



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100002127-001

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

Type of Application

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

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

Description of Proposal

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

Erect dwellinghouse and associated works

Is this a temporary permission? *

☐ Yes ☒ No

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

☒ Yes ☐ No

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

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	HHL Scotland		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Matthew	Building Name:	
Last Name: *	Hilton	Building Number:	6
Telephone Number: *	01667451334	Address 1 (Street): *	Cameron Crescent
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Nairn
Fax Number:		Country: *	United Kingdom
		Postcode: *	IV12 5DY
Email Address: *	matthew@hhlscotland.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	AS PER AGENT
First Name: *	CHRIS	Building Number:	
Last Name: *	GREENWOOD	Address 1 (Street): *	AS PER AGENT
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	AS PER AGENT
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	IV12 5DY
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

860261

Easting

316096

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

2838.00

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)

ROUGH GROUND

Access and Parking

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

☐ Yes ☒ No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.	
How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?	<div style="border: 1px solid black; padding: 2px 10px;">0</div>
How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *	<div style="border: 1px solid black; padding: 2px 10px;">4</div>
Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *	
<input type="checkbox"/> Yes – connecting to public drainage network <input checked="" type="checkbox"/> No – proposing to make private drainage arrangements <input type="checkbox"/> Not Applicable – only arrangements for water supply required	
As you have indicated that you are proposing to make private drainage arrangements, please provide further details. What private arrangements are you proposing? *	
<input checked="" type="checkbox"/> New/Altered septic tank. <input type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed). <input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).	
What private arrangements are you proposing for the New/Altered septic tank? *	
<input checked="" type="checkbox"/> Discharge to land via soakaway. <input type="checkbox"/> Discharge to watercourse(s) (including partial soakaway). <input type="checkbox"/> Discharge to coastal waters.	
Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *	
SEPTIC TANK AND SUB-SURFACE SOAKAWAY	
Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Note:- Please include details of SUDS arrangements on your plans Selecting 'No' to the above question means that you could be in breach of Environmental legislation.	

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

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

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

Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

Trees

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

☒ Yes ☐ No

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

Waste Storage and Collection

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

☒ Yes ☐ No

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

AS PER PLANS

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

Are you able to identify and give appropriate notice to ALL the other owners? * ☒ Yes ☐ No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

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

or –

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

Name:

Mr A Colwell

Address:

LEA RIG, Mosstowie, ELGIN

Date of Service of Notice: *

03/02/2016

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

or –

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

Name:

Address:

Date of Service of Notice: *

Signed: Matthew Hilton

On behalf of: Mr CHRIS GREENWOOD

Date: 03/02/2016

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☒ Cross sections.

☒ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

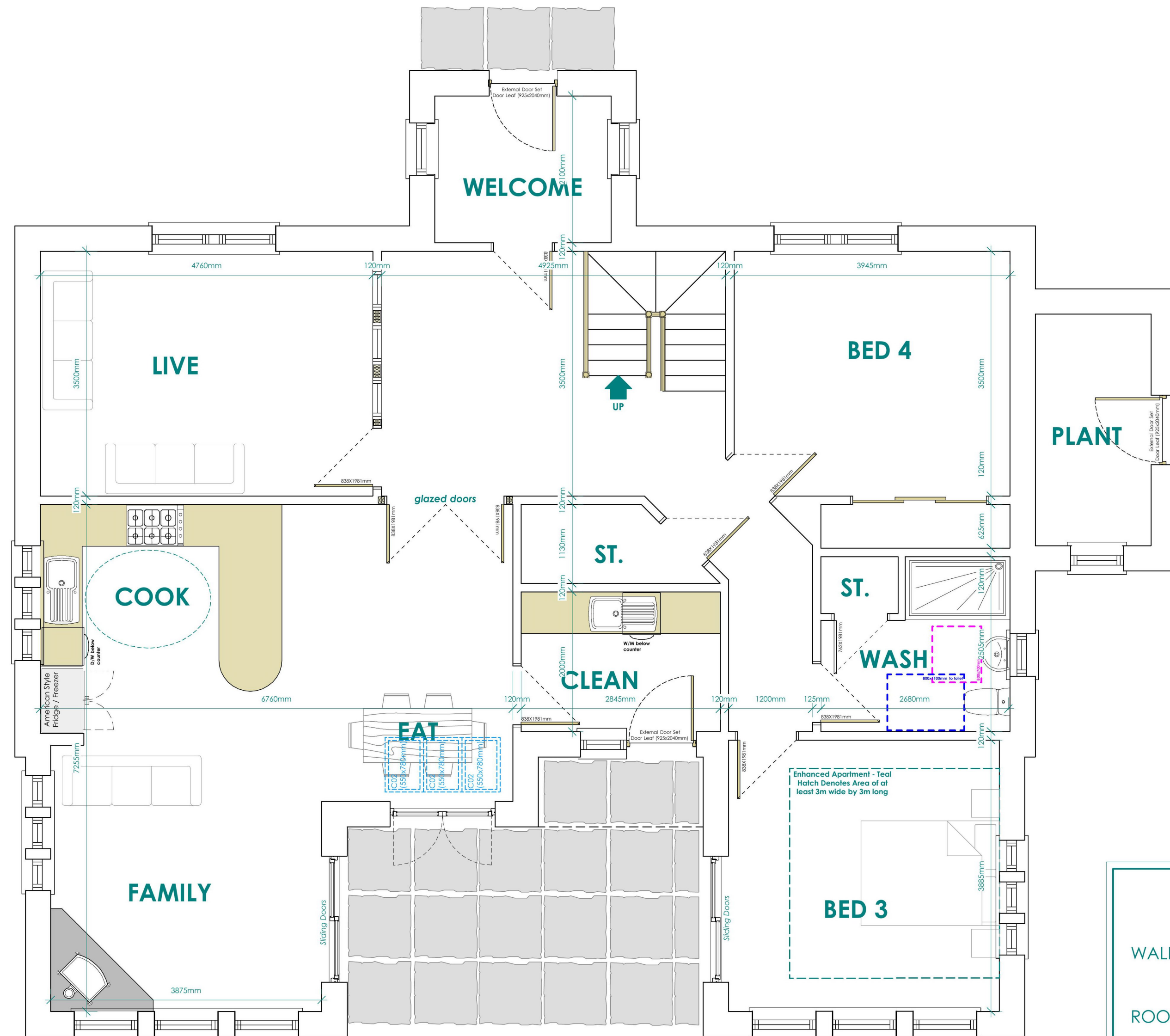
Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

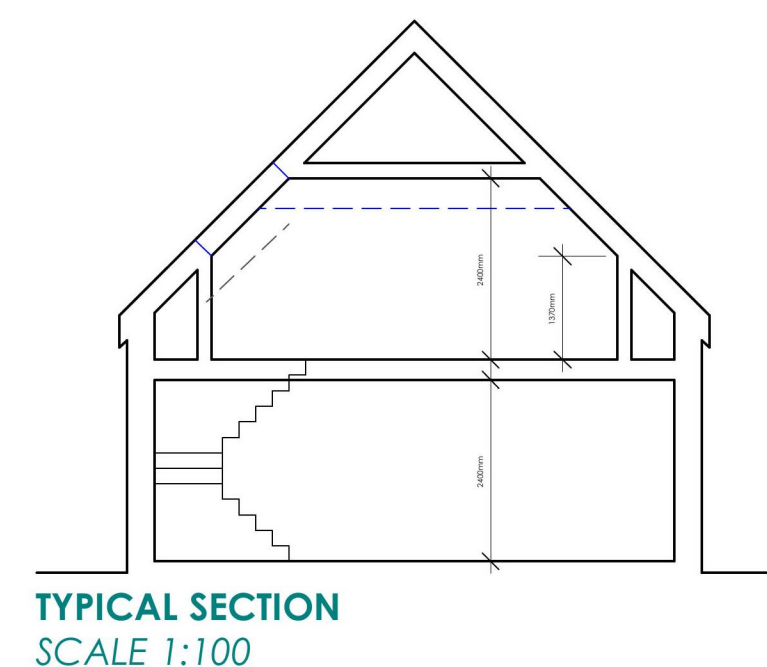
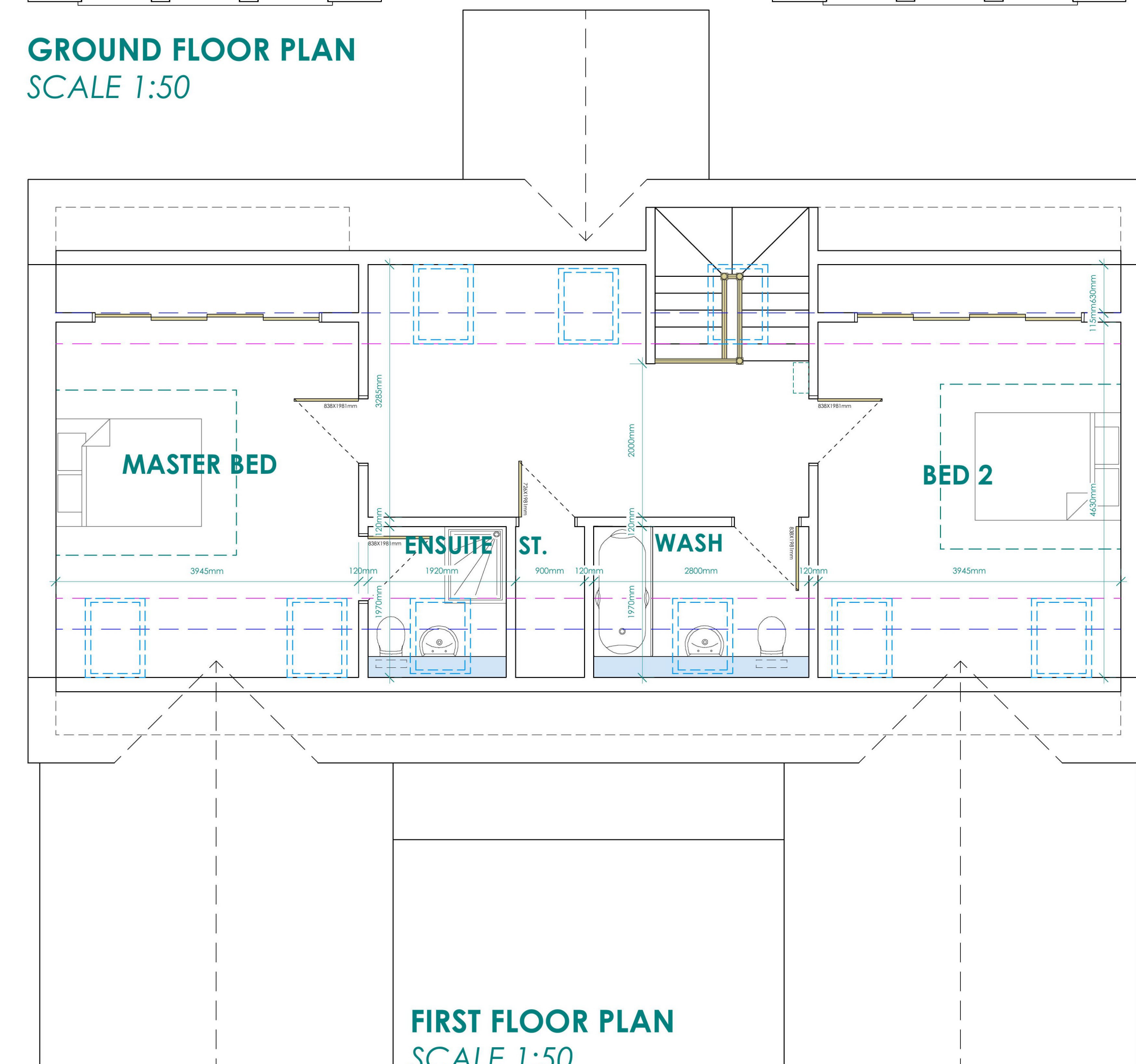
I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Matthew Hilton

Declaration Date: 03/02/2016

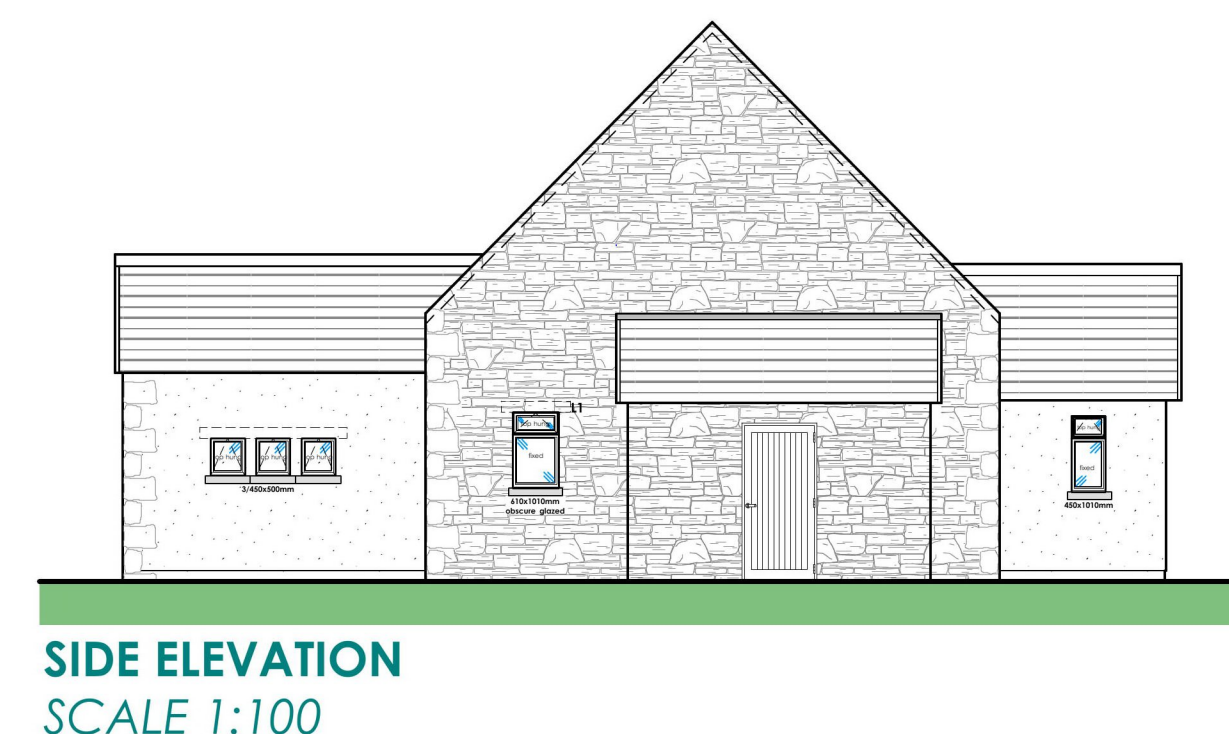
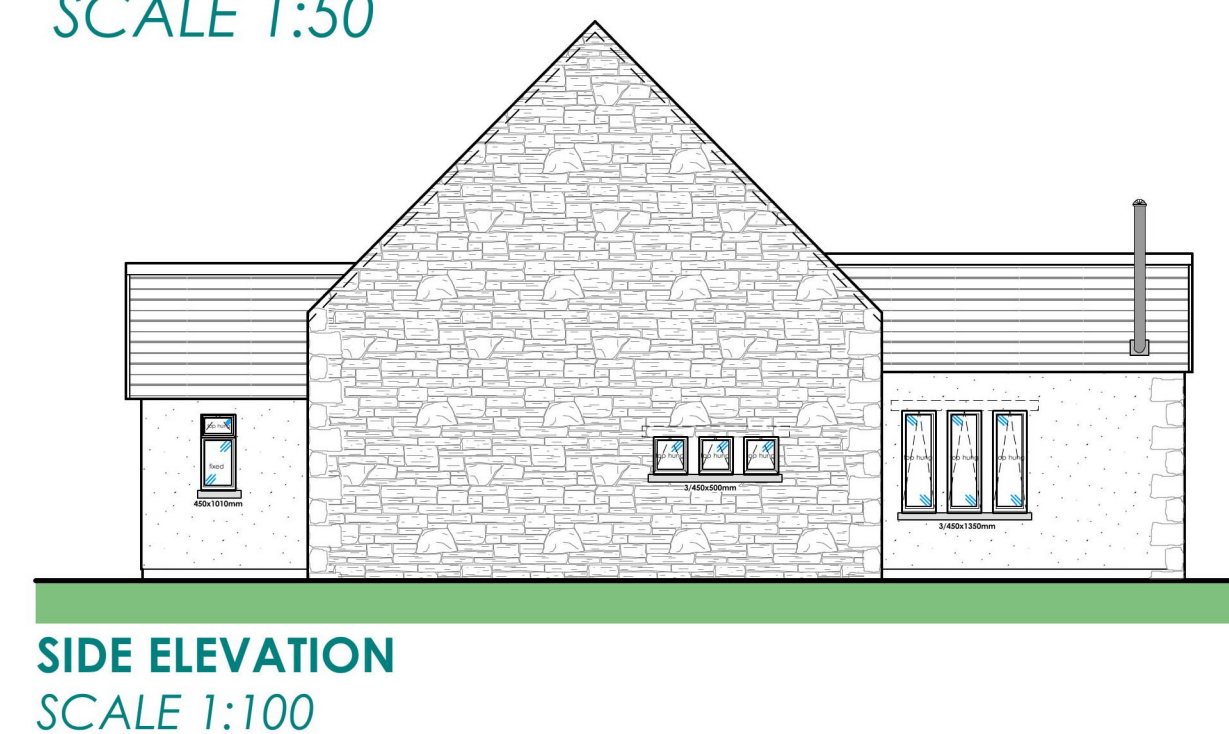


FINISHES LEGEND	
WALLS - WET DASH RENDER	- NATURAL STONEWORK
ROOF - NATURAL SLATE	
WINDOWS - GREY POWDER COATED ALUMINIUM	
DOORS - SOLID TIMBER	



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

REFUSED
22.03.2016
Development Management
Environmental Services
The Moray Council



Client. **MR & MRS CHRIS GREENWOOD**

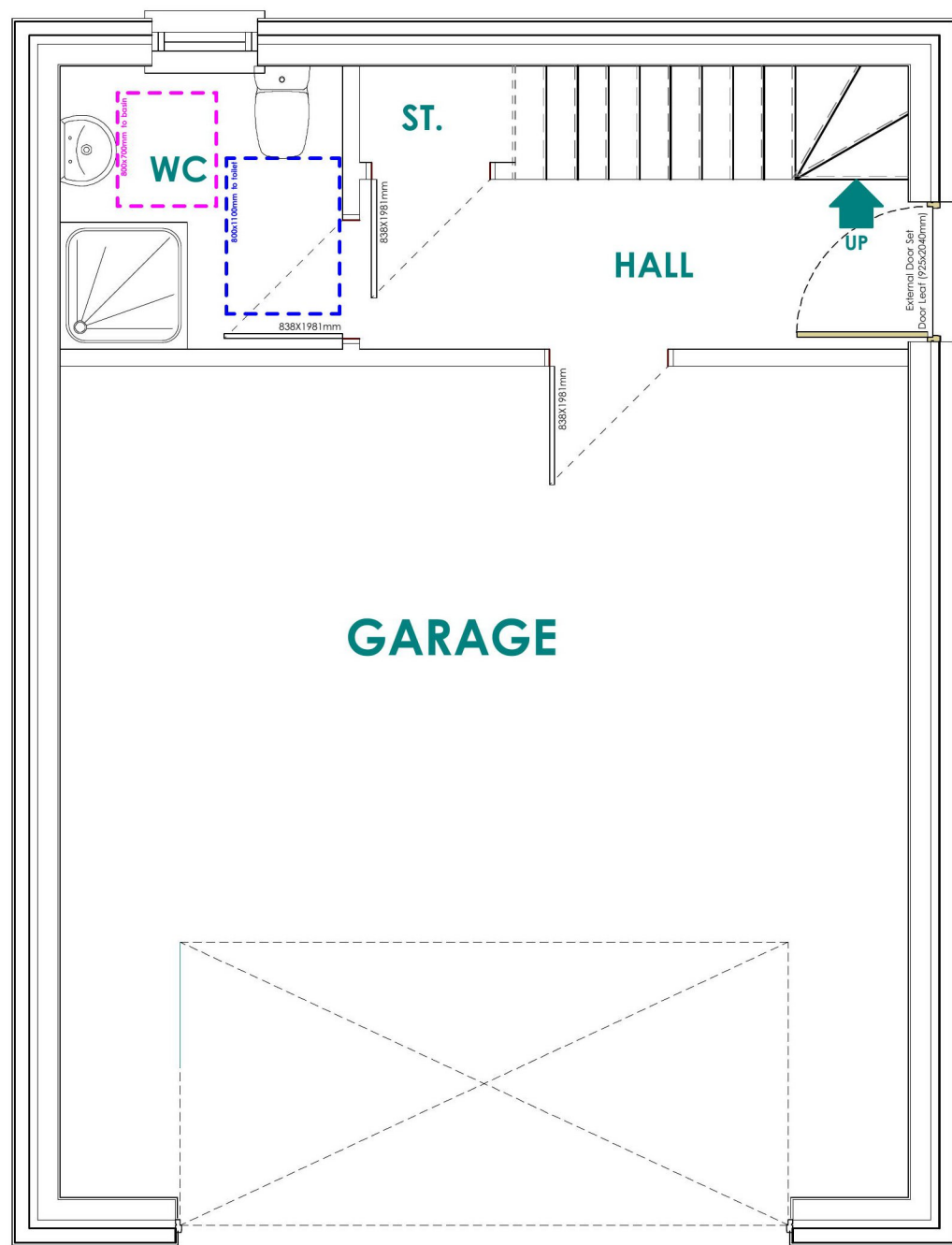
Project. **ERECT NEW HOUSE & ASSOCIATED WORKS AT MILTONDUFF, ELGIN**

Ref. **HHL 13047.P08**
6 Cameron Crescent
Nairn
IV12 5DY

Tel. **01667 451334**
Mob. **07743 221617**
Email. **admin@hhlscotland.co.uk**
web. **hhlscotland.co.uk**

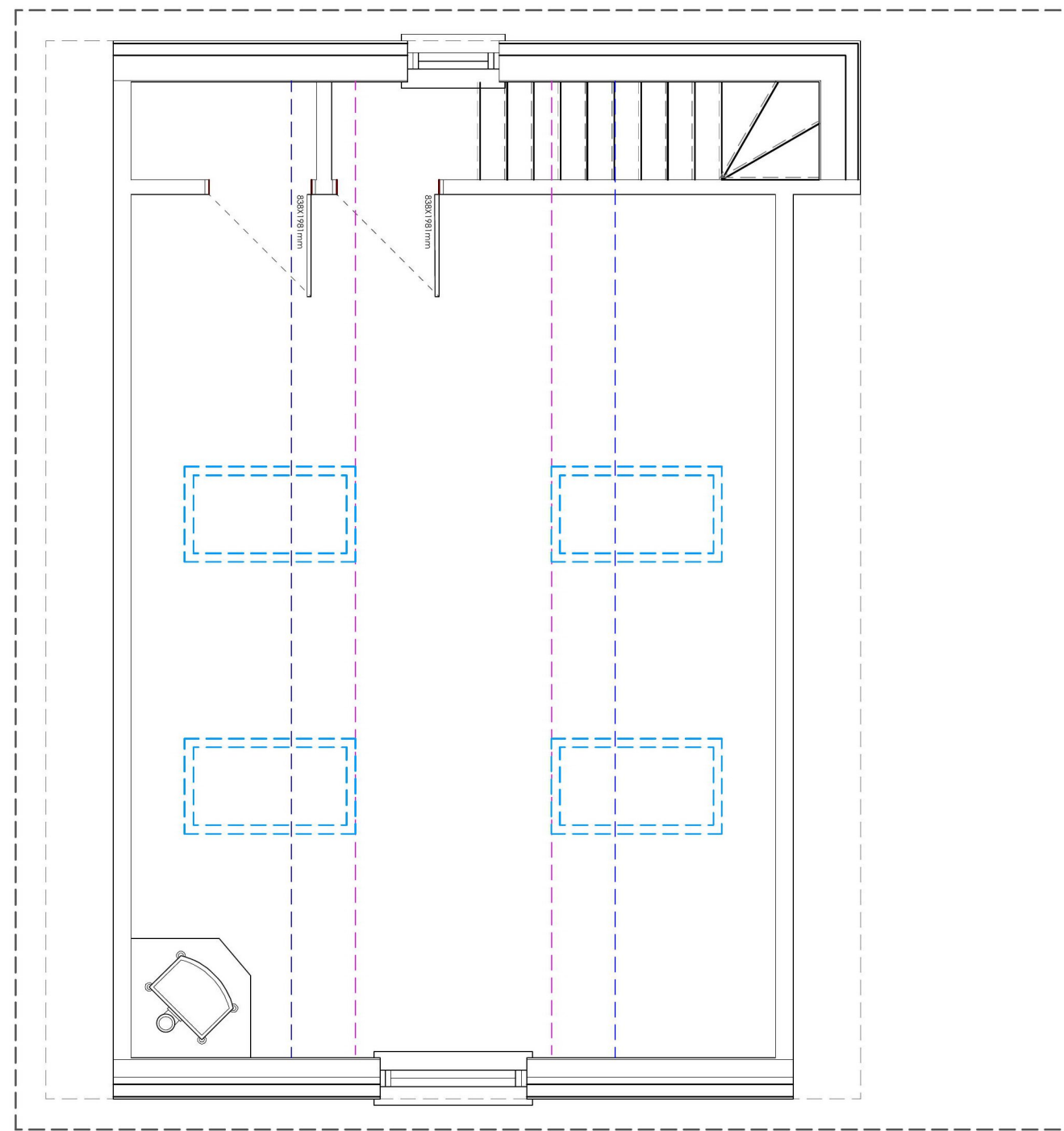
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Controller H.M. Stationary Office. Licence Number: 100020449



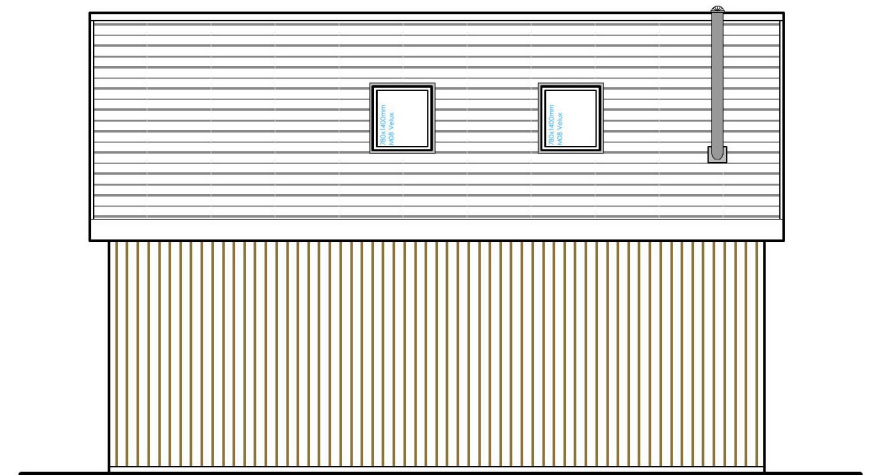


GARAGE FLOOR PLAN
SCALE 1:50

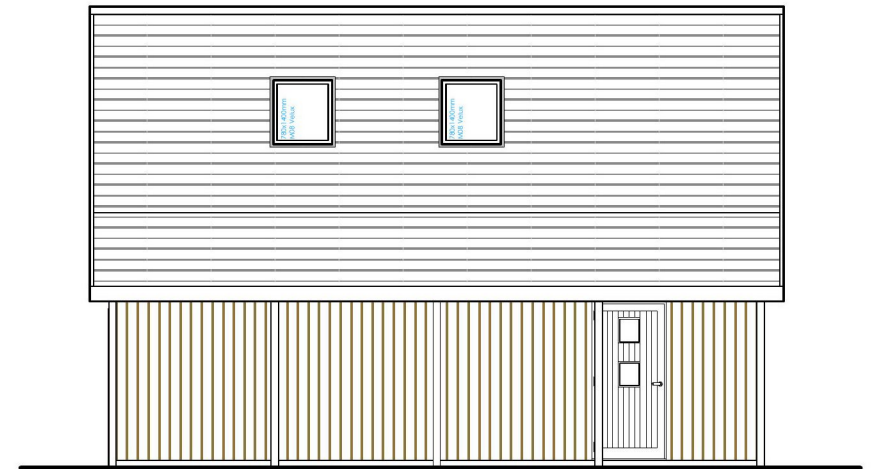
STORE



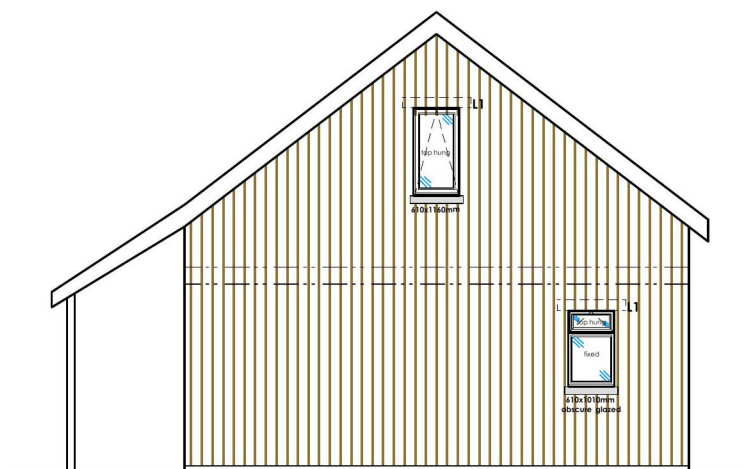
GARAGE FIRST FLOOR PLAN
SCALE 1:50



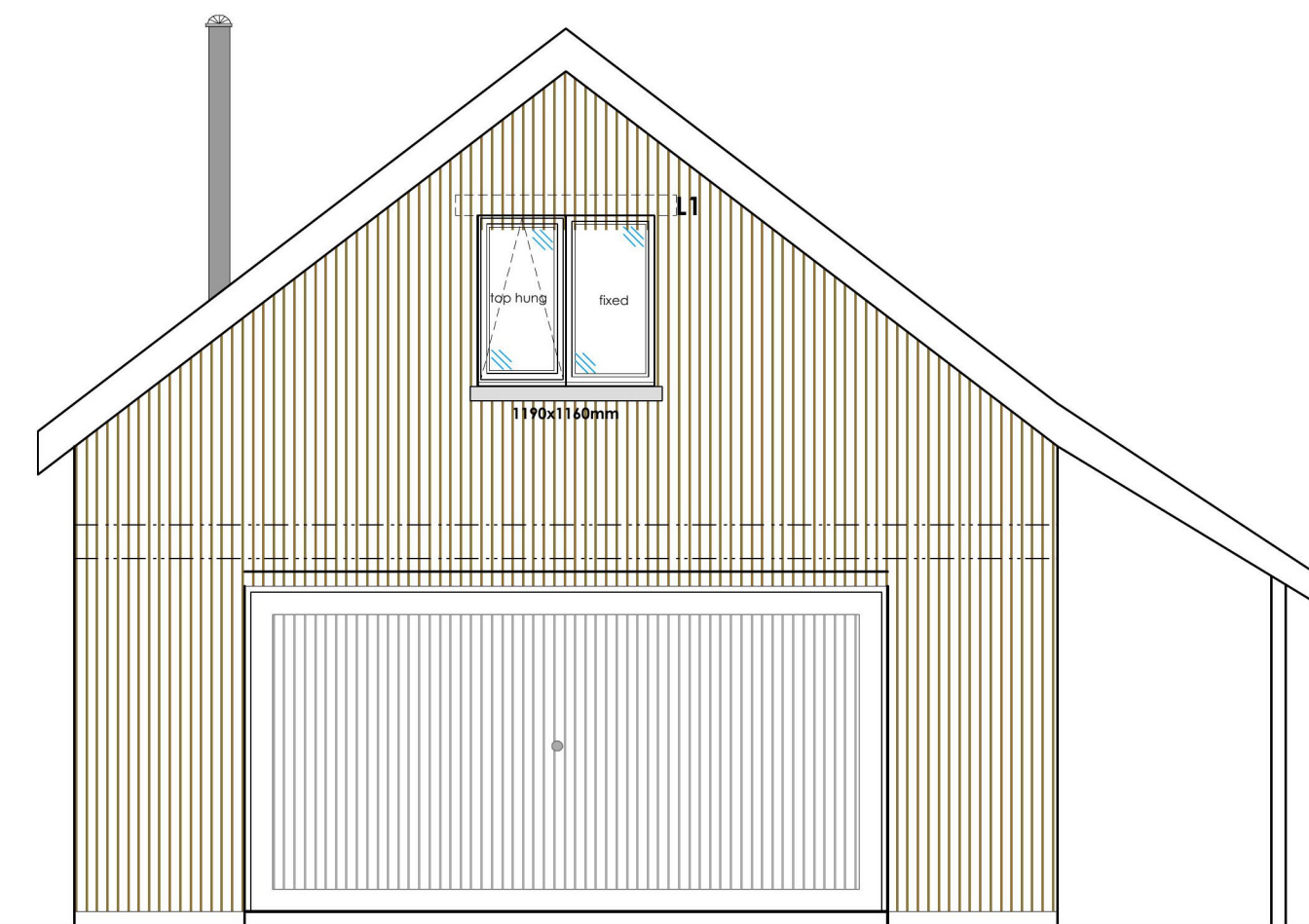
GARAGE SIDE ELEVATION
SCALE 1:100



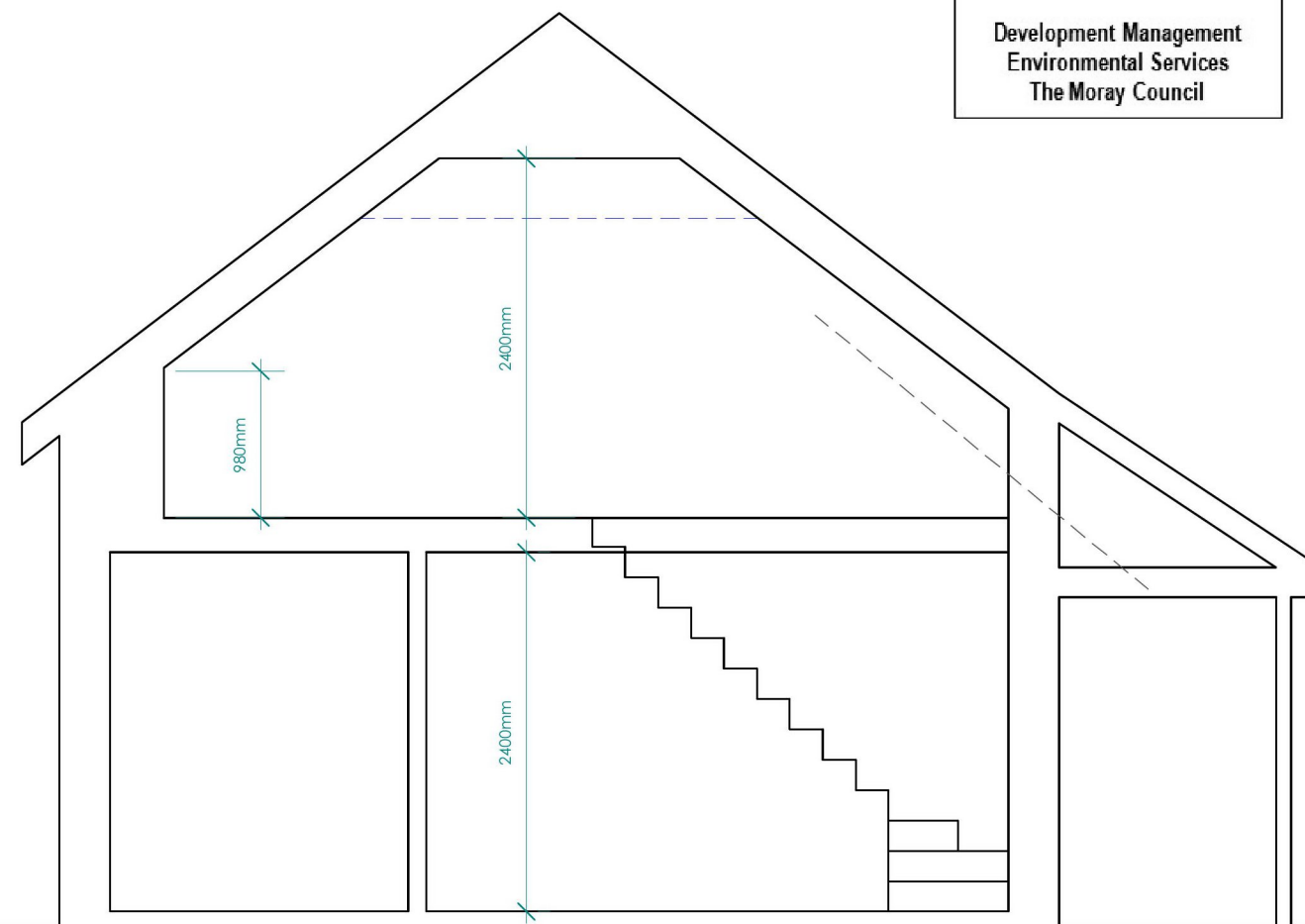
GARAGE SIDE ELEVATION
SCALE 1:100



GARAGE REAR ELEVATION
SCALE 1:100



GARAGE FRONT ELEVATION
SCALE 1:50



GARAGE TYPICAL SECTION
SCALE 1:50

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

REFUSED

22.03.2016

Development Management
Environmental Services
The Moray Council



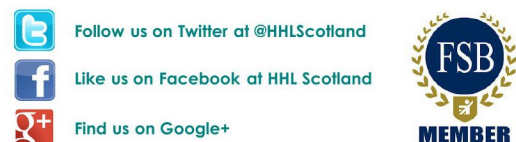
HHL Scotland
Chartered Town Planning &
Building Consultants

Client. **MR & MRS CHRIS GREENWOOD**

Project. **GARAGE DESIGN**

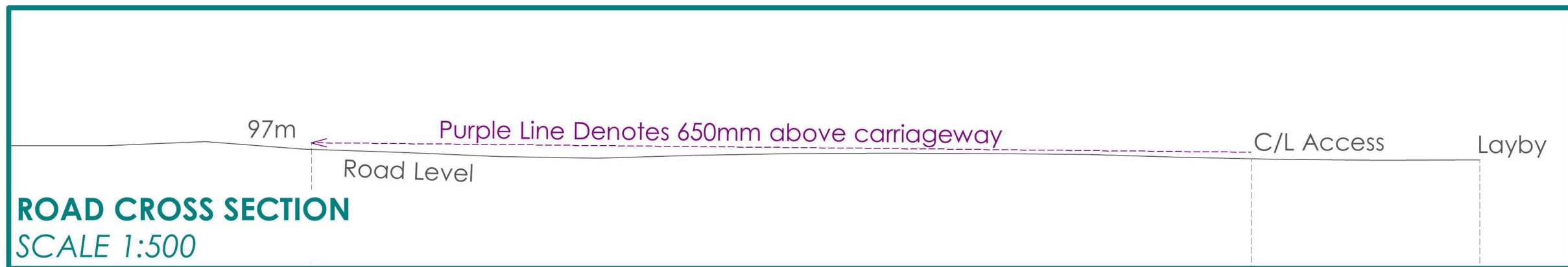
Ref. **HHL 13047.P04**

6 Cameron Crescent
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IV12 5DY



Tel. 01667 451334
Mob. 07743 221617
Email. admin@hhlscotland.co.uk
web. hhlscotland.co.uk

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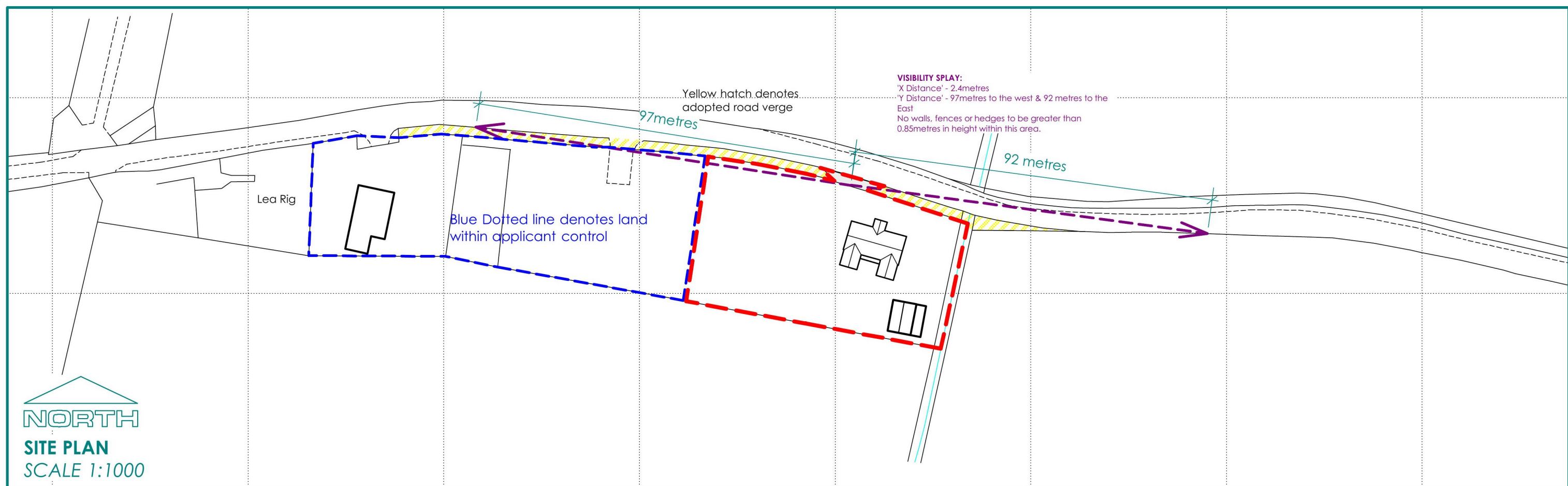


Town & Country Planning
(Scotland) Act, 1997
as amended

REFUSED

22.03.2016

Development Management
Environmental Services
The Moray Council



HHL Scotland
Chartered Town Planning &
Building Consultants

Client. **MR CHRIS GREENWOOD**
Project. **VISIBILITY SPLAY - MILTONDUFF, MORAY**
Ref. **HHL 13047.P07B**

6 Cameron Crescent
Nairn
IV12 5DY

Tel. 01667 451334
Mob. 07743 221617
Email. admin@hhlscotland.co.uk
web. hhlscotland.co.uk



Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	19th February 2016
Planning Authority Reference	16/00199/APP
Nature of Proposal (Description)	Erect dwellinghouse and associated works
Site	Site Approximately 200M East Of Lea Rig Mosstowie Elgin Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133069253
Proposal Location Easting	316108
Proposal Location Northing	860258
Area of application site (Ha)	2838 m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=O20GVYBGH2700
Previous Application	15/01714/APP
Date of Consultation	5th February 2016
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Chris Greenwood
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	HHL Scotland
Agent Organisation Name	
Agent Address	6 Cameron Crescent Nairn United Kingdom IV12 5DY
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Richard Smith
Case Officer Phone number	01343 563256
Case Officer email address	richard.smith@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Contaminated Land

Planning Application Ref. No: 16/00199/APP

**Erect dwellinghouse and associated works Site Approximately 200M East Of Lea Rig
Mosstowie Elgin Moray for Mr Chris Greenwood**

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

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

Reason(s) for objection

Condition(s)

Further comment(s) to be passed to applicant

Further information required to consider the application

**Contact: Adrian Muscutt
email address:
Consultee:**

**Date: 9th February 2016
Phone No**

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

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	19th February 2016
Planning Authority Reference	16/00199/APP
Nature of Proposal (Description)	Erect dwellinghouse and associated works
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Proposal Location Northing	860258
Area of application site (Ha)	2838 m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=O20GVYBGH2700
Previous Application	15/01714/APP
Date of Consultation	5th February 2016
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Chris Greenwood
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	HHL Scotland
Agent Organisation Name	
Agent Address	6 Cameron Crescent Nairn United Kingdom IV12 5DY
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Richard Smith
Case Officer Phone number	01343 563256
Case Officer email address	richard.smith@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

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Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Environmental Health Manager

Planning Application Ref. No: 16/00199/APP

**Erect dwellinghouse and associated works Site Approximately 200M East Of Lea Rig
Mosstowie Elgin Moray for Mr Chris Greenwood**

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

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

Reason(s) for objection

Condition(s)

Further comment(s) to be passed to applicant

Further information required to consider the application

**Contact: Kevin Boyle
email address:
Consultee:**

**Date: 9th February 2016
Phone No**

Return response to	consultation.planning@moray.gov.uk
---------------------------	---

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Applicant Organisation Name	
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Agent Address	6 Cameron Crescent Nairn United Kingdom IV12 5DY
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MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 16/00199/APP

**Erect dwellinghouse and associated works Site Approximately 200M East Of Lea Rig
Mosstowie Elgin Moray for Mr Chris Greenwood**

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"/> |

The following response is based on the speed survey information submitted by the applicant along with revised access proposals supplied on 21 March 2016.

Condition(s)

1. Prior to the commencement of development details shall be submitted for the approval in writing of the Planning Authority, in consultation with the Roads Authority, to ensure no water or loose material shall be permitted to drain or be carried onto the public footpath/carriageway for the life time of the development.
2. Prior to any development works commencing:
 - i) a detailed drawing (scale 1:500) showing the location and design of a passing place on the U105E Garrowslack Road (to the Moray Council standards and specification), shall be submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority; and
 - ii) thereafter the passing place shall be constructed in accordance with the approved drawing prior to any development works commencing (except for those works associated with the provision of the passing place).
3. Notwithstanding the submitted details, prior to any development works commencing:
 - i) a detailed drawing (scale 1:500 which shall also include details to demonstrate control of the land) showing the visibility splay 2.4 metres by 92 metres to the east and 2.4 metres by 97 metres to the west, with all boundaries set back to a position behind the required visibility splay and all ground levels lowered to that of the public

- carriageway, and a schedule of maintenance for the splay area shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority; and
- ii) the visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and
 - iii) thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.
4. The width of the vehicular access shall be a minimum of 3.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The first 5m of the access track, measured from the edge of the public road, shall be constructed to the Moray Council specification and surfaced with bituminous macadam.
 5. An access lay-by 8.0m by 2.5m wide with 30 degrees splayed ends shall be provided at the edge of the public road to allow visiting service vehicles to park clear of the public road. The vehicular access should lead off the lay-by. The lay-by must be constructed in accordance with The Moray Council specification and surfaced with bituminous macadam.
 6. Three 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.
 7. A turning area shall be provided within the curtilage of the site to enable vehicles to enter and exit in a forward gear.

REASONS

1. To ensure acceptable infrastructure at the development access through the provision of details currently lacking and to ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the new access.
2. 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.
3. To enable drivers of vehicles entering or exiting the site to have a clear view so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road.
4. To ensure acceptable infrastructure at the development access.
5. To enable visiting service vehicles to park clear of the public road in the interests of road safety.
6. To ensure the permanent availability of the level of parking necessary for residents/visitors/others in the interests of an acceptable development and road safety.
7. To ensure the provision for vehicles to enter/exit in a forward gear in the interests of the safety and free flow of traffic on the public road.

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 road.maint@moray.gov.uk

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

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

If required, street furniture will need to be repositioned at the expense of the developer. In addition any existing roadside ditch may require a pipe or culvert. Advice on these matters can be obtained by emailing road.maint@moray.gov.uk

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

The applicant shall be responsible for ensuring that surface/ground water does not run from the public road into his property.

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

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

The developer must contact the Roads Authority Roads Maintenance Manager (West) at Ashgrove Depot, Elgin – Tel (01343) 557300, Ext 7349 to discuss the proposals.

The formation of the required visibility splay will involve the removal of trees/vegetation, setting back of boundaries and the lowering of ground levels.

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

Date 22 March 2016

Return response to

consultation.planning@moray.gov.uk

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

REPORT OF HANDLING

Ref No:	16/00199/APP	Officer:	Richard Smith
Proposal Description/ Address	Erect dwellinghouse and associated works Site Approximately 200M East Of Lea Rig Mosstowie Elgin Moray		
Date:	22.03.2016	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
Environmental Health Manager		No response.
Contaminated Land	09/02/16	No objection.
Transportation Manager	22/03/16	No objection, subject to conditions.
Scottish Water		No response.

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP1: Sustainable Economic Growth		
PP2: Climate Change		
PP3: Placemaking		
H7: New Housing in the Open Countryside	Y	
EP9: Contaminated Land		
EP10: Foul Drainage		
T2: Provision of Access		
T5: Parking Standards		
IMP1: Developer Requirements	Y	

REPRESENTATIONS

Representations Received		NO
Total number of representations received		

Names/Addresses of parties submitting representations
Summary and Assessment of main issues raised by representations
Issue:
Comments (PO):

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The Proposal

This application seeks detailed planning approval to erect a dwellinghouse and associated works at a site located approximately 200m east of Lea Rig, Mosstowie, Elgin, Moray.

The house is a 1 ½ storey design with a 45 degree pitched roof and external material finishes of wet dash render, natural stone and natural slate. Associated works include a detached garage/store (1½ storeys, timber and metal profile sheeting), the formation of a vehicular access onto the adjoining public road and driveway/parking area. Proposed drainage/water supply arrangements include private septic tank (discharging to land via soakaway), SUDs and a connection to the public water network.

Landscape proposals include existing boundary shrub and hedge planting (to be retained) and tree planting proposals.

The proposal is a re-submission of previous application 15/01714/APP which was refused in November 2015 on road safety and visual impact/landscape character grounds. It involves a larger site to accommodate additional tree planting and a revised access location (with proposed visibility splays based on submitted speed survey data).

The Site and Surroundings

The site (2466 sqm) is an area of rough ground (formerly part a seasonal caravan club site) located within open countryside 1.5km to the west of Milnorduff, adjacent to the U105E 'Garrowslack' road. It sits roughly 1 metre above road level and has 100% established boundaries shrub hedge/planting, post and wire fencing, a drainage ditch, gorse and the road verge. Farmland lies to the north, south, east and rough ground to the west.

Appraisal

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

Siting and Impact upon Landscape Character

(MLDP 2015 Policies H7 and IMP1, and Supplementary Guidance: 'Housing in the Countryside' MLDP 2015)

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

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

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

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

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

Associated Supplementary Guidance 'Housing in the Countryside' (Moray Local Development Plan 2015) provides advice (at page 15) in relation to the issue of obtrusive development which is relevant to the current application. This states inter alia that "An obtrusive structure means that it is designed or situated in a position where it would have a negative impact on the landscape or character of the area. Development that is obtrusive usually occupies an open 'elevated' position with no discernible backdrop or enclosure within reasonable proximity. Examples include on a skyline/top of ridge, artificially elevated ground or an open setting such as a central area of a field or flat plateau."

The proposed house and associated garage would fail to meet the siting requirements of the above policies as they would lack the sufficient natural backdrop required to integrate sensitively with the surrounding landform, and would be highly visible in the landscape. The development occupying a prominent roadside position within this open setting (with no discernible backdrop) would represent unacceptable 'obtrusive' development which would detract from the rural character of this part of the countryside contrary to policies H7 and IMP1 of the MLDP 2015 and associated Supplementary Guidance 'Housing in the Countryside (Moray Local Development Plan 2015).

Although the submitted details are potentially capable of satisfying other policy criteria in relation to house design, boundary treatment, 25% tree planting, these aspects would not override the primary objection in this case which is the inappropriate siting of the proposed development and its resultant adverse impact upon the rural character of this particular location. Likewise the increase in site area and proposed supplementary tree planting would not address these impacts as this would take some years to become established.

The application submissions also include a plan identifying other approved plots within the surrounding area with no explanatory text. Whilst noted, these were approved under policies of previous local plan(s), are not comparable with the current application and are not considered to carry sufficient weight to justify approval on the grounds of precedent.

The proposals raise no amenity or drainage issues.

Access/Parking (T2 and T5)

Policies T2 and T5 require development proposals to include the provision of safe entry and exit for all road users at access junctions, infrastructure improvements where appropriate and off street parking facilities. The revised access proposals which involve provision of a re-located access onto the public road with adequate visibility splays (based on submitted speed survey information and further amended details) and parking arrangements would satisfy these policy requirements.

The Transportation Section has assessed these matters and supporting information, and has raised

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

Water Supply and Drainage (EP10 and IMP1)

Proposed drainage arrangements comprising private treatment plant/soakaway and surface water soakaway satisfy policy EP10 and IMP1. Final details would normally be addressed under the Building Regulations and had the application been recommended for approval, informative advice in this regard would have been attached to the decision notice.

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

Recommendation

The application is considered to represent an unacceptable form of development which does not comply with development plan requirements and is recommended for refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
15/01714/APP	Erect dwellinghouse and associated works at Site Approximately 200M East Of Lea Rig Mosstowie Elgin Moray			
	Decision	Refuse	Date Of Decision	20/11/15

ADVERT

Advert Fee paid?	No		
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	No Premises Departure from development plan	03/03/16	
PINS	No Premises Departure from development plan	03/03/16	

DEVELOPER CONTRIBUTIONS (PGU)

Status	N/A
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DOCUMENTS, ASSESSMENTS etc. *

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

Supporting information submitted with application?

NO

Summary of main issues raised in each statement/assessment/report

Document Name:

Main Issues:

S.75 AGREEMENT

Application subject to S.75 Agreement

NO

Summary of terms of agreement:

Location where terms or summary of terms can be inspected:

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)

Section 30

Relating to EIA

NO

Section 31

Requiring planning authority to provide information and restrict grant of planning permission

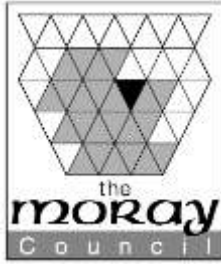
NO

Section 32

Requiring planning authority to consider the imposition of planning conditions

NO

Summary of Direction(s)



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

REFUSAL OF PLANNING PERMISSION

**[Heldon And Laich]
Application for Planning Permission**

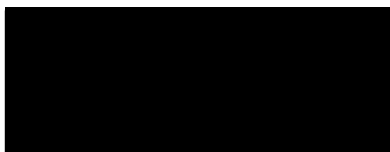
TO Mr Chris Greenwood
c/o HHL Scotland
6 Cameron Crescent
Nairn
United Kingdom
IV12 5DY

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 and associated works Site Approximately 200M East Of
Lea Rig Mosstowie Elgin Moray**

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

Date of Notice: **22 March 2016**



HEAD OF DEVELOPMENT SERVICES

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

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

The proposal is contrary to policies H7 and IMP1 of the Moray Local Development Plan (MLDP) 2015 and associated Supplementary Guidance 'Housing in the Countryside' (MLDP 2015) for the following reasons:

The proposed house and associated garage would fail to comply with the siting requirements of the above policies as they would lack the sufficient natural backdrop required to integrate sensitively with the surrounding landform, and would be highly visible in the landscape. The development occupying a prominent roadside position within this open setting (with no discernible backdrop) would therefore represent unacceptable 'obtrusive' development which would detract from the rural character of this part of the countryside contrary to policies H7 and IMP1 of the MLDP 2015 and associated Supplementary Guidance 'Housing in the Countryside' (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
HHL 13047.P08		Elevations and floor plans
HHL 13047.P04		Garage elevations and floor plans
HHL 13047.P07	B	Visibility splay
HHL 13047.P09	A	Site and location plan

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

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

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