of Greenlaw Lane would be beneficial but as the main benefit for residents of Greenlaw Lane it would not be reasonable to seek this as part of the current application
- Subject to conditions the layout is acceptable in road safety terms
- At present construction traffic on the adjoining site is controlled by a Construction Traffic Management Plan (CTMP). A CTMP is also recommended in this case
- Parking for the existing development was approved on the basis of the standards prevailing at the time. The road is wide enough to allow vehicles to pass parked cars. Any blocking of the public road is a matter for the Police.

Housing Strategy and Policy Manager: No objection. A condition is recommended requiring delivery arrangements for the proposed affordable housing to be agreed.

Moray Flood Risk Management: No objections

Moray Access Manager: No objection

Environmental Health: No objection

Contaminated Land: No objection

Archaeology: No objection. The site is close to known archaeological sites therefore a condition is recommended requiring the submission of an archaeological written scheme of investigation (WSI).

Scottish Water: No objection however connection to the public sewer remains the responsibility of the developer

SEPA: No objection subject to a condition that there is no change in ground levels within a 6m buffer zone from the top of the Burn of Buckie.

SNH: SNH have recently changed their approach to planning consultations and advised that this application is now below threshold for consultation. However, at the time of the previous application SNH commented that the ecological survey methods were thorough and found no requirement for any mitigation.

Scottish Forestry: No objection. Compensatory planting is required as detailed in the application. The proposals are acceptable.

OBJECTIONS-REPRESENTATIONS

NOTE: Following the determination of this application, name and address details will be/have been removed (i.e. redacted) in accordance with the General Data Protection Regulations (paragraph 3 of Minute, Planning & Regulatory Services Committee 16 September 2014)

NB: multiple representations have been received from some parties

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Objections

Issue: The proposal is contrary to Moray Local Development Plan (MLDP) 2015 policies PP2, PP3, IMP1, IMP2, H1 H8, H9, E2, E3, E4, E5, EP5 & ER2.

Comment (PO): The proposal is assessed against the relevant sections of the MLDP 2015 below in the Observations section.

Issue: The proposal is contrary to Moray Local Development Plan (MLDP) 2020 policies PP1, PP3, DP1, DP2, EP1, EP2, EP5, EP7 & EP12 and the proposed ENV6 designation.

Comment (PO): The proposed MLDP 2020 represents the settled view of the Council. However where policies are subject to unresolved objections minimal weight is attached until the outcome of the examination process. There are unresolved objections to all the listed policies and the proposed ENV6 designation therefore minimal weight is attached to these policies in the assessment of the current application. It is noted that at a meeting of the Planning and Regulatory Services Committee on 25 June 2019 members agreed that the Council would not object to a portion (approximately one third) of the proposed ENV6 remaining as white land.

Issue: The adjoining houses were sold as 'edge of development' and purchasers had reasonable comfort in this as the land was designated ENV6 in the proposed MLDP.

Comment (PO): The basis on which adjoining properties were bought or sold is not a material consideration in the assessment of the application. The proposed MLDP is going through the statutory assessment process and until that is concluded it is liable to change.

Issue: The application form makes reference to positive pre-application discussion.

Comment (PO): Discussions were held with the Strategic Planning and Delivery Team in relation to the objection to the proposed MLDP 2020 designation. Subsequently officers have given the applicant and his agent advice during the course of the current application and the previous application which was withdrawn. Any advice given was without prejudice to the subsequent and current planning application.

Issue: The Open Space Strategy (OSS) identifies the site for potential community woodland and recommends the ENV designation.

Comment (PO): The Open Space Strategy recommended the ENV6 designation but that can only come forward through the LDP process. During the course of this process the designations may be subject to change.

Issue: The audit in the OSS shows that Buckie is lacking in open space and this proposal will lead to a reduction in open space.

Comment (PO): The OSS identifies that the level of open space per household in Buckie is lower than that across Moray however it does note that Buckie benefits from coastal areas. The OSS also identifies the need to provide good quality open space. The current proposal includes enhancement of the existing open space while alongside the proposed housing. The Planning and Regulatory Services Committee has agreed that the Council would not object to a portion (approximately one third) of the proposed ENV6 designation in the MLDP 2020 remaining as white land.

Issue: Description of the site address as 'white-land' is prejudicial.

Comment (PO): The land is currently vacant and as such has no address. The site is 'white land' in the adopted MLDP 2015. The term has for some time referred to undesignated land within settlement boundaries maps.

Issue: The application is premature and could prejudice the outcome of MLDP 2020 examination in relation the ENV6 designation.

Comment (PO): All applications that come forward have to be considered against current policy. At present minimal weight is attached to the policies in the proposed plan due to unresolved objections. The Council has agreed not to object to a portion of the proposed ENV 6 site remaining white land. The applicant has the right to see the current application assessed against the current Moray Local Development Plan 2015.

Issue: proposals to change the MLDP 2020 designation was not put to members of the public.

Comment (PO): The change to the proposed MLDP has not been finalised and will subject to the examination process in accordance with local development plan formulation legislation.

Issue: Buckie is already overdeveloped.

Comment (PO): The site is within the settlement of Buckie where the MLDP seeks to concentrate development to allow for the expansion of the town.

Issue: There is a lack of demand for housing of this kind in Buckie.

Comment (PO): In line with Local and National policy a range of house types should be provided, and speculation regarding the extent of demand is not a valid planning objection.

Issue: Lack of clarity as to whether community woodland is now proposed or not.

Comment (PO): The community woodland proposed in the previous withdrawn application is not part of the current application. The application includes an area of open space which is required to comply with policy E5.

Issue: The proposal for housing should be considered on its own merits separately from any community woodland proposal.

Comment (PO): There is no current proposal for a community woodland. The current application proposes houses and associated infrastructure along with a landscaping area. The application is considered as a whole.

Issue: Ongoing maintenance of the open space and landscaping.

Comment (PO): A condition is recommended requiring full details of all maintenance to be agreed with the planning authority.

Issue: The current state of the site is due to lack of maintenance and this should not be 'rewarded' by the granting of permission for houses.

Comment (PO): The proposal is considered on its own merits. While the opportunity to provide some enhancements to the existing green space is welcomed the proposal is considered in the round against all material considerations.

Issue: The proposal does not meet the open space requirements of policy E5 as the space is existing.

Comment (PO): The proposal does comply with policy E5 both in terms of the quantity and quality of open space included within the application. This is set out in more detail below in the observations section.

Issue: The use of the maintenance parking area is unclear.

Comment (PO): The developer has provided this to allow for maintenance of the landscaping areas. It could also be used for visitor parking and by users of the open space.

Issue: Impact on habitats.

Comment (PO): An ecological survey has been carried out and found no requirements for mitigation. The retention and enhancement of green space will provide biodiversity benefits.

Issue: Ecological Surveys have not been provided.

Comment (PO): An ecological assessment has been provided in support of the application. In line with our practice in relation to potentially sensitive information this document is not published as part of the online planning file.

Issue: The source of compensatory planting figures are not clear and tree removal is contrary to policy.

Comment (PO): A small area (1500m²) of trees in the southern part of the site will be removed and this will be compensated for with planting in the northern part of the site. This is detailed in the Arboriculture Assessment and accompanying Tree Planting Plan.

Given the proposed replacement planting the tree removal is considered to comply with policy.

Issue: Confusion over some details on the tree protection and compensatory planting plans.

Comment (PO): Some points of confusion highlighted by objectors were clarified and re-notification of neighbours took place.

Issue: The landscaping area is inadequate.

Comment (PO): The landscaping proposals include proposals for screen planting along with compensatory tree planting in the northern part of the site and two other areas of tree planting and wildflower meadows. The proposals are considered to be acceptable for a development of this scale.

Issue: The proposed houses are out of scale with those built in the adjoining development.

Comment (PO): The proposed development has a different character to the recently built adjoining development with different plot sizes, houses and density of development. This reflects the need for a range of different scale development to meet all needs. It will also help contribute to a stronger sense of place.

Issue: The proposed houses do not match the design of houses in the adjoining development or other nearby traditional houses.

Comment (PO): The house designs are different from surrounding development and are essentially modern in their form and design. This reflects the mix of traditional and modern styles already present in this part of Buckie and will not be incongruous in this setting.

Issue: There is clear distinction between the affordable and private houses.

Comment (PO): The development provides a mix of house types. The affordable housing house types are guided by the Council's Housing Department. It is noted that similar finishes are proposed throughout.

Issue: The houses are laid out in a uniform manner that does not reflect the layout of the surrounding development.

Comment (PO): The layout reflects the shape of the site and is not considered to be at odds with the layout of surrounding development.

Issue: The continuous strip of landscaping around the houses is contrived and in contrast to the natural features.

Comment (PO): The proposed landscaping strip will provide setting and privacy for the development and is considered to be acceptable in this context.

Issue: Plots 9, 10 & 11 should be moved to reduce the impact on existing houses.

Comment (PO): The houses are considered to be sufficiently separated from surrounding houses given the urban setting and the position of openings has been considered to avoid privacy or overlooking issues. Planting and a 2m high privacy fence all proposed on the boundaries of these plots to enhance privacy and screening.

Issue: Overlooking of existing houses.

Comment (PO): Plots 9 & 10 have a mutual boundary with the existing house to the south and face directly onto it however no upper floor windows are shown on this elevation. A condition is recommended removing permitted development rights for the formation of openings on these elevations in future. Plots 1-8 are separated from the existing houses to the west by intervening land. The layout of the adjoining development means that part of the development will not directly overlook any houses and the separation distance is otherwise considered acceptable.

Issue: Loss of light at rear of existing houses.

Comment (PO): The positioning of the proposed houses and separation distances between the existing and proposed are such that any loss of light will be minimal and acceptable.

Issue: Loss of privacy.

Comment (PO): There is intervening land between the existing and proposed plots 1-8. Planting and a screen fence is proposed around the boundaries of all plots to enhance privacy.

Issue: Loss of trees in the southern part of the site will result in a loss of privacy for adjoining houses.

Comment (PO): The arboriculture report found that the existing trees were not suitable for retention alongside houses. Replacement planting including screen planting is proposed. A 2m high fence is also proposed along the mutual boundary.

Issue: Screen planting is not extended to plots 9 and 10 which will adversely impact the house to the south.

Comment (PO): A 2m high boundary fence is proposed in this location but a condition is recommended requiring further planting on this boundary.

Issue: The proposed screen fence arounds plots 9-11 is not high enough to protect privacy.

Comment (PO): The fence will be 2m high on the side of the development which will be high enough to protect privacy. The topographical survey shows that the land does not drop significantly until beyond plot 9.

Issue: There are flooding issues on the adjoining site.

Comment (PO): The flooding on the adjoining site is a separate matter. However FRM have advised that the proposed development is likely to alleviate localised flooding at the back of Ewing Crescent and Greenlaw Lane as surface water will be redirected.

Issue: The development will result in loss of greenspace and more hardstanding which will result in loss of drainage capacity.

Comment (PO): The drainage impact and flood risk associated with the development has been fully assessed and FRM have no objection.

Issue: The roads within the existing housing development which serve the site are not adopted and are not suitable for construction traffic.

Comment (PO): The roads within the adjoining development which serve the site are not yet adopted but have been designed to adoptable standard and once complete are likely to become public roads adopted by the Council. The roads are not unsuitable for construction traffic but construction traffic is currently directed away from these roads as

part of the management of construction traffic on that site. A condition is recommended requiring a Construction Management Plan (CMP) to be provided to ensure that construction traffic is effectively managed.

Issue: Construction traffic on roads where children play.

Comment (PO): A condition requiring the submission of a CMP is recommended. This will ensure that construction traffic is effectively managed and residents are kept informed.

Issue: No Transport Assessment (TA) has been provided.

Comment (PO): The Transportation Manager has confirmed that due to the scale of the proposal no TA is required.

Issue: The roads that will serve the development were not designed to accommodate further development.

Comment (PO): The Transportation Section are content the surrounding road network can accommodate additional development and the proposed layout is acceptable in terms of road safety.

Issue: Inter-connectivity is poor as the connections are to roads with no pavements including Greenlaw Lane.

Comment (PO): The plans show connections to the north and south. This will connect to existing routes within the adjoining development. The proposed connection to Barr Close to the north west represents the most direct route for pedestrians and cyclists to access local amenities. In their consultation response Transportation acknowledge that a footway along Greenlaw Lane would be beneficial but that it would not be reasonable to seek this as part of the current development as the benefit would principally be felt by existing residents and the application makes provision for a pedestrian and cycle route to the north west which is likely to be a more desirable route for residents of the proposed development.

Issue: There is only one access (Barrhill Road) to the application site and the adjoining development to the west.

Comment (PO): The Transportation Manager has confirmed that the surrounding road network is sufficient to accommodate the proposed development. There are multiple points that can be used to reach the point of access. There are cycle connections to the north.

Issue: Problems arising from the lack of parking within the adjoining development.

Comment (PO): The existing development was built in accordance with the parking standards in place at the time. It is the responsibility of drivers to ensure that they are suitably parked and do not present a danger to other road users.

Issue: The submitted swept path analysis shows access to the site is tight and larger vehicles could be impeded by parked cars.

Comment (PO): It is the responsibility of drivers to ensure that their cars do not cause problems or obstruct access to others within the existing development.

Issue: Concerns regarding the proximity of the access to the site and existing accesses onto Greenlaw Lane.

Comment (PO): Transportation have no objection and are satisfied that the proposed layout is acceptable in terms of road safety.

Issue: Disturbance from traffic.

Comment (PO): No through road is proposed therefore the only traffic will be for access to the site. This is only likely to give rise to a moderate level of disturbance.

Issue: Disturbance from Construction traffic.

Comment (PO): It is recognised that there will be some disturbance from construction traffic for a temporary period. A condition is recommended requiring the submission of a Construction Traffic Management Plan (CTMP) which will ensure that construction traffic is effectively controlled.

Issue: Lack of a survey drawing.

Comment (PO): There is sufficient information to fully assess the proposal.

Issue: Litter.

Comment (PO): A development of this nature is unlikely to give rise to a significant increase in litter. It would be the responsibility of the developer and future householders to manage this. It is speculative to presume that new residents would cause a litter issue.

Issue: Neighbour Notification was not extensive enough.

Comment (PO): Neighbour Notification has been carried out by the Council in accordance with the regulations. Neighbour Notification was served on all properties with an address within 20m of the application site boundary (red line) and the application was advertised to account for land with no address falling within the 20m buffer.

Issue: Documents from the previous (withdrawn) application were made removed from public view on the website.

Comment (PO): This is standard practice when applications are withdrawn, and helps avoid confusion when a subsequent application is lodged.

Issue: The description of development has changed from the original submission meaning that the description attached to the original consultations and neighbour notification documents were not the same.

Comment (PO): A description of development was changed to simplify it. This happened after initial consultations were sent but before neighbour notification. The description of development is clear and it is not considered that anyone was disadvantaged by the change.

Issue: The application site exceeds 2ha and therefore should be treated as a major development under the hierarchy of developments.

Comment (PO): The application site extends to 2.8ha however the area to be developed is less than 2ha therefore the application is not a major application.

Issue: Noise.

Comment (PO): There will be some noise associated with construction but this will be for a limited period. Construction working hours are controlled by Environmental Health under separate legislation. Noise associated with houses is considered to be appropriate in this location within an established settlement.

Issue: Air pollution from increased traffic.

Comment (PO): The site is not in an area where air quality is specifically controlled, and the levels of traffic would fall well below any levels that could cause concern. The impact of additional car use is considered to be acceptable within the settlement.

Issue: Safety and crime.

Comment (PO): Crime and anti-social behaviour are the responsibility of the Police and other relevant bodies. A development of this nature would not be expected to give rise to significant problems in this regard.

Issue: The fence on the south eastern boundary will leave one householder unable to paint their garage.

Comment (PO): This is a legal matter, and the individuals' title deeds may clarify what rights of access they have over neighbouring land for maintenance.

Issue: The existing footpath to be upgraded does not exist.

Comment (PO): The site is heavily overgrown. The line of the path is clearly indicated on the proposed plan.

Issue: Loss of views.

Comment (PO): This is not a material consideration for planning applications.

Comments in Support

Issue: The provision of large houses in generous plots within the town is welcome and would make a welcome addition to the adjoining development.

Comment (PO): The contributor's comments are noted.

Issue: Several representations in support state an interest in moving into the new bigger houses to remain in the locality and the development is therefore welcomed.

Comment (PO): The contributors comments are noted but are immaterial to the determination of the application.

OBSERVATIONS

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e. the adopted Moray Local Development Plan 2015 (MLDP) unless material considerations indicate otherwise. On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Moray Local Development Plan 2020 was approved as the "settled view" of the Council and minimal weight will be given to it, with the 2015 MLDP being the primary consideration.

Further consideration of the weight to be attached to the Proposed Plan was considered and agreed at the Planning and Regulatory Services Committee on 29th January 2019, with the Committee agreeing that between June/ August 2019 and adoption of the new LDP in mid-2020, the weight to be given to matters set out in the Proposed Plan will vary;

- Where matters set out in the Proposed Plan are subject to unresolved objections which will be considered through Examination, then those matters will continue to be given minimal weight as a material consideration in the development management process.
- Where matters set out in the Proposed Plan are not subject to unresolved objections, they will be given greater weight as a material consideration in the development management process.

The weight to be given will be considered on a case by case basis and will be agreed by the Development Management Manager and Development Plans Principal Planning Officer.

In this case the proposal is subject to a designated site which will be subject to the Examination process.

The main issues are considered below.

Principle of Development (H1)

The site is not covered by any designation in the current MLDP2015 and as such is considered as a 'windfall site' under policy H1. Policy H1 is supportive of new housing on land not designated for housing provided that:

- The proposal does not adversely affect the surrounding environment;
- Adequate servicing and infrastructure is available, or can be made available;
- The site is not designated for an alternative use; and
- The requirements of policies PP2, PP3, and IMP1 are met.

It is noted in more detailed assessment below that the development will not adversely affect the environment, can be adequately serviced and the requirements of policies PP2, PP3 and IMP1 are met. The site is not designated for any alternative use in the current local plan. The proposal therefore complies with policy H1.

It is acknowledged that the site is covered by the Buckie ENV6 designation in the proposed Moray LDP 2020. However, this designation is subject to an unresolved objection and the Planning and Regulatory Services has agreed that minimal weight will be attached to matters have unresolved objections. At a meeting of the Planning and Regulatory Services committee on June 25 2019 the Committee agreed that the Council would not object to a small area of the site being designated 'white land' with the rest remaining ENV. This accounts for approximately one third of the designation but the site on the premise of the current plan for which it is white land. Of note the area of proposed housing lies along the western edge of this area, with no development proposed adjacent to the riparian woodland edge of the Burn of Buckie. The status of the site in the proposed plan is acknowledged but at present minimal weight is attached to this element of the proposed plan and the current application must be assessed against current policy.

Placemaking, Siting and Design (PP3, H1 & IMP1)

A quality audit (QA) process, covering design and site layout issues, has been agreed to assess the conformity of residential development with Policy PP3 place-making and Urban Design SPG principles. This is a material consideration.

The QA approach examines 12 criteria considered to contribute to place-making principles i.e. connections, public transport, safer environment, car parking, legibility/street hierarchy, character and identity, housing mix, access to facilities and amenities, natural features, open space, biodiversity, and landscaping.

A detailed QA process was undertaken in relation to this application and the results are detailed in the table below.

| DESIGN PRINCIPLE | AUDIT |
|---|-------|
| Connections | |
| Public Transport | N/A |
| Safer Environment | |
| Car Parking | |
| Legibility/Street Hierarchy | |
| Character & Identity | |
| Housing Mix | |
| Access to Facilities and Amenities | |
| Natural Features | |
| Open Space | |
| Biodiversity | |
| Landscaping | |

The development represents a high standard of urban design and incorporates the principles of good placemaking set out in SPP and LDP policy PP3.

This is a low density development characterised by large houses on generous plots. While this does not directly replicate the pattern of development on adjoining sites it will contribute to a diversity of attractive and well-designed developments that SPP recognises contributes towards successful places. While volume house building dominates in the immediate vicinity there are styles and densities of development nearby and the proposed development will be read as part of this mix and will not be incongruous in this setting.

The proposed house types are largely modern but have conventional form and style. The designs will sit comfortably alongside the range of modern and traditional house types in the area. They will be finished in a white synthetic render with concrete tiles on the roof which will reflect the modern materials used in surrounding development. There is sufficient distinction between the house types create a strong sense of character and place for the development.

The design and materials are considered to be acceptable in this location and will create a place with a strong character and identity. The proposals accord with policies PP3 and H1 in relation to design and materials.

Privacy, Overlooking and Amenity (IMP1)

The proposed houses are close to existing houses to the south and west. There is intervening land between plots 1-8 and the houses to the west. Privacy will be protected by means of a 2m high fence along the western boundary of plots 1-8 and to the south of plots 9-11. Furthermore a 5m strip of screen planting is proposed along the western boundary and part of the southern boundary as plot 11. It would be beneficial for this strip to be continued along the boundaries of plots 9 and 10 but it is recognised that a 5m wide strip could not be accommodated for the full length of these boundaries. A condition is recommended requiring details of additional planting in this location.

Plots 1-8 are considered to be sufficiently separated and off-set from the houses to the west to avoid any unacceptable level of overlooking. Plots 9 -10 are immediately adjacent to the existing house to the south but no upper floor windows are shown on the elevation facing that boundary. A condition is recommended removing permitted development

rights to form upper floor windows in these elevations to prevent insensitive development in future.

The development has been sited and designed in a manner that is sympathetic to the amenity of the area and accords with policy IMP1.

Impact on Trees (E4 & ER2)

Policy E4 Trees and Development, and ER2 Development in Woodlands both seek to control or mitigate the impact of lost woodland or trees relative to proposed development. The application is supported by an Arboricultural Assessment which includes a tree survey. The existing mature trees in the eastern part of the site are to be retained. A detailed tree protection plan has been provided and a condition is recommended to ensure that these measures are fully implemented.

The plans show that 79 immature Sycamore trees will be removed in the southern part of the site to facilitate the development. These trees cover an area of approximately 1500m². It is noted that these trees are not recorded on the National Forestry Inventory and beyond the steep river banks adjacent to the Burn of Buckie; this area has not historically been wooded. The report states that these trees are not suitable for retention in proximity to houses because of their tendency to cast shadows and attract aphids. The loss of trees is regrettable but it is necessary for these young trees to be removed to facilitate the development and an area at least equivalent to that lost will be provided. The national policy document Control of Woodland Removal applies and in this instance the development is considered to be in line with the guiding principles of this document in that only a small area of trees are to be removed and compensatory planting is proposed. Scottish Forestry have been consulted and have no objection given the compensatory planting proposals provided. Conditions are recommended to secure the compensatory planting. Subject to conditions the proposals accord with policy E4 and ER2.

Landscaping, Open Space and Biodiversity (E2 & E5)

A substantial area of open space is proposed in the east of the application site. This will connect to the existing mature woodland beyond the application site to the east. The landscaping areas are intended to provide setting for the development and reinforce the character of the site however there will be potential recreational benefits for the wider community as the space will be more accessible and better managed. It is noted above that the existing mature woodland along the eastern boundary of the site will be retained and compensatory tree planting will be provided in the northern part of the site. Screen planting is also proposed along the south and west boundaries of the site. In addition more trees will be planted in blocks in the central part of the site and areas of wildflowers will be planted around them. The plans specify an 'urban pollinator mix' which is intended to produce pollen and nectar producing plants. Tree planting will incorporate native species chosen for their potential benefits for a variety of species. These proposals will ensure biodiversity improvements for the site in accordance with policy E2. The level of open space proposed is sufficient for a development of this scale. The open space will be overlooked and is well connected and accessible. A condition is recommended requiring the details of timescales for provision and future maintenance of the landscaping to be provided. The quantity and quality of the open space is acceptable and accords with policies E2 and E5.

Protected Species (E3)

The application is supported by an Ecological Assessment. The assessment includes a survey for protected species and their habitats but found no evidence of either. No

mitigation is therefore required. It is noted that there have been sightings of badgers in the vicinity. SNH advise that this is not unusual in urban settings. The survey found that the site was unlikely to be attractive for the creation of setts or foraging as most of the site is very flat but the banks of the burns are very steep. The ecological assessment concludes that there is likely to be beneficial to local biodiversity overall as the habitat improvements including tree and wildflower planting will attract a range of species and will lead to an expansion of the Burn of Buckie green corridor. It is noted that SNH advised that the current application is below their threshold for providing comments in response to consultation however they did offer comments at the time of the previous withdrawn application. At that time SNH advised that the ecologist's methods were thorough and agreed with the conclusion that no mitigation was required in this case. The proposals will not adversely affect protected species and as such accord with policy E3.

Access and Parking (T2 & T5)

The development will be accessed from Greenlaw Lane which is currently a cul-de-sac. This road has been designed to adoptable standard but is not yet complete. It is anticipated that it will be adopted on completion. The new access road runs through the site from north to south but no through-road is proposed. The road will be adopted as far as plot 4 and thereafter will be a private road. A footpath connection will follow the line of the private road and will provide a pedestrian/cycle access to Barr Close to the north west. It is acknowledged that this would be the most direct route to the schools and shops etc. The Transportation Manager has identified concerns about the detail of the non-adopted part of the road and a condition is recommended requiring details to be provided showing the amendments of the path including the widening of the path to 3m. The proposed connections to and through the site are welcomed. The Transportation Manager has advised that while a footway on Greenlaw Lane would be desirable, the benefit would principally be felt by residents of that street and it is therefore unreasonable to seek such an improvement as part of this development. The range of connections proposed are considered to be acceptable and offers a safe and realistic choice.

The proposed road is relatively short and has a tight bend which would discourage excessive speed in this location. There is traffic calming with the adjoining development which will further encourage safe speeds. The Transportation Manager has confirmed that the existing road network is sufficient to accommodate the existing development and the proposed layout is acceptable in road safety terms. Conditions are recommended to ensure that the access to the site and the individual plot accesses are formed to an acceptable standard and to secure adequate visibility. This will ensure safe entry and exit. A further condition is recommended requiring the submission of a Construction Traffic Management Plan (CTMP). This will ensure that construction traffic is adequately managed at all times and require specific arrangements for particularly sensitive times such as school drop off and collection times. Subject to the recommended conditions the proposal complies with policy T2.

Parking is proposed in accordance with the Council's parking standards. A condition is recommended to ensure this is fully and timeously provided. Subject to the condition the proposal accords with policy T5.

Drainage and Flood Risk (EP5, EP7 & EP10)

The application is supported by Drainage Assessment which sets out the proposals for both foul and surface water drainage.

Foul drainage will be dealt with by means of a new site located underneath the road connected to the existing public sewer on Barr Close. This accords with policy EP10 which requires development within settlements to be connected to the public sewer. Scottish Water has no objection to the proposal but securing a connection remains the responsibility of the developer.

Surface water will be dealt with by means of a swale running along the east of the proposed road and discharging to the burn to the south east. A condition is recommended to ensure that the proposals are implemented in full. This will ensure that surface water within the site is appropriately managed. The swale will be a visually appealing feature that reflects the undeveloped character of this part of the site. The submitted assessment acknowledges the surface water flooding issues on the adjoining development that have subsequently been raised in representations (as noted above). While pre-existing issues on the adjoining site are not part of the application it is noted that care has been taken to ensure that existing problems are not exacerbated and this development does not create additional surface water flooding issues. The proposals will ensure surface water from the proposed development is attenuated before discharge to the burn therefore there will be no additional burden on the existing surface water drainage features on the adjoining site. The Flood Risk Management Team have advised that there may also be some benefit for adjoining properties as surface water will be redirected to the proposed swale. The Flood Risk Management Team have no objection. The proposals will ensure that surface water is sustainably managed and does not increase the risk of surface water flooding on site or elsewhere. The proposals accord with policies EP5 and EP7.

It is recognised that the site is immediately adjacent to the Burn of Buckie and parts of the site are in or adjacent to land which appears on SEPA's flood maps at medium likelihood of fluvial flooding. However, the banks of the burn are high in this location and the proposed houses are at least 0.6m from the top of the burn. SEPA have therefore taken the view that the development is outwith the functional floodplain and have no objection on flood risk grounds. SEPA have requested a condition preventing any land raising within 6m of the top of the banks. This will protect the integrity of the banks and prevent increase in flood risk. Subject to the recommended conditions the proposals accord with policy EP7.

Affordable Housing & Accessible Housing (H8 & H9)

The submitted plans show three affordable housing units (plots 9-11). This represents a 25% contribution to affordable housing as required by policy H8. The housing mix has been agreed with the Housing Strategy but a condition is recommended requiring the arrangements for delivery to be agreed.

One accessible house has been provided (plot 6). This represents 10% of the private units on site as required by policy H9 and the associated guidance. A condition is recommended to ensure that this will be secured as accessible housing in perpetuity.

Impact on Cultural Heritage (BE1)

The development is close to areas of known archaeology including Mill of Buckie which is to the south east of the site. A condition is recommended requiring the submission of an archaeological written scheme of investigation (WSI) for the site. The archaeological scheme will ensure that any archaeology is properly recorded. The proposal accords with policy BE1.

Sustainability (PP2)

In line with policy PP2 a Sustainability Statement has been submitted. The statement sets out compliance with the sustainability aims set out the Climate Change SPG. It is noted that the development has been designed to be low energy and highly efficient. The development will also provide green infrastructure and encourage active travel through the provision of paths. Waste will be minimised and construction waste will be removed and reused where possible. The houses are designed to be flexible and adaptable. Adequate provision for surface water drainage incorporating the principles of SUDs are proposed. The statement demonstrates that the development has sought to address the sustainability objectives and is sufficient to comply with policy PP2.

Developer Obligations (IMP3)

The development has been assessed for developer obligations in line with policy IMP3. Obligations of £71 500 are sought towards primary education (£65 229.45) and health care facilities (£6270.55). The applicant has agreed to pay these and it is recommended that this is controlled by means of a S.75 legal agreement.

Recommendation

This application represents a windfall site within the settlement of Buckie. It is an opportunity to provide a development of a different character and density to that typically found in the area and will contribute to a strong sense of place. The site can be adequately serviced and will not adversely impact the surrounding area in terms of amenity or environmental impact. There will be some opportunity for biodiversity enhancement and improvement of an existing green area. The proposal accords with policy and it is recommended that planning permission is granted.

REASON(S) FOR DECISION

The Council's reason(s) for making this decision are: -

The proposal accords with the provisions of the development plan and there are no material considerations that indicate otherwise.

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APPENDIX

POLICY

Adopted Moray Local Development Plan 2015

Moray Local Development Plan 2015 - Material Consideration

Primary Policy PP1: Sustainable Economic Growth

The Local Development Plan identifies employment land designations to support requirements identified in the Moray Economic Strategy. Development proposals which support the Strategy and will contribute towards the delivery of sustainable economic growth and the transition of Moray towards a low carbon economy will be supported where the quality of the natural and built environment is safeguarded and the relevant policies and site requirements are met.

Primary Policy PP2: Climate Change

In order to contribute to reducing greenhouse gas emissions, developments of 10 or more houses and buildings in excess of 500 sq m should address the following:

- Be in sustainable locations that make efficient use of land and infrastructure
- Optimise accessibility to active travel options and public transport
- Create quality open spaces, landscaped areas and green wedges that are well connected
- Utilise sustainable construction techniques and materials and encourage energy efficiency through the orientation and design of buildings
- Where practical, install low and zero carbon generating technologies
- Prevent further development that would be at risk of flooding or coastal erosion
- Where practical, meet heat and energy requirements through decentralised and local renewable or low carbon sources of heat and power
- Minimise disturbance to carbon rich soils and, in cases where it is agreed that trees can be felled, to incorporate compensatory tree planting.

Proposals must be supported by a Sustainability Statement that sets out how the above objectives have been addressed within the development. This policy is supported by supplementary guidance on climate change.

Primary Policy PP3: Placemaking

All residential and commercial (business, industrial and retail) developments must incorporate the key principles of Designing Streets, Creating Places and the Council's supplementary guidance on Urban Design.

Developments should;

- create places with character, identity and a sense of arrival
- create safe and pleasant places, which have been designed to reduce the fear of crime and anti social behaviour
- be well connected, walkable neighbourhoods which are easy to move around and designed to encourage social interaction and healthier lifestyles
- include buildings and open spaces of high standards of design which incorporate sustainable design and construction principles
- have streets which are designed to consider pedestrians first and motor vehicles last and minimise the visual impact of parked cars on the street scene.
- ensure buildings front onto streets with public fronts and private backs and have clearly defined public and private space
- maintain and enhance the natural landscape features and distinctive character of the area and provide new green spaces which connect to green and blue networks and promote biodiversity
- The Council will work with developers and local communities to prepare masterplans, key design principles and other site specific planning guidance as indicated in the settlement designations.

Policy H1: Housing Land

Designated sites

Land has been designated to meet the strategic housing land requirements 2013-2025 in the settlement statements as set out in Table 1. Proposals for development on all designated housing sites must include or be supported by information regarding the comprehensive layout and development of the whole site. This allows consideration of all servicing, infrastructure and landscaping provision to be taken into account at the outset. It will also allow an assessment of any contribution or affordable housing needs to be made. Proposals must comply with the site development requirements within the settlement plans and policies and the Council's policy on Place- making and Supplementary Guidance, "People and Places".

Windfall sites within settlements

New housing on land not designated for residential development within settlement boundaries will be acceptable if;

- a) The proposal does not adversely impact upon the surrounding environment, and
- b) Adequate servicing and infrastructure is available, or can be made available
- c) The site is not designated for an alternative use
- d) The requirements of policies PP2, PP3 and IMP1 are met.

Housing Density

Capacity figures indicated within site designations are indicative and proposed capacities will be considered against the characteristics of the site, conformity with policies PP3, H8 and IMP1.

Policy E3: Protected Species

Proposals which would have an adverse effect on a European protected species will not be approved unless;

- there is no satisfactory alternative; and
- the development is required to preserve public health or public safety, or for other reasons of overriding public interest, including those of a social or economic nature, and beneficial consequences of primary importance for the environment; and the development will not be detrimental to the maintenance of the population of species concerned at a favourable conservation status of the species concerned.

Proposals which would have an adverse effect on a nationally protected species of bird will not be approved unless;

- There is no other satisfactory solution
- The development is necessary to preserve public health or public safety
- The development will not be detrimental to the conservation status of the species concerned.

Proposals which would have an adverse effect on badgers or their setts must be accompanied by a Badger Protection Plan to avoid, minimise or compensate for impacts. A licence from Scottish Natural Heritage may be required as well as planning permission. Where a protected species may be affected a species survey should be prepared to accompany the application to demonstrate how any offence under the relevant legislation will be avoided.

Policy E4: Trees and Development

The Council will serve Tree Preservation Orders (TPO's) on potentially vulnerable trees which are of significant amenity value to the community as a whole, or trees of significant biodiversity value.

Within Conservation Areas the Council will only agree to the felling of dead, dying, or dangerous trees. Trees felled within Conservation Areas or subject to TPO protection should be replaced, unless otherwise agreed with the Council.

Woodland removal will only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The Council may attach conditions on planning consents ensuring that existing trees and hedges are retained or replaced.

Development proposals will be required to meet the requirements set out in the Council's Trees and Development Supplementary Guidance. This includes carrying out a tree survey to identify trees on site and those to be protected. A safeguarding distance should be retained between mature trees and proposed developments.

When imposing planting or landscaping conditions, native species should be used and the Council will seek to promote green corridors.

Proposals affecting woodland will be considered against Policy ER2.

Policy E5: Open Spaces

Safeguarding Open Spaces

Development which would cause the loss of, or adversely impact on, areas identified under the ENV designation in settlement statements and the amenity land designation in rural groupings will be refused unless;

- The proposal is for a public use that clearly outweighs the value of the open space or the proposed development is ancillary to the principal use and will enhance use of the site for sport and recreation; and
- The development is sited and designed to minimise adverse impacts on the recreational, amenity and biodiversity value of the site; and
- There is a clear excess of the type of ENV designation within easy access in the wider area and loss of the open space will not negatively impact upon the overall quality and quantity of open space provision, or
- Alternative provision of equal or greater benefit will be made available and is easily accessible for users of the developed space.

Provision of new Open Spaces

Quantity

New green spaces should be provided to the following standards;

- Residential sites less than 10 units - landscaping to be determined under the terms of policies PP3 and IMP1 to integrate the new development.
- Residential sites 10-50 units and new industrial sites- minimum 15% open space

- Residential sites 51-200 units- minimum 20% open space
- Residential sites 201 units and above and Business Parks- minimum 30% open space including allotments, formal parks and playspaces within residential sites.

Quality

New green spaces should be;

- Overlooked by buildings with active frontages
- Well positioned, multi functional and easily accessible
- Well connected to adjacent green and blue corridors, public transport and neighbourhood facilities
- Safe, inclusive and welcoming
- Well maintained and performing an identified function
- Support the principles of Placemaking policy PP3.

Allotments

Proposals for allotments on existing open spaces will be supported where they do not adversely affect the primary function of the space or undermine the amenity value of the area and where a specific locational requirement has been identified by the Council. Consideration will include related aspects such as access and car parking and not just the allotment area itself.

Policy BE1: Scheduled Monuments and National Designations

National Designations

Development Proposals will be refused where they will adversely affect Scheduled Monuments and nationally important archaeological sites or their settings unless the developer proves that any significant adverse effect on the qualities for which the site has been designated are clearly outweighed by social or economic benefits of national importance.

Local Designations

Development proposals which will adversely affect sites of local archaeological importance or the integrity of their settings will be refused unless it can be demonstrated that;

- a) Local public benefits clearly outweigh the archaeological value of the site, and
- b) There is no suitable alternative site for the development, and
- c) Any adverse effects can be satisfactorily mitigated at the developers expense

Where in exceptional circumstances, the primary aim of preservation of archaeological features in situ does not prove feasible, the Council shall require the excavation and researching of a site at the developers expense.

The Council will consult Historic Scotland and the Regional Archaeologist on development proposals which may affect Scheduled Monuments and archaeological sites.

Policy EP5: Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)

Surface water from development should be dealt with in a sustainable manner that has a neutral effect on the risk of flooding or which reduces the risk of flooding. The method of dealing with surface water should also avoid pollution and promote habitat enhancement and amenity. All sites should be drained by a sustainable drainage system (SUDS). Drainage systems should contribute to enhancing existing "blue" and "green" networks while contributing to place-making, biodiversity, recreational, flood risk and climate change objectives.

Specific arrangements should be made to avoid the issue of permanent SUD features becoming silted-up with construction phase runoff. Care must be taken to avoid the introduction of invasive non-native species during the construction of all SUD features.

Applicants must agree provisions for long term maintenance of the SUDS scheme to the satisfaction of the Council in consultation with SEPA and Scottish Water as appropriate.

A Drainage Assessment (DA) will be required for developments of 10 houses or more, industrial uses, and non-residential proposals of 500 sq metres and above.

The Council's Flood Team will prepare Supplementary Guidance on surface water drainage and flooding.

Policy EP7: Control of Development in Flood Risk Areas

New development should not take place if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere. Proposals for development in areas considered to be at risk from flooding will only be permitted where a flood risk assessment to comply with the recommendations of National Guidance and to the satisfaction of both the Scottish Environment Protection Agency and the Council is provided by the applicant. This assessment must demonstrate that any risk from flooding can be satisfactorily mitigated without increasing flood risk elsewhere. Due to continuing changes in climatic patterns, the precautionary principle will apply when reviewing any application for an area at risk from inundation by floodwater.

The following limitations on development will also be applied to take account of the degree of flooding as defined in Scottish Planning Policy;

- a) In areas of little to no risk (less than 0.1%) there will be no general constraint to development.
- b) Areas of low to medium risk (0.1% to 0.5%) will be considered suitable for most development. A flood risk assessment may be required at the upper end of the probability range (i.e. close to 0.5%), and for essential civil infrastructure and most

vulnerable uses. Water resistant materials and construction may be required. Areas within this risk category will generally not be suitable for civil infrastructure. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during extreme flooding events.

c) Areas of medium to high risk (0.5% or above) may be suitable for:

- Residential, institutional, commercial and industrial development within built up areas provided flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood management plan;
- Essential infrastructure within built up areas, designed and constructed to remain operational during floods and not impede water flow;
- Some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place and
- Job related accommodation e.g. for caretakers or operational staff.

Areas within these risk categories will generally not be suitable:

- Civil infrastructure and most vulnerable uses;
- Additional development in undeveloped and sparsely developed areas, unless a location is essential for operational reasons, e.g. for navigation and water based recreation, agriculture, transport or utilities infrastructure (which should be designed to be operational during floods and not impede water flow), and
- An alternative, lower risk location is not available and
- New caravan and camping sites.

Where development is permitted, measures to protect against or manage flood risk will be required and any loss of flood storage capacity mitigated to achieve a neutral or better outcome. Water resistant materials and construction should be used where appropriate. Elevated buildings on structures such as stilts are unlikely to be acceptable.

Policy EP8: Pollution

Planning applications for developments that may cause significant pollution in terms of noise (including RAF aircraft noise), air, water and light emissions will only be approved where a detailed assessment report on the levels, character and transmission of the potential pollution is provided by the applicant. The assessment should also demonstrate how the pollution can be appropriately mitigated. Where the Council applies conditions to the consent to deal with pollution matters these may include subsequent independent monitoring of pollution levels.

Policy EP9: Contaminated Land

Development proposals on potentially contaminated land will be approved provided that:

- a) The applicant can demonstrate through site investigations and risk assessment, that the site is in a condition suitable for the proposed development and is not causing significant pollution of the environment; and
- b) Where necessary, effective remediation measures are agreed to ensure the site is made suitable for the new use and to ensure appropriate disposal and/or treatment of any hazardous material.

The Council recommends early contact with the Environmental Health Section, which can advise what level of information will need to be supplied.

Policy EP10: Foul Drainage

All development within or close to settlements (as defined in the Local Development Plan) of more than 2,000 population equivalent will require to connect to the public sewerage system unless connection to the public sewer is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed investment to address this constraint has been specifically allocated within its current Quality Standards Investment Programme and the following requirements apply:

- Systems shall not have an adverse impact on the water environment;
- Systems must be designed and built to a standard which will allow adoption by Scottish Water.
- Systems must be designed such that they can be easily connected to a public sewer in the future. Typically this will mean providing a drainage line up to a likely point of connection.

All development within or close to settlements (as identified in the Local Development Plan) of less than 2000 population equivalent will require to connect to public sewerage system except where a compelling case is made otherwise. Factors to be considered in such a case will include size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage problems within the area. Where a compelling case is made, a private system may be acceptable provided it does not pose or add risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or amenity of the general area. Consultation with Scottish Environment Protection Agency will be undertaken in these cases.

Where a private system is deemed to be acceptable (within settlements as above or small scale development in the countryside) a discharge to land (either full soakaway or raised mound soakaway) compatible with Technical Handbooks (which sets out guidance on how proposals may meet the Building (Scotland) Regulations 2004) should be explored prior to considering a discharge to surface waters.

Policy T2: Provision of Access

The Council will require that new development proposals are designed to provide the highest level of access for end users including residents, visitors, and deliveries appropriate to the type of development and location. Development must meet the following criteria:

- Proposals must maximise connections and routes for pedestrian and cyclists, including links to active travel and core path routes, to reduce travel demands and provide a safe and realistic choice of access.
- Provide access to public transport services and bus stop infrastructure where appropriate.
- Provide appropriate vehicle connections to the development, including appropriate number and type of junctions.
- Provide safe entry and exit from the development for all road users including ensuring appropriate visibility for vehicles at junctions and bends.
- Provide appropriate mitigation/modification to existing transport networks where required to address the impacts of new development on the safety and efficiency of the transport network. This may include but would not be limited to, the following measures, passing places, road widening, junction enhancement, bus stop infrastructure and drainage infrastructure. A number of potential road improvements have been identified in association with the development of sites the most significant of these have been shown on the Settlement Map as TSPs.
- Proposals must avoid or mitigate against any unacceptable adverse landscape or environmental impacts.

Developers should give consideration to aspirational core paths (under Policy 2 of the Core Paths Plan) and active travel audits when preparing proposals.

New development proposals should enhance permeability and connectivity, and ensure that opportunities for sustainable and active travel are protected and improved.

The practicality of use of public transport in more remote rural areas will be taken into account however applicants should consider innovative solutions for access to public transport.

When considered appropriate by the planning authority developers will be asked to submit a Transport Assessment and Travel Plan.

Significant travel generating proposals will only be supported where:

- Direct links to walking and cycling networks are available;
- Access to public transport networks would involve walking no more than 400m;
- It would not have a detrimental effect on the capacity of the strategic road and/or rail network; and

- A Transport Assessment identifies satisfactory mechanisms for meeting sustainable transport requirements and no detrimental impact to the performance of the overall network.

Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.

Policy T5: Parking Standards

Proposals for development must conform with the Council's current policy on parking standards.

Policy IMP1: Developer Requirements

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It should comply with the following criteria

- a) The scale, density and character must be appropriate to the surrounding area.
- b) The development must be integrated into the surrounding landscape
- c) Road, cycling, footpath and public transport must be provided at a level appropriate to the development. Core paths; long distance footpaths; national cycle routes must not be adversely affected.
- d) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water.
- e) Where of an appropriate scale, developments should demonstrate how they will incorporate renewable energy systems, and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria.
- f) Make provision for additional areas of open space within developments.
- g) Details of arrangements for the long term maintenance of landscape areas and amenity open spaces must be provided along with Planning applications.
- h) Conservation and where possible enhancement of natural and built environmental resources must be achieved, including details of any impacts arising from the disturbance of carbon rich soil.
- i) Avoid areas at risk of flooding, and where necessary carry out flood management measures.
- j) Address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- k) Address and sufficiently mitigate any contaminated land issues
- l) Does not sterilise significant workable reserves of minerals or prime quality agricultural land.

- m) Make acceptable arrangements for waste management.

Policy IMP3: Developer Obligations

Contributions will be sought from developers in cases where, in the Council's view, a development would have a measurable adverse or negative impact upon existing infrastructure, community facilities or amenity, and such contributions would have to be appropriate to reduce, eliminate or compensate for that impact.

Where the necessary contributions can be secured satisfactorily by means of planning conditions attached to a planning permission, this should be done, and only where this cannot be achieved, for whatever reason, the required contributions should be secured through a planning agreement.

The Council will prepare supplementary guidance to explain how the approach will be implemented in accordance with Circular 3/2012 on Planning Obligations. This will detail the necessary facilities and infrastructure and the scale of contributions likely to be required.

In terms of affordable housing, developments of 4 or more units will be expected to make a 25% contribution, as outlined in policy H8.

Proposed Moray Local Development Plan 2020

PP1 PLACEMAKING

- a) Development must be designed to create successful, healthy places that support good physical and mental health, help reduce health inequalities, improve people's wellbeing, safeguard the environment and support economic development.
- b) A Placemaking Statement is required for residential developments of 10 units and above to be submitted with the planning application to articulate how the development proposal addresses the requirements of policy PP1 Placemaking and other relevant LDP policies and guidance. The Placemaking Statement must include a sufficient information for the Council to carry out a Quality Audit including a topo survey, slope analysis, site sections, 3D visualisations, a Landscaping Plan, a Street Engineering Review and a Biodiversity Plan as these will not be covered by suspensive conditions on a planning consent. The Placemaking Statement must demonstrate how the development promotes opportunities for healthy living and working. The landscape plan must set out details of species type, size, timescales for planting and maintenance.
- c) To create successful, healthy places residential developments of 10 units and above must comply with Scottish Government policy Creating Places and Designing Streets and must incorporate the following fundamental principles;

(i) Character and Identity

- Create places that are distinctive to prevent homogenous 'anywhere' development.
- For developments of 20 units and above, provide a number of character areas that have their own distinctive identity and are clearly distinguishable.

Developments of less than 20 units will be considered to be one character area, unless they are part of a larger phase of development or masterplan area.

- Provide distinctiveness between and in each character area through a combination of measures including variation in urban form, street structure/network, architecture and masonry, accent features (such as porches), surrounds and detailing, materials (buildings and surfaces), colour, boundary treatments, hard/soft landscaping and a variety of approaches to tree species and planting that emphasises the hierarchy of open spaces and streets within a cohesive design strategy for the whole development.
- Distinctiveness must be reinforced along main thoroughfares, open spaces and places where people may congregate such as shopping/service centres.
- Retain, incorporate and/or respond to relevant elements of the landscape such as topography and planted features, natural and historic environment, and propose street naming (in residential developments of 20 units and above, where proposed names are to be submitted with the planning application) to retain and enhance local associations.

(ii) Healthier, Safer Environments

- Designed to prevent crime, fear of crime and anti-social behaviour with good levels of natural surveillance and security using treatments such as low boundary walls, dual frontages (principal rooms) and well-lit routes to encourage social interaction. Unbroken high boundary treatments such as wooden fencing and blank gables onto routes, open spaces and communal areas will not be acceptable.
- Designed to encourage physical exercise for people of all abilities.
- Create a distinctive urban form with landmarks, key buildings, vistas, gateways and public art to provide good orientation and navigation through the development.
- Provide a mix of compatible uses, where indicated within settlement statements, integrated into the fabric of buildings within the street.
- Prioritise pedestrians and cyclists by providing a permeable movement framework that incorporates desire lines (including connecting to and upgrading existing desire lines) and is fully integrated with the surrounding network to create walkable neighbourhoods and encourage physical activity.
- Integrate multi-functional active travel routes, green and open space into layout and design, to create well connected places that encourage physical activity, provide attractive spaces for people to interact and to connect with nature.
- Create safe streets that influence driver behaviour to reduce vehicle speeds that are appropriate to the local context such as through shorter streets, reduced visibility and varying the building line.
- Provide seating opportunities within streets, paths and open spaces for all generations and mobility's to interact, participate in activity, and rest and reflect;
- Provide for people with mobility problems or a disability to access buildings, places and open spaces.
- Create development with public fronts and private backs.
- Maximise environmental benefits through the orientation of buildings, streets and open space to maximise the health benefits associated with solar gain and wind shelter.

(iii) Housing Mix

- Provide a wide range of well integrated tenures, including a range of house types and plot sizes for different household sizes, incomes and generations and meet the affordable and accessible requirements of policy DP2 Housing.
- All tenures of housing should have equal access to amenities, greenspace and active travel routes.

(iv) Open Spaces/Landscaping

- Provide accessible, multi-functional open space within a clearly defined hierarchy integrated into the development and connected via an active travel network of green/blue corridors that are fully incorporated into the development and to the surrounding area, and meet the requirements of policy EP5 Open Space and the Open Space Strategy Supplementary Guidance and Policy EP12 Managing the Water Environment and Drainage Impact Assessment for New Developments Supplementary Guidance.
- Landscaped areas must provide seasonal variation, (mix of planting and colour) including native planting for pollination and food production.
- Landscaped areas must not be 'left-over' spaces that provide no function. 'Left-over' spaces will not contribute to the open space requirements of policy EP4 Open Space.
- Semi-mature tree planting and shrubs must be provided along all routes with the variety of approaches reflecting and accentuating the street hierarchy.
- Public and private space must be clearly defined.
- Play areas (where identified) must be inclusive, providing equipment so the facility is for every child/young person regardless of ability and provided upon completion of 50% of the character area.
- Proposals must provide advance landscaping identified in site designations and meet the quality requirements of policy EP5 Open Space.
- Structural landscaping must incorporate countryside style paths (such as bound or compacted gravel) with waymarkers.
- Maintenance arrangements for all paths, trees, hedging, shrubs, play/ sports areas, roundabouts and other open/ green spaces and blue/green corridors must be provided.

(v) Biodiversity

- Create a variety of high quality multi- functional green/blue spaces and networks that connect people and nature, that include trees, hedges and planting to enhance biodiversity and support habitats/wildlife and comply with policy EP2 Biodiversity and Geodiversity and EP5 Open Space.
- A plan detailing how different elements of the development will contribute to supporting biodiversity must be included in the design statement submitted with the planning application.
- Integrate green and blue infrastructure such as swales, permeable paving, SUDS ponds, green roofs and walls and grass/wildflower verges into streets, parking areas and plots to sustainably address drainage and flooding issues and enhance biodiversity from the outset of the development.
- Developments must safeguard and connect into wildlife corridors/ green networks and prevent fragmentation of existing habitats.

(vi) Parking

- Car parking must not dominate the streetscape to the front or rear of properties. On all streets a minimum of 75% of car parking must be provided to the side or rear and behind the building line with a maximum of 25% car parking within the front curtilage or on street, subject to the visual impact being mitigated by hedging, low stone boundary walls or other acceptable treatments that enhance the streetscape.
- Provide semi-mature trees and planting within communal private and public/visitor
- Secured and covered cycle parking and storage, car sharing spaces and electric car charging points must be provided in accordance with policy DP1 Development Principles.
- Parking areas must use a variation in materials to reduce the visual impact on the streetscene.

(vii) Street Layout and Detail

- Provide a clear hierarchy of streets reinforced through street width, building density and street and building design, materials, hard/soft landscaping and a variety of approaches to tree planting and shrubs.
- Streets and connecting routes should encourage walking and cycling over use of the private car by providing well connected, safe and appealing routes.
- Design junctions to prioritise pedestrians, accommodate active travel and public transport and service/emergency vehicles to reflect the context and urban form and ensure that the street pattern is not standardized.
- Dead-end streets/cul-de-sacs will only be selectively permitted on rural edges or where topography dictates. These must be short, serving no more than 10 units and provide walking and cycling through routes to maximise connectivity to the surrounding area.
- Roundabouts must be designed to create gateways and contribute to the character of the overall development.
- Design principles for street layouts must be informed by a Street Engineering Review (SER) and align with Roads Construction Consent (RCC) to provide certainty that the development will be delivered as per the planning consent.

- (d) Masterplans have been prepared for Findrassie (Elgin), Elgin South, Bilbohall (Elgin), and Dallas Dhu (Forres) and are Supplementary Guidance to the Plan. Further Masterplans will be prepared in partnership for Lochyhill (Forres), Barhill Road (Buckie), Elgin Town Centre/ Cooper Park, Elgin North East, Clarkly Hill, Burghead and West Mosstodloch. A peer review organised by the Council will be undertaken at the draft and final stages in the masterplan's preparation. Following approval, the Masterplans will be Supplementary Guidance to the Plan.
- (e) Proposals for sites must reflect the key design principles and safeguard or enhance the green networks set out in the Proposals Maps and Settlement Statements. Alternative design solutions may be proposed where justification is provided to the planning authority's satisfaction to merit this.

PP2 SUSTAINABLE ECONOMIC GROWTH.

"Development proposals for employment land which support the Moray Economic Strategy to deliver sustainable economic growth will be supported where the quality of the natural and built environment is safeguarded, there is a clear locational need and all potential impacts can be satisfactorily mitigated. "

PP3 INFRASTRUCTURE & SERVICES.

Development must be planned and co-ordinated with infrastructure to ensure that places function properly and proposals are adequately served by infrastructure and services. A Utilities Plan must be submitted with planning applications setting out how existing and new utility (including gas, water, electricity, pipelines and pylons) provision have been incorporated into the layout and design of the proposal.

a) Development proposals will need to provide for the following infrastructure and services:

- i) Education, Health, Transport, Sports and Recreation and Access facilities in accord with Supplementary Guidance on Developer Obligations and Open Space.
- ii) Green infrastructure and network requirements specified in policy EP5 Open Space, Town and Village Maps and, contained within Supplementary Guidance on the Open Space Strategy, Masterplans and Development Briefs.
- iii) Mitigation/modification to the existing transport network to address the impact of the proposed development in terms of safety and efficiency. This may include but not be limited to passing places, road widening, junction enhancement, bus stop infrastructure, and drainage infrastructure. A number of potential road and transport improvements are identified and shown on the Town and Village Maps as Transport Proposals (TSP's) including the interventions in the Elgin Transport Strategy. These requirements are not exhaustive and do not pre-empt any measures which may result from the Transport Assessment process.
- iv) Electric car charging points must be provided at all commercial, community and communal parking facilities. Access to charging points must also be provided for residential on plot parking provision. Car share parking spaces must be provided within communal parking areas where a need is identified by the Transportation Manager.
- v) Active Travel and Core Path requirements specified in the Council's Active Travel Strategy and Core Path Plan.
- vi) Safe transport and access routes linking to existing networks and mitigating the impacts of development off-site.
- vii) Information Communication Technology (ICT) and fibre optic broadband connections for all premises unless justification is provided to substantiate it is technically unfeasible.
- viii) Foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS), including construction phase SUDS.

- ix) Measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland including the provision of local waste storage and recycling facilities designed into the development in accord with policy PP1 Placemaking. For major applications a site waste management plan may be required to ensure that waste minimisation is achieved during the construction phase.
- x) Infrastructure required to improve or increase capacity at Water Treatment Works and Waste Water Treatment Works will be supported subject to compliance with policy DP1.

b) Development proposals will not be supported where they:

- i) Create new accesses onto trunk roads and other main/key routes (A941 & A98) unless significant economic benefits are demonstrated.
- ii) Adversely impact on active travel routes, core paths, rights of way, long distance and other access routes and cannot be adequately mitigated by an equivalent or better alternative provision in a location convenient for users.
- iii) Adversely impact on blue/green infrastructure, including green networks important for wildlife unless an equivalent or better alternative provision will be provided.
- iv) Are incompatible with key waste sites at Dallachy, Gollanfield, Moycroft and Waterford and would prejudice their operation.
- v) Adversely impact on community and recreational sites, buildings or infrastructure including CF designations and cannot be adequately mitigated.
- vi) Adversely impact on flood alleviation and mitigation infrastructure.
- vii) Compromise the economic viability of bus or rail facilities.

c) Harbours.

Development within and diversification of harbours to support their sustainable operation will be supported subject to compliance with other policies and settlement statements.

d) Developer Obligations.

Developer obligations will be sought to mitigate any measurable adverse impact of a development proposal on local infrastructure, including education, healthcare, transport, sports and recreational facilities and access routes. Obligations will be sought to reduce, eliminate or compensate for this impact.

Where necessary obligations that can be secured satisfactorily by means of a planning condition attached to planning permission will be done this way. Where this cannot be achieved, the required obligation will be secured through a planning agreement in accordance with Circular 3/2012 on Planning Obligations.

Developer obligations will be sought in accordance with the Council's Supplementary Guidance on Developer Obligations. This sets out the anticipated infrastructure requirements, including methodology and rates.

Where a developer considers that the application of developer obligations renders a development commercially unviable a viability assessment and 'open-book accounting' must be provided by the developer which Moray Council, via the District Valuer, will verify, at the developer's expense. Should this be deemed accurate then the Council will enter into negotiation with the developer to determine a viable level of developer obligations.

The Council's Developer Obligations Supplementary Guidance provides further detail to support this policy.

DP1 DEVELOPMENT PRINCIPLES.

This policy applies to all developments, including extensions and conversions and will be applied proportionately.

The Council will require applicants to provide impact assessments in order to determine the impact of a proposal. Applicants may be asked to determine the impacts upon the environment, transport network, town centres, noise, air quality, landscape, trees, flood risk, protected habitats and species, contaminated land, built heritage and archaeology and provide mitigation to address these impacts.

Development proposals will be supported if they conform to the relevant Local Development Plan policies, proposals and additional guidance, meet the following criteria and address their individual and cumulative impacts:

(i) Design

- a) The scale, density and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.
- b) The development must be integrated into the surrounding landscape which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g. distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided with planning applications for all proposals where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the "Right Tree in the Right Place".
- c) Make provision for new open space and connect to existing open space under the requirements of Policy EP5 and provide details of the future maintenance of these spaces. A detailed landscape plan must be submitted with planning applications and include information about green/blue infrastructure, tree species, planting, ground/soil conditions, and natural and man-made features (e.g. grass areas, wildflower verges, fencing, walls, paths, etc.).

- d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours and integrate into the landscape.
- e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.
- f) Proposals do not result in backland development or plots that are subdivided by more than 50% of the original plot. Sub-divided plots must be a minimum of 400m², excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and the resultant plot density and layout reflects the character of the surrounding area.
- g) Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.
- h) Existing stone walls on buildings and boundaries must be retained.
- i) Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.
- i) Proposals must orientate and design buildings to maximise opportunities for solar gain

(ii) Transportation

- a) Proposals must provide safe entry and exit from the development, including the appropriate number and type of junctions, maximise connections and routes for pedestrians and cyclists, including links to active travel and core path routes, reduce travel demands and ensure appropriate visibility for all road users at junctions and bends. Road, cycling, footpath and public transport connections and infrastructure must be provided at a level appropriate to the development and connect people to education, employment, recreation, health, community and retail facilities.
- b) Car parking must not dominate the street scene and must be provided to the side or rear and behind the building line. Minimal (25%) parking to the front of buildings and on street may be permitted provided that the visual impact of the parked cars is mitigated by hedging or low stone boundary walls. Roadways with a single carriageway must provide sufficient off road parking to avoid access routes being blocked to larger service vehicles and prevent parking on pavements.
- c) Provide safe access to and from the road network, address any impacts on road safety and the local road and public transport network. Any impacts identified through Transport Assessments/ Statements must be identified and mitigated. This may include but would not be limited to, passing places, road widening, junction improvements, bus stop infrastructure and drainage infrastructure. A number of potential mitigation measures have been identified in association with the development of sites and the most significant are shown on the Proposals Map as TSP's.

- d) Provide covered and secure facilities for cycle parking at all flats/apartments, retail, community, education, health and employment centres.
- e) Garages and parking provision must be designed to comply with Moray Council parking specifications see Appendix 2.
- f) The road layout must be designed to allow for the efficient mechanical sweeping of all roadways and channels, pavements, turning areas and junctions. The road layout must also be designed to enable safe working practices, minimising reversing of service vehicles with hammerheads minimised in preference to turning areas and to provide adequate space for the collection of waste and movement of waste collection vehicles.
- g) The road and house layout in urban development should allow for communal refuse collection points where the design does not allow for individual storage within the curtilage and / or collections at kerbside. Communal collection points may either be for the temporary storage of containers taken by the individual householder or for the permanent storage of larger containers. The requirements for a communal storage area are stated within the Council's Kerbside Collection Policy, which will be a material consideration.
- h) Road signs should be minimised designed and placed at the back of footpaths to reduce street clutter, avoid obstructing pedestrian movements and safeguarding sightlines.
- i) Within communal parking areas there will be a requirement for electric car charging points. Parking spaces for car sharing must be provided where a need is identified by the Transportation Manager.

iii) **Water environment, pollution, contamination.**

- a) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water including temporary/ construction phase SUDS (see Policy EP12).
- b) New development should not be located in areas at flood risk or increase vulnerability to flooding (see Policy EP12). Exceptions to this would only be considered in specific circumstances, e.g. extension to an existing building or change of use to an equal or less vulnerable use. Where this exception is applied the proposed development must include resilience measures such as raised floor levels and electrical sockets.
- c) Proposals must avoid major hazard sites and address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- d) Proposals must protect and wherever practicable enhance water features through for example naturalisation of watercourses by introducing a more natural planform and removing redundant or unnecessary structures.

- e) Proposals must address and sufficiently mitigate any contaminated land issues.
- f) Make acceptable arrangements for waste collection and management and encourage recycling.
- g) Avoid sterilising significant workable reserves of minerals, prime agricultural land or productive forestry.
- h) Proposals must avoid areas at risk of coastal erosion and coastal change.

DP2 HOUSING.

- a) Proposals for development on all designated and windfall housing sites must include a design statement and supporting information regarding the comprehensive layout and development of the whole site, addressing infrastructure, access for pedestrians, cyclists, public transport and service vehicles, landscaping, drainage, affordable and accessible housing and other matters identified by the planning authority, unless otherwise indicated in the site designation.

Proposals must comply with Policy PP1, DP1, the site development requirements within the settlement plans, all other relevant policies within the Plan and must comply with the following requirements.

b) Piecemeal/ individual plot development proposals

Piecemeal and individual/ plot development proposals will only be acceptable where details for the comprehensive redevelopment of the site are provided to the satisfaction of the planning authority and proposals comply with the terms of Policy DP1, other relevant policies including access, affordable and accessible housing, landscaping and open space and where appropriate key design principles and site designation requirements are met.

Proposals for piecemeal/ plot development must be accompanied by a Delivery Plan setting out how the comprehensive development of the site will be achieved.

c) Housing density

Capacity figures indicated within site designations are indicative only. Proposed capacities will be considered through the Quality Auditing process against the characteristics of the site, character of the surrounding area, conformity with all policies and the requirements of good Placemaking as set out in Policies PP1 and DP1.

d) Affordable Housing

Proposals for all housing developments (including conversions) must provide a contribution towards the provision of affordable housing.

Proposals for new housing developments of 4 or more units (including conversions) must provide 25% of the total units as affordable housing in affordable tenures to be agreed by the Housing Strategy and Development Manager. For proposals of less than 4 market housing units a commuted payment will be required towards meeting housing needs in the local housing market area.

A higher percentage contribution will be considered subject to funding availability, as informed by the Local Housing Strategy. A lesser contribution or alternative in the form of off-site provision or a commuted payment will only be considered where exceptional site development costs or other project viability issues are demonstrated and agreed by the Housing Strategy and Development Manager and the Economic Development and Planning Manager. Intermediate tenures will be considered in accordance with the HNDA and Local Housing Strategy, and agreed with the Housing Strategy and Development Manager.

Further detail on the implementation of this policy is provided in the Policy Guidance note on page 44.

e) Housing Mix and Tenure Integration

Proposals for 4 or more housing units must provide a mix of house types, tenures and sizes to meet local needs as identified in the Housing Need and Demand Assessment and Local Housing Strategy.

Proposals must demonstrate tenure integration and meet the following criteria;

- Architectural style and external finishes must ensure that homes are tenure blind.
- The spatial mix must ensure communities are integrated to share school catchment areas, open spaces, play areas, sports areas, bus stops and other community facilities.

f) Accessible Housing

Housing proposals of 10 or more units will be required to provide 10% of the private sector units to wheelchair accessible standard, with all of the accessible units to be in single storey form. Flexibility may be applied on sites where topography would be particularly challenging for wheelchair users.

Further detail on the implementation of this policy is provided in the Policy Guidance note on page 44.

EP8 HISTORIC ENVIRONMENT.

a) Scheduled Monuments and National Designations.

Where a proposed development potentially has a direct impact on a scheduled monument, the written consent of Historic Environment Scotland is required, in addition to any other necessary consents.

Development proposals will be refused where they will adversely affect Scheduled Monuments and nationally important archaeological sites or their settings unless the developer proves that any significant adverse effect on the qualities for which the site has been designated are clearly outweighed by social or economic benefits of national importance.

b) Local Designations.

Development proposals which adversely affect sites of local archaeological importance or the integrity of their settings will be refused unless;

- a) Local public benefits clearly outweigh the archaeological value of the site, and
- b) There is no suitable alternative site for development, and
- c) Any adverse effects can be satisfactorily mitigated at the developer's expense.

The Council will consult Historic Environment Scotland and the Regional Archaeologist on development proposals which may affect Scheduled Monuments, nationally important archaeological sites and locally important archaeological sites.

EP12 MANAGEMENT AND ENHANCEMENT OF THE WATER ENVIRONMENT.

a) Flooding.

New development will not be supported if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere. For development at or near coastal locations, this includes consideration of future flooding that may be caused by sea level rise and/or coastal change eroding existing natural defences in the medium and long term.

Proposals for development in areas considered to be at risk from flooding will only be permitted where a flood risk assessment to comply with the recommendations of Scottish Planning Policy and to the satisfaction of Scottish Environment Protection Agency and the Council is provided by the applicant.

There are different levels of flood risk assessment dependent on the nature of the flood risk. The level of assessment should be discussed with the Council prior to submitting a planning application.

Level 1 - a flood statement with basic information with regard to flood risk.

Level 2 - full flood risk assessment providing details of flood risk from all sources, results of hydrological and hydraulic studies and any appropriate proposed mitigation.

Assessments must demonstrate that the development is not at risk of flooding and would not increase the probability of flooding elsewhere. Level 2 flood risk assessments must be signed off by a competent professional. The Flood Risk Assessment and Drainage Impact Assessment for New Development Supplementary Guidance provides further detail on the information required.

Due to continuing changes in climatic patterns, the precautionary principle will apply when reviewing any application for an area at risk from inundation by floodwater. Proposed development in coastal areas must consider the impact of tidal events and wave action when assessing potential flood risk.

The following limitations on development will also be applied to take account of the degree of flooding as defined in Scottish Planning Policy;

- a) In areas of little to no risk (less than 0.1%), there will be no general constraint to development.
- b) Areas of low to medium risk (0.1% to 0.5%) will be considered suitable for most development. A flood risk assessment may be required at the upper end of the

probability range i.e. (close to 0.5%) and for essential civil infrastructure and the most vulnerable uses. Water resistant materials and construction may be required. Areas within this risk category will generally not be suitable for civil infrastructure. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during flooding events.

c) Areas of medium to high risk (0.5% or above) may be suitable for:

- Residential, institutional, commercial and industrial development within built up areas provided that flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood management plan;
- Essential infrastructure within built up areas, designed and constructed to remain operational during floods and not impede water flow;
- Some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place, and
- Employment related accommodation e.g. caretakers or operational staff.

Areas within these risk categories will generally not be suitable for the following uses and where an alternative, lower risk location is not available;

- Civil infrastructure and most vulnerable uses.
- Additional development in undeveloped and sparsely developed areas, unless a location is essential for operational reasons e.g. for navigation and water based recreation, agriculture, transport or utilities infrastructure (which should be designed to be operational during floods and not impede water flows).
- New caravan and camping sites.

Where development is permitted, measures to protect against or manage flood risk will be required and any loss of flood storage capacity mitigated to achieve a neutral or better outcome. Water resistant materials and construction must be used where appropriate. Land raising and elevated buildings on structures such as stilts are unlikely to be acceptable as they are unsustainable in the long term due to sea level rise and coastal change.

b) Surface Water Drainage: Sustainable Urban Drainage Systems (SUSDS)

Surface water from development must be dealt with in a sustainable manner that has a neutral effect on flooding or which reduces the risk of flooding. The method of dealing with surface water must also avoid pollution and promote habitat enhancement and amenity. All sites must (except single houses) be drained by a sustainable drainage system (SUDS) designed in line with current CIRIA guidance. Drainage systems must contribute to enhancing existing "blue" and "green" networks while contributing to place-making, biodiversity, recreational, flood risk and climate change objectives.

When considering the appropriate SUDS design for the development the most sustainable methods, such as rainwater harvesting, green roofs, bio retention systems, soakaways, and permeable pavements must be considered first. If it is necessary to include surface water attenuation as part of the drainage system, only above ground attenuation solutions will be considered, unless this is not possible due to site constraints.

If below ground attenuation is proposed the developer must provide a robust justification for this proposal. Over development of a site or a justification on economic grounds will not be acceptable. When investigating appropriate SUDS solutions developers must integrate the SUDS with allocated green space, green networks and active travel routes to maximise amenity and biodiversity benefits.

Specific arrangements must be made to avoid the issue of permanent SUDS features becoming silted-up with run-off. Care must be taken to avoid the spreading and/or introduction of invasive non-native species during the construction of all SUDS features. On completion of SUDS construction the developer must submit a comprehensive Operation and Maintenance Manual. The ongoing maintenance of SUDS for all new development will be undertaken through a factoring agreement, the details of which must be supplied to the Planning Authority.

All developments of less than 3 houses or a non-householder extension under 100 square metres must provide a Drainage Statement. A Drainage Assessment will be required for all developments other than those identified above.

c) Water Environment

Proposals, including associated construction works, must be designed to avoid adverse impacts upon the water environment including Ground Water Dependent Terrestrial Ecosystems and should seek opportunities for restoration and/or enhancement, if appropriate. The Council will only approve proposals impacting on water features where the applicant provides a report to the satisfaction of the Council that demonstrates that any impact (including cumulative) on water quality, water quantity, physical form (morphology), river hydrology, sediment transport and erosion, coastal processes (where relevant), nature conservation (including protected species), fisheries, recreational, landscape, amenity and economic and social impact can be adequately mitigated.

The report must consider existing and potential impacts up and downstream of the development particularly in respect of potential flooding. The Council operates a presumption against the culverting of watercourses and any unnecessary engineering works in the water environment.

A buffer strip of at least 6 metres between any new development and all water features is required and should be proportional to the bank width and functional river corridor (see table on page 104). This must achieve the minimum width within the specified range as a standard, however, the actual required width within the range should be calculated on a case by case basis by an appropriately qualified individual. These must be designed to link with blue and green networks, including appropriate native riparian vegetation and can contribute to open space requirements.

Developers may be required to make improvements to the water environment as part of the development. Where a Water Framework Directive (WFD) water body specific objective is within the development boundary, or in proximity, developers will need to

address this within the planning submission through assessment of potential measures to address the objective and implementation, unless adequate justification is provided. Where there is no WFD objective the applicant should still investigate the potential for watercourse restoration along straightened sections or removal of redundant structures and implement these measures where viable.

| Width to Watercourse (top of bank) | Width of buffer strip (either side) |
|------------------------------------|-------------------------------------|
| Less than 1m | 6m |
| 1-5m | 6-12m |
| 5-15m | 12-20m |
| 15m+ | 20m+ |

The Flood Risk Assessment and Drainage Impact Assessment for New Development Technical Guidance provides further detail on the information required to support proposals.

EP13 FOUL DRAINAGE

All development within or close to settlements (as defined in the Local Development Plan) of more than 2,000 population must connect to the public sewerage system unless connection is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed investment to address this constraint has been allocated within its investment Programme and the following requirements have been met;

- Systems must not have an adverse effect on the water environment.
- Systems must be designed and built to a standard which will allow adoption by Scottish Water.
- Systems must be designed such that they can be easily connected to a public sewer in the future. Typically this will mean providing a drainage line up to a likely point of connection.

All development within or close to settlements (as above) of less than 2,000 population will require to connect to public sewerage except where a compelling case is made otherwise. Factors to be considered in such a case will include size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage problems within the area. Where a compelling case is made, a private system may be acceptable provided it does not pose or add a risk of detrimental effects, including cumulative, to the natural and built environment, surrounding uses or amenity of the general area.

Where a private system is deemed to be acceptable, within settlements as above or small scale development in the countryside, a discharge to land, either full soakaway or raised mound soakaway, compatible with Technical Handbooks (which sets out guidance on how proposals may meet the Building Regulations) must be explored prior to considering a discharge to surface waters.

EP14 POLLUTION, CONTAMINATION & HAZARDS.

a) Pollution.

Development Proposals which may cause significant air, water, soil, light or noise pollution or exacerbate existing issues must be accompanied by a detailed assessment report on the levels, character and transmission of the potential pollution with measures to mitigate impacts. Where significant or unacceptable impacts cannot be mitigated, proposals will be refused.

b) Contamination.

Development proposals on potentially contaminated land will be approved where they comply with other relevant policies and;

- i) The applicant can demonstrate through site investigations and risk assessment, that the site is in a condition suitable for the proposed development and is not causing significant pollution of the environment, and
- ii) Where necessary, effective remediation measures are agreed to ensure the site is made suitable for the new use and to ensure appropriate disposal and/ or treatment of any hazardous material.

c) Hazardous sites.

Development proposals must avoid and not impact upon hazardous sites or result in public safety concerns due to proximity or use in the vicinity of hazardous sites



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
10 DECEMBER 2019**

**SUBJECT: 19/01433/PAN – PROPOSAL OF APPLICATION NOTICE
CONSTRUCTION OF TEMPORARY CONTRACTORS
COMPOUND TO FACILITATE WORKS AS PART OF THE RAF
LOSSIEMOUTH DEVELOPMENT PLAN AT LAND SOUTH OF
RAF LOSSIEMOUTH**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

- 1.1 To inform the Committee that a Proposal of Application Notice (PAN) was submitted on 5 November 2019 on behalf of the Defence Infrastructure Organisation (DIO).
- 1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to exercising the statutory functions of the Council as a Planning Authority.

2. RECOMMENDATION

2.1 It is recommended that:

- (i) in noting the terms of this report, the Committee advise upon any provisional views/relevant issues that Members of this Committee (or any other Member(s) of the Council) wish to raise about the proposed development so that these matters can be recorded and thereafter fed back to the prospective applicant in order to inform the development of their proposed formal application for planning permission; and
- (ii) 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.

3. BACKGROUND

- 3.1 Scottish Government has published guidance which encourages elected members to highlight any issues with a proposed development at the pre-application stage which they would wish to see taken into account within any formal application for planning permission.
- 3.2 Following consideration by this Committee on 11 November 2014 it was agreed that any PAN received after this date would be reported to Committee to give Members of the Committee, and the Council, the opportunity to identify any key issues/provisional views about the proposed development and that these matters be reported back to applicant (paragraph 4 of the Minute refers).
- 3.3 This current report is not about the merits of the proposed development but rather, based on local knowledge of local issues and wider concerns, etc. Members are invited to identify any matters relevant to the proposal. These will be reported back to the prospective applicant for their information and attention, and to inform the development of the proposed application. It is also proposed that, for information, Members' comments be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.
- 3.4 As described, this PAN relates to a proposal for the construction of a temporary contractor's compound to facilitate works as part of the RAF Lossiemouth development plan on land immediately to the south of the airbase. The compound would include various hardstanding areas and a roadway which would join onto the adjacent public road, and would be used to store materials and plant machinery, mobile Batching plants (Asphalt and Concrete), temporary DIO and Contractors offices, parking, security cabins, fencing and internal roads. The PAN includes a Location and Site Block Plan (**Appendix 1 and 2**) which show the location of the site and various elements of the proposed development. Based on supporting information the compound will be removed and cleared by 1st May 2021.
- 3.5 The site extends to 5.5 hectares and comprises an area of farmland in open countryside to the south of the airbase. It is roughly rectangular in shape and level, and is bounded by the public road (U40E Wester folds - Muirton Road) to the north, open farmland to the south and east, and a section of track/hardstanding (former airbase infrastructure) to the west. The SEPA indicative flood map shows that parts of the site may be at medium risk of surface water flooding.
- 3.6 Planning permission is required for this proposal. Relative to the current Hierarchy Regulations and for contractors compounds (Class 9 'Other Development') on a site which exceeds 2 hectares, the proposal would comprise a major development for planning purposes. As such, the proposal will be subject to PAN and pre-application consultation procedures with the local community. The applicant has been advised of the Council's pre-application advice service to assist in identifying key issues and information that would be expected to accompany any formal application.

- 3.7 A formal response has been issued to the applicant's agent to confirm that the proposed arrangements for engaging with the local community are sufficient. The applicant proposes to consult with Lossiemouth Community Council. In this case the applicant's agent has been advised that no additional parties require to be notified with a copy of the PAN.
- 3.8 The PAN advises that a public event will be held at the Lossiemouth Library/Town Hall on a date to be confirmed. The event requires to be advertised locally in advance and allow an opportunity for feedback upon the proposal. For validation purposes for a major application, the applicant is required to submit a pre-application consultation report setting out the steps taken to consult with the local community together with details of comments made on the proposal and how the applicant has responded to all comments made on the proposal in the development of the application.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

Identifying key issues at an early stage to assist with front loading major planning applications is a vital aspect of supporting and facilitating the Council's priority for economic development in Moray.

(b) Policy and Legal

Scottish Government guidance on the role of councillors in pre-application procedures affords elected members the opportunity to offer general provisional views on forthcoming developments which are the subject of a PAN where the details of the development have yet to be finalised.

(c) Financial implications

None.

(d) Risk Implications

None.

(e) Staffing Implications

None.

(f) Property

None.

(g) Equalities/Socio Economic Impact

None.

(h) Consultations

Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Development Management and Building Standards Manager, the Equal Opportunities Officer, the Strategic Plan & Delivery Manager, and Lissa

Rowan (Committee Services Officer) have been consulted, and comments received have been incorporated into the report.

Members of Moray Council who are not on the Planning & Regulatory Services Committee have also been consulted and any views received on the proposal will be made known at the meeting.

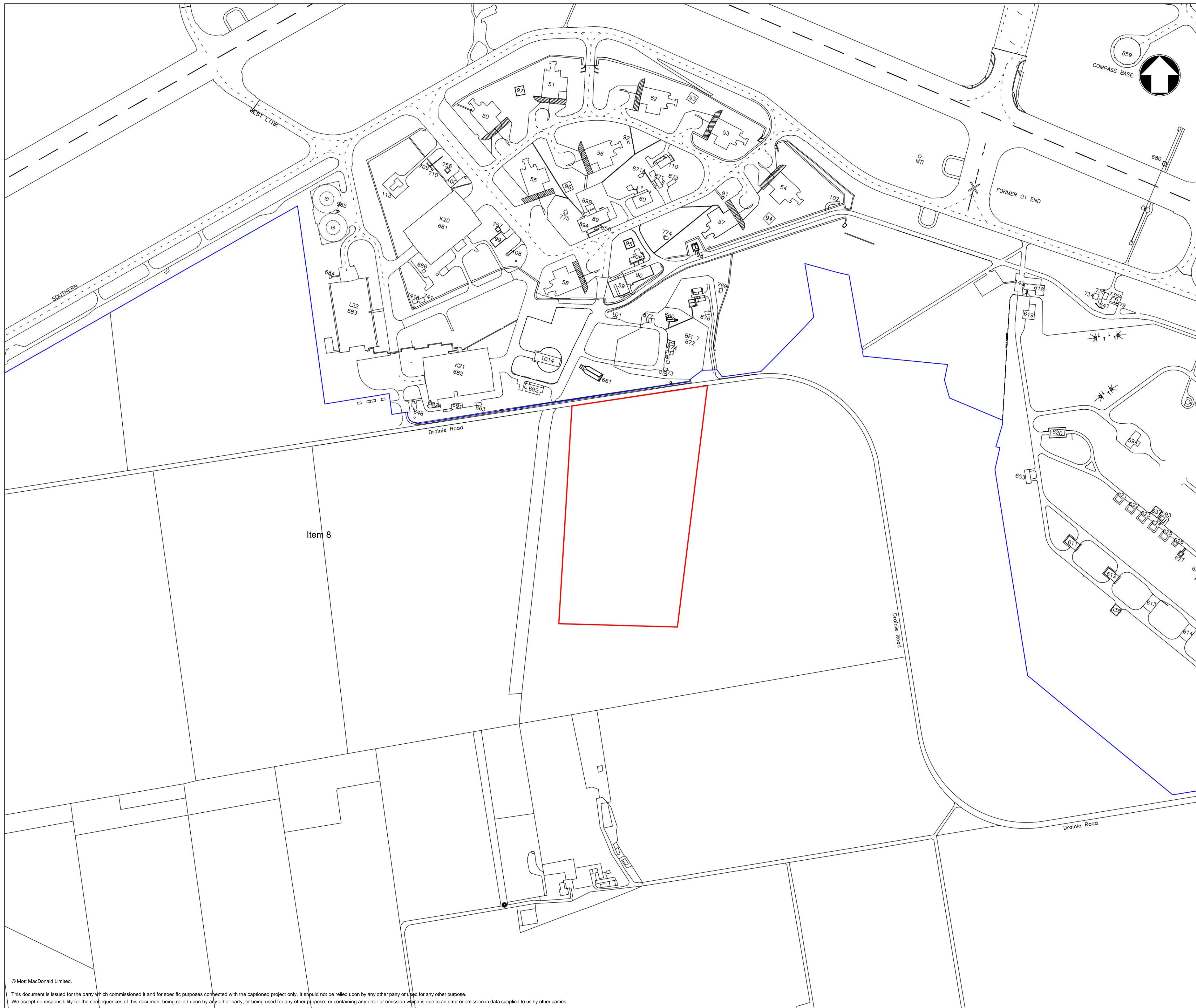
5. CONCLUSION






- 5.1 The Council has received a PAN intimating that a formal application for planning permission will be submitted for a major development proposal, in this case for permission for construction of a temporary contractor's compound at land to the south of RAF Lossiemouth. The Committee (and any other Member(s) of the Council) are asked to identify any provisional views/relevant issues which they would wish to see taken into account and inform the development of the proposal.**

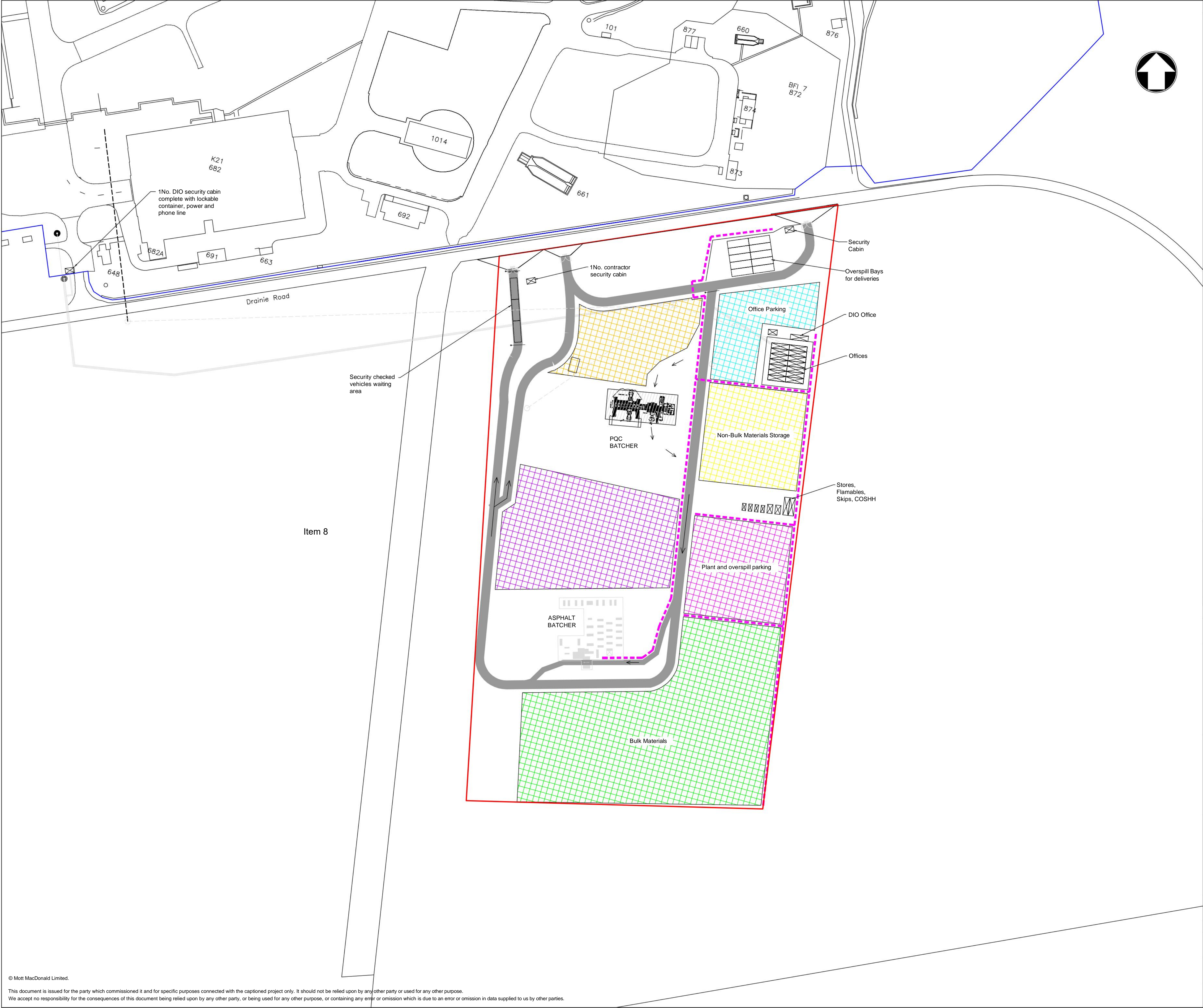
Author of Report: Richard Smith, Principal Planning Officer

Background Papers:

Ref:



| Notes | | | | | | | | | | | | | | | | | | | | |
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| <div style="display: flex; justify-content: space-between;"><div></div><div>Denotes Site Location (Site Area 56825m² /5.6825ha)</div></div> <div style="display: flex; justify-content: space-between;"><div></div><div>Denotes RAF Lossiemouth Site Boundary</div></div> | | | | | | | | | | | | | | | | | | | | |
| <div style="text-align: center;">PLANNING APPLICATION</div> <div style="display: flex; justify-content: space-between; align-items: flex-start;"><div style="width: 45%;"><p>MOTT MACDONALD</p></div><div style="width: 50%; text-align: right;"><p>St Vincent Plaza 319 St Vincent Street Glasgow, G2 5LD United Kingdom T +44 (0)141 222 4500 F +44 (0)141 221 2048 W www.mottmac.com</p></div></div> <div style="text-align: center; margin-top: 10px;"></div> <div style="display: flex; justify-content: space-between; align-items: flex-start;"><div style="width: 45%;"><p>Client</p><p>Defence Infrastructure Organisation</p></div><div style="width: 50%; text-align: right;"><p>Defence Infrastructure Organisation Room 1202-1221, Kentigern House 65 Brown Street Glasgow, G2 8EX</p></div></div> <div style="margin-top: 10px;"><p>Title</p><p>RAF Lossiemouth AOS Contractor Site Compound Site Location</p></div> <table border="1" style="width: 100%; margin-top: 10px;"><thead><tr><th>Designed</th><th></th><th>Eng.check.</th><th></th><th></th></tr></thead><tbody><tr><td>Drawn</td><td>M Angell</td><td>MA</td><td>Coordination</td><td></td></tr><tr><td>Dwg.check.</td><td>S Nesbitt</td><td>SN</td><td>Approved</td><td></td></tr></tbody></table> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"><div style="width: 40%;">MMD Project Number 407986</div><div style="width: 40%; text-align: center;">Scale at A1 1:2500</div><div style="width: 20%; text-align: center;">Security OFF</div></div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"><div style="width: 80%;">Suitability Description For Information</div><div style="width: 20%; text-align: center;">Suit. Code D2</div></div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"><div style="width: 80%;">Drawing Number 407986-MMD-XX-00-DR-C-0001</div><div style="width: 20%; text-align: center;">Rev 0</div></div> | | | | | | Designed | | Eng.check. | | | Drawn | M Angell | MA | Coordination | | Dwg.check. | S Nesbitt | SN | Approved | |
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Denotes Site Location
(Site Area 56825m² /5.6825ha)

Denotes RAF Lossiemouth Site Boundary

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| PLANNING APPLICATION | | | | | |

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Glasgow, G2 8EX

Title

RAF Lossiemouth AOS
Contractor Site Compound
Site Location
Block Plan

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| Drawn | M Angell | MA | Coordination | |
| Dwg.check | S Nesbitt | SN | Approved | |
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| Suitability Description | For Information | | | Suit. Code D2 |
| Drawing Number | 407986-MMD-XX-00-DR-C-0002 | | | Rev 0 |

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**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
10 DECEMBER 2019**

**SUBJECT: BUILDING STANDARDS ANNUAL PERFORMANCE REPORT
2019/20**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

- 1.1 This report presents the Building Standards Annual Performance Report for 2019/20.
- 1.2 This report is submitted to Committee in terms of Section III (E) (4) of the Council's Scheme of Administration relating to exercising the functions of the Council under Building Regulations.

2. RECOMMENDATION

2.1 It is recommended that the Committee:-

- (i) **note the Building Standards Annual Report (Appendix 1);**
- (ii) **note the Building Standards Annual Report will be used by the service in terms seeking re-appointment as a Verifier for the geographical area of Moray in April 2020; and**
- (iii) **note the Building Standards Annual Report 2019/20 will be made available to all designers, developers, stakeholders, and internal services seeking comment/feedback to assist with continuous improvement to be fed back into the annual report for 2020/21.**

3. BACKGROUND

Verifier function

- 3.1 Scottish Minister's re-appointed all 32 Scottish Local Authorities as Verifiers under section 7 of the Building (Scotland) Act 2003 from 1 May 2017. The period of appointments differed for individual local authorities depending on their past performance. This ranged from (six years, three years or one year)

Moray Council was re-appointed in 2017 as the building standards verifier for the Moray geographical area for 3 years until 30th April 2020. This re-appointment requires the building standards service to verify the design and construction of building work for compliance with Building Regulations and Technical Building Standards and to satisfy the demands of the Scottish Government's performance framework for verifiers.

- 3.2 The Building (Scotland) Act 2003 (the Act) and associated legislation set out the role of Verifiers in the Scottish building standards system. Their primary function is to protect the public interest by providing an independent check of applications for building warrant to construct or demolish buildings, to provide services, fittings or equipment in buildings, or to convert buildings. This includes checking during the design phase before granting a building warrant and checking during the construction phase before accepting a completion certificate.
- 3.3 Verifiers are appointed by Scottish Ministers under section 7(1)(a) of the Act. Regulation 30 of the Building (Procedures) (Scotland) Regulations 2004 requires that, before making an appointment of a verifier, the considerations to which Scottish Ministers shall have regard to shall include Qualifications; Competence; Accountability to the public; and Impartiality.

Performance framework

- 3.4 The appointment awarded was conditional on the verifiers meeting the [Operating Framework 2017 - External link](#) and the [Performance Framework 2017 - External link](#) (These documents are also uploaded to the CMIS system for background information). This includes satisfying Scottish Ministers that we are meeting, and continue to meet, performance measures.
- 3.5 Verifiers are expected to operate under the Building Standards Verification Performance Framework which covers three main perspectives – Professional Expertise and Technical Processes; Quality Customer Experience; and Operational and Financial Efficiency. There are three cross-cutting themes of Public Interest, Continuous Improvement and Partnership Working. The framework is supported by a range of key performance outcomes contained within the Performance Framework.
- 3.6 The service will be subject to regular monitoring and periodic inspection by Scottish Government. An extension to our three year appointment period will be subject to the local authority demonstrating improvements in their performance.

Building Standards Verification - Annual Verification Performance Report

- 3.7 As part of the performance framework, the Scottish Government has required all verifiers to publish an annual performance report from 1st May 2017. This replaced the previous Balanced Scorecard and Continuous Improvement Plan and is to include previous year's performance data and targets.
- 3.8 The annual performance report submitted for 2019/20 is attached at **Appendix 1** and follows the template issued by Scottish Government.

- 3.9 A full summary of performance is attached at **Appendix 2** covering the last 3 years since the most recent appointment period commenced in 2017. This clearly shows how the key performance outcomes have changed to green over the period. An extract is provided below to highlight the improved performance over the period.

Summary of performance against Key Performance Outcomes & Targets - 2017 Q1 to 2019 Q2

| KPO | 2017/18 | | | | 2018/19 | | | | 2019/20 | |
|---|---------|---------|--------|--------|---------|--------|---------|--------|---------|---------|
| | Q1 | Q2 | Q3 | Q4 | Q1 | Q2 | Q3 | Q4 | Q1 | Q2 |
| 1.1 95% of first reports (for building warrants and amendments) issued within 20 days – all first reports (including BWs and amendments issued without a first report). | 85% | 88.94% | 89.96% | 84.72% | 96.90% | 98.54% | 98.66% | 99.49% | 97.83% | 98.65% |
| 1.2 90% of building warrants and amendments issued within 10 days from receipt of all satisfactory information – all building warrants and amendments (not including BWs and amendments issued without a first report). | 52.99 | 58.38% | 72.41% | 64.29% | 81.02% | 97.37% | 100% | 99.14% | 96.88% | 98.99% |
| 4.1 Minimum overall average satisfaction rating of 7.5 out of 10 | 6.6 | 6.6 | 7.2 | 7.2 | 7.2 | 7.2 | 7.6 | 7.6 | 7.6 | 7.6 |
| 5.1 Building standards verification fee income to cover indicative verification service costs (staff costs plus 30%). | 99.03% | 113.20% | 98.13% | 104.99 | 159.09% | 95.30% | 101.74% | 94.17% | 97.84% | 118.38% |

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The 10 year plan's top priority is a growing, diverse and sustainable economy. It covers business, employment, infrastructure, public services and developing sustainable communities. Delivering the annual

performance report and improving the building standards service is a vital aspect of supporting and facilitating the Council's priority for economic growth and supports the Service Plan to deliver service improvements.

(b) Policy and Legal

Preparation of the annual performance report is a responsibility for all building standards services in meeting the performance framework for verifiers as part of our terms of appointment and preparation must follow a template and timescale.

(c) Financial implications

There are no direct financial implications arising from this current report. However, there are financial risks associated with the annual performance report in future years with specific emphasis likely to be placed on average timescales for determining building warrant applications and completion certificates.

The Scottish Ministers have powers to give verifiers directions of a general or specific character as to the exercise of their functions under the Building (Scotland) Act 2003. This intervention would come when a building standards service is not meeting, or have not been, satisfactorily performing in terms of the agreed terms of appointment. Demonstrating that the building standards service meets or exceeds the requirements of the outcomes and framework is vital in retaining the appointment for the geographical area of Moray.

(d) Risk Implications

The appointment in 2017 was conditional on the service meeting the Operating Framework and the Performance Framework. This includes satisfying Scottish Ministers that we are meeting, and continue to meet, performance measures. The annual performance report is key to demonstrating how we meet the frameworks and how continuous improvement is being achieved. Risk of not meeting our terms of appointment is that we are not appointed as verifiers or it is for a reduced period.

(e) Staffing Implications

The preparation of the annual performance report utilises existing staff resources and there are currently no staffing resource implications arising from this report but close monitoring of performance will be required to ensure adequate staff resources are available to maintain current performance levels and make further improvements to meet our obligations as a verifier.

Any significant increases in building warrant applications would likely impact on performance but would depend on their complexity. Any cut in current staff resources would have a significant impact on the delivery of an efficient, adequately resourced building standards service which is a key objective of the Scottish Government supporting economic prosperity across Scotland and also protecting the health, safety and welfare of people in and around buildings.

(f) Property

None.

(g) Equalities/Socio Economic Impact

There are no equalities issues arising from this report.

(h) Consultations

Depute Chief Executive (Economy, Environment & Finance), the Head of Economic Growth and Development Services, Legal Services Manager, Lissa Rowan, (Committee Services Officer), Equal Opportunities Officer, the Development Management & Building Standards Manager, have been consulted and comments received have been incorporated into the report.

5. CONCLUSION

- 5.1 The Building Standards Annual Performance Report demonstrates that continuous improvements have been made and lay down the foundations for development of the service so improvements continue following a period of restructuring. The new report will provide a framework for service delivery for the building standards team, service users and demonstrates that the service has and has a programme to put measures in place to deliver a high quality service as required by Scottish Ministers.**

Author of Report: William Clark Principal Building Standards Officer

Background Papers

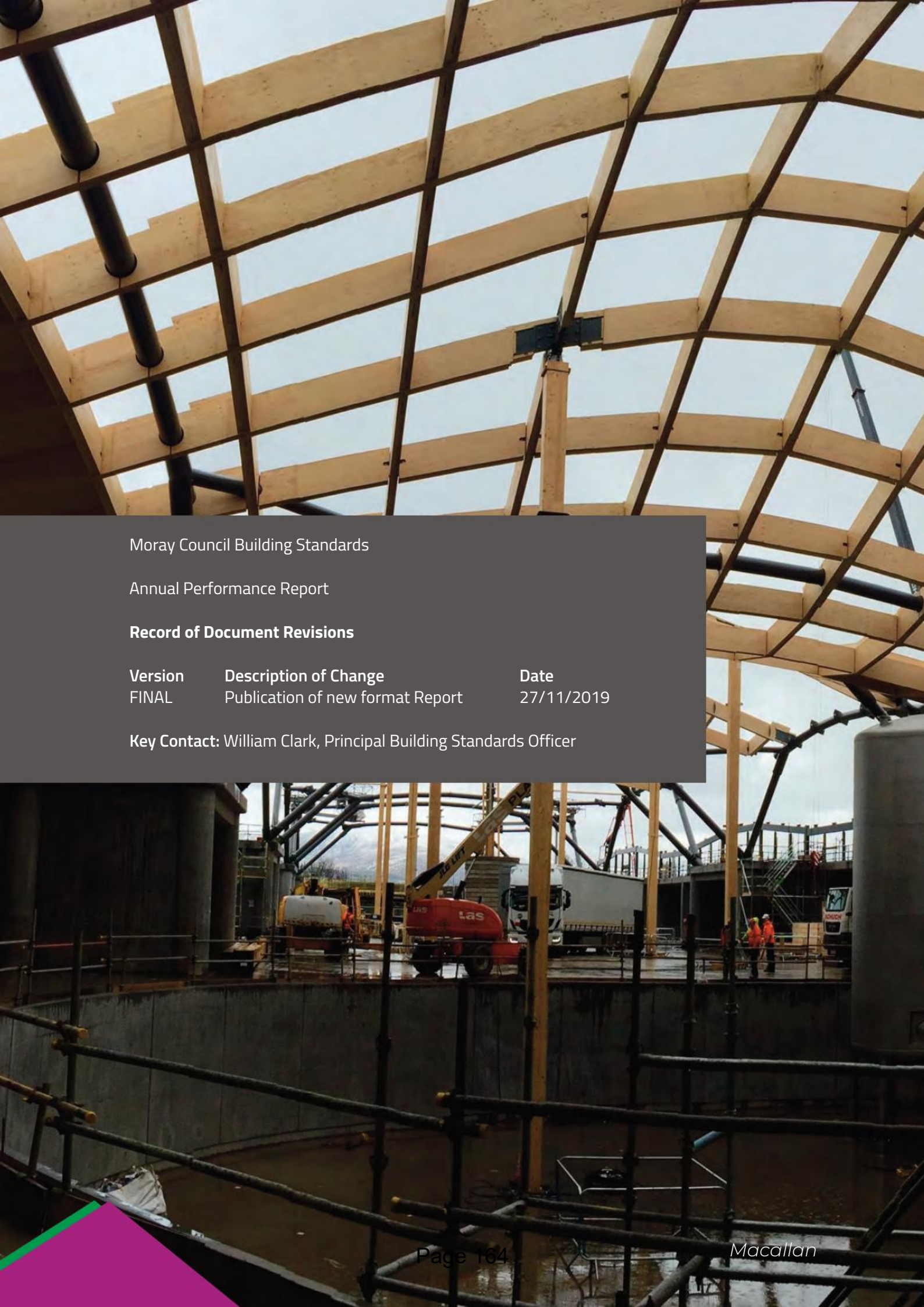
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Building Standards Verification Service

ANNUAL PERFORMANCE REPORT

2019 - 2020





Moray Council Building Standards

Annual Performance Report

Record of Document Revisions

| Version | Description of Change | Date |
|---------|----------------------------------|------------|
| FINAL | Publication of new format Report | 27/11/2019 |

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Introduction to Moray Council as verifier

1.1 Introduction

The verification performance report is a strategic planning and management tool that provides information about the local authority building standards service, communicates the vision and strategy, and sets out performance targets/outcomes against strategic goals and targets.

Building Standards Verifiers in Scotland are required to utilise the performance report to manage, monitor, review and develop strategies for carrying out their day to day business, and should focus on the performance framework's core perspectives and cross-cutting themes.

1.2 Moray

Moray is located midway between the cities of Aberdeen and Inverness and borders the Moray Firth. The geographical area of Moray extends to 861 square miles with a population of some 96,000. The principal towns within Moray are Elgin, (population 23,100); Forres, (population 12,500); Buckie, (population 8,000); Lossiemouth, (population 7,000) and Keith, (population 4,700).

Moray is principally rural, the main industries being distilling, farming and tourism. One half of all the distilleries in Scotland are located in Moray along with the major air base of RAF Lossiemouth and Kinloss Army Barracks as well as being home to the world famous family run companies Baxters of Speyside and Walkers Shortbread. Moray also is the home of two major construction companies, Robertson Group and Springfield.

Moray Council comprises of 26 Members, employs over 4000 staff and has an annual budget for the period 2019/20 of £199m.

1.3 Responsibilities

The Building Standards service has responsibility to secure the health, safety, welfare and convenience of persons in or about buildings and of others who may be affected by buildings or matters connected with buildings. It also aims to further the conservation of fuel, energy and achieve sustainable development.



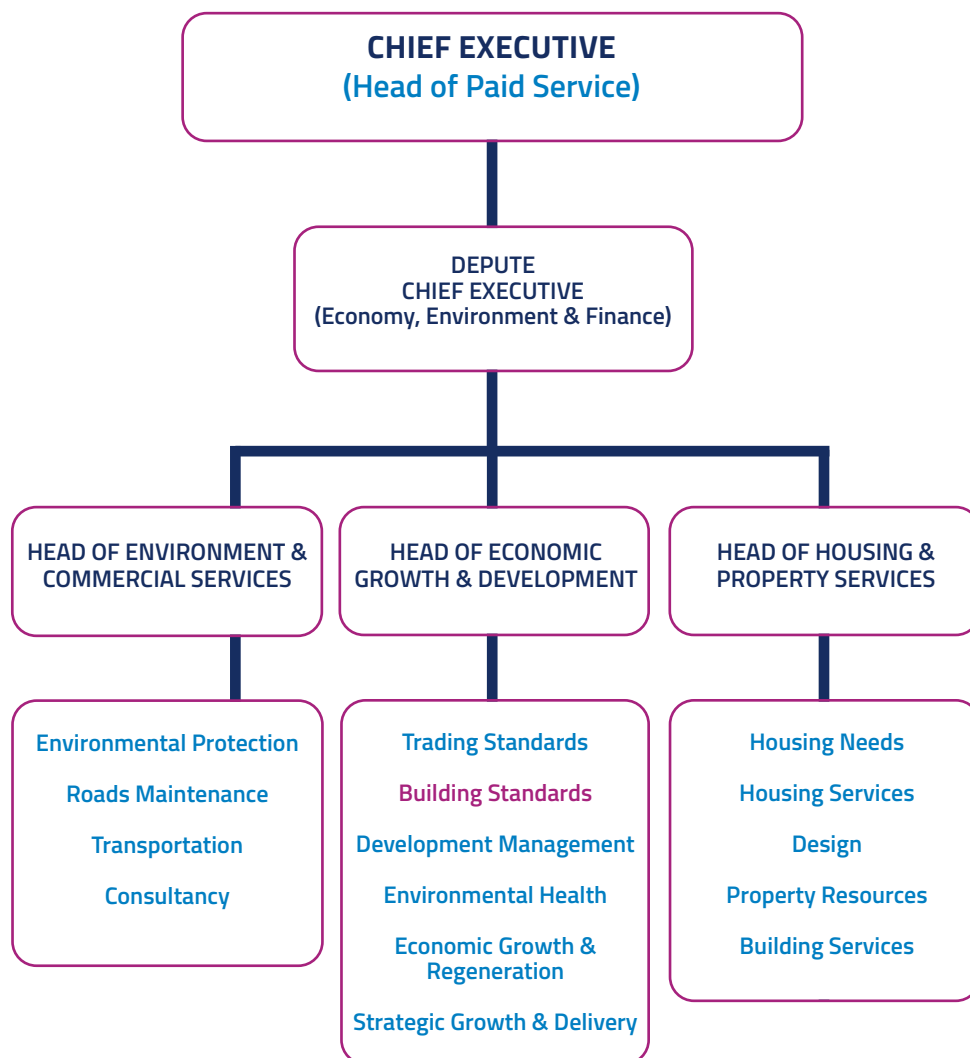
1.4 Moray Council – Organisational Structure

Moray Council's Building Standard's service is located within the Economic Growth & Development section of Economy, Environment & Finance.

Economic Growth & Development consists of six service areas and is supported by administration and systems support teams.

- Trading Standards
- Building Standards
- Development Management
- Environmental Health
- Strategic Growth & Delivery
- Economic Growth & Regeneration

The following organisational chart shows the reporting relationship within the Authority and where Building Standards is placed within it.



2.0 Building Standards Verification Service Information

2.1 Public Interest Statement

The purpose of the building standards system is to protect the public interest. The system sets out the essential standards that are required to be met when building work or conversion of a building takes place in order to meet building regulations.

The building standards system checks that proposed building work or conversion of a building meets standards; inspections are limited to a minimal necessary to ensure that legislation is not avoided. The control of work on site is not down to the system but is a matter for contracts and arrangements in place between a builder and client.

Verifiers, appointed by Scottish Ministers are responsible for the independent checking of applications for building warrants to construct or demolish buildings, to provide services, fittings or equipment in buildings, or for conversions.

2.2 Location and Accessibility of Service

The Building Standards Service is delivered from the Moray Council Headquarters in Elgin. The office facilities promote a close working relationship between all services and in particular Development Management. The facilities provide an accessible facility for applicants and agents to visit.

The Council Offices are open to the public from 8.45am to 5.00pm Monday to Friday however, Building Standards Officers can be available between 7.00am and 7.00pm by appointment. In addition, a Duty Officer is available 2.00 - 4.00pm each day for general enquiries.

All forms and guidance documents are also available on our website which is kept up to date.

2.3 Services and Function

Building Standards has two distinct roles, verification and enforcement. Verification is principally achieved through the application of the Building Standards (Scotland) Regulations 2004 when considering applications for Building Warrant and the submission of Completion Certificates.

The verification role includes:

- The verification of applications for Building Warrant.
- The verification of completed works on site - accepting or rejecting completion certificates.
- The verification of completion certificates with no building warrant.
- The verification of building operations during construction

Letter of Comfort Applications for works prior to May 2005 can also be applied for.

Enforcement Role

The service also deals with unauthorised works and dangerous and defective buildings under sections 25-30 of the Building (Scotland) Act 2003. These being:

- Unauthorised works
- Defective buildings
- Dangerous buildings
- Building regulation compliance
- Continuing requirement enforcement

The Building Standards team provides a dangerous building and structure call-out service 24 hours a day, 365 days per year.

Over the 2018-19 period the service dealt with 47 dangerous building and enforcement cases.

Advisory Role

The service has an advisory role relating to:

- The Licensing (Scotland) Acts 1976 and 2005
- The Civic Government (Scotland) Act 1982
- The Safety at Sports Ground Act 1976
- The Building (Scotland) Act 2003 – maintenance of the Building Standards Register.
- The Cinema Act 1985;
- The Theatres Act 1968;
- The Fire (Scotland) Act 2005;
- The Building (Scotland) Act 1959
- The Building (Scotland) Act 2003
Pre application discussions

Pre-application advice

We encourage and welcome requests for guidance in advance of submitting any building warrant applications. As mentioned in 2.2 above a duty officer is available each day for general enquiries in person or by telephone. Written enquiries are also encouraged and we have an eForm available for this purpose on our website.

In addition, we promote a more formal service for pre-submission advice for larger projects. This is a chargeable service at £124 per hour but offers substantial benefits for the applicant/agent. Agreement could be reached in the way forward in terms of the Technical Standards and also to determine what information may be required to process the warrant such as fire engineer reports, structural certification, site investigations etc. Information on the service is available on our website.

Statutory Service

The statutory services role covers:

The provision of a two part Building Standards Register:

Part 1 web based and to be maintained for all time;

Part 2 to be in any format and to be maintained for a minimum of 25 years or until the building is demolished; and

Energy Performance of Building (Scotland) Regulations 2008.

Non Statutory

The non-statutory services role covers:

Provision of a Letter of Comfort scheme;
Provision of copy documents;
Provision of copy plans;
Pre-application discussions.

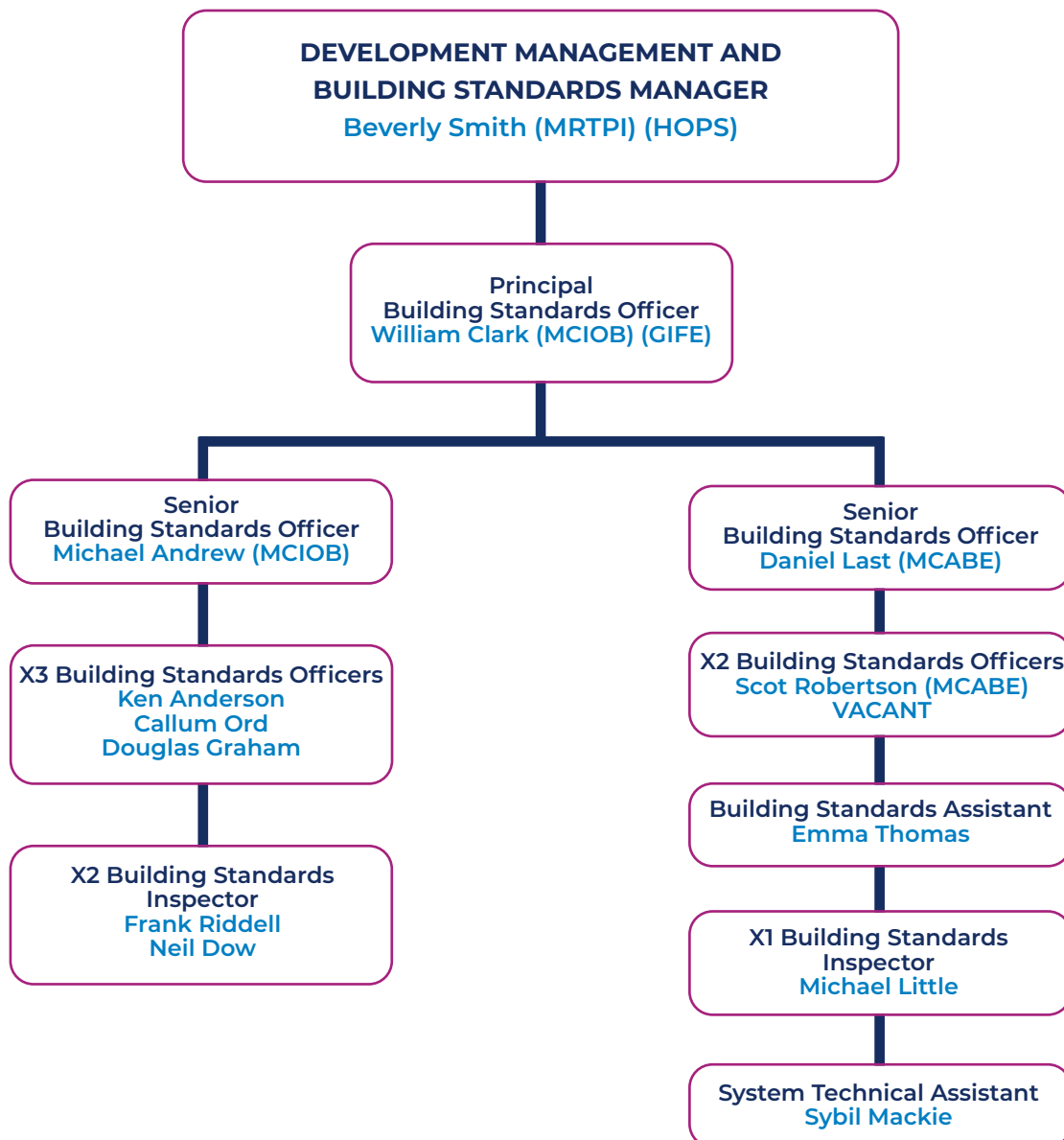


2.4 Staffing

Following a restructure and internal promotions the team structure has been revised to provide a two team arrangement. The structure for Building Standards is indicated below.

The service operates a career grade scheme which provides details of the qualifications and experience required for each stage.

This resourcing structure is the minimum required to provide the Building Standards Service in Moray.



The table below shows the staffing position on 01 July 2019.

| | TIER 1 | TIER 2 | TIER 3 | TIER 4 |
|---|--------|--------|--------|--------|
| Head of Building Standards Verification Service | | | X | |

Note: Tier 1 = Chief Executive, Tier 2 = Directors, Tier 3 = Heads of Service, Tier 4 = Managers

| | | BUILDING STANDARDS VERIFICATION SERVICE | OTHERS |
|-------------------------------|---------------------|---|--------|
| Principal Officers | No. posts Vacant | 4 0 | |
| Main grade posts (surveyors) | No. posts Vacant | 3 1 | |
| Main grade posts (inspectors) | No. posts Vacant | 3 0 | |
| Technician/Assistant | No. posts Vacant | 2 0 | |
| Office support/ clerical | No. posts Vacant | 2 0 | |
| TOTAL | | 14 | |

Note: Managers are those staff responsible for the operational management of a team/division. They are not necessarily line managers.

| STAFF AGE PROFILE | HEADCOUNT |
|-------------------|-----------|
| Under 30 | 2 |
| 30-39 | 2 |
| 40-49 | 2 |
| 50 and over | 7 |

3.0 Strategic Objectives

3.1 Moray Council: Moray 10 Year Plan

Our Vision for Moray – Raising Aspirations through Expanded Choices, Improved Livelihoods and Wellbeing

The vision of the Moray 10 Year Plan is raising aspirations which we will do by creating an enabling environment where our residents can achieve expanded choices, improved livelihoods and wellbeing.

The plan identifies four main priority areas to guide this work and deliver the vision:

- 1) Growing, diverse and sustainable economy -** by the year 2030 Moray will be a destination of choice, the area being known and recognised as an outward facing and ambitious community with a thriving and well connected commercial base and as environment in which quality of life is valued and supported.
- 2) Building a better future for our children and young people in Moray –** Moray will be a place where children and young people thrive; a place where they have a voice, have opportunities to learn and can get around; a place where they have a home, feel secure, healthy and nurtured; and a place where they are able to reach their full potential.
- 3) Empowering and connecting communities -** Moray will be a thriving and well connected place, where more people live well in their communities, Confident, skilled and self-reliant communities where expectations and aspirations are raised and achieved.

- 4) Changing our relationship with alcohol -** People are healthier and experience fewer harms as a result of alcohol use.

For each of the 4 priorities a range of targets have been identified which aim to provide measurements of the outcomes we are seeking to achieve. The community planning partners will monitor performance against these targets and report on progress to the public.

Our activities to achieve these outcomes are supported within the corporate framework across human resources, financial management, procurement, risk management, health and safety, business continuity and performance management.

3.2 Departmental Priorities

The Development Services priority in the Corporate Plan is to achieve Sustainable Economic Development. The priorities to meet this outcome are:

- Promote Economic development and growth and maintain and promote Moray's landscape and bio diversity/healthier children.
- Work towards a financially stable council that provides valued services to our communities.

3.3 Key Service Objectives

The Building Standards key strategic objectives for the coming year are: Ensure that the terms of the Verification Operating Framework are met and/or implemented.

Work to achieve the targets set out in the National Performance Framework ensuring no red markers.

Address the actions for improvement set out in the Appointment of Verifiers in order to achieve the full 6-year period of appointment. Implement key directives from an Improvement Framework session Review processes and procedures following restructure of service.

4.0 Key Performance Outcomes and Targets

The national verification performance framework is based on three core perspectives:

- Professional Expertise and Technical Processes;
- Quality Customer Experience; and
- Operational and Financial Efficiency.

There are also three cross-cutting themes, comprising:

- Public Interest;
- Continuous Improvement; and
- Partnership Working.



Summary of Key Performance Outcomes (KPOs)

| Professional Expertise and Technical Processes | |
|--|---|
| KPO1 | Minimise time taken to issue a first report or issue a building warrant or amendment to building warrant. |
| KPO2 | Increase quality of compliance assessment during the construction processes |
| Quality Customer Experience | |
| KPO3 | Commit to the building standards customer charter |
| KPO4 | Understand and respond to the customer experience |
| Operational and Financial Efficiency | |
| KPO5 | Maintain financial governance |
| KPO6 | Commit to eBuilding Standards |
| KPO7 | Commit to objectives outlined in the annual performance report |

Summary of Key Performance Targets

| KPO1 Targets | |
|--------------|---|
| 1.1 | 95% of first reports (for building warrants and amendments) issued within 20 days – all first reports (including BWs and amendments issued without a first report). |
| 1.2 | 90% of building warrants and amendments issued within 10 days from receipt of all satisfactory information – all building warrants and amendments (not including BWs and amendments issued without a first report). |
| KOP2 Targets | |
| | Targets to be developed as part of future review of KPO2. |
| KPO3 Targets | |
| 3.1 | National customer charter is published prominently on the website and incorporates version control detailing reviews (reviewed at least quarterly). |
| 3.2 | 95% of BSD requests for information on a BSD 'Verifier Performance Reporting Service for Customers' case responded to by verifier within 5 days. |
| KPO4 Targets | |
| 4.1 | Minimum overall average satisfaction rating of 7.5 out of 10. |
| KPO5 Targets | |
| 5.1 | Building standards verification fee income to cover indicative verification service costs (staff costs plus 30%). |
| KPO6 Targets | |
| 6.1 | Details of eBuilding Standards to be published prominently on the verifier's website. |
| 6.2 | 75% of each key building warrant related process being done electronically <ul style="list-style-type: none"> Plan checking Building warrant or amendments (and plans) being issued Verification during construction Completion certificates being accepted |
| KPO7 Targets | |
| 7.1 | Annual performance report published prominently on website with version control (reviewed at least quarterly). |
| 7.2 | Annual performance report to include performance data in line with KPOs and associated targets (annually covering previous year e.g. April 2016 – March 2017). |

5.0 Performance Data

Moray Council requires to satisfy the requirements of the verification Operating Framework 2019 and the verification Performance Framework 2019.

This section includes a summary of performance against both frameworks and provides an accompanying narrative.

5.1 SUMMARY OF PERFORMANCE AGAINST KEY PERFORMANCE OUTCOMES

PROFESSIONAL EXPERTISE AND TECHNICAL PROCESSES

PERFORMANCE FRAMEWORK KPO 1:

Minimise time taken to issue a first report or issue a building warrant or amendment to building warrant

Requirements of the verifier:

- Maintain records of applications for building warrant and amendment to building warrant with breakdowns for reporting work categories and value of work categories.
- Maintain records of the time taken from receipt of a valid application to issue a 'first report'.
- Maintain records of the time taken from receipt of all satisfactory information to issue a building warrant or amendment to a building warrant.
- Maintain records of the overall time taken from receipt of a valid application to the time to issue a building warrant, or amendment to a building warrant.
- Seek to minimise the time taken to issue a building warrant whilst maintaining high standards of verification.
- Maintain records of applications for building warrants that utilised customer agreements.

In 2018-19 we...

Ensured all requirements to maintain records were achieved and these are demonstrated through the quarterly return.

Performance management systems

A suite of reports are run weekly and monthly to monitor performance and individual workloads. These are used to provide reports to the Planning and Development Committee and quarterly information to the Building Standards Division of Scottish Government.

We continued to develop the Enterprise Workflow Management system from Idox and this has proven to be an essential tool in the daily operations of the service including allocation of work.

The average time to determine a building warrant over the period was 68 days.

In 2019-20 we will.....

Review and develop processes to minimise the time taken to issue a first report and to issue a building warrant or amendment of warrant whilst maintaining high standards of verification. This was an area which was highlighted for attention following a verification service visit by the Building Standards Division in December 2018.

Develop a system and proforma for records of applications for building warrants that utilised customer agreements and promote their use.

Targets:

- 95% of first reports (for building warrants and amendments) issued within 20 days – all first reports (including building warrants and amendments issued without a first report).
- 90% of building warrants and amendments issued within 10 days from receipt of all satisfactory information – all building warrant and amendments issued without a first report).

In 2018-19 we.....

Provided 98.40% of first reports within 20 days and issued 94.34% of building warrants and amendment of warrants within 10 days.

In 2019-20 we will.....

Maintain performance targets and continue to develop the service. In March 2019 the Building Standards Manager and Development Management Manager posts were merged. The team looks forward to how the service can develop and continue to meet and exceed the performance targets whilst providing a service which develop alongside the Development Management service.

PERFORMANCE FRAMEWORK KPO 2:

Increase quality of compliance assessment during the construction process

Requirements of the verifier:

- Embed risk assessment methodologies into normal working practices for undertaking reasonable inquiry before accepting a completion certificate.
- Issue Construction Compliance Notification Plans (CCNP) with a building warrant issued.
- Maintain records of CCNPs for 'accepted' completion certificates with breakdown into reporting work categories and value of work categories.
- Maintain records of number of CCNPs that were fully achieved in terms of notification by the relevant person and inspection by the verifier.
- Maintain records of construction non-compliance locally and report trends and issues with a national impact to drive forward improvements in verification. Escalate national issues through Local Authority Building Standards Scotland (Local Authority Building Standards Scotland)) for further discussion.

In 2018-19 we...

- Provided a Construction Compliance Notification Plan (CCNP) with all building warrants issued.
- We maintained records of CCNPs for 'accepted' completion certificates with breakdown into reporting work categories and value of work categories.
- We maintained records of number of CCNPs that were fully achieved in terms of notification by the relevant person and inspection by the verifier.
- We are aware of the route to escalate national issues through Local Authority Building Standards Scotland (LABSS) for further discussion.

In 2019-20 we will.....

- Develop a strategy to seek increase in the number of CCNP's complied with the outcome of improving the performance relating to KPO2.
- Review the quality of compliance assessment during the construction processes.
- Introduce methods of collating compliance trends and review at team meetings.
- Develop our processes for maintaining records of construction non-compliance locally and report trends and issues with a national impact to drive forward improvements in verification.

Operating Framework 1.2 - Resourcing

Function:

Verifiers must have staff with appropriate building standards related qualifications and experience, and have contingencies for when resourcing is not available in-house.

Prescription:

- Verifiers must demonstrate that they have the appropriate staff and record their qualifications, experience and training.
- Staff qualifications, experience and training must be maintained through CPD records, which are maintained and available for inspection.
- Verifiers must demonstrate they have measures in place for resourcing staff when specialisms are not available in-house, for example for checking structural designs and fire engineered designs.

In 2018-19 we.....

- Continued to provide information relating to staffing, qualifications and experience.
- Continual Professional Development is recorded by the team and collated by the service. These records are maintained and available for inspection
- The Building Standards Service in Moray has agreements in place with external consultants for use when expertise is not available in-house. These are Structural Engineers and Fire Engineers. If on occasion there are reduced resources in-house due to long-term absences or a sudden increase in applications submitted etc. arrangements are in place with our Consortium group and beyond via LABSS to assist with the verification of warrant applications. Links are also in place with a recruitment agency should it be necessary to engage staff for a short-term contract.

Training and development/CPD

All staff take part in Employee Review and Development Programme (ERDP) on an annual basis. Training plans are being developed and various CPD events and staff training days are attended and provided throughout the year.

Benchmarking/shared services

Moray Council is actively involved in the Grampian Consortium alongside Aberdeenshire and Aberdeen City Councils. The Consortium meets three times a year and provides the opportunity to exchange information and develop joint initiatives to improve service delivery with Benchmarking being a standing item on our agenda. The group also aim to establish a consistent approach to interpretation of policies and technical guidance, share best practice and facilitate training. Moray Council and the Grampian Consortium Group are actively involved with national policy and working groups via LABSS.

Moray Council have also been instrumental in setting up a benchmarking group using the SOLACE group of Authorities. These include, East Ayrshire, East Lothian, Fife, North Ayrshire, Perth & Kinross, South Ayrshire and Stirling Councils. Information is collated on a quarterly basis and comparison charts produced. It is hoped to progress the group with a view to sharing best practice.

Succession planning

Moray Council has a corporate succession planning policy in place but in addition Building Standards supports the following:

- The service supports staff to progress through their career grade and encourages them to obtain professional qualifications.
- A Technical Group has been developed within the Grampian Consortium Group. Joint Agent seminars and staff training days are held with the consortium members as required.
- We participate in the Scottish Type Approval Scheme (STAS).

The Building Standards Service provides workforce data to the Building Standards Division. The data provided on 30 June 2019 is listed below:

| WORKFORCE SUPPLY - LENGTH OF BS SERVICE (the current workforce) | CURRENT EMPLOYEES (as at 30 June 2019) |
|--|---|
| 0-5 | 3 |
| 06-10 | 2 |
| 11-15 | 1 |
| 16-20 | 2 |
| 21-25 | 2 |
| 26-30 | 2 |
| 31-35 | 1 |
| 36-40 | 0 |
| 40+ | 0 |

| WORKFORCE SUPPLY - QUALIFICATION (the current workforce) - see guidance note 11 | CURRENT EMPLOYEES (as at 30 June 2019) |
|--|---|
| SCQF Level 7 – Higher National Certificate | 2 |
| SCQF Level 8 – Higher National Diploma | 1 |
| SCQF Level 9 – Ordinary Degree | 1 |
| SCQF Level 10 – Honours Degree | 4 |
| SCQF Level 11 – Masters Degree, Post Graduate Certificate | 2 |

| WORKFORCE SUPPLY - PROFESSIONAL MEMBERSHIP (the current workforce) | CURRENT EMPLOYEES (as at 30 June 2019) |
|---|---|
| Member of the Association of Building Engineers (CABE) | 2 |
| Chartered Institute of Building (CIOB) | 2 |
| Graduate of the Institute of Fire Engineers (iFire) | 1 |
| Royal Town Planning Institute (RTPI) | 1 |

In 2019-20 we will.....

Develop our training strategy with the key focus against competencies for grade of post.
We will continue to promote Continuing Professional Development opportunities. Development will be supported by the senior BSO posts.

Operating Framework 1.3 - Business management and operational resilience

Function:

Verifiers must have business planning in place and have embedded risk management and continuous improvement in their service. Verifiers must have provisions in place to minimise disruption to service operation as a result of unforeseen circumstances.

Prescription:

- Verifiers must demonstrate that they meet their appointment criteria, have business planning in place and have embedded risk management and continuous improvement in their service. Verifiers must demonstrate measures are in place:
- to fulfil their appointment criteria and meet the performance framework for the proportionate risk management of processes which enable identification, management and mitigation of risks that may prevent verification services, threaten sustainability of the business and the reputation of buildings standards compliance generally
- to ensure operational continuity in the face of events such as the loss of key staff, staff illness, fire and flood damage
- to protect data from unrecoverable loss, unauthorised access or theft
- to ensure that, in the case of ceasing to trade, core information and resources have been maintained in such a way that a successor organisation can be appointed to take over responsibility for ongoing operation of verification services
- Desk instructions must be provided for essential processes to support operational integrity should changes to staff or systems occur.
- Desk instructions must be regularly maintained and reflect current practices.

In 2018-19 we...

- Published our Annual Performance Return and it was identified operations would continue.

In 2019-20 we will.....

Review the current processes in place to ensure that they meet or exceed the requirements of this outcome following changes to the building standards service structure.

Operating Framework 2.1 - Risk management of applications for building warrants

Function:

Verifiers must have risk assessment protocols in place for dealing with applications for building warrants.

Prescription:

- Verifiers must demonstrate a risk-based approach to dealing with applications for building warrants.
- Verifiers must integrate 'local' project and process related risks to 'local authority' operational and strategic risks.

In 2018-19 we.....

- Had risk management protocols in place for dealing with building warrant applications.

In 2019-20 we will.....

We will review the current processes in place to ensure that they meet or exceed the requirements of this outcome following the revision to our team structure.

Review complaints received and these will be fed back into the Improvement Plan.

Operating Framework 2.2 - Risk management of completion certificate submissions (including inspection regimes)

Function:

Verifiers must have risk assessment protocols in place for dealing with completion certificate submissions and determining inspection regimes.

Prescription:

- Verifiers must demonstrate a risk-based approach to determining and undertaking inspection regimes and dealing with completion certificate submissions.
- Verifiers must integrate 'local' project and process related risks to 'local authority' operational and strategic risks.

In 2018-19 we.....

- Had risk assessment protocols are in place for dealing with completion certificate submissions.

In 2019-20 we will.....

Carry out a full review of protocols as part of the current update of procedures relating to the new structure.

Operating Framework 2.3 - Quality assurance of building warrant and completion certificate decisions

Function:

Verifiers must have quality assurance procedures in place for building warrant decisions (granted/refused) and completion certificate submission decisions (accepted/rejected), and to undertake appropriate corrective action where the required standard is not met.

Prescription:

- Verifiers must ensure that a minimum sample (5%) of the total number of building warrant applications decided and completion certificate submissions decided are checked for accuracy.
- Verifiers must ensure that samples are checked regularly, and sampling considers risk profiles of applications and submissions and staff competencies.
- The sample should be based upon a random sample, augmented by any identified need for targeted audit as a result of complaints or requests from other organisations identified by the Scottish Government.

In 2018-19 we.....

- Ensured quality assurance of building warrant and completion certificate decisions were in place.

In 2019-20 we will.....

We will review the current processes to ensure that they meet or exceed the requirements of this outcome.

We will review the training strategies we have in place with emphasis on the competencies required for the grade and level of supervision and sampling required for the individual post.

Operating Framework 2.4 - Adherence to legislative procedures, appeals and complaints

Function:

Verifiers must adhere to legislative procedures and deadlines, appeals processes and complaints processes.

Prescription:

- Verifiers must have processes and controls in place to meet legislative procedures and deadlines.
- Verifiers must demonstrate they have measures in place for managing decisions and non-compliance, and must record compliance with legislation and other processes. Details of key legislative procedures are set out in Annex B.
- Verifiers must pro-actively communicate with applicants at relevant times regarding key decisions and implications.
- These measures must be applied in a fair and open way, including that those carrying out the assessment of applications and complaints declare any conflict of interest.

In 2018-19 we.....

- Had a complaints procedure in place.
- Ensured we had no conflict of interest between operation as a verifier and any other activities – corporately and individual staff. All team members were requested to confirm this during this period.

In 2019-20 we will.....

We will review the current processes in place to ensure that they meet or exceed the requirements of this outcome.

Operating Framework 3.1 - Provision of information for business and performance management (including minimum requirements for review and record keeping)**Function:**

Verifier must maintain and review all procedures, documentations and systems to ensure they remain relevant to their role as a Verifier.

Prescription:

This must include local and national policies, technical and procedural guidance, and management information systems (casework and documents). Reviews must address changes:

- to meet amended requirements issued by Scottish Government
- arising from changes in national or local policy and
- where improvements are identified by internal review or examples of wider good practice
- Verifiers must advise staff and ensure they are adequately trained in changes to procedures, documents and software requirements, and changes should be clearly identified.

In 2018-19 we.....

- Ensured a review was carried out on an annual basis by the Building Standards Manager.

In 2019-20 we will.....

Following the restructure of the service we will review the current processes in place to ensure that they meet or exceed the requirements of this outcome.

QUALITY CUSTOMER EXPERIENCE

KPO 3: COMMIT TO THE BUILDING STANDARDS CUSTOMER CHARTER

Requirements of the verifier:

- Maintain their customer charter and incorporate national performance targets and national and local information into the template.
- Publish their customer charter prominently on the verifier website.
- Ensure the facility for online applications through the Scottish Government eBuilding standards system is detailed in the customer charter.
- Ensure the customer charter includes details of customer dispute resolution, complaints and performance procedures (e.g. Local Authority Building Standards Scotland Dispute Resolution Process, local authority complaints procedures, Scottish Government Verifier Performance Reporting Service for Customers).
- Review the National Customer Charter regularly (at least quarterly) maintaining localised information to ensure contact details and appropriate website links are kept up-to-date.
- Apply national building standards verification policies and interpretations.

What we did in 2018-19...

- The customer charter was provided and reviewed the Building Standards Manager quarterly. The facility for online applications through the Scottish Government eBuilding standards system is detailed in the customer charter and it includes details of customer dispute resolution, complaints and performance procedures.
- Ensured Policies were updated accordingly and information relayed at weekly and monthly team meetings

In 2019-20 we will.....

- We will ensure that the customer charter is updated in line with the above requirements and that the team are aware of the content.
- Ensured Policies were updated accordingly and information relayed at weekly and monthly team meeting following alerts to updated national building standards policies and interpretations.

Targets:

- National Customer Charter is published prominently on the website and incorporates version control detailing reviews (reviewed at least quarterly).
- 95% of Building Standards Division (BSD) requests for information on a BSD 'Verifier
- Performance Reporting Service for Customers' case responded to by verifier within 5 days - Not Currently Operational

In 2018-19 we.....

Published the National Customer Charter prominently on the website and incorporates version control detailing reviews. This document was reviewed at least quarterly. [LINK](#)

In 2019-20 we will.....

Continue to review and update the customer charter

KPO 4: UNDERSTAND AND RESPOND TO THE CUSTOMER EXPERIENCE

Requirements of the verifier:

- To assist the Scottish Government Building Standards Division to supply customer data for research purposes.
- Promote the Scottish Customer Survey and inform customers that they may be contacted for research purposes.
- Use findings from the Scottish Customer Survey for the purpose of customer segmentation.
- Use findings from the Scottish Customer Survey and local engagement to identify and make improvements to the customer experience.
- Incorporate actions to improve the customer experience into the continuous improvement plan and monitor progress.

In 2018 19 we.....

- Provided data to Scottish Government to assist in the research process. We provided the details of 774 customer email addresses. 596 of these were unique to Moray. The total Number of survey response attributed to Moray was 108. The response rate for Moray was 14% compared to the response rate for Scotland was 16.9%.
- Information relevant to the Building Standards service is available on our website. In addition, eNews bulletins are sent to agents with service updates and other important developments. This form of communication also provides a vehicle for the transfer of information back to the Building Standards team by promoting feedback on the service we provide.
- Provided a link to a questionnaire within all emails, paper correspondence and on our website.
- Internal communication strategies. Regular communications between staff are undertaken face to face and by e-mail and informal discussions are held on a daily basis.
- Our meeting structure consists of weekly workload briefings and technical meetings. More formal meetings are held quarterly and although the focus is on performance opportunities exist to cover other areas as required.

In 2019-20 we will.....

- Develop a communication strategy.
- Engage further with customers to inform them of the process in advance through newsletters and interactions with customers.
- Set up focus groups and hold seminars with our regular agents.
- Any improvements made to be advertised on our website.
- Use findings of the Scottish government to promote the industry. Analyse results and provide an action plan for areas to focus on.
- Use findings from the Scottish Customer Survey for the purpose of customer segmentation.
- Use findings from the Scottish Customer Survey and local engagement to identify and make improvements to the customer experience. We will consider all suggestions on service development within our resources.

Target:

- Minimum overall average satisfaction rating of 7.5 out of 10.

In 2018-19 we.....

- In 2018 we achieved an overall average customer satisfaction rating of 7.6. The national average was 7.0. In 2017 Moray's rating was 7.2 and in 2016 it was 6.6.

In 2019-20 we will.....

Continue to support the national customer survey and look to developing a robust communication strategy over this period with the aim to improve customer satisfaction with the service.

Operating Framework 1.5 - Conflict of interest**Function:**

Verifiers must operate to ensure that there is no conflict of interest between operation as a Verifier and any other activities they undertake (corporately and individual staff).

Prescription:

- Verifiers must assess and record such risks and record activities and measures put in place to demonstrate that any conflict of interest is resolved.

In 2018-19 we.....

- Ensured no conflict of interest between operation as a verifier and any other activities – corporately and individual staff. All team members requested to confirm this during this period.
- Ensured a complaints procedure was in place
- Held a register for declaring interests

In 2019-20 we will.....

We will review the current processes in place to ensure that they meet or exceed the requirements of this outcome.



Operating Framework 2.4 - Adherence to legislative procedures, appeals and complaints

Function:

Verifiers must adhere to legislative procedures and deadlines, appeals processes and complaints processes.

Prescription:

- Verifiers must have processes and controls in place to meet legislative procedures and deadlines.
- Verifiers must demonstrate they have measures in place for managing decisions and non-compliance, and must record compliance with legislation and other processes. Details of key legislative procedures are set out in Annex B.
- Verifiers must pro-actively communicate with applicants at relevant times regarding key decisions and implications.
- These measures must be applied in a fair and open way, including that those carrying out the assessment of applications and complaints declare any conflict of interest.

In 2018-19 we.....

- Had a complaints procedure in place.
- Ensured we had no conflict of interest between operation as a verifier and any other activities – corporately and individual staff. All team members were requested to confirm this during this period.

In 2019-20 we will.....

We will review the current processes in place to ensure that they meet or exceed the requirements of this outcome.



Operating Framework 3.2 - Provision of information for members of the public (including minimum requirements for review and record keeping)

Function:

Verifier must maintain their Building Standards Register and maintain and review verification related information for easy access by members of the public.

Prescription:

- Verifier must maintain Part I and Part II of the Building Standards Register (BSR) in accordance with legislative requirements.
- Verifier must provide appropriate guidance and advice to members of the public, which must be reviewed and updated as necessary. Published guidance and advice must be readily accessible to members of the public. This must include at least the following information:
- Part I of the BSR published on-line (data) and Part II of the BSD available at all reasonable hours (copy documents)
- National Customer Charter, Balanced Scorecard, Continuous Improvement Plan summary published on-line
- Appeals and complaints procedures
- General information about the building standards system
- Information on the performance of the Verifier

Verifier must ensure that the requirements of the Data Protection Act and other legislation relevant to the form and content of data stored are met.

In 2018-19 we.....

- Ensured the above information is available on the Moray Council website.

In 2019-20 we will.....

Review the current processes in place to ensure that they meet or exceed the requirements of this outcome.

We will ensure that access to the LABSS dispute resolution process is provided on the Moray Council website.



OPERATIONAL AND FINANCIAL EFFICIENCY

KPO 5: MAINTAIN FINANCIAL GOVERNANCE

Requirements of the verifier:

- Maintain records of the income received from building warrant and related statutory fees and the expenditure incurred (staff costs, non-staff costs and other verification-related investments) to run Building Standards verification services.
- Maintain records of the value of work for building warrant and amendment applications and completion certificate submissions where no building warrant granted.
- Have systems in place to identify time spent on verification activity, and thus enable direct staff costs required to run the verification system to be calculated.
- Undertake regular reviews of income and cost streams in order to inform and embed efficiency savings where possible.
- Adhere to the national approach to identifying costs.

In 2018-19 we.....

- Maintained records of the value of work, income received from building warrant and related statutory fees and the expenditure incurred (staff costs, non-staff costs and other verification-related investments) to run Building Standards verification services was carried out throughout the year through our financial management system. This was all in line with the national approach to identifying costs.
- Ensured timesheets were completed by the team and verification and non-verification data recorded.
- Held quarterly budget meetings between the Building Standards Manager and finance in order to review income and cost streams in order to inform and embed efficiency savings where possible.
- Provided monthly electronic budget monitoring statements are to the Building Standards Manager.
- Ensured the National Approach to identifying costs is embedded in our service.

In 2019-20 we will.....

Continue with the above approach and review to ensure the approach is fit for purpose and being reported and acted upon appropriately.

Target:

- Building Standards verification fee income to cover indicative verification service costs (staff costs plus 30%).

In 2018-19 we.....

- Narrative on costs over period to be provided with general discussion.
- Corporate Intranet based Financial Management systems are in place which can be accessed by the Building Standards Manager at any time.

In 2019-20 we will.....

Record and monitor finances on a monthly basis.

KPO 6: COMMIT TO EBUILDING STANDARDS

Requirements of the verifier:

- eBuilding Standards details are published prominently on the website.
- Maintain records of building warrant related applications and submissions through the eBuilding Standards portal.
- Maintain records of the extent of digital processing of verification activities i.e. the key activities from receipt of a building warrant application or amendment through to acceptance of a completion certificate.

In 2018 -19 we....

- Ensured ebuilding Standards details were published prominently on the website.
- We maintained records of building warrant related applications and submissions through the eBuilding Standards portal.
- We maintained records of the extent of digital processing of verification activities i.e. the key activities from receipt of a building warrant application or amendment through to acceptance of a completion certificate. Within Moray all applications are dealt with digitally.

IT systems

- Building Standards utilise the IDOX Uniform system. This system provides reporting and letter generation facilities. The Enterprise workflow package has recently been purchased. Development of the system and staff training is complete and the system went live in January 2018.
- IDOX Uniform also provides information to our public access system which is available from our website. This facilitates the Building Standards Register.
- We also use the IDOX Document Management System and all files and papers are now either produced/saved electronically or scanned on receipt. Since the introduction of the national eBuilding Standards system documents received via the web portal are saved directly into the back office systems. Over time this will considerably reduce the amount of storage space required for files as well providing an efficient mechanism to view files and documents.
- The Building Standards section also make use of Microsoft SharePoint.
- All telephone calls for Building Standards are received by our Contact Centre and the Lagan workflow system for the transfer of calls and recording of data is being used.
- Our IT systems are supported by Moray Councils ICT team and System Support personnel within Development Services.

In 2019-20 we will.....

Continue to follow the above and look for any areas through the process which can be improved and strengthened.

Targets:

- Details of eBuilding Standards to be published prominently on the verifier's website.
- 5% of each key building warrant related process being done electronically: plan checking; building warrant or amendments (and plans) being issued; verification during construction; and completion certificates being accepted

In 2018-19 we...

- We received 82% of our applications online during this period.
- All correspondence within our service is dealt with electronically. Should paper be submitted to the service then it is scanned and saved to the document management system. All building warrant, amendment of warrant, verification during construction, completion certificates are dealt with digitally. Should the applicant request that they have correspondence in paper we will fulfil this request.

In 2019-20 we will.....

Continue to ensure details of eBuilding Standards to be published prominently on the verifier's website.

Continue to promote the use of ebuilding standards and will work towards increasing the usage of the eBuilding Standards portal for customers submitting paper based applications.

Review technology and processes in use to ensure they continue to be fit for purpose and being utilised to best of ability to enhance eBuilding Standards delivery.

KPO 7: COMMIT TO OBJECTIVES OUTLINED IN THE ANNUAL PERFORMANCE REPORT

Requirements of the verifier:

- Annual performance report published prominently on website with version control (reviewed at least quarterly).
- Annual performance report to include data in line with KPOs and associated targets (annually covering previous year). The report is to include adherence to the National Customer Charter (KPO3), appropriate actions to respond to customer feedback (KPO4), financial performance (KPO5); and commitment to digital services (KPO6)

In 2018-19 we...

- Published the Annual performance report prominently on The Moray Council website.
- The annual performance report includes:
- Adherence to the National Customer Charter (KPO3)
- Appropriate actions to respond to customer feedback (KPO4)
- Financial performance (KPO5)
- Commitment to digital services (KPO6)

In 2019-20 we will.....

Continue to review and update this document on a quarterly basis.

Submit the Annual Performance Report to Committee, a first for the service.

Targets:

- Annual performance report published prominently on website with version control (reviewed at least quarterly).
- Annual performance report to include performance data in line with KPOs and associated targets (annually covering previous year e.g. April 2016 - March 2017).

In 2018-19 we...

- Publish the Annual performance report prominently on The Moray Council website.

In 2019-20 we will.....

Ensure the report includes performance data in line with KPOs and associated targets - covering previous year April 2018 - March 2019. We will also update the document quarterly within the year April 2019 – March 2020 with the latest data.

Operating Framework 1.4 - Financial integrity

Function:

Verifiers must demonstrate that they have appropriate arrangements in place to ensure financial integrity and continued operation.

Prescription:

- Verifiers must submit performance returns and financial reports to the Scottish Government to demonstrate the ongoing viability of the appointment.
- Verifiers must provide evidence of compliance with corporate policies on anti-bribery and corruption.

In 2018-19 we.....

- Held quarterly budget meetings
- Ensured quarterly Performance Framework returns and reports of on-going viability were submitted.
- Compliance with corporate policies on anti-bribery corruption

In 2019-20 we will.....

We will maintain the above and review the current processes in place to ensure that they meet or exceed the requirements of this outcome.



2018/19 Performance Figures

| KPO | 2018/19 Q1 | 2018/19 Q2 | 2018/19 Q3 | 2018/19 Q4 |
|--|--|--|--|--|
| 1.1 95% of first reports (for building warrants and amendments) issued within 20 days – all first reports (including BWs and amendments issued without a first report). | 96.90% | 98.54% | 98.66% | 99.49% |
| 1.2 90% of building warrants and amendments issued within 10 days from receipt of all satisfactory information – all building warrants and amendments (not including BWs and amendments issued without a first report). | 81.02% | 97.37% | 100% | 99.14% |
| 3.1 National customer charter is published prominently on the website and incorporates version control detailing reviews (reviewed at least quarterly). | Published prominently (with review) | Published prominently (with review) | Published prominently (with review) | Published prominently (with review) |
| 3.2 95% of BSD requests for information on a BSD 'Verifier Performance Reporting Service for Customers' case responded to by verifier within 5 days. | No cases referred to BSD 'Reporting Service' | No cases referred to BSD 'Reporting Service' | No cases referred to BSD 'Reporting Service' | No cases referred to BSD 'Reporting Service' |
| 4.1 Minimum overall average satisfaction rating of 7.5 out of 10 | 7.2 | 7.2 | 7.6 | 7.6 |
| 5.1 Building standards verification fee income to cover indicative verification service costs (staff costs plus 30%). | 159.09% | 95.30% | 101.74% | 94.17% |
| 6.1 Details of eBuilding Standards are published prominently on the verifier's website. | Published prominently | Published prominently | Published prominently | Published prominently |
| 6.2 75% of each key building warrant related processes being done electronically (Plan checking; BWs and amendments (and plans) issue; Verification during construction; CC acceptance) | 4 of 4 done | 4 of 4 done | 4 of 4 done | 4 of 4 done |
| 7.1 Annual performance report published prominently on website with version control (reviewed at least quarterly). | Published prominently (with review) | Published prominently (with review) | Published prominently (with review) | Published prominently (with review) |
| 7.2 Annual performance report to include performance data in line with KPOs and associated targets (annually covering previous year e.g. April 2016 – March 2017). | Includes all performance data | Includes all performance data | Includes all performance data | Includes all performance data |

2019/20 Performance Figures

| KPO | 2019/20 Q1 | 2019/20 Q2 | 2019/20 Q3 | 2019/20 Q4 |
|--|--|--|---------------|---------------|
| 1.1 95% of first reports (for building warrants and amendments) issued within 20 days – all first reports (including BWs and amendments issued without a first report). | 97.83% | 98.65% | | |
| 1.2 90% of building warrants and amendments issued within 10 days from receipt of all satisfactory information – all building warrants and amendments (not including BWs and amendments issued without a first report). | 96.88% | 98.99% | | |
| 3.1 National customer charter is published prominently on the website and incorporates version control detailing reviews (reviewed at least quarterly). | Published prominently (with review) | Published prominently (with review) | | |
| 3.2 95% of BSD requests for information on a BSD 'Verifier Performance Reporting Service for Customers' case responded to by verifier within 5 days. | No cases referred to BSD 'Reporting Service' | No cases referred to BSD 'Reporting Service' | | |
| 4.1 Minimum overall average satisfaction rating of 7.5 out of 10 | 7.6 | 7.6 | | |
| 5.1 Building standards verification fee income to cover indicative verification service costs (staff costs plus 30%). | 97.84% | 118.38% | | |
| 6.1 Details of eBuilding Standards are published prominently on the verifier's website. | Published prominently | Published prominently | | |
| 6.2 75% of each key building warrant related processes being done electronically (Plan checking; BWs and amendments (and plans) issue; Verification during construction; CC acceptance) | 4 of 4 done | 4 of 4 done | | |
| 7.1 Annual performance report published prominently on website with version control (reviewed at least quarterly). | Published prominently (with review) | Published prominently (with review) | | |
| 7.2 Annual performance report to include performance data in line with KPOs and associated targets (annually covering previous year e.g. April 2016 – March 2017). | Includes all performance data | Includes all performance data | | |

6.0 Service Improvements and Partnership Working

In the previous 12 months (2018/2019) we –

| Number | Continuous improvement action | Timescale |
|--------|--|-----------|
| 1 | Create record management process and database for training records | Complete |
| 2 | Review customer satisfaction methods | Complete |
| 3 | Create operation desktop manual for staff | Ongoing |
| 4 | Continue and improve benchmarking leading to service improvements | Quarterly |
| 5 | Work to achieve targets set out in National Performance Framework | Ongoing |



In the next 12 months (2019/2020) we will –

| CONTINUOUS IMPROVEMENT ACTIONS | | | |
|--|---------------------------------|------------------------|--------|
| Professional Expertise and Technical Processes | | | |
| Key actions | Relevant to KPO1-2 (from list): | Target completion date | Status |
| Seek to Minimise Time Taken to issue first report and to issue a building warrant | KPO1 | Ongoing | |
| Develop a system to maintain records of customer agreements | KPO1 | June 2020 | |
| Develop a strategy to increase number of CCNP's complied with | KPO2 | June 2020 | |
| Review quality of compliance assessment during construction process | KPO2 | June 2020 | |
| Introduce methods of collating compliance trends and review at team meetings | KPO2 | June 2020 | |
| Develop our processes for maintaining records of construction of non-compliance locally and report trends and issues with a national impact. | KPO2 | June 2020 | |
| Develop Training Strategy with key emphasis on competency and post grades/experience | KPO2 | June 2020 | |
| All protocols to be reviewed to align with new structure and working practices | KPO1 | June 2020 | |
| All protocols to be reviewed to align with new structure and working practices | KPO2 | June 2020 | |
| | | | |

QUALITY CUSTOMER EXPERIENCE

| Key actions | Relevant to KPO3-5 (from list): | Target completion date: | Status (from list): |
|---|---------------------------------|-------------------------|---------------------|
| Ensure Customer Charter is updated and reviewed | KPO3 | Ongoing | |
| Explore service delivery with Development Management | KPO3 | Ongoing | |
| Develop our communication strategy | KPO4 | April 2020 | |
| Engage further with customers to inform them through newsletters and social media | KPO4 | November 2020 | |
| Set up focus group and hold seminars with regular agents | KPO4 | April 2020 | |
| Consider and monitor finances on a monthly basis | KPO5 | Ongoing | |

OPERATIONAL AND FINANCIAL EFFICIENCY

| Key actions | Relevant to KPO6-9 (from list): | Target completion date | Status (from list): |
|--|---------------------------------|------------------------|---------------------|
| Promote further the use of ebuilding standards | KPO6 | Ongoing | |
| Continue to review and update Charter, annual performance return, financial performance, commitment to digital services on a monthly basis | KPO7 | Ongoing | |

In the previous 12 months (2018/19) we worked with:

- **Grampian Consortium Group**

Moray Council's Building Standards Service works closely with Aberdeen City Council and Aberdeenshire Council in the Grampian Consortium Group. The aim of the group is to develop and maintain consistency in the delivery of the Building Standards Service across the three Councils

- **Local Authority Building Standards Scotland (LABSS)**

Moray Council attend General meetings of LABSS on a regular basis. We also have representation on the Management Board with the service currently being the Consortium Lead for Grampian. The Principal Officer was also the Administration Convenor for the organisation for a 3 year period.

- **SOLACE group of Authorities as a benchmarking group**

Moray has the key role in gathering and distributing the data to the group.

- **Scottish Fire and Rescue Service**

The service works well with SFRS to deliver a consultation service. We have also engaged on training over this period.

- **External Structural Engineers**

Building Standards use a consultant Engineer to check structural calculations which are outwith the scope of our own team.

- **External Fire Engineers**

Building Standards use a consultant Fire Engineer to check Fire Engineered solutions which are outwith the scope of our own team. This is in a partnering arrangement with Aberdeen City, Aberdeenshire and Highland Councils.

- **Scottish Type Approval Scheme**

This service is provided by LABSS. Moray Council have delivered STAS services local for Springfield Properties.

- **Building Standards Division of Scottish Government**

The BSD is seen as a key partner to the building standards service.

In the next 12 months (2019/20) we will:

Continue to engage with the partners indicated above and strengthen where necessary. The service will also look to new partnerships where opportunity exists.

7.0 Building Standards – Additional Data

Verifiers provide returns to Scottish Government on their verification performance and workload. The performance data relates to the building standards verification performance framework and the workload data relates to the numbers of building warrant applications; completion certificates; fees; costs; certificates (certification, energy performance; sustainability); enforcement cases.

The information in the table relates to 2018/19.

| | |
|--|---|
| Building warrants and amendments to building warrant | 881 Applications 958 Decisions |
| Completion certificates | 1055 Submissions 888 Decisions |
| Certification | 437 Certificates of design submitted 73 Certificates of construction submitted |
| Energy Performance Certificates (EPCs) | 234 Copy certificates received (domestic) 0 Copy certificates received (non-domestic) |
| Statements of Sustainability | 219 Copy certificates received (domestic) 2 Copy certificates received (non-domestic) |
| Enforcement | 3 Notices served under sections 25 to 30 0 Cases referred to procurator fiscal 1 Cases where LA has undertaken work |



8.0 LINKS

Performance Information

Building Standards performance information is issued quarterly and provides various response times which you may find useful.

- [Performance Figures](#)
- [Customer Charter](#)
- [Annual Performance Report](#)
- [Customer Satisfaction](#)

OTHER LINKS

[Current Applications and Public Register](#)
[Dangerous Buildings and Structures](#)
[Building Standards Portal](#)
[Local Authority Building Standards Scotland](#)
[Scottish Government Building Standards Division](#)
[Scottish Fire and Rescue Service](#)
[Complaints Procedure](#)
[Scottish Type Approval Scheme \(STAS\)](#)

9.0 FEEDBACK

We aim to continually improve our service. Should you wish to provide feedback on any aspect of this report then please contact:

William Clark

Principal Building Standards Officer

Email: william.clark@moray.gov.uk

Tel: 01343 563291



APPENDIX 2

Summary of performance against Key Performance Outcomes & Targets - 2017 Q1 to 2019 Q2

| KPO | | 2017/18 Q1 | 2017/18 Q2 | 2017/18 Q3 | 2017/18 Q4 | 2018/19 Q1 | 2018/19 Q2 | 2018/19 Q3 | 2018/19 Q4 | 2019/20 Q1 | 2019/20 Q2 |
|-----|---|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| 1.1 | 95% of first reports (for building warrants and amendments) issued within 20 days – all first reports (including BWs and amendments issued without a first report). | 85% | 88.94% | 89.96% | 84.72% | 96.90% | 98.54% | 98.66% | 99.49% | 97.83% | 98.65% |
| 1.2 | 90% of building warrants and amendments issued within 10 days from receipt of all satisfactory information – all building warrants and amendments (not including BWs and amendments issued without a first report). | 52.99 | 58.38% | 72.41% | 64.29% | 81.02% | 97.37% | 100% | 99.14% | 96.88% | 98.99% |
| 3.1 | National customer charter is published prominently on the website and incorporates version control detailing reviews (reviewed at least quarterly). | | | | | | | | | | |
| 3.2 | 95% of BSD requests for information on a BSD 'Verifier Performance Reporting Service for Customers' case | | | | | | | | | | |

| | | | | | | | | | | | |
|-----|---|--------|---------|--------|--------|---------|--------|---------|--------|--------|---------|
| | responded to by verifier within 5 days. | | | | | | | | | | |
| 4.1 | Minimum overall average satisfaction rating of 7.5 out of 10 | 6.6 | 6.6 | 7.2 | 7.2 | 7.2 | 7.2 | 7.6 | 7.6 | 7.6 | 7.6 |
| 5.1 | Building standards verification fee income to cover indicative verification service costs (staff costs plus 30%). | 99.03% | 113.20% | 98.13% | 104.99 | 159.09% | 95.30% | 101.74% | 94.17% | 97.84% | 118.38% |
| 6.1 | Details of eBuilding Standards are published prominently on the verifier's website. | | | | | | | | | | |
| 6.2 | 75% of each key building warrant related processes being done electronically (Plan checking; BWs and amendments (and plans) issue; Verification during construction; CC acceptance) | | | | | | | | | | |
| 7.1 | Annual performance report published prominently on website with version control (reviewed at least quarterly). | | | | | | | | | | |
| 7.2 | Annual performance report to include performance data in line with KPOs and associated targets (annually covering previous year e.g. April 2016 – March 2017). | | | | | | | | | | |



REPORT TO: PLANNING & REGULATORY SERVICES COMMITTEE ON 10 DECEMBER 2019

SUBJECT: TREE PRESERVATION ORDER: WOODLAND AT KNOCKOMIE, FORRES

BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)

1. REASON FOR REPORT

- 1.1 This report asks Committee to confirm the Tree Preservation Order (TPO) approved by this Committee on 8 October 2019 (para 25 of the draft minute refers) at Woodland at Knockomie, Forres, without modification.
- 1.2 This report is submitted to Committee in terms of Section III (E) (7) of the Council's Scheme of Administration to make, vary and revoke orders for the preservation of trees.

2. RECOMMENDATION

- 2.1 **It is recommended that the Committee confirm 'The Moray Council (Woodland at Knockomie, Forres) Tree Preservation Order (No 1) 2019' without modification.**

3. BACKGROUND

- 3.1 Policy E4 *Trees and Development* of the Moray Local Development Plan 2015 supports the serving of a TPO on potentially vulnerable trees which are of significant amenity value to the community as a whole, or trees of significant biodiversity value.
- 3.2 A TPO encourages good woodland management and any works to the trees must be agreed by the Council. Any trees which are felled within a TPO must be replanted. In Moray, there are 38 TPOs.
- 3.3 TPOs are subject to a minimum 28 days public consultation during the period between Committee giving approval to serve the Order and the Committee confirming the Order. The Order must be confirmed by Committee no more than 6 months after the Order has been served or revoked. During the consultation period, the public can give representations either in support of, or

objecting to the Order. In terms of Regulation 5 of the Town and Country Planning (Tree Preservation Orders and Trees in Conservation Areas) (Scotland) Regulations 2010, the Council must consider all representations before confirming the TPO with or without modifications.

- 3.4 The serving of a TPO at Knockomie, Forres was approved by this Committee at its meeting on 8 October 2019 (para 25 of the draft minute refers).

4. PROPOSAL

- 4.1 After approval by Committee on 8 October 2019, the TPO was served on 16 October 2019 and advertised publically on 23 October for a consultation period of 28 days, until 21 November, for representations to be received.
- 4.2 No representations were received and it is recommended that the Committee confirm the TPO without modification.

5. NEXT STEPS

- 5.1 If the Committee agree to confirm the TPO as set out in Section 2 of this report, the Council are required to register the TPO in the Land Register of Scotland.
- 5.2 In addition, notice will be given to the Scottish Forestry, interested persons and any person who made a representation. A copy of the TPO will also be made available for public inspection.

6. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The Corporate Plan prioritises the need to maintain and promote Moray's landscape and biodiversity. The 10 Year Plan identifies the need to build a better future for children and young people in Moray by providing the healthiest start in life. Serving TPOs protects significant trees and woodlands and conserves the local natural environment and biodiversity whilst also helping to promote healthier lives.

(b) Policy and Legal

The Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010 provides for the serving, varying and revoking of TPOs.

(c) Financial implications

Land registry and advert costs will be met from existing Planning and Development section budgets.

(d) Risk Implications

There is a risk that the trees at Knockomie, Forres could be felled with a resultant significant loss of amenity if the TPO is not served.

(e) Staffing Implications

Serving of TPOs has staffing implications for Strategic Planning & Development and Legal Services.

(f) Property

None.

(g) Equalities/Socio Economic Impact

No Equality Impact Assessment is required for this report.

(h) Consultations

The Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Equal Opportunities Officer and Lissa Rowan (Committee Services Officer) have been consulted and comments received have been incorporated into the report.

7. CONCLUSION

7.1 TPOs are formal orders attached to important, feature and character creating trees and woodlands to protect the amenity value they contribute to the local community.

7.2 Following consultation, no representations were received and the Committee is asked to confirm the TPO at Knockomie, Forres with no modifications.

Author of Report: Darren Westmacott, Planning Officer (Strategic Planning & Development)

Background Papers:

Ref:

