

**THE MORAY COUNCIL**  
**MINUTE OF MEETING OF THE ENVIRONMENTAL SERVICES COMMITTEE**  
**30 OCTOBER 2002**  
**COUNCIL HEADQUARTERS, ELGIN**

**PRESENT**

Councillors E. Aldridge (Chairman), R.F. McIntosh (Vice-Chairman), A.E. Coutts (Vice-Chairman), A. Bisset, T.M. Bothwell, A.R. Burgess, J.A. Divers, M.L. Ettles, G.D. Gormley, L. Gorn, J.C. Hogg, T.A. Howe, W. Jappy, A. Keith, J.A. Leslie, S.D.I. Longmore, P.B. Paul, J.M. Shaw, R.H. Shepherd, R. Sim, G.G. Towns, A. Urquhart, A.R. Wilson and I. Young

**APOLOGIES**

Apologies for absence were intimated on behalf of Councillors J. Hamilton and W.P. Watt.

**IN ATTENDANCE**

The Director of Environmental Services, the Head of Development Services, the Head of Direct Services, the Head of Financial Services, the Development Control Manager, the Head of Estates Services, the Principal Solicitor (Commercial and Conveyancing), the Principal Planning Officer (Development Control), the Principal Development Officer, R O'Brien, Solicitor (Commercial and Conveyancing) in respect of Item 6 and the Senior Committee Services Officer, Clerk to the Meeting.

**1. ADDITIONAL BUSINESS**

In terms of the relevant Standing Order, the Committee agreed to accept as an additional items of business to be transacted at the meeting, a statement in regard to outcome of a European CED Strategy application relating to Keith & Buckie and a confidential report in terms of Paragraph 9 of Part I of Schedule 7A of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, in regard to a request from the Scottish Highlands & Islands Film Commission (SHIFC) on the Chairman certifying that, in his opinion, they required to be considered on the grounds of urgency in order that Members are appraised of the current position relating to the CED application and to give early consideration of the request from SHIFC.

**2. EXEMPT INFORMATION**

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

Para No. of Minute

Para No. of Schedule 7A

13 & 14

9

**3. EUROPEAN FUNDING : C.E.D STRATEGY APPLICATION**

The meeting noted statements by the Local Members in regard to successful outcome of a Community Economic Development (CED) Strategy application for European funding of approximately £0.5m in respect of environmental heritage and tourism projects in Buckie and Keith.

#### 4. CURRENT PLANNING APPLICATIONS

##### **Scheme of Delegation : Clarification of Procedures**

Under reference to paragraph 2 (a) of the Minute of this Committee dated 2 October 2002 and prior to considering the applications, the Chairman advised the meeting that as this was the first meeting since it was agreed to amend the Scheme of Delegation in regard to the referral of applications to Committee for determination or a request for a site visit then when such applications arise the Local Member will be asked to explain their reasons for referral or request for a site visit before the Committee proceeds to consider and determine the application. The explanation should not be in the form of a Motion but a brief statement explaining the request for the referral or site visit in terms of the Scheme of Delegation.

##### **BISHOPMILL WEST - NO. 1 WARD**

- (a) 02/00537/FUL Erect 44 dwellinghouses with associated garages boundary fences walls and amenity at Woodlands, Bishopmill, Elgin for Robertson Residential

There was submitted a report by the Director of Environmental Services recommending that, subject to conditions detailed in the report, planning consent be granted in respect of an application to erect 44 dwellinghouses with associated garages and boundary fences/walls and amenity at Woodlands, Bishopmill, Elgin for Robertson Residential.

The meeting noted that the application was being referred to the Committee, in terms of the Scheme of Delegation, as a departure from the Development Plan which was being recommended for approval and as a number of objections/representations had been received, a Hearing was recommended.

The departure from the Development Plan related to the proposed incorporation of a 15 m tree belt along the northern boundary of the site because it is located outwith the Elgin R7 designation, outwith the Elgin settlement boundary as defined and within the Elgin Countryside Around Towns (CAT) designation.

The reasons for recommending the departure being that:-

- the proposed incorporation of a 15 m tree belt along the northern boundary of the site is of the same depth as the existing tree belt already provided along the northern range of the adjoining DHE development and once provided, it will extend the tree belt along the full length of the Elgin R7 designation;
- the proposed encroachment into the CAT is required to accommodate landscaping only, and in part would meet Development Plan objectives and requirements for a more sensitive treatment of the development sites on the edge of the town; and
- the tree belt for the DHE development is also within the CAT and was accepted as a departure for similar reasons.

The meeting also noted the terms of a representation received, subsequent to the preparation of the report, which had been circulated to Members in accordance with the policy relating to the circulation of additional representations.

Following consideration Councillor Burgess moved that the application be approved, as recommended, without the requirement for a Hearing given that there were no objections relating to the proposed departure from the Development Plan. In moving his motion he referred to Planning Advice Note (PAN) 41 relating to Development Plan departures and in particular to the relevance of the policies to the proposed development. He also indicated that he did not consider the representations to be a material consideration in regard to the proposed departure. The motion was seconded by Councillor Aldridge.

The Development Control Manager advised the meeting that in terms of PAN 41 the Committee had the discretion whether or not to allow a Hearing and on this occasion the recommendation from Officers was to permit subject to a Hearing. He also advised that the proposal to erect a total of 52 houses on the remaining area of the R7 designation, 44 houses relating to the application plus 8 houses approved previously in the south-eastern corner of the field, was consistent with the "some 50 houses" specified in the Local Plan and that in regard to the representation regarding fencing he understood that the matter was to be the subject of discussions

between the objector and the applicant with a view to a compromise. He also advised there required to be a slight amendment to proposed condition 3 to make reference to plans submitted on 17 October 2002.

Thereafter, as an amendment, Councillor Howe, seconded by Councillor Paul, moved that consideration of the application be referred to a Hearing.

On a division there voted:-

For the Motion (19) - Councillors Burgess, Aldridge, Bisset, Bothwell, Coutts, Divers, Ettles, Hogg, Jappy, Keith, Leslie, Longmore, McIntosh, Shaw, Shepherd, Sim, Urquhart, Wilson and Young

For the Amendment (5) - Councillors Howe, Paul, Gormley, Gorn and Towns

Abstentions (0)

Accordingly the motion became the finding of the meeting and it was agreed that the application be approved, without the requirement for a Hearing, subject to the following conditions:-

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.
2. Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.
3. The development shall relate to the amended plans submitted under cover of the applicants/agents letter dated 1 October 2002, 11 October 2002 and 17 October 2002 regarding amended site layout (including landscaping, road and cycle access arrangements) and house design details.
4. Unless otherwise agreed with the Council (as Planning Authority) the development shall not commence until samples of the proposed external roof and wall material finishes have been submitted to and approved by the Head of Development Services.
5. Sample panels of roughcast shall be prepared on the site for the inspection and approval of the Head of Development Services and the roughcast work shall not be carried out until agreement has been reached with the Head of Development Services regarding the type and colour of materials to be used.
6. That all planting, seeding or turfing forming part of the approved landscape scheme shall be carried out in the first planting and seeding seasons following occupation of the dwellings 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.
7. In respect of the proposed 15 m tree belt along the northern boundary of the site, the area shall be laid out in accordance with the approved plans and condition 6 above, and be retained solely for landscaping purposes and no other buildings, structures or similar shall be erected, placed or stationed thereon, including materials and vehicles associated with the construction phase of the development.
8. Two private car parking spaces for up to a 3 bedroomed dwelling and three private car parking spaces for a 4 or more bedroomed dwelling shall be provided.
9. New boundary walls/fences shall be set back from the edge of the public road or footway at a distance of 1.8 metres.
10. Houses requiring 2 parking spaces shall have a driveway length of 6.0m minimum in front of garage to permit a second car to park, unless alternative parking arrangements are provided. No part of the driveway shall be included in the public road.

11. Parking provision shall be outwith visibility splays.
12. No development shall commence until details have been submitted to and approved by the Council as planning authority regarding : -
  - (a) the design construction (including sections) and finishes of the road and associated embankment features between Plots 21/22 and the existing road, Covesea Rise, together with details of the arrangements to retain/protect the adjacent, existing landscape planting during road construction operations.
  - (b) the design construction and finishes of the proposed cycleway between Plot 14/15 and the existing cycleway on Spynie Brae.
  - (c) the design construction and finishes of all proposed traffic calming features to be incorporated within the road layout.
  - (d) the proposed emergency access link between the development and Roseisle Drive, including the design construction, the time-scale for provision and the location, number and design of bollards or similar 'barrier' to be erected across this link to preclude motorised vehicles, except emergency service vehicles.
13. Prior to first occupation details shall be submitted to and approved by the Council, as planning authority regarding the long term arrangements for the maintenance of the landscaping and play areas.
14. No house building works shall commence on Plots 9-16 (inclusive) and 52 until details have been submitted to and approved by the Council, as planning authority in consultation with the Chief Housing Officer regarding the proposed house designs and details of the arrangements to ensure the long term delivery and provision of affordable/special needs housing on the identified plots.
15. Prior to first occupation the following shall be provided :
  - (a) in accordance with the approved plans, the access road between Plots 21/22 and Covesea Rise.
  - (b) in accordance with the approved plans, the cycle connection between Plots 14/15 and Spynie Brae.
  - (c) all parking, roads and footways serving the respective property in accordance with the approved plans, or at least to base course level, or a stage of road construction previously agreed, in writing with the Council, as planning authority, in consultation with the Transportation Manager.
  - (d) all surface water drainage arrangements, including connections from the development into the drainage arrangements provided in conjunction with the DHE development, as approved under formal decision notice 97/02066/FUL dated 3 April 1998.
16. Prior to occupation of the twenty-third house ie not later than 50% occupation or completion of house building works, whichever is sooner, the play area and equipment shall be provided in accordance with the approved plans.
17. Prior to last occupation of the houses hereby approved, or completion of house building works, whichever is the sooner, all traffic calming features shall be provided in accordance with the approved plans.

**Reasons:**

1. The time limit condition is imposed in order to comply with the requirements of Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure that there are no unauthorised departures from the approved plans which could adversely affect the development or character and amenity of the surrounding properties and area.
3. In order to avoid any ambiguity regarding the terms of this consent, and ensure a satisfactory form of development in the interests of the amenities and appearance of the development and the surrounding area.

4. In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
5. In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
6. In order to ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development or amenity and character of the area.
7. To ensure a satisfactory form of development, in the interests of the amenities and appearance of the development and the surrounding locality.
8. In the interests of road safety.
9. In the interests of road safety.
10. In the interests of road safety.
11. In the interests of road safety.
12. To ensure a satisfactory form of development, in the interests of transportation safety and the amenities and appearance of the development and the locality, including details currently lacking from the submission.
13. In order to ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development or amenity and character of the area.
14. In accordance with the applicants e-mail transmission dated 4 October 2002 and to safeguard the provision for such housing within the development (in accordance with policy S/H5, L/H7 and L/H8 of the approved Moray Structure Plan and adopted Moray Local Plan 2000), details of which are lacking from the submission.
15. To ensure a satisfactory form of development in transportation and surface water drainage terms and that the matters specified are provided at an early stage in conjunction with the development.
16. To ensure a satisfactory form of development whereby play provision is made available for use in conjunction with the development.
17. To ensure a satisfactory form of development, in particular road safety features associated with the development.

In response to a question relating to the time taken to process the application the meeting noted that amended plans relative to the application had only been received on 17 October 2002 and that in general the Government target for processing applications within an eight week period was 80% and the Department is currently operating at 76% placing them in the top 4/5 Scottish Authorities and in respect of household applications their current performance at 93% placed them in the top 2/3 Authorities in Scotland. The meeting also noted that in the majority of cases delays in processing applications were due to awaiting further information from applicants.

#### **BISHOPMILL EAST - NO. 2 WARD**

- (b) 02/01425/FUL Demolish existing house and build new house at 21 East Back Street, Elgin for Mr I Macpherson and Mrs E Russell

Councillor Keith declared an interest in this application and left the meeting taking no part in the discussion or decision.

There was submitted a report by the Director of Environmental Services recommending that, subject to conditions detailed in the report, planning consent be granted in respect of an application to demolish an existing house and build a new house at 21 East Back Street, Elgin for Mr I Macpherson and Mrs E Russell.

The meeting noted that the application was being referred to the Committee, in terms of the Scheme of Delegation, as the local member had declared an interest in the application.

Following consideration it was agreed that the application be approved subject to the following conditions:-

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.
2. Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.
3. Notwithstanding the details submitted, the south facing gable kitchen window is hereby deleted from the proposals and prior to the commencement of development amended plans detailing this shall be agreed in writing with the Planning Authority.
4. That the roof shall be finished with natural slate.

**Reasons:**

1. The time limit condition is imposed in order to comply with the requirements of Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure that there are no unauthorised departures from the approved plans which could adversely affect the development or character and amenity of the surrounding properties and area.
3. To avoid potential overlooking.
4. In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.

On the determination of this application Councillor Keith rejoined the meeting.

**CENTRAL WEST - NO 4 WARD**

- (c) 02/00797/FUL Erect new dwellinghouse and single garage on Site at Fleurs Nursery, Pluscarden Road, Elgin for Mr Bill Allan

There was submitted a report by the Director of Environmental Services recommending that, for reasons detailed in the report, planning consent be refused in respect of an application to erect a new single storey dwellinghouse and single garage on a site at Fleurs Nursery, Pluscarden Road, Elgin for Mr Bill Allan.

The meeting noted that the application had been referred to the Committee, at the request of the Local Member, in terms of the Scheme of Delegation, and that given a letter of objection had been received then were the Committee "minded to approve" the application it would require to be advertised as a departure and referred to a Hearing.

The meeting also noted that Members of the Committee had visited the site of the application on Friday 25 October 2002.

On the invitation of the Chairman the Local Member, Councillor Bisset, advised the meeting that he had requested referral of this application to Committee and for a site visit to be undertaken in order to give Members the opportunity to see for themselves the impact of the proposed development on what is, in his opinion, an existing development site.

Thereafter Councillor Bisset expressed the view that, in his opinion, the proposals complied with policy S/ENV1 given that, as indicated in the report, the proposals involve the erection of a single storey dwellinghouse that is appropriate to its surroundings in terms of its design and use of materials and would not be prejudicial to the character of the area. In regard to policies L/ENV21 and L/IMP7 he was of the opinion that a precedent had been set two years ago when an immediately adjacent site was granted consent for development with a septic tank and soakaway as opposed to connection to a public sewer. He also referred to the consultation responses from Scottish Water and SEPA who were not objecting to septic tank and soakaway proposals with SEPA merely advising against such proposals. He also expressed the view that given the only objection to the application indicated that, while the plans were for a single storey dwellinghouse there would be no objection, then given the proposal is for a single storey dwellinghouse there were no objections. He therefore moved approval of the application as complying with policy for the reasons stated above. The motion was seconded by Councillor Hogg.

As an amendment Councillor Shaw, seconded by Councillor Urquhart, moved refusal of the application as recommended.

On a division there voted:-

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| For the Motion (14)   | - | Councillors Bisset, Hogg, Aldridge, Bothwell, Coutts, Jappy, Leslie, Longmore, McIntosh, Paul, Shepherd, Towns, Wilson and Young |
| For the Amendment (9) | - | Councillors Shaw, Urquhart, Burgess, Divers, Ettles, Gormley, Howe, Keith and Sim  |
| Abstentions (1)       | - | Councillor Gorn  |

Accordingly the motion became the finding of the meeting and it was agreed that the application be approved as complying with policy subject to standard conditions.

The meeting noted that as the application had been approved as complying with policy a Hearing would not be required.

#### **NEW ELGIN WEST - NO. 5 WARD**

- (d) 02/01764/FUL Erect domestic garage at 81 Hardhillock Avenue, Elgin for Mr And Mrs J A F Ruggeri

There was submitted a report by the Director of Environmental Services recommending that, subject to conditions as detailed in the report, planning consent be granted in respect of an application to erect a domestic garage at 81 Hardhillock Avenue, Elgin for Mr and Mrs J A F Ruggeri.

The meeting noted that the application was being referred to the Committee as the applicant is a member of staff of the Environmental Services Department.

Following consideration the Committee agreed to approve the application subject to the following conditions:-

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.
2. Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.

#### **Reasons:**

1. The time limit condition is imposed in order to comply with the requirements of Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure that there are no unauthorised departures from the approved plans which could adversely affect the development or character and amenity of the surrounding properties and area.

**FORRES EAST P NO. 7 WARD**

- (e) 02/01538/FUL Retrospective application to erect garden shed at 8 Tulloch Park, Forres A Client

There was submitted a report by the Director of Environmental Services recommending that, subject to conditions detailed in the report, retrospective consent be granted in respect of an application to erect a garden shed at 8 Tulloch Park, Forres.

The meeting noted that the application was being referred to the Committee, in terms of the Scheme of Delegation, as the local member was on holiday at the time of consideration of the application and whilst objections had been received a Hearing was not recommended as the development complied with Development Plan policies.

Following consideration the meeting agreed that retrospective planning consent be granted subject to the following conditions:-

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.
2. Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.

**Reasons:**

1. The time limit condition is imposed in order to comply with the requirements of Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure that there are no unauthorised departures from the approved plans which could adversely affect the development or character and amenity of the surrounding properties and area.

**FINDERNE - NO. 9 WARD**

- (f) 02/01423/OUT Outline permission to erect 6 dwellinghouses on an area of Land to the rear of Woodside Cottage, Kinloss for G A Rhind And Partners

There was submitted a report by the Director of Environmental Services recommending that, subject to conditions detailed in the report, planning consent be granted in respect of an outline application to erect 6 dwellinghouses on an area of land to the rear of Woodside Cottage, Kinloss for G A Rhind and Partners.

The meeting noted that the application was being referred to the Committee, in terms of the Scheme of Delegation, as a departure from the Development Plan which was being recommended for approval and as a number of objections had been received, a Hearing was recommended.

The reasons for recommending approval of a departure being:-

- (i) the proposed site is designated for housing under policy R2 for Kinloss. As such all of the site is allocated for residential development. The policy does not specify any particular configuration for the "long plots" and the proposed layout is satisfactory.
- (ii) the plot sizes and character of the outline application for six houses is in keeping with the surrounding character of the area and adhering rigidly to the four houses stipulated in policy R2 would not be justified on grounds of visual impact, character and access. The Transportation Manager's recommendation in relation to the splay onto the public road and the making up of the access track to adoptable standards applies whether for four or six houses.
- (iii) although the rear half (approximately) of the site is identified as a grade 3.1 agricultural land (along with a substantial part of the neighbouring residential area) the housing designation R2 is considered to override this as a consideration.

- (iv) no statutory or non-statutory natural heritage interest designations relate to the site.

Following consideration the Committee agreed that it was "minded to approve" the application subject to a Hearing on a date to be agreed, in consultation with the Chairman, to which the applicant and objector be invited to attend and be afforded the opportunity to be heard.

#### **LHANBRYDE AND BIRNIE - NO. 15 WARD**

- (g) 02/01564/FUL Erect a dwellinghouse on Site at Easter Whitewreath Farm, Longmorn, Elgin for Mr And Mrs G Watson

There was submitted a report by the Director of Environmental Services recommending that, for reasons detailed in the report, planning consent be refused in respect of an application to erect a dwellinghouse on a site at Easter Whitewreath Farm, Longmorn, Elgin for Mr and Mrs G Watson.

The meeting noted the application was being referred to the Committee at the request of the Local Member, in terms of the Scheme of Delegation.

The meeting also noted that Members of the Committee visited the site of the application on Friday 25 October 2002 and that in the event of the Committee being "minded to approve" the application comments from Scottish Water be sought prior to any consent being granted.

On the invitation of the Chairman Councillor Shaw advised the meeting that she had requested referral of this application to Committee and for a site visit to be undertaken in view of the history of the refusal of an outline application on the same site and that whilst she supported the refusal at that time there was, in her view, sufficient information in regard to the full application for arguing approval and that without a site visit Members could not, in her opinion, come to an informed decision.

In regard to refusal of the outline consent the meeting noted that this was currently the subject of an appeal to Scottish Ministers.

Thereafter Councillor Shaw, in referring to the location of the proposed development, expressed the view that there was merit in encouraging suitable development in rural communities where the infrastructure is already available and has to be maintained. Whilst the site is in an elevated position a one and a half storey house of traditional design set into the location would, in her opinion, follow an existing pattern of building in that part of Moray and far from being intrusive would be likely to enhance the locality. Given the landform in the area she did not accept that the proposal would be insensitively proportioned or unacceptably prominent and she stated that there is sufficient backdrop and appropriate definition of the site could be achieved by a condition requiring a suitable planting scheme to the satisfaction of the Director of Environmental Services. The assertion that a precedent would be created could be countered, in her opinion, by reference to the terms of Section 44 of NPPG1 (revised) which concluded with the phrase "there is a built-in flexibility depending on the facts and circumstances of each case". Given that there were no objections to the application when advertised as a departure, no history of agricultural use of the site, no objection from the Transportation Manager and there was a satisfactory soakaway pit test she moved approval of the application as complying with policy subject to standard conditions and those to deal with road access, boundary treatments and planting and SEPA and Scottish Water requirements. The motion was seconded by Councillor Coutts.

As an amendment Councillor Burgess, seconded by Councillor Keith, moved refusal of the application as recommended.

As a second amendment Councillor Aldridge, seconded by Councillor Urquhart, moved deferral of the application pending the outcome of the appeal against refusal of outline consent for a house on the same area of land involved in the current proposals.

In terms of Standing Order 49(c) and given that the first amendment was the direct opposite of the motion a division was taken between the motion and the first amendment.

Prior to moving to the vote Councillor Towns left the meeting.

On a division between the Motion and the First Amendment there voted:-

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| For the Motion (15)         | - | Councillors Shaw, Coutts, Bisset, Bothwell, Hogg, Howe, Jappy, Longmore, McIntosh, Paul, Shepherd, Sim, Urquhart, Wilson and Young |
| For the First Amendment (5) | - | Councillors Burgess, Keith, Divers, Ettles and Leslie  |
| Abstentions (3)             | - | Councillors Aldridge, Gormley and Gorn   |

Thereafter on a division between the Motion and the Second Amendment there voted:-

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|------------------------------|---|---|
| For the Motion (13)          | - | Councillors Shaw, Coutts, Bisset, Bothwell, Hogg, Howe, Jappy, Longmore, McIntosh, Paul, Shepherd, Wilson and Young |
| For the Second Amendment (8) | - | Councillors Aldridge, Urquhart, Burgess, Divers, Ettles, Gorn, Leslie and Sim                                       |
| Abstentions (2)              | - | Councillors Gormley and Keith   |

Accordingly the motion became the finding of the meeting and it was agreed that the application be approved as complying with policy, subject to standard conditions and those to deal with road access, boundary treatments and planting and SEPA and Scottish Water requirements.

#### **BUCKIE WEST - NO. 18 WARD**

- (h) 02/01332/OUT Outline to erect a one and a half storey dwellinghouse and garage at Wilsons Land, Buckie for Buckpool Estates

There was submitted a report by the Director of Environmental Services recommending that subject to conditions detailed in the report, outline consent be granted in respect of an application to erect a one and a half storey dwellinghouse and garage at Wilsons Land, Buckie for Buckpool Estates.

The meeting noted the application was being referred to the Committee at the request of the Local Member, in terms of the Scheme of Delegation.

The meeting also noted that an outline application for two dwellings on the site was recommended for approval and refused by this Committee on 28 November 2001 (para. 4(e) of the Minute refers) and dismissed at appeal on 1 July 2002. The meeting also noted that whilst the Reporter found that two dwellings on the site would be overdevelopment to the detriment of the neighbouring properties and to the intended open character of this area of the land he had suggested that one dwellinghouse could be accommodated.

On the invitation of the Chairman Councillor Jappy advised the meeting that he had requested referral of consideration of the application to the Committee given that, in his opinion, to permit the proposed development would be contrary to policy L/ENV18 which intimates that the Council will protect existing "green" space within the towns and villages which are deemed to contribute to the amenity and environment of built up areas and there will be a general presumption against development which threatens to diminish the amenity value of individual locations.

Thereafter Councillor Jappy, seconded by Councillor Longmore, moved that the application be refused given the history of the designation in terms of the Local Plan policy which indicates that an opportunity should be taken to upgrade the site and improve the public amenity through the use of hard and soft landscaping and that this Committee unanimously agreed at the meeting on 28 November 2001 to refuse consent for development on the site.

As an amendment Councillor Burgess, seconded by Councillor Aldridge, moved approval of the application as recommended.

On a division there voted:-

For the Motion (9)	-	Councillors Jappy, Longmore, Bothwell, Gorn, Leslie, McIntosh, Shaw, Shepherd and Young
For the Amendment (12)	-	Councillors Burgess, Aldridge, Coutts, Divers, Ettles, Gormley, Howe, Keith, Paul, Sim, Urquhart and Wilson
Abstentions (2)	-	Councillors Bisset and Hogg

Accordingly the motion became the finding of the meeting and it was agreed that the application be approved subject to the following conditions:-

1. (a) That in the case of any reserved matter, application for approval must be made before:-
  - (i) that expiration of 3 years from the date of the grant of outline planning permission; or
  - (ii) the expiration of 6 months from the date on which an earlier application for such approval was refused; or
  - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed; whichever is the latest: provided that only one such application may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (i) above.
- (b) That the development to which the permission relates must be begun not later than whichever is the later of the following dates:-
  - (i) the expiration of 5 years from the date of the grant of outline planning permission; or
  - (ii) the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.
2. The approval hereby granted is in outline and prior to the commencement of the development approval of the details, including the siting, design and external appearances of the building(s) the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Council, as Planning Authority.
3. The proposed development shall be carried out only in accordance with detailed drawings which shall previously have been submitted to and approved by the Council, as Planning Authority. These drawings shall show the reserved matters numbered 4-7 below.
4. Plans, sections and elevations of all buildings proposed with details of the type and colour of all external materials and finishes shall be submitted in accordance with condition no. 3 above.
5. The proposed layout of the site showing the exact position of the site boundaries, the position of all buildings, the means of access, areas for vehicle parking and the arrangements for the disposal of foul and surface water shall be submitted in accordance with condition no. 3 above.
6. Details of the exact extent, type and finish of all other works including walls, fences and other means of enclosure and screening shall be submitted in accordance with condition no. 3 above.
7. Sections through the site showing the development on its finished levels in relation to existing levels shall be submitted in accordance with condition no. 3 above.
8. The design and materials of the dwelling, and layout of the site, shall be closely based upon the illustrative details submitted but not approved as part of the current proposal.
9. That no development shall take place until a Landscape Scheme (drawn to scale) is submitted to and approved by this Council (as Planning Authority). This Landscape Scheme shall show:-

- (a) the location of any existing trees, shrubs and hedgerows on the site and identify those to be retained and those to be removed;
  - (b) details of the measures to be taken to protect any existing trees, shrubs and hedgerows during the course of developing the site;
  - (c) details of the numbers, species, position, planting distances and sizes of all planting to be undertaken.
10. That all planting, seeding or turfing forming part of the approved landscape scheme shall be carried out in the first planting and seeding seasons following the occupation of the dwelling 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.
  11. Landscaping proposals showing any existing trees/hedges/shrubs to be retained or removed together with details of the type, position and number number of all planting to be undertaken and details of all surfacing materials shall be submitted in accordance with condition 3 above.
  12. That the roof finishes to be used shall be selected from slate or slate effect roof tile.
  13. Two private car parking spaces for up to a 3 bedroomed dwelling and three private car parking spaces for a 4 or more bedroomed dwelling shall be provided.

**Reasons:**

1. The time limit condition is imposed in order to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure that the matters specified can be fully considered prior to the commencement of development.
3. As the consent is in outline only and in order that detailed consideration can be given to the matters specified.
4. As the consent is in outline only and in order that detailed consideration can be given to the matters specified.
5. As the consent is in outline only and in order that detailed consideration can be given to the matters specified.
6. As the consent is in outline only and in order that detailed consideration can be given to the matters specified.
7. As the consent is in outline only and in order that detailed consideration can be given to the matters specified.
8. In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
9. In order that detailed consideration can be given to the landscaping of the site.
10. In order to ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development or amenity and character of the area.
11. As the consent is in outline only and in order that detailed consideration can be given to the matters specified.
12. In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.

13. In the interests of road safety.

#### **RATHFORD - NO. 21 WARD**

- (i) 02/00033/OUT Outline for two sites at Site adjacent to Glen Mor, Drybridge, Buckie for Mr John A T Wilson

Councillors Leslie and Shepherd declared an interest in this application and left the meeting taking no part in the discussion or decision.

Under reference to para. 2 (g) of the Minute of this Committee dated 2 October 2002 there was submitted a report by the Director of Environmental Services recommending that, for reasons detailed in the report, planning consent be refused in respect of an outline application for two sites on a site adjacent to Glen Mor, Drybridge, Buckie for John A T Wilson.

The meeting noted that Members of the Committee had visited the site of the application on Friday 25 October 2002.

The meeting noted that the application had been previously referred to the Committee, in terms of the Scheme of Delegation, as the local member had declared an interest in the application and that if "minded to approve" the application it would require to be advertised as a departure from Development Plan policy and given that an objection had been received a Hearing was recommended.

Following consideration Councillor Aldridge, seconded by Councillor Coutts, moved refusal of the application as recommended.

As an amendment Councillor Jappy, seconded by Councillor Longmore, moved approval of the application on the grounds that in his opinion, the proposed development was sensitively positioned alongside two adjacent houses which would not in his view create ribbon development neither would it result in an uncharacteristic build up of residential properties.

On a division there voted:-

- |                       |   |   |
|-----------------------|---|---|
| For the Motion (15)   | - | Councillors Aldridge, Coutts, Bothwell, Burgess, Divers, Ettles, Hogg, Howe, Keith, McIntosh, Paul, Shaw, Sim, Wilson and Young |
| For the Amendment (2) | - | Councillors Jappy and Longmore  |
| Abstentions (4)       | - | Councillors Bisset, Gormley, Gorn and Urquhart  |

Accordingly the motion became the finding of the meeting and it was agreed that the application be refused for the following reasons:-

1. The proposals are contrary to Moray Structure Plan policies S/ENV1 Approach to the Environment, S/H4 House Building in the Countryside, S/IMP1 Development, Siting, Layout and Design and Moray Local Plan 2000 policies L/HC3 New Houses in the Open Countryside, L/ENV10 Settlement Boundaries and L/IMP2 Development in Rural Areas.
2. The sites would not be sensitively positioned alongside the adjacent buildings, as they would result in ribbon development. This ribbon development would result in a grouping of buildings unrelated to the traditional pattern of settlement in this area and would be detrimental to the appearance and character of the area.
3. The proposal would result in an uncharacteristic build up of residential properties within close proximity to the rural community of Drybridge, compromising the distinction between the defined community and the surrounding countryside.

4. The western boundaries of the site form an arbitrary, unnatural separation from the adjacent open agricultural land resulting in a proposal which would not blend unobtrusively with the surrounding landscape.

On the determination of this application Councillors Leslie and Shepherd rejoined the meeting.

#### **SPEYSIDE - NO. 25 WARD**

- (j) 02/01168/FUL Erect substation compound and associated access at Tomfarclas, Ballindalloch for Fred Olsen Renewables Limited

Councillor Aldridge declared an interest in this application and vacated the Chair in favour of the Vice-Chairman Councillor McIntosh and left the meeting taking no part in the discussion or decision.

There was submitted a report by the Director of Environmental Services recommending that, subject to conditions detailed in the report, planning consent be granted in respect of an application to erect a substation compound and associated access at Tomfarclas, Ballindalloch for Fred Olsen Renewables Limited.

The meeting noted the application was being referred to the Committee, in terms of the Scheme of Delegation, as the local member had declared an interest in the proposal and that whilst an objection to the application had been received a Hearing was not required as the application complied with policy.

Following consideration Councillor Young moved that, given that he considered the agents' comments, contained in the report in response to a representation regarding mitigation measures to avoid contamination of the water supply to Glenfarclas Distillery were an admission that spillages would occur the application be referred to a Hearing to have the issues addressed.

The Development Control Manager advised the meeting that, given the proposals contained in the application complied with Development Plan policies, there was no requirement for referral of the application to a Hearing. He also advised the meeting that, should the Committee have concerns in regard to the measures to be put in place by the applicant, consideration could be given to deferring consideration of the application for further information in regard to this matter from the applicant, SEPA and the objector prior to further consideration by the Committee.

On the advice of the Development Control Manager the Chairman ruled the motion not competent.

Thereafter Councillor Young, seconded by Councillor Paul, moved that given the concerns regarding mitigation measures proposed to avoid water contamination consideration of the application be deferred pending further information from the applicant in this regard and the comments of SEPA and the objector in regard to that information.

As an amendment Councillor Burgess, seconded by Councillor Coutts, moved that given the advice of SEPA as contained within the report the application be approved as recommended.

On a division there voted:-

For the Motion (9) - Councillors Young, Paul, Gormley, Gorn, Hogg, Howe, Longmore, Shepherd and Wilson

For the Amendment (13) - Councillors Burgess, Coutts, Bisset, Bothwell, Divers, Ettles, Jappy, Keith, Leslie, McIntosh, Shaw, Sim and Urquhart

Abstentions (0)

Accordingly the amendment became the finding of the meeting and it was agreed that the application be approved subject to the following conditions:-

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.

2. Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.
3. The development shall relate to the amended plan(s) 51153/01A and 02/A, submitted under cover of the applicants/agents letter dated 16 August 2002 regarding supplementary details of the construction of the access track and the design of the site access junction, together with the agent's letter dated 30 September 2002 regarding the proposed mitigation measures to protect the Green Burn during the construction phase of the development.
4. The development hereby granted shall relate to the application as amended by the applicants agents whereby the proposed rain water collection, septic tank and soakaway arrangements are withdrawn (and thus not approved where shown on drawing 51153/02A) and instead, a chemical toilet facility shall be installed within the substation building.
5. Unless otherwise agreed with the Council (as Planning Authority) the development shall not commence until samples of the proposed roof tiles have been submitted to and approved by the Head of Development Services.
6. The use of white roughcast as an external wall finish is not approved and the building shall be externally finished with a buff coloured roughcast in accordance with sample panels of roughcast which shall be prepared on the site for the inspection and approval of the Head of Development Services and the roughcast work shall not be carried out until agreement has been reached with the Head of Development Services regarding the type and colour of materials to be used.
7. During construction works including excavation and formation of the access track between its junction with the public road and the sub-station compound area, the developer shall afford access at all reasonable times to any archaeological organisation acceptable to the Council, as planning authority and shall allow them to observe work in progress and record items of interest and finds. Notification of the commencement date, information as to whom the archaeologist should contact on site and the name of the archaeological organisation retained by the developer shall be given to the Council, as planning authority in writing not less than 14 days before the development commences.
8. No development shall commence until details have been submitted to and approved by the Council as planning authority regarding:
  - (a) the location and height of all proposed electrical plant/machinery including transformers to be installed at the site.
  - (b) the finished floor level of the sub-station compound building related to a fixed datum.
  - (c) the number, location, design and wattage of all floodlighting to be installed at the compound.
  - (d) the location, size and enclosure arrangements for any "works area" or similar area provided for vehicles and materials, etc during construction works to be provided adjacent to, and associated with the compound and access together with proposals for reconstruction of any "works area" following formation of the sub-station compound and access track.

**Reasons:**

1. The time limit condition is imposed in order to comply with the requirements of Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure that there are no unauthorised departures from the approved plans which could adversely affect the development or character and amenity of the surrounding properties and area.
3. In order to avoid any ambiguity regarding the terms of this consent and to ensure a satisfactory form of development in road safety and drainage terms.
4. In order to avoid any ambiguity regarding the terms of this consent and in accordance with the applicants agents letter dated 31 July 2002 (as addressed to George Murray, Technical Officer).
5. In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.

6. In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
7. In order to record any features of archaeological significance disturbed by the construction of the track.
8. To ensure a satisfactory form of development, including details lacking from the submission and to mitigate the impact of disturbance to the surrounding topography and habitat during construction of the compound.

On the determination of this application Councillor Aldridge rejoined the meeting and the Vice-Chairman vacated the Chair in favour of the Chairman.

#### **LOSSIEMOUTH WEST - NO. 14 WARD**

- (k) 02/01430/FUL Erect new dwellinghouse and integral garage at Site to the East of Skerryview, Dunbar Street, Lossiemouth for Mrs Susan Edwards

Councillor Gormley declared an interest in this item and left the meeting taking no part in the discussion or determination.

There was submitted a report by the Director of Environmental Services recommending that, for reasons detailed in the report planning consent be refused in respect of an application to erect a new dwellinghouse and integral garage at a site to the east of Skerryview, Dunbar Street, Lossiemouth for Mrs Susan Edwards.

The meeting noted the application was being referred to the Committee in terms of the Scheme of Delegation, given that the local member had declared an interest in the application and given that a letter of objection had been received then were the Committee minded to approve the application a Hearing was recommended.

On the motion of Councillor Aldridge, seconded by Councillor Burgess the meeting agreed to refuse the application, as recommended for the following reasons:-

1. The proposals are contrary to the Moray Structure Plan 2000 policies S/H1, S/H3 and S/IMP1 and Moray Local Plan policies L/IMP1, L/H5 and L/IMP3.
2. The proposals are considered to be over development of the site and as such are not in keeping with the character and appearance of the area. In failing to meet the requirements of L/H5 the development does not integrate sensitively into the surrounding townscape.
3. The proposed dwellings close proximity to the existing parent property would have a significant impact upon the amenity of both properties in particular it would result in an unacceptable level of sunlight and daylight to both houses.

On the determination of this application Councillor Gormley rejoined the meeting.

#### **Development Control**

Under reference to the Development Control's performance statistics referred to at paragraph 4 (a) above the meeting joined the Chairman in paying tribute to the staff concerned and requested that the Committee's appreciation of their efforts, particularly given current staffing resources following the Service Review, be conveyed to all those concerned.

#### **5. PROPOSED TURBINE WIND FARMS AT PAULS HILL, BALLINDALLOCH AND CAIRN UISH, GLENLATTERACH**

The Chairman declared an interest in this item given that he had previously declared an interest relating to the planning applications and in terms of the National Code of Conduct remained in the meeting and participated in the decision.

There was submitted a report by the Chief Legal Officer inviting the Committee to consider nominating a representative to sit in on a proposed Moorland Management Committee being set up at each of the proposed wind farm sites at Pauls Hill, Ballindalloch and Cairn Uish, Glenlatterach with a view to monitoring the effect of the development on local birds and plants, and to manage the moorland in the vicinity of the developments to protect endangered species.

The meeting also noted that Scottish Natural Heritage had expressed concern in regard to the original composition of the Management Group consisting of representatives of the developer, the owner, who leases the ground to the developers, Scottish Natural Heritage and the Royal Society for the Protection of Birds and had requested that the Council give consideration to appointing a representative to the Group with a view to removing any potential deadlock situation.

Following consideration the Committee agreed that an officer, to be nominated by the Director of Environmental Services, represent the Council on the proposed Moorland Management Groups being set up for each of the proposed windfarms at Pauls Hill, Ballindalloch and Cairn Uish, Glenlatterach.

## **6. MANAGEMENT RULES: CEMETERIES AND BURIAL GROUNDS**

Under reference to paragraph 9 of the Minute of this Committee dated 3 October 2001 there was submitted a joint report by the Chief Legal Officer and the Director of Environmental Services inviting the Committee to consider proposed new management rules for cemeteries and burial grounds, as set out in the Appendix to the report, which had been amended to take into consideration responses to the consultation process, details of which were set out in the report. The report also suggested that should the Committee be minded to approve the rules they come into force on 1 January 2003.

Following consideration the Committee agreed;

- (i) to approve the Management Rules set out in the Appendix to the report to come into effect on 1 January 2003;
- (ii) to authorise the Chief Legal Officer and the Director of Environmental Services to undertake the procedures necessary to bring them into effect; and
- (iii) that the Committee's appreciation of the work involved in the preparation of the Management Rules be conveyed to the staff concerned.

## **7. EVALUATION OF WHISKY FESTIVAL 2002 & REQUEST FOR FUNDING FOR 2003 EVENT**

Under reference to paragraph 15 of the Minute of this Committee dated 13 March 2002 there was submitted a report by the Director of Environmental Services inviting the Committee to note an evaluation of the Whisky Festival which took place in May 2002 and to consider a request for funding support for the 2003 event.

The meeting noted that the evaluation of the 2002 Festival was based on information provided by the organisers and that a budget of £60,000 had been approved by the Council for implementing the Moray Tourism Action Plan for the financial year 2002/03, £25,000 of which had been allocated to support local events.

During discussion the meeting noted that the granting of a funding contribution to the 2003 Festival would not set a precedent for future years and it was envisaged that the Festival could become more financially self sufficient in future thus reducing/removing the need for public sector funding.

Following consideration the Committee agreed:-

- (i) to note the evaluation of the 2002 Whisky Festival;
- (ii) to contribute £10,000 towards the 2003 Whisky Festival subject to
  - (a) the organisers confirming the proposals for the event, as detailed in section 3.7 of the report;
  - (b) acceptance of the conditions regarding provision of a formal written evaluation of the event, as detailed in section 3.8 of the report; and

- (c) confirmation of contributions from Moray Badenoch and Strathspey Enterprise and the private sector towards marketing and promotion.
- (iii) that a note on expenditure, to date, from the Tourism Action Plan budget be circulated to Members together with information on bids by Local Groups for events within Moray.

## **8. ROAD TRAFFIC ORDERS**

### (i) Lossiemouth

Under reference to paragraph 18 of the Minute of this Committee dated 7 August 2002 there was submitted a report by the Chief Legal Officer inviting the Committee to approve the following Road Traffic Orders:-

"The Moray Council (A941 Lossiemouth – Proposed Various Speed Limits) Order, 2002" and

"The Moray Council (A941 Various Streets, Lossiemouth – Proposed Waiting Restrictions) Order 2002"

The meeting noted that the proposals had been advertised in the local press on 30 August 2002 and no objections or observations had been received in response of this statutory consultation.

Following consideration the Committee agreed to approve the Road Traffic Orders referred to above and authorised the Chief Legal Officer to make the Orders.

### (ii) Proposed 50 mph Speed Limit – Fogwatt

Under reference to paragraph 7 of the Minute of this Committee dated 13 February 2002 there was submitted a report by the Chief Legal Officer inviting the Committee to approve the following Road Traffic Order:-

"The Moray Council (A941 through Fogwatt – 50 mph Speed Limit) Order 2002"

The meeting noted that proposals had been advertised in the local press on 12 July 2002 and that no objections or observations had been received in response to this statutory consultation.

Following consideration the Committee agreed to approve the Road Traffic Order referred to above and authorised the Chief Legal Officer to make the Order.

### (iii) School “Keep Clear” Markings – Forres

Under reference to paragraph 7 of the Minute of this Committee dated 26 June 2002 there was submitted a report by the Chief Legal Officer inviting the Committee to approve the following Road Traffic Order:-

"The Moray Council (Orchard Road/Sanquhar Road, Forres – School “Keep Clear” Markings) Order 2002"

The meeting noted that proposals had been advertised in the local press on 18 September 2002 and that no objections or observations had been received in response to this statutory consultation.

Following consideration the Committee agreed to approve the Road Traffic Order referred to above and authorised the Chief Legal Officer to make the Order.

## **9. WAITING RESTRICTIONS – NEW TESCO STORE, FORRES**

There was submitted a report by the Director of Environmental Services seeking approval of a Traffic Regulation Order in respect of waiting restrictions on Nairn Road, Forres, associated junctions and on Tytler Street, Forres as part of the Section 75 Agreement for the Tesco development in Forres. Details of the proposed waiting restrictions and layout plans were set out in Appendices to the report.

Following consideration the Committee agreed to approve the Traffic Regulation Order, as detailed in the Appendices to the report, and instructed the Director of Environmental Services and the Chief Legal Officer to proceed with the statutory process.

## **10. A96 FOCHABERS - MOSSTODLOCH BYPASS : AMENDED PROPOSALS**

Under reference to paragraph 9 of the Minute of this Committee dated 2 October 2002 there was submitted a report by the Director of Environmental Services advising the Committee of the detailed information contained in the revised proposals for the bypass as presented in the Variation to the Side Roads Order and Addendum to the Environmental Statement issued by the Scottish Executive in regard to the bypass proposals. A copy of the Addendum to the Environmental Statement had been placed in the Members library.

The meeting noted the report recommended that, in responding to the formal consultation, the Council intimate that it appreciates the significant constraint on the earlier proposals to form the bypass in a deep cutting past the northern perimeter of Fochabers due to the high water table, and that these new revised proposals included measures which mitigate the consequential effects of a higher roadway along this part of the proposed bypass and that it would continue to give its support for the bypass, as amended, and would not be minded to lodge an objection to any part of the proposals.

Following consideration the Committee agreed that it's support for the revised proposals, outlined in the report and contained in the background papers identified as the Addendum to the Environmental Statement of October 2001, be communicated to the Scottish Executive.

## **11. STAFF RESOURCES : ROADS SERVICE**

There was submitted a report by the Director of Environmental Services seeking approval of measures to overcome staff resource shortfalls in Roads Service and the development of a strategy for longer term resource levelling.

Following consideration the Committee agreed:-

- (i) to approve the proposal to supplement existing staff resources by either outsourcing work or by the secondment of appropriate staff from Consulting Engineers, neighbouring Local Authorities or Agencies; and
- (ii) that in the longer term, further reports come forward to either identify sustainable new posts or term contracts be developed to accommodate workload peaks.

## **12. LIST OF REPORTS ISSUED FOR INFORMATION**

In terms of the Council's decision of 14 July 1999 (Paragraph 6(a) of the Minute refers) in regard to the issuing of reports for information the Meeting noted that the undernoted reports had been issued under separate cover, copies of which had also been made available at the Council's Access Points and Public Libraries:-

- List of Leases, Rent Reviews and Assignations Submitted for Noting – Report by Head of Estates Services.

## **13. LIST OF LEASES SUBMITTED FOR APPROVAL (Para. 9)**

There was submitted a report by the Head of Estates Services inviting the Committee to approve the terms of two leases, as set out in the Appendix to the report, relating to 43 Commercial Road, Buckie and the Game Depot, Mosstodloch Industrial Estate, Mosstodloch.

Following consideration the Committee agreed to approve the terms of the two leases, as detailed in the Appendix to the report.

## **14. SUPPORTED ACCOMMODATION LEASES (Para. 9)**

Under reference to paragraph 31 of the Minute of the Community Services Committee dated 9 October 2001 there was submitted a report by the Director of Community Services seeking approval to vary the terms and conditions of the lease agreements with service providers for supported accommodation for people with learning disabilities in respect of properties at 28 Hay Street and 3 South Street, Elgin which are held on the General Services Account.

Following consideration the Committee agreed to approve the varying of the supported accommodation leases held on the General Services Account, for the reasons outlined in the report.

**13. HIGHLANDS AND ISLANDS FILM COMMISSION (Para. 9)**

There was submitted a report by the Director of Environmental Services seeking Committee's support for The Mild Bunch, the first feature film to be made in Moray, and for approval to meet the costs of renting the vacant Tomintoul Secondary School to Scot Three Limited who are producing the feature film. The meeting noted that the request would cover legal fees and rental, inclusive of rates, energy, external repairs and insurance costs up to a maximum of £5,000.

Following consideration the Committee agreed to:-

- (a) support Scot Three Films Ltd in the making of The Mild Bunch;
- (b) recommend to the Policy and Resources Committee the provision up to a maximum £5,000 to cover the rent and legal fees for the use of Tomintoul Secondary School by Scot Three Films Ltd, to be met from the Corporate Economic Development Activities Budget; and
- (c) grant authority to officers to consider and implement any other requests for assistance from Scot Three Films Ltd, in consultation with the Chair, Vice Chair and Local Member.