

05 OCT 2016

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please refer to the accompanying Guidance Notes when completing this application
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR.	Ref No.	16/38
Forename	ROBIN	Forename	COLIN
Surname	FALCOWER.	Surname	KEIR.
Company Name		Company Name	PLANS PLUS
Building No./Name		Building No./Name	MAIN STREET
Address Line 1		Address Line 1	OFFICES
Address Line 2		Address Line 2	URQUHART
Town/City		Town/City	BY ELEAN
Postcode		Postcode	IV30 8LG
Telephone		Telephone	0343 842635
Mobile	—	Mobile	07766 315501
Fax	—	Fax	—
Email	—	Email	cbkplans@aol.com

3. Postal Address or Location of Proposed Development (please include postcode)

PLOT AT SWEETHILLOCK FARM
DUFFUS IV30 5QZ.

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

4. Type of Application

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

- Planning Permission
- Planning Permission in Principle
- Further Application*
- Application for Approval of Matters Specified in Conditions*
- Application for Mineral Works**

NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.

*Please provide a reference number of the previous application and date when permission was granted:

Reference No:

Date:

**Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.

5. Description of the Proposal

Please describe the proposal including any change of use:

P.P.P. TO ELECT NEW DWELLING HOUSE.

Is this a temporary permission?

Yes No

If yes, please state how long permission is required for and why:

—

Have the works already been started or completed?

Yes No

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

If yes, please explain why work has already taken place in advance of making this application

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes No

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting Telephone call Letter Email

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes No

Please provide a description of the advice you were given and who you received the advice from:

Name: Date: Ref No.:

7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha): Square Metre (sq.m.)

8. Existing Use

Please describe the current or most recent use:

DEFINED AREA OF TREES SURROUNDED BY ROAD AND TRACKS.

9. Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes No

If yes, please show in your drawings the position of any existing, altered or new access and explain 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 changes to public paths, public rights of way or affecting any public rights of access? Yes No

If yes, please show on your drawings the position of any affected areas and explain 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?

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements? Yes No

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network
No, proposing to make private drainage arrangements
Not applicable – only arrangement for water supply required

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway
Discharge to watercourse(s) (including partial soakaway)
Discharge to coastal waters

Please show more details on your plans and supporting information

What private arrangements are you proposing?
Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)
Other private drainage arrangement (such as a chemical toilets or composting toilets)

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water? Yes No

Note:- Please include details of SUDS arrangements on your plans

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

Yes No

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

11. Assessment of Flood Risk

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

Yes No

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

If yes, briefly describe how the risk of flooding might be increased elsewhere.

12. Trees

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

Yes No

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

13. Waste Storage and Collection

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

Yes No

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

14. Residential Units Including Conversion

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

Yes No

If yes how many units do you propose in total?

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.

15. For all types of non housing development – new floorspace proposed

Does your proposal alter or create non-residential floorspace?

Yes No

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

17. Planning Service Employee/Elected Member Interest

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

Yes No

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes No

If you have answered yes please provide details:

COUNCILLOR PAUC RELATED TO AGENT

DECLARATION

I, ~~the applicant~~/agent certify that this is an application for planning permission The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, ~~the applicant~~/agent hereby certify that the attached Land Ownership Certificate has been completed

I, ~~the applicant~~/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

Yes No N/A

Signature:



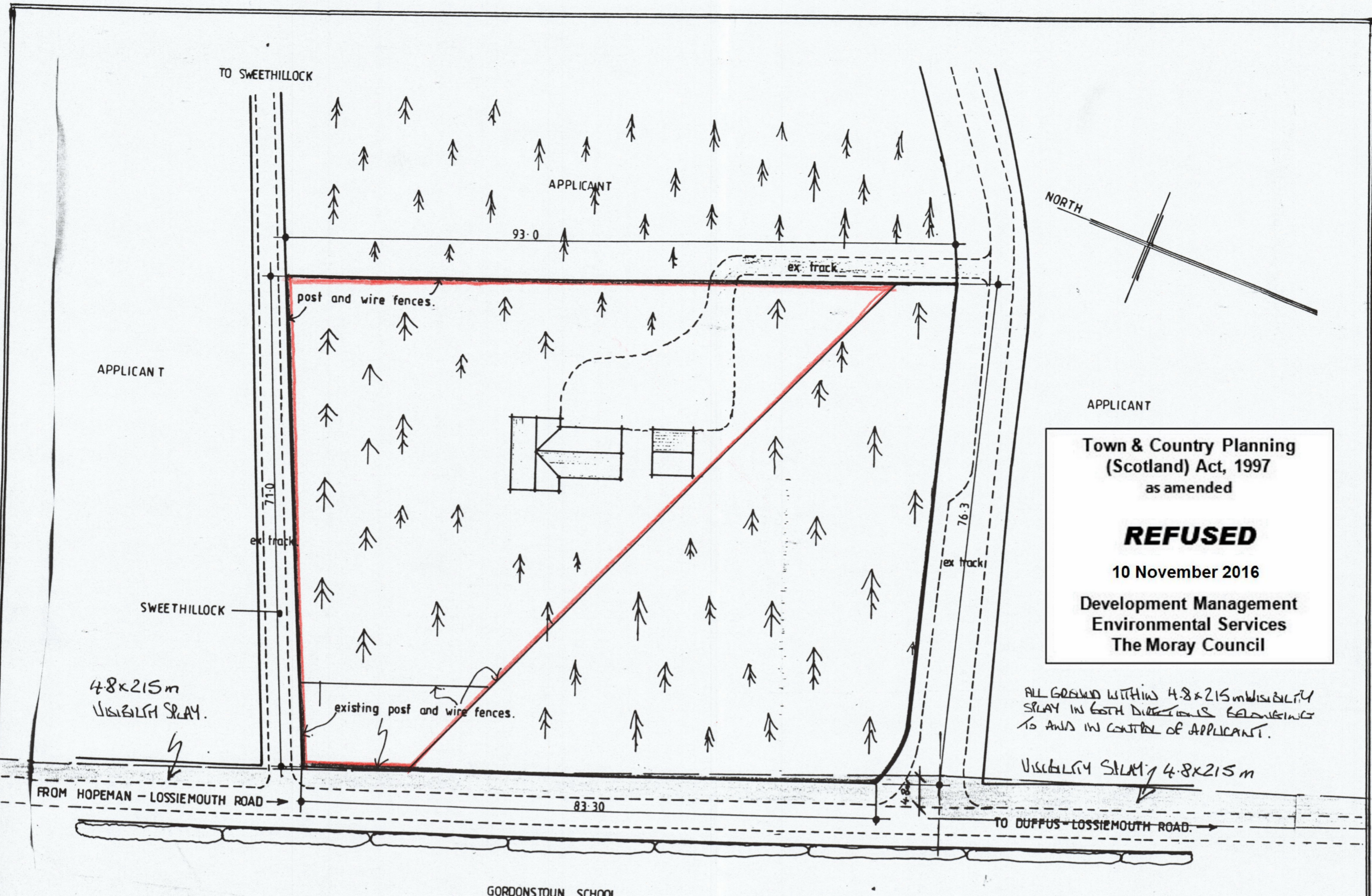
Name:

COLIN KEIR.

Date:

6/10/16

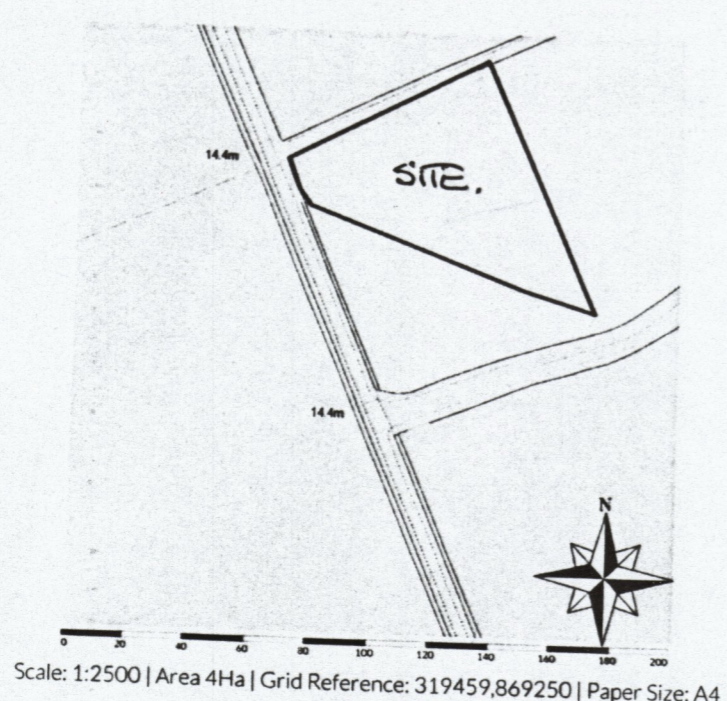
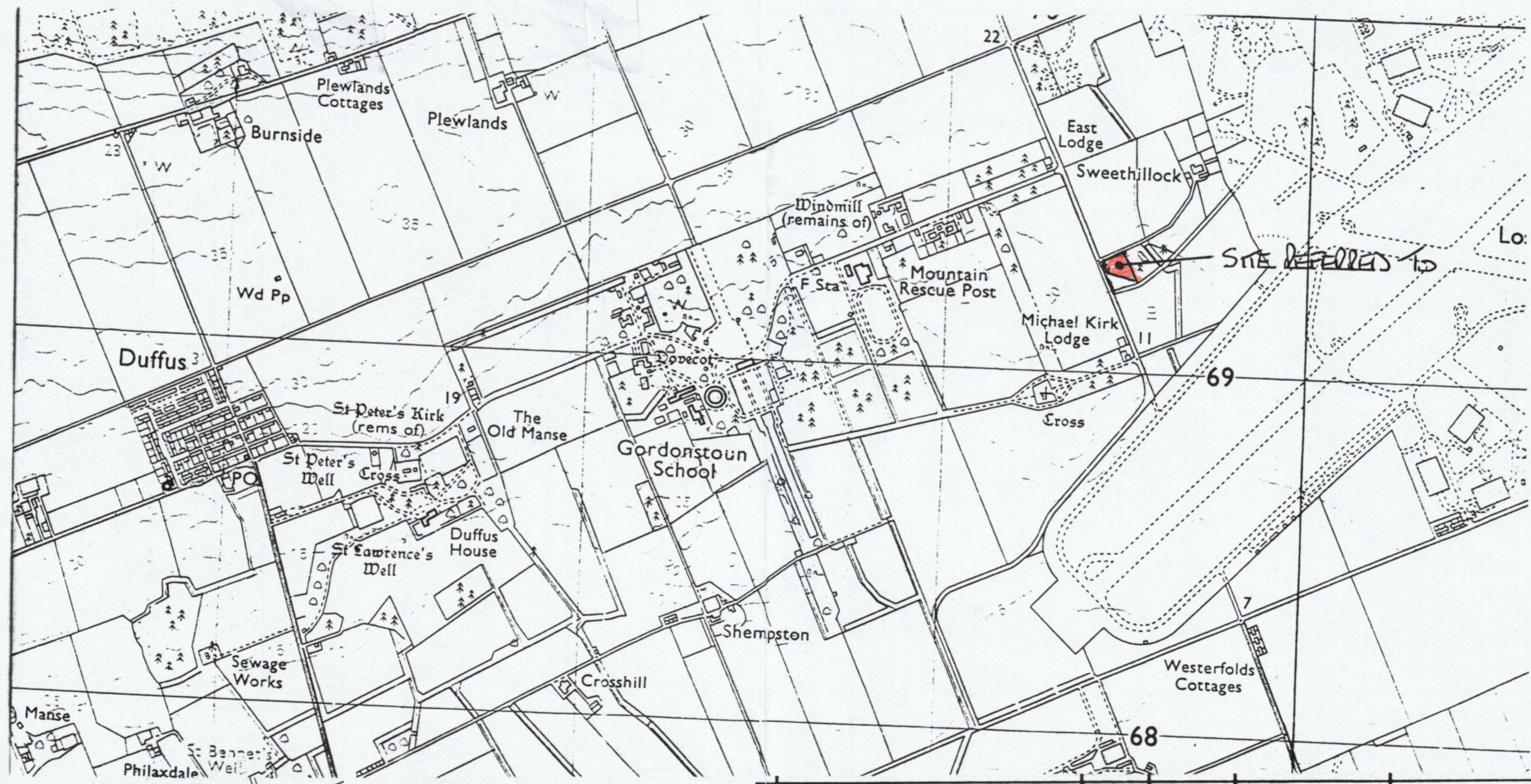
Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.



APPLICANT
Town & Country Planning (Scotland) Act, 1997 as amended
REFUSED
 10 November 2016
 Development Management
 Environmental Services
 The Moray Council

ALL GROUND WITHIN 4.8x215m VISIBILITY SPLAY IN BOTH DIRECTIONS BELONGS TO AND IS IN CONTROL OF APPLICANT.

VISIBILITY SPLAY 4.8x215m



Scale: 1:2500 | Area 4Ha | Grid Reference: 319459,869250 | Paper Size: A4

CLIENT MR. R. FALCONER	SCALE AS INDICATED	DRAWN BY C.K.	DATE 27/9/16
PROJECT 16/01539/PPP PPP TO ERECT NEW DWELLING HOUSE AT SWEETHILLOCK, DUFFUS, MORAY 5130 SQZ		PROJECT No. 16/38 05 OCT 2016	



ARCHITECTURAL DESIGN CONSULTANTS

TELEPHONE No. 01343 842635
 FAX No. 01343 842785
 MOBILE No. 07766 315501
 WEB: www.plans-plus.co.uk
 PARTNERS: COLIN & CATRIONA KEIR

MAIN STREET OFFICES: URQUHART, BY ELGIN, IV30 8LG

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	20th October 2016
Planning Authority Reference	16/01539/PPP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Site At Sweethillocks Duffus Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133054993
Proposal Location Easting	319479
Proposal Location Northing	869283
Area of application site (Ha)	3300 m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=OEKJKABG0CR00
Previous Application	04/02985/OUT
Date of Consultation	6th October 2016
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Robin Falconer
Applicant Organisation Name	
Applicant Address	<div style="background-color: black; width: 100px; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: black; width: 60px; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: black; width: 40px; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: black; width: 50px; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: black; width: 70px; height: 15px;"></div>
Agent Name	Plans Plus
Agent Organisation Name	Plans Plus
Agent Address	Main Street URQUHART By Elgin Moray IV30 8LG
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: 16/01539/PPP
Erect dwellinghouse on Site At Sweethillocks Duffus Moray for Mr Robin Falconer

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"/> |

Contact: Adrian Muscutt
email address: Adrian.muscutt@moray.gov.uk
Consultee: Contaminated Land

Date 6/10/16
Phone No (01343) 563496

Return response to	consultation.planning@moray.gov.uk
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From: DeveloperObligations
Sent: 25 Oct 2016 14:43:53 +0100
To: DC-General Enquiries
Cc: Richard Smith
Subject: 16/01539/PPP Erect Dwellinghouse at Sweethillocks, Duffus

Hi.

A developer obligations assessment has been undertaken in relation to the above planning application. It is confirmed that the proposed development is not considered to have a detrimental impact on local infrastructure that will require mitigation through developer obligations, and therefore, no contributions are necessary. For the avoidance of doubt, the Moray Council Transportation Service are seeking no developer obligations for this application.

Kind regards,
Eily

Eily Webster
Senior Planning Officer
Development Planning & Facilitation
(01343) 563287

Find us on 
[Moray Council Planning](#)

Consultation Request Notification

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Nature of Proposal (Description)	Erect dwellinghouse on
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Site Postcode	N/A
Site Gazetteer UPRN	000133054993
Proposal Location Easting	319479
Proposal Location Northing	869283
Area of application site (Ha)	3300 m²
Additional Comment	RAF Lossiemouth Noiuse Zone 72dBA Category D
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=OEKJKABG0CR00
Previous Application	04/02985/OUT
Date of Consultation	6th October 2016
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Robin Falconer
Applicant Organisation Name	
Applicant Address	[REDACTED]
Agent Name	Plans Plus
Agent Organisation Name	Plans Plus
Agent Address	Main Street URQUHART By Elgin Moray IV30 8LG
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

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MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Environmental Health Manager

Planning Application Ref. No: 16/01539/PPP
Erect dwellinghouse on Site At Sweethillocks Duffus Moray for Mr Robin Falconer

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 residential development, for planning permission in principle, is situated within the MOD's RAF Lossiemouth noise contour band of 72 dBA, having regard to the contours agreed by the Environmental Services Committee in 2007. In accordance with the Environmental Services Committee report of 7 March 2007 (as amended), applications in this category require to be refused. Having regard to the committee decision it is therefore recommended the application be refused.

Excessively high noise from aircraft at this location is anticipated to impact on the internal and external amenity of the development, contrary to EP8 and PAN 1/2011.

Contact: Douglas Caldwell
email address:
Consultee:

Date: 3rd November 2016
Phone No

Return response to	consultation.planning@moray.gov.uk
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**Defence
Infrastructure
Organisation**

Mr R Smith
The Moray Council
Planning Dept., Council Offices High Street
Moray
IV30 1BX
Scotland

**Safeguarding
Statutory**

Defence Infrastructure Organisation
Kingston Road
Sutton Coldfield
West Midlands
B75 7RL

Tel: +44 (0)121 311 3818 **Tel (MOD):** 94421 3818

Fax: +44 (0)121 311 2218

Email: DIO-safeguarding-statutory@mod.uk

www.mod.uk/DIO

25 Oct 2016

Dear Richard,

Your Reference: 16/01539/PPP

Our Reference: 10037350

MOD Safeguarding RAF Lossiemouth

Proposal: Erect dwellinghouse
Location: Site at Sweethillocks
Duffus
Moray

Planning Reference: Scotland
16/01539/PPP

Thank you for consulting the Ministry of Defence (MOD) on the above proposed development which was received by this office on 06/10/2016.

The proposed application site falls within the statutory 10.7m aerodrome height, technical, explosive and birdstrike safeguarding consultation zones surrounding RAF Lossiemouth.

On reviewing the proposed application and speaking to the agent, there is insufficient information to carry out a full assessment. However, I can confirm that the Ministry of Defence has no safeguarding objections to this proposal, provided the overall height of the proposed building is no higher than 10.7m.

DIO Safeguarding should be consulted at full planning application stage, in order to carry out a thorough assessment.

I trust this is clear however should you have any questions please do not hesitate to contact me.

Yours sincerely

Louise Dale

Consultation Request Notification

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Applicant Organisation Name	
Applicant Address	<div style="background-color: black; width: 100px; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: black; width: 60px; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: black; width: 40px; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: black; width: 50px; height: 15px; margin-bottom: 2px;"></div> <div style="background-color: black; width: 70px; height: 15px;"></div>
Agent Name	Plans Plus
Agent Organisation Name	Plans Plus
Agent Address	Main Street URQUHART By Elgin Moray IV30 8LG
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

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Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 16/01539/PPP

Erect dwellinghouse on Site At Sweethillocks Duffus Moray for Mr Robin Falconer

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

- | | Please |
|---|-------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below | <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 | <input checked="" type="checkbox"/> |
| (d) Further information is required in order to consider the application as set out below | <input type="checkbox"/> |

Condition(s)

1. Prior to any development works commencing:

- i) a detailed drawing (scale 1:500) showing the location and design of a passing place on the section of the U38E Covesea Road between the site and the junction with the B9040 Lossiemouth – Burghead Road (to the Moray Council standards and specification), shall be submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority; and
- ii) thereafter the passing place shall be constructed in accordance with the approved drawing prior to any development works commencing (except for those works associated with the provision of the passing place).

2. Prior to any development works commencing:

- i) a detailed drawing (scale 1:500 or 1:1000 which shall also include details to demonstrate control of the land) showing the visibility splay 2.4 metres by 215 metres in both directions, showing boundary fences/hedges set back to a position behind the required visibility splay, and a schedule of maintenance for the splay area shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority; and
- ii) the visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and
- iii) thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.

3. Parking provision shall be as follows:

- 2 spaces for a dwelling with three bedrooms or less; or

- 3 spaces for a dwelling with four bedrooms or more.

The car parking spaces shall be provided within the site prior to the occupation or completion of the dwellinghouse, whichever is the sooner. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

4. A turning area shall be provided within the curtilage of the site to enable vehicles to enter and exit in a forward gear.
5. No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.

REASONS

1. To enable drivers of vehicles to have adequate forward visibility to see approaching traffic and for two vehicles to safely pass each other ensuring the safety and free flow of traffic on the public road.
2. To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit, in the interests of road safety for the proposed development and other road users.
3. To ensure the permanent availability of the level of parking necessary for residents/visitors/others in the interests of an acceptable development and road safety.
4. To ensure the provision for vehicles to enter/exit in a forward gear in the interests of the safety and free flow of traffic on the public road
5. To ensure acceptable development that does not create any hazard to road users in the interests of road safety.

Further comment(s) to be passed to applicant

Planning consent does not carry with it the right to carry out works within the public road boundary.

Before commencing development the applicant is obliged to apply for Construction Consent in accordance with Section 21 of the Roads (Scotland) Act 1984 for new roads. The applicant will be required to provide technical information, including drawings and drainage calculations (Passing Place). Advice on this matter can be obtained from the Moray Council web site or by emailing transport.develop@moray.gov.uk

Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 85 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road. Advice on these matters can be obtained by emailing roadspermits@moray.gov.uk

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

The applicant shall free and relieve the Roads Authority from any claims arising out of

their operations on the road or extension to the road.

The provision of the visibility splay will require the removal of vegetation and to the south will require the removal of a section of the existing mature hedge. Any new hedge planted must be set back a minimum distance of 3.0m to the rear of the required visibility splay.

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

Date 25 October 2016

Return response to	consultation.planning@moray.gov.uk
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REPORT OF HANDLING

Ref No:	16/01539/PPP	Officer:	Richard Smith
Proposal Description/ Address	Erect dwellinghouse on Site At Sweethillocks Duffus Moray		
Date:	10/11/16	Typist Initials:	LRM

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Environmental Health Manager	04/11/16	Objection on adverse noise impact grounds.
Contaminated Land	06/10/16	No objection.
Transportation Manager	25/10/16	No objection subject to conditions.
Scottish Water		No response.
MOD Safeguarding - Statutory	25/10/16	No safeguarding objection.
Planning and Development Obligations		Refer to Developer Obligations Unit.
Developer Obligations Unit	25/10/16	No contribution sought.
MOD Noise	25/10/16	Recommend that no development be permitted in this location as the property will be significantly impacted by aircraft noise.

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
ER2: Development in Woodlands		
Moray Local Development Plan 2015		
PP1: Sustainable Economic Growth		
PP2: Climate Change		
PP3: Placemaking		
H7: New Housing in the Open Countryside		
E4: Trees and Development		
EP8: Pollution	Y	

EP10: Foul Drainage		
EP13: MoD Safeguarding Areas		
T2: Provision of Access		
T5: Parking Standards		
IMP1: Developer Requirements	Y	
IMP3: Developer Obligations		

REPRESENTATIONS

Representations Received		NO
Total number of representations received		
Names/Addresses of parties submitting representations		
Summary and Assessment of main issues raised by representations		
Issue:		
Comments (PO):		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Proposal

Application for planning permission in principle to erect a dwellinghouse on site at Sweethillocks, Duffus.

Indicative site layout plan shows a triangular shaped plot, house located within the eastern part of the site and access joining onto an existing track to the east.

Proposed connection to the public water supply network, foul and surface water drainage to involve installation of a septic tank with discharge to land via soakaway and SUDs.

The Site

0.33 ha, an area of woodland and a clearing 400m to the west of the MOD RAF Lossiemouth military airbase.

Level ground, 100% boundaries defined by post and wire fencing, tracks and road.

The site lies within the MOD's RAF Lossiemouth noise contour band of 72 dBA.

Appraisal

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2015 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below.

Noise Pollution (MLDP policies EP8, IMP1 and Scottish Government Planning Advice Note (PAN) 1/2011: Planning and Noise)

The site is located within close proximity to the MOD RAF Lossiemouth airbase, within noise contour band of 72 dBA, and as such requires assessment policies EP8 Pollution, IMP1 Developer Requirements and Scottish Government PAN 1/2011: Planning and Noise.

The abovementioned contour band is one of a number of aircraft noise contours provided by the MOD which are used for the purposes of assessing planning applications following the approval of the Environmental Services Committee in 2007. 72 dBA defines the highest category of noise disturbance (with resultant significant adverse noise impacts due to excessively high noise from aircraft), and in accordance with the above Committee decision requires all applications (detailed or otherwise) to be refused, with no scope for submission of a Noise Impact Assessment and mitigation.

EP8 aims to ensure that new development proposals do not create pollution or are permitted in locations where they would be subject to significant adverse noise impacts from existing pollution sources (i.e. RAF aircraft noise). Similarly policy IMP1 Developer Requirements requires proposals to be sensitively sited and appropriate to the surrounding area, and for pollution impacts such as aircraft noise to be adequately addressed to provide proper development standards (i.e. satisfactory amenity levels for future occupants).

PAN1/2011: Planning and Noise contains guidance to inform consideration of proposals where noise is an issue. It states (at para. 2) that:

"The PAN promotes the principles of good acoustic design and a sensitive approach to the location of new development. It promotes the appropriate location of new potentially noisy development, and a pragmatic approach to the location of new development within the vicinity of existing noise generating uses, to ensure that quality of life is not unreasonably affected and that new development continues to support sustainable economic growth. Environmental Health Officers and/or professional acousticians should be involved at an early stage in development proposals which are likely to have significant adverse noise impacts or be affected by existing noisy developments."

Following consultation the Environmental Health Manager has commented as follows:

"The proposed residential development, for planning permission in principle, is situated within the MOD's RAF Lossiemouth noise contour band of 72 dBA, having regard to the contours agreed by the Environmental Services Committee in 2007. In accordance with the Environmental Services Committee report of 7 March 2007 (as amended), applications in this category require to be refused. Having regard to the committee decision it is therefore recommended the application be refused.

Excessively high noise from aircraft at this location would impact on the internal and external amenity of the development, contrary to EP8 and PAN 1/2011."

Additionally the MOD (Noise Section) has also recommended that no development be permitted in this location as the dwelling and its occupants will be significantly impacted by aircraft noise.

The above concerns shall form the basis for a reason for refusal.

Siting and Design (MLDP - H7, IMP1, and ER2)

Policy H7: New Housing in the Open Countryside of the Moray Local Development Plan 2015 contains the necessary siting and design criteria for assessing new housing proposals in the countryside. This aims to allow new housing in the open countryside provided it can be easily absorbed into the landscape, and for new development to be low impact and to reflect the character of the surrounding area.

In relation to siting policy criteria requires new house sites to:

- a) Reflect the traditional settlement pattern of the locality and integrate sensitively with the surrounding landform (i.e. not be obtrusive).
- b) Not detract from the character or setting of existing buildings, or their surrounding area.
- c) Not contribute to a build-up of development which changes the character of the area.
- d) To have at least 50% established boundaries.

The policy also contains site-specific criteria requiring at least 25% of plot areas to be planted with trees and design criteria to ensure a satisfactory form of traditional design.

Policy IMP1 Developer Requirements requires new development proposals to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area and to be comply with set criterion (detailed within policy). These include amongst others the requirement for new development to integrate into the landscape.

Policy ER2 Development in Woodlands presumes against development proposals which involve the felling of woodland greater than 0.1ha unless criteria as stipulated within policy are met, including compensatory planting.

The proposed house plot satisfies the siting requirements of policy H7 in relation to settlement pattern, build up and boundary treatment. Occupying an area of woodland with natural enclosure and an established woodland backdrop it should integrate sensitively with the landscape. Had the application been recommended for approval conditions regarding landscaping, tree retention/planting and house design and scale would have been attached to the decision notice.

In terms of policy ER2 (and associated SG), in order to ensure that any tree felling over and above the threshold of 0.1ha is addressed, a condition would also have been attached requiring compensatory planting had the application been recommended for approval.

Access and Parking (T2 and T5)

Policies T2, T5 and IMP1 require development proposals to include the provision of safe entry and exit for all road users, infrastructure improvements (passing places and road widening) where appropriate and adequate off street parking facilities. The proposed access arrangements utilising an existing track/access onto the public road and on-site parking provision satisfy these policy requirements (subject to conditions).

The Transportation Section has assessed these matters and has raised no objection to the granting of permission, subject to conditions requiring provision of a passing place on the nearby public road network (at a location to be agreed), access arrangements with satisfactory visibility splays, drainage, parking and turning facilities. Had the application been recommended for approval these conditions would have been attached to the decision notice.

Drainage and Water (IMP1 and EP10)

Proposed drainage arrangements comprising septic tank with discharge to land via soakaway and SUDs/surface water soakaway are acceptable in planning terms and meet EP10 and IMP1. Details of these arrangements would be addressed as part of the building warrant process; again in the event of an approval informative advice covering these elements would have normally been attached to the decision notice.

Scottish Water has not provided comments following consultation on the application, and on this basis it is assumed that it has no observations or objections to the application.

Recommendation

The proposed development is unacceptable in this location, fails to comply with development plan policy and is recommended for refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY			
Reference No.	Description		
04/02985/OUT	Outline to erect a new dwellinghouse on Site At Sweethillocks Duffus Elgin Moray		
	Decision	Refuse	Date Of Decision

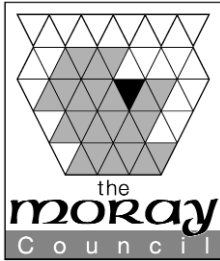
ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	No Premises	03/11/16
PINS	No Premises	03/11/16

DEVELOPER CONTRIBUTIONS (PGU)	
Status	NONE SOUGHT

DOCUMENTS, ASSESSMENTS etc. *		
<i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i>		
Supporting information submitted with application?		NO
Summary of main issues raised in each statement/assessment/report		
Document Name:		
Main Issues:		

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

**[Heldon And Laich]
Planning Permission in Principle**

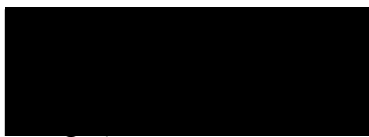
TO Mr Robin Falconer
c/o Plans Plus
Main Street
URQUHART
By Elgin
Moray
IV30 8LG

With reference to your application for planning permission in principle 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 dwellinghouse on Site At Sweethillocks Duffus Moray

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

Date of Notice: **10th November 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 policies EP8 and IMP1 of the Moray Local Development Plan (MLDP) 2015 the following reasons:

The proposed residential development, for planning permission in principle, is situated within the MOD's RAF Lossiemouth noise contour band of 72 dBA, having regard to the contours agreed by the Environmental Services Committee in 2007. In accordance with the Environmental Services Committee report of 7 March 2007 (as amended), applications in this category require to be refused. Excessively high noise from aircraft at this location would impact significantly on the internal and external amenity of the development, contrary to policy EP8, IMP1 and Scottish Government Planning Advice Note 1/2011: Planning and Noise.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
16/38		Site and location plan

**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.scot/eplanningClient

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.