

THE MORAY COUNCIL

MINUTE OF MEETING OF THE ENVIRONMENTAL SERVICES COMMITTEE

WEDNESDAY 20 FEBRUARY 2008

COUNCIL OFFICE, ELGIN

PRESENT

Councillors A Wright (Joint Chair : Planning & Environment) J Russell (Joint Chair : Transportation & Direct Services), J Divers, G Leadbitter, J Hamilton, M McConnachie G McDonald, G McIntyre, A Mckay, F Murdoch, I Ogilvie, P Paul and I Young.

ALSO PRESENT

Councillor J Sharp, Councillor S Cree respect of item 4 (e) and Councillor Bell in respect of item 4 (h).

APOLOGIES

An apology for absence was intimated on behalf of Councillor R Shepherd.

IN ATTENDANCE

The Director of Environmental Services, the Head of Development Services, the Head of Direct Services, The Consultancy Manager the Planning and Development Manager, , the Development Control Manager and A Burnie & J Martin, Principal Planning Officers (Development Control) in respect of item 4, the Principal Environmental Health Officer, in respect of item (g) L Paisey, Principal Accountant, the Principal Solicitor (Commercial and Conveyancing) and the Senior Committee Services Officer, Clerk to the Meeting.

1. CHAIR

Councillor A Wright, Joint Chair (Planning & Environment), took the Chair in respect of the Planning & Environment section of business on the Agenda.

WELCOME TO COUNCILLOR JOHN SHARP

The Chairman welcomed Councillor Sharp to his first Council meeting following his election to the Council on 14 February 2008.

2. DECLARATION OF GROUP DECISIONS

In terms of Standing Order 20 the meeting noted that Councillor Murdoch declared a personal interest in planning application 07/01102/FUL : Install a wind turbine at Myreton, Crossroads, Keith. There were no other declarations from group leaders or spokespersons in regard to any prior decisions taken on how members will vote on any item on the Agenda.

3. EXEMPT INFORMATION

The Meeting resolved 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 relevant Paragraphs of this Minute as specified below, so as to avoid disclosure of exempt information of the class described in the appropriate Paragraphs of Part 1 of Schedule 7A of the Act.

Para. No. of Minute

Para. No. of Schedule 7A

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4. PLANNING APPLICATIONS

SPEYSIDE GLENLIVET : WARD 1

- (a) **07/00681/FUL** **ERECT NEW HOUSE AT SITE ADJACENT TO BEN-MHOR CHURCH STREET DUFFTOWN FOR MR AND MRS L THOMSON**

There was submitted a report by the Director of Environmental Services recommending that, subject to conditions detailed in the report, planning consent be granted in respect of an application to erect a new house on a site adjacent to Ben-Mhor, Church Street, Dufftown for Mr & Mrs L Thomson.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation given that competent written objections have been received from more than 5 separate households and that members of the Committee had visited the site of the application on 19 February 2008.

Councillor Murdoch sought clarification as to whether or not it would be appropriate to refuse the application, in terms of policy L/T4, on the grounds that, in her opinion, given the narrowness of the lane off Church Street, which is a private road, it was not a suitable and safe access and that access should be taken off Cowie Avenue. In response the Development Control Manager advised the meeting that whilst the Council's Transportation Section had no objections they had requested that an informative be applied to the consent advising that access from the site to Church Street is via a private driveway and then a private unadopted road. He also intimated that his advice to Committee was that the proposed access was a private matter and not a planning issue. The meeting also noted that a consent already existed to take the same access onto Church Street.

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

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.
2. Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.
3. The permission hereby granted shall not be exercised in addition to, or in conjunction with the permission approved under formal decision notice 06/01486/FUL dated 3rd November 2006.
4. Unless otherwise agreed with the Council (as Planning Authority) the development shall not commence until details of the proposed roof tiles have been submitted to and approved by the Head of Development Services.
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;
 - (d) details of external material finishes for all hard surfaces and parking areas.

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 dwellinghouse 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. If significant unsuspected contamination is found then all work shall cease until an appropriate investigation to determine the nature, extent and potential impacts of the contamination has been undertaken and a remediation method statement agreed with The Council as Planning Authority.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) (or any other revoking and re-enacting that order), other than the vehicular access expressly authorised by this permission, no further vehicular accesses shall be formed to the site without written consent of the Council.
9. Prior to any development works commencing on the site, details for the provision of the "right of way" footpath link between points A and B including surface finish, design construction, drainage and fencing shall be submitted to and approved in writing by the Planning Authority. Thereafter, the footpath shall be constructed in accordance with the approved details prior to the commencement of development on the dwellinghouse.

Reasons:

1. The time limit condition is imposed in order to comply with the requirements of Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure that there are no unauthorised departures from the approved plans which could adversely affect the development or character and amenity of the surrounding properties and area.
3. In order to avoid any ambiguity regarding the terms of this consent.
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 and provision of any play equipment.
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 order to safeguard the health and safety of the occupants of the property from the effects of harmful ground contamination.
8. In the interests of protecting road safety and residential amenity.

(b) **07/01468/FUL** **ERECT TWO DETACHED DWELLINGHOUSES AT TENNIS COURTS MOUNT STREET DUFFTOWN KEITH MORAY FOR GENESIS PROPERTIES SCOTLAND LIMITED**

There was submitted a report by the Director of Environmental Services recommending that, subject to conditions detailed in the report, planning consent be granted in respect of an application to erect two detached houses at the Tennis Courts, Mount Street, Dufftown for Genesis Properties Scotland Limited.

The meeting noted that the application had been referred to Committee, in terms of the Scheme of Delegation, given that the the Development Control Manager considered that significant amendments have been made to a previous Committee approved consent (para 2 (ii) of the Minute of the special meeting of this Committee dated 28 September 2006 refers). The meeting also noted that the application had been advertised as a departure from policy to which no representations had been received and that members of the Committee had visited the site of the application on 19 February 2008.

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

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.
2. Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.
3. Sample panels of roughcast shall be prepared on the site for the inspection and approval of the Head of Development Services and the roughcast work shall not be carried out until agreement has been reached with the Head of Development Services regarding the type and colour of materials to be used.
4. No boundary fences, hedges, walls or any obstruction whatsoever over 1.0 m in height and fronting onto the public road shall be within 2.4 m of the edge of the carriageway.
5. No water shall be permitted to drain or loose material be carried onto the public footpath/carriageway.
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;
 - (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.
7. 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 dwellings or the completion of the building works, whichever is the sooner. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council (as Planning Authority) gives written consent to any variation of this planning condition.
8. No development shall commence until details of the gas protection measures to be installed within the property have been approved in writing by the Council (as Planning Authority). The details shall include the following and the gas protection measures shall be installed in accordance with the approved details:
 - i) a full technical specification of the gas protection measures, including the membrane, to be installed;
 - ii) full details of the appropriately qualified person responsible for installing the gas protection measures;

- iii) full details of the exact siting and extent of the gas protection measures;
 - iv) full details of the means by which it will be ensured that the gas protection measures will be fully protected during and after installation. These details must demonstrate that the gas protection measures will prevent impacts from contamination migration and gas migration;
 - v) the timescale for installing the gas protection measures; and the Council as Planning Authority shall be notified of the date for installing the membrane no later than 7 days before its intended installation (contact the Environmental Health Section on 01343 563345 or by writing to the Environmental Health Manager, The Moray Council, Council Offices, High Street, Elgin IV30 1BX).
9. Any extension, garage, shed, greenhouse, outbuilding or summerhouse not requiring planning consent shall not be erected until details of a gas proof membrane to be installed under the building or other gas protection measures have been approved in writing by the Council (as Planning Authority). The details shall include the following and the membrane or gas protection measures shall be provided in accordance with the approved details:
- i) a full technical specification of the membrane or gas protection measures to be provided;
 - ii) full details of the appropriately qualified person responsible for installing the membrane or protective measures;
 - iii) full details of the exact siting and extent of the membrane or gas protection measures;
 - iv) full details of the means by which it will be ensured that the membrane or gas protection measures will be fully protected during and after installation. These details must demonstrate that the membrane or gas protection measures will prevent impacts from contamination migration and gas migration;
 - v) the timescale for providing the membrane or gas protection measures; and the Council as Planning Authority shall be notified of the date for installing the membrane or gas protection measures no later than 7 days before the intended installation/provision (contact the Environmental Health Section on 01343 563345 or by writing to the Environmental Health Manager, The Moray Council, Council Offices, High Street, Elgin IV30 1BX).
10. No work shall commence until details have been submitted of the proposed boundary enclosures/retaining wall for the site boundaries. The approved details shall be implemented prior to occupation of the dwelling.
11. The white roughcast is not permitted as part of this application. Details of an alternative colour shall be agreed in writing by the Planning Authority prior to work commencing.
12. A 1.8 metre wide footpath shall be formed in accordance with The Moray Council specifications along the full site frontage onto Mount Street to the east. Drop kerbs shall be provided across the access positions. The footpath shall be completed prior to either dwelling being occupied. A road opening permit must be obtained from The Moray Council Direct Services before commencing this work.

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 the interests of road safety.
5. In the interests of road safety.
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. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground gases.
9. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground gases.
10. In the interests of privacy.
11. To ensure the development is in character with the surrounding area.
12. In the interests of highway safety.

KEITH AND CULLEN : WARD 2

(c) 07/01102/FUL INSTALL A 750KW WIND TURBINE WITH A HUB HEIGHT OF 50 M AND BLADE DIAMETER OF 48 M AT MYRETON CROSSROADS KEITH MR CLIVE STREETER

Councillor Murdoch declared a personal interest in this application and whilst remaining in the meeting took no part in the discussion and determination of the application.

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 amended application to install a 750kw wind turbine with a height of 55m and a tip height of 77m at Myreton Crossroads, Keith for Mr Clive Streeter.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation given that competent written objections have been received from more than 5 separate households. The meeting also noted that the amended plans submitted showed the turbine repositioned downhill, where its impact on the surrounding landscape will be greatly reduced. Several letters of objection were received to the initial proposal, however following re-notification of the amended plans no further representations have been received. It was also noted that members of the Committee had visited the site of the application on 19 February 2008.

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

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.
2. Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.
3. That prior to commencement of construction, the method of transporting the constituent parts to the site shall be discussed with the Transportation Manager, and any necessary

amendments to the road infrastructure to accommodate the loads involved shall be completed to the Moray Council specification at the applicant's expense.

4. Prior to delivery to the site, full details of the wind turbine including the make, model, design, power rating and sound levels of wind turbine to be used on site shall be submitted to and require the approval of the Council as Planning Authority.
5. The wind turbine operator shall log wind speed and wind direction and shall retain the data which has been obtained for a period of no less than the previous 12 months. The data shall include the average wind speed in metres per second for each 10 minute period. The wind speed and wind direction data shall be made available to the Planning Authority on request.
6. Noise arising from the wind turbine shall not exceed an LA90, 10 min of 35dB at the nearest noise sensitive premises. This condition shall apply at wind speeds not exceeding 10ms⁻¹, as measured at a height of 10 metres above ground level at the wind turbine and shall apply only to dwellings (vacant or occupied) existing at the date of this planning permission. Should these noise levels be exceeded, the wind turbine operator shall take steps to ensure that noise emissions from the wind turbine are reduced to the aforementioned levels or less.
7. At the reasonable request of the Planning Authority, following a complaint to The Moray Council relating to noise emissions from the wind turbine, the wind turbine operator shall measure at its own expense the level of noise emissions from the wind turbine (inclusive of existing background noise) using an LA90 index over a minimum of 20 periods each of 10 minutes duration. At least 10 of the periods of measurement shall be made at wind speeds between a wind specified by the Council. At least 10 measurements shall be made at wind speeds between the wind speed specified by the Council and a wind speed and a wind speed not less than 2 metres per second below that specified by the Council. Measurements of noise emissions shall, as far as is practically possible, be made in consecutive 10 minute periods provided that they fall within the wind speed range defined in this condition.

Where considered appropriate by the Planning Authority, the wind turbine operator will be required to carry out an assessment for tonal noise in accordance with the procedure recommended in Chapter 6 of the document "The Assessment and Rating of Noise from Wind Farms (ETSU-R-97)" i.e. the procedure based on the Joint Nordic method.

Where the tone level above audibility is greater than 2dB a tonal penalty shall be applied to permitted noise levels, in accordance with Figure 16 of the document; so that the permitted levels specified in Condition 6 above will be reduced by the tonal penalty.

8. Measurements made in accordance with the provisions of conditions in order to demonstrate compliance with the requirements of condition 6 shall be correlated with wind speeds. The locations of monitoring shall be determined by or agreed with the Planning Authority.
9. That in the event of the wind turbine hereby approved becoming redundant, it shall be removed and the site fully restored.
10. That prior to the commencement of construction, a full and detailed Construction Method Statement shall be submitted for the consideration and approval of this Council as Planning Authority in consultation with Scottish Natural Heritage.

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 the interests of road safety.
4. In the interests of amenity, public health and effective planning control.
5. In the interests of amenity, public health and effective planning control.
6. In the interests of amenity, public health and effective planning control.
7. In the interests of amenity, public health and effective planning control.
8. In the interests of amenity, public health and effective planning control.
9. In the interests of amenity and effective planning control.
10. In the interests of amenity and effective planning control.

(d) **07/01549/FUL** **DETAILED PLANNING APPLICATION FOR SINGLE DWELLINGHOUSE ON PLOT 1 (PHASE 1) AND DETAILED PLANNING APPLICATION FOR ACCESS ROAD SERVICING AND PLOTS 2 - 23 AT DUNNYDUFF ROAD KEITH FOR L C INNES CONSULTANCY**

There was submitted a report by the Director of Environmental Services recommending that, subject to conditions detailed in the report, planning consent be granted in respect of an application to erect Plot 1 (Phase 1) and for outline permission for an access road, servicing and layout for Plots 2-23 Dunnyduff Road, Keith for L C Innes Consultancy.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation given that the proposal involves more than 10 houses and is a departure from the Development Plan. The meeting also noted that no representations had been received during the departure advertisement period and that members of the Committee had visited the site of the application on 19 February 2008.

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

1. For the avoidance of doubt this consent is for a total of 21 residential units, as per the approved plans, and not for 23 plots as described in the applications description.

Conditions 2 - 10 relate to both Phase 1 and 2 of the development hereby approved.

2. 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.
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. No water shall be permitted to drain or loose material be carried onto the public footpath/carriageway.
5. No boundary fences, hedges, walls or any obstruction whatsoever over 1.0 m in height and fronting onto the public road shall be within 2.4 m of the edge of the carriageway.
6. Two private car parking spaces for up to a 3 bedroomed dwelling and three private car parking spaces for a 4 or more bedroomed dwelling shall be provided.

7. New boundary walls/fences shall be set back from the edge of the public road at a distance of 1.8 metres.
8. Drop kerbs shall be provided across the access to The Moray Council specification.
9. Houses requiring 2 parking spaces shall have a driveway length of 6.0m minimum in front of garage to permit a second car to park, unless alternative parking arrangements are provided. No part of the driveway shall be included in the public road.
10. A new 2.5 metre wide footpath, designed and constructed in accordance with The Moray Council specification shall be provided between the existing footpath outside No. 36 Dunnyduff Road to the new access road. Unless otherwise agreed with the Transportation Manager the footpaths are also to be completed on the north east side of the new access road adjacent to the site boundary.

Conditions 11 - 21 shall relate to Phase 2 of the development including roads, pavements, SUDS Lagoon, landscaping and play area provision.

11. A visibility splay of 4.5 x 70 metres shall be provided from the new access onto Dunnyduff Road (in both directions). There shall be no obstruction to visibility over 1 metre in height within the splays.
12. The access road serving plots 7 - 21 shall be constructed to basecourse level and have operational street lighting before any dwelling is occupied.
13. Detailed SUDS proposals, designed in accordance with the agreed Drainage Impact Assessment/SUDS Strategy (previously submitted by the applicant) must be submitted to and approved by the Council in consultation with SEPA and Scottish Water prior to the commencement of development on Phase 2. The final approved SUDS scheme must also be implemented and operational (to the Council's satisfaction) prior to the occupation of any dwellings in Phase 2.
14. If significant unsuspected contamination is found then all work shall cease until an appropriate investigation to determine the nature, extent and potential impacts of the contamination has been undertaken and a remediation method statement agreed with The Council as Planning Authority.
15. No development shall commence until details of the gas protection measures to be installed within the property have been approved in writing by the Council (as Planning Authority). The details shall include the following and the gas protection measures shall be installed in accordance with the approved details:
 - a) a full technical specification of the gas protection measures, including the membrane, to be installed;
 - b) full details of the appropriately qualified person responsible for installing the gas protection measures;
 - c) full details of the exact siting and extent of the gas protection measures;
 - d) full details of the means by which it will be ensured that the gas protection measures will be fully protected during and after installation. These details must demonstrate that the gas protection measures will prevent impacts from contamination migration and gas migration;
 - e) the timescale for installing the gas protection measures;
 - f) and the Council as Planning Authority shall be notified of the date for installing the membrane no later than 7 days before its intended installation (contact the

Environmental Health Section on 01343 563345 or by writing to the Environmental Health Manager, The Moray Council, Council Offices, High Street, Elgin IV30 1BX).

16. Any extension, garage, shed, greenhouse, outbuilding or summerhouse not requiring planning consent shall not be erected until details of a gas proof membrane to be installed under the building or other gas protection measures have been approved in writing by the Council (as Planning Authority). The details shall include the following and the membrane or gas protection measures shall be provided in accordance with the approved details:
- a) a full technical specification of the membrane or gas protection measures to be provided;
 - b) full details of the appropriately qualified person responsible for installing the membrane or protective measures;
 - c) full details of the exact siting and extent of the membrane or gas protection measures;
 - d) full details of the means by which it will be ensured that the membrane or gas protection measures will be fully protected during and after installation. These details must demonstrate that the membrane or gas protection measures will prevent impacts from contamination migration and gas migration;
 - e) the timescale for providing the membrane or gas protection measures;
 - f) and the Council as Planning Authority shall be notified of the date for installing the membrane or gas protection measures no later than 7 days before the intended installation/provision (contact the Environmental Health Section on 01343 563345 or by writing to the Environmental Health Manager, The Moray Council, Council Offices, High Street, Elgin IV30 1BX).
17. That no development shall take place beyond Phase 1 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 layout 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.
18. Unless otherwise agreed with the Council (as Planning Authority) no dwelling shall be occupied beyond Phase 1 until the playpark has been installed and completed to the satisfaction of the Council (as Planning Authority).
19. Unless otherwise agreed with the Council (as Planning Authority) plots 16 - 19 inclusive shall be low-cost housing units as defined by the Moray Development Plan Affordable Housing supplementary planning guidance document. Prior to development of Phase 2 commencing agreement and approval must be obtained from the Housing Programmes Manager for the details of the low cost housing provision.

20. Unless otherwise agreed with the Council no dwellinghouse shall be occupied until such time as it is serviced by a section of roadway and footpath finished with a hard surface at least to basecourse level to the satisfaction of the Transportation Manager.
21. Prior to the commencement of development of Phase 2 approval shall be obtained for: -
- (a) A schedule of maintenance for all landscaped areas, SUDS Lagoon and the play area, showing the arrangements for maintenance in perpetuity in accordance with policy L/IMP4 of the Moray Local Plan 2000, including details of the administration arrangements for on-going landscape maintenance;
- (b) Detailed plans showing finished levels and any means of enclosure for the SUDS lagoon area.

Reasons:

1. In order to avoid any ambiguity regarding the terms of this consent.
2. 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.
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 the interests of road safety.
5. In the interests of road safety.
6. In the interests of road safety.
7. In the interests of road safety.
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 order that further consideration can be given to the surface water drainage arrangements for the development, and to ensure the agreed scheme is implemented prior to occupation of dwellings in Phase 2.
14. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground contamination.
15. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground gases.
16. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground gases.
17. In order that detailed consideration can be given to the landscaping of the site and provision of any play equipment.

18. In order that detailed consideration can be given to the landscaping of the site and provision of any play equipment.
19. In order that full consideration can be given to the provision of low cost housing, and the timing of its provision.
20. In the interests of road safety.
21. In order to ensure that landscape/recreational areas are provided timeously with appropriate arrangements for maintenance in place.

(e) **07/2492/FUL** **ERECT BUNGALOW ON SITE AT NEWTACK CROSSROADS
KEITH FOR D SIMPSON AND H MORRISON**

There was submitted a report by the Director of Environmental Services recommending that, for reasons detailed in the report, planning consent be refused in respect of an application to erect a bungalow on a site at Newtack Crossroads, Keith for D Simpson & H Morrison.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation given that there is an unresolved objection from a statutory, Strathisla Community Council, and that members of the Committee had visited the site of the application on 19 February 2008. The meeting also noted that the application had been advertised as a departure from policy to which representations had been received, therefore were the Committee minded to approve the application a Hearing was recommended.

There was also circulated to Members of the Committee and the Development Control Manager, prior to consideration of the application, in accordance with the policy decision of December 1991, information in support of the application.

On the invitation of the Chairman, Councillor Cree, one of the ward members not on the Committee, addressed the meeting. He advised that he was satisfied with the response from the Council's Transportation Section to the Community Council's concerns. The response also indicated that the provision of a further passing place, in connection with the proposed development, would be of benefit to road safety and would outweigh the incremental increase of traffic associated with one house. Councillor Cree also expressed the view that, in his opinion, the approved plot to the north of the proposed site places the development within the settlement and as such can be seen as infill. In regard to prominence he was of the view that this was a matter of opinion and for the Committee to determine in light of their site visit. For these reasons Councillor Cree requested that the Committee give support to the proposed development.

Thereafter Councillor Paul expressed the view that, in her opinion, the proposed development was not contrary to policies L/HC3 and L/IMP2. She was of the view that the site was not in a prominent position as it is located in a natural hollow, it had a natural backdrop of existing bushes and shrubs to the rear of the site and a pond to the south and had the requisite boundaries for the area. The proposed landscaping, which she had sight of the day before the meeting, will, in her opinion, be easily implemented and will be an appropriate addition to the surrounding landform. Councillor Paul was also of the opinion that the proposed development would not result in an uncharacteristic build-up of residential development in the area, that the roads issue had been resolved given that the Council's Transportation Section had intimated that the provision of an additional layby would lead to improved road safety and, in regard to setting a precedent, reminded the Committee that applications are considered on their individual merit. For these reasons Councillor Paul moved approval of the application, as complying with policy, subject to standard conditions.

The motion was seconded by Councillor Wright, who expressed the view that when considering the previous application he had not appreciated that a second defensible boundary had been created by the approval of an application to the north of the site. He was also of the view that the suggestion of the proposed site being classed as an infill site was strengthened by that approval and, in support of the motion, he was satisfied that, in this instance, the site could be classed as an infill site within policy.

There being no-one otherwise minded the motion became the finding of the meeting and it was agreed that the application be approved, as complying with policy, subject to standard conditions.

HELDON AND LAICH : WARD 5

- (f) **07/01049/FUL** **DETAILED PLANNING APPLICATION FOR ROAD LAYOUT SITE SERVICES BOUNDARY WALL AND DEMOLITION OF RED CRAIG HOTEL AND OUTLINE PLANNING APPLICATION FOR 41 PLOTS INCORPORATING 8 AFFORDABLE HOUSING UNITS ON RED CRAIG HOTEL BURGHEAD FOR MR PETER HIZZET**

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 for road layout site services, boundary wall and demolition of Red Craig Hotel and outline consent for 41 plots, incorporating 8 affordable housing units, at the Red Craig Hotel Burghead Mr Peter Hizzet

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation given that the proposal involves more than 10 houses and is a departure from the Development Plan. The meeting noted that no objections had been received during the departure advertisement period and that members of the Committee had visited the site of the application on 19 February 2008.

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

Conditions relative to Roadway and all accesses to the existing public roadways:-

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 boundary fences, hedges, walls or any obstruction whatsoever over 1.0 m in height and fronting onto the public road shall be within 2.4 m of the edge of the carriageway.
4. No water shall be permitted to drain or loose material be carried onto the public footpath/carriageway.
5. Two private parking spaces for up to a three bedroomed dwelling, three private car parking spaces for a four or more bedroomed dwelling, and fifteen communal parking spaces for each flatted property shall be provided.
6. A visibility splay of 4.5m x 70m shall be provided at the access onto Sigurd Street. A splay of 4.5m x 120m shall be provided at the access onto Fraser Road. 4.5m x 120m splays shall be maintained at the accesses from Fraser Road and Sigurd Street onto the B9040.
7. New boundary walls/fences shall be set back from the edge of the public road at a distance of 2.0m minimum metres.
8. The new footpath to the west side of Fraser Road shall be 3m wide shared use cycle/pedestrian path.
9. If significant unsuspected contamination is found then all work shall cease until an appropriate investigation to determine the nature, extent and potential impacts of the contamination has been undertaken and a remediation method statement agreed with The Council as Planning Authority.

Conditions relative to the indicative housing layout for the site:-

10. The approval hereby granted is in principle 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.
11. 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 12-16 below.
12. 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. 11 above.
13. 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. 11 above.
14. 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. 11 above.
15. Sections through the site showing the development on its finished levels in relation to existing levels shall be submitted in accordance with condition no. 11 above.
16. 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. 11 above.
17. 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.
18. 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 occupation of the first house plot. This Schedule of Maintenance shall include a written undertaking which includes the arrangements for the implementation of the Landscape Scheme and the future maintenance.
19. That eight units of affordable/special needs housing shall be provided within the site hereby approved, and
 - a) prior to development works first commencing, details of the location of the required unit of accommodation shall be submitted to and approved by the Council as Planning Authority; and

- b) prior to any development works first commencing on the approved location(s) for the affordable/special needs units of accommodation, details regarding the design and arrangements to ensure the long term delivery and provision of the required affordable/special needs units of accommodation shall be submitted to and approved by the Council, as Planning Authority; and
 - c) thereafter, the development shall be implemented in accordance with the approved details.
20. That prior to the commencement of housing development additional play equipment shall be provided within the Sigurd Street play park to the satisfaction of this Council as Planning Authority in consultation with The Moray Housing Partnership.

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 the interests of road safety.
4. In the interests of road safety.
5. In the interests of road safety.
6. In the interests of road safety.
7. In the interests of road safety.
8. In the interests of road safety.
9. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground contamination.
10. In order to ensure that the matters specified can be fully considered prior to the commencement of development.
11. As the consent is in outline only and in order that detailed consideration can be given to the matters specified.
12. As the consent is in outline only and in order that detailed consideration can be given to the matters specified.
13. As the consent is in outline only and in order that detailed consideration can be given to the matters specified.
14. As the consent is in outline only and in order that detailed consideration can be given to the matters specified.
15. As the consent is in outline only and in order that detailed consideration can be given to the matters specified.
16. As the consent is in outline only and in order that detailed consideration can be given to the matters specified.
17. In order that detailed consideration can be given to the landscaping of the site and provision of any play equipment.

18. In order to ensure that landscape/recreational areas are provided timeously with appropriate arrangements for maintenance in place.
19. To ensure an acceptable form of development and safeguard the required provision of such housing on the site (see policies L/H7 and L/H8 of the Moray Local Plan) including matters specified which are currently lacking from the submission.
20. To accordance with policy L/F1 of the Moray Local Plan for developer contributions.

FORRES : WARD 8

- (g) **07/00765/OUT OUTLINE PLANNING APPLICATION FOR DEVELOPMENT OF 40 HOUSING UNITS (WITH ASSOCIATED INFRASTRUCTURE AND COMMERCIAL EDUCATIONAL AND COMMUNITY FACILITIES) ON LAND AT DUNELAND REAR OF UNIVERSAL HALL FINDHORN FOR DUNELAND LIMITED**

There was submitted a report by the Director of Environmental Services recommending that, subject to conditions detailed in the report, outline planning consent be granted in respect of an application for the development of 40 housing units (with associated infrastructure and commercial educational and community facilities) on land at Duneland at the rear of the Universal Hall, Findhorn for Duneland Limited.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation given that the application is for a major development and competent written objections have been received from more than 5 separate households. The meeting also noted that members of the Committee had visited the site of the application on 19 February 2008.

Following consideration, the Committee agreed to approve the application, 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. The detailed or reserved matters application shall be accompanied by a Transport Statement fully considering the potential safety issues related to the increase in traffic generated by this proposed development and any mitigating measures proposed to address any safety concerns raised in the Transport Statement.
10. The proposed parking provision within the site should comply with The Moray Council's parking policy, or in the stated intention of providing a lower level of parking space, any reduced provision shall be accompanied by a Travel Plan indicating the measures to be taken to reduce car use and ownership within the site.
11. 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.
12. 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.

13. 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 development. This Schedule of Maintenance shall include a written undertaking which includes the arrangements for the implementation of the Landscape Scheme and the future maintenance.
14. If significant unsuspected contamination is found then all work shall cease until an appropriate investigation to determine the nature, extent and potential impacts of the contamination has been undertaken and a remediation method statement agreed with The Council as Planning Authority.
15. That the SUDs proposals for the site shall be developed in accordance with the principles set out in the outline planning application (Gaia Report dated February 2007) and agreed with relevant parties, including SEPA.
16. That all foul drainage from the proposed development shall connect to the public mains drainage system.
17. That prior to the approval of any application for detailed planning consent, a Noise Impact Assessment shall be carried out by a suitably competent acoustic engineer detailing mitigation measures to ensure internal noise levels commensurate with Noise Exposure Category A are met.
18. Eight affordable/special needs units of accommodation shall be provided within the site hereby approved and: -
 - a) prior to development works first commencing, details of the location of the required units shall be submitted to and approved by the Council as Planning Authority;
 - b) prior to any development works first commencing on the approved location for the affordable/special needs units, details regarding the design and arrangements to ensure the long term delivery and provision of the required units shall be submitted to and approved by the Council as Planning Authority, and;
 - c) thereafter the development shall be implemented in accordance with the approved details.

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 order that detailed consideration can be given to the landscaping of the site and provision of any play equipment.
12. 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.
13. In order to ensure that landscape/recreational areas are provided timeously with appropriate arrangements for maintenance in place.
14. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground contamination.
15. In the interests of amenity and effective planning control.
16. In the interests of amenity, public health, and effective planning control.
17. In the interests of amenity, public health, and effective planning control.
18. To ensure an acceptable form of development and safeguard the required provision of such housing on the site (see policies L/H7 and L/H8 of the Moray Development Plan) including details of matters specified which are currently lacking from the submission.

(h) **07/001478/FUL ERECT HYDROTHERAPY POOL AS EXTENSION TO FORRES SWIMMING POOL AT BURDSYARD ROAD FORRES FOR MORAY HYDROTHERAPY POOL LIMITED**

There was submitted a report by the Director of Environmental Services recommending that, for reasons detailed in the report, planning consent be refused in respect of an application to erect a hydrotherapy pool as an extension to Forres Swimming Pool at Burdsyard Road, Forres for Moray Hydrotherapy Pool Limited.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation given that the Development Control Manager considers that the application raises matters of wider community interest and/or planning significance and that members of the Committee had visited the site of the application on 19 February 2008.

The meeting also noted that the application had been advertised as a departure from policy to which representations had been received, therefore were the Committee minded to approve the application a Hearing was recommended and notification would be required to Scottish Ministers under Circular 5/2007, prior to the issue of consent given that the Council has an interest in the proposal.

There was also circulated to Members of the Committee and the Development Control Manager, prior to consideration of the application in accordance with the policy decision of December 1991, information in support of the application.

Prior to considering the application the meeting heard from the Head of Direct Services in regard to the issues relating to car parking and the Principal Environmental Health Officer in regard to the requirement for a Noise Impact Assessment. The meeting noted that, as well as requiring to replace the 2 disabled spaces, which would require 3 of the existing 26 spaces, 5 additional spaces would

require to be provided in terms of the current Moray Council Car Parking Standards. The proposed development, as submitted, would therefore lead to a 30% reduction in car parking provision. The requirement for a Noise Impact Assessment being on the grounds that the proposed development lay within a noise sensitive area and as there was already issue of noise, albeit within acceptable levels, from the existing swimming pool plant the potential cumulative noise could cause a statutory noise nuisance. The meeting also noted that the additional information provided by the applicant in November 2007 was considered to be insufficient to allay the Environmental Health Section's concerns in regard to a potential noise nuisance being created and the applicant had been asked again to provide a Noise Impact Assessment, as originally requested. The applicant indicated however that they wished the application determined on the information provided.

Councillor Hamilton expressed the view that insufficient car parking could be overcome if an agreement could be reached with Forres Academy, where the carparking provision is underused, and for this reason moved that, subject to the provision of a Noise impact Assessment, the application be approved as an acceptable departure.

The meeting then heard from Councillor Bell, one of the Ward Members not on the Committee, who referred to the Planning Officer's report which intimated that the proposal was acceptable in terms of design and of an appropriate size and form in relation to the existing buildings and the officer stated that as a Noise Impact Assessment had not been received the proposal could be a potential departure from policy L/IMP1. He also referred to the Agent's letter dated 15 February 2008, circulated to Members prior to the meeting, which intimated that it was understood that noise was no longer an issue and that the Council's own technical information stated that 2 of the plants were silent in operation and no noticeable noise will be produced during the opening hours of the pool. In regard to the objection relating to noise, Councillor Bell was of the view that this related to the existing swimming pool plant which is a Council responsibility. In regard to the loss of car parking provision he was of the view that the existing 26 spaces were underused with an average of 10 spaces available at any time. By relocating the 2 disabled spaces and utilising the existing underused Forres Academy carpark out of school hours this would alleviate any car parking problems. For these reasons Councillor Bell urged the Committee to approve the application.

Councillor Young intimated that he would be prepared to second Councillor Hamilton's motion subject to it being amended to incorporate the reinstatement of two disabled car parking spaces.

As an amendment Councillor Ogilvie moved that, subject to the provision of a Noise impact Assessment, Moray Council making a contribution towards the cost of a Noise Impact Assessment given that the existing noise from the Council owned swimming pool initiated the requirement, the application be approved as an acceptable departure.

Thereafter Councillor Wright moved approval of the application, as complying with policy, subject to the submission of a satisfactory Noise Impact Assessment, the successful outcome of ongoing discussions between the applicant and the Council's Transportation Section in regard to car parking provision and appropriate conditions. Councillor Hamilton, with the agreement of his seconder, withdrew his motion and seconded the motion by Councillor Wright.

Thereafter Councillor Ogilvie withdrew her amendment in favour of the terms of the motion

There being no-one otherwise minded the motion became the finding of the meeting and it was agreed that the application be approved, as complying with policy, subject to the submission of a satisfactory Noise Impact Assessment, the successful outcome of ongoing discussions between the applicant and the Council's Transportation Section in regard to car parking provision and appropriate conditions. The Committee also agreed that in the event of there not being a successful outcome to either/both requirements the application to be referred back to Committee.

8. NEW PLANNING ACT REGULATIONS ON DEVELOPMENT PLANNING : CONSULTATION RESPONSE

There was submitted a report by the Director of Environmental Services inviting the Committee to consider a draft response to the Scottish Government consultation on the proposed Regulations for preparing Development Plans under the new Planning etc (Scotland) Act 2006, which in due course

will replace the Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983. A copy of the proposed response to the 20 consultation questions was appended to the report as Appendix 1.

The meeting noted that the new Act provides a wholly new statutory basis for development planning in Scotland and introduces Strategic Development Plans (SDPs) and Local Development Plans (LDPs) to replace existing Structure Plans and Local Plans. The Act also gives Scottish Ministers powers to prepare regulations concerning a range of detailed aspects of the new development planning system. A summary of the requirements of the new Act was set out in Section 3.6 of the report and during discussion the meeting noted that neighbour notification has to be carried out for all "significant" site designations and a Schedule of all Council owned land affected by policies/proposals to be included and that the modernised system of LDPs will require statutory Review every 5 years, so interim alterations are being disbanded. The Review will update only those parts of the adopted LDP that need to be replaced and the two-yearly resubmission of the Action Plan to Ministers is intended to keep the Plan sufficiently up-to-date.

Following consideration the Committee agreed to approve the draft response, as detailed in Appendix 1 to the report.

9. SPP3 LAND FOR HOUSING : CONSULTATIVE DRAFT

There was submitted a report by the Director of Environmental Services inviting the Committee to consider a draft response to the Consultative Draft of the 'Scottish Planning Policy 3: Land for Housing' (SPP3) published by the Scottish Government on 7 January 2008. A copy of the proposed response was appended to the report as Appendix 1. A summary of the Consultative Draft was set out in Section 4 of the report and a copy of the full document had been placed in the Members' library.

The meeting noted that SPP3 was first published in 2003 to provide National Policy Guidance on the provision of land for housing. Since its publication there have been indications that it has not been as effective as intended, particularly with regard to the generous release of land for housing. Stakeholders in both the private and public sector have indicated that the lack of adequate land for housing is a major impediment to the provision of new housing in Scotland. The Consultative Draft sets out the Scottish Government's policy on the role the planning system plays in identifying housing requirements and the delivery of quality houses in the right locations.

During discussion clarification was sought in regard to the definition of 'Affordable Housing' and it was noted that whilst Moray Council had a Supplementary Guidance Note on this matter the definition varied from authority to authority.

Following consideration the Committee agreed:-

- (i) to note the content of the Consultative Draft of SPP3 Land for Housing,
- (ii) to approve the proposed responses set out in Appendix 1 to the report, subject to the inclusion of a request that consideration be given to the publication of a Scotland-wide definition of 'Affordable Housing';
- (iii) that a copy of the Council's Supplementary Guidance Note on affordable housing to be placed on the Members' Portal; and
- (iv) that the Scottish Government be requested to define affordable housing and to consider consistency of the use of the definition

10. OPEN SPACE AUDIT & STRATEGY

There was submitted a report by the Director of Environmental Services bringing to the Committee's attention the requirements of the new Scottish Planning Policy (SPP11) : Open Space and Physical Activity, in relation to the preparation of an Open Space Audit and Strategy, and to advise the Committee of the programme of work that has already commenced in order to meet this commitment.

Following consideration the Committee agreed:-

- (a) to note that SPP11: Open Space and Physical Activity (November 2007) requires local authorities to prepare an Open Space Audit and Strategy for their Local Plan area. This excludes the Cairngorms National Park (CNP) area – the CNP planning authority has advised they will prepare their own Open Space Audit and Strategy for their Local Plan area;
- (b) that a further report be submitted to Committee on the completion of the audit; and
- (c) that the emerging Strategy should be linked, as appropriate, to the Council's Corepath Strategy.

11. TREE PRESERVATION ORDERS : KINLOSS

There was submitted a report by the Director of Environmental Services seeking Committee approval to serve Tree Preservation Orders (TPO) on two sites at Kinloss, identified for TPO investigation in the Finalised Local Plan: Woodland, West of Seapark House (R1) and Damhead (R4).

The meeting noted that the two sites at Kinloss, indicated on Appendices 1 & 2 to the report, were identified for Tree Preservation Order (TPO) investigation in the Finalised Local Plan: Woodland, West of Seapark House (R1) and Damhead (R4). Tree surveys have been undertaken on both sites and have identified that areas of the R1 and R4 sites have sufficient amenity and biodiversity (habitat) value to be worthy of protection by TPO. It is therefore recommended that TPOs are served on both sites in order to safeguard those trees of amenity/biodiversity value when the site is developed.

Following consideration the Committee agreed to serve Tree Preservation Orders on 'Woodland, West of the Seapark House' (R1, Kinloss); and 'Damhead' (R4, Kinloss).

12. TOBACCO SALES LICENSING (SCOTLAND) BILL

There was submitted a report by the Director of Environmental Services inviting the Committee to consider a proposed draft response to the Scottish Government's consultation on proposals to licence the sale of tobacco products, a copy of which was appended to the report. The meeting noted that the draft response proposed a preference for the negative licensing model.

Following consideration the Committee agreed that Moray Council's preference was for the positive licensing model and that the draft response be amended to reflect this view.

13. PROGRESS REVIEW AGAINST PERFORMANCE INDICATORS, SERVICE IMPROVEMENT PLAN REVENUE AND CAPITAL BUDGETS FOR PERIOD APRIL 2007 TO DECEMBER 2007

There was submitted a report by the Director of Environmental Services advising the Committee on the progress made against the targets laid down in the Environmental Services Improvement Plan for the period October to December 2007.

During discussion Officers responded to Members' questions in regard to a number of issues raised and it was noted that those in regard to presentation of information will be rectified for the next meeting.

Following consideration the Committee agreed to note:-

- (i) the progress made against the targets laid down in the Environmental Services Service Improvement Plan and amendments to targets as a result of external influences outwith the Services' control;
- (ii) the update of Service Performance regarding the Performance Indicators relating to the Environmental Services Department;
- (iii) progress against departmental budgets;

- (iv) the effect that staff recruitment problems are having on performance and service delivery and that these problems will be brought to the attention of the Chief Legal Officer given that an outstanding remit existed to report to the Audit & Performance Review Committee on the Council's exit strategy, in consultation with the Personnel Manager, and that this remit should be extended to include general staff turnover; and
- (v) that the Environmental Health control measures referred to in Section 5.2.3 of the report are additional and not alternatives and that a copy of the 'questionnaire is available on request from the Environmental Health Manager.

On the determination of this item Councillor Hamilton left the meeting.

14. CHAIR

Councillor J Russell, Joint Chair (Transportation & Direct Services), took the Chair in respect of the Transportation and Direct Services section of business on the Agenda.

15. SECOND MORAY LOCAL TRANSPORT STRATEGY : UPDATE AND STRATEGY SCENARIO OPTIONS

Under reference to Paragraph 17 (ii) of the Minute of this Committee dated 30 May 2007 there was submitted a report by the Director of Environmental Services providing the Committee with updates on the situation with key policies and the scoping of the Strategic Environmental Assessment (SEA) for the Second Moray Local Transport Strategy. The report also presented a range of strategy scenario options for consideration and sought approval for the adoption of the Integrated Transport Strategy option to enable further progress with the Second Moray Local Transport Strategy.

Following consideration the Committee agreed to:-

- (i) note the appraisal of a range of strategy scenario options, as detailed in Appendix 1 to the report; and
- (ii) approve the adoption of the Integrated Transport Strategy scenario option (scenario 7) in order to enable further progress on the Second Moray Local Transport Strategy.

16. TRAVEL PLANNING FOR MORAY COUNCIL

There was submitted a report by the Director of Environmental Services providing the Committee with an update on the development of Travel Plans for Moray Council and sought approval for a series of recommendations to take forward the Council Travel Plan. There was appended to the report as Appendices 1 & 2 respectively details of the recommendations and a range of policy and guidance documents and appropriate web sites.

The meeting noted that Scottish Planning Policy 17 'Planning for Transport (SPP17)' and Planning Advice Note 75 'Planning for Transport (PAN 75)' provide planning policy relating to travel plans for new developments. PAN75 states that travel plans are documents that set out a package of positive and complementary measures for the overall delivery of more sustainable travel patterns for a specific development. Planning consents for proposed new schools and other significant developments in Moray have included a condition for a travel plan to be put in place.

During discussion the meeting noted that the National Walk to Work day will be held on 24 April with the National Lift Share Day on 9 June 2008.

Following consideration the Committee agreed to:-

- (i) note the contents of the Energy Saving Trust (EST) Council Office Travel Plan Report; and
- (ii) approve the recommendations set out in Appendix 1 to this report that will enable the first stage of the Council Travel Plan to be taken forward.

17. ADOPTION OF ROADS ON TO THE LIST OF ROADS

There was submitted a report by the Director of Environmental Services seeking Committee approval for the addition to Statutory List of Public Roads of the roads specified in the schedule appended to the report.

Following consideration the Committee agreed to approve the adoption of the roads scheduled in the Appendix to the report to the Statutory List of Public Roads.

18. BERTHING POLICY

Under reference to Paragraph 12 of the minute of the Committee dated 1 March 2006 there was submitted a report by the Director of Environmental Services inviting the Committee to consider amending the Council's Berthing Policy by the and adding an additional Clause 16, as detailed in Appendix 1 to the report.

The meeting noted that the Council is Harbour Authority for the ports of Buckie, Burghead, Cullen, Findochty, Hopeman and Portknockie and that the proposed amendment were endorsed by the respective Harbours Advisory Committees in November 2007 and January 2008.

Following consideration the Committee agreed to approve amending the Council's Berthing Policy and add an additional Clause 16, as detailed in Appendix 1 to the report.

19. GARMOUTH FLOOD ALLEVIATION SCHEME : PRE-FEASIBILITY STUDY

Under reference to Paragraph 7 of the Minute of the meeting of Flood Alleviation Sub-Committee dated 12 December 2007 there was submitted a report by the Director of Environmental Services inviting the Committee to consider a recommendation that there is no economic justification for a flood alleviation scheme for Garmouth that would attract grant funding under current rules and that it should not be progressed at this time.

Following consideration the Committee agreed to:

- (i) approve the recommendation from the Flood Alleviation Sub-Committee that, as the cost of a flood alleviation scheme for Garmouth would exceed the value of property protected and consequently a scheme would not attract grant funding under current rules, it should not be progressed at this time;
- (ii) note the Pre-feasibility report recommendations and, at this time, no further studies are progressed; and
- (iii) review the position in the context of proposed new flooding legislation and any changes in funding arrangements.

20. REVENUE BUDGET 2007/08 : FLOOD PREVENTION

Prior to considering this item the Joint Chair referred to the visit of the Rural Affairs & Environment Committee of the Scottish Parliament, which took evidence on the 19 February 2008 at Moray College on their ongoing Flooding & Flood Management Inquiry. He advised the meeting that whilst the visit, in the main, went well there were two issues of concern he wished to bring to the Committee's attention. These related to an apparent need to re-advertise the Council's automated flood warning system and encourage those businesses in the River Lossie corridor to sign up to this free service. In regard to the concerns raised by the Elgin resident in regard to the Council's social responsibility during periods of flooding the Joint Chair advised the meeting that this was an issue which will be raised at the appropriate juncture with the Council's Community Planning Partners. The meeting also noted that the Council will have the opportunity at a future date to comment on the findings of the Rural Affairs & Environment Committee.

There was submitted a report by the Director of Environmental Services seeking homologation of his decision, taken in consultation with the Chief Financial Officer and the Joint Chair (Planning & Environment) of this Committee, with regard to overspending the Revenue Budget for 2007/08 (Flood Prevention) owing to works required following the Flooding on 22 November 2007.

Following consideration the Committee agreed:-

- (i) to homologate the decision taken by the Director of Environmental Services in consultation with the Chief Financial Officer and the Joint Chair (Planning & Environment) to authorise overspending of the Revenue Budget for 2007/08 (Flood Prevention) by £50,000 to allow urgent works to reduce flood risk following damage during the significant rainfall on 22 November 2007; and
- (ii) to note that on review of the Revenue Coastal Protection and Flood Prevention Budget, £29,500 can be reallocated from Coastal Protection to Flood Prevention resulting in a net overspend of £30,000.

21. STREET NAMING AND NUMBERING

There was submitted a report by the Director of Environmental Services recommending approval of Street Names which had been submitted by the Local Members concerned in respect of a number of new housing developments in Moray.

Following consideration the Committee agreed that:-

- (i) names Cauldwell Road and Lawrence Court are given to the development in Aberlour as submitted by Councillors McConachie, Murdoch and Paul;
- (ii) name Rye Yards View is given to the development in Alves as submitted by Councillors Hogg, McGillivray, Stewart and Wright;
- (iii) names Masonhaugh Road, Red Craig Drive and Sigurd Way are given to the development in Burghead as submitted by Councillors Hogg, McGillivray, Stewart and Wright;
- (iv) name Southfield Drive is given to the development in Elgin as submitted by the developer and approved by Councillors Divers and Leadbitter;
- (v) name Linkwood Close is given to the development at The Cottar Hoose, Elgin as submitted by Councillors Divers and Leadbitter;
- (vi) name Plasmon Mill Court is given to the development in Forres as submitted by Councillors Bell, Hamilton, Ogilvie and Young; and
- (vii) name Imlach Way is given to the development in Lossiemouth as submitted by Councillors Hogg, McGillivray, Stewart and Wright.

22. ENVIRONMENTAL SERVICES REVENUE BUDGET : MONITORING REPORT FOR TRADING ACCOUNTS (PARA 6)

There was submitted and noted a monitoring report by the Director of Environmental Services informing the Committee of the progress of trading accounts against revenue budgetary targets in respect of Grounds Maintenance, Roads and Fleet Services for the period 1 April to 31 December 2007.

23. CORNER SITE AT MARY AVENUE AND CONVAL DRIVE ABERLOUR (PARA 9)

The was submitted a report by the Head of Estates Services inviting the Committee to consider declaring the corner site at Mary Avenue/Conval Drive, Aberlour, as detailed in the plan appended to

the report, surplus to requirements and to refer the provisionally agreed terms for the sale of the site to the Policy Committee for consideration.

Following consideration the Committee agreed to declare surplus to requirements the corner site at Mary Avenue & Conval Drive, Aberlour, as detailed on the plan appended to the report, and to refer the provisional agreed terms for the sale of the site to Genesis Properties (Scotland) Ltd, to the Policy Committee for consideration.