



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 100359372-001

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)

Proposed erection of dwelling-house with attached garage

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

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Tulloch House"/>
First Name: *	<input type="text" value="Blair"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Tulloch"/>	Address 1 (Street): *	<input type="text" value="Tulloch House"/>
Company/Organisation	<input type="text" value="Tulloch of Cummington Ltd"/>	Address 2:	<input type="text" value="Forsyth street"/>
Telephone Number: *	<input type="text" value="01343 835600"/>	Town/City: *	<input type="text" value="Elgin"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="IV30 5ST"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="blair@tullochofcummington.co.uk"/>		

Site Address Details

Planning Authority:

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

Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="864396"/>	Easting	<input type="text" value="312022"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

1720.00

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)

Unused land

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)? *

5

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: *

Surface water will be taken to an appropriately sized surface water soakaway. Foul water will be taken to a septic tank and then on to an appropriately sized foul water soakaway.

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)

Refuse bins and recycling bins will be taken to the end of the driveway and will be collected by the local authority collection units.

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

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

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

Signed: Mr Blair Tulloch

On behalf of:

Date: 03/02/2021

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 checked="" type="checkbox"/> Yes | <input 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 Blair Tulloch

Declaration Date: 01/02/2021

Payment Details

Online payment: 081304

Payment date: 09/02/2021 10:56:53

Created: 09/02/2021 10:56

Easter Coltfoot

- NEIGHBOURING PROPERTIES**
- A -- Mr and Mrs Nicol, Coltfoot Farmhouse, Alves, Moray, IV30 8XA
 - B -- Tulloch of Cummingston Ltd, Tulloch House, Forsyth Street, Hopeman, Moray, IV30 5ST
 - C -- Mr H.Rhind, Woodside Farm, Kinloss, Moray, IV36 3UA
 - D -- Mr and Mrs Jebb, 4 Easter Coltfoot, Alves, Moray, IV30 8XA
 - E -- Mr and Mrs Bruce, Easter Coltfoot Steading, Alves, Moray, IV30 8XA

RED LINE DENOTES PROPOSED PLANNING APPLICATION

C

A

B



BLOCK PLAN (SCALE 1:1250)

DRAINAGE
Foul water taken to septic tank and soakaway (See GMC report). Surface water taken to soakaway on site (See GMC report).

BOUNDARY TREATMENTS
Existing and new post + wire fencing with beech hedging

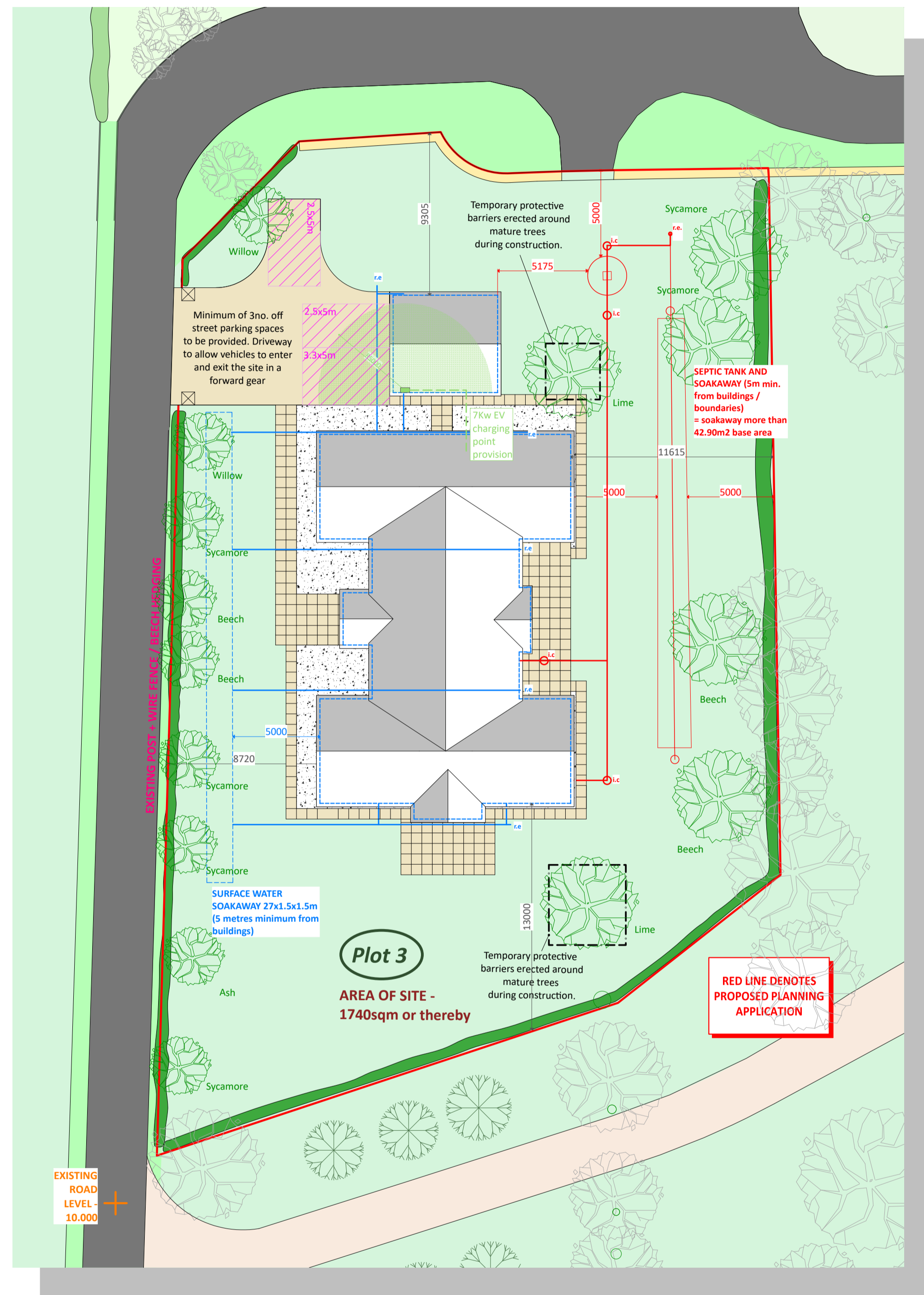
LANDSCAPE WORKS

At present, the proposed site is populated with various mature trees and shrubs.

6 Trees have been planted along the front boundary. 1 Tree in close proximity to the dwelling on the north side to be protected with fencing as in close proximity

A minimum of 25% of foliage / site cover will be retained in accordance with planning guidelines.

During the course of developing the site existing trees will be protected, where necessary, by means of a visible taped barrier. Further, control measures will be put in place to ensure non-contamination of the soil.



EXISTING ROAD LEVEL - 10.000

Plot 3
AREA OF SITE - 1740sqm or thereby

RED LINE DENOTES PROPOSED PLANNING APPLICATION

Plot 3, Easter Coltfoot



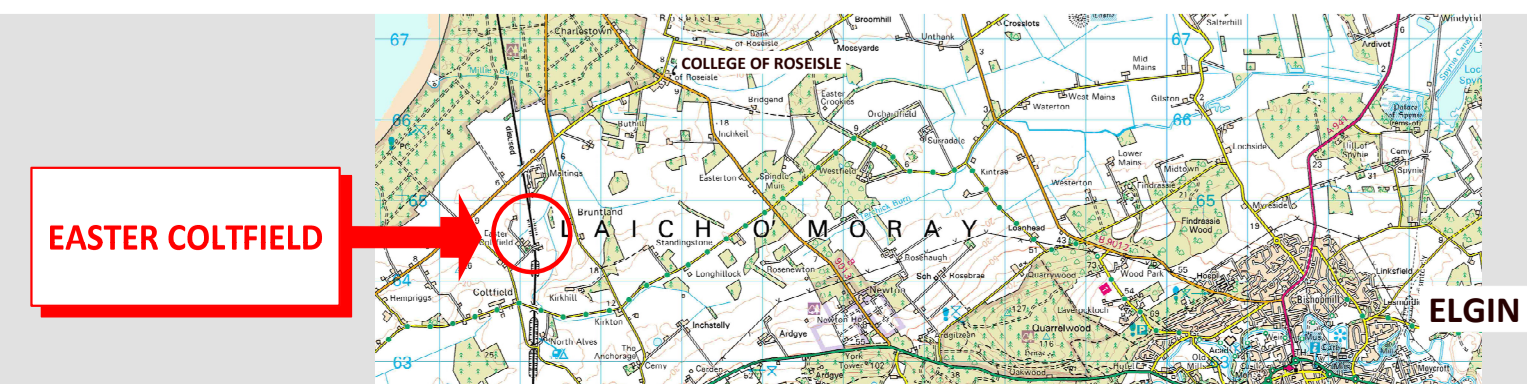
t - (01343) 835600 f - (01343) 835700
e - info@tullochofcummingston.co.uk
web - www.tullochofcummingston.co.uk

PROJECT
PROPOSED ERECTION OF DWELLING-HOUSE WITH ATTACHED GARAGE AT PLOT 3, EASTER COLTFOOT, NEAR ALVES, MORAY (PREVIOUS APPROVAL REF - 06 / 00619 / OUT)

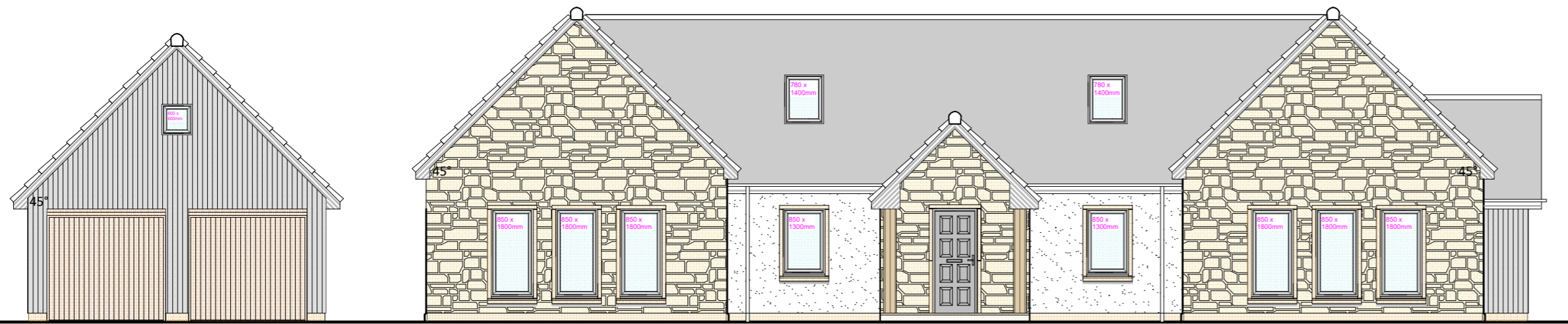
DRAWING DESCRIPTION
PLANNING DRAWING - SITE INFORMATION

DRAWING no. 3.E.COLT / P.D. / 01 SCALE AS STATED (A1)
DRAWN BY B. Tulloch DATE JUNE 2021

Proposed erection of dwelling-house with attached garage at Plot 3, Easter Coltfoot, near Alves, Moray (previous approval ref - 06 / 00619 / OUT)



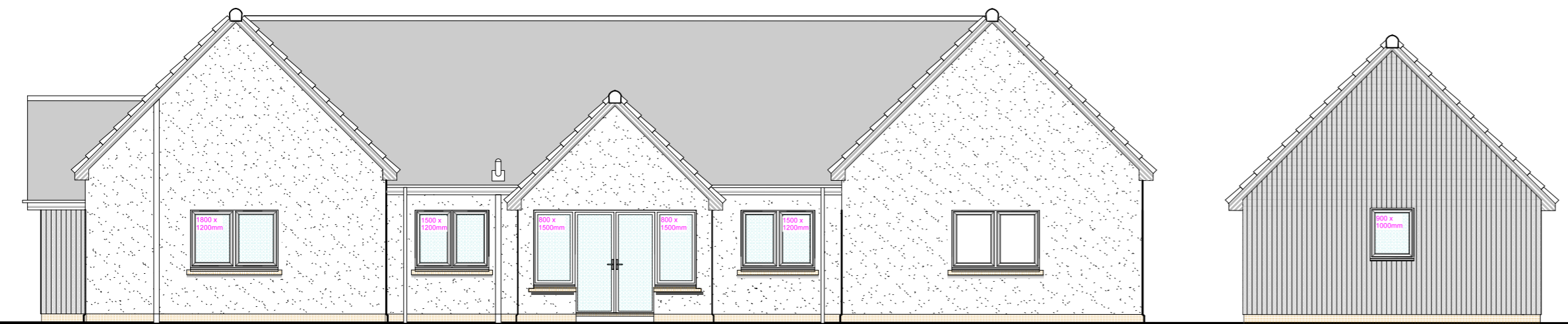
Plot 3, Easter Coltfield, Alves



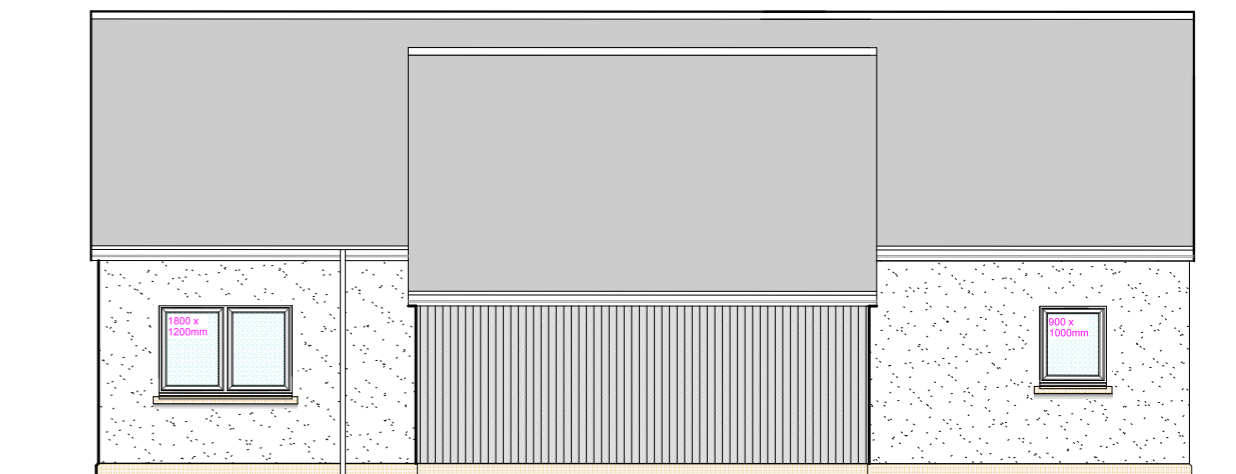
FRONT ELEVATION



SIDE ELEVATION



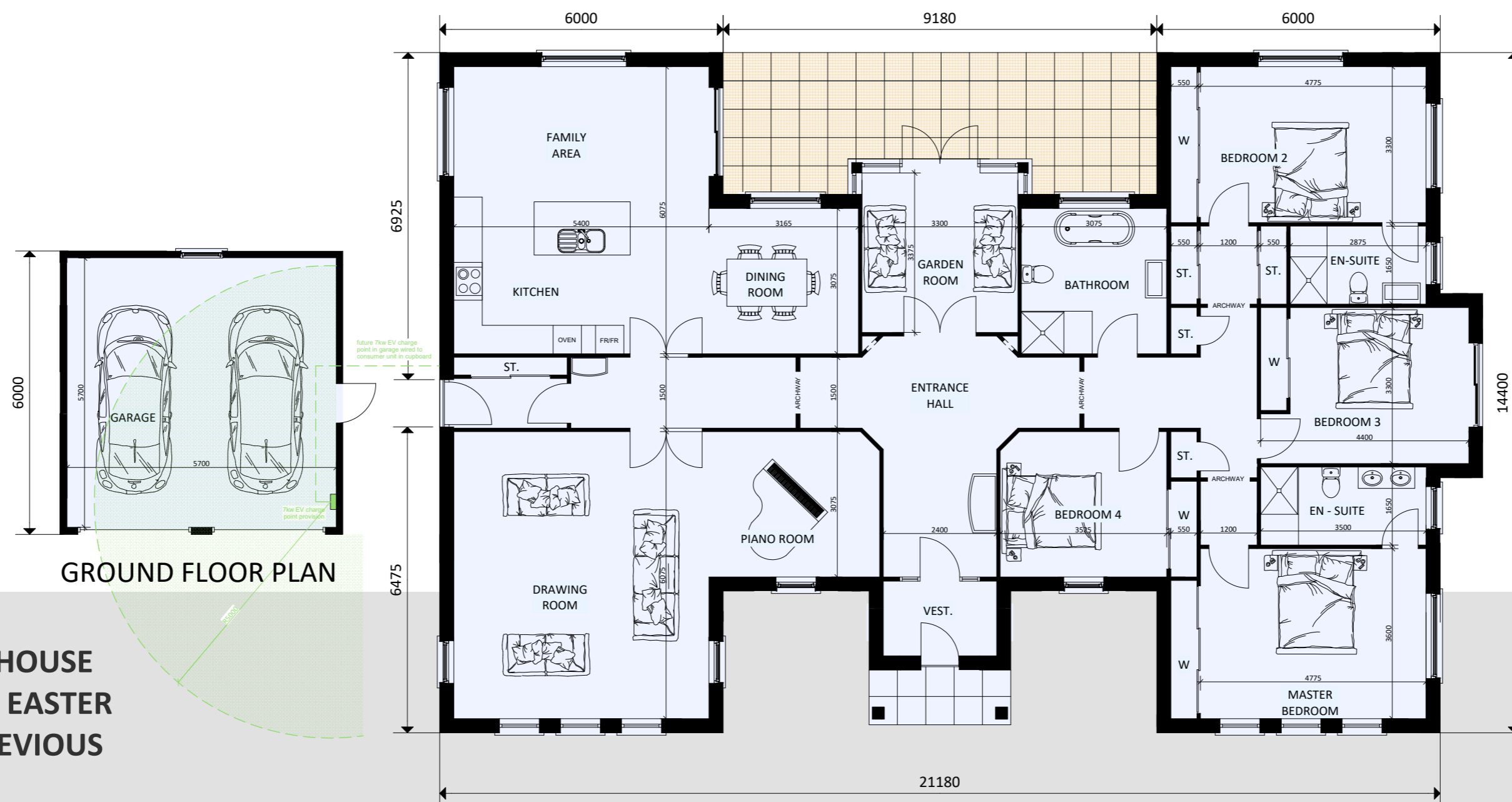
REAR ELEVATION



SIDE ELEVATION

MATERIALS (AS PER OTHER BUILDS ON THE DEVELOPMENT):

- NATURAL SLATE
- SANDSTONE
- BROWN/BUFF ROUGHCAST
- VERTICAL TIMBER LININGS
- IRISH OAK WINDOWS
- GREY COMPOSITE DOOR
- GREY FASCIA/SOFFITS
- BLACK GUTTERS/DOWNPipes



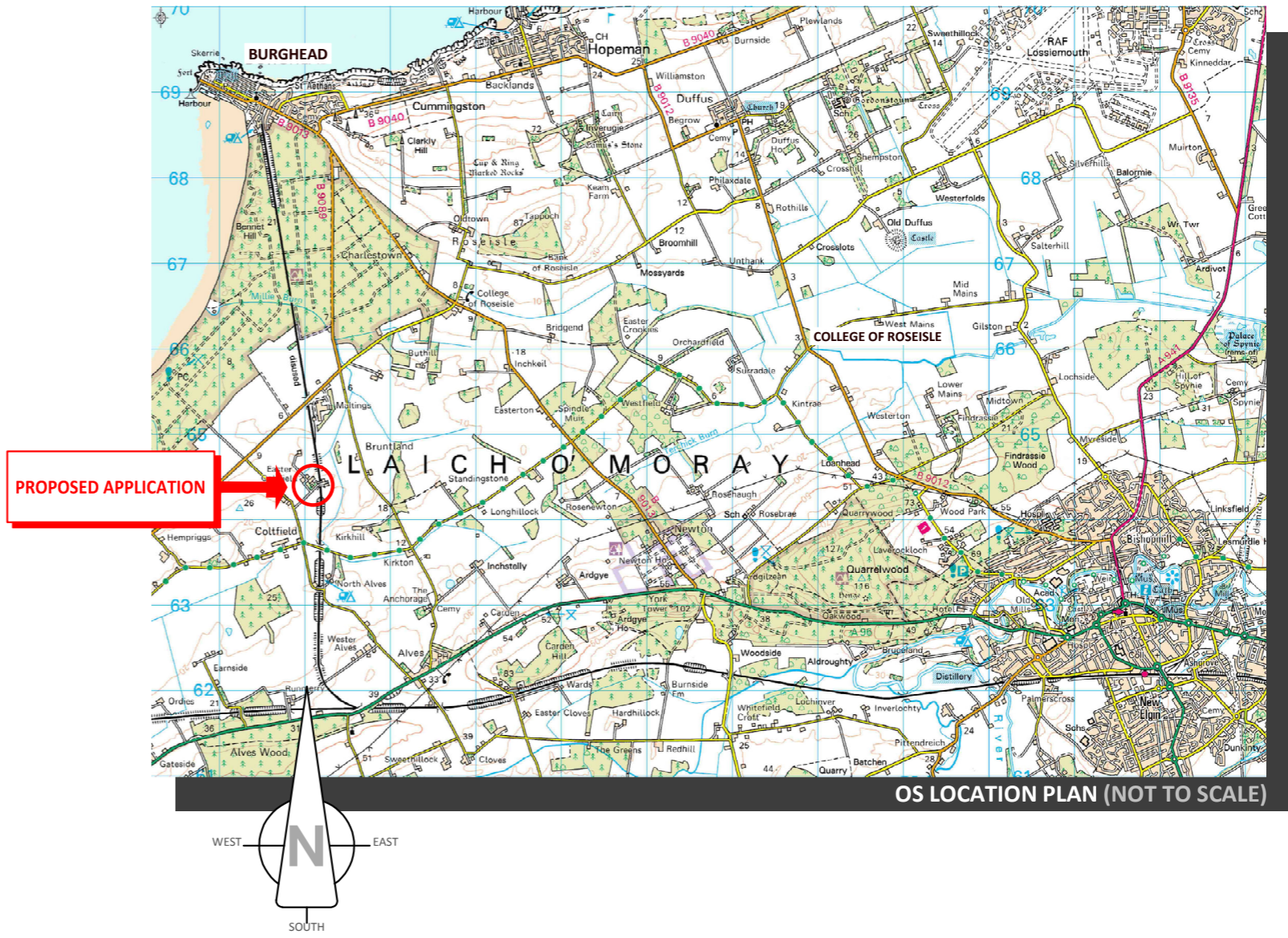
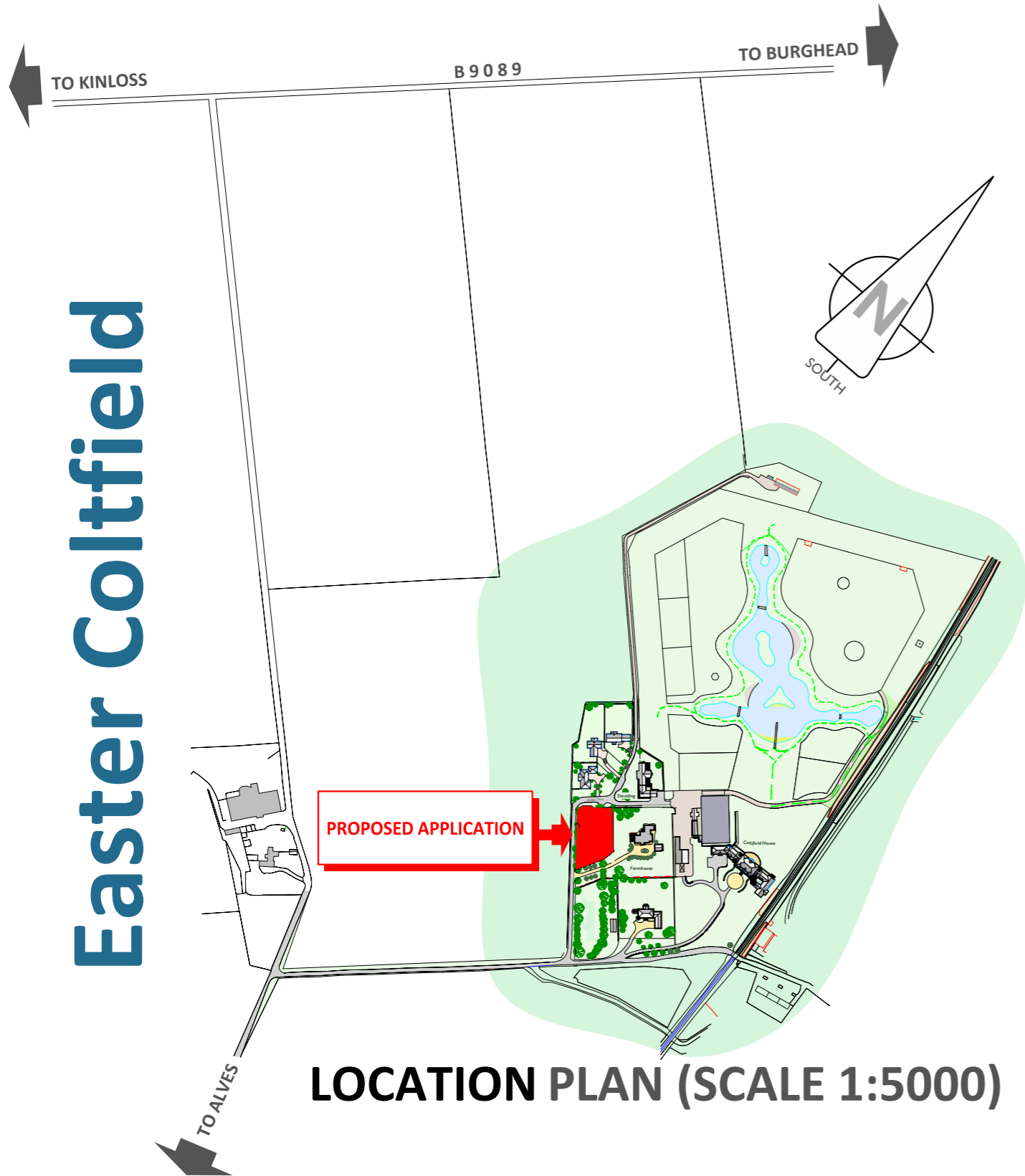
PROPOSED ERECTION OF DWELLING-HOUSE WITH ATTACHED GARAGE AT PLOT 3, EASTER COLTFIELD, NEAR ALVES, MORAY (PREVIOUS APPROVAL REF - 06 / 00619 / OUT)

JUNE 2021

SCALE - 1:100 (A2)



Easter Coltfoot



Proposed erection of dwelling-house with attached garage at Plot 3, Easter Coltfoot, near Alves, Moray (previous approval ref - 06 / 00619 / OUT)

LOCATION PLAN

DRAWING no.
3 E.COLT / P.D. / LP

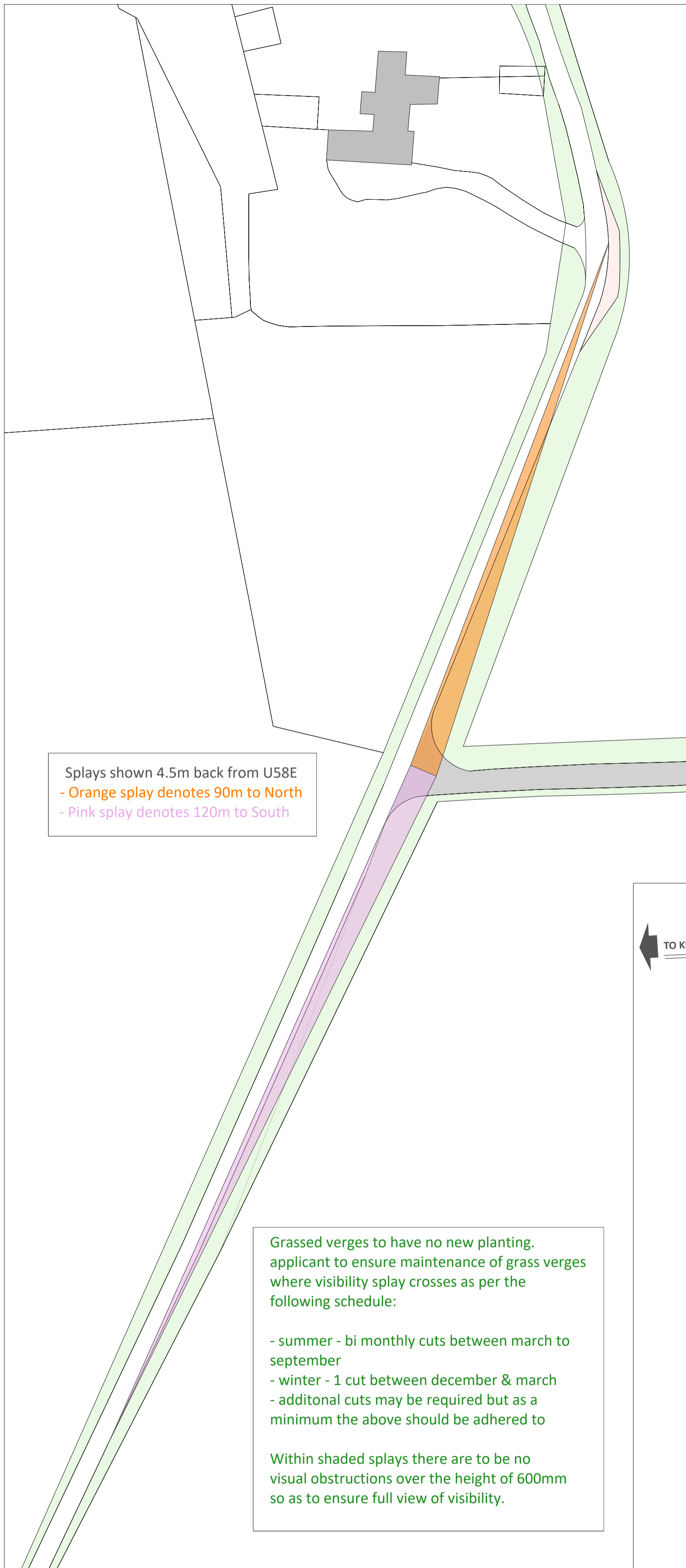
SCALE
AS STATED (A3)

DRAWN BY
S.Reid MCIAT

DATE
FEBRUARY 2021



t - (01343) 835600 f - (01343) 835700
e - reception@tullochcummingston.co.uk
web - www.tullochcummingston.co.uk



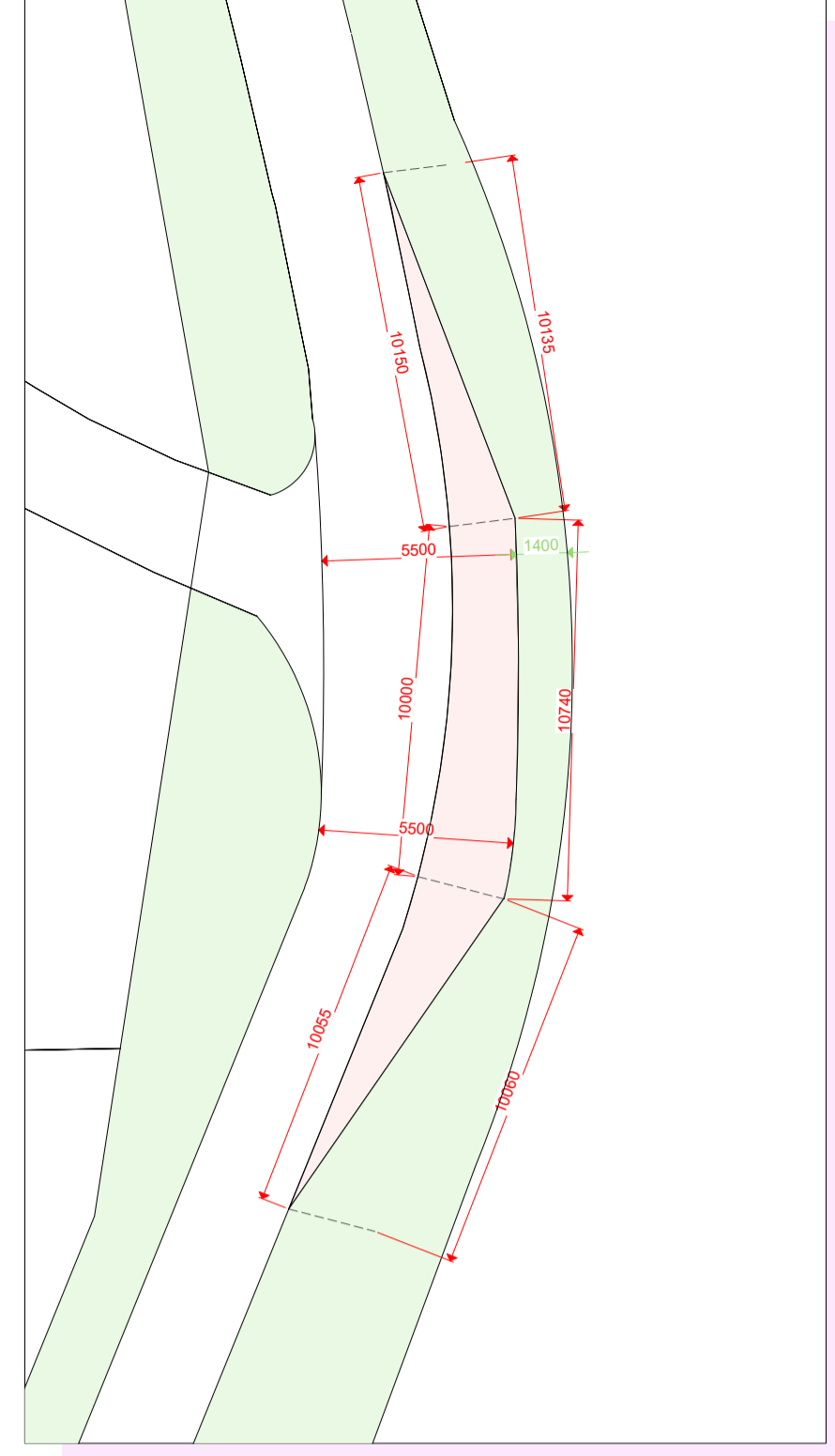
Splays shown 4.5m back from U58E
 - Orange splay denotes 90m to North
 - Pink splay denotes 120m to South

Grassed verges to have no new planting, applicant to ensure maintenance of grass verges where visibility splay crosses as per the following schedule:

- summer - bi monthly cuts between march to september
- winter - 1 cut between december & march
- additional cuts may be required but as a minimum the above should be adhered to

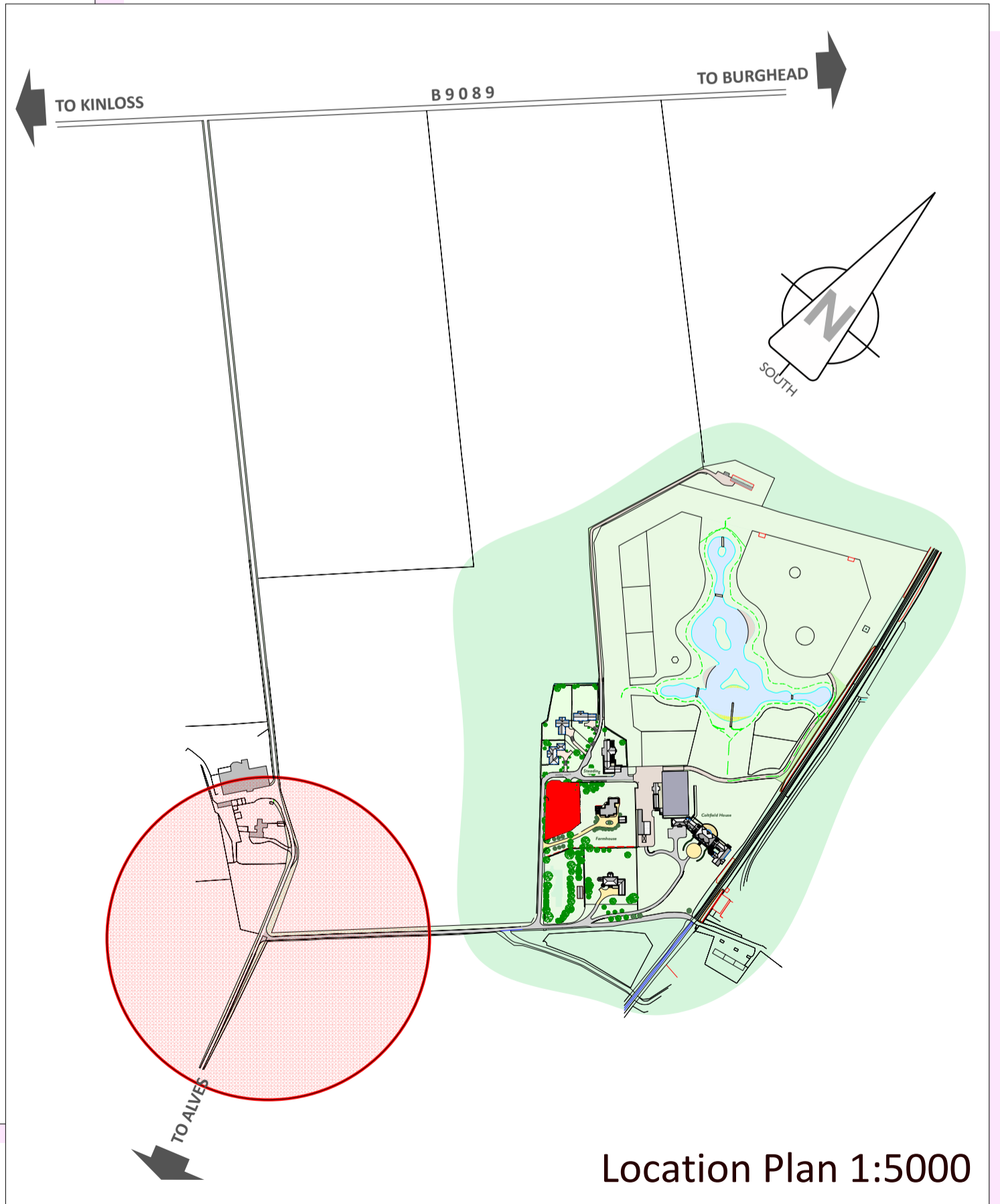
Within shaded splays there are to be no visual obstructions over the height of 600mm so as to ensure full view of visibility.

Splay Plan 1:500



Layby Design 1:200

- layby creating 5.5m wide section of road
- 2x 10m sections taper from existing road width to new layby width
- 250mm type 1 subbase, 100mm dense bituminous macadam road base dense macadam binder course dense bituminous macadam surface course



Location Plan 1:5000

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	2nd March 2021
Planning Authority Reference	21/00168/APP
Nature of Proposal (Description)	Erect dwellinghouse with attached garage on
Site	Plot 3 Easter Colfield Alves Elgin Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133055529
Proposal Location Easting	312073
Proposal Location Northing	864332
Area of application site (M²)	1720
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QOAWUBBGN0000
Previous Application	06/00619/OUT
Date of Consultation	16th February 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Tulloch Of Cumingston Ltd
Applicant Organisation Name	
Applicant Address	Tulloch House Forsyth Street Elgin Mora IV30 5ST
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Iain T Drummond
Case Officer Phone number	01343 563607
Case Officer email address	iain.drummond@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: 21/00168/APP

Erect dwellinghouse with attached garage on Plot 3 Easter Coltfeld Alves Elgin Moray for Tulloch Of Cummington Ltd

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

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

Reason(s) for objection

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...01/03/2021.....
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 21/00168/APP

Application Summary

Application Number: 21/00168/APP

Address: Plot 3 Easter Colfield Alves Elgin Moray

Proposal: Erect dwellinghouse with attached garage on

Case Officer: Iain T Drummond

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

Approved unconditionally

From: DeveloperObligations

Sent: 23 Feb 2021 11:58:58

To: Iain.Drummond@moray.gov.uk,

Subject: 21/00168/APP Erect dwellinghouse with attached garage on Plot 3 Easter Coltfoot, Alves, Elgin

Attachments: 21-00168-APP Erect dwellinghouse with attached garage on Plot 3 Easter Coltfoot, Alves, Elgin.pdf,

Hi

Please find attached the developer obligations assessment that has been undertaken for the above planning application. A copy of the report has been sent to the applicant.

Thanks,

Rebecca

Rebecca Morrison | Infrastructure Growth/Obligations Officer (Strategic Planning and Development) | Economic Growth and Development

Rebecca.morrison@moray.gov.uk | [website](#) | [facebook](#) | [moray council planning facebook](#) | [twitter](#) | [newsdesk](#)

Developer Obligations & Affordable Housing: ASSESSMENT REPORT



moray
council

Date: 23/02/2021

Reference: 21/00168/APP

Description: Erect dwellinghouse with attached garage on Plot 3 Easter Coltfoot, Alves, Elgin

Applicant: Tulloch Of Cummingston Ltd

This assessment has been carried out by Moray Council. For developer obligations, the assessment is carried out in relation to policy PP3 Infrastructure and Services of the adopted Moray Local Development Plan 2020 (MLDP2020) and Supplementary Guidance (SG) on Developer Obligations which was adopted on 30 September 2020. And, for affordable housing, the assessment is carried out in relation to policy DP2 Housing of the MLDP2020. Affordable housing is a policy requirement not a developer obligation however for ease of reference the Affordable Housing contribution is included within this assessment.

The MLDP2020 can be found at www.moray.gov.uk/MLDP2020 and the Developer Obligations SG can be found at <http://www.moray.gov.uk/downloads/file134184.pdf>

Summary of Obligations

Primary Education	Nil
Secondary Education	Nil
Transport (<i>Contribution towards Demand Responsive Transport-dial-a-bus</i>)	██████████
Healthcare (<i>Contribution towards extension at Moray Coast Medical Practice</i>)	██████████
Sports and Recreation (<i>Contribution towards 3G pitch in Forres</i>)	██████████
Total Developer Obligations	██████████
Affordable Housing	██████████
TOTAL	██████████

Breakdown of Calculation

Proposals for developer obligations are assessed on the basis of Standard Residential Unit Equivalents (SRUE) which is a 3-bedroomed residential unit. This application is considered to comprise of the following:

4 bed = 1.2 SRUE

This assessment is therefore based on 1.2 SRUE.



Moray Council **DEVELOPER OBLIGATIONS**



INFRASTRUCTURE

Education

Primary Education

The pupils generated by this development are zoned to Alves Primary School. The school is currently operating at 66% physical capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary in this instance.

Contribution towards Primary Education = Nil

Secondary Education

The pupils generated by this development are zoned to Forres Academy. The school is currently operating at 77% capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary in this instance.

Contribution towards Secondary Education = Nil

Transport

The Moray Council Transportation Services has confirmed that a contribution towards the Council's demand responsive transport service is required to mitigate the impact, in terms of increased usage, on this service given the proposed development is located within a rural area with no access to bus services. In accord with the Moray Council's Supplementary Guidance on Developer Obligations, a contribution of [REDACTED] per SRUE is sought. Therefore:

[REDACTED]

Contributions towards Transport = [REDACTED]

Healthcare

Healthcare Facilities include General Medical Services (GMS), community pharmacies and dental practices. Scottish Health Planning Notes provide national guidance on standards and specification for healthcare facilities. The recommended number of patients is 1500 per General Practitioner (GP) and floorspace requirement per GP is 271m².

Healthcare infrastructure requirements have been calculated with NHS Grampian on the basis of national standards and specifications for healthcare facilities and estimating the likely number of new patients generated by the development (based on the average household size of 2.17 persons -Census 2011).

Moray Coast Medical Practice is the nearest GP Practice within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Moray Coast Medical Practice is currently working beyond design capacity and existing space will be required to be extended.

Contributions are calculated based on a proportional contribution of [REDACTED] per SRUE.

[REDACTED]

Contribution towards Healthcare= [REDACTED]

Sports and Recreational Facilities

Sports and Recreation Facilities

The nearest sports and recreational facilities that serve this development are located in Forres. The Moray Local Development Plan 2020 identifies a requirement for new development to contribute towards additional capacity of sports and



recreational facilities. As set out in the Review of Sport, Leisure and Recreational Provision in Moray (April 2014), current pitch provision in Forres falls below national standards in terms of both quantity and quality. The Review set out the preference is to provide synthetic grass pitches given the ever improving developments of synthetic turf technology, flexibility offered by the surface in terms of game size and capacity for repeated play without detrimental effect.

The Planning Facilities Model 2018 sets out that Moray currently meets 0.5 pitches per 10,000 population, which is significantly lower than the national average of 0.9 pitches per 10,000 population. Moray Council has agreed that the Council aim is to provide every secondary school with convenient/adjacent access to a 3G pitch given that sportscotland stipulates that pitches should be adjacent to schools. Therefore, contributions will be sought towards a 3G pitch in Forres on the following basis:

[REDACTED]

Contribution for Sports and Recreation Facilities = [REDACTED]

AFFORDABLE HOUSING

The average market value of a serviced plot for 1 Affordable Unit is [REDACTED]. Contributions are based on 25% of the total number of units proposed in the application:

[REDACTED]

Therefore, the total contribution towards affordable housing is:

1 proposed unit = £ [REDACTED]

Affordable housing is a policy requirement not a developer obligation and will not be subject to negotiation.



TERMS OF ASSESSMENT

This assessment report is valid for a period of 6 months from the date of issue.

Please note that any subsequent planning applications for this site may require a re-assessment to be undertaken on the basis of the policies and rates pertaining at that time.

PAYMENT OF CONTRIBUTIONS

Remittance of financial obligations can be undertaken either through the provision of an upfront payment or by entering into a Section 75 agreement. The provision of an upfront payment will allow a planning consent to be issued promptly. However, where the amount of developer contributions are such that an upfront payment may be considered prohibitive a Section 75 will likely be required. The payment of contributions may be tied into the completion of houses through a Section 75 Agreement or equivalent, to facilitate the delivery of development. Please note that Applicants are liable for both the legal costs of their own Legal Agent fees and Council's legal fees and outlays in the preparation of the document. These costs should be taken into account when considering the options.

INDEXATION

Developer obligations towards Moray Council infrastructure are index linked to the General Building Cost Price Index (BCPI) as published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors (RICS) from Q3, 2017 and obligations towards NHS Grampian infrastructure are index linked to All in Tender

Price Index (TPI) as published by the Royal Institute of Chartered Surveyors (RICS) from Q2, 2017.



From: Douglas Caldwell
Sent: Tue, 21 Sep 2021 09:39:10 +0100
To: Planning Consultation
Cc: Iain Drummond
Subject: 21/00168/APP Plot 3 Easter Coltfoot

This Section recommends refusal on the above application for the following reasons-

The current site is within the 66 to 72 dBA noise contour of the MOD's former RAF Kinloss and a Noise Impact Assessment was requested by this Section. The letter from this Section also made it apparent that should an assessment not be provided the application may be recommended for refusal. The timescale to submit such an assessment has now lapsed by a considerable margin. On this basis there is insufficient information to determine the application and this Section recommends refusal of the application.



REHIS
Chartered Environmental Health Officer
2021

Douglas A Caldwell MIOA | Environmental Health Officer | Economic Growth and Development.

Working pattern – compressed hours Monday, Tuesday, Thursday, Friday

douglas.caldwell@moray.gov.uk | [website](#) | [facebook](#) | [twitter](#) | [News page](#)

01343 563355 |

MORAY
council

Consultation Request Notification – Development Plans

Planning Authority Name	Moray Council
Response Date	6th May 2021
Planning Authority Reference	21/00168/APP
Nature of Proposal (Description)	Erect dwellinghouse with attached garage on
Site	Plot 3 Easter Colfield Alves Elgin Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133055529
Proposal Location Easting	312073
Proposal Location Northing	864332
Area of application site (M²)	1720
Additional Comments	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QOAWUBBGN0000
Previous Application	06/00619/OUT
Date of Consultation	22nd April 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Tulloch Of Cummington Ltd
Applicant Organisation Name	
Applicant Address	Tulloch House Forsyth Street Elgin Mora IV30 5ST
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Iain T Drummond
Case Officer Phone number	01343 563607
Case Officer email address	iain.drummond@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:-

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: 21/00168/APP

**Erect dwellinghouse with attached garage on Plot 3 Easter Coltfeld Alves Elgin
Moray for Tulloch Of Cummingston Ltd**

Ward: 05_17 Heldon And Laich

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		DP4 – Rural Housing DP 1 – Development Principles	X X	
2	Further Discussion Required				

REASONING FOR THIS DECISION:

POLICY COMMENTS

Introduction

The proposal is for a single storey individual house in the countryside at Easter Coltfoot.

Background

Scottish Planning Policy (SPP) states rural development proposals should promote a pattern of development that is appropriate to the character of the particular area and the challenges it faces. In Moray there are identified issues relating to the adverse landscape and visual impacts associated with the cumulative build-up of new housing in and around our main towns, particularly Elgin and Forres.

SPP also states that in pressurised areas easily accessible from Scotland's cities and towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside. On that basis areas within Moray where cumulative build up is prevalent were identified as pressurised and sensitive areas.

DP4 Rural Housing

In terms of Policy DP4 the proposal is considered under section d) New Houses in the Open Countryside and because of the sites location, subsection ii) Pressurised and Sensitive Areas.

Pressurised and Sensitive areas are identified to direct new housing to the least sensitive locations across Moray. Due predominately to the landscape and visual impacts associated with the build up of houses, no further new housing will be permitted in these areas outwith identified rural groupings. On that basis a house in this location is not supported.

Compliance with other criteria set out in DP4

No siting or design criteria are set out within Pressurised and Sensitive Areas as new housing in these locations is not supported. For the avoidance of doubt, if the proposal were to be considered setting aside the sites location within a Pressurised and Sensitive Area it would still fail to comply with the siting requirements d) iii) a) set out in DP4 as follows. Given the number of new houses surrounding the site the proposal is considered to constitute unacceptable cumulative build up. The number of new houses in this location has eroded the traditional settlement pattern. Modern housing is the predominant component of this landscape and an additional house in this location would have an adverse impact on the character and appearance of this rural area.

The previous issues raised in terms of the design of the house have been addressed and a revised design submitted that meets the design criteria set out in DP4. The bulk of the house has been reduced with the removal of the garage, the bay window features have been removed, vertical windows have being incorporated and the symmetry of the house has been balanced with a central porch feature.

DP1 Development Principles

The site lies within the MOD's noise contours. DP1 Development Principles states proposals must be supported by a Noise Impact Assessment (NIA). No NIA has been submitted and therefore insufficient information has been provided to demonstrate that adequate mitigation can be implemented to address any adverse noise impacts contrary to the requirements of DP1 Development Principles

Conclusion

The proposal should be refused as it fails to meet the requirements of DP4 and DP1. There is no policy exception to allow new housing in pressurised and sensitive areas. The introduction of a new house in this identified pressurised and sensitive location would have a detrimental landscape and visual impact as well as impacting on the character and appearance of this rural area.

Furthermore, contrary to DP1 a supporting Noise Impact Assessment has not be provided and therefore there is insufficient information to demonstrate that adequate mitigation can be implemented to address any adverse noise impacts.

Contact: Emma Gordon **Date: 7 June 2021.**
email address: emma.gordon@moray.gov.uk **Phone No**
Consultee: Development Plans

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.

**MORAY COUNCIL
PLANNING CONSULTATION RESPONSE**

From: The Moray Council, Flood Risk Management
Planning Application Ref. No: 21/00168/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 22/06/2021
email address: leigh.moreton@moray.gov.uk Phone No 07815 647384

Consultee: The Moray Council, Flood Risk Management

Wednesday, 17 February 2021



Local Planner
Development Services
Moray Council
Elgin
IV30 1BX

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

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

Dear Sir/Madam

SITE: Plot 3 Easter Coltfeld, Alves, Elgin
PLANNING REF: 21/00168/APP
OUR REF: DSCAS-0032986-B6F
PROPOSAL: Erect dwellinghouse with attached garage

Please quote our reference in all future correspondence

Audit of Proposal

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 Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Glenlatterach Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

- ▶ 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.



To find out more about connecting your
General enquiry to the water and waste water supply visit:



Please Note

- ▶ 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.

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 from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, 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 information on how to submit application to Scottish Water at [our Customer Portal](#).

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) 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 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 the discharge from your premises is likely 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 [here](#).
- ▶ 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

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Planning Application Team

Development Operations Analyst

developmentoperations@scottishwater.co.uk

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."



SW Public
General

To find out more about connecting your property to the water and waste water supply visit:



So, how are we doing?

We'd love to know what we're doing well or could do better. We promise we're listening. [click here](#) to tell us...



Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	2nd March 2021
Planning Authority Reference	21/00168/APP
Nature of Proposal (Description)	Erect dwellinghouse with attached garage on
Site	Plot 3 Easter Colfield Alves Elgin Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133055529
Proposal Location Easting	312073
Proposal Location Northing	864332
Area of application site (M²)	1720
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QOAWUBBGN0000
Previous Application	06/00619/OUT
Date of Consultation	16th February 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Tulloch Of Cumingston Ltd
Applicant Organisation Name	
Applicant Address	Tulloch House Forsyth Street Elgin Mora IV30 5ST
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Iain T Drummond
Case Officer Phone number	01343 563607
Case Officer email address	iain.drummond@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: Transportation Manager

Planning Application Ref. No: 21/00168/APP

Erect dwellinghouse with attached garage on Plot 3 Easter Coltfeld Alves Elgin Moray for Tulloch Of Cumingston 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"/> |

This proposal is for the erection of a new dwelling served via an existing (surfaced) private access which already serves a number of properties, including a number of which are being built and not yet occupied. An additional passing opportunity has already been provided on the shared private access road between the site and the public road. The visibility splays have also already been provided (with boundaries set back); however the visibility splays have not been shown as part of the submitted details. This proposal is also for a new dwelling which does not appear to be subject to any extant planning permissions and on this basis the following conditions would apply:

Condition(s)

1. No development shall commence until:

- 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 90 metres to the North, and 4.5 Metres by 120 metres to the South, and a schedule of maintenance for the splay area has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority; and
- ii. thereafter 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.

Reason: 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 through the provision of details currently lacking.

2. No development works shall commence on the dwelling house until a detailed drawing (scale 1:200) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority confirming the provision of, or location where a future Electric Vehicle (EV) charging unit is to be connected to an appropriate electricity supply, including details (written proposals and/ or plans) to confirm the provision of the necessary cabling, ducting, and consumer units capable of supporting the future charging unit; and thereafter the EV charging infrastructure shall be provided in accordance with the approved drawing and details prior to the first occupation of the dwelling house.

Reason: In the interests of an acceptable form of development and the provision of infrastructure to support the use of low carbon transport, through the provision of details currently lacking.

3. No development shall commence until a detailed drawing (scale 1:500) showing the location and design of a passing place on the section of U58E Wester Alves Road located between the site and the U58E Coltfoot Road (to the Moray Council standards and specification), has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority; and thereafter the passing place shall be constructed in accordance with the approved drawing prior to any development works commencing (except for those works associated with the provision of the passing place).

Reason: To enable drivers of vehicles to have adequate forward visibility to see approaching traffic and for two vehicles to safely pass each other ensuring the safety and free flow of traffic on the public road.

4. Three car parking spaces shall be provided within the site prior to the occupation or completion of the dwelling house, 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.

Further comment(s) to be passed to applicant

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

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

Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 56 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road. Advice on these matters can be obtained by emailing roadspermits@moray.gov.uk

Public utility apparatus may be affected by this proposal. Contact the appropriate utility

service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

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

The applicant shall free and relieve the Roads Authority from any claims arising out of their operations on the road or extension to the road.

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

Date 17 February 2021

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/en/planing/>. (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.

54 MAR 2021

MANAGEMENT
MANAGEMENT (DEVELOPMENT
MANAGEMENT & BUILDING

STANDARDS 01/03/2021

Cheh Masdam d' M' Sun

APPLICATIONS 21/00168 APP +
21/00080/AMC + 21/00179/APP + 21/
00180/APP + 21/00193/LBC + 21/00203/
LBC + 21/00181/APP

Please Man. CONTAIN TIME
ALL WINDOWS FROM FLOOR
ON EACH SITE IS FULLY
PROTECTED. HIBERNATION IS
COMING TO AN END

AMONG SPECIES MOWS
HONEYEATERS AND SLOW
WORMS CROSS SNAILS CAME
TO MIND

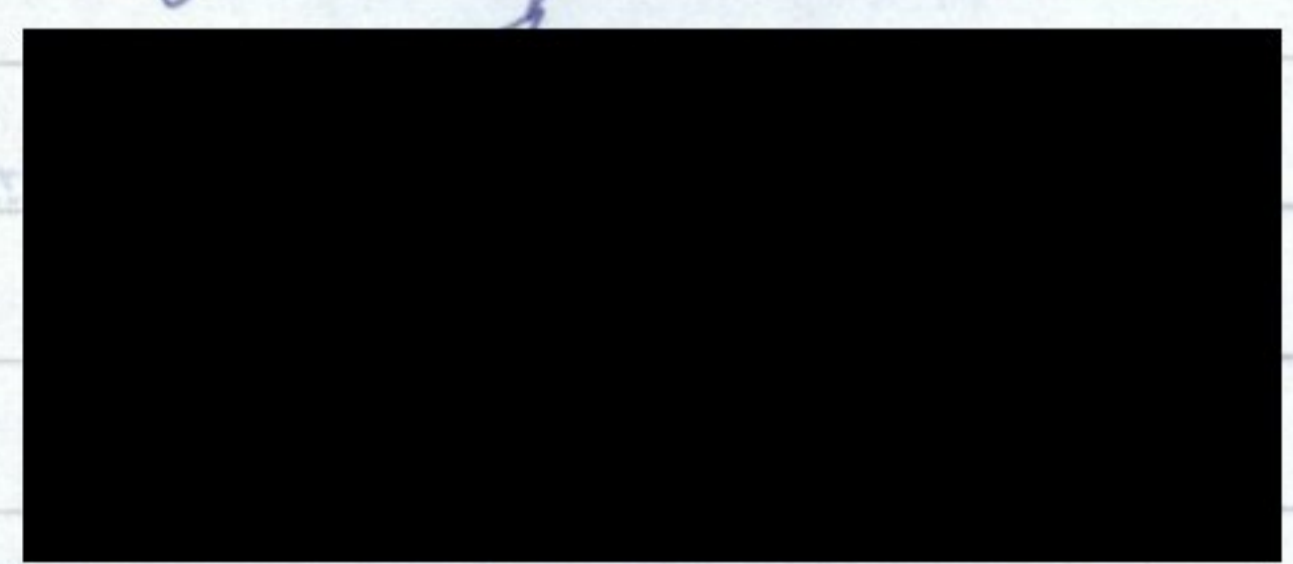
BIRD NESTING ALREADY

II

COMMUNICIA ON COMMUNICIA

IF HANDS CARRYING IS A
FEATURE OF ANY DISORDER
MINI IT SHOULD FAVOUR
BUTTERFLIES & MOTHS

Yours fraternally



REPORT OF HANDLING

Ref No:	21/00168/APP	Officer:	Iain T Drummond
Proposal Description/ Address	Erect dwellinghouse with detached garage on Plot 3 Easter Coltfoot Alves Elgin Moray		
Date:	05.10.2021	Typist Initials:	LMC

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
Aberdeenshire Council Archaeology Service	01/03/21	No objections
Moray Flood Risk Management	22/06/21	No objections
Planning And Development Obligations	23/02/21	Contributions sought towards transport (dial-a-bus) Healthcare and sports and recreation (3g pitch in Forres)
Environmental Health Manager	21/09/21	Recommend refusal of the proposal due to lack of noise impact assessment
Contaminated Land	24/02/21	No objections
Transportation Manager	17/02/21	No objections subject to conditions and informatives
Scottish Water	17/02/21	No objections
Strategic Planning And Development	10/06/21	Recommend refusal of the application due to failure to comply with housing in the countryside policy.

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
PP3 Infrastructure and Services	N	
DP4 Rural Housing	Y	
EP2 Biodiversity	N	
EP7 Forestry Woodland and Trees	N	
EP8 Historic Environment	N	

DP1 Development Principles	Y	
EP12 Management and Enhancement Water	N	
EP13 Foul Drainage	N	
EP14 Pollution Contamination Hazards	Y	

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		
<p>Issue: Concern regarding the impact of the development on flora and fauna, with specific reference to hibernating animal and nesting birds.</p> <p>Comments (PO): This application is being refused on the basis of failing to comply with policies in relation to the principle of new housing in the countryside, however, were the application being approved, the applicants have outlined that it is their intension to retain, protect and enhance the existing trees/habitat on site and allow free movement of animals such as hedgehogs. With this in mind this issue is not considered to merit the refusal of this application.</p>		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The Proposal

This application seeks planning permission in for the erection of an H-shaped single storey pitch roof house and detached garage at, Plot 3, Easter Colfield, Alves, Elgin.

It is proposed that the site be served via an access from the existing track which bounds the site to the south west. The house is to be served by a septic tank and soakaway and separate soakaway for disposal of surface water.

The Site and Surroundings

The site comprises an area of rough ground described as Plot 3 by the applicants. Planning permission in principle was granted in 2006 for the erection of a house on this site, however, this consent has since expired. The site is bounded by a mixture of hedging and mature trees and forms part of a larger grouping of houses surrounding Colfield Farmhouse.

The site lies within open countryside in an area of landscape designated as a Pressurised and Sensitive Area within the Moray Local Development Plan 2020.

Appraisal

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

Principle of development (DP1 and DP4)

Scottish Planning Policy (SPP) states rural development proposals should promote a pattern of development that is appropriate to the character of the particular area and the challenges it faces. In

Moray there are identified issues relating to the adverse landscape and visual impacts associated with the cumulative build-up of new housing in and around our main towns, particularly Elgin and Forres.

SPP also states that in pressurised areas easily accessible from Scotland's cities and towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside. On that basis areas within Moray where cumulative build up is prevalent were identified as pressurised and sensitive areas.

Policy DP4: Rural Housing of the Moray Local Development Plan (MLDP) 2020 contains the necessary criteria for assessing new rural housing in the countryside. In this case the site lies within a Pressurised and Sensitive Area and as such policy DP4 outlines that no new housing will be permitted within these areas.

The justification text within policy DP4 explains the ethos behind the designation of Pressurised and Sensitive Areas and outlines that there are locations within Moray where the cumulative build-up of houses in the countryside has negatively impacted on the landscape character of an area and as such these areas have been designated to restrict any further housing. The landscape surrounding the proposed site, leading from Kinloss golf club in the west to Hopeman in the east has experienced a significant growth in new housing in the countryside over the past 25 years and this has undoubtedly eroded the rural character of the area. The proposed new house site would add to this overall build-up of housing in the area and exacerbate the existing impact on the rural character of the surrounding landscape and as such this proposal is recommended for refusal on this basis.

The applicants have outlined that whilst the site may be within the Pressurised and Sensitive Area, the site is well enclosed and defined from the surrounding open fields and will form part of what is an existing grouping of houses and as such will integrate well into the surrounding landscape. In response, policy DP4 is clear that no new housing within Pressurised and Sensitive Areas should be permitted and as such the merits of the siting of any proposed house is not something that could overcome the fundamental issue, that the proposed site lies within the Pressurised and Sensitive Area. Whilst the proposed site does have enclosure, the house would be visible from the west and as such would contribute to the overdeveloped appearance of the area. Also whilst the site does form part of an existing grouping, this is not identified as a rural grouping within the MLDP 2020 and as such the proposal cannot be assessed under the terms of policy DP4 in relation to development within rural groupings.

Noise Pollution (DP1 and EP14)

Following consultation with Environmental Health the site has been identified as falling within the RAF Kinloss noise contour map as agreed by the Planning and Regulatory Services Committee in 22/04/14, which outlined the following position:

"Routine flying operations at Kinloss ceased on 31 July 2011. However, there remains a current Defence requirement for the airfield to act as a Relief Landing Ground (emergency only) for RAF Lossiemouth Tornado GR4 and soon Typhoon aircraft. While fast jet aircraft will not routinely use the airfield at Kinloss Barracks the airspace will continue to be used as part of a standard circuit. This involves RAF Lossiemouth fast jet aircraft flying above the unit at a height of 1000 feet. The airfield will continue to be used by the Moray Flying Club and No 663 Volunteer gliding Squadron. Although no longer an active airfield, MOD retains the right to reactive the airfield in the future. Use of the airfield for circuit work will still mean that the area will be exposed to noise which may be considered disturbing by residents. When resources allow we plan to revisit Kinloss and produce revised contours. Until then the noise contours defined in 1984 will remain extant."

The proposed site is within the 66 to 72 dBA contour and as such a Noise Impact Assessment (NIA)

was requested. By the time the applicants were asked for a NIA, they were aware that the site lay within the Pressurised and Sensitive Area and would be refused on this basis and as such did not wish to go to the expense of having a NIA carried out. Without an NIA this proposal fails to comply with policies DP1 and EP14 and has been recommended for refusal by Environmental Health. Whilst this issue could potentially be overcome by the submission of an NIA, without this information, this issue forms a further reason for refusal of this proposal.

Access/Parking (PP3 & DP1)

The Transportation service has been consulted in relation to the development has no objection to the approval of the application subject to conditions to ensure access and parking is provided to an acceptable standard. Amongst other things the conditions recommended require the provision of an EV charging point at the house and a passing place on the public road leading to the site and the applicants have confirmed they are happy to meet these requirements.

Water Supply and Drainage (PP3, EP12 & EP13)

Moray Flood Risk Management have no objection to the proposed drainage arrangements comprising foul drainage disposed of via treatment plant and soakaway and separate surface water soakaway and as such the proposals are compliant with policies PP3, EP12 and EP13.

Scottish water has no objection to the use of the proposed water supply.

Developer obligations and affordable housing (PP3 and DP2)

An assessment has been carried out and a contribution has been identified towards transport (dial-a-bus) Healthcare and sports and recreation (3g pitch in Forres), which the applicant has agreed to pay in the event of approval being given.

Recommendation

The application is to be refused on the basis that it fails to meet the requirements of DP4 and DP1, in that, there is no policy exception to allow new housing in pressurised and sensitive areas. The introduction of a new house in this identified pressurised and sensitive location would have a detrimental landscape and visual impact as well as impacting on the character and appearance of this rural area.

Furthermore, the application is contrary to policies DP1 and EP14 in that a supporting Noise Impact Assessment has not been provided and therefore there is insufficient information to demonstrate that adequate mitigation can be implemented to address any adverse noise impacts.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY			
Reference No.	Description		
06/00619/OUT	Outline to erect 1no detached dwellinghouse on Plot C Easter Coltfeld Farm Alves Moray		
	Decision	Permitted	Date Of Decision

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	No Premises	18/03/21
PINS	No Premises	16/02/21

DEVELOPER CONTRIBUTIONS (PGU)	
Status	Contributions 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?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Drainage assessment	
Main Issues:	Outlines the drainage methodology for the site.	

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)			

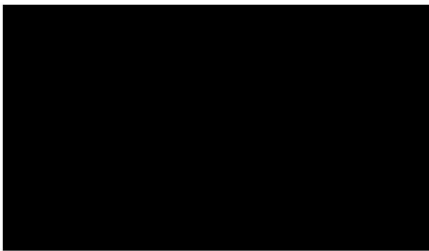


**MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

**[Heldon And Laich]
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:-

**Erect dwellinghouse with detached garage on Plot 3 Easter Coltfeld Alves
Elgin Moray**

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

Date of Notice: **8 October 2021**



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 proposal would be contrary to policies DP1, DP4 and EP14 of the Moray Local Development Plan 2020 for the following reasons:

1. The site lies within a Pressurised and Sensitive Area and as such policy DP4 outlines that no new housing will be permitted within these areas on the basis that further housing would exacerbate the build-up of housing which has already negatively impacted on the character of the countryside in this area.
2. The applicants have not provided a Noise Impact Assessment in support of the application and as such have failed to demonstrate that the occupants of the proposed house would not be subject to harmful noise pollution as a result of aircraft utilising RAF Kinloss.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
3 E.COLT/P.D/01		Site and location plan
		Elevations and floor plans
3 E.COLT/P.D/LP		Location plan
3 E.COLT/P.D/VS		Passing place and visibility splay

**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.

