



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 100093511-001

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)

Seeking planning permission to expand my childminding business from my private property

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="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Tracy"/>	Building Number:	<input type="text" value="6"/>
Last Name: *	<input type="text" value="Ritchie"/>	Address 1 (Street): *	<input type="text" value="Holyrood Drive"/>
Company/Organisation	<input type="text" value="Tracy Ritchie Childminder"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="██████████"/>	Town/City: *	<input type="text" value="Elgin"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Moray"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="IV308TP"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="██"/>		

Site Address Details

Planning Authority:	<input type="text" value="Moray Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="6 HOLYROOD DRIVE"/>
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" value="ELGIN"/>
Post Code:	<input type="text" value="IV30 8TP"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="860859"/>	Easting	<input type="text" value="322194"/>
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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:

350.00

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)

Family home and childminding business

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?

4

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)? *

4

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

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)

Using current waste provision in use already have also bought a trailer to take any excess to local recycle centre myself

Residential Units Including Conversion

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

Yes No

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: Mrs Tracy Ritchie

On behalf of:

Date: 19/04/2018

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 principal 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)

Areas of use by minded children are playroom which is converted garage and outdoor play area in garden and downstairs toilet and dining room

Provide copies of the following documents if applicable:

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

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

Declare – For Application to Planning Authority

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

Declaration Name: Mrs Tracy Ritchie

Declaration Date: 19/04/2018

Payment Details

Online payment: 283037

Payment date: 19/04/2018 16:14:40

Created: 19/04/2018 16:15

18/00542/APP

25 APR 2018

Tracy Ritchie
6 Holyhood Drive
ELGIN
IN30 8TP

Application No: 18/00542/APP

Dear Teresa

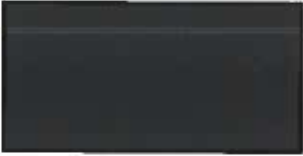
Further to our telephone conversation and email received please find enclosed plans I have as discussed for my house.

I also agree to my application description to read as pointed out in note 1. of your email.

Point 3 of email at the moment I have 3-4 children on my books who are dropped off at my property all at different times of the day as my husband uses his car to get to work the parents normally park in the drive in his space or just stop outside house in street to drop child as they normally just drop child and leave parents are never normally here for any more than 10 mins. All other children in my care I collect from their own home and drop them off at home too. My hours of operation are 7am to 8pm Monday to Friday. We also have the grass area in our garden to park cars on if required we are planning in near future to be lock blocking this area to provide ample parking off the road.

I hope this all helps to process my application.
Should you require anything further please contact me.

Thanks

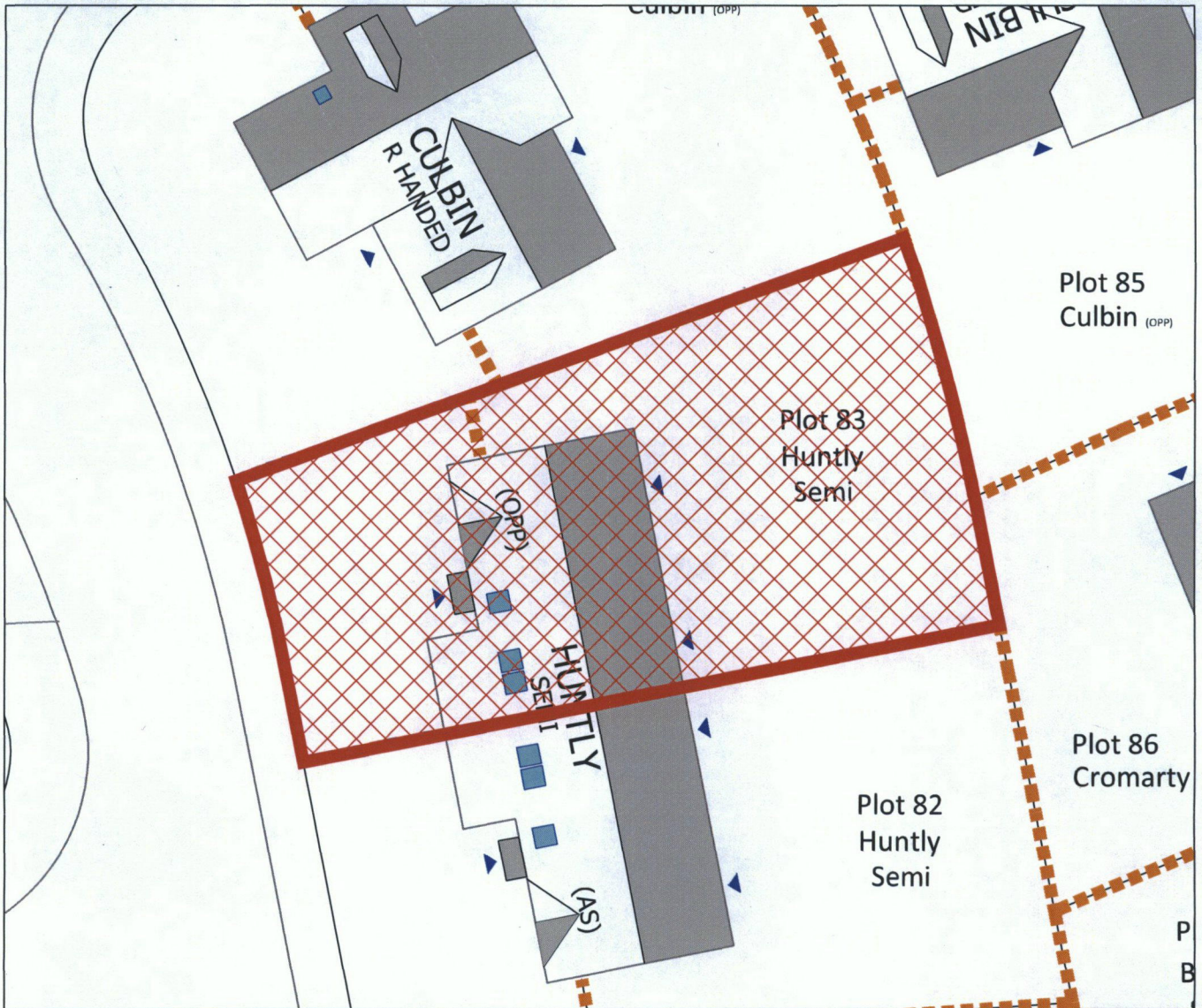


Tracy Ritchie

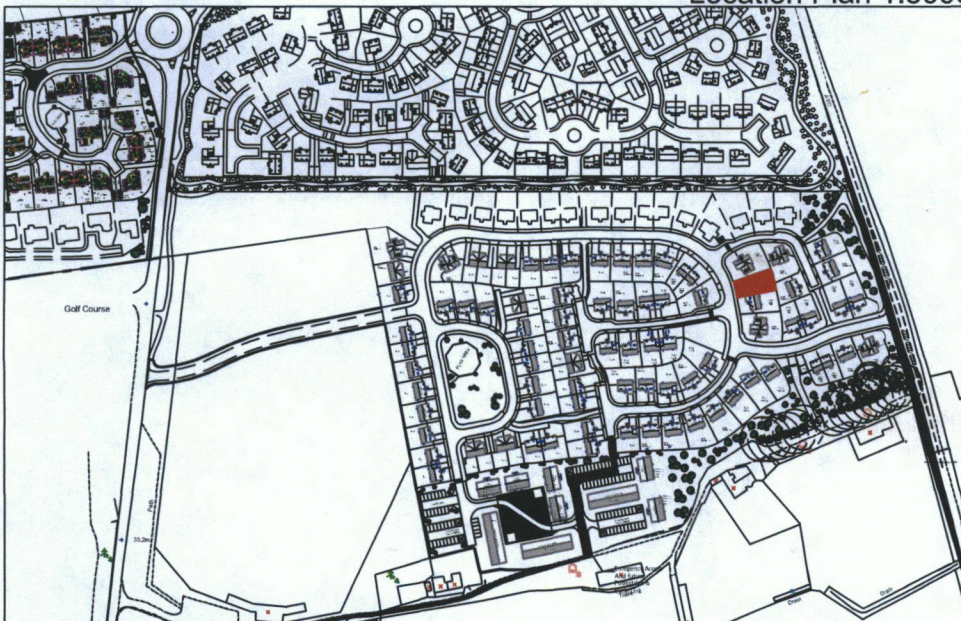
Plot 83

Total Area = 0.0367ha

Scale 1:250



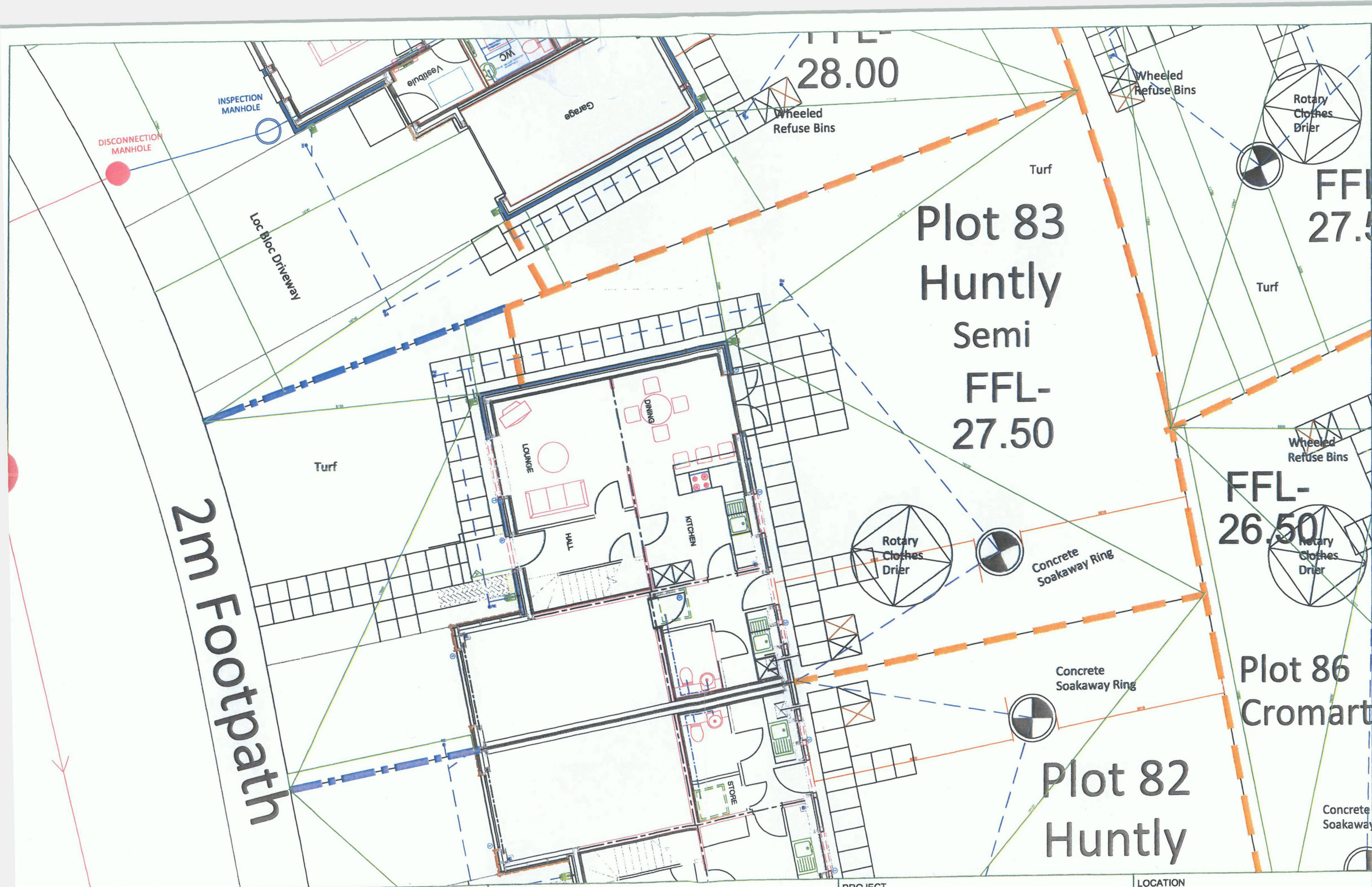
Location Plan 1:5000



REVISIONS

	
SPRINGFIELD PROPERTIES PLC ALEXANDER FLEMING HOUSE 8 SOUTHFIELD DRIVE ELGIN IV30 6GR	
TEL 01343 552550 FAX 01343 551776 E-MAIL info@springfield.co.uk	
PROJECT Plot 83	
DESCRIPTION Feu Plan	
LOCATION Duncansfields, R10	
CLIENT Springfield Properties PLC	
DWG No PLT83/R10/FP/01	
DRAWN KP	SCALE Various

25 APR 2018



2m Footpath

**Plot 83
Huntly
Semi
FFL-
27.50**

**FFL-
26.50**

**Plot 86
Cromarty**

**Plot 82
Huntly**



SPRINGFIELD PROPERTIES PLC
 ALEXANDER FLEMING HOUSE
 8 SOUTHFIELD DRIVE
 ELGIN
 IV30 6GR
 TEL 01343 552550 FAX 01343 551776
 E-MAIL info@springfield.co.uk

REVISIONS
 A. CLIENT CHANGES 04.11.13 LB

PROJECT Plot 83		LOCATION R10 Duncansfield, Elgin	
DESCRIPTION Site Plan		CLIENT Springfield Properties PLC	
DRAWN BW	CHECKED	SCALE 1:100 @ A3	DWG No PLT83/R10/SP/01
			25 APR 2018

Consultation Request Notification – Building Standards

Planning Authority Name	The Moray Council
Response Date	15th May 2018
Planning Authority Reference	18/00542/APP
Nature of Proposal (Description)	Operate childminding business from dwelling at
Site	6 Holyrood Drive Elgin Moray IV30 8TP
Site Postcode	N/A
Site Gazetteer UPRN	000133066811
Proposal Location Easting	322194
Proposal Location Northing	860859
Area of application site (Ha)	350 m2
Additional Comments	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=P7GZBRBGLSF00
Previous Application	14/00850/ID 10/02115/APP
Date of Consultation	1st May 2018
Is this a re-consultation of an existing application?	No
Applicant Name	Tracy Ritchie Childminder
Applicant Organisation Name	
Applicant Address	6 Holyrood Drive Elgin Moray IV308TP
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Joe Taylor
Case Officer Phone number	01343 563082
Case Officer email address	joe.taylor@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.

MORAY COUNCIL PLANNING CONSULTATION RESPONSE

From: Building Standards

Planning Application Ref. No: 18/00542/APP

Operate childminding business from dwelling at 6 Holyrood Drive Elgin Moray IV30 8TP for Tracy Ritchie Childminder

In terms of Building Warrant requirements.

- | | Please |
|--|--------------------------------------|
| (a) A Building Warrant is required | x
<input type="checkbox"/> |
| (b) A Building Warrant is not required (IBS008) | x
<input type="checkbox"/> |
| (c) A Building Warrant will not be required but must comply with Building Regulations.(IBS009) | <input type="checkbox"/> |
| (d) Comments | <input type="checkbox"/> |
| | |
| | |
| | |
| | |

Contact: William Clark
email address: william.clark@moray.gov.uk
Consultee: Building Standards

Date 10.05.2018
Phone No 01343 563291

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

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Proposal Location Easting	322194
Proposal Location Northing	860859
Area of application site (Ha)	350 m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=P7GZBRBGLSF00
Previous Application	14/00850/ID 10/02115/APP
Date of Consultation	1st May 2018
Is this a re-consultation of an existing application?	No
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Applicant Organisation Name	
Applicant Address	6 Holyrood Drive Elgin Moray IV308TP
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Joe Taylor
Case Officer Phone number	01343 563082
Case Officer email address	joe.taylor@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

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MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Environmental Health Manager

Planning Application Ref. No: 18/00542/APP

Operate childminding business from dwelling at 6 Holyrood Drive Elgin Moray IV30 8TP for Tracy Ritchie Childminder

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

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

Condition(s)

Informatives

1. The premises will require to comply with the Food Hygiene (Scotland) Regulations 2006.
2. The food business will require to register with the Environmental Health Section at least 28 days prior to opening.

Contact: Kevin Boyle
email address:
Consultee:

Date.....11 May 2018
Phone No 3354

Return response to	consultation.planning@moray.gov.uk
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Consultation Request Notification

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Additional Comment	See letter regarding operation of business
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=P7GZBRBGLSF00
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Agent Address	
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MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 18/00542/APP

Operate childminding business from dwelling at 6 Holyrood Drive Elgin Moray IV30 8TP for Tracy Ritchie Childminder

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

Please

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

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.

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

Contact: DA/AG

Date 16 May 2018

email address: transport.develop@moray.gov.uk

Consultee: TRANSPORTATION

Return response to

consultation.planning@moray.gov.uk

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Consultation Request Notification

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Applicant Organisation Name	
Applicant Address	6 Holyrood Drive Elgin Moray IV308TP
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
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Case Officer Phone number	01343 563082
Case Officer email address	joe.taylor@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

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MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 18/00542/APP

Operate childminding business from dwelling at 6 Holyrood Drive Elgin Moray IV30 8TP for Tracy Ritchie Childminder

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 checked="" 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 type="checkbox"/>
(d) Further information is required in order to consider the application as set out below	<input type="checkbox"/>

Note: This further - revised response has been provided on the basis of further information relating to the staffing element for this proposal.

The following parking standards apply to the proposed development:

- *For residential dwellings 2no Parking spaces for a dwelling with 3 bedrooms or less, and 3no parking spaces for a dwelling with 4 bedrooms or more.*
- *For 'Day Nursery' 1.2 spaces per staff member, plus consideration of a pick up/drop off zone.*

The introduction of additional staff for this proposal means that additional parking provision would be required. There is scope within the site to provide one additional parking space. However as this a three bed dwelling with only one current parking space (previous garage was converted to living space) the addition of a new parking space would only bring up the total parking provision to 2 spaces which would meet the requirements for the dwelling but not for the proposed development (ie no additional parking space for staff). There is no scope to provide more than one single additional parking space within the site.

Due to the existing vehicular access arrangements for the adjacent properties (dropped kerbs at driveways) there would appear to be very limited opportunity for suitable on-street parking outside the site, and as a result this proposal would likely result in inconsiderate parking behaviour (parking over the footway/ blocking driveways etc).

Reason(s) for objection

The proposal does not incorporate adequate on-site vehicular parking facilities to meet the Moray Council Parking Standards and is contrary to Policy T5, and as a result would also

be likely to lead to an undesirable increase in on-street parking to the detriment of road safety.

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

Date 25 June 2018

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.

Comments for Planning Application 18/00542/APP

Application Summary

Application Number: 18/00542/APP

Address: 6 Holyrood Drive Elgin Moray IV30 8TP

Proposal: Operate childminding business from dwelling at

Case Officer: Joe Taylor

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Activity at unsociable hours/behaviour
- Contrary to Local Plan
- Loss of privacy (being overlooked)
- Noise
- Parking
- Road safety

Comment: I object to this proposal, this does not fit with the development, this is a residential area and given the time cars are already parked outside often restricting visibility when exiting driveways and blocking two traffic on an already busy street I am concerned that with potentially increased business this will be made worse, an accident has already been caused during the winter months when a parked car was hit. I am also concerned about the increase in noise from having additional children being outside. There are plenty of childcare providers nearby with purpose built buildings.

REPORT OF HANDLING

Ref No:	18/00542/APP	Officer:	Iain T Drummond
Proposal Description/ Address	Operate childminding business from dwelling at 6 Holyrood Drive Elgin Moray IV30 8TP		
Date:	19/07/2018	Typist Initials:	LRM

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	15/05/18	No objections
Building Standards Manager	17/05/18	No objections
Transportation Manager	25/06/18	Recommends refusal

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP1: Sustainable Economic Growth	Y	
T2: Provision of Access	N	
T5: Parking Standards	Y	
IMP1: Developer Requirements	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	
Issue:	
1. The development is not in keeping with the surrounding residential area.	
2. The existing business causes parking issues and restricts visibility when exiting driveways and blocking two traffic on an already busy street.	

3. Concern regarding the increased noise of the additional children playing outside.

Comments (PO):

These issues are discussed on the observations section of this report, where it is concluded that the application should be refused on the grounds of impact on neighbouring residential amenity and insufficient parking arrangements.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The Proposal

The application seeks planning permission to operate a childminding business from dwelling at 6 Holyrood Drive, Elgin.

The applicant currently operates a childminding business from the house at present and cares for up to 6 children at any one point and employs an assistant, however wishes to increase the maximum capacity to nine children and employ two assistants.

The Site

The existing house is a semi-detached relatively new one and a half storey house, with neighbouring houses to the north south and east and access road to the west with further neighbouring houses beyond.

The applicants have converted their garage to form additional living accommodation.

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.

Principle and amenity impact (PP1 & IMP1)

In general terms and based on previous case law, the operation of a childminding business for up to six children is viewed as being ancillary to the main use of a house and as such does not require planning permission, hence the reason the applicant currently operates a childminding business from the house for up to six children.

However, the applicant has applied for planning permission as she wishes to care for up to nine children and two assistants as part of the business.

Policy PP1 encourages sustainable economic growth where the natural and built environment is protected. Policy IMP1 outlines that new development must be of a scale, density and character appropriate to the surrounding areas.

In this case the existing house is semi-detached and located in a relatively high density modern housing development. The childminding business allows for both indoor and outdoor play areas for the children. The rear garden ground of the house is surrounded on all sides by the private rear garden ground for all neighbouring houses to the north, south and east.

The general principle behind setting the upper threshold for child minding businesses at six children without requiring planning permission is that this equates to the level of activity which could be generated by a large single family utilising a house. Once this threshold is exceeded careful consideration needs to be given to the characteristics of the site and surrounding area to ensure that the increased intensification of the use of the house will not result in an adverse impact on the residential amenity of the neighbouring houses.

Caring for nine children and two assistants could generate up to 22 additional vehicle movements associated with this house. This is taking into account a drop off and pick up of each child by a separate family and the movement to and from the house of the assistants. This is a significant increase of vehicle/general activity associated with this house which is considered to result in an unreasonable impact on the residential amenity of the street.

In addition to the above, taking into account the relatively high density of the surrounding houses and that the existing house is semi-detached, and that the private rear garden areas of four properties all back onto the applicants rear garden space which would be used as a play area for the children. The additional intensity of use over and above what would reasonably be expected from a house of this size would result in an unreasonable level of impact on the amenity of the neighbouring houses.

Although the applicant has outlined that her current business operation involves the picking up and dropping off of children and that not all children are present at any one time and that this reduces the impact of the business on the surrounding neighbours. It is accepted that this is the case at present, however, there would be no way in planning terms to control the activity of the business to reflect these arrangements. This is on the basis that it would not be reasonable or enforceable to apply conditions to insist that only a certain number of children can be dropped off or picked up in any given day.

With all of the above in mind the operation of a childminders for up to six children in what is a relatively high density street, is considered to be the maximum number of children that would be appropriate to care for in this house without having an unreasonable level of impact on the amenity of the neighbouring residents and to increase this to a maximum of nine children would result in an unacceptable impact on the amenity of neighbours.

Access and Parking (T2 & T5)

The Transportation service has been consulted in relation to the development and has confirmed the following,

The following parking standards apply to the proposed development:

- For residential dwellings 2no Parking spaces for a dwelling with 3 bedrooms or less, and 3no parking spaces for a dwelling with 4 bedrooms or more.
- For 'Day Nursery' 1.2 spaces per staff member, plus consideration of a pick up/drop off zone.

The introduction of additional staff for this proposal means that additional parking provision would be required. There is scope within the site to provide one additional parking space. However as this a three bed dwelling with only one current parking space (previous garage was converted to living space) the addition of a new parking space would only bring up the total parking provision to 2 spaces which would meet the requirements for the dwelling but not for the proposed development (ie no additional parking space for staff). There is no scope to provide more than one single additional parking space within the site.

Due to the existing vehicular access arrangements for the adjacent properties (dropped kerbs at driveways) there would appear to be very limited opportunity for suitable on-street parking outside the site, and as a result this proposal would likely result in inconsiderate parking behaviour (parking over the footway/ blocking driveways etc.).

With all of the above in mind the transportation service has objected to the development on the basis that the proposal does not incorporate adequate on-site vehicular parking facilities to meet the Moray Council Parking Standards and is contrary to Policy T5, and as a result would also be likely to lead to an undesirable increase in on-street parking to the detriment of road safety.

Recommendation

Refuse Planning Permission.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description		
14/00850/ID	Convert garage to living room at 6 Holyrood Drive Elgin Moray IV30 8TP		
	Decision	Permitted Development	Date Of Decision 03/07/14
10/02115/APP	Erection of 30 houses on site R9 and 90 houses and 60 flats on site R10 at R9 (Birnie Road) And R10 (Glassgreen) Elgin Moray		
	Decision	Permitted	Date Of Decision 15/05/12

ADVERT

Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	No Premises	31/05/18
PINS	No Premises	31/05/18

DEVELOPER CONTRIBUTIONS (PGU)

Status	
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DOCUMENTS, ASSESSMENTS etc. *

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

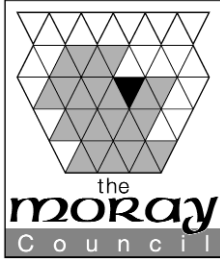
Supporting information submitted with application?		NO
Summary of main issues raised in each statement/assessment/report		
Document Name:		
Main Issues:		

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

**[Elgin City South]
Application for Planning Permission**

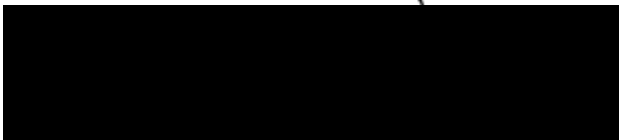
TO Tracy Ritchie Childminder
6 Holyrood Drive
Elgin
Moray
IV308TP

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:-

**Operate childminding business from dwelling at 6 Holyrood Drive Elgin Moray
IV30 8TP**

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

Date of Notice: **19 July 2018**



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 PP1, IMP1, T5 and T2 of the Moray Local Development Plan 2015 for the following reasons:

1. The employing of two assistants and caring for up to 9 children will result in a significant intensification of use of this house, which, in turn, would result in an unreasonable level impact on the residential amenity of the surrounding neighbouring properties, at odds with the requirements of policies PP1 and IMP1.
2. The proposal does not incorporate adequate on-site vehicular parking facilities to meet the Moray Council Parking Standards and is contrary to Policy T5, and as a result would also be likely to lead to an undesirable increase in on-street parking to the detriment of road safety.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
		Location plan Site plan

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

N/A

DETAILS OF MATTERS SPECIFIED IN CONDITIONS

Approval, consent or agreement has been GRANTED for the following matter(s):-

N/A

The matter(s) was/were specified in conditions imposed on the earlier grant of planning permission:-

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.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.