

## **THE MORAY COUNCIL**

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

**TUESDAY 9 FEBRUARY 2010**

**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, D Stewart and A Wright.

#### **APOLOGIES**

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

#### **IN ATTENDANCE**

The Director of Environmental Services, Head of Development Services, the Planning & Development Manager, A Burnie, Principal Planning Officer (Development Control) in respect of Item 3, M Cross, Principal Planning Officer (Planning & Development), R Gerring, Senior Engineer (Transport Development), A Scott, 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 the meeting noted that there were no 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 the Items of business appearing at the relevant paragraphs of this minute as specified below, so as to avoid disclosure of exempt information of the class described in the appropriate paragraphs of Part 1 of Schedule 7A of the Act.

#### **2. WRITTEN QUESTIONS**

There were no written questions.

### 3. PLANNING APPLICATIONS

#### KEITH & CULLEN : WARD 2

- (a) **09/02323/APP PROPOSED EXTENSION AND INTERNAL ALTERATIONS TO FORM MULTI AGENCY BASE AT KEITH GRAMMAR SCHOOL, SCHOOL ROAD, KEITH 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 proposed extension and internal alterations to form a multi agency base at Keith Grammar School, School Road, Keith for The Moray Council.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as the Council is the applicant. It was also noted that members of the Committee visited the site of the application on Friday 5 February 2010.

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

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 applicant shall complete the attached notification of initiation of development and submit it to the local planning authority.
4. 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.

#### 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 ensure that the planning authority is aware that development is about to commence and any suspensive conditions can be followed up.
4. To ensure that the planning authority is aware that the development is complete and is able to follow up any conditions.

**BUCKIE : WARD 3**

- (b) 09/02212/APP ALTER AND EXTEND THE EXISTING SPECIAL EDUCATION NEEDS/DINING BLOCK BY ADDING 3 ROOMS AND A VESTIBULE AND ALTERING AN EXISTING ROOM AT BUCKIE HIGH SCHOOL AND BUCKIE SWIMMING POOL, WEST CATHCART STREET, BUCKIE 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 to alter and extend the existing special education needs/dining block by adding three rooms and a vestibule and altering an existing room at Buckie High School and Buckie Swimming Pool, West Cathcart Street, Buckie for The Moray Council.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as the Council is the applicant. It was also noted that members of the Committee visited the site of the application on Friday 5 February 2010.

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. 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.
4. 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.

**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 ensure that the planning authority is aware that development is about to commence and any suspensive conditions can be followed up.

4. To ensure that the planning authority is aware that the development is complete and is able to follow up any conditions.

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

**(c) 09/02279/APP CHANGE OF USE OF AMENITY GROUND TO PRIVATE GARDEN GROUND AND ERECT 1.000M HIGH FENCE AT 19 LENNOX PLACE, PORTGORDON FOR MR AND MRS MALCOLM SAMMONS**

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 amenity ground to private garden ground and erect a 1m high fence at 19 Lennox Place, Portgordon for Mr & Mrs M Sammons.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as the application related to land in which the planning authority has a financial interest. The meeting also noted that the application had been advertised under neighbour notification procedures, as there are no premises on the land adjacent to the site, and as a departure to the development plan. The report also advised that whilst an objection had been received it addressed the question of amenity loss to the objector's property and not the issue of the departure from the Local Plan by the abstraction of ENV land and therefore were the Committee 'minded to approve' the application a hearing would not be required.

Following consideration the Committee agreed to approve the application, as an acceptable departure, subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of 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 applicant shall complete the attached notification of initiation of development and submit it to the local planning authority.
4. 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.

#### **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 ensure that the planning authority is aware that development is about to commence and any suspensive conditions can be followed up.
4. To ensure that the planning authority is aware that the development is complete and is able to follow up any conditions.

#### **HELDON AND LAICH: WARD 5**

- (d) **09/02063/APP AMEND CONDITION 4 OF PERMISSION 00/02000/FUL TO ALLOW THE USE OF STATIC CARAVANS AT THE SITE FOR HOLIDAY PURPOSES ONLY (AS DEFINED ELSEWHERE IN THIS PERMISSION) DURING THE PERIOD OF 1ST JANUARY TO 15TH JANUARY AND 15TH FEBRUARY TO 31ST DECEMBER IN ANY YEAR AT LOSSIEMOUTH CARAVAN PARK, SEATOWN, LOSSIEMOUTH FOR CHRISTIE PARKS LIMITED**

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 amend condition 4 of permission 00/02000/FUL to allow the use of static caravans at the site for holiday purposes only, as defined elsewhere in the permission, during the period of 1st January to 15th January and 15th February to 31st December in any year at Lossiemouth Caravan Park, Seatown, Lossiemouth for Christie Parks Limited

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as the Appointed Officer considers that conditions controlling occupancy of holiday caravans is an issue of wider community interest as the decision will potentially affect other holiday caravan sites in Moray and also that the site extends over 2 hectares. The meeting also noted that members of the Committee visited the site of the application on Friday 5 February 2010.

Prior to considering the application clarification was sought in regard to the reference in the report to 'The decision on this application will dictate practice for future applications for holiday caravans'. In noting that it was being suggested that the outcome of this application be used as a 'material consideration' in respect of future applications for holiday caravans the meeting was reminded that applications required to be considered on their individual merits against current Development Plan policies. Following discussion it was agreed that the outcome of this application would not be used as a 'material consideration' in respect of future application for holiday caravans and that a report on the interpretation of policy relating to occupancy periods with information on all holiday caravans within Moray be submitted to a future meeting of the Committee.

During discussion reference was also made to Sliver Sands Caravan Site, Lossiemouth which had been granted an eleven month holiday use under delegation and clarification was sought as to why that application had not come before the Committee. The meeting noted that the application had been considered under the previous Scheme of Delegation in May 2008 and that under the current Scheme of Delegation the application under consideration required to be referred to Committee as the caravan site is over 2 hectares.



**(e) 09/02219/APP PROPOSED EXTENSION TO EXISTING HIGH SCHOOL TO PROVIDE NEW LOCALITY TEAM BASE AT LOSSIEMOUTH HIGH SCHOOL, COULARDBANK ROAD, LOSSIEMOUTH 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 proposed extension to the existing High School to provide a new locality team base at Lossiemouth High School, Coularbank Road, Lossiemouth for The Moray Council.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as the Council is the applicant. It was also noted that members of the Committee visited the site of the application on Friday 5 February 2010.

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. 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.
3. 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.

**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. To ensure that the planning authority is aware that development is about to commence and any suspensive conditions can be followed up.
3. To ensure that the planning authority is aware that the development is complete and is able to follow up any conditions.

**ELGIN CITY NORTH : WARD 6**

**(f) 09/02062/APP PROPOSED CO-LOCATED CHILD PROTECTION UNIT AT SITE AT DUNCAN DRIVE, 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 approved in respect of an application in regard to the proposed co-located child protection unit at a site at Duncan Drive, Elgin for The Moray Council.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as the Council is the applicant. It was also noted that members of the Committee visited the site of the application on Friday 5 February 2010.

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. 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.
4. 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.
5. Notwithstanding the details shown on the approved plans, and prior to development works commencing, details shall be submitted to and approved by the Council, as planning authority to
  - a) confirm the location of the boundary fence.
  - b) i) identify and confirm the location and species of all trees to be retained; and  
ii) the arrangements to protect trees during and after constructionand
  - c) thereafter these trees as identified shall be protected and maintained both during and after the construction phase of the development in accordance with the approved details
6. The width of the vehicular access shall be as shown on drawing no 0816-31 Rev C and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway.
7. No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.
8. Two private and 10 communal parking spaces shall be provided within the site and made available for use at all times in conjunction with the development.
9. A turning area shall be provided within the curtilage of the site to enable vehicles to enter and exit in a forward gear.

10. A pedestrian connection to the remote footpath, which runs alongside the eastern boundary of the site, as shown in drawing no 0816-31 Rev C shall be provided prior to the first use of the development commencing.
11. Prior to development commencing full details of the street lighting shall be submitted to and agreed in writing with the Planning Authority. Thereafter the development shall be carried out in complete 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 ensure that the planning authority is aware that development is about to commence and any suspensive conditions can be followed up.
4. To ensure that the planning authority is aware that the development is complete and is able to follow up any conditions.
5. In the interest of the amenity of the surrounding area.
6. In the interests of road safety.
7. In the interests of road safety.
8. In the interests of road safety.
9. In the interests of road safety.
10. In the interests of road safety.
11. In the interests of road safety.

**FORRES : WARD 8**

**(g) 09/01950/APP INSTALL OIL TANK AT 196 FINDHORN, FORRES FOR MR AND MRS IAIN YOUNG**

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 install an oil tank at 196 Findhorn, Forres for Mr & Mrs Iain Young

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as the applicant is an Elected Member of the Council.

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. 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.
4. 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.

**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 ensure that the planning authority is aware that development is about to commence and any suspensive conditions can be followed up.
4. To ensure that the planning authority is aware that the development is complete and is able to follow up any conditions.

**4. MORAY LOCAL PLAN 2008 : DEVELOPMENT BRIEFS : RESULTS OF CONSULTATION EXERCISE**

Under reference to paragraph 5 of the Minute of the Committee dated 24 November 2009 there was submitted a report by the Director of Environmental Services inviting the Committee to consider the consultation responses received in regard to the Draft Development Briefs for sites in Cullen, Findochty and Portknockie, details of which were summarised in Appendix 1 along with recommendations in respect of the each of the responses. The report also recommended that the Committee approve the recommendations on the responses, agree the changes as required and adopt the amended Briefs as Supplementary Planning Guidelines.

The Planning and Development Manager referred Members to Section 4 (d) of the report and advised that no further consultation comments had been received by the deadline of 22 January 2010.

Following consideration the Committee agreed to:-

- (i) amend the terms of the Briefs, as per the recommendations set out in Appendix 1 to the report; and
- (ii) adopt the Development Briefs as Supplementary Planning Guidelines.

## **5. URBAN DESIGN GUIDE : SUPPLEMENTRY PLANNING GUIDANCE RESULTS OF CONSULTATION EXERCISE**

Under reference to Paragraph 6 of the Minute of the meeting of this Committee dated 24 November 2009 there was submitted a report by the Director of Environmental Services inviting the Committee to consider the consultation responses received in regard to a Draft Urban Design Guide for Moray, details of which were summarised in Appendix 1 along with recommendations in respect of the each of the responses. The report also recommended that the Committee approve the recommendations on the responses, agree the changes as required and adopt the amended Urban Design Guide as Supplementary Planning Guidelines.

The Planning and Development Manager referred Members to Section 4 (d) of the report and advised that no further consultation comments had been received by the deadline of 22 January 2010.

Following consideration the Committee agreed to:-

- (i) amend the Urban Design Guide, as per the recommendations set out in Appendix 1 to the report;
- (ii) grant delegated authority to the Director of Environmental Services, in consultation with Chair and Deputy Chair, to make further changes in light of publication of the revision of Designing Streets; and
- (iii) adopt the Urban Design Guide as Supplementary Planning Guidance

## **6. BURGHEAD CONSERVATION AREA DESIGNATION**

Under reference to Paragraph 4 of the Minute of the meeting of this Committee dated 4 August 2009 there was submitted a report by the Director of Environmental Services inviting the Committee to consider the comments received during the public consultation on the proposals to designate part of Burghead as a conservation area. There were appended to the report as Appendices 1, 2, 3 & 4 respectively, maps of the conservation area boundaries proposed by the Council and those proposed by the former Burghead and Cummingston Community Council, a summary of the comments received, maps showing the Character Appraisal Principal Zones and Historical Information and a map highlighting the proposed conservation area.

The meeting also noted that the reference to 'North Quay' in recommendation 2.1 (ii) of the report required to be amended to refer to the 'Harbour Area'.

Following consideration the Committee agreed:-

- (i) to note the summary of the comments received during the consultation period, set out in section 4 of the report, and approve the designation of a smaller conservation area than that proposed in the consultation, concentrated on the Harbour Area and Promontory, as detailed in Appendix 4 of the report, and to instruct appropriate legislative requirements to be carried out; and
- (ii) that the Burghead Conservation Area Character Appraisal is a material consideration in the determination of planning applications within the designated conservation area.

## **7. QUESTION TIME**

Councillor Divers asked if it would be possible to apply a planning condition on housing developments to ensure that that until roads within the development are adopted by the Council the Developer is responsible for ensuring that the roads and pavements within the development are gritted during periods of heavy snow and ice.

The Director of Environmental Services undertook to investigate the request and submit a report thereon to a future meeting of the Committee.

Councillor Murdoch asked if it would be possible to speed up the process in respect of applications from businesses whose properties have been damaged or had to be demolished by the exceptional recent spells of heavy snow and cannot get back into operation without going through the whole planning procedure.

The Head of Development Services advised the meeting that officials within the Planning Section had considered this issue and a procedure note was issued to Members advising that each application would be considered on its merits and where planning consent was required every effort would be made to assist the process, but that it was not possible waive the need to obtain planning consent if this was required.