



design consultants

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Main Street, Urquhart, Elgin, Moray, IV30 8LG

REVIEW.

PLANNING REFERENCE NUMBER. 16/01539/PPP

SWEETHILLOCKS, DUFFUS, MORAY

APPLICANT -; MR ROBIN FALCONER.

SUPPORTING STATEMENT.

In support of our client's Appeal we would offer the following information.

REASON(S) FOR REFUSAL.

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

RESPONSE.

SITE LOCATION.

The site lies to the North of the RAF Lossiemouth airfield situated in a fenced area covered with existing trees. The area of woodland is surrounded completely with roads or vehicular tracks making the area well defined. The proposal complies fully with the requirements of Housing in the Countryside policies and any future design of a dwelling would also meet with the required criteria for design.

SUPPORT.

Along with the application for Review, we enclose a copy of a letter from the potential site purchaser which we think is relevant. You will see that not only do they live in Lossiemouth but the parents have also been living locally for many years. Who better to speak about aircraft noise? If these people are looking to live near Lossiemouth, know all about aircraft noise but still want to locate here, surely if the proposals comply with all other aspects of Housing in the Countryside policies, and they are going to be no worse off with aircraft noise then there is scope to approve this proposal.



The noise contour bands were agreed some 10 years ago. In that time the insulation of modern housing has increased greatly and a condition of triple glazing along with the existing tree cover on the site would make this plot quieter than living in Lossiemouth town. Internal partitions now have sound deafening between them so the module used for calculating sound is out of date.

PRECIENT.

We would refer you to 2 examples of development in similar locations around RAF Lossiemouth base where development has either been approved or is in the process of being approved.

Planning Ref No. 14/00583/APP

This is for a single dwelling (annexe) at St Michael Kirk Lodge Gordonstoun some 200m to the South of the Appeal site. In the handling of the application there is no mention of noise contours as being an issue. This building, now constructed, is in an open piece of ground whereas our client's plot is surrounded by woodland giving more protection against sound than this approved site.

Planning Ref No 14/01486/APP

This is for 278 houses on a dedicated R1 site zoned for housing again in an area close to RAF Lossiemouth. This application still has to be determined but by virtue of the fact that this is an area zoned for housing it remains that consent for housing in this location will be granted. This is open ground and has no buffer zone of trees unlike Sweethillocks.

General.

From the information received from Moray Council on Noise Contours around RAF Lossiemouth, it is apparent that the Appeal site is a category D location with a 72dBA noise rating. Part of the R1 site for the 278 houses is also within this band with the majority of housing units being in Band C which has a noise rating of 69dBA. Does the 3dBA really make that much of a difference over the area of a field? Are the noise levels going to be any worse for the potential purchasers of the land who can provide super insulation and triple glazing to the new house, to that where they are living



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presently on Clifton Road ? Whilst we can understand the idea behind the noise contours around airfields, surely someone living in Lossiemouth will be well acquaint with the noise levels of aircraft but if they choose to live in this location aware of aircraft noise, why should planning permission not be granted if the plot complies with all other aspects of the current Local Development Plan?

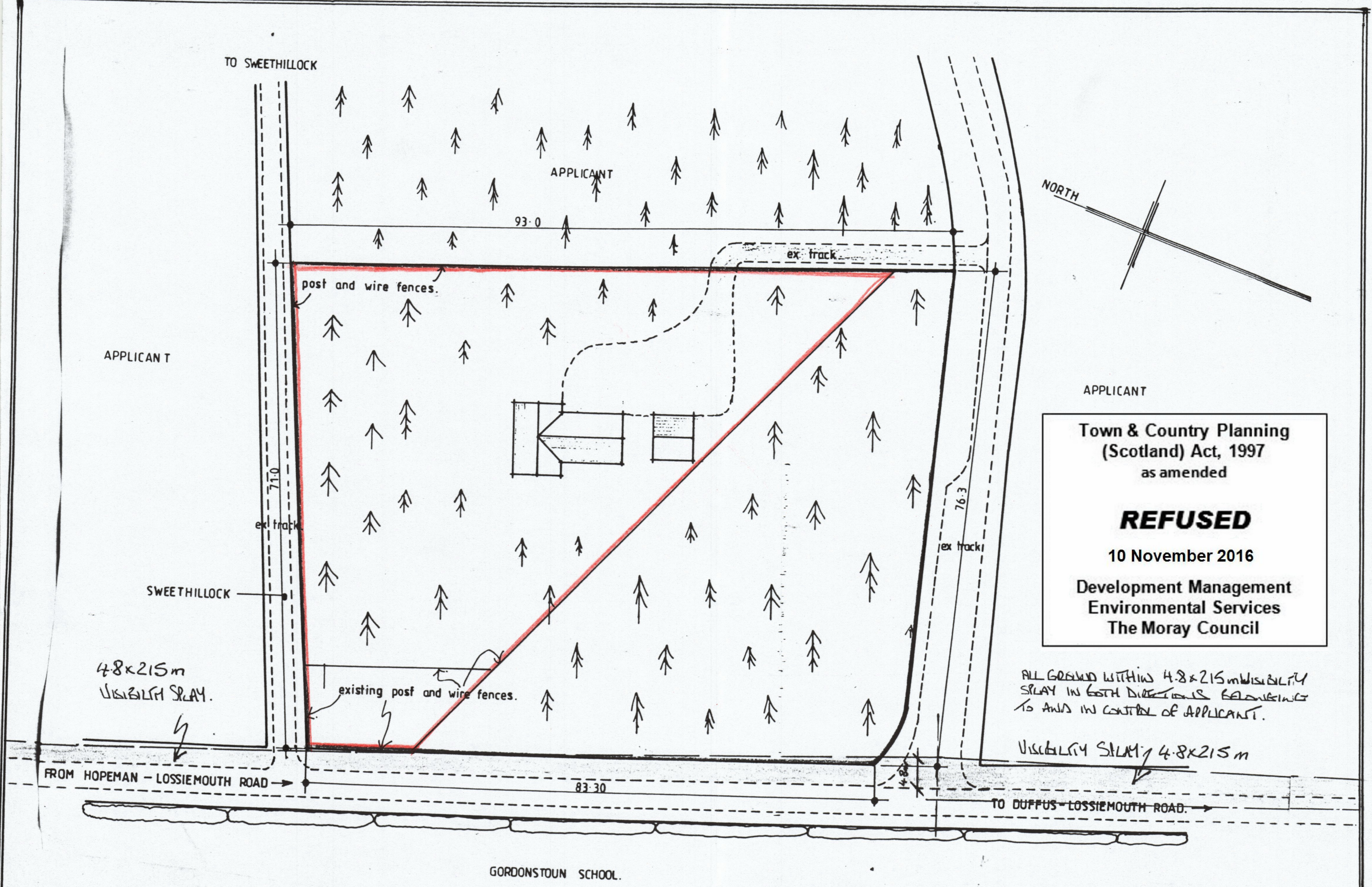
This is an ideal plot and would in our opinion be granted consent nearly anywhere else in Moray. Surely if people want to live here this should override the protection that has been set up to avoid other people, who do not want aircraft noise as part of their daily lives.

The larger development of 278 houses will have far more severe noise concerns than this individual plot which has trees surround the entire plot as a buffer to some of the potential aircraft noise. It is not everyones dream location but it does suit others. These are local people to Lossiemouth, brought up with aircraft noise and who choose to live in Lossiemouth none the less. They would have an opportunity to build their own house and still live close to their parents.

In reality, there is no great difference between the noise ratings in Band C and D a mere 3dBA but with the buffer zone of the trees and the use of good quality insulation and triple glazing, it is our opinion that the house at Sweethillocks will enjoy far less aircraft noise internally than the 278 units proposed on site R1. We would also question the validity of the information used from 2007 as different aircraft now use the base which may negate the Noise Contour results completely leaving the application to be assessed on the same merits as the recent approval for a dwelling across the road from the Appeal site at St Michael Kirk Lodge.

In view of the above, we would respectfully ask that you overturn the planner's decision and grant planning approval to this plot for a local family to have the opportunity to build their own home and remain local to Lossiemouth.





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

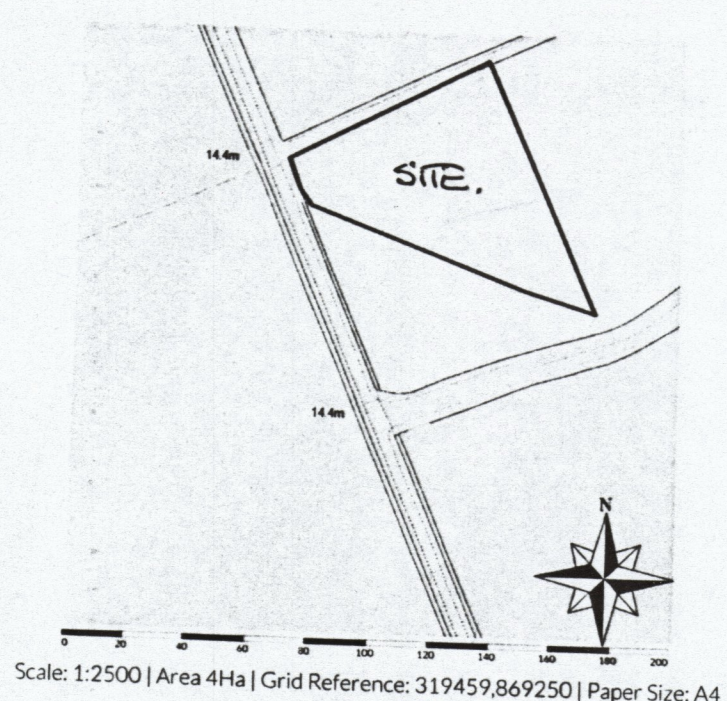
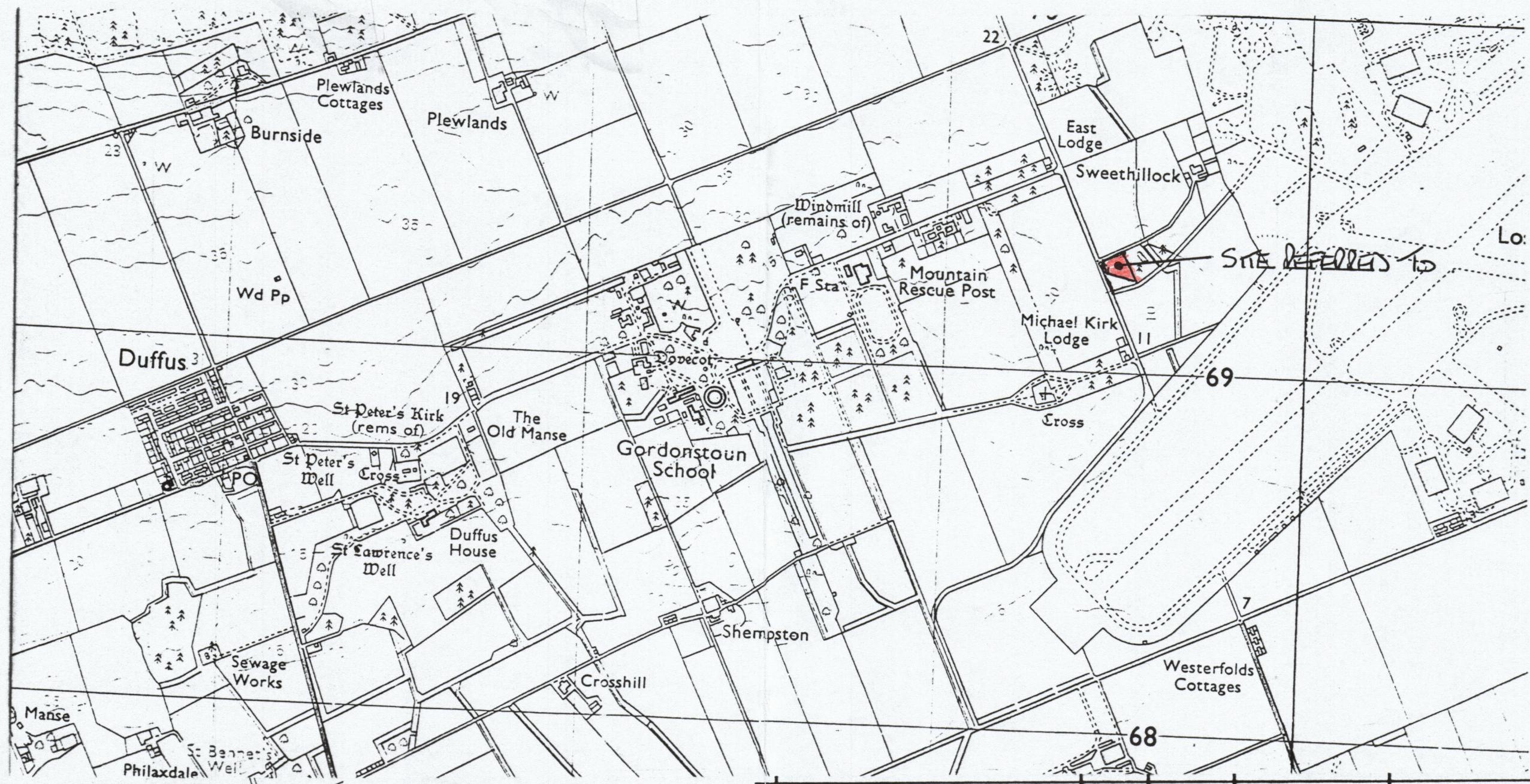
REFUSED

10 November 2016

Development Management
Environmental Services
The Moray Council

ALL GROUND WITHIN 48x215m VISIBILITY
SPLAY IN BOTH DIRECTIONS BELONGING
TO AND IN CONTROL OF APPLICANT.

VISIBILITY SPLAY 48x215m



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

CLIENT	SCALE	DRAWN BY	DATE
MR. R. FALCONER	AS INDICATED	C.K.	27/9/16
PROJECT 16/01539/PPP			PROJECT No.
PPP TO ERECT NEW DWELLING HOUSE AT SWEETHILLOCK, DUFFUS, MORAY 5130 5QZ			16/38 05 OCT 2016



**ARCHITECTURAL
DESIGN CONSULTANTS**

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PARTNERS: COLIN & CATRIONA KEIR

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

Mr & Mrs Ian Sellar



Monday, 28 November 2016

To Whom it May Concern,

This letter is sent in regards to the site at Sweet Hillocks, Duffus, Moray.

Planning permission was applied for on the above plot (16/01539/PPP)

My husband & I have arranged to purchase this plot from Mr Falconer of Shempston House. We plan to erect a single 2 storey 5 bedroom dwelling in this plot & there will be no other dwellings on this site.

This plot is a site for us to construct a family home, currently we reside in Lossiemouth with our 3 children & sites are so hard to find in this area, an area that we don't wish to leave as its where all our family reside.

The plot at Sweet hillocks was refused planning due to it being situated within the MOD's RAF Lossiemouth noise contour band. My husband's family have lived in Lossiemouth all his life & we do not deem the noise level at this site an issue we had planned to include triple glazing at this location & we feel this should be sufficient in regards to planning being granted.

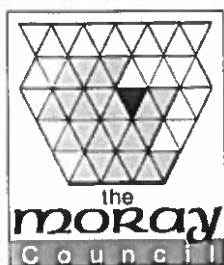
It is upsetting that we have eventually found a site only for it to be refused when local to lossiemouth we are obviously aware of the large site that has been approved planning for beside kinnedar house/steading for a new development of houses. This site is obviously right beside camp & therefore the noise at this area would be at least the same as our proposed site at Sweet Hillocks if not considerably worse.

At Sweet Hillocks site there are already houses by this area as well as Gordonstoun & also the Michael Kirk Lodge which has just had planning permitted for new accommodation also.

I hope that taking all this into consideration that you will reconsider the planning decision on this plot.

Kindest Regards

Mr & Mrs Ian Sellar



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

REFUSAL OF PLANNING PERMISSION

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

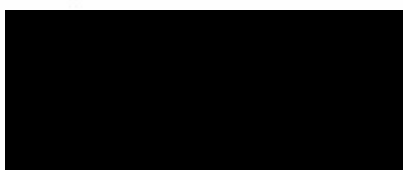
TO Mr Robin Falconer
c/o Plans Plus
Main Street
URQUHART
By Elgin
Moray
IV30 8LG

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

Erect dwellinghouse on Site At Sweethillocks Duffus Moray

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

Date of Notice: **10th November 2016**



HEAD OF DEVELOPMENT SERVICES
Environmental Services Department
The Moray Council
Council Office
High Street
ELGIN
Moray IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

The proposal is contrary to policies EP8 and IMP1 of the Moray Local Development Plan (MLDP) 2015 for the following reasons:

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

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
16/38		Site and location plan

**DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL,
AS AGREED WITH APPLICANT (S.32A of 1997 ACT)**

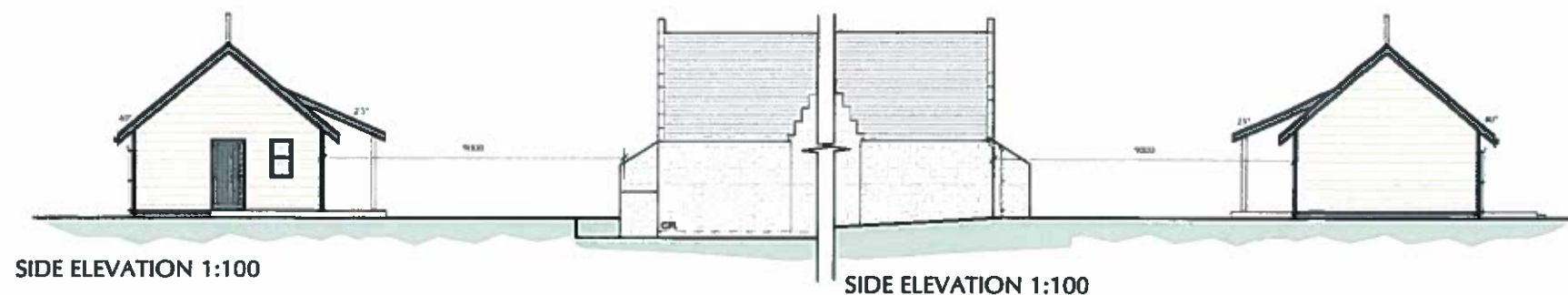
N/A

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

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

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

DO NOT SCALE OFF DRAWINGS ALL SIZES ARE TO BE CHECKED CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS. NO WORK TO COMMENCE BEFORE APPROVED. APPROVED HAS GRANTED CONTRACTORS RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED DRAWINGS.



SIDE ELEVATION 1:100

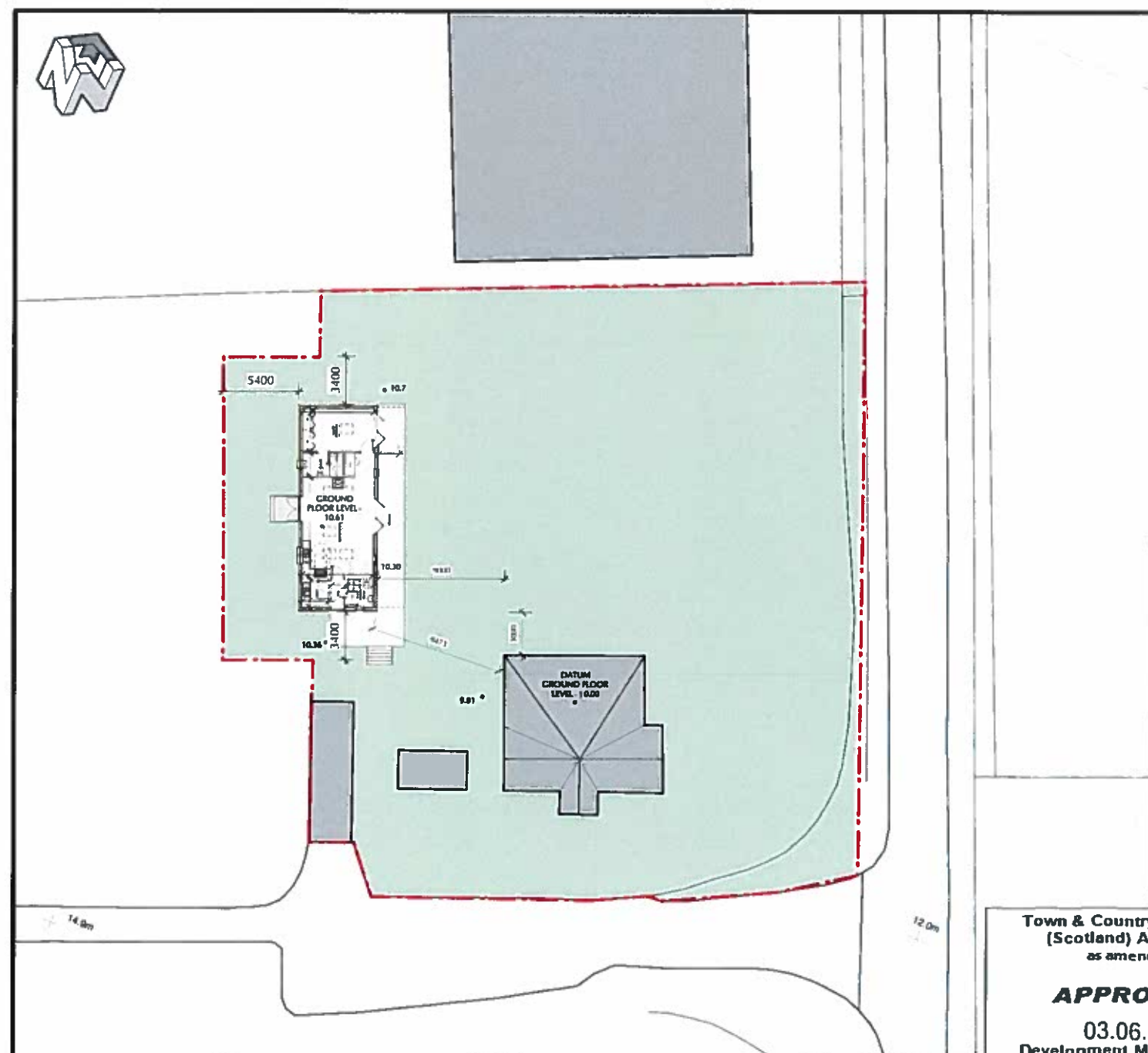
SIDE ELEVATION 1:100



FRONT ELEVATION 1:100



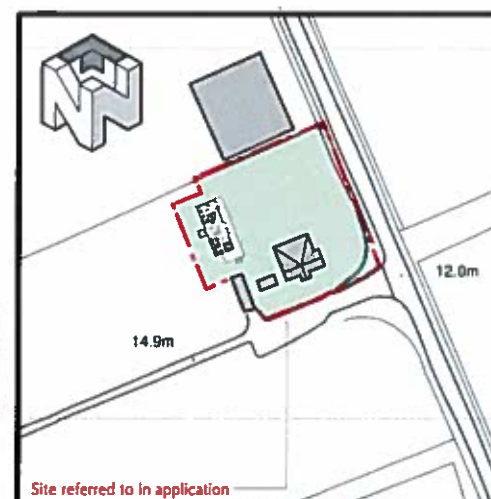
REAR ELEVATION 1:100



SITE PLAN 1:200



OS MAP NTs



LOCATION PLAN 1:1000

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







APPROVED

03.06.14
Development Management
Environmental Services
The Moray Council

<p>Client: MR RON LERNER</p>			
<p>Project: NEW ANNEXE AT MICHAEL KIRK LODGE, GORDONSTOWN, IV30 5QZ</p>			
<p>Drawing: PLANNING PROPOSALS SITE & LOCATION PLAN</p>			
Date:	Revisions:	Rev. No:	
21.05.2014 Planning Amendments		A	
27.05.2014 Planning Amendments		B	
28.05.2014 Planning Amendments		C	
Drawn By:	Date:	Checked By:	Date:
A James	08.05.14	Mr Craig Mackay	04.05.14
Drawing No: 140011.LERNER.03PPC			

Appendix 1

RAF Lossiemouth Noise Contours

Colour	Noise Contour (L_{Aeq} in decibels from 0700-2300 hours)	Corresponding Noise Exposure Category
	72	D
	69	C
	66	C
	63	B
	60	B
	57	B

