

**THE MORAY COUNCIL**

**MINUTE OF SPECIAL MEETING OF THE ENVIRONMENTAL SERVICES COMMITTEE**

**THURSDAY 31 JANUARY 2008**

**COUNCIL OFFICE, ELGIN**

**PRESENT**

Councillors A Wright (Joint Chair : Planning & Environment) J Russell (Joint Chair : Transportation & Direct Services), G Leadbitter, G McDonald, A Mckay, F Murdoch and I Ogilvie.

**APOLOGIES**

Apologies for absence were intimated on behalf of Councillors J Divers, J Hamilton, M McConachie, G McIntyre, P Paul, R Shepherd and I Young.

**IN ATTENDANCE**

The Head of Development Services, the Development Control Manager, A Burnie, Principal Planning Officer (Development Control), the Principal Solicitor (Commercial & Conveyancing) and the Senior Committee Services Officer, Clerk to the Meeting.

**1. DECLARATION OF GROUP DECISIONS**

In terms of the relevant Standing Order 20 and the Councillor's Code of Conduct the meeting noted that there were no declarations from Group Leaders or spokespersons in regard to any prior decisions taken on how members will vote on any item on the agenda.

**2. PLANNING APPLICATION**

**ELGIN CITY NORTH : WARD 6**

- (a) **07/01839/FUL                      CONSTRUCT A REPLACEMENT ROAD BRIDGE AT REIKET LANE, ELGIN FOR THE MORAY COUNCIL**

There was submitted a report by the Director of Environmental Services recommending that, subject to conditions detailed in the report, planning consent be granted in respect of an application to construct a replacement road bridge at Reiket Lane, Elgin for The Moray Council.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation given that the Development Control Manager considered that the application raised matters of wider community interest and/or planning significance. The meeting also noted that the application had been advertised as a development in the public interest to which a number of objections/representations had been received, details of which were set out in the report. Members of the Committee visited the site of the application on 25 January 2008.

During discussion the meeting noted that effective communications with adjacent residents in regard to the proposed works will be taken into account in terms of Condition 3. This requires, prior to the commencement of work, the submission and approval of measures to mitigate against the impact of noise and vibration associated with the demolition and construction of a replacement and temporary bridge. The meeting also noted the error on page 5 of the report under the heading 'List of Informatives' in that a Building Warrant will not, in this instance, be required.

Following consideration and on the motion of Councillor Wright, the Committee agreed that the application be approved subject to the following conditions:-

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.
2. Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.
3. No development shall commence until details have been submitted to and approved by the Council as Planning Authority regarding
  - (a)
    - (i) samples or specifications of the external finishing materials and colouration of the solid infill panels proposed for the replacement bridge
    - (ii) the design, external appearance and material finishes of the temporary footbridge.
    - (iii) a detailed landscape scheme (see Condition 6)
    - (iv) all proposed measures to mitigate against the impacts of noise and vibration associated with the demolition and/or construction of the replacement bridge and temporary footbridge (see Condition 9)
    - (v) the time-scale for the clearance of tree, scrub and other vegetation, which shall be carried out outwith the bird breeding season, 1st April - 31st July
    - (vi) revised details of the alignment of the temporary footpath to the south of the temporary bridge, which shall ensure that the route is located within the grass area between the existing/proposed embankments and outwith the existing landscaped area (to be retained/protected during construction) along the eastern boundary of Brechan Rig. The alignment of the footpath as shown on drawing TBREIK/012 and /013 is not approved
    - (vii) the location and means of delineation of any proposed site compound.

and

    - (b) thereafter, the development shall be implemented in accordance with the approved details.
4. The temporary footbridge and footpath arrangements shall be provided and made available for use prior to demolition and replacement of the existing railway bridge and thereafter, the temporary footbridge and footpath shall be removed not later than one month following the first use of the replacement bridge hereby approved.
5. Details for the proposed restoration and re-instatement of the land affected by the temporary footbridge and footpath and any site compound shall be submitted to and approved by the Council, as Planning Authority
  - a) not less than 4 weeks prior to the cessation of use of the compound; and
  - b) not less than 4 weeks prior to the removal of the temporary footbridge/footpath.

6. 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 and thereafter, no trees/shrubs or other vegetation other than those identified for removal within the approved scheme details shall be removed either during the construction phase or thereafter, without the prior consent, in writing, of the Council, as Planning Authority;
  - (b) details of the measures to be taken to protect any existing trees, shrubs and hedgerows during the course of developing the site. This shall include all measures such as temporary fencing or similar means of enclosure to demarcate defined working areas for construction activity and/or protect adjacent vegetation and trees from construction activity.
  - (c) details of the numbers, species, position, planting distances and sizes of all planting to be undertaken including the planting seed mix for the embankments.
7. All planting, seeding or turfing comprised in the approved landscaping details shall be carried out no later than the end of the first planting and seeding season following the completion of construction works for the replacement bridge and the removal of the temporary footbridge and footpath. Any trees, shrubs and plants which within a period of 5 years from planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species to the satisfaction of the Council, as Planning Authority.
8. All construction activity and operations shall only take place between 0700hrs - 1900hrs, Mondays - Fridays and not at any other time except with the prior written agreement of the Council, as Planning Authority.
9. In accordance with Condition 3, the required measures to mitigate against the impacts of noise and vibration shall include:
- a) identification of all measures to be adopted to mitigate against noise and vibration from all demolition and construction activities and operations associated with the provision of the replacement bridge and the temporary footbridge. (Note: this may include, but not be limited to, generic and specific measures identified in paragraphs 5.1.2 and 5.1.3 of the submitted Noise Impact Assessment (October 2007, revised November 2007); and
  - b) identification of all proposed measures to monitor the impacts of noise and vibration arising from all demolition and construction activities and operations associated with the provision of the replacement bridge and the temporary footbridge, including the arrangements and time-scales for compliance monitoring to ensure any calculated noise levels are being complied with and to demonstrate that noise is adequately considered (paragraph 5.1.11 of Noise Impact Assessment refers). (Note: this may include, but not be limited to, any proposed mitigation measures identified within any separate application(s) made under Section 61 of the Control of Pollution Act, 1974).

**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. Information on the matters specified are currently lacking from the submission and to ensure a satisfactory form of development in the interests of the amenities and appearance of the development and the surrounding locality.
4. To ensure an acceptable form of development, the footbridge and footpath arrangements being considered as a temporary measure to facilitate pedestrian access over the railway line during the period of demolition and construction of the replacement bridge.
5. To ensure an acceptable form of development, in the interests of the amenities and appearance of the surrounding locality.
6. In order that detailed consideration can be given to the landscaping of the site.
7. 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.
8. To ensure a satisfactory form of development and safeguard the amenities and appearance of the area from impacts identified during the construction phase of the development.
9. Details of the actual measures for mitigation are lacking from the submitted particulars and to ensure an acceptable form of development in the interests of the amenities of neighbouring noise sensitive property.