

THE MORAY COUNCIL

MINUTE OF MEETING OF THE PLANNING & REGULATORY SERVICES COMMITTEE

TUESDAY 1 JUNE 2010

COUNCIL OFFICE, ELGIN

PRESENT

Councillors J Russell (Deputy Chair), G Coull, J. Divers, J. Hamilton M McConachie. A McDonald, G McDonald, A McKay, D Stewart and A Wright.

APOLOGIES

Apologies for absence were intimated on behalf of Councillor S. Cree (Chair), L Bell and F Murdoch.

IN ATTENDANCE

The Head of Development Services, the Planning & Development Manager, A Burnie, Principal Planning Officer (Development Control) in respect of Item 3, R Gerring, Senior Engineer (Transportation), A Scott, Principal Solicitor (Commercial and Conveyancing) and the Senior Committee Services Officer, Clerk to the Meeting.

1. CHAIR

In the absence of the Chairman the chair was taken by the Deputy Chair Councillor J Russell.

2. DECLARATION OF GROUP DECISIONS

In terms of Standing Order 20 and the Councillor's Code of Conduct 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.

3. WRITTEN QUESTIONS

There were no written questions.

4. PLANNING APPLICATIONS

The meeting agreed to vary the order of applications, set out in the Appointed Officer's report and consider the applications as follows:

(a) 10/01020/EIA CONSTRUCT THE FORRES (RIVER FINDHORN AND PILMUIR) FLOOD ALLEVIATION SCHEME AT PILMUIR AND ALONG ADJACENT TO THE RIVER FINDHORN FROM THE A96 ROADBRIDGE TO THE BACKRUN FORRES FOR THE MORAY COUNCIL

There was submitted a report by the Appointed Officer recommending that, subject to the adoption of the SNH 'Appraisal' as the Council's 'Appropriate Assessment' of the impact of the Forres (River Findhorn and Pilmuir) Flood Alleviation Scheme on the Moray & Nairn Coast SPA and Ramsar site and finalising conditions, as recommended, to include those in the summary of conditions detailed in the report on the application, the Appointed Officer be granted delegated powers to approve the application, as amended to construct the Forres (River Findhorn and Pilmuir) Flood Alleviation Scheme at Pilmuir and along adjacent to the River Findhorn from the A96 Roadbridge to the Backrun, Forres for The Moray Council.

The meeting noted that the application had been referred to Committee, in terms of the Scheme of Delegation, as a major application and as the Council is the applicant. The meeting also noted that the application had been advertised as a departure from the Development Plan and under the current EIA Regulations and Listed Buildings and Conservation Area Regulations to which 12 representations had been received, a summary of which was set out in Appendix 4 to the Appointed Officer's report. The departures from the Development Plan were not, in terms of the scheme of delegation, considered 'significant' and were the Committee 'minded to approve' the application notification to Scottish Ministers under Circular 3/2009 would not be required neither would there be a requirement for a pre-determination hearing and referral to Council or a Hearing.

A Burnie, Principal Planning Officer gave a brief overview of the application and thereafter officers responded to members questions during which it was noted:-

- (a) that Forres Community Council had not responded to the formal consultation on the application;
- (b) that in regard to the closure of the Bridge of Moy every effort will be made to minimise disruption to commuters and that alternative temporary transport provision, during the closure, from the Broom of Moy area to Forres will be investigated and Members advised of the outcome;
- (c) that the Environmental Protection Manager will advise Ward members of the temporary arrangements which will be put in place for public waste recycling facilities;
- (d) that, prior to the commencement of any construction work on the raising of the A96 a Minute of Agreement and cycle and roads safety audit will require to be agreed between Transport Scotland and the applicant, The Moray Council. This will include design standards, construction and maintenance of the work to the A96 and diversion routes which will be the responsibility of the Council, as the applicant, during the construction period; and
- (e) that any requests to vary the permitted hours of construction works for an extended period be referred to Committee for consideration and determination.

Following consideration the Committee agreed to grant delegated powers to the Appointed Officer to approve the application, as amended, subject to:

- (ii) the adoption of the SNH 'Appraisal' as the Council's 'Appropriate Assessment' of the impact of the Forres (River Findhorn and Pilmuir) Flood Alleviation Scheme on the Moray & Nairn Coast SPA and Ramsar site; and
- (iii) finalising conditions, as recommended, to include those in the summary of conditions detailed in the report on the application.

(b) 09/02265/APP VARY CONDITIONS 3 (6) AND 5 OF PLANNING CONSENT 08/02039/FUL FOR 119 HOUSES AND 30 FLATS TO ALLOW THE DEVELOPMENT TO PROCEED WITHOUT THE PROVISION OF A ROAD LINK BETWEEN THE SITE AND REYNOLDS CRESCENT AT R2 WAULKMILL REIKET LANE ELGIN FOR SPRINGFIELD PLC

There was submitted a report by the Appointed Officer recommending that, for reasons detailed in the report, full planning consent be refused in respect of an application to Vary Conditions 3(6) and 5 of planning consent 08/02039/FUL for 119 houses and 30 flats to allow the development to proceed without the provision of a road link between the site and Reynolds Crescent at R2 Waulkmill, Reiket Lane, Elgin for Springfield PLC.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation, as a significant amendment was proposed to an application previously approved by Committee on 16 December 2008 (Paragraph 2 (ii) of the Minute refers).

The Head of Development Services advised the meeting that the application, as submitted, sought to vary Conditions 3(6) and 5 of consent in regard to planning application 08/02039/FUL by removing the requirement to provide a road link between the site and Reynolds Crescent and not to vary the 'trigger' at which point the road link is to be provided. The Head of Development Services also advised that the 'trigger' related to the commencement of 20 house starts which had been exceeded and the submission of the application was the applicant's response to the breach of conditions. The meeting also noted that the road link is required in terms of road safety to meet the requirements of the Scottish Government National Policy documents 'Designing Places' and 'Designing Streets' which set out a national framework to deliver better standards of urban design and Policy T2 of the Moray Local Plan 2008 which requires the Council to ensure that a 'suitable and safe road access' from the public highway is provided to serve new developments and where appropriate and necessary modifications to the existing road network to mitigate the impact of development traffic. It was also noted that the land which is required for the road link is outwith the ownership of the applicant and negotiations are ongoing with the owner and in which Council officials have been mediating to try and assist in reaching an amicable agreement.

Following consideration Councillor Divers moved that consideration of the application be deferred to the next meeting of the Committee to allow the applicant the opportunity to consider submitting an amended application requesting a variation to Conditions 3 (6) and 5 in regard to the 'trigger' for the requirement to provide a link between the site and Reynolds

Crescent and for negotiations for the land required for the link to continue. This was seconded by Councillor A McKay.

As an amendment Councillor Wright, seconded by Councillor Hamilton, moved that the application, as submitted, be refused and the applicant invited to consider submitting an amended application requesting a variation to Conditions 3 (6) and 5 in regard to the 'trigger' for the requirement to provide a link between the site and Reynolds Crescent.

Following further discussion and with the agreement of his seconder, Councillor Wright withdrew his amendment in favour of the motion.

There being no-one otherwise minded the motion became the finding of the meeting and it was agreed to defer consideration of the application to the next meeting of the Committee to allow the applicant the opportunity to consider submitting an amended application requesting a variation to Condition 3 (6) and 5 in regard to the 'trigger' for the requirement to provide a link between the site and Reynolds Crescent and for negotiations for the land required for the link to continue.

It was also agreed that the next report to Committee would address the monitoring and enforcement of conditions.

(c) 09/00612/FUL MASTER PLAN FOR HOUSING DEVELOPMENT AT TOMNABENT ABERLOUR FOR MR GAVIN STRATHDEE

There was submitted a report by the Appointed Officer recommending that, subject to conditions detailed in the report, full planning consent be granted in respect of an application relating to a master plan for a housing development at Tomnabent, Aberlour for Mr Gavin Strathdee.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as the Appointed Officer considered, following the consultation process, that the application raises matters of wider community interest and/or planning significance.

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. Prior to further development taking place the submitted proposals for planting and associated works in the areas marked 1-13 shall be carried out in the first planting and seeding season following the date of this approval.
6. No further development shall take place until a Roads Construction Consent and Roads Bond are in place.
7. No boundary fences, hedges, walls or any obstruction whatsoever over 1.0 m in height and fronting onto the public road shall be within 2.4 m of the edge of the carriageway.
8. No water shall be permitted to drain or loose material be carried onto the prospective public footpath/carriageway.
9. Two private car parking spaces for up to a 3 bedroomed dwelling and three private car parking spaces for a 4 or more bedroomed dwelling shall be provided.
10. A turning area shall be provided within the curtilage of the site to enable vehicles to enter/exit in a forward gear.
11. The access radii shall be 7.6m be kerbed using 254 x 127mm splayed/half battered precast concrete kerbs to the Moray Council specification.
12. A visibility splay of 4.5m x 160m shall be provided and maintained at the main access in both directions.
13. A visibility splay of 4.5m x 160m shall be provided and maintained at the second access in both directions.
14. New boundary walls/fences shall be set back from the edge of the public road at a distance of 2.0 metres.
15. Houses requiring 2 parking spaces shall have a driveway length of 6.0m minimum in front of garage to permit a second car to park, unless alternative parking arrangements are provided. No part of the driveway shall be included in the public road.

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.

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

1. The developments 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 the commencement of developments, a detailed survey of the chosen route for delivery shall be submitted to and approved by the Council, as planning authority in consultation with the Transportation Manager in order to determine the locations of structures (e.g. bridges) and street furniture affected by any construction and abnormal load vehicle movements. The applicant shall discuss and agree any roads improvements/strengthening required as a result of the survey prior to any movements of any construction and abnormal load traffic.
3. Prior to commencement of developments a Traffic Management Plan shall be submitted to and approved by the Council, as planning authority in consultation with the Transportation Manager to show the methods of dealing with large delivery vehicles. This plan shall include vehicle swept path analysis and the methods of marshalling and manoeuvring at junctions on the public road network. No heavy construction traffic shall access the site via the minor and unclassified roads to the north and east of the site, namely the U13E Forgiehill Road (with the exception of the 120 metre stretch of this road between the U49H Mulben-Malcolmburn Road and the access into the Malcolmburn Bonded Warehouses), C45H Rumbuch-Wood of Mulderie Road, U46H Bogbain-Mulderie Road and the C54H Crooksmill-Mulderie-Rosarie Road.
4. The applicant must run 'before and after' condition video surveys of the proposed delivery route along with the surrounding minor roads (listed above) where construction traffic is prohibited, provide a copy of the survey to the Council, as planning authority, in consultation with Moray Council Transportation (Traffic) and make good any damage which may be caused to the road network, including the verge, as a result of the construction traffic and passing vehicles.
5. Prior to the commencement of the developments details shall be submitted to the Council, as planning authority, in consultation with the Moray Council Consultancy - Bridges Section, the Moray Council Roads Maintenance Manager (East) and Network Rail (as the owners of the railway bridge) regarding a dilapidation survey of the C49H/10 Dalmany Bridge and the C49H/20 Mulben Railway Bridge. The survey shall be undertaken in consultation with the Moray Council Consultancy - Bridges Section, the Moray Council Roads Maintenance Manager (East) and Network Rail (as the owners of the railway bridge). A dilapidation survey shall also be undertaken at the end of the construction period and the applicant shall make good any damage which may be caused to the two bridges as a result of the construction traffic.
6. The new accesses onto the U13E Forgiehill Road for the proposed site compound shall have visibility splays of 4.5m x 120m in both directions.
7. The new accesses shall be kerbed to a minimum radius of 15m using 254mm x 127 h.p.c.c. kerbs.

8. The proposed new accesses shall be surfaced using Hot Rolled Asphalt for a minimum distance of 15 metres, if the accesses are not to be constructed to adoptable road standard.
9. A 50 metre length of Hot Rolled Asphalt shall be provided on the U13E Forgiehill Road, 25 metres either side of the centreline of the existing access into the bonded warehouses, over the entire width of the road.
10. A 50 metre length of Hot Rolled Asphalt shall be provided on the U13E Forgiehill Road, 25 metres either side of the centreline of the proposed new southern access into the site compound, over the entire width of the road.
11. Prior to the developments commencing a scheme for appropriate road signs at the proposed site compound access junctions shall be submitted to and approved by the Council, as planning authority in consultation with Moray Council Transportation (Traffic).
12. No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.
13. Any existing ditch, watercourse or drain under the site access shall be piped using a suitable diameter of pipe, in agreement with the Moray Council Transportation (Roads Maintenance Manager). Any pipe shall be laid to a self-cleansing gradient.
14. Prior to the commencement of any works, a full site specific Environmental Management Plan (EMP) must be submitted for the written approval of the planning authority in consultation with SEPA, SNH and other agencies, where appropriate and all work shall be carried out in accordance with the approved plan within the time scales/stages stipulated. The EMP shall include full details of pollution prevention and mitigation measures for the construction and demolition elements potentially capable of giving rise to pollution during all phases of demolition and construction.
15. Surface water run-off shall be dealt with according to the Drainage Design Statement (dated 24 April 2010) as agreed with SEPA and shall be fully operational by the completion of development.
16. The colour of the external walling and roofing shall be in Merlin Grey (BS ref. 18B25).
17. 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.
18. 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.
19. Upon completion of the developments 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 the interests of road safety.
3. In the interests of road safety.
4. In the interests of road safety.
5. In the interests of road safety.
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.
12. In the interests of road safety.
13. In the interests of road safety.
14. To control pollution of air, land and water.
15. In order to ensure adequate provision in this respect and avoid potential problems from flooding elsewhere.
16. To avoid being visually intrusive.
17. 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.
18. To ensure that the planning authority is aware that development is about to commence and any suspensive conditions can be followed up.
19. To ensure that the planning authority is aware that the development is complete and is able to follow up any conditions.

(e) 10/00439/APP ERECTION OF 2 NEW SINGLE STOREY STEEL FRAMED CLAD BONDED WHISKY WAREHOUSES ON FOOTPRINT OF 2 EXISTING BONDED WHISKY WAREHOUSES TO REPLACE THOSE DAMAGED BY EXCESSIVE SNOW LOADING AT KEITH BOND No1 ALEXANDRA ROAD KEITH FOR CHIVAS BROTHERS LIMITED

There was submitted a report by the Appointed Officer recommending that, subject to conditions detailed in the report, full planning consent be granted in respect of an application for the erection of 2 new single storey steel framed clad bonded whisky warehouses on footprint of 2 existing bonded whisky warehouses to replace those damaged by excessive snow loading at Keith Bond No1, Alexandra Road, Keith for Chivas Bros, Ltd.

The meeting noted that the application had been referred to Committee, in terms of the Scheme of Delegation, as a major industrial development with a floor space of over 2000m². The meeting noted that members of the Committee visited the site of the application on Friday 28 May 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 the commencement of development, a detailed survey of the chosen route for delivery shall be submitted to and approved by the Council, as planning authority in consultation with the Transportation Manager in order to determine the locations of structures (e.g. bridges) and street furniture affected by any construction and abnormal load vehicle movements. The applicant shall discuss and agree any roads improvements/strengthening required as a result of the survey prior to any movements of any construction and abnormal load traffic.
3. Prior to commencement of development a Traffic Management Plan shall be submitted to and approved by the Council, as planning authority in consultation with the Transportation Manager to show the methods of dealing with large delivery vehicles. This plan shall include vehicle swept path analysis and the methods of marshalling and manoeuvring at junctions on the public road network. No heavy construction traffic shall access the site via the minor road to the north and east of the site, namely the C72H Newmill - Tarmore Road.
4. The applicant must run 'before and after' condition video surveys of the proposed delivery route along with the C72H Newmill - Tarmore Road where construction traffic is prohibited, provide a copy of the survey to the Council, as planning authority, in consultation with Moray Council Transportation (Traffic) and make good any damage which may be caused to the road network, including the verge, as a result of the construction traffic and passing vehicles.

5. No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.
6. Prior to the commencement of any works, a full site specific Construction Method Statement must be submitted for the written approval of the planning authority in consultation with SEPA and other agencies, where appropriate and all work shall be carried out in accordance with the approved plan and within the time scales/stages stipulated. The Construction Method Statement shall identify all potential pollution risks associated with the proposals and all aspects of site works that might impact on the environment as well as preventative measures and mitigation.
7. Prior to commencement of any works, a scheme detailing one level of sustainable drainage (SUDS) surface water treatment for roof water run-off shall be submitted to and approved by the Council in accordance with the approved scheme.
8. The colour of the external walling and roofing shall be in Merlin Grey (BS ref. 18B25).
9. 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.
10. 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.
11. 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 the interests of road safety.
3. In the interests of road safety.
4. In the interests of road safety.
5. In the interests of road safety.
6. To control pollution of air, land and water.
7. In order to ensure adequate provision in this respect and avoid potential problems from flooding elsewhere.
8. To avoid being visually intrusive.

9. 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.
 10. To ensure that the planning authority is aware that development is about to commence and any suspensive conditions can be followed up.
 11. To ensure that the planning authority is aware that the development is complete and is able to follow up any conditions.
- (f) 10/00567/APP CHANGE OF USE FROM AMENITY GROUND TO DRIVEWAY AT 16 CROFT PLACE CRAIGELLACHIE ABERLOUR FOR MR NEAL WILCOX**

There was submitted a report by the Appointed Officer recommending that, subject to conditions detailed in the report, full planning consent be granted in respect of an application for the change of use from amenity ground to driveway at 16 Croft Place, Craigellachie, Aberlour for Mr Neal Wilcox.

The meeting noted that the application had been referred to Committee, in terms of the Scheme of Delegation, as the Council has a financial interest in the land to which the application relates.

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. The proposed driveway shall be to provide access to the front garden of No 16 Croft Place only. No vehicle shall park or any other obstruction be placed on the proposed driveway.
6. No boundary fences, hedges, walls or any other obstruction whatsoever shall be constructed as part of this proposal.
7. The boundary fence for no 16 Croft Place shall be less than 0.6m in height.

8. The width of the vehicular access shall be 5.5m 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.
9. No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.
10. Drop kerbs shall be provided across the access to The Moray Council specification. A road opening permit must be obtained from the Roads Authority before carrying out this work.
11. A visibility splay of 2.4m x 25m across the proposed driveway shall be provided and maintained for the adjacent car park access.
12. Any gates to be erected as part of the access into the front garden of No 16 Croft Place shall open inwards and not obstruct the public footway.

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 interests of road safety.
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.
12. In the interests of road safety.

**(g) 10/00239/APP ALLOW OCCASIONAL OUTDOOR MARKET (TO OPERATE A
MAXIMUM OF 5 DAYS A MONTH AND NO MORE THAN 2
SATURDAYS A MONTH) AT REIDHAVEN SQUARE KEITH FOR
THE MORAY COUNCIL**

There was submitted a report by the Appointed Officer recommending that, for reasons detailed in the report, full planning consent be granted in respect of an application to allow an occasional outdoor market, to operate a maximum of 5 days a month and no more than 2 Saturdays a month, at Reidhaven Square, 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 applicant is the Council. The meeting noted that the application was subject to advertisement under the Land Ownership Certificate procedures and as a development of a class specified in Schedule 3 of the Development Management Regulations 2008. The meeting also noted that members of the Committee visited the site of the application on Friday 28 May 2010.

Following consideration the Committee agreed to approve the application, subject to amending the conditions detailed in the report as follows:-

- (i) amend Condition 6 to read Reidhaven Square;
- (ii) amend Condition 7 by adding requirement for monitoring to determine future use of area 2;
- (iii) delete Condition 9;
- (iv) add an additional Condition requiring the submission of a method statement detailing the proposed operation of the market to include the hours of use, dates of markets and arrangements to set up barriers.

It was also agreed that a copy of the amended conditions and informatives be circulated to Ward members.

**(h) 10/00240/APP ALLOW OCCASIONAL OUTDOOR MARKET (TO OPERATE A
MAXIMUM OF 5 DAYS A MONTH AND NO MORE THAN 2
SATURDAYS A MONTH) AT CLUNY SQUARE BUCKIE FOR THE
MORAY COUNCIL**

There was submitted a report by the Appointed Officer recommending that, for reasons detailed in the report, full planning consent be granted in respect of an application to allow an occasional outdoor market, to operate a maximum of 5 days a month and no more than 2 Saturdays a month, at Cluny Square, 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 applicant is the Council. The meeting noted that the application was subject to advertisement under the Land Ownership Certificate procedures and as a development of a class specified in Schedule 3 of the Development Management Regulations 2008. The meeting also noted that members of the Committee visited the site of the application on Friday 28 May 2010.

Following consideration the Committee agreed to approve the application, subject to amending the conditions detailed in the report as follows:-

- (i) amend Condition 6 to include requirement for monitoring to determine future use of central area;
- (ii) delete Condition 8; and
- (iii) add an additional Condition requiring the submission of a method statement detailing the proposed operation of the market to include the hours of use, dates of markets and arrangements to set up barriers.

It was also agreed that a copy of the amended conditions and informatives be circulated to Ward members.

- (i) 10/00238/APP ALLOW OCCASIONAL OUTDOOR MARKET (TO OPERATE A MAXIMUM OF 5 DAYS A MONTH AND NO MORE THAN 2 SATURDAYS A MONTH) AT THE OLD RAILWAY STATION CAR PARK LOSSIEMOUTH FOR THE MORAY COUNCIL**

There was submitted a report by the Appointed Officer recommending that, for reasons detailed in the report, full planning consent be granted in respect of an application to allow an occasional outdoor market, to operate a maximum of 5 days a month and no more than 2 Saturdays a month, at The Old Railway Station Car Park, 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 applicant is the Council. The meeting noted that the application was subject to advertisement under the Land Ownership Certificate procedures and as a development of a class specified in Schedule 3 of the Development Management Regulations 2008. The meeting also noted that members of the Committee visited the site of the application on Friday 28 May 2010.

Following consideration the Committee agreed to approve the application, subject to amending the conditions detailed in the report as follows:-

- (i) amend Condition 5 to include requirement for a register as per the other proposed markets;
- (ii) amend Condition 6 to include requirement for monitoring to determine future use of central area B;
- (iii) delete Condition 8; and
- (iv) add an additional Condition requiring the submission of a method statement detailing the proposed operation of the market to include the hours of use, dates of markets and arrangements to set up barriers.

It was also agreed that a copy of the amended conditions and informatives be circulated to Ward members.

(j) 10/00366/APP ALLOW OCCASIONAL OUTDOOR MARKET (TO OPERATE A MAXIMUM OF 5 DAYS A MONTH AND NO MORE THAN 2 SATURDAYS A MONTH) AT THE CAR PARK LEYS ROAD FORRES FOR THE MORAY COUNCIL

There was submitted a report by the Appointed Officer recommending that, subject to conditions detailed in the report, full planning consent be granted in respect of an application to allow an occasional outdoor market, to operate a maximum of 5 days a month and no more than 2 Saturdays a month, at the car park Leys Road, Forres for The Moray Council.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as the applicant is the Council. The meeting noted that the application was subject to advertisement under the Land Ownership Certificate procedures and as a development of a class specified in Schedule 3 of the development management regulations 2008. The meeting also noted that members of the Committee visited the site of the application on Friday 28 May 2010.

Following consideration the Committee agreed to approve the application, subject to amending the conditions detailed in the report as follows:-

- (i) amend Condition 7 to include requirement for monitoring to determine future use of Area 2; and
- (ii) delete Condition 11; and
- (iii) add an additional Condition requiring the submission of a method statement detailing the proposed operation of the market to include the hours of use, dates of markets, arrangements to set up barriers, circumstances when vehicles will allowed within site eg if essential for food vending stalls.

It was also agreed that a copy of the amended conditions and informatives be circulated to Ward members.

(k) 09/02128/APP ALTER AND EXTEND DWELLINGHOUSE WITH NEW BOUNDARY FENCE AT WESTLAND STOTFIELD ROAD LOSSIEMOUTH FOR MR AND MRS KEITH PARKER

There was submitted a report by the Appointed Officer recommending that, subject to conditions detailed in the report, full planning consent be granted in respect of an application to alter and extend a dwellinghouse with a new boundary fence at Westland, Stotfield Road, Lossiemouth for Mr & Mrs Keith Parker.

The meeting noted that the application had been referred to Committee, in terms of the Scheme of Delegation, as the proposal is an amendment to an application previously refused by Committee on 12 May 2009 (Paragraph 3 (g) of the Minute refers).

Councillor Stewart referred to comments set out in Section 3 in the Reporter's Appeal Decision Notice dated 24 September 2009, which upheld the Committee's previous decision to refuse the application, which intimated that the proposed development 'bears no

relationship with that of the original building so the extension would always appear as an improvised afterthought. Beach Brae features much variety of house types, but each property has its individual character. In its extended form the appeal property would have a completely split character – the original part being a conventional bungalow of the 1980s (approx) and the extension resembling a mews flat over a ground floor double garage.’ and ‘The outcome would strike many as two very different properties sitting tightly side by side.’ Councillor Stewart expressed the view that, in his opinion, there were no material circumstances to justify departing from the previous decisions by the Committee and the Reporter in fact the proposed extension was 3m longer than the previous application and had an intrusive balcony proposal. For these reasons Councillor Stewart moved that the application be refused on the grounds that it was contrary to policy H5 of the Moray Local Plan 2008 as the proposed development would have an unacceptable impact on neighbouring properties in light of the scale and design of the proposal and that in the event of an application being submitted for a store and/or fencing or gate access to the rear of the property the application(s) be referred to Committee for determination. The motion was seconded by Councillor Wright.

As an amendment Councillor Russell moved approval of the application, as recommended, subject to the conditions detailed in the report. Failing to find a seconder however the amendment fell and the motion became the finding of the meeting and it was agreed that the application be refused on the grounds that it was contrary to policy H5 of the Moray Local Plan 2008 as the proposed development would have an unacceptable impact on neighbouring properties in light of the scale and design of the proposal. It was also agreed that in the event of an application being submitted for a store and/or fencing or gate access to the rear of the property the application(s) be referred to Committee for determination.

(I) 10/00492/APP AMEND APPROVED LAYOUT TO INCLUDE EXTENSION TO ROAD ONE REPOSITION ROAD FOUR HOUSE APPROVED ON PLOT 6 TO BE BUILT ON PLOT 8 HOUSE APPROVED ON PLOT 8 TO BE BUILT ON PLOT 6 HOUSE ON PLOT 7 REVERSE HAND RE SITE GARAGES ON PLOTS 29 AND 20 AND RE SITE PUMP STATION AT INCHBROOM ROAD/INCHBROOM AVENUE LOSSIEMOUTH FOR TULLOCHS OF CUMMINGSTON

There was submitted a report by the Appointed Officer recommending that, subject to conditions detailed in the report, full planning consent be granted in respect of an application to amend an approved layout to include an extension to road one, reposition road four, house approved on plot 6 to be built on plot 8, house approved on plot 8 to be built on plot 6, house on plot 7 reverse hand, re site garages on plots 29 and 20 and re site pump station at Inchbroom Road/Inchbroom Avenue, Lossiemouth for Tulloch of Cummingston.

The meeting noted that the application had been referred to Committee, in terms of the Scheme of Delegation, as it relates to amendments to an application previously approved by the Committee on 4 August 2009 (Paragraph 4 (c) of the Minute refers).

Following consideration the Committee agreed to approve the application, subject to prior to the issue of consent new/modified legal agreements to be concluded to relate to this application 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 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. That prior to the commencement of development, the following items shall be submitted for the approval in writing of the Planning Authority;
 - (i) A SUDS system which is both achievable and sustainable and takes into account all of the drainage constraints which influence the site (See informative notes).
 - (ii) A scheme for the upgrading of the existing footway along the frontage of the site on the B9013 Inchbroom Road to a combined cycleway/footway including street lighting.
 - (iii) A scheme for the widening of the B9013 Inchbroom Road to a width of 5.5 metres including the location of the new speed limit signs (see informative notes).
 - (iv) A scheme for providing access to public transport in the form of a bus lay-by on the east verge of the A941.
 - (v) A scheme for a pedestrian cycle crossing on the A941 at a position agreed with the Roads Authority (see informative notes).
 - (vi) A scheme for a new road link connecting the B9013 Inchbroom Road with the A941 including the treatment of the no through road section of Inchbroom Road and the new junction of the B9013 with the A941. Drawing no. IB/SITE/PL shows and indicative alignment - this is not approved (see informative notes).
 - vii) A proposal for a Residential Travel Plan for approval by the Planning Authority.
6. The construction of Phase 2 of the development shall not commence until the completion of Phase 1.
7. The width of the vehicular accesses from the B9013 Inchbroom Road shall be 5.5 metres.

8. A visibility splay of 4.5m by 70m shall be provided at both development accesses onto the B9013 Inchbroom Road. These splays shall be clear of any obstruction above 1.0 metre in height.
9. The width of individual vehicular accesses shall be 2.4m-3.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The section of the accesses over the prospective public footpath/verge shall be to the Moray Council Specification and surfaced in bitmac.
10. No boundary fences, hedges, walls or any obstruction whatsoever over 1.0m in height and fronting onto the public road/prospective public road shall be within 2.4m of the edge of the carriageway (see informative notes).
11. No water shall be permitted to drain, or loose material be carried onto the prospective public footpath/carriageway.
12. Drop kerbs shall be provided across individual accesses to the Moray Council Roads Service Specification.
13. Parking provision shall be as follows:
 - 1.5 spaces for apartments up to 2 bedrooms;
 - 2.0 spaces for apartments with 3 or more bedrooms;
 - 2.0 spaces for houses with 3 bedrooms or less; and
 - 3.0 spaces for houses with 4 or more bedrooms.
14. New boundary walls/fences shall be set back from the edge of the prospective public carriageway at a distance of 2.0m.
15. Houses requiring 2 parking spaces shall have a driveway length of 6.0m minimum in front of any garage to permit the second car to park, unless alternative parking arrangements are provided. No part of the driveway shall be included in the prospective public road.
16. Parking provision shall be outwith visibility splays.
17. Minor access of 'Novel' roads shall be designed as 'open plan' with no fencing along the rear of service verges (see informative notes).
18. Driveways over service verges shall be constructed to take vehicles and shall be finished in bituminous macadam.
19. Acoustic double glazing shall be installed in all living apartments and consist of 2 panes of 4mm thick glass separated by a 16mm cavity. The Specification and acoustic performance shall be in accordance with section 3.4 of the Noise Impact Assessment titled "Report on Air traffic Noise for Tulloch of Cummington at Inchbroom Road, Lossiemouth, Moray by Charlie Fleming Associates, Acoustical Consultants Noise Control Engineers, 16th October 2008 - Document 14651."
20. Acoustically attenuated ventilators shall be installed in south-west facing bedrooms of house numbers 4 to 12, 44 to 47 and 49. They shall also be installed in east facing bedrooms of houses 49 to 54. The attenuated ventilators shall have an

element normalised level difference, $D_{n,e}$, of at least 32dB in the 500Hz octave band.

21. No development shall commence until details of the gas protection measures to be installed within the property have been approved in writing by the Council (as Planning Authority). The details shall include the following and the gas protection measures shall be installed in accordance with the approved details:

- a full technical specification of the gas protection measures, including the membrane, to be installed;
- full details of the appropriately qualified person responsible for installing the gas protection measures;
- full details of the exact siting and extent of the gas protection measures;
- full details of the means by which it will be ensured that the gas protection measures will be fully protected during and after installation. These details must demonstrate that the gas protection measures will prevent impacts from contamination migration and gas migration;

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

22. Any extension, garage, shed, greenhouse, outbuilding and conservatory or summerhouse not requiring planning consent shall not be erected until details of a gas proof membrane to be installed under the building or other gas protection measures have been approved in writing by the Council (as Planning Authority). The details shall include the following and the gas protection measures shall be provided in accordance with the approved details:

- a full technical specification of the gas protection measures to be provided;
- full details of the appropriately qualified person responsible for installing the gas protection measures;
- full details of the exact siting and extent of the gas protection measures;
- full details of the means by which it will be ensured that the gas protection measures will be fully protected during and after installation. These details must demonstrate that the gas protection measures will prevent impacts from contamination migration and gas migration;

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

23. No development (apart from that required for remediation) shall commence until all necessary works to remediate contamination on the site have been carried out in accordance with the details of the required remediation measures which have

previously been submitted to and approved by the Council, as Planning Authority in consultation with the Council's Environmental Health (Contaminated Land) Section where

- (a) the required remediation measures shall be fully implemented as detailed and described in the applicants Contamination Remediation Method Statement dated 9th March 2007.
- (b) Notification of the date of commencement of remediation works shall be given to the Council, as Planning Authority not less than 7 days before the development commences (contact Environmental Health Manager, Council Offices, High Street, Elgin, IV30 1BX, tel: 01343 563345).

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

- 24. That the tree identified on the application plans as containing a red squirrel drey and the cluster of trees surrounding this shall be retained and protected throughout the lifetime of the development. Any further trees suspected of containing possible dreys must be protected during development, and the advice/permission of SNH sought prior to the commencement of any tree felling operations.

Reasons:

- 1. The time limit condition is imposed in order to comply with the requirements of Section 58(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 interests of achieving an acceptable form of development.
- 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.
12. In the interests of road safety.
13. In the interests of road safety.
14. In the interests of road safety.
15. In the interests of road safety.
16. In the interests of road safety.
17. In the interests of road safety.
18. In the interests of road safety.
19. In the interests of ensuring an acceptable form of development.
20. In the interests of ensuring an acceptable form of development.
21. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground gases.
22. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground gases.
23. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground contamination.
24. In the interests of nature conservation.

(m) 10/00164/APP REMOVAL OF CONDITIONS 6, 7 & 8 OF PLANNING CONSENT 04/00491/FUL AT SHERIFFMILL ROAD ELGIN FOR DECORA DIY

There was submitted a report by the Appointed Officer recommending that, subject to conditions detailed in the report, full planning consent be approved in respect of an application to remove Conditions 6, 7 & 8 of planning consent 04/00491/FUL at Sherifmill Road, Elgin for Decora DIY.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as significant amendments had been made to an application previously approved by the Environmental Services Committee on 22 September 2005.

Mr Burnie, Principal Planning Officer, Development Management, advised the meeting that Conditions 6, 7 & 8 of consent reference 04/00491/FUL relate to the requirement, prior to the

commencement of work, to submit details of a trunk road infrastructure modification at the junction of the A96 and Wittet Drive, prior to occupation the infrastructure modification will require to be completed and that the modification refers to the installation of traffic lights. The meeting also noted that the current application stems from a directive from Transport Scotland, as Trunk Roads Authority, confirming that the traffic lights solution for the junction is no longer considered acceptable in terms of their road safety standards. In order to allow the proposed development to proceed it was recommended that Conditions 6, 7 & 8 of the previous consent be removed and that a legal agreement be concluded with the applicant for the payment of funds approximating to the cost of the installation of traffic lights at the A96/Wittet Drive junction which would be available for road improvements to the road network in mitigation of the possible impact of traffic generated by the proposed garden centre.

In regard to the developer contribution in lieu of the provision of traffic lights at the A96/Wittet Drive road junction the Chairman enquired if this contribution could be used in this particular area to compensate for potential traffic problems associated with the proposed development as opposed to being placed in a general fund for either Elgin wide or Moray wide traffic management proposals. In response the meeting noted that that the criteria set out in the guidance contained in Planning Circular 01/2010 makes it clear that any legal agreement must relate to the planning application and that the Council will seek, through the legal agreement, some flexibility to find a range of solutions to address the potential impact of the proposed development on the surrounding road network. It was also noted the developer contribution will be placed in a separate interest bearing account as opposed to a general account and must be justified and accounted for.

Following consideration the Committee agreed to approve the application, subject to the following condition and the prior completion of a legal agreement to secure a financial contribution in lieu of traffic lights to be used to remove/reduce the impact of traffic associated with the proposed development on the surrounding road network:-

1. That with the exception of condition numbers 6, 7 and 8, the planning conditions as attached to the grant of planning permission for application reference 04/00491/FUL shall still remain valid and must be complied with.

Reasons:

1. In the interests of effective planning control.

(n) 10/00220/APP ALTERATIONS TO EXISTING ELEVATIONS AND ROOF INCLUDING DEMOLITION OF EXISTING PUBLIC ENTRANCE AND PROVIDE NEW PUBLIC ENTRANCE TO OFFICES APPROVED UNDER APPLICATION 09/01209/FUL 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, full planning consent be granted in respect of alterations to existing elevations and roof including the demolition of the existing public entrance and provide a new public entrance 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 as the Council is the applicant.

Following consideration the Committee agreed to approve the application for full planning consent, 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. 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.
6. The carved date stone and interpretative plaque built into the existing north elevation identifying the location of the Old Public Wells shall be retained and incorporated into the new development. Details of how this will be achieved shall be submitted to this Council as planning authority for approval in writing prior to development commencing.

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. To ensure that full and proper consideration is given to installations on the building that may affect the amenity enjoyed by the surrounding area.

6. In order to preserve an historic artefact and to ensure it remains on the site.
- (o) **10/00124/PPP PLANNING PERMISSION IN PRINCIPLE TO ERECT GOLF CENTRE INCORPORATING TRAINING FACILITIES 5 HOLIDAY LODGES TENNIS COURTS AND 5 DWELLINGHOUSES AT KINLOSS COUNTRY GOLF CLUB KINLOSS FORRES FOR KINLOSS COUNTRY GOLF**

Under reference to paragraph 4 (g) of the Minute of this Committee dated 22 April 2010 there was submitted a report by the Appointed Officer inviting the Committee to consider, draft conditions in respect of planning permission in principle to erect a golf centre, incorporating training facilities, 5 holiday lodges, tennis courts and 5 houses at Kinloss Country Golf Club, Kinloss, Forres for Kinloss Country Golf.

Following consideration the Committee agreed to approve the suggested conditions, detailed in the report, subject to amending the conditions detailed in the report as follows:-

- (i) amend Condition 2 to refer to 'planning permission in principle'; and
- (ii) add additional Conditions relating to standard 3 year time period, energy conservation measures and that Condition 3 be expanded to include that in addition, prior to the commencement of the development of the five houses a phased programme of works to the club facilities and lodges shall be agreed with the Council and must have commenced work on site.

Amended Conditions taking into account (i) & (ii) above:-

- 1 (a) That in the case of any matter specified in conditions attached to the planning permission in principle, application for approval must be made before:-
 - (i) that expiration of 3 years from the date of the grant of planning permission in principle; or
 - (ii) the expiration of 6 months from the date on which an earlier application for such approval for the same matters was refused; or
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed; whichever is the latest: provided that only one such application for approval of matters specified in conditions may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (i) above.
- (b) That the development to which the permission relates must be begun not later than whichever is the later of the following dates:-
 - (i) the expiration of 3 years from the date of the grant of planning permission in principle; or
 - (ii) the expiration of 2 years from the final approval of the matters specified in conditions or in the case of approval on different dates the final approval of the last such matter to be approved.

- 2 The approval hereby granted is for planning permission in principle and prior to the commencement of the development approval of matters specified in conditions, including the siting, design and external appearance of the building(s) the means of access thereto and the landscaping of the site shall be obtained from the Council, as Planning Authority.
- 3 The grant of planning permission in principle hereby granted for the proposed development shall be carried out only in accordance with detailed drawings which shall previously have been submitted to and approved by the Council, as Planning Authority. These drawings shall show the matters specified in conditions numbered 4-8 below.
- 4 Plans, sections and elevations of all buildings proposed with details of the type and colour of all external materials and finishes shall be submitted in accordance with condition no. 3 above.
- 5 The proposed layout of the site showing the exact position of the site boundaries, the position of all buildings, the means of access, areas for vehicle parking and the arrangements for the disposal of foul and surface water (i.e. a SUDS system or equivalent) shall be submitted in accordance with condition no. 3 above.
- 6 Details of the exact extent, type and finish of all other works including walls, fences and other means of enclosure and screening shall be submitted in accordance with condition no. 3 above.
- 7 Sections through the site showing the development on its finished levels in relation to existing levels shall be submitted in accordance with condition no. 3 above.
- 8 Landscaping proposals showing any existing trees/hedges/shrubs to be retained or removed together with details of the type, position and number of all planting to be undertaken and details of all surfacing materials shall be submitted in accordance with condition no. 3 above.
- 9 No boundary fences, hedges, walls or any other obstruction whatsoever over 1.0m in height and fronting onto the public road shall be within 4.5m of the edge of the carriageway.
- 10 The width of the vehicular access shall be as existing, 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.
- 11 No water shall be permitted to drain onto the public footpath/carriageway.
- 12 Parking provision shall be as follows:
 - 60 parking spaces retained for the Golf Course and Golf Club; and
 - 6 parking spaces for the proposed Tennis Courts.

- 2 spaces for a dwelling/chalet with three bedrooms or less; or
 - 3 spaces for a dwelling/chalet with four bedrooms or more.
- 13 A turning area shall be provided within the curtilage of the site/each plot to enable vehicles to enter and exit in a forward gear.
 - 14 A visibility splay of 4.5m x 215m shall be provided and maintained at the access in both directions.
 - 15 A refuse collection regime shall be put in place to bring waste from the proposed chalets and houses to a point near the public road. Purchasers of the proposed houses shall be informed that doorstep refuse collection by The Moray Council will not occur due to the gradient of the private access track.
 - 16 The private access track from the golf Club car park to the properties shall be upgraded to accommodate emergency vehicle access. The track shall be a minimum width of 3.7 metres with intervisible passing places and up to a maximum of 150 metres apart.
 - 17 Before development commences, details of all zero and low carbon equipment to be incorporated into the development and predicted carbon emissions, using SAP and SBEM calculations, shall be submitted to and approved by the Council as Planning Authority, and the completed development shall accord with the approved details.
 - 18 Prior to the commencement of development details shall be submitted to and approved by the Council as Planning Authority regarding a phased programme of works wherein the required programme shall provide for the commencement of works to the golf centre facilities and lodges prior to the commencement of any dwellinghouse.

Reasons

- 1 The time limit condition is imposed in order to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.
- 2 In order to ensure that the matters specified can be fully considered prior to the commencement of development.
- 3 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
- 4 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
- 5 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
- 6 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.

- 7 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
- 8 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
- 9 In the interests of road safety.
- 10 In the interests of road safety.
- 11 In the interests of road safety.
- 12 In the interests of road safety.
- 13 In the interests of road safety.
- 14 In the interests of road safety.
- 15 In the interests of road safety.
- 16 In the interests of road safety.
- 17 To ensure this development complies with policy ER2 of the adopted Moray Local Plan 2008.
- 18 In order to ensure an acceptable form of development.

(p) 10/00350/APP NEW ACCESS AND DRIVE AT 196 FINDHORN FORRES FOR MRS FRANCES YOUNG

There was submitted a report by the Appointed Officer recommending that, for reasons detailed in the report, full planning permission be granted in respect of an application for a new access and drive at 196 Findhorn, Forres for Mrs Frances Young.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as the applicant is spouse of a Councillor. The meeting also noted that the application had been advertised under the current Listed Buildings and Conservation Area Regulations to which no objections or representations had been received. The meeting also noted that members of the Committee visited the site of the application on Friday 28 May 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. The width of vehicular access shall be 3m and have a maximum gradient of 1:20 measured for the first 5.0 m from the edge of the public carriageway. Section of access over the public footpath/verge shall be to The Moray Council specification and surfaced in bitmac.
6. No water shall be permitted to drain onto the public footpath/carriageway.
7. Drop kerbs shall be provided across the access to The Moray Council specification.

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 interests of road safety.
6. In the interests of road safety.
7. In the interests of road safety.

6. SUPPLEMENTARY PLANNING GUIDANCE : HOUSING IN THE COUNTRYSIDE

Under reference to Paragraph 8 of the Minute of this Committee dated 23 June 2009 there was submitted a report by the Director of Environmental Services inviting the Committee to consider comments received during a public consultation held on the draft supplementary guidance for housing in the countryside, the responses provided to these and sought approve of the finalised supplementary planning guidance as a material consideration in the determination of planning applications.

The meeting noted that Supplementary Guidance is required to expand on Local Plan policy and to provide a consistent basis for interpretation and application, when considering planning applications. Having addressed the matters raised through the public consultation, the finalised supplementary planning guidance will provide the basis on which to guide development in the countryside to the most appropriate locations that is not to the detriment of Moray's rural heritage and landscape. Details of the comments received and responses thereto were set out in Appendix 1 to the report.

Following consideration the Committee agreed:-

- (i) to approve the responses to the comments submitted during the consultation period on the draft supplementary guidance, as set out in Appendix 1 to the report;
- (ii) to note that the changes approved, as a result of the consultation will be accommodated into the final supplementary planning guidance;
- (iii) to approve the publication of the final supplementary planning guidance; and
- (iv) that the final supplementary guidance is a material consideration in the determination of planning applications for housing in the countryside.

7. THE TOWN & COUNTRY PLANNING (TREE PRESERVATION ORDERS AND TREES IN CONSERVATION AREAS) (SCOTLAND) REGULATIONS 2010

There was submitted a report by the Director of Environmental Services inviting the Committee to consider a draft response to a Scottish Government consultation paper proposing new regulations for Tree Preservation Orders and Trees in Conservation Areas, a copy of which was appended to the report as Appendix 1.

Following consideration the Committee agreed:

- (i) to note the proposed new regulations and changes being introduced;
- (ii) to approve the draft response set out in Appendix 1 to the report to be submitted to the Scottish Government;
- (iii) to note that the proposed regulations will require staffing resources to implement; and
- (iv) that it be remitted to the Director of Environmental Services to undertake a review of the current procedures to ensure compliance with the new regulations and Model Order.

8. PLANNING IMPROVEMENT PLAN

There was submitted a report by the Head of Development Services seeking approval of a draft Planning Improvement Plan for submission to the Scottish Government, a copy of which was appended to the report as Appendix 1.

The meeting noted that, in terms of the Planning Scotland Act (2006), planning authorities in Scotland are required, annually, to prepare a Planning Improvement Plan identifying areas

for service improvement and how best they be tackled and that an annual report will be submitted to this Committee on the implementation of the plan and proposing the content for the subsequent Plan.

Following consideration the Committee agreed to approve the Planning Improvement Plan, appended to the report, and its submission to the Scottish Government.

9. SERVICE IMPROVEMENT PLAN 2010/11

There was submitted a report by the Director of Environmental Services seeking approval of the 2010/2011 Service Improvement Plan for Environmental Services, a copy of which was appended to the report as Appendix

Following consideration the Committee agreed to approve the planning and regulatory services elements of the Service Improvement Plan for 2010/11 and that the Plan be referred to the Economic Development & Infrastructure Services Committee for consideration of the direct services elements of the Plan.

10. PROGRESS REVIEW AGAINST PERFORMANCE INDICATORS AND REVENUE BUDGETS FOR THE PERIOD JANUARY TO MARCH 2010

There was submitted a report by the Director of Environmental Services updating the Committee on service performance against indicators relating to the Development Services Section within the Environmental Services Department for the period October 2009 to the end of March 2010. The report also provided the Committee with progress against annual revenue budgets and an overview of Development Services complaints.

The report also sought approval to replace the performance indicator relating to the average number of representations for major applications (ENVDV133a DC) with the number of reports of consultation submitted by developers, as a percentage of the number of major planning applications. A target of 75% is proposed to take account of the time allowed for submission and the new indicator would replace ENVDV133a DC from the beginning of 2010/11.

Following consideration the Committee agreed:-

- (i) note the update of Service Performance regarding the Performance Indicators relating to Development Services;
- (ii) note progress against departmental budgets; and
- (iii) approve the proposed Performance Indicator amendment set out in Section 6.1 of the report.

9. LIST OF PLANNING APPEALS FOR NOTING

There was submitted and noted a report by the Chief Legal Officer advising the Committee of the current position in regard to planning application appeals submitted to Scottish Ministers during the period 8 May 2009 to 12 May 2010, details of which were set out in Appendix 1 to the report.

10. QUESTION TIME

Under reference to Paragraph 3 (a) of the Minute of this Committee dated 29 September 2009 Councillor Coull sought an update on the enforcement action which was to be taken to remedy outstanding breaches of planning control at Keith caravan Park and requested that consideration be given to the submission of a report to the next meeting of this Committee.

Mrs A Scott, Principal Solicitor (Commercial & Conveyancing) advised the meeting that she had attended a meeting between Council officials and the applicant and his agent several months ago and an undertaking was given as to how the site could be brought back under planning control, which included the submission of a planning application. There was a delay in submitting the application and on initial receipt was found to be invalid due to missing information. It was understood that the missing information had now been submitted and the application was being progressed. This being the case it was the policy of Moray Council to hold any enforcement action in abeyance pending consideration of the planning application. Mrs Scott also advised that there were added complications with this case as it also impacts on Building Standards in regard to the size of some of the units and the Environmental Health Section in regard to the caravan site licence. Whilst it was not considered appropriate to submit an update report to Committee, given that a planning application was being processed, Mrs Scott undertook, in consultation with the Head of Development Services, to provide members of the Committee with an update outwith the meeting process.

Councillor Coull advised the meeting that he had spoken on Friday to the planning officer dealing with the case and he understood that whilst some of the missing information had been submitted there was still some outstanding and therefore the planning application was not being progressed. Given this information Councillor Coull enquired as to how long the applicant could delay the enforcement process. Mrs Scott advised the meeting that she understood that time limits had been placed on the submission the missing information and if this had not been complied with the Council would recommence enforcement proceedings.

Councillor Wright sought an update on the progress on a new list of permitted development rights from the Scottish Government as set out in the Planning etc (Scotland) Act 2006. The meeting noted that a proposed scheme had been consulted on and it was understood that the majority of local authorities had expressed concerns regarding some of the proposals and that these responses were currently being considered by the Scottish Government.

Councillor Divers expressed his concerns in regard to what he considered to be significant material changes to planning applications previously approved by this Committee which have an impact on site density being approved without referral back to Committee for consideration. The Head of Development Services undertook to investigate the matter and advise Councillor Divers of the outcome and take a view on the significance of the changes

11. TRIBUTE TO PLANNING & DEVELOPMENT MANAGER

The Meeting joined the Chairman in paying tribute to Mr Donald Lunan, who is retiring from his post of Planning & Development Manager on Friday 4 June after 40 years and 9 months local government service, and wished him well in his retirement.