



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 01343 563 501 Fax: 01343 563 263 Email: development.control@moray.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100004168-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Erect a single storey office building on scrubland strip between the Damhead private road and the Blackstob Wood

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?

☐ Yes ☒ No

(Answer 'No' if there is no change of use.) *

Has the work already been started and/or completed? *

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	PM Designs		
Ref. Number:	WML 09/15	You must enter a Building Name or Number, or both: *	
First Name: *	Peter	Building Name:	Sonas
Last Name: *	Mitchell	Building Number:	
Telephone Number: *	01343 890273	Address 1 (Street): *	Todholes
Extension Number:		Address 2:	Dallas
Mobile Number:		Town/City: *	Forres
Fax Number:		Country: *	United Kingdom
		Postcode: *	IV36 2RW
Email Address: *	pete.mitchell@pmdesigns.eu		
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Comraich
First Name: *	David	Building Number:	
Last Name: *	Nelmes	Address 1 (Street): *	Woodside Farm
Company/Organisation	Winterburn Media Ltd	Address 2:	Kinloss
Telephone Number: *	01309 690063	Town/City: *	Forres
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	IV36 3UA
Fax Number:			
Email Address: *	david@winterburnmedia.co.uk		

Site Address Details

Planning Authority:

Moray Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

862506

Easting

308226

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

892.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

14.5m wide scrubland strip sandwiched between the Scots Pine Blackstob Wood and the private metalled road to Damhead Steading. The site vegetation consists primarily of scrubland broom and gorse and has been used to store or dump sandstone masonry without the landowners permission by an unknown 3rd party, possibly connected with the conversion of the Damhead Steading conversion to a private dwelling. The masonry debris is not substantial and is mostly hidden by the undergrowth of the site.

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.	
How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?	<div style="border: 1px solid black; padding: 2px 10px;">0</div>
How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *	<div style="border: 1px solid black; padding: 2px 10px;">8</div>
Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *	
<input type="checkbox"/> Yes – connecting to public drainage network <input checked="" type="checkbox"/> No – proposing to make private drainage arrangements <input type="checkbox"/> Not Applicable – only arrangements for water supply required	
As you have indicated that you are proposing to make private drainage arrangements, please provide further details. What private arrangements are you proposing? *	
<input checked="" type="checkbox"/> New/Altered septic tank. <input type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed). <input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).	
What private arrangements are you proposing for the New/Altered septic tank? *	
<input checked="" type="checkbox"/> Discharge to land via soakaway. <input type="checkbox"/> Discharge to watercourse(s) (including partial soakaway). <input type="checkbox"/> Discharge to coastal waters.	
Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *	
Preliminary ground investigations have shown that the site is on porous sand subsoils with no water table encountered to the test depth of 1.5m. The ground conditions indicate that a septic tank with soak-away would be an appropriate method of foul water disposal. A full ground condition survey and drainage design will be submitted by a drainage consultant once planning permission is granted. A typical foul water drainage system for the size of the proposed building is shown on the site plan.	
Do your proposals make provision for sustainable drainage of surface water?? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (e.g. SUDS arrangements) *	
Note:- Please include details of SUDS arrangements on your plans Selecting 'No' to the above question means that you could be in breach of Environmental legislation.	

Are you proposing to connect to the public water supply network? *

- ☒ Yes
☐ No, using a private water supply
☐ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

☐ Yes ☒ No ☐ Don't Know

Trees

Are there any trees on or adjacent to the application site? *

☒ Yes ☐ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

☒ Yes ☐ No

If Yes or No, please provide further details: * (Max 500 characters)

A fenced hard standing for waste and recycling bins will be provided as shown on the Site Plan.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☐ Yes ☒ No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☒ Yes ☐ No

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 4 Business (Office/Light Industry)

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

98.0000

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☐ Yes ☒ No

Is any of the land part of an agricultural holding? *

☒ Yes ☐ No

Do you have any agricultural tenants? *

☐ Yes ☒ No

Are you able to identify and give appropriate notice to ALL the other owners? *

☒ Yes ☐ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr A & K Rhind

Address:

Newton of Struthers Farm, Kinloss, Forres, Scotland, IV36 3UD

Date of Service of Notice: *

26/02/2016

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed:

Peter Mitchell

On behalf of:

Winterburn Media Ltd

Date:

24/02/2016

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☒ Site Layout Plan or Block plan.
- ☒ Elevations.
- ☒ Floor plans.
- ☒ Cross sections.
- ☒ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☒ Photographs and/or photomontages.
- ☒ Other.

If Other, please specify: * (Max 500 characters)

Client's Design Statement

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☒ Yes ☐ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Peter Mitchell

Declaration Date: 29/02/2016

Payment Details

Online payment: XMEP00000950

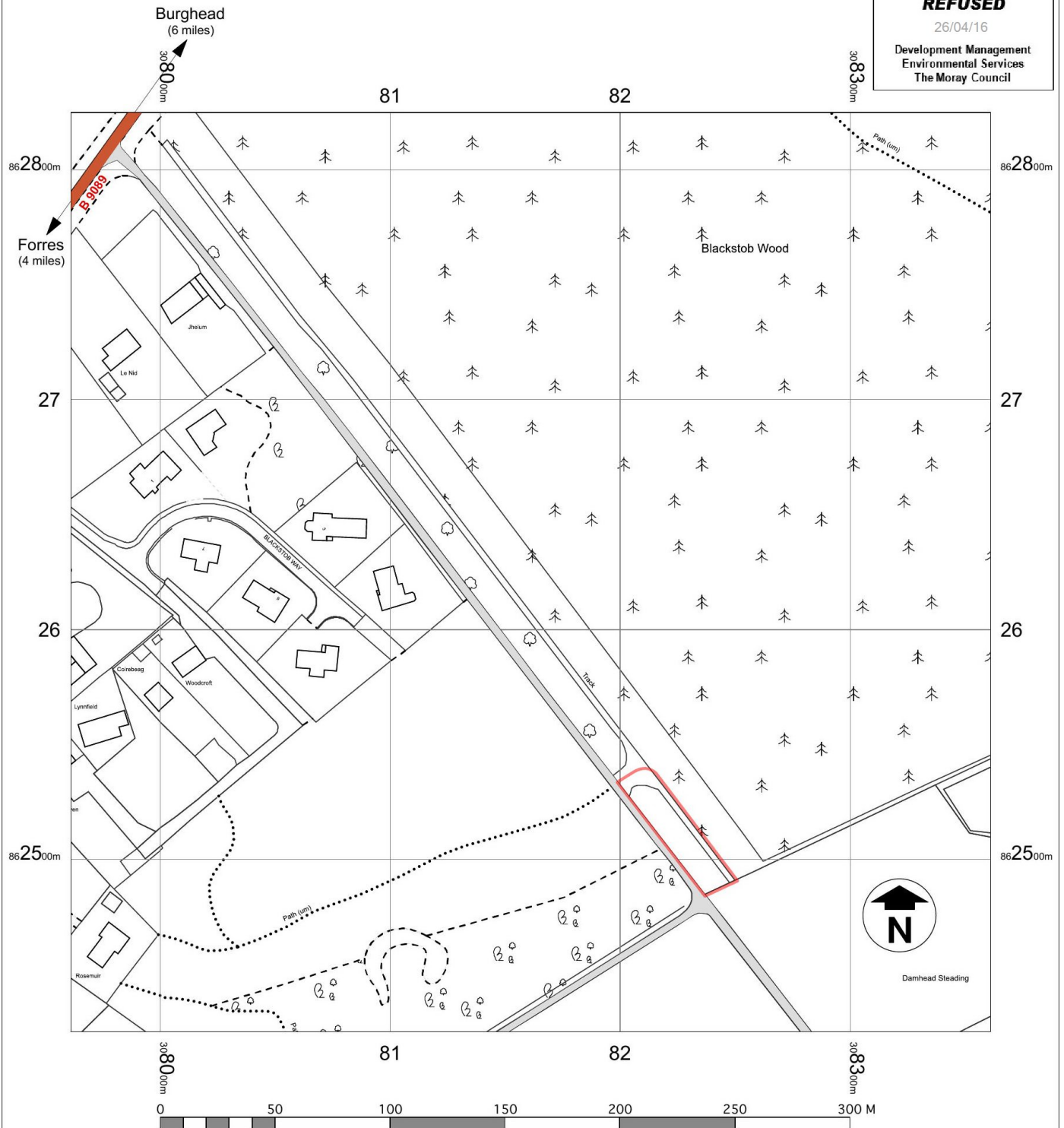
Payment date: 29/02/2016 14:00:00

Created: 29/02/2016 14:00

REFUSED

26/04/16

Development Management
Environmental Services
The Moray Council



SCALE 1:2500

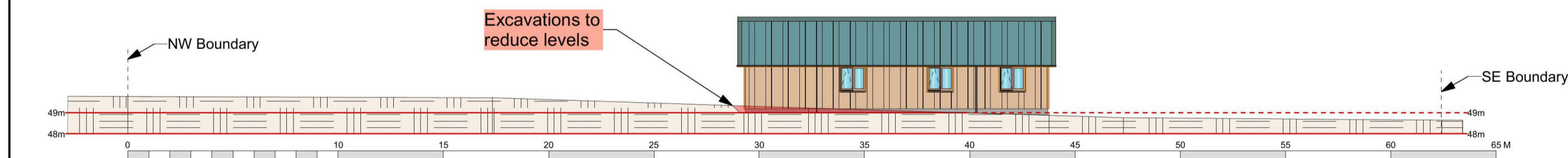
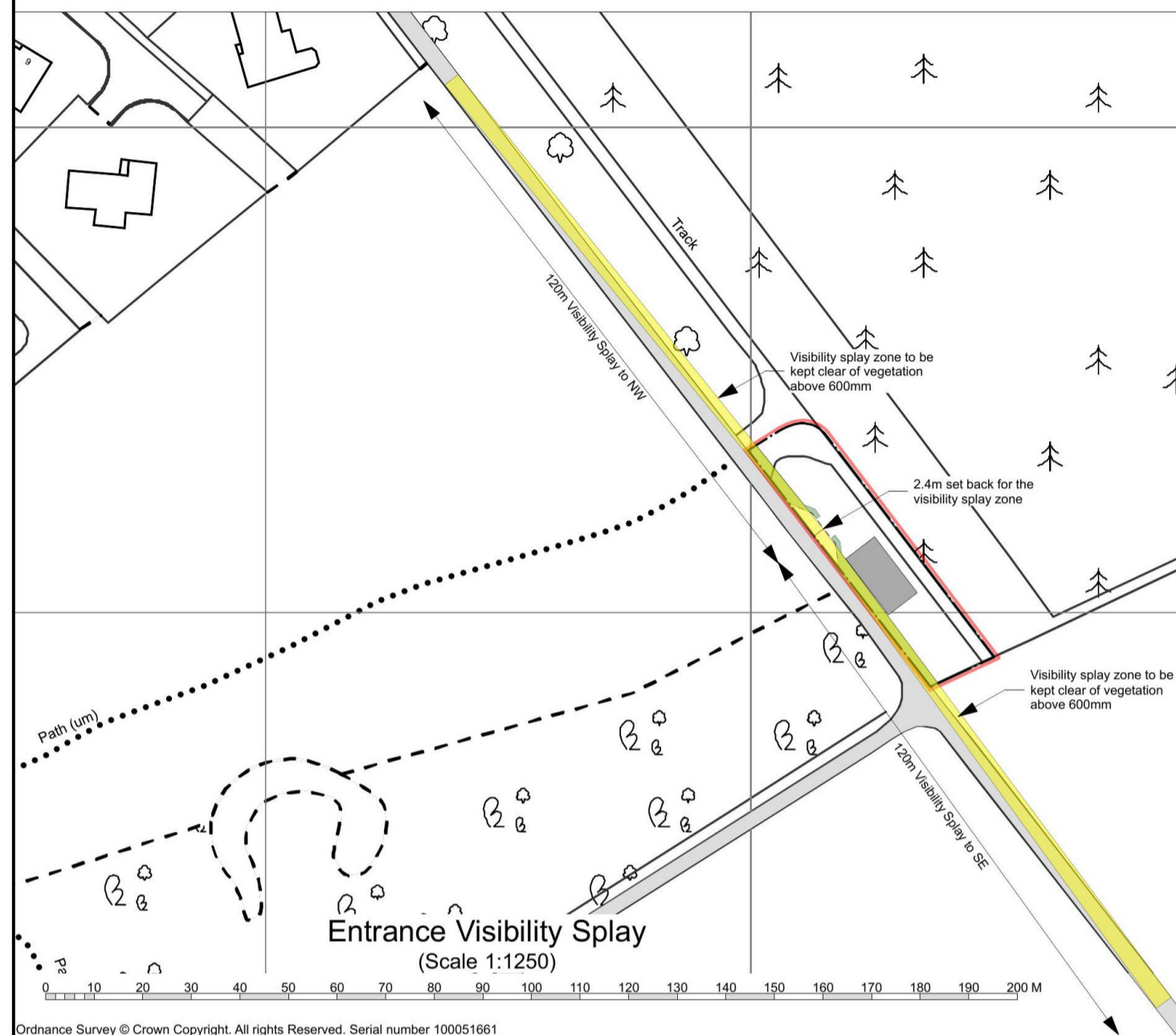
Ordnance Survey © Crown Copyright. All rights Reserved. Serial number 100051661

Notes

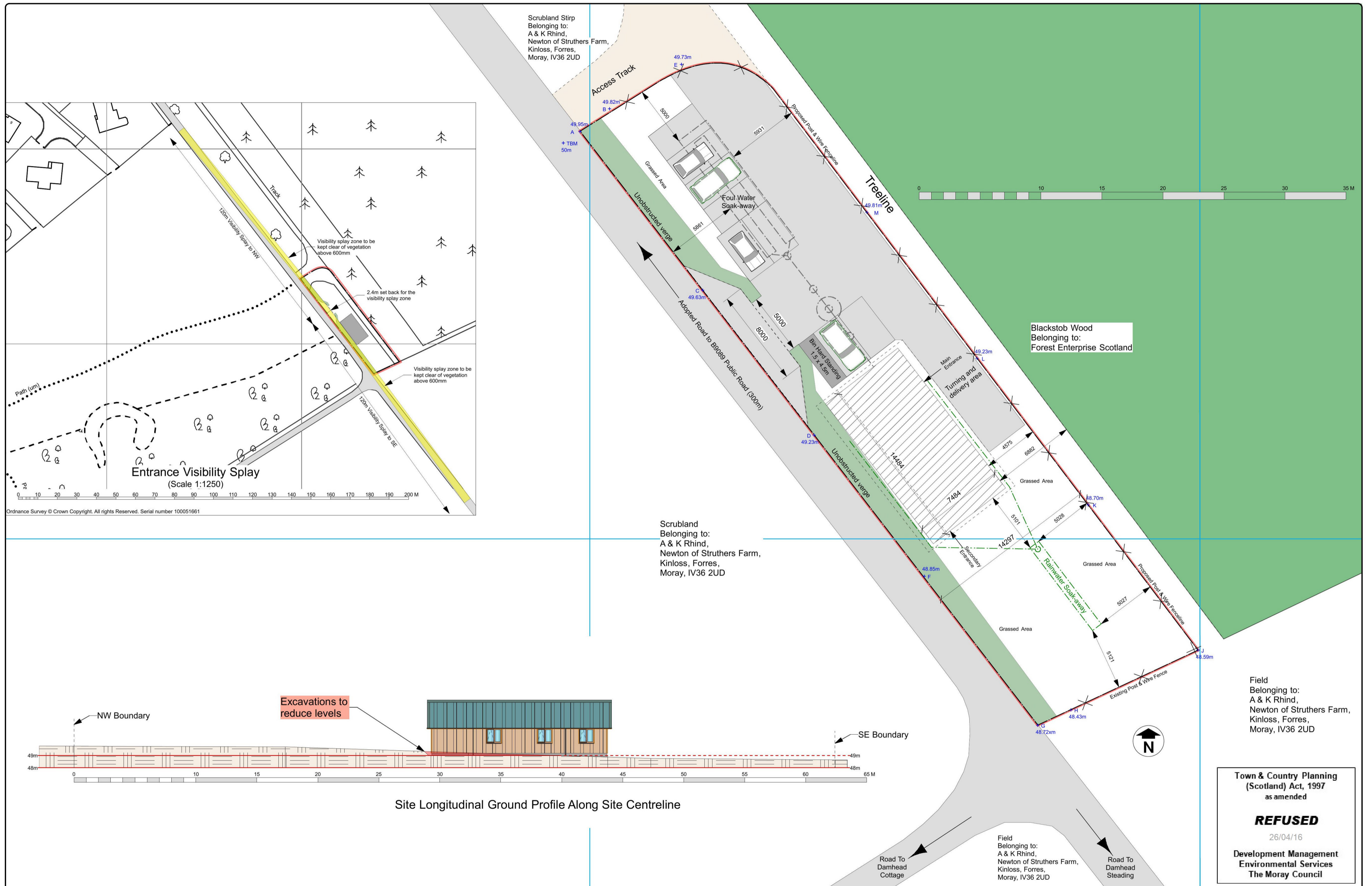
1. Property subject to this application is outlined thus: 2. The indicated site area is 892m²

PM Designs
Planning & Building
Warrant Drawings
pete.mitchell@pmdesigns.eu
T: 01343 890273 Sonas, Todholes,
M: 07881462217 Dallas, Forres,
Moray, IV36 2RW.

Drawing Title Location Plan		Client Mr D Nelmes	
Job No. WML 09/15	Drawing No. WML 09/15/001	Location Winterburn Media Ltd, Kinloss Forres, IV36 3UA	
All Dimensions In Millimetres	Paper Size A4	Job Architect/Designer Peter M Mitchell	
Scale 1:2500	Date 25/02/16	Drawn Pete M	Checked
		Job Title Erection of 1.5 Storey Dwelling House	



Site Longitudinal Ground Profile Along Site Centreline



**Town & Country Planning
(Scotland) Act, 1997
as amended**

REFUSED

26/04/16

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<div><div><div>PM Designs</div><div>Planning & Building Warrant Drawings</div><div>pete.mitchell@pmdesigns.eu</div><div>T: 01343 890273 M: 07881462217</div><div>Sonos, Todholes, Dallas, Forres, Moray, IV36 2RW.</div></div></div>	<p>NOTES.</p> <p>1. Do not scale from these drawings. Request additional detailing from PM Designs if necessary.</p> <p>2. All drawing errors should be reported to PM Designs as soon as possible.</p> <p>3. This drawing has been produced to support a Planning Application, additional detailing can be requested from PM Designs as required.</p> <p>4. This drawing and related documents are the copyright property of PM Designs.</p> <p>5. This Drawing may not be copied by any third parties without prior permission.</p>	<p>Related Drawings and Documents</p> <p>WML 09/15/001 Location Plan WML 09/15/003 Ground Floor Plan WML 09/15/004 Elevations WML 09/15/005 Section Details</p> <p>Revisions:</p>	<table><tr><td colspan="2">Drawing Title</td><td colspan="2">Client</td></tr><tr><td colspan="2">Site Plans</td><td colspan="2">Mr D Nelmes</td></tr><tr><td>Job No. WML 09/15</td><td>Drawing No. WML 09/15/002</td><td>Location</td><td>Winterburn Media Ltd, Kinloss Forres, IV36 3UA</td></tr><tr><td>All Dimensions In Millimetres</td><td>Paper Size A2</td><td>Revision: _____</td><td>Job Architect/Designer Peter M Mitchell</td></tr><tr><td>Scale 1:200</td><td>Date 26/02/16</td><td>Drawn Pete M</td><td>Checked Job Title Erection of Single Storey Offices</td></tr></table>	Drawing Title		Client		Site Plans		Mr D Nelmes		Job No. WML 09/15	Drawing No. WML 09/15/002	Location	Winterburn Media Ltd, Kinloss Forres, IV36 3UA	All Dimensions In Millimetres	Paper Size A2	Revision: _____	Job Architect/Designer Peter M Mitchell	Scale 1:200	Date 26/02/16	Drawn Pete M	Checked Job Title Erection of Single Storey Offices
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Scale 1:200	Date 26/02/16	Drawn Pete M	Checked Job Title Erection of Single Storey Offices																				

COLOUR SCHEME

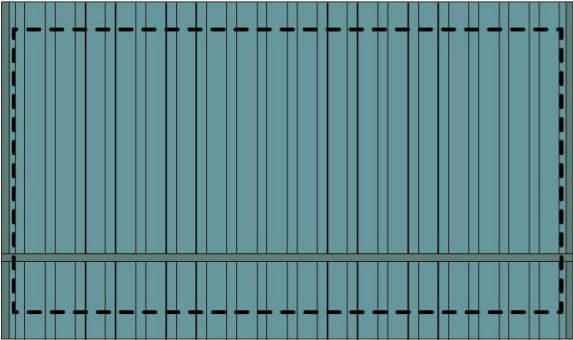
WALLS:
Timber cladding to be a natural larch colour as shown.

ROOF:
Slate blue Planwell roof covering as shown.

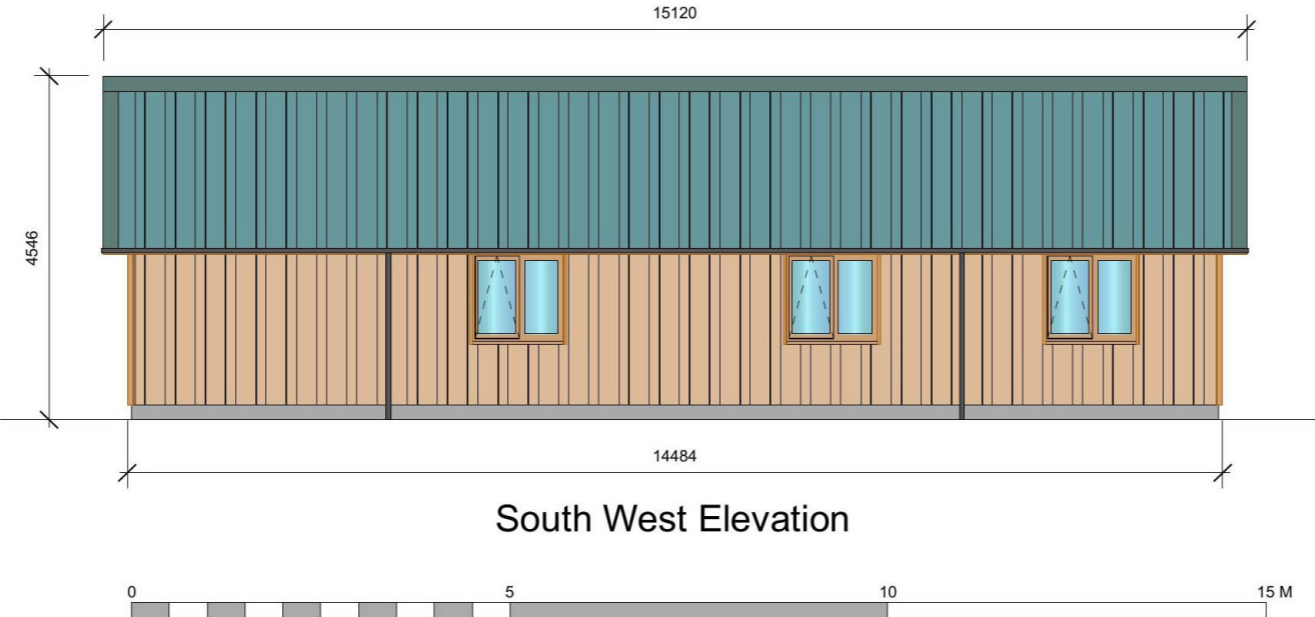
RAINWATER COLLECTION:
Pipes and guttering to be charcole black as shown.

WINDOWS & DOORS:
Natural redwood timber doors and windows as shown.

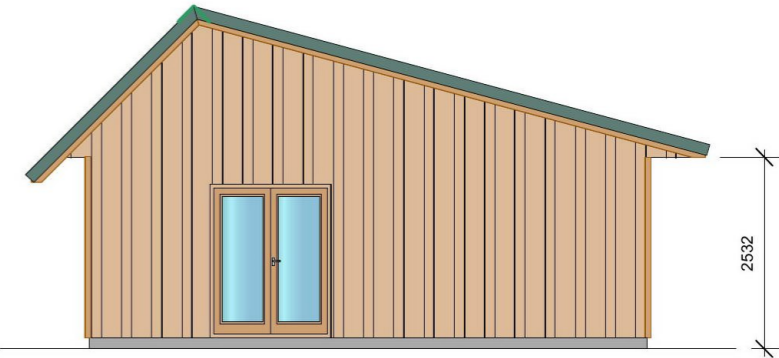
FASCIA & BARGE BOARDS:
Natural redwood timber facias and bargeboards with Planwell slate blue ridge verge flashings, as shown.



Roof Plan
(Scale 1:200)



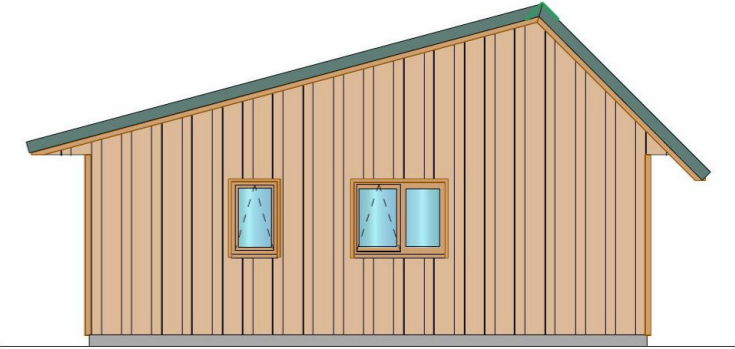
South West Elevation



South East Gable Elevation



North East Elevation



North West Gable Elevation

Town & Country Planning
(Scotland) Act, 1997
as amended

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26/04/16

Development Management
Environmental Services
The Moray Council

Planning & Building
Warrant Drawings

pete.mitchell@pmdesigns.eu

T: 01343 890273 Sonas, Todholes,
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Related Drawings and Documents

WML 09/15/001 Location Plan
WML 09/15/002 Site Plan
WML 09/15/003 Ground Floor Plan
WML 09/15/005 Section Details

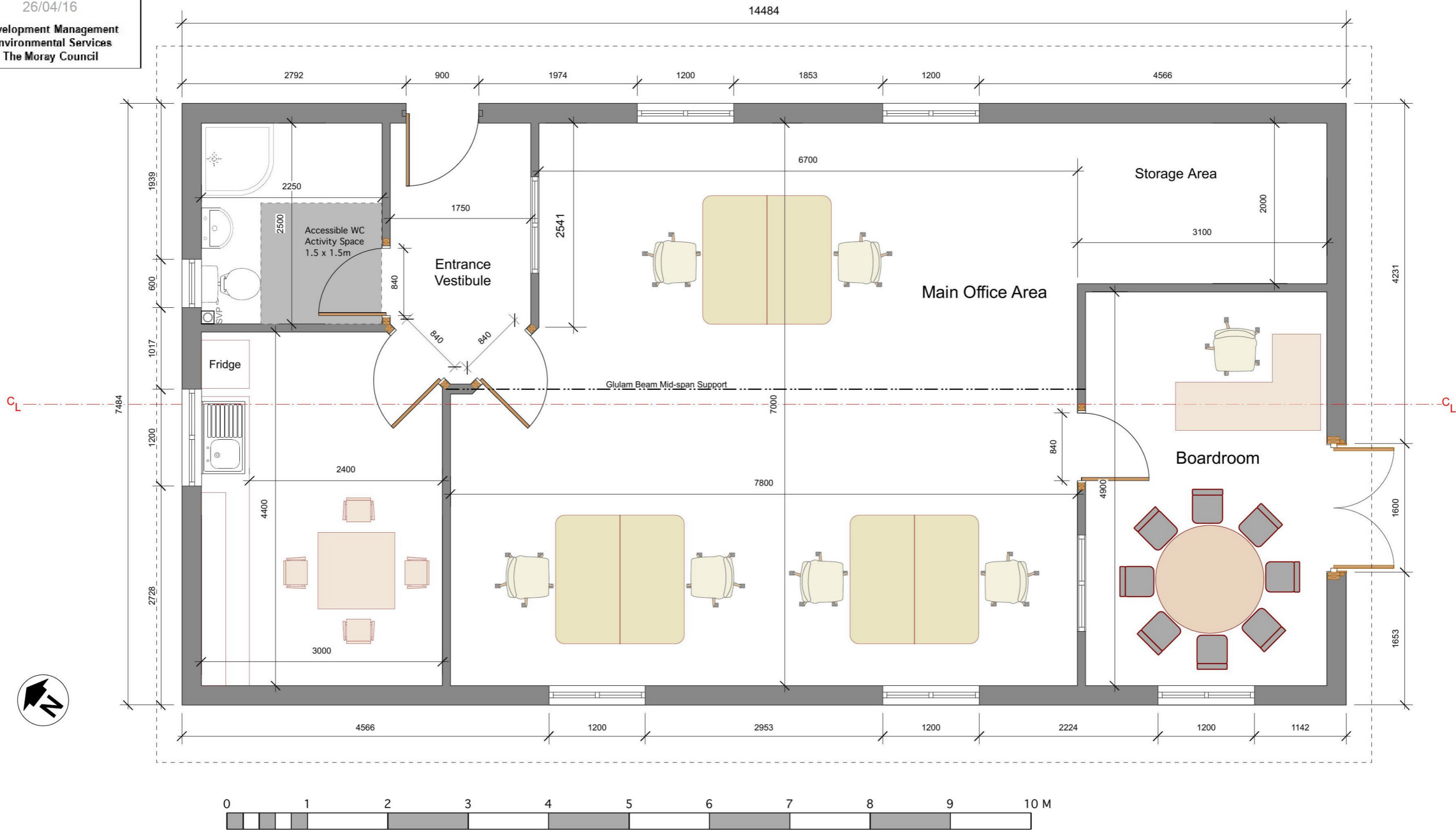
Revisions

Drawing Title Elevations				Client Mr D Nelmes	
Job No. WML 09/15		Drawing No. WML 09/15/004		Location Winterburn Media Ltd, Kinloss Forres, IV36 3UA	
All Dimensions In Millimetres		Paper Size A3	Revision: ____	Job Architect/Designer Peter M Mitchell	
Scale 1:100	Date 25/02/16	Drawn <i>Pete M</i>	Checked	Job Title Erection of Single Storey Offices	

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26/04/16

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WML 09/15/002 Site Plan
WML 09/15/004 Elevations
WML 09/15/005 Section Details

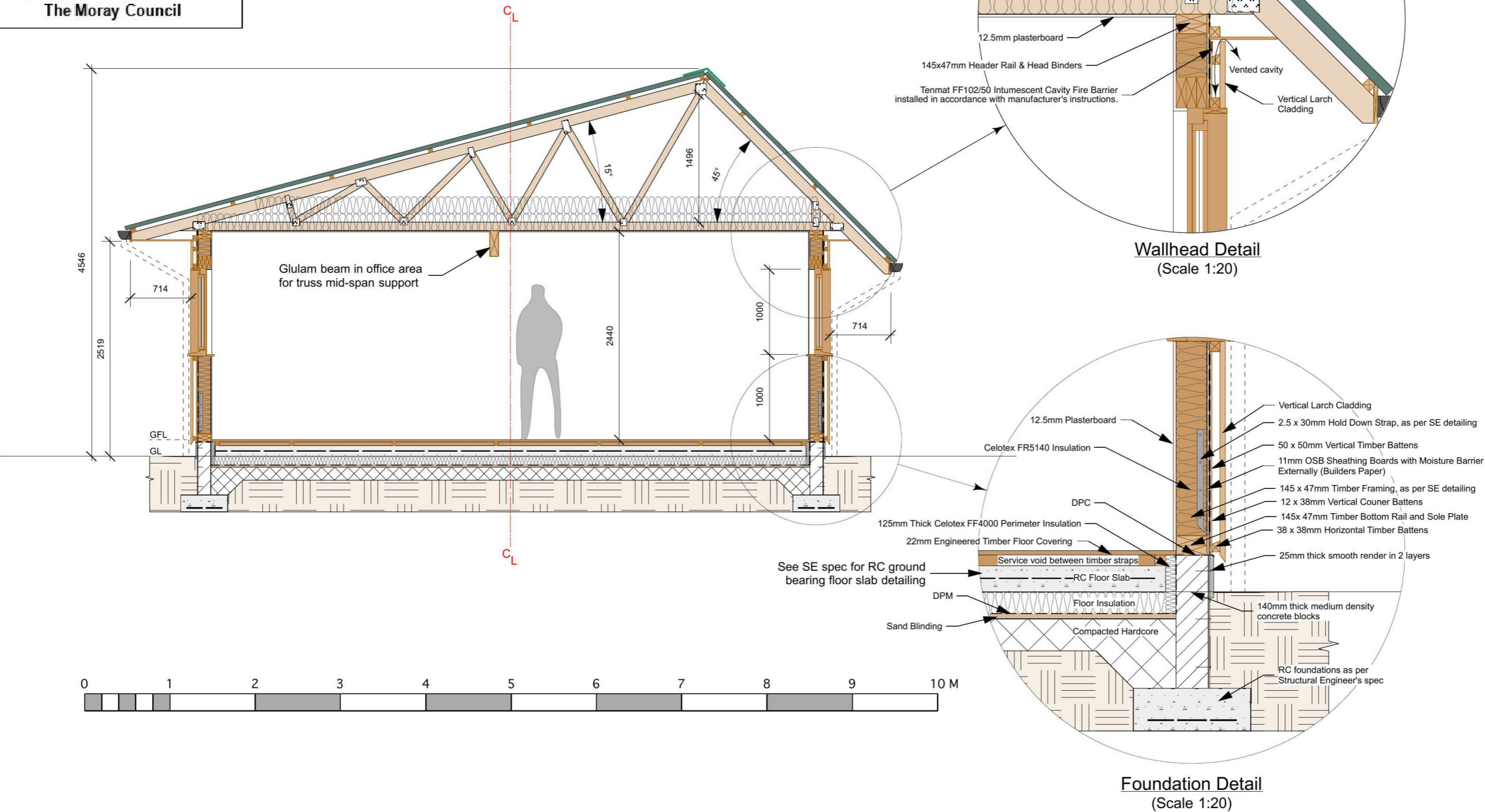
Revisions:

Drawing Title Ground Floor Plans				Client Mr D Nelmes	
Job No. WML 09/15		Drawing No. WML 09/15/003		Location Winterburn Media Ltd, Kinloss Forres, IV36 3UA	
All Dimensions In Millimetres		Paper Size A3	Revision: _____	Job Architect/Designer Peter M Mitchell	
Scale 1:50	Date 25/02/16	Drawn Pete M	Checked	Job Title Erection of Single Storey Offices	

REFUSED

26/04/16

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WML 09/15/001 Location Plan
WML 09/15/002 Site Plan
WML 09/15/003 Ground Floor Plan
WML 09/15/004 Elevations

Revisions:

Drawing Title				Client	
Section Details				Mr D Nemes	
Job No.		Drawing No.		Location	
WML 09/15		WML 09/15/004		Winterburn Media Ltd, Kinloss Forres, IV36 3UA	
All Dimensions In Millimetres		Paper Size	Revision:	Job Architect/Designer	
		A3		Peter M Mitchell	
Scale	Date	Drawn	Checked	Job Title	
1:50	25/02/16	Pete M		Erection of Single Storey Offices	

ACCESS LAY-BY/PASSING PLACE

Revision C July 2013



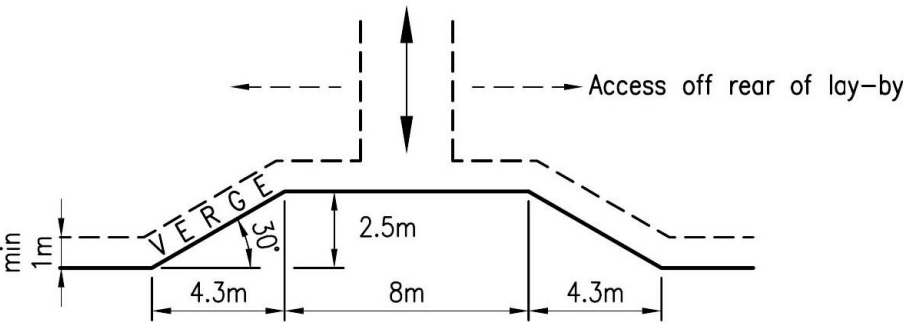
TRANSPORTATION
COUNCIL OFFICE
HIGH STREET
ELGIN IV30 1BX
TEL: 0300 1234565

Town & Country Planning
(Scotland) Act, 1997
as amended

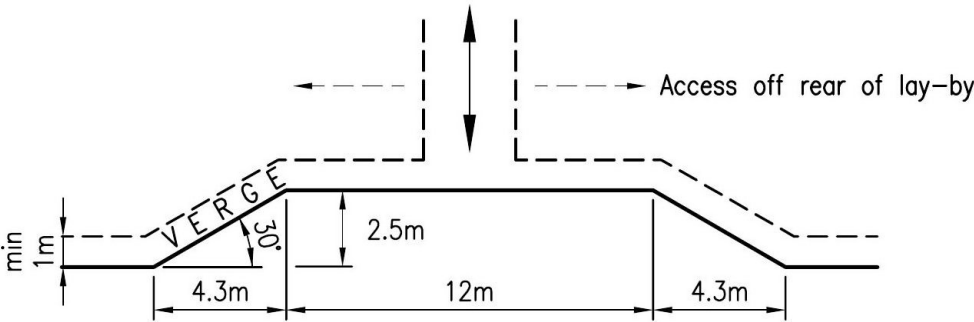
REFUSED

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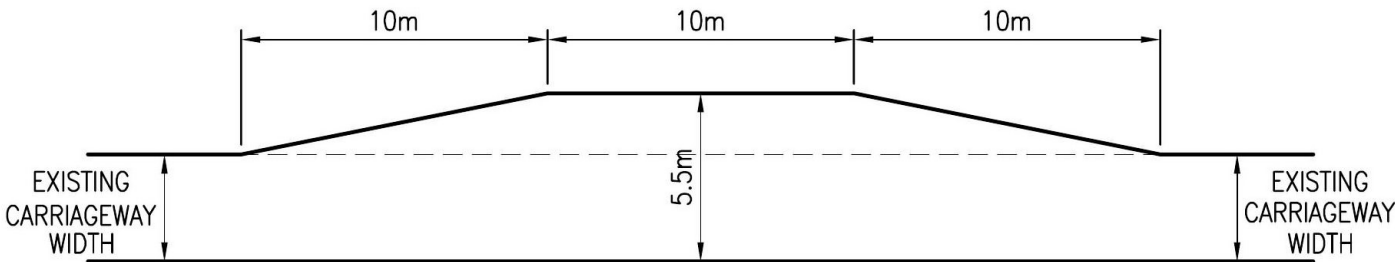
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ACCESS LAY-BY FOR A SINGLE DWELLINGHOUSE



ACCESS LAY-BY FOR 2 DWELLINGHOUSES



PASSING PLACE

SPECIFICATION FOR PASSING PLACE OR ACCESS LAY-BY ONTO PUBLIC ROAD

1. Groundworks:	Remove all topsoil and unsuitable material; excavate/upfill to meet required level of formation.
2. Type 1 sub-base:	250mm
3. Dense Bituminous Macadam road base:	100mm
4. Dense Bituminous Macadam binder course:	60mm
5. Dense Bituminous Macadam surface course:	40mm

Note: Minimum 1m wide verge around perimeter of lay-by.

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	25th March 2016
Planning Authority Reference	16/00344/APP
Nature of Proposal (Description)	Erect a single storey office building
Site	Land 170M Northwest Of Damhead Farm Kinloss Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133069430
Proposal Location Easting	308226
Proposal Location Northing	862507
Area of application site (Ha)	892 m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=O3CM8ABGMSQ00
Previous Application	
Date of Consultation	11th March 2016
Is this a re-consultation of an existing application?	No
Applicant Name	Winterburn Media Ltd
Applicant Organisation Name	
Applicant Address	Comraich Woodside Farm Kinloss Forres Scotland IV36 3UA
Agent Name	PM Designs
Agent Organisation Name	
Agent Address	Sonas Todholes Dallas Forres United Kingdom IV36 2RW
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Richard Smith
Case Officer Phone number	01343 563256
Case Officer email address	richard.smith@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Contaminated Land

Planning Application Ref. No: 16/00344/APP

**Erect a single storey office building Land 170M Northwest Of Damhead Farm Kinloss
Moray for Winterburn Media Ltd**

I have the following comments to make on the application:-

- | | Please |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below | x
<input type="checkbox"/> |
| (b) I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal | x |
| (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below | <input type="checkbox"/> |
| (d) Further information is required in order to consider the application as set out below | <input type="checkbox"/> |

Reason(s) for objection

Condition(s)

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Adrian Muscutt
email address:
Consultee:

Date: 14/03/2016
Phone No

Return response to	consultation.planning@moray.gov.uk
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://public.moray.gov.uk/eplanning/> (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	25th March 2016
Planning Authority Reference	16/00344/APP
Nature of Proposal (Description)	Erect a single storey office building
Site	Land 170M Northwest Of Damhead Farm Kinloss Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133069430
Proposal Location Easting	308226
Proposal Location Northing	862507
Area of application site (Ha)	892 m²
Additional Comment	RAF Kinloss Noise Zone 66dBA Category C
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=O3CM8ABGMSQ00
Previous Application	
Date of Consultation	11th March 2016
Is this a re-consultation of an existing application?	No
Applicant Name	Winterburn Media Ltd
Applicant Organisation Name	
Applicant Address	Comraich Woodside Farm Kinloss Forres Scotland IV36 3UA
Agent Name	PM Designs
Agent Organisation Name	
Agent Address	Sonas Todholes Dallas Forres United Kingdom IV36 2RW
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Richard Smith
Case Officer Phone number	01343 563256
Case Officer email address	richard.smith@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Environmental Health Manager

Planning Application Ref. No: 16/00344/APP

**Erect a single storey office building Land 170M Northwest Of Damhead Farm Kinloss
Moray for Winterburn Media Ltd**

I have the following comments to make on the application:-

- | | Please |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below | x
<input type="checkbox"/> |
| (b) I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal | <input type="checkbox"/> |
| (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below | x |
| (d) Further information is required in order to consider the application as set out below | <input type="checkbox"/> |

Reason(s) for objection

Condition(s)

The premises will require to comply with the Health and Safety at Work etc Act 1974 and the Workplace (Health, Safety and Welfare) Regulations 1992.

The Environmental Health Section of Moray Council would be the enforcing authority in the premises.

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Kevin Boyle
email address:
Consultee:

Date: 14/03/2016
Phone No

Return response to

consultation.planning@moray.gov.uk

Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://public.moray.gov.uk/eplanning/> (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	25th March 2016
Planning Authority Reference	16/00344/APP
Nature of Proposal (Description)	Erect a single storey office building
Site	Land 170M Northwest Of Damhead Farm Kinloss Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133069430
Proposal Location Easting	308226
Proposal Location Northing	862507
Area of application site (Ha)	892 m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=O3CM8ABGMSQ00
Previous Application	
Date of Consultation	11th March 2016
Is this a re-consultation of an existing application?	No
Applicant Name	Winterburn Media Ltd
Applicant Organisation Name	
Applicant Address	Comraich Woodside Farm Kinloss Forres Scotland IV36 3UA
Agent Name	PM Designs
Agent Organisation Name	
Agent Address	Sonas Todholes Dallas Forres United Kingdom IV36 2RW
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Richard Smith
Case Officer Phone number	01343 563256
Case Officer email address	richard.smith@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 16/00344/APP

**Erect a single storey office building Land 170M Northwest Of Damhead Farm Kinloss
Moray for Winterburn Media Ltd**

I have the following comments to make on the application:-

- | | Please |
|---|--------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below | X
X |
| (b) I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal | <input type="checkbox"/> |
| (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below | <input type="checkbox"/> |
| (d) Further information is required in order to consider the application as set out below | <input type="checkbox"/> |

Reason(s) for objection

The proposed development, if permitted, would involve the intensification of use an access onto B9011 Kinloss-Burghead Road where visibility is restricted by the alignment of the road, hedges/trees/vegetation and an adjacent boundary fence, and would be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policies T2 Provision of Access and IMP1 Development Requirements.

Further Information

The required visibility splay at this access onto the public road is 4.5 metres by 120 metres to the west and 4.5 metres by 160 metres to the east, clear of any obstruction above 0.26 metres. All vegetation would need to be removed and boundary fences set back to the position behind the visibility splay.

Contact: DA
email address:
transport.develop@moray.gov.uk
Consultee: TRANSPORTATION

Date 29 March 2016

Return response to	consultation.planning@moray.gov.uk
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://public.moray.gov.uk/eplanning/> (

REPORT OF HANDLING

Ref No:	16/00344/APP	Officer:	Derek Wilson
Proposal Description/ Address	Erect a single storey office building Land 170M Northwest Of Damhead Farm Kinloss Moray		
Date:	26/04/16	Typist Initials:	LRM

RECOMMENDATION

Approve, without or with condition(s) listed below		N
Refuse, subject to reason(s) listed below		Y
Legal Agreement required e.g. S,75		N
Notification to Scottish Ministers/Historic Scotland		N
Hearing requirements	Departure	N
	Pre-determination	N

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Environmental Health Manager	14/03/16	No objection with condition.
Contaminated Land	14/03/16	No objection
Transportation Manager	29/03/16	Objection and informative
Scottish Water		No response by date of report

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
E9: Settlement Boundaries	Y	See Observations
ED7: Rural Business Proposals	Y	See Observations
EP9: Contaminated Land	N	
EP10: Foul Drainage	Y	See Observations
T2: Provision of Access	Y	See Observations
T5: Parking Standards	N	
IMP1: Developer Requirements	Y	See Observations

REPRESENTATIONS

Representations Received	YES	
Total number of representations received: ONE		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the Data		

Protection Act.
<p>Summary and Assessment of main issues raised by representations</p> <p>Support the above application on the grounds that it seeks to develop and sustain local economic activity within a 'brownfield' or 'derelict' site and can draw justification from the guidelines presented in Policy ED7 and Policy ED5.</p>
Issue: Developing Economic Activity
<p>Comments (PO): Under ED7, the locational justification has not been made. There is serviced industrial land available in nearby Kinloss and Forres. The Transport Manager regards vehicle access and egress from the site insufficient in terms of road safety for this type of use.</p> <p>An opportunity site as defined in ED5 should be shown to have been previously used. The lack of utility infrastructure to the site suggests this is not the case. The site may be termed vacant but it is not derelict or classed as brownfield.</p>

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The Proposal Description

- A single storey office building with a rectangular footprint of approximately 108sqm within a 892sqm. plot.
- Application documents include a site layout plan which shows the office positioned to the centre of the plot with access from the front (north west) and parking to the north west of the office within the proposed curtilage. It is rectangular and orientated south east to north west.
- A location plan, floor plan, elevations, sections and lay-by design are included.
- The site is immediately out-with the Kinloss settlement boundary identified in the Moray Local Development Plan 2015.
- The site is relatively flat and covered with gorse and trees. There are mounds of stone which have been deposited rather than existing as evidence of previous building.
- A wire and post fence establishes the south eastern boundary which is approximately 10% of the proposed boundaries. The remainder of the plot is bounded by the access track and the remaining tree line. Further post and wire fences are intended for the northerly and easterly boundaries.
- The roof and verge flashings will be of slate blue profile metal sheeting. The walls will be of natural larch timber cladding. Windows, doors, bargeboards and fascia will be of natural redwood.
- The windows are small but have an acceptable symmetry. There are only glass doors on the southerly elevation to add benefit from solar gain.
- The office will connect to the public water supply. A septic tank and foul and rain water soakaways will be located over 5m from the building.

Appraisal

Section 25 of the Town and Country Planning (Scotland) etc. Act 2006 requires applications to be determined in accordance with the current Moray Local Development Plan 2015 unless material considerations indicate otherwise. The planning issues for this proposal are the following:

Analysis

Policy E9 Settlement Boundaries delineates the limit to which towns can expand during the Moray local Development Plan 2015 period. Development proposals immediately out-with the boundaries of these settlements will not be acceptable, unless the proposal is a designated "LONG" term

development site which is being released for development under the terms of Policy H2 long term Housing Designations (LONG). The proposal is for a commercial building and is therefore unacceptable under this policy where it does not constitute one of the defined exemptions. In terms of design the office would be acceptable in character to its surroundings. The proposal is not dissimilar in size to a rural dwellinghouse, and does benefit from some surrounding enclosure. It would however compromise the aims of policy E9 where the proposal immediately outwith the edge of the defined settlement would cloud the distinction between the defined settlement and the surrounding open countryside.

New business developments in the countryside will be permitted if there is a locational justification for the site concerned. The proposed site is within five kilometres of serviced commercial sites at Forres and opportunity designated within Kinloss in addition to the concerns regarding traffic access to the site from the B9089 (see access/parking section), the proposal is unacceptable under Policy ED7 Rural Business Proposals. Policy ED7 seeks to approve rural business only where they appropriately serviced and accessed.

Access/Parking

Policy T2 requires the highest level of access for end users including visitors, servicing and deliveries regarding vehicle safety accessing, proceeding, manoeuvring and parking. This should be safe entry and exit including appropriate visibility for vehicles at junctions and bends. The Transport Manager has objected to the proposal due to the intensification of use and access onto the B9089 Kinloss-Burghead Road, where visibility from the access is restricted. The parking and loading provision is acceptable under Policy T5 Parking Standards.

Drainage and Water Supply

Policy IMP1 requires new development to make acceptable water drainage and waste management provision including the use of sustainable urban drainage systems for dealing with surface drainage. Policy EP5 requires a method of dealing with surface water which should avoid pollution and promote habitat enhancement and amenity. Policy EP10 requires small scale developments in the countryside intending to discharge to the land to use a system compatible with Building (Scotland) regulations 2004. In this case the proposals being close to the settlement of Kinloss should be connected to the public sewerage system if one were available to the site. As no response has been provided by Scottish Water to the contrary at the time of considering the application, the absence of a public sewerage connection has been added to the grounds for refusal. The proposal is therefore unacceptable under policy EP10.

Other matters

As the proposed use is for as an office, it would not constitute a noise sensitive use to the same extent as a private residence would. No pursuit of noise matters.

Given the size of the proposed office at approximately 108 sq.m. with a smaller internal office floor space (comparable in size to small dwelling) inclusive of its own private parking and private drainage arrangements, it was not considered necessary to consult the Planning Obligations unit under policy IMP3 Developer Obligations

Conclusion

For the reasons described in the analysis section the application is being refused. The reasonable proximity of serviced commercial land within the area and the intention to develop immediately outwith the settlement boundary will form the basis for refusal. The concerns expressed by the Transport Manager regarding access to the site from the main road and the availability access to the public sewers are further reasons for refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description		
	Decision		Date Of Decision

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Forres Gazette	Departure from development plan No Premises	12/04/16	
PINS	Departure from development plan No Premises	12/04/16	

DEVELOPER CONTRIBUTIONS (PGU)

Status	N/A Given the scale of building.
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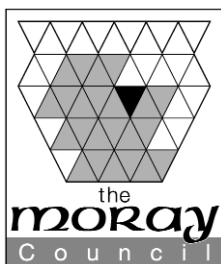
DOCUMENTS, ASSESSMENTS etc. *

** Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc*

Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Design Statement	
Main Issues:	<p>The proposer is aware of The Moray Council Roads Department's requirement for an improved visibility splay at the junction of the Damhead adopted road, with the B9089 Kinloss to Burghead road.</p> <p>Due to business expansion a larger office is required and this unused land is currently scrub and used as a stone dump has been chosen. The timber framed building will be of a sustainable design and the insulation and orientation will reduce carbon use. The roof ridge will be low profile and the materials in character with the surrounding area.</p>	

S.75 AGREEMENT		
Application subject to S.75 Agreement		NO
Summary of terms of agreement:		
Location where terms or summary of terms can be inspected:		

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)			
Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			



**THE MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

**[Forres]
Application for Planning Permission**

TO Winterburn Media Ltd
c/o PM Designs
Sonas
Todholes
Dallas
Forres
United Kingdom
IV36 2RW

With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Erect a single storey office building Land 170M Northwest Of Damhead Farm
Kinloss Moray**

and for the reason(s) set out in the attached schedule.

Date of Notice: **26 April 2016**



HEAD OF DEVELOPMENT SERVICES

Environmental Services Department
The Moray Council
Council Office
High Street
ELGIN
Moray IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

By this Notice, the Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

The proposal is contrary to the provisions of the Moray Local Development Plan 2015 (Policies ED7, EP10, E9, T2 and IMP1) where;-

1. the proposal is for a permanent building immediately out-with the settlement boundary of Kinloss thereby compromising the extent and limit of development permitted under the current local development plan period for the defined settlement of Kinloss. The proposal would further damage the definition between the built settlement of Kinloss and the surrounding open countryside;
2. no locational need has been established and the site and Kinloss is sufficiently close to alternative appropriately services business sites, and other suitable property;
3. the proposed development would involve the intensification of use an access onto B9089 Kinloss-Burghead Road where visibility is restricted by the alignment of the road, hedges/trees/vegetation and an adjacent boundary fence, and would be likely to give rise to conditions detrimental to the road safety of road users; and.; and
4. the proposed business development would not be connected to the public sewer despite is close proximity to the settlement of Kinloss.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

The following plans and drawings form part of the decision:-

Reference	Version	Title
		Access lay-by/passing place
WML 09/15/001		Location plan
WML 09/15/002		Site plan including site profile and visibility splay
WML 09/15/003		Proposed ground floor
WML 09/15/004		Elevations and roof plan
WML 09/15/004		Typical cross section details

**DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL,
AS AGREED WITH APPLICANT (S.32A of 1997 ACT)**

N/A

**NOTICE OF APPEAL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, The Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from www.eplanning.scotland.gov.uk

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.