

## **MORAY COUNCIL**

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

**15 SEPTEMBER 2020**

#### **REMOTE LOCATIONS VIA VIDEO CONFERENCE**

#### **PRESENT**

Councillors Bremner (Chair), Cowe, Cowie, Coy, Divers, Edwards, Feaver, Macrae, A McLean, R McLean, Nicol, Powell and Warren

#### **APOLOGIES**

Apologies for absence were intimated on behalf of Councillor Brown

#### **IN ATTENDANCE**

Head of Economic Growth and Development, Development Management and Building Standards Manager, Mr N MacPherson, Principal Planning Officer, Mr R Smith, Principal Planning Officer, Strategic Planning and Development Manager, Mrs D Anderson, Senior Engineer (Transportation), Ms L MacDonald, Senior Planning Officer, Mr K Henderson, Planning Officer, Legal Services Manager and Mrs L Rowan, Committee Services Officer as Clerk to the Meeting

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

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillor Divers declared a personal interest in items 6, 7 and 12 as his son is employed by the Applicant. He advised that he would take no part in the determination of item 6 Planning Application 20/00015/APP and item 7 Planning Application 20/00316/APP however, having checked with the Legal Adviser, he would take part in item 12 20/00274/PAN, as it is a Proposal of Application Notice.

There were no other 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 declarations of Member's interests in respect of any item on the agenda.

#### **2. MINUTE OF THE PLANNING AND REGULATORY SERVICES COMMITTEE DATED 25 FEBRUARY 2020**

The minute of the meeting of the Planning and Regulatory Services Committee dated 25 February 2020 was submitted and approved.

#### **3. WRITTEN QUESTIONS**

The Committee noted that no written questions had been submitted.

#### **4. PLANNING APPLICATION 19/01567/APP**

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

##### **Phased remodel and rebuild of existing distillery including new evaporator bio plant boiler house still house tun room mash room new visitor parking with access bridge and associated landscaping at Aberlour Distillery Aberlour Moray AB38 9PJ for Chivas Brothers Ltd**

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application for a phased remodel and rebuild of existing distillery including new evaporator bio plant boiler house still house tun room mash room new visitor parking with access bridge and associated landscaping at Aberlour Distillery Aberlour Moray AB38 9PJ for Chivas Brothers Ltd.

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 2009 for a general industrial development on a site which exceeds 2ha.

During his introduction of the report, Mr Smith, Principal Planning Officer advised that there should be an amendment to condition 18 to read that “water tanks shall not be below 90.10mAOD”, instead of “be in excess of” as the purpose of this condition is to avoid the water table. This was noted.

During discussion, it was noted that whist condition 26 addressed the need for an external lighting scheme for the development, there was no reference to lighting during construction and it was queried whether a condition could be added to address this.

In response, the Development Management and Building Standards Manager advised that an amendment could be made to Condition 26 to omit “external lighting scheme for the development” and insert “external lighting scheme during construction phases and for the lifetime of the development”. This was agreed.

Thereafter, the Committee agreed to grant planning permission, as recommended, in respect of Planning Application 19/01567/APP subject to:

- (i) the adoption of the “appropriate assessment” set out in Appendix 2 of the report, prior to issue;
- (ii) an amendment to condition 18 to read that “water tanks shall not be below 90.10mAOD”, instead of “be in excess of”;
- (iii) an amendment to condition 26 to omit “external lighting scheme for the development” and insert “external lighting scheme during construction phases and for the lifetime of the development”; and
- (iv) the following conditions and reasons:
  - 1. Prior to the commencement of works on site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the

Planning Authority in consultation with Transport Scotland. The Construction Traffic Management Plan shall include details relating to:

- a) Traffic Management measures including accommodation works to manage construction traffic;
- b) Measures to minimise traffic impacts on existing road users;
- c) Measures to accommodate pedestrians and cyclists;
- d) Details of temporary signage and
- e) Details of construction vehicle routing.

**Reason:** To minimise interference with the safety and free flow of the traffic on the trunk road.

2. Prior to the commencement of any deliveries to site, the proposed route for any abnormal loads on the trunk road network must be approved by the Council, as Planning Authority in consultation with Transport Scotland prior to the movement of any abnormal load. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved and undertaken by a recognised QA traffic management consultant, also to be approved by the Council as Planning Authority in consultation with Transport Scotland before deliveries commence.

**Reason:** To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network.

3. Prior to development commencing and first use of the proposed temporary access on the A95 trunk road, as shown in Blyth & Blyth Drawing No. EC21778:95-005, this access shall be constructed to a layout and type (and method) of construction to be approved by the Planning Authority, after consultation with Transport Scotland.

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

4. On completion of the construction of the proposed new road bridge and visitor car park, the temporary access onto the A95, as referred to in Condition 3 above, shall be permanently closed and the A95 trunk road reinstated in accordance with a restoration scheme which has been agreed by the Council, as Planning Authority, in consultation with Transport Scotland. This shall include re-instatement of all land affected by the temporary access road.

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

5. Vehicle wheel washing facilities shall be installed and brought into operation on the site, the design and siting of which shall be subject to the prior approval of the Planning Authority, after consultation with Transport Scotland.

**Reason:** To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.

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

- duration of works;
- construction programme;
- number of vehicle movements
- anticipated schedule for delivery of materials and plant;
- full details of any temporary construction access;
- 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.

7. No works in connection with the development hereby approved shall commence unless a Level 1 archaeological standing building survey of the extant buildings and structures on the application site has been undertaken and has been submitted to and approved in writing by the planning authority. The standing building survey shall not be undertaken unless its scope has been approved in writing by the planning authority. The survey must be in a digital format and must be clearly marked with the planning reference number.

**Reason:** To ensure that a historic record of the building is made for inclusion in the National Record of the Historic Environment and in the local Historic Environment Record.

8. Construction works (including vehicle movements) associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0700 – 1900 hours, Monday to Friday and 0800 – 1600 hours on Saturdays only, and at no other times out with these permitted hours (including National Holidays) shall construction works be undertaken except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited periods of construction works to be undertaken out with the permitted/stated hours of working

**Reason:** To protect the amenity of surrounding residential properties from the harmful effects of noise associated with the construction of the development

9. Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Planning Authority in consultation with the Environmental Health Manager and SEPA. The plan shall include measures to minimise construction related noise, dust and artificial lighting along with measures to prevent pollution of surrounding environment arising from the construction of distillery. This shall be submitted at

least 2 months prior to commencement of any works on site. Thereafter the development will be carried out in accordance with the agreed plan.

**Reason:** To protect the amenity of surrounding residential properties from the harmful effects of noise associated with the construction of the development and to ensure the construction works do not pollute surrounding water courses.

10. Any noise egress point (ie exhaust terminals or louvres) from the Evaporator Building should be attenuated so as to achieve an equivalent continuous sound pressure level  $L_{Aeq}$  of 50 dB at 3m from the façade.

**Reason:** To protect the amenity of surrounding residential properties from the effects of noise associated with the operation of the development

11. The exhaust terminals or louvres to be installed on the Evaporator Building shall face south.

**Reason:** To protect the amenity of surrounding residential properties from the harmful effects of noise associated with the operation of the development

12. Unless otherwise agreed in writing with the Planning Authority, all louvres in the Evaporator Building and Still House shall be fitted with 300mm deep double bank chevron configuration acoustic louvres as described in Appendix 5 of the noise impact assessment supporting document by Robin Mackenzie Partnership, dated 10<sup>th</sup> December 2019, Report No. R -8573-RRM and titled "Noise Impact Assessment: Aberlour Distillery, Charlestown, Banffshire, AB 38 9PJ".

**Reason:** To protect the amenity of surrounding residential properties from the harmful effects of noise associated with the construction of the development.

13. All external motors/pumps within 90 metres from the dwelling boundaries with direct line of sight, including the Spirit Tank Pumphouse, shall be located internally with attenuated louvered doors.

**Reason:** To protect the amenity of surrounding residential properties from the harmful effects of noise associated with the operation of the development

14. The Still House louvres shall be positioned to ensure they face either north or south.

**Reason:** To protect the amenity of surrounding residential properties from the harmful effects of noise associated with the construction of the development

15. The mitigation measures in conditions 8 to 14 inclusive arise from that identified throughout Section 6 of the noise impact assessment supporting document by Robin Mackenzie Partnership, dated 10 December 2019, Report No. R -8573-RRM and titled "Noise Impact Assessment: Aberlour Distillery, Charlestown, Banffshire, AB38 9PJ" and shall be implemented to ensure that the rating level of noise associated with the development shall not exceed the background sound level by more than 5 dB. 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:** To protect the amenity of surrounding residential properties from the harmful effects of noise associated with the operation of the development.

16. The recommended mitigation and compensation measures regarding the protection and enhancement of protected species and habitat for the site (including the timescales for their implementation) as detailed within the accompanying Ecological Impact Assessment on behalf of Aberlour Distillery (Chivas Brothers Ltd) by Blythe & Blythe (in collaboration with Ecos Countryside Services LLP) dated 6 December 2019 and Bat Survey Report by Black Hill Ecology Ltd y shall be strictly adhered to by the developer, unless otherwise agreed in writing by the Council, as Planning Authority in consultation with Scottish Natural Heritage. These measures shall include the submission and approval pre-construction surveys and mitigation (species protection plans, where required) in relation to otters, red squirrel and badgers as recommended in the aforementioned Ecological Assessment.

**Reason:** To ensure the adequate protection and enhancement of ecological features of the River Spey SAC and the interests of the protected species within it.

17. Unless otherwise agreed in writing with the Council as Planning Authority the waste water drainage from the site will be connected to the public sewer.

**Reason:** In order to prevent any prevent any pollution impacts on the water environment

- 18: No dewatering in connection with the construction of the proposed development shall occur and foundations for the water tanks shall not be below 90.10mAOD unless otherwise agreed by the Planning Authority in consultation with SEPA.

**Reason:** In order to prevent any significant impacts on groundwater.

19. No tree felling shall commence on site until a woodland planting scheme to compensate for the removal of woodland from the site has been submitted to and approved in writing by the Council, as Planning Authority in consultation with Scottish Forestry. The replanting scheme must 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. The scheme submitted for approval must include:-

- a) details of the location of the area to be planted as indicated in the submitted landscape plan No. ZZ-DR-A-00900 P03.
- b) the nature, design and specification of the proposed woodland to be planted (to be mixed native species, at minimum stock density of 1600 trees per hectare);
- c) the phasing and associated timescales for implementing the Replanting Scheme;
- d) proposals for the maintenance and establishment of the Replanting Scheme, including; annual checks; replacement planting; fencing; ground preparation; and drainage etc; and
- e) proposals for reporting to Moray Council on compliance with timescales for obtaining the Necessary Consents and thereafter implementation of the Replanting Scheme (to be carried out by a suitably qualified person(s))

with relevant forestry qualifications, technical abilities and experience e.g. chartered forester).

The approved Replanting Scheme shall thereafter be implemented in full and in accordance with the phasing and timescales set out therein, unless otherwise agreed in writing by the Planning Authority in consultation with Scottish Forestry.

**Reason:** In order to ensure compensatory woodland planting is provided to mitigate for that lost as a result of the development.

20. That all tree works and tree protection measures on the development site shall be carried out in accordance with those detailed in the submitted Tree Protection Plan by SCOTTISH ARBORICULTURAL SERVICES dated 24 August 2020, unless otherwise agreed in writing with this Council as Planning Authority. No trees, shrubs or hedgerows on the site other than those identified in the abovementioned Protection Plan shall be removed without the prior written consent of the Council, as Planning Authority.

**Reason:** In order to protect trees and shrubs within the site.

21. The mitigation and enhancement measures as recommended in the submitted Site Biodiversity Action Plan prepared by ECOS COUNTRYSIDE SERVICES LLP dated 24 August 2020 (see Table 9.0, pages 17 - 19), shall be fully implemented by the developer, unless otherwise agreed in writing with this Council as Planning Authority.

**Reason:** In order to protect and enhance biodiversity interests on the site.

22. No development shall commence until details of the proposed Electric Vehicle Charge Point (as shown on Drawing ZZ-DR-A-00113 Rev K) have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. Details shall confirm the provision of a charging unit within a minimum output of not less than 22Kw (Rapid).

Thereafter, unless otherwise agreed by the Planning Authority in consultation with the Roads Authority, the proposed Electric Vehicle (EV) charging unit must be provided and operational prior to the car park opening to visitors.

**Reason:** In the interests of an acceptable form of development and the provision of infrastructure to support the use of low carbon transport, and the provision of details currently lacking from the submission.

23. The surface water drainage SUDS arrangements detailed in the approved drawings, Drainage Impact Assessment prepared by Blyth and Blyth dated 29 Nov 2019 and Flood Risk Assessment prepared by Royal Haskoning DHV dated 16 December 2019 shall be installed prior to first occupation of the development or completion of building works whichever is sooner, unless otherwise agreed.

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

24. No development shall commence until details of the temporary closure and diversion arrangements of the section of Core Path CP-SP25 affected by the proposal shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter the development will be carried out in accordance with these agreed details.

**Reason:** To protect access rights in the affected area during construction works.

25. No development shall commence until detailed specifications of all material finishes to the buildings on the development have been submitted to and approved in writing by the Council as Planning Authority. Thereafter the development will be carried out in accordance with these agreed details.

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

26. No development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Environmental Health Manager regarding details of an external lighting scheme during construction phases and for the lifetime of the development. The required scheme shall:

- a) be designed to minimise the use of external lighting within and around the boundaries of the site, and the effects of light spills and glare upon the surrounding area beyond the site boundary; and
- b) provide details of all required/proposed external lighting arrangements, whether free-standing or affixed to buildings/structures or similar during both the construction and operation of the development (which, for the latter, shall include low level lighting to light internal work spaces between buildings rather than around the exterior of the building/the site); and
- c) include the location and design specifications (including both candela and lux rating information) for all lighting to be installed and the time- periods for operation together with specifications for all mitigation measures to be introduced and designed to minimise the impact of lighting within and beyond the site boundary (for example, light hoods and louvres, orientation and angle of downward inclination of lamps, self diming lights, etc.)

Thereafter, the external lighting arrangements shall be implemented in accordance with the approved details and no further external lighting shall be provided, installed or used throughout the lifetime of the development except where otherwise agreed in writing with the Council, as Planning Authority.

**Reason:** Details of the matters specified are lacking from the applicant's submission and to ensure an acceptable form of development in particular to minimise the potential for light pollution disturbance upon the visual amenity of the surrounding area and nearby residential properties.

27. No development shall commence until detailed drawings of the road and foot bridge(s) and associated bank works have been submitted to and approved by the Council, as Planning Authority in consultation with SEPA and Flood Risk Management. These details shall be in line those modelled in the accompanying Flood Risk Assessment prepared by Royal Haskoning DHV



dated 16 December 2019. Thereafter the development will be carried out in accordance with these agreed details

**Reason:** Details of the matters specified are lacking from the applicant's submission and to ensure an acceptable form of development which does not increase flood risk.

28. No development shall commence until a revised landscape scheme has been submitted to and approved in writing by the Council, Planning Authority. This shall be closely based on the Landscape Plan drawing number ZZ-DR-A-00900 P03 and include the following additional information:-

- 1) details of additional tree/hedge planting (including species, positions and height) along the eastern edge of the visitor car park;
- 2) details including species, positions, spacing and height of all new planting; and
- 3) maintenance arrangements for all new planting on the site for the lifetime of the development.

Thereafter the development will be carried out in accordance with these agreed details.

**Reason:** To ensure that the car parking integrates sensitively with its surroundings and to enhance biodiversity value of this part of the site and as details regarding planting specifications and maintenance are lacking from the application.

29. The timescale for provision of the visitor car park shall be in accordance with the Proposed Phasing Plan drawing number EC21778.05:001 Rev D.

**Reason:** To ensure timeous provision of infrastructure in accordance with the phasing plan and an acceptable form of development.

## **5. PLANNING APPLICATION 20/00015/APP**

Councillor Divers, having declared a personal interest in this item, took no part in the debate or decision.

### **WARD 2: BUCKIE**

#### **Retrospective substitution and relocation of house types on plots 78-82 and 91-94 at Inchgower View Buckie Moray for Springfield Properties PLC**

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application for a retrospective substitution and relocation of house types on plots 78-82 and 91-94 at Inchgower View Buckie 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 relates to house types not previously considered in a larger development previously considered and approved by this Committee.

Following consideration, the Committee agreed to grant planning permission, as recommended, in respect of Planning Application 20/00015/APP subject to the following conditions and reasons:

1. The development hereby approved forms part of, and is related to, the development granted planning permission under decision notice 16/00620/APP dated 28 March 2017. All the terms and conditions attached to that permission are hereby reiterated and remain in force insofar as they relate to the development hereby approved, including any details already approved to discharge conditions.

**Reason:** In order to ensure a satisfactory form of development and that it progresses in accordance with the already approved and required details and that only one permission is implemented, the re-positioning of houses on plots being considered as an acceptable alternative to that already approved and not an addition thereto.

2. Within 2 months of obtaining planning permission, details must be submitted for written approval by the Council as Planning Authority for the modification of landscaping in the area immediately north-west of plot 94 adjacent to the roadway. The landscaping in this area, must thereafter be carried out in accordance with the approved details and accord with the relevant landscape maintenance conditions 14 and 17 as stated in planning permission under decision notice 16/00620/APP dated 28 March 2017.

**Reason:** In order to ensure the amended layout provides the appropriate landscaping.

## **6. PLANNING APPLICATION 20/00316/APP**

Councillor Divers, having declared a personal interest in this item, took no part in the debate.

Councillor Macrae left the meeting during discussion of this item.

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

#### **Amended private and affordable house types at Village Garden Elgin South Elgin Moray for Springfield Properties PLC**

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application for amended private and affordable house types at Village Garden Elgin South 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 relates to house types not previously considered in a larger development, previously considered and approved by this Committee.

Following consideration, the Committee agreed to grant planning permission, as recommended, in respect of Planning Application 20/00316/APP subject to the following conditions and reasons:

1. The development as hereby granted forms part of, and is related to, a development granted planning permission under formal decision notice 18/01209/APP dated 16 May 2019 wherein:
  - a) the terms and conditions as attached to the permission granted under formal decision notice 18/01209/APP are hereby re-iterated and remain in force in so far as they relate to the development hereby approved, including any details already approved thereunder to discharge the requirements of the identified conditions; and
  - b) no part of the development as hereby granted shall be exercised in conjunction with, or in addition to, the house design and plot layout details already approved for this development.

**Reason:** To ensure a satisfactory form of development and that it progresses in accordance with the already approved and required details, and that only one permission is implemented on the plots covered by this application, the design and plot layout arrangements as now proposed/hereby approved, including changes in design and levels are considered as an acceptable alternative to that already approved and not an addition thereto.

2. Unless otherwise agreed, the total number of house units to be constructed within the Village Garden Character area, as defined under planning approval 18/01209/APP dated 16 May 2019 shall remain no more than 66 units, of which 25 at least must remain affordable and 6 must remain accessible housing units.

**Reason:** In order to avoid any ambiguity regarding the overall number of units to be provided on site, and the proportion of which are to remain private, affordable and accessible.

3. Prior to development commencing, details must be provided clarifying which house units will demonstrate compliance with the accessible housing requirements contained within the Accessible Housing policy guidance on page 41 of the adopted Moray Local Development Plan 2020. The identified house units shall thereafter be built in accordance with approved accessible house details.

**Reason:** In order to ensure that the accessible house units are provided and to ensure that they are compliant with accessible housing specifications of the adopted local development plan.

## **7. PLANNING APPLICATION 19/01178/APP**

### **WARD 5: HELDON AND LAICH**

**Substitute approved 2no blocks of 4 unit apartments with 2no blocks of 6 unit apartments and enlarged garage blocks on Plots 29 And 30 Inchbroom Lossiemouth Moray for Tulloch Of Cummingston Ltd**

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application to substitute approved 2no blocks of 4 unit apartments with 2no blocks of 6 unit apartments and

enlarged garage blocks on Plots 29 and 30, Inchbroom, Lossiemouth, Moray for Tulloch Of Cummingston Ltd.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation, as it involves development on a site identified for more than 50 units in the Moray Local Development Plan 2020.

Following consideration, the Committee agreed to grant planning permission, as recommended, in respect of Planning Application 19/01178/APP subject to:

- (i) securing a payment of developer obligations for healthcare and towards affordable housing;
- (ii) the determination of Planning Application 20/00265/APP; and
- (iii) the following conditions and reasons:
  - 1. The development as hereby granted forms part of, and is related to, a development granted planning permission under formal decision notice 08/01685/FUL dated 10 February 2010 (subsequently amended by 20/00265/APP) wherein:
    - a) the terms and conditions as attached to the permission granted under formal decision notice 08/01685/FUL and 20/00265/APP are hereby reiterated and remain in force in so far as they relate to the development hereby approved, including any details already approved thereunder to discharge the requirements of the identified conditions; and
    - b) no part of the development as hereby granted shall be exercised in conjunction with, or in addition to, the house design and plot layout details already approved for this development.

**Reason** - To ensure a satisfactory form of development and that it progresses in accordance with the already approved and required details, and that only one permission is implemented on the plots covered by this application, the design and plot layout arrangements as now proposed/hereby approved, including changes in design and levels are considered as an acceptable alternative to that already approved and not an addition thereto.

- 2. No development shall commence until details of a communal bin storage area, capable of accommodating bins for the 12 flats hereby consented, located outwith any visibility splays have been submitted to, 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.

- 3. The surface water drainage shall be provided for use for their respective block of flats in line with the details approved as part of this application prior to the occupation of any flat within the block or completion of the entire block of flats, whichever is the soonest.

**Reason** - In order to ensure the flats are served by appropriate surface water drainage.

4. No development shall commence until a detailed drawing (scale 1:200) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority showing the provision of, or location where a future Electric Vehicle (EV) charging unit for each flat is to be connected to an appropriate electricity supply, including details (written proposals and/or plans) to confirm the provision of the necessary cabling, ducting, and consumer units capable of supporting the future charging unit; and thereafter the EV charging infrastructure shall be provided in accordance with the approved drawing and details prior to the first occupation of each flat.

**Reason** - In the interests of an acceptable form of development and the provision of infrastructure to support the use of low carbon transport, through the provision of details currently lacking.

5. No development shall commence until a scheme (drawn to scale) showing the location of the proposed tree planting (including species and height), in accordance with the landscape scheme approved as part of this application; and the measures to be taken to protect any existing trees, shrubs and hedgerows on and adjoining the site during construction has been submitted to and approved by the Council, as Planning Authority. Thereafter the protection measures shall be implemented prior to any development commencing and be retained until completion of the development.

**Reason** - In order that detailed consideration can be given to the landscaping of the site and suitable protection given to existing trees.

6. No development shall commence until details regarding the installation of fibre broadband connection for each residential unit (to be provided prior to occupation of each unit) have 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, unless otherwise agreed in writing by the Council.

**Reason** - To ensure the residential units hereby approved are served by appropriate high speed internet connections, in accordance with policy PP3 – Infrastructure and Services of the Moray Local Development Plan 2020.

7. That all planting, seeding or other features forming part of the approved Landscaping/Biodiversity Plan shown on drawing number IB29&30 / BW / 03 C, as well as that required under condition 5 shall be carried out in the first planting and seeding seasons following the occupation of the last block of flats; 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** - To ensure that the development retains, enhances and protects features of biological interest on the site and provides for their appropriate management and maintenance.

## **8. PLANNING APPLICATION 20/00265/APP**

### **WARD 5: HELDON AND LAICH**

**Application under section 42 to vary condition 3(VI) of planning consent 08/01685/FUL (requiring provision of new link road from B9103 to A941 upon completion of 25 units) to instead require upgrade of existing junction of B9103 with A941 and footway improvements prior to completion/occupation of Plot 29A-F and prior to commencement of Plot 30A-F at Inchbroom Pines Development Lossiemouth Moray for Tulloch Of Cummingston Ltd**

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application under Section 42 to vary condition 3(VI) of planning consent 08/01685/FUL (requiring provision of new link road from B9103 to A941 upon completion of 25 units) to instead require upgrade of existing junction of B9103 with A941 and footway improvements prior to completion/occupation of Plot 29A-F and prior to commencement of Plot 30A-F at Inchbroom Pines Development, Lossiemouth, Moray for Tulloch Of Cummingston Ltd.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as the original application was previously reported to the Committee and the Appointed Officer considers that significant amendments are proposed to this consent.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 20/00265/APP subject to:

- (i) completion of a variation to the existing legal agreement; and
- (ii) the following conditions and reasons:
  - 1. The following items shall be submitted for the approval in writing of the Planning Authority and provided in line with the specified triggers;
    - i) A scheme for the upgrading of the existing footway along the frontage of the site on the B9013 Inchbroom Road to a combined cycleway/footway including street lighting from the Phase 1 Development Access to the Phase 2 Development Access to be provided prior to the first occupation of Phase 2.
    - ii) A scheme for the widening of the B9013 Inchbroom Road to a minimum width of 5.5 metres along the frontage of the site, including the location of the new speed limit signs to be provided prior to the first occupation or completion of plot 29A-F (whichever is the soonest) and prior to any work commencing on plot 30A-F.
    - iii) The upgrade and widening of footways and junctions as shown in drawing numbers INC/FTI/02 and INC/FTI/05 Rev A, to be completed and provided for use prior to the first occupation or completion of plot 29A-F (whichever is the soonest) and prior to any work commencing on plot 30A-F.

**Reason:** In the interests of achieving an acceptable form of development to provide:

- i) safe and suitable access for pedestrians and cyclists along the site frontage of Inchbroom Road.
- ii) additional road width along the frontage of the site to enable two vehicles to safely pass each other.
- iii) safe and suitable access for pedestrians to the development from the A941 Elgin Road along Inchbroom Road.

2. The construction of Phase 2 of the development shall not commence until the completion of Phase 1.

**Reason:**

- To ensure acceptable pedestrian and roads infrastructure to access the development.
- To ensure acceptable development that does not create any hazard to road users in the interests of road safety.
- To ensure acceptable infrastructure at the development access.
- To enable drivers of vehicles to undertake manoeuvres safely and with the minimum interference to the safety and free flow of traffic on the public road.
- To enable drivers of vehicles entering or exiting the site to undertake the manoeuvre safely and to ensure the safety and free flow of traffic on the public road.
- 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.
- To ensure the construction of an acceptable access in the interests of road safety and effective drainage infrastructure.
- To ensure the provision for vehicles to enter/exit in a forward gear in the interests of the safety and free flow of traffic on the public road.
- To ensure an acceptable access in the interests of road user safety.

3. The width of the vehicular accesses from the B9013 Inchbroom Road shall be 5.5 metres.

**Reason:** To enable acceptable vehicular access to the development in the interests of road safety.

4. A visibility splay of 4.5m by 70m shall be provided at both development accesses onto the B9013 Inchbroom Road. These splays shall be clear of any obstruction above 0.26 metres in height.

**Reason:** To enable drivers to 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.

5. The width of individual vehicular accesses shall be 2.4m-3.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The section of the accesses over the prospective public footpath/verge shall be to the Moray Council Specification and surfaced in bitmac.

**Reason:** To enable acceptable vehicular access to individual properties within the development in the interests of road safety.

6. No boundary fences, hedges, walls or any obstruction whatsoever over 1.0m in height and fronting onto the public road/prospective public road shall be within 2.4m of the edge of the carriageway (see informative notes).

**Reason:** To enable drivers to vehicles leaving individual 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.

7. No water shall be permitted to drain, or loose material be carried onto the prospective public footpath/carriageway.

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

8. Drop kerbs shall be provided across individual accesses to the Moray Council Roads Service Specification.

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

9. Parking provision shall be as follows:

1.5 spaces for apartments up to 2 bedrooms;  
2.0 spaces for apartments with 3 or more bedrooms;  
2.0 spaces for houses with 3 bedrooms or less; and  
3.0 spaces for houses with 4 or more bedrooms.

**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.

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

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

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

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

12. Parking provision shall be outwith visibility splays.

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

13. Minor access of 'Novel' roads shall be designed as 'open plan' with no fencing along the rear of service verges (see informative notes).

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



14. Driveways over service verges shall be constructed to take vehicles and shall be finished in bituminous macadam.

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

15. Acoustic double glazing shall be installed in all living apartments and consist of 2 panes of 4mm thick glass separated by a 16mm cavity. The Specification and acoustic performance shall be in accordance with section 3.4 of the Noise Impact Assessment titled "Report on Air traffic Noise for Tulloch of Cummingston at Inchbroom Road, Lossiemouth, Moray by Charlie Fleming Associates, Acoustical Consultants Noise Control Engineers, 16th October 2008 - Document 14651."

**Reason:** In the interests of ensuring an acceptable form of development.

16. Acoustically attenuated ventilators shall be installed in south-west facing bedrooms of house numbers 4 to 12, 44 to 47 and 49. They shall also be installed in east facing bedrooms of houses 49 to 54. The attenuated ventilators shall have an element normalised level difference,  $D_{n,e}$ , of at least 32dB in the 500Hz octave band.

**Reason:** In the interests of ensuring an acceptable form of development.

17. No development shall commence until details of the gas protection measures to be installed within the property have been approved in writing by the Council (as Planning Authority). The details shall include the following and the gas protection measures shall be installed in accordance with the approved details:

- a full technical specification of the gas protection measures, including the membrane, to be installed;
- full details of the appropriately qualified person responsible for installing the gas protection measures;
- full details of the exact siting and extent of the gas protection measures;
- full details of the means by which it will be ensured that the gas protection measures will be fully protected during and after installation. These details must demonstrate that the gas protection measures will prevent impacts from contamination migration and gas migration;
- the timescale for installing the gas protection measures; and the Council as Planning Authority shall be notified of the date for installing the membrane no later than 7 days before its intended installation (contact the Environmental Health Section on 01343 563345 or by writing to the Environmental Health Manager, The Moray Council, Council Offices, High Street, Elgin IV30 1BX).

**Reason:** In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground gases.

18. Any extension, garage, shed, greenhouse, outbuilding and conservatory or summerhouse not requiring planning consent shall not be erected until details of a gas proof membrane to be installed under the building or other gas protection measures have been approved in writing by the Council (as Planning Authority). The details shall include the following and the gas protection measures shall be provided in accordance with the approved details:

- a full technical specification of the gas protection measures to be provided;
- full details of the appropriately qualified person responsible for installing the gas protection measures;
- full details of the exact siting and extent of the gas protection measures;
- full details of the means by which it will be ensured that the gas protection measures will be fully protected during and after installation. These details must demonstrate that the gas protection measures will prevent impacts from contamination migration and gas migration;
- the timescale for providing the gas protection measures; and the Council as Planning Authority shall be notified of the date for installing the membrane or gas protection measures no later than 7 days before the intended installation/provision (contact the Environmental Health Section on 01343 563345 or by writing to the Environmental Health Manager, The Moray Council, Council Offices, High Street, Elgin IV30 1BX).

**Reason:** In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground gases.

- 19 No development (apart from that required for remediation) shall commence until all necessary works to remediate contamination on the site have been carried out in accordance with the details of the required remediation measures which have previously been submitted to and approved by the Council, as Planning Authority in consultation with the Council's Environmental Health (Contaminated Land) Section where:

- a) The required remediation measures shall be fully implemented as detailed and described in the applicants Contamination Remediation Method Statement dated 9th March 2007.
- b) Notification of the date of commencement of remediation works shall be given to the Council, as Planning Authority not less than 7 days before the development commences (contact Environmental Health Manager, Council Offices, High Street, Elgin, IV30 1BX, tel: 01343 563345).

Should any subsequent or previously undiscovered contamination be found during the development of the site, then all works should cease and the Planning Authority in consultation with the Environmental Health Section (Contaminated Land) be contacted immediately, after which measures to remediate these areas should be agreed in writing and implemented as per the approved revised remediation statement.

**Reason:** In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground gases.

- 20 That prior to the commencement of development, detailed proposals for the location and long term delivery of the affordable housing requirement for the development shall be submitted for the approval in writing of the Moray Council, as Planning Authority.

**Reason:** To ensure an acceptable form of development in accordance with affordable housing policy.

- 21 That the tree identified on the application plans as containing a red squirrel drey and the cluster of trees surrounding this shall be retained and protected

throughout the lifetime of the development. Any further trees suspected of containing possible dreys must be protected during development, and the advice/permission of SNH sought prior to the commencement of any tree felling operations.

**Reason:** In the interests of nature conservation.

## **9. PLANNING APPLICATION 19/01090/APP**

### **WARD 5: HELDON AND LAICH**

#### **Erect 9 dwellinghouses on Site At Barnhill Farm Pluscarden Moray for Mr Ken Bowlt**

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 9 dwellinghouses on Site At Barnhill Farm Pluscarden Moray for Mr Ken Bowlt.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as, following the consultation process, the Appointed Officer considers that the application raises matters of wider community interest and/or planning significance.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 19/01090/APP subject to:

- (i) the completion of a Section 75 Legal Agreement to cover developer obligations and affordable housing contribution; and
- (ii) the following conditions and reasons:
  - 1. Notwithstanding the submitted details, no development shall commence until a consolidated landscaping plan has been submitted to, and approved in writing by, the Council, as Planning Authority. Details of the scheme shall include:
    - (i) All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
    - (i) The location and design, including materials, of any existing or proposed walls, fences, hedgerows and gates to be erected within the site; and
    - (iii) All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and the planting densities.
    - (iv) All trees inclusive of the 15 Oak and 25 Rowan trees are to be a minimum of 1.5m in height at the time of planting.

Thereafter, all landscaping works shall be carried out in accordance with the approved scheme.

**Reason** - In order that further and final consideration can be given to the landscaping provision for the site.

- 2. No development shall commence until details of the timescales and maintenance arrangements for all proposed landscaping 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.

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

3. The development shall be carried out in accordance with the Tree Survey (report and schedule inclusive of tree protection measures). 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 asset.

4. Unless otherwise agreed in writing by the Planning Authority, all foul and surface water drainage proposals shall be carried out in accordance with the submitted Drainage Assessment and Flood Statement by Gary Mackintosh and submitted in support of the application. 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

5. No demolition or any other works in connection with the development hereby approved shall commence unless a photographic survey of the existing buildings and structures on the application site has been submitted to and approved in writing by the planning authority. All external and internal elevations of the buildings and structures together with the setting of the buildings and structures and any unusual features of the existing buildings and structures shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.

**Reason:** To ensure that a historic record of the building is made for inclusion in the National Monuments Record for Scotland and in the local Sites and Monuments Record.

6. Unless otherwise agreed in writing by the Planning Authority, the development must be carried out in accordance with the recommendations of the submitted Ecological Assessment: Protected Species, Walk-Over & Phase 1 Survey Report by M.D. Canham.

**Reason:** In the interest of ecological conservation.

7. No development shall commence until:
  - i) a detailed drawing (scale 1:500) showing the location and design of three passing places on the C3E Elgin – Pluscarden Road (to the Moray Council standards and specification), shall be submitted to and approved in writing by the Council, as Planning Authority in consultation with the

Roads Authority; and

- ii) thereafter the passing places shall be constructed in accordance with the approved drawing prior to any development works 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:

- i) a detailed drawing (scale 1:500 which shall also include details to demonstrate control of the land ) showing the visibility splay 4.5 metres by 90 metres to the north-east of the site access and 4.5 metres by 120 metres to the south-west of the site access, with all boundaries set back to a position behind the required visibility splay, and a schedule of maintenance for the splay area shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority; and
- ii) the visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and
- iii) thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.26 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.

**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.

9. No development shall commence until a detailed drawing (scale 1:200) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority confirming the provision of, or location where a future Electric Vehicle (EV) charging unit for each dwellinghouse is to be connected to an appropriate electricity supply, including details (written proposals and/ or plans) to confirm the provision of the necessary cabling, ducting, and consumer units capable of supporting the future charging unit; and thereafter the EV charging infrastructure shall be provided in accordance with the approved drawing and details prior to the first occupation of each dwelling house.

**Reason:** In the interests of an acceptable form of development and the provision of infrastructure to support the use of low carbon transport, through the provision of details currently lacking.

10. The width of the vehicular access shall be 5.5 metres and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. A refuse storage area and turning facility for refuse collection vehicles shall be provided as part of the access arrangements to The Moray Council specification and surfaced with bituminous macadam. The access,

refuse storage area and turning facility shall be provided prior to the completion or first occupation of the first dwelling, whichever is sooner.

**Reason:** To ensure acceptable infrastructure at the development access and to provide facilities for the storage and collection of refuse generated by the development.

11. Parking provision shall be as follows:

- 2 car parking spaces per dwelling with up to three bedrooms; and
- 3 car parking spaces per dwelling with four or more bedrooms.

The car parking spaces shall be provided within each plot prior to the occupation or completion of each dwelling, 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 an acceptable development in terms of parking provision and amenity of the area.

## **10. PLANNING APPLICATION 19/00293/APP**

Councillor Cowe left the meeting during consideration of this item.

### **WARD 8: FORRES**

#### **Proposed residential development with associated roads infrastructure, landscaping and boundary treatment on Site R1, Grantown Road, Forres, Moray for Tulloch Homes Ltd & Ellis Properties Ltd & Fraysia Ltd**

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application for a proposed residential development with associated roads infrastructure landscaping and boundary treatment on Site R1, Grantown Road, Forres, Moray for Tulloch Homes Ltd & Ellis Properties Ltd & Fraysia Ltd.

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 2009 for a development of more than 50 houses, and the site exceeds 2ha.

During his introduction of the report, Mr Smith, Principal Planning Officer asked the Committee to note an amendment to condition 2 to omit “(as indicated in the Placemaking Statement which forms part of this application)” and replace with “(to be a minimum of 9 units)” as there is ambiguity between the placemaking statement which refers to 13 units and further documentation which refers to 7 units, and amending the condition as above will address this issue. This was noted.

During discussion, concern was raised in relation to road safety as the current access to Knockomie Lodge is considered to be dangerous due to the visibility splay and it was queried whether access to the Knockomie Lodge could be through the new access to the Hotel.

In response, Mrs Anderson, Senior Engineer (Transportation) advised that the Moray Local Development Plan (2020) did not provide any planning reasons why the existing access to the Lodge should be removed however assured the Committee that a Road Safety Audit will be carried out for the new development access which will also assess the current access to Knockomie Lodge and if deemed unsafe could potentially be closed.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 19/00293/APP subject to:

- (i) the completion of a Section 75 legal agreement regarding developer obligations relating to primary education, transport, healthcare and sports and recreation;
- (ii) an amendment to condition 2 to omit “(as indicated in the Placemaking Statement which forms part of this application” and replace with “(to be a minimum of 9 units)”; and
- (iii) the following conditions and reasons:
  1. No development shall commence until 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.

2. No development shall commence until a site plan identifying the plot numbers of the accessible residential units (to be a minimum of 9 units), compliance statement and detailed floor plans which demonstrate compliance with the Accessible Housing Policy Guidance, as contained within the Moray Local Development Plan 2020 has been submitted to and approved in writing by the Council, as Planning Authority. Thereafter, the accommodation as identified shall, at all times, remain as accessible housing and remain capable for adaptation for 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 accessible policy guidance.

3. No development shall commence until the results of pre-construction surveys in relation to badger, pine marten, red squirrel and bats by a suitably qualified person (as recommended within the accompanying ‘Ecological Survey and Assessment Report’ by a9 Consulting Ltd, dated 10<sup>th</sup> June 2019), have been submitted to, and approved in writing by, the Council, as Planning Authority, in

consultation with Scottish Natural Heritage. Where any impact, or potential impact on these species or their habitat is identified, no works shall take place in that area until appropriate mitigation measures and a species protection plan have been agreed in consultation with the Council, as Local Planning Authority in consultation with Scottish Natural Heritage. Thereafter all works shall be carried in accordance with these approved details.

**Reason** - To ensure that the development does not have an adverse impact on protected species or habitat and to minimise disturbance to nature conservation interests.

4. No development shall commence until revised landscape plans have been submitted to, and approved in writing by, the Council, as Planning Authority. These shall be closely based upon the Soft Landscaping Plan Layout drawings numbers TH 106.19 SL-01 B, TH 106.19.SL-02 A, TH 106.19.SL-03 A and TH 106.19.SL-04 A, Landscape Statement dated 2 July 2020 and associated maintenance arrangements, and show the following information:
  - (a) additional semi-mature tree and shrub planting on the open areas adjacent to plots 63/64 and 34/35 including details of the numbers, species, position, planting distances and standard sizes of planting to be undertaken;
  - (b) detailed landscape proposals which reflect the revisions shown on the revised Site Layout Plan drawing number 4337-02-002 Rev M that relate to adjustments to the front gardens of plots 23-27, 44-45 and 52-52; and
  - (c) details of all seating and public artwork; and retaining walls (including elevations and materials); and
  - (d) timescales of all landscaping works and provision of the equipped play area and seating (to be in accordance with the submitted Site Phasing Plan drawing number 4337-02-020 Rev A, and to include provision of the open space and equipped play area prior to the start of phase 2, following completion of phase 1a and 1b).

Thereafter the development shall be implemented in accordance with these approved plans and timescales. 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, equipped play area and seating are timeously carried out and properly maintained for the lifetime of the development, in a manner which will not adversely affect the development or amenity and character of the area. In relation to point a) this planting is required along these routes to provide variety of approaches and accentuate the street hierarchy in order to meet Placemaking design principles, as identified within the Quality Audit 2 undertaken for this application.

5. That all foul and surface water drainage arrangements for the development site shall be in accordance with the approved Drainage Impact Assessment prepared by Cameron and Ross Consulting Civil and Structural Engineers,



dated March 2020, and associated drainage drawings submitted in support of this application. No dwelling shall be occupied until it is connected to the SUDS scheme as detailed within the approved Drainage Assessment and drawings.

**Reason** - To ensure an acceptable form of development is provided in accordance with the submitted drainage information and drawings, and to provide for adequate protection of the water environment from surface water run-off during the lifetime of the development and to ensure no increase in groundwater levels in the locality of the site.

6. Prior to the commencement of any works, a construction environment management plan incorporating a site specific pollution prevention plan 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 prevent potential pollution of the environment and minimise impacts from construction works on the environment.

7. 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 local 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.

8. No development shall commence until detailed specifications of materials of the external finishes of the houses, flats and all street surfaces within each of the identified character areas of the development (as indicated in the Placemaking Statement and plans accompanying this application) have been submitted to and approved in writing by the Council, as Planning Authority. Thereafter all works shall be carried in accordance with these approved details.

**Reason** - In order to ensure that the development has variation in street detailing through use of different materials and surfacing and reflects distinctiveness between and in each character area, and as these details are lacking from the application.

9. No development shall commence until a scheme detailing measures to be taken to protect existing trees on and adjoining the site during construction (as recommended within the Tree Survey Report and associated Tree Constraints Plan showing root protection zones prepared by PALS Tree Services) has been submitted to and approved by the Council, as Planning Authority. Thereafter the protection measures shall be implemented prior to any development

commencing within that part of the site and be retained until completion of the development.

**Reason** - To ensure an acceptable form of development is provided in accordance with the submitted landscape plans and tree survey, and that suitable protection is afforded to existing trees, shrubs and hedgerows.

10. The retention, protection and enhancement of biodiversity measures outlined within the submitted Knockomie Summary Biodiversity Plan and Landscape Statement prepared by Keith L Wood Landscape Design dated 2 July 2020, shall be fully implemented by the developer, unless otherwise agreed in writing with this Council as Planning Authority.

**Reason** - In order to retain, protect and enhance biodiversity interests on and adjoining the site.

11. No development shall commence until details confirming the installation of fibre broadband connection for each residential unit (to be provided prior to occupation of each unit) have 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, unless otherwise agreed in writing by the Council.

**Reason** - To ensure the residential units hereby approved are served by appropriate high speed internet connections, in accordance with policy PP3 – Infrastructure and Services of the Moray Local Development Plan 2020.

12. That the development hereby approved shall be implemented and completed in accordance with the submitted Site Phasing Plan drawing number 4337-02-020 Rev A, unless alternative phasing arrangements are agreed in writing by the Council, as Planning Authority.

**Reason** - To ensure that development works proceed across the site in a phased manner which includes provision of acceptable roads and drainage infrastructure and landscaping/open space for each phase of the development.

13. Prior to the commencement of development the following information shall be submitted to and approved in writing by the Council as Planning Authority, in consultation with the Roads Authority:
  - Details (Plan(s) scale 1:250 min) showing the provision of additional footways and modifications to the existing road and street furniture required to provide a footway connection (minimum 2 metres wide) (including road crossings) from the proposed cyclepath on the south west side of the A940 to the existing cyclepath on the southeast side of the A940.
  - Details (Plan(s) scale 1:250 min) showing the provision of a cyclepath within the road verge between the southern boundary of the site and the U83E junction with the A940.
  - An updated site plan showing the provision of a grass verge instead of the proposed footway on the west side of the access roadway (adjacent to Plot 86) linking the development with Whiterow Drive to the north (to tie

with the existing adjacent verge to the north).

Thereafter these works shall be completed in accordance with the approved details prior to the completion of the first residential unit, unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority.

**Reason** - In the interests of sustainable transport, road safety and the provision of information currently lacking from the submission.

14. Prior to commencement of development the following details for Electric Vehicle charging provision shall be submitted for approval by the Planning Authority in consultation with the Roads Authority:

- Statement/specifications to confirm that the EV charging supply and cabling provisions for each plot will be suitable for the connection of a 7Kw 'Fast' type charging unit as a minimum.
- Design/specifications for the proposed mounting/installations to be provided for any future EV charging points which would not be mounted on a wall/within a garage.

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

**Reason** - In the interests of an acceptable form of development and the provision of infrastructure to support the use of low carbon transport, through the provision of details currently lacking from the submission.

15. Prior to the commencement of development the following information shall be submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority:

- Details regarding maintenance/ factoring arrangements for all landscaped areas within or adjacent to the public road (including footways and cycle paths, verges and service strips but excluding residential plot boundaries).

Thereafter the landscaping shall be maintained in accordance with the approved arrangements.

**Reason** - To ensure that landscaping will not interfere with the function of the public road or cause a hazard to road users and the provision of details currently lacking from the submission.

16. Prior to the commencement of development a Stage 1/2 Road Safety Audit for the internal roads and the proposed site access onto the A940 including the extents of its approaches and visibility splays and new crossing on the A940 shall be undertaken, and the proposed site layout and roads shall be revised to include any mitigation required to address road safety issues identified in the Audit. The Road Safety Audit and revised site layout (if required) shall be submitted to and approved in writing by Council, as Planning Authority in consultation with the Roads Authority prior to works commencing.

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

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

17. No development shall commence until the following information has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority:

- Details of arrangements for future adoption/vesting by an in-perpetuity regulatory body, of the maintenance and management of the roads SUDs system excluding any other parts of the SUDs system to be identified by the Roads Authority which is to be maintained by or factored on behalf of the developer or their successors.

**Reason** - To ensure the management and maintenance of effective roads drainage and surface water management infrastructure proposed for the site.

18. Householder permitted development rights (as defined in the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, (as amended) (or any Order revoking and re-enacting that Order(s) with or without modification) shall be removed from any service strips along plot frontages and no amendments to planting within these areas shall be permitted.

**Reason** -To ensure an acceptable form of development and effective roads drainage infrastructure is provided and safeguarded.

19. 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;
- anticipated schedule for delivery of materials and plant;
- full details of any temporary construction access including signage;
- measures to be put in place to prevent water or 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.

20. No works shall commence on site until details (specifications/type/colour) of any adopted road surfacing which will comprise modular/block paving have been submitted to and approved by the Council, as Planning Authority in

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

**Reason** - To ensure acceptable infrastructure is provided in the interests of road safety, and as details are currently lacking from the submission.

21. Prior to the completion of any residential unit, the proposed site access onto the A940 shall be completed in accordance with the approved plans and details, and the A940 shall be resurfaced over its full width for a length of 50 metres centred on the site access.

**Reason** - To ensure acceptable infrastructure is provided at the access to the development in the interests of road safety.

22. A visibility splay of 4.5 metres by 120 metres to the north and 4.5 metres by 160 metres to the south, shall be provided at the site access onto the A940 and maintained clear of any obstruction above 0.26 metres in height, measured from the level of the carriageway. An additional area within the boundary of the site as defined by the extents of the 4.5 metre by 215 metre visibility splay from to the north from the U83E junction (as shown on the Visibility Splay Drawing 903 Rev 4) shall also be maintained clear of any obstructions over 0.26 metres in height measured from the level of the carriageway for the lifetime of the development.

**Reason** - To ensure acceptable visibility is provided and maintained for road users at all times in the interests of road safety.

23. Parking provision shall be provided in accordance with the site layout (4337-02-002 Rev M) and no house or flat shall be occupied until parking has been provided and made available for use by that house or flat. Thereafter the parking arrangements shall be retained and maintained in perpetuity as parking spaces for use in conjunction with that house or flat hereby approved.

All integral garages shall be retained for parking and/or storage purposes incidental to the enjoyment of that property and shall not be converted to living accommodation.

**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.

24. 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.

25. 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.

26. No works shall commence on site until the following details have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority:

- Details regarding the design, timing and management of the closure of the Knockomie Hotel access to vehicles at a location to the west of the Knockomie Lodge, to remove vehicular access and egress from the site to the A940 via the Knockomie Lodge access.

Thereafter the works shall be completed in accordance with the approved details and maintained for the lifetime of the development unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority.

**Reason** - In the interests of an acceptable form of development and road safety.

#### **11. 20/00274/PAN – PROPOSED RESIDENTIAL DEVELOPMENT, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE AT BURNSIDE NORTH, ELGIN SOUTH, ELGIN**

Councillor Divers declared a personal interest in this item, however after receiving advice from the Legal Adviser decided to take part in the debate given that the item was a Proposal of Application Notice.

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that a Proposal of Application Notice (PAN) was submitted on 28 February 2020 on behalf of Springfield Properties PLC.

During discussion, Councillor Divers raised concern in relation to road safety surrounding the development and asked that the Developer consider the following:

- the speed of vehicles on the A941 is a concern;
- the existing 40mph zone on the A941 should be moved further south;
- the visibility of pedestrians using the current traffic island is a concern; and
- traffic calming measures should be provided within the development.

In response, Ms MacDonald agreed to bring those points to the attention of the Developer.

Thereafter, the Committee agreed:

(i) in noting the terms of this report, and ask that the Appointed Officer bring the following provisional views/relevant issues to the prospective applicant:

- the speed of vehicles on the A941 is a concern;
- the existing 40mph zone on the A941 should be moved further south;
- the visibility of pedestrians using the pathway south of the island is a concern; and

- Traffic calming measures should be provided within the development
- (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. HOUSING LAND AUDIT 2020**

Councillor Laing left the meeting at this juncture.

A report by the Depute Chief Executive (Economy, Environment and Finance) summarised the housing land supply situation in Moray and asked the Committee to agree the final version of the Moray Housing Land Audit 2020.

During his introduction of the report, the Strategic Planning and Development Manager advised that there were a few typos in the report and appendix and asked the Committee to note the following:

- paragraph 4.4 in the report to reflect that the second sentence should read “The audit identifies that there is a 30.2 year 12528 established housing land supply (based on an annual housing land requirement identified in the HNDA of 414 units;
- paragraph 4.5 in the report to reflect that the majority of completions in 2010-2019 were in Elgin, Forres and Buckie
- references to the draft audit or emerging Local Development Plan will be changed to remove the words “draft” and “emerging” in the Moray Housing Land Audit 2020.

This was noted.

Following consideration, the Committee agreed:

- (i) to note the housing land supply in Moray subject to the following amendments:
- paragraph 4.4 in the report to reflect that the second sentence should read “The audit identifies that there is a 30.2 year 12528 established housing land supply (based on an annual housing land requirement identified in the HNDA of 414 units;
  - paragraph 4.5 in the report to reflect that the majority of completions in 2010-2019 were in Elgin, Forres and Buckie
- (ii) the responses set out in Appendix 1; and
- (iii) the finalised Moray Housing Land Audit 2020 in Appendix 2 noting that when references to the draft audit or emerging Local Development Plan will be changed to remove the words “draft” and “emerging”.

## **13. MORAY LOCAL DEVELOPMENT PLAN 2020 – DELIVERY PROGRAMME ACTION PLAN**

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

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to approve the final version of the Delivery Programme Action Plan prepared to support the delivery of the Moray Local Development Plan (MLDP) 2020.

Following consideration, the Committee agreed to:

- (i) approve the Delivery Programme Action Plan set out in Appendix 1 to be submitted to Scottish Government; and
- (ii) note the additional funding required to implement the Moray Local Development Plan 2020 and which creates a new budget pressure of £70,000 from 2021/22 onwards.

#### **14. INDICATIVE REGIONAL SPATIAL STRATEGY FOR MORAY**

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to agree the indicative Regional Spatial Strategy (iRSS) for Moray to be submitted to the Scottish Government and to note the next steps in preparing the Strategy.

Following consideration, the Committee agreed:

- (i) to note the requirement and deadline for preparing an indicative Regional Spatial Strategy;
- (ii) the indicative Regional Spatial Strategy in Appendix 1; and
- (iii) the next steps and timescales for preparing the final Regional Spatial Strategy.

#### **15. SUPPLEMENTARY GUIDANCE**

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to delegate authority to the Head of Economic Growth and Development to amend and then adopt some of the suite of statutory supplementary guidance which supported the Moray Local Development Plan (MLDP) 2015 as non-statutory supplementary guidance to support the MLDP 2020.

During his introduction, the Strategic Planning and Development Manager advised that, due to an unforeseen change in workload, the Moray Onshore Wind Energy Guidance should be adopted on 21 October 2020 and not on 21 September 2020 as stated in the recommendations.

Following consideration, the Committee agreed:

- (i) to delegate authority to the Head of Economic Growth and Development to make the necessary changes and subsequently adopt the suite of non-statutory supplementary guidance set out in para 4.1, with the Moray Onshore Wind Energy Guidance to be adopted on 21 October 2020; and
- (ii) that a suite of statutory Supplementary Guidance is progressed and reported to future meetings of this Committee.



## **16. PLANNING POLICY GUIDANCE**

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to approve the planning policy guidance which will be used to clarify various policy aspects in the recently adopted Moray Local Development Plan (MLDP) 2020.

Following consideration, the Committee agreed:

- (i) to approve the planning policy guidance for the MLDP 2020 as set out in Appendix 1; and
- (ii) the planning policy guidance will be used as a material consideration in the determination of planning applications.

## **17. QUESTION TIME**

Under reference to paragraph 23 of the minute of the meeting of this committee dated 25 February 2020, Councillor Edwards sought an update as to when the removal of the gas extraction equipment from Greenbrae Landfill will take place and whether the monitoring of the gas migration from the site would be the responsibility of the Council or the Land owner. He further noted that the land is currently being used as a car park and queried whether this was safe as there are danger signs on entering the site.

In response, the Head of Economic Growth and Development advised that the portakabin is being removed on 17 September 2020 and that the tender to remove the gas pipes is due on 21 September 2020.

In response to Councillor Edward's query regarding the car park, the Head of Economic Growth and Development advised that this requires a change of use planning application and that there will be a report brought to a future meeting of this committee surrounding this issue and other issues linked to Hopeman Caravan Park.

In response to Councillor Edward's query regarding monitoring gas migration from the site, the Head of Economic Growth and Development advised that the Environmental Health Service will monitor offsite in the same way as other contaminated land sites are monitored, all as previously reported to this Committee.

Councillor Edwards raised further concern in relation to the bridge at the north of Duff Street in Hopeman towards the Harbour and queried whether the Council have a contingency plan in place should the bridge fail due to increased traffic.

In response, the Head of Economic Growth and Development advised that bridges fall under the remit of the Transportation Service and that he will ask for a response to be circulated to Heldon and Laich Elected Members.