

## **MORAY COUNCIL**

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

**20 AUGUST 2019**

**COUNCIL CHAMBERS, ELGIN**

#### **PRESENT**

Councillors D Bremner (Chair), A Taylor (Depute), G Alexander, G Cowie, P Coy, C Feaver, L Laing, M Macrae, A McLean and R McLean.

#### **APOLOGIES**

Apologies were intimated on behalf of Councillors J Cowe, J Divers and R Edwards.

#### **IN ATTENDANCE**

Head of Development Services, Development Management and Building Standards Manager, Mr N MacPherson, Principal Planning Officer, Mr R Smith, Principal Planning Officer, Mr G Templeton, Principal Planning Officer, Mrs D Anderson, Senior Engineer (Transport Development), Mrs F Geddes, Acting Housing Strategy and Development Manager, 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 9b) on the Supplementary Agenda "Planning Application 19/00550/APP - Erection of 6 apartments at Linkwood Steading, Linkwood Road, Elgin, Moray for Springfield Properties PLC".

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.

**Paragraph No. of Minute**

**Paragraph No. of Schedule 7A**

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13 - Information, which if disclosed to the public, would reveal that the Authority proposes, for the purpose of consultation, make an order or direction under any enactment which might allow an individual or organisation to defeat the purpose of the notice or order.

**3. MINUTES**

The minutes of the meetings of the Planning and Regulatory Services Committees dated 21 May 2019 and 25 June 2019 were 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 and general storage sheds at Viewfield Farm, Craigellachie, Aberlour, Moray for Forsyths Ltd**

The Committee noted that this planning application had been withdrawn from the agenda in order to obtain clarification on discrepancies between background supporting documents.

**6. PLANNING APPLICATION 18/01373/APP**

**WARD 1: SPEYSIDE GLENLIVET**

**Residential development and associated infrastructure on Land at R4 Speyview, Aberlour, Moray for Springfield Properties PLC**

A report by the Appointed Officer recommended that, for reasons detailed in the report, planning permission be granted for an application for a residential development and associated infrastructure on Land at R4 Speyview, Aberlour, 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 development 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 16 August 2019.

During his introduction, Mr Smith, Principal Planning Officer advised that 2 representations; one from Maureen Brown and Rob Ayland, 1 Kinemony Farm Cottages and Meryn and Heather Campbell c/o Stuart McGavie, had been omitted from the report in error however their comments had been taken into account and summarised within the report. This was noted.

Following consideration, the Committee agreed to:

- (i) note that 2 representations had been omitted from the report however the comments made had been taken into account and summarised within the report; and
  - (ii) grant planning permission in respect of planning application 18/01373/APP, as recommended, subject to:
    - a) the completion of a legal agreement; and
    - b) 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 Detailed Landscaping Layout drawing number AB02\_L\_01 Rev C and Landscape Management Plan AB02\_L\_02, and show and clarify the following:
  - (a) extension of the natural stone wall to the side/south of plots 1 and 28,
  - (b) clarification of the locations of the proposed beech and box hedging,
  - (c) inclusion of a reference 'QR' Oak Roaster within the Planting Schedule to correspond with the 'QR' annotations on the layout drawing.
  - (d) the arrangements for the time-scale(s) for all new planting, seeding and turfing to be undertaken on the site, and including the planting blocks to the southeast and northeast shown out with the site boundary on the supporting masterplan drawing (June 2019).

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** - In order to remove any ambiguity regarding the terms of the landscape scheme, to also ensure structural planting blocks are provided to help integrate this phase of the development and 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 off the residential units approved on site are affordable and managed accordingly.

4. A construction phase surface water management plan shall be submitted a minimum of two months prior to the commencement of the development and shall be agreed in writing prior to work commencing with the Planning Authority in consultation with Moray Flood Risk Management. 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 shown in the approved landscaping plan and unless otherwise agreed in writing with the Planning Authority, the rear boundary enclosures facing onto the road of plots 1 to 8 shall comprise a 0.8m high wall finished in wet harl and a 1m high timber fence on top of the wall. This enclosure shall be retained as such throughout the lifetime of the development.

**Reason** – To break up the massing and dominance of this rear boundary enclosure on the street scene.

6. Prior to development commencing, details of the road surfacing/colouration between points A and B on the approved site plan shall be submitted to and agreed in writing with the Planning Authority. This section of road shall have a different finish/colouration to the remainder of the roads in the development. Thereafter the roads shall be finished in accordance with the agreed details.

**Reason** – To emphasise the street hierarchy and improve legibility of the development.

7. Unless otherwise agreed in writing with the planning authority, the equipped play area shall be provided in accordance with the approved plans prior to the commencement of the 20th residential unit on site. Thereafter the equipped play area shall be maintained in accordance with the approved Landscape Management Plan AB02\_L\_02 for the lifetime of the development.

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

8. All surface water drainage infrastructure within the development shall be implemented in accordance with the details contained in the approved 'Drainage Assessment' and associated drainage AB01\_ENG\_250, AB02\_ENG\_220 A and AB02\_ENG\_600 B. Unless otherwise agreed in writing with the 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 Assessment'.

**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.

9. Prior to the commencement of development (with the exception of works to form the access) the proposed ghost island priority junction with the A95 (T), as illustrated in Cameron + Ross Drawing No. A/180471-901 (Revision 5) "Proposed Ghost Island Layout" shall be constructed and agreed in writing by the Planning Authority, following consultation with Transport Scotland.

**Reason:** To ensure that the standard of access layout complies with the current standards, and that the safety and free flow of traffic on the trunk road is not diminished.

10. Prior to the occupation or completion of any of the dwelling houses hereby approved, whichever is the sooner, a new footway along the east side of the re-aligned A95 (T), as illustrated in Springfield Properties Drawing No. AB02-ENG-260 (Revision A) "A95 Re-Alignment", shall be constructed and agreed in writing by the Planning Authority, following consultation with Transport Scotland.

**Reason:** To ensure that facilities are provided for the pedestrians that are generated by the development and that they may access the existing footpath system without interfering with the safety and free flow of traffic on the trunk road

11. Prior to the occupation or completion of any of the dwelling houses hereby approved, whichever is the sooner, the proposed bus stop lay-bys on both sides of the A95 (T), as illustrated in Cameron + Ross Drawing No. A/180471-905 "Proposed Bus Stop Locations", shall be constructed to the satisfaction of the Planning Authority, following consultation with Transport Scotland.

**Reason:** To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.

12. Prior to commencement of the development, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to, and agreed in writing with the Planning Authority, following consultation with Transport Scotland and thereafter implemented in accordance with the agreed details.

**Reason:** To ensure that there will be no distraction to drivers on the trunk road, and that the safety of the traffic on the trunk road will not be diminished.

13. Prior to commencement of the development, details of the barrier proposals along the trunk road boundary shall be submitted to, and agreed in writing with the Planning Authority, following consultation with Transport Scotland and thereafter implemented in accordance with the agreed details.

**Reason:** To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents

14. There shall be no drainage connections to the trunk road drainage system.

**Reason:** To ensure that the efficiency of the existing trunk road drainage network is not affected.

15. Notwithstanding the details submitted on the site layout drawing (Drawing No AB02\_PL\_01 Rev G), prior to the commencement of development the following details shall be submitted for approval by the Planning Authority in consultation with the Roads Authority:

- a) Details (Plan Scale 1:500 minimum) showing the locations of all pedestrian crossing facilities throughout the development including details of all dropped kerbs and tactile paving to the Moray Council standards and specifications;
- b) Details (Plan Scale 1:500 minimum) showing extent of all roads, cycle ways and footways to be adopted, including the proposed footway along the frontage of plots 1 to 8; and
- c) Details, including maintenance details, of all hedges to be planted adjacent to parking spaces which shall be planted at least 1.0 metres from the edge of the parking space to readily enable access into and out of parked vehicles at all times.

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

**Reasons:**

- a) To ensure acceptable development that does not create any hazard to road users in the interests of road safety through the provision of details currently lacking.
  - b) To ensure acceptable development through the provision of details currently lacking.
  - c) To ensure an acceptable development in terms of parking provision and amenity of the area.
16. Prior to the commencement of development the following shall be submitted for approval by the Planning Authority in consultation with the Roads Authority:
- a) A Construction Traffic Management Plan which includes details of any temporary site access arrangements, site compounds, lay down areas and site parking (Plan scale 1:500 minimum) and proposals to safeguard non-motorised road users;
  - b) Details (Plan scale 1:500) which show the provision of a temporary turning area, including details of all materials to be used in the construction of the

turning area, adjacent to Plots 35/36 to provide a turning facility for refuse collection vehicles and other visiting vehicles.

The approved Construction Traffic Management Plan must be complied with at all times. The works identified in b) shall be completed prior to the first occupation or completion, whichever is the sooner, of any of the houses on plots numbered 29 to 36 and shall be retained until such time that the roads connecting Plots 35/36 and Plots 13/14/15/16 are connected and available for use by visiting service vehicles.

**Reasons:**

- a) To ensure an acceptable form of development in terms of the arrangements to manage traffic during construction works at the site.
- b) To ensure acceptable infrastructure to service the development through the provision of details currently lacking.

17. Prior to the commencement of development a Travel Information Pack, which sets out opportunities for travel by foot, cycle and public transport, shall be submitted for approval by the Planning Authority in consultation with the Roads Authority. The Travel Information Pack shall include:

- a) Information on routes for pedestrians and cyclists to access local facilities.
- b) Information on the provision of bus services serving the development.
- c) Details of how to access personal Travel Planning and of incentives to travel by foot, cycle and public transport.
- d) Details of the programme for updating the Travel Information Pack as the development progress.

The approved Travel Information Pack shall thereafter be provided to each dwelling as they are completed from the date of first completion of any part of the residential development.

**Reason:** To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

18. No boundary fences, hedges, walls or any other obstruction whatsoever over 1.0m in height and fronting onto the public road shall be within 2.4m of the edge of the carriageway.

**Reason:** To ensure acceptable development that does not create any hazard to road users in the interests of road safety.

19. The width of the individual vehicular access shall be 3.0m – 5.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The part of the access over the public footway shall be to The Moray Council specification and surfaced with bituminous macadam.

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

20. Parking Provision shall be provided and maintained for use in accordance with the approved site layout plan (Drawing No AB02\_PL\_01 Rev G) 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 interests of an acceptable development and road safety.

21. 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.

22. 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. This should comprise an archaeological trial trenching evaluation of 7-10% of the total proposed development site, to be undertaken by a suitably qualified archaeological contractor, the results of which will be used to inform whether further mitigation is required. 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.

23. No development shall commence until details of protection measures of existing private water supplies leading through the site (both during construction and for the lifetime of the development) have been submitted to and agreed in writing with the Council as Planning Authority. Thereafter the development shall be implemented in accordance with the agreed details, unless otherwise agreed with the Planning Authority.

**Reason:** In order to safeguard the water supplies which serve the neighbouring houses.

24. Prior to development commencing, cross sections through the proposed play area shall be submitted to and agreed in writing with the planning authority. Thereafter the play area shall be provided in accordance with the agreed details.

**Reason:** To ensure the play area is provided at an acceptable gradient, to maximise the functionality of this facility.

## 7. PLANNING APPLICATION 19/00513/APP

## **Erect dwelling houses with off street parking on Plots 45 - 48 St John Ogilvie Way, Keith, Moray, AB55 5LA for Morlich Homes Ltd**

A report by the Appointed Officer recommended that, for reasons detailed in the report, planning permission be granted for an application to erect dwelling houses with off street parking on Plots 45 - 48 St John Ogilvie Way, Keith, Moray, AB55 5LA for Morlich Homes Ltd.

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 16 August 2019.

Following consideration, the Committee agreed to grant planning permission in respect of planning application 19/00513/APP, as recommended, subject to the following conditions and reasons.

1. No development shall commence until details of the type and colouration of the stone facing on the front elevation of the dwellings has been submitted to and approved in writing by the Council as Planning Authority. Thereafter the development shall be implemented in accordance with these approved details.

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

2. The 1.8m high fencing as shown on the approved site plan shall be erected prior to occupation or completion of the respective dwelling house which that fencing serves, and thereafter maintained for the lifetime of the development unless otherwise agreed in writing by the Council as Planning Authority.

**Reason:** To protect the privacy of neighbouring occupiers.

3. All drainage arrangements shall be installed in accordance with the submitted Drainage Statement: Strathisla Park, Keith as prepared by Gary Mackintosh Bsc, prior to completion or first occupation of the dwelling houses whichever is the sooner, unless otherwise agreed in writing by the Council as Planning Authority.

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

4. No boundary fences, hedges, walls or any other obstruction whatsoever over 1.0m in height and fronting onto the public road shall be within 2.4m of the edge of the carriageway.

**Reason:** To 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.

5. The width of each vehicular access shall be as shown, and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public

carriageway. The part of the access over the public footway/verge shall be to The Moray Council specification and surfaced with bituminous macadam.

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

6. Drop kerbs shall be provided across the access to The Moray Council specification. A road opening permit must be obtained from the Roads Authority before carrying out this work.

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

7. 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.

8. Two car parking spaces shall be provided within each site prior to the occupation or completion of the dwelling house, 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.

## **8. PLANNING APPLICATION 19/00320/PPP**

### **WARD 8: FORRES**

#### **Erect 38 dwelling houses, 3 craft/commercial units and a community facility on land to the North and West of East and West Whins, Findhorn, Moray for Duneland Limited**

A report by the Appointed Officer recommending that, for reasons detailed in the report, planning permission in principle be granted for an application to erect 38 dwelling houses, 3 craft/commercial units and a community facility on land to the North and West of East and West Whins, Findhorn, Moray for Duneland Limited.

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 site exceeds 2ha. The report also advised that Members of the Committee visited the site of the application on 16 August 2019.

During his introduction, Mr MacPherson, Principal Planning Officer advised that 10 late representations had been received in respect of the planning application. Eight of the 10 late representations had been circulated to the Committee as per the agreed procedure for late representations. The other 2 had not been accepted as they had been submitted by people who had not made a representation on the original application. Mr MacPherson further stated that many of the points in the late

representations were re-emphasising points that had originally been made however there had also been some criticism of the Officer's recommendation and responses received from statutory consultees. He advised that this is not the purpose of the late representation procedure and, as this is new information, the Committee are advised to disregard these comments. This was noted.

Councillor Feaver, in noting that the application is a planning application in principle, queried whether the full detailed planning application would be brought before the Committee for determination or whether it would be dealt with under delegated powers by the Appointed Officer.

In response, Mr MacPherson advised that, under the current scheme of delegation, the detailed planning application could be dealt with under delegated powers.

During discussion surrounding the Environmental Impact Assessment, Councillor Feaver raised concern that the development would be detrimental to the conservation status of species and wildlife habitats and moved that the planning application be refused as it did not comply with policies E3 (Protected Species) and E7 (Areas of Great Landscape Value and impacts upon the wider landscape) of the Moray Local Development Plan 2015 in terms of protecting species and areas of great landscape value. This was seconded by Councillor Macrae.

Councillor Alexander, whilst acknowledging that there would be potential disruption for a small number of bird species, recognised the need for housing development in Moray however was concerned that the detailed planning application would be considered under delegated powers.

In response, the Development Management and Building Standards Manager advised that, if the Committee was minded to approve the application, an informative could be added stating that the detailed planning application be considered by the Committee.

After considering the advice from the Development Management and Building Standards Manager, Councillor Alexander moved as an amendment that the Committee grant planning permission in principle in respect of planning application 19/00320/PPP, as recommended, with an informative that the detailed planning application be considered by the Committee and not dealt with under delegated powers. This was seconded by Councillor Laing.

On a division there voted:

For the motion (3): Councillors Feaver, Macrae and R McLean.

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

Abstentions (0): Nil

Accordingly, the amendment became the finding of the Committee and it was agreed to grant planning permission in principal, as recommended, in respect of planning application 18/00320/PPP subject to:

- (i) an informative being added advising that the detailed planning application be considered by the Committee and not dealt with under delegated powers;
- (ii) the completion of a (Section 75) legal agreement required prior to issue of any consent regarding developer contributions; and
- (iii) the following conditions and reasons.

1. The approval hereby granted is for planning permission in principle and prior to the commencement of the development approval of matters specified in conditions, including the siting, design and external appearance of the building(s) the means of access thereto and the landscaping and green infrastructure of the site shall be obtained from the Council, as Planning Authority.

**Reason** - In order to ensure that the matters specified can be fully considered prior to the commencement of development.

2. The grant of planning permission in principle hereby granted for the proposed development shall be carried out only in accordance with detailed drawings which shall previously have been submitted to and approved by the Council, as Planning Authority. These drawings shall show the matters specified in conditions numbered 3-8 below.

**Reason** - As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

3. The proposed comprehensive layout of the whole site shall be submitted in accordance with condition no. 2; above. The layout plan shall show details of the following:

- a) the exact position of the site boundaries and individual plots;
- b) the means of access;
- c) details of pedestrian access to and through the site;
- d) areas for vehicle and cycle parking;
- e) communal landscaping and green infrastructure including a timescale for the works and a schedule of maintenance which shall be in accordance with the approved Masterplan and NORTH WHINS, FINDHORN ECOLOGICAL IMPACT ASSESSMENT dated 6 March 2019;
- f) Proposals for at least 15% open space;
- g) all proposed earthworks and slope stabilisation measures and
- h) the arrangements for the disposal of foul and surface water (i.e. a SUDS system or equivalent). For the avoidance of doubt all surface water proposals shall be in accordance with the Surface Water Management Plan dated March 2019 and North Whins, Findhorn SuDS Operation & Maintenance Schedule dated March 2019.

For the avoidance of doubt all submitted details shall be in accordance with the approved Masterplan

**Reason:** As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified

4. The proposed layout of the each plot or development area showing the exact position of the site boundaries, the positions of all buildings, the means of access, areas for vehicle parking and the arrangements for the disposal of foul and surface water (i.e. a SUDS system or equivalent) shall be submitted in accordance with condition no. 2; above.

**Reason:** As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified

5. Plans, sections and elevations of all buildings proposed with details of the type and colour of all external materials and finishes shall be submitted in accordance with condition no. 2 above.

**Reason** - As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

6. Details of the exact extent, type and finish of all other works including walls, fences and other means of enclosure and screening shall be submitted in accordance with condition no. 2 above.

**Reason** - As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

7. Sections through the site showing the development on its finished levels in relation to existing levels shall be submitted in accordance with condition no. 2 above.

**Reason** - As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

8. Landscaping proposals showing any existing trees/hedges/shrubs to be retained or removed together with details of the type, position and number of all planting to be undertaken and details of all surfacing materials shall be submitted in accordance with condition no. 2 above. All proposals must comply with the approved Masterplan NORTH WHINS, FINDHORN ECOLOGICAL IMPACT ASSESSMENT dated 6 March 2019.

**Reason** - As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

9. That for any subsequent detailed application/application for Matters Specified in Conditions relative to this approval, the layout, design and landscaping of the development hereby approved shall satisfy the following requirements:-

- a) All development shall be in accordance with the design principles set out in the approved Masterplan.
- b) All buildings shall be single or 1 and a half storeys in design.

**Reason:** To ensure an acceptable form of development which relates satisfactorily to surrounding housing in terms of scale, design and character, and protects the amenity of neighbouring residents.

10. That for any subsequent detailed application/application for Matters Specified in Conditions relative to this approval, where 10 or more units are proposed or the

application would be the 10th unit, the arrangements for the delivery of 10 affordable housing units (25% of the total number of proposed units on the whole site) shall be agreed in writing with the Council as Planning Authority, in consultation with the Head of Housing and Property. Thereafter, no more than 18 units shall be completed on site until at least 5 affordable housing units have been provided in accordance with the agreed arrangements and all the affordable units shall be provided prior to the completion of the 36th unit on site.

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

11. That for any subsequent detailed application/application for Matters Specified in Conditions relative to this approval, where 10 or more private housing units are proposed or the application would be the 10th such unit, evidence must be provided that 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). 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. Any application for more than 10 private housing units or the 10th such unit on the overall site shall include an Accessible Housing Compliance Statement with sufficiently detailed plans to demonstrate that these requirements have been met. Thereafter, no more than 15 private housing units shall be completed on site until the accessible units have been provided in accordance with the agreed arrangements. Thereafter the internal layout of these units shall remain as built and approved in perpetuity unless otherwise agreed with the Council.

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

12. 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. 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.

13. No development shall commence until a site-specific Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Council as Planning Authority in consultation with Scottish Environment Protection Agency (SEPA) and other agencies where appropriate. The CEMP shall address all pollution prevention and environmental management issues related to the development and include the following:

- a) identify all risks and incorporate all detailed pollution prevention measures, site management and mitigation measures for all elements potentially capable of giving rise to pollution during all phases of the development;
- b) consider and identify measures which shall include (but not be limited to) matters identified within SEPA's consultation response, dated 8 April 2019 i.e. stock pile storage, ground striping and timing of works, concrete wash out areas, wheel wash stations, welfare facilities, emergency contact details, incident response procedures, waste management and full details on construction stage SUDS;
- c) the location and design of all temporary site construction SUDs arrangements to protect the water environment including measures to mitigate and guard against run-off from the site including run-off containing soil or sediment or other contaminants;
- d) on-site fuel and chemical storage arrangements;
- e) timing of works, to include arrangements for heavy construction works to avoid periods of high rainfall;
- f) waste, to identify all waste streams and construction practices to minimise use of raw materials and maximise use of secondary aggregates and recycled or renewable materials; reduction, re-use and recycling where appropriate of waste material generated by the proposal and identify whether materials will likely be imported on or off the site;
- g) environmental management to identify mechanisms to control and make all construction staff aware of environmental issues including details of emergency procedures, pollution response plans and provision of spillage kits; and
- h) Where peat deposits re encountered, proposals for appropriate management and re-use/disposal of peat.

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

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

14. No development shall commence until the following details have been submitted and approved in writing by the Planning Authority in consultation with the Roads Authority for:

- a) the widening and improvement of the existing footway on the east side of the B9011 from the existing main access to the development and the Findhorn Foundation northwards to the existing crossing refuge on the B9011; and
- b) increasing the depth and width of the existing B9011 refuge island to the north of Findhorn Foundation/B9011 access to 3 metres by 3 metres.

Thereafter these approved works shall be completed in full in accordance with approved plans prior to the completion of the 5<sup>th</sup> residential unit on site.

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

15. No development shall commence until a site-specific Construction Traffic Management Plan (CTMP) for the whole site has been submitted to and approved by the Council as Planning Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include the following information:
- a) construction access routes
  - b) traffic management
  - c) construction hours / delivery restriction times
  - d) program and duration
  - e) measures to be put in place to safeguard the movements of pedestrians;

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

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

16. Notwithstanding the details submitted for parking (North Whins Layout: General Layout Drawing DL 2018 16 S). Unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority, parking provision for the overall development shall be provided in accordance with the following parking standards:
- a) Up to 2 beds = 0.8 spaces per dwelling
  - b) 3 beds = 1.5 spaces per dwelling
  - c) 4 beds = 2 spaces per dwelling
  - d) Each Cluster housing plot (Rates as above then + 0.5 spaces per additional bedroom over 4 beds)
  - e) Commercial Craft Units = 1.5 spaces each.

Thereafter, no residence or craft unit shall be occupied or completed (whichever is sooner) until the parking provision has been provided to accommodate the cumulative development at the time of occupation. Parking arrangements shall be retained and maintained in perpetuity as parking spaces for use in conjunction with the development hereby approved.

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

17. All mitigation and enhancement measures set out in appendix 9 of NORTH WHINS, FINDHORN ECOLOGICAL IMPACT ASSESSMENT dated 6 March 2019 shall be implemented in full and in accordance with the timescales set out in the approved document.

**Reason:** To minimise disturbance to nature conservation interests within the application site and ensure the protection of protected species and habitats.

18. All drainage proposals shall be in accordance with the submitted Surface Water Management Plan dated March 2019 and North Whins, Findhorn SuDS Operation & Maintenance Schedule dated March 2019. Notwithstanding the approved details trash screens must be added at inlet/outlet headwalls.

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

19. All commercial units shall be used only for Class 4 (business) or Class 6 (storage and distribution) uses as defined by The Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) with or without revocation and no other use or purpose.

**Reason:** In order to safeguard the privacy and amenity of occupants of the adjacent properties and to ensure that the planning authority retains effective control of the site.

20. 'Plot 15' as identified in the approved Masterplan NORTH WHINS, FINDHORN ECOLOGICAL IMPACT ASSESSMENT dated 6 March 2019 shall be used for community purposes only. For the avoidance of doubt this shall not include any domestic or commercial use.

**Reason:** In order to clarify the terms of the permission hereby granted and because no such information was included in the application

## **9. PLANNING APPLICATION 19/00043/APP**

### **WARD 8: FORRES**

**Erect 8no dwelling houses and district heating and laundry building with 2no air source heat pumps, parking and landscaping on Site of Old Access Road, The Park, Findhorn, Moray for New Findhorn Directions Limited.**

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application to Erect 8no dwelling houses and district heating and laundry building with 2no air source heat pumps, parking and landscaping on Site of Old Access Road, The Park, Findhorn, Moray for New Findhorn Directions Limited.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation, as it is a proposal for 5-49 units that is not in accordance with the Development Plan and therefore falls out with the scope of the Council's Scheme of Delegation. The report also advised that Members of the Committee visited the site of the application on 16 August 2019.

Councillor Feaver raised concern that the proposed development is for a 2 storey block of 8 flats on land that is currently designated for residential caravans and whilst she accepted the need for affordable housing, was of the view that it should take place in land designated for housing. Councillor Feaver raised further concern that the development would result in the loss of 10 moderate quality trees and whilst she acknowledged the proposed compensatory planting, was of the view that the biodiversity of the mature trees outweighs that of any small sapling. Councillor Feaver further noted that the Ecological Survey had been carried out in December and was concerned that a survey conducted at that time of year would not provide a true picture of ecological activity. Taking the above points into consideration, Councillor Feaver moved that the Committee refuse planning permission in respect of planning application 19/00043/APP as it is a departure from the Moray Local Development Plan (MLDP) 2015 and does not comply with the Findhorn Residential

Caravan designation and policies PP3 (placemaking), IMP1 (developer requirements), E4 (trees and development), E3 (protected species), T2 (provision of access), T5 (parking standards) and policy EP14 (pollution, contamination and hazards) in the proposed MLDP 2020 and asked that the developer submits another application appropriate to the current designation of the land. This was seconded by Councillor R McLean.

Councillor A McLean was of the opinion that the proposed development is an acceptable departure from the MLDP 2015 and that the benefits of living in a house far outweigh that of living in a residential caravan and moved as an amendment that the Committee grant planning permission in respect of planning application 19/00043/APP, as recommended by the Appointed Officer. This was seconded by Councillor Coy.

On a division there voted:

For the motion (3): Councillors Feaver, R McLean and Macrae

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

Abstentions (0): Nil

Accordingly, the amendment became the finding of the Committee and it was agreed to grant planning permission in respect of planning application 17/00043/APP, as recommended, subject to:

- (i) The completion of a legal agreement prior to issue of any consent in order to incorporate developer obligations towards Primary Education (extension at Kinloss Primary School); Healthcare (extension at Forres Health Centre, two additional dental chairs and reconfiguration of existing pharmacy outlets); and Sports and Recreation (3G pitch at Forres);
- (ii) The completion of a legal agreement to agree delivery arrangements of the affordable housing units and to ensure rents charged remain affordable; and
- (iii) the following conditions and reasons:
  1. No development shall commence until a strategy to assess and then, where subsequently appropriate, a strategy to deal with potential contamination on the site have been submitted to, and accepted in writing by, the Council as Planning Authority. The strategy shall be devised and overseen by an appropriately qualified person in accordance with relevant up-to-date authoritative technical guidance, e.g. BS10175 'The Investigation of Potentially Contaminated Sites - Code of Practice', and shall include:
    - i) an appropriate level of characterisation of the type, nature and extent of contamination on the site and accompanying risk assessment as described in Planning Advice Note 33 Development of Contaminated Land (Revised 2000);
    - ii) how any identified contamination will be dealt with during construction works;

- iii) details of remedial measures required to treat, remove or otherwise mitigate contamination to ensure that the site is suitable for the proposed use, and that it does not represent a risk to health or of pollution in the wider environment; and
- iv) a means of verifying the condition of the site on completion of the remedial measures.

Thereafter, no development shall commence (other than those works required to investigate and remediate contamination on the site) until written confirmation has been issued by the Council as Planning Authority that the works have been implemented and completed in accordance with the agreed details.

**Reason** - To ensure that the site is suitable for the proposed use, and that risks to the wider environment and to users of neighbouring land from on-site contamination are appropriately assessed and managed.

2. Parking provision shall be the following:
  - 6no car parking spaces
  - 1no disabled space

The car parking spaces shall be provided within the site prior to first occupation of the first unit. The car 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.

3. Notwithstanding the submitted details a visibility splay of 4.5m x 95m shall be provided and maintained thereafter in both directions onto the Public Road at the main access into The Park clear of any obstruction above 0.6m in height (measured from 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.

4. Prior to any works commencing the tree protection measures, as identified in the Tree Protection Plan and Arboricultural Impact Assessment/Method Statement. Rev C hereby approved, shall be put in place and maintained until construction work of the development has been completed, unless otherwise agreed in writing with the Council, as Planning Authority.

**Reason** - In order that the tree protection measures are provided to protect existing trees on site during construction work.

5. Notwithstanding the submitted details, the planting of 37 fruit trees adjacent to the B9011 (as identified on drawing number A106-REV G hereby approved) shall be set back at least 1.0m from the rear of the existing cycle path alongside the B9011; and thereafter the planting shall be maintained at all times no closer than 0.5m from the edge of the cycle path. All planting identified (excluding that specified above) in the approved site plan shall be undertaken in the first

planting season after completion or occupation of the development, whichever is the soonest.

**Reason:** To prevent any obstruction of the cycle path and to maintain forward visibility. In the interests of road safety and to ensure timeous delivery of the landscaping.

6. In relation to the approved landscape scheme, any trees shrubs and hedge plantings which within a period of 5 years from planting die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and spacing unless the Council, as Planning Authority gives written consent to any variation of this condition.

**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 of the amenity, appearance, character and quality of the development and the surrounding area.

7. In relation to the approved landscape scheme, all trees identified for retention shall not be removed unless otherwise agreed in writing with the Council, as Planning Authority. Any trees that die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar species in the same position unless the Council, as Planning Authority gives written consent to any variation of this condition.

**Reason** - In order to ensure that the trees are retained and to ensure there is no adverse impact on the amenity, appearance, character and quality of the development and the surrounding area.

8. The approved surface water drainage scheme shall be installed in accordance with the approved details and provided for use prior to the first occupation or completion of the development (whichever is the soonest). Thereafter, the surface water drainage shall be retained for use unless the Council, as Planning Authority gives written consent to any variation of this condition.

**Reason** - In order that the approved surface water drainage arrangements are provided in full, in accordance with the approved details.

9. The mitigation as required under section 4 of the approved habitat survey (Arizona, The Park Findhorn, Moray – Extended Phase 1 Survey by Sea A Reed, BSc MCIEEM, Reed Ecology dated 20 December 2018) and section 5 of the approved bat survey (19/052/GLD/R01 Technical Report by James Bunyan, Track Ecology, v1.1 August 12, 2019) shall be undertaken in accordance with the approved details, unless the Council, as Planning Authority gives written consent to any variation.

**Reason** - In order that the development is carried out in accordance with the approved mitigation measures as detailed in the habitat and bat survey.

## 10. PLANNING APPLICATION 19/00550/APP

### WARD 6: ELGIN CITY NORTH

## **Erection of 6 apartments at Linkwood Steading, Linkwood Road, Elgin, Moray for Springfield Properties PLC**

Councillor Macrae left the meeting at this juncture.

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

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application for the erection of 6 apartments at Linkwood Steading, Linkwood Road, 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 it is a proposal on a site designated for 50 or more houses in the Development Plan, therefore it falls out with the scope of the Council's Scheme of Delegation. The report also advised that Members of the Committee visited the site of the application on 16 August 2019.

During his introduction, Mr MacPherson, Principal Planning Officer advised the Committee of an amendment in the report in relation to the proposal to erect "6 two bedroom flats over two storeys, previously approved as 3 houses built behind the retained steading façade", which should in fact read "behind a reinstated steading façade". This was noted.

During discussion surrounding the demolition of the steading, concern was raised that the façade had been demolished due to deterioration over time as, when the original application was approved in 2016, the Committee had been quite specific that the original steading be retained. It was further queried when the Planning Service had been notified of this deterioration as some members of the Committee had no knowledge that a further application had been received to demolish the existing steading.

In response, Mr MacPherson advised that an application had been received in 2018 to demolish the existing steading which had deteriorated over time and that this had been approved under delegated powers subject to conditions, specifically to retain the façade and a number of features within the principal elevation along with the reuse of stone and slate from the steading in the new development. In June 2019 a report from a local stone mason had revealed that a lot of the stone was not salvageable therefore the current application had been received asking to rebuild the façade using as much as the original stone as possible, supplemented by similar material finishes which should be approved by the Planning Authority.

The Development Management and Building Standards Manager further suggested that, should the Committee be minded to approve the planning application, condition 2 which stipulates that a scheme of material finishes for the external walls should be submitted to and approved in writing with the Planning Authority, could be brought to the Committee for approval.

On hearing the advice from the Development Management and Building Standards Manager, Councillor Taylor moved that the Committee grant planning permission in respect of planning application 19/00550/APP, as recommended, subject to the

material finishes detailed in condition 2 being considered by the Committee and not dealt with under delegated powers. This was seconded by Councillor A McLean.

Councillor Feaver was of the view that the developer should rebuild the façade as per the decision notice issued by the Planning Authority on 19 February 2019 as there is adequate sandstone available from the nearby quarry and moved that the Committee refuse the planning application as it does not comply with policy PP3 in terms of placemaking in the Moray Local Development Plan 2015. This was seconded by Councillor R McLean.

On a division there voted:

For the motion (5): Councillors Taylor, A McLean, Alexander, Bremner and Coy

For the Amendment (2): Councillors Feaver and R McLean

Abstention (1): Councillor Cowie

Accordingly the motion became the finding of the Committee and it was agreed to grant planning permission in respect of planning application 19/00550/APP, as recommended, subject to:

- (i) the material finishes detailed in condition 2 being considered by the Committee and not dealt with under delegated powers;
  - (ii) contribution towards or modification of legal agreement prior to issue of any consent in order to incorporate developer obligations towards Primary Education (new Linkwood Primary School) and healthcare (five additional dental chairs and a new pharmacy outlet); and
  - (iii) the following conditions and reasons.
1. Notwithstanding the details shown on drawing number EL43\_STDNG\_PL01 Rev A hereby approved, the roof shall be finished in slate reclaimed from the steading that previously stood on site or a new natural slate to be agreed with the Council, as Planning Authority, prior to any development commencing.  
**Reason:** In the interests of the character of the development and surrounding area.
  2. Notwithstanding the details shown on drawing number EL43\_STDNG\_PL01 Rev A hereby approved, prior to any development commencing, a scheme of material finishes for the external walls shall be submitted to and approved in writing with the Council, as Planning Authority. This scheme must show the walls of the front south west facing elevation finished in stone reclaimed from the steading that previously stood on site and if necessary, new natural stone work incorporated, along with an appropriate arch feature to the ground floor window of the central gable. Thereafter the development shall be implemented in accordance with the approved details.  
**Reason:** In the interests of the character of the development and surrounding area.

3. The clock face, bell feature, date stone and weather vane as shown in drawing number EL43\_STDNG\_PL01 Rev A hereby approved shall be installed prior to the first occupation of the building.

**Reason:** In order to ensure the features of interest are provided as part of the consented development.

4. Prior to any development commencing, a detailed landscaping scheme shall be submitted to and approved in writing by the Council, as Planning Authority. The landscaping scheme shall show the provision of planting within the site as indicated in drawing number EL43\_STDNG\_SP\_01Rev B, along with hedgerows around the flats (as also indicated in said drawing). Thereafter, the planting shall take place in the first planting season following completion of the development.

**Reason:** In the interests of the amenity, appearance, character and quality of the development and the surrounding area.

5. In relation to the approved landscape scheme, any trees shrubs and hedge plantings which within a period of 5 years from planting die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and spacing unless the Council, as Planning Authority gives written consent to any variation of this condition.

**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 of the amenity, appearance, character and quality of the development and the surrounding area.

6. Parking provision shall be as follows:

- 10 Car parking spaces
- 4 cycle parking spaces

The parking spaces shall be provided within the site prior to the first occupation. 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.

7. No boundary fences, hedges, walls or any other obstruction whatsoever over 1.0m in height and fronting onto the public road shall be within 2.4m of the edge of the carriageway.

**Reason:** To 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.

8. The development hereby approved must also comply with the requirements of;-
  - a. The Sustainable Urban Drainage System and construction phase surface

- water management plan as approved under condition 10 of planning approval reference number 15/02032/APP.
- b. The Construction Environmental Management Plan (CEMP)\_as approved under condition 12 of planning approval reference number 15/02032/APP.
  - c. The Ground Investigation Report (Revision B) regarding any necessary contaminated land remediation works as addressed under condition 13 of planning approval reference number 15/02032/APP.

**Reason:** To ensure an acceptable form of development and to ensure compliance with those conditions of the overall planning permission for the Linkwood Steading designation that remain relevant to the current proposal.

Councillor Laing re-joined the meeting at this juncture.

**11. PROPOSAL OF APPLICATION NOTICE - 19/00686/PAN - PHASED RE-MODEL AND RE-BUILD OF EXISTING DISTILLERY INCLUDING NEW EVAPORATOR BIO-PLANT BOILER HOUSE, STILL HOUSE, TUN ROOM AND MASH HOUSE, NEW VISITORS PARKING/ACCESS AND ASSOCIATED LANDSCAPING AT ABERLOUR DISTILLERY**

A report by the Corporate Director (Economic Development, Planning and Infrastructure) informed the Committee that a Proposal of Application Notice (PAN) had been submitted on 5 June 2019 on behalf of Chivas Brothers Ltd, Aberlour Distillery, Aberlour.

During discussion surrounding the proposed development, concern was raised that the proposal encompassed an existing core path, associated parking and access to Aberlour Primary School and it was asked that the applicant be mindful of the parking associated with the current core path within and beyond the site.

The Committee also asked that the applicant be mindful of noise issues, proximity to housing, the nearby ancient woodland and any potential flooding issues.

In response, Mr MacPherson, Principal Planning Officer agreed to feed these concerns back to the applicant.

Thereafter, the Committee agreed:

- (i) to note the terms of the report and that the following provisional views/relevant issues about the proposed development be fed back to the prospective applicant in order to inform the development of their proposed formal application for planning permission:
  - a) parking associated with the current core path within and beyond the site;
  - b) noise issues;
  - c) proximity to housing;
  - d) ancient woodland;
  - e) flooding; 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.

## **12. PROPOSAL OF APPLICATION NOTICE - 19/00783/PAN - PROPOSAL OF APPLICATION NOTICE FOR HOUSING DEVELOPMENT OF 75 UNITS AND NURSING/RETIREMENT HOME AT R1 AND LONG SITE, HOPEMAN, MORAY**

A report by the Corporate Director (Economic Development, Planning and Infrastructure) informed the Committee that a Proposal of Application Notice (PAN) had been submitted on 21 June 2018 on behalf of Tulloch of Cummington Limited, Tulloch House, Forsyth Street, Hopeman.

The proposal was welcomed by the Committee however concern was raised that there were more houses proposed than originally identified for the site and it was asked that the Applicant be made aware of the Committee's concern in this regard.

In response, Mr Smith, Principal Planning Officer agreed to pass on to the Applicant the Committee's concern in relation to the proposed number of houses to be built which is more than what was originally identified.

Thereafter, the Committee agreed:

- (i) to note the terms of the report and that the following provisional views/relevant issues about the proposed development be fed back to the prospective applicant in order to inform the proposed planning application:
  - a) concern in relation to the proposed number of houses to be built which is more than what was originally identified.
- (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.

## **13. QUESTION TIME**

Councillor Feaver sought clarification in relation to the criteria used to determine why some amendments to original planning decisions come back to committee for a decision and others are left to delegated officers and the chair.

In response, the Development Management and Building Standards Manager advised that significant amendments would usually be brought back to the Committee and that determining whether an amendment was significant was a matter of judgement based on resources, committee time and staff time.

Councillor Alexander sought clarification as to whether there was a policy to remove barriers at roundabouts if damaged as they were found to be ineffective.

In response, the Head of Development Services advised that he did not have that information and would arrange for it to be issued to Councillor Alexander following the meeting.

Councillor Alexander further queried whether the proposed traffic lights at the junction at Orchard Road and Saint Catherine Road in Forres had not been

completed due to a reduction in developer obligations as the size of the proposed retail unit had reduced and asked how the Developer had received permission to reduce the size of the unit.

In response the Head of Development Services advised that the amount of developer obligations is based on an assessment of traffic generated by the development and that if the development is reduced this reduces the traffic flow which in turn reduces the amount of money that can be used for traffic lights.

The Development Management and Building Standards Manager further advised that she was not aware that the size of the proposed retail unit had been reduced and would look into this further and provide a response to Councillor Alexander following the meeting.

#### **14. BREACH OF PLANNING CONTROL ON LAND IN ELGIN [PARA 13]**

A report by the Corporate Director (Economic Development, Planning and Infrastructure) sought the Committee's authority to serve an Enforcement Notice requiring the compliance with planning conditions and removal of unauthorised development on land in Elgin.

During discussion, it was noted that signs had been erected on the building and it was queried whether consent had been requested and given for these signs.

In response, Mr MacPherson, Principal Planning Officer advised that it may be that the signage is permitted under advertisement regulations however if it is not then retrospective advertisement consent would be pursued.

The Development Management and Building Standards Manager further added that, if the Committee was minded, this could be brought to this Committee for consideration. This was agreed.

Thereafter, the Committee agreed:

- (i) to serve a Breach of Condition Enforcement Notice requiring the owner of the site to comply with the terms of the Notice by complying with planning condition 2 on the consented planning application;
- (ii) to serve an Enforcement Notice requiring the owner of the site to comply with the terms of the Notice by removing the unauthorised development; and
- (iii) that any retrospective consent received in connection to signage on the existing development be considered by this Committee.