

THE MORAY COUNCIL
MINUTE OF SPECIAL MEETING OF THE ENVIRONMENTAL SERVICES COMMITTEE
THURSDAY 28 FEBRUARY 2008
COUNCIL OFFICE, ELGIN

PRESENT

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

ALSO PRESENT BY INVITATION

IN RESPECT OF ITEM 3

The applicant, Mr A Gall and his representative, Mr J Geoghegan, Planning Consultant. Also present were Mr A Struthers, Mr W Struthers, Mrs L Campbell, Mrs J Grant and Mrs D Preston, objectors to the application.

IN RESPECT OF ITEM 4

The applicant, Mr C Hughes and his representative Mr D MacCallum, Wittets Architects. Also present was Mr D Nicholson, objector to the application.

IN RESPECT OF ITEM 5

The applicant, Mr M Nash, Tombain LLP and Mr H Fraser, Mrs M MacCallum and Mr R Macdonald, objectors to the application.

IN ATTENDANCE

The Development Control Manager, J Martin, Principal Planning Officer (Development Control) in respect of items 4 & 5, C Wilson, Planning Officer (Development Control) in respect of item 3, the Principal Solicitor (Commercial and Conveyancing), the Engineer (Transportation Development Control) and the Senior Committee Services Officer, Clerk to the Meeting.

1. CHAIR

The Chair was taken by Councillor A Wright (Joint Chair : Planning & Environment).

2. DECLARATION OF GROUP DECISIONS

In terms of Standing Order 20 the meeting noted that Councillor Leadbitter declared a non-financial interest in planning application 07/02364/FUL given that he had a previous involvement in an access dispute, prior to becoming a Councillor. 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. PUBLIC HEARING : PLANNING APPLICATION 07/02364/FUL : ERECT 2 DWELLINGHOUSES AND FORM COMMUNITY AREA ON SITE TO THE REAR OF DAILUAINE TERRACE, CARRON FOR ALLAN GALL.

Councillor Leadbitter declared a non-financial interest in this application and left the meeting taking no part in the discussion or determination of the application.

There were submitted reports by the Chief Legal Officer and the Director of Environmental Services regarding an application for to erect two houses and to form a community area on a site to the rear of Dailuaine Terrace, Carron for Allan Gall.

The report by the Chief Legal Officer advised that, in terms of the Council's Scheme of Delegation relating to Planning Applications, the application had been referred direct to a Hearing to which the applicant and objector were invited to attend and be afforded the opportunity of being heard. The report also set out the proposed procedures for the Hearing.

The report by the Director of Environmental Services, Appendix 1 to the report, gave details of the application and the consultations, which had been undertaken regarding it and the relevant planning criteria in terms of the Moray Development Plan. The report recommended that, subject to the completion of a Section 75 Agreement regarding the future maintenance of the proposed community amenity area and conditions detailed in the report, planning consent be granted, as an acceptable departure from policy. The meeting also noted that the application had been advertised as a departure from the Development Plan to which there were outstanding objections. Members of the Committee visited the site of the application on Tuesday 19 February 2008.

The Chairman welcomed those present to the meeting and reminded them that the Special Meeting had been arranged to allow those submitting representations on the application to speak to their representations and the applicant to be heard before the Committee reached its decision on the application. He also advised those present that submissions must be restricted to those already submitted and that the Hearing would be confined to examining the planning merits of the application and therefore discussion on irrelevant non-planning related issues would not be considered.

The meeting noted that the applicant, Mr Gall, was present and would be represented at the meeting by Mr J Geoghegan, Planning Consultant.

The Clerk to the Committee advised the meeting that of those objectors to the application listed on pages 16 & 17 of the Planning Officer's report, Mr A Struthers, Mr W Struthers, Mrs L Campbell, Mrs J Grant and Mrs D Preston were present and would be addressing their objections. Mr W Struthers was also representing Mrs W Struthers and Mr & Mrs A Grant. Mr S Clark, Mr J Preston and Ms K McMillan were unable to attend the Hearing due to other commitments and had submitted statements on their objections. Copies of the statements were tabled at the meeting.

REPRESENTATIONS ON BEHALF OF THE APPLICANT

Mr Geoghegan addressed the meeting, on behalf of the applicant, Mr A Gall. He advised the meeting that his client had submitted a detailed planning application for two detached one and a half storey houses of traditional design. The houses would have wet-dash on the walls, natural slate on the roofs, large plots of approximately a third of an acre and that the proposal also included approximately half of the site as a community amenity area. The application required to be considered in terms of the current Development Plan which comprised The Moray Structure Plan, approved in April 2000 by Scottish Ministers, and the Moray Local Plan 2000. Mr Geoghegan intimated that whilst references may be made to the emerging Local Plan, the Committee made a very clear decision that it will not be used as a material consideration in relation to planning applications until after the 3 of March 2008.

In accordance with the Council's policies, Mr Geoghegan was of the view that there is clear and explicit presumption in favour of house building within rural communities in the Development Plan. In this regard he referred the Committee to the strategy for residential development on page 17 of the Structure Plan and also Local Plan policy LHC1, which is specifically to do with development within rural communities and that Dailuaine is designated rural community. He also referred to the policy guidance on housing in the countryside, which is a material consideration for dealing with planning applications in terms of Scottish Planning Policy 1, SPP1 National Guidance. In this regard he was of the view that this guidance clearly spells out that existing rural communities are the Council's preferred location for new development in the countryside. Mr Geoghegan was of the opinion that the proposed development is not a departure from the development plan, a view which is supported by the Council's own Development Plan Officers who were consulted on the planning application and confirmed in their consultation response to the Case Officer. He also advised however that, even if the view is taken that it is a departure, the Planning Officer's report states that it can be approved on the basis of material considerations.

In regard to the departure issue Mr Geoghegan referred to the report on the application, which states that the character of Dailuaine is fundamentally characterised by a linear group of cottages with a belt of trees, covered by the Tree Preservation Order (TPO). The Local Plan however actually says that Dailuaine is a distillery village with a predominately industrial character. Whilst accepting that the properties on Dailuaine Terrace constitute a linear group of properties, Mr Geoghegan pointed out

that, immediately to the south of them, there is a crescent of later suburban styled properties and therefore, in his opinion, Dailuaine is not characterised by that linear grouping and is a much larger rural community dominated by the distillery.

In referring to the TPO Mr Geoghegan intimated that this does not preclude development, which is acknowledged in the order itself. He advised the meeting that it was not uncommon for development to be approved within areas covered by TPOs and made reference to a development currently being undertaken in Elgin within an area that's covered by a TPO. This particular development was approved at appeal by a Scottish Minister's Reporter, who granted consent for 14 houses within an area covered by a TPO. Tree Preservation Orders, in his opinion, do not preclude development, they give enhanced protection to the trees. The two houses are going to be positioned within natural clearings amongst the trees which has been recognised in the Planning Officer's report. It was also confirmed in the Officer's report that the proposals for the incorporation of the houses within the area covered by the TPO complies with Local Plan policy L/ENV4 which is specifically about TPOs and the control of trees. Mr Geoghegan advised the meeting that as a result of a tree report on the 114 trees within the site, nine will be removed as part of the proposals, seven within the house sites and two within the amenity area. The proposals for the site include the planting of 38 native species within the house plots and fifty native species to be planted within the amenity area. This represented nearly a 70% increase in the number of trees on the site, which will be controlled by the Council through the Section 75 agreement recommended in the Planning Officer's report.

Mr Geoghegan then addressed the stated objections in regard to loss of amenity land, loss of trees, the character of Dailuaine, design, overlooking, traffic, habitat and wildlife, ground conditions and legal restrictions. The meeting noted that half of the site will be retained as amenity land, which will actually extend the area of amenity land designated in the current plan. The proposals will also result in a 70% increase in tree coverage, the proposals, in terms of the character of Dailuaine, are considered acceptable in relation to policy, a view which is supported by the Development Plan Officers who prepared the Local Plan and wrote the policy. In regard to design the proposals reflected the traditional characteristics of the properties in the area and there is a large separation distance between the proposed houses and the existing properties. There were no objections from the Council's Transportation Section and that the ecological survey carried out on the habitat and wildlife was acceptable to Scottish Natural Heritage (SNH). The ground conditions will be dealt with under Building Regulations, the Council has complete control over that through the Building Regulations in regard to drainage and SEPA has no objections. Legal restrictions are not a planning issue. Any negotiations that the applicant may have to enter into on legal issues are quite separate from the planning application and not a determining issue. In this regard Mr Geoghegan advised the meeting his client had obtained legal advice confirming that there are no legal restrictions.

In conclusion Mr Geoghegan advised the meeting that this was a modest proposal, which will bring community benefit through the provision of amenity land and is acceptable in relation to policy. There are no objections from any of the statutory consultees and the objections, in his opinion and that of the Planning Officer, cannot be sustained. The application has been recommended for approval and the applicant is happy to comply with and work with the Council in the framing of the Section 75 agreement to protect the amenity land, which is binding on the land and any successors in title. For the reasons set out in his presentation, Mr Geoghegan sought approval of the application.

There were no questions to Mr Geoghegan.

REPRESENTATIONS TO THE APPLICATION

Mr A Struthers, 18 Dailuaine Terrace, addressed the meeting on his objections. The meeting noted that his main concern was on behalf of his 12-year-old severely autistic son. He advised the meeting that his son's condition makes him highly sensitive to noise and disruption and that the construction work itself would overwhelm him and could have an extremely adverse affect itself on his happiness and well being. The meeting also noted that his son currently uses the track behind the cottages and enjoys the freedom to walk and ride his bicycle there and that the loss of privacy would be detrimental to his son's dignity as his behaviour can be quite disturbing. He also intimated that he supported the other objectors' concerns.

There were no questions to Mr A Struthers.

The meeting then heard **Mr S Struthers** (father of Mr A Struthers) 18 Dailuaine Terrace. He advised the meeting that he considered it inappropriate for the application to be considered at this time and should be deferred pending the outcome of the Local Plan Public Inquiry. In regard the proposals being within the advice of the Scottish Executive, with regard to development in the countryside in rural areas, he advised the meeting that same advice also states that there should be a commitment to building a sense of community and environmental well being from the application. There is, in his opinion, no commitment to the community in this application. In support of his statement Mr Struthers referred to steps taken by the applicant to cordon off the area referred to as the amenity area, locking it up with chains and locks thus depriving the community of a right of way and setting himself against the community. There is, in his opinion, no commitment to a sense of community in this application and that was the essence of his objection.

Mr Struthers was also of the view that there is an inherent incompatibility between the proposed two houses and the traditional row of houses that currently exists. The arc or crescent of newer houses are still in line with this linear design and represented more modern but still distillery-related housing. The style of the new houses is predominately an executive style on a raised platform overlooking the gardens of a more traditional style of house thus affecting their privacy and in this regard referred to his grandson's medical condition.

In regard to the applicant's tree report, undertaken by Scottish Woodlands, Mr Struthers advised the meeting that this was carried out by the same person who opposed the TPO, on behalf of the applicant and was now being used by the Planning Department in support of their recommendation. The tree report, in his opinion, should have been carried out by an independent Council approved tree surgeon. He expressed the view that what is the point of having a Local Plan with all the various designations and policies if, in his opinion, planning officers start off with an assumption to build or develop and questioned if the whole of Speyside a potential building site

Mr Struthers was also of the view that the character of the proposed houses is incompatible with the linear pattern of the existing buildings. There is an existing garage belonging to the applicant which is almost as big as the proposed houses, which in his opinion, together with the proposed houses forms a triangle or cluster thus making it uncharacteristic and incompatible. He also expressed concerns in regard to servicing and accessing the plots from a road safety point of view.

Mr Struthers was also of the opinion that the proposed development was in an elevated position and not finished in stone or brick like the rest of the houses on Dailuaine Terrace. The boundary fences were undefined and the turning circle is a departure from the linear track that exits down the back of the houses. This is rural track and it is inevitable that the proposals are going to change the character of this track. Mr Struthers was of the view that the application is based entirely against the community and the community's wishes and that the vast majority of the community are against it and should be refused. For these reasons he requested that the Committee consider voting for the environment, for conservation and vote for the preservation of the Dailuaine amenity area and reject the application.

With the approval of the Chairman, Mr Struthers then read out a statement on behalf of Mr & Mrs A Grant, 16 Dailuaine Terrace. The meeting noted that Mr Grant was of the view that the proposed amenity land is insufficient and had no doubt that the owner will seek to build more houses on it as time goes by leaving no amenity area for the community. He was also expressed concern in regard to the size of the proposed houses which, in his opinion, were not in keeping with the character of the area and would completely overshadow his garden. He was also concerned in regard to the affect the proposed development will have on the local wildlife.

There were no questions to Mr Struthers.

Mrs L Campbell, 11 Dailuaine Terrace, advised the meeting that due to other commitments a number of the objectors could not be present at the Hearing and therefore the number of objectors speaking at the Hearing was not a true representation of the feelings of the community. Mrs Campbell then proceeded to address her objections to the application. She referred to the great community feeling in the area and that contrary to the statement in the Planning Officer's report, the amenity land was used by the community and visitors until the developer put a fence along it so it could not be used. She also referred to the reference in the report to traffic being negligible, which, in her opinion, is okay if you live in an area used to traffic but not in an area where there is none. In this regard she expressed her concern in regard to the affect this increase in traffic will have on the community. In regard to the proposed tree planting Mrs Campbell was of the view that a number of trees to be felled have been there for 20 years and if you put in brand new saplings it is going to take a long time for them to get to

same stage. She was also of the view that approval of the application would be at the expense of the whole community and asked the Committee to bear in mind the saying 'you do not know what you have got until its gone'. Mrs Campbell also referred to her upbringing in an urban area, which has been developed to the extent that on returning she no longer recognises it. In this regard she was concerned that once permission is given for a house here and a house there the environment unique to this area will be lost forever.

Mrs Campbell also advised the meeting that it was her understanding that when the applicant acquired the land from Diageo it was under the understanding that there would never be any habitable dwellings erected on the land. In conclusion Mrs Campbell requested that, in coming to a decision, the Committee bear in mind her comments and that once the heritage and uniqueness of an area is lost it is gone forever.

There were no questions to Mrs Campbell.

Mrs J Grant, 23 Dailuaine Terrace, advised the meeting that she supported the comments of the previous speaker and that the community felt very strongly in their objections to the application. She was also of the view that approval of the application would be detrimental to the character of the area

There were no questions to Mrs Grant.

Mrs D Preston, 7 Dailuaine Terrace, intimated that she wished to put forward three points of objection on the application. She advised the meeting that she disagreed with the statement that the proposed amenity area was a modest proposal with community benefits in that none of the community had been consulted about this amenity area. The proposals put forward by the developer included the provision of benches, paths and the planting of additional trees, none of which is wanted by the community. The amenity land at the moment is, in her opinion, a wild area and the proposals showed a lack of empathy towards the residents and their wishes.

Mrs Preston then made reference to the medical condition of Mr Struthers' (jnr) son and advised the meeting that whilst objectors were hesitant in appearing to use him as a reason for this development not being approved it is, in her opinion, an incredibly important issue. As a teacher dealing with autism Mrs Preston advised the meeting that autism is becoming a much more widely raised issue and its of great importance that the public are aware of how people deal with autism and that individuals with autism are very susceptible to sensory overload.

She then referred to the ecological survey, which was carried out and the comments of the applicant's agent in regard to the condition of the existing trees. She also referred to other references to the area being referred to as scrub, which, in her opinion, showed a lack of awareness and understanding of the local ecology. In this regard the meeting to description of scrub from the Nature Conservancy which intimated that "Scrub is generally managed by managers of designated sites for its contribution to bio-diversity. Scrub is known to be an important habitat for a wide range of hire plants herbivores insects and birds etc." Mrs Preston also advised the meeting that the area was the habitat for a number of very valuable species. There were three types of Water Shrews in that area and the only reason she was not able to show photographs as evidence of their existence in the area is because it is illegal to trap shrews or in fact to try and trap shrews without a licence. For this reason alone Mrs Preston was of the view that consideration of the application should be deferred until a full proper ecological survey is carried out. None of the community had seen the ecological report, which she considered to be flawed. As well as Shrews, which are a protected species, there are others such as the common lizard, the slow worm, bats and the grass snake, which are common to the area. In this regard Mrs Preston was of the view that the wildlife that needs to be protected and developer should not be permitted to just go into the land and destroy those habitats without showing that he has full awareness of what he is doing.

There were no questions to Mrs Preston.

The Clerk and the Principal Solicitor (Commercial & Conveyancing) then read out statements on behalf of Mr J Preston, 7 Dailuaine Terrace, Mr S Clarke, 17 Dailuaine Terrace and Kerry McMillan.

In his statement **Mr J Preston** intimated that when Diageo sold the land to the applicant they specifically included a clause prohibiting the erection of any habitable dwelling. This was not only to safeguard their own interests but also that of the community. He was of the opinion that given the Council had classed the area as amenity ground it was illogical and immoral to reverse this decision

and permit development on it which obliterates any amenity value. In regard to the environmental issue he was of the view that the area had a very diverse habitat and, in his opinion, more than 30 trees would require to be felled to allow for two houses which could not be replaced. The existing trees provided food, shelter and breeding ground for the wildlife and the removal of that amount of trees would have a dramatic affect on the local wildlife. Mr Preston was also concerned in regard to the impact the removal of the trees will have on neighbouring properties. As ground is already boggy then without the trees, which currently provide cover for the soil, the run-off during periods of heavy rain will encroach on to the neighbouring gardens. There were also a number of protected species in the area and until a full proper ecological survey is carried out no further consideration should be given to the application. He was also of the view that the proposed development would impede the view of the residents of Dailuaine Terrace up to Ben Rinnes and would be out of proportion to any of the other buildings in the area.

He noted that, in terms of policy L/T4, a safe and suitable access is to be provided. In this regard he questioned how this could be carried out given that it was a private road and was never intended to provide access to houses to the rear of Dailuaine Terrace nor is it designed to take construction traffic. Mr Preston also made reference to the condition of Mr Struthers (jnr) son and that, in his opinion, the applicant has, by his actions to date, shown to be totally unconcerned with the rights of residents and no regard for the natural environment. In conclusion Mr Preston urged the Committee to reject the proposed development.

In his statement on his objections **Mr Clarke**, 17 Dailuaine Terrace, made reference to the impact the proposed development will have on his property in terms of privacy and amenity. He also made reference to the draft Local Plan which, subsequently revised based on objections from the residents of Dailuaine Terrace, shows the land to be of amenity use and therefore development on this site is in direct conflict with the draft plan. The area in question was dedicated to amenity use until the applicant fenced it off and Mr Clarke was of the view that to permit the development of housing on the site will change this forever and will upset the traditional balance of housing and open space. Dailuaine Terrace was, in his opinion, one of the last surviving distillery communities in Speyside and the development of modern housing will irrevocably damage this unique situation and downgrade the value of Dailuaine. He also considered the design of the houses to be inappropriate within the environment of the Terrace, which is a predominately traditional stone environment. Mr Clarke also made reference to a the environmental impact and impact on local services in regard to traffic, potential damage during construction, loss of habitat, surface water management, access road and street lighting.

In her statement **Kerry McMillan** expressed her concern in regard to the short timescale between receipt of the Planning Officer's report and the Hearing and the conflict between the proposal and the designation of the site under the emerging Local Plan. The meeting noted that it was her understanding that under the emerging Local Plan, the land is to be designated as amenity land. From her reading of Policy E4 Green Spaces, it was also her understanding that if this application were to be considered under the Emerging Plan, or using it as material consideration, it would be unlikely to be approved, as the public use value of the proposal would not outweigh the value of the green space. Whilst accepting that the Committee took the decision in December 2007 to start using the Emerging Plan as "Material Consideration" in planning applications from March 3rd 2008 she was of the view that the Emerging Plan better represents up to date planning thinking and also local residents views and opinions. In her statement Ms McMillan acknowledged that the applicant is making an effort to work with the local community by creating an amenity area alongside the two houses. However, she wished to point out that prior to the erection of the barbed wire fence by the applicant the land already had amenity value to the local residents which they had enjoyed up until that point. Since the erection of the barbed wire fence that amenity value has definitely been decreased. The meeting also noted that all of the existing housing in Dailuaine Terrace was, to her knowledge, built as part of a Distillery Community, even though it was not built all at the same time. There is a very strong single line of houses and one of the attractions is that no-one is overlooked as all the houses face the same way. She was of the opinion that by introducing the start of a second line of houses, the overall lines of the settlement will be detrimentally altered.

In summary, Ms McMillan advised that if this proposal was for a public service building that was desperately needed in the area she would not be objecting to the application. This was not the case however and she urged the Committee to vote against the proposal or alternatively to defer the hearing until objectors had a suitable period to review the report or until after the 3rd of March when the Emerging Plan can be considered as a material consideration.

SUMMARIES OF SUBMISSIONS

At the conclusion of the presentations the applicant's representative Mr Geoghegan summarised his presentation and commented/clarified some of the issues raised by the objectors. Mr W Struthers accepted the invitation to summarise and commented on a couple of issues raised by Mr Geoghegan in his summary. Mrs D Preston then summarised the representations on behalf of the objectors.

COMMITTEE CONSIDERATION OF THE APPLICATION

Prior to considering the application the Development Control Manager advised the meeting that the application had been submitted in October 2007 and required to be determined under the current approved Moray Local Plan 2000. In regard to references to the Emerging Local Plan 2008 he reminded the Committee that it had been previously agreed that this would not be considered as a material consideration until 3 March 2008. In regard to design, amenity and overlooking he advised the meeting that the finished floor levels of the houses would be 1 metre above the existing track level. In terms of the impact of the proposed design on the community of Dailuaine he referred Members to the first paragraph of page 9 of the report and confirmed that, in this instance, the setting, design and plot sizes of the proposed dwellings is considered acceptable. There were no objections from the Council's Transportation Section and the findings of the ecological survey of the site, submitted to the Council, was submitted to Scottish Natural Heritage (SNH) as part of the consultations. SNH had raised no objections and recommended an informative note be attached to any consent urging caution when developing the site to protect animal habitats from damage and minimise disturbance of species found in and around the site. The Development Control Manager also advise the meeting that legal issues relating to feu disposition were a private matter and not a material consideration in the determination of this application. For these reasons and those set out in the report, the application was recommended for approval as an acceptable departure, subject to conditions detailed in the report and the completion of a Section 75 Agreement regarding the future maintenance of the proposed community amenity area.

Thereafter, Officers responded to Members' questions during which it was noted that the findings of the ecological survey were submitted by the applicant as part of the application submission. As such it could have been made available to any of the objectors should a request have been received, albeit they may not have been aware, until receipt of the Planning Officer's report, of the existence of the document. In this regard it was accepted that the procedures in regard to what objectors are entitled to have access to be looked again so as to ensure that, wherever possible, objectors have access all the relative documents relating to an application to be considered at a Hearing.

Thereafter Councillor Murdoch, seconded by Councillor Paul, moved that, in her opinion, the proposed development was contrary to policies L/IMP1, L/IMP3 & L/HC1, on the grounds that the proposed development would detrimentally alter the character of the community of Dailuaine.

As an amendment, Councillor Wright, seconded by Councillor Hamilton, moved approval of the application, as an acceptable departure, subject to the completion of a Section 75 Agreement regarding the future maintenance of the proposed community amenity area and the conditions detailed in the report.

On a division there voted:-

For the Motion (7)	Councillors Divers, G McDonald, A McKay, Murdoch, Ogilvie, Paul & Russell.
For the Amendment (6)	Councillors Hamilton, McConnachie, McIntyre, Shepherd, Wright & Young

Abstentions (0)

Accordingly the motion became the finding of the meeting and it was agreed that the application be refused on the grounds that the proposed development was contrary to policies L/IMP1, L/IMP3 & L/HC1 in that it would detrimentally alter the character of the community of Dailuaine.

4. PUBLIC HEARING : PLANNING APPLICATION 07/01649/OUT : OUTLINE FOR CHANGE OF USE OF GROUND AND ERECT 26 TOWN HOUSES AND 12 LIGHT COMMERCIAL UNITS AT COLD STORE SHORE STREET LOSSIEMOUTH FOR HUGHES ENTERPRISES

There were submitted reports by the Chief Legal Officer and the Director of Environmental Services in regard to an outline planning application relating to the change of use of ground and the erection of 26 town houses and 12 light commercial units at the Cold Store, Shore Street, Lossiemouth for Hughes Enterprises.

The report by the Chief Legal Officer advised that, in terms of the Council's Scheme of Delegation relating to Planning Applications, the application had been referred direct to a Hearing to which the applicant and objectors were invited to attend and be afforded the opportunity of being heard. The report also set out the proposed procedures for the Hearing.

The report by the Director of Environmental Services, Appendix 1 to the report, gave details of the application and the consultations, which had been undertaken regarding it and the relevant planning criteria in terms of the Moray Development Plan. The report recommended that, subject to conditions detailed in the report, outline planning consent be granted. The meeting also noted that the application had been advertised as a departure from the Development Plan to which there were outstanding objections. Members of the Committee visited the site of the application on Tuesday 19 February 2008.

The Chairman welcomed those present to the meeting and reminded them that the Special Meeting had been arranged to allow those submitting representations on the application to speak to their representations and the applicant to be heard before the Committee reached its decision on the application. He also advised those present that submissions must be restricted to those already submitted and that the Hearing would be confined to examining the planning merits of the application and therefore discussion on irrelevant non-planning related issues would not be considered.

The meeting noted that the applicant, Mr Hughes was present and would be represented by Mr D MacCallum,

The Clerk to the Committee advised the meeting that of those who had submitted representations on the application, referred to in the report on the application, Mr D Nicholson was present and represented the majority of the objectors. Mr & Mrs Ross and Mrs Blum having declined the invitation to be heard. Mr & Mrs Grant having intimated that they were unable to attend the hearing and had submitted statements, copies of which were tabled at the meeting.

REPRESENTATIONS ON BEHALF OF THE APPLICANT

Mr D MacCallum addressed the meeting on behalf of the applicant, Mr Hughes. He advised the meeting that his client had submitted an outline application to improve an existing derelict industrial site through the provision of 13 small commercial units on Shore Street and 26 domestic units with access off Argyle Street. In regard to access for the domestic units Mr MacCallum advised the meeting that this was included in the indicative plans as it was the current access and considered less of an issue than off another street. As the application was in outline the access could however be changed if necessary. In his opinion Mr MacCallum expressed the view that the proposals being put forward by his client would be an improvement upon what currently exists.

In response to a question from Councillor Paul the meeting noted that the, at present, the site is approximately 3 metres below the level of Carvel Street to the south. It was proposed to utilise this space for garages under the domestic units with 3 storeys above, with possible loft conversion, matching the existing properties on Carvel Street.

REPRESENTATIONS TO THE APPLICATION

Mr D Nicholson addressed the meeting on his objections and those of the majority of objectors he represented. He referred to The Moray Structure Plan of April 2007 Development and Structure which stated that the central pillar of the strategy is to promote economic growth while safeguarding the

natural built environment. The proposed development of town houses was, in his opinion, completely out of context for the surrounding houses and, by definition alone, not in keeping with a coastal village. This particular building style was developed to increase development density in inner city locations and therefore, in his opinion, the proposal contained in the application is not in keeping with the character of the surrounding environment and therefore contrary to Council guidelines. He also referred the Local Plan, Infill Housing section which states that where the Structure Plan establishes the general presumption in favour of redevelopment or the filling of gap sites the Local Plan seeks to ensure that such new brown field developments attain reasonable standards and its impact on its immediate surroundings. Mr Nicholson was also of the view that amenities can be adversely affected when the development impinges on the character, privacy, outlook and any other matters that may affect the enjoyment of the surrounding land.

The proposal due to the height and density will, in his opinion, significantly impinge on the character, privacy and outlook of the immediate surroundings, which will dramatically affect the enjoyment of the existing residents. The overpowering nature of the proposal will, in his view, result in loss of privacy to the gardens of the existing houses. Moreover the mass of the proposal will cause overshadowing to the rear of the north facing elevations of the existing properties which would result in the residents having to rely on the use of artificial lighting more often. In this regard Mr Nicholson stated that this clearly contradicts the Scottish Government's aim to reduce carbon emissions as outlined in the consultation document "Proposals for a Climate Change".

He then referred to the Local Plan implementation section, which gives guidance on character, amenity and design to potential developers when designing and also to Planning Officers when assessing applications. This requests that the intentions of the guidance contained in the policy are fully implemented in order to maintain and enhance the environment, character, outlook and any other matters that may affect the enjoyment of the land. The height and orientation of the proposed dwellings would, in his opinion, result in the gardens of his neighbours and his being overlooked by nearly all bedrooms and the main circulation routes within the new dwellings. A total of 26 dwellings and 13 commercial units in such a small area, in his opinion, clearly constitutes a gross overdevelop of the site and would be more suited to an inner city development. The density and amassing of the proposal are alien to the current built environment and would not in any way enhance or complement it

Mr Nicholson also referred to the potential implications for road safety in the area mainly populated by elderly people. A proposal of this type would, in his opinion, greatly increase the number of vehicle movements in the area resulting in an increase in noise nuisance and a potential decrease in the quality of the area, as well as presenting additional obstacles for the elderly in the area. The increased traffic would not only be limited to the morning and evening commuter times but throughout the day as customers, staff and deliveries come and go from the commercial units. In regard to parking provision he noted that the proposals only indicate a maximum of one parking space per dwelling and no designated parking spaces for commercial units. As the proposed dwellings all have four bedrooms it would not be unreasonable to assume that there will be more than one car per property, which will result in an increase in on street parking providing a further obstacle to the elderly and a hazard to the young. The increase in car ownership could also create a problem for refuse collection from properties along Commerce Street as the refuse is currently collected from Carvel Street, which is only 5 metres wide, and there is a proposed access to the development off Carvel Street. In all probability residents will park in the vicinity of the entrance thus reducing the width required for the refuse collection vehicles.

Mr Nicholson intimated that it has been proven, through market research, that properties, which command a view of Moray waters such as the Moray Firth, will realise a greater value than a similar property with no view. According to the Council's policy documents the outlook to the sea presents Lossiemouth's most valuable asset with wide streets affording open views of the sea. The current proposal will severely restrict the view from the sea from the junction of Commerce Street and Argyle Street thus depriving the town of its valuable asset and will be considerably higher than his own property, which will lead to depreciation of property values. In this regard he again referred to the Local Plan, Infill Housing section and expressed the view that surely the devaluation of property is a detrimental impact on the surrounding area and as such the proposal does not attain a reasonable standard. He also questioned whether this part of the town required such high density housing when there was an adequate land release to the south of the town.

In conclusion he advised the meeting that he, and the objectors he represented, was not against the principle of development of the site and would welcome a sympathetic redevelopment that would enhance the built environment. However the scale and style of the proposal is wholly contrary to the Council's guidelines and not in keeping with the built environment.

There were no questions to Mr Nicholson.

In her statement to the Committee **Mrs J Grant** expressed her concerns in regard to the potential implications, in terms of road safety, the proposed development will have on the area with all the traffic associated with 26 houses entering and exiting the one proposed entrance off Argyle Street. She was of the opinion that the entrance would be sited on Shore Street and were this to be the case she would have no objections to the application.

In his statement to the Committee **Mr N Grant** also expressed his concerns in regard to the affect the only entrance, off Argyle Street, to the 26 houses and rear of the 12 commercial units will have for road safety in the area and requested that consideration be given to re-siting the access off Shore Street.

SUMMARIES OF SUBMISSIONS

On the invitation of the Chairman Mr MacCallum, Mr Hughes and Mr Nicholson summarised their respective submissions on the application.

COMMITTEE CONSIDERATION OF THE APPLICATION

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

1. (a) That in the case of any reserved matter, application for approval must be made before:-
 - (i) that expiration of 3 years from the date of the grant of outline planning permission; or
 - (ii) the expiration of 6 months from the date on which an earlier application for such approval was refused; or
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed; whichever is the latest: provided that only one such application may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (i) above.
- (b) That the development to which the permission relates must be begun not later than whichever is the later of the following dates:-
 - (i) the expiration of 5 years from the date of the grant of outline planning permission; or
 - (ii) the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.
2. The approval hereby granted is in outline and prior to the commencement of the development approval of the details, including the siting, design and external appearances of the building(s) the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Council, as Planning Authority.
3. The proposed development shall be carried out only in accordance with detailed drawings which shall previously have been submitted to and approved by the Council, as Planning Authority. These drawings shall show the reserved matters numbered 4 - 7 below.
4. Plans, sections and elevations of all buildings proposed with details of the type and colour of all external materials and finishes shall be submitted in accordance with condition no. 3 above.

5. The proposed layout of the site showing the exact position of the site boundaries, the position of all buildings, the means of access, areas for vehicle parking and the arrangements for the disposal of foul and surface water shall be submitted in accordance with condition no. 3 above.
6. Details of the exact extent, type and finish of all other works including walls, fences and other means of enclosure and screening shall be submitted in accordance with condition no. 3 above.
7. Sections through the site showing the development on its finished levels in relation to existing levels shall be submitted in accordance with condition no. 3 above.
8. 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 width of vehicular access shall be 5.5 metres and have a maximum gradient of 1:20 measured for the first 5.0 metres from the edge of the public carriageway. Section of access road shall be to The Moray Council specification and surfaced in bitmac.
10. No water shall be permitted to drain onto the public footpath/carriageway.
11. The number of parking spaces to be provided shall be 2 no spaces for houses with three or less bedrooms and 3 no spaces for houses with four or more bedrooms.
12. A turning area shall be provided within the curtilage of the site to enable vehicles to enter/exit in a forward gear.
13. The access radii shall be 7.6 metres and be kerbed using 254 x 127mm hppc kerbs.
14. New buildings shall be set back from the edge of the Argyle Street and Shore Street carriageways by 2.4 metres.
15. Existing footways along the site frontage onto Argyle Street and Shore Street shall be resurfaced to The Moray Council specification.
16. A new 1.2 metre wide footway to The Moray Council specification shall be provided along the frontage onto Carvel Street and extended to tie-in to the existing footway outside no. 5 Carvel Street.
17. Drop kerbs shall be provided at all pedestrian crossing points, including on existing footways on Shore Street and Argyle Street to complement new drop kerbs on the upgraded footways.
18. 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.
19. That detailed proposals for the disposal of surface water shall be designed and implemented as outlined in the agent's letter of 19th September 2007.
20. That for a development of 26 no units, 5 no affordable 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 of accommodation 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 units of accommodation, details regarding the design and arrangements to

ensure 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 the interests of road safety.
12. In the interests of road safety.
13. In the interests of road safety.
14. In the interests of road safety.
15. In the interests of road safety.
16. In the interests of road safety.
17. In the interests of road safety.
18. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground contamination.
19. In order to prevent environmental pollution.
20. To ensure an acceptable form of development and safeguard the required provision of such housing on the site, including details of matters specified which are currently lacking from the submission.

5. PLANNING APPLICATIONS 07/01634/FUL & 07/01651/FUL : ERECT 7 ONE AND A HALF STOREY TERRACED HOUSES AND 12 DETACHED HOUSES AT TOMBAIN FARM, ABERLOUR FOR TOMBAIN FARMS LLP

There were submitted reports by the Chief Legal Officer and the Director of Environmental Services in regard to two planning applications relating to the erection of 7 one and a half storey terraced houses and 12 detached houses at Tombain Farm, Aberlour for Tombain Farms LLP

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, additional information from the applicant in support of the application.

The report by the Chief Legal Officer advised that, in terms of the Council's Scheme of Delegation relating to Planning Applications, the application had been referred direct to a Hearing to which the applicant and objectors were invited to attend and be afforded the opportunity of being heard. The report also set out the proposed procedures for the Hearing.

The reports by the Director of Environmental Services, Appendix 1 to the report, gave details of the application and the consultations, which had been undertaken regarding it and the relevant planning criteria in terms of the Moray Development Plan. The reports recommended that the Director of Environmental Services be granted delegated authority to approve the applications, as acceptable departures, subject to agreement on the provision of affordable housing and conditions detailed in the report. The meeting also noted that the application had been advertised as a departure from the Development Plan to which there were outstanding objections. Members of the Committee visited the site of the applications on Tuesday 19 February 2008.

The Chairman welcomed those present to the meeting and reminded them that the Special Meeting had been arranged to allow those submitting representations on the application to speak to their representations and the applicant to be heard before the Committee reached its decision on the application. He also advised those present that submissions must be restricted to those already submitted and that the Hearing would be confined to examining the planning merits of the application and therefore discussion on irrelevant non-planning related issues would not be considered.

The meeting noted that the applicant, Mr M Nash, Tombain LLP, was present and would be addressing the meeting on the applications and the stated objections.

The Clerk to the Committee advised the meeting that of those who had submitted representations on the application, referred to in the report on the application, Mr H Fraser, Mrs M MacCallum and Mr R Macdonald were present and would be addressing their objections. The meeting also noted that Mr Fraser was representing several other objectors who were unable to attend the Hearing.

Prior to hearing from the applicant the Chairman intimated that it was his intention that, as the two applications relate to one site, the presentations from the applicant and objectors will cover both applications which may be determined separately when the Committee comes to determine them, in light of the presentations.

REPRESENTATIONS ON BEHALF OF THE APPLICANT

Mr Nash addressed the meeting on the development proposals and addressed the stated objections. He referred to the additional information circulated which set out the background to and rationale for the proposed development of 12 detached units and 7 smaller cottages in two terraces. Mr Nash advised the meeting that the Local Plan designation for the site is for approximately 12 houses and the Company acquired the site with outline consent for 12 individual plots. He also referred to one of the features of the Local plan objectives, which referred to promoting development to meet demand in the Speyside area. This market research indicated a strong demand for mixed housing in the locality, which led to the two proposals before the Committee. In regard to the design and build of the proposed developments, Mr Nash advised the meeting that modern methods of construction, proven in Canada and Germany, will be used, which, in his view, represented the future of house building in an era of new Building Regulations, sustainability and the zero carbon home. The houses would, in his opinion, be distinguished by the quality of architecture, the design of interior and exterior space and how they will fit in generally with the surrounding houses in Aberlour. He also referred to proposed density which was less than 3.6 to the acre and that, due to the proposed method of

construction, the time on-site would be reduced by as much as 50% for a similar type development. Mr Nash also advised that the Company was taking a whole site approach including landscaping, which would not have been the case if the existing outline consent for 12 plots was implemented. In regard to the affordable element of the development, Mr Nash advised that, in terms of the Council's guidance, a 19 house development should provide 4 affordable homes and that he already had discussions with the Council's Housing Section. He also advised that the 7 terraced cottages were designed as entry level homes.

In regard to the objections, Mr Nash advised that he had responded to the concerns on a perceived lack of demand, density, drainage and roads on receipt of these from the Planning Officer, summaries of which were contained in the report. In regard to demand he was of the view that, as previously intimated, his research indicated this was strong and was supported by the recent indication that houses price inflation in Moray, in the year to December 2007, was 25.22%. The proposed density of 3.6 was very low and would fit comfortably with its surroundings and there were no objections from the Council's Transportation Section, Scottish Water & SEPA.

In summary Mr Nash was of the view that the proposed developments was consistent with the Local Plan insofar as providing approximately 12 houses and was promoting housing development to meet the demand in the Speyside area which is three times the size of the proposed development. The proposed construction would be the first of its kind in Scotland and would exceed current Building Regulations in energy efficiency. For the reasons outline in his presentation, and supported by the Planning Officer, and in the absence of sustained objections Mr Nash sought Committee approval of both applications.

There were no questions to Mr Nash.

REPRESENTATIONS TO THE APPLICATION

Mr Fraser addressed the meeting on his objections and those of the objectors he represented. He advised the meeting that local residents have a number of grave reservations regarding the development, which initially started with 12 houses and was now 19. Were the two applications to be approved today then what was to stop the developer slipping in a few extra during the construction stage. He advised the meeting that drainage and flooding is an ongoing problem in the area and once topography of the field is altered that will alter the water flow off the field and puts the houses along Dowans Road at risk. Mr Fraser referred to the initial plan, which had a soakaway for land drainage in an area, however the current proposals refer to a sustainable urban drainage system. Local residents were unaware of what this involves and would be looking for some guidance/clarification from officials. He also referred to a public meeting in August 2007 in regard to drainage and flooding problems in the area, which was attended by Richard Lohead MSP and a number of the local Councillors, and the residents are still really awaiting outcomes of that meeting.

Mr Fraser also referred to current problems with the domestic water supply and pressure in Sellar Place and Dowans Road. In this regard the proposals are to connect another 19 properties on that same supply and he was of the view that the existing problems need to be rectified before any further development takes place. Roads access, he said was his main concern. The carriageway off the A95 leading to Sellar Place/Dowans Road is 5.3 metres wide. On arriving at Sellar Place, Dowans Road suddenly decreases in size by 1.4 metres to 3.9 metres. Whilst there is a pavement along the south side of Dowans Road from Sellar Place along towards Dowans Hotel, there is no pavement provision between the A95 and Sellar Place. He noted that one of the proposed conditions of consent stated that a pavement will be provided along the north side and there is reference to provision of a crossing and he sought clarification as to where this crossing would be. Mr Fraser also expressed his concerns in regard to the potential implications the proposed developments may have on road safety in the area and that this also needed to be addressed before any development takes place.

Mr Fraser also questioned the need for the provision of waste bin stores at the end of the access road within the development, which could lead to problems with vermin. Why can the bins not be kept at the houses as in the case for other householders in the area.

There were no questions to Mr Fraser.

The meeting then heard **Mrs MacCallum** who expressed her concern in regard to the drainage situation on the site given it is located to the rear of her property. She advised the meeting that given the steep incline to the south the water runs down into the flat area to the rear of her house, which, at

the moment, cannot be seen because it has been grazed up until recently. Therefore local residents have no idea of the current state of the wet ground and whether a sustainable urban drainage system will work. In this regard she sought an assurance that if the development were approved can it be proven unreservedly that it will work.

In regard to the front of her house Mrs MacCallum advised the meeting that she had submitted photographs with her recent response to the departure advert. These were in support of her claims of how water currently backs up on Dowans Road on a regular basis, due to existing drainage problems and tabled a number of photographs in support of her statement. She was of the opinion that the current drainage system in Aberlour cannot cope at the moment and the provision of a further 19 houses without firstly rectifying the existing drainage system as a priority spells disaster for the whole village. Mrs MacCallum referred to a newspaper article, which she submitted along with her objection, in which Brian Gordon, Regional Manager for the Roads Agency BEAR Scotland had intimated that 'improving drainage the A95 through Aberlour would also be investigated. That will require a large consultation exercise with everyone involved and we hope that that can progress in the New Year'. This was in response to the meeting that the MSP had in the Fleming Hall in August following the severe flooding through the village in June 2007.

Mrs MacCallum also expressed her concerns in regard to the impact an additional 35 plus cars will have on the roads infrastructure in the area. Whilst appropriate conditions could be applied to the site it was the impact the development will have outwith the site that concerned Mrs MacCallum

Mr McDonald intimated that he supported the views expressed by Mr Fraser and Mrs MacCallum. He also expressed his concerns in regard to the potential misuse of the emergency access/exit to the proposed development.

SUMMARIES OF SUBMISSIONS

On the invitation of the Chairman Mr Nash, Mr Fraser and Mrs MacCallum summarised their respective submissions.

COMMENTS OF DEVELOPMENT CONTROL MANAGER ON REPRESENTATIONS

Mr Martin, Principal Planning Officer (Development Control), the Development Control Manager and the Engineer (Transportation Development Control) clarified the position in regard to the proposed SUDs scheme, water supply and drainage and roads issues, including a pedestrian crossing. The meeting also noted that the emergency access would be formed as part of the Roads Construction Consent and would only be used in emergencies and would be blocked off with bollards or some other form of barrier at all other times.

COMMITTEE CONSIDERATION OF THE APPLICATION

Officials responded to Members' questions and the meeting noted that neither Scottish Water nor the Council's Transportation Section had any objections to the application.

Thereafter Councillor G McDonald, seconded by Councillor Paul, moved that the applications be refused on the grounds that the cumulative number of proposed houses on the site was contrary to Policy R2 Tombain.

As an amendment Councillor Russell, seconded by Councillor A McKay, moved that consideration of the applications be deferred for further information from the Council's Flood Alleviation Team, Bear Scotland, SEPA and Scottish Water in regard to flooding and traffic issues.

Further discussion took place on the merits of determining the applications together or separately. In this regard Councillor Wright, seconded by Councillor Hamilton, moved that the applications be determined separately.

As an amendment, Councillor McConnachie, seconded by Councillor Leadbitter, moved that the applications be determined together.

Prior to moving to the vote clarification was sought as to whether it was competent to consider the application together or be determined separately.

The Principal Solicitor (Commercial & Conveyancing) advised the meeting that whilst they were two separate applications the Planning Officer had applied a common-sense approach and produced one report as the two proposals covered one site with a designation for approximately 12 houses. Therefore it would be competent to consider the applications individually or together as an overall package. She also reminded the meeting that there was an existing consent for 12 individual plots, which, irrespective of the outcome of the applications under consideration, can be implemented

The meeting then proceeded with the vote to determine whether the applications be considered separately or together.

On a division there voted:-

For the Motion (6)	Councillors Hamilton, McIntyre, A McKay, Russell, Shepherd & Wright.
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For the Amendment (8)	Councillors Divers, Leadbitter, McConnachie, G McDonald, Murdoch, Ogilvie, Paul & Young
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Abstentions (0)	
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Accordingly the amendment became the finding of the meeting and it was agreed to proceed to determine the applications together. The meeting noted the terms of the motion to refuse and the amendment to defer.

As a second amendment Councillor Hamilton, seconded by Councillor McIntyre, moved that the Director of Environmental Services be granted delegated authority to approve the applications, as acceptable departures, subject to agreement on the provision of affordable housing and conditions detailed in the report.

The meeting noted that, in terms of Standing Order 55 (d), as the second amendment was the direct negative to the motion, it was proposed to take a vote between the second amendment and the motion. In the event of the amendment being carried then that would be the decision of the meeting. In the event of that the amendment is not carried, it is eliminated and a vote is then taken between the motion and the first amendment.

On a division between the motion and second amendment there voted:-

For the Motion (8)	Councillors Leadbitter, McConnachie, G McDonald, A McKay, Murdoch, Ogilvie, Paul & Russell
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For the Amendment (6)	Councillors Divers, Hamilton, McIntyre, Shepherd, Wright & Young
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Abstentions (0)	
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Accordingly the motion became the finding of the meeting and the second amendment was eliminated from the vote and the first amendment became the amendment.

On a division between the motion and amendment there voted:-

For the Motion (5)	Councillors Leadbitter, McConnachie, G McDonald, Ogilvie & Paul.
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For the Amendment (7)	Councillors, Divers, A McKay, Murdoch, Russell, Shepherd, Wright & Young.
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Abstentions (2)	Councillors Hamilton & McIntyre.
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Accordingly the amendment became the finding of the meeting and it was agreed that consideration of the applications be deferred for further information from the Council's Flood Alleviation Team, Bear Scotland, SEPA and Scottish Water in regard to flooding and traffic issues.