

## **THE MORAY COUNCIL**

### **MINUTE OF MEETING OF THE PLANNING & REGULATORY SERVICES COMMITTEE**

**TUESDAY 29 SEPTEMBER 2009**

**COUNCIL OFFICE, ELGIN**

#### **PRESENT**

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

#### **ALSO PRESENT**

Councillor J Mackay in respect of Item 3 (f).

#### **APOLOGIES**

Apologies for absence were intimated on behalf of Councillor M McConachie and A Wright.

#### **IN ATTENDANCE**

The Director of Environmental Services, Head of Development Services, J Martin, Principal Planning Officer (Development Control) in respect of item , D Duncan & M Cross, Principal Planning Officers (Planning & Development), the Planning & Development Manager, R Gerring, Senior Engineer (Transport Development), the Housing Programmes Manager, A Scott, Principal Solicitor (Commercial and Conveyancing), S Innes, Principal Environmental Health Officer & G Murray, Technical Officer (Environmental Health), D Westmacott, Apprentice Committee Services Officer and the Senior Committee Services Officer, Clerk to the Meeting.

#### **ALSO IN ATTENDANCE**

Mr K Hargest, Hargest & Wallace, in respect of Item 3 (f).

### **WELCOME**

Prior to the commencement of business the meeting joined the Chairman in welcoming Darren Westmacott, Apprentice Committee Services Officer to this his first meeting of the Committee since taking up his appointment within Committee Services on 7 September 2009.

### **1. DECLARATION OF GROUP DECISIONS**

In terms of Standing Order 20 Councillor Murdoch declared a personal interest in planning applications 09/00368/FUL and 08/01200/S36.

Councillor Bell also intimated that, in his capacity as a Moray Council representative on NHS Grampian, he had taken legal advice in regard to his position relative to planning application 09/01093/FUL and was advised that this did not preclude him from participating in the discussion and any subsequent decision.

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. EXEMPT INFORMATION**

The meeting resolved that in terms of Section 50A(4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting during consideration of Item of business appearing at the relevant paragraphs of this minute as specified below, so as to avoid disclosure of exempt information of the class described in the appropriate paragraphs of Part 1 of Schedule 7A of the Act.

## **2. WRITTEN QUESTIONS**

The meeting noted the terms of the written question from Councillor F Murdoch and the response thereto.

In response to a supplementary question from Councillor Murdoch with regard to the cumulative effect of wind turbine consents, particularly given the increase in single or small developments, the Planning and Development Manager advised the meeting that there were a number of applications relating to single or small developments currently being considered. He also advised that in light of this increase in applications he proposed to submit, for Committee consideration, draft supplementary guidance on the question of determining applications for wind turbines which are commercial as distinct from turbines associated with small residential sites or small wind farms.

## **3. PLANNING APPLICATIONS**

### **KEITH & CULLEN : WARD 2**

- (a) 09/00943/FUL                    CHANGE OF USE OF HOLIDAY CAMPING/CARAVANING SITE TO MIXED USE RESIDENTIAL HOLIDAY SITE AT KEITH MOBILE HOME PARK, DUNNYDUFF ROAD, KEITH FOR KEITH MOBILE HOME PARK**

There was submitted a report by the Appointed Officer recommending that, for reasons detailed in the report, planning consent be approved in respect of an application for the change of use of a holiday camping/caravanning site to a mixed use residential holiday site at Keith Mobile Home Park, Dunnyduff Road, Keith for Keith Mobile Home Park.

There were also circulated to members of the Committee, prior to the meeting, in terms of a policy decision of December 1991, a copy of correspondence received, in respect of the application, subsequent to the publication of the Agenda.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation given that it is considered by the Appointed officer to raise matters of

wider community interest. The report also advised that the application had been advertised as a departure from the Development Plan and that if the Committee was minded to refuse the application further enforcement action was recommended to remedy any outstanding breaches of planning control, where considered expedient. It was also noted that members of the Committee visited the site of the application on Friday 25 September 2009.

Prior to considering the application J Martin, Principal Planning Officer, Development Control sought Committee approval to add new additional standard conditions relating to the commencement and completion of developments to assist with enforcement matters to all the applications recommended for approval on the Agenda. This was agreed.

Following consideration the Committee agreed:-

- (i) to refuse the application on the grounds that it is contrary to policies ED9, Keith T1 and H11 of the adopted Moray Local Plan 2008 for the following reasons:-
  - (a) The proposed change of use would result in the loss of a designated tourist facility contrary to adopted policies ED9, Keith T1 and H11, which seek to protect existing tourist infrastructure in Keith and to discourage the use of mobile homes as permanent dwellings. There are considered to be insufficient circumstances to justify a departure to these policies; and
  - (b) In addition, approval of the application would create a serious undesirable precedent for similar applications to be submitted in Moray, which would undermine the Tourism objectives of the adopted Local Plan and could ultimately lead to the loss of other tourist facilities throughout the district.
- (ii) that further enforcement action be taken to remedy any outstanding breaches of planning control, where considered expedient.

#### **FOCHABERS LHANBRYDE : WARD 4**

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| <p>(b) 09/00691/FUL<br/>&amp;<br/>09/00719/LBC</p> | <p><b>PLANNING AND LISTED BUILDING CONSENT FOR THE CHANGE OF USE TO CONVERT EXISTING DISTILLERY AND BONDED WAREHOUSE TO HOTEL AND MULTI PURPOSE CONFERENCE FACILITY/MUSIC VENUE WITH SPA AND ASSOCIATED WORKS NEW ACCESS PARKING AND EFFLUENT TREATMENT WORKS AT COLEBURN DISTILLERY, ROTHES FOR D AND M WINCHESTER LIMITED</b></p> |
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There were submitted reports by the Appointed Officer recommending that, subject to conditions detailed in the reports, planning and Listed Building consent be granted in respect of an application for the change of use and the conversion of an existing distillery and bonded warehouse to a hotel and multi purpose conference facility/music venue with spa and associated works, new access, parking and effluent treatment works at Coleburn Distillery, Rothes for D and M Winchester Limited.

The meeting noted that the applications had been referred to Committee in terms of the Scheme of Delegation given that it is a major development and that members of the Committee visited the site of the applications on Friday 25 September 2009.

During discussion concern was expressed in regard to the need for appropriate landscaping to the overflow car parking provision so that it would not be as obtrusive as a standard car park and the conditions relative to the proposed travel plan. It was agreed however that Condition 20 should remain as presented as this would be beneficial to emergency services.

Following consideration the Committee agreed to approve the applications subject to notification to Historic Scotland, prior to the issue of Listed Building Consent and:-

- (i) subject to the additional standard conditions relating to the commencement & completion of developments;
- (ii) agreement on a generic Travel Plan for events with attendance over 750 which will be monitored and reviewed, as appropriate;
- (iii) that the Council be pre-advised of any events with attendance over 750 taking place at the venue;
- (iv) conditions 39 and 40 being amended to include reference to appropriate landscaping relative to the overflow car park;
- (v) the following conditions:-
  1. The development to which this permission relates must be begun not later than the expiration of 3 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. Prior to work commencing on site the developer shall for the duration of the development display a sign or signs in a prominent place at or in the vicinity of the site of development, readily visible to the public and printed on durable material.
  4. Prior to work commencing on site the applicant shall complete the attached notification of initiation of development and submit it to the local planning authority.
  5. Upon completion of the development or as soon as practicable after doing so the attached notification of completion of development shall be completed and submitted to the local planning authority.
  6. Prior to any use hereby permitted commencing a 2 metre wide footway shall be provided between the proposed development and bus stops on the A941 in accordance with Cameron + Ross, Drawing No: 900 Rev 11.
  7. Prior to any work commencing scaled drawings of a new 2 metre wide footbridge across the Glen Burn shall be submitted to and approved in writing by the local planning authority. The footbridge shall be provided in accordance with the approved details prior to the uses hereby permitted commencing.

8. No work shall commence until details of the proposed location and facilities for the provision of at least 9 cycle parking spaces have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to any of the uses hereby permitted commencing.
9. No work shall commence until scaled drawings of the proposed street lighting to be provided along the pedestrian route between the site and the A941 have been submitted to and approved in writing by the local planning authority. The approved details shall be installed and be operational prior to any of the uses hereby permitted commencing.
10. No work shall commence until scaled drawings showing the detailed design of the proposed A941 access junction as shown on the Proposed Access Drawing Cameron + Ross, Drawing No: 900 Rev 11. The first 15m of the access will require to be constructed to adoptable standard and shall be adopted by the Moray Council.
11. Prior to any use hereby permitted commencing a 6 metre wide access road shall be provided to connect the junction with the proposed development (narrowing to 4 metres at the existing bridge over the Glen burn). Advisory signs shall be provided at this location to warn approaching vehicles of the narrowing and to give way to oncoming vehicles.
12. The access road and junction onto the A941 shall be constructed in advance of any other works on site to provide for construction traffic to the site.
13. No work shall commence until a scheme of temporary works signage for construction traffic has been submitted to and approved in writing by the Moray Council Roads Authority. The approved scheme shall be installed prior to the commencement of any works on site.
14. A minimum visibility splay of 9.0m by 215m as shown on the Proposed Access Drawing Cameron + Ross, Drawing No: 900 Rev 11 must be maintained at the proposed access junction with the A941. No planting within the visibility splay should exceed 0.6m. Details of the proposed planting scheme and maintenance regime within the visibility splay should be submitted to and approved in writing by The Moray Council as roads authority and be implemented prior to any use hereby permitted commencing.
15. Vehicular access shall be maintained at all times to all other properties, which share the access. No work shall commence until a scheme for any temporary works have been submitted to and the Moray Council Roads Authority for approval. Upon completion of the new access emergency bollards must be installed on the existing access in line with Cameron & Ross, Drawing No: 900 Rev11 and maintained thereafter by the site operator.
16. Prior to the commencement of the first level 3 event taking place (defined as a large scale event i.e. standing only ticket music events over 500 attendees) the site operators shall submit details of the arrangements not less than 4 weeks in advance of the event, of site traffic management including stewarding/marshalling, event signage, provision of a shuttle bus to pick-up and drop-off points, additional

information relating to travel for the event and advance event/parking ticketing arrangements which have been put in place, details of the proposed event and estimated number of attendees. The approved details shall be fully implemented for the period before, during and after the event. These approved details shall be implemented for each and every subsequent level 3 event unless otherwise agreed in writing by the local planning authority.

17. No work shall commence until details of the sign positions and sizing have been submitted to and approved in writing by the local planning authority. The approved signs shall be installed in the approved positions prior to any of the uses hereby permitted commencing.
18. A new bus shelter and lay-by will be provided for southbound bus services, in accordance with the Proposed Access Drawing (Cameron + Ross, Drawing No: 900 Rev 11). Detailed proposals for the shelter and works shall be submitted to Moray Council and approved in writing prior to any works commencing. The approved details shall be implemented prior to any approved use becoming operational.
19. No work shall commence until scaled drawings of the design of the bus shelters have been submitted to and approved in writing by the local planning authority. Prior to the uses hereby permitted commencing the existing northbound bus shelter shall be repositioned and the lay-by reconstructed as shown on the Proposed Access Drawing Cameron + Ross, Drawing No: 900 Rev 11.
20. Four weeks prior to any event over 750 attendees taking place the site operator shall submit details of the shuttle bus service to be provided have been submitted to and approved in writing by the local planning authority. The shuttle bus service shall be provided for all level 3 events and events over 750 attendees in accordance with the approved details unless otherwise agreed in writing by the local planning authority.
21. No use hereby permitted shall commence until 550 parking spaces in total have been provided as shown on the Alternative Car parking Layout Drawing Cameron + Ross, Drawing No: 912 Rev 11. 210 (including 11 disabled spaces) of which are to be for 'normal' parking purposes.
22. Details of the Travel Plan Co-ordinator appointed for the site shall be submitted to the local planning authority prior to the uses hereby permitted commencing.
23. An annual review following the first use of the site of the measures and travel patterns of the site shall be undertaken. The site operators shall provide the Moray Council Transport Officers with data from the annual review for the purpose of use in monitoring the effectiveness of the travel plan and also for free use in building a database of travel generators for the Moray area. The specific data requirements are to be agreed with the operator's Travel Plan co-ordinator and Moray Council Transportation Development Officers prior to the annual review being carried out.
24. The width of the vehicular access shall be 6.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The part of the access over the public footway/verge shall be to The Moray Council specification and surfaced with bituminous macadam.

25. No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.
26. The first 15m of the access track, measured from the edge of the public road, shall be constructed to the Moray Council specification and surfaced with bituminous macadam.
27. Parking provision shall be as follows:
  - No. of standard spaces shall be 199
  - No. of disabled parking spaces shall be 11
  - No. of overspill parking spaces shall be 340
  - No. of coach/bus parking bays shall be 5
  - TOTAL Car parking provision = 550 spaces
28. No part of any sign shall be lower than 2.4m above the public footway.
29. No part of a sign shall be closer than 600mm to the edge of the public road.
30. Any existing ditch, watercourse or drain under the site access shall be piped using a suitable diameter of pipe, agreed with the Roads Maintenance Manager. The pipe shall be laid to a self-cleansing gradient.
31. Parking provision shall be outwith visibility splays.
32. Prior to any works commencing, the developer shall secure the implementation of an archaeological standing building survey Level 2 of the extant structures, to be carried out by an archaeological organisation acceptable to the planning authority. The scope of the archaeological standing building survey will be set by Aberdeenshire Council Archaeology Service on behalf of the planning authority. The name of the archaeological organisation retained by the developer shall be given to the planning authority and to the Aberdeenshire Archaeology Service in writing not less than 14 days before the survey commences. Copies of the resulting survey shall be deposited in the National Monuments Record for Scotland and in the local Sites and Monuments upon completion.
33. The finished floor levels for ground floors should be set at a minimum level of the 1 in 200 year flood level plus a 500mm freeboard allowance for the hotel, 300mm for the Spa building and 200mm for the conference building unless otherwise agreed in writing by the local planning authority.
34. The conference centre/music venue hereby permitted shall have the following acoustic measures incorporated prior to the building being used:
  - a) The roof rafters and trusses should be internally fitted with 2 layers of 6mm sound block lapped with all joints and penetrations sealed and taped;
  - b) All service and fire exit doors shall be fitted with acoustic seals.

The mitigation measures shall be in accordance with the Noise Impact Assessment by Martin Tasker and titled "Noise Survey Report, Coleburn Distillery, 15 May 2009".

35. Fixed plant and machinery associated with the proposed ventilation and air conditioning for all buildings shall be such as to provide sound attenuation that the noise emitted from all such plant shall not exceed International Standards Organisations (ISO) Noise Rating (NR25) between 0700 and 2300 hours, or Noise Rating 20 between 2300 and 0700 hours. These criteria refer to any neighbouring residential premises with windows partially open when noise is being measured.
36. Prior to the use commencing details of an acoustic barrier to be provided to the southerly end of the car park that achieves a minimum of 5dBA attenuation shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented prior to the use commencing and be retained in perpetuity.
37. There shall be no amplified music played in the open grounds within the site.
38. In respect of the proposals to remediate contamination on the site:
  - a) All works required to remediate contamination on the site shall be fully implemented in accordance with the applicant's Remediation Strategy Coleburn Distillery, by Longmorn, Elgin of 17 August 2009.
  - b) No development works shall commence until the following have been carried out:
    - i) Full details of the methodology for the supplementary investigation of the site have been submitted to and approved in writing to The Moray Council, as Planning Authority. Thereafter these works will be implemented in accordance with the agreed details.
    - ii) Full details of the remediation methodology have been submitted to and approved in writing to The Moray Council as Planning Authority. Thereafter these works will be implemented in accordance with the agreed details.
    - iii) Full details of the validation methodology have been submitted to and approved in writing to The Moray Council as Planning Authority. Thereafter these works will be implemented in accordance with the agreed details.
    - iv) A full validation report has been submitted to and approved in writing by The Moray Council as Planning Authority which demonstrates that no pollutant linkages remain or are likely to occur.
39. That no development shall take place until a Landscape Scheme (drawn to scale) is submitted to and approved by this Council (as Planning Authority). This Landscape Scheme shall show: -

- (a) the location of any existing trees, shrubs and hedgerows on the site and identify those to be retained and those to be removed;
  - (b) details of the measures to be taken to protect any existing trees, shrubs and hedgerows during the course of developing the site;
  - (c) details of the numbers, species, position, planting distances and sizes of all planting to be undertaken.
  - (d) detailed planting proposals for the overflow car park area shall be incorporated into the scheme.
40. 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 of the buildings 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.
41. That any existing trees, shrubs and hedgerows as indicated on the approved plans shall be retained and protected, and neither lopped, topped or otherwise disturbed by the building or engineering operations to be carried out on the site.
42. All development works likely to disturb bats which have been using the buildings at Coleburn Distillery are completed outwith the mating season, taken to be mid August - end of October.
43. No external lighting shall be used in the areas where bats access roots and lighting in other areas should be positioned to avoid sensitive areas.
44. Prior to work commencing on site all the bat boxes in the locations marked on the submitted plan shall be provided.
45. The use of the roost(s) including any boxes provided shall be monitored for a minimum of three years following completion of the proposed works. The roost(s) should be visited during the mating season by a licensed bat worker and a subsequent report should be visited to the Scottish Government, The Moray Council and Scottish Natural Heritage.
46. Prior to work commencing a strategy for "badger friendly" site management shall be submitted to and approved in writing by the local planning authority. The approved strategy shall be implemented throughout the lifetime of the development.
47. A licence should be applied for exclusion and destruction of currently abandoned sett(s) while they are unoccupied, should it be felt that proposed development works are likely to come within 30 metres of any such sett. Any licence application should be accompanied by a report detailing up-to-date survey work and proposed mitigation measures.

48. Prior to the use commencing details shall be submitted to and approved by the local planning authority for the installation of bacteriological treatment (e.g. Prefiltration and ultra-violet treatment) to the supply. The approved details shall be installed prior to the use commencing.
49. No work shall commence until scaled drawings of any proposed retaining walls/re-grading of the bank are submitted to and approved in writing by the local planning authority. The details shall be implemented in accordance with the approved drawings.
50. No work shall commence until scaled drawings of the plant building to be sited within the effluent treatment plant complex have been submitted to and approved in writing by the local planning authority. The building shall constructed in accordance with the approved details.
51. The uses hereby permitted shall not commence until the SuDS scheme forming part of the application has been fully implemented in accordance with the approved details.

**Reasons:**

1. The time limit condition is imposed in order to comply with the requirements of Section 58(i) of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.
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. To provide the general public with information regarding the development and to enable further detailed information regarding the proposal to be obtained from the developer or the local planning authority.
4. To ensure that that the planning authority is aware that development is about to commence and any suspensive conditions can be followed up.
5. To ensure that that the planning authority is aware that the development is complete and is able to follow up any conditions.
6. In the interests of Sustainable Transport.
7. In the interests of Sustainable Transport.
8. In the interests of Sustainable Transport.
9. In the interests of Sustainable Access and the Road Safety.
10. In the interests of Suitable Access and Road Safety.

11. In the interests of Appropriate Access and Transport Infrastructure.
12. In the interests of Suitable Access and Road Safety.
13. In the interests of road safety.
14. In the interests of road safety.
15. In the interests of Suitable Access.
16. In the interests of Road Safety and details currently lacking from the submission.
17. In the interests of Appropriate Access and Transport Infrastructure.
18. In the interests of Appropriate Access and Transport Infrastructure.
19. In the interests of an Acceptable Form of Development and the provision of details currently lacking from the submission.
20. In the interests of Sustainable Transport.
21. In the interests of Appropriate Access and Transport Infrastructure.
22. In the interests of Sustainable Transport.
23. In the interests of Sustainable Transport.
24. In the interests of Appropriate Access and Transport Infrastructure.
25. In the interests of appropriate Drainage Infrastructure and Road Safety.
26. In the interests of Appropriate Access and Transport Infrastructure.
27. In the interests of an Acceptable Form of Development.
28. In the interests of road safety.
29. In the interests of road safety.
30. In the interests of appropriate Drainage Infrastructure.
31. In the interests of road safety.
32. To record features of the distillery prior to its conversion.
33. To minimise the risk of flooding.
34. In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

35. In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.
36. In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.
37. In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.
38. In order to safeguard the health and safety of the occupants of the properties, the building structures and the local environment from the effects of harmful ground contamination.
39. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground contamination.
40. In order that detailed consideration can be given to the landscaping of the site.
41. 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.
42. In order to ensure that the existing trees are retained as they add interest and character to the site and will contribute to the appearance of the development approved herewith.
43. To ensure that no bats are killed, injured or disturbed as a result of development works.
44. To ensure that no bats are killed, injured or disturbed as a result of development works.
45. To ensure provision is made for a similar number of mating pipistrelle bats as have been using the buildings.
46. To ascertain the success or otherwise of proposed mitigation measures.
47. To minimise risk and ensure badger welfare during construction.
48. To minimise risk and ensure badger welfare during construction.
49. To ensure a satisfactory and safe water supply is provided.
50. Insufficient information has been provided.
51. Insufficient information has been provided.
52. In order to ensure that surface water from the development is dealt with in a sustainable manner that avoids flooding and pollution.

**ELGIN CITY NORTH : WARD 6****(c) 09/01209/FUL CHANGE OF USE OF FORMER SUPERMARKET PREMISES TO OFFICES AT 2 HIGH STREET, ELGIN FOR THE MORAY COUNCIL**

There was submitted a report by the Appointed Officer recommending that, subject to conditions detailed in the report, planning consent be granted in respect of an application for the change of use of former supermarket premises to offices at 2 High Street, Elgin for The Moray Council.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation given that it is an application submitted by the Local Authority and that members of the Committee visited the site of the application on Friday 25 September 2009.

During discussion the meeting noted that there would be provision of 20 visitor car parking spaces and that the staff car park will be available in the evenings, weekends and public holidays for the public. The meeting also noted the concerns expressed by Councillor Russell regarding the current poor visibility on exiting South College Street onto the A96/South College Street/Queen Street/Greyfriars Street roundabout. It was noted however that whilst any improvements to the visibility splay could not be conditioned as part of this application Officers would try and seek, through negotiation, an improvement to the visibility issue at the exit off South College Street onto the roundabout.

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

1. The development to which this permission relates must be begun not later than the expiration of 3 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. Parking provisions shall be outwith visibility splays.
4. Parking provision shall be 12 cycle lockers, 8 motor cycle bays, and 10 spaces for disabled users and 135 standard spaces. A detailed plan of the proposed parking layout shall be submitted to this Council as Planning Authority prior to development commencing.
5. No boundary fences, hedges, walls or any obstruction whatsoever over 1.0 metre in height and fronting onto the public road shall be within 2.4 metres of the edge of the carriageway.

6. No part of the development shall be occupied until a 'Travel Plan' for staff and visitors has been submitted to and approved by this Council as Planning Authority, in consultation with the Roads Authority.
7. No water shall be permitted to drain or loose material be carried onto the public carriageway.
8. The installation of all fixed plant associated with the development shall be fixed such as to provide sound attenuation that the noise emitted from the fixed plant shall not exceed International Standards Organisation (ISO) Noise Rating (NR) 30 between 0700 and 2300 hours, or Noise Rating 25 between 2300 and 0700 hours, within any neighbouring residential premises, with windows partially opened when measured.

**Reasons:**

1. The time limit condition is imposed in order to comply with the requirements of Section 58(i) of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.
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 for users of the site.
4. To ensure that a satisfactory standard of parking is provided in the interests of road safety and traffic management, including details of matters specified which are currently lacking from the submission.
5. To ensure drivers of vehicles leaving the site have a clear view over a length of road sufficient to allow safe exit.
6. To ensure the promotion of active travel journeys to and from the site in accordance with PAN 75.
7. In the interests of road safety for all road users.
8. To ensure that full and proper consideration is given to installations on the building that may affect the amenity enjoyed by the surrounding area.

**ELGIN CITY SOUTH : WARD 7**

**(d) 09/00368/FUL                      ERECT 1NO MICRO WIND TURBINE AND ASSOCIATED  
WORK FOR PERIOD OF 15 YEARS AT TESCO STORES LTD,  
BLACKFRIARS ROAD, ELGIN FOR TESCO PLC**

Councillor Murdoch declared a personal interest in this application and left the meeting taking no part in the discussion or decision.

There was submitted a report by the Appointed Officer recommending that, subject to conditions detailed in the report, planning consent be granted in respect of an application to erect a micro turbine and associated work for a period of 15 years at Tesco Stores Ltd, Blackfriars Road, Elgin for Tesco PLC.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation given that the Appointed Officer, following the consultation process, that the application raises matters of wider community interest and that members of the Committee visited the site of the application on Friday 25 September 2009.

During discussion concerns were expressed in regard to the turbine being used for advertising purposes. The meeting noted that any such proposals would require advertising consent, which would be a delegated matter, in terms of the Scheme of Delegation. However were the Committee to include a condition prohibiting the use of the structure for advertising purposes then were an advertisement consent application to be submitted it would require to be submitted to the Committee for determination.

Following consideration the Committee agreed to approve the application, subject to the following conditions, which includes an additional condition prohibiting the use of the structure for advertising purposes:-

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The approval hereby granted is only for a limited period, expiring on 30 November 2024, at the end of which, unless otherwise approved by the Council as Planning Authority, the use hereby approved shall cease and the site shall be tidied to the satisfaction of the Head of Development Services.
3. At windspeeds not exceeding 10m/s, as measured or calculated at a height of 10m above ground level at the site of the turbine, the noise due to the turbine shall not exceed La90, 10 min of 35dB in free field conditions at the nearest noise sensitive premises. The noise from the turbine shall not exceed the limit and in addition shall contain no distinct tonal characteristics, as measured at the nearest noise sensitive premises.
4. Four copies of a plan showing a revised car park layout to alleviate queuing onto the A96 requires to be submitted and approved by the planning authority in consultation with the Transportation Section.
5. No development shall take place until the proposed changes to the car park layout, resulting from condition 1 above, has been provided.

**Reasons:**

1. The time limit condition is imposed in order to comply with the requirements of Section 58(i) of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.

2. In order that the Planning Authority may retain control over the use of the site and to ensure that further consideration can be given to the operation, effects and impact of the use approved herewith on the amenity and character of the area.
3. In the interests of amenity of the nearest noise sensitive properties.
4. In the interests of road safety.
5. In the interests of road safety.

On the determination of this application Councillor Murdoch rejoined the meeting.

### **FORRES : WARD 8**

**(e) 09/01093/FUL                      ERECTION OF NEW NHS HOSPITAL AND HEALTH CENTRE  
AND ASSOCIATED SITE WORKS ON SITE ON GRANTOWN  
ROAD, FORRES FOR THE NHS GRAMPIAN**

As intimated under 'Declaration of Interests' the meeting noted that Councillor Bell, in his capacity as a Moray Council representative on NHS Grampian, had taken legal advice in regard to his position relative to this application and was advised that this did not preclude him from participating in the discussion and any subsequent decision.

There was submitted a report by the Appointed Officer recommending that, subject to conditions detailed in the report, planning consent be granted in respect of an application for the erection of a new NHS hospital and health centre and associated site works on a site on Grantown Road, Forres for NHS Grampian.

There were also circulated to members of the Committee, prior to the meeting, in terms of a policy decision of December 1991, a copy of correspondence received, in respect of the application, subsequent to the publication of the Agenda.

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 and that members of the Committee visited the site of the application on Friday 25 September 2009.

Following consideration the Committee agreed to grant delegated authority to the Director of Environmental Services to approve the application, subject to the receipt of satisfactory noise impact information, to confirmation of compliance with policy ER2 (Energy Reduction), to the conclusion of an appropriate legal agreement for the payment of developer contributions, and the following conditions:-

1. The development to which this permission relates must be begun not later than the expiration of 3 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. Prior to the commencement of development, written approval from the Planning Authority must be obtained for the details of the proposed traffic signal controlled junction scheme for Grantown Road/Access Road junction, based on the preliminary proposal shown on drawing Fairhurst 7632/001.
4. Prior to the occupation or operation of the Hospital and Health Centre a Travel Plan, in accordance with the principles set out in PAN75 must be submitted for the approval in writing of the Planning Authority.
5. Prior to the occupation or operation of the Hospital and Health Centre the following measures shall be completed in accordance with the approved details:
  - Widen the footway along the frontage of the site adjacent to Grantown Road to a minimum width of 3.0 metres;
  - Provide a link between the site and the existing footpath network (to connect with Grant Drive).
6. Prior to the occupation or operation of the Hospital and Health Centre the traffic signal controlled junction scheme for the Grantown Road/Access Road junction shall be completed in accordance with the approved details.
7. Prior to the occupation or use of the approved development the parking provision shall be 15 Sheffield type cycle stands, 6 disabled user parking spaces and 114 standard parking spaces.
8. That no development shall take place until a Landscape Scheme (drawn to scale) is submitted to and approved by this Council (as Planning Authority). This Landscape Scheme shall show:-
  - (a) the location of any existing trees, shrubs and hedgerows on the site and identify those to be retained and those to be removed;
  - (b) details of the measures to be taken to protect any existing trees, shrubs and hedgerows during the course of developing the site;
  - (c) details of the numbers, species, position, planting distances and sizes of all planting to be undertaken;
  - (d) the position of any children's play areas and public amenity open space. Details of the surface finishes, boundary enclosures and number, type (for example, inclusion of manufacturer's specification) and position of pieces of play equipment to be provided.
9. That all planting, seeding or turfing forming part of the approved landscape scheme shall be carried out in the first planting and seeding seasons following the occupation of the development or the completion of the building works, whichever is the sooner. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this

Council (as Planning Authority) gives written consent to any variation of this planning condition.

10. 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.
11. Prior to the commencement of development detailed SUDS proposals shall be submitted for the approval in writing of the Planning Authority in consultation with SEPA.

**Reasons:**

1. The time limit condition is imposed in order to comply with the requirements of Section 58(i) of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.
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 an acceptable form of development and the provision of details omitted from the submission.
4. To promote active travel journeys to and from the site to users of the Hospital and Health Centre.
5. To enable walking and cycling journeys from the site in the interests of sustainable development.
6. To provide the level of vehicle access for the scale of development in the interests of connectivity and operation of the road network.
7. To ensure users of the Hospital and Health Centre have access to appropriate parking provision within the site.
8. In order that detailed consideration can be given to the landscaping of the site and provision of any play equipment.
9. 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.
10. In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
11. In order to prevent potential water pollution.

**SUPPLEMENTARY AGENDA ITEMS**

**BUCKIE : WARD 3**

**(f) 08/02475/FUL                    ERECT RETAIL UNIT PETROL FILLING STATION CAR WASH  
TOURIST INFORMATION POINT CREATION OF  
ASSOCIATED ACCESS CAR PARKING AND LANDSCAPING  
AT HIGH STREET, BUCKIE FOR TESCO STORES LIMITED  
AND ROBERTSON PROPERTY LIMITED**

Under reference to Paragraph 5 (b) of the Minute of this Committee dated 23 June 2009 there was submitted a report by the Appointed Officer providing the Committee with an update from the independent retail consultant in relation to the retail impact of the proposal. The report included a statement comprising the conclusions and summary findings from the 'Review of Retail Impact Assessment' prepared by Hargest and Wallace Planning Ltd, who were commissioned by the Council together with further comments on matters arising. A copy of the Retail Impact Assessment by Muir Smith Evans, on behalf of the applicants in support of this application, together with a Review of this prepared by Hargest and Wallace Planning Ltd on behalf of the Council, was placed on the Members Portal and also available at Council's Access Points and on the Council's website.

There was also appended to the report as appendices 1 & 2 respectively a copy of the report considered at the meeting on 23 June 2009 and copies of correspondence received on the application since the previous meeting.

The report recommended that, subject to the completion of a legal agreement prior to the issue of consent and conditions detailed in the report, planning consent be granted.

There were also circulated to members of the Committee, prior to the meeting, in terms of a policy decision of December 1991, copies of correspondence received, in respect of the application, subsequent to the publication of the Agenda.

Prior to considering the application D Duncan, Principal Planning Officer, Planning & Development, advised the meeting in regard to the work which had been undertaken since 23 June 2009.

On the invitation of the Chairman Councillor J Mackay, the Ward 3 Member not on the Committee, addressed the meeting on the application and urged the Committee to support the recommendations and approve the application.

During discussion Mr Hargest and Officers responded to member's question during which it was noted that the Buckie Business Community was in favour of the proposed development and that the Council will take the views of the Community into consideration in regard to the establishment of a Town Centre Management group. In regard to the reference in Condition 15 to a 'cantilever' bus shelter it was agreed that this be amended to relate to a bus shelter of an agreed design.

Following consideration the Committee agreed, on the motion of Councillor A McKay, seconded by Councillor G McDonald, to approve the application, as recommended, subject to the completion of a legal agreement and the following conditions:-

1. The development to which this permission relates must be begun not later than the expiration of 3 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 have been undertaken, and a remediation method statement agreed with the Council as Planning Authority.
4. That the SUDS proposals (as contained in drawing 10571/500 Rev A) must be implemented and operational prior to the occupation of the development, and thereafter maintained throughout the lifetime of the development.
5. That a detailed site specific construction method statement for the particular site must be agreed by this Council as Planning Authority, in consultation with SEPA, prior to the commencement of works on the site and must be implemented in full during works on the site.
6. No development shall commence until evidence is exhibited to the Council, as Planning Authority that an agreement has been reached by the applicant, with Scottish Water, for the provision of drainage and water scheme to serve the development.
7. That no development shall take place until a Landscape Scheme (drawn to scale) is submitted and approved by this Council (as Planning Authority). This Landscape Scheme will show: -
  - a) the location of any existing trees, shrubs and hedgerows on site, and identify those to be retained and those to be removed.
  - b) details of the measures to be taken to protect existing trees, shrubs and hedgerows, during the course of developing the site.
  - c) details of the numbers, species, position, planting distances and sizes of all planting to be undertaken.
8. In respect of the Landscape Scheme referred to in condition 7 above, this should make provision for hedge planting along the southern boundary of the site.
9. That all planting, seeding, or turfing forming part of the approved landscape scheme shall be carried out in the first planting and seeding seasons following the occupation of the development or the completion of the building works whichever is the sooner. Any trees or plants which (within a period of 5 years from planting) die, are removed or become damaged or diseased, shall be replaced in the following planting season with others of a similar size, number and species unless the Council (as Planning Authority) gives written consent to any variation of this planning condition.
10. That a Schedule of Maintenance for the landscape areas and recreational areas shall be submitted to and approved by this Council (as Planning Authority) prior to

occupation of the 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.

11. Prior to the commencement of the development, written approval from the Council as Planning and Roads Authority must be obtained for the details of
  - 1) the design of the access road, including new roundabout.
  - 2) the design of the junction improvement at the High Street/Whispering Meadows roundabout.
  - 3) the design for bus stops and bus shelter on High Street.
  - 4) a Travel Plan for the development in accordance with the principles set out in PAN 75.
12. Prior to the commencement of trading on site, the access road and new roundabout must be completed in accordance with the plans approved by the Planning Authority, in consultation with the Roads Authority. (Condition 11 refers)
13. Prior to the commencement of trading on site, the junction improvement at the High Street/Whispering Meadows roundabout (indicated on drawings 1613(P) 010 and 119990-32 SK007) must be completed in accordance with the plans approved by the Planning Authority, in consultation with the Roads Authority. (Condition 11 refers)
14. 'Prior to the commencement of trading on site, new bus stops and a bus shelter of an agreed design must be completed in accordance with plans approved by the Planning Authority, in consultation with the Roads Authority. (Condition 11 refers)'
15. Prior to the commencement of trading on site of the approved development, the following parking provision shall be provided on site and made available for use: 174 standard spaces; 7 parent and toddler spaces; 11 disabled user spaces; and thereafter the parking arrangements shall be permanently maintained for use in conjunction with the development.
16. Prior to commencement of trading, the service yard shall be provided to allow an inbound articulated lorry to wait off the access road, in accordance with drawing 1613(P) 010.
17. No water shall be permitted to drain, or loose material to be carried, onto the public carriageway.
18. No boundary fences, hedges, walls, or any other obstruction whatsoever over 1.0m in height and fronting on to the public road shall be within 2.5m of the edges of the carriageway.
19. No part of a sign shall be lower than 2.5m above the public footpath. No part of a sign shall be closer than 0.5m of the edge of the public carriageway.

20. Prior to the commencement of development, details of the location of secure "Sheffield" type cycle parking facilities for a minimum of 12 cycles shall be provided, for approval in writing by the Planning Authority.
21. Prior to the commencement of trading on site, the secure "Sheffield" type cycle parking must be completed in accordance with the plans approved by the Planning Authority and made available for use.
22. Prior to development commencing a revised layout plan shall be submitted to and approved in writing by the Council as Planning Authority regarding the location of the recycle centre.
23. In respect of all roof mounted fixed plant and service yard fixed plant;
  - (a) any installation shall provide sound attenuation such that the noise emitted from these louvres shall not exceed International Standards Organisation (ISO) Noise Rating (NR) 30 between 0700 and 2300 hours, and Noise Rating (NR) 25 between 2300 and 0700 hours. Both criteria will apply to any neighbouring premises, with windows partially open, when measured and/or calculated and plotted on an ISO rating curve chart; and
  - (b) prior to the use commencing and when final details of all fixed plant are known, an assessment of cumulative plant noise shall be carried out by the developer, and the findings shall be reported in writing to the Council, as Planning Authority confirming that both noises rating criteria (NR 30 and 25) can be complied with.
24. Vehicle deliveries to the service yard shall only be permitted between 0700 and 2300 hours.
25. A full height roller shutter door shall be installed at the entrance and exit of the car wash, in accordance with the mitigation measures detailed in section 3.3.4 of the addendum noise report by Sharps Redmore Partnership, dated 2nd June 2009. The hours of operation of the car wash shall be restricted to between 0800 and 2000 hours.
26. Prior to the commencement of development, a detailed Service Yard Management Plan shall be submitted and approved in writing by the Planning Authority.
27. Tanker deliveries to the petrol filling station shall only be permitted between 0800 and 2000 hours.
28. A 3.5m acoustic fence shall be installed around the service yard in accordance with details submitted on drawing no. 1613(P) 011 by Ian Burke Associates and titled "Boundary Fence Typical Details". The acoustic performance of the fence shall be equal to or better than Appendix E of the Noise Impact Assessment by Sharps Redmore Partnership, dated 26th May 2009. The roll cages from delivery vehicles shall be off-loaded using a scissor lift located within an enclosed loading dock as detailed in Section 5.4 and Appendix D, figure 3 of the above Noise Impact Assessment report.

29. No internal alterations which would result in an increase in the total gross floorspace of the development shall be carried out without the prior consent, in writing, of 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 of 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.
4. In order to prevent water pollution.
5. In order to prevent water pollution.
6. In order to ensure that the site can be adequately serviced.
7. In order that detailed consideration can be given to the landscaping of the site.
8. In the interests of amenity.
9. 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.
10. In order to ensure that landscaping/recreational areas are provided timeously with appropriate arrangements for maintenance in place.
11. In the interests of an acceptable form or development and the provision of details currently lacking in the submission.
12. In the interests of road safety and traffic management.
13. In the interests of road safety and traffic management.
14. In the interests of sustainable development.
15. To ensure a satisfactory level of parking is provided at all times for use in conjunction with the development in accordance with maximum car parking requirements specified in SPP17.
16. In the interests of road safety and traffic management.
17. In the interests of road safety.

18. In the interests of road safety.
19. In the interests of road safety.
20. In the interests of sustainable development.
21. To ensure adequate provision of cycle parking facilities are available for use in conjunction with the development.
22. To ensure an acceptable form of development where the recycle centre is no longer located directly underneath a high voltage overhead line which crosses the site.
23. In the interests of amenity.
24. In the interests of amenity.
25. In the interests of amenity.
26. In the interests of amenity.
27. In the interests of amenity.
28. In the interests of amenity.
29. In order to control the nature of the development hereby approved and in accordance with the details submitted.

#### **ELGIN CITY SOUTH : WARD 7**

**(g) 09/01272/FUL                      DEVELOP      128      DWELLINGS      INCLUDING      73  
COUNCIL/AFFORDABLE HOMES AT R3 LINKWOOD EAST  
ELGIN FOR SPRINGFIELD PROPERTIES & MORAY  
COUNCIL**

There was submitted a report by the Appointed Officer recommending that, subject to conditions detailed in the report, referral to Scottish Ministers and the conclusion of an appropriate legal agreement for developer contributions toward the new cemetery for Elgin and public transport, the Director of Environmental Services be granted delegated authority to approve an application, as an acceptable departure, for planning consent to develop 128 dwellings, including 73 Council/affordable homes at R3 Linkwood East, Elgin for Springfield Properties and Moray Council.

There were also circulated to members of the Committee, prior to the meeting, in terms of a policy decision of December 1991, copies of correspondence in respect of the application received subsequent to the meeting of 23 June 2009.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation given that the application is a major development, exceeding 50 houses. The report also advised that whilst the application had been advertised as a departure from the Development Plan, to which objections had been received, there would be no requirement for a Hearing given that the departure was not considered, in terms of the

Scheme of Delegation, as significant or material and none of the objections related to the reason for departure. However given that there was still an unresolved objection from a statutory consultee, SEPA, then were the Committee minded to approve the application it would require to be referred to Scottish Ministers. Members of the Committee visited the site of the application on Friday 25 September 2009.

Prior to considering the application the Director of Environmental Services advised the meeting in regard to the terms of an email from one of the objectors to the application, which had been brought to his attention. The meeting noted that, according to the objector on 4 September 2009 properties on the adjoining site had taken in water in the foundations due to the soakaways being unable to cope. In response the applicant, who had been given the opportunity to comment, had expressed the view that this was an isolated incident and that water had entered the solum and not the house and the matter was being dealt with by the after sales service. It was noted that Officers of the Council have not had the opportunity to investigate these allegations and it was suggested that consideration of the application be deferred to allow for the matter to be investigated and a report thereon be submitted at the earliest opportunity.

Clarification was also sought in regard to the number of completions, across Elgin South, referred to in Condition 19 which triggers the provision of a new roundabout at A941 New Elgin Road/Edgar Road/Linkwood Road junction. It was noted that in regard to the proposals in the Elgin South Masterplan relative to the Ashgrove Road/A96 road junction agreement has been reached with the Developer and Trunk Roads to make a developer contribution rather than road improvements. It was also noted that the Developer has agreed to provide an appropriate crossing facility on Reiket Lane.

Following consideration the Committee agreed to defer consideration of the application for clarification on the issue of alleged flooding on the adjoining site and that this, together with an update on the number of completions, to date, of units of accommodation across Elgin South, be brought back to Committee at the earliest opportunity.

## **INFORMATION REPORTS**

### **SPEYSIDE GLENLIVET : WARD 1**

#### **(h) 08/01200/S36                    CONSTRUCT AND OPERATE A WIND FARM AT DORENELL GLENFIDDOCH ESTATE SOUTH EAST OF DUFFTOWN FOR INFINERGY**

Councillor Murdoch declared a personal interest in this matter and took no part in the discussion.

There was submitted an information note in regard to the progress of a Section 36 Consultation in regard to constructing and operating a wind farm at Dorenell, Glenfiddoch Estate, South East of Dufftown for Infinergy.

The report was augmented by an oral report by the Director of Environmental Services and the meeting noted that it was proposed to hold a special meeting of the Committee to consider the Section 36 Consultation at 2.00pm on Tuesday 13 October 2009. Site visits to be arranged prior to the meeting.

The meeting noted the current position.

- (i) **08/00077/EIA, 09/00796/FUL & 08/00078/LBC**      **CONSTRUCT ELGIN FLOOD ALLEVIATION SCHEME BETWEEN GLEN MORAY DISTILLERY AND PITGAVENY (INCLUDES ALTERATIONS TO LISTED BUILDINGS AT MARY WELL MANSION HOUSE HOTEL AND BISHOPMILL BRIDGE) AT RIVER LOSSIE ELGIN FOR THE MORAY COUNCIL**

There was submitted an information note in regard to the progress of an application to construct the Elgin Flood Alleviation Scheme between Glen Moray Distillery and Pitgaveny, including alterations to Listed Buildings at Mary Well, the Mansion House Hotel and Bishopmill Bridge, for The Moray Council.

### **Suspension of Standing Orders**

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

The report was augmented by an oral report by the Director of Environmental Services in regard to arrangements for Committee consideration of the applications and it was noted that it is proposed to hold site visits on the morning of Friday 2 October 2009 with a special meeting of the Committee arranged for 2pm on Wednesday 7 October 2009.

The Director also advised the meeting that he was not recommending a Hearing given that the Elgin Flood Alleviation Scheme is well heralded in terms of the Local Plan which has been recently approved and in consequence is well bedded within the policies of the Council. Also in preparing the flood scheme it was the whole Council that took the decision as to the format which that should take and that has been reflected in terms of the flood prevention order and also reflected in the planning application.

The meeting noted the current position and arrangements for Committee consideration of the applications.

### **ADJOURNMENT OF MEETING**

The meeting agreed to adjourn (12.47 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 2.54 p.m and the following Members were present.

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

### **APOLOGIES**

Apologies for absence were intimated on behalf of Councillor J. Hamilton, M McConachie and A Wright.

### **IN ATTENDANCE**

The Director of Environmental Services, Head of Development Services, the Planning & Development Manager, R Gerring, Senior Engineer (Transport Development), M Cross, Principal Planning Officer (Planning & Development), S Innes, Principal Environmental Health Officer, G Murray, Technical Officer (Environmental Health, A Scott, Principal Solicitor (Commercial and Conveyancing), D Westmacott, Apprentice Committee Services Officer and the Senior Committee Services Officer, Clerk to the Meeting.

#### **4. MORAY HOUSING LAND AUDIT**

There was submitted a report by the Director of Environmental Services advising the Committee of the housing land supply situation in Moray and seeking approval of the final version of the Moray Housing Land Audit 2009, details of which were set out in the report. There was appended to the report as Appendix 1 details of the agreed triggers for the release of LONG term sites. A copy of the whole audit was placed in the Member's library.

Following consideration the Committee agreed:

- (i) to note the housing land supply in Moray;
- (ii) that there is no requirement to release additional LONG term sites; and
- (iii) to approve the finalised Moray Housing Land Audit 2009 for publication.

#### **5. SUPPLEMENTARY PLANNING GUIDANCE : DEVELOPER REQUIREMENTS FOR HOUSING**

Under reference to Paragraph 6 of the Minute of this Committee dated 12 May 2009 there was submitted a report by the Director of Environmental Services advising the Committee of the responses received following consultation on the Supplementary Planning Guidance (SPG) on Developer Requirements for Housing and seeking approval of the proposed changes to the Guidance, in light of the responses. Details of the consultation responses and recommendations were set out in Appendix 1 to the report.

Following consideration the Committee agreed to:-

- (i) approve the proposed changes to the SPG in response to the consultation period, as set out in Appendix 1;
- (ii) submit a report on the consultation stage to the Scottish Government, for their consideration; and
- (iii) adopt the SPG, subject to clearance from the Scottish Government.

## 6. 2009 AIR QUALITY UPDATING AND SCREENING ASSESSMENT

There was submitted a report by the Director of Environmental Services inviting the Committee to note the conclusions and proposed actions following the 2009 Air Quality Updating and Screening Assessment undertaken by BMT Cordah on behalf of The Moray Council.

The meeting noted that Part IV of the Environmental Act 1995 requires each local authority, on an annual basis, to review and assess air quality in its area and to determine whether or not air quality objectives are likely to be achieved. A copy of the BMT Cordah 2009 Air Quality Updating & Screening Assessment, undertaken on behalf of the Council, had been placed in the Member's library.

Following consideration the Committee agreed to note:-

- (i) that in regard to the BMT Cordah 2009 Air Quality Updating and Screening Assessment report:-
  - (a) the conclusions and proposed actions in the report;
  - (b) that the measured concentrations of NO<sub>2</sub> at the western end of the High Street in Elgin are close to the National Air Quality Strategy objectives; and
  - (c) that additional diffusion tubes have been sited in two locations in Rothes and at Hay Street and Newmill Road, Elgin.
- (ii) that air quality impacts of any new industrial, commercial or biomass developments or ant traffic management scheme proposed for Elgin require to be fully considered before implementation.

## 7. MORAY TRUSTED TRADER SCHEME

There was submitted a report by the Director of Environmental Services seeking approval of proposals for the implementation of a trusted trader scheme within Moray, details of which were set out in the report.

The meeting noted that the Scottish Government has committed itself to the improvement of Scottish housing and part of this strategy involves encouraging property owners to both carry out regular maintenance and remedial work on their properties. The Housing (Scotland) Act 2006 introduced the philosophy of a Scheme of Assistance to be introduced to give householders a greater range of knowledge, advice and assistance to help them meet their needs and responsibilities when undertaking home repairs. One part of this assistance was the intent for a national trusted trader framework to be established.

Following consideration the Committee agreed to defer consideration of the proposals to allow for appropriate community consultation to be undertaken, the submission of information in regard to the number and type of complaints received and an update on the National Scheme.

## **8. QUESTION TIME**

Given the number of planning applications requiring comments regarding core path footways Councillor Murdoch sought clarification as to whether there was a requirement to consult with the Council's Access Officer. In response the meeting noted that the Environmental Protection Manager is a consultee and if he considered there were core path or footway issues he would consult with the Access Officer. It was also noted that the Head of Development Services would look into the consultation process and take action to ensure that where appropriate the Access Officer is consulted on any planning application where there is or may be a core path or footway issue.

## **9. SERVICE OF MAINTENANCE ORDER ON OWNER OF PROPERTY AT SPRINGFIELD ROAD, NEW ELGIN (PARA 13)**

There was submitted a report by the Director of Environmental Services inviting the Committee to consider serving a Maintenance Order on the owner of a property at Springfield Road, New Elgin, details of which were set out in the report.

Following consideration the Committee agreed :-

- (i) to serve a Maintenance Order on the owner of a property at Springfield Road, New Elgin in respect of the condition of the property as detailed in the report; and
- (ii) that a further report be provided to the Committee on the progress and any implications to the Council on the Local Authority having to devise a Maintenance Plan.