



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 100025930-001

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)

House Plots CP1 & CP2 at Horticultural Production Centre, Dallas

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:	Ashley Bartlam Partnership		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Alistair	Building Name:	Wards House
Last Name: *	Murdoch	Building Number:	
Telephone Number: *	01343 543287	Address 1 (Street): *	Wards Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Elgin
Fax Number:		Country: *	Moray
		Postcode: *	IV30 1NL
Email Address: *	enquiries@ashleybartlam.co.uk		
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:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	-	Building Name:	
First Name: *	-	Building Number:	5
Last Name: *	-	Address 1 (Street): *	Dean of Guild Way
Company/Organisation	Shardeloes Development Ltd	Address 2:	New Elgin
Telephone Number: *	01343 544303	Town/City: *	Elgin
Extension Number:		Country: *	Moray
Mobile Number:		Postcode: *	
Fax Number:			
Email Address: *			

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

854099

Easting

311256

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

13000.00

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)

Site for Horticultural Production Centre

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;">6</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: *	
New Klargestter Bio disc BA treatment tank with traditional foul water soakaway. Surface water to be drained to new pond which interrupts existing watercourse through the site. Pond to have inlet and outfall points to control water flow in and out of pond.	
Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
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)

Domestic refuse bins

Residential Units Including Conversion

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

☒ Yes ☐ No

How many units do you propose in total? *

2

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

All Types of Non Housing Development – Proposed New Floorspace

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

☐ Yes ☒ No

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

Certificate Required

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

Certificate E

Land Ownership Certificate

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

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

Name:

Address:

Date of Service of Notice: *

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and *have/has been unable to do so –

--

Signed: Alistair Murdoch

On behalf of: Shardeloes Development Ltd

Date: 05/10/2016

☒ 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)

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 Alistair Murdoch

Declaration Date: 05/10/2016

Payment Details



Created: 05/10/2016 12:40

Contractor / Manufacturers to check all site measurements and profiles prior to ordering and/or manufacturing components. Any discrepancies must be brought to the attention of the Architect. Do not scale dimensions from drawings.

If any deviations from the approved Building Warrant drawings take place on site further Architectural services may be required. In the first instance the contractor should check with Building Standards if an Amendment of Building Warrant is required and thereafter, the matter referred back to the Architect for re-submission.

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

REFUSED

30 November 2016

Development Management
Environmental Services
The Moray Council

Rev.	Amendment	By	Date

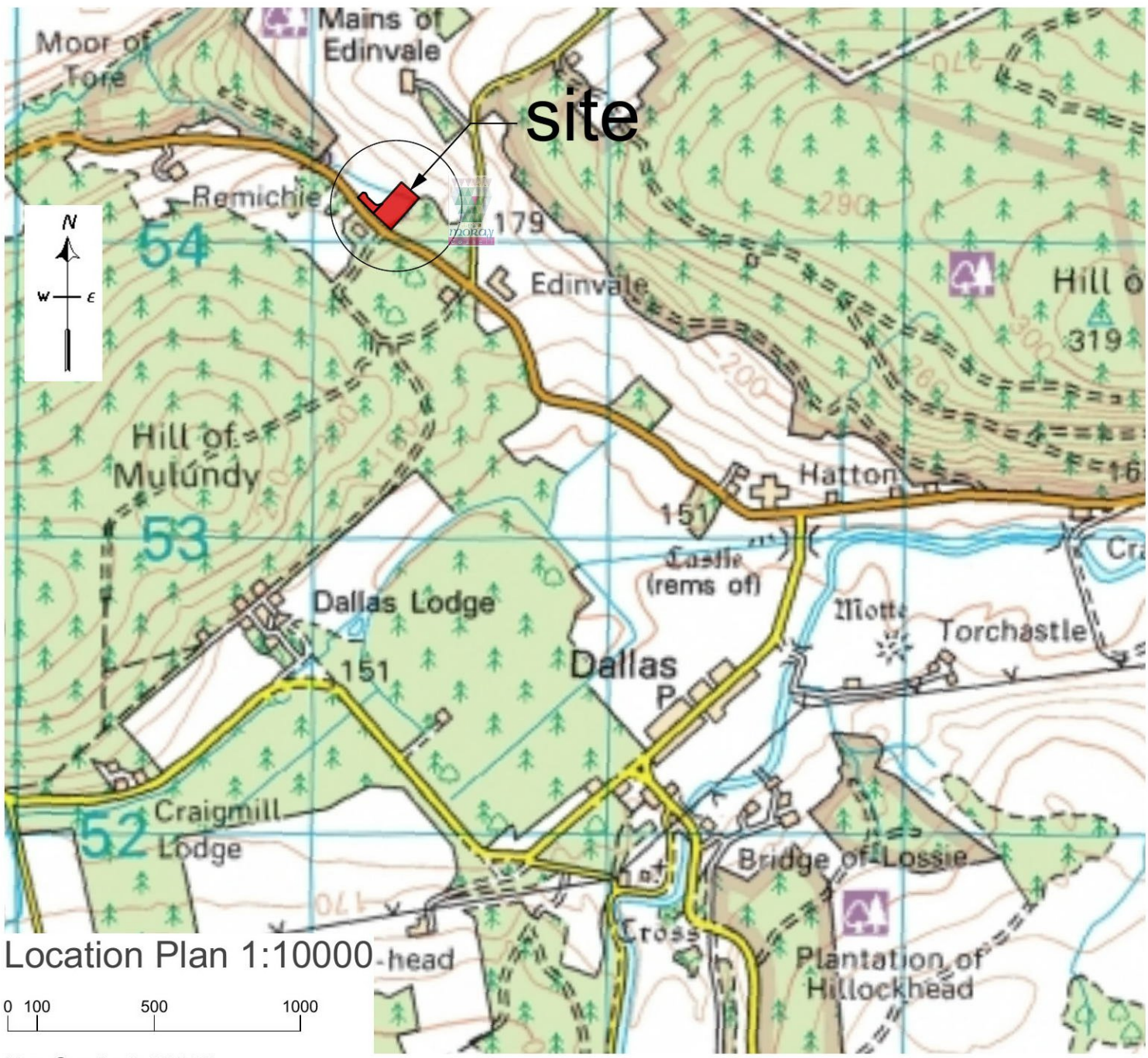
**ASHLEY
BARTLAM
PARTNERSHIP**

Est. 1947

WARDS HOUSE, WARDS ROAD,
ELGIN, IV30 1NL

House Plots CP1 & CP2 at
Horticultural Production Centre,
Dallas,
For Shardeloes Developments Ltd.

Drg/No.	8121/LP1/1	Scale	1:10000 @A4
By	KJ	Date	Sept 2016
LP1/1		Location Plan	



If any deviations from the approved Building Warrant drawings take place on site further Architectural services may be required. In the first instance the contractor should check with Building Standards if an Amendment of Building Warrant is required and thereafter, the matter referred back to the Architect for re-submission.

**Town & Country Planning
(Scotland) Act, 1997
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Rev.	Amendment	By	Date
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WARDS HOUSE, WARDS ROAD,
ELGIN, IV30 1NL

House Plots CP1 & CP2 at
Horticultural Production Centre,
Dallas,
For Shardeloes Developments Ltd.

Site Plan		1/1
Drg/No.	8121/1/1	
Date	September 2016	
Scale	1:1000 @ A3	
By	KJ	
Checked	AIM	

Tel. 01343 543287
enquiries @ ashleybartlam.co.uk

ARCHITECTS

www • ashleybartlam.co.uk



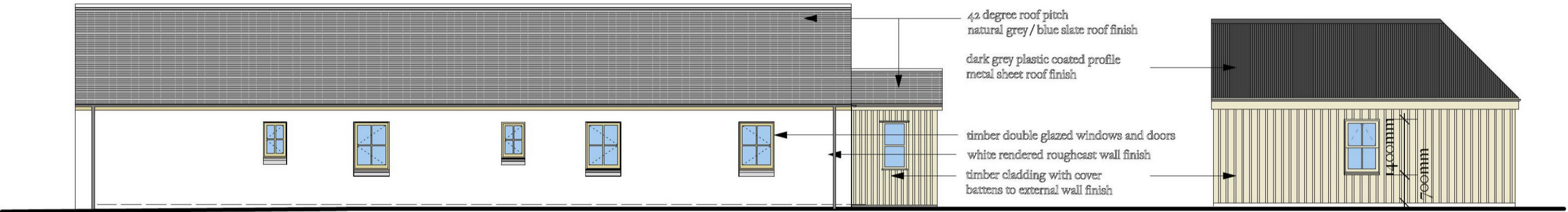
Garage

North Elevation. 1 : 100



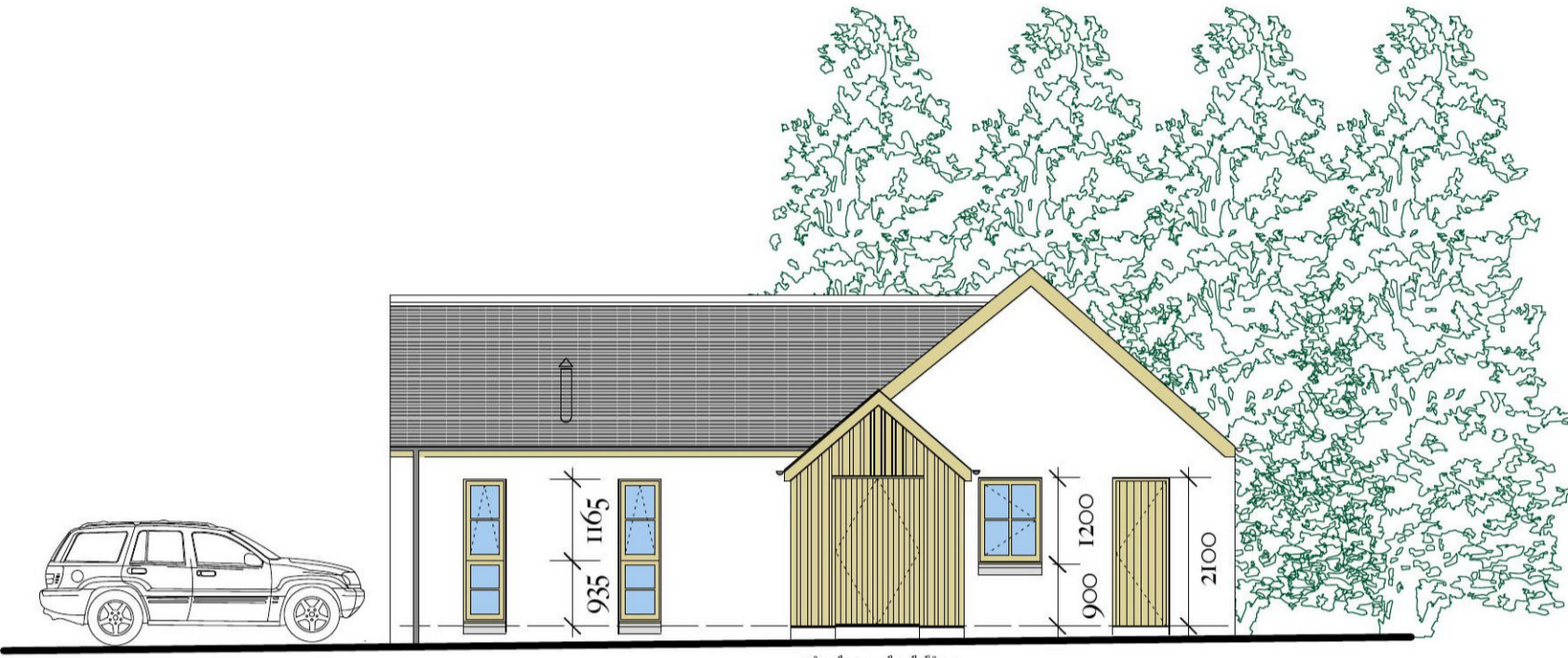
Garage

East Elevation 1 : 100

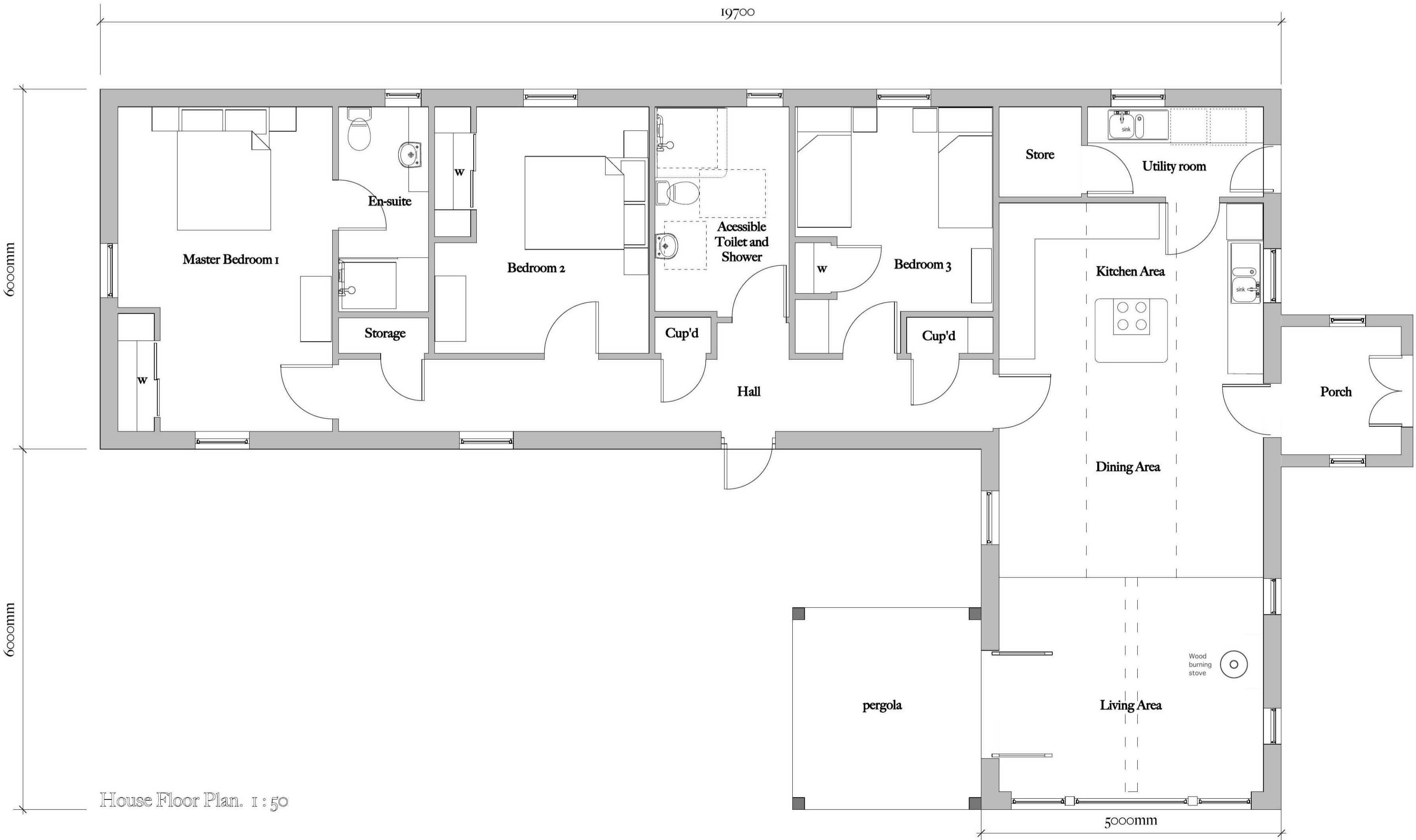


Garage

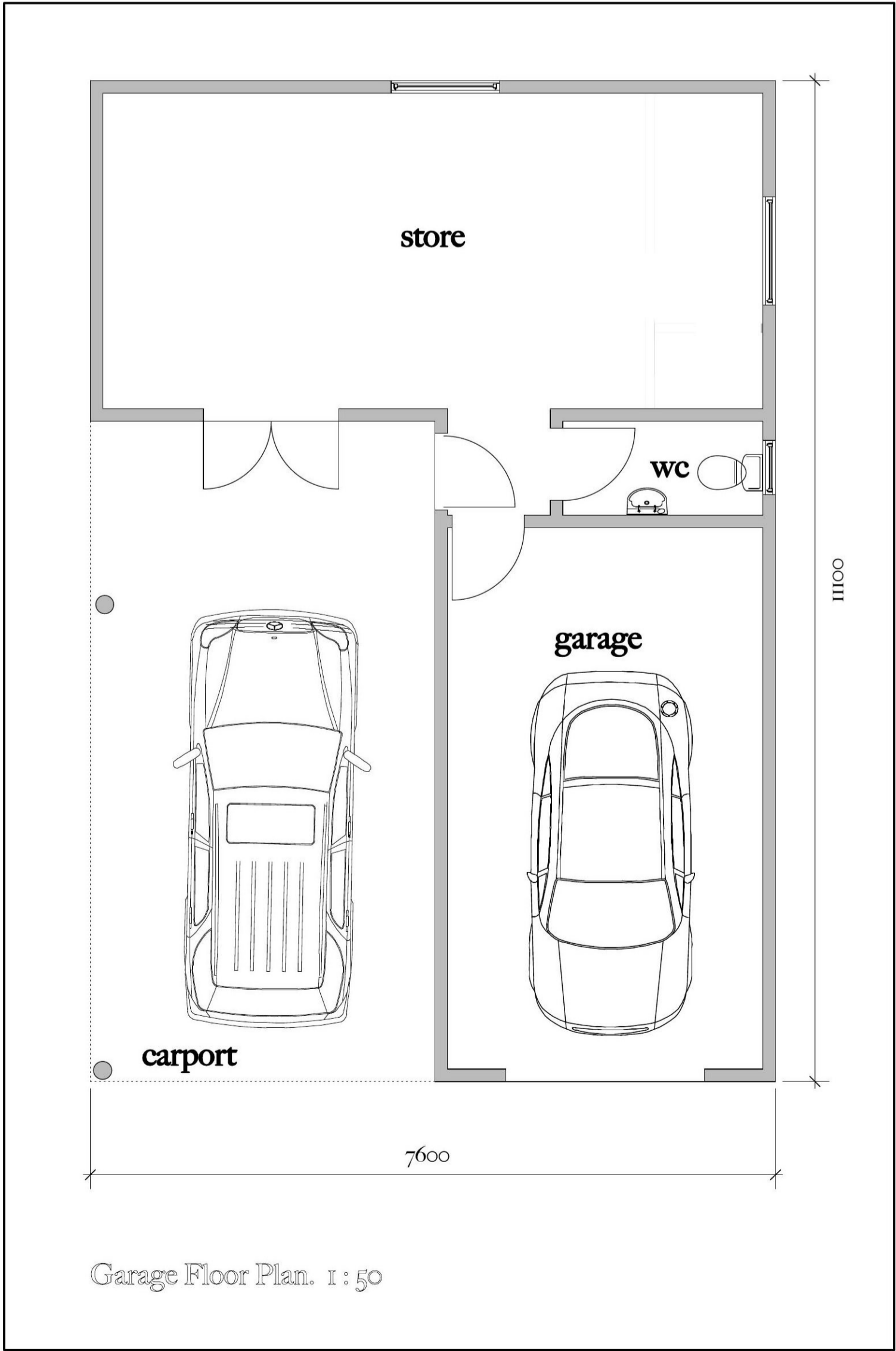
South Elevation 1 : 100



West Elevation 1 : 100



House Floor Plan. 1 : 50



Garage Floor Plan. 1 : 50

N.B. DO NOT SCALE DRAWINGS

Contractor / Manufacturers to check all site measurements and profiles prior to ordering and/or manufacturing components. Any discrepancies must be brought to the attention of the Architect. Do not scale dimensions from drawings.

If any deviations from the approved Building Warrant drawings take place on site further Architectural services may be required. In the first instance the contractor should check with Building Standards if an Amendment of Building Warrant is required and thereafter, the matter referred back to the Architect for re-submission.

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

REFUSED

30 November 2016

Development Management
Environmental Services
The Moray Council

**ASHLEY
BARTLAM
PARTNERSHIP**
Est. 1947

WARDS HOUSE, WARDS ROAD,
ELGIN, IV30 1NL

House Plots CP1 & CP2, at
Horticultural Production Centre,
Dallas,
For Shardeloes Developments Ltd.

Floor Plans & Elevations

Dwg/No.	8121/1/2	1/2
Date	September 2016	
Scale	1:50, 1:100 @ A1	
By	KJ	
Checked	AIM	

Tel. 01343 543287
enquiries@ashleybartlam.co.uk

ARCHITECTS
www.ashleybartlam.co.uk

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	24th October 2016
Planning Authority Reference	16/01542/APP
Nature of Proposal (Description)	Erect 2 dwellinghouses and associated works on
Site	Plots CP1 And CP2 Horticultural Production Centre Dallas Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133056408
Proposal Location Easting	311322
Proposal Location Northing	854132
Area of application site (Ha)	13000 m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=OEM3FABGI5300
Previous Application	12/01528/PE 03/01279/OUT 95/00828/FUL
Date of Consultation	10th October 2016
Is this a re-consultation of an existing application?	No
Applicant Name	Shardeloes Development Ltd
Applicant Organisation Name	
Applicant Address	5 Dean of Guild Way New Elgin Elgin Moray
Agent Name	Ashley Bartlam Partnership
Agent Organisation Name	
Agent Address	Wards House Wards Road Elgin Moray IV30 1NL
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Maurice Booth
Case Officer Phone number	01343 563274
Case Officer email address	maurice.booth@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: 16/01542/APP

Erect 2 dwellinghouses and associated works on Plots CP1 And CP2 Horticultural Production Centre Dallas Moray for Shardeloes Development 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"/> |

Contact: Adrian Muscutt

email address: Adrian.muscutt@moray.gov.uk

Consultee: Contaminated Land

Date 18/10/16

Phone No (01343) 563496

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.

From: DeveloperObligations
Sent: 27 Oct 2016 11:00:07 +0100
To: DC-General Enquiries
Cc: Maurice Booth
Subject: 16/01542/APP Erect 2 dwellinghouses and associated works on Plots CP1 and CP2, Horticultural Production Centre, Dallas

Hi.

A Developer Obligations Assessment has been undertaken for the above planning application. In this instance, the proposal is not considered to have a detrimental impact on local infrastructure that would require mitigation through developer obligations, and therefore, no contributions are necessary. For the avoidance of doubt, the Moray Council's Transportation Service are not seeking 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

Planning Authority Name	The Moray Council
Response Date	24th October 2016
Planning Authority Reference	16/01542/APP
Nature of Proposal (Description)	Erect 2 dwellinghouses and associated works on
Site	Plots CP1 And CP2 Horticultural Production Centre Dallas Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133056408
Proposal Location Easting	311322
Proposal Location Northing	854132
Area of application site (Ha)	13000 m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=OEM3FABGI5300
Previous Application	12/01528/PE 03/01279/OUT 95/00828/FUL
Date of Consultation	10th October 2016
Is this a re-consultation of an existing application?	No
Applicant Name	Shardeloes Development Ltd
Applicant Organisation Name	
Applicant Address	5 Dean of Guild Way New Elgin Elgin Moray
Agent Name	Ashley Bartlam Partnership
Agent Organisation Name	
Agent Address	Wards House Wards Road Elgin Moray IV30 1NL
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Maurice Booth
Case Officer Phone number	01343 563274
Case Officer email address	maurice.booth@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: 16/01542/APP

Erect 2 dwellinghouses and associated works on Plots CP1 And CP2 Horticultural Production Centre Dallas Moray for Shardeloes Development 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"/> |
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| (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: Kevin Boyle
email address:
Consultee:

Date: 12th October 2016
Phone No

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

Mr M Booth
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 3656 **Tel (MOD):** 94421 3656

Fax: +44 (0)121 311 2218

Email: DIO-safeguarding-statutory@mod.uk
www.mod.uk/DIO

07 Nov 2016

Dear Maurice,

Your Reference: 16/01542/APP

Our Reference: 10037353

MOD Safeguarding RAF Kinloss

Proposal: Erect 2 dwellinghouses and associated works

Location: Plots CP1 and CP2
Horticultural Production Centre
Dallas
Moray

Scotland

Planning Reference: 16/01542/APP

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

The proposed application site falls within the statutory all development aerodrome height safeguarding consultation zone surrounding RAF Kinloss, it being approximately 10km south of the airbase.

On reviewing the details for the above referenced application and after further assessment, I can confirm that the MOD has no safeguarding objections to this proposal.

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

Yours sincerely

Louise Dale

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Agent Organisation Name	
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Agent Phone Number	
Agent Email Address	N/A
Case Officer	Maurice Booth
Case Officer Phone number	01343 563274
Case Officer email address	maurice.booth@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: 16/01542/APP

Erect 2 dwellinghouses and associated works on Plots CP1 And CP2 Horticultural Production Centre Dallas Moray for Shardeloes Development 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 | <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"/> |

Note: It is acknowledged that work is deemed to have 'commenced' in relation to previous proposals for a horticultural development (Planning ref 95/00828/FUL applies). However the following response is based on the requirements for the current planning application for 2no house plots.

Condition(s)

1. 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 4.5 metres by 165 metres in both directions, with all boundaries 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.

2. Prior to the commencement of development details shall be submitted for the approval in writing of the Planning Authority, in consultation with the Roads Authority, for provision of a bin store to safely contain recycling bins. The bin store should be located in close proximity to the site access onto the public road but out with the required visibility splay.

3. Prior to the commencement of development details shall be submitted for the approval in writing of the Planning Authority, in consultation with the Roads Authority, to ensure no

water or loose material shall be permitted to drain or be carried onto the public footpath/carriageway for the life time of the development.

4. The width of vehicular access shall be 5.5m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The first 10m of the access track, measured from the edge of the public road, shall be constructed to The Moray Council specification and surfaced with bituminous macadam.

5. A parking layby 12.0m long x 2.5m wide with 30 degrees splayed ends shall be provided at the edge of the public road to allow visiting and service vehicles to park clear of the public road. The vehicular access should lead off the layby. Layby to be to The Moray Council specification and be surfaced in bitmac.

6. Any existing ditch, watercourse or drain under the site access shall be piped using a suitable diameter of pipe, agreed with the Roads Maintenance Manager (300mm minimum). The pipe shall be laid to a self-cleansing gradient and connected to an outfall.

7. A turning area shall be provided within the curtilage of the site to enable vehicles to enter and exit in a forward gear.

8. Two car parking spaces shall be provided within each 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.

REASONS

1. 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. To ensure acceptable infrastructure at the development access.
2. To ensure acceptable infrastructure at the development access.
3. To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the new access
4. To ensure acceptable infrastructure at the development access.
5. To enable visiting service vehicles to park clear of the public road in the interests of road safety.
6. To ensure acceptable infrastructure at the development access.
7. 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
8. 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.

Further comment(s) to be passed to applicant

The formation of the required visibility splay will involve the removal of trees and vegetation, and setting back of boundary fences/walls.

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

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 be responsible for ensuring that surface/ground water does not run from the public road into their property.

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.

No retaining structures or embankments shall be constructed along the edge of the road, whether retaining the public road or ground adjoining the public road without prior consultation and agreement of the Roads Authority.

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

Date 09 November 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/> (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.

Received by e-mail

Dear Planning department,

On the 21st October i filled in the comments form for an objection to the planning application reference 16/01542/APP.

However, I have not received a confirmation e-mail and cannot see the comment online.

Therefore, please accept my objection comments below to the planning16/01542/APP:

As a direct neighbour i am disappointed we were not informed of this planning application. We only found out by accident from another neighbour and the closing date for comments is only a few days away.

Every year we have tawny owls and barn owls nesting in boxes at our stone wall boundary adjacent to the proposed houses. They will be disturbed and not use them if houses are next to them. Our garden is established for wildlife and we have video evidence of an otter using our ponds and they get to them via the black burn and stream via the proposed development site. Buzzards use the trees on the above boundary. Badgers, scottish wildcats (stated on a survey by Scottish National Heritage), red squirrels and pine martens use our garden. The barn owls hunt in the development site fields.

This means the development and increased road traffic for the horticulture site would impact the wildlife with road kills and the wildlife breeding/staying in our garden and using the proposed development fields.

The B9010 is a narrow road which has had a number of near misses and accidents and with increased road traffic to the horticulture site it would become more hazardous.

The horticulture site and houses would be in our view and have a light pollution and noise impact to us.

I am suspicious this development is purely for financial gain. The owner had been rejected planning in 2003, i do not know why - can you tell me? Why has someone still got horticulture planning / business case from 1996 and not used it or purchased land elsewhere to do business - very strange. It makes me think this is a way to try and get two houses built - this is the main aim to the detriment of the wildlife. In fact why is there not more detail on the horticultural site plan? What is planning to be grown? What type of building is it going to be, hours of work, expected traffic volume, number of employees, etc? What is the owner's details - there is only the company details? The application has the business twist but main details are the planning for houses.

Thank you

Best Regards

Con O'keefe

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

REPORT OF HANDLING

Ref No:	16/01542/APP	Officer:	Maurice Booth
Proposal Description/ Address	Erect 2 dwellinghouses and associated works on Plots CP1 And CP2 Horticultural Production Centre Dallas Moray		
Date:	30/11/16	Typist Initials:	FJA

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	12/10/16	No objection
Contaminated Land	18/10/16	No objection
Transportation Manager	10/11/16	No objection subject to standard conditions on access, visibility, lay by provision, bin storage, turning, drainage and surfacing.
Scottish Water		No response
MOD Safeguarding - Statutory	07/11/16	No objection
Developer Obligations Unit	27/10/16	None required
Planning And Development Obligations		See above

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
H7: New Housing in the Open Countryside	Y	
IMP3: Developer Obligations		
EP9: Contaminated Land		
IMP1: Developer Requirements	Y	
EP10: Foul Drainage		
T2: Provision of Access		
T5: Parking Standards		
EP2: Recycling Facilities		

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.		
Summary and Assessment of main issues raised by representations		
Issue: The public road is narrow and there are issues over road safety Comments (PO): For the limited additional traffic that would be involved by the two dwelling units proposed it is not considered that this would be a significant issue, and subject to the conditions recommended Transportation raise no objections to the proposals.		
Issue: The public road is narrow and there are issues over road safety Comments (PO): For the limited additional traffic that would be involved by the two dwelling units proposed it is not considered that this would be a significant issue, and subject to the conditions recommended Transportation raise no objections to the proposals.		
Issue: Impact on wildlife Comments (PO): Although given the natural qualities of the area there may be some impact in this respect on the evidence available it is not considered that this would be significant.		
Issue: light pollution Comments (PO): This is undesirable in any rural area, but in itself is not considered to impinge on the merits of the proposals.		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

History

Planning permission was refused on the site for a single house on an area covering the rear of the two sites currently under consideration (reference 03/01279/OUT). This was under previous local plan policies.

Separate consent has been granted on an area involving the proposal sites and further land to the north for a horticultural centre (95/00828/FUL), and confirmation has been previously provided to the applicant that it is accepted on the basis of evidence submitted that this development has 'commenced'. However, this is not considered to have any material bearing on the merits of the current proposal for two residential units, either in terms of the policies applying or on the site assessment of the proposals, not least because the respective types of development involve fundamental differences in principle. Also, the main part of the horticultural site is excluded from the current proposal area and the current proposal could therefore be seen as additional development.

The Site

The proposal site is an open, broad area of grassland with mature woodland to the south and on the opposite side of the Dallas road. It is a low lying area and to the east beyond the site there is a broad open hillside.

The site is fronted by a long established wire fence and low stone walling.

The Proposal

Two house sites, one behind the other, covering 7100 sq m (the site to the front) and 5900 sq m. The sites would be served by a long new access road running for 70m parallel to the public road 15 m back. Provision is shown on this access road for an access to the 'Horticultural Production Centre' approved under 95/00828/FUL.

Trees to the front of the site would be removed and indicative details are shown of landscape planting to the rear of the sites.

The houses proposed are of a low, linear form on a 'T' shaped plan and there would be large separate garages/stores of a similar style.

The finishes proposed are white render/timber cladding and 'natural grey/blue slate roof finishes' to the houses and timber cladding with profiled metal roofing for the garages.

Reflecting the low, waterlogged nature of the area a pond and surface water outlet is planned as part of the development.

Impact in Relation to Housing in the Countryside Policy (H7, IMP1)

As presented the proposed residential development appears as additional to the horticultural production centre, but even on its own there are substantial concerns over the impact of the development in what is considered to be a locally sensitive landscape.

The site is in a distinct local area forming a natural drainage basin for the neighbouring hill, and a naturally open area adding to the variety and interest of the B9010 route from Forres to Elgin. In the nearby Hill of Edinvale area there are already a number of fairly prominent new houses, three of which are inter-visible from the site when viewed from the western approach.

Although the sites would be partially screened by forestry to the south (the Kellas direction) it is inevitable that the new housing and roadway proposed would significantly erode the distinct rural character of the setting which is considered to make a valuable contribution to this part of the Moray countryside, and on this basis that it should be refused. Given the landscape sensitivity of the location and the need to protect the natural qualities of such locations it is considered that the proposed development would be obtrusive.

The houses and associated garages proposed are of a low, traditionally sympathetic form and there is no specific objection to the proposals in this respect.

Conclusion

On the basis of these considerations it is considered that the proposed residential development should be refused due to its likely visual impact on the sensitive local landscape of the area, and the importance of protecting such features of the Moray countryside.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

There are no other material considerations that would alter this assessment.

HISTORY				
Reference No.	Description			
12/01528/PE	Residential development at Shardeloes Holdings Forres Moray			
	Decision	ID/PE Answered	Date Of Decision	31/08/12
03/01279/OUT	Outline to erect dwellinghouse and garage at Shardeloes Holdings Dallas Forres Moray			
	Decision	Refuse	Date Of Decision	18/09/03

95/00828/FUL	Erect a horticultural development at Shardeloes Holdings Dallas Forres Moray			
	Decision	Permitted	Date Of Decision	29/02/96

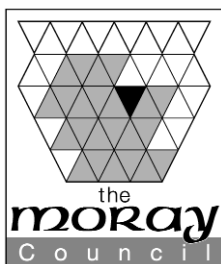
ADVERT			
Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Forres Gazette	No PremisesDeparture from development plan	08/11/16	
PINS	No PremisesDeparture from development plan	08/11/16	

DEVELOPER CONTRIBUTIONS (PGU)	
Status	NONE SOUGHT

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

**[Speyside Glenlivet]
Application for Planning Permission**

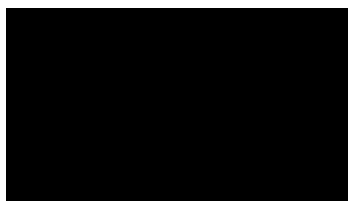
TO Shardeloes Development Ltd
 c/o Ashley Bartlam Partnership
 Wards House
 Wards Road
 Elgin
 Moray
 IV30 1NL

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 2 dwellinghouses and associated works on Plots CP1 And CP2
Horticultural Production Centre Dallas Moray**

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

Date of Notice: **30 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 proposals would be contrary to policies H7 and IMP1 in the Moray Local Development Plan 2015 for the following reasons:

- (i) the new housing and roadway proposed would significantly erode the distinct rural character of the setting which is considered to make a valuable contribution to this part of the Moray countryside as part of the B9010 Elgin to Forres route. Given the landscape sensitivity of the location and the need to protect the natural qualities of such locations it is considered that the proposed development would be visually obtrusive.
- (ii) The proposal would contribute to the detrimental build-up of residential development in the wider area.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
LP1/1		Location plan
1/1		Site plan
1/2		Elevations and floor plans

**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.moray.gov.uk

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.