

THE MORAY COUNCIL

MINUTE OF MEETING OF THE PLANNING & REGULATORY SERVICES COMMITTEE

TUESDAY 4 AUGUST 2009

COUNCIL OFFICE, ELGIN

PRESENT

Councillors S. Cree (Chair), J Russell (Deputy Chair), L Bell, G Coull, J. Divers, J. Hamilton M McConachie, A McDonald, G McDonald, F Murdoch, D Stewart and A Wright.

ALSO IN ATTENDANCE

Councillor D Ross in respect of item 3 (b) Planning application 09/00923/OUT.

APOLOGIES

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

IN ATTENDANCE

The Director of Environmental Services, Head of Development Services, A Burnie & J Martin, Principal Planning Officers (Development Control) in respect of item 3, the Planning & Development Manager, R Gerring, Senior Engineer (Transport Development), the Environmental Health Manager, A McEachan, Principal Solicitor (Commercial and Conveyancing and the Senior Committee Services Officer, Clerk to the Meeting.

1. DECLARATION OF GROUP DECISIONS

In terms of Standing Order 20 Councillor Stewart declared a personal interest in planning application 09/00731/FUL (Dunconusig, Lossiemouth) and Councillor Wright declared a personal interest in planning application 08/01544/FUL (10 Commerce Street, Elgin).

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

2. WRITTEN QUESTIONS

There were no written questions.

3. PLANNING APPLICATIONS

SPEYSIDE GLENLIVET: WARD 1

- (a) 07/02543/OUT **OUTLINE TO ERECT 2 NEW DWELLINGS ON LAND NORTH OF VICTORIA COTTAGE, CARRON FOR MR WILLIAM CATTANACH**

There was submitted a report by the Development Control Manager recommending that, subject to conditions detailed in the report, outline planning consent be refused in respect of an application to erect two new houses on land to the north of Victoria Cottage, Carron for Mr William Cattanach.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation on the basis that a previous application for the same development was reported to Committee (para 4 (i) of the Minute of the meeting of the Environmental services Committee dated 24 May 2006) and the Appointed Officer considers that significant amendments have been made to the previous application for Committee to reconsider the development. It was also noted that members of the Committee visited the site of the application on Friday 31 July 2009.

J Martin, Principal Planning Officer advised the meeting in regard to the history of the application and developments in the immediate local. The meeting noted that, subsequent to the meeting on 24 May 2006 the applicant had submitted a flood risk assessment, which had been assessed by the Moray Flood Alleviation Team and SEPA. These bodies advised that the proposed development is not at 'medium to high' risk of flooding and unlikely to increase the risk of flooding elsewhere. It was also noted that as the application was in outline details of proposed drainage arrangements would be contained in the detailed application, which if the Appointed Officer considered, following the consultation process, raised matters of wider community interest, would be referred to Committee for consideration.

Councillor Murdoch expressed the view that, in her opinion, that the infilling of a natural drainage area will result in the dispersal of water elsewhere to the detriment of others in the community and, in terms of Policy EP7, the Council should adopt a precautionary position where there is doubt. For this reason Councillor Murdoch moved refusal of the application on the grounds that it was contrary to Policy EP7. In seconding the Motion Councillor Bell also refer to the application as being contrary to Policy EP5. Councillor Murdoch intimated her acceptance of the additional policy into her motion.

As an Amendment Councillor Cree, seconded by Councillor Wright, moved approval of the application, subject to the conditions detailed in the report.

On a division there voted:-

For the Motion (4) Councillors Bell, Divers, McConachie and Murdoch

For the Amendment (8) Councillors Coull, Cree, Hamilton, A McDonald, G McDonald, Russell, Stewart and Wright.

Abstentions (0)

Accordingly, the Amendment became the finding of the Committee and it was agreed that:-

(i) the application be approved subject to the following conditions and the 'Informatives' detailed in the report:-

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 (i.e. a SUDS system or equivalent) 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. No boundary fences, hedges, walls or any obstruction whatsoever over 1.0 m in height and fronting onto the public road shall be within 2.4 m of the edge of the carriageway.
10. The width of vehicular access shall be 2.4-3.0m and have a maximum gradient of 1:20 measured for the first 5.0 m from the edge of the public carriageway. Section of access over the public footpath/verge shall be to The Moray Council specification and surfaced in bitmac.
11. A turning area shall be provided within the curtilage of the site to enable vehicles to enter/exit in a forward gear.
12. New boundary walls/fences shall be set back from the edge of the public road at a distance of 2.5 metres.
13. 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.
14. No water shall be permitted to drain onto the public footpath/carriageway.
15. A visibility splay of 2.4 metres x 70 metres shall be provided at the access.
16. Any existing ditch/waterway under the site accesses to be piped using a suitable diameter of pipe. The pipe diameter to be agreed with the Roads Authority and shall be a minimum of 300mm. The pipe shall be laid at a self-cleansing gradient.
17. No development on connection with the planning permission hereby approved shall take place unless full details of the surface water drainage system has been submitted to and approved in writing by the Planning Authority. The drainage system shall address both surface water disposal from the site and also from the adjacent public road. The development shall thereafter be carried out in complete accordance with the approved details and shall be operational prior to the occupation of the dwellinghouses.

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 order to ensure surface water is disposed of in an acceptable manner.
- (ii) on the submission of a detailed application it is referred to Committee for determination.

FOCHABERS LHANBRYDE: WARD 4

**(b) 09/00923/OUT OUTLINE TO ERECT TRADITIONAL DWELLINGHOUSE AT
MUIRYHALL FARMHOUSE URQUHART FOR MR NEIL
WRIGHT**

There was submitted a report by the Development Control Manager recommending that, subject to conditions detailed in the report, outline planning consent be granted in respect of an application to erect a traditional dwellinghouse at Muiryhall Farmhouse, Urquhart for Mr Neil Wright.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation given that competent written objections had been received from more

than 5 separate households. It was also noted that members of the Committee visited the site of the application on Friday 31 July 2009.

On the invitation of the Chairman Councillor D Ross, one of the Ward 4 Members not on the Committee, addressed the meeting and urged the Committee to support the application.

Councillor Murdoch expressed the view that, in her opinion, the 50% long established site boundary requirement was not evident on site and for this reason moved refusal of the application on the grounds that it was contrary to policy H8. The motion was seconded by Councillor G McDonald.

As an Amendment Councillor Wright, seconded by Councillor A McDonald, moved approval of the application, subject to the conditions detailed in the report.

On a division there voted:-

For the Motion (2) Councillors G McDonald and Murdoch.

For the Amendment (10) Councillors Bell, Coull, Cree, Divers, Hamilton, McConachie, A McDonald, Russell, Stewart and Wright.

Abstentions (0)

Accordingly the Amendment became the finding of the meeting and it was agreed that the application be approved, subject to the following conditions and the 'Informatives' detailed in the report:-

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 (i.e. a SUDS system or equivalent) 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. The design and materials of the dwellinghouse and landscaping proposals shall comply with the following requirements:-
 - (a) A roof pitch of between 40-55 degrees;
 - (b) A gable width of no more than 2.5 times the height of the wall from ground to eaves level;
 - (c) Uniform external finishes and materials including slate or dark "slate effect" roof tiles;
 - (d) A vertical emphasis and uniformity to all windows;
 - (e) Proposals must be accompanied by a plan showing 25% of the plot area to be planted with native species trees, at least 1.5m in height;
 - (f) Where there is an established character, or style, of boundary demarcation in the locality (e.g. beech hedges, dry stone dykes) new boundaries must be sympathetic.
9. No water shall be permitted to drain onto the public footpath/carriageway.

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. A turning area shall be provided within the curtilage of the site to enable vehicles to enter/exit in a forward gear.
12. The house shall be no more than one and a half storeys in height (i.e. 7.5m to apex of the roof).
13. No development shall be occupied until the proposed junction improvements to the Private Access Road/CIE Garmouth - Lhanbryde Road associated with planning applications 05/00712/OUT and 06/02272/REM have been completed to the satisfaction of The Moray Council.

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. In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
9. In the interests of road safety.
10. In the interests of road safety.
11. In the interests of road safety.
12. In order to minimise visual impact.
13. In the interests of road safety.

HELDON & LAICH : WARD 5

(c) 08/01685/FUL ERECT 57 DWELLINGHOUSES AND GARAGES CONSTRUCT ROADS PLAY AREA (DESIGNATION R5) AT INCHBROOM ROAD/INCHBROOM AVENUE, LOSSIEMOUTH FOR TULLOCHS OF CUMMINGSON

Under reference to Paragraph 3 of the special meeting of the Committee dated 15 April 2009 there was submitted a report by the Development Control Manager clarifying the position in regard to affordable housing provision. The report also referred to proposed amendments to the application to address some of the issues raised at the Hearing on 15 April 2009. The report also recommended that it be delegated to the Director of Environmental Services to permit the application, subject to demonstration that the application complies with policy ER2 for Energy Reduction, to the conclusion of an appropriate legal agreement with the applicant/developer to ensure the provision of the affordable housing requirement and also to control the felling of the existing trees on site both during development and beyond this.

There were also circulated to members of the Committee, prior to the meeting, copies of addition representations received subsequent to the publication of the Committee papers.

During discussion Officers responded to Members questions and it was noted that access for maintenance was a private matter and not a planning issue and that given the revised scale of development it was now considered acceptable that the trigger point for the provision of the proposed new road link connecting the B9013 Inchbroom Road and the A941 Elgin/Lossiemouth Road is 25 house completions. It was also noted that, following discussion with the Council's Housing Section, the provision of the 25% affordable housing element of the development will be provided on site R1 'Sunbank' in addition to the 25% affordable housing provision for that site. Concern was also expressed in regard to the timing of delivery of the affordable housing element given that, to date, no application had been submitted to site R1.

Concerns were also expressed in regard to an alleged failure to invite an objector to the Hearing and respond to his objection and the Director of Environmental Services undertook to investigate this matter and advise the Committee of the outcome.

Following consideration the Committee agreed to grant delegated authority to the Director of Environmental Services to permit the application, subject to:-

- (i) demonstration that the application complies with policy ER2 for Energy Reduction;
- (ii) conclusion of an appropriate legal agreement with the applicant/developer to ensure:-
 - (a) that the provision of the 25% affordable housing element of the development will be provided on site R1 'Sunbank' in addition to the 25% affordable housing provision for that site;
 - (b) provision for financial security that, if the event of site R1 'Sunbank' not being developed within an agreed period, then the agreed security sum will be made available to the Council to spend on Affordable Housing within Moray.

- (iii) that the Committee be advised, for its information, of the details of the finalised legal agreement;
- (iv) control of the felling of the existing trees on site both during development and the future maintenance of the trees; and
- (v) the following conditions and the 'Informatives' detailed in the report:-
 1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.
 2. Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.
 3. That prior to the commencement of development, the following items shall be submitted for the approval in writing of the Planning Authority;
 - (i) A SUDS system which is both achievable and sustainable and takes into account all of the drainage constraints, which influence the site (See informative notes)
 - (ii) A scheme for the upgrading of the existing footway along the frontage of the site on the B9013 Inchbroom Road to a combined cycleway/footway including street lighting.
 - (iii) A scheme for the widening of the B9013 Inchbroom Road to a width of 5.5 metres including the location of the new speed limit signs (see informative notes).
 - (iv) A scheme for providing access to public transport in the form of a bus lay-by on the east verge of the A941.
 - (v) A scheme for a pedestrian cycle crossing on the A941 at a position agreed with the Roads Authority (see informative notes).
 - (vi) A scheme for a new road link connecting the B9013 Inchbroom Road with the A941 including the treatment of the no through road section of Inchbroom Road and the new junction of the B9013 with the A941. Drawing no. IB/SITE/PL shows and indicative alignment – this is not approved (see informative notes).
 - vii) A proposal for a Residential Travel Plan for approval by the Planning Authority.
 4. The construction of Phase 2 of the development shall not commence until the completion of Phase 1.
 5. The width of the vehicular accesses from the B9013 Inchbroom Road shall be 5.5 metres.

6. A visibility splay of 4.5m by 70m shall be provided at both development accesses onto the B9013 Inchbroom Road. These splays shall be clear of any obstruction above 1.0 metre in height.
7. The width of individual vehicular accesses shall be 2.4m-3.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The section of the accesses over the prospective public footpath/verge shall be to the Moray Council Specification and surfaced in bitmac.
8. No boundary fences, hedges, walls or any obstruction whatsoever over 1.0m in height and fronting onto the public road/prospective public road shall be within 2.4m of the edge of the carriageway (see informative notes).
9. No water shall be permitted to drain, or loose material be carried onto the prospective public footpath/carriageway.
10. Drop kerbs shall be provided across individual accesses to the Moray Council Roads Service Specification.
11. Parking provision shall be as follows:
 - 1.5 spaces for apartments up to 2 bedrooms;
 - 2.0 spaces for apartments with 3 or more bedrooms;
 - 2.0 spaces for houses with 3 bedrooms or less; and
 - 3.0 spaces for houses with 4 or more bedrooms.
12. New boundary walls/fences shall be set back from the edge of the prospective public carriageway at a distance of 2.0m.
13. Houses requiring 2 parking spaces shall have a driveway length of 6.0m minimum in front of any garage to permit the second car to park, unless alternative parking arrangements are provided. No part of the driveway shall be included in the prospective public road.
14. Parking provision shall be outwith visibility splays.
15. Minor access of 'Novel' roads shall be designed as 'open plan' with no fencing along the rear of service verges (see informative notes).
16. Driveways over service verges shall be constructed to take vehicles and shall be finished in bituminous macadam.
17. Acoustic double glazing shall be installed in all living apartments and consist of 2 panes of 4mm thick glass separated by a 16mm cavity. The Specification and acoustic performance shall be in accordance with section 3.4 of the Noise Impact Assessment titled "Report on Air traffic Noise for Tulloch of Cummingston at Inchbroom Road, Lossiemouth, Moray by Charlie Fleming Associates, Acoustical Consultants Noise Control Engineers, 16th October 2008 - Document 14651."

18. Acoustically attenuated ventilators shall be installed in south-west facing bedrooms of house numbers 4 to 12, 44 to 47 and 49. They shall also be installed in east facing bedrooms of houses 49 to 54. The attenuated ventilators shall have an element normalised level difference, $D_{n,e}$, of at least 32dB in the 500Hz octave band.
19. No development shall commence until details of the gas protection measures to be installed within the property have been approved in writing by the Council (as Planning Authority). The details shall include the following and the gas protection measures shall be installed in accordance with the approved details:
- a full technical specification of the gas protection measures, including the membrane, to be installed;
 - full details of the appropriately qualified person responsible for installing the gas protection measures;
 - full details of the exact siting and extent of the gas protection measures;
 - full details of the means by which it will be ensured that the gas protection measures will be fully protected during and after installation. These details must demonstrate that the gas protection measures will prevent impacts from contamination migration and gas migration;

the timescale for installing the gas protection measures; and the Council as Planning Authority shall be notified of the date for installing the membrane no later than 7 days before its intended installation (contact the Environmental Health Section on 01343 563345 or by writing to the Environmental Health Manager, The Moray Council, Council Offices, High Street, Elgin IV30 1BX).

20. Any extension, garage, shed, greenhouse, outbuilding and conservatory or summerhouse not requiring planning consent shall not be erected until details of a gas proof membrane to be installed under the building or other gas protection measures have been approved in writing by the Council (as Planning Authority). The details shall include the following and the gas protection measures shall be provided in accordance with the approved details:
- a full technical specification of the gas protection measures to be provided;
 - full details of the appropriately qualified person responsible for installing the gas protection measures;
 - full details of the exact siting and extent of the gas protection measures;
 - full details of the means by which it will be ensured that the gas protection measures will be fully protected during and after installation. These details must demonstrate that the gas protection measures will prevent impacts from contamination migration and gas migration;

the timescale for providing the gas protection measures; and the Council as Planning Authority shall be notified of the date for installing the membrane or gas protection measures no later than 7 days before the intended installation/provision (contact the Environmental Health Section on 01343 563345 or by writing to the Environmental Health Manager, The Moray Council, Council Offices, High Street, Elgin IV30 1BX).

21. 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 9th March 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.

22. That prior to the commencement of development, detailed proposals for the location and long term delivery of the affordable housing requirement for the development shall be submitted for the approval in writing of the Planning Authority.
23. That the tree identified on the application plans as containing a red squirrel drey and the cluster of trees surrounding this shall be retained and protected throughout the lifetime of the development. Any further trees suspected of containing possible dreys must be protected during development, and the advice/permission of SNH sought prior to the commencement of any tree felling operations.

Reasons:

1. The time limit condition is imposed in order to comply with the requirements of Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure that there are no unauthorised departures from the approved plans, which could adversely affect the development or character and amenity of the surrounding properties and area.
3. In the interests of achieving an acceptable form of development.
4. In the interests of road safety.
5. In the interests of road safety.
6. In the interests of road safety.

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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 ensuring an acceptable form of development.
18. In the interests of ensuring an acceptable form of development.
19. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground gases.
20. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground gases.
21. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground contamination.
22. To ensure an acceptable form of development in accordance with policy H9 of the Moray Local Plan 2008.
23. In the interests of nature conservation.

(d) 09/00546/FUL ERECT A DWELLINGHOUSE AND GARAGE ON SITE TO REAR OF 1 QUARRYWOOD COTTAGES, ELGIN FOR MR AND MRS V L AND L H MIELE

There was submitted a report by the Development Control Manager recommending that, subject to conditions detailed in the report, planning consent be granted in respect of an application to erect a dwellinghouse and garage on a site to the rear of 1 Quarrywood Cottages, Elgin for Mr & Mrs V L and L H Miele.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation given that competent written objections had been received from more

than 5 separate households. It was also noted that members of the Committee visited the site of the application on Friday 31 July 2009.

There was also circulated to members of the Committee, prior to the meeting, a copy of an addition representation received subsequent to the publication of the Committee papers.

During discussion concern was expressed that, like other applications with access onto a single track road, there was no requirement on the applicant to provide additional passing places. The meeting noted that Transportation was currently looking at the incremental impact of developments off single track roads with a view to formulating recommendations either by way of Supplementary Planning Guidance (SPG) or a report to a future Committee meeting.

Following discussion Councillor Wright moved refusal of the application on the grounds that, in his opinion, the proposed development was, in terms of scale and character, contrary to the Local Plan statement for Quarrywood and Policies H4 and H6. The motion was seconded by Councillor Russell.

As an Amendment Councillor Murdoch, seconded by Councillor Bell, moved approval of the application, subject to the conditions detailed in the report.

On a division there voted:-

For the Motion (2) Councillors Russell and Wright.

For the Amendment (10) Councillors Bell, Coull, Cree, Divers, Hamilton, McConachie, A McDonald, G McDonald, Murdoch and Stewart.

Abstentions (0)

Accordingly the Amendment became the finding of the meeting and it was agreed that the application be approved, subject to the following conditions and the 'Informatives' detailed in the report:-

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.
2. Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.
3. Sample panels of roughcast shall be prepared on the site for the inspection and approval of the Head of Development Services and the roughcast work shall not be carried out until agreement has been reached with the Head of Development Services regarding the type and colour of materials to be used.
4. Three private parking space(s) shall be provided at all times.
5. No part of a sign shall be lower than 2.5 m above the public footpath.

6. The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Aberdeenshire Council Archaeology Service on behalf of the Planning Authority, during any groundbreaking work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. The Aberdeenshire Council Archaeological Service will supply the terms of reference for the watching brief.

Reasons:

1. The time limit condition is imposed in order to comply with the requirements of Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure that there are no unauthorised departures from the approved plans, which could adversely affect the development or character and amenity of the surrounding properties and area.
3. In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
4. In the interests of road safety.
5. In the interests of road safety.
6. In order to record items of archaeological interest and finds.

**(e) 09/00731/FUL CONSTRUCT A DOUBLE GARAGE AND GAMES ROOM AT
DUNCONUISG, STOTFIELD ROAD, LOSSIEMOUTH FOR MR
ROYCE CLARK**

Councillor Stewart declared a personal interest in this application and remained in the meeting taking no part in the discussion or determination of this application.

There was submitted a report by the Development Control Manager recommending that, subject to conditions detailed in the report, planning consent be granted in respect of an application to construct a double garage and games room at Dunconuisg, Stotfield Road, Lossiemouth for Mr Royce Clark.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation given that competent written objections had been received from more than 5 separate households. It was also noted that members of the Committee visited the site of the application on Friday 31 July 2009.

During discussion Officers responded to members questions and it was noted that whilst it was a matter for the Committee to determine whether a Section 75 agreement would be required to ensure restricted use of the proposed development it was not considered appropriate in this instance. It was also noted that, in terms of the new Scheme of Delegation, which came into effect on 3 August 2009, in the event of an amended application or new application being submitted for a change of use this would constitute a significant

amendment to a previous application determined by Committee requiring referral to Committee for determination.

Following consideration the Committee agreed to approve the application, subject to the following conditions and the 'Informatives' detailed in the report:-

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. Three private parking space(s) shall be provided within the site at all times.

Reasons:

1. The time limit condition is imposed in order to comply with the requirements of Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure that there are no unauthorised departures from the approved plans, which could adversely affect the development or character and amenity of the surrounding properties and area.
3. In the interests of road safety.

ELGIN CITY NORTH : WARD 6

(f) 08/01544/FUL, 08/01545/LBC 08/01579/CON PLANNING, LISTED BUILDING AND CONSERVATION AREA & CONSENT TO ALTER AND EXTEND BUILDING TO FORM ENTERTAINMENT VENUE WITH RESTAURANT BARS NIGHTCLUB AND BOUTIQUE HOTEL ROOMS AT 10 COMMERCE STREET, ELGIN FOR MR BOYD

Councillor Wright declared a personal interest in this application and left the meeting taking no part in the discussion or determination of the application.

There was submitted reports by the Development Control Manager recommending that, subject to conditions detailed in the reports and notification to Historic Scotland, planning, Listed Building and Conservation Area consent be approved in respect applications to alter and extend a building to form an entertainment venue with restaurant, bars, nightclub and boutique hotel at 10 Commerce Street, Elgin for Mr Boyd.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation on the basis that a previous application on the same site for a similar development had been determined by Committee (para 2 (i) of the special meeting of the Environmental Services Committee dated 15 August 2006 refers) and significant amendments had been made to the application. It was also noted that members of the Committee visited the site of the application on Friday 31 July 2009.

During discussion concerns were expressed in regard exclusion of Batchen Street, South Street and Batchen Lane from the Elgin Town Centre designation in the Local Plan and the need for a policy on the ratio of office/retail space in these areas.

Following consideration the Committee agreed:-

- (i) that a report be submitted as soon as possible, to a future meeting recommending a policy in regard to the ratio of office/retail space in the town centre incorporating the High Street, Batchen Street, South Street and Commerce Street; and
- (ii) to approve the application, subject to the following conditions and the 'Informatives' detailed in the report:-
 - 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. 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.

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 safeguard the health and safety of the occupants of the property from the effects of harmful ground contamination.

FORRES : WARD 8

**(h) 08/00806/OUT OUTLINE TO BUILD A NEW DWELLINGHOUSE AND FORM
NEW DRIVE ON SITE WITHIN GARDEN GROUND OF 64
WOODSIDE DRIVE, FORRES MR AND MRS HUNTER**

There was submitted a report by the Development Control Manager recommending that, for reasons detailed in the report, planning consent be refused in respect of an outline application to build a new dwellinghouse and form a new drive on a site within the garden ground of 64 Woodside Drive, Forres for Mr & Mrs Hunter.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation given that competent written objections had been received from more than 5 separate households. It was also noted that members of the Committee visited the site of the application on Friday 31 July 2009.

Following consideration the Committee agreed to refuse the application on the grounds that the development of this site is contrary to policy IMP1 in that it will have a significant and detrimental impact on the character of the surrounding area in respect of plot layout, intrusion on the existing dwelling and the need for substantial upfill or underbuilding to accommodate the severe sloping nature of the site.

HELDON & LAICH : WARD 5

**(i) 08/02766/FUL ERECT A RESIDENTIAL DEVELOPMENT OF 435 UNITS
COMPRISING HOUSES AND FLATS WITH ASSOCIATED
ROAD NETWORK AND LANDSCAPING AT SPYNIE ELGIN
FOR ROBERTSON HOMES LIMITED AND SCOTIA HOMES
(NORTH) LIMITED**

There was submitted an application by the Appointed Officer recommending that, subject to conditions and 'Informatives' detailed in the report, the Director of Environmental Services be granted delegated authority to permit the application, subject to the conclusion of an appropriate legal agreement for developer contributions, in respect of the erection of a residential development of 435 units comprising houses and flats with associated road network and landscaping at Spynie, Elgin for Robertson Homes Limited and Scotia Homes (North) Limited.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation given that it is a major development in excess of 50 houses. It was also noted that members of the Committee visited the site of the application on Friday 31 July 2009.

Following discussion Councillor G McDonald, seconded by Councillor Murdoch, moved that consideration of the application be deferred to allow Officers, in consultation with the applicant and the Council's Community Planning Partners, to re-examine the appropriateness of the proposed developer contributions in respect of the proposed development.

Further discussion ensued on the appropriateness of the proposed developer contributions, particularly in regard to future community provision and concerns regarding the trigger for the completion of the traffic signal controlled junction scheme for the Lossiemouth Road/Morrison Road junction. Thereafter meeting unanimously agreed to defer consideration of the application until the commencement of the adjourned afternoon session of the meeting.

ELGIN CITY SOUTH: WARD 7

(j) 08/02031/FUL ERECT 271 DWELLINGHOUSES AT THORNHILL ROAD ELGIN FOR BARRATT NORTH SCOTLAND LIMITED

There was submitted a report by the Director of Environmental Services recommending that, subject to conditions detailed in the report, planning consent be approved in respect of an application to erect 271 dwellinghouses at Thornhill Road, Elgin for Barratt North Scotland Limited.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation given that it is a major development of more than 50 houses. It was also noted that members of the Committee visited the site of the application on Friday 31 July 2009.

The meeting noted that the application is an amendment to an earlier approval under application reference 06/01067/FUL for the entire R14 site as contained in the Moray Local Plan 2000. The amendment is for a change to house types occasioned by a change of developer and therefore there is no change to the overall number of residential units proposed for the site as a whole. There is also no requirement for developer contribution or an affordable housing element given that these issues were addressed through the previous application.

Suspension of Standing Orders

The meeting agreed to suspend Standing Order 66 and continue consideration of this application prior to adjourning for lunch.

During discussion concerns were expressed, in terms of road safety, in regard to a central island on Thornhill Road and it was noted and that these concerns will be taken into account and considered before expiry of the maintenance period.

Following consideration the Committee agreed to approve the application, subject to the following conditions and the 'Informatives' detailed in the report:-

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.
2. Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.
3. That unless otherwise agreed with the Council (as Planning Authority) the development shall not commence until samples of the proposed roof and wall finishes have been submitted to and approved by the head of Development Services.
4. No development shall commence on more than 150 dwellings houses within the development hereby approved until the Reikit Land railway bridge replacement

(currently underway with an estimated completion date in August 2009) has been completed.

5. No development shall commence until a scheme of local footpath signage for key destinations including local schools and the town centre, has been submitted and approved in writing by the Planning Authority.
6. No development shall commence on more than 200 units of accommodation (houses and/or flats) within the development hereby approved until all cycle/footways, including connections to/from the R4 site from within the adjoining Elgin CF4 designation (in accordance with details of the cycle/footways approved under formal decision notice 05/01307/FUL dated 24th July 2006) have been provided in accordance with the details of the cycle/footways which shall previously have been submitted to and approved by the Council, as Planning Authority.
7. Two points of access for vehicular traffic onto Thornhill Road will be required prior to the completion of the 100th dwelling (inclusive on any existing dwellings) taking access from any one point onto Thornhill Road.
8. No development shall commence on more than 750 units of accommodation (houses and/or flats) across the whole of the Elgin South development area (sites R11-R14, CF3, CF4 as identified in the 2001 Moray Local Plan) until;
 - a) details have been submitted to and approved by the Council as Planning Authority regarding the location, design, construction specifications and external material finishes for the proposed improvements at the roundabout at A941 New Elgin Road/Edgar Road/Linkwood Road junction; and
 - b) the proposed new roundabout at A941 New Elgin Road/Edgar Road/Linkwood Road junction has been provided in accordance with the approved plans.
9. No development shall commence on more than 447 units of accommodation (houses and/or flats) across the whole of the Elgin South development area (sites R11-R14, CF3, CF4 as identified in the Moray Local Plan 2001 until details regarding the location, design, construction and material finishes have been submitted to and approved by the Council as Planning Authority regarding a new roundabout at the junction of Ashgrove Road/A96.
10. No development shall commence until details have been submitted to and approved by the Council, as Planning Authority regarding the location, design construction specification, external materials and timescales for provision and/or making available for use of the following to be provided within the site;
 - i) all traffic calming measures
 - ii) all bus stops, and
 - iii) all cycle/footways.
11. As part of the development hereby approved, no house shall be occupied until;
 - a) 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 are provided and made available for use within each house plot and thereafter the parking

arrangements shall be retained and maintained for use in conjunction with each house plot;

- b) No flat until of accommodation shall be occupied until the communal car parking arrangement serving the respective flat blocks has been provided in accordance with the approved plans at a rate of 150% (ie. 6 spaces for each block of four flats), and thereafter the parking arrangements shall be retained and maintained as parking spaces in conjunction with these plots;
 - c) No boundary fences, hedges, walls or other obstruction whatsoever over 1m in height above the carriageway level shall be within 2.4m of the edge of the carriageway;
 - d) No unit of accommodation shall be occupied until all roads and footpaths serving the site have been provided in accordance with the approved plans, or to a stage of construction previously agreed;
 - e) Houses requiring two parking spaces shall have a driveway length of 6.0m minimum in front of the garage to permit a car to park, unless alternative parking arrangements are provided. No part of any required parking space shall be located on or within the public road, including any footway or within any service verge, or similar;
 - f) Parking provision shall be outwith visibility splays;
 - g) All private driveways shall be formed such that no surface water is discharged or loose material is carried from them onto the public road; and
 - h) A visibility splay of 4.5m x 35m (both directions) shall be provided at all internal road junctions and within the splay there shall be no obstruction to visibility over 1m in height.
12. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
13. No water or loose material shall be permitted to drain onto the public footpath/carriageway.
14. Driveways over service verges shall be constructed to take vehicles and shall be finished in bituminous macadam.
15. Prior to the occupation or use of the new development the new vehicular access to Thornhill Road shall be formed in accordance with The Moray Council Transportation specification to the satisfaction of the Planning Authority.
16. The width of the vehicular access shall be 6.0 metres and have a maximum gradient of 1:20 measured for the first 5.0 metres from the edge of the public carriageway. Any section of access over the public footpath/verge shall be to the Moray Council specification and surfaced in bituminous macadam.
17. Prior to the occupation or use of the approved development a minimum visibility splay of 4.5 metres x 70 metres shall be provided at the access onto Thornhill Road and thereafter maintained free of any obstruction of a height exceeding 0.26 metres above the adjacent public road channel level.
18. Parking provision shall be outwith visibility splays.

19. No dwelling shall be occupied until;
 - a) Proposals for travel Plan packs for new residents have been submitted to and approved by the Moray Council as Planning Authority; and
 - b) Travel Plan packs are provided to new residents prior to occupation of the property.
20. That prior to the commencement of development, the applicant shall provide details of facilities for recycling for the approval in writing of the Planning Authority.
21. That prior to the commencement of development information shall be provided for the approval in writing of this Council as Planning Authority to confirm compliance with policy ER2 (Energy Reduction) of the Moray Local Plan 2008.
22. That no development shall take place until a detailed Landscaping Scheme (drawn to scale) for the site has been submitted for the approval in writing of this council as Planning Authority. The scheme shall include;
 - a) details of the numbers, species, position , planting distances and sizes of all planting to be undertaken; and
 - b) the position of any children's play areas and public amenity open space. Details of the surface finishes, boundary enclosures and number, type (for example, inclusion of manufacturer's specification) and position of pieces of play equipment to be provided.
23. That all planting, seeding or turfing forming part of the approved landscape scheme shall be carried out in the first planting and seeding seasons following the occupation of the first 100 dwellings, or the completion of the building works, whichever is the sooner. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council (as Planning Authority) gives written consent to any variation of this planning condition.
24. That a Schedule of Maintenance fore the landscape areas and recreational areas shall be submitted to and approved by this Council (as Planning Authority) prior to the commencement of development. This Schedule of Maintenance shall include a written undertaking which includes the arrangements for the implementation of the landscape Scheme and the future maintenance.

Reasons:

1. The time limit condition is imposed in order to comply with the requirements of Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure that there are no unauthorised departures from the approved plans which could adversely affect the development or character and amenity of the surrounding properties and area.

3. In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
4. In the interests of appropriate access and transport infrastructure.
5. In the interests of and acceptable form of development and the provision of details currently lacking from the submission.
6. In the interests of sustainable transport and the provision of details currently lacking from the submission.
7. In the interests of appropriate access and transport infrastructure.
8. In the interests of appropriate access and transport infrastructure.
9. In the interests of appropriate access and transport infrastructure.
10. In the interests of an acceptable form of development and the provision of details currently lacking from the submission.
11. In the interests of an acceptable form of development and road safety.
12. In the interests of appropriate access and transport infrastructure.
13. In the interests of appropriate drainage infrastructure.
14. In the interests of appropriate access and transport infrastructure.
15. In the interests of appropriate access and transport infrastructure.
16. In the interests of appropriate access and transport infrastructure.
17. In the interests of appropriate access, transport infrastructure and road safety.
18. In the interests of road safety and suitable access.
19. In the interests of sustainable transport.
20. In order to ensure an acceptable form of development.
21. In order to ensure an acceptable form of development.
22. In order that detailed consideration can be given to landscaping of the site.
23. In order to ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development or amenity and character of the area.
24. In order to ensure that landscape/recreational areas are provided timeously with appropriate arrangements for maintenance in place.

ADJOURNMENT OF MEETING

The meeting agreed to adjourn (1.51 p.m) and reconvene following the conclusion of the Special meeting of the Committee commencing at 2.00 p.m.

RESUMPTION OF MEETING

The meeting resumed at 3.20 p.m and the following Members were present.

Councillors S. Cree (Chair), J Russell (Deputy Chair), L Bell, G Coull, J. Divers, J. Hamilton M McConachie, A McDonald, G McDonald, F Murdoch, D Stewart and A Wright.

APOLOGIES

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

IN ATTENDANCE

The Director of Environmental Services, Head of Development Services, A Burnie & J Martin, Principal Planning Officers (Development Control) in respect of item 3, the Planning & Development Manager, R Gerring, Senior Engineer (Transport Development), the Environmental Health Manager, A McEachan, Principal Solicitor (Commercial and Conveyancing and the Senior Committee Services Officer, Clerk to the Meeting.

HELDON & LAICH : WARD 5

**(k) 08/02766/FUL ERECT A RESIDENTIAL DEVELOPMENT OF 435 UNITS
COMPRISING HOUSES AND FLATS WITH ASSOCIATED
ROAD NETWORK AND LANDSCAPING AT SPYNIE ELGIN
FOR ROBERTSON HOMES LIMITED AND SCOTIA HOMES
(NORTH) LIMITED**

Under reference to paragraph 3 (i) of this Minute the meeting resumed consideration of the application relating to the erection of a residential development of 435 units comprising houses and flats with associated road network and landscaping at Spynie, Elgin for Robertson Homes Limited and Scotia Homes (North) Limited.

The Head of Development Services advised the meeting on the outcome of further discussions with the applicant in regard to developer contributions, taking into account Members views in regard to possible future community requirements, and concerns regarding the trigger for the completion of the traffic signal controlled junction scheme for the Lossiemouth Road/Morrison Road junction. The meeting noted that it had been agreed to vary Condition 20 to indicate that the trigger for the completion of the traffic signal controlled junction scheme would be 60 house completions. In regard to developer contributions the Head of Development Services reminded the meeting in regard to the Development Plan policy in regard to developer contributions and that community facilities already exist within walking distance of the proposed development which is located on the edge of a large town/city. Notwithstanding this the applicants had intimated that they be prepared to set aside a piece or pieces of ground within the site, currently proposed for open

space/landscaping, to accommodate future community facilities should the need arise. In the event of no need being identified within an appropriate timescale the ground would revert to its current proposed use of open space/landscaping.

Following further discussion Councillor G McDonald, seconded by Councillor Murdoch, reiterated his motion that consideration of the application be deferred to allow Officers, in consultation with the applicant and the Council's Community Planning Partners, to re-examine the appropriateness of the proposed developer contributions in respect of the proposed development.

As an Amendment Councillor Wright, seconded by Councillor Russell, moved that that:-

- (i) the Director of Environmental Services be granted delegated authority to approve the application, subject to the conditions detailed in the report, amending Condition 20 to intimate that the trigger for the completion of the traffic signal controlled junction scheme for the Lossiemouth Road/Morrison Road junction is 60 house completions; and
- (ii) the conclusion of an appropriate legal agreement for developer contributions to include the identification of a piece or pieces of ground, currently designated for open space/ landscaped areas, to be retained, for an agreed period, for possible future community facilities and that in the event of no need being identified the ground to revert to open space/landscaped use

On a division there voted:-

For the Motion (5) Councillors Coull, McConachie, A McDonald, G McDonald and Murdoch.

For the Amendment (7) Councillors Bell, Cree, Divers, Hamilton, Russell, Stewart and Wright.

Abstentions (0)

Accordingly the Motion became the finding of the meeting and it was agreed that the Director of Environmental Services be granted delegated powers to approve the application, subject to:-

- (i) the conditions detailed in the report, amending Condition 20 to intimate that the trigger for the completion of the traffic signal controlled junction scheme for the Lossiemouth Road/Morrison Road junction is 60 house completions; and
- (ii) the conclusion of an appropriate legal agreement for developer contributions to include the identification of a piece or pieces of ground, currently designated for open space/ landscaped areas, to be retained, for an agreed period, for possible future community facilities and that in the event of no need being identified the ground to revert to open space/landscaped use

It was also agreed that the Committee to be advised of terms of the finalised legal agreement.

4. CONSERVATION AREA APPRAISALS AT BURGHEAD AND DAILUAINE

There was submitted a report by the Director of Environmental Services inviting the Committee to consider appraisals for Burghead and Dailuaine and approving for consultation a proposed conservation area for Burghead. The findings of the appraisals were set out in Section 4 of the report and copies of the appraisals were tabled at the meeting.

In response to a question from Councillor Murdoch in regard to the possibility of producing supplementary planning guidance note for Dailuaine the meeting noted that were the Committee to agree to such a request appropriate consultations, similar to that for conservation area status, would still require to be undertaken.

Following consideration the Committee agreed:

- (i) that Dailuaine Rural Community does not merit conservation area status;
- (ii) to accept the proposal for a conservation area at Burghead, and instruct appropriate consultation be carried out; and
- (iii) to note that a further report will be submitted at a future date, advising of the comments and representations received during the consultation period, and recommending on the extent of conservation area designation in Burghead;
- (iv) to use the Character Appraisal for Burghead as guidance for the determination of planning applications in such areas as may be designated as a conservation area; and
- (v) to use the Character Appraisal for Dailuaine for reference purposes in the determination of planning applications in the Dailuaine rural community.

5. PLANNING ETC (SCOTLAND) ACT 2006 - POST APPLICATION PROVISIONS AND PLANNING ENFORCEMENT REGULATIONS 2007

There was submitted a report by the Director of Environmental Services advising Committee of changes being introduced by the Planning etc (Scotland) Act 2006, which introduces a number of new powers, and changes to the operation of existing powers in relation to a number of Notices and Notifications detailed in Section 1.1 of the report.

Following consideration the Committee agreed:

- (i) to note the new powers to:-
 - (a) serve a Notice requiring submission of an application for Retrospective Planning permission for development already carried out.
 - (b) Serve Fixed Penalty Notice where Enforcement Notices not complied with.
 - (c) Serve Fixed Penalty Notice where Breach of Condition Notice not complied with.

- (d) Serve Temporary Stop Notice.
 - (e) Require developers to provide Notification of Initiation of Development (NID).
 - (f) Require developers to provide Notification of Completion of Development (NCD).
 - (g) For certain types of development require development requires developers to display On-Site Notices.
- (ii) that standard notices, forms and conditions be prepared to enable the above regulations to be implemented; and
 - (iii) to note that as a result of the increased workload within the Planning Enforcement Section and Admin Support, the matter of staff resources will be reviewed and raised as part of the Budget Review process, in order that the Council as Planning Authority can meet its statutory functions brought about by the changes in the Planning etc (Scotland) Act 2006 and the Planning Enforcement Regulations 2007.

6. POST APPLICATION PROVISIONS AND PLANNING ENFORCEMENT REGULATIONS 2007

There was submitted a report by the Director of Environmental Services seeking Committee approval of a new Enforcement Policy for Housing Standards having regard for the Housing (Scotland) Act 1987 and the Housing (Scotland) Act 2006. A copy of the proposed policy was appended to the report.

Following consideration the Committee agreed to approve the Environmental Health Enforcement Policy for Housing Standards as set out in Appendix 1 to the report.

7. PROGRESS REVIEW AGAINST PERFORMANCE INDICATORS, SERVICE IMPROVEMENT PLAN AND REVENUE BUDGETS FOR PERIOD JANUARY TO MARCH 2009

There was submitted a report by the Director of Environmental Services advising the Committee on the progress made against targets laid down in the Environmental Services Service Improvement Plan and providing the Committee with an update of service performance against indicators relating to the Development Services division of the Environmental Services Department, details of which were set out in Appendices 1 & 2 to the report. The report also provided the Committee with an overview of Development Services complaints, section 4.4 of the report and progress against annual revenue budgets, details of which were set out in Appendix 3 to the report. The report also sought approval to adopt a change to the list of Performance Indicators in regard to ENVDV066, details of which were set out in Appendix 4 to the report.

Following consideration the Committee agreed to:-

- (i) note the progress made against the targets laid down in the Environmental Services Service Improvement Plan 2008 to 2009;

- (ii) note the update of Service Performance regarding the Performance Indicators relating to Development Services;
- (iii) note the progress against departmental budgets; and
- (iv) approve the adoption of the change to the list of Performance indicators, as set out in Appendix 4 to the report

8. QUESTION TIME

There were no questions raised at Committee.