

MORAY COUNCIL

MINUTE OF THE SPECIAL MEETING OF THE PLANNING AND REGULATORY SERVICES COMMITTEE

1 OCTOBER 2020

REMOTE LOCATIONS VIA VIDEO CONFERENCE

PRESENT

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

APOLOGIES

Apologies were intimated on behalf of Councillors Cowe

IN ATTENDANCE

Head of Economic Growth and Development, Development Management and Building Services Manager, Mr MacPherson, Principal Planning Officer, Ms Webster, Principal Planning Officer (Strategic Planning and Development), Mr Killeen, Engineer (Transport Development), Head of Governance, Strategy and Performance and Mrs 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, 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 declarations of Member's interests in respect of any item on the agenda.

2. Planning Application 19/01510/APP

Councillor R McLean left the meeting during consideration of this item.

Ward 4: Fochabers Lhanbryde

Proposed residential development for the construction of 81 units (55no private/26 affordable) including associated drainage and infrastructure including the widening of Pitgaveny Road and the formation of a new junction onto Calcots Road at R13 Lesmurdie Fields, Elgin, Moray for Robertson Homes

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 for the construction of 81 units (55no private/26 affordable) including associated drainage and infrastructure including the widening of Pitgaveny Road and the formation of a new junction onto Calcots Road at R13 Lesmurdie Fields, Elgin, Moray for Robertson Homes.

The Committee 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.

Councillor Macrae was of the view that this is an excellent proposal and that it was clear that the Developer had worked with Planning Officers to ensure that the development complies with policies within the Moray Local Development Plan (MLDP) 2020, as evidenced in the green ratings across all areas of the quality audit. He stated that, in his opinion, the planting of almost 3200 trees more than compensated for the 40 trees that are to be felled for the development to proceed and moved that the Committee grant planning permission, as recommended, in respect of Planning Application 19/01510/APP subject to the conditions detailed within the report. This was seconded by Councillor A McLean.

Councillor Feaver raised concern regarding the proposed access to the development via Chandlers Rise which would result in a road directly through an existing green corridor and queried whether the developer could be asked to redesign this element of the application.

In response, the Development Management and Building Services Manager advised that the Committee were being asked to consider the planning application before them which is recommended for approval and that it would not be possible to ask for a redesign at this stage as this would require a new planning application.

Councillor Feaver stated that, on the whole, she welcomed this new development, in particular the additional green space however remained of the view that the design could be amended to address her concerns in relation to the loss of mature woodland and disruption to an existing green corridor. Councillor Feaver therefore moved, as an amendment, that the Committee refuse planning permission in respect of Planning Application 19/01510/APP as, in her view, the proposal failed to comply with the following policies with the MLDP 2020

- PP1 (Placemaking) v) – the development does not safeguard and extend/enhance wildlife corridors and green/blue networks nor prevent fragmentation of existing habitats;
- DP1 (Development Principles) b) – the development does not integrate into surrounding landscape nor safeguard existing trees;
- DP1 (Development Principles) c) – the development does not make provision for new open space nor connect to existing open space under the requirement of policy EP5;
- DP1 (Development Principles) d) – the development does not conserve and enhance the natural and built environment, retain original land contours nor integrate into the landscape;
- EP2 (Biodiversity) – the development does not retain, protect and enhance features of biological interest, provide for their appropriate management nor extend or enhance wildlife corridors;
- EP5 (Open Space) – the development has subsequent losses to ENV5 and ENV6
- EP7 (Forestry Woodland and Trees) b) – the development does not retain healthy trees nor incorporate them within the proposal; and
- EP7 (Forestry Woodland and Trees) c) – the woodland removal in the development will not provide significant and clearly defined additional public benefit.

This was seconded by Councillor Nicol.

On a division there voted:

For the motion (7): Councillors Macrae, A McLean, Bremner, Cowie, Coy, Divers and Powell

For the amendment (4): Councillors Feaver, Nicol, Edwards and Warren

Abstentions (2): Councillor Brown

Accordingly the motion became the finding of the meeting and the Committee agreed to grant planning permission, as recommended, in respect of Planning Application 19/01510/APP subject to:

- (i) the completion of a (Section 75) legal agreement regarding developer obligations relating to healthcare, primary and secondary education provision prior to the issue of consent; and
- (ii) the following conditions and reasons:
 1. Notwithstanding the details shown on Drawings 908 (Rev 3) and 906 (Rev 9) for the junction of Calcots Road with Pitgaveny Road and cycle connections (which are not accepted), no development shall commence until consolidated plan(s) (Scale 1:500 min) and design specifications have been submitted and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority for the Pitgaveny Road/Calcots Road junction and Lesmurdie Road cycle path connection.

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

Reason - To ensure an acceptable development in road safety terms through the provision of details currently inconsistent between the two identified plans.

2. Notwithstanding the roads drainage details shown on Drawing 906 (Rev 9) (which are not accepted), no development shall commence until details have been submitted and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority for roads drainage infrastructure within the extent of the proposed works to the east of the site access onto Pitgaveny Road.

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

Reason - To ensure an acceptable development in road safety terms through the provision of details currently lacking and/or incorrectly shown on the submitted particulars to date.

3. Notwithstanding the details shown for hedging on the site layout (Drawing No. 1125(PL)SL-03 Rev I) no works shall commence until details are provided to confirm that no hedging will be planted or fences or walls constructed within 0.4 metres of any side of the parking spaces at plots 9, 10, 41, 42, 59, 67/68, 7 and the visitor spaces adjacent to plot 47.

Reason - To ensure an acceptable form of development and parking provision is provided through the provision of details currently lacking and/or incorrectly shown on the submitted particulars to date.

4. Notwithstanding the Road Safety Audit submitted (which is based on a previous site layout and is not accepted), no development shall commence until a Stage 1/2 Road Safety Audit for the proposed internal roads and the extents of any proposed works to the public road and footpaths and cycleways outwith the site boundary, shall be undertaken and the proposed site layout and roads shall be revised to include any mitigation required to address road safety issues. The Road Safety Audit and revised site layout shall be submitted for approval by the Council, as Planning Authority in consultation with the Roads Authority.

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.

5. No development shall commence until the following has been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority;
 - a) Details (Plans scale 1:500 min) showing the requirements for any changes to the existing speed limits and relocation or provision of speed limit signage;
 - b) Written confirmation that a street lighting scheme design has been agreed with the Roads Authority;
 - c) Written confirmation that if required, any statutory process required to determine changes to the speed limits have been completed as agreed with the Roads Authority.

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

Reason - The provision of details lacking from the current submission in the interests of road safety.

6. No development shall commence until details have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority to confirm the 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.

7. No development shall commence until details have been submitted to confirm the 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 and it must be ensured that landscaping will not interfere with the function of the public road or cause a hazard to road users.

Reason - In the interests of road safety and the provision of details currently lacking from the submission

8. All hedges/planting shall be maintained behind the back of the footway/road/service verge to prevent any obstruction to road users.

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

9. Notwithstanding the details of the construction accesses shown on Drawing 1125 (PL) SL-07 Rev B "Phasing / Build Route" (which are not accepted), 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:

- a) duration of works;
- b) construction programme;
- c) anticipated schedule for delivery of materials and plant;
- d) details of any temporary construction access onto the public road;
- e) measures to be put in place to prevent material being deposited on the public road;
- f) measures to be put in place to safeguard the movements of pedestrians;
- g) traffic management measures to be put in place during works including any specific instructions to drivers; and
- h) 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.

10. No development shall commence until the following details for Electric Vehicle charging provision have been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority:
 - Design/specifications for the proposed mounting/installations/pedestals 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.

11. No development shall commence until details (specifications/type/colour) of any adopted road surfacing which will comprise r/block paving have been submitted and approved by the Council, as Planning Authority in consultation with the Roads Authority.

Reason - In the interests of details currently lacking from the submission.

12. Prior to commencement of any other part of the development, unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority, the following shall be completed in accordance with the approved details and be available for use by the public:
 - a) All works to widen Pitgaveny Road and provide the new cyclepath (inclusive of the drainage works to be agreed in condition 2).
 - b) All works to form the new Pitgaveny Road/Calcots Road junction (inclusive of the details to be agreed in condition 1).
 - c) All works required to implement changes to the speed limits on Pitgaveny Road and Calcots Road.

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

Reason - To ensure acceptable infrastructure is provided at the appropriate stage of the development in the interests of road safety.

13. Prior to completion of any house or flat, unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority, the following shall be completed in accordance with the details to be agreed and consolidated under condition 1 and available for use by the public:
 - All works to provide the off-site cyclepaths between the site and Lesmurdie Road.

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

Reason - To ensure acceptable infrastructure is provided at the appropriate stage of the development in the interests of road safety.

14. Prior to completion of the Cottage Flats (Plots 23-26 as shown on the Site Layout Drawing No. 1125(PL)SL-03 Rev I), scaled plans must be submitted to and approved by the Council, as planning authority showing the modification of the submitted cycle store design (drawing number 1125(PL)DET-04) to make it a secure bicycle store. The secure bicycle store must thereafter be built in accordance with the approved modified design.

Reason - In order to ensure the cycle shelter for the flats is of a secure design.

15. Prior to completion of the Cottage Flats (Plots 23-26 as shown on the Site Layout Drawing No. 1125(PL)SL-03 Rev I), secure covered cycle parking shall be provided and available for use in accordance with the approved details. Thereafter, no flat shall be occupied until cycle parking has been provided and made available for use by that flat. The cycle parking arrangements shall be retained and maintained in perpetuity as cycle parking for use in conjunction with that flat.

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

16. Visibility splays of 4.5 metres by 43 metres in both directions at all site accesses onto Pitgaveny Road shall be provided and maintained clear of any obstruction above 0.26 metres in height, measured from the level of the carriageway.

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

17. Parking provision shall be provided in accordance with the site layout (Drawing No. 1125(PL)SL-03 Rev I). With 1 space for 1 bed houses/flats, 2 spaces for 2/3 bed houses/flats and 3 spaces for 4 or more bed houses/flats.

Thereafter 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.

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.

18. 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.

19. 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.

20. 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.

21. 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 Council, as Planning Authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The programme of works must include an archaeological evaluation of 7-10% of the development site. 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 Council, as 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.

22. Unless otherwise agreed in writing, 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 strategies 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:

- a) 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);
- b) how any identified contamination will be dealt with during construction works;
- c) 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
- d) 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.

23. Prior to the commencement of any works, a site waste management plan shall be submitted for the written approval of the Council, as planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved plan.

Reason - To ensure that waste on the site is managed in a sustainable manner.

24. Prior to development commencing a compliance statement, showing detailed plans/information of full compliance with the Accessible Housing Guidance note contained on pages 41-42 of Moray Local Development Plan 2020 must be submitted to and approved in writing by the Council, as Planning Authority. Thereafter the accessible units as identified drawing 1125(PL)SL-12 Accessible Housing must be built in accordance with the approved compliance statement.

Reason - To ensure the identified house units meet the required standard and design features to fulfil the accessible housing need for the development.

25. Unless otherwise agreed in writing with the Council, as Planning Authority, the street naming shall be as approved on drawing number 1125(PL)SL-13 Proposed Street Naming.

Reason - To ensure the proposed street naming is progressed in accordance with the approved details.

26. Prior to occupation of the first dwelling, the specific details of the 6 total park benches indicated at the pocket park and other areas must be submitted to and approved in writing by the Council, as Planning Authority. Thereafter the benches installed shall be of the design and material approved by the Council, as Planning Authority.

Reason – In order that consideration can be given to the specific design of park benches to be provided.

27. Prior to occupation of the first dwelling a finalised landscaping maintenance schedule must be submitted to and approved in writing by the Council, as Planning Authority. This maintenance schedule should be generally based upon the suggested approach contained within the Outline Landscape Specification and Maintenance Schedule September 2019 prepared by Horner and McLennan Landscape Architects. Thereafter the landscaping maintenance shall be carried out in accordance with the approved landscaping maintenance schedule.

Reason – In order to ensure the final landscape maintenance arrangements are agreed prior to occupation of the dwellings.

28. The recommended ecological mitigation contained at para 1.18 and 1.22 of GLM Ecology Ecological Assessment, Lesmurdie, Elgin, Moray, August 2019 must be adhered to prior to and during construction unless otherwise agreed in writing with the Council, as Planning Authority.

Reason – In order to ensure the appropriate mitigation is undertaken to protect wildlife upon the site.

29. All works close to retained trees and tree felling activity must be carried out in accordance with the details contained upon the updated four 'Tree Protection Plans' submitted July 2019 and hereby approved.

Reason – In order to ensure that those trees to be retained will be suitably protected.

30. Unless otherwise agreed in writing with the Council, as Planning Authority, the development shall include a total of 26 affordable house units and 6 accessible units.

Reason – In order to avoid any ambiguity regarding the terms of the consent, and to confirm the number of affordable and accessible housing units to be developed.

31. Unless otherwise agreed in writing with the Council, as Planning Authority, the phasing of development shall be in accordance with the Phasing/Build Route Plan (drawing number 1125(PL)SL-07 Rev. B).

Reason – In order to ensure the timeous provision of the affordable housing units.