THE MORAY COUNCIL

MINUTE OF MEETING OF THE ECONOMIC DEVELOPMENT AND PLANNING SERVICES COMMITTEE

30 JUNE, 1998

COUNCIL HEADQUARTERS, ELGIN

PRESENT


IN ATTENDANCE

The Director of Economic Development and Planning, the Control Services Manager, the Forward Planning Manager, the Chief Development Control Officer, the Chief Roads Officer, the Chief Building Control Officer, D. McFarlane, Sustrans Cycle Route Project Manager, the Principal Solicitor (Commercial and Conveyancing), the Public Relations Officer, Inspector Phillips, Grampian Police and R. Ritchie, Senior Administration Officer who acted as Clerk to the Meeting.

APOLOGY

An apology for absence was intimated on behalf of Councillor T.A. Howe.

1. EXEMPT INFORMATION

The Meeting agreed that in terms of Section 50A (4) and (5) 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 relative paragraphs of this Minute as specified below so as to avoid disclosure of exempt information of the class described in the appropriate paragraph of Part I of Schedule 7A of the Act.

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2. BUILDING (SCOTLAND) ACT: APPLICATIONS FOR BUILDING WARRANTS

(i) Applications for Building Warrants and Letters of Comfort Approved Under Delegated Powers

There was submitted a report by the Control Services Manager advising that 96 applications for Building Warrants and 7 Letters of Comfort had been determined in powers delegated to him since his last report to Committee on 9 June, 1998.

The meeting noted the report.

(ii) Applications for Relaxations/Recommendations

There was submitted a report by the Control Services Manager making recommendations in regard to the following applications for relaxation in terms of the Building Regulations (Relaxation of Local Authorities) (Scotland) Regulations 1991.
1) 98/00019/REL  Erection of dwellinghouse at Coolangatta, The Hermitage, Hopeman for Mr J Urquhart per Simpson & Wright, 96 Moss Street, Keith.

1) **Regulation 9(Q2.5):**
Requirements with regard to daylight of apartments.

**Recommendation**
That relaxation be refused.

2) 98/00020/REL  Alteration of dwellinghouse at the Old Post Office House, Kellas, Nr Elgin for Mr Alistair Gill.

1) **Regulation 9(S2.24):**
Requirements with regard to headroom above stairs and landings.

**Recommendation**
That relaxation be granted.

3) 98/00021/REL  Alteration of shop premises 66-68 High Street, Elgin for Next Plc, per Gillies Ramsay Diamond, 163 West George Street, Glasgow.

1) **Regulation 9(E2.31):**
Requirements with regard to non-combustibility of protected zones.

**Recommendation:**
That relaxation be granted subject to consultation with Grampian Fire Brigade.

4) 98/00022/REL  Alteration and extension of dwellinghouse at Ferndale, Cummingston for Mr and Mrs I Weston, c/o 13 Earlsland Crescent, Forres.

1) **Regulation 9(S2.24):**
Requirements with regard to headroom above the stairs and landings.

**Recommendation**
That relaxation be granted.

5) 98/00023/REL  Alterations to Gordonstoun House, Gordonstoun Schools Ltd per A F Cruden Associates, 209 High Street, Elgin.

1) **Regulation 9(E3.1):**
Requirements with regard to escape routes.

**Recommendation:**
That relaxation be granted subject to consultation with Grampian Fire Brigade.

6) 98/00024/REL  Alterations and change of use of dwelling to shared residential use at Craigieir, Meft Road, Urquhart for Mr and Mrs P Kohl per Plans Plus, Main Street, Urquhart.

1) **Regulation 9(S2.6):**
Requirements with regard to design of stairways.

**Recommendation:**
That relaxation be granted subject to consultation with Grampian Fire Brigade.
7) 98/0025/REL

Change of use and alterations to form 9 flats and shop at the Lour Hotel, High Street, Aberlour for Mr and Mrs B Ogg, per William Forbes, 3 Fairview Grove, Bridge of Don, Aberdeen.

1) Regulation 9(D2.2):
Requirements with regard to non-combustibility of separating floors.

Recommendation:-
That relaxation be granted subject to consultation with Grampian Fire Brigade.

Following consideration the meeting agreed to approve the recommendations subject, where appropriate, to consultation with the Firemaster and the Health and Safety Executive.

3. PROPOSED AMENDMENTS TO PART F OF THE BUILDING STANDARDS (SCOTLAND) REGULATIONS 1990

There was submitted a report by the Control Services Manager seeking the Committee’s endorsement of comments in regard to a Consultation Paper issued by the Scottish Office Construction and Building Control Group on proposed changes to Part F of the Building Standards (Scotland) Regulations 1990 which relates to the design and installation requirements for boilers, open fires, chimneys and flues and for the storage of both oil and LPG when used in conjunction with such installations.

Following consideration the meeting agreed to note the proposed amendments to Part F of the Building Standards (Scotland) Regulations 1990 and endorse the comments contained in the report.

4. COMBATING COWBOY BUILDERS

There was submitted a report by the Control Services Manager advising the Committee that a joint Task Group, which includes COSLA and the Scottish Building Control Organisation (SBCO), has been established in order to investigate the opportunities available to Local Government to enhance co-operation and strategies between various areas of service expertise, primarily Building Control and Trading Standards, as a means of promoting consumer protection in the building industry. The meeting noted that the Task Group is currently preparing a response to the Department of Environment, Transport and the Regions (DETR) on a consultation paper entitled “Combating Cowboy Builders” extracts of which were contained within the Director’s report.

Following consideration the meeting agreed:

(i) to note the Government’s intention to ensure reasonable quality standards in building;

(ii) to note the content of the DETR report and recommendations made;

(iii) to note the concern that the broadening of the Building Control remit without additional resources being made available would place unrealistic responsibilities on the present Building Control system; and

(iv) that COSLA be advised that The Moray Council:

- has noted the contents made in the consultation documents
- is of the view that any responsibility placed upon Building Control Authorities to check quality should be accompanied by financial support from Government to pay for staff, training and any resultant increase in liability insurance
- that careful consideration be given to a balanced combination of several of the options raised so that effective value for money may be achieved rather than simply off loading this responsibility on Local Authorities in the absence of proper resources.
5. **ERECTION OF 32 DWELLINGS ON SITE R2 AT BISHOPS COURT, LOSSIEMOUTH BY MORRISON/ROBERTSON JOINT VENTURE**

Councillor R.L. Patterson declared an interest in this item and left the meeting taking no part in the discussion or decision.

There was submitted a report by the Director of Economic Development and Planning advising the Committee of concerns being raised by residents of Bishops Court, Lossiemouth regarding the route chosen by Morrisons for construction traffic serving the erection of 32 houses on site R2 at Bishops Court, Lossiemouth and advising the Committee on options available to deal with the situation.

The meeting noted that Members of the Committee had undertaken a site visit on 29 June, 1998 and there was tabled at the meeting a sketch plan indicating the various options.

The Control Services Manager reported orally in regard to an update of the situation and the meeting noted that several options have now been put forward to avoid Bishops Court, one of which being via South Covesea Terrace, which was the subject of a planning application and the other involving the use of private gardens. He also advised that it was understood that the residents of Bishops Court had no objection to a limited amount of lorry traffic removing materials from R2 to R9 and travelling over Bishops Court, provided there are safeguards and provided this is not the route for the whole operation. In light of this additional information the Control Services Manager thereafter recommended:

(i) that with reference to condition 22 the Committee exercises its discretion in allowing limited traffic onto/off site R2 using the access at Bishops Court subject to the provision of adequate safeguards by way of appropriate fencing of the route and a manned traffic control;

(ii) that, if required, the application for access from South Covesea Terrace be brought before the Vacation Committee in order to expedite the matter; and

(iii) that consideration of the remainder of the report submitted be deferred until either the application for access from South Covesea Terrace comes before a Committee or the outcome of the application is known.

Following consideration the meeting agreed to approve the recommendations of the Control Services Manager in regard to works access to site R2 at Bishops Court, Lossiemouth.

On the conclusion of this item Councillor Patterson rejoined the meeting.

6. **CURRENT PLANNING APPLICATIONS**

(a) 97/01978/MC Construct sections of Sustrans Cycle Route as part of the overall route between Aberdeen and Inverness through Moray for The Moray Council

There was submitted a report by the Director of Economic Development and Planning in regard to an application by The Moray Council in regard to the construction of sections of the Sustrans Cycle Route as part of the overall route between Aberdeen and Inverness.

The Chief Development Control Officer reported orally in regard to the current position and it was noted that on the expiry of the advertisement period two of the three objectors had withdrawn their objections. He thereafter recommended that, subject to conditions and referral to the Scottish Office, planning permission be granted and that in the event of the remaining objection being withdrawn officers be granted delegated authority to issue a planning consent.

Following consideration the meeting agreed that, subject to referral to the Scottish Office, permission be granted subject to conditions and that in the event of the remaining objection being withdrawn the Director be granted delegated authority to issue the consent.
CATHEDRAL – NO. 2 WARD

(b) 98/00571/LBC & 98/00572/ADV

Listed Building and Planning consent to erect a hanging sign at 50 High Street, Elgin for Mr. Mark Graham

There was submitted a report by the Director of Economic Development and Planning recommending that, for reasons detailed in the report, the Committee refuse a listed building and planning application in respect of the erection of a hanging sign at 50 High Street, Elgin for Mr. Mark Graham.

The meeting noted that a site visit had been undertaken by Members of the Committee on 29 June, 1998.

Following consideration the meeting agreed to refuse the applications on the grounds that the proposed sign is contrary to Local Plan Policies ENV3, ENV24 and ENV25; it does not relate to the building on which it is to be sited and will represent a build up of advertising clutter to the detriment of the character of a Category A Listed Building within an Outstanding Conservation Area and that approval of this proposal will create a precedent for further similar proposals throughout the area.

(c) 98/00684/MC

Construct new special school and demolish existing building at 1 Perimeter Spur, Elgin for The Moray Council

There was submitted a report by the Director of Economic Development and Planning recommending that, subject to conditions detailed in the report, planning permission be granted in respect of the construction of a new special school and the demolition of an existing building at 1 Perimeter Spur, Elgin for The Moray Council.

The Chief Development Control Officer reported orally that subsequent to the issue of the report the letter of objection had been withdrawn and consequently, should the Committee approve the application, there would be no necessity for the referral of the application to the Secretary of State.

Following consideration the meeting agreed that permission be granted subject to the following conditions:-

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

2. Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.

3. Unless otherwise agreed with the Council (as Planning Authority) the development shall not commence until samples of all proposed external finishing materials and their colouration have been submitted to and approved by the Control Services Manager.

4. Sample panels of roughcast shall be prepared on the site for the inspection and approval of the Control Services Manager and the roughcast work shall not be carried out until agreement has been reached with the Control Services Manager regarding the type and colour of materials to be used.

5. That no development shall take place until a Landscape Scheme (drawn to scale) is submitted to and approved by this Council (as Planning Authority). This Landscape Scheme shall show:-

   (a) the location of any existing trees, shrubs and hedgerows on the site and identify those to be retained and those to be removed;

   (b) details of the measures to be taken to protect any existing trees, shrubs and hedgerows during the course of developing the site;

   (c) details of the numbers, species, position, planting distances and sizes of all planting to be undertaken.
6. That all planting, seeding or turfing forming part of the approved landscape scheme shall be carried out in the first planting and seeding seasons following the occupation of the development or the completion of the building works, whichever is the sooner. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council (as Planning Authority) gives written consent to any variation of this planning condition.

7. Prior to development works first commencing details including the location, height, external appearance and material finishes of all proposed fencing or other means of enclosure to be erected shall be submitted to and approved by the Council, as planning authority.

8. Seven car parking spaces shall be provided within the site for use in conjunction with the development.

9. A turning area shall be provided within the curtilage of the site to enable vehicles to enter/exit in a forward gear.

10. All access, parking and turning facilities as shown on the approved drawings shall be laid out, provided and made available for use prior to use of the building first commencing.

11. No water shall be permitted to drain onto the public footpath/carriageway.

**Reasons:**

1. The time limit condition is imposed in order to comply with the requirements of Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. In order to ensure that there are no unauthorised departures from the approved plans which could adversely affect the development or character and amenity of the surrounding properties and area.

3. In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.

4. In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.

5. In order that detailed consideration can be given to the landscaping of the site.

6. In order to ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development or amenity and character of the area.

7. To ensure a satisfactory form of development.

8. In the interests of road safety.

9. In the interests of road safety.

10. In the interests of road safety and to ensure that access and parking facilities are provided at an early stage in the development for the purposes of servicing the site.

11. In the interests of road safety.

**NEW ELGIN – NO. 3 WARD**

(d) 98/00478/FUL Erect a residential home for children on Plot 6 at Rowan Lea, Elgin for NCH Action for Children
There was submitted a report by the Director of Economic Development and Planning recommending that, subject to referral to the Secretary of State in accordance with the relevant Direction procedures and conditions detailed in the report, planning permission be granted in respect of the erection of a residential home for children on Plot 6 at Rowan Lea, Elgin for NCH Action for Children.

The meeting noted that a site visit had been undertaken by Members of the Committee on 29 June, 1998.

Following consideration the meeting agreed that permission be granted subject to the following conditions:

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

2. Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.

3. Unless otherwise agreed with the Council (as Planning Authority) the development shall not commence until samples of all the proposed external finishing materials and their colouration and have been submitted to and approved by the Control Services Manager.

4. Sample panels of roughcast shall be prepared on the site for the inspection and approval of the Control Services Manager and the roughcast work shall not be carried out until agreement has been reached with the Control Services Manager regarding the type and colour of materials to be used.

5. That no development shall take place until a Landscape Scheme (drawn to scale) is submitted to and approved by this Council (as Planning Authority). This Landscape Scheme shall show:-
   
   (a) the location of any existing trees, shrubs and hedgerows on the site and identify those to be retained and those to be removed;

   (b) details of the measures to be taken to protect any existing trees, shrubs and hedgerows during the course of developing the site;

   (c) details of the numbers, species, position, planting distances and sizes of all planting to be undertaken.

6. That all planting, seeding or turfing forming part of the approved landscape scheme shall be carried out in the first planting and seeding seasons following the occupation of the residential home for children or the completion of the building works, whichever is the sooner. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council (as Planning Authority) gives written consent to any variation of this planning condition.

7. The fencing (and gate) shown on drawing no 6141/1/BP1 are not approved and prior to development works first commencing revised details including the location, height, external appearance and materials of all proposed fencing (and/or other means of enclosure, including gates) to be erected shall be submitted to and approved by the Council, as planning authority where:
   
   (a) the existing 1 m high timber fence along the southern boundary is retained in situ;

   (b) for the remainder of the site, the height of all other fences (or other means of enclosure) does not exceed 1.8 m above ground level, and

   (c) the location of fences and gates, etc comply with the requirements of conditions 10 and 11 below.

8. Five private parking space(s) shall be provided within the site.

9. A turning area shall be provided within the curtilage of the site to enable vehicles to enter/exit in a forward gear.
10. No boundary fences, hedges, walls or any obstruction whatsoever over 1.0 m in height and fronting onto the public road shall be within 2.1 m of the edge of the carriageway.

11. New boundary walls/fences shall be set back from the edge of the public road at a distance of 2.0 metres.

12. No water shall be permitted to drain onto the public footpath/carriageway.

13. Drop kerbs shall be provided across the access to Grampian Regional Council specification.

14. Prior to the use of the residential home for children first commencing, all access, car parking and turning facilities shall be laid out and made available for use and thereafter the latter shall be kept permanently available for the parking/turning of motor vehicles.

Reasons:

1. The time limit condition is imposed in order to comply with the requirements of Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. In order to ensure that there are no unauthorised departures from the approved plans which could adversely affect the development or character and amenity of the surrounding properties and area.

3. In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.

4. In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.

5. In order that detailed consideration can be given to the landscaping of the site.

6. In order to ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development or amenity and character of the area.

7. In accordance with the applications agents letter dated 2 June 1998 and to ensure a satisfactory form and appearance of the development.

8. In the interests of road safety.

9. In the interests of road safety.

10. In the interests of road safety.

11. In the interests of road safety.

12. In the interests of road safety.

13. In the interests of road safety.

14. To ensure a satisfactory form of development where adequate arrangements for access, parking and turning are made available at an early stage for servicing the development.

FORRES – NO. 5 WARD

(e) 98/00497/OUT Outline to erect proposed funeral parlour and modify existing car park adjacent to Clovenside Cemetery Car Park, Forres for Mr. J.A. Smith
There was submitted a report by the Director of Economic Development and Planning recommending that, subject to referral to the Secretary of State in accordance with the relevant Direction procedures and conditions detailed in the report, planning permission be granted for outline consent to erect a proposed funeral parlour and modify the existing car park adjacent to Clovenside Cemetery car park, Forres for Mr. J.A. Smith.

Following consideration the meeting agreed:

that permission be granted subject to the following conditions:

1. (a) That in the case of any reserved matter, application for approval must be made before:
   (i) that expiration of 3 years from the date of the grant of outline planning permission; or
   (ii) the expiration of 6 months from the date on which an earlier application for such approval was refused; or
   (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed; whichever is the latest: provided that only one such application may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (i) above.

   (b) That the development to which the permission relates must be begun not later than whichever is the later of the following dates:

   (i) the expiration of 5 years from the date of the grant of outline planning permission; or

   (ii) the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

2. The approval hereby granted is in outline and prior to the commencement of the development approval of the details, including the siting, design and external appearances of the building(s) the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Council, as Planning Authority.

3. The proposed development shall be carried out only in accordance with detailed drawings which shall previously have been submitted to and approved by the Council, as Planning Authority. These drawings shall show the reserved matters numbered 4-8 below.

4. Plans, sections and elevations of all buildings proposed with details of the type and colour of all external materials and finishes shall be submitted in accordance with condition no. 3 above.

5. The proposed layout of the site showing the exact position of the site boundaries, the position of all buildings, the means of access, areas for vehicle parking and the arrangements for the disposal of foul and surface water shall be submitted in accordance with condition no. 3 above.

6. Details of the exact extent, type and finish of all other works including walls, fences and other means of enclosure and screening shall be submitted in accordance with condition no. 3 above.

7. Sections through the site showing the development on its finished levels in relation to existing levels shall be submitted in accordance with condition no. 3 above.

8. 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 shall be submitted in accordance with condition no. 3 above.

9. Unless otherwise agreed no boundary fences, hedges, walls or any obstruction whatsoever over 1.0 m in height and fronting onto the public road shall be within 2.1 m of the edge of the carriageway.
10. Fifty six car parking spaces shall be provided, plus 2 spaces for the mason.

11. The car park shall be surfaced in bituminous macadam, and all parking facilities shall be clearly marked.

12. There shall be no outside storage of any waste materials in connection with the monumental mason, and there shall be no outside display of items for sale other than in the area shown on the plans hereby approved.

13. Only those items directly related to the use hereby permitted shall be sold from the site.

14. Unless otherwise agreed with the Planning Authority, the areas identified on the plan hereby approved as "Monumental Mason" and "Display Area" shall only be for the display and sale of masons products, and there shall be no production works.

Reasons:

1. The time limit condition is imposed in order to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997.

2. In order to ensure that the matters specified can be fully considered prior to the commencement of development.

3. As the consent is in outline only and in order that detailed consideration can be given to the matters specified.

4. As the consent is in outline only and in order that detailed consideration can be given to the matters specified.

5. As the consent is in outline only and in order that detailed consideration can be given to the matters specified.

6. As the consent is in outline only and in order that detailed consideration can be given to the matters specified.

7. As the consent is in outline only and in order that detailed consideration can be given to the matters specified.

8. As the consent is in outline only and in order that detailed consideration can be given to the matters specified.

9. In the interests of road safety.

10. In the interests of road safety.

11. In the interests of road safety.

12. In order that the site be kept clean and tidy in the interests of visual amenity in respect of the environmental setting of the site.

13. For the avoidance of doubt and so that the implications of any unrelated sales can be given formal consideration.

14. For the avoidance of doubt and so that the implications of any production works can be given due planning consideration.

(f) 98/00549/FUL Alter and extend house at Inveravon, Castle Street, Forres for Elizabeth Warham
There was submitted a report by the Director of Economic Development and Planning recommending that, subject to conditions detailed in the report, planning permission be granted in respect of an application to alter and extend the house at Inveravon, Castle Street, Forres for Elizabeth Warham.

The meeting noted that a site visit had been undertaken by Members of the Committee on 29 June, 1998.

Following consideration the meeting agreed that permission be granted subject to the following condition:-

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

2. Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.

Reasons:

1. The time limit condition is imposed in order to comply with the requirements of Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. In order to ensure that there are no unauthorised departures from the approved plans which could adversely affect the development or character and amenity of the surrounding properties and area.

INNES – NO. 8 WARD

(g) 97/02092/OUT Outline to erect 3 houses at The Workshop, Miltonduff, Elgin for Mr. Derek Munro

There was submitted a report by the Director of Economic Development and Planning recommending that, for reasons detailed in the report, the Committee refuse an outline application to erect 3 houses at The Workshop, Miltonduff, Elgin for Mr. Derek Munro.

The meeting noted that subsequent to submission the application had been amended to the effect that now only 2 houses were proposed in place of the 3 previously involved and that a site visit had been undertaken by Members of the Committee on 29 June, 1998.

Following consideration and on the motion by Councillor M.C. Howe, seconded by Councillor W. Jappy the meeting agreed to approve the application for two houses only on the grounds that the application was not considered contrary to the Moray District Local Plan “Housing in the Countryside” Policies HC3 and the Rural Settlement Statement for Miltonduff and to the Grampian Structure Plan Policy 2 “Housing Design and Siting”.

BUCKIE – NO. 12 WARD

(h) 97/01640/FUL Erect tearoom/shop, manager’s house and provide recreational facilities (slipway) at Strathlene, Great Eastern Road, Buckie for Strathlene Project

There was submitted a report by the Director of Economic Development and Planning in regard to an application to erect a tearoom/shop, manager’s house and provide recreational facilities (slipway) at Strathlene, Great Eastern Road, Buckie for Strathlene Project.

The Chief Development Control Officer reported orally that on expiry of the advertisement period no objections had been received and that the Roads Department were satisfied with the proposals contained in the amended plans and, accordingly, recommended that subject to conditions, to include a specific condition that the house does not proceed in the absence of the tearoom, planning permission be granted.

Following consideration the meeting agreed, as recommended, that planning permission be granted subject to conditions to include a specific condition that the house does not proceed in the absence of the tearoom.
RATHFORD – NO. 13 WARD

(i) 98/00365/FUL Demolish part of steading and build new cottage with siting of residential caravan on basis of temporary necessity at Letterfourie Estate, Drybridge, Buckie for Mr. and Mrs. B.W. Reader

There was submitted a report by the Director of Economic Development and Planning recommending that, for a reason detailed in the report, the Committee refuse planning permission in respect of an application to demolish part of a steading and build a new cottage with siting for a residential caravan on the basis of temporary necessity, at Letterfourie Estate, Drybridge, Buckie for Mr. and Mrs. B.W. Reader.

The meeting noted that there were no objections from the Road Section and that referral to Historic Scotland was not required.

Following consideration Councillor G. McDonald, seconded by Councillor R.L. Patterson, moved refusal of the application as recommended.

As an amendment Councillor W. Jappy seconded by Councillor E. Aldridge, moved approval of the application on the grounds that he did not consider that the proposed development on the site adjacent to the listed building would prejudice the character and setting of the listed building.

On a division there voted:-

For the motion (6) Councillors G. McDonald, R.L. Patterson, H. McDonald, M. Anderson, A.M. Scott and J. Stewart

For the amendment (4) Councillors W. Jappy, E. Aldridge, A. Keith and P. Mann

Abstentions (1) Councillor M.C. Howe

Accordingly the Chairman declared the motion carried and it was agreed that planning permission be refused on the grounds that the proposal is contrary to Policy ENV25 of the Moray District Local Plan 1993-1998 as the proposed dwelling and residential caravan site will detract from the appearance and setting of the nearby Category B Listed Building.

STRATHISLA – NO. 16 WARD

(j) 98/00721/FUL Change of use of amenity ground to garden ground, erect garden walls and form drive at 95 Nelson Terrace, Keith for Mr. and Mrs. C. Goldie

There was submitted a report by the Director of Economic Development and Planning recommending that, for reasons detailed in the report, the Committee refuse a planning application in respect of change of use of amenity ground to garden ground, erect garden walls and form drive at 95 Nelson Terrace, Keith for Mr. and Mrs. C. Goldie.

The meeting noted that a site visit had been undertaken by Members of the Committee on 29 June, 1998.

Following consideration and on the motion by Councillor G. McDonald, seconded by Councillor R.L. Patterson the meeting agreed that the application be approved on the grounds that it was not considered contrary to policy ENV3 did not create a precedent and on condition that the ground be utilised as garden ground.

The meeting also agreed that policy ENV3 be reviewed as part of the new Development Plan review.

SPEYSIDE – NO. 18 WARD

(k) 98/00286/FUL Develop for residential use 20 low cost houses at housing development at Linn Brae, Aberlour for Robertson Group (Scotland) Limited

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

There was submitted a report by the Director of Economic Development and Planning recommending that, subject to conditions detailed in the report, permission be granted in respect of an application to develop for residential use 20 low cost houses at housing development at Linn Brae, Aberlour for Robertson Group (Scotland) Limited.

The meeting noted that a site visit had been undertaken by Members of the Committee on 29 June, 1998.

Following consideration and on the motion by Councillor G. McDonald, seconded by Councillor E. Aldridge, the meeting agreed that in the interests of road safety the application be approved subject to the conditions recommended being amended to reflect the Committee’s views that there be no access off Chapel Terrace and that adequate safeguards are in place in respect of the play area given that all traffic will require to enter the site off Queen Street via the rear of Allardyce Crescent.

The amended conditions being as follows:-

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

2. The approval hereby granted does not carry with it any consent for the details of dwellings to be erected on plots outwith phases one and two.

3. Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.

4. That no development shall take place until a Landscape Scheme (drawn to scale) is submitted to and approved by this Council (as Planning Authority). This Landscape Scheme shall show:-

   (a) the location of any existing trees, shrubs and hedgerows on the site and identify those to be retained and those to be removed;

   (b) details of the measures to be taken to protect any existing trees, shrubs and hedgerows during the course of developing the site;

   (c) details of the numbers, species, position, planting distances and sizes of all planting to be undertaken;

   (d) the position of any children's play areas and public amenity open space. Details of the surface finishes, boundary enclosures and number, type (for example, inclusion of manufacturer's specification) and position of pieces of play equipment to be provided.

5. That a Schedule of Maintenance for the landscape areas and recreational areas shall be submitted to and approved by this Council (as Planning Authority) prior to any dwellings in phase one being occupied. This Schedule of Maintenance shall include a written undertaking which includes the arrangements for the implementation of the Landscape Scheme and the future maintenance.

6. Unless otherwise agreed with the Council (as planning authority) access to the play area shall be from the secondary access shown on the plans.

7. No work shall commence until approval has been obtained from the Council (as planning authority) for plans (drawn to scale) showing details of:

   (a) the finish floor levels of the dwellings and existing/finished levels of all associated earthworks;
(b) surface water drainage arrangements;

c) the secondary access road and hospital car park facilities.

8. No dwelling shall be occupied until it is served by a section of roadway and footpaths up to and including a hard surface to the satisfaction of the Council (as planning authority). No work shall commence on the development until the specification for this surface has been agreed with the Control Services Manager.

9. No dwelling in phase two shall be occupied until the temporary access to phase one has been closed off to the satisfaction of the Control Services Manager.

10. Unless otherwise agreed with the Council as planning authority no construction traffic shall enter the site from the temporary access to phase one from Chapel Terrace. Construction traffic shall enter the site at the point where the new access road is shown coming off Queens Road/Chapel Brae.

11. No work shall commence until an agreement has been concluded with the Council regarding arrangements for improving Queens Road in association with the development.

12. No work shall commence until agreement has been reached with the Council (as planning authority) regarding the timing of the provision of the play area, secondary access road and hospital car park spaces. These facilities shall thereafter be provided in accordance with the terms of the agreement.

13. No work shall commence until approval has been obtained from the Council (as planning authority) for details of the siting, design and timing of erection of signs to direct construction traffic and identify the hospital parking facilities.

14. Unless otherwise agreed with the Council (as Planning Authority) the development shall not commence until samples of the proposed roof tiles have been submitted to and approved by the Control Services Manager.

15. Sample panels of roughcast shall be prepared on the site for the inspection and approval of the Control Services Manager and the roughcast work shall not be carried out until agreement has been reached with the Control Services Manager regarding the type and colour of materials to be used.

16. The width of individual vehicular accesses shall be 2.4 - 3.0 metres and have a maximum gradient of 1:20 measured for the first 5 metres from the edge of the public carriageway. A section of access over the public footpath/verge to be to the Moray Council’s specification and surfaced in bitmac.

17. No water shall be permitted to drain onto the public footpath/carriageway from the site.

18. Drop kerbs shall be provided across the access to Grampian Regional Council specification.

19. Parking spaces shall be provided at the rate of two per 3 bedroomed dwelling and three per 4 bedroom dwelling.

20. A visibility splay of 4.5 metres x 60 metres shall be provided at the junction of the new access road with the public road.

21. New boundary walls/fences shall be set back from the edge of the public road at a distance of 1.8 metres.

22. Unless otherwise agreed with the Council (as planning authority) no development shall commence on phase two until agreement has been reached with the Control Services Manager regarding a pedestrian link between the development and the network of paths at Linn Brae Woods.

23. Any existing ditch/waterway under site access to be piped using a suitable diameter of pipe. The pipe shall be laid to self cleansing gradient.
Reasons:

1. The time limit condition is imposed in order to comply with the requirements of Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. In order to avoid any ambiguity regarding the terms of the consent.

3. 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.

4. In order that detailed consideration can be given to the landscaping of the site and provision of any play equipment.

5. In order to ensure that landscape/recreational areas are provided timeously with appropriate arrangements for maintenance in place.

6. In the interests of safety.

7. In order that further consideration can be given to these details.

8. In order to ensure that the dwellings are served timeously by adequate roads and footpaths.

9. In order to comply with the requirements of the policy or R6 of the Aberlour Settlement Statement in the Moray District Local Plan 1993-1998.

10. In order to minimise disturbance from construction traffic.

11. In the interests of road safety.

12. In order to ensure the planned provision of these facilities.

13. In order to ensure that these facilities are fully and adequately identified.

14. In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.

15. In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.

16. In the interests of road safety.

17. In the interests of road safety.

18. In the interests of road safety.

19. In the interests of road safety.

20. In the interests of road safety.

21. In the interests of road safety.

22. In the interests of the amenity of householders to secure access to an existing established amenity feature at Linn Brae Woods.

23. In the interests of road safety.

On the conclusion of this item Councillor Patterson rejoined the meeting.
LOSSIEMOUTH – NO. 9 WARD

(k) 98/00322/FUL Retrospective application for alterations to dwellinghouse and part change of use to form undertakers office and rest room (for one coffin) with adjoining hardstanding (for three car spaces) at Briardene, Tulloch’s Brae, Lossiemouth for Mr. G. Ford

There was submitted a report by the Director of Economic Development and Planning recommending that, subject to conditions detailed in the report, planning permission be granted in respect of a retrospective application for alterations to a dwellinghouse and part change of use to form undertakers office and rest room (for one coffin) with an adjoining hardstanding (for three car spaces) at Briardene, Tulloch’s Brae, Lossiemouth for Mr. G. Ford.

The meeting noted that a site visit had been undertaken by Members of the Committee on 29 June, 1998.

Prior to considering the application the meeting noted that the Control Services Manager left the meeting taking no part in the discussion, given that he resides in the immediate vicinity of the development and that, since submission, he had delegated his responsibilities for this application to the Chief Development Control Officer.

Prior to considering the application the Principal Solicitor (Commercial and Conveyancing) advised the meeting that given the local SNP MP was one of the objectors to the application the public must be made aware that the Committee has considered the application on its planning merits and that there is no suggestion that any decision may have been influenced by the fact that all Members know the MP and, accordingly, following consultation with the Scottish Office, her advice was that Mrs. Ewing should not be treated any differently from anyone else and that the application should be clearly determined on its planning merits.

On the invitation of the Chairman the meeting heard the Local Member, Councillor D. Crawford who expressed the view that, on the planning merits of the application, he did not consider that the hardstanding available was sufficient for three parking spaces and would therefore force traffic onto the road at the narrowest point causing congestion on an already narrow road. He also referred to condition 10 of the recommended conditions requiring, prior to the commencement of the development, the erection of 1.6m high screen walls as indicated on the plans which he considered would have a serious detrimental impact on the adjoining property at Orton Cottage given this was the sole route of entry and exit from the property and that on these grounds asked the Committee to refuse the application.

In regard to the erection of screen walls the Chief Development Control Officer advised the meeting that this was a recommended condition and not part of the application and therefore could not be used as a reason for refusal.

Following consideration Councillor J. Stewart, seconded by Councillor R.L. Patterson, moved that the application be refused on the grounds that the hardstanding was not considered adequate for the proposed car parking provision and the proposals would therefore lead to traffic congestion on an existing very narrow road.

As an amendment Councillor W. Jappy, seconded by Councillor E. Aldridge, moved that the application be approved as recommended.

On a division there voted:-

For the motion (7) Councillors J. Stewart, R.L. Patterson, G. McDonald, H. McDonald, M. Anderson, M.C. Howe and A.M. Scott

For the amendment (4) Councillors W. Jappy, E. Aldridge, A. Keith and P. Mann

Abstentions (0)
Thereafter the Chairman declared the motion carried and it was agreed that the application be refused on the grounds that the hardstanding was not considered adequate for the proposed car parking provision and would therefore lead to traffic congestion on an already narrow road.

7. DRAFT NATIONAL PLANNING POLICY GUIDELINE ON RURAL DEVELOPMENT

There was submitted a report by the Director of Economic Development and Planning informing the Committee on the contents of the draft National Planning Policy Guideline (NPPG) on rural development and seeking the Committee’s approval of a draft response to the Scottish Office.

Following consideration the meeting agreed to note the content of the draft NPPG and to seek a change in the Guidance on the following issues:-

- the need to take a much more proactive management orientated approach to promote sustainable communities related to infrastructure and flooding. In particular, the approach to flooding should reflect the guidance already set out in NPPG 7 on Planning and Flooding.

- the need to generally promote business including IT and diversification subject to appropriate criteria. In addition clarification is required on the manner in which IT sites might be reserved for that use.

- the need for advice on the differentiation in planning terms between green tourism and mainstream tourism.

8. THE MORAY DEVELOPMENT PLAN (STRUCTURE AND LOCAL PLAN) – CONSULTATION RESPONSE AND FUTURE TIMETABLE

There was submitted a report by the Director of Economic Development and Planning inviting the Committee to note the level of response received from consultation on the draft Moray Development Plan and seeking approval of a revised programme for consideration of responses and advancing the plan to its final stages. The report also invited the Committee to note that a Strategic Sustainability Appraisal of the Plan has been carried out with Scottish Natural Heritage as part of the consultation process.

Following consideration the meeting agreed:

(i) to note the Strategic Sustainability Appraisal of the Development Plan;

(ii) to approve the revised timetable and arrangements as detailed in the report for the continued preparation of the Development Plan and for the consideration of the public consultation responses; and

(iii) that the Committee’s appreciation of staff efforts in carrying out a successful series of planning workshops, increasing awareness of plans and dealing with the high level of responses to the consultation process be conveyed to those concerned.

9. NATIONAL LOCAL AGENDA 21 FORUM

There was submitted a report by the Director of Economic Development and Planning inviting the Committee to consider an invitation for the Council to be represented at the eighth National Local Agenda 21 Forum to be held in Plymouth between 15 and 17 July, 1998.

Following consideration the meeting agreed:

(i) to be represented at the Conference by an officer to be nominated by the Director of Economic Development and Planning; and

(ii) that a report on the Conference be submitted to a future meeting of the Committee.
10. TREE PRESERVATION ORDER: WAULKMILL

Under reference to para. 16 of the Minute of the Economic Development and Planning Committee held on 24 February, 1998 there was submitted a report by the Director of Economic Development and Planning inviting the Committee to consider recommending to the Full Council confirmation of a Tree Preservation Order (TPO) at Waulkmill Grove, Elgin in light of comments received during the consultation process.

Following consideration, during which the meeting noted oral reports in regard to outstanding consultations, the meeting agreed to recommend to the Full Council confirmation of the TPO at Waulkmill Grove, Elgin.

11. CAPITAL STREET LIGHTING PROGRAMME: REVISED PROGRAMME

Under reference to para. 2 of the Minute of the Special Meeting of the Full Council on 24 February, 1998 there was submitted a report by the Director of Economic Development and Planning seeking the Committee’s approval for a revised programme of street lighting schemes funded from the 1998/99 Capital Budget given that, since the programme was approved, the Scottish Hydro Electric (SHE) have indicated that they will be unable to fund undergrounding schemes in the meantime and therefore the Craigellachie works will not proceed at this time.

The meeting noted that it was being proposed that the slippage in the 1998/99 capital undergrounding programme carried out in conjunction with Scottish Hydro Electric be reallocated to accommodate amendments and improvements needed to street lighting because of the introduction of CCTV cameras in Elgin and that the balance of the approved capital budget should remain allocated to the works in Craigellachie awaiting further proposals from Scottish Hydro Electric with any additional costs being considered in the 1999/2000 budget proposals.

Suspension of Standing Orders

The meeting unanimously agreed to the suspension of Standing Orders given the relevant and material change in circumstances and following consideration agreed:-

(i) to approve the revised street lighting programme of works for 1998/99 as detailed in the report;
(ii) that the report be referred to the Policy and Resources Committee for approval of the alteration to the budget;
(iii) that it be remitted to the Chief Roads Officer to write to Scottish Hydro Electric expressing the Committee’s concerns in regard to impact this change has on the Council’s street lighting Capital programme and to raise the possibility of entering into a Service Level Agreement.

12. REVENUE BUDGET 1998/99: COASTAL PROTECTION

There was submitted a report by the Director of Economic Development and Planning seeking the Committee’s approval of the Revenue Budget 1998/99 for Coastal Protection as detailed in the appendix to the report.

Following consideration the meeting agreed to approve the Revenue Budget 1998/99 for Coastal Protection as detailed in the appendix to the report.

13. FLOOD PREVENTION WORKS AND STUDIES

Under reference to para. 17 of the Minute of this Committee dated 3 February, 1998 there was submitted a report by the Director of Economic Development and Planning advising the Committee of the current position in regard to discussions which had taken place at meetings of the Flood Prevention Working Party and sought approval for revenue and capital expenditure on maintenance works and prevention schemes.

There were attached, as appendices 1, 2, 3 and 4 respectively, the Minutes of Flood Prevention Working Party meetings dated 27 May and 17 June, 1998; proposals for revenue expenditure towards flood prevention works and an indicative draft Capital Flood Prevention budget programme for the years 1998/99 to 2002/03.
Following consideration the meeting agreed:-

(i) to the preparation of a strategy for flood prevention measures covering inspection, assessment, maintenance, improvement and planning considerations;

(ii) that further works on water courses should be planned rather reactionary and in keeping with the overall strategy for the water course;

(iii) that all further works shall demonstrate that no detrimental effect will be suffered by adjoining land and property owners;

(iv) that appropriate cost benefit and environmental statements be prepared wherever considered appropriate;

(v) that wherever possible future works should be the subject of a submission to the Scottish Office for grant assistance;

(vi) to the proposed revenue expenditure of £119,500 towards the flood prevention works as detailed in appendix 3 of the report;

(vii) to note the proposed capital expenditure programme, as detailed in appendix 4, which would see design commissions commencing for Elgin, Forres and Lhanbryde in the current financial year and to recommend to the Policy and Resources Committee that:-

(viii) representations be made to the Scottish Office for additional capital allocations to meet the expenditure plans;

(ix) a draft capital programme for 1999/2000 be considered at an early stage to enable forward commitments to be made for the flood study and brief designs at the earliest time;

(x) that officers should present the details of proposed short-term and long-term works to the communities involved;

(xi) that it be delegated to officers, in consultation with Flood Prevention Working Party members, to seek tenders for further flood prevention studies, as detailed in the report, and that these prices form the basis of the costs presented to the Policy and Resources Committee at the first possible opportunity thereby giving Members the best information possible in considering the forward financial commitment involved; and

(xii) copies of the studies commissioned by the Council be made available for public inspection, by appointment, at the Roads Services Section, Highfield House, Elgin.

14. 20 MPH TRIAL AREAS

Under reference to para. 12 of the Minute of the Economic Development and Planning Committee dated 24 February, 1998 there was submitted a report by the Director of Economic Development and Planning seeking approval of the expenditure for the 20 MPH trial areas at Den Crescent, Keith and Grant Drive, Forres from the 1998/99 Road Safety Capital Allocation.

Following consideration the meeting agreed to approve the allocation of funding for the two 20 MPH trial sites as part of the National Initiative from the Road Safety Capital Allocation for 1998/99.

15. ELGIN WAITING REGULATIONS

Under reference to para. 27 of the Minute of the Technical and Leisure Services Committee dated 15 May, 1997 there was submitted a report by the Director of Economic Development and Planning seeking the Committee’s approval of revised proposals for the traffic regulations for Elgin, as detailed in the appendix to the report, and authority to instruct officials to implement statutory procedures in making the Order.
The meeting noted that due to the length of time anticipated for the statutory process to take it will be unlikely that the regulations will be in place during the 1998/99 financial year and therefore the scheme will be presented for consideration in the 1999/2000 capital programme.

Following consideration the meeting agreed:-

(i) to approve the Elgin – Review of Traffic Regulations, as detailed in the appendix to the report, and to instruct officials to implement the necessary statutory procedures to promote the Order; and

(ii) to note the intention to present the scheme for inclusion in the capital budget for new signs and lines in 1999/2000.

16. ELGIN ON-STREET PARKING

There was submitted a report by the Director of Economic Development and Planning inviting the Committee to consider on-street parking problems in Elgin and instruct officials to implement formal parking measures within bays on certain streets in central Elgin as detailed in the plan attached as appendix to the report.

The meeting noted that the former Grampian Regional Council commenced the process of introducing on-street parking restrictions with charges on residential streets to the south side of the centre of Elgin, however this process was not concluded during the life time of the former Council due to the number of objections received to the proposals.

Following consideration the meeting agreed:-

(i) to approve the formalisation of marked parking areas on those streets detailed in the plan attached to the report;

(ii) to approve the expenditure for the marked parking areas from this year’s capital allocation for new road markings; and

(iii) to approve further investigation into appropriate on-street resident parking schemes including surveys of existing use and report further thereon to a future meeting.

17. HIGHLANDS AND ISLANDS INTEGRATED TRANSPORT FORUM

There was submitted a report by the Director of Economic Development and Planning advising the Committee of the establishment of the Highland and Islands Integrated Transport Forum which is a sub group of the Highlands and Islands Convention and inviting the Committee to consider appointing representatives to the Forum.

Following consideration the meeting agreed:-

(i) to support the principle of developing a closer co-ordination of transport services across the Highland and Islands area through the Highlands and Islands Integrated Transport Forum, sub group of the Highlands and Islands Convention; and

(ii) that Councillor H. McDonald, whom failing and the Chief Roads Officer, whom failing be appointed to represent The Moray Council on the Forum.

18. MANAGEMENT OF TRUNK ROADS

There was submitted a report by the Director of Economic Development and Planning providing information on the management of trunk roads carried out by the North East Partnership as agents of the Scottish Office Development Department and advising of the programme of major maintenance and improvement schemes and studies programmed in Moray for 1998/99.

Following consideration the meeting agreed:-
(i) to note the operation of the Partnership as Management Agents for the trunk roads in north-east Scotland and the programme of works for 1998/99; and

(ii) to lobby the Scottish Office and the Highland Council for the provision of a proper junction on the A9 at the turn-off onto the A95 and to raise with the Scottish Office the provision of proper signage at Rothes.

19. TENDERING OF ALL-PURPOSE TRUNK ROAD UNITS

There was submitted a report by the Director of Economic Development and Planning advising the Committee of the current position on Scottish Office proposals for tendering for All Purpose Trunk Road Units and seeking approval for the submission of a tender by The Moray Council as part of a Local Authority consortium.

Following consideration the meeting agreed that the Chief Roads Officer be authorised to arrange for the submission of a tender for the Management of the North-East All Purpose Unit as part of a Local Authority consortium when bids are invited by the Scottish Office.

20. ATTENDANCE AT CONFERENCE: THE SCOTTISH INTEGRATED TRANSPORT WHITE PAPER

There was submitted a report by the Director of Economic Development and Planning inviting the Committee to consider attendance at a Conference on the Scottish Integrated Transport White Paper.

The Chief Roads Officer reported orally that at the meeting of the Policy and Resources Committee on 25 June, 1998 (para. 23 of the Minute refers) it had been agreed to approve the attendance at the Conference by Councillor T.A. Howe, whom failing, together with the Director of Economic Development and Planning and the Chief Roads Officer on the understanding that should the Conference be postponed, on account of the White Paper not being available by 10 July, 1998 attendance at a rearranged Conference would be authorised.

The meeting, in noting that the Conference had been rescheduled for 31 July, 1998 in anticipation of the issue of the White Paper in mid July agreed, to note the decision of the Policy and Resources Committee in regard to attendance at the Conference.

21. LISTS OF LEASES SUBMITTED FOR NOTING/APPROVAL

There was submitted a report by the Director of Economic Development and Planning inviting the Committee to note the terms of one lease, two rent reviews and two assignations which have been dealt with under delegated powers and seeking approval of the terms of four leases.

Following consideration the meeting agreed to note the leases, rent reviews and assignations and approve the terms of the four leases as follows:-

<table>
<thead>
<tr>
<th>Tenant and Address</th>
<th>Length of Lease</th>
<th>Review Period</th>
<th>Rent</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Lease for Noting</td>
<td>monthly</td>
<td>----</td>
<td>£1,200 p.a</td>
</tr>
<tr>
<td>Hunter Construction, Aberdeen Ltd, Pinefield Playing Fields, Elgin</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(ii) Rent Reviews for Noting

<table>
<thead>
<tr>
<th>Tenant and Address</th>
<th>Length of Lease</th>
<th>Review Period</th>
<th>Rent</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Moray Council, Car Park (Part), rear of 145/151 Mid Street, Keith</td>
<td>----</td>
<td>5 years</td>
<td>£116 p.a</td>
</tr>
<tr>
<td>P.C. Maintenance, Site – Edgar Road, Elgin</td>
<td>----</td>
<td>5 years</td>
<td>£3,200 p.a</td>
</tr>
</tbody>
</table>
(iii) **Leases Approved**

Leigh Brown, Unit 32 Tyock Industrial Estate, Elgin  
3 years 3 years £5,000 p.a.

Gordon & Innes Limited, Depot at Mosstodloch Ind. Est.,  
3 years 3 years £12,000 p.a.

Grampian Health Promotions Shop, 239 High Street, Elgin  
5 years 3rd year £8,000 p.a.

Blackwell Foods, Unit 1 Chanonry Ind. Est.,  
6 years 3rd year £6,000 plus VAT p.a.

(iv) **Assignations for Noting**

<table>
<thead>
<tr>
<th>Previous Tenant</th>
<th>New Tenant</th>
<th>Address</th>
<th>Lease Details</th>
</tr>
</thead>
</table>
| W. Allan and J. Small Alliance Timber Preservation (North) Ltd  
Preservation  
(North) Ltd  
Elgin | 7 Perimeter Spur,  
Pinefield Ind. Est.,  
Elgin | 99 year ground lease from 2/9/84 |
| H.A.T Property Services Ltd (in administrative receivership) MITIE Property Investments Ltd  
MITIE Property Investments Ltd  
Units 7, 8 and 9  
Greshop Ind. Est.,  
Forres | Units 7, 8 and 9  
Greshop Ind. Est.,  
Forres | 21 year lease from 15/5/94. Current rent £9,100 p.a. |

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22. **STYNE FARM SHOP, MOSSTODLOCH, MORAY (Para. 13)**

There was submitted a report by the Director of Economic Development and Planning advising the Committee of the current situation regarding the seasonal farm shop at Stynie Farm, Mosstodloch and inviting the Committee to consider recommendations for an appropriate level of control.

Following consideration the meeting agreed:-

(i) that the proprietor of the Stynie Farm Shop be notified of the requirement for formal planning consent and that a retrospective planning application is required;

(ii) that the proprietor of the Stynie Farm Shop be invited to discuss how any potential harm to local amenity in particular with regard to vehicular access can be minimised while his application is under consideration; and

(iii) that no formal enforcement action be taken at this stage, however if an application is not forthcoming then consultations will be carried out in order that consideration can be given to whether or not there is a basis for formal enforcement action.

23. **NEW MEDICAL CENTRE, HIGHFIELD ROAD, BUCKIE – BENREAY MEDICAL GROUP PRACTICE (Para. 13)**

There was submitted a report by the Director of Economic Development and Planning advising the Committee of departures from the approved plans for the above development and identifying options to address the situation. The meeting also noted that whilst it was open to the Council to seek a retrospective application or consider enforcement action the development which exists was considered acceptable and further planning conditions would not be required and that it was also considered that there was a legitimate basis to treat the development which now exists as non material variation of the consent.

Following consideration the meeting agreed:-
that the development be accepted as it exists on the basis that it is a non-material variation of the approved plans which does not warrant further action;

(ii) that it be remitted to the Director of Economic Development and Planning to write to the developer in the strongest possible terms expressing the Committee’s displeasure in regard to the actions taken to depart from the approved plans with total disregard for the planning process; and

(iii) to clarify the Council’s position in terms of the Feu Disposition and report thereon to the Full Council on 2 July, 1998.

24. CARGO SHED AT BUCKIE HARBOUR (Para. 9)

Under reference to para. 13 of the Minute of the Economic Development and Planning Committee of 11 November, 1997 there was submitted a report by the Director of Economic Development and Planning inviting the Committee to authorise the appointment of a Management Agent for the Cargo Shed at Buckie Harbour and to recommend to the Policy and Resources Committee that the facility is placed on the Buckie Harbour account.

Following consideration the meeting agreed:

(i) to approve the appointment of B.L. Cranes under the terms of a one year Management Agreement and authorise the Principal Solicitor (Commercial and Conveyancing) to formalise the agreement in consultation with the Chief Roads Officer and the Principal Estates Surveyor; and

(ii) to recommend to the Policy and Resources Committee that the Cargo Shed is held on the Buckie Harbour account.

25. ROUTINE TENDERS: FOOTPATH WORKS (Para. 8)

Under reference to para. 8 of the Minute of the Economic Development and Planning Committee dated 26 May, 1998 there was submitted a report by the Director of Economic Development and Planning recommending acceptance of the lowest tender received in respect of footpath works.

Following consideration the meeting agreed to accept the tender from Colas Limited in the sum of £17,693.67 being the lowest of 7 tenders received for footpath works as part of the planned maintenance schemes contained in the 1998/99 revenue maintenance budget.

26. BRIDGE ASSESSMENT AND STRENGTHENING PROGRAMME 1998/99: SILVER BRIDGE (U132H) REPLACEMENT (Para. 8)

Under reference to para. 10 of the Minute of the Economic Development and Planning Committee dated 26 May, 1998 there was submitted a report by the Director of Economic Development and Planning advising the Committee on the progress regarding the Silver Bridge replacement programme and inviting the Committee to consider acceptance of the lowest tender received for the works.

Following consideration the meeting agreed to accept the tender from the Moray Council Roads DLO in the sum of £120,450.20 being the lowest of 4 tenders received.

27. DEFENCE HOUSING EXECUTIVE: ELGIN TO LOSSIEMOUTH CYCLEWAY (Para. 9)

Under reference to para. 27 of the Minute of the Moray Council dated 12 February, 1998 there was submitted a report by the Director of Economic Development and Planning asking the Committee to approve the construction of a cycleway from Elgin to Lossiemouth via Muirton Road B9135 funded by developer contribution from the Defence Housing Executive (DHE) Consortium of Contractors.

Following consideration the meeting agreed:-
(i) to note the developer contribution of £360,000 to provide the cycleway from Elgin to Lossiemouth via Muirton Road;

(ii) to approve the provision of a cycleway from Elgin to Lossiemouth via Muirton Road funded by the developer contribution from the DHE Housing Contract;

(iii) to instruct the Estates Surveyor to negotiate the land purchase for the scheme; and

(iv) to instruct the Chief Roads Officer to prepare a scheme and issue to open tender in accordance with the proposed timetable once all the necessary approvals have been granted.