



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 0300 1234561 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 100177071-002

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)

Erection of new dwellinghouse and change of use from agricultural land to domestic.

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

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:	John Wink Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	John	Building Name:	Midtown of Foudland
Last Name: *	Wink	Building Number:	
Telephone Number: *	01464841113	Address 1 (Street): *	Glens of Foudland
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Huntly
Fax Number:		Country: *	Scotland
		Postcode: *	AB54 6AR
Email Address: *	planning@johnwinkdesign.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	c/o John Wink Design
First Name: *	-	Building Number:	
Last Name: *	Rhind	Address 1 (Street): *	Midtown of Foudland
Company/Organisation		Address 2:	Glens of Foudland
Telephone Number: *		Town/City: *	Huntly
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB54 6AR
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

862472

Easting

307887

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Amended application form was requested to expand on proposal description. Amended site plan and site location drawings have been attached to this submission with site levels relative to a fixed datum point. Proposed access road has been amended on both plans.

Title:

Ms

Other title:

First Name:

Teresa

Last Name:

Ruggeri

Correspondence Reference Number:

19/01031/APP

Date (dd/mm/yyyy):

20/08/2019

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

3895.00

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)

Agricultural.

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? *

Yes 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?

0

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)? *

3

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).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

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

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 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? *

- New/Altered septic tank.
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
 Other private drainage arrangement (such as chemical toilets or composting toilets).

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 explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

Please see attached drainage report 12102-REP-001.

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

Yes 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)

Area of hardstanding to be provided to aid the storage and collection of waste.

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? *

1

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: John Wink

On behalf of: Mr & Mrs - Rhind

Date: 28/08/2019

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 John Wink

Declaration Date: 28/08/2019

MATERIALS	
Wall finish -	Smooth render / stonework
Roof finish -	Natural slate
Window and door finish -	Grey alu-clad
Rainwater goods -	Aluminium

Rev:	Details:	Date:	By:



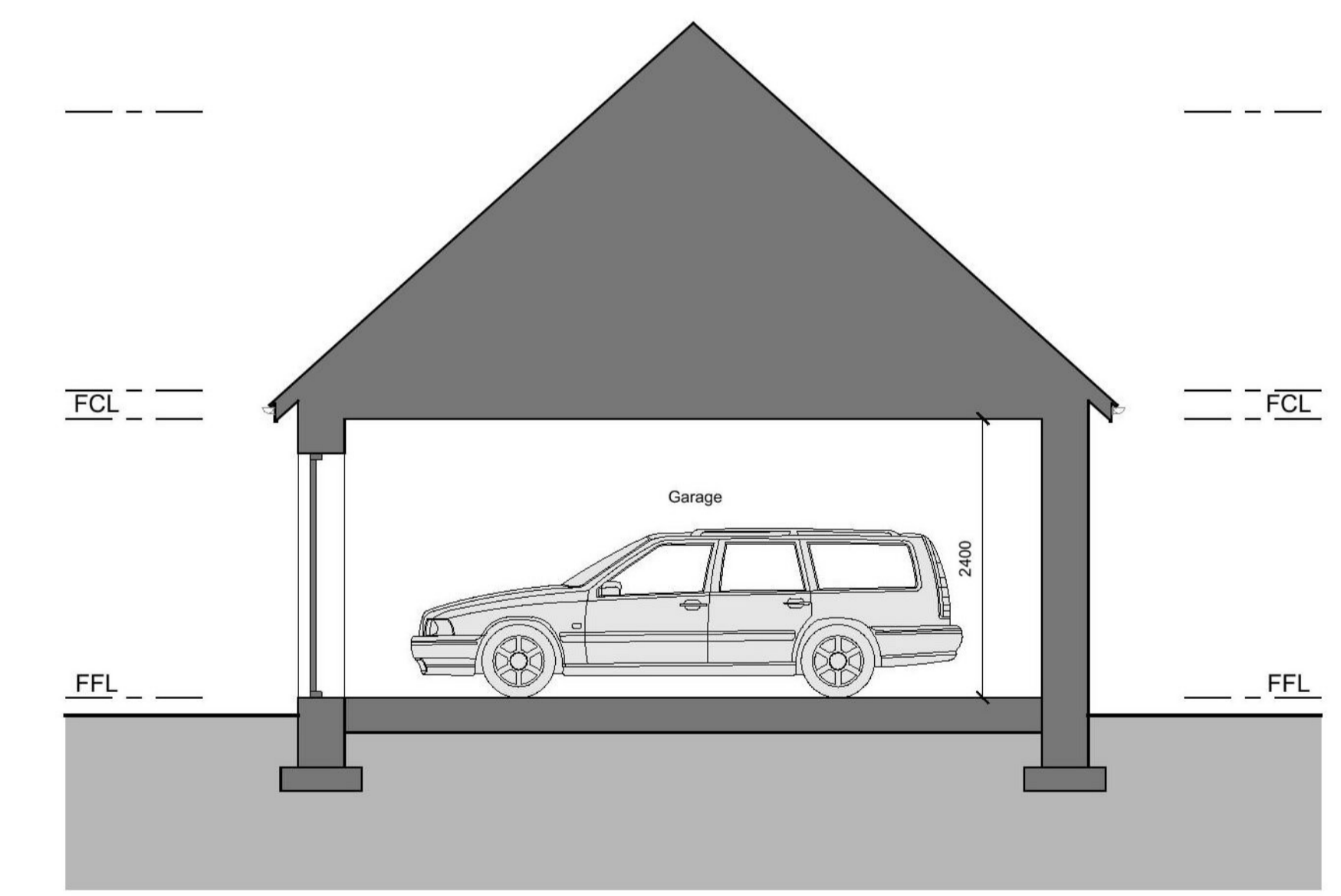
North East Elevation
Scale 1:100



South West Elevation
Scale 1:100



Section C-C
Scale 1:50



Section D-D
Scale 1:50

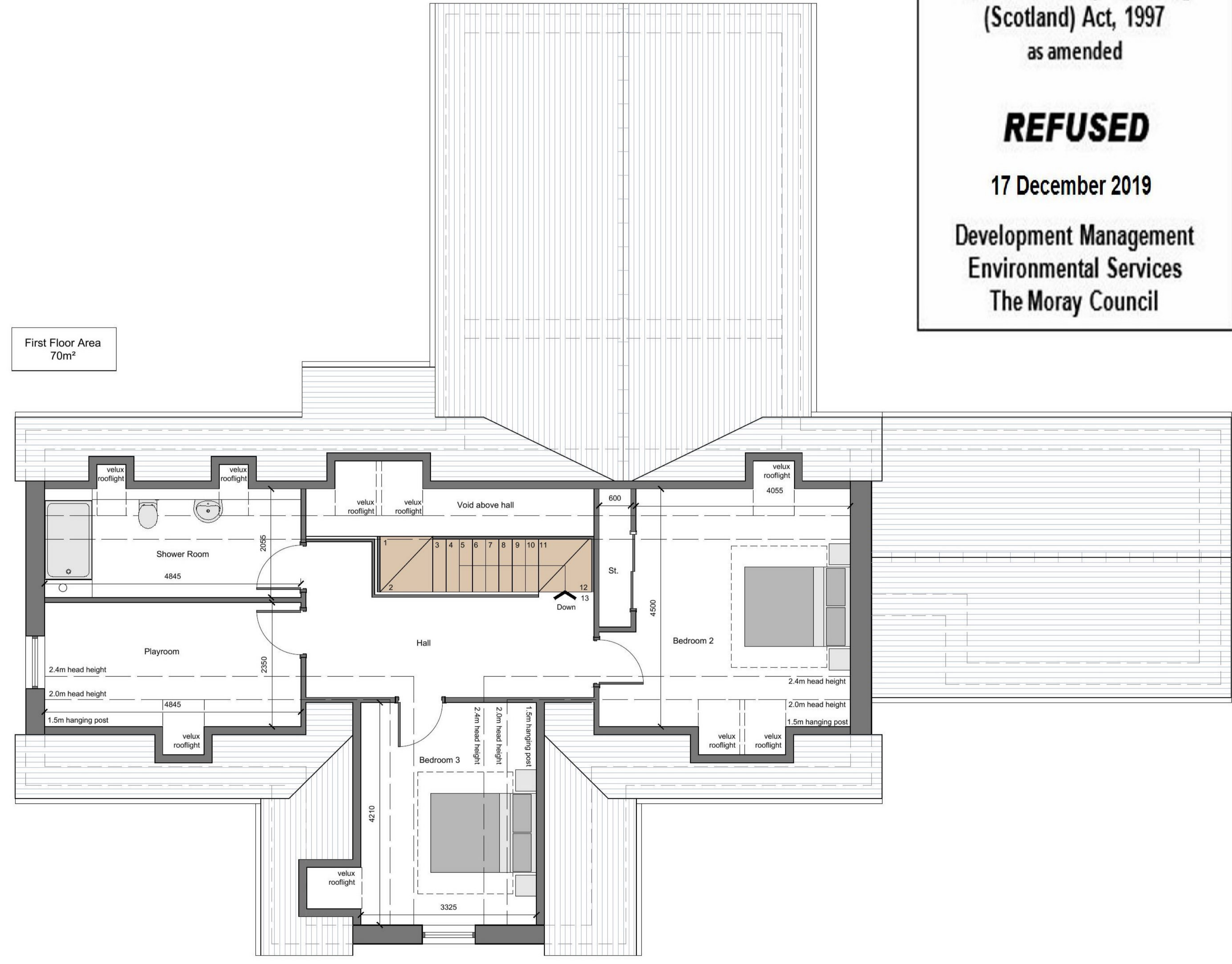
Town & Country Planning
(Scotland) Act, 1997
as amended

REFUSED

17 December 2019

Development Management
Environmental Services
The Moray Council

First Floor Area
70m²



First Floor Plan
Scale 1:50

Project	
New House	
At: Site adjacent Woodside Farm Kinloss Forres IV36 3UA	
For: Mr & Mrs A. Rhind	
Drawing	
Planning - First Floor Plan, Sections & Elevations	
Scale	Date
As noted @ A1	August 2019
Revision	Dwg No
-	2102-021
1. 01464 841113 e-office@johnwinkdesign.co.uk Midtown of Foudland Glens of Foudland Huntly Aberdeenshire AB54 6AR	
<small>Note</small> <small>Dimensions must not be scaled from this drawing. If in any doubt - ask! All dimensions to be checked prior to work commencing or prior to any components being manufactured. Any discrepancy to be reported. All work and material to comply fully with all current British Standards Codes of Practice, building regulations, IEE regulations and all HSE acts.</small>	
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**JOHN WINK
DESIGN**

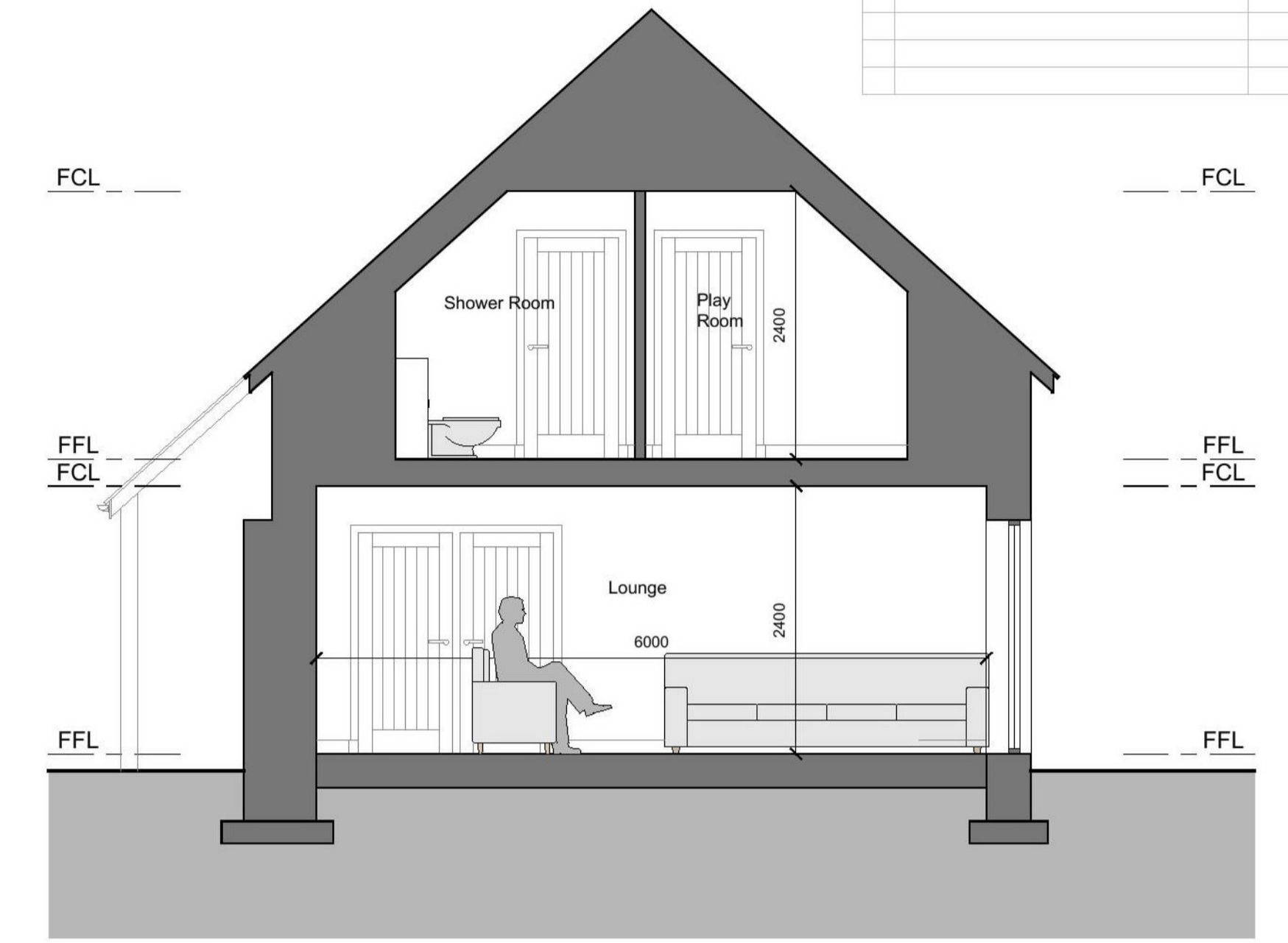


South West Elevation
Scale 1:100

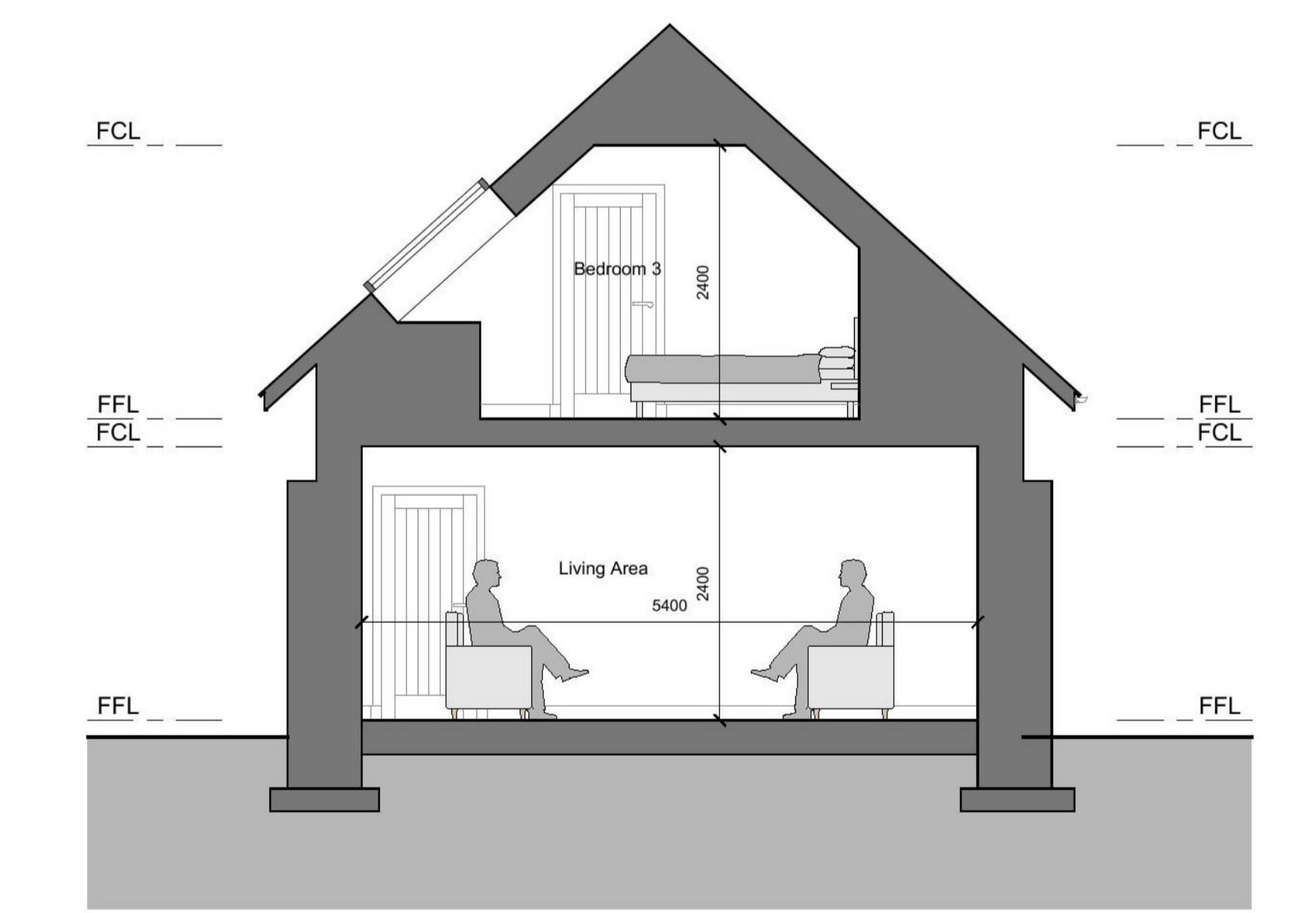


North East Elevation
Scale 1:100

MATERIALS			
Wall finish -	Smooth render / stonework		
Roof finish -	Natural slate		
Window and door finish -	Grey alu-clad		
Rainwater goods -	Aluminium		
Rev: Details:		Date:	By:



Section A-A
Scale 1:50



Section B-B
Scale 1:50

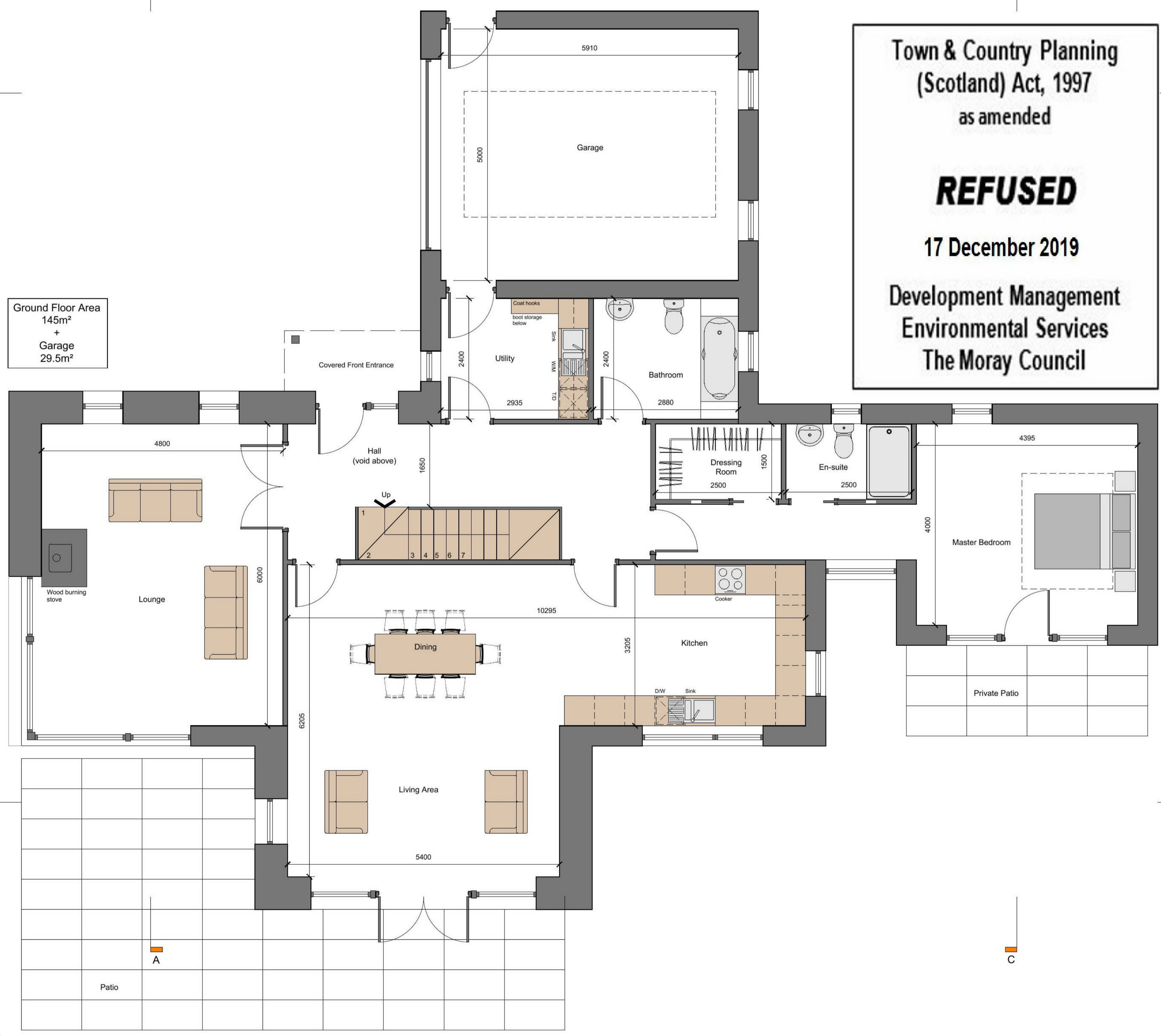
Town & Country Planning
(Scotland) Act, 1997
as amended

REFUSED

17 December 2019

Development Management
Environmental Services
The Moray Council

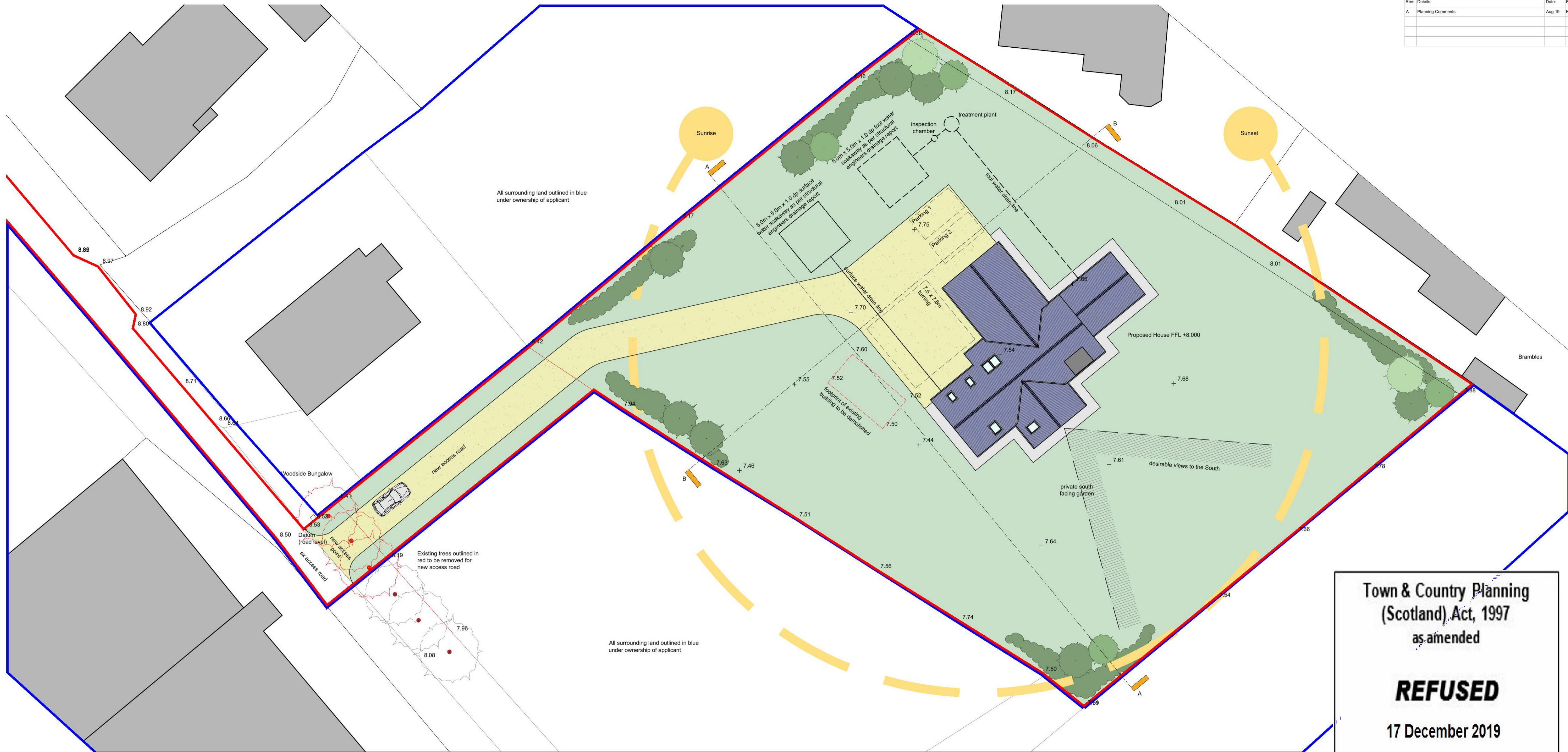
Ground Floor Area
145m²
+
Garage
29.5m²



Ground Floor Plan
Scale 1:50

Project		New House	
At: Site adjacent Woodside Farm		Kinloss Forres IV36 3UA	
For: Mr & Mrs A. Rhind			
Drawing Planning - Ground Floor Plan, Sections & Elevations			
Scale	As noted @ A1	Date	August 2019
Revision	-	Dwg No	2102-020
1. 01464 841113 e-office@johnwinkdesign.co.uk Midtown of Foudland Glens of Foudland Huntly Aberdeenshire AB54 6AR			
<small>Note Dimensions must not be scaled from this drawing. If in any doubt - ask! All dimensions to be checked prior to work commencing or prior to any components being manufactured. Any discrepancy to be reported. All work and material to comply fully with all current British Standards Codes of Practice, building regulations, IEE regulations and all HSE acts.</small>			

Rev:	Details:	Date:	By:
A	Planning Comments	Aug 19	KJ



Site Plan
Scale 1:200

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

REFUSED

17 December 2019

Development Management
Environmental Services
The Moray Council



Proposed Site Section A-A
Scale 1:200





Proposed Site Section B-B
Scale 1:200



Proposed Site Section A-A
Scale 1:200

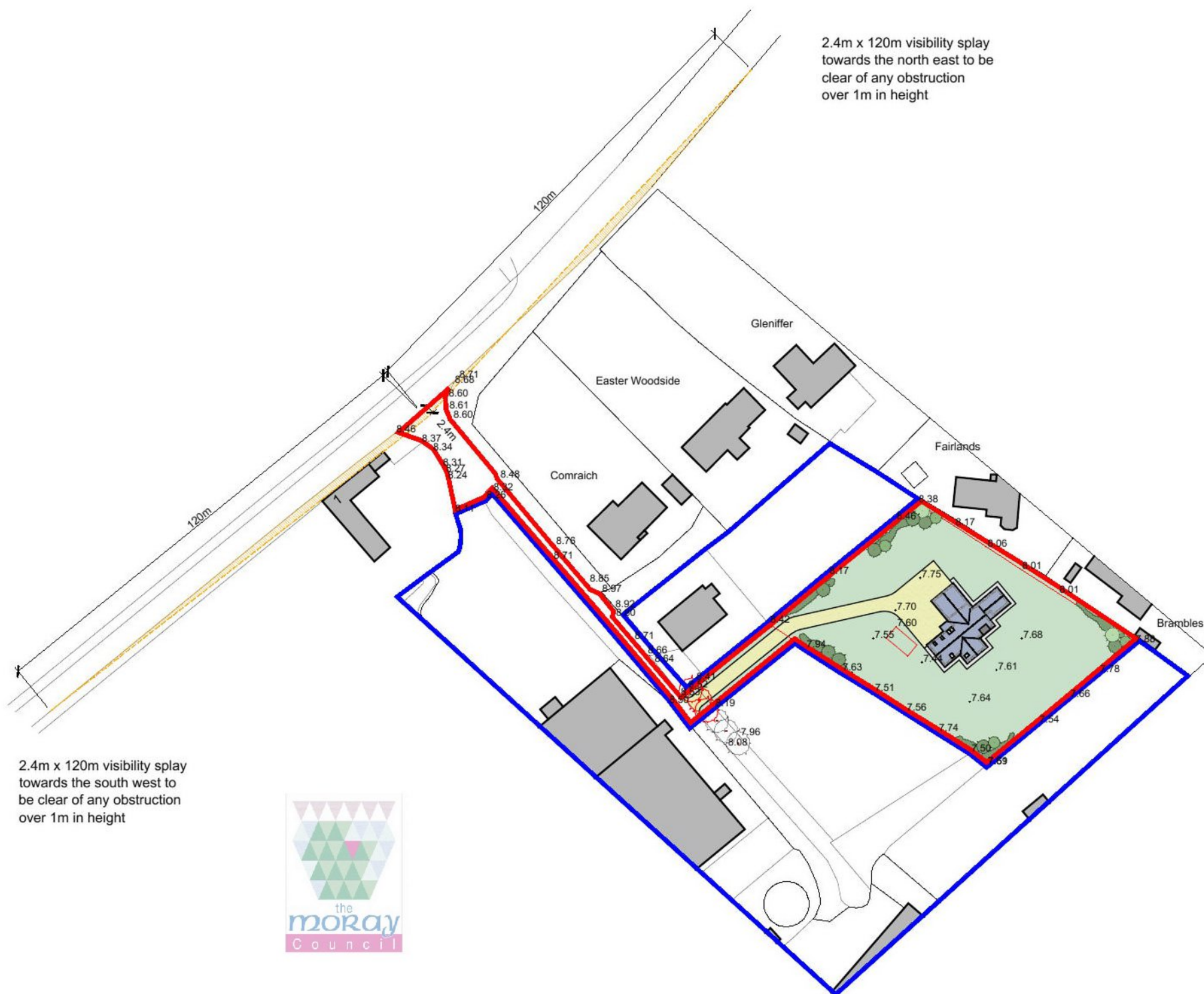


Proposed Site Section B-B
Scale 1:200

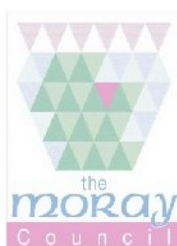
Project	
New House	
At: Site adjacent Woodside Farm Kinloss Forres IV36 3UA	
For: Mr & Mrs A. Rhind	
Drawing	
Planning - Site Plan & Site Sections	
Scale	Date
As noted @ A1	August 2019
Revision	Dwg No.
A	2102-022
1. 01464 841113 e-office@johnwinkdesign.co.uk Midtown of Foudland Glens of Foudland Huntly Aberdeenshire AB54 6AR	
<small>Note</small> <small>Dimensions must not be scaled from this drawing. If in any doubt - ask! All dimensions to be checked prior to work commencing or prior to any components being manufactured. Any discrepancy to be reported. All work and material to comply fully with all current British Standards Codes of Practice, building regulations, IEE regulations and all HSE acts.</small>	
 	
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2.4m x 120m visibility splay towards the north east to be clear of any obstruction over 1m in height



2.4m x 120m visibility splay towards the south west to be clear of any obstruction over 1m in height



Site Location Plan / Visibility Splays

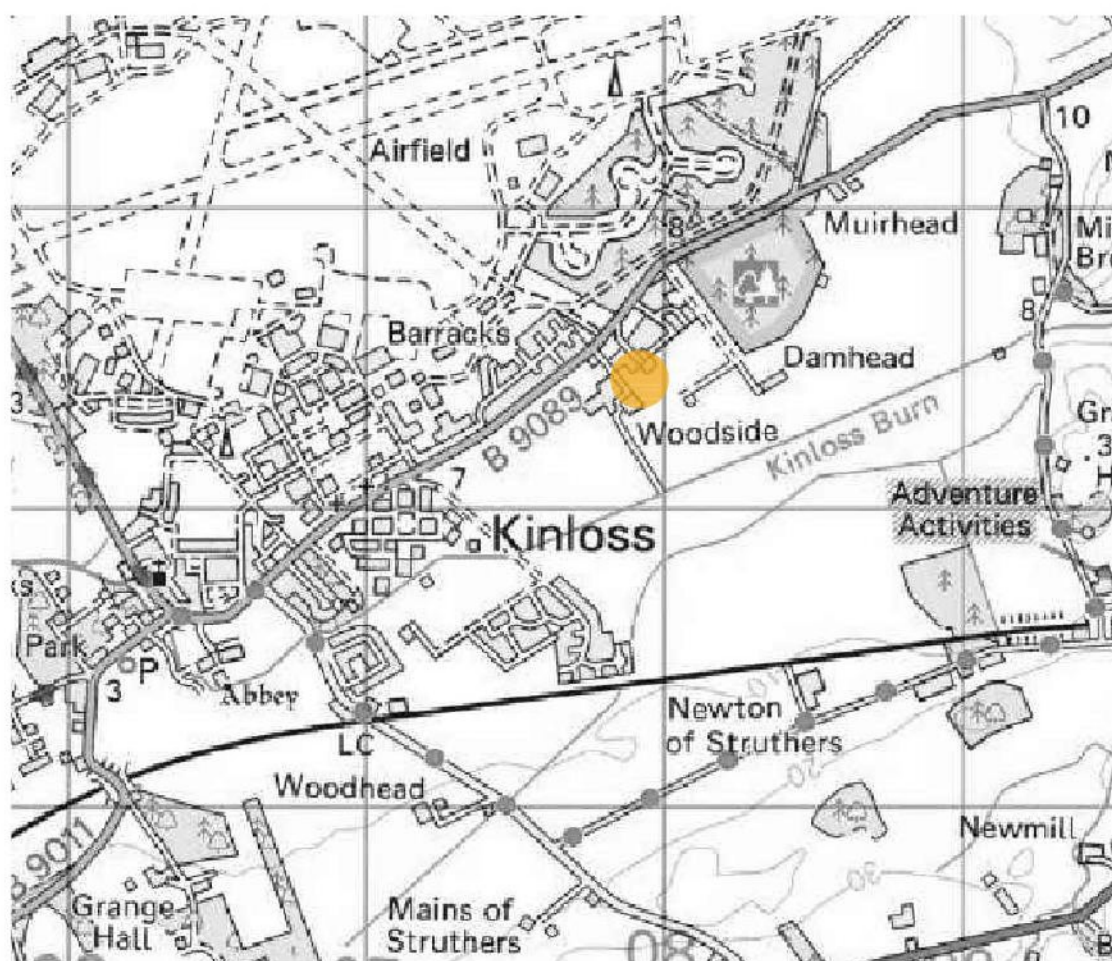
Scale 1:1,250

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

REFUSED

17 December 2019

Development Management
Environmental Services
The Moray Council



Ordnance Survey Map

Scale 1:25,000

Project	
New House	
At: Site adjacent Woodside Farm Kinloss Forres IV36 3UA	
For: Mr & Mrs A. Rhind	
Drawing	
Planning - SLP & OS Map	
Scale	Date
As noted @ A3	August 2019
Revision	Dwg No
-	2102-SLP
t-01464 841113 e-office@johnwinkdesign.co.uk Midtown of Foudland Glens of Foudland Huntly Aberdeenshire AB54 6AR	
<small>Note Dimensions must not be scaled from this drawing. If in any doubt - ask! All dimensions to be checked prior to work commencing or prior to any components being manufactured. Any discrepancy to be reported. All work and material to comply fully with all current British Standards Codes of Practice, building regulations, IEE regulations and all HSE acts.</small>	
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Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	16th September 2019
Planning Authority Reference	19/01031/APP
Nature of Proposal (Description)	Erection of dwellinghouse on
Site	Site Adjacent To Woodside Farm Kinloss Forres Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133045335
Proposal Location Easting	307822
Proposal Location Northing	862362
Area of application site (M²)	4345
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PWIU8SBGKP400
Previous Application	04/00021/FUL
Date of Consultation	2nd September 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mr And Mrs Rhind
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	John Wink Design
Agent Organisation Name	
Agent Address	Midtown Of Foudland Glens Of Foudland Huntly Aberdeenshire AB54 6AR
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Andrew Miller
Case Officer Phone number	01343 563274
Case Officer email address	andrew.miller@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.

Data Protection - Moray Council is the data controller for this process. Information collected about you on this form will be used to process your Planning Application, and the Council has a duty to process your information fairly. Information we hold must be accurate, up to date, is kept only for as long as is necessary and is otherwise shared only where we are legally obliged to do so. You have a legal right to obtain details of the information that we hold about you.

For full terms please visit http://www.moray.gov.uk/moray_standard/page_121513.html

For full Data Protection policy, information and rights please see http://www.moray.gov.uk/moray_standard/page_119859.html

You can contact our Data Protection Officer at info@moray.gov.uk or 01343 562633 for more information.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Aberdeenshire Council Archaeology Service

Planning Application Ref. No: 19/01031/APP

Erection of dwellinghouse on Site Adjacent To Woodside Farm Kinloss Forres Moray for Mr And Mrs Rhind

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

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

Reason(s) for objection

None

Condition(s)

None

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Claire Herbert
email address:
archaeology@aberdeenshire.gov.uk
Consultee: Archaeology service

Date...4/9/19.....
Phone No ...01467 537717

Return response to

consultation.planning@moray.gov.uk

Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://publicaccess.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.

Consultee Comments for Planning Application 19/01031/APP

Application Summary

Application Number: 19/01031/APP

Address: Site Adjacent To Woodside Farm Kinloss Forres Moray

Proposal: Erection of dwellinghouse on

Case Officer: Andrew Miller

Consultee Details

Name: Mr CL Consultations

Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX

Email: clconsultations@moray.gov.uk

On Behalf Of: Contaminated Land

Comments

No Objections

Adrian Muscutt

Consultation Request Notification – Development Plans

Planning Authority Name	Moray Council
Response Date	16th September 2019
Planning Authority Reference	19/01031/APP
Nature of Proposal (Description)	Erection of dwellinghouse on
Site	Site Adjacent To Woodside Farm Kinloss Forres Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133045335
Proposal Location Easting	307822
Proposal Location Northing	862362
Area of application site (M²)	4345
Additional Comments	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PWIU8SBGKP400
Previous Application	04/00021/FUL
Date of Consultation	2nd September 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mr And Mrs Rhind
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	John Wink Design
Agent Organisation Name	
Agent Address	Midtown Of Foudland Glens Of Foudland Huntly Aberdeenshire AB54 6AR
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Andrew Miller
Case Officer Phone number	01343 563274
Case Officer email address	andrew.miller@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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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.

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For full terms please visit http://www.moray.gov.uk/moray_standard/page_121513.html

For full Data Protection policy, information and rights please see http://www.moray.gov.uk/moray_standard/page_119859.html

You can contact our Data Protection Officer at info@moray.gov.uk or 01343 562633 for more information.

Please respond using the attached form:-

PLEASE COMPLETE AND RETURN WITHIN 48 HOURS
to consultation.planning@moray.gov.uk

MORAY COUNCIL PLANNING CONSULTATION RESPONSE

From: Development Plans

Planning Application Ref. No: 19/01031/APP

**Erection of dwellinghouse on Site Adjacent To Woodside Farm Kinloss Forres
Moray for Mr And Mrs Rhind**

Ward: 08_17 Forres

DETERMINATION - DEPARTURE FROM DEVELOPMENT PLAN

(For Structure/Local Plan Comment)

		Page No	Policy No(s)	Yes	No
1	Departure from Moray Local Development Plan 2015		E9 Settlement Boundaries IMP1 Developer Requirements	X X	
2	Further Discussion Required				

REASONING FOR THIS DECISION:

POLICY COMMENTS

The key policy issues are set out below.

E9 Settlement Boundaries and IMP1 Developer Requirements

The site is located immediately outwith the Kinloss settlement boundary and as such is a departure from Policy E9 Settlement Boundaries. The policy seeks to maintain a clear distinction between the settlement of Kinloss and the open countryside and for this reason the boundary has been drawn tightly around existing housing to prevent the sprawl of housing into the surrounding agricultural fields. The construction of a house in this location would detrimentally erode this distinction between urban and rural and potentially have a negative impact on the character of the area. The proposal would also fail to meet the requirements of IMP1 Developer Requirements which states new development must be sensitively sited and appropriate to the amenity of the surrounding area.

It should also be noted that there are identified housing sites in Kinloss that can accommodate new housing development, with a planning application currently under consideration for 25 plots at R4 Damhead and an approval for 6 houses on R3 Findhorn Road West.

The applicant should be advised that if they wish to seek to modify the settlement boundary, this should be pursued through the review of the Local Development Plan.

Contact: Emma Gordon
email address:emma.gordon@moray.gov.uk
Consultee: Development Plans

Date 16th September 2019.
Phone No 01343 563292

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

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	16th September 2019
Planning Authority Reference	19/01031/APP
Nature of Proposal (Description)	Erection of dwellinghouse on
Site	Site Adjacent To Woodside Farm Kinloss Forres Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133045335
Proposal Location Easting	307822
Proposal Location Northing	862362
Area of application site (M²)	4345
Additional Comment	RAF Kinloss Noise Zone 66dBA Category C
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PWIU8SBGKP400
Previous Application	04/00021/FUL
Date of Consultation	2nd September 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mr And Mrs Rhind
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	John Wink Design
Agent Organisation Name	
Agent Address	Midtown Of Foudland Glens Of Foudland Huntly Aberdeenshire AB54 6AR
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Andrew Miller
Case Officer Phone number	01343 563274
Case Officer email address	andrew.miller@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.

Data Protection - Moray Council is the data controller for this process. Information collected about you on this form will be used to process your Planning Application, and the Council has a duty to process your information fairly. Information we hold must be accurate, up to date, is kept only for as long as is necessary and is otherwise shared only where we are legally obliged to do so. You have a legal right to obtain details of the information that we hold about you.

For full terms please visit http://www.moray.gov.uk/moray_standard/page_121513.html

For full Data Protection policy, information and rights please see http://www.moray.gov.uk/moray_standard/page_119859.html

You can contact our Data Protection Officer at info@moray.gov.uk or 01343 562633 for more information.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Environmental Health Manager

Planning Application Ref. No: 19/01031/APP

Erection of dwellinghouse on Site Adjacent To Woodside Farm Kinloss Forres Moray for Mr And Mrs Rhind

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

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

Condition(s)

Unless otherwise agreed in writing with the Council (as Planning Authority), the following noise mitigation shall be applied to the development and in accordance with the Noise Impact Assessment supporting document by Peak Acoustics, dated 20th November 2019, document reference KD2310191NR Rev.0.1 and titled "Environmental Noise Assessment- Woodside Farm, Kinloss, Forres" :

1. The roof construction and insulated roof specification shall be in accordance with 1.6.1 and Appendix B- "Sound Insulation Model" of the above supporting document.
2. The external window glazing units to the ground floor bedroom and both first floor bedrooms shall be a minimum acoustic specification of 46 dB Rw+ Ctr , consisting of a 12.8A/16/16.8A mm glazing specification (where "A" denotes an acoustic PVB interlayer laminate)
3. The external window glazing units to the lounge shall be a minimum acoustic specification of 36 dB Rw+ Ctr , consisting of a 8/16/10.8A mm glazing specification (where "A" denotes an acoustic PVB interlayer laminate)
4. The external window glazing units to the kitchen/dining room shall be a minimum acoustic specification of 32 dB Rw+ Ctr , consisting of a 8/16/8.8A mm glazing specification (where "A" denotes an acoustic PVB interlayer laminate)
5. Acoustic ventilation to the house shall consist of a Multi - Room Heat Recovery System, as identified in Appendix A of the above supporting document.

The above mitigation , in combination with the overall building insulation, shall ensure that internal noise levels in the bedroom and lounge apartments in the property associated with external aircraft noise shall not exceed a sound pressure level L A eq 16 hour (0700 to 2300 hours) of 35 dB, and a sound pressure level L A eq 16 hour (0700 to 2300 hours) of 40 dB in the Kitchen/Dining Room , as determined with windows closed and the Multi- Room Heat Recovery System operating.

Contact: Douglas Caldwell
email address:
Consultee:

Date.....13/12/2019.....
Phone No

Return response to	consultation.planning@moray.gov.uk
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**MORAY COUNCIL
PLANNING CONSULTATION RESPONSE**

From: The Moray Council, Flood Risk Management
Planning Application Ref. No: 19/01031/APP

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

- | | Please |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below | x
<input type="checkbox"/> |
| (b) I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal | <input checked="" 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"/> |

Contact: Leigh Moreton Date 04/09/2019
email address: Leigh.moreton@moray.gov.uk Phone No 01343 563773

Consultee: The Moray Council, Flood Risk Management



4th September 2019

Moray Council
Council Office High Street
Elgin
IV30 9BX

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Dear Local Planner

**IV36 Forres Woodside Farm Site Adjacent To
PLANNING APPLICATION NUMBER: 19/01031/APP
OUR REFERENCE: 782092
PROPOSAL: Erection of dwellinghouse on**

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

- This proposed development will be fed from GLENLATTERACH Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application

Foul

- Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Infrastructure close to boundary

According to our records, the development proposals may impact on existing Scottish Water assets.

The applicant should identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at service.relocation@scottishwater.co.uk.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

Scottish Water Disclaimer

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will **not** accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water

pressure in the area then they should write to the Customer Connections department at the above address.

- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

Next Steps:

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk.

Yours sincerely

Pamela Strachan
Planning Consultations Administrator

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	16th September 2019
Planning Authority Reference	19/01031/APP
Nature of Proposal (Description)	Erection of dwellinghouse on
Site	Site Adjacent To Woodside Farm Kinloss Forres Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133045335
Proposal Location Easting	307822
Proposal Location Northing	862362
Area of application site (M²)	4345
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PWIU8SBGKP400
Previous Application	04/00021/FUL
Date of Consultation	2nd September 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mr And Mrs Rhind
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	John Wink Design
Agent Organisation Name	
Agent Address	Midtown Of Foudland Glens Of Foudland Huntly Aberdeenshire AB54 6AR
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Andrew Miller
Case Officer Phone number	01343 563274
Case Officer email address	andrew.miller@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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For full terms please visit http://www.moray.gov.uk/moray_standard/page_121513.html

For full Data Protection policy, information and rights please see http://www.moray.gov.uk/moray_standard/page_119859.html

You can contact our Data Protection Officer at info@moray.gov.uk or 01343 562633 for more information.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 19/01031/APP

Erection of dwellinghouse on Site Adjacent To Woodside Farm Kinloss Forres Moray for Mr And Mrs Rhind

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. Two 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.

Reason: 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.

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

Reason: 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

Further comment(s) to be passed to applicant

The developer should note that this development is served by a private road, which is not adopted by the Roads Authority.

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.

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

Date 10 September 2019

Return response to	consultation.planning@moray.gov.uk
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Comments for Planning Application 19/01031/APP

Application Summary

Application Number: 19/01031/APP

Address: Site Adjacent To Woodside Farm Kinloss Forres Moray

Proposal: Erection of dwellinghouse on

Case Officer: Andrew Miller

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Community Council

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan

Comment: This was discussed at Community Council and the following points made:

1) Contrary to local Plan

The dwelling in question is on the boundary between settlement and countryside of Kinloss. It is important to keep a distinction between the two. The proposed dwelling would be detrimental to this and would lose the distinction between countryside and settlement area.

REPORT OF HANDLING

Ref No:	19/01031/APP	Officer:	Andrew Miller
Proposal Description/ Address	Erection of dwellinghouse on Site Adjacent To Woodside Farm Kinloss Forres Moray		
Date:	17/12/19	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
Moray Flood Risk Management	04/09/19	No objections.
Planning And Development Obligations	09/09/19	Obligations sought towards healthcare (extension at Forres Health Centre, 2 additional dental chairs and reconfiguration of existing pharmacy outlets), and sports and recreation (3G pitch at Forres).
Aberdeenshire Council Archaeology Service	04/09/19	No objections.
Development Plans (Environment)	16/09/19	Application is contrary to policy E9 on the basis the development represents sprawl outwith the settlement boundary. This would detrimentally erode the distinction between the countryside and the settlement of Kinloss. On this basis, the proposal is not considered to be sensitively sited and also fails to meet the requirements of policy IMP1. There are identified housing sites in Kinloss that can accommodate new housing development.
Environmental Health Manager		No objections following provision of a Noise Impact Assessment, subject to conditions.

Contaminated Land	10/09/19	No objections.
Transportation Manager	10/09/19	No objections subject to conditions in relation to parking and provision of turning area.
Scottish Water	04/09/19	No objections – unable to confirm capacity at Glenlatterach Water Treatment Works and advise pre-development enquiry is undertaken. No public sewers in vicinity of site.

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
H7: New Housing in the Open Countryside	Y	MLDP 2015
E9: Settlement Boundaries	Y	MLDP 2015
EP5: Sustainable Urban Drainage Systems	N	MLDP 2015
EP9: Contaminated Land	N	MLDP 2015
EP10: Foul Drainage	N	MLDP 2015
T2: Provision of Access	N	MLDP 2015
T5: Parking Standards	N	MLDP 2015
EP8: Pollution	N	MLDP 2015
IMP1: Developer Requirements	Y	MLDP 2015
IMP3: Developer Obligations	N	MLDP 2015
PP3 Infrastructure & Services	N	Proposed MLDP 2020
DP1 Development Principles	N	Proposed MLDP 2020
DP4 Rural Housing	N	Proposed MLDP 2020
EP6 Settlement Boundaries	N	Proposed MLDP 2020
EP12 Management and Enhancement of the	N	Proposed MLDP 2020
EP13 Foul Drainage	N	Proposed MLDP 2020
EP14 Pollution, Contamination & Hazards.	N	Proposed MLDP 2020

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 General Data Protection Regulations.	
Summary and Assessment of main issues raised by representations	

Issue: Contrary to Local Development Plan as it is out of the settlement boundary of Kinloss and it is important to keep a clear distinction between the settlement and countryside.

Comments (PO): This forms the reason for refusal of the application (see observations).

OBSERVATIONS – ASSESSMENT OF PROPOSAL

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. On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Moray Local Development Plan 2020 was approved as the "settled view" of the Council and minimal weight will be given to it, with the 2015 MLDP being the primary consideration.

Further consideration of the weight to be attached to the Proposed Plan was considered and agreed at the Planning and Regulatory Services Committee on 29 January 2019, with the Committee agreeing that between June/August 2019 and adoption of the new LDP in mid-2020, the weight to be given to matters set out in the Proposed Plan will vary;

- Where matters set out in the Proposed Plan are subject to unresolved objections which will be considered through Examination, then those matters will continue to be given minimal weight as a material consideration in the development management process.
- Where matters set out in the Proposed Plan are not subject to unresolved objections, they will be given greater weight as a material consideration in the development management process.

The weight to be given will be considered on a case by case basis and will be agreed by the Development Management Manager and the Strategic Planning and Delivery Manager.

On 25 June 2019 the Planning & Regulatory Services Committee agreed to give greater weight to sites within the proposed Plan which are not subject to the Examination process from 1 August 2019. In this case the proposal is not subject to a designated site and as all policies in the proposed Plan are subject to examination they are not a material consideration.

The main planning issues are considered below.

Site

A relatively flat area of agricultural land to the north east of Woodside Farm, Kinloss. The site is bounded by residential properties to the north east, a small area of agricultural ground and further residential properties to the north west, and agricultural land to the south east and south west (Woodside Farm beyond to the south west).

The residential properties fall within the settlement boundary of Kinloss (as defined in the MLDP), which runs along the north east and north west boundaries of the site (excluding the proposed access which is within the settlement boundary). The remainder and majority of the site falls outwith the settlement boundary.

Proposal

Planning permission is sought for the erection of a house. It would be one and a half storey with an integral garage. Gabled roofed, the house would be in a linear arrangement with wings protruding off all elevations bar the south western elevation. The walls would be finished in smooth render and stone work, natural slate to the roof and grey aluminium clad window frames and doors.

The house would be accessed via a new access track leading from the existing access road to Woodside Farm. Surface water would discharge to a surface water soakaway, whilst foul drainage would discharge to septic tank with subsequent drainage to a soakaway.

Settlement Boundary

The settlement boundary of Kinloss incorporates Woodside Farm (recognising its commercial role - shop, café, play area etc.), resulting in an obscure boundary that leaves a strip of land outwith the defined settlement of Kinloss bounded by the settlement boundary on three sides. The site subject to this application falls within part of this area.

Associated policy E9 (Settlement Boundaries) presumes against development immediately outwith settlement boundaries in order to prevent the spread of development and to maintain a clear distinction between settlements and countryside, with no exceptions. The proposed house is clearly in breach of this policy, and representing a spread of development outwith the settlement boundary and into the countryside, diminishing the clear distinction between the two.

The response received from the Strategic Planning and Delivery notes that there are identified housing sites in Kinloss that can accommodate new housing development, with a planning application currently under consideration for 23 plots at R4 Damhead and an approval for 6 houses on R3 Findhorn Road West.

Two supporting statements from the applicant states that the development infills an area between a heavily developed farm yard and farm shop/café and houses, and that there would be limited visibility of the site from public roads. The statements also state that the development should not be considered to set a precedent (given that the applicant controls the land and only wants to build one house), and that the planning service should be careful assessing planning applications as business and people will move away from Moray if the service does not support planning applications.

Ultimately, it is not considered the points raised by the applicant would justify a departure from policy E9. Were this application to be approved, it would be a clear breach of policy, and would be a prime example of precedent to allow development on the edge of Kinloss and other settlements in Moray.

Housing in the Countryside (H7)

As the site is outwith a settlement (per the MLDP), it is considered to comprise housing development in the countryside and thus policy H7 (Housing in the Countryside) is applicable. Policy H7 sets out siting and design requirements to ensure housing development does not adversely impact on the rural character of Moray's Countryside.

With regard to its siting, policy H7 requires new houses to: have at least 50% of its boundaries as long established; not result in an adverse impact on the setting of existing buildings; be sensitively integrated into the countryside; and not result in a build-up of housing that is detrimental to the character of the surrounding area. Policy IMP1 states that any development should be appropriate to the character and amenity of the surrounding area.

Noting the reasoning in relation to policy E9, the proposal is considered to be contrary to policy H7 and IMP1 on the basis the house would adversely impact on the setting of Kinloss and its surrounding countryside. The proposal also fails to provide at least 50% of its boundaries as long established.

The design of the proposed house does comply with policy H7 - its roof pitch, proportions, vertical window openings and material finishes are suitable for the rural nature of the development. Nonetheless this does not overcome the siting issues outlined above.

Noise (EP8)

A Noise Impact Assessment has been provided at the request of the Council's Environmental Health Service in light of the sites location in proximity to Kinloss Barracks and the potential impact of noise from aircraft upon occupants of the house. The NIA (whilst incorrectly making reference to RAF Lossiemouth rather than Kinloss Barracks) found that noise from aircraft using the runway at the Barracks would not have an adverse impact on the occupants of the proposed house, subject to

mitigation measures. The Environmental Health section raised no objections to the proposal, subject to a condition being placed requiring the mitigation measures being implemented. Subject to conditions requiring these measures being implemented, the proposal is considered to comply with policy EP8.

Drainage (EP5, EP10)

Surface water would be treated via a surface water soakaway, in line with the requirements of policy EP5, whilst foul drainage would be treated via a septic tank and soakaway, in line with policy EP10. It is noted Moray Flood Risk Management had no objection to the proposal.

Parking and Access (T2, T5)

Access to the site would be via an existing access to the public road. Subject to conditions as recommended, the proposed access arrangements are considered acceptable and would comply with policy T2. Sufficient parking has also been provided within the curtilage of the site, in line with policy T5. The Transportation Manager has not objected to the proposal.

Developer Obligations (IMP3)

In order to mitigate against any adverse impact a development may have upon existing infrastructure and facilities, policy IMP3 puts in place the provision to seek developer obligations appropriate to reduce, eliminate or compensate for the impact. Following assessment in accordance with the Council's Supplementary Guidance on Developer Obligations, obligations are sought towards healthcare (extension at Forres Health Centre, 2 additional dental chairs and reconfiguration of existing pharmacy outlets), and sports and recreation (3G pitch at Forres). As this application has been recommended for refusal, these obligations were not pursued, however were this application to be approved, then obligations should be sought by means of an appropriate agreement. The applicant has indicated a willingness to pay these obligations.

Community Council Comments

Comments received from Findhorn and Kinloss Community Council are noted in relation to policy E9 (outlined above under Representations).

Recommendation - Refuse

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description		
04/00021/FUL	Change of use of field for car boot sales (March to October) at Woodside Farm Kinloss Forres Moray IV36 0UA		
	Decision	Permitted	Date Of Decision
			22/03/04

ADVERT

Advert Fee paid?	No	
Local Newspaper	Reason for Advert	Date of expiry
Forres Gazette	Departure from development plan No Premises	01/10/19
PINS	Departure from development plan No Premises	01/10/19

DEVELOPER CONTRIBUTIONS (PGU)	
Status	

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

Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Drainage Statement	
Main Issues:	Outlines the ground conditions on the site and proposed drainage arrangement.	
Document Name:	Noise Impact Assessment	
Main Issues:	Assesses the impact noise emissions from aircraft operating at nearby Kinloss Barracks will have on the occupants of the proposed house.	
Document Name:	Supporting Statements	
Main Issues:	Two supporting statements provided – both in response to points raised in relation to issues surrounding planning policy.	

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)			

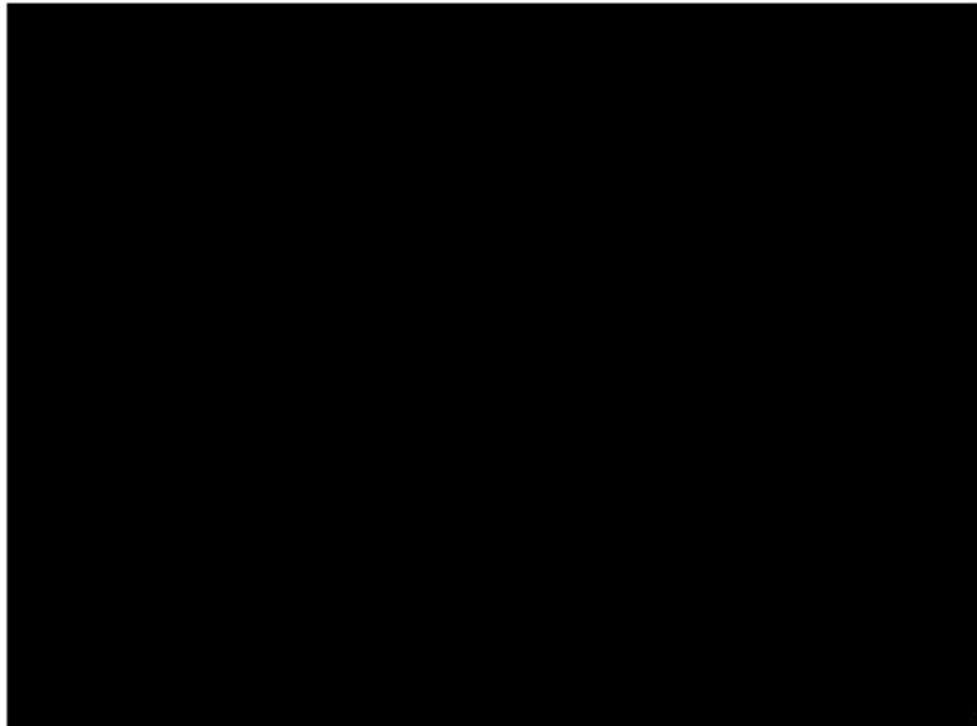


MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended

REFUSAL OF PLANNING PERMISSION

[Forres]
Application for Planning Permission

TO

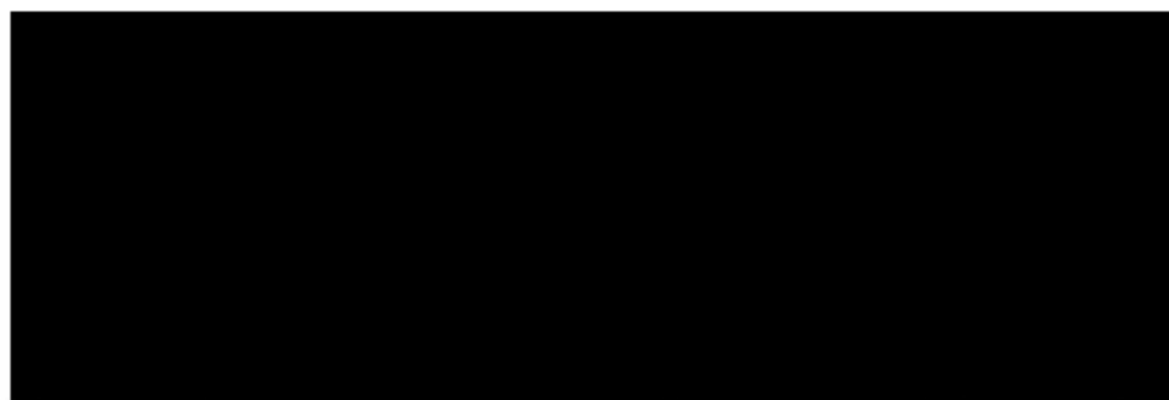


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

Erection of dwellinghouse on Site Adjacent To Woodside Farm Kinloss Forres Moray

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

Date of Notice: **17 December 2019**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT
Economy, Environment and Finance
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, Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

The proposed house would be sited immediately outwith the settlement boundary of Kinloss, and would degrade the distinction between Kinloss and its surrounding countryside. On this basis, the proposal is contrary to policies E9 (Settlement Boundaries), H7 (Housing in the Countryside) and IMP1 (Developer Requirements) of the Moray Local Development Plan 2015.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
2102-021		Elevations and first floor plan
2102-020		Elevations and ground floor plan
2102-SLP		Site and location plan
2102-022A		Site plan and sections

**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, Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from www.eplanning.scotland.gov.uk

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

