
From: Richard Gerring
Sent: 24 August 2011 14:04
To: Iain Drummond
Cc: Diane Anderson; Gordon Holland; Aileen Scott
Subject: 10/02055/APP: Hotel development
Attachments: Coltfoot Hotel Proposal.

Importance: High

Iain,

I learned yesterday from Aileen that Legal have been sent an instruction from you in respect of a developer contribution in lieu of passing places.

Diane has now provided me with a copy of her response to your telephone call about the staging of payment for the developer contributions

I confirm that the latest consultation response from Transportation was for refusal. If there is confirmed agreement to proceed with developer contributions then there is a need to review the Transportation response and discuss the following:

- Appropriate planning conditions, including visibility splay requirements, parking and road widening along the site frontage;
- Legal Agreement, including the timing of the payment

Will you please provide us with an update on the situation for this development.

Regards

Richard

From: Diane Anderson
Sent: 24 August 2011 10:59
To: Richard Gerring
Subject: FW: Mr Peter Smith - Coltfoot. Proposed hotel development.

Richard

This email was sent after discussions with GRH – you were on leave at the time.

Kind Regards

Diane Anderson
Engineer - Development Control
The Moray Council
Direct Services
Council Office
Academy Street
Elgin IV30 1LL
Tel: 01343 562557
Fax: 01343 545628

HEAD OF DIRECT SERVICES - A. RITCHIE

From: Diane Anderson
Sent: 28 July 2011 12:43
To: Iain Drummond
Subject: FW: Mr Peter Smith - Coltfeld. Proposed hotel development.

Iain

In response to your query yesterday, please see email below, in particular the text highlighted in red.

Please can you clarify if Mr Smith has also agreed to widen the road along his site frontage in addition to the contribution for the required passing places. To date Mr Smith has indicated to Transportation that he will not undertake the works associated with the road widening.

The road widening is a requirement for this development.

The payment of the contribution must be in full and timed to allow Transportation the maximum amount of time to negotiate which the third party landowners whose land is required to provide the passing places. As such Transportation request that the payment is made prior to the issue of consent.

Kind Regards

Diane Anderson
Engineer - Development Control
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HEAD OF DIRECT SERVICES - A. RITCHIE

From: Gordon Holland
Sent: 19 July 2011 11:28
To: Stewart Halkett
Cc: Sandy Ritchie; Richard Gerring; Diane Anderson
Subject: Mr Peter Smith - Coltfeld. Proposed hotel development.

Stewart,

I phoned Mr Peter Smith yesterday morning as requested and we met for over one and a half hours in my office. The meeting was mainly about the Transportation requirements for his hotel proposal, but Mr Smith also introduced other issues, particularly a development of his at Steading View, Lossiemouth, where there have been difficulties with finishing off the roadworks since 2008 and as a consequence the road bond has been called in.

Whilst we did not reach agreement the meeting was amicable throughout.

I want to provide you with an outline of the discussion and to set out the current Transportation position on the hotel application.

- Mr Smith expressed concern that in his view [REDACTED] the 2 applications (named above) separately and that what seems to him to be onerous roads requirements for the hotel development are as a result of his [REDACTED]. He could provide no evidence for this, and from our discussions it is my view that only Mr Smith is trying to link the 2 issues. Mr Smith added that following various discussions [REDACTED].
- Mr Smith explained how he considered that 3 passing places would be sufficient rather than the 10 requested and that his consultant's report supported this view. He did not accept the Council's safety arguments but most of his opposition to the requirements were based on how much that would cost him

and the impact on viability of his proposed development. He also did not accept the need to widen the road for the 90 metres frontage of his development.

- I explained that I had examined in some detail the case made by Diane Anderson for the 10 passing places. This was to satisfy myself that Transportation officers were asking for the minimum amount of infrastructure works to allow the development to proceed without adversely affecting road safety on the surrounding roads. On that basis I fully agree with the level of mitigation works identified. I have also examined the Transport Statement submitted by Fairhursts Consultants on behalf of Mr Smith, and I consider that it does not justify a reduction in the mitigation requirements. A response to this effect has been sent to Fairhursts and copied to planning officers.
- In response to Mr Smith's concern about obtaining land to construct passing places, I suggested that it might be possible for the Council to accept a financial contribution in lieu of works, based on the costs for construction of a passing place approved previously by ED&I Committee. The road widening work on the site frontage would still have to be constructed in addition to this. There was discussion about at what stage payment would have to be made if this method was agreed. I advised that it would *at least* be before start of construction *{I have subsequently been advised that Mr Smith has in fact started work on site and therefore we would require payment prior to consent being granted}*.
- Mr Smith requested compromise or negotiation on the work requested and offered up to £50,000 as a total road works contribution. He was advised that that sum would not pay for the minimum amount of works required to ensure adequate safety on the surrounding single-track roads and therefore was unacceptable.
- The meeting ended with Mr Smith advising that he would take the matter to Councillors, the press etc.
- In a telephone call this morning Mr Smith has requested details, in writing, of the level of financial contribution required in lieu of constructing passing places. I attach my e-mail response for your information. This has also been copied to the planning officer.

A revised consultation response was sent to Planning on 13 July which included the response to the Transport Statement received from Fairhursts Consultants. This was consistent with the previous consultation response which recommended refusal on the grounds of road safety, as the applicant has not agreed to provide the minimum level of roads mitigation required. Therefore, unless an undertaking is subsequently received from the applicant, which will satisfy the road safety requirements in full, my understanding is that there is no further work required from Transportation officers.

Gordon

Gordon Holland
Transportation Manager
The Moray Council
01343 562514

From: Stewart Halkett
Sent: 18 July 2011 09:10
To: Gordon Holland
Subject: FW: Phone Call

Can you call Mr Smith, I have explained to him that I can't comment on transportation matters outside the consultation on the Coltfeld application

Stewart Halkett
Head of Development Services
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From: Caroline Howie
Sent: 15 July 2011 16:14
To: Stewart Halkett
Subject: Phone Call

Stewart

Peter Smith called, he still hasn't had any contact from the roads department.

I haven't passed this on to Sandy's team in case I didn't forward to the right person.

Caroline Howie
Secretary/PA
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