

THE MORAY COUNCIL
MINUTE OF SPECIAL MEETING OF THE ENVIRONMENTAL SERVICES COMMITTEE
THURSDAY 27 MARCH 2008
COUNCIL OFFICE, ELGIN

PRESENT

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

APOLOGIES

Apologies for absence were intimated on behalf of Councillors J Hamilton, G Leadbitter and G McIntyre.

ALSO PRESENT BY INVITATION

In respect of item 3 (i)

The applicant, Mr R McCallum and Mr P Woollet who had submitted representations on the application.

In respect of item 3 (ii)

Mr C Smith & Mr M Leiper, Future Plans, representing the applicant. Mr D Skene, objector to the application.

IN ATTENDANCE

The Chief Legal Officer, the Development Control Manager, J Martin, Principal Planning Officer (Development Control), C Wilson, Planning Officer (Development Control), G Templeton, Principal Planning Officer (Planning & Development), 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

There were no declarations from group leaders or spokespersons in regard to any prior decisions taken on how members will vote on any item on the Agenda.

3. PLANNING APPLICATION PUBLIC HEARINGS

(i) PLANNING APPLICATION 07/01466/OUT : OUTLINE PLANNING FOR DWELLINGHOUSE ON SITE AT BIRCHGROVE LONGMORN ELGIN FOR MR ROBERT MCCALLUM

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 a dwellinghouse on a site at Birchgrove, Longmorn for Mr R McCallum.

The meeting noted that the application had been advertised as a departure from policy to which representations had been received. Therefore, in terms of the Council's Scheme of Delegation relating to Planning applications, the application had been referred direct to this Hearing to which the applicant and objectors were invited to attend and afforded the opportunity of being heard. The meeting also noted that members of the Committee visited the site of the application on 24 March 2008.

There was also circulated to Members, prior to the meeting, a supplementary note on the policies from the Emerging Local Plan 2008 relative to the application

The Chairman welcomed those present to the meeting and advised them 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 McCallum, was present and would addressing the meeting on his application.

The Clerk advised the meeting of the two objectors referred to on page 26 of the Planning Officer's report Mr Woollett was present and would be addressing his objections. Mr Smith was unable to attend and had submitted a statement, which the Clerk would read out at the appropriate juncture in the proceedings. A copy of the statement was circulated to members of the Committee prior to the commencement of the Hearing.

REPRESENTATIONS ON BEHALF OF THE APPLICANT

Mr McCallum addressed the meeting on his application for outline planning permission to build a one and a half storey house on the site at Birchgrove, Fogwatt. He advised the meeting that, as Members of the Committee would have noted from their site visit, the garden of the parent property is quite substantial and his parents are no longer able to put in the time and effort a large garden requires. Given these circumstances his parents have given him the opportunity to build a home in their ground, which in any other circumstances he could not afford to do. The application had been made to bring about a better quality of life for the whole family.

Mr McCallum then proceeded to address the stated objections. In regard to the objections relating to the access point onto the A941 contradicting policy Mr McCallum referred Members to page 21 paragraph 3 of the Planning Officer's report. This stated that "this statement was written over five years ago before the introduction of the 50 miles per hour speed limit and street lighting was introduced to the village. Under current legislation, the Transportation Manager no longer considers this to be a reason to refuse the application. He has not objected to the proposal and has commended accordingly. The development is considered to be an acceptable departure from the Development Plan and is recommended for approval"

In regard to the uncertainty of ground conditions Mr McCallum referred Members to page 21 paragraph 4 of the Planning Officer's report. This stated that "In terms of the drainage issues it should be noted that there is no public drainage system available in Fogwatt but previous developments have been approved with septic tanks and soakaway systems". The report also stated that "In support of this proposal an assessment has been undertaken of the suitability of ground conditions at the site. It should be noted that the applicant has carried out a porosity test of the site and found that it is suitable for septic tanks and soakaways".

In regard to the concerns relating to additional vehicular movement affecting safety Mr McCallum advised the meeting that he had resided at Birchgrove from the age of 8 until the age of 21 and at no point did as children did they ever play in this area. To his knowledge there are no children currently residing in the direct vicinity of the proposed development. He also advised the meeting that the road at the entrance to the proposed development is in good condition with a tarmac covering.

On the impact on privacy of surrounding properties, particularly Rowan Lodge, Mr McCallum expressed the view that besides the numerous trees and hedges which separate the two sites he was sure that those Members who visited the site would have noted, there is one window that is not only obscured by these trees but it has vertical blinds which have not been seen in an open position in the last six months. For these reasons Mr McCallum requested that the Committee approve his application, as recommended by the Planning Officer.

There were no questions to Mr McCallum.

REPRESENTATIONS TO THE APPLICATION

Mr Woollett addressed the meeting of his representations. He advised the meeting that at no time did he ever intimate that he was objecting to the proposed development, what he had was a number of concerns. His main concern is the way the Council is actually going with the control of building in the Fogwatt area. He referred Members to the current Local Plan which states that, for safety reasons, no further housing development shall be permitted which proposes to use the access point on to the A941 at Neil Miller's garage would be permitted, a policy which is still included in the Emerging Local Plan. If permission is granted for this application, which he had no objection to, it would set a precedent for other larger houses in the area to split their land and increase the development.

Mr Woollett also expressed his concerns in regard to impact the setting of a precedent will have on the condition of the privately owned road on to which properties access the A941, which in his opinion, is not in good condition just a track with pot holes. Permitting further development will only exacerbate the problem and he enquired as to whether or not, given the amount of development in the Fogwatt area if there was any proposal for the Council to adopt these roads and put in proper mains drainage and street lighting.

There were no questions to Mr Woollett.

In his statement on his objections **Mr Smith** expressed the view that, in his opinion, the proposed development contravenes the Moray Local Plan in that it proposes to use the access point onto the A941 at Neil Millar's garage. Whilst noting that the Council's Transportation Manager no longer considers this a reason for refusal, given the introduction of a 50mph speed limit and street lighting Mr Smith was of the view that these measures have not alleviated accidents in the vicinity and allowing further access will on exacerbate the problem. He was also concerned in regard to the application of Policy IMP1 in respect of ground conditions and fear of ground pollution from domestic septic. Mr Smith was also concerned in regard to the impact the additional vehicle movements will have on the area and that, if approved, could set a precedent for surrounding properties to make similar applications. Impact on privacy, currently enjoyed, was another issue he had concerns with.

SUMMARIES OF SUBMISSIONS

On the invitation of the Chairman, Mr McCallum and Mr Woollett summarised their respective submissions and in response to a question from the Clerk, intimated that they were satisfied with the conduct of the proceedings of the Hearing.

COMMITTEE CONSIDERATION OF THE APPLICATION

On the invitation of the Chairman the Development Control Manager and the Engineer (Transportation Development Control) responded to a number of issues raised during the presentations. The meeting noted that the views of the Council's Transportation Section in regard to Policy T2 in the Local Plan and the Emerging Local Plan only can to light when consultations were undertaken in respect of this application submitted on 3 July 2007. It was too late at this point to be consider amending the Finalised Local Plan given that the consultation process in regard to proposed amendments had expired. Hence the policy was still within the current Local Plan and the Emerging Local Plan. In regard to drainage and roads issues the meeting noted that the introduction of a public drainage system was a matter for Scottish Water and that were the road, which is currently a private road, to be brought up to an acceptable Council standard it could be adopted. The accident record at the junction of the A941 was two damage incidents in the past eight years and therefore given the volume of traffic on the A941 and vehicles using the access road safety was not an issue.

In regard to drainage issues relevant to the site the meeting noted that whilst the adequacy of ground conditions for septic tanks and soakaways is now dealt with at the Building Warrant stage the applicant had, given the drainage concerns, carried out a successful porosity test. The Chairman also reminded the meeting that in regard precedent each application is considered of its individual merits.

Thereafter Councillor Wright, seconded by Councillor Russell, moved approval of the application and there being no-one otherwise minded it was 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 4-8 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 roof of the dwelling hereby approved shall be finished in natural slate or a good quality artificial slate to be agreed in writing by the Council (as Planning Authority) prior to the commencement of development.
10. 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.
11. 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.

12. As part of the consent hereby granted:

- The scale of the house shall not exceed 1½ storeys in height.
- No house shall occupy more than a third of the plot in which it is situated.
- No house is to be sited within 2m of its side site boundaries.
- All main windows (i.e. kitchen, living room, bedroom) must be at least 4m from the boundary they face.
- The house style must compliment both the character of the area, and the scale and architecture of surrounding properties.

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.
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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 order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
10. In the interests of road safety.
11. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground contamination.
12. To ensure a satisfactory form of development in the interests of the amenities and appearance of the development and surrounding locality.

(ii) PLANNING APPLICATION 06/02995/FUL : ERECT DWELLINGHOUSE ON SITE ADJACENT TO 19 BOGMOOR ROAD BOGMOOR SPEY BAY FOR MR IAN P GREEN

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 dwellinghouse on a site adjacent to 19 Bogmoor Road, Bogmoor, Spey Bay for Mr Ian P Green.

The meeting noted that the application had been advertised as a departure from policy to which representations had been received. There was also an unresolved objection from a statutory consultee, Lennox Community Council. Therefore, in terms of the Council's Scheme of Delegation relating to Planning applications, the application had been referred direct to this Hearing to which the applicant and objectors were invited to attend and afforded the opportunity of being heard. The

meeting also noted that members of the Committee visited the site of the application on 24 March 2008.

There was also circulated to Members, prior to the meeting, a supplementary note on the policies from the Emerging Local Plan 2008 relative to the application and a copy of the letter of objection from Lennox Community Council.

The Chairman welcomed those present to the meeting and advised them that submissions must be restricted to those already submitted and that the Hearing would be confined to examining the planning merits of the application, therefore discussion on irrelevant non-planning related issues would not be considered.

The meeting noted that the applicant would be represented by Mr C Smith and Mr M Leiper, Future Plans.

The Clerk to the Committee advised that of the two objectors referred to on page 12 of the Planning officer's report Mr D Skene was present and would be addressing his objections. He also advised that a statement had been received on behalf of Lennox Community Council on their objection, which would be read out at the appropriate juncture in the proceedings. A copy of the statement was circulated to members of the Committee prior to the commencement of the Hearing.

REPRESENTATIONS ON BEHALF OF THE APPLICANT

Mr C Smith advised the meeting that his client had submitted an application for detailed planning permission for a site, which already had outline consent for some time. He also advised that the house design and drainage arrangements have been confirmed as being compliant with Council's Local Planning Policy and that the proposal was a very modest and unassuming companion cottage to the recently completed renovations to the original parent cottage. Mr Smith also expressed his concern in regard to the time taken to bring the application to a determination stage. Thereafter he asked his colleague Mr Leiper, Chartered Town Planner, Future Plans, to address the meeting, on behalf of the applicant, in regard to the objections to the application.

Prior to addressing the objections to the application **Mr Leiper** drew Members' attention to the site plan, within the Planning Officer's report, which, in his opinion, did not represent the site as was represented on the submitted plans. The submitted plans include the outbuildings and that these were taken into account in the measurements for sub-division and other required measurements.

In regard to the objections from Lennox Community Council in regard to the application being a departure, Mr Leiper expressed the view that, although advertised as a departure, he was of the opinion that the application was not a departure. In terms of access there is no new access, the proposed development using an existing access. He also referred the meeting to the Bogmoor Rural Community statement, which states that the Council will restrict further new access roads to the B9104 for safety reasons. In his opinion restrict does not mean prohibit and in fact implies that accesses will be confined to road safety reasons. This had been examined by the Transport Manager on two occasions, firstly at outline and secondly in respect of this application. On both occasions no road safety problems were identified and therefore, in his opinion, it could be said that there is no departure in terms of road safety.

On the question of plot sub-division Mr Leiper was of the opinion that the proposal does comply with the existing Local Plan policy on sub-division. In support of this he advised the meeting that a variety of measurements were taken and if you allow for the access at the rear of the site the measurements would split to an almost 50/50 but in favour with complying with the policy. In other words the existing cottage would retain 547 square metres whereas the new one would take 540 square metres thereby complying with all of the policies. In regard to plot size Mr Leiper again referred to Bogmoor Rural Community statement which intimates that whilst it does say there are large plots in Bogmoor it also indicates that there are compact groupings and that there are opportunities for gap site development.

In regard to the other objections Mr Leiper advised the meeting that the Local Plan allows for opportunities in Bogmoor, that outlook or view is not usually taken as a planning issue and that given that the proposed development is a considerable distance from adjacent properties, there will not be any restriction on daylight or lighting affecting these properties. In regard to the installation of a septic tank he advised the meeting that the applicant had employed the services of a Consulting Engineer and that successful porosity tests and the proposed drainage system for both the foul drainage and

surface water drainage, had been accepted by the Council and its consultees. Mr Leiper also expressed the view that the proposed development also complies with the relevant policies of the Emerging Local Plan. He also advised the meeting that the applicant had also spent over £2,000 in proving, at the Council's behest, that there is no contamination of land involved on the site.

In conclusion Mr Leiper intimated that the principle of building a house on the proposed plot has already been approved by a previous outline consent which was in existence when this application was submitted. The proposal does not, in his opinion, depart from the Local Plan because it does not contravene the wording of the rural community statement or the policy on sub-division or any other policy including the relevant policies in the Emerging Local Plan. There is no direct access on to the B9104 and that there are no problems arising from road safety, drainage or contamination. For these reasons Mr Leiper requested that the Committee approve the application, as recommended, subject to the conditions detailed in the report.

There were no questions to either Mr Smith or Mr Leiper.

REPRESENTATIONS TO THE APPLICATION

Mr Skene advised the meeting that his main objection related to the possible problems with soakaways in the future. He intimated that quite a few properties in the village experience problems later on when they are getting their septic tanks emptied, they end up drawing in water from the soak pit into the tank. On acquiring his property he was made aware of guidelines relating to soakaway which advised that it needed approximately half an acre to suit septic tanks so that there was not a problem with contamination and soak pits. Although Bogmoor is on gravelly ground and you can undertake a successful porosity test its is later on that the problems arise from a build up of residue from domestic washing lines the soak pit. In support of his view Mr Skene referred to the recently installed septic tank at 22 The Moor, which on a more elevated site than that under consideration, which was down into the water with the soak pit. Going into the water table with a soak pit is, in his opinion, a bit pointless and given that the proposed development is on a much lower level there is the possibility of problems in future problems.

In conclusion Mr Skene expressed the view that if a survey were carried out 70% of the village would admit to having concerns about septic tanks and soakaways and working 100% efficiently.

There were no questions to Mr Skene.

In their statement on their objections **Lennox Community Council** intimated relate to the precedent which it will undoubtedly set if granted, which will have a significant adverse effect on the future environment of the village of Bogmoor.

An additional concern in this case is the way that our objection to the original Outline Application was handled. The Community Council was unaware of the amendment to provide a shared access, had no opportunity to object to this and were not notified of the eventual decision taken.

The Community Council also objected to the small size of site. It is considered that the shared access proposal now contravenes the Local Plan policy(H4) which states that subdivisions will be acceptable if the plot subdivision is less than 50%of the original plot.

The inclusion of a shared access with the existing house means that part of the existing house site has been used to provide an access to the new plot. This must be taken into account in determining the ratio of the subdivided plot to the original plot.

The revised ratio it is suggested is higher than 50%. In other words the amended access plans have arguably got round the access policy (T2) but instead now contravene Policy H4 that is still a relevant consideration for the current application.

SUMMARIES OF SUBMISSIONS

On the invitation of the Chairman Mr Leiper and Mr Skene summarised their respective presentations and in response to a question from the Clerk, intimated that they were satisfied with the conduct of the proceedings of the Hearing.

COMMITTEE CONSIDERATION OF THE APPLICATIONS

In regard to the length of time taken to process the application the Development Control Manager advised the meeting that approximately 8 months was taken up with contaminated land issues and that the application was advertised as a departure later in the process than normal. He also advised that on receipt of an objection to the departure advert a Hearing was required to be arranged. He then referred to issues raised in regard to access and soakaways.

The meeting noted that the settlement statement for Bogmoor states that no new development will be permitted along the main road frontage for road safety reasons. The Development Control Manager was of the view however that, as the proposed development incorporated a shared access and not a new access and the Council's Transportation Section had not objected to the proposals, the application was an acceptable departure. The meeting also noted that the adequacy of ground conditions for septic tanks and soakaways is now dealt with under Building Standards (Scotland) Regulations (2004) as amended, at the Building Warrant stage and any system used on the site would have to comply with current legislation. He was also confirmed that the outhouses shown on the location plan within the Planning Officer's report were included in the application submission plans and were taken into account in the measurements for sub-division.

Prior to determining the application, in light of the presentations, the Chairman intimated that in future it would be helpful if the reasons for the departure appeared within the comments section on the front page of the Planning Officer's report. This was agreed.

Councillor Wright, seconded by Councillor Shepherd, moved approval of the application and there being no-one otherwise minded it was agreed that the application be approved, as an acceptable departure, 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 roof of the dwelling hereby approved shall be finished in natural slate or a good quality artificial slate to be agreed in writing by the Council (as Planning Authority) prior to the commencement of development.
4. No development (apart from that required for remediation) shall commence until all necessary works to remediate contamination on the site have been carried out in accordance with the details of the required remediation measures which have previously been submitted to and approved by the Council, as Planning Authority in consultation with the Council's Environmental Health (Contaminated Land) Section where
 - a) The required remediation measures shall be fully implemented as detailed and described in the applicants Contamination Remediation Method Statement dated July 2007.
 - b) Notification of the date of commencement of remediation works shall be given to the Council, as Planning Authority not less than 7 days before the development commences (contact Environmental Health Manager, Council Offices, High Street, Elgin, IV30 1BX, tel: 01343 563345).

Should any subsequent or previously undiscovered contamination be found during the development of the site, then all works should cease and the Planning Authority in consultation with the Environmental Health Section (Contaminated Land) be contacted immediately, after which measures to remediate these areas should be agreed in writing and implemented as per the approved revised remediation statement.

5. A minimum of two parking spaces shall be provided within the curtilage of the parent property and in a position that does not obstruct the shared driveway.

Reasons:

1. The time limit condition is imposed in order to comply with the requirements of Section 58 of the Town and Country Planning (Scotland) Act 1997.
 2. In order to ensure that there are no unauthorised departures from the approved plans, which could adversely affect the development or character and amenity of the surrounding properties and area.
 3. In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
 4. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground contamination.
 5. In the interests of road safety.
- (iii) PLANNING APPLICATIONS 07/01634/OUT & 07/01651/FUL : ERECT 7 ONE AND A HALF STOREY TERRACED HOUSES AND 12 DETACHED HOUSES AT TOMBAIN FARM, ABERLOUR FOR TOMBAIN FARMS LLP**

Under reference to Paragraph 5 of the Minute of the special meeting of the Committee on 28 February 2008 there was submitted a report by the Chief Legal Officer inviting the Committee to give further consideration to planning applications 07/01634/OUT & 07/01651/FUL relating to the erection of 7 one and a half storey terraced houses and 12 detached houses at Tombain Farm, Aberlour, in light of the additional information requested at the Hearing on 28 February 2008, details of which were appended to the report as Appendix 1. The additional information also included a copy of a Developer's Statement, which had been circulated to members of the Committee prior to the meeting.

The Principal Planning Officer (Development Control) referred Members to Appendix 1 to the report which set out the additional information requested in regard to the relative policies within the Emerging Local Plan, housing density and drainage. In regard to drainage the meeting noted that the Council's Flood Prevention Unit had intimated that it should be possible to design a sustainable urban drainage scheme (SUDs) that would mimic the existing catchment and not exacerbate the risk of flooding elsewhere. The meeting also noted that SEPA had responded intimating that it had no information on flooding for the site and that, to date, there had been no response from Scottish Water or Transport Scotland/BEAR Scotland.

On the invitation of the Chairman the Principal Planning Officer (Planning & Development) referred to the additional information relating to housing density. The meeting noted that the role of figures in the Local Plan is to ensure that the Council has provided sufficient housing land to meet Structure Plan requirements. The figures being indicative/notional and used a guide to reflect the appropriate density level for each site. In regard to R2 Tombain the indicative figure of 12 was considered appropriate at the time of preparing the Local Plan to reflect the surrounding low-density housing. The final capacity of a site however requires to take into account a number of issues, as intimated in the supplementary information, which will have a significant bearing on the capacity of the site. In his opinion the proposed two terraces of seven units would occupy, at the most one or two large plots and reflects the density of the housing on the opposite side of Sellar Place.

Taking into account all the circumstances pertaining to the applications and the designation of the site the Principal Planning Officer (Planning & Development) was of the view that the proposal for 19 units or 9 houses per hectare reflected the original low-density designation for the site. For these reasons he supported the Planning Officer's recommendation of approval of the applications as acceptable departures for policy.

Following consideration Councillor Russell, seconded by Councillor Wright, 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 reports submitted to the Committee on 28 March 2008.

Councillor Paul, seconded by Councillor G McDonald, moved that the applications be refused on the grounds that there was insufficient information, at this time, to determine the applications in terms of Policy L/IMP7 (Drainage Impact) and Policies EP5 (Surface Water Drainage : SUDS); EP8 (Pollution) & EP10 (Foul Drainage) of the Emerging Local Plan.

On a division there voted:-

For the Motion (5) Councillors A McKay, Russell, Shepherd, Wright and Young.

For the Amendment (6) Councillors Divers, McConnachie, G McDonald, Murdoch, Ogilvie and Paul

Abstentions (0)

Accordingly the Amendment became the finding of the meeting and it was agreed that the applications be refused on the grounds that there was insufficient information, at this time, to determine the applications in terms of Policy L/IMP7 (Drainage Impact) and Policies EP5 (Surface Water Drainage : SUDS); EP8 (Pollution) & EP10 (Foul Drainage) of the Emerging Local Plan.