

1/3 June, 1994

In a Meeting of the Planning and Development Committee of the Moray District Council held at Elgin on the First and Third days of June Nineteen Hundred and Ninety-four.

PRESENT

Councillors:-	I. Lawson (Chairman)	S.D.I. Longmore
	E. Aldridge	L. Mann
	Mrs. M.E. Anderson	J.A. Proctor
	Mrs. M.M. Cumiskie	Mrs. A.M. Scott
	Mrs. M.M. Davidson	Mrs. J.M. Shaw
	A. Farquharson	W.R. Swanson
	A.J. Fleming	D.M.A. Thompson
	W. Jappy	

IN ATTENDANCE

Director of Administration and Law
Director of Planning and Development
Depute Director of Planning and Development
Chief Assistant (Development Control)
Chief Assistant (Local Plans and Industry)
Principal Assistant Building Control

ALSO IN ATTENDANCE

Miss C. Marshall, Project Officer, Findhorn Bay Local Nature Reserve (in respect of Item 11)

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors T.A. Howe and J. Wilson.

2. ADDITIONAL ITEM

In terms of the relevant Standing Order, the meeting agreed to accept as an additional item of business to be transacted at the meeting, a report outlining further information in respect of an alleged contravention of planning permission at Fochabers, on the Chairman certifying that, in his opinion, this item required to be considered at the meeting on the grounds of urgency.

3. RESOLUTION

The meeting resolved that in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting during consideration of the items of business appearing at the relevant paragraphs of this Minute as specified in Column 1 below so as to avoid disclosure of exempt information of the class described in the appropriate paragraph of Part 1 of Section 7A of the Act as specified in Column 2 below.

Paragraph No. of Minute

Paragraph No. of Schedule 7A

18	13
32	8 & 9
34	13
35	1
36	13
37	6
38	13
39	13

4. PRIOR MINUTE

SUBMITTED:- The Minute of this Committee dated 20th April, 1994 as previously approved by the District Council at its meeting on 11th May, 1994.

DECIDED:- That the Minute be noted.

5. ELECTION OF VICE-CHAIRMAN

SUBMITTED:- A report by the Director of Administration and Law inviting the Committee to elect a Vice-Chairman following the resignation of the previous Vice-Chairman.

Following discussion, Councillor Jappy, seconded by Councillor Longmore, moved that Councillor Proctor be elected to the position of Vice-Chairman.

As an amendment, Councillor Aldridge, seconded by Councillor Mann, moved that the appointment of Vice-Chairman be deferred meantime.

On a division there voted:-

For the motion (7)

For the amendment (6)

Abstentions (2)

Councillors:-

Councillors:-

Councillors:-

Jappy
Longmore
Mrs Anderson
Mrs Cumiskie
Fleming
Mrs Scott
Swanson

Aldridge
Mann
Mrs. Davidson
Lawson
Shaw
Thompson

Farquharson
Proctor

DECIDED:- That Councillor Proctor be elected as Vice-Chairman of the Planning and Development Committee.

6. BUILDING (SCOTLAND) ACTS

(i) Applications for Building Warrants noted as approved under delegated powers

SUBMITTED:- A report by the Director of Community Services advising the meeting that he had determined 216 applications for Building Warrants since the last meeting of this Committee in terms of the powers delegated to him.

DECIDED:- That the report be noted.

(a) Applications for Relaxation Recommended for Approval

SUBMITTED:- A report by the Director of Community Services recommending that the following applications for relaxations from the Building Regulations be granted:-

08/921357	Alterations to harbour buildings at Harbour Buildings, East Basin, Lossiemouth for Elgin & Lossiemouth Harbour per Wittets, 26 Hay Street, Elgin
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Regulation 9(S2.9)
Requirements with regard to single treads

- 18/931156 Alter house and erect garage at The Bothy, Drumnagrain, Ballindalloch for Mr. R. Shelley per Plans Plus, Main Street, Urquhart
- Regulation 9(S2.24)
Requirements with regard to headroom to stairs
- 17/931328 Alterations to attic rooms at 65 Land Street, Rothes for Mr. M. Morrison per Mr. J.M. Brian, 23 Burnside Street, Rothes
- Regulation 9(S2.24)
Requirements with regard to headroom to stairs
- 17/940018 Alterations at Lour Hotel, Aberlour for Mr. I. MacKenzie per Ashley Bartlam Partners, 41 Moss Street, Elgin
- Regulation 9(D2.3)
Requirements with regard to non-combustibility
- Regulation 9(E2.31)
Requirements with regard to non-combustibility
- Regulation 9(E2.38)
Requirements with regard to the provision of protected lobbies
- Regulation 9(T2.4)
Requirements with regard to the provision of sanitary facilities for the disabled
- 07/940037 Alterations to form 2 flats at 21 Harbour Street, Hopeman for Mr. & Mrs M. Miele per Mr. K.J. King, 19 Milnefield Avenue, Elgin
- Regulation 9(D2.3)
Requirements with regard to non-combustibility
- 04/940473 Alterations extension and change of use at 278 High Street, Elgin for Miller & Swann per Douglas T. Forrest, Studio 9, Elgin Business Centre, Maisondieu Road, Elgin
- Regulation 9(D2.3)
Requirements with regard to non-combustibility
- 13/940577 Alterations to dwellinghouse at 1 Findlater Avenue, Portknockie for Mr. A. Lewis per Mrs. E. Brown, 22 Seafield Street, Cullen
- Regulation 9(S2.6)
Requirements with regard to tapered treads
- Regulation 9(S2.10)
Requirements with regard to the width of stairs
- Regulation 9(S2.24)
Requirements with regard to headroom to landings
- 02/940601 Alterations at Institution Road, Elgin for Governors of Andersons per Wittets Ltd, 26 Hay Street, Elgin
- Regulation 9(E2.26)

Requirements with regard to doors to protected zones

18/940606 Erection of warehouse No. 38 at Balvenie Distillery, Dufftown for Messrs. W. Grant & Sons Ltd per Simpson & Wright, 96 Moss Street, Keith

Regulation 9(D2.1)

Requirements with regard to compartment floor areas

Regulation 9(E2.6)

Requirements with regard to the width of escape routes in a palletised warehouse.

DECIDED:- That subject, where appropriate, to consultation with the Firemaster, Health and Safety Executive and the adjoining proprietors, the relaxations applied for be granted as recommended subject to no objections being received in respect of the draft directions and that thereafter the relevant applications for building warrant be granted in terms of the Building (Procedure) (Scotland) Regulations 1981.

7. APPLICATIONS FOR PLANNING PERMISSION

(a) Current Applications

ELGIN - NO. 1 WARD

Applications noted as approved under delegated powers

- (1) 940286 Erect new dwellinghouse and double garage on Plot 2 North Lesmurdie, Elgin for Mr. and Mrs M. Baxter
- (2) 940287 Alter and extend dwellinghouse at 7 Russell Place, Elgin for Mr and Mrs A. Inkson
- (3) 940320 Enlarge house by providing conservatory and bedroom extension at 60 Hamilton Drive, Elgin for Mr and Mrs F. Slowey
- (4) 940352 Replace existing garage at 16 Blantyre Street, Bishopmill for Mr A. Mellis

ELGIN - NO. 2 WARD

Applications noted as approved under delegated powers

- (5) 931132 Erect two 24 tonne LPG tanks (in place of rail tankers) and two 68,190 litre water tanks at Milnfield, Elgin for Gleaner Oils Ltd
- (6) 940106 Extend existing lounge at 45 Deanshaugh Road, Elgin for Mr. A. Hendry
- (7) 940179 Alter and extend existing dwellinghouse at 14 South College Street, Elgin for Mr. and Mrs. McMillan
- (8) 940184 Change of use of micro-film lab to motorcycle sales and repairs at 5 Spur South, Pinefield, Elgin for Mr. W. Young
- (9) 940185 Conservation area consent to alter and extend existing dwellinghouse at 14 South College Street, Elgin for Mr. and Mrs McMillan
- (10) 940218 Erect shed and carport at new house on garden plot to rear of property at 2 Ashgrove Road, Elgin for Mr. J. Kelly

- (11) 940234 Erect a concrete block garage at 21 Deanshaugh Road, Elgin for Mr. and Mrs. A. Jones
- (12) 940252 Form entrance extension, revise fenestration to suit revised internal layout and form car parking at 12 Perimeter Road, Elgin (Revisions to previous consent) for Robertson Construction Group
- (13) 940255 Erect single timber garage in rear garden at 22 Reid Street, Elgin for Mr. and Mrs. Lennon
- (14) 940257 Renewal of outline planning permission for erection of 2 semi-detached houses within grounds to rear of property at Croft 10, Institution Road, Elgin for Mr. and Mrs. T.R. Cartmell
- (15) 940314 Alter and extend existing house at 1 Inchbroom Walk, South Lesmurdie, Elgin for Mr. and Mrs. B. Flett
- (16) 940376 Listed Building Consent for alterations to first floor west wing and installation of lift at Andersons, Institution Road, Elgin for The Governors of Andersons

Application Approved

- (17) 940242 Certificate of Appropriate Alternative Development - Garage Premises at Greyfriars Street, Elgin for P.S. Nicholson (Holdings) Limited

SUBMITTED:-

A report by the Director of Planning and development recommending that a Certificate of Appropriate Alternative Development be issued for Garage Premises at Greyfriars Street, Elgin for P.S. Nicholson (Holdings) Limited

DECIDED:-

That a Certificate of Appropriate Alternative Development be issued to P.S. Nicholson (Holdings) Limited for the continuation of the existing use of Garage Premises at Greyfriars Street, Elgin but that the applicant be made aware that any proposal to convert the premises to retail/car parking would require the submission of a further planning application.

ELGIN - NO. 3 WARD

Applications noted as approved under delegated powers

- (18) 940143 Build garage at 52 Bailies Drive, New Elgin, Elgin for Mr and Mrs G.A. Burnett
- (19) 940328 Add one and a half storey rear extension to existing building at 16 New Elgin Road, Elgin for Mr. and Mrs. R. Burns
- (20) 940396 Erect new kitchen at 59 Main Street, New Elgin, Elgin for Mr and Mrs R. Fraser

Application approved subject to conditions

- (21) 940262 Form new bedroom in new pitched roof extension at 41 Baillies Drive, New Elgin, Elgin for Mr. & Mrs McAloon

SUBMITTED:-

A report by the Director of Planning and development recommending that planning permission for the formation of a new bedroom in a new pitched roof extension at 41 Baillies Drive, New Elgin, Elgin be granted subject to conditions.

Following discussion Councillor Mrs. Anderson, seconded by Councillor Longmore, moved that the application be refused on the grounds that the design proposed was out of keeping with the remainder of dwellings within the area and would set an undesirable precedent for such developments in Baillies Drive.

Councillor Farquharson, seconded by Councillor Aldridge, moved as an amendment that the application be approved as submitted on the grounds that the development would have no significant adverse affect upon neighbouring properties.

On a division there voted:-

For the motion (5)

Councillors:-

Mrs Anderson
Longmore
Mrs Cumiskie
Jappy
Mrs. Scott

For the amendment (7)

Councillors:-

Farquharson
Aldridge
Fleming
Lawson
Proctor
Swanson
Thompson

Abstentions (3)

Councillors:-

Mrs Davidson
Mann
Mrs. Shaw

DECIDED:-

That planning permission be granted subject to the following conditions:-

- (i) 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 was granted;
- (ii) unless otherwise agreed with the District Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions;
- (iii) unless otherwise agreed with the District Council, as Planning Authority, the roof shall be finished with tiles to match exactly the existing;
- (iv) unless otherwise agreed with the District Council, as Planning Authority, the walls shall be finished with roughcast to match exactly the existing.

Reasons:

- (i) Standard time limit reason stipulated under The Town and Country Planning (Scotland) Act 1972;
- (ii) 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;
- (iii) and (iv) in order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.

ELGIN - NO. 4 WARD

Applications noted as approved under delegated powers

- (22) 931379 Erect 12 flats for health service staff at Bilbohall Farm, Elgin for Moray Health Services (outline)
- (23) 940077 Alter building and change of use from store to domestic flats at 185c High Street, Harrow Close, Elgin for Mr. B. Morris
- (24) 940171 Projecting sign and signboards at 154 High Street, Elgin for Mr. N. Mamud
- (25) 940173 Alter property to form new bedsit at rear of ground floor shop at 233 High Street, Elgin for Mr. and Mrs H. Hislop
- (26) 940174 Listed Building Consent to alter property to form new bedsit at rear of ground floor shop at 233 High Street, Elgin for Mr. and Mrs H. Hislop
- (27) 940192 Alter and extend and change of use of offices to vets' surgery at 278 High Street, Elgin for Messrs. Miller & Swann
- (28) 940227 Change of use of ironmongers shop to tearoom at 33 Batchen Street, Elgin for Mr and Mrs M. Gregory
- (29) 940250 Listed Building Consent to erect a satellite dish at 15 South Guildry Street, Elgin for Mr and Mrs O Grieveson
- (30) 940298 Alter and extend dwellinghouse at 13 Wittet Drive, Elgin for Mr and Mrs M. Williamson
- (31) 940305 Erect dormer to rear of property at 4 The Wards, Elgin for Mr and Mrs G. Smith
- (32) 940342 Erect a conservatory at 9 Fleurs Place, Elgin for Dr K.M. Brown

Application noted as approved after consultation with Local Member of Planning Authority

- (33) 940191 Extend rear wing to provide first floor and garage at 21 Academy Street, Elgin for Mr. G. Shiach

Application approved

- (34) 931409 Erect a domestic double garage at Double Dykes, Bruceland Road, Elgin for Mr. P.C. Asher

SUBMITTED:- A report by the Director of Planning and Development recommending the refusal of planning permission for the erection of a domestic double garage at Double Dykes, Bruceland Road, Elgin for Mr. P.C. Asher

Following discussion Councillor Proctor, seconded by Councillor Mrs Anderson, moved that planning permission be granted for the proposed development on the grounds that it would not be visually intrusive to the surrounding area and that the proposed tree hedging would help further minimise the impact of the development.

Councillor Lawson, seconded by Councillor Aldridge, moved as an amendment that the application be refused as submitted.

On a division there voted:-

For the motion (7)

Councillors:-

Proctor
Mrs Anderson
Mrs Cumiskie
Mrs Davidson
Jappy
Longmore
Mrs Scott

For the amendment (6)

Councillors:-

Lawson
Aldridge
Farquharson
Fleming
Mrs. Shaw
Swanson

Abstentions (2)

Councillors:-

Mann
Thompson

DECIDED:-

That planning permission be granted for the erection of a domestic double garage at Double Dykes, Bruceland Road, Elgin for Mr. P.C. Asher.

Application refused

- (35) 940517 Non-compliance with condition 5 of decision notice - 931320 by using Redland Saxon slate grey tiles to the rear of blocks of 3 flats and 8 maisonettes at Hill Street, Elgin for MacKenzie Investments (Elgin) Ltd

SUBMITTED:-

A report by the Director of Planning and Development informing the Committee of a non-compliance with condition 5 of planning application 931320 and recommending the refusal of planning permission for the use of Redland Saxon slate grey tiles to the rear of blocks of 3 flats and 8 maisonettes at Hill Street, Elgin for MacKenzie Investments (Elgin) Ltd

During discussion the meeting noted that the fresh application by MacKenzie Investment (Elgin) Limited for the use of Redland Saxon slate grey tiles to be used on the development was not different in any material respect from the application previously refused by this Committee at its meeting on 26th January/1st February, 1994 (para 7(38) refers) and accordingly the meeting agreed that it was not appropriate to suspend Standing Orders to come to an alternative decision.

DECIDED:-

That planning permission be refused on the grounds that the proposed use of Redland Saxon slate grey concrete tiles on part of the development approved under formal decision notice 931320 was not considered appropriate nor compatible with existing roof finishes employed elsewhere in the locality and if used would be detrimental to the character and appearance of both the proposed development and the surrounding area.

The meeting also agreed that should a further, similar application come before a future meeting of this Committee samples of the proposed tiles should be requested from the applicants for consideration by Members.

FORRES - NO. 5 WARD

Applications noted as approved under delegated powers

- (36) 940122 Change of use of dwelling to form holistic health centre at 5 Bank Lane, Forres for Dr. C.J. Fellner
- (37) 940207 Erect 29 Dwellings at former auction mart site at Nairn Road, Forres for Margaret Blackwood Housing Association Ltd
- (38) 940222 Erect a weather cover and raise boundary wallhead at loading bay at Monarch Laundry, North Road, Forres for Mr. A. Gruddy
- (39) 940249 Change of use of amenity ground to garden at Ivy Lane, North Road, Forres for Mr and Mrs P. Bickmore
- (40) 940294 Extend dwellinghouse at 23 Hilltop Road, Forbeshill, Forres for Mr J.A. Bell
- (41) 940300 Addition of one flat and one car parking space to previous approval 921196 for ten flats at Tytler Street, Forres for Mr. P. Ross
- (42) 940338 Extend house at 11 Moray Gardens, Forres for Mrs E. Whitelaw
- (43) 940349 Erect a double garage and car port at 18 Adam Drive, Forres for Mr. P.F. Dora
- (44) 940378 Erect garage and store at 21 Roysvale Place, Forres for Mr. A. MacLennan
- (45) 940435 Change of use to tourist information centre at 116 High Street, Forres for Moray Tourist Board
- (46) 940455 Erect extension/internal alterations at 52 Anderson Crescent, Forres for Mr. N. Reid

Applications noted as approved after consultation with Local Member of Planning Authority

- (47) 931202 Proposed demolition of existing steading and rebuild for new dwelling at Thornhill Farm, Forres for Mr. and Mrs. D. Masson
- (48) 931273 Erect a dwellinghouse on Plot 2 Carisbrooke Hotel, Forres for Mr. and Mrs .T. Dingwall
- (49) 931360 Renewal of temporary consent to permanent consent for change of use of shop to taxi office at 3 Caroline Street, Forres for Mr. T.A. Ross

Applications refused

Application Numbers 930778 and 931395 were considered together with the approval of the Committee.

- (50) 930778 Erect 2 no semi-detached cottages at 149 High Street, Forres for Hadenhirst Homes
- (51) 931395 Conservation area consent to demolish derelict cottage at 149 High Street, Forres for Hadenhirst Homes

SUBMITTED:-

Reports by the Director of Planning and Development recommending that a planning application and an application for Conservation Area consent to demolish a derelict cottage at 149 High Street, Forres and erect 2 no. semi-detached cottages in its stead for Hadenhirst Homes be permitted subject to conditions.

Following discussion Councillor Mrs. Cumiskie, seconded by Councillor Jappy, moved that the applications be refused as submitted on the grounds that the proposed development would constitute over-development in the conservation area and would exacerbate the current problem of parking in the vicinity and that such development would lead to a further reduction of light to the adjacent properties.

As an amendment Councillor Farquharson, seconded by Councillor Mann, moved that the application be approved as submitted.

On a division there voted:-

For the motion (7)

Councillors:-

Mrs. Cumiskie
Jappy
Mrs. Anderson
Mrs. Davidson
Longmore
Mrs. Scott
Swanson

For the amendment (6)

Councillors:-

Farquharson
Mann
Aldridge
Lawson
Proctor
Thompson

Abstentions (2)

Councillors:-

Fleming
Mrs. Shaw

DECIDED:-

That planning permission be refused for conservation area consent to demolish derelict cottage at 149 High Street, Forres and erect two no. semi-detached cottages in its stead for Hadenhirst Homes on the basis that the development would:-

- (i) constitute an over-development in the conservation area;
- (ii) the development would exacerbate the current car parking problems within the local vicinity; and
- (iii) the development would result in the loss of light to neighbouring properties.

The Committee agreed however, that it may be prepared to give favourable consideration to an alternative application for planning permission subject to the development being for one house of broadly the same overall dimensions as the existing cottage, sited no further to the North within the site boundaries than the current dwelling and that any increase in the available floor space be arrived at by moving the building line further to the East in line with the adjoining building.

Applications deferred

Application Numbers 940070 and 940537 were considered together with the approval of the Committee.

- (52) 940070 Erect garage and showroom complex at Nairn Road, Forres for Pedigreed Cars

- (53) 940537 Outline application to form industrial/commercial use and establish motor museum tourist attraction at Industrial Site, Nairn Road, Forres for Pedigreed Cars

SUBMITTED:-

Oral reports by the Director of Planning and development recommending that the application to erect a garage and showroom complex at Nairn Road, Forres and an outline application for industrial/commercial use and to establish a motor museum tourist attraction at the Industrial Site, Nairn Road, Forres for Pedigree Cars be deferred for further consultation with the developer and to allow any future applications for these developments to be considered together.

DECIDED:-

That these applications be deferred in order to allow for further consultation with the applicant and allow any subsequent applications to be considered in relation to each other.

Applications refused

Application Numbers 940306 and 940307 were considered together with the approval of the Committee.

- (54) 940306 Alter and extend shop and form toilet/store at 128 High Street, Forres for Mr. A. Grant
- (55) 940307 Listed Building Consent to alter and extend shop and form toilet/store at 128 High Street, Forres for Mr. A. Grant

SUBMITTED:-

Reports by the Director of Planning and Development recommending refusal of planning permission and Listed Building consent to alter and extend shop and form toilet/store at 128 High Street, Forres for Mr. A. Grant

DECIDED:-

That planning permission and Listed Building Consent to alter and extend the shop and form toilet/store at 128 High Street, Forres for Mr. A. Grant be refused on the following grounds:-

- (i) the proposal is contrary to Local Plan policies ENV3 "Development in Built-up Areas", ENV24 "Conservation Areas" and ENV25 "Listed Buildings";
- (ii) the proposal would have a detrimental affect upon the amenity of adjoining properties, in terms of the availability of natural light, and the infringement upon privacy;
- (iii) the design of the proposed extension would not complement the existing rear elevation of a Category B listed building in terms of its scale, form and material finishes, and would therefore have a detrimental affect upon its character and the character of the Conservation Area.

The meeting further agreed the Department of Planning and Development inform the applicant that the Committee may be willing to consider an acceptable alternative if this could be achieved and in this regard the Department of Planning and Development enter into discussion with the applicant with a view to re-submitting an amended application.

- (56) 940470 Establish a food supermarket in ex commercial garage building and demolition of external buildings for servicing at Pedigreed Cars, Narin Road, Forres for Areacentre Limited (outline)

SUBMITTED:-

An oral report by the Director of Planning and development recommending refusal of outline planning permission for the establishment of a food supermarket in the ex-commercial garage buildings and the demolition of external buildings for servicing at Pedigreed Cars, Nairn Road, Forres for Areacentre Limited (outline)

DECIDED:-

That planning permission be refused for the establishment of a food supermarket and demolition of external buildings in ex commercial garage building at Pedigreed Cars, Nairn Road, Forres for Areacentre Limited on the grounds that the fresh application contained no material changes of circumstances which would warrant the Committee to consider whether to alter its previous decision (Minute of the Planning and Development Committee dated 20th April, 1994 (para. 28) refers).

FINDHORN VALLEY - NO. 6 WARD**Applications noted as approved under delegated powers**

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|------|--------|--|
| (57) | 930665 | Convert farm steading into domestic dwelling at Burnside, by Rafford for Mr. and Mrs G. Proctor |
| (58) | 931341 | Extend dwellinghouse at rear and add utility room at side at Wester Regaule, by Dunphail, Forres for Mr. C. MacGillivray |
| (59) | 940074 | Erect an extension at 13 Whiteinch, Kinloss for Mr. A.R. Aikman |
| (60) | 940110 | Erect house and garage on Plot 8 Darklass Road, Dyke for Mr. A. Davidson |
| (61) | 940154 | Relocate existing main entrance park at Findhorn for Findhorn Foundation |
| (62) | 940193 | Erect three dwellings at Ferryhill, Forres for Makepeace Limited |
| (63) | 940226 | Proposed sign board at junction of private road and B9007 at South Lodge, Logie for Logie Enterprises Ltd |
| (64) | 940237 | Build windbreak porch onto front of house at 109 Findhorn, Findhorn, by Forres for Ms. D. Hewitt |
| (65) | 940258 | Erect garage and store at Willows, Southview, Rafford for Mr and Mrs C. Miele |
| (66) | 940280 | Extend dwellinghouse at Fairview, Dyke, by Forres for Mr. S. Chalmers |
| (67) | 940292 | Erect sun lounge and for roof modifications at Smithy, Kintessack, by Forres for Mr and Mrs G. Anderson |
| (68) | 940308 | Extend house to form lounge and bedroom and garage at 26 Woodside Drive, Forres for Mr. M. Fort |
| (69) | 940360 | Erect a stone wall 1:50 M high at Broombank, Findhorn, by Forres for Ms. T. Lamont |
| (70) | 940367 | Insert patio doors and two velux windows at 86 Findhorn, Findhorn for Mr. R. Gregory |

- (71) 940398 Erect an extension at Milton of Grange, Forres for Mr. A. Massie
- (72) 940423 Alter and extend house at 47 Woodside Drive, Forres for Mr. J. Yule

Applications noted as approved after consultation with Local Member of Planning Authority

- (73) 940058 Re-roof cottage, raise ridge line by 4", also velux windows, new window at rear, new wind porch and solar panels at 34 Findhorn, Findhorn, by Forres for Ms. R. Majuri
- (74) 940133 Erect garage at back of house at 25 Torridon Park, Thornhill, Forres for Mr. and Mrs. P. Box
- (75) 940239 Modernise and extend property at Brae, Rafford for Mr. and Mrs. M. Abbs
- (76) 940323 Erect 1 unit (A) of 4 x polythene tunnels at Bogton Packing Shed, by Springfield, Forres (North of Forres By-Pass) for T. & W. Christie (Forres) Ltd
- (77) 940324 Erect 1 unit (B) of 4 x polythene tunnels at Bogton Packing Shed, by Springfield, Forres (North of Forres By-Pass) for T. & W. Christie (Forres) Ltd
- (78) 940325 Erect 1 unit (C) of 4 x polythene tunnels at Bogton Packing Shed, by Springfield, Forres (North of Forres By-Pass) for T. & W. Christie (Forres) Ltd

Applications noted as refused after consultation with Local Member of Planning Authority

- (79) 940073 Site a temporary mobile home for 2 years at 13 Whiteinch, Kinloss, by Forres for Mr. A.R. Aikman
- (80) 940105 Erect house and garage on Plot 1 and 2 Redhill, Rafford, by Forres for Mr. J.A. James

LAICH - NO. 7 WARD

Applications noted as approved under delegated powers

- (81) 931233 Erect dwellinghouse at St. Aethans Road, Burghead for Mr J.S. Leggat
- (82) 931327 Use ex barn as an indoor riding arena in conjunction with the use of the barn as a vehicle sales mart and sunday market at Balormie Farm, Lossiemouth for Shempston Farms Ltd
- (83) 940187 Change use of former shop to 3 No. two bedroom flats at Firthview, Fraser Road, Burghead for Ms. E. More
- (84) 940188 Erect fire escape at Station Hotel, Brander Street, Burghead for Mr D. Scaife
- (85) 940230 Erect house and garage at Inchkeil, Roseisle, by Elgin for Mr. A.W. Adam (outline)
- (86) 940267 Erect 2 semi-detached bungalows on plot 27-27A Golfview, Hopeman for Tulloch of Cummington
- (87) 940274 Erect pitched roof over existing kitchen at 12 Dunbar Street, Duffus for Mr. and Mrs. Harrison

- (88) 940284 Proposed new conservatory at 9 Cameron Terrace, Hopeman for Mr. and Mrs J. Davidson
- (89) 940331 Internal alterations and extend house at 40 Duff Street, Hopeman for Mr. and Mrs K. Tulloch
- (90) 940340 Erect extension (dining room, bedroom, shower) at 23 McPherson Street, Hopeman for Mr. and Mrs. D.L. Russell
- (91) 940344 Extend and re-roof kitchen at 20 Church Street, Burghead for Mr. A. More
- (92) 940386 Install one 1,200 ltr calor gas tank at 19 Dunbar Street, Burghead for Mrs. K. Wilson
- (93) 940445 Proposed change of use from steading to lounge and domestic garage and alterations at Homefarm House, Golf Road, Hopeman for Mr and Mrs D. Woodward

Application noted as approved after consultation with Local Member of Planning Authority

- (94) 940023 Erect port-a-cabin/toilets - par 3 golf course at Covesea Links, Lossiemouth for Mrs. J. Stewart

Applications refused

- (95) 931399 Erect proposed dwellinghouse at Golf Driving Range, by Inverugie Quarry, by Hopeman for Mr. D. Anderson

SUBMITTED:- A report by the Director of Planning and Development recommending the refusal of planning permission to erect a proposed dwellinghouse at Golf Driving Range, by Inverugie Quarry, by Hopeman for Mr. D. Anderson

DECIDED:- That planning permission be refused on the following grounds:-

(i) the proposal is contrary to the policies and provisions of the Moray District Local Plan 1993-1998 regarding Housing in the Countryside in terms of HC5 Design of New Houses; HC10 Location of New Houses and HC11 Pattern of Settlement;

(ii) the proposal does not blend sympathetically with the existing natural landform and lacks a suitable degree of enclosure which would result in an obtrusive form of development in the countryside detrimental to the character and amenities of the area;

(iii) approval would establish an undesirable precedent for further sub-division of this land which would lead to a haphazard and unplanned build up of housing.

- (96) 911371 Operate 3 private hire cars at 5 Moray Street, Hopeman for Mr. W.J. Anderson

SUBMITTED:- An oral report by the Director of Planning and development recommending that planning permission be refused for the operation of 3 private hire cars from 5 Moray Street, Hopeman, Moray for Mr. W.J. Anderson.

DECIDED:-

(i) That planning permission be refused for the operation of three private hire cars from 5 Moray Street, Hopeman for Mr. W.J. Anderson;

(ii) That the applicant should be advised that the Committee may consider favourably an application for the operation of one vehicle subject to the provision of suitable off-street parking; and

(iii) That appropriate Enforcement Action be taken against Mr. Anderson to secure the discontinuation of existing operations, but that in this regard the taking of Enforcement Action be deferred by six weeks in order to allow consideration of any future application for planning permission.

LOSSIEMOUTH - NO. 8 WARD

Applications noted as approved under delegated powers

- | | | |
|-------|--------|---|
| (97) | 940053 | Erect dwellinghouse and double garage to rear of property at Pennick St Gerardines Road, Lossiemouth for Mr. R.A. Greig |
| (98) | 940213 | Sub-divide existing house into 2 houses at Pennick, St. Gerardines Road, Lossiemouth for Ms. A. Steel |
| (99) | 940263 | Erection of private garage at Dunconusg, Stotfield Road, Lossiemouth for Ms L. Donaldson |
| (100) | 940268 | Proposed housing development - amended design of unit no 1 at The Old Hydro Board Depot, Clifton Road, Lossiemouth for Mr. F. Ralph |
| (101) | 940365 | Erect new sun lounge at 4-6 Grant Lane, Lossiemouth for Mr. and Mrs. S. Gillespie |

HELDON - NO. 9 WARD

Applications noted as approved under delegated powers

- | | | |
|-------|--------|--|
| (102) | 940037 | Erect house and garage on Plot 1 (site next to Neil Miller's garage) at Fogwatt for Mr. and Mrs K. Davies |
| (103) | 940041 | Erect extension for the purpose of storing flying clothing at RAF Kinloss for Ministry of Defence |
| (104) | 940215 | Extend the workshop at Fogwatt Garage, Longmorn, by Elgin for Mr. N. Miller |
| (105) | 940225 | Proposed extension to station headquarters (building 19) at RAF Kinloss, Kinloss for Ministry of Defence |
| (106) | 940244 | Alter house and convert loft at Aitendow, Thomshill, Birnie for Mr. T. Jackson |
| (107) | 940301 | Erect a calor LPG tank (1200L) colour green BS12B21 at Kishmul, Coltfoot Crossroads, Alves for Mr. S.R.A. Wright |

Applications noted as approved after consultation with Local Member of Planning Authority

- | | | |
|-------|--------|--|
| (108) | 940246 | Form building plot at No. 2, Altgowrie, Fogwatt, Near Elgin for Mrs. S. Farquhar (outline) |
|-------|--------|--|

- (109) 940247 Form building plot at No. 3, Altgowrie, Fogwatt, Near Elgin for Mrs. S. Farquhar (outline)
- (110) 940248 Form building plot at No. 1, Altgowrie, Fogwatt, Near Elgin for Mrs. S. Farquhar (outline)

Application approved

- (111) 940168 Erect farmhouse at Dykeside Farm, Dykeside for Mr. and Mrs. Mustard (outline)

SUBMITTED:- A report by the Director of Planning and Development recommending the refusal of planning permission to erect a farmhouse at Dykeside Farm, Dykeside for Mr. and Mrs. Mustard (outline)

Following discussion Councillor Lawson, seconded by Councillor Aldridge moved that planning permission be granted for the proposed development as it did not represent sporadic development in the countryside, but rather completed the existing farmyard complex.

Councillor Farquharson moved as an amendment that planning permission be refused as submitted; however as the amendment failed to find a seconder it fell accordingly.

DECIDED:-

(i) that outline planning permission be granted to erect a farmhouse at Dykeside Farm, Dykeside for Mr and Mrs Mustard subject to appropriate conditions; and

(ii) this application be advertised as a departure not in accordance with the Adopted Area Local Plan and referred to Grampian Regional Council.

INNES - NO. 10 WARD

Applications noted as approved under delegated powers

- (112) 940217 Extension and alteration of house at Pinewood, Bailiesland, Elgin for Mr. S. Williamson
- (113) 940260 Erect new shower room at 51 Templand Road, Lhanbryde for Mr. and Mrs. P. Seiche
- (114) 940289 Alter and extend existing dwellinghouse by incorporating part of outhouse at Cappieshill Cottage, Calcots, Urquhart for Mr. G. Harrison
- (115) 940304 Erect single garage at 10 March Court, Lhanbryde for Mr. and Mrs M. Forsyth
- (116) 940364 Alter and extend existing dwelling at Maidenhillock Cottage, Lhanbryde, by Elgin for Mr. D. Morrison

Application noted as approved after consultation with Local Member of Planning Authority

- (117) 931368 Extend existing house at Ivy Cottage, South Road, Garmouth for Mr. and Mrs. S. Ash

Applications noted as refused after consultation with Local Member of Planning Authority

- (118) 940275 Erect new dwellinghouse on Plot 1 Doo-Hill, by Lhanbryde for Mr. A. McGregor

- (119) 940276 Erect new dwellinghouse on Plot 2 Doo-Hill, by Lhanbryde for Mr. A. McGregor

Applications deferred

- (120) 931266 Erect 27 houses and garages on plots 24-50 inclusive (Phase 11) Beils Brae, Urquhart for Spence & Grant Ltd

SUBMITTED:- A report by the Director of Planning and development informing the Committee of recent developments in regard to the erection of 27 houses and garages on plots 24-50 inclusive, Beils Brae, Urquhart for Spence & Grant Limited

Following discussion the meeting agreed to defer consideration of this item until later in the meeting in order to allow the Director of Planning and Development to consult with the developer on matters which had been highlighted during discussion.

DECIDED:- That consideration of this item be deferred until later in the meeting.

ADDITIONAL ITEM

- (121) 940164 Erect 3 no. dwellinghouses and garages at The Orchard, Spey Street, Garmouth for Lindon Construction Limited

SUBMITTED:- A report by the Director of Planning and development recommending that planning permission be granted to erect 3 no. dwellinghouses and garages at The Orchard, Spey Street, Garmouth for Lindon Construction Limited.

Following discussion Councillor Lawson, seconded by Councillor Mrs. Shaw, moved that consideration of this application be deferred to allow the Committee to consider it in light of the Inquiry Reporter's decision on objections expressed during the Local Plan Public Inquiry by residents of Garmouth regarding the capacity of the sewage system which would serve the proposed development.

As there was no-one otherwise minded the motion became the finding of the meeting.

DECIDED:- That consideration of this application be deferred in order for the Committee to consider the Reporter's decision on objections raised by residents of Garmouth with regard to the capacity of the sewage system which would serve the proposed development.

- (122) 931266 Erect 27 houses and garages on plots 24-50 inclusive (Phase II) Beils Brae, Urquhart for Spence & Grant Ltd

SUBMITTED:-

An oral report by the Director of Planning and Development informing the Committee of his consultations with the developer regarding a number of concerns relating to the landscaped area to the North of the Beils Brae development.

The Director informed the Committee that the developer did not wish to have the application deferred until the next meeting of the Planning and Development Committee but that the developer was confident, following legal advice, that the problems of maintaining the landscaped strip to the North of the development could be resolved via a burden placed on individual occupiers requiring that they maintain the landscape strip associated with their individual feus to a level agreed with the District Council.

DECIDED:-

(i) that suitable conditions be drafted in relation to the planning consent to ensure the adequate maintenance of the landscaped strip to the North of the development at Beils Brae;

(ii) that an Ad Hoc Working Party consisting of the Chairman, Vice-Chairman, local member and two representatives from the S.N.P. group be established to consider the planning conditions proposed with the developers and if these were considered satisfactory the Director of Planning and Development issue planning permission for the development under the powers previously delegated to him; and

(iii) That a Special Meeting of the Planning and Development Committee be called for Friday 10th June, 1994 so the matter may be given further consideration should the Working Party not agree to the proposed conditions.

ADJOURNMENT OF MEETING

The meeting adjourned for lunch (time. 12.38 p.m.)

RESUMPTION OF MEETING

The meeting resumed after lunch (time 2.00 p.m) when the following Members were present:-

Councillors:-	I. Lawson (Chairman)	S.D.I. Longmore
	E. Aldridge	L. Mann
	Mrs. M.E. Anderson	J.A. Proctor
	Mrs. M.M. Cumiskie	Mrs. A.M. Scott
	Mrs. M.M. Davidson	W.R. Swanson
	A.J. Fleming	D.M.A. Thompson
	W. Jappy	

APOLOGIES

Apologies were intimated on behalf of Councillors Farquharson, Mrs. Shaw, Howe and Wilson.

BUCKIE - NO. 11 WARD**Applications noted as approved under delegated powers**

- (123) 940219 Change of use of leisure/health club to office and store at 39 West Church Street, Buckie for Mr. J.A.R. Seivwright
- (124) 940348 Erect conservatories at 42 High Street, Buckie for Mr. and Mrs F. Slater
- (125) 940372 Demolish/re-build and enlarge garage at 6 Carnie Place, Buckie for Mr. D.P. Forbes
- (126) 940394 Demolish existing garage and lean-to and form new garage, kitchen and conservatory at 22 Harbourhead, Buckie for Mr. and Mrs A. Homewood
- (127) 940400 Erect diningroom extension at 2 St Peters Terrace, Buckie for Mr. S. Wojcik

Application noted as approved after consultation with Local Member of Planning Authority

- (128) 931145 Form six three-apartment flats to rear of hotel at Commercial Hotel accessing from Colonsay Place, Buckie for Mr. R. McIntosh

BUCKIE - NO. 12 WARD

Applications noted as approved under delegated powers

- (129) 940172 Form bus wash, re-fuel and parking facility with office and wash up store at March Road, Buckie for Stagecoach Scotland Ltd
- (130) 940392 Extend house to form car port, bedrooms and conservatory at 34 Mill Crescent, Buckie for Mr. and Mrs. I. Campbell
- (131) 940277 Erect garage and kitchen extension at 38 Mill Crescent, Buckie for Mr. and Mrs. J. Murray
- (132) 940278 Extend existing dwellinghouse at 39 Mill Crescent, Buckie for Mr. and Mrs. M. Dawson
- (133) 940411 Alter and extend existing dwellinghouse at 34 Archibald Grove, Buckie for Mr. G. Clark

Application noted as approved subject to conditions

- (134) 930768 Erect 3 light industrial units, 1 security fence (retro), site storage container and re-instate offices to house and landscape rear site at Harbourview, McLarens Brae, Buckie for Mr. J.J. Fettes (outline)

SUBMITTED:-

A report by the Director of Planning and Development recommending planning permission for the erection of 3 light industrial units, 1 security fence (retro), site storage container and re-instate offices to house and landscape rear site at Harbourview, McLarens Brae, Buckie for Mr. J.J. Fettes be granted subject to conditions.

DECIDED:-

That planning permission be granted subject to the following conditions:-

- (i) 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 was granted;
- (ii) the approval hereby granted for the industrial units is in outline only;

(iii) within a period of three years from the date of this consent and prior to the commencement of the development approval shall be obtained for plans (drawn to scale) showing details of the following:

(a) plans, sections and elevations of all buildings proposed with details of the type and colour of all external materials and finishes;

(b) the proposed layout of the site showing the exact position of the site boundaries, the position of all buildings, access and drainage arrangements;

(c) details of the exact extent, type and finish of all proposed boundary enclosures;

(d) sections through the site showing the development on its finished levels;

(e) landscaping proposals showing any existing trees/hedges/shrubs to be retained or removed together with details of the type, position and number of all planting to be undertaken and details of all surfacing materials;

(iv) notwithstanding the provisions of the Town and Country Planning (Use Classes) Scotland Order 1989 (or any order revoking or re-enacting that Order) the industrial units shall only be used for purposes within Class 4 of the Order unless otherwise agreed with the District Council (as Planning Authority);

(v) the plans referred to in condition no. 3 shall include details of the uses for the industrial units;

(vi) the approval hereby granted does not carry with it any consent for the operation of the "plant hire yard" referred to in the application;

(vii) the approval hereby granted for the "storage container" is for a limited period expiring on 30 June, 1995, at the end of which, unless otherwise approved by the District Council, as Planning Authority, it shall be removed to the satisfaction of the Director of Planning and Development;

(viii) unless otherwise agreed with the District Council, as Planning Authority:-

(a) no vegetation whatsoever shall be removed from the banks around the site and;

(b) within one month from the date of this consent, plans (drawn to scale) shall be submitted for the approval of the Director of Planning and Development showing details of the type and extent of vegetation cover on the banks around the site;

(ix) the industrial units shall be positioned, and associated parking/storage areas shall be laid out, so that they do not interfere in any way whatsoever with the banks around the site;

(x) the plans referred to in condition no. 3 shall include details of the exact position, extent, construction and finish of all external surfaced areas associated with the industrial units including details of the exact uses to be made of such areas;

(xi) unless otherwise agreed with the District Council, as Planning Authority, the roofs of the industrial units shall be finished with a dark self coloured material to the satisfaction of the Director of Planning and Development;

(xii) unless otherwise agreed with the District Council, as Planning Authority:-

(a) the "close boarded security fence" shall be finished with a dark colour to the satisfaction of the Director of Planning and Development within 2 months of the date of this consent and;

(b) a sample of the colour to be used on the fence shall be prepared on site for the inspection and approval of the Director of Planning and Development prior to the fence being treated;

(xiii) unless otherwise agreed with the District Council, as Planning Authority, plans (drawn to scale) shall be submitted, within 1 month of the date of this consent, for the approval of the Director of Planning and Development showing the exact extent of land to be used as curtilage for the dwelling;

(xiv) unless otherwise agreed with the District Council, as Planning Authority, noise emissions from the site shall not exceed the background noise level measured at the nearest noise sensitive dwelling by more than 5 dba;

(xv) no boundary fences, hedges, walls or any obstruction whatsoever over 1.0m in height and fronting onto the public road shall be within 2.1m of the edge of the carriageway;

(xvi) the width of the vehicular access shall be not more than 3.0m or not less than 2.4m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the carriageway. Section of access over the public footpath/verge shall be to Grampian Regional Council specification and surfaced in bitmac;

(xvii) no water shall be permitted to drain on to the public footpath or carriageway;

(xviii) nine parking space(s) shall be provided within the site;

(xix) a turning area shall be provided within the curtilage of the site to enable vehicles to enter and exit in a forward gear;

(xx) the access radii shall be 7.6 metres;

(xxi) unless otherwise agreed with the District Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.

Reasons:

(i) Standard time limit reason stipulated under The Town and Country Planning (Scotland) Act 1972;

(ii) and (iii) as the consent is in outline only and in order that detailed consideration can be given to the matters specified;

(iv) in order to avoid any ambiguity regarding the terms of the consent in relation to the definition of "light industrial units";

(v) in order that consideration can be given to the use of the units as part of the detailed application;

(vi) in order to avoid any ambiguity regarding the terms of the consent as the proposals for a plant hire yard were deleted during the course of the application;

(vii) in order to ensure that the storage container, which is detrimental to the appearance of the area, is removed when the industrial units are available;

(viii), (vix) and (x) in order to ensure that the banks are protected from works which may affect their stability;

(xi), (xii) and (xiii) in order to ensure that the development harmonises with the appearance and character of the surrounding properties and area;

(xiv) in order to control the effects of noise from the site on the amenity of the area;

(xv), (xvi), (xvii), (xviii), (xix) and (xx) in the interests of road safety;

(xxi) 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.

RATHFORD - NO. 13 WARD

Applications noted as approved under delegated powers

- (135) 930924 Erection of a new garage at 2 Berryhillock, Deskford, Cullen for Mr. C. Allan
- (136) 931225 Erect house on Plot B and Plot D at Ellyside, Lintmill, Cullen for Malster Developments
- (137) 940072 Convert/extend existing steading to a dwellinghouse at West Knowehead, Rathven, Buckie for Mr. R. Billing
- (138) 940241 Full permission requested to erect a boats store/shed at Portknockie Harbour for Mr. S. F. Robertson
- (139) 940269 Erect flue pipe at 5 The Creagan, Findochty for Mrs. M. Sammon

Application noted as refused after consultation with Local Member of Planning Authority

- (140) 940090 Erect a rose trellis (coloured dark green) East Tower, Cullen House, Cullen for Mr. R.H. Courtman
- (141) 940091 Listed Building Consent to erect a rose trellis (coloured dark green) East Tower, Cullen House, Cullen for Mr. R.H. Courtman

Application refused

- (142) 931275 Amend conditon 4 application 930444 - feature gable to be coursed at Fyfestone, 22 North Deskford Street, Cullen for Mr. W.A. Wilson

SUBMITTED:- A report by the Director of Planning and Development recommending the refusal of planning permission to amend condition 4 of application no. 930444 - feature gable to be coursed at Fyfestone, 22 North Deskford Street, Cullen for Mr. W.A. Wilson

DECIDED:- That planning permission be refused for the amendment of Condition 4 of planning application no. 930444 on the grounds that the proposal is contrary to the policies of the Moray District Local Plan 1993-1998 (Final Approved Version) having regard to policies relating to the Conservation Area and the proposed finish would be detrimental to the character of the existing properties in the surrounding area.

LENNOX - NO. 14 WARD

Applications noted as approved under delegated powers

- (143) 931239 Alter building at Bellie Manse, The Square, Fochabers for Bellie Church Congregational Board
- (144) 931240 Listed Building Consent to alter building at Bellie Manse, The Square, Fochabers for Bellie Church Congregational Board
- (145) 940293 Erect garage and store at 11 Bogmoor, Fochabers for Mr. and Mrs. M. Archibald
- (146) 940295 Erect house on site adjacent to property at Kirklands, Clochan, Buckie for Mr. J. Wilson
- (147) 940303 Demolish rear extension, form new conservatory at Westerbogs, Enzie, Buckie for Mr. A. MacNaughton

Applications noted as refused after consultation with Local Member of Planning Authority

- (148) 931373 Listed Building Consent to remove two fireplaces and replace with copies at 46 South Street, Fochabers for Northumberland Estates
- (149) 940322 Retrospective application for Listed Building Consent to remove two fireplaces to Alnwick Castle from 46 South Street, Fochabers for Northumberland Estates

Applications noted as approved after consultation with Local Member of Planning Authority

- (150) 931398 Erect house and garage on Plot 2 Nether Dallachy, Fochabers for Mr. and Mrs. W. Miller
- (151) 940169 Alter and extend existing historic building to form primary school at Milnes High School, High Street, Fochabers for Grampian Regional Council
- (152) 940170 Listed Building Consent to alter and extend existing historic building to form primary school at Milnes High School, High Street, Fochabers for Grampian Regional Council

Application deferred

- (153) 920249 Demolish remains of house and steading and build new house on ground at Longfold, Rannas, Buckie for Mr. W.T. Miller (outline)

SUBMITTED:- A report by the Director of Planning and Development recommending the refusal of planning permission for an outline application to demolish the remains of a house and steading and build a new house on ground at Longfold, Rannas, Buckie for Mr. W.T. Miller.

DECIDED:- That further consideration of this application be deferred in order to allow Members the opportunity to visit the site.

Application approved

- (154) 940332 Erect new bungalow at Mains of Buckie, Buckie for Mr. K. McKay

SUBMITTED:- A report by the Director of Planning and Development recommending the refusal of planning permission to erect a new bungalow at Mains of Buckie, Buckie for Mr. K. McKay

Following discussion Councillor Aldridge, seconded by Councillor Jappy, moved that the development be granted planning permission subject to normal conditions on the basis that although the proposed development was outwith the settlement boundary it would occupy the gap between that boundary and the Nursing Home, for which planning permission had previously been granted and that, accordingly, the proposal did not represent a significant departure from the Buckie Area Local Plan.

As an amendment Councillor Swanson, seconded by Councillor Lawson, moved that the application be refused as submitted.

On a division there voted:-

For the motion (9)

For the amendment (4)

Abstentions (0)

Councillors:-

Councillors:-

Councillors:-

Aldridge
Jappy
Mrs Anderson
Mrs Cumiskie
Mrs Davidson
Fleming
Longmore
Mann
Mrs Scott

Swanson
Lawson
Proctor
Thompson

DECIDED:-

- (i) that planning permission be granted subject to the normal conditions; and
- (ii) that the development be referred to Grampian Regional Council as a departure from the Buckie Area Local Plan.

Applications refused

(155) 921239 Erect house at Walkerdale Farm, Buckie for Mr. & Mrs. A. Wilson (outline)

SUBMITTED:-

A report by the Director of Planning and Development recommending the refusal of planning permission to erect a house at Walkerdale Farm, Buckie for Mr. & Mrs. A. Wilson (outline)

DECIDED:-

That planning permission be refused on the following grounds:-

- (i) the proposal is contrary to the policies of this Authority for the erection of new dwellings in the countryside as specified in the Moray District Local Plan 1993-98;
- (ii) the proposal is contrary to policy no. HC10 of the Moray District Local Plan 1993-98 as follows:-
 - (a) the proposed dwelling would not blend sympathetically with existing landforms and would be detrimental to the appearance and character of the area;
 - (b) the site does not have long established boundaries separating it naturally from the surrounding ground in a manner which would provide a suitable degree of enclosure to integrate the proposed dwelling naturally with the landscape;
 - (c) the proposal involves the sub-division of part of a field artificially to create the site;

(iii) the proposal is contrary to policy no. HC11 of the Moray District Local Plan 1993-98 as it would contribute to a build-up of residential development in an open and elevated position which would result in a grouping of buildings detrimental to the appearance and character of the area and unrelated to the settlement pattern;

(iv) the proposal is contrary to policy no. ENV25 of the Moray District Local Plan 1993-98 as it would result in the erection of a building in a position which would be detrimental to the setting and character of Walkerdales Farmhouse which is a listed building;

(v) the proposal would establish an undesirable precedent for the erection of dwellings on other similar sites in the area.

DECIDED:- That planning permission be granted for the development subject to appropriate conditions.

(156) 940142 Erect dwellinghouse and garage on building site at Castle Street, Fochabers for Mr. and Mrs. L.C. Smith

SUBMITTED:- A report by the Director of Planning and Development recommending the refusal of planning permission to erect a dwellinghouse and garage on building site at Castle Street, Fochabers for Mr. and Mrs. L.C. Smith

Following discussion Councillor Jappy, seconded by Councillor Longmore, moved that the application be granted as the proposed development did not appear to be significantly out of character with the other properties in the vicinity or contrary to the appearance of the area.

As an amendment Councillor Lawson, seconded by Councillor Swanson, moved that the application be refused as submitted on the grounds that the scale of the development was too large for the site.

On a division there voted:-

For the motion (5)

Councillors:-

Jappy
Longmore
Mrs Cumiskie
Fleming
Mrs. Scott

For the amendment (6)

Councillors:-

Lawson
Swanson
Aldridge
Mrs Davidson
Proctor
Thompson

Abstentions (2)

Councillors:-

Mrs Anderson
Mann

DECIDED:- That planning permission be refused on the following grounds:-

(i) the proposed development is contrary to Council policy ENV24 (as contained in the District Local Plan) for development in Conservation Areas in that:-

(a) it is not complementary to the existing townscape in terms of either design or scale;

(ii) the proposed development is contrary to Council policy ENV3 (as contained in the District Local Plan) for development in Built-up Areas in that:-

(a) the design of the building is inappropriate to the townscape of the surrounding area and, if approved, would adversely affect the amenity and character of the area;

(b) the development is out of scale with adjacent properties and, if approved, would adversely affect the amenity and character of the area and of the adjacent property at 41 Castle Street;

(iii) the proposed development is contrary to the interests of good land use planning as it constitutes over-development of the plot, uncharacteristic of the surrounding development pattern;

(iv) the proposed development, if approved, would establish an undesirable precedent for further unsympathetic development within a Conservation Area which would be detrimental to the amenity and character of the surrounding area and thus contrary to the principles of Council policy ENV3 as contained in the District Local Plan.

The meeting agreed to take the public hearing regarding an application for planning permission to convert and extend the existing building at East Cathcart Street, Buckie for Knight Real Estate at this juncture in order to accommodate representatives of both the applicant and objectors in regard to the public hearing to convert and extend the existing building at East Cathcart Street, Buckie for Knight Real Estate.

8. PUBLIC HEARING TO CONVERT AND EXTEND EXISTING BUILDING AT EAST CATHCART STREET, BUCKIE FOR KNIGHT REAL ESTATE

SUBMITTED:-

A Report by the Director of Planning and Development informing the Committee of the proposed arrangements for the conduct for the Public Hearing in regard to an application for planning permission to convert and extend the existing building at the former garage, East Cathcart Street, Buckie to form 12,000 square feet of food retail unit for Knight Real Estate which had been necessitated by the decision of this Committee at its meeting on 20th April, 1994 when it was agreed that the Committee "were minded to approve the application for planning permission subject to the outcome of a Public Hearing with the objectors in accordance with the provisions of recent legislation" (para. 6(87) refers).

The Chairman then welcomed Mr. J. Patience, the agent for the applicants, and Mrs. W. Greig as the spokesperson for the objectors, and thereafter outlined the procedure which he proposed should be followed and which was accepted by the Committee and both parties.

Thereafter, Mr. Patience addressed the Members on the details of the application and, in doing so, answered objections levelled at the proposal by the residents of Cathcart Grove. The meeting also heard Mrs. Greig who reinforced objections which she and her fellow objectors had put forward to the proposed development. Following this, the Members were given an opportunity to present questions regarding specific areas of concern they had regarding the proposed development and Mrs Greig and Mr Patience were then heard summarising their respective cases.

Thereafter, Councillor Jappy, seconded by Councillor Longmore, moved that planning permission be granted on the grounds that:-

(i) Delivery vehicles were not required to enter and exit other retail premises in the District in forward gear and as such this should not be considered as relevant in the consideration of this application;

(ii) That removal of the existing building and consequent landscaping of the development would help increase the amenity of the area to adjacent residents; and

(iii) That as the proposed development was only 5 metres from the designated shopping centre of Buckie and to the North of another area zoned for retail development there were sufficient reasons for approving the proposed development subject to the appropriate conditions.

Councillor Lawson, seconded by Councillor Thompson moved as an amendment that consideration of the application be deferred pending the resolution of problems identified by the Roads Department regarding the safety of vehicles manoeuvring within the curtilage of the building. On a division there voted:-

For the motion(9)

Councillors:-

Jappy
Longmore
Aldridge
Mrs. Anderson
Mrs. Cumiskie
Mrs. Davidson
Fleming
Mann
Mrs. Scott

For the amendment(4)

Councillors:-

Lawson
Thompson
Proctor
Swanson

Abstentions(0)

Councillors:-

DECIDED:- That planning permission be granted for the development subject to appropriate conditions.

7. CURRENT APPLICATIONS FOR PLANNING PERMISSION (CONTINUED)

KEITH - NO. 15 WARD

Applications noted as approved under delegated powers

- | | | |
|-------|--------|--|
| (157) | 940114 | Proposed house and garage at 42 Balloch Road, Keith for Mr. G. Strachan |
| (158) | 940140 | Proposed new conservatory to rear of property at 16 Wellington Terrace, Fife-Keith, Keith for Mr. J. Mustard |
| (159) | 940251 | Change of use to bank office from ladies hairdressing salon at 198 Mid Street, Keith for Governor & Co of the Bank of Scotland |
| (160) | 940384 | Erect a conservatory at 42A Land Street, Keith for Mr. and Mrs J. Morrison |

Applications noted as approved after consultation with Local Member of Planning Authority

- | | | |
|-------|--------|---|
| (161) | 930881 | Erect dwellinghouse and single garage to rear of property at 37 Mid Street, Keith for Mr. N. Williamson (outline) |
| (162) | 940026 | Alteration/change of use to the courtyard at Strathisla Distillery, Keith for Chivas & Glenlivet Group |

- (163) 940273 Listed Building Consent: Alteration/change of use to the courtyard at Strathisla Distillery, Keith for Chivas & Glenlivet Group
- (164) 940397 Temporary change of use of car park to site temporary visitor facility (a double portacabin unit) at Strathisla Distillery, Seafield Avenue, Keith for Chivas & Glenlivet Group

STRATHISLA - NO. 16 WARD

Applications noted as approved under delegated powers

- (165) 931337 Erect a building to house stables/pens for animals at Knockandhu Farm, Boharm, Craigellachie for Miss P. Cranna
- (166) 931371 Erect house and garage at Crown Hotel, The Square, Newmill, Keith for R. and H. Shand (outline)
- (167) 931381 Change of use from bedroom to gallery at Tillybrake, Crossroads, Grange for Ms. T.J. Williams
- (168) 940243 Erect 1 tonne gas tank at Newfield, Craigellachie for Mr. M. Allen
- (169) 940264 Erect a car garage at 67 Den Crescent, Keith for Mr. G. Allan

Applications noted as refused after consultation with Local Member of Planning Authority

- (170) 920740 Erect a house and garage at Bracobrae Croft, Grange, Keith for Mr. R. Clark (outline)
- (171) 921076 Change of use of former church to 4 no houses and demolish rear wing at Boharm Church, Mulben, Keith for Mr. J. Hall
- (172) 930895 Erect dwellinghouse and garage at Clayland Field, Rothiemay for Mr. W. Greig
- (173) 931311 Erect dwellinghouse and garage on site at Mains of Allanbuie, Keith for Mr. P. Milton (outline)

Applications refused

- (174) 931232 Erect a new dwellinghouse and garage at Bruckles Farm, Rothiemay, by Huntly for Mr. S. Wilson (outline)

SUBMITTED:- A report by the Director of Planning and Development recommending the refusal of planning permission to erect a new dwellinghouse and garage at Bruckles Farm, Rothiemay, by Huntly for Mr. S. Wilson (outline)

Following discussion Councillor Mrs. Davidson, moved that the application be approved on the grounds that it was in accordance with other developments previously approved within the vicinity. This motion however failed to find a seconder and subsequently fell.

DECIDED:- That planning permission be refused on the following grounds:-

(i) the proposed development is contrary to Council policy HC10 for the location of new houses in the open countryside (as contained in the District Local Plan Housing in the Countryside Document) in that:-

(a) it would not blend sympathetically with the existing landform due to the open exposed nature of the site as viewed from the main road (B9117);

(b) the development would detract from the visual appearance of an attractive area of countryside by introducing sporadic new development into an agricultural landscape thus establishing a precedent for further such development to the overall detriment of amenity;

(c) the site does not have any long established boundaries separating it naturally from the surrounding land and would therefore require the formation of artificial boundaries and an advance access road.

(175) 940095 Demolish existing former public hall and build new dwellinghouse, outbuilding and septic tank at Hall Croft, Glen of Newmill, Keith for Mr. K. Stewart

SUBMITTED:- A report by the Director of Planning and Development recommending the refusal of planning permission to demolish the existing former public hall and build new dwellinghouse, outbuilding and septic tank at Hall Croft, Glen of Newmill, Keith for Mr. K Stewart

Following discussion Councillor Mrs Davidson moved that the application be permitted on the grounds that the design of the development was in character with the locality. The motion however failed to find a seconder and subsequently fell.

DECIDED:- That planning permission be refused on the following grounds:-

(i) the proposal is contrary to the policies of this Authority for the erection of new dwellings in the countryside as specified in the Moray District Local Plan 1993-1998;

(ii) the proposal is contrary to Policy No. HC10 of the Moray District Local Plan 1993-1998 as follows:-

(a) the proposal would not blend sympathetically with existing land forms and would be detrimental to the appearance and character of the area;

(b) the site does not have long established boundaries separating it naturally from the surrounding ground in a manner which would provide a suitable degree of enclosure to integrate the proposed dwelling naturally with the landscape;

(c) the proposal involves the sub-division of part of a field artificially to create the site;

(iii) the proposal is contrary to Policy No. HC11 of the Moray District Local Plan 1993-1998 as it would involve the erection of a dwelling in an obtrusive position which would not integrate sensitively with existing land forms.

SPEYSIDE - NO. 17 WARD

Applications noted as approved under delegated powers

(176) 931104 Erection of a dwellinghouse (rear of Police House, John Street), Fife Street, Craigellachie for Grampian Regional Council (outline)

(177) 940134 Erect a new double garage and greenhouse at Westacre, Wester Elchies, Aberlour for Mr. A.J. Mackie

(178) 940155 Alter existing cooperage to form cask store, cooperage and office at High Street, Rothes for Justerini and Brooks (Scotland) Limited

- (179) 940183 Erect new dwellinghouse and garage on Plot 2 Ruthrie Farm, Aberlour for Mr. and Mrs Poppleton
- (180) 940200 Erect double garage/store at Teindland Cottage, Orton, Near Fochabers for Mr. G. Mitchell
- (181) 940223 Change of use to new dwelling including alterations to accommodation above shop together with change of use of part of shop for additional accommodation to adjacent ex house at Victoria Street, Craigellachie for Mr. B. Burns
- (182) 940224 Listed Building Consent for change of use to new dwelling including alterations to accommodation above shop together with change of use of part of shop for additional accommodation to adjacent ex house at Victoria Street, Craigellachie for Mr. B. Burns
- (183) 940229 Remove existing canopy and build new conservatory at front of house at 1 Spey Street, Rothies for Mr. T. Shearer
- (184) 940297 Erect two dwellinghouses at Haugh, Edinville, Aberlour for Mr. W. Murphy
- (185) 940370 Proposed conservatory at Spey Vale, Mary Avenue, Aberlour for Mr. and Mrs. Simpson

Application noted as approved after consultation with Local Member of Planning Authority

- (186) 931405 River water quality monitor building at Boat O Brig, Orton for Grampian Regional Council

Applications approved

- (187) 940022 Erect proposed country cottage at Arngarrow, by Aberlour for Mrs. R. Grant

SUBMITTED:- A report by the Director of Planning and Development recommending the refusal of planning permission to erect a proposed country cottage at Arngarrow, by Aberlour for Mrs. R. Grant

Following discussion Councillor Aldridge, seconded by Councillor Proctor, moved that the application be approved on the grounds that every attempt possible had been made to comply with the relevant policies of the authority and, in his opinion, the design of the development was sympathetic to the existing landform and as such would not be detrimental to the surrounding area. The meeting also noted that the drainage requirements on the site had been met subsequent to consideration of the application.

As there was no-one otherwise minded the motion became the finding of the meeting.

DECIDED:-

- (i) that planning permission be granted for the development subject to normal conditions; and
- (ii) that the development be advertised as not being in accordance with the Moray District Local Plan.

- (188) 940444 Erect dwellinghouse and garage subject to the deletion of condition 5 of planning consent 930927 for dwellinghouse and garage on Site 6 Ben Rinnes Drive, Tomnabent, by Aberlour for Mr. B. McGrath

SUBMITTED:-

A report by the Director of Planning and Development recommending the refusal of planning permission to erect dwellinghouse and garage subject to the deletion of condition 5 of planning consent 930927 for dwellinghouse and garage on Site 6 Ben Rinnes, Tomnabent, by Aberlour for Mr. B. McGrath

Following discussion Councillor Aldridge, seconded by Councillor Lawson, moved that planning permission be granted for this development.

There being no-one otherwise minded the motion became the finding of the meeting.

DECIDED:-

That planning permission to erect a dwellinghouse and garage be granted subject to the deletion of condition 5 of planning consent 930927 for dwellinghouse and garage on site 6 Ben Rinnes Drive, Tomnabent, by Aberlour for Mr. B. McGrath.

GLENLIVET - NO. 18 WARD**Applications noted as approved under delegated powers**

- | | | |
|-------|--------|---|
| (189) | 940137 | Convert steading to 4 no. four apartment and 4 no three apartment houses at Lettoch, Glenrinnnes, Dufftown for Mr. S. Strathdee |
| (190) | 940233 | Replace porch at Achbreck Cottage, Glenlivet for Mr. and Mrs. D. Naylor |
| (191) | 940254 | Redevelopment at Stephen Cottage Hospital, Dufftown for Moray Health Services NHS Trust |
| (192) | 940270 | Installation of three gas tanks to rear of property at Gordon Hotel, The Square, Tomintoul for Messrs. Tomintoul Enterprise |
| (193) | 940283 | Demolish lean-to kitchen and erect new kitchen at 34 York Street, Dufftown for Mr. and Mrs K. Goate |
| (194) | 940299 | Upgrade and extend car parking provision at Inveravon Primary School, Near Aberlour for Grampian Regional Council |
| (195) | 940333 | Erect a new front porch at Kirkie Cottage, Braes of Glenlivet, Ballindalloch for Mr and Mrs F. Atkinson |

Application noted as approved after consultation with Local Member of Planning Authority

- | | | |
|-------|--------|--|
| (196) | 930611 | Erect proposed house and integral garage on land to the rear of the reservoir, Conval Street, Dufftown for Mr. and Mrs D. McIntosh |
| (197) | 940216 | Operate an additional private hire car at 12 Mount Street, Dufftown for Mr. N.J. McDonald |

Application noted as approved subject to conditions

(198) 930933 Erect a dwellinghouse on site to rear of Royal Oak Hotel, Fife Street, Dufftown for Mr. M. Reid

SUBMITTED:-

A report by the Director of Planning and development recommending planning permission for the erection of a dwellinghouse on a site to rear of Royal Oak Hotel, Fife Street, Dufftown for Mr. R. Reid be granted subject to conditions.

DECIDED:-

That planning permission be granted subject to the following conditions:-

(i) 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 was granted;

(ii) the approval hereby granted is in outline;

(iii) within a period of three years from the date of this consent and prior to the commencement of the development approval shall be obtained for plans (drawn to scale) showing details of the following:

(a) plans, sections and elevations of all buildings proposed with details of the type and colour of all external materials and finishes;

(b) the proposed layout of the site showing the exact position of the site boundaries, the position of all buildings, access and drainage arrangements;

(c) details of the exact extent, type and finish of all proposed boundary enclosures;

(d) sections through the site showing the development on its finished levels;

(e) landscaping proposals showing any existing trees/hedges/shrubs to be retained or removed together with details of the type, position and number of all planting to be undertaken and details of all surfacing materials;

(iv) unless otherwise agreed with the District Council, as Planning Authority, the existing stone walling indicated by the blue coloured line on the approved plans shall be retained at existing height and not interfered with in any way;

(v) unless otherwise agreed with the District Council, as Planning Authority, the roof shall be finished with natural slate, imitation slate or dark grey roof tiles;

(vi) unless otherwise agreed with the District Council, as Planning Authority, the walls shall be finished with grey coloured harling to match the natural stone of houses fronting Fife Street;

(vii) two parking space(s) shall be provided within the site;

(viii) a turning area shall be provided within the curtilage of the site to enable vehicles to enter and exit in a forward gear;

(ix) the sewage from the development shall be connected to the public sewerage system;

(x) that the height of the house shall not exceed single storey;

(xi) that any detailed application for the development hereby approved shall reflect the requirement for the house to be sited in accordance with the following criteria:-

(a) the house and garage shall not exceed one third of the area of the plot;

(b) the main windows (i.e. kitchen, living room, bedroom) of the house shall be sited at least 4 metres from any boundary;

(c) the house shall be sited within the eastern part of the site in order to minimise intrusion on the property known as "Eastern" to the north of the application site;

(xii) that any detailed application for the development hereby approved shall reflect the requirement for the design of the house to reflect the general scale and design of houses fronting Fife Street;

(xiii) that the illustrative layout shown on the drawing no. 93/75/R does not form part of this approval.

Reasons:

(i) Standard time limit reason stipulated under The Town and Country Planning (Scotland) Act 1972;

(ii) as the consent is in outline only and in order that detailed consideration can be given to the matters specified;

(iv) in order to retain a feature which adds interest and character to the site and which will contribute to the appearance of the development approved herewith;

(v), (vi), (x) and (xi) in order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.

(vii) in order to ensure that adequate parking is provided within the site so as to minimise the possibility of unnecessary parking on the public roads;

(viii) in order to ensure that vehicles can enter and leave the site in a forward gear thereby minimising the possibility of hazards on the roadway as the result of manoeuvres involving reversing;

(ix) in order to ensure that the sewage from the development is connected to the public sewerage system in accordance with the drainage policies of this Authority;

(xi) and (xiii) in order to ensure that the development does not detract from the amenity and character of the surrounding area and in accordance with Council policy H17 as contained in the District Local Plan.

Application approved

(199) 931203 Erect a single storey house at Nether Clashnoir, Braes of Glenlivet for Mr. and Mrs. J. Stuart

SUBMITTED:- A report by the Director of Planning and Development recommending the refusal of planning permission to erect a single storey house at Nether Clashnoir, Braes of Glenlivet for Mr and Mrs J. Stuart

The Director of Planning and Development augmented his original recommendation with a further oral Statement informing the Committee that after site visit, officers of the Department of Planning and Development considered that the interpretation of policy and material considerations observed on site had resulted in a finely balanced recommendation and that, notwithstanding the recommendation for refusal, there were equally sound argument on planning grounds in favour of granting the application.

DECIDED:- That planning permission be granted for the development subject to normal conditions.

Councillor Jappy left the meeting at this juncture.

9. FINDHORN BAY PROPOSED LOCAL NATURE RESERVE

SUBMITTED:- A report by the Director of Planning and Development informing the Committee of recent developments in relation to the Findhorn Bay Proposed Local Nature Reserve and recommending that the Committee give further guidance to the Steering Committee in regards to its role in considering the establishment of the proposed Local Nature Reserve for Findhorn Bay.

DECIDED:-

(i) That this report be noted;

(ii) That the Steering Committee be advised that the District Council considered its remit should be "to provide a mechanism to explore local management of the future use of Findhorn Bay through designation as a Local Nature Reserve".

10. CAPITAL EXPENDITURE 94/95 - MONITOR CURRENT SITUATION

SUBMITTED:- A report by the Director of Planning and Development giving details of the capital expenditure incurred to date on the planning account for the financial year to 31st March, 1995.

DECIDED:- That this report be noted.

Councillors Mrs. Davidson and Mann left the meeting at this juncture.

11. ASSESSMENT OF ROADSIDE ADVERTISEMENTS ALONG THE A96 IN TERMS OF THE TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) (SCOTLAND) REGULATIONS 1984

SUBMITTED:- A report by the Director of Planning and Development under reference to para 11 (iii) of the Minute of this Committee dated 20th April, 1994 advising the Committee of recent investigations made in respect of a number of advertisements along the A96 in terms of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1994.

DECIDED:-

(i) That the terms of the report be noted;

(ii) That the Director of Planning and Development invite the submission of formal applications in respect of those signs which had been erected without planning permission and that they be considered in terms of the new policy;

(iii) That where necessary the Director of Planning and Development take enforcement action in respect of such signs; and

(iv) That no further monitoring reports be placed before the Committee until such time as the guidelines for assessment have been formulated.

Councillor Mrs. Scott left the meeting during discussion of this item.

12. MORAY DISTRICT COUNCIL ECONOMIC STRATEGY

SUBMITTED:- A report by the Director of Planning and Development under reference to para. 17 (2) and (3) of the Minute of the meeting of this Committee dated 20th April, 1994 detailing a number

of amendments to the draft Economic Strategy in the form previously agreed on 9th March, 1994 and recommending that the amended Strategy be approved subject to the inclusion of the Regional Council and Local Enterprise Company's comments on the Strategy as appendices together with a copy of the District Council's response to them.

DECIDED:-

(i) That the amended draft Economic Strategy be approved subject to the inclusion of the amendments highlighted within the report and the inclusion of the Regional Council and Local Enterprise Company's comments as appendices to the report; and

(ii) That the Committee endorse the Chairman's congratulations to McDermotts on the award of their recent fabrication contract.

Councillor Jappy returned to the meeting at this juncture.

13. ARRANGEMENTS FOR COMMITTEE SITE VISITS - APPLICATIONS REFERRED TO COMMITTEE FOLLOWING CONSULTATION WITH LOCAL MEMBER

SUBMITTED:- A report by the Director of Planning and Development outlining a possible reason for recent late additions to site visit itineraries and recommending that a revised deadline for inclusion of planning applications which have been the subject of consultation with the Local Member be implemented in respect to both site visit itineraries and the planning agenda itself.

DECIDED:-

(i) That a report be submitted either to a future meeting of this Committee or to the District Council reassessing the arrangements for Committee site visits and considering the possibility of making them an approved duty for Councillors; and

(ii) That, in the interim, the deadline for inclusion of planning applications, which have been the subject of consultation with the Local Member on both the site visit itinerary and the planning agenda be set at noon on the Tuesday of the week preceeding the date of the Planning and Development Committee meeting.

14. LOCAL PLAN: RESULTS OF PUBLIC INQUIRY

SUBMITTED:- A report by the Director of Planning and Development informing the Committee that the findings of the Public Inquiry into the draft District-wide Local Plan would be made available to the District Council on 8th June, 1994 and recommending a proposed timetable of events to be followed in connection with the adoption of the Local Plan in the light of the Inquiry's findings.

The Director of Planning and Development spoke to his report with a further oral report and recommended that a seminar to consider the Inquiry Report and written observation from himself be scheduled for 9.00 a.m. on Tuesday 28th June, 1994 in the Seafield Arms Hotel, Cullen and that a further Seminar on Local Plan Departures be arranged for the afternoon of the same day commencing at 2.00 p.m.

DECIDED:-

(i) That this report be noted;

(ii) That a seminar to discuss the Inquiry Report findings on the Local Plan be held in the Seafield Arms, Cullen at 9.00 a.m on Tuesday 28th June, 1994; and

(iii) That a further seminar on Local Plan Departures be held in the Seafield Arms, Cullen at 2.00 p.m. on Tuesday 28th June, 1994.

15. OBJECTIVE 1: FUNDING OF SECRETARIAT

SUBMITTED:- A report by the Director of Planning and Development advising the Committee of the establishment of an independent Secretariat to administer programmes and financial assistance under the Highlands and Islands Objective 1 European Status. The report gave details of the proposed funding partners of the Secretariat, amongst whom the expenses of its operations would be shared and recommended that the District Council participate in the Secretariat subject to further negotiations over the proposed funding terms and that once the final figure is known, further consideration be given as to where this expenditure should be allocated by the District Council.

DECIDED:-

(i) That the District Council agree in principle to participate in the establishment of the proposed Secretariat;

(ii) That further negotiations continue regarding the amount of the District Council's contribution to the Secretariat; and

(iii) That a further report be placed before the Committee regarding the outcome of the negotiations and highlighting how the District Council's proposed contributions could be met.

16(a) PRIVATE SITE PROGRAMME: HAIG STREET, PORTKNOCKIE

SUBMITTED: A report by the Depute Director of Administration and Law regarding necessary remedial works to Haig Street, Portknockie.

DECIDED:- That consideration of the report regarding remedial works at Haig Street, Portknockie be taken in conjunction with the report on the Private Roads Programme.

16(b) PRIVATE ROADS PROGRAMME

SUBMITTED:- A report by the Director of Planning and Development detailing nominations for roads/paths to be surfaced from the 1994/95 private roads budget, the budget implications of the schemes and recommending that the Committee agree to commit £10,509 to the cost of the schemes as listed in the report and that further submissions be invited with a maximum expenditure of £5,000 per project to utilise the balance remaining of the current funds in the account.

The report also recommended that an approach received from Grampian Regional Council Roads Department regarding a problem with surface water flooding at The Muir, Bogmoor be declined on the basis that the Private Roads Budget is for surfacing costs rather than those associated with drainage.

DECIDED:-

(i) That the commitment of £10,509 be agreed for the nominations as listed in 1.3 of the report;

(ii) That the remedial works to the surfacing of the cul-de-sac at Haig Street, Portknockie be undertaken at a cost of £500.

(iii) That submissions be sought for projects with a maximum expenditure of £5,000 to utilise the balance remaining of the current funds in the account; and

(iv) That the District Council decline to contribute to the drainage improvement scheme at Bogmoor.

Councillor Farquharson rejoined the meeting at this juncture.

17. PROPOSAL TO ESTABLISH A "BUSINESS SHOP"

SUBMITTED:- A report by the Director of Planning and Development informing the Committee of an approach from the Moray, Badenoch and Strathspey Enterprise Company regarding a proposal to establish a "business shop" to operate as a first point of contact for the business community seeking information on the services of the local development agencies, and recommending that the District Council agree in principle to become a member of the partnership but that no financial commitment be given until matters relating to short and long term funding and service delivery have been more fully discussed and a further report submitted to a future meeting of this Committee.

DECIDED:-

(i) That the District Council explore further the prospect of becoming a member of the partnership to operate the proposed business shop and that, in so doing, the District Council emphasise that it will only participate if the venture is seen as a true partnership with all parties having an equal role to play;

(ii) That no financial commitment be given until matters relating to short and long term funding and service delivery have been more fully discussed; and

(iii) A further report on the matter be submitted to a future meeting of this Committee.

Councillors Jappy and Longmore left the meeting at this juncture.

18. ADDITIONAL ITEM - ALLEGED CONTRAVENTION OF PLANNING PERMISSION AT FOCHABERS (para. 13)

SUBMITTED:- An oral statement by the Chairman under reference to para. 33 of the Minute of the meeting of this Committee dated 20th April, 1994 informing the Committee that he had been advised immediately prior to the meeting, that although planning consent had been issued under delegated powers to remedy the contravention of the original planning consent for the erection of an industrial unit at Fochabers the adjacent landowner was dissatisfied as to the colour of the exterior cladding to be employed and had indicated his intention to challenge the grant of the planning consent unless the cladding was altered to his satisfaction. The meeting noted the previous consultations which had been held between the landowner, the developer and the planning authority and also the costs involved in altering the proposed cladding.

DECIDED:- That the District Council take no action to require a change in the colour of the exterior cladding to be employed and resist any challenge to their decisions and actions in the matter.

19. LINKWOOD EAST: DEVELOPMENT BRIEF

SUBMITTED:- A report by the Director of Planning and Development advising the Committee of recent amendments to the draft version of the Linkwood East Development Brief of concern to the Committee as planning authority and recommending that the Committee approve the Development Brief for its interests.

DECIDED:- That the contents of the Development Brief be approved.

ADJOURNMENT OF MEETING

The meeting adjourned at 4.40 p.m.

RESUMPTION OF MEETING

The meeting resumed (time 2.00 p.m.) on Friday 3rd June, 1994 when the following Members were present:-

Councillors:-	I. Lawson (Chairman)	L. Mann
	E. Aldridge	J.A. Proctor
	Mrs. M.E. Anderson	Mrs. A.M. Scott
	A. J. Fleming	W.R. Swanson
	W. Jappy	J. Wilson
	S.D.I. Longmore	

APOLOGIES

Apologies for absence were intimated on behalf of Councillors Mrs. H.M. Cumiskie, Mrs. M. M. Davidson, A. Farquharson, T.A. Howe, Mrs. J.M. Shaw and D.M.A. Thompson

20. GRAMPIAN REGIONAL COUNCIL - TRANSPORT POLICIES AND PROGRAMMES (TPP) 1994/1999

SUBMITTED:- A report by the Director of Planning and Development informing the Committee of the changed emphasis of the Regional Council's Transport Policies and Programmes for 1994/99; particularly highlighting the attempts to maximise private sector funding through developer contribution to public roads and public transport and recommending that the comments highlighted within the report be forwarded to the Regional Council as the Council's observations on the draft version of the TPP.

DECIDED:- That the comments contained in the report be forwarded to the Regional Council as the District Council's response to the draft TPP but, in doing so, the Regional Council be made aware that further representations may be made in light of the Inquiry Reporter's findings on the new District-Wide Local Plan.

21. NEW DEVELOPMENT CONTROL SYSTEM

SUBMITTED:- A report by the Director of Planning and Development advising the Committee that with the new computerised development control system currently being installed within the Department of Planning and Development and Building Control Section of the Department of Housing and Property Services there was a need for the training of supervisors from both these Departments and recommending that two Administrative Assistants from the Planning Department and two Assistants from the Building Control Section travel to Newbury, on July 5th and 6th, to receive the requisite specialist instruction.

DECIDED:- That two Administrative Assistants from the Planning Department and two Assistants from the Building Control Section be authorised to travel to Newbury in order to receive the requisite specialist instruction for the new computerised development control system currently being installed.

22. COMMUNITY BUSINESS GRAMPIAN: OLDMILLS COMMUNITY CAFE

SUBMITTED:- A report by the Director of Planning and Development informing the Committee of a recent request from Community Business Grampian that the District Council assist in the funding of a cafe franchise at the Oldmills Visitor Centre in Elgin with a view to the cafe being run as a community business and recommending that, in light of the potential, opportunity for introducing young persons to business, the District Council make a financial contribution of £200 from the Rural Development Fund.

DECIDED:-

(i) That a financial contribution of £200 be allocated to the Oldmills Community Cafe from the Rural Development Fund;

(ii) That Community Business Grampian and the Leisure and Libraries Department be made aware that the District Council support should be regarded as a "one-off payment" and should not be

regarded as implying future financial support with funding for subsequent years which would be considered on merit;

(iii) That the Department of Leisure and Libraries and Grampian Community Business be made aware of the potential implications on visitor numbers to Oldmills which may arise from the introduction of the proposed one-way traffic system along Oldmills Road; and

(iv) That representations be made to the Department of Leisure and Libraries to ensure that Oldmills is open on Sundays during the tourism season.

23. APPLICATION FOR FINANCIAL ASSISTANCE - TRAINING 2000 (SCOTLAND) LTD

SUBMITTED:- A report by the Director of Administration and Law informing the Committee of recent correspondence from Training 2000 (Scotland) Ltd, requesting that the District Council consider a contribution of £200 - £500 per year in order that they may progress women's training and development issues in Scotland.

DECIDED:- That no financial contribution be given to Training 2000 (Scotland) Limited.

24. FUNDING REQUEST FROM THE FORRES AREA ACTION PROJECT (F.A.A.P.)

SUBMITTED:- A report by the Director of Planning and Development advising the Committee of a request received from the Forres Area Action Project that the District Council give financial support for the year 1994/95 and recommending that £5,000 be granted, as requested, from the planning and development budget, but that any further requests for funding be considered in light of the merit of the individual proposals rather than on a "blanket funding" basis.

The report further recommended that any future officer involvement and budgetary considerations should become the responsibility of the Director of Community Services given the importance of housing issues addressed by the Project .

DECIDED:-

(i) That £5,000 be granted to the Forres Area Action Project from the Planning and Development Budget 1994/95;

(ii) That the District Council make it clear to the Forres Area Action Project that whilst the District Council noted the proposed areas of expenditure as outlined within their submissions, the District Council would wish to see its support used towards:-

(a) Improving the quality of the local environment,

(b) Improving access to social and economic opportunities at Mundole;

(c) Establishing a credit union; and

(d) Establishing a play area at Pilmuir;

(iii) That the involvement of the Department of Housing and Property Services be sought giving the importance of housing issues addressed by the Action Project and that arrangements be made for representation from the Department at future meetings of the Project; and

(iv) The question of continued financial support for 1995/96 be included in the draft budget for Housing and Property Services.

25. SUBSCRIPTION RENEWAL: SCOTTISH SCREEN LOCATIONS

SUBMITTED:- A report by the Director of Planning and Development informing the Committee of a request from Scottish Screen Locations that the District Council continue its support for the organisation and recommending that the District Council renew its subscription at a cost of £385.98.

The report also recommended that representatives of Scottish Screen Locations be invited to visit Moray and be given a guided tour of the District's facilities and attractions and following on from this further consideration be given to the production of suitable promotional material based on the feedback and potential identified.

DECIDED:-

- (i) That the District Council renew its subscription to Scottish Screen Locations at a cost of £385.98;
- (ii) That representatives of Scottish Screen Locations be invited to visit Moray and be given a guided tour of the District, its facilities and attractions; and
- (iii) Further consideration be given to the production of suitable promotional material to capitalise on the feed back and potential identified.

26. SALTIRE SOCIETY: RENEWAL OF CORPORATE MEMBERSHIP

SUBMITTED:- A report by the Director of Administration and Law requesting that the Committee consider renewal of the District Council's corporate membership to the Saltire Society at a cost of £117.50 for the financial year 1994/95.

DECIDED:- That the District Council renew its subscription to the Saltire Society at a cost of £117.50 for the financial year 1994/95.

27. SEAFISH CONSERVATION

SUBMITTED:- A Report by the Director of Administration and Law informing the Committee of recent correspondence received from North-East Fife District Council requesting support to its representations to the Minister of Agriculture and Environment on various areas of concern expressed by North-East fisherman and inviting the Committee to consider whether it would be appropriate for the District Council to endorse these views.

DECIDED:- That the coastal members be invited to put forward any comments regarding the concerns raised by the North-East fisherman and thereafter these be relayed to North-East Fife District Council as the District Council's response.

28. RIGHTS OF WAY PROCEDURES

SUBMITTED:- A Report by the Depute Director of Administration and Law informing the Committee of recent progress being made in regards to Rights of Way procedures throughout the District.

DECIDED:-

- (i) That the contents of this Report be noted and the recommendations contained therein be implemented;
- (ii) That Councillor Mann be advised of the outcome of investigations into an alleged Right of Way between Isla Road, Keith and Cassertally Farm;
- (iii) That Councillor Swanson be advised as to the current position regarding the Right of Way at Osprey House, Findhorn.

29. INTERDICTS RELATING TO BREACH OF PLANNING CONTROL

SUBMITTED:- A Report by the Director of Planning and Development advising the Committee of provisions contained within the Planning and Compensation Act 1991, which came into force on

26th March, 1992 providing a new expressed power for Planning authorities to seek an interdict for the purpose of restraining an "actual" or "threatened" breach of planning control and recommending that the Director of Planning and Development be granted delegated powers to instigate these measures wherever appropriate following consultations with the Chairman, Local Member and Director of Administration and Law.

DECIDED:-

(i) That the Director of Planning and Development be granted delegated powers to instigate the interdict measures referred to in the Report having first consulted with the Chairman, Local Member and the Director of Administration and Law; and

(ii) That any such action taken, be reported for information to the next available meeting of the Planning and Development Committee.

30. BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST - APPLICATIONS FOR GRANT

SUBMITTED:- Reports by the Director of Planning and Development regarding applications for grants in respect of buildings of special architectural or historic interest.

DECIDED:-

(i) That Civic Amenity Grants be awarded as follows:-

<u>Applicant</u>	<u>Property</u>	<u>Grant</u>
Mrs. I.M. Stuart	157 Seatown, Cullen	£ 158.62
Mr. D.M. Pritchard and Mrs A.J. Williams	70 Seatown, Cullen	£3,061.58
Miss L. Slater	20 High Street, Portknockie	£ 250.00
Rev. Miss M. Muir	Inveravon Parish Church	£1,800.00
Mr. K. Anderson	20 King Street, Elgin	£ 110.00
Mrs. Farquhar	49 Reidhaven Street, Elgin	£ 160.00
Mr. A. McGregor	21 Reidhaven Street, Elgin	£ 600.00
Mrs P. Cruickshank	42 South Street, Fochabers	£1,200.00
Mrs. M. Anderson	41 Yardie, Buckie	£ 170.00
Mr. C. Fraser	35 Moss Street, Elgin	£ 570.00
Miss S. Holstead	2 Maxwell Street, Fochabers	£1,700.00
Mr. J. Falconer	56 Land Street, Keith	£1,550.00

(ii) That a further report be submitted to a future meeting of this Committee addressing any anomalies caused by the recent change in specification to town schemes regarding painting requirements.

31. PLANNING APPEALS

(a) Determination of Appeal

SUBMITTED:- A report by the Director of Administration and Law that the following appeals to the Secretary of State for Scotland against the decision of this Committee to refuse planning permission for the following proposed developments had been determined as follows:-

<u>Appellant(s)</u>	<u>Proposed Development</u>	<u>Decision</u>
Mr. and Mrs Sellwood	Erect a one bedroomed private dwellinghouse on a one acre site at Site 2, Rutland Cottage, Asliesk, By Forres	Dismissed
Mr. and Mrs. N. Laing	Erection of a dwellinghouse and the formation of new access at 59 Hamilton Drive, Elgin	Dismissed
Mr. I.D. Aitkenhead	Proposed house site to the rear of properties at 10 and 12 Blantyre Street, Bishopmill, Elgin	Dismissed
Moray District Council	Erect 2 semi-detached houses at Balnaferry House, Forres	Upheld

DECIDED:- That the reports be noted.

(b) Intimation of Appeals

SUBMITTED:-

(i) Reports by the Director of Administration and Law advising of the following appeals which had been lodged with the Secretary of State for Scotland against refusal of planning permission;

<u>Appellant(s)</u>	<u>Proposed Development</u>
Mr. & Mrs. K. Donn	Installation of windows and doors in a conservation area at 2 Victoria Street, Cullen.
Mr. B. McGrath	Erection of new dwellinghouse, garage and car port at Site 6, Benrinnes Drive, Tomnabent, Edinville.
Mr. B. Logan	Erection of house and garage at site adjacent to Birch Cottage, Spynie.

DECIDED:- That the reports be noted and that the outcome of the appeals be intimated once they had been determined by the Secretary of State for Scotland;

32. LAND AND PROPERTY TRANSACTIONS AND MANAGEMENT (paras. 8 & 9)

SUBMITTED:- Reports by the Estates Surveyor regarding a number of matters relating to land and property transactions and management.

DECIDED:-

(i) The recommendations in respect of the following property transactions be accepted:-

<u>Name</u>	<u>Details/Property/Location</u>
Mr. N.G. Smith	Site 20, Coularbank Industrial Estate, Lossiemouth - Building agreement and ground lease.
Mr. L.S. Craig	East Craigard, East Church Street, Buckie - Sale of additional ground.
Shell (UK) Limited	North Road Filling Station, Regent Street, Keith -Minute of Waiver.
Mr. I. McKenzie	Site 3, Newmill Road Industrial Estate, Keith -Proposed rent review.
Mr. K. Cowie t/a Innes Taxis	Unit 9, March Road Industrial Estate, Buckie -Proposed rent review.
Mr. I. McKenzie	Unit 1, Newmill Road Industrial Estate, Keith -Proposed lease.
Mr. G. Findlay t/a Spey Fish Processors	Site 4, March Road Industrial Estate, Buckie -Proposed extension of site area.

33. SEABRAE WALL AND FOOTPATH - CAMPBELL STREET AND BLANTYRE STREET, CULLEN (para. 8)

SUBMITTED:- A Report by the Director of Administration and Law advising the Committee of unforeseen problems which had arisen in connection with previously authorised work to stabilise the Seabrae wall and footpath at Campbell Street/Blantyre Street, Cullen and recommending that the additional expenditure incurred be authorised as part of a one-off payment to Seafeld Estates on the condition that it infers no continuing obligation for maintenance.

DECIDED:- That the additional expenditure of £1,408 be paid as a one-off payment to Seafeld Estates on condition that it infers no continuing obligation for maintenance of the Seabrae wall.

34. CRAIGMINN BRIDGE, DRYBRIDGE, BUCKIE (para. 13)

SUBMITTED:- A Report by the Depute Director of Administration and Law advising the Committee of a complaint received from the local community council regarding the alleged obstruction of the Right of Way across Craigminn Bridge, Drybridge, Buckie and recommending that the Committee authorise the necessary Court Action to preserve this Right of Way.

DECIDED:- That the Director of Administration and Law be authorised to raise the necessary Court Action to preserve the Right of Way across Craigminn Bridge.

35. STAFFING: MATERNITY LEAVE COVER (para. 1)

SUBMITTED:- A Report by the Director of Planning and Development informing the Committee of an application for Maternity Leave from a Planning Assistant within the Local Plan Section of the Department of Planning and Development and outlining proposed measures to ensure that staffing costs are maintained to a reasonable minimum whilst allowing the work of the Section to proceed unhindered.

DECIDED:- That the Director of Planning and Development be granted authority to make the appointments outlined in the Report.

36. AMUSEMENT MACHINES AT 42 WEST CHURCH STREET, BUCKIE - MR. J. WIELEWSKI - ENFORCEMENT ACTION (para. 13)

Prior to discussion Councillor Jappy declared an interest in this item and took no further part in its discussion or determination

SUBMITTED:- A Report by the Director of Planning and Development informing the Committee of complaints received regarding the installation of several amusement machines within premises at 42 West Church Street, Buckie and recommending that enforcement action be taken against the proprietor to secure the removal of machines from the rear of the premises.

DECIDED:- That enforcement action be undertaken to secure the removal of the amusement machines from the rear of the premises at 42 West Church Street, Buckie.

37. OUTSTANDING ENFORCEMENT CASES - MONITORING SCHEDULE (para. 6)

SUBMITTED:- A Report by the Director of Planning and Development regarding the monitoring of outstanding enforcement cases.

DECIDED:-

(i) That the contents of the Report be noted;

(ii) That any necessary enforcement action be taken to safeguard the Tannery, Keith; and

(iii) That any necessary enforcement action be taken in respect of the unauthorised extension of Bogend Quarry to prevent its development becoming a more intrusive scar on the landscape.

38. BREACH OF PLANNING CONTROL - 64-66 NORTH STREET, BISHOPMILL, ELGIN (para. 13)

SUBMITTED:- A Report by the Director of Planning and Development informing the Committee of unauthorised activities at 64-66 North Street, Elgin and recommending that an Enforcement Notice and Stop Notice be issued to prevent any further unauthorised use of the garden for storage of motor vehicles and other related parts and ensure the removal of these to the satisfaction of the District Council as Planning Authority.

DECIDED:- That enforcement action be taken and a Stop Notice issued in order to rectify the evident breach of planning control at 64-66 North Street, Elgin and ensure that the unauthorised storage of motor vehicles and other related parts be stopped and removed to the satisfaction of the District Council as Planning Authority.

39. BREACH OF PLANNING CONTROL - 49 ST. PETER'S ROAD, BUCKIE (para. 13)

SUBMITTED:- A Report by the Director of Planning and Development informing the Committee of the breach of planning control of 49 St. Peter's Road, Buckie and recommending that enforcement action be taken in order to provide an effective means of preventing future breaches of planning control.

DECIDED:- That enforcement action be taken in order to provide an effective means of dealing with any future breaches of planning control.

40. CLOSE OF BUSINESS

There being no other business, the Chairman declared the meeting closed at 2.55 p.m.