



Moray Local Review Body

Thursday, 17 November 2022

NOTICE IS HEREBY GIVEN that a Meeting of the **Moray Local Review Body** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Thursday, 17 November 2022 at 09:30.**

BUSINESS

- 1 **Sederunt**
- 2 **Declaration of Group Decisions and Members Interests ***
- 3 **Minute of Meeting dated 27 September 2022** **5 - 10**
- 4 **Notice of Review - Planning Application 22/00400/APP** **11 - 14**
Report by Depute Chief Executive (Economy, Environment and Finance)
- 5 **LR277 - Ward 4 - Fochabers and Lhanbryde** **15 - 138**
Planning Application 21/01664/PPP – Erect dwellinghouse on site at Stratton Wood, Fochabers
- 6 **LR281 - Ward 5 - Heldon and Laich** **139 - 312**
Planning Application 22/00215/APP – Erect dwelling house on land adjacent to Easter Cove sea Cottage, Duffus, Moray

Summary of Local Review Body functions:

To conduct reviews in respect of refusal of planning permission or unacceptable conditions as determined by the delegated officer, in terms of the Scheme of Delegation to Officers under Section 43(A)(i) of the Town & Country Planning (Scotland) Act 1997 and the Town & Country Planning (Scheme of Delegation and Local Review Procedure)(Scotland) Regulations 2013, or where the Delegated Officer has not determined the application within 3 months of registration.

* **Declaration of Group Decisions and Members Interests** - The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.

** **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

*** **Question Time** - At each ordinary meeting of the Committee ten minutes will be allowed for Members questions when any Member of the Committee can put a question to the Chair on any business within the remit of that Section of the Committee. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than ten minutes after the Committee has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he/she can submit it in writing to the proper officer who will arrange for a written answer to be provided within seven working days.

THE MORAY COUNCIL
Moray Local Review Body

SEDERUNT

Councillor Marc Macrae (Chair)
Councillor Amber Dunbar (Depute Chair)

Councillor Neil Cameron (Member)
Councillor Juli Harris (Member)
Councillor Sandy Keith (Member)
Councillor Paul McBain (Member)
Councillor Derek Ross (Member)
Councillor Sonya Warren (Member)

Clerk Name:	Lissa Rowan
Clerk Telephone:	07765 741754
Clerk Email:	committee.services@moray.gov.uk

Minute of Meeting of the Moray Local Review Body

Tuesday, 27 September 2022

Council Chambers, Council Office, High Street, Elgin, IV30 1BX

PRESENT

Councillor Neil Cameron, Councillor Amber Dunbar, Councillor Juli Harris, Councillor Sandy Keith, Councillor Marc Macrae, Councillor Paul McBain, Councillor Derek Ross, Councillor Sonya Warren

IN ATTENDANCE

Ms Webster, Principal Planning Officer (Strategic Planning and Development) and Mrs Gordon, Planning Officer as Planning Advisers, Mr Hoath, Senior Solicitor and Ms Smith, Solicitor as Legal Advisers and Mrs Rowan, Committee Services Officer as Clerk to the Moray Local Review Body.

1 Chair

Councillor Macrae, being Chair of the Moray Local Review Body, chaired the meeting.

2 Statement from the Chair

The Chair stated that issues had been raised in the press in relation to a recent Moray Local Review Body (MLRB) decision and that, following discussion with Legal Services, he wanted to reiterate the function of the MLRB and the role that Councillors play.

The MLRB is a review body tasked with reviewing delegated decisions made by Planning Officers where the Applicant is not in agreement with the decision made, or conditions imposed, and asks for such a review. The role of Councillors on the MLRB is not to seek to criticise or undermine decisions made by Officers or rubber stamp the decision made.

The role of the MLRB is to undertake a review, taking into account the information that was before the Planning Officer and their report on the application, and the issue raised by the Applicant in their Notice of Review.

Planning legislation states that planning decisions should be made in accordance with the development plan unless material considerations justify a different decision. The development plan is obviously the main document to have regard to however if the MLRB consider that there are relevant material considerations to justify departing from policy then a decision can be made on that basis. The duty on the MLRB is to clearly state what such issues are and why they are sufficiently important to set the policy aside in the circumstances.

Consistent departures from the plan can be considered to undermine the plan itself and raise issues about the integrity of the process however if the MLRB, as the final decision makers in an appeal situation, feel a departure is justified, that is a reasonable decision for them to make provided the reasons for doing so are well set out and able to be understood.

Councillor Warren thanked the Chair for this clarity and sought assurance that the decision made in relation to the case in question was legal as some of her constituents had questioned the legality of the decision.

In response, the Chair confirmed that the decision of the MLRB was indeed legal and stated that he would be happy to reassure any member of the public in this regard.

Councillor Ross thanked the Chair for his statement stating that the role of Elected Members on the MLRB was a difficult one however reassured members of the public that decisions made were not political in nature and that cases were always considered on their own merits whilst exercising fair judgement.

3 Declaration of Group Decisions and Members Interests

In terms of Standing Order 20 and the Councillor's Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decision taken on how Members will vote on any item on the agenda.

Councillor Dunbar declared an interest in Item 4 - Case LR278 and stated that she would leave the meeting and not take any part in the consideration of this item. There were no other declarations of Members interests in respect of the items on the agenda.

4 Minute of meeting dated 18 August 2022

The Minute of the meeting dated 18 August 2022 was submitted and approved.

5 LR278 - Ward 4 - Fochabers and Lhanbryde

Councillor Dunbar, having declared an interest in this item, left the meeting at this juncture and took no part in the debate.

Planning Application 22/00542/PPP – Proposed dwelling-house and detached garage at site adjacent to 1-5 South Darkland, Lhanbryde, Elgin

A request was submitted by the Applicant seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse planning permission on the grounds that:

The proposal is contrary to policies DP4 Part d) ii), DP1(i) and EP4 for the following reasons:

1. The proposal site falls within the Pressurised and Sensitive Area identified by Policy DP4 Part d) ii), in which no new house sites will be permitted due to the detrimental landscape and visual impacts associated with high levels of rural

housing build up in these areas. The proposed house in this location is contrary to Policy DP4 and DP1(i). The proposed new dwellinghouse will have an adverse impact on the character and appearance of the surrounding area given that the site lacks the required immediate (on the boundary of the site) backdrop of existing landform, trees and buildings to provide acceptable enclosure.

2. The proposed introduction of a further house in this location alongside existing housing is considered to constitute an unacceptable cumulative build-up of housing which will negatively impact the landscape character of this area.
3. The site falls within the Countryside Around Towns Area identified by Policy EP4, in which no new rural housing will be permitted unless the proposal involves the rehabilitation, conversion, limited extension, replacement; or change of use of existing buildings or for the purpose of agriculture, forestry or low intensity recreational or tourism; or is designated as long term housing allocation released for development. The proposals do not fall within any of the above criteria and will result in development sprawl into the countryside affecting the special character of this area.

A Summary of Information Report set out the reasons for refusal, together with the documents considered or prepared by the Appointed Officer in respect of the planning application, in addition to the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.

In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, both the Legal and Planning Advisers advised that they had nothing to raise at this time.

The Chair then asked the Moray Local Review Body (MLRB) if it had sufficient information to determine the request for review. In response, the MLRB unanimously agreed that it had sufficient information to determine the case.

Councillor Ross, having considered the Case in detail, stated that he agreed with the original decision of the Appointed Officer in that Planning Application 22/00542/PPP should be refused for the reasons stated in the report.

There being no-one otherwise minded, the MLRB unanimously agreed to refuse the appeal and uphold the original decision of the Appointed Officer to refuse planning permission in respect of Planning Application 22/00542/PPP as it is contrary to policies DP4 (Rural Housing) Part d) ii), DP1 (Development Principles) (i) and EP4 (Countryside Around Towns) of the Moray Local Development Plan (MLDP) 2020.

Councillor Dunbar re-joined the meeting at this juncture.

6 LR280 - Ward 6 - Elgin City North

Planning Application 22/00400/APP – Increase number of children approved under ref 21/00400/APP from 9 to 15 at Child Minding Business at 36 Smith Drive, Elgin, Moray, IV30 4NE

A request was submitted by the Applicant seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse planning permission on the grounds that:

The proposal is contrary to the requirements of policy DP1 (I) (a & e), because:

- The site is within a quiet residential area and the scale of the proposal would result in a level of activity in relation to the arrival and departure of children and staff and activity throughout the day that is not in keeping with the character of the area.
- There would be an adverse impact on the privacy of neighbouring properties as a result of the increase in the arrivals and departures of children and staff and increased noise and activity throughout the day.

A Summary of Information Report set out the reasons for refusal, together with the documents considered or prepared by the Appointed Officer in respect of the planning application, in addition to the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.

In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, both the Legal and Planning Advisers advised that they had nothing to raise at this time.

The Chair then asked the Moray Local Review Body (MLRB) if it had sufficient information to determine the request for review. In response, Councillor Warren asked when site visits would be resuming for MLRB cases as she was of the view that a site visit would have been beneficial for this case.

In response, Mr Hoath, Legal Adviser advised that the cases on the agenda had been rescheduled from a previously arranged meeting and that additional photographs of the site had been uploaded to the Council's Committee Management and Information System (CMIS) along with the agenda in line with the agreed arrangement due to the temporary suspension of site visits as a result of the Covid 19 pandemic. He further stated that the restriction on site visits had since been lifted and that these would be arranged for all cases going forward.

After considering the response from Mr Hoath, Councillor Warren confirmed, along with the other Members of the MLRB, that there was sufficient information to determine the case.

Councillor McBain, having considered the case in detail and also driven around the site of the proposal, was of the view that increasing the number of children at the already established child minding business from 9 to 15 largely complied with policy but in the event there may be considered to be a departure from policy DP1 (Development Principles) he was of the view that this was slight and acceptable. He noted however that there was nothing in the paperwork to confirm whether there would be 15 children at the property at any one time and sought clarification in this regard.

In response, Mrs Gordon, Planning Adviser advised that it would be unreasonable to attach a condition to the planning consent stipulating times when children could be dropped off and when children could be present.

Having considered the advice from Mrs Gordon, Councillor McBain remained of the view that the proposal was an acceptable departure from policy DP1 (Development Principles) of the Moray Local Development Plan (MLDP) 2020 in terms of a) character and e) adverse impact on neighbouring properties and moved that the MLRB uphold the appeal and grant planning permission in respect of Planning Application 22/00400/APP.

Councillor Dunbar noted that the child minding business had already been granted previous planning permission for up to 9 children in 2021 and was found to comply with policy DP1 at that time and agreed to second Councillor McBain's motion.

Councillor Keith noted that this was an established business with no proposed change to footpaths or vehicle access and that the character of the house would not change. He further noted that there is an existing pick up and drop off policy with many children walking to and from the property. In terms of being contrary to the character of the neighbourhood, Councillor Keith highlighted that planning permission had already been granted for up to 9 children in 2021 and that, in his opinion, increasing this to 15 children would not result in an overbearing loss of amenity for neighbouring properties.

Councillor Warren stated that there was no indication that there would be 15 children on the premises at any one time and that usually the number of children within a child minding setting varied throughout the day. In terms of the safety of children, Councillor Warren stated that the Care Inspectorate would ensure that measures were in place to keep the children safe. Councillor Warren also noted that there had been no objections to the proposal.

In response, Mrs Gordon, Planning Adviser advised that providing planning permission would give the Applicant consent to have 15 children present at any time and that a proposal could still be considered to be detrimental to an area even though there were no objections.

Councillor Harris, having considered the case in detail, was concerned about the increase in children to 15 in terms of noise levels and child safety as the proposal was within a residential area. She stated that neighbouring residents would rely on the Council to apply planning policy when determining planning applications to protect their living environment and moved, as an amendment, that the MLRB uphold the original decision of the Appointed Officer to refuse planning permission in relation to Planning Application 22/00400/APP on the basis that it is contrary to policy DP1 (Development Principles) of the MLDP 2020 in terms of a) character and e) adverse impact on neighbouring properties.

Councillor Ross seconded Councillor Harris' amendment stating that a child minding business for 15 children was more akin to a small nursery and not suitable for a residential area.

On a division there voted:

For the Motion (5):	Councillors McBain, Dunbar, Keith, Macrae and Warren
For the Amendment (3):	Councillors Harris, Ross and Cameron
Abstentions (0):	Nil

Accordingly, the Motion became the finding of the MLRB and it was agreed to grant planning permission in respect of Planning Application 22/00400/APP as it is an acceptable departure from policy DP1 (Development Principles) of the MLDP 2020 in terms of a) character and e) adverse impact on neighbouring properties.

Following the meeting, it was noted that clarification had not been sought from the MLRB as to whether any conditions should be attached to the planning consent. Following consultation with the Chair, Depute Chair, Legal and Planning Advisers, it was agreed that a report would be brought to the next meeting of the Moray Local Review Body to clarify this prior to a decision notice being issued.



REPORT TO: MORAY LOCAL REVIEW BODY ON 17 NOVEMBER 2022

SUBJECT: NOTICE OF REVIEW – PLANNING APPLICATION 22/00400/APP

BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)

1. REASON FOR REPORT

1.1 To seek clarification from the Moray Local Review Body (MLRB) in relation to a decision taken regarding a Notice of Review application in respect of Planning Application 22/00400/APP.

1.2 This report is submitted to Committee in terms of Section V (1) of the Council's Scheme of Administration relating to determining a request by an Applicant to review a planning application decision of the Appointed Officer.

2. RECOMMENDATION

2.1 It is recommended that the MLRB confirm what conditions, if any, should be applied in relation to the recently granted planning permission in respect of Planning Application 22/00400/APP.

3. BACKGROUND

3.1 At the meeting of the MLRB on 27 September 2022, the MLRB considered a request from an Applicant seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse planning permission in relation to Planning Application 22/00400/APP on the grounds that:

The proposal is contrary to the requirements of policy DP1 (I) (a & e), because:

- The site is within a quiet residential area and the scale of the proposal would result in a level of activity in relation to the arrival and departure of children and staff and activity throughout the day that is not in keeping with the character of the area.

- There would be an adverse impact on the privacy of neighbouring properties as a result of the increase in the arrivals and departures of children and staff and increased noise and activity throughout the day.
- 3.2 During the meeting, it was queried whether increasing permission from 9 children up to 15 would mean that 15 children could be present at the same time within the property. Both the Legal and Planning Advisers advised that by granting planning permission, the Applicant could have up to 15 children present at any one time as it was up to the Applicant as to how the business is conducted.
 - 3.3 Questions were also asked in relation to when the child-minding business would operate and the Planning Adviser highlighted a section in the Report of Handling which stated that the application sought to increase the maximum number of children that can be cared for at any one time to 15 and employ an additional member of staff who will not live on site. Furthermore, the Report of Handling mentioned a change to operating hours from 8:00 am until 6:00 pm to 7:30 am until 6:00 pm. These details were supplied by the Applicant as part of their planning application confirming how the business would operate in practice. The change in operating hours was considered to be minor however, had the Appointed Officer been minded to approve the planning application, a condition would have been imposed to this effect.
 - 3.4 During further discussion, it was noted that planning permission was already in place in terms of Planning Application 21/00400/APP for 9 children and that planning application 22/00400/APP sought to increase the number to 15. It was noted that this was an established business and that there were no proposed changes to the character of the property. It was further noted that a pick up and drop off policy was already in place, there had been no objections to the proposal and increasing the number of children to 15 would not be an over-bearing loss of amenity to neighbouring properties.
 - 3.5 Some members of the MLRB considered the review should be supported however some agreed with the view of the Appointed Officer as set out in paragraph 3.1. The matter was put to the vote, and following that vote (5:3:0), the MLRB agreed to uphold the review and grant planning permission in respect of Planning Application 22/00400/APP.
 - 3.6 Following the meeting, discussions took place as to whether any standard conditions and informatives should be included with the consent to clearly set the operating parameters for the business. The original Appointed Officer suggested a condition in relation to the revised number of children and the updated opening hours, as both issues had been addressed on the previous consent for Planning Application 21/00400/APP and had been covered in the application 22/00400/APP as submitted. It should be noted that no change of decision is sought and it is merely clarification in relation to whether any conditions should be applied. The change in numbers is beyond doubt and cannot be revisited.
 - 3.7 It is acknowledged that this point should have been raised for confirmation when the MLRB reached a view on this application however that did not happen. It is important that any formal decision notice is clear, unambiguous and properly reflects the intentions of the MLRB. As conditions were not

explicitly stipulated at the meeting of the MLRB on 27 September 2022 when the review was upheld and planning permission was granted in respect of Planning Application 22/00400/APP, clarification is sought whether the MLRB intended any such conditions to be applied.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

None

(b) Policy and Legal

It is important that any decision notice issued is clear, unambiguous and properly reflects the intentions of the MLRB in reaching a decision on the application before them.

(c) Financial Implications

None

(d) Risk Implications

If planning permission is granted without any conditions there is a risk, however unlikely, that a 24 hour childminding business could be permitted.

(e) Staffing Implications

None

(f) Property

None

(g) Equalities/Socio Economic Impact

None

(h) Climate Change and Biodiversity Impacts

None

(i) Consultations

Legal Services Manager, Sean Hoath, Senior Solicitor, Eily Webster, Principal Planning Officer have been consulted on the report and any comments incorporated.

5. CONCLUSION

- 5.1 Following consideration of a Notice of Review Application in relation to Planning Application 22/00400/APP at a meeting of the MLRB on 27 September 2022, planning permission was granted however clarification is sought as to whether the MLRB intended for any conditions to be applied to the consent.**

Author of Report: Lissa Rowan, Committee Services Officer
Background Papers:
Ref:



MORAY LOCAL REVIEW BODY

17 NOVEMBER 2022

SUMMARY OF INFORMATION FOR CASE No LR277

Planning Application 21/01664/PPP – Erect dwellinghouse on site at Stratton Wood, Fochabers

Ward 4 – Fochabers and Lhanbryde

Planning permission in principle was refused under the Statutory Scheme of Delegation by the Appointed Officer on 30 March 2022 on the grounds that:

The proposal for a new house on this site would not comply with the siting requirements of policies DP1 and DP4 and would result in the permanent loss of woodland which is unacceptable in terms of policy EP7 and refusal is recommended.

Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

The Notice of the Review, Grounds for Review and any supporting documents submitted by the Applicant are attached as **Appendix 2**.

No Further Representations were received in response to the Notice of Review.





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 0300 1234561 Email: development.control@moray.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100477701-001

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

Type of Application

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

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

Description of Proposal

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

Proposed Dwellinghouse

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	John Wink Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	John	Building Name:	Midtown of Foudland
Last Name: *	Wink	Building Number:	
Telephone Number: *	01464841113	Address 1 (Street): *	Glens of Foudland
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Huntly
Fax Number:		Country: *	Scotland
		Postcode: *	AB54 6AR
Email Address: *	planning@johnwinkdesign.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	c/o John Wink Design
First Name: *	S	Building Number:	
Last Name: *	Hancox	Address 1 (Street): *	Midtown of Foudland
Company/Organisation		Address 2:	Glens of Foudland
Telephone Number: *		Town/City: *	Huntly
Extension Number:		Country: *	Aberdeenshire
Mobile Number:		Postcode: *	AB54 6AR
Fax Number:			
Email Address: *	planning@johnwinkdesign.co.uk		

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

Land at Stratton Wood, Fochabers

Northing

858191

Easting

330055

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

5640.00

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)

Woodland

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.

<p>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</p> <p>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.</p>
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2> <p>Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input type="checkbox"/> Yes – connecting to public drainage network</p> <p><input checked="" type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>
<p>As you have indicated that you are proposing to make private drainage arrangements, please provide further details.</p> <p>What private arrangements are you proposing? *</p> <p><input checked="" type="checkbox"/> New/Altered septic tank.</p> <p><input type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).</p> <p><input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).</p>
<p>What private arrangements are you proposing for the New/Altered septic tank? *</p> <p><input checked="" type="checkbox"/> Discharge to land via soakaway.</p> <p><input type="checkbox"/> Discharge to watercourse(s) (including partial soakaway).</p> <p><input type="checkbox"/> Discharge to coastal waters.</p>
<p>Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *</p> <div style="border: 1px solid black; padding: 10px; min-height: 80px;"> <p>Refer to drainage impact assessment provided by MacLeod & Jordan</p> </div>
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>

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.

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: John Wink

On behalf of: Mr & Mrs S Hancox

Date: 24/09/2021

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

- ☒ Site Layout Plan or Block plan.
☐ Elevations.
☐ Floor plans.
☐ Cross sections.
☐ Roof plan.
☐ Master Plan/Framework Plan.
☐ Landscape plan.
☐ Photographs and/or photomontages.
☐ Other.

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

Provide copies of the following documents if applicable:

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

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr John Wink

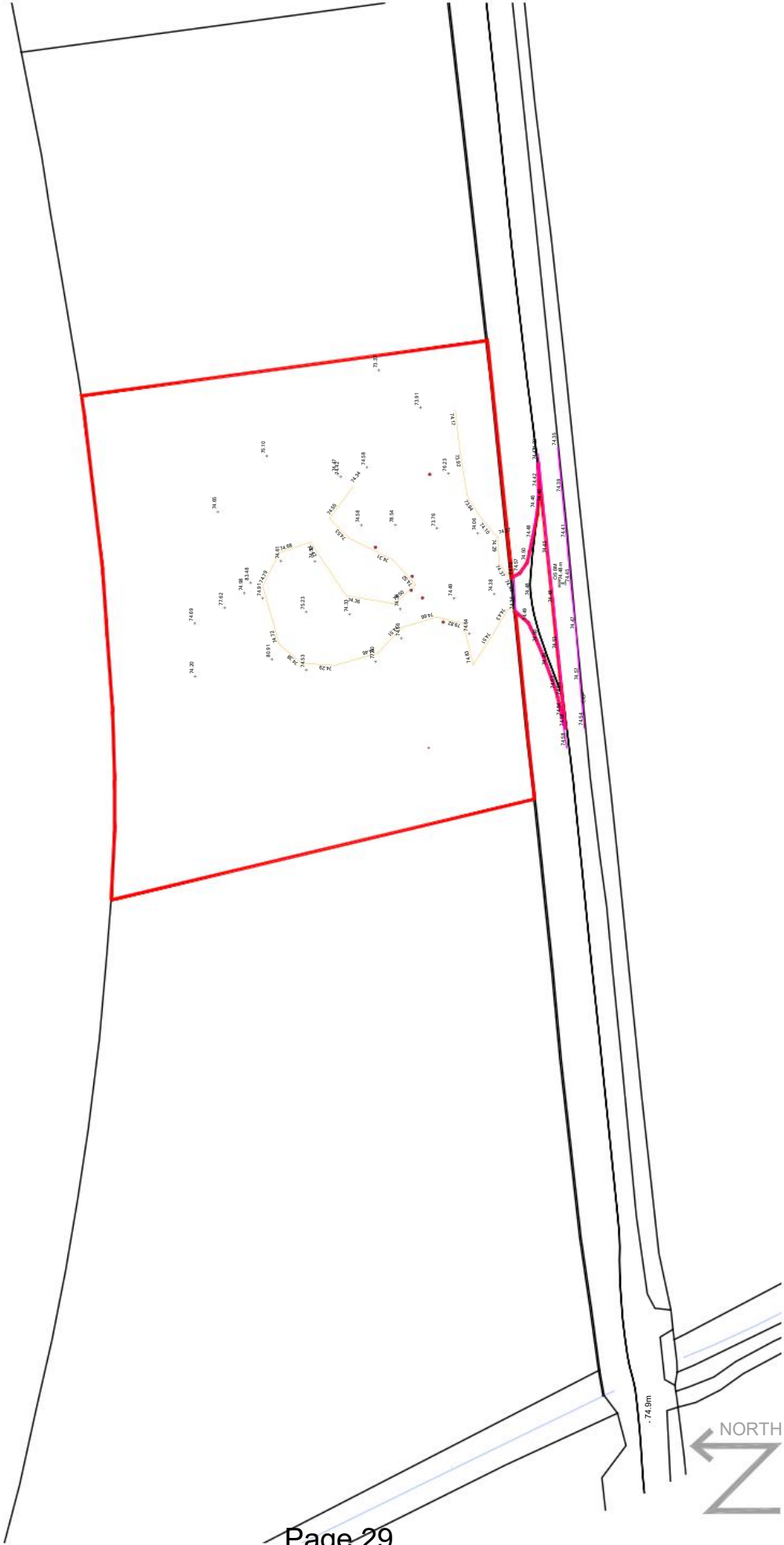
Declaration Date: 18/10/2021

Payment Details

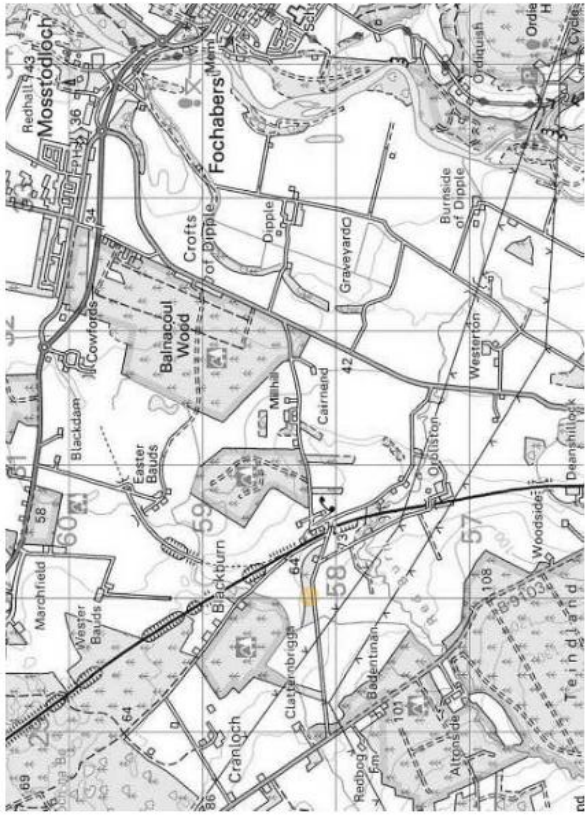
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Created: 18/10/2021 11:28

Rev.	Details:	Date:	By:



Site Plan
Scale 1:1,000



OS map
Scale nts

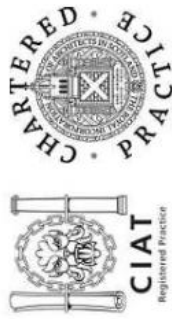
Site Area

- 5,640m²
- 1.39 acres
- 0.564 hectares



Existing Photographs

Project Development at, Land at Stratton Wood, Fochabers, IV32 7LN		For Mr & Mrs S Hancox	
Drawing Existing Site plan & photographs		Date July 2021	
Scale As noted @ A3	Date July 2021		
Revision -	Orig No 2518-001		
t-01464 841113 e-office@johnwinkdesign.co.uk Midtown of Foudland Glens of Foudland Huntly Aberdeenshire AB54 6AR			
Note Dimensions must not be scaled from this drawing. If in any doubt - ask! All dimensions to be checked prior to work commencing or prior to any components being manufactured. Any discrepancy to be reported. All work and material to comply fully with all current British Standards Codes of Practice, building regulations, IEE regulations and all HSE acts.			
This drawing is copyright of John Wink Design. ©			



Rev.	Details:	Date:	By:
A	Plan updated inline with Astell Associates survey & report	Feb 22	JK
B	Replacement planting & maintenance scheme added	Feb 22	KU



Landscape Notes

New Trees
9no. trees to be felled for development to be replaced with 18no. trees of native species.

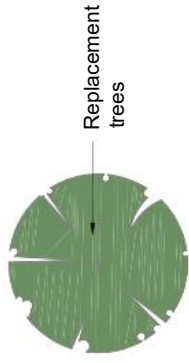
Trees to be Planted
New trees (normal) to be staked and guarded with tubes and tied at the base and positioned as shown on layout drawing.
New trees (heavy standard) to be staked and tied at the base and positioned as shown on layout drawing.

Tree works should be carried out between November and March (ensuring nesting birds are not present).

A replanting scheme consisting of small to medium sized native trees appropriate to a garden setting such as rowan, birch and cherry should be planted on a two to one basis for all trees removed and there are several suitable sites on the plot that will provide nature screening between dwellings as indicated.

Maintenance

1. Weed killing, annually, for first 3 years apply an approved herbicide
2. 1.0 m diameter area surrounding every new tree annually.
3. Until removed ensure that all tubes are securely attached to stakes
4. All plants not established in first year to be replaced the following year
5. New saplings, in 5 years time, remove any remaining stakes and tubes.
6. Remove any dead trees following first planting season and dig over area ready for replacement tree.
7. Plant any replacement trees to original specification and type, following the first growing season after planting. Check trees for any sign of insect damage or disease.
8. Weeding as required.
9. Water all new trees (particularly in first season following planting) as required during dry periods.



OS map

Scale nts

Site Area

- 5,640m²
1.39 acres
0.564 hectares

Project

Proposed Dwellinghouse at,

Land at Stratton Wood,
Fochabers,

For Mr & Mrs S Hancox

Drawing
Proposed Site Plan

Scale	Date
As noted @ A1	August 2021

Revision	B	Drg No	2518-020
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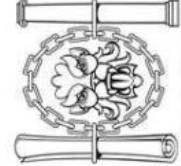
t-01464 841113 | e-office@johnwinkdesign.co.uk

Note
Dimensions must not be scaled from this drawing. If in any doubt - ask! All dimensions to be checked prior to work commencing or prior to any components being manufactured. Any discrepancy to be reported. All work and material to comply fully with all current British Standards Codes of Practice, building regulations, IEE regulations and all HSE acts.

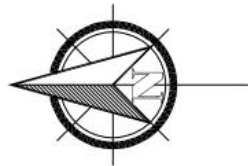
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JOHN WINK
DESIGN



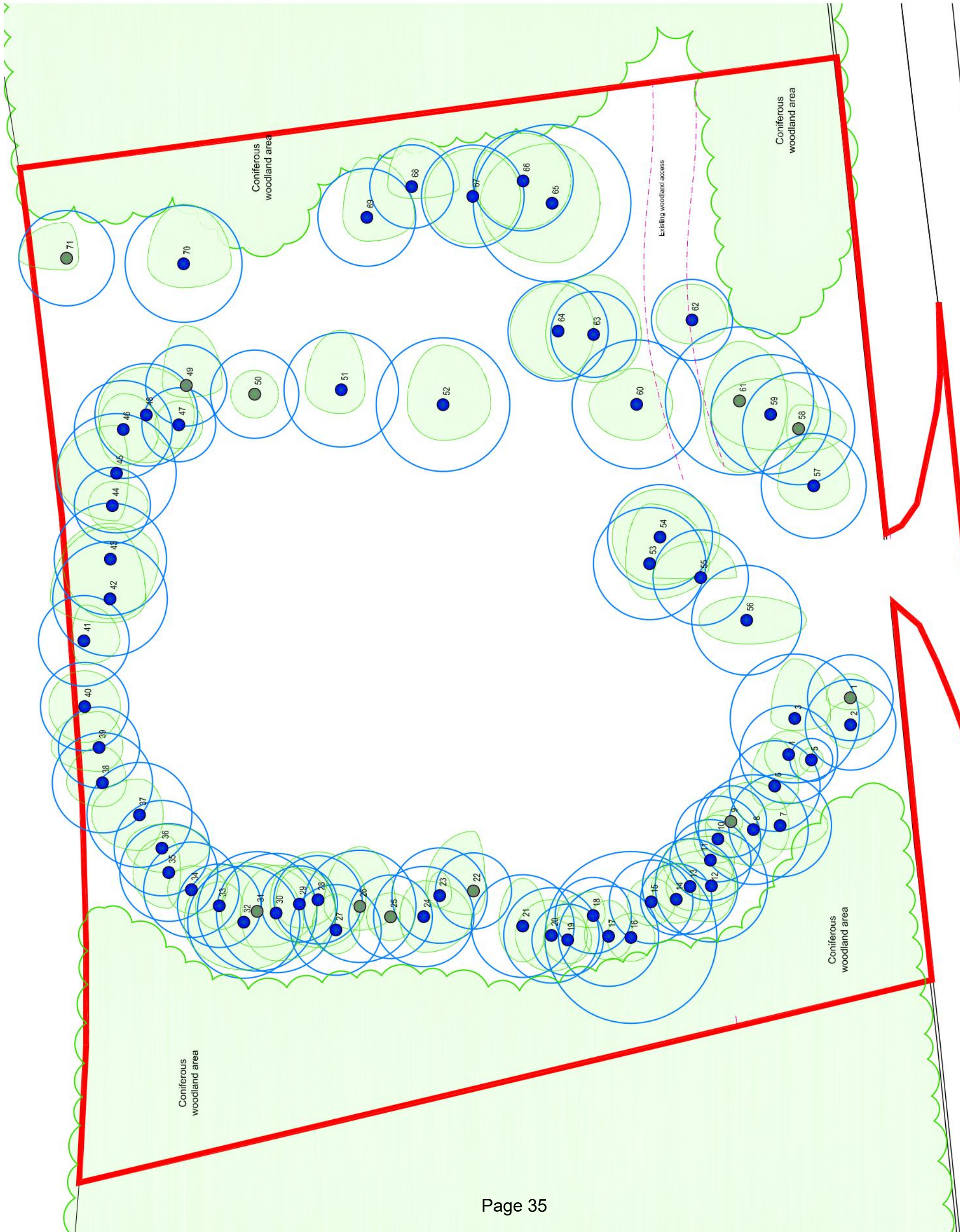
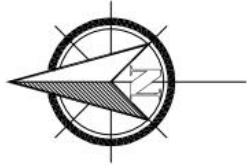
Site Plan
Scale 1:200



Proposed New House at
Stratton Woods, Fochabers
Tree Protection & Management

Client:	Samantha Hancox				
Drawing No:	SWF-2202-TP				
Issue Date:	8th February 2022				
Drawn by:	AM	Checked by:	EP/NA		
Revision:		Rev Date:			
Scale:	1:300 A A3				

**astell associates**
arboricultural, environmental and landscape consultants
10 Poliston Road, Maryculter, Aberdeen, AB12 5GY
tel: 01224 734372
email: info@astellassociates.co.uk



Proposed New House at
Stratton Woods, Fochabers
Arboricultural Assessment

Client:	Samantha Hancox		
Drawing No:	SWF-2202-AA		
Issue Date:	8th February 2022		
Drawn by:	AM	Checked by:	EP/NA
Revision:		Rev Date:	
Scale:	1:300 A A3		

astell associates
arboricultural, environmental and landscape consultants
10 Poliston Road, Maryculter, Aberdeen, AB12 5GY
tel: 01224 734372
email: info@astellassociates.co.uk



**I637I – PLOT 3, STRATTON WOOD, FOCHABERS,
MORAY, IV32 7LN**

DRAINAGE ASSESSMENT

I637I-DIA-001



MacLeod+Jordan
Civil & Structural Consulting Engineers
16 Albert Street
Aberdeen
AB25 1XQ
T – 01224 646555
E – info@macleodjordan.co.uk

Revision	Date	Notes	Prepared By	Approved By
-	07/10/2021	First Issue	NM	RM

CONTENTS

1.0	INTRODUCTION	1
1.1	Purpose and Scope	1
1.2	National and Regional Guidance	1
2.0	DEVELOPMENT SITE	2
2.1	Existing Site Conditions	2
2.1.1	Topography and boundaries	2
2.1.2	Hydrology	2
2.1.3	Geology	2
2.1.4	Groundwater	2
2.1.5	Flood risk	2
2.2	Site Investigation	3
2.3	Existing Drainage	3
2.4	Existing Surface Water Run-off	3
2.5	Proposed Development	3
3.0	PROPOSED DRAINAGE STRATEGY	3
3.1	Selection of surface water drainage strategy	3
3.2	Treatment of runoff from roof area	4
3.3	Treatment of runoff from driveway and parking area	4
3.4	Surface Water Soakaway Design	5
3.5	Foul Water Treatment Design	5
3.6	Maintenance	6
4.0	CONCLUSION	6
5.0	REFERENCES	6

APPENDIX A

Pollution Hazard Indices

APPENDIX B

Development Drawing

APPENDIX C

Surface Water Soakaway Calculations

APPENDIX D

Foul Drainage Calculations

1.0 INTRODUCTION

1.1 Purpose and Scope

MacLeod + Jordan have been appointed to carry out a Drainage Assessment for a site at Stratton Woods, Fochabers, Moray, IV32 7LN. A new 4/5-bedroomed house with a garage is proposed.

The site is located approximately 5km west of Fochabers at approx NGR NJ 2998 5820, as shown in Figure 1.

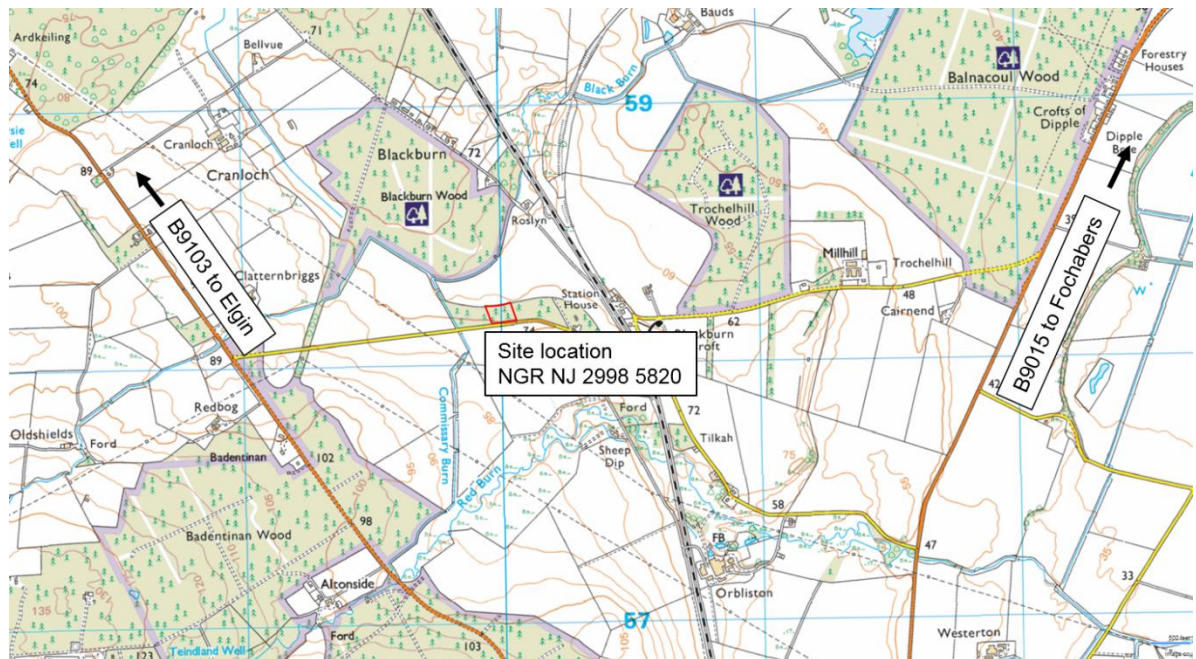


Figure 1: Site location plan

This Drainage Assessment evaluates the current proposals with regards to drainage and identifies potential flood risk from the development. It also provides an assessment of the surface water run-off from the development and provision of water quality treatment.

1.2 National and Regional Guidance

This drainage impact assessment is prepared in accordance with the guidance given in the following documents:

- Moray Council LDP Supplementary Guidance: Flood Risk and Drainage Impact Assessment for New Developments (Moray Council, 2020);
- Scottish Planning Policy: Managing Flood Risk and Drainage (Scottish Government, 2014, updated 2020);
- Water Assessment and Drainage Assessment Guide - A guidance document for developers, planners and others involved in water and drainage (SuDS Working Party, 2016);
- Planning Advice Note (PAN) 61: Planning and Sustainable Urban Drainage Systems (Scottish Executive Development Department, 2001);
- The SUDS Manual C753 (CIRIA, 2016);
- Sewers for Scotland, Fourth Edition (Scottish Water, 2018);

- The Water Environment (Controlled Activities) (Scotland) Regulations 2011, as amended;
- Scottish Government Online Planning Advice on Flood Risk 2015;
- BS EN 752:2008, Drain and Sewer systems outside buildings (BSI, 2013);
- Guideline for Pollution Prevention 4: Treatment and disposal of wastewater where there is no connection to the public foul sewer (NIEA, SEPA and NRW, 2017).
- Scottish Water: Standard advice note and process guidance: Surface Water Policy; and
- SEPA Water Use Regulatory Method (WAT-RM-04) 'Indirect Sewage Discharges to Groundwater.

2.0 DEVELOPMENT SITE

2.1 Existing Site Conditions

2.1.1 Topography and boundaries

The site is at an elevation of approximately 75m AOD at its highest point, sloping gently down to the north. It is within an area of coniferous plantation woodland, bounded to the north by arable agricultural land and to the south by an un-named minor road. The woodland extends to the east and west of Plot 3; further houses, which will be the subject of separate planning applications, are proposed within the woodland.

2.1.2 Hydrology

There are no water features on the site. The Commissary Burn, a tributary of the Red Burn, originates at Altonside, approximately 1.2km south-west of the site, and flows north-east and north to pass 140m from the western site boundary at its closest point. The Commissary Burn discharges into the Black Burn approx. 220m NW of the site boundary.

2.1.3 Geology

The British Geological Survey records the superficial deposits at the site as Pleistocene glaciofluvial ice contact deposits of stratified sand and gravel with interbedded diamicton, and solid deposits as the Spey Conglomerate Formation of Devonian age: a coarse red-bed conglomerate sequence with sporadic thin pebbly sandstone beds (BGS Geoindex).

2.1.4 Groundwater

The site is underlain by a moderately productive aquifer of the Middle Old Red Sandstone, which locally yields small amounts of groundwater (BGS Geoindex).

2.1.5 Flood risk

According to SEPA's online flood maps, the site is not at risk of fluvial or pluvial flooding.

2.2 Site Investigation

Two trial pits were excavated on the site on 3rd August 2021. The findings of these trial pits are shown in Table 1 and Table 2.

Table 1: Lithologies encountered in TP1

Depth (m bgl)	Lithology
0 – 0.2	Topsoil
0.2 – 1.6	Fine/ medium sand
No groundwater was encountered	

An infiltration test was carried out in TP1, yielding an infiltration rate of 7.33×10^{-5} m/s, indicating that the site is suitable for soakaway drainage.

Table 2: Lithologies encountered in TP2

Depth (m bgl)	Lithology
0 – 0.3	Topsoil and roots
0.3 – 0.6	Medium sands and stones and gravel
0.6 – 1.4	Fine-medium sand.
1.4 m	Water struck, rising to 1.1 m bgl.

An infiltration test was attempted in TP2, but failed due to the high water table at this point.

2.3 Existing Drainage

There is no drainage provision currently on the site.

2.4 Existing Surface Water Run-off

As the site is a greenfield site, it is assumed that water infiltrates into the soil. When rainfall exceeds the infiltration capacity of the soil, runoff will flow northwards towards the Black Burn.

2.5 Proposed Development

A 4/5-bedroom house with a garage is proposed on the site. The roof area of the house and garage combined will be approximately 236m².

3.0 PROPOSED DRAINAGE STRATEGY

3.1 Selection of surface water drainage strategy

The development is within an area of low risk of surface and river water flooding and therefore focuses, in accordance with Scottish Planning Policy (Scottish Government, 2014), on the management of surface water to ensure that the flood risk is not increased on site or elsewhere. The surface water strategy for the site will be developed in accordance with The Building (Scotland) Regulations 2004, as amended.

To minimise the risk of surface flooding, the soakaway has been designed in accordance with the guidance included within Sewers for Scotland, 4th Edition, and sized to accommodate all storm events for up to, and including, the 30-year return period, plus 35% climate change.

The Scottish Water design hierarchy for surface water (Scottish Water, 2017) has been considered as noted in Table 3.

Table 3: Selection of surface water drainage strategy using Scottish Water Drainage Hierarchy

Scottish Water Drainage Hierarchy – Surface Water Drainage Design Options		
Option	Suitability	Comments
1) Rainwater is stored and reused, such as rainwater harvesting	N	Due to the calculated demand of the finished development, the cost of installing a suitable rain water harvesting system will be too high to be viable.
2) Surface water is drained into the soil through the use of a soakaway	Y	A Site Investigation was undertaken and it was found the ground conditions are suitable for infiltration.
3) Surface water is drained to a watercourse (open or piped), canal, loch or existing/proposed SuDs	N/A	
4) Surface water is drained to a surface water sewer	N/A	
5) Surface water is drained to a combined sewer	N/A	

3.2 Treatment of runoff from roof area

The surface water run-off from the roof area will discharge via a series of downpipes and conveyed to a stone-filled sub-surface soakaway within the boundaries of the site.

The Simple Index approach (CIRIA, 2016) has been used to select the treatment method to be used, as shown in Table 4, below. An extract from the CIRIA document showing pollution hazard indices for different land use classifications is given in Appendix A.

Table 4: Simple Index Approach for treatment of runoff from the roof

Indicative SUDs Mitigation Indices for Surface Water Run-off			
Total shown GREEN when Mitigation indices exceed Pollution indices			
	Total Suspended Solids	Metals	Hydrocarbons
Pollution Indices			
Roof run-off	0.2	0.2	0.05
Mitigation Indices			
Stone Filled Attenuation	0.4	0.4	0.4
Total mitigation	0.4	0.4	0.4

3.3 Treatment of runoff from driveway and parking area

The driveway and parking area will be surfaced with a free-draining permeable material to allow direct infiltration.

3.4 Surface Water Soakaway Design

Runoff from the roof will discharge into a stone-filled soakaway. To minimise the risk of surface flooding, the soakaway has been designed in accordance with the guidance included within Sewers for Scotland, 4th Edition (Scottish Water, 2018), and sized to accommodate all storm events up to and including the 30-year return period, plus 35% climate change.

The soakaway has been designed with reference to a proprietary system: calculations using MicroDrainage show that the required soakaway volume is 5m long x 4m wide x 1m deep.

Site levels will be set so as to route surface water runoff around and away from buildings and major access and egress routes, to minimise damage to property and ensure that movement of emergency vehicles is not restricted.

Drawing 16371/2001 in Appendix B shows the proposed drainage proposals and layout for the site. Soakaway design calculations using Microdrainage are given in Appendix C.

3.5 Foul Water Treatment Design

Flows and Loads 4 (British Water, 2013) states that 'a treatment system for a single house with up to and including 3 bedrooms shall be designed for a minimum population (P) of 5 people.....[add] 1P for each additional bedroom'. To take a conservative approach, it is assumed that the house will have 5 bedrooms, hence the PE will be

$$PE = 5 + 2 = 7.$$

As a result of site testing, it is concluded that the percolation value (V_p) at the site is lower than 15s/mm. For discharges of $\leq 15PE$ to a sub-surface soakaway where $V_p < 15s/mm$, SEPA, 2019 requires that secondary treatment is carried out prior to discharge. Calculation of the predicted daily total flow, BOD and ammoniacal nitrogen production is shown in Table 5.

Table 5: Foul water discharge components using values from Flows and Loads for a standard residential setting.

	Flow (l/day)	BOD (g/day)	Ammonia as N (g/d)
Per person	150	60	8
Population	7	7	7
Total	1050	420	56

A PTP capable of treating the discharge, such as the Klargest BioDisc BA-X, suitable for up to 9PE, which can produce an effluent quality of 8mg/l BOD, 13mg/l SS, 4mg/l Ammonia and 2mg/l Phosphate (www.klargester.co.uk), is recommended.

For discharges of $\leq 15PE$ to land with $V_p < 15s/mm$, SEPA, 2019 recommends a minimum soakaway area of:

$$A (m^2) = 3.6 \times PE$$

$$\text{Hence } A = 3.6 \times 7 = 25.2m^2.$$

A soakaway 6.5m long x 4m wide x 1m deep (surface area 26 m²) is recommended. The proposed foul soakaway area is shown on drawing 16371/2001. Foul drainage calculations are given in Appendix D.

3.6 Maintenance

All the components of the proposed foul and surface water system associated with the development including pipes and chambers, along with the sewage treatment plant and drainage soakaways, will be owned and maintained by the property owner. This will be inspected on an annual basis. If blockage is identified or suspected, within the system, it will be cleaned out without delay. In the event of a system failure, it will be replaced with a similar specification.

4.0 CONCLUSION

The result of testing carried out on the site indicates that the site is suitable for soakaway drainage. This method will be used, in line with the Scottish Water design hierarchy for surface water (Scottish Water, 2017).

Surface runoff from the roof will be directed to a stone-filled subsurface soakaway, sized to accommodate to 30-year return period (3.3% probability) event + 35% climate change allowance. The soakaway has been designed with reference to a proprietary system: calculations using MicroDrainage show that the required soakaway dimensions are 5m long x 4m wide x 1m deep. The Simple Index Approach (CIRIA, 2016) has been applied to ensure that adequate mitigation is applied for any contaminants present in the runoff.

The driveway and parking area will be formed of a permeable material to allow direct infiltration.

Foul effluent will be treated by a packaged treatment plant before being directed to a sub-surface soakaway, in accordance with SEPA, 2019.

5.0 REFERENCES

BGS GeoIndex www.bgs.ac.uk, viewed 19th August 2021

British Water, 2013, *Code of Practice Flows and Loads – 4: Sizing Criteria, Treatment Capacity for Sewage Treatment Systems*, ISBN 978-1-903481-10-3

BSI, 2013: *Drain and Sewer systems outside buildings*, BS EN 752:2008 incorporating Corrigenda October 2009 and November 2013, British Standards Institution, ISBN 978-0-580-84887-2.

Building (Scotland) Regulations Schedule 5. Scottish Statutory Instrument 2004 no. 406, Building and Buildings.

CIRIA, 2016: C753 *The SuDS Manual*, RP992, ISBN 978-0-86017-760-9, version 5 including errata, 2016, CIRIA, London.

MicroDrainage, Version 2017.1.2, XP Solutions, distributed by Innovyze.

Moray Council, 2020, *Supplementary guidance: Flood Risk and Drainage Impact Assessment for New Developments*. Moray Local Development Plan 2020;

NIEA, SEPA and NRW, 2017: Guideline for Pollution Prevention 4: *Treatment and disposal of wastewater where there is no connection to the public foul sewer*.

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Scottish Government, 2014 (updated Dec. 2020), Scottish Planning Policy: *Managing Flood Risk and Drainage*, ISBN 978-1-78412-567-7, The Scottish Government, St. Andrew's House, Edinburgh.

Scottish Government Online Planning Advice on Flood Risk 2015.
<https://www.gov.scot/publications/flood-risk-planning-advice/>, viewed on 22nd August 2021.

Scottish Water, 2017: Standard advice note and process guidance: *Surface Water Policy*, SWSWP1 01/17, downloaded 9th August 2021 from <https://swazurecms.scottishwater.co.uk/>.

Scottish Water, 2018, *Sewers for Scotland – A technical specification for the design and construction of sewerage infrastructure*. Version 4.0, October 2018.

SEPA, 2019, Water Use Regulatory Method (WAT-RM-04) '*Indirect Sewage Discharges to Groundwater*,' version 7.3, October 2019.

SSI 2011 No. 209, Environmental Protection: Water: *The Water Environment (Controlled Activities) (Scotland) Regulations 2011*, as amended.

SSI 2017 No. 389, Environmental Protection: Water: *The Water Environment (Miscellaneous) (Scotland) Regulations 2017*.

SuDS Working Party, 2016: *Water Assessment and Drainage Assessment Guide - A guidance document for developers, planners and others involved in water and drainage*. ISBN 978-1-901322-99-6, undated document, published 2016.

APPENDIX A

Pollution Hazard Indices

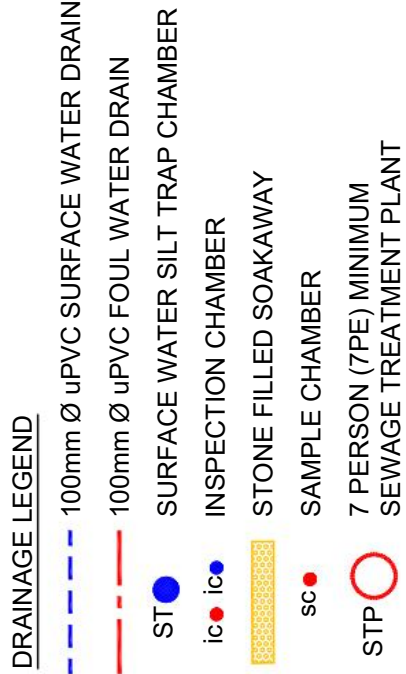
Table 26.2 – Pollution Hazard Indices for Different Land Use Classifications (Extract from CIRIA SuDs Manual)

Land Use	Pollution hazard level	Total Suspended Solids (TSS)	Metals	Hydrocarbons
Residential Roofs	Very low	0.2		
Other roofs (typically commercial/ industrial)	Low	0.3	0.2 (up to 0.8 where there is potential for metals to leach from the roof)	0.05
Individual property driveways, residential car parks, low-traffic roads (e.g., cul-de-sacs, homezones and general access roads) and non-residential car parking with infrequent change e.g., schools, offices i.e., < 300 traffic movements per day.	Low	0.5	0.4	0.4

APPENDIX B

Development Drawings

- 16371/2001 – Drainage Layout



Sewage Treatment Plant Note

Sewage Treatment Plant installation, discharge and maintenance to comply with the required specification and standards set-out in the relevant guidelines, namely:

- Building Standards Domestic Technical Handbook Sections 3.7 and 3.8
- SEPA Guidance for Sewage Discharges to Surface Waters (WAT-RM-003)
- The Water Environment (Controlled Activities) (Scotland) Regulations 2011, as amended.

1. All drainings to be installed in accordance with the Sowers for Solidair - 4th Edition.
2. Drawings issued by the engineer in conjunction with relevant specification and all other relevant documents shall form part of contract.
3. Drawing issued to be read and interpreted with drawing specification and all other relevant documents in connection to disassembling manholes to be 150mm Ø suitable for increased in concrete
4. All pipes with less than 1.2m cover below connecting or 0.8m over below landscaped area.
5. All drains to be constructed in accordance with BS EN 1917, 2006.
6. All falls from disconnecting manholes to be laid at min. gradient of 1:60.
7. All building drainages to be laid at min. gradient of 1:60.
8. All gully pits, pits and fittings and gully covers to comply with BS 6600
and BS EN 14041.
9. All VC pipes and fittings for sewers shall have flexible manhole joints. Pipes for foul water and stormwater shall comply with BS 6600 and BS EN 14041.
Stormwater and foul water sewer pipes and fittings must comply with BS 6600 and BS EN 1916
10. All connections to be reinforced to comply with BS EN 1917, 2006.
11. All precast units to be manufactured and installed in accordance with BS EN 1917, 2006.
12. All connections to drainage pipes to be via 45° oblique joining in direction of flow.
13. Drains passing through walls shall be wrapped and drains passing through roofs shall be sealed.
14. All work shall be carried out in accordance with the engineer's oral specification and/or drawings.

Note

1. All works by the contractors should be carried out in strict accordance with the relevant British and European Standards.
2. All works to be in accordance with the current 'Building Standards (Scotland) Regulations' and all relevant British and European Standard Specifications and Codes of Practice.
3. All dimensions in millimeters unless otherwise noted
4. All dimensions and levels shown to be checked on site by the Principal Contractor.
5. The Principal Contractor is to ensure they are aware of the implications of any changes which either they or the other contractors make and the engineer notified of any such changes.
- 6.

WHERE ANY DIMENSIONS, GROUND CONDITIONS, EXISTING STRUCTURES VARY ON SITE, WORK IS TO STOPPED AND THE STRUCTURAL ENGINEER TO BE NOTIFIED IMMEDIATELY.

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THE INFORMATION CONTAINED ON THIS DRAWING IS CONFIDENTIAL. UNLESS AGREED OTHERWISE (BY A RELEVANT CONTRACT OR IN WRITING) THIS DRAWING SHALL REMAIN THE PROPERTY OF MACLEOD & JORDAN LTD. WITHOUT PRIOR AGREEMENT THE DRAWING SHOULD NOT BE USED FOR ANY OTHER PURPOSE THAN THAT AGREED, NOR SHOULD THE DRAWING BE REPRODUCED IN WHOLE, OR PART, OR PASSED ONTO ANY THIRD PARTY.

**MACLEOD
JORDAN**

Tel: (01224) 646 555
info@macleodjordan.co.uk
www.macleodjordan.co.uk


Drawing No.	Rev.
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Drawing No.	Rev.
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APPENDIX C

Surface Water Soakaway Calculations

- Calculations for 10-year return period
- Calculations for 30-year return period

MacLeod & Jordan				Page 1																																																																																																																																																																																																									
16 Albert Street Aberdeen AB25 1XQ		16371 PLOT 3, STRATTON WOOD FOCHABERS, IV32 7LN																																																																																																																																																																																																											
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Winter</td><td>98.686</td><td>0.186</td><td>0.9</td><td>1.1</td><td>O K</td></tr><tr><td>600 min Winter</td><td>98.609</td><td>0.109</td><td>0.8</td><td>0.7</td><td>O K</td></tr><tr><td>720 min Winter</td><td>98.558</td><td>0.058</td><td>0.8</td><td>0.3</td><td>O K</td></tr><tr><td>960 min Winter</td><td>98.542</td><td>0.042</td><td>0.6</td><td>0.3</td><td>O K</td></tr><tr><td>1440 min Winter</td><td>98.532</td><td>0.032</td><td>0.5</td><td>0.2</td><td>O K</td></tr><tr><td>2160 min Winter</td><td>98.523</td><td>0.023</td><td>0.4</td><td>0.1</td><td>O K</td></tr><tr><td>2880 min Winter</td><td>98.519</td><td>0.019</td><td>0.3</td><td>0.1</td><td>O K</td></tr><tr><td>4320 min Winter</td><td>98.514</td><td>0.014</td><td>0.2</td><td>0.1</td><td>O K</td></tr><tr><td>5760 min Winter</td><td>98.512</td><td>0.012</td><td>0.2</td><td>0.1</td><td>O K</td></tr><tr><td>7200 min Winter</td><td>98.510</td><td>0.010</td><td>0.2</td><td>0.1</td><td>O K</td></tr><tr><td>8640 min 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Winter</td><td>5.659</td><td>0.0</td><td>386</td></tr><tr><td>960 min Winter</td><td>4.588</td><td>0.0</td><td>494</td></tr><tr><td>1440 min Winter</td><td>3.407</td><td>0.0</td><td>724</td></tr><tr><td>2160 min Winter</td><td>2.525</td><td>0.0</td><td>1104</td></tr><tr><td>2880 min Winter</td><td>2.044</td><td>0.0</td><td>1456</td></tr><tr><td>4320 min Winter</td><td>1.526</td><td>0.0</td><td>2148</td></tr><tr><td>5760 min Winter</td><td>1.251</td><td>0.0</td><td>2896</td></tr><tr><td>7200 min Winter</td><td>1.082</td><td>0.0</td><td>3680</td></tr><tr><td>8640 min Winter</td><td>0.967</td><td>0.0</td><td>4376</td></tr><tr><td>10080 min Winter</td><td>0.884</td><td>0.0</td><td>4968</td></tr></tbody></table>						Storm Event	Max Level (m)	Max Depth (m)	Max Infiltration (l/s)	Max Volume (m³)	Status	15 min Winter	98.951	0.451	1.0	2.7	O K	30 min Winter	99.055	0.555	1.1	3.3	O K	60 min Winter	99.110	0.610	1.1	3.7	O K	120 min Winter	99.067	0.567	1.1	3.4	O K	180 min Winter	98.994	0.494	1.1	3.0	O K	240 min Winter	98.921	0.421	1.0	2.5	O K	360 min Winter	98.790	0.290	0.9	1.7	O K	480 min Winter	98.686	0.186	0.9	1.1	O K	600 min Winter	98.609	0.109	0.8	0.7	O K	720 min Winter	98.558	0.058	0.8	0.3	O K	960 min Winter	98.542	0.042	0.6	0.3	O K	1440 min Winter	98.532	0.032	0.5	0.2	O K	2160 min Winter	98.523	0.023	0.4	0.1	O K	2880 min Winter	98.519	0.019	0.3	0.1	O K	4320 min Winter	98.514	0.014	0.2	0.1	O K	5760 min Winter	98.512	0.012	0.2	0.1	O K	7200 min Winter	98.510	0.010	0.2	0.1	O K	8640 min Winter	98.509	0.009	0.1	0.1	O K	10080 min Winter	98.508	0.008	0.1	0.0	O K	Storm Event	Rain (mm/hr)	Flooded Volume (m³)	Time-Peak (mins)	15 min Winter	68.392	0.0	20	30 min Winter	47.566	0.0	33	60 min Winter	31.813	0.0	52	120 min Winter	20.131	0.0	90	180 min Winter	15.233	0.0	124	240 min Winter	12.452	0.0	160	360 min Winter	9.334	0.0	224	480 min Winter	7.591	0.0	284	600 min Winter	6.460	0.0	340	720 min Winter	5.659	0.0	386	960 min Winter	4.588	0.0	494	1440 min 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Innovyze Source Control 2017.1.2		


Model Details


Storage is Online Cover Level (m) 100.000

Trench Soakaway Structure

Infiltration Coefficient Base (m/hr) 0.26400	Trench Width (m) 5.0
Infiltration Coefficient Side (m/hr) 0.26400	Trench Length (m) 4.0
Safety Factor 2.0	Slope (1:X) 0.0
Porosity 0.30	Cap Volume Depth (m) 1.000
Invert Level (m) 98.500	Cap Infiltration Depth (m) 0.000

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Winter</td><td>7.152</td><td>0.0</td><td>416</td></tr><tr><td>960 min Winter</td><td>5.746</td><td>0.0</td><td>514</td></tr><tr><td>1440 min Winter</td><td>4.223</td><td>0.0</td><td>738</td></tr><tr><td>2160 min Winter</td><td>3.112</td><td>0.0</td><td>1104</td></tr><tr><td>2880 min Winter</td><td>2.516</td><td>0.0</td><td>1444</td></tr><tr><td>4320 min Winter</td><td>1.879</td><td>0.0</td><td>2180</td></tr><tr><td>5760 min Winter</td><td>1.542</td><td>0.0</td><td>2976</td></tr><tr><td>7200 min Winter</td><td>1.334</td><td>0.0</td><td>3592</td></tr><tr><td>8640 min Winter</td><td>1.193</td><td>0.0</td><td>4352</td></tr><tr><td>10080 min Winter</td><td>1.090</td><td>0.0</td><td>5104</td></tr></table>					Storm Event	Max Level (m)	Max Depth (m)	Max Infiltration (l/s)	Max Volume (m³)	Status	15 min Winter	99.169	0.669	1.2	4.0	O K	30 min Winter	99.350	0.850	1.3	5.1	O K	60 min Winter	99.461	0.961	1.4	5.8	O K	120 min Winter	99.390	0.890	1.3	5.3	O K	180 min Winter	99.291	0.791	1.3	4.7	O K	240 min Winter	99.194	0.694	1.2	4.2	O K	360 min Winter	99.024	0.524	1.1	3.1	O K	480 min Winter	98.886	0.386	1.0	2.3	O K	600 min Winter	98.775	0.275	0.9	1.7	O K	720 min Winter	98.686	0.186	0.9	1.1	O K	960 min Winter	98.566	0.066	0.8	0.4	O K	1440 min Winter	98.539	0.039	0.6	0.2	O K	2160 min Winter	98.529	0.029	0.4	0.2	O K	2880 min Winter	98.523	0.023	0.4	0.1	O K	4320 min Winter	98.518	0.018	0.3	0.1	O K	5760 min Winter	98.514	0.014	0.2	0.1	O K	7200 min Winter	98.513	0.013	0.2	0.1	O K	8640 min Winter	98.511	0.011	0.2	0.1	O K	10080 min Winter	98.510	0.010	0.2	0.1	O K	Storm Event	Rain (mm/hr)	Flooded Volume (m³)	Time-Peak (mins)	15 min Winter	96.646	0.0	21	30 min Winter	67.571	0.0	34	60 min Winter	45.250	0.0	52	120 min Winter	27.477	0.0	92	180 min Winter	20.361	0.0	128	240 min Winter	16.421	0.0	164	360 min Winter	12.103	0.0	230	480 min Winter	9.733	0.0	294	600 min Winter	8.216	0.0	356	720 min Winter	7.152	0.0	416	960 min Winter	5.746	0.0	514	1440 min Winter	4.223	0.0	738	2160 min Winter	3.112	0.0	1104	2880 min Winter	2.516	0.0	1444	4320 min Winter	1.879	0.0	2180	5760 min Winter	1.542	0.0	2976	7200 min Winter	1.334	0.0	3592	8640 min Winter	1.193	0.0	4352	10080 min Winter	1.090	0.0	5104
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MacLeod & Jordan		Page 3
16 Albert Street Aberdeen AB25 1XQ	16371 PLOT 3, STRATTON WOOD FOCHABERS, IV32 7LN	
Date 06/10/2021 14:26 File 16371 stone soakaway fm...	Designed by MN Checked by RM	
Innovyze Source Control 2017.1.2		

Model Details

Storage is Online Cover Level (m) 100.000

Trench Soakaway Structure

Infiltration Coefficient Base (m/hr) 0.26400	Trench Width (m) 5.0
Infiltration Coefficient Side (m/hr) 0.26400	Trench Length (m) 4.0
Safety Factor 2.0	Slope (1:X) 0.0
Porosity 0.30	Cap Volume Depth (m) 1.000
Invert Level (m) 98.500	Cap Infiltration Depth (m) 0.000

©1982-2017 XP Solutions

APPENDIX D

Foul Drainage Calculations

- Sewage Treatment Plant and Soakaway Calculations

<div>MACLEOD JORDAN</div> <div>CIVIL & STRUCTURAL CONSULTING ENGINEERS LTD</div> <div>16 Albert Street Aberdeen AB25 1XQ Telephone: (01224) 646555</div> <div>info@macleodjordan.co.uk www.macleodjordan.co.uk</div>		Contract: PLOT 3, STRATTON WOODS, FOCHABERS		Job Ref: 16371	
		Part of Structure: FOUL SOAKAWAY CALCULATIONS		Calc. Sheet No. 1	
		Drawing Ref: 16371-2001	Calculation by: NM	Checked by: FM	Date: 22/09/2021
Members' Ref.	CALCULATIONS				OUTPUT
	<p><u>FOUL DRAINAGE SOAKAWAY</u></p> <p>5 BEDROOM DWELLING THEREFORE PE = 5 + 2 = 7</p> <p>FROM PERCOLATION TESTING:</p> <p>VP = (25 x 60 sec) / 110mm = 13.6 sec/mm</p> <p><u>VP < 15sec/mm THEREFORE REQUIRES SEWAGE TREATMENT PLANT WITH FOUL SOAKAWAY</u></p> <p><u>SOAKAWAY</u></p> <p>MINIMUM SOAKAWAY AREA A (m2) = PE x 3.6 = 7 x 3.6 = 25.2 m2</p> <p>THE SOAKAWAY SIZE IS TO BE EQUAL OR GREATER THAN THE CALCULATED AREA A NOTED ABOVE.</p> <p>RECOMMENDED SOAKAWAY SIZE: 4 m x 6.5 m = 26 m2.</p> <p><u>SEWAGE TREATMENT PLANT</u></p> <p>ADOPT SEWAGE TREATMENT PLANT TO SERVE MINIMUM OF 7 PE</p> <p>THEREFORE:</p> <p><u>ADOPT minimum 7 person (7 PE) Sewage Treatment Plant and 6.5 m long x 4 m wide x 1 m deep soakaway.</u></p>				



astell
associates

arboricultural, ecological
& landscape consultants

8th February 2022

Ref: SWF-2202-TR

Tree Survey Report



Land at Stratton Woods, Fochabers

Client: Samantha Hancox

Tree Survey

Land at Stratton Woods, Fochabers

Contents

Summary	3
Introduction	3
Scope of Survey	3
Study Aim	3
Study Objectives:.....	3
Limitations	3
Desk Study	4
Site Visit and Tree Assessment Methodology	4
Site Description & Proposed Development	5
Site Location	5
Site Description	5
Development Proposals	5
Tree Preservation Orders / Conservation Areas	5
Tree Species in Survey Area	6
Arboricultural Impact	6
General	6
Trees to be felled.....	6
Tree Protection.....	7
Underground Service Installation	7
Bat Roost Potential.....	7
Badgers	7
Site Photos	8
Arboricultural Method Statement	10
General	10
Sequence of Operations.....	10
General Precautions.....	10
Supervision and Monitoring	11
Contingency Plans.....	11
Damage Limitation.....	11
Appendix A: Tree Schedule.....	12
Appendix B: Plan of Badger Setts in Stratton Woods	16
Appendix C: Tree Quality Assessment Chart - Adapted from BS: 5837 20127	17
Appendix D: Tree Life Stages from BS: 5837.....	18
Appendix E: Drawings	18
Appendix F: Legislation, Guidance and References	18
Appendix G: Professional Qualifications	19
Appendix H: Contact Details.....	19
Appendix I: Protective Barrier & Ground Protection - BS: 5837 - 2012	20



Tree Survey

Land at Stratton Woods, Fochabers

Summary

The proposal is for the construction of a house, SuDS, and access road in a clearing in an area of plantation coniferous woodland. Only the trees closest to the clearing were surveyed, as these were the only trees potentially affected by the proposals. A total of 71 trees were surveyed. The trees are mostly healthy, mature Scots pine with a few larches and birch interspersed.

Nine trees are to be removed to accommodate development. No trees are to be removed for health and safety.

Introduction

Scope of Survey

Astell Associates have been instructed by John Wink Design on behalf of Samantha Hancox to advise on trees and the constraints on development at Land at Stratton Woods, Fochabers.

This report is intended to accompany the Planning Application as a document supporting the application and demonstrating that the implications of the proposed development on the arboricultural, landscape and cultural (conservation) value of the trees on the site have been fully considered.

Study Aim

The aim is to identify any tree constraints to inform the proposed development of the site..

Study Objectives:

- Map the location and characteristics of the trees and tree groups within and adjacent to the site, which could be affected by the development proposals
- Identify trees which would be removed as part of normal arboricultural management (i.e. dead/unviable trees)
- Assess trees for bat roosting potential
- Identify any constraints or threats which may impact future management of the trees.
- Provide outline management recommendations to designed to retain trees and tree groups on or adjacent to the site

Limitations

- This is a preliminary assessment from ground level and observations have been made solely from visual inspection for the purposes of assessment for planning and the proposed development.
- No invasive or other detailed internal decay detection instruments have been used in assessing trunk condition.
- No soil samples have been taken and no soil analysis carried out.



- The conclusions relate to conditions found at the time of inspection. The recommendations contained within this report (Tree Schedule) are valid for a period of one year only.
- Any significant alteration to the site that may affect the trees that are present (including level changes, hydrological changes, extreme climatic events or other site works) may necessitate a re-assessment of the trees and the site.
- It should be noted that this survey is not a tree safety inspection. It is carried out in order to inform the planning process

Desk Study

A desk study has been carried out to ascertain any Tree Protection Orders or Statutory designations for the area (Ancient Woodland or National Forest Inventory).

Site Visit and Tree Assessment Methodology

- A site visit was undertaken on 12 January 2022 by Aaron Meijer.
- Trees have been surveyed from ground level with binoculars to survey features at height.
- The Visual Tree Assessment method (Mattheck and Breloer, 1994) has been used to assess the trees.
- Standards and methodology from BS5837:2012 – ‘Trees in relation to design, demolition and construction – Recommendations’ (BSI, 2012) and Arboricultural Association Guidance Note 7 ‘Tree Surveys: A Guide to Good Practice’ have been used, along with the Aberdeen Local Development Plan Supplementary Guidance: ‘Trees and Woodlands’ (2017)
- A Hypsometer has been used to establish tree heights, with visual estimates being used for trees in close proximity.
- All trees with a diameter of over 12cm (15cm in woodland) have been numbered with plastic ‘letratag’ numbers.
- Trees have been surveyed for tree species, height, number of stems, stem diameter, branch spread, tree category and suitability for retention.
- Trees have been surveyed from ground level for bat roosting potential to inform of any further survey work that may be required on trees affected by the proposals.
- Canopy spread has been estimated by pacing and dimensions given to N, S, E & W.
- Where trees are growing as a close grown community of the same species, they may be described as a group rather than individually detailed.
- The trees have been positioned by a topographic survey carried out by John Wink Design
- Details of surveyed trees are provided in The Tree Survey Schedule, Appendix A. Refer to drawing SWF-2202-AA, which is a plan showing the location of each tree and its arboricultural tree category.



Site Description & Proposed Development

Site Location



Figure 1. Site location outlined in red. Grid ref: NJ300581. Postcode: IV32 7LN.

Site Description



Figure 2. Aerial photo of site with site boundary marked in red.

The site is an area of plantation Scots pine woodland with a few birch and larch interspersed. There is a clearing in the centre of the site with several piles of logs. There are forestry tracks along the north and south boundary of the site.

Development Proposals

The proposal is for the construction of a house, along with associated access road and SUDS.

Tree Preservation Orders / Conservation Areas

The site is listed on the National Forest Inventory as 'Conifer'.



Tree Species in Survey Area

Common Name	Scientific name	No
Birch	<i>Betula pendula</i>	1
Larch	<i>Larix decidua</i>	3

Common Name	Scientific name	No
Scots pine	<i>Pinus sylvestris</i>	67

Arboricultural Impact

General

The proposed house is to be constructed in an existing clearing in the Scots pine plantation woodland and no trees will need to be felled for the proposed house. The SUDs and access road will require the felling of 5 trees, three B class and two C class Scots pine. The Scots pine trees on the site are tall thin trees with canopy at height, which have been planted as a commercial crop and are near their destined felling size.

Topsoil has been piled into a mound between trees 47 and 50. This mound should be removed as it is overburdening the roots of trees 40, and 47. This soil overburden could eventually kill the trees making them a potential danger to the proposed house.

As part of the proposals, additional trees and shrubs are to be planted. These trees will constitute native species such as Scots pine, birch, and holly, and will be planted with a density of 1 per square metre.

Trees to be felled

The following trees will be felled for the proposed development:

50 Scots Pine	51 Scots Pine	52 Scots Pine	53 Larch	54 Scots Pine
55 Scots Pine	56 Scots Pine	60 Scots Pine	61 Scots Pine	

No trees will be felled for woodland management or health and safety:

The tree schedule with details of each tree is given in Appendix A



Tree Protection

All trees shown as retained within the tree table and site plans that accompany this report will be protected in accordance with British Standard BS: 5837 2012 - Trees in Relation to Design, Demolition and Construction, prior to the commencement of any development activity at the site.

Tree Protection fencing will be erected in the location shown in Drawing SWF-2202-TP. Details of fencing can be found in Appendix I.

Tree felling and remedial tree works should be undertaken before this fencing is erected.

After any tree felling and remedial tree works have been completed, the tree protection fencing must be erected before any demolition, site preparation or construction work commences, i.e. as the first operation on site following Planning Approval.

Underground Service Installation

Details of any proposed service runs associated with the proposed development have not been provided. However, it is likely the services will be situated adjacent to the proposed access road. It is possible to avoid the root plate of the retained trees but this will need to be assessed at the detailed planning stage..

Bat Roost Potential

As part of the tree survey, all trees were surveyed from ground level for features which indicate that they could have bat roosting potential. This includes features such as holes and cavities, cracks / splits in major limbs, loose bark. Such features are more commonly found on mature or veteran trees.

None of the surveyed trees has bat roosting potential, when surveyed from ground level.

Badgers

During the tree survey, mammal paths were discovered around the site. These were followed and several badger setts were identified in Stratton Woods.

Badgers are given protection under the protection of Badgers Act 1992, as amended by the Nature Conservation (Scotland) Act 2004. The exclusion zone for badgers recommended by NatureScot is 30 m away from a sett. Two setts were found within the 30 m exclusion zone. These setts were disused, and it appeared that they have been for some time. No recent digging marks were found and the entrance holes were filled with twigs. Furthermore, although these setts are within 30 m of the site boundary, they are over 30 m outwith the area of the proposed house.

Two active badger setts were found in a bank 110 m west of the site, on the edge of Stratton Woods. There are well outwith the NatureScot recommended exclusion zone. For a plan of identified badger setts in Stratton Woods, see Appendix B.

There are no active badger setts within 30m or close by the development site. The proposed development site will have no impact on badgers.



Site Photos



Photo 1:
View southwest,
showing the trees in
the southwest of
the site, adjacent to
the site access.



Photo 2:
View east, showing
the trees along the
west edge of the
clearing.

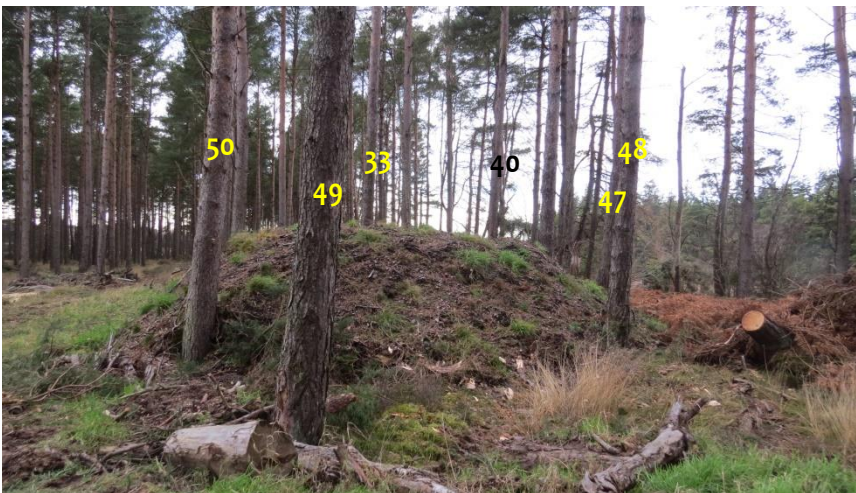


Photo 3:
View northeast,
showing the trees
around the soil pile.
Tree 50 is to be
felled.



Photo 4:
View north,
showing the
clearing in the
centre of the site.
This is the location
of the proposed
house. Trees 53 – 56
are to be felled.



Photo 5:
View southeast,
showing the trees in
the southeast
corner of the site.
Tree 61 is to be
felled.



Photo 6:
Active badger sett
in the west of
Stratton Woods, 110
m outwith the site.



Photo 7:
Disused badger sett
within 30 m of the
site boundary.

Arboricultural Method Statement

General

This is an Arboricultural Method Statement highlighting the sequence of operations that will be undertaken.

This section sets out the basis for all proposed works in relation to the proposed development in proximity to trees located within the development site boundary and for those trees outside the development site boundary where they overhang the site or where their RPAs extend into the site.

Copies of this Arboricultural Method Statement document will be available for inspection on site and will form the basis of the management of all works relating to the trees on the site for the Site Agent/Project Manager following commencement of the project.

The developer will inform the Local Planning Authority of the Arboricultural Consultant overseeing and monitoring the works related to the trees retained on site and will notify the Local Planning Authority within twenty-four hours if the Arboricultural Consultant is replaced.

Sequence of Operations

1. All tree works detailed on the tree schedule (Appendix A and Arboricultural Impact section) will be carried out to BS:3998.
2. The tree protection fences will be marked out by the Arboricultural Consultant together with the site manager, all as per plan SWF-2202-TP.
3. The tree protection fences will be erected by fencing contractors.
4. The tree protection fences will consist of a scaffold framework in accordance with Figure 2 of BS 5837:2012 (Appendix I). Alternatively wooden posts can be sunk into the ground for 75cm and deer netting (Rylock) attached to a height of 1.8m. This fencing will have horizontal battens at 1.0 and 1.8m and will have diagonal supports where necessary.
5. The tree protection fencing will be inspected by the arboricultural consultant and its correct position and construction will be confirmed in writing to the architect and client.
6. Protective barrier site notices (similar to those presented in Appendix I) will be attached to the exterior of the tree protection fencing where they can be read easily by site personnel.
7. The tree protection fences will remain in place until completion of the main construction phase.

General Precautions

8. No materials which are likely to have an adverse effect on tree health will be stored or discharged within 10m of the base of a tree which is to be retained. Further considerations will be given to storage of materials upslope of retained trees to minimise the risk of spillages leaching down-slope and contaminating the root protection area of a tree. Such materials include, but are not limited to:
 - Oil
 - Bitumen
 - Cement
9. No fires will be lit within 20m of the base of any tree which is to be retained.



10. Concrete mixing will not take place within 10m of the base of any tree which is to be retained.
11. Other than works detailed in this method statement, or approved by the local planning authority, no works (including the storage or dumping of materials, or the storage or operation of plant or machinery) shall take place within the construction exclusion zones set out by the tree protection fences.

Supervision and Monitoring

An Arboricultural Consultant will be responsible for monitoring of all operations relating to arboricultural issues and will issue a written confirmation of completion of the following operations:

- All tree works.
- The erection of tree protection fences in accordance with plan SWF-2202-TP.
- The excavation of trenches for any services close to trees.

A record of site visits completed by the arboricultural consultant will be maintained for inspection on site, and copies will be forwarded to the project manager.

Any operations within the Construction Exclusion Zones of retained trees including the dismantling and erection of tree protection fencing will be overseen and supervised by the appointed arboricultural consultant.

Contingency Plans

In the event of unforeseen incidents occurring which may adversely affect or impact the welfare or security of trees, the site manager will inform the Arboricultural Consultant at the earliest opportunity, and not more than one working day following the incident.

The arboricultural consultant will visit the site to inspect and assess the conditions and make appropriate recommendations. The Local Planning Authority Tree Officer will be informed by the Arboricultural Consultant of such incidents and recommendations will be submitted for approval by the Local Planning Authority.

A record of such incidents and recommendations shall be maintained by the Arboricultural Consultant. Incidents which merit such contingency plans include:

- Accidental/unauthorized damage to the limbs, roots, or trunk of trees
- The spillage of chemicals within or adjacent to a root protection area
- The discharge of toxic materials/waste within or adjacent to a root protection area
- The unscheduled or unsupervised breaching of the tree protection fence

Damage Limitation

Any operations within the Construction Exclusion Zones of retained trees including the dismantling and erection of tree protection fencing will be overseen and supervised by the appointed arboricultural consultant.

Where excavation is required within the Root Protection Area, this will be undertaken by hand, from within the footprint of the plot and should be overseen by the appointed arboricultural consultant.



Appendix A: Tree Schedule

No	Species	Dia at 1.5m (cm)	Canopy Radius (m)				Height (m)	RPA (m)	Age	Class	Description	Action
			N	S	E	W						
1	Scots Pine	30	2	2	2	1	12	3.6	M	C	Chain wrapped around stem has done significant damage to bark, appears healthy.	Retain.
2	Scots Pine	32	2	2	2	2	11	3.8	M	B	Tree has a slight lean south, appears healthy.	Retain.
3	Scots Pine	45	2	3	5	1	17	5.4	M	B	Tree appears healthy.	Retain.
4	Scots Pine	34	2	2	2	2	17	4.1	M	B	Tree appears healthy.	Retain.
5	Birch	15	1	1	1	1	7	1.8	SM	B	Suppressed tree, appears healthy.	Retain.
6	Scots Pine	32	2	2	4	2	15	3.8	M	B	1s canopy east, appears healthy.	Retain.
7	Scots Pine	36	2	4	2	2	18	4.3	M	B	Canopy mainly one-sided south. Tree appears healthy.	Retain.
8	Scots Pine	38	4	3	4	3	17	4.6	M	B	Tree appears healthy.	Retain.
9	Scots Pine	25	2	1	1	1	18	3.0	M	C	Tall, thin tree with a suppressed canopy.	Retain.
10	Scots Pine	30	2	2	2	2	18	3.6	M	B	Tree appears healthy.	Retain.
11	Scots Pine	28	4	2	2	3	17	3.4	M	B	Tree appears healthy.	Retain.
12	Scots Pine	39	5	2	3	3	17	4.7	M	B	Tree appears healthy.	Retain.
13	Scots Pine	33	2	4	2	2	18	4.0	M	B	Canopy mainly one-sided to south. Tree appears healthy.	Retain.
14	Scots Pine	25	2	2	3	2	17	3.0	M	B	Tree appears healthy.	Retain.
15	Scots Pine	29	2	2	2	2	16	3.5	M	B	Tree appears healthy.	Retain.
16	Scots Pine	60	2	2	2	2	17	7.2	M	B	Tree appears healthy.	Retain.
17	Scots Pine	35	2	2	3	2	18	4.2	M	B	Tree appears healthy.	Retain.
18	Scots Pine	27	3	1	2	1	16	3.2	M	B	Tree appears healthy.	Retain.





No	Species	Dia at 1.5m (cm)	Canopy Radius (m)				Height (m)	RPA (m)	Age	Class	Description	Action
			N	S	E	W						
19	Scots Pine	25	2	2	2	2	17	3.0	M	B	Tree appears healthy.	Retain.
20	Scots Pine	33	3	3	3	3	17	4.0	M	B	Tree appears healthy.	Retain.
21	Scots Pine	36	2	2	4	3	18	4.3	M	B	Tree appears healthy.	Retain.
22	Scots Pine	27	4	1	5	2	17	3.2	M	C	Canopy mainly one-sided to north and east. Deadwood and snags apparent.	Retain.
23	Scots Pine	33	1	1	2	1	16	4.0	M	B	Bark damage from machinery at base, 1 m, and 2 m on south side.	Retain.
24	Scots Pine	35	2	4	3	3	17	4.2	M	B	Deadwood apparent on north side but tree appears healthy.	Retain.
25	Scots Pine	29	2	2	2	2	17	3.5	M	C	Tree leans east, appears healthy.	Retain.
26	Scots Pine	39	3	3	5	2	17	4.7	M	C	Tree has a slight lean northeast. Deadwood and snags apparent.	Retain.
27	Scots Pine	32	2	2	3	2	17	3.8	M	B	Tree appears healthy.	Retain.
28	Scots Pine	31	4	4	4	4	16	3.7	M	B	Tree is twin-stemmed from 2.5 m, appears healthy.	Retain.
29	Scots Pine	27	2	3	3	2	17	3.2	M	B	Tree appears healthy.	Retain.
30	Scots Pine	42	3	5	4	4	17	5.0	M	B	Tree appears healthy.	Retain.
31	Scots Pine	42	3	5	4	3	17	5.0	M	C	Tree has substantial bark damage from machinery at base. Some deadwood and snags apparent.	Retain.
32	Scots Pine	39	5	5	5	4	18	4.7	M	B	Some deadwood and snags apparent but tree appears healthy.	Retain.
33	Scots Pine	29	2	2	2	2	17	3.5	M	B	Tall, thin tree. Base buried in soil pile.	Retain.
34	Scots Pine	33	2	3	2	2	17	4.0	M	B	Tree has a slight lean east but appears healthy.	Retain.
35	Scots Pine	34	3	1	3	3	18	4.1	M	B	Tree appears healthy.	Retain.
36	Scots Pine	33	3	4	2	2	17	4.0	M	B	Tree is twin-stemmed from 7 m, appears healthy.	Retain.
37	Scots Pine	37	4	2	3	3	17	4.4	M	B	Tree appears healthy.	Retain.
38	Scots Pine	35	3	2	3	2	17	4.2	M	B	Tree appears healthy.	Retain.

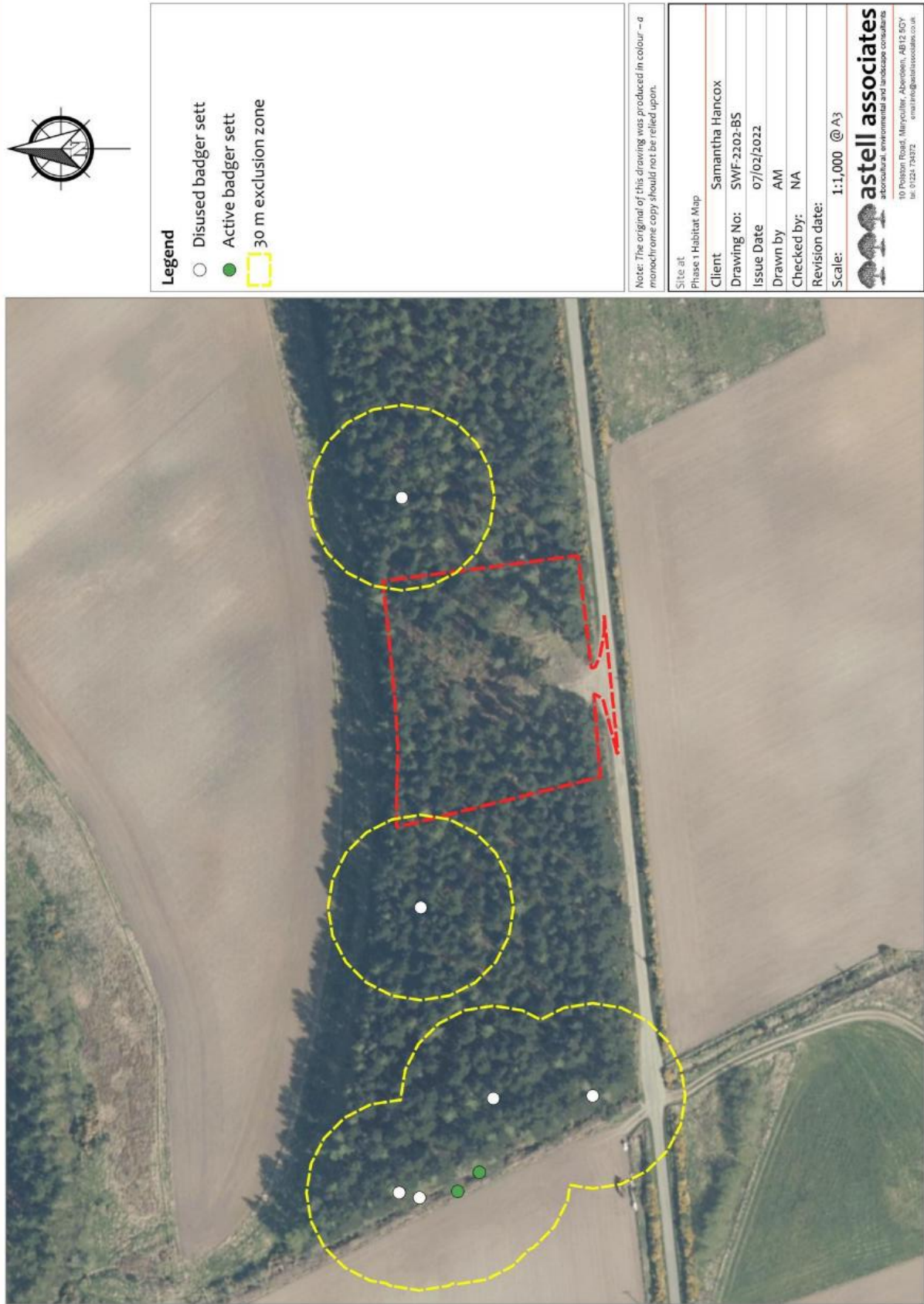


No	Species	Dia at 1.5m (cm)	Canopy Radius (m)				Height (m)	RPA (m)	Age	Class	Description	Action
			N	S	E	W						
39	Scots Pine	28	4	2	3	2	17	3.4	M	B	Tree appears healthy.	Retain.
40	Scots Pine	29, 11	3	3	3	3	17	3.7	M	B	Tree is twin-stemmed from base. Small north limb has died. Base buried in soil pile.	Retain.
41	Scots Pine	32	1	3	3	2	17	3.8	M	B	Tree is twin-stemmed from 6 m. Tree appears healthy.	Retain.
42	Scots Pine	40	5	3	6	2	17	4.8	M	B	Canopy mainly one-sided to north and east, appears healthy.	Retain.
43	Scots Pine	39	4	4	3	5	17	4.7	M	B	Tree appears healthy.	Retain.
44	Scots Pine	27	2	3	2	2	16	3.2	M	B	Tall, thin tree, leans southeast, appears healthy.	Retain.
45	Scots Pine	42	5	1	4	4	18	5.0	M	B	Canopy mainly one-sided to north, appears healthy.	Retain.
46	Scots Pine	34	2	3	3	3	17	4.1	M	B	Tree appears healthy.	Retain.
47	Scots Pine	26	2	2	2	2	17	3.1	M	B	Base buried by soil pile, appears healthy.	Retain.
48	Scots Pine	36	4	4	4	4	15	4.3	M	B	Tree appears healthy.	Retain.
49	Scots Pine	28	2	3	5	1	17	3.4	M	C	Canopy suppressed to west. Deadwood and snags apparent.	Retain.
50	Scots Pine	31	2	2	2	2	15	3.7	M	C	Tree leans northwest. Base buried in soil pile.	Fell for development.
51	Scots Pine	40	3	2	5	2	17	4.8	M	B	Tree appears healthy.	Fell for development.
52	Scots Pine	47	3	4	5	3	18	5.6	M	B	Canopy suppressed to north and east. Some old bark damage on east side at 1.8 m, appears healthy.	Fell for development.
53	Larch	39	2	5	5	3	22	4.7	M	B	Tree has a slight lean northeast. Canopy mainly one-sided to east, appears healthy.	Fell for development.
54	Scots Pine	37	4	5	4	4	19	4.4	M	B	Tree leans northeast, appears healthy.	Fell for development.
55	Scots Pine	33	4	3	3	0	16	4.0	M	B	Tree has bark damage from machinery on east and south sides at 2 m and 1.7 m respectively. Soil piled at base. Canopy suppressed to west.	Fell for development.
56	Scots Pine	38	4	5	2	2	17	4.6	M	B	Tree has some bark damage on west side at 1 m, appears healthy.	Fell for development.

No	Species	Dia at 1.5m (cm)	Canopy Radius (m)				Height (m)	RPA (m)	Age	Class	Description	Action
			N	S	E	W						
57	Larch	37	3	3	4	2	14	4.4	M	B	Tree has a slight lean northeast, appears healthy.	Retain.
58	Scots Pine	39	1	4	2	2	11	4.7	M	C	Canopy mainly one-sided to south. Various small cavities on east side.	Retain.
59	Scots Pine	42	5	4	3	3	15	5.0	M	B	Tree has a slight lean northeast, appears healthy.	Retain.
60	Scots Pine	45	4	3	3	3	16	5.4	M	B	Tree has a slight lean northeast but appears healthy.	Fell for development.
61	Scots Pine	52	3	4	5	6	18	6.2	M	C	Tree has substantial bark damage from machinery from base to 2.5 m on south side.	Fell for development.
62	Scots Pine	28	3	3	3	2	17	3.4	M	B	Tree appears healthy.	Retain.
63	Scots Pine	30	4	4	5	4	19	3.6	M	B	Tree appears healthy.	Retain.
64	Larch	35	4	3	4	4	21	4.2	M	B	Tree appears healthy.	Retain.
65	Scots Pine	55	6	4	5	5	19	6.6	M	B	Tree has slight bark damage on west side, appears healthy.	Retain.
66	Scots Pine	35	4	4	4	4	19	4.2	M	B	Tree appears healthy.	Retain.
67	Scots Pine	36	4	4	4	4	18	4.3	M	B	Tree appears healthy.	Retain.
68	Scots Pine	29	2	4	4	1	18	3.5	M	B	Canopy suppressed to west but tree appears healthy.	Retain.
69	Scots Pine	34	2	4	5	2	18	4.1	M	B	Tree appears healthy.	Retain.
70	Scots Pine	41	3	4	5	2	17	4.9	M	B	Canopy suppressed to west. Tree appears healthy.	Retain.
71	Scots Pine	33	4	1	3	1	18	4.0	M	C	Tall, thin tree with a mainly one-sided canopy northeast.	Retain.



Appendix B: Plan of Badger Setts in Stratton Woods



Appendix C: Tree Quality Assessment Chart - Adapted from BS: 5837 2012

Table 1: Cascade chart for tree quality assessment				
Category and definition	Criteria (including subcategories where appropriate)			Identification on plan
Category U Trees which cannot be retained long-term (for longer than 10 years)	<ul style="list-style-type: none">Trees that have a serious structural defect which puts them at risk of collapse, including those that will become unviable after removal of other treesTrees that are dead or dyingTrees infected with pathogens which could affect the health and/or safety of nearby trees, or very low-quality trees which suppress trees of better quality <p>NOTE Category U trees can have existing or potential conservation value which might be desirable to preserve.</p>			DARK RED
TREES TO BE CONSIDERED FOR RETENTION				
	1 Mainly arboricultural values	2 Mainly landscape values	3 Mainly cultural values, including conservation	
Category A Trees of high quality and value: in good condition; able to persist for long (a minimum of 40 years).	Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups (e.g. the dominant and/or principal trees within an avenue).	Trees, groups or woodlands of particular visual importance.	Trees, groups or woodlands of significant conservation, historical, or other value (e.g. veteran trees)	LIGHT GREEN
Category B Trees of moderate quality with an estimated remaining life expectancy of at least 20 years	Trees downgraded from category A because of impaired condition (e.g. presence of minor defects, including unsympathetic past management or storm damage).	Collections of trees (in groups or woodlands) with a higher rating than they would have as individuals.	Trees with some conservation or other cultural value	MID BLUE
Category C Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories	Trees present in groups or woodlands, without significantly greater collective landscape value; and/or trees offering low or only temporary landscape benefits	Trees with no conservation or other cultural value	GREY



Appendix D: Tree Life Stages from BS: 5837

Y	Young
SM	Semi-mature
EM	Early-mature
M	Mature
OM	Over-mature
V	Veteran

Appendix E: Drawings

SWF-2202-AA:	Arboricultural Assessment Plan showing existing site layout, positions of all trees, root protection areas, canopy spread and arboricultural assessment.
SWF-2202-TP:	Tree Management and Root Protection Areas Plan showing the proposed development, indicating trees to be felled or retained, root protection areas, canopy spread and tree protection fencing or other tree/root protection measures.

Appendix F: Legislation, Guidance and References

- BS5837:2012 - Trees in relation to design, demolition and construction – Recommendations (BSI, 2012),
- Arboricultural Association Guidance Note 7 Tree Surveys: A Guide to Good Practice Aberdeen Local
- Development Plan Supplementary Guidance: Trees and Woodlands (2017)
- Town and Country Planning (Scotland) Act 1997 (as amended)
- Health & Safety at Work Act 1974
- Construction (Design & Management) Regulations 2015
- Scottish Government Policy on the Control of Woodland Removal



Appendix G: Professional Qualifications

Nigel Astell has been involved in arboriculture for over 40 years. He holds degrees in Botany and Zoology and is a member of the Arboricultural Association and The Chartered Institute of Environmental and Ecological Management.

Aaron Meijer has a BSc in Applied Biology and has worked in the ecology field for several years, both in the UK and in the Netherlands.

Appendix H: Contact Details

Client: Samantha Hancox

Architect: John Wink Design
Midtown of Foudland,
Glens of Foudland,
Huntly,
Aberdeenshire,
AB54 6AR

Environmental Consultant:
Astell Associates
10 Polston Road
Maryculter
Aberdeen
Ab12 5GY
Tel 01224 734372
email: info@astellassociates.co.uk



Appendix I: Protective Barrier & Ground Protection - BS: 5837 - 2012

Figure 2 which is taken from BS: 5837 2012 “Trees in Relation to Design, Demolition & Construction – Recommendations” illustrate the systems to be employed for ensuring an adequate Construction Exclusion Zone about retained trees. Refer to BS: 5837 2012 for more details.

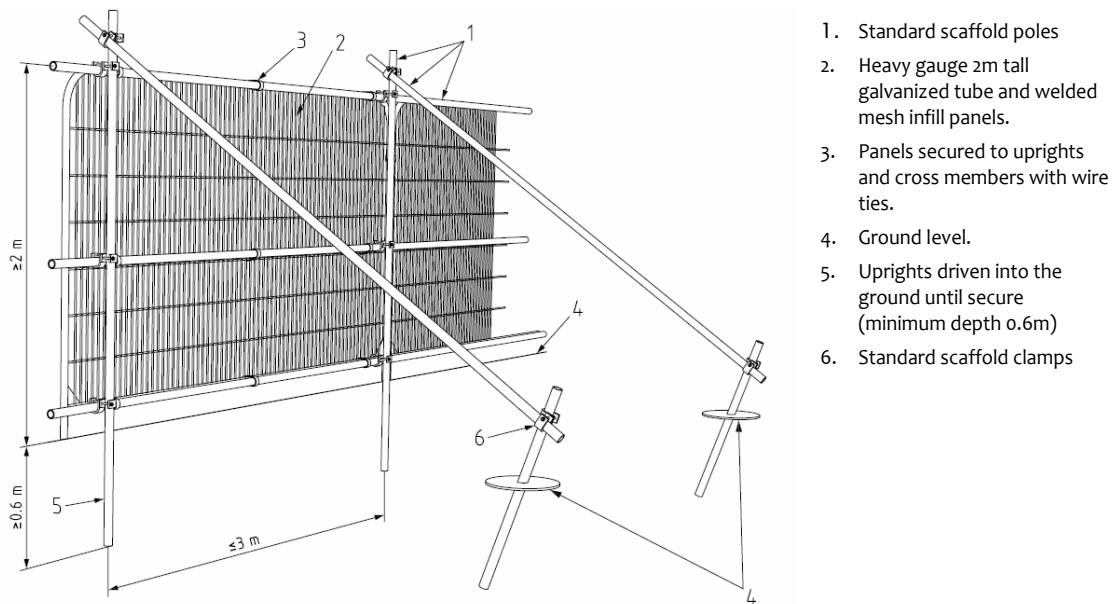


Figure 2: Protective Barrier

Keep Out

Tree Protection Area

Construction Exclusion Zone

No entry to Personnel No dumping of Waste	No Construction Vehicles No Storage of Materials
--	---

All-weather notices should be attached to the barrier with words such as: “CONSTRUCTION EXCLUSION ZONE – NO ACCESS”. An example is shown above.



Developer Obligations & Affordable Housing: ASSESSMENT REPORT



moray
council

Date: 08/11/2021

Reference: 21/01664/PPP

Description: Erect dwellinghouse on Site At
Stratton Wood, Fochabers

Applicant: Mr & Mrs S Hancox

Agent: John Wink Design

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

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

Summary of Obligations

Primary Education	Nil
Secondary Education	Nil
Transport (<i>Contribution towards Demand Responsive Transport-dial-a-bus</i>)	
Healthcare (<i>Contribution towards New Build Health Centre in Fochabers</i>)	
Sports and Recreation	Nil
Total Developer Obligations	
Affordable Housing	
TOTAL	

Breakdown of Calculation

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

3 bed = 1 SRUE

This assessment is therefore based on 1 SRUE.



INFRASTRUCTURE

Education

Primary Education

The pupils generated by this development are zoned to Lhanbryde Primary School. The school is currently operating at 56% physical capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary in this instance.

Contribution towards Primary Education = Nil

Secondary Education

The pupils generated by this development are zoned to Milnes High School. The school is currently operating at 63% capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary in this instance.

Contribution towards Secondary Education = Nil

Transport

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

[REDACTED]

Contributions towards Transport = [REDACTED]

Healthcare

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

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

Fochabers Medical Practice is the nearest GP Practice within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Fochabers Medical Practice is working well beyond design capacity with no room for expansion on existing site and contributions are sought towards a New Build Health Centre.

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

Contribution towards Healthcare= [REDACTED]

Sports and Recreational Facilities

Sports and Recreation Facilities

Existing sports provision within Fochabers is considered to be adequate to serve the needs of the residents anticipated to be generated



by this development. Therefore, in this instance, no contribution will be required.

Contribution for Sports and Recreation Facilities = Nil

AFFORDABLE HOUSING

The average market value of a serviced plot for 1 Affordable Unit within the Elgin local Housing Market Area is [REDACTED]

Contributions are based on 25% of the total number of units proposed in the application:

[REDACTED]

Therefore, the total contribution towards affordable housing is:

1 proposed unit = [REDACTED]

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



TERMS OF ASSESSMENT

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

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

PAYMENT OF CONTRIBUTIONS

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

INDEXATION

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

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



From: Teresa Ruggeri <Teresa.Ruggeri@moray.gov.uk>
Sent: 09 Nov 2021 10:11:34
To: DMSMyEmail@moray.gov.uk
Cc:
Subject: FW: 21/01664/PPP Erect dwellinghouse on Site At Stratton Wood, Fochabers
Attachments: 21-01664-APP Erect dwellinghouse on Site At Stratton Wood, Fochabers.pdf

Hi,

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

Thanks,
Rebecca

Rebecca Morrison | Infrastructure Growth/Obligations Officer (Strategic Planning and Development) | Economic Growth and Development
rebecca.morrison@moray.gov.uk | [website](#) | [facebook](#) | [twitter](#) | [instagram](#) | [news](#)



Consultation Request Notification – Development Plans

Planning Authority Name	Moray Council
Response Date	8th December 2021
Planning Authority Reference	21/01664/PPP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Site At Stratton Wood Fochabers Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133074608
Proposal Location Easting	329958
Proposal Location Northing	858189
Area of application site (M²)	5640
Additional Comments	Agent states no trees to be removed tree survey requested as believe development may impact on trees
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=R17O4DBGIX900
Previous Application	
Date of Consultation	24th November 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Mr & Mrs S Hancox
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	John Wink Design
Agent Organisation Name	
Agent Address	Midtown Of Foudland Glens Of Foudland Huntly Aberdeenshire AB54 6AR
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Fiona Olsen
Case Officer Phone number	01343 563189
Case Officer email address	fiona.olsen@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

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

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

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

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

Please respond using the attached form:-

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

MORAY COUNCIL PLANNING CONSULTATION RESPONSE

From: Development Plans

Planning Application Ref. No: 21/01664/PPP

Erect dwellinghouse on Site At Stratton Wood Fochabers Moray for Mr & Mrs S Hancox

Ward: 04_17 Fochabers Lhanbryde

DETERMINATION - DEPARTURE FROM DEVELOPMENT PLAN

(For Structure/Local Plan Comment)

		Page No	Policy No(s)	Yes	No
1	Departure from Moray Local Development Plan 2015		EP7 Forestry, Woodland and Trees DP4 Rural Housing DP1 Development Principles	X X X	
2	Further Discussion Required				

REASONING FOR THIS DECISION:

POLICY COMMENTS

The application is for planning permission in principle for a single dwellinghouse. The house is located within an area of woodland identified as woodland in the National Forestry Inventory Scotland.

Policy EP7 Forestry, Woodlands and Trees

Policy EP7 c) is informed by and supports the Scottish Government's control of woodland removal policy. Although not located in ancient woodland, the policy states that other woodland development which involves permanent woodland removal will only be permitted where it would achieve significant and clearly defined additional public benefits (excluding housing). The Additional Planning Policy Guidance further clarifies this position and states that Moray Council does not include housing within the definition of public benefits, sustainable economic growth, or rural/community development.

In this instance the proposal for a private residential house does not meet the policy criteria as being an acceptable use to justify the removal of woodland and is contrary to policy.

The applicant has stated that the application site is located within a clearing within the woodland and will not result in the loss of a significant number of trees. The supporting information provided also states that the applicant has a felling licence for the area. However, regardless of the house being potentially located in a clearing with minimal tree loss and having a felling licence, in land use terms the land is identified as woodland where there is a strong policy support in favour of retention making the principle of a change of use to residential contrary to those aims.

As such the application for a residential house would result in the unacceptable change of use and permanent loss of land identified as woodland in the National Forestry Inventory Scotland which is contrary to policy EP7.

DP4 Rural Housing, DP 1 Development Principles

The application site is located within an area of intermediate pressure and therefore any proposal must comply with the siting and design criteria set out in the policy. In terms of this application, the siting of the proposed house has been deemed to be unacceptable as it would result in the permanent loss of woodland which is contrary to Policy EP7.

In losing this woodland the proposal would fail to comply with part 3 of the policy which states that the clear felling of woodland to create plots will not be permitted. As stated above, regardless of the number of trees that may or may not be getting felled as part of the proposal, in land use terms the whole site is identified as woodland where there is strong policy support at a national and local level for it to be retained. Therefore in failing to comply with Policy EP7 the proposal fails to comply with the siting criteria of DP4.

Update

Following on from the previous response (16/12/21) the applicant has provided a tree report and justification for the proposed tree removal. The applicant's justification is that the removal of trees is required 'to allow for sufficient access to the proposed development and for service ducts to be routed from the public road to the house'. While the applicant

may have tried to reduce the number of trees being removed for an access into the site, this does not address or overcome the fundamental policy departures in terms of the siting and inappropriate change of use of land from woodland to residential. The tree survey and additional justification provided by the applicant are insufficient to overcome these significant policy issues in this instance. Furthermore as per the additional policy guidance, the use of compensatory planting is not sufficient justification for woodland removal.

Conclusion

For the reasons set out in this response the proposal represents and inappropriate change of use of land from woodland to residential and fails to comply with Policies EP7, DP4, and DP1 as it will result in the permanent loss of this woodland resource.

Contact: Keith Henderson

Date 2/3/22

email address: keith.henderson@moray.gov.yj

Phone No

Consultee: Development Plans

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

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

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	16th November 2021
Planning Authority Reference	21/01664/PPP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Site At Stratton Wood Fochabers Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133074608
Proposal Location Easting	329958
Proposal Location Northing	858189
Area of application site (M²)	5640
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=R17O4DBGIX900
Previous Application	
Date of Consultation	2nd November 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Mr & Mrs S Hancox
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	John Wink Design
Agent Organisation Name	
Agent Address	Midtown Of Foudland Glens Of Foudland Huntly Aberdeenshire AB54 6AR
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Fiona Olsen
Case Officer Phone number	01343 563189
Case Officer email address	fiona.olsen@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

two month determination period to be exceeded.
--

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 21/01664/PPP

Erect dwellinghouse on Site At Stratton Wood Fochabers Moray for Mr & Mrs S Hancox

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

Please

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

Condition(s)

1. No development shall commence until:

- (i) a detailed drawing (scale 1:500 or 1:1000 which shall also include details to demonstrate control of the land) showing the visibility splay 2.4 metres by 160 metres in both directions, with all boundaries set back to a position behind the required visibility splay, and a schedule of maintenance for the splay area has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority; and
- (ii) thereafter the visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and
- (iii) thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.

Reason: To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit, in the interests of road safety for the proposed development and other road users through the provision of details currently lacking.

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

future charging unit; and thereafter the EV charging infrastructure shall be provided in accordance with the approved drawing and details prior to the first occupation of the dwelling house.

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

3. No development shall commence until a detailed drawing (scale 1:500) showing the location and design of a passing place on the section of the U20E Barentinan Road or the U21E Millhill Road (to the Moray Council standards and specification), has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority; and thereafter the passing place shall be constructed in accordance with the approved drawing prior to any development works commencing (except for those works associated with the provision of the passing place).

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

4. Prior to the first occupation of the dwelling house, the first 5m of the access track, measured from the edge of the public carriageway, shall be constructed to the Moray Council specification and surfaced with bituminous macadam. The width of the vehicular access shall be minimum 3.5 metres, and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway.

Reason: To ensure acceptable infrastructure at the development access.

5. Notwithstanding the submitted details prior to the first occupation of the dwelling house, an access lay-by 8.0m long by 2.5m wide with 30 degrees splayed ends shall be provided at the edge 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.

Reason: To enable visiting service vehicles to park clear of the public road in the interests of road safety.

6. Any existing ditch, watercourse or drain under the site access shall be piped using a suitable diameter of pipe, agreed with the Roads Maintenance Manager (300mm minimum). The pipe shall be laid to a self-cleansing gradient and connected to an outfall.

Reason: To ensure the construction of an acceptable access in the interests of road safety and effective drainage infrastructure.

7. Parking provision shall be as follows:

- 2 spaces for a dwelling with two or three bedrooms; or
- 3 spaces for a dwelling with four bedrooms or more.

The car parking spaces shall be provided within the site prior to the occupation or completion of the dwelling house, whichever is the sooner. The parking spaces shall

thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the permanent availability of the level of parking necessary for residents/visitors/others in the interests of an acceptable development and road safety.

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

Reason: To ensure the provision for vehicles to enter/exit in a forward gear in the interests of the safety and free flow of traffic on the public road

9. No water shall be permitted to drain or loose material be carried onto the public carriageway.

Reason: 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.

10. New boundary walls/fences shall be set back from the edge of the public carriageway at a minimum distance of 2.0m and to a position behind the required visibility splays.

Reason: To ensure acceptable development in the interests of road safety.

Further comment(s) to be passed to applicant

The formation of the required visibility splay will involve the removal of gorse and vegetation.

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

The provision of Electric Vehicle (EV) chargers and/or associated infrastructure shall be provided in accordance with Moray Council guidelines. Cabling between charging units and parking spaces must not cross or obstruct the public road including footways. Infrastructure provided to enable EV charging must be retained for this purpose for the lifetime of the development unless otherwise agreed in writing by the Planning Authority. Guidance on Electric Vehicle (EV) Charging requirements can be found at:
<http://www.moray.gov.uk/downloads/file134860.pdf>

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

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

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

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

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

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

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

Date 18 November 2021

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

Consultee Comments for Planning Application 21/01664/PPP

Application Summary

Application Number: 21/01664/PPP

Address: Site At Stratton Wood Fochabers Moray

Proposal: Erect dwellinghouse on

Case Officer: Fiona Olsen

Consultee Details

Name: Mr CL Consultations

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

Email: Not Available

On Behalf Of: Contaminated Land

Comments

Approved unconditionally

Consultee Comments for Planning Application 21/01664/PPP

Application Summary

Application Number: 21/01664/PPP

Address: Site At Stratton Wood Fochabers Moray

Proposal: Erect dwellinghouse on

Case Officer: Fiona Olsen

Consultee Details

Name: Mr EH Consultations

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

Email: Not Available

On Behalf Of: Environmental Health C12

Comments

Approved unconditionally by Russell Anderson

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Moray Flood Risk Management

Planning Application Ref. No: 21/01664/PPP

Erect dwellinghouse on Site at Stratton Wood Fochabers Moray for Mr & Mrs S Hancox

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

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

Contact:	Javier Cruz	Date..... 04/11/2021
email address:	Javier.cruz@moray.gov.uk	Phone No
Consultee:	The Moray Council, Flood Risk Management	

Wednesday, 03 November 2021



Local Planner
Development Services
Moray Council
Elgin
IV30 1BX

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

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



Dear Customer,

Site At Stratton Wood Fochabers, Fochabers, IV32 7LN
Planning Ref: 21/01664/PPP
Our Ref: DSCAS-0052099-M6N
Proposal: Erect dwellinghouse on

Please quote our reference in all future correspondence

Audit of Proposal

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

Water Capacity Assessment

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

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

Waste Water Capacity Assessment

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

Please Note

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

Surface Water

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

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

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

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

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

▶ Non Domestic/Commercial Property:

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

▶ Trade Effluent Discharge from Non Dom Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which

prevent food waste, fat oil and grease from being disposed into sinks and drains.

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

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

Yours sincerely,

Pamela Strachan

Development Services Analyst

Tel: 0800 389 0379

planningconsultations@scottishwater.co.uk

Scottish Water Disclaimer:

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

REPORT OF HANDLING

Ref No:	21/01664/PPP	Officer:	Fiona Olsen
Proposal Description/ Address	Erect dwellinghouse on Site At Stratton Wood Fochabers Moray		
Date:	29.03.2022	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	03/11/21	No Objections
Contaminated Land	11/11/21	No Objections
Transportation Manager	18/11/21	No Objections subject to conditions and informatives
Scottish Water	03/11/21	No Objections
Strategic Planning And Development	02/03/22	<p>The proposal for a private residential house does not meet the criteria of policy EP7 as being an acceptable use to justify the removal of woodland and is contrary to policy. The application would result in the unacceptable change of use and permanent loss of land identified as woodland under the National Forestry Inventory Scotland.</p> <p>The proposal must also comply with the siting and design criteria set out within DP4. The siting of the proposed house has been deemed to be unacceptable as it would result in the permanent loss of woodland which is contrary to Policy EP7. Regardless of the number of trees that may or not be felled as part of the proposal, in land use terms the whole site is identified as woodland and there is strong policy support at a national and local level for it to be retained. In failing to comply with policy EP7, the proposal also fails to comply with the siting criteria of DP4.</p>

Moray Flood Risk Management	04/11/21	No Objections
Planning And Development Obligations	08/11/21	Contributions Sought

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
DP1 Development Principles		See below
DP4 Rural Housing		See below
EP7 Forestry Woodland and Trees		See below
EP12 Management and Enhancement Water	N	Complies
EP13 Foul Drainage	N	Complies
EP14 Pollution Contamination Hazards	N	Complies

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received: ONE		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
<p>Issue: All wildlife, flora and fauna on each site must be protected</p> <p>Comments (PO): This is an application for planning permission in principle for a new house in an area designated as woodland. The proposal does not comply with planning policy as it would result in the permanent loss of woodland for housing and as such will be refused.</p> <p>In terms of protected species, a tree survey report has been submitted which outlines that none of the surveyed trees had bat roosting potential, when surveyed from ground level and that there are no active badger setts within 30m or close by the development site.</p> <p>Issue: Fauna will be present on each site and must be protected the same as wildlife.</p> <p>Comments (PO): Again, the proposal does not comply with planning policy as it would result in the permanent loss of woodland for housing and as such will be refused.</p>		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

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

Proposal

The application seeks planning permission in principle to erect a new dwellinghouse and associated services.

Site

The site is clearing with in an existing parcel of woodland, designated under the National Forest Inventory 2018 as 'conifer'.

The site is bound by woodland (also designated as the same) to the east and west and of the site. An area of farmland lies to the north. Finally the site is bound by the public road to the south.

There is no planning history on the site.

Policy Assessment (MLDP 2020)

Siting (DP1, DP4, EP7)

Policy DP4 refers to new housing in the open countryside and outlines the siting criteria for sites within areas of intermediate pressure. Parts 1 and 2 of the siting criteria outlined under DP4 require that there must be existing landform, mature trees, established woodland or buildings to provide acceptable enclosure and backdrop to the new house. It also must not create ribbon development or contribute to a build-up of new housing in the countryside. Parts 3 and 4 require that clear felling woodland to create plots will not be permitted and that 15% of any plot must be landscaped with native tree species of at least 1.5metres in height.

Policy DP1 requires that the scale density and character of all development must be appropriate to the surrounding area.

Policy EP7 outlines that woodland development which involves permanent woodland removal will only be permitted where it would achieve significant and clearly defined additional public benefits (excluding housing). The Additional Planning Policy Guidance further clarifies this position and states that Moray Council does not include housing within the definition of public benefits, sustainable economic growth, or rural/community development. For the purposes of policy EP7, "woodland removal" is defined as the permanent removal of 0.1 hectares or more of woodland, for the purposes of conversion to another type of land use.

The existing mature woodland in the northern, eastern and western parts of the site would provide acceptable enclosure and backdrop for a new house. A consented house lies to the north-east of the site (20/00350/APP and 21/01031/APP refers), the former being granted under the Moray Local Development Plan 2015 and the latter being granted whilst the former consent was still live. The proposed plot, when taken with the consented nearby plot would not give rise to ribbon development nor be considered to contribution to a build-up of new housing in the countryside. However, whilst the proposal to erect a dwellinghouse on this site would meet the siting criteria of parts 1 and 2, part 3 would not be met.

Part 3 states that the clear felling of woodland to create house plots will not permitted. It is noted that trees have previously been removed on site, prior to the planning application being submitted. A tree survey has been undertaken and the tree survey report submitted outlines that out of a total of 71 trees surveyed on site, 9 would be removed in order to form the proposed house plot. However, regardless of the number of trees intended to be removed in order to erect the house and associated services, the whole site is identified as woodland. Woodland comprises not only trees but the ground vegetation and soils in which trees sit. The proposal to change the use of the woodland to a house plot would fail to comply with policy EP7 as it would result in the permanent loss of land identified as woodland under the National Forestry Inventory Scotland.

The proposal must also comply with the siting and design criteria set out within DP4. Regardless of the number of trees that may or not be felled as part of the proposal, in land use terms the whole site is identified as woodland and there is strong policy support at a national and local level for it to be retained. Therefore, in failing to comply with policy EP7, the proposal also fails to comply with the siting criteria of DP4.

The agent has stated that the tree removal is required "to allow for sufficient access to the proposed development and for service ducts to be routed from the public road to the house". While the applicant may have tried to reduce the number of trees being removed for an access into the site, this does not address or overcome the fundamental policy departures in terms of the siting and inappropriate change of use of land from woodland to residential. It should also be outlined that only where woodland removal would achieve 'significant and clearly defined additional public benefits (excluding housing)' would it be eligible for removal and compensatory planting. This change of use of the woodland to residential does not meet the criteria for woodland removal and therefore, compensatory planting would not be considered. The tree survey and additional justification provided by the applicant are also insufficient to overcome these significant policy issues in this instance and therefore the proposal would not comply with the siting requirements of policies DP1 and DP4 as it would result in the permanent loss of woodland which is unacceptable in terms of policy EP7.

Design and Materials (DP1, DP4)

This is an application for Planning Permission in Principle only and therefore should the application be approved, the design and materials of the proposed house would be matters specified in conditions, to be assessed as part of a further application. These conditions would need to ensure that the design requirements of policies DP1 and DP4 were met.

Amenity, Landscaping and Trees (DP1, DP4)

Policy DP1 requires that the scale, density and character of all development be appropriate to the surrounding area, be integrated into the surrounding landscape and not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity. Policy DP4 requires that 15% of new house plot must be landscaped with native tree species to assist the development to integrate sensitively.

If the application were to be approved, boundary treatments and landscaping would be matters controlled by condition.

Access & Parking (DP1)

Moray Council Transportation Section have been consulted and have raised no objections subject to a series of conditions and informatives to be added to any final consent and therefore proposal would be considered acceptable in terms of the access and parking requirements of policy DP1.

Drainage & Water Supply (DP1, EP12, EP13)

Details of a foul water treatment and soakaway are shown on the submitted plans. A Drainage Report has been submitted which describes the proposed drainage arrangements and testing undertaken to ensure the site can be adequately drained. Moray Flood Risk Management have been consulted on the application and have raised no objections, however further details would require to be provided upon receipt of a full planning application.

It is proposed to connect the dwellinghouse to the public water supply. Scottish Water have been consulted and have raised no objections.

Therefore the proposal would meet the drainage and water supply requirements of policy DP1, EP12 and EP13.

Should the application be approved the agreed drainage design would also require to be a matter controlled by condition.

Developer Obligations and Affordable Housing (PP3, DP2)

A Developer Obligation towards transport and healthcare is sought as part of the application. An affordable housing contribution is also sought. The applicant has confirmed willingness to pay both of these, should the application be approved.

Recommendation

The proposal for a new house on this site would not comply with the siting requirements of policies DP1 and DP4 and would result in the permanent loss of woodland which is unacceptable in terms of policy EP7 and refusal is recommended.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description		
	Decision		Date Of Decision

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	No Premises	25/11/21	
PINS	No Premises	25/11/21	

DEVELOPER CONTRIBUTIONS (PGU)

Status	N/A
--------	-----

DOCUMENTS, ASSESSMENTS etc. *

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

Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Drainage Report (07/10/2021)	
Main Issues:	Outlines testing and calculations undertaken to confirm ground suitability for both surface and foul water soakaways. Foul water will be directed to a packaged treatment plant before being directed to a sub-surface soakaway.	

S.75 AGREEMENT

Application subject to S.75 Agreement		NO
Summary of terms of agreement:		
Location where terms or summary of terms can be inspected:		

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)			
Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			



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

REFUSAL OF PLANNING PERMISSION

**[Fochabers Lhanbryde]
Planning Permission in Principle**

TO



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 Stratton Wood Fochabers Moray

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

Date of Notice: **30 March 2022**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

Economy, Environment and Finance
Moray Council
PO Box 6760
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 for a new house on this site would not comply with the siting requirements of policies DP1 and DP4 and would result in the permanent loss of woodland which is unacceptable in terms of policy EP7 and refusal is recommended.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
2518-001		Location plan
2518-020	B	Site plan
SWF-2202-TP		Tree protection and management
SWF-2202-AA		Arboricultural assessment

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

Revised site plan submitted to show proposed tree removal.

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

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



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 0300 1234561 Email: development.control@moray.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100477701-003

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.

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

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

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Mrs"/>	Building Name:	<input type="text" value="c/o John Wink Design"/>
First Name: *	<input type="text" value="S"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Hancox"/>	Address 1 (Street): *	<input type="text" value="Midtown of Foudland"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Glens of Foudland"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Huntly"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Aberdeenshire"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB54 6AR"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="planning@johnwinkdesign.co.uk"/>		

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

Please identify/describe the location of the site or sites

<input type="text" value="Land at Stratton Wood, Fochabers"/>

Northing	<input type="text" value="858191"/>	Easting	<input type="text" value="330055"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erect dwellinghouse on Site At Stratton Wood Fochabers Moray

Type of Application

What type of application did you submit to the planning authority? *

- ☐ Application for planning permission (including householder application but excluding application to work minerals).
- ☒ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

please see supporting documents attached.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

2518-001 Location plan 2518-020 B Site plan SWF-2202-TP Tree protection and management SWF-2202-AA Arboricultural assessment

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/01664/PPP

What date was the application submitted to the planning authority? *

19/10/2021

What date was the decision issued by the planning authority? *

30/03/2022

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr John Wink

Declaration Date: 28/06/2022



Notice of Review

21/01664/PPP
Site At Stratton Wood
Fochabers

Notice of Review

Planning Reference: 21/01664/PPP

Erect dwellinghouse on Site At Stratton Wood Fochabers Moray

We seek a review on the above noted application as we believe the proposal complies with Moray Local Development Plan 2020 Policy DP1 Development Principles, DP4 Rural Housing and EP7 Forestry Woodland & Trees as outlined in the report of handling.

The refusal is for the following reasons:

The proposal for a new house on this site would not comply with the siting requirements of policies DP1 and DP4 and would result in the permanent loss of woodland which is unacceptable in terms of policy EP7 and refusal is recommended.

DP4 Rural Housing

d) New Houses in the Open Countryside

The proposed dwelling is not within a pressurised or sensitive area and should therefore be assessed under the criteria for areas of intermediate pressure.

1. There must be existing landform, mature trees, established woodland or buildings of a sufficient scale to provide acceptable enclosure, containment and backdrop for the proposed new house. These features must be immediately adjoining the site (i.e. on the boundary). Fields drains, ditches, burns, post and wire fencing, roads and tracks do not provide adequate enclosure or containment.

The proposed site is surrounded by mature trees in an established woodland providing containment and a suitable backdrop for the proposed dwelling. There is an existing woodland track to the south of the site with the public road running from east-west along the southern boundary of the site.

2. The new house must not create ribbon development, contribute to an unacceptable build-up of housing or detrimentally alter the rural character of an area due to its prominent or roadside location.

The proposed site is expected to enhance the character of the area as the applicant/landowner will regularly maintain and provide security in the existing woodland. It is also expected to enhance the area which is enjoyed by local walkers.

A dwelling was previously approved at Stratton Woods under application 20/00350/FUL (approved 27th May 2020) where the planning documents note:

The proposal satisfies the siting/enclosure requirements of policy H7 in that the site is bounded on three sides by mature woodland. Given the secluded nature of the site, the proposed house will have minimal impact on the character of the surrounding countryside.

This site is approximately 100m away and is considered to have minimal impact on the surrounding area as per this application. There was a further application approved for the change of house type on 13th September 2021. The proposed dwelling should be considered to have minimal impact also.

3. Artificial mounding, cut and fill and/or clear felling woodland to create plots will not be permitted. 4. 15% of the plot must be landscaped with native tree species (whips and feathered trees at least 1.5 metres in height, planted at a density of 1 per 4 sqm) to assist the development to integrate sensitively. Landscaping must be set back from the public road to ensure sightlines are safeguarded, a safe distance from buildings and positioned to maximise solar gain.

The proposed dwelling sits within a clear area of woodland approximately 0.1ha where the trees were previously removed under a felling license granted by Scottish Forestry as part of the Forest

Management Plan. Additional planting within the proposed site will enhance the biodiversity of the site.



EP7 Forestry Woodland & Trees

a. Moray Forestry and Woodland Strategy

The council will consult Scottish Forestry on proposals which are considered to adversely affect forests and woodland. Development proposals must give consideration to the relationship with existing woodland and trees including shading, leaf/needle cast, branch cast, wind blow, water table impacts and commercial forestry operations.

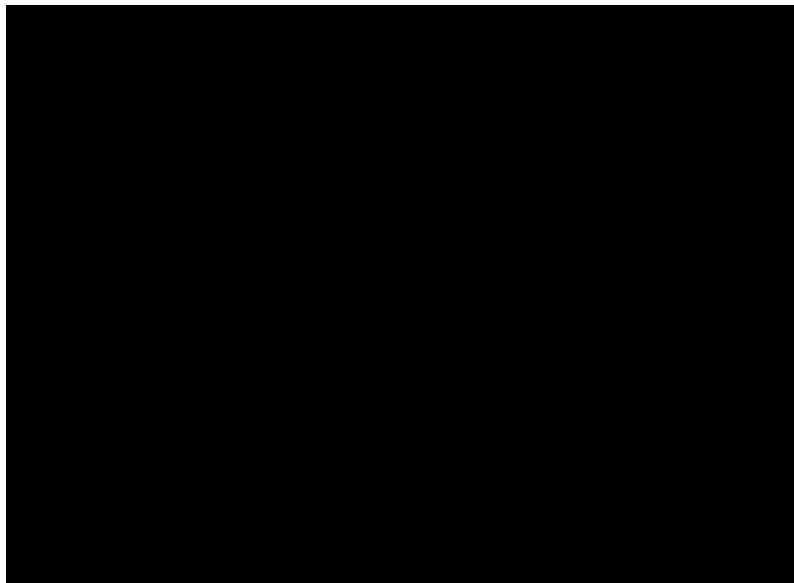
b. Tree Retention & Survey

Proposals must retain healthy trees and incorporate them within the proposal unless it is technically unfeasible to retain these. Where trees exist on or bordering a development site, a tree survey, tree protection plan and mitigation plan must be provided with the planning application if the trees or trees bordering the site (or their roots) have the potential to be affected by development and construction activity. Proposals must identify a safeguarding distance to ensure construction works, including

access and drainage arrangements, will not damage or interfere with the root systems in the short or longer term. A landscaped buffer may be required where the council considers that this is required to maintain an appropriate long term relationship between proposed development and existing trees and woodland

The proposed dwelling sits within a clear area of woodland approximately 0.1ha where the trees were previously removed under a felling license granted by Scottish Forestry as part of the Forest Management Plan.

The photograph below shows there is adequate clear space for the proposed dwelling without disturbing the surrounding trees and out with the root protection area identified in the tree survey report.



The site plan shows all existing trees remaining and the area of natural clearing due to windfall and permitted tree maintenance accommodating the proposed dwelling, the drainage requirements and the meandering site access.

c. Control of Woodland Removal

In support of the Scottish Government's Control of Woodland Removal Policy, Woodland removal within native woodlands identified as a feature of sites protected under Policy EP1 or woodland identified as Ancient Woodland will not be supported.

The site is not located within the Native woodland survey or ancient woodland inventory and therefore meets the requirements of this policy.



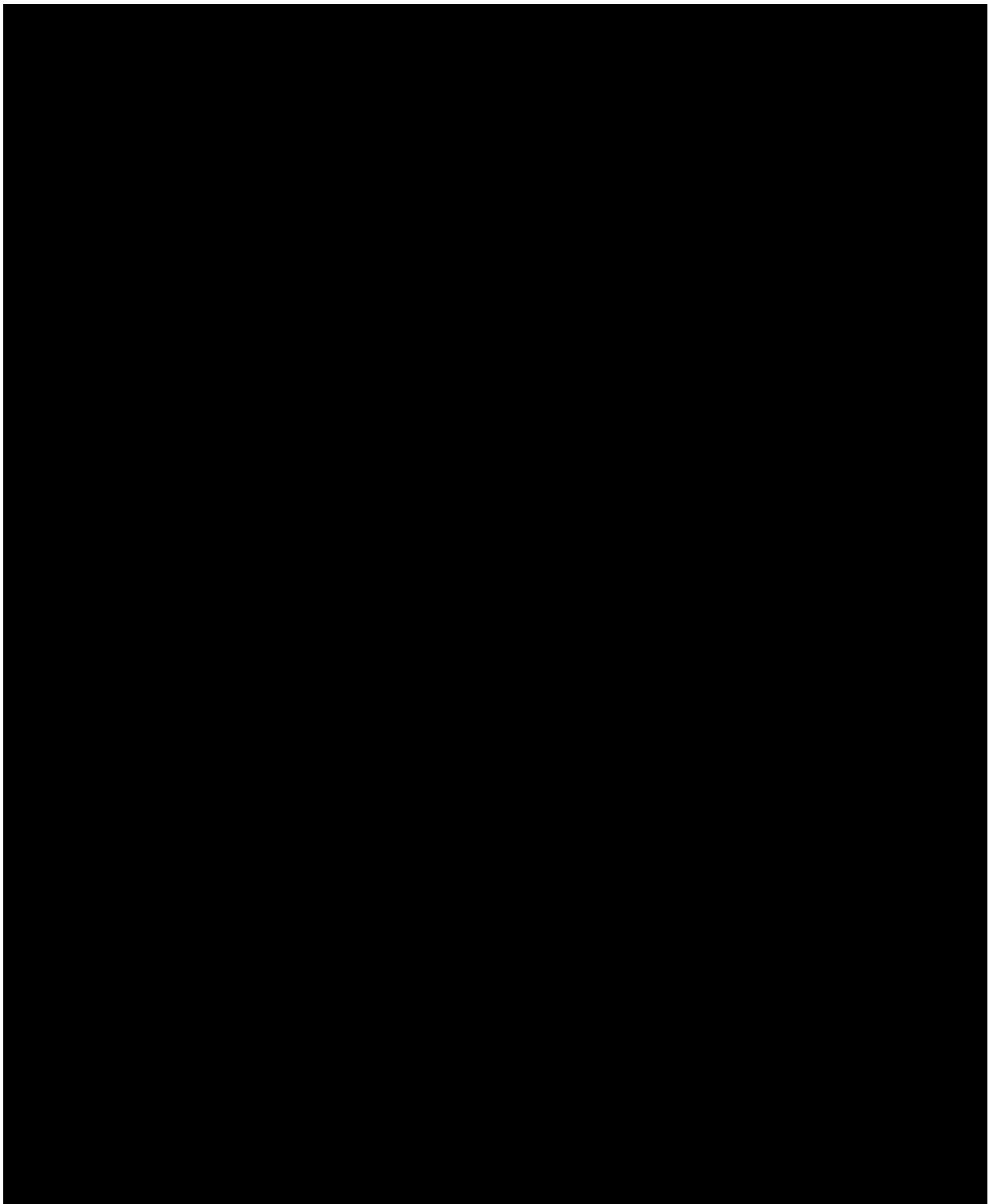
Ancient Woodland Inventory

d. Compensatory Planting

Where trees or woodland are removed in association with development, developers must provide compensatory planting to be agreed with the planning authority either on site, or an alternative site in Moray which is in the applicant's control or through a commuted payment to the planning authority to deliver compensatory planting and recreational greenspace

[REDACTED]

The compensatory site is adjacent to the Trailhead car park which serves existing walking paths at Bridgehead, Cabrach - 18/01467/APP | Formation of Trailhead car park to serve existing walking paths at | Bridgehead Cabrach Moray.



Strategic placement of indigenous tree species and hedges will create corridors with the existing trees and hedgerows surrounding the site.

[Redacted text block consisting of three lines]

Antisocial behaviour

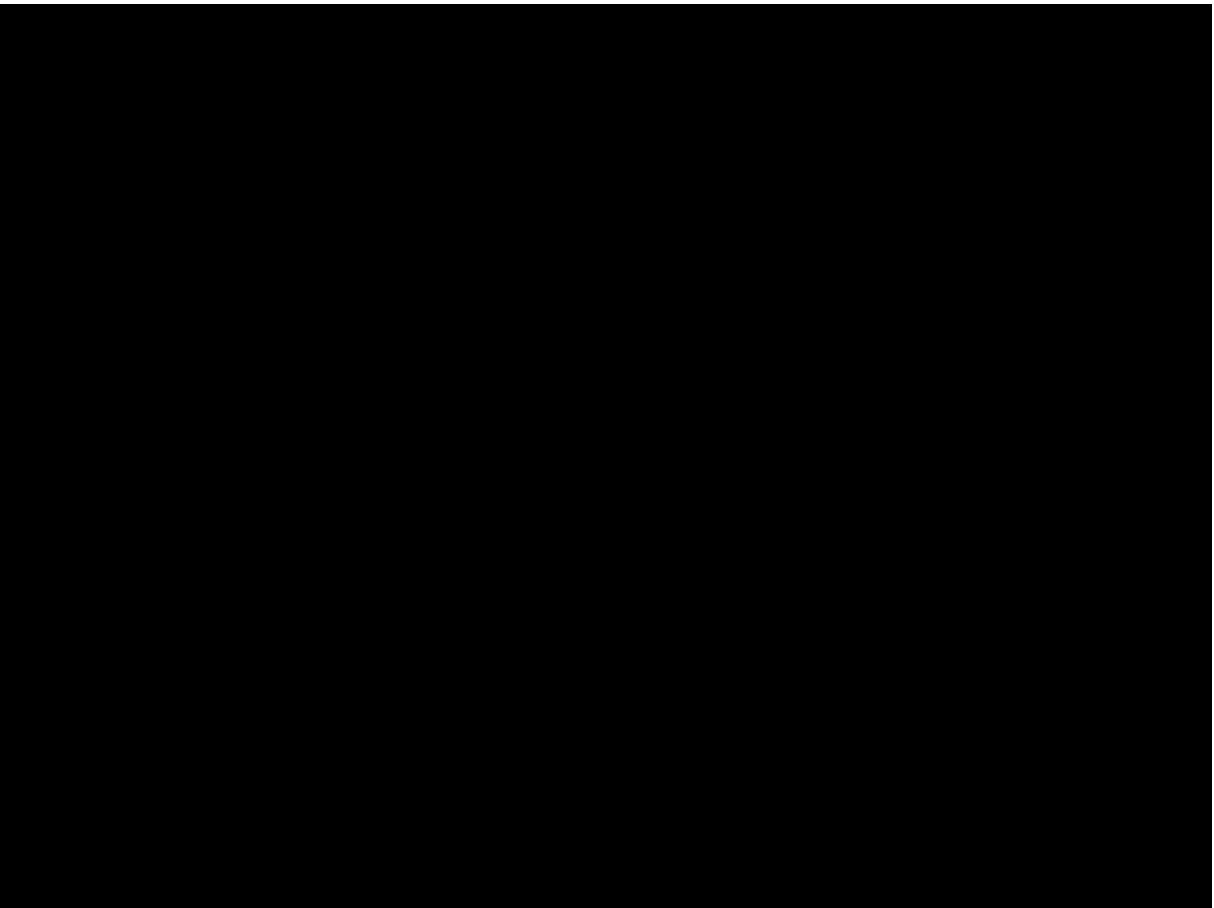
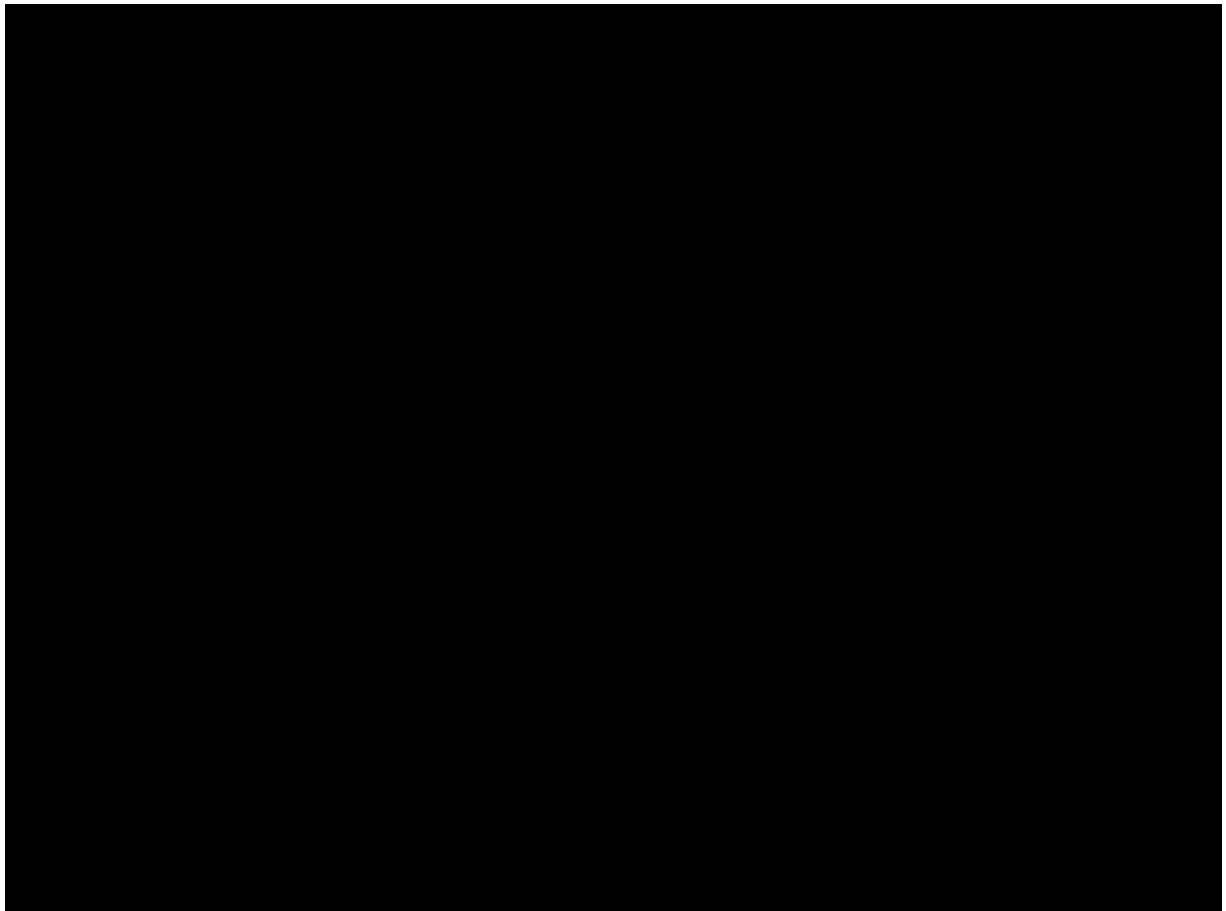
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]


[REDACTED]



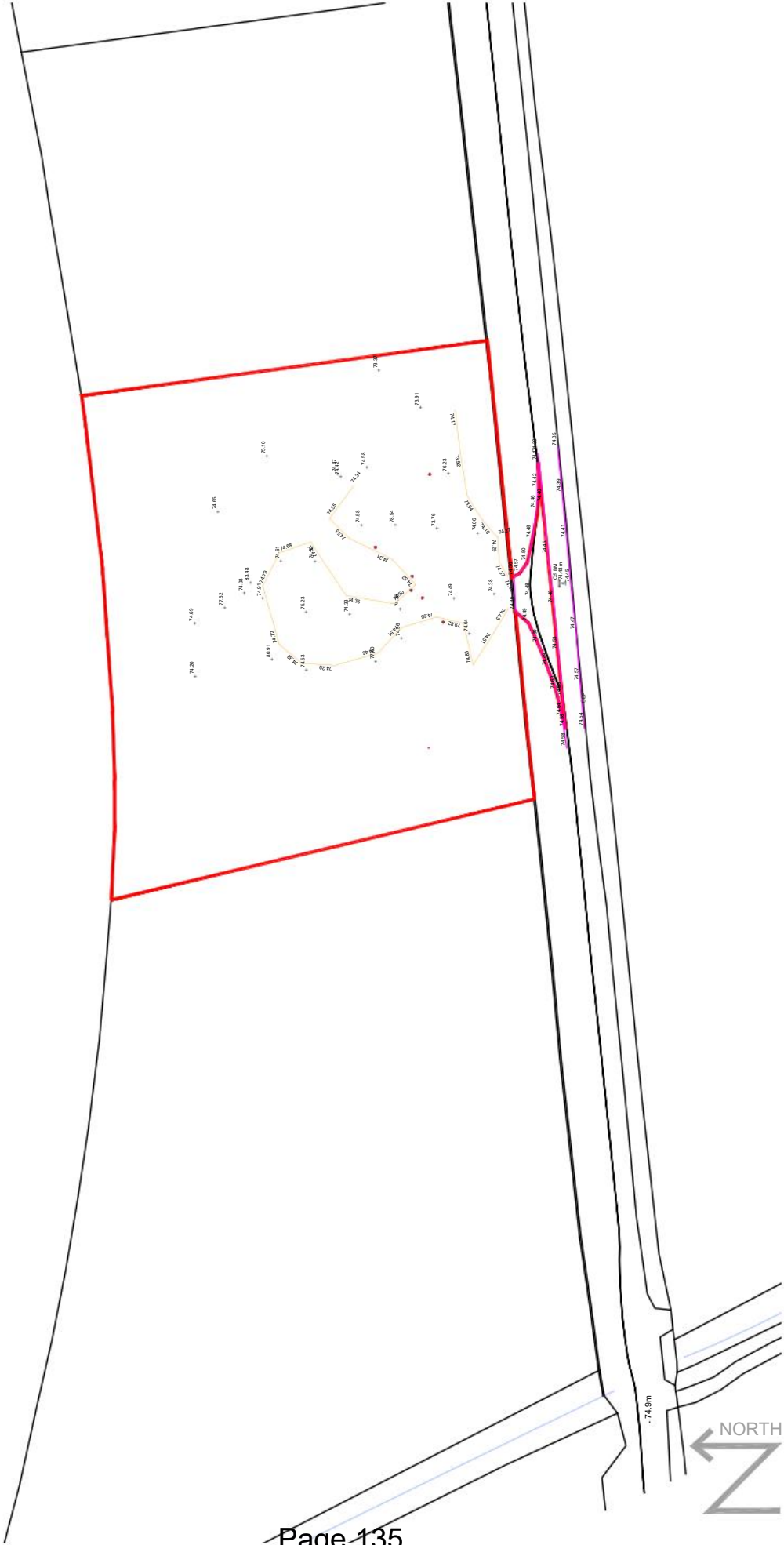


Conclusion

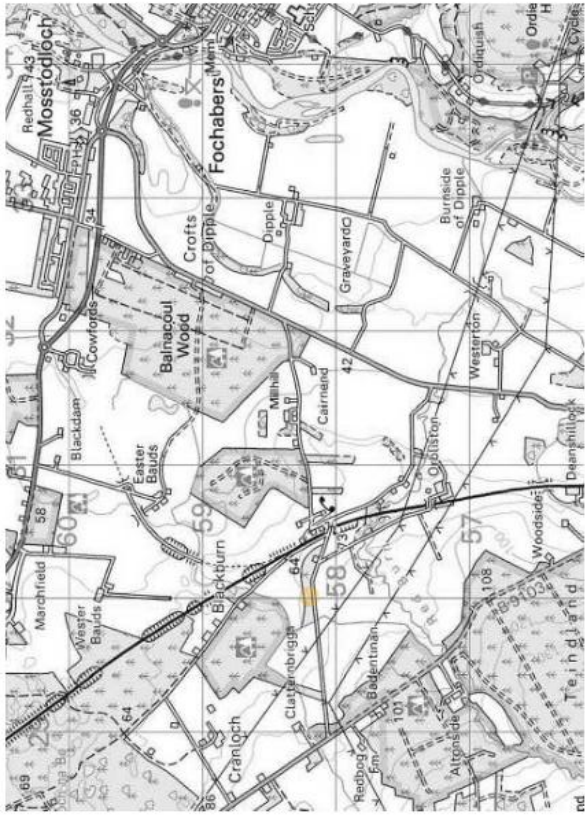
In summary, we would ask that you support the application for the following reasons:

1. Due to the constraints of building within mature woodland area the proposed dwellinghouse will be located within an existing clearing.
2. The site is not located within an area of ancient woodland.
3. Constant fly tipping on the site will be deterred by a permanent presence on site and improve the quality of the environment for users and wildlife.
4. 

Rev.	Details:	Date:	By:



Site Plan
Scale 1:1,000



OS map
Scale nts

Site Area

- 5,640m²
- 1.39 acres
- 0.564 hectares



Existing Photographs

Project Development at, Land at Stratton Wood, Fochabers, IV32 7LN		For Mr & Mrs S Hancox	
Drawing Existing Site plan & photographs			
Scale	As noted @ A3	Date	July 2021
Revision	-	Orig No	2518-001
t-01464 84113 e-office@johnwinkdesign.co.uk Midtown of Foudland Glens of Foudland Huntly Aberdeenshire AB54 6AR			
<small>Note Dimensions must not be scaled from this drawing. If in any doubt - ask! All dimensions to be checked prior to work commencing or prior to any components being manufactured. Any discrepancy to be reported. All work and material to comply fully with all current British Standards Codes of Practice, building regulations, IEE regulations and all HSE acts.</small>			
This drawing is copyright of John Wink Design. ©			

JOHN WINK
DESIGN

CHARTERED
PRACTICE

Rev	Details	By	Date
A	Plan updated from aerial Associates survey & report	JK	Feb 22
B	Replacement planting & maintenance scheme added	KU	Feb 22



Landscape Notes

New Trees
New trees to be felled for development to be replaced with 1600 trees of native species.

Trees to be Planted
New trees to be felled for development to be replaced with 1600 trees of native species. New trees (heavy standard) to be staked and tied at the base and positioned as shown on layout drawing.

Root Protection
Root protection area to be established along the limit of the tree root protection area to protect the remaining trees on site. Tree works should be carried out between November and March (ensuring nesting birds are not present).

Planting
Planting of small to medium sized native trees appropriate to a garden setting such as rowan, birch and cherry should be planted on a two to one basis for all trees removed and there are several suitable sites on the plot that will provide nature screening between dwellings as indicated.

Maintenance

1. Weed killing, annually for first 3 years apply an approved herbicide to the area.
2. 1.0m diam. Area surrounding every new tree annually.
3. Until removed ensure that all trees are securely attached to stakes
4. All plants not established in first year to be replaced the following year.
5. New saplings, in 5 years time, remove any remaining stakes and tubes.
6. Remove any dead trees following first planting season and dig over area for new saplings.
7. Plant any replacement trees to original specification and type, following the first growing season after planting. Check trees for any sign of disease and treat as appropriate.
8. Water all new trees for first 3 years.
9. Water all new trees (particularly in first season following planting) as required during dry periods.



OS map
Scale 1:10,000

Site Area

- 5.640m²
- 1.39 acres
- 0.564 hectares

Project

Proposed Dwellinghouse at,
Land at Stratton Wood,
Fochabers,
IV32 7LN

For Mr & Mrs S Hancox

Drawing

Proposed Site Plan

Scale

As noted @ A1

Date

August 2021

Revision

B

Day No

2518-020

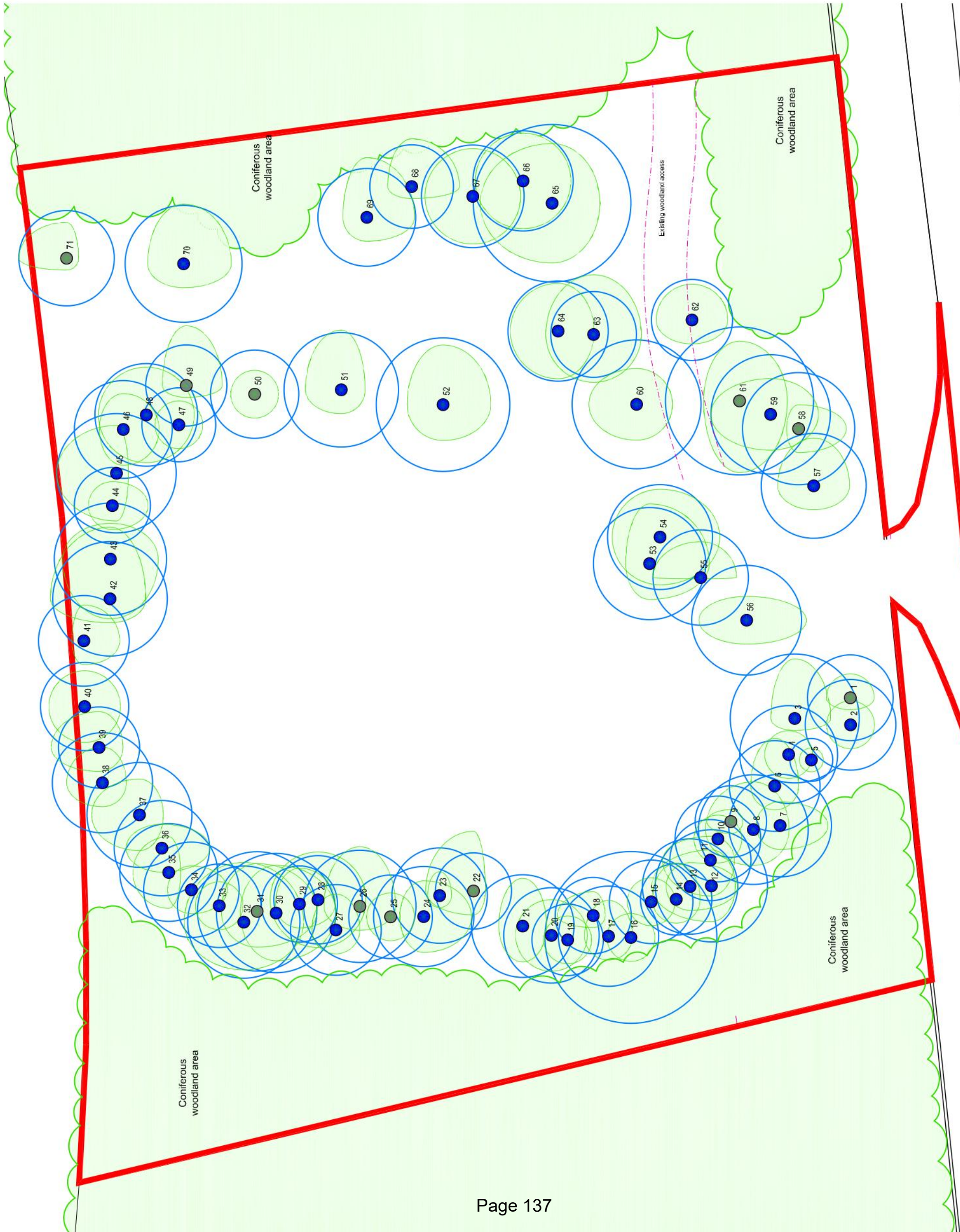
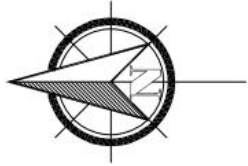
1-01464 841113 | e-office@johnwinkdesign.co.uk
Midtown of Foudland | Glems of Foudland | Huntly | Aberdeenshire | AEC4 BAR

Note: This drawing is the property of John Wink Design. It is to be used for the purpose of planning and building applications only. It is not to be used for any other purpose without the written consent of John Wink Design. Any discrepancy to be reported. All works are to comply with all current British Standards and Codes of Practice. Engineering, Design and Construction.

Registered Practice

JOHN WINK DESIGN

CHARTERED
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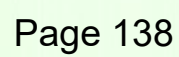
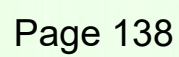


Proposed New House at
Stratton Woods, Fochabers
Arboricultural Assessment

Client:	Samantha Hancox			
Drawing No:	SWF-2202-AA			
Issue Date:	8th February 2022			
Drawn by:	AM	Checked by:	EP/NA	
Revision:		Rev Date:		
Scale:	1:300 A A3			



arboricultural, environmental and landscape consultants
10 Poliston Road, Maryculter, Aberdeen, AB12 5GY
tel: 01224 734372
email: info@astellassociates.co.uk

Page 138



MORAY LOCAL REVIEW BODY

17 NOVEMBER 2022

SUMMARY OF INFORMATION FOR CASE No LR281

Planning Application 22/00215/APP – Erect dwelling house on land adjacent to Easter Covesea Cottage, Duffus, Moray

Ward 5 – Heldon and Laich

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 27 June 2022 on the grounds that:

1. The application proposes a new dwellinghouse on a site within an identified pressurised and sensitive area where no new housing will be permitted due to the landscape and visual impacts associated with buildup and is therefore contrary to policy DP4 - Rural Housing.
2. A new house on this site would detract from the rural landscape character of the wider area as the site would not contain sufficient backdrop and containment and would create ribbon development with the neighbouring plot (with extant permission for a new house) contrary to the siting criteria as set by Policy DP4 Rural Housing as well as DP1 Development Principles.
3. The site is located within the Burghead to Lossiemouth SLA the proposal for a house plot would not fall within any of the development categories permitted under EP3 for a rural location within the SLA and no new housing is permitted in the open countryside in this SLA therefore the proposal would be contrary to policy EP3 - Special Landscape Areas.

Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

The Notice of the Review, Grounds for Review and any supporting documents submitted by the Applicant are attached as **Appendix 2**.

Further Representations received in response to the Notice of Review are attached as **Appendix 3**.

No representation was received from the Applicant in response to the Further Representations.





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 0300 1234561 Email: development.control@moray.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100535316-001

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)

New Dwelling House

Is this a temporary permission? * ☐ Yes ☒ No

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

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	CM Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Craig	Building Name:	St Brendans
Last Name: *	Mackay	Building Number:	69
Telephone Number: *	01343540020	Address 1 (Street): *	South Guildry Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Elgin
Fax Number:		Country: *	United Kingdom
		Postcode: *	IV30 1QN
Email Address: *	office@cmdesign.biz		

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

☒ Individual ☐ 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:	Backlands House
First Name: *	Ronald	Building Number:	7
Last Name: *	Stewart	Address 1 (Street): *	Forsyth Street
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Hopeman
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	IV30 5JQ
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

Land East of Covesea Cottages, Lossiemouth

Northing

870774

Easting

319583

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

3252.00

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 Grazing

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.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * ≤ Yes T No</p> <p>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.</p>	
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?</p>	<div style="border: 1px solid black; padding: 2px 10px; width: 100px;">0</div>
<p>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)? *</p>	<div style="border: 1px solid black; padding: 2px 10px; width: 100px;">4</div>
<p>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).</p>	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
<p>Will your proposal require new or altered water supply or drainage arrangements? * T Yes ≤ No</p>	
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p>≤ Yes – connecting to public drainage network</p> <p>T No – proposing to make private drainage arrangements</p> <p>≤ Not Applicable – only arrangements for water supply required</p>	
<p>As you have indicated that you are proposing to make private drainage arrangements, please provide further details.</p> <p>What private arrangements are you proposing? *</p> <p>≤ New/Altered septic tank.</p> <p>T Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).</p> <p>≤ Other private drainage arrangement (such as chemical toilets or composting toilets).</p>	
<p>Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *</p> <div style="border: 1px solid black; padding: 10px; min-height: 100px; margin-top: 5px;"> <p>Soakaway</p> </div>	
<p>Do your proposals make provision for sustainable drainage of surface water?? * T Yes ≤ No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>	
<p>Are you proposing to connect to the public water supply network? *</p> <p>T Yes</p> <p>≤ No, using a private water supply</p> <p>≤ No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>	

Assessment of Flood Risk

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

≤ Yes **T** 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 **T** No ≤ Don't Know

Trees

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

T 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)? *

T Yes ≤ No

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

Please refer to plans

Residential Units Including Conversion

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

T 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 **T** 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 **T** 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 **T** 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: Craig Mackay

On behalf of: Mr Ronald Stewart

Date: 15/02/2022

☐ 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

T 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

T 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

T 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:

T Site Layout Plan or Block plan.

T Elevations.

T 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	T	N/A
A Design Statement or Design and Access Statement. *	T	Yes	≤ N/A
A Flood Risk Assessment. *	≤ Yes	T	N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	T	Yes	≤ N/A
Drainage/SUDS layout. *	≤ Yes	T	N/A
A Transport Assessment or Travel Plan	≤ Yes	T	N/A
Contaminated Land Assessment. *	≤ Yes	T	N/A
Habitat Survey. *	≤ Yes	T	N/A
A Processing Agreement. *	≤ Yes	T	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 Craig Mackay

Declaration Date: 15/02/2022

Payment Details

Online payment: 257128

Payment date: 15/02/2022 11:14:23

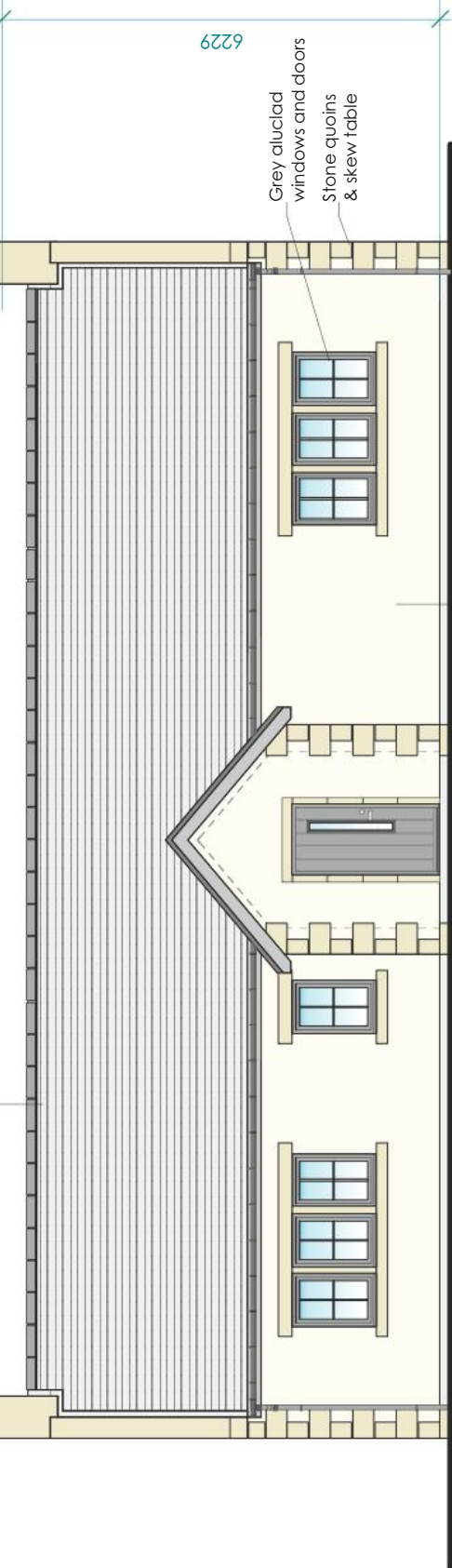
Created: 15/02/2022 11:14

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

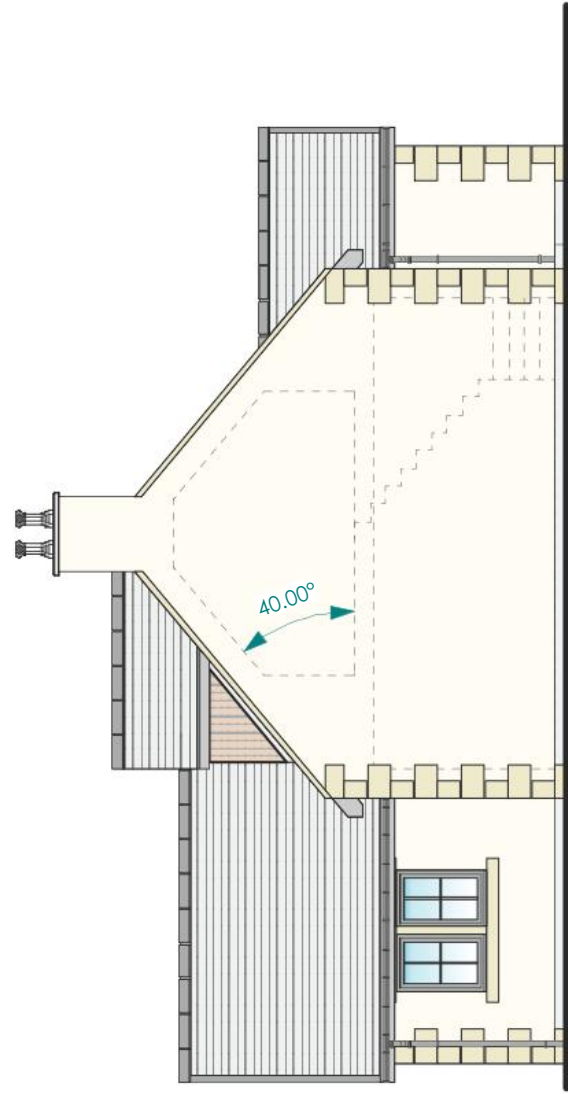
CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION

CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION

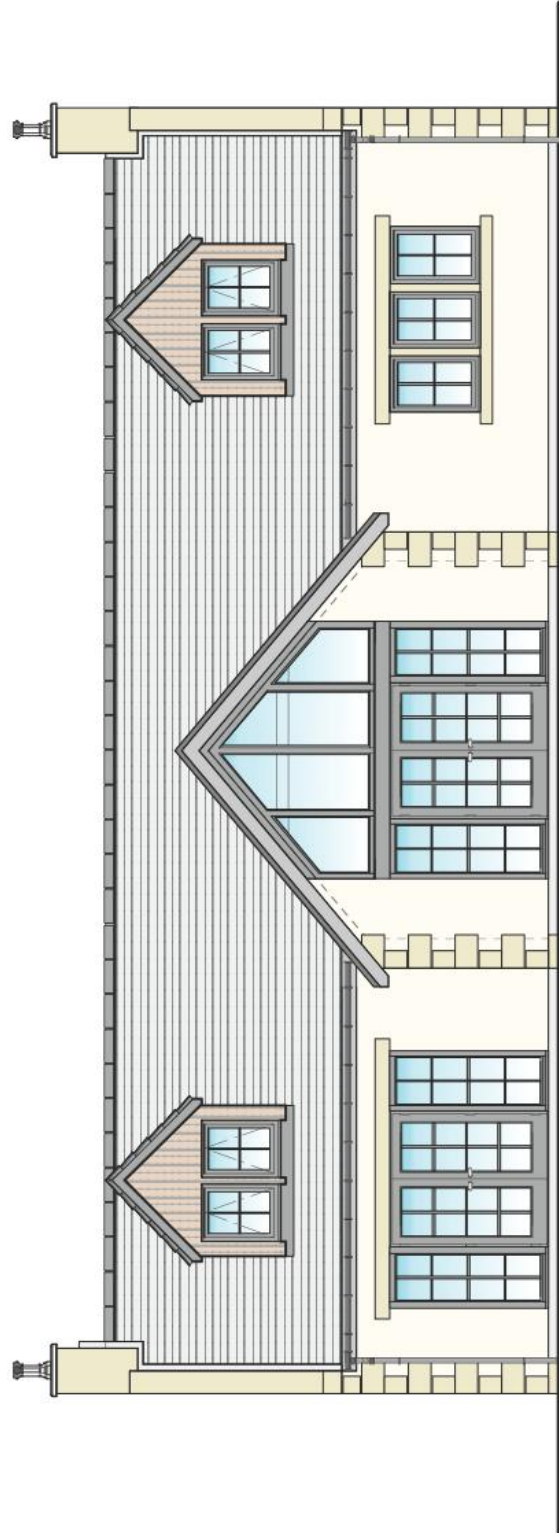
VISIBILITY PLAY SET BACK 4.5 M ('X' DISTANCE) FROM EDGE OF CARRIAGEWAY. VISIBILITY PLAY ('Y' DISTANCE) SET AT 21.5M MEASURED TO THE NEARER EDGE OF THE MAIN ROAD TO ITS INTERSECTION WITH THE CENTRE LINE OF THE ACCESS ('X' DISTANCE). WITHIN PLAY THERE ARE TO BE NO VISUAL OBSTRUCTIONS OVER THE HEIGHT OF 600MM (TYPICAL DRIVERS EYE HEIGHT) SO AS TO ENSURE FULL VIEW OF VISIBILITY REQUIRED.



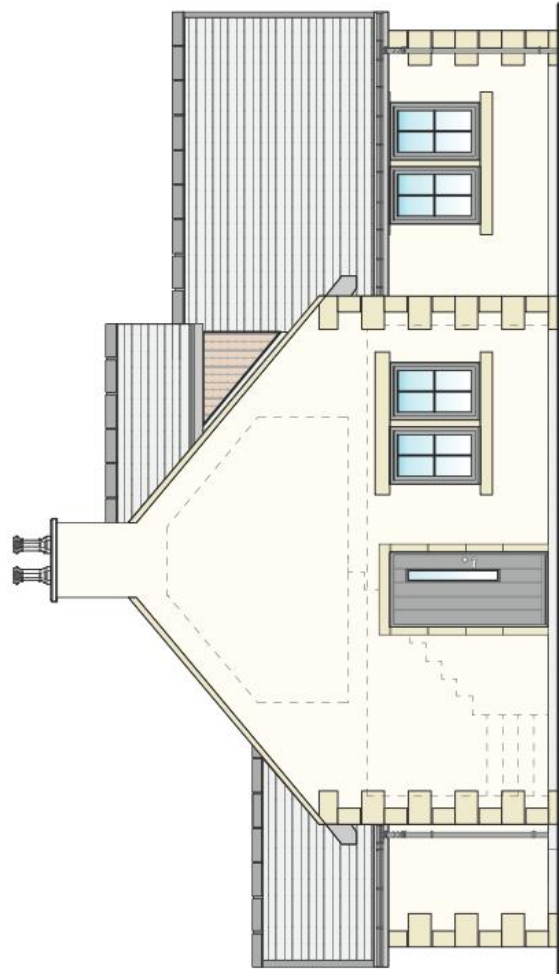
FRONT ELEVATION
(Scale 1:100)



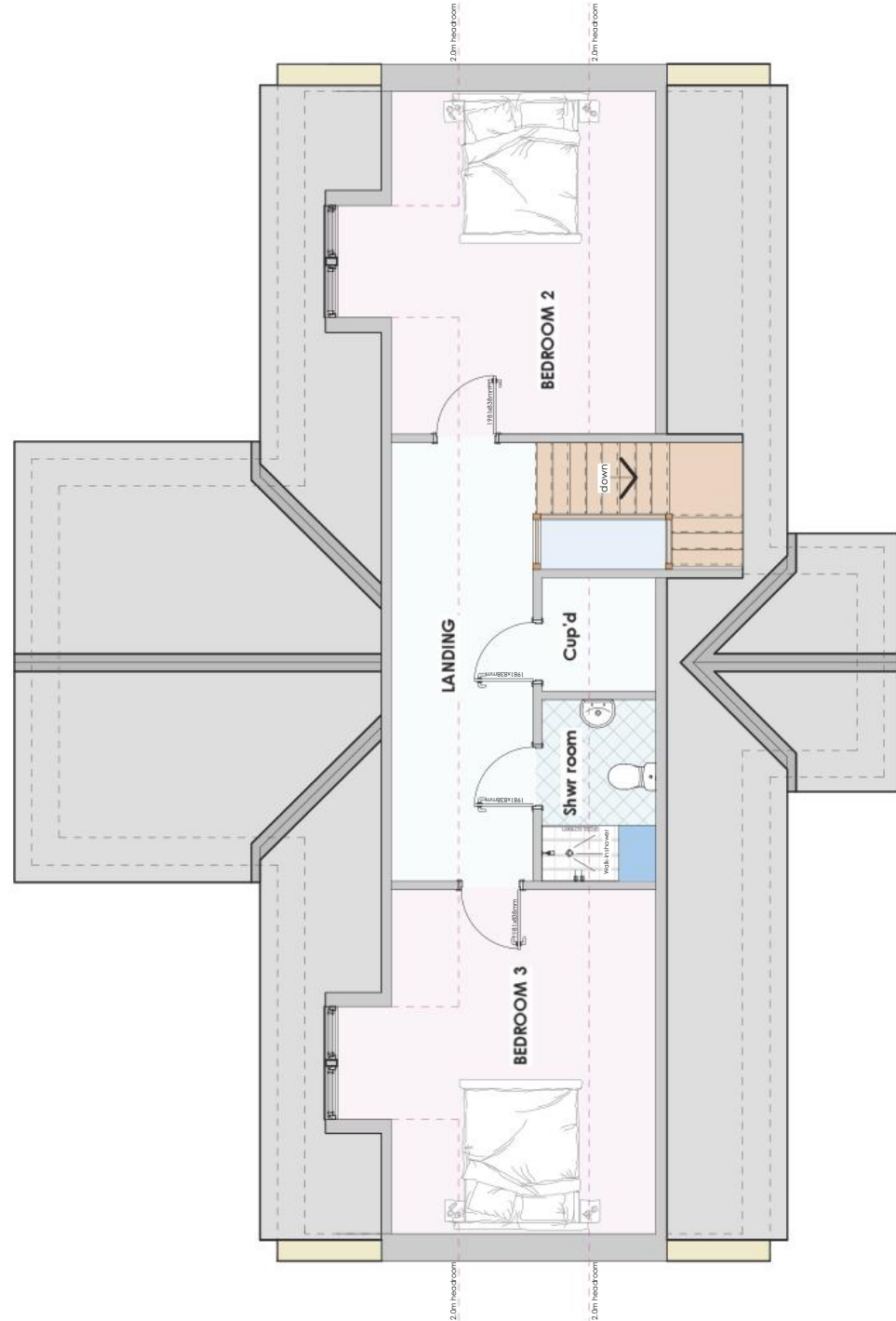
SIDE ELEVATION
(Scale 1:100)



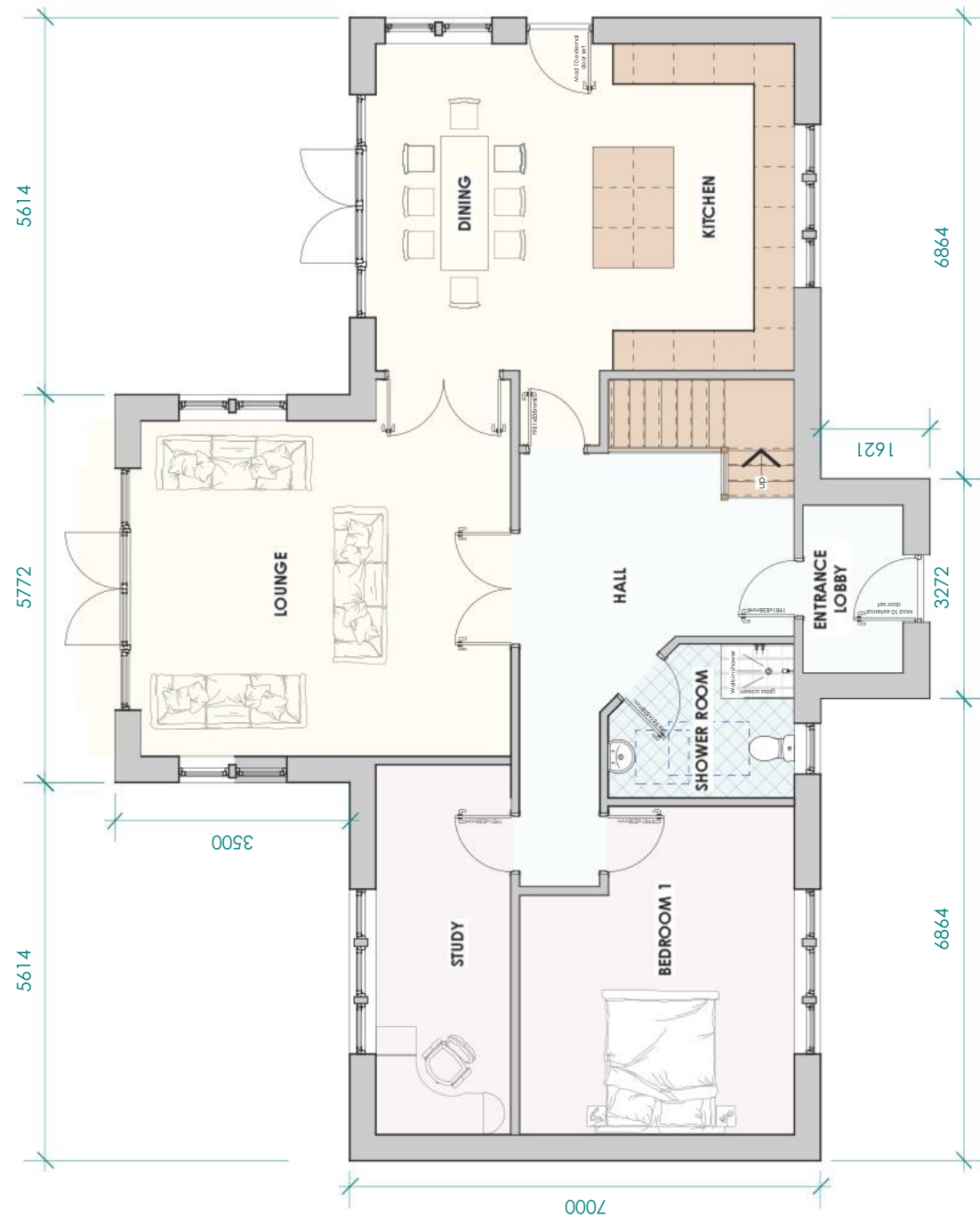
REAR ELEVATION
(Scale 1:100)



SIDE ELEVATION
(Scale 1:100)



FIRST FLOOR PLAN
(Scale 1:100)



GROUND FLOOR PLAN (Scale 1:100)



PHOTO B

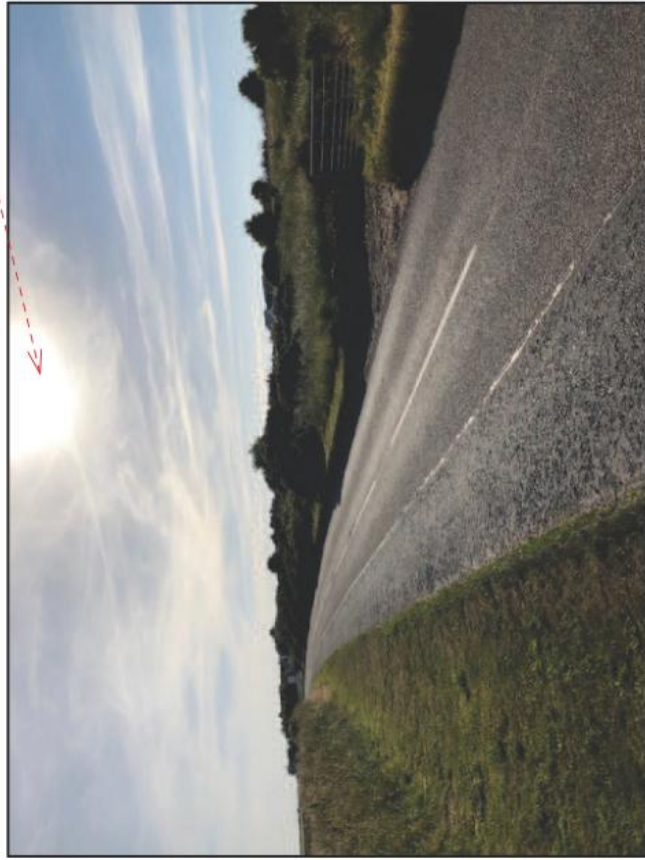


PHOTO A

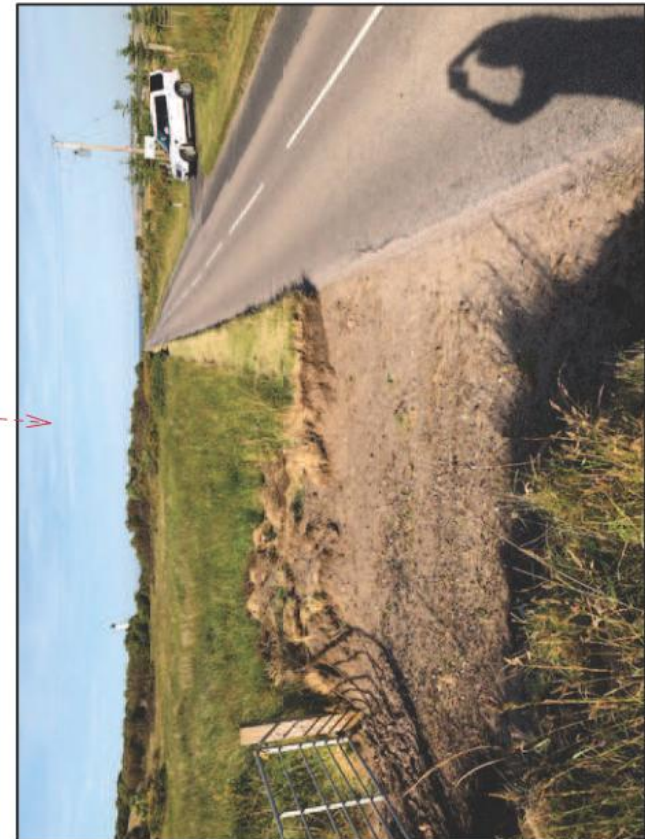
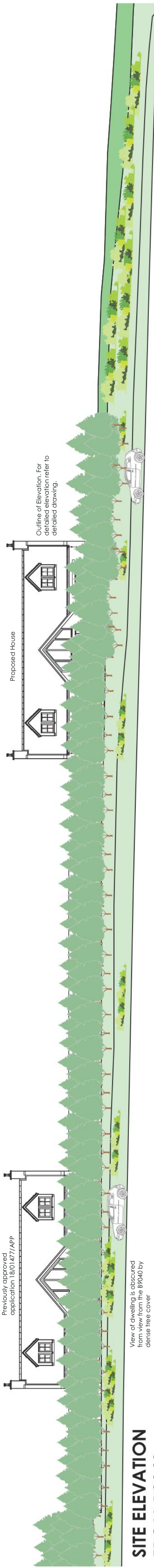


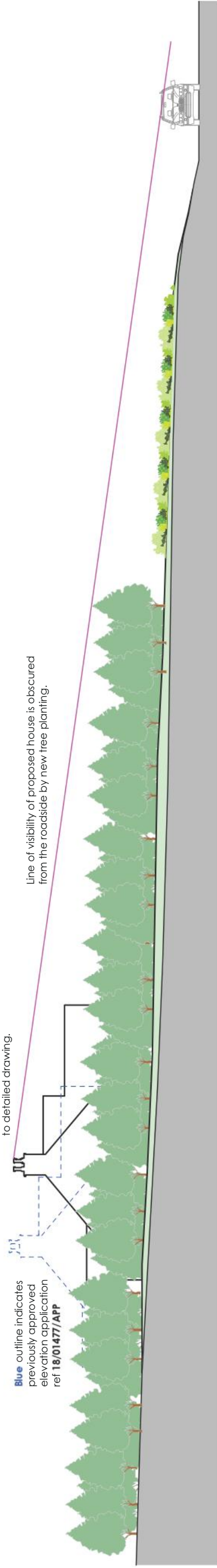
PHOTO C



EXAMPLES IMAGES OF SIMILAR DWELLINGS ALONG B9040



**SITE ELEVATION
FROM B9040
(Scale 1:200)**



**SITE ELEVATION TRAVELING EAST
FROM HOPEMAN TO LOSSIEMOUTH
(Scale 1:200)**



HEAD OFFICE - MORAY
 ST Brendans, 69 South Gully Street, Elgin,
 IV30 1QN
 †01343 540020

HIGHLANDS
 4 Bridge Street, Nairn, Highlands, IV21 4EJ
 †01667 300230

LOSSEMOUTH OFFICE
 Elie, James Street, Moray
 IV30 3BX
 †01343 810175

DEVON OFFICE
 †01392 345566

m 0781 3872818 w cmdesign.biz e office@cmdesign.biz

Mr R. Stewart

NEW HOUSE PLOT AT LAND EAST OF COVESEA COTTAGES,
LOSSIEMOUTH

SKETCH PROPOSAL

Date:	Amendments:	Rev:
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By:	Date:	Checked By:	Date:
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220022.STEWART.02PP A

A minimum of 15% of the site area is to be retained/planted with native trees, shrubs and/or hedges.

Trees
The area hatched green (488m²) is to be planted out with a mixture of 1800mm high native trees, which are to be planted in groups of species in a random pattern at approximately 3metre spacing. All new transplant trees to be a mixture of Standard, Half-Standard and Whips.

Any existing trees removed, severely damaged, dying or which become diseased during construction work (including site cleanance works) shall be replaced with trees of similar species and in close proximity to the original location.

For the duration of the development, including site clearance works, all the trees to be retained within and adjoining the development site, shall be protected by fencing or suitable means of enclosure. Within this area all contractors will be advise that no activities associated with buildings operations shall take place.

All excavations and works above ground level in the crown spread of any tree to be retained, shall be carried out in a manner to ensure that all roots that are uncovered are retained and protected.

Following the completion of the development (taken from the date of the issue of Building Warrant Completion Certificate), on a yearly basis (for a five year period) all trees and hedges are to be inspected. Any tree/hedging found dying or diseased will be replaced with similar species in close proximity to the original location.

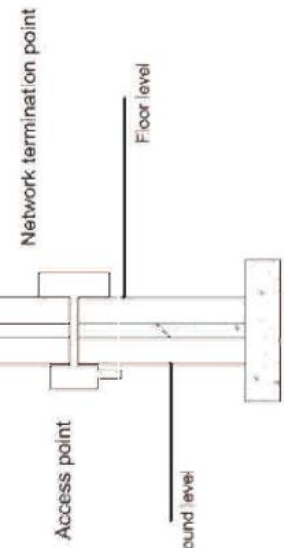
New native tree planting to consist of an even mixture of: Common Alder (*Alnus glutinosa*), Mountain Ash (*Sorbus aucuparia*), Silver Birch (*Betula pendula*), Wild Cherry (*Prunus avium*), Common Hawthorn (*Crataegus monogyna*), Common Hazel (*Corylus avellana*), Holly (*Ilex aquifolium*), Blackthorn (*Prunus spinosa*), Scots Pine (*Pinus sylvestris*), Common Ash (*Fraxinus excelsior*), Common Aspen (*Populus tremula*) and Willow (*Salix caprea*).

Hedging

General Landscaping

Reference Material

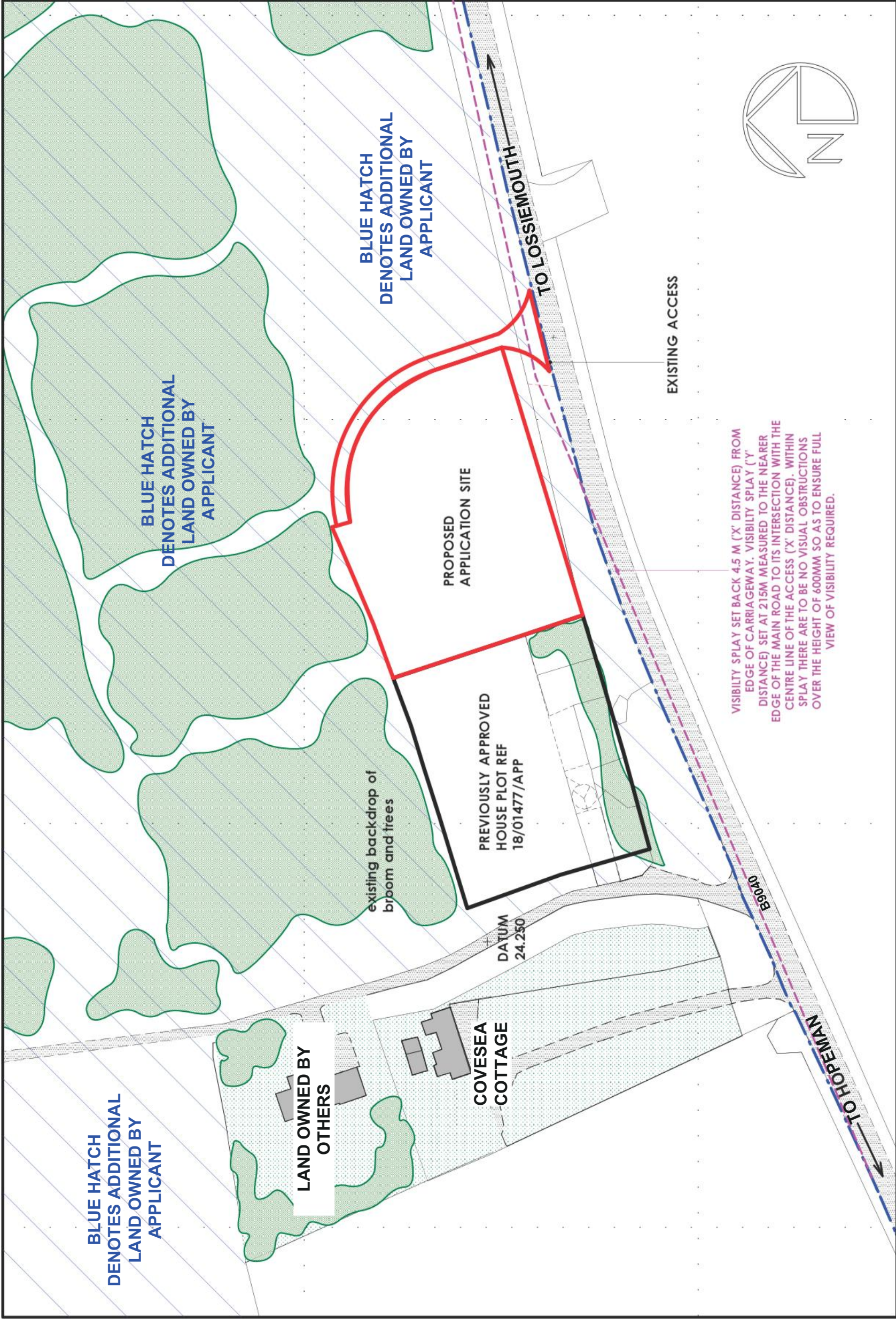
BSI British Standards - B4428: 1989 Code of practice for general landscape operations excluding hard surfaces



Typical in-building service duct



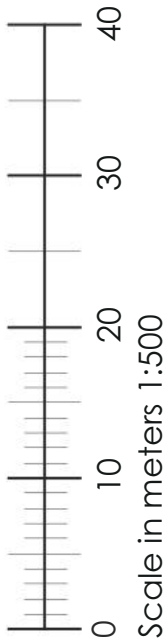
LOCATION PLAN N.T.S



LOCATION PLAN 1:1000



SITE PLAN
(Scale 1:500)



SITE REFERRED TO IN APPLICATION

SITE PHOTOGRAPH (N.T.S.)

CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION



NEW HOUSE PLOT AT LAND EAST OF COVESEA COTTAGES,

PLANNING PROPOSAL

Date:	Amendments:	Rev:
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Drawn By:	Date:	Checked By:	Date:
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220022.STEWART.03PP

Gary Mackintosh
Email: gmsurveys@gmail.com
Tel: 07557431702

gmsurveys

Surveys, Setting-Out Civil Engineering Design

Site Investigation & Drainage Assessment

SITE EAST OF COVESEA COTTAGES

Gary Mackintosh Bsc
gmsurveys@gmail.com

Contents

Client:	2
Site Address:	2
Planning Reference:	2
Date:	2
Job Number:	2
Company Information:	2
Assessment completed by:	2
Introduction:	3
Soil Conditions:	3
Percolation/Soakaway Testing:	4
Conclusion and Recommendations:	4
Foul Water Discharge via Soakaway:	5
Surface Water Dispersal via Soakaway:	5

Client:

Mr R Stewart

Site Address:

Plot B
Site Adjacent to Easter Covesea Cottages
Duffus

Planning Reference:

TBC

Date:

23rd May 2022

Job Number:

GMC22-082

Company Information:

Assessment completed by:

Gary Mackintosh Bsc

GMCSurveys

34 Castle Street

Forres

Moray

IV36 1PW

Email: gmcsurveys@gmail.com

Telephone: 07557431702

Introduction:

The proposals are to erect a single new private 3bed dwelling and associated infrastructure within land located to the east of Easter Cove sea Cottages, to the north of the B9040, by Duffus.

The SEPA Flood maps have been consulted which confirm the site lies out with the areas of fluvial flooding and is not at risk of pluvial flooding during a 1:200year event.

GMC Surveys have been asked to carry out a site investigation in order to provide a drainage solution for the proposed development.

Soil Conditions:

Excavations were carried out by mechanical excavator on 21st May 2022 to assess the existing ground conditions and carry out infiltration and percolation testing for the management of foul and surface waters via soakaways.

The trial pits were excavated to depths of 1.8m and no groundwater was encountered.

The existing soils consist of 300mm Topsoil, brown turning light brown medium, fine sands to a depth of 800mm bgl overlying, light brown medium dense, sands and rounded gravels proved to the depth of the excavations.

There was no evidence of fill material or contamination within the trial pits and no ground water was encountered. The natural soils have a minimum bearing capacity of 100kn/m².

Percolation/Soakaway Testing:

Percolation testing was carried out in full accordance with BS6297: 2007 + A1: 2008 and as described in Section 3.9 of the Scottish Building Standards Technical Handbook (Domestic). The results can be found in the table below.

	1 st	2 nd	3 rd	Mean
Date of Test	21/05/22	21/05/22	21/05/22	
THo1	720s	960s	1260s	980s
Average Soil Vp	6.53s/mm			

Infiltration testing:

Infiltration testing was carried out in full accordance with BRE digest 365. The results can be found in the table below.

Infiltration Test	Pit Dimensions (w/l)	Test Zone (mbgl)	Infiltration Rate (m/s)
INF01	0.8m x 1.2m	1.0 - 1.8	6.94×10^{-5}

Conclusion and Recommendations:

Based on the onsite investigations it can be confirmed that the underlying soils are suitable for the use of standard stonefilled soakaways as a drainage solution for both foul and surface waters.

The Vp rate is below the maximum threshold of 15s/mm therefore a 'Packaged Sewage Treatment Plant' would be required, the final details of which are to be confirmed by the chosen supplier.

Foul Water Discharge via Soakaway:

As the Vp rate is below 15s/mm, in addition to the package sewage treatment plant, SEPA require that 3.6m² per person or 25m² minimum be allowed for the foul water soakaway, whichever is greater.

3.6 x 5 (3 Bedroom) = 18.00m² **Therefore minimum 25m² required.**

It is therefore proposed to install a soakaway with a minimum base area of 25m². This area can be provided with soakaway plan dimensions 6.30m x 4.00m at a depth of 0.45m below invert level. Alternative dimensions may be adopted to better suit the site layout ensuring that the minimum base area of **25.00m²** is maintained.

Surface Water Dispersal via Soakaway:

Please see attached surface water calculations detailing the requirement and suitability for soakaway dimensions of **4.0m x 2.0m at a depth of 1.20m** below the invert level based on the proposed contributing area of 170m² (house roof area with extra over for hardstanding) up to and including a 1:30year event with 35% allowance for climate change.

Soakaway Details can be found in Appendix A.

SEPA and Building Regulations require that infiltration systems (soakaways) are located at least:

- 50m from any spring, well or borehole used as drinking water supply
- 10m horizontally from any water course and any inland and coastal waters, permeable drain (including culvert), road or railway
- 5m from a building or boundary



MasterDrain
SW 16.10

gmcsurveys
Surveys. Setting Out Civil Engineering Design

Shireen Villa, 34 Castle Street
Forres IV36 1FN
email: gmcsurveys@gmail.com
Mobile: 07557 431 702

Job No. GMC22-082		
Sheet no. 1		
Date 23/05/22		
By GM	Checked	Approved

Project **Site Adj to Easter Covesea Cottage, Duffus**
Title **Surface Water Soakaway**

Rectangular pit design data:-

Pit length	=	4 m	Pit width	=	2 m
Depth below invert	=	1.2 m	Percentage voids	=	30.0%
Imperm. area	=	170 m ²	Infilt. factor	=	0.000069 m/s
Return period	=	30 yrs	Climate change	=	35%

Calculations :-

Surface area of soakaway to 50% storage depth (not inc. base):-

$$a_{s50} = 2 \times (\text{length} + \text{width}) \times \text{depth}/2 = 7.2 \text{ m}^2$$

Outflow factor : $O = a_{s50} \times \text{Infiltration rate} = 0.0004968 \text{ m/s}$

Soakaway storage volume : $S_{\text{actual}} = \text{length} \times \text{width} \times \text{depth} \times \% \text{voids}/100 = 2.9 \text{ m}^3$

Duration	Rainfall mm/hr	Inflow m ³	Depth (hmax) m	Outflow m ³	Storage m ³
5 mins	90.2	1.3	0.47	0.15	1.12
10 mins	69.2	2.0	0.69	0.30	1.66
15 mins	57.3	2.4	0.83	0.45	1.99
30 mins	39.9	3.4	1.04	0.89	2.50
1 hrs	26.7	4.5	1.15	1.79	2.76
2 hrs	17.3	5.9	0.96	3.58	2.30
4 hrs	11.0	7.5	0.13	7.15	0.32
6 hrs	8.4	8.6	0.00	10.73	0.00
10 hrs	6.0	10.1	0.00	17.88	0.00
24 hrs	3.3	13.5	0.00	42.92	0.00

Actual volume : $S_{\text{actual}} = 2.880 \text{ m}^3$

Required volume : $S_{\text{reqd.}} = 2.760 \text{ m}^3$

Soakaway volume storage OK.

Minimum required a_{s50} : 6.90 m^2

Actual a_{s50} : 7.20 m^2

Minimum depth required: 1.15 m

Time to maximum 1 hrs

Emptying time to 50% volume = $t_{s50} = S_{\text{reqd}} \times 0.5 / (a_{s50} \times \text{Infiltration rate}) = 00:46 \text{ (hr:min)}$

Soakaway emptying time is OK.



MasterDrain
SW 16.10

gmcsurveys
Surveys, Setting Out Civil Engineering Design

Shireen Villa, 34 Castle Street
Forres IV36 1FN
email: gmcsurveys@gmail.com
Mobile: 07557 431 702

Job No. GMC22-082		
Sheet no. 2		
Date 23/05/22		
By GM	Checked	Approved

Project **Site Adj to Easter Covesea Cottage, Duffus**
Title **Surface Water Soakaway**

Location hydrological data (FSR):-

Location	= DUFFUS	Grid reference	= NJ1668
M5-60 (mm)	= 13	r	= 0.26
Soil index	= 0.15	SAAR (mm/yr)	= 700
WRAP	= 1	Area	= Scotland and N. Ireland

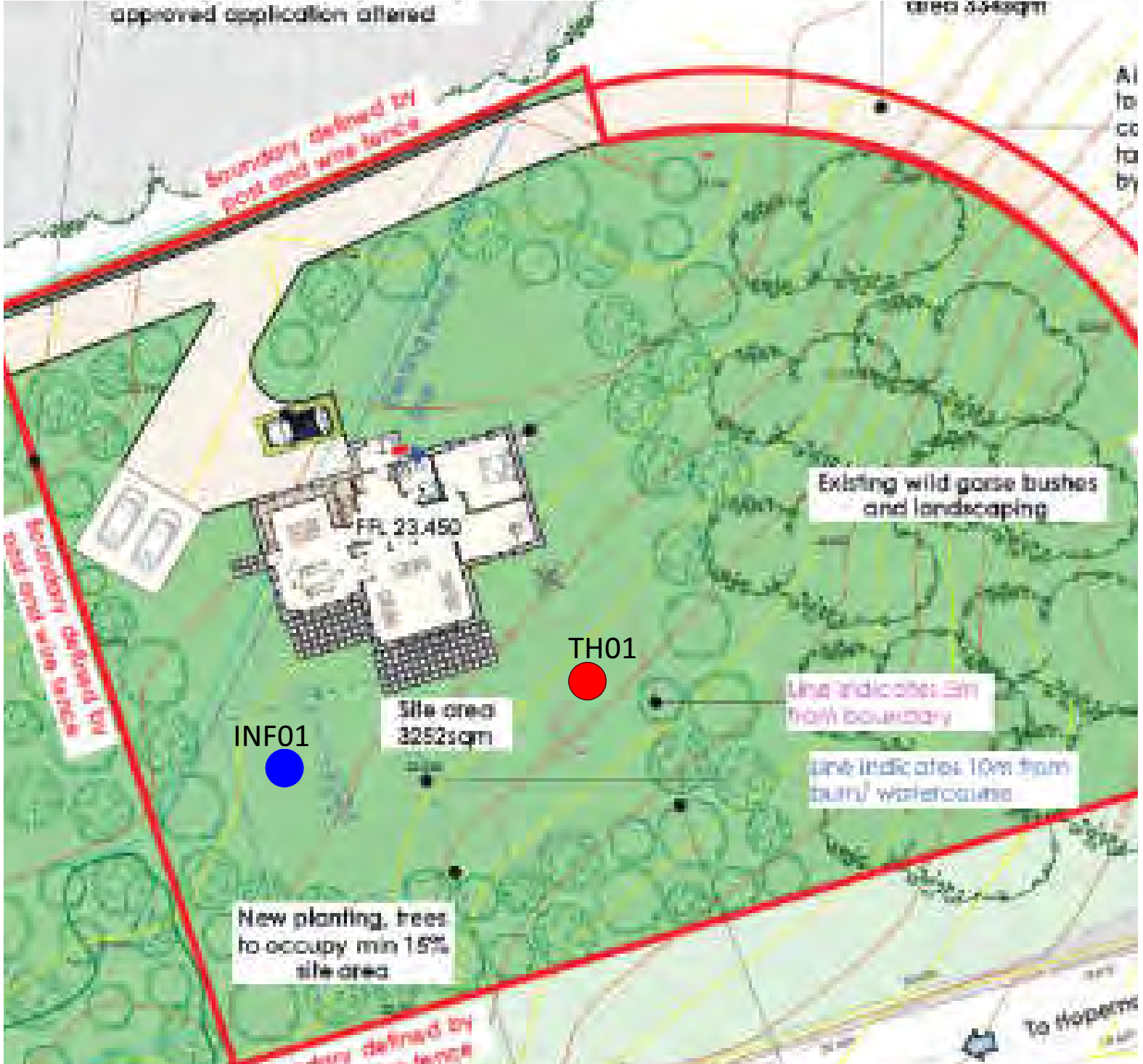
Soil classification for WRAP type 1

- i) Well drained permeable sandy or loam soils and shallower analogues over highly permeable limestone, chalk, sandstone or related drifts;
- ii) Earthy peat soils drained by dykes and pumps;
- iii) Less permeable loamy over clayey soils on plateaux adjacent to very permeable soils in valleys.

N.B. The rainfall rates are calculated using the location specific values above in accordance with the Wallingford procedure.

Appendix A

Test Hole Locations



REV:	DESCRIPTION:	BY:	DATE:
STATUS: ISSUE			

gmcsurveys

Surveys, Setting Out, Civil Engineering Design

T: 07557 431 702

E: gmcsurveys@gmail.com

CLIENT:

Mr R Stewart
C/O CM Design

SITE: Site B, East of Easter
Covesea Cottage, Duffus

TITLE: Test Hole Location

SCALE AT A4:	DATE:	DRAWN:	CHECKED:
NTS	MAY22	GM	
PROJECT NO:	DRAWING NO:	REVISION:	
GMC22-082	Appendix A	-	

Appendix B

Soakaway Details/Certificates



SCALE AT A4: NTS	DATE: MAY22	DRAWN: GM	CHECKED:
PROJECT NO: GMC22-082	DRAWING NO: Appendix B		REVISION: -

Certificate For Proposed Sub – Surface Soakaways
Foul Water

Applicants Name: Mr R Stewart
Address: C/O CM Design, South Guildry Street, Elgin
Site Address: Sites east of Easter Cove sea Cottages
Date of Tests: 21st May 2022
Weather Conditions: Dry/Overcast

Percolation Test/Soakaway Sizing:

	1 st	2 nd	3 rd	Mean
Date of Test	21/05/22	21/05/22	21/05/22	
TH01	720s	960s	1260s	980s
Average Soil Vp	6.53s/mm			

Location: TP1
Average Soil Vp: 6.53s/mm
PE: 5
Base Area (min): 25.00m² (as per SEPA requirements)

I hereby certify that I have carried out the above tests in full accordance with BS6297: 2007 + A1: 2008 and as described in Section 3.9 of the Scottish Building Standards Technical Handbook (Domestic).

Signed: G Mackintosh Gary Mackintosh BSc. Date: 23rd May 2022

Company: GMC Surveys, 34 Castle Street, Forres, Morayshire. IV36 1PW

gmcsurveys
34 castle Street
Forres
Moray
IV36 1PW
T: 07557 431 702
E: gmcsurveys@gmail.com

Certificate For Proposed Sub – Surface Soakaways
Surface Water

Applicants Name: Mr R Stewart
Address: C/O CM Design, South Guildry Street, Nairn
Site Address: Sites east of Easter Covesea Cottages
Date of Tests: 21st May 2022
Weather Conditions: Dry/Overcast

Trial Pit Test – Surface Water:

Depth of Excavation: 1.8
Water Table Present: No

Infiltration Test:

Location: INF01
Infiltration Test Zone: 1.0 – 1.8mbgl
Infiltration Rate (m/s): 6.94×10^{-5}
Contributing Area: 170m²
Soakaway Size: 4.0m x 2.0m x 1.2 below the invert of the pipe (30year)

I hereby certify that I have carried out the above tests in accordance with the procedures specified in BRE Digest 365:1991.

Signed: G Mackintosh Gary Mackintosh BSc. Date: 23rd May 2022

Company: GMC Surveys, 34 Castle Street, Forres, Morayshire. IV36 1PW

gmcsurveys
34 castle Street
Forres
Moray
IV36 1PW
T: 07557 431 702
E: gmcsurveys@gmail.com

DESIGN STATEMENT
ERECT NEW 3 BED DWELLING AT
EAST OF COVESEA COTTAGE, LOSSIEMOUTH
Ref: 220022

1.0 INTRODUCTION:

- 1.1** This **Design Statement** has been prepared by **CM Design Architectural & Town Planning Consultants** in response to the requirements of the Moray Local Development Plan 2020
- 1.2** The proposal relates to the erection of a new storey-and-a-half dwelling located West of Lossiemouth and East of Covesea Cottage.
- 1.3** The proposal shares boundaries with a previously approved planning application ref 18/01447/APP.
- 1.4** The site equates to approximately 3252sqm of wild grass and gorse bushes. A topographical survey as been carried out, demonstrating how the site rises sharply from the road before leveling off.

2.0 SITE LOCATION

- 2.1** The B9040 is the coastal road between Lossiemouth and Hopeman, located West of Lossiemouth and East of Covesea Cottage.



- 2.2** The site enjoys a significant backdrop of upward sloping grounds covered in well-established high gorse and shrubbery. This screening exists at both the front and rear of the proposed site.
- 2.3** The topography of the site rises sharply from main road and levels off allowing for considerable natural screening to passing road users. Vehicles approaching from the east and west will only see the rooftops of any proposed houses, if at all.

- 2.4** The proposed dwelling will utilise an existing site entrance accessed via the B9040. This has previously been approved by the Transport department as site the entrance to application 18/01477/APP.

3.0 SITE BACKGROUND

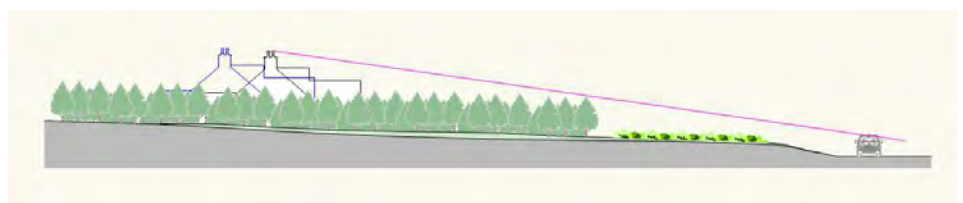
- 3.1** The site shares boundaries with an adjacent plot previously approved application reference **18/01477/APP**. This approval was granted in March 2019.
- 3.2** This application shares part of the existing eastern fence line from previous application. Also reducing the previous application plot size by approximately 600sqm.

4.0 PROPOSALS

- 4.1** The proposal is for a new house plot located East of the previously approved 2018 application (**18/01477/APP**). The new plot will share the existing site entrance accessed via the B9040.
- 4.2** The proposal comprises of a single 1.5 storey dwelling located to the North of the plot as shown on the below plan.



- 4.3** The topography of the site raises sharply from the road before reducing to a more gentle slope, the topography can be visualized on the site section below.
- The proposed dwelling has been located to the rear of the site, sunken into the landscape minimising the visual impact from all public vantage points.



Head Office - Moray
69 St Brendans
South Guildry Street
Elgin
Moray
IV30 1QN

t 01343 540020
e office@cmdesign.biz
w cmdesign.biz

Lossiemouth Office
Ellel, James Street
Lossiemouth
Moray
IV31 6BX

t 01343 612305

Devon Office
The Generator Quay House
The Gallery, Kings Wharf
Exeter
EX2 4AN

t 01392 345566

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4.4 The site will be accessed via the existing entrance, sweeping through the existing gorse bushes into the new treeline. This discrete entrance was previously approved and seeks to provide access which reflects the settlement pattern in the area.

Maintaining the use of this entrance ensures the visual and vehicle impact on the road is limited.

4.5 The proposed material finishes include a modern smooth off-white render, and a natural slate roof. The windows and doors are to be double glazed Alu-clad. Below is an extract of the South Elevation.



5.0 POLICY COMPLIANCE

5.1 Section 25 of the Town and Country Planning (Scotland) Act 2006 requires that applications be determined in accordance with the current Moray Local Development Plan unless material considerations indicate otherwise.

5.2 This application represents the erection of a new house on the site, which is supported by Policy.

5.3 Policy PP1 – Encourages the creation of distinctive place and calls for variety of design where appropriate.



extract from Policy PP1 MLDP

5.3.1 The properties located adjacent to the B9040 and surrounding area are generally traditional looking small cottage style dwellings. These vary from traditional stone-built cottages to relatively modern cottage style dwellings. Most of the surrounding dwellings have similar features including natural slate roofs, traditional vertical emphasis windows.

5.3.2 The proposed dwelling maintains the traditional features found within the surrounding area, including a natural slate roof, skew tabling, stone features and vertical windows.

Head Office - Moray

69 St Brendans
South Guildry Street
Elgin
Moray
IV30 1QN

t 01343 540020
e office@cmdesign.biz
w cmdesign.biz

Lossiemouth Office

Ellel, James Street
Lossiemouth
Moray
IV31 6BX

t 01343 612305

Devon Office

The Generator Quay House
The Gallery, Kings Wharf
Exeter
EX2 4AN

t 01392 345566

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5.4 Policy DP1 – Sets out compliance criteria relating to siting, privacy, impact, scale, character, amenity, solar gain etc.

5.4.1 The siting of the proposed dwelling is in-keeping with the building line of adjacent building plot. Siting the dwelling in this location ensures that significant natural visual screening can be achieved limiting the impact from the road.

5.4.2 Furthermore, this siting of the proposed dwelling ensures a significant back drop of upward sloping grounds covered in high gorse and shrubbery. This screening exists at both the front and rear of the proposed site.

5.4.3 The plot will have no impact or encroachment upon the Coastal protection zone which lies immediately to the North of the site.

5.4.4 The scale of the proposal is very much in keeping with the streetscape along the B9040. The height of the proposed dwelling complies with the maximum permitted ridge height of 6.75m and benefits from a 40 degree pitch as required within the MDP.

5.4.5 The character of the proposal is in-keeping with the immediately adjacent dwellings along the B9040 in terms of scale, size and positioning. Great care has been taken to ensure the proposed dwelling is in keeping with the surrounding area by utilising materials of a traditional pallet. These include a natural slate roof, simple smooth render finish.

5.4.6 In accordance with planning policy, and the previous planning conditions, a minimum of 2 parking spaces including 1 electric vehicle charging point have been provided. The site also offers sufficient turning circles to ensure that vehicles can access and exit the site in a forward gear.

5.4.7 The orientation, siting and layout of the proposed dwelling ensures that all principle rooms receive the best south west sunlight and benefit greatly from solar gain as required in DP1.

5.4.8 All boundaries will be defined with new post and wire fencing.

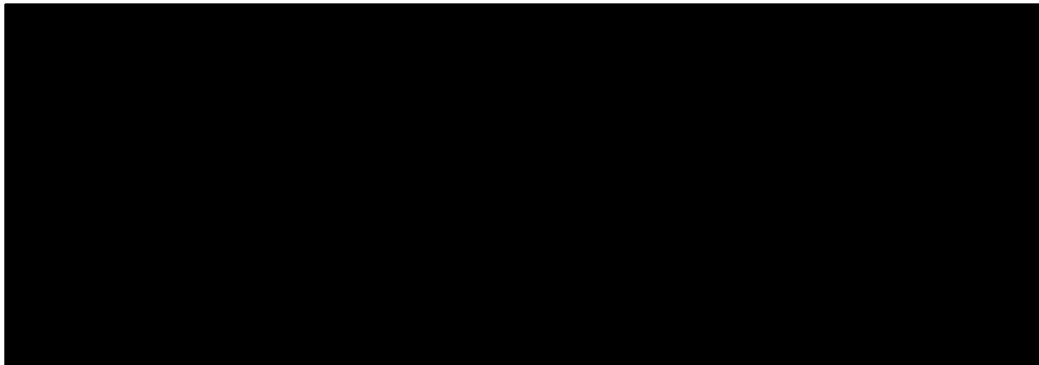
5.4.9 A separate Drainage Statement has been submitted along with this application that details the strategy with regards to on-site and off-site drainage measures.

5.5 This design and application is considered to comply with current policy in all respects.



CHARLIE FLEMING ASSOCIATES

ACOUSTICAL CONSULTANTS
NOISE CONTROL ENGINEERS



CHARLIE FLEMING ASSOCIATES LIMITED

5 Saltpans, Charlestown, Fife KY11 3EB

Company Registration Number 477555

Telephone: 01383 872 872

Fax: 01383 872 871

cf@charriefleming.co.uk

www.charriefleming.co.uk

Eur Ing Charlie Fleming BSc MSc CEng FIOA MCIBSE MIET

Table of Contents	Page No.
1.0 Introduction	3
2.0 The Moray Council Air Traffic Sound Level Data	5
3.0 <i>Magnitude of Impact and Level of Significance</i> of Air Traffic Sound	6
4.0 Calculation of Internal Levels of Air Traffic Sound	8
5.0 Conclusions	12
6.0 References	13
A1.0 Appendix: Basic Principles of Acoustics	14

1.0 Introduction

- 1.1 Mr R. Stewart has applied for planning permission to construct a house on land to the east of Easter Covesea Cottage, near Lossiemouth, in Moray. The location of the land on which it is proposed to construct the house is shown outlined in red below in the centre of Figure 1(a) and overleaf in Figure 1(b), both of which are reproduced with the permission of Ordnance Survey. Lossiemouth Royal Air Force (RAF) base lies some 1.7km to the south-east of where the house will be built.

Figure 1(a)

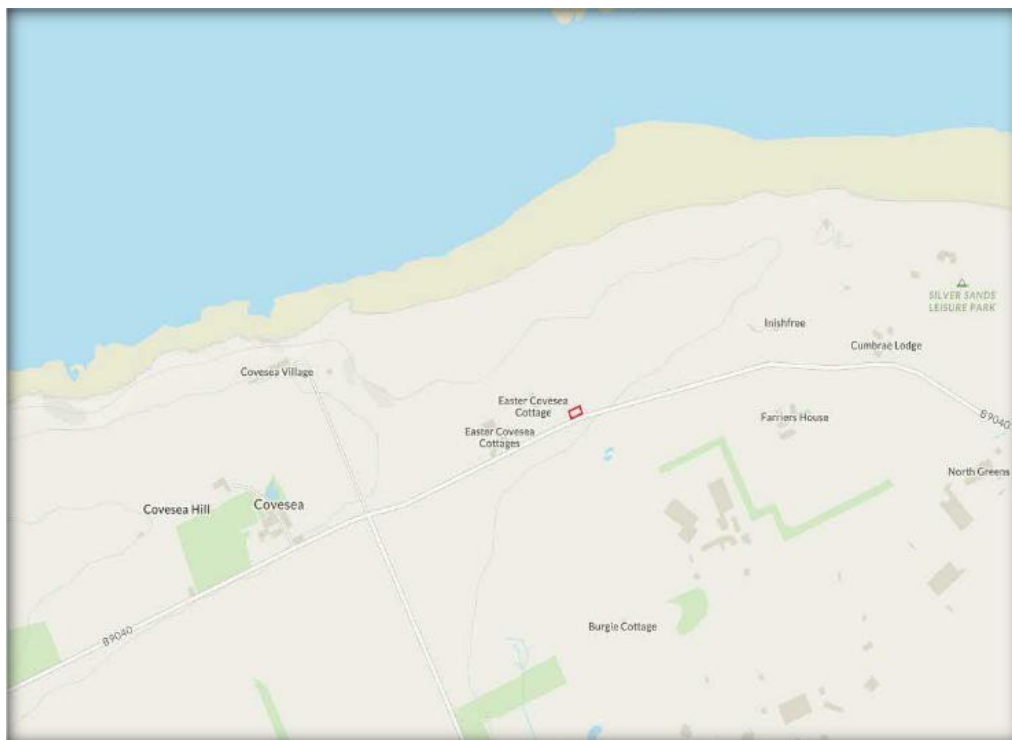
Location of Proposed House
(Courtesy of Ordnance Survey)



- 1.2 Charlie Fleming Associates was asked by, Ms Anna Carswell, of CM Design, the firm of architects designing the house, acting as an agent of Mr Stewart, to prepare an air traffic noise impact assessment to accompany the planning application.
- 1.3 Air traffic sound affecting the site of proposed residential development is usually assessed in accordance with the Scottish Government publication *Planning Advice Note 1/2011: Planning and Noise*¹ (PAN 1/2011). This, in turn, refers to *Technical Advice Note 2011: Assessment of Noise*² (TAN 2011) for technical guidance on noise assessment, also published by the Government.
- 1.4 TAN 2011 states that the sound be considered over two periods, daytime from 07.00hrs to 23.00hrs, and night-time from 23.00hrs to 07.00hrs. The sound levels over these periods determine the *Magnitude of Impact* that the sound of the air traffic will have on the residents of the proposed development. In turn, this determines the *Level of Significance*, according to which it may, or may not, be necessary to reduce the noise.

Figure 1(b)

Location of Proposed House
(Courtesy of Ordnance Survey)



- 1.5** The sound from RAF Lossiemouth has been predicted by Defence Estates, an agency of the Ministry of Defence. These predictions have been presented in the form of sound contours to the Moray Council, which it now issues under its own name. These have been used to establish what level of sound affects the land on which it is proposed to construct the house, as discussed in Section 2.0 of this report. The calculation used to determine the *Magnitude of Impact* the sound levels will have on the residents of the proposed house are described in Section 3.0. The *Level of Significance* is also determined in Section 3.0. In Section 4.0, the sound levels in the proposed house are calculated, and compared to the 35dBA limit applied by the Moray Council.

Section 5.0 concludes the main text of the report and is followed by references to the documents cited herein. The Appendix describes basic principles of acoustics and explains the technical terms used in the report.

2.0 The Moray Council Air Traffic Sound Level Data

- 2.1 The sound level contours issued by the Moray Council are reproduced below in Figure 2, with the permission of that body. The location of the proposed house is shown on Figure 2 by a red arrow.

Figure 2

RAF Lossiemouth Aerodrome Sound Contours L_{Aeq}
(Courtesy of The Moray Council)



- 2.2 What Figure 2 shows is that the site of the proposed house is on the yellow, 66dBA contour. This suggests that the site is thus exposed to 66dBA.

3.0 *Magnitude of Impact and Level of Significance of Air Traffic Sound*

- 3.1** The first stage in the process for assessing the sound levels, as prescribed in TAN 2011², is to conduct the *Quantitative Assessment*, which involves calculating the *Magnitude of Impact* the air traffic sound would otherwise have had on the residents of the proposed house.
- 3.2** The *Magnitude of Impact* is determined by the amount by which the L_{Aeq} exceeds 45dBA at night, and 55dBA during the day, as shown in Table 1. During the day, according to the contours, the sound will exceed 55dBA by 11dBA. It would, therefore, have a *Major adverse* impact on the residents of the house. The RAF does not fly regularly at night and so there will be *No adverse impact* at this time.

Table 1

Magnitude of Impacts Associated with Night and Day Exceedance Levels²

Night Noise Level ¹ , $x = (\text{Existing} - 45) L_{Aeq,8h}$	Day Noise Level ¹ , $x = (\text{Existing} - 55) L_{Aeq,16h}$	Magnitude of Impact
> 15	> 10	Major adverse
$10 \leq x \leq 15$	$5 \leq x \leq 10$	Moderate adverse
$5 \leq x < 10$	$3 \leq x < 5$	Minor adverse
$0 \leq x < 5$	$0 \leq x < 3$	Negligible adverse
$x < 0$	$x < 0$	No adverse impact

- 3.3** The second stage in the process is to conduct the *Qualitative Assessment*. In this case, however, it is considered that the quantitative assessment adequately addresses the impact of the air traffic sound on the house. The final stage is to determine the *Level of Significance* of the air traffic sound. This is determined using Table 2, shown below.

Table 2

Significance of Effects²

Magnitude of Impact	Sensitivity of Receptor		
	Low	Medium	High
Major	Slight/Moderate	Moderate/Large	Large/Very Large
Moderate	Slight	Moderate	Moderate/Large
Minor	Neutral/Slight	Slight	Slight/Moderate
Negligible	Neutral/Slight	Neutral/Slight	Slight
No change	Neutral	Neutral	Neutral

The *Sensitivity of Receptor* will be high as it is a house which is to be constructed. As the impact of the air traffic sound during the day would otherwise have been *Major*, the significance would have been *Large/ Very Large*, which are defined in TAN 2011² as:

Large: *These effects are likely to be important considerations but where mitigation may be effectively employed such that resultant adverse effects are likely to have a Moderate or Slight significance.*

Very Large: *These effects represent key factors in the decision-making process. They are generally, but not exclusively, associated with impacts where mitigation is not practical or would be ineffective.*

- 3.4** As there will be *No change* at night, the significance will be *Neutral*, which is defined in TAN 2011 as:

Neutral: *No effect, not significant, noise need not be considered as a determining factor in the decision making process.*

- 3.5** Whatever the conclusions as to the significance, The Moray Council has, in the past, allowed developments to proceed on land exposed to this order of sound provided that the levels inside the house, with windows closed but trickle ventilators open, do not exceed 35dBA. The internal sound levels have thus been calculated, as described in Section 4.0.

4.0 Calculation of Internal Levels of Air Traffic Sound

- 4.1 As the Moray Council's officers are usually concerned about the sound in lounges, the sound levels have been calculated inside the Lounge of the proposed house. This is one of the most exposed habitable rooms. The principle in this is that, if the sound is acceptable in one of the most exposed rooms, it follows that it will also be acceptable in the other, less exposed, ones. The sound has been calculated using the following equation.

$$L_{\text{Internal}} = L_{\text{External}} - R + 10 \log S - 10 \log 0.161 V + 10 \log T$$

Where, R = sound reduction index of elevation.
 S = area of façade.
 A = acoustical absorption in receiving room.
 V = volume of receiving room.
 T = reverberation time of receiving room.

- 4.2 Charlie Fleming Associates has measured the sound of military aircraft movements at another development site in Lossiemouth. The octave band sound levels, measured at that site, have been adjusted to a level of 66dBA which, according to the sound contours, is present at this site. (It is more accurate to calculate the internal sound using octave band levels as opposed to A-weighted ones, and indeed this is usually a requirement of the Moray Council).
- 4.3 Most air traffic sound contours include a 2dBA addition to allow for that component of the sound which is reflected off the ground. It is not clear whether the RAF model has incorporated this, but it is assumed that it has. This may overestimate the sound of the planes as they take-off and land, because they are close to the ground, and the angle of sound propagation towards the earth not steep enough to cause the full 2dBA increase. Hence it would seem reasonable to reduce the sound level suggested by the contours by 1dBA, as shown overleaf in Table 3.
- 4.4 When sound propagating from a source hits the side of a building, such as a house, it is reflected off it. The reflected sound wave interferes with the incident wave causing what is known as facade effect, or pressure doubling. This is similar to the ground effect described above. This is normally taken to increase the sound, at most, by 3.0dBA, as shown overleaf in Table 3.
- 4.5 The ingress of the sound through the elevation of the house into the Lounge will be determined by the transmission path through the glazing, this being far greater than that through the timber cladding and internal wall linings. At the time of writing, the glazing had not been specified. It was thus assumed to be at least the minimum standard required in the *Building Standards (Scotland) Regulations* for thermal insulation, of 2 panes of 6mm thick glass separated by a 16mm wide cavity. The sound reduction indices of this glazing have been derived from values given in the literature^{3&4}.

The sound has been calculated with the windows closed, and the trickle ventilators open, as required by The Moray Council. The sound reduction index of the trickle ventilator has been taken to be 0dB.

- 4.6** The dimensions of the glazing in the windows on the eastern and western elevations of the Lounge, together with the windows and patio doors on its southern elevation, were scaled off the architect's drawings, and the area calculated to be 4m².

The area of one trickle ventilator is understood to be 10,000mm². It is also understood that there will be four ventilators, in the windows, giving a total area of 40,000mm².

- 4.7** The dimensions of the Lounge were scaled off the architect's drawings, and the volume calculated to be 79m³.

- 4.8** The reverberation times of the room have been taken to be the same as those measured by Charlie Fleming Associates in a similar sized lounge in a flat in Edinburgh. The reverberation times are shown below in Table 3.

- 4.9** The variables discussed in Sections 4.2 to 4.8 have been put into the equation, given earlier in Section 4.1, as shown below in Table 3.

Table 3
Calculation of Internal Sound Levels, L_{eq}
(dB re 2 x 10⁻⁵ Pa)

Parameter	Octave Band Centre Frequency (Hz)								
	31.5	63	125	250	500	1000	2000	4000	8000
Level <i>External</i>	57.3	58.8	60.5	65.8	61.3	57.0	42.7	22.2	18.0
Correction to Contour Level	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6
Correction for Ground Effect	-1.0	-1.0	-1.0	-1.0	-1.0	-1.0	-1.0	-1.0	-1.0
Correction for Facade Effect	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
R <i>Glazing</i>	24.7	24.7	21.9	20.1	29.5	37.9	35.1	39.6	39.6
10log S	6.1	6.1	6.1	6.1	6.1	6.1	6.1	6.1	6.1
10log 0.161 x V	11.1	11.1	11.1	11.1	11.1	11.1	11.1	11.1	11.1
T	0.9	0.7	0.6	0.6	0.5	0.5	0.5	0.4	0.4
10log T	-0.6	-1.4	-2.1	-2.4	-2.8	-3.2	-3.4	-4.1	-4.1
Level <i>Internal</i>	32.7	33.5	37.1	43.9	29.7	16.7	4.9	-20.8	-25.0

Figures shown in italicised print have been extrapolated.

- 4.10** The "Level *Internal*", in the Lounge will be around 43dBA with the windows closed, but the trickle ventilators open. This exceeds the limit of 35dBA usually applied by The Moray Council. With the trickle ventilators closed, the sound level will be around 36dBA, which also exceeds the limit.

The sound level has also been calculated in Bedroom 3 of the house. In this room, with the trickle ventilators open, the sound was found to be 41dBA, which exceeds the limit, of 35dBA, that The Moray Council applies in bedrooms. With the trickle ventilators closed, the sound level will be around 31dBA, which is within the limit applied by The Moray Council.

- 4.11** To reduce the sound, the glazing in the windows and patio doors on the eastern, southern and western elevations of the Lounge should have a sound reduction index, for traffic sound, of at least 34dB. This is sometimes denoted $R_{a, tr}$, or R_{Tr} . Alternatively, the sound reduction index, R , plus spectrum adaptation term, C_{tr} , must be 34dB or greater. Glazing consisting of 6mm and 10mm thick panes of normal float glass, separated by a 12mm wide cavity, has, according to Saint Gobain³, this property. This glazing does not need to be installed in any other rooms of the house.

Acoustically attenuated ventilators should be installed in the Lounge, Study, Dining Kitchen, Bedroom 2 and Bedroom 3 of the house. In these rooms the acoustically attenuated ventilators should have an element normalised level difference $D_{n, e}$, of at least 37dB in the 500Hz octave band. Some companies rate their products as an element normalised level for traffic sound, denoted as $D_{n, e Tr}$, or $D_{n, e A}$. If so, these parameters should be at least 37dB. Acoustically attenuated ventilators are available from the companies listed below.

Titon (Head Office)
894 The Crescent
Colchester Buisness Park
Colchester CO4 9YQ
Tel: 0800 970 4190
Web: www.titon.co.uk

Passivent
North Frith Oasts
Ashes Lane
Hadlow
Kent TN11 9QU
Tel: 01732 850 770
Web : www.passivent.com

Glidevale
2 Brooklands Road
Sale
Cheshire M33 3SS
Tel: 0161 905 5700
Web: www.glidevale.com

Greenwood Air Management
Greenwood House
Brookside Avenue
Rustington
West Sussex BN16 3LF
Tel: 01903 771 021
Web: www.greenwood.co.uk

Rytons Building Products
Design House, Orion Way
Kettering Business Park

Kettering
Northants NN15 6NL
Tel: 01536 511 874
Web: rts.vents.co.uk

5.0 Conclusions

- 5.1** Mr R. Stewart has applied for planning permission to construct a house on land to the east of Easter Cove sea Cottage, near Lossiemouth, in Moray. Lossiemouth Royal Air Force (RAF) base lies some 1.7km to the south-east of where the house will be built.
- 5.2** The concern was raised at the planning stage, by officers of The Moray Council, that the sound of military aircraft might disturb the residents of the proposed house. Charlie Fleming Associates was asked by, Ms Anna Carswell, of CM Design, the firm of architects designing the house, acting as an agent of Mr Stewart, to prepare an air traffic noise impact assessment to accompany the planning application
- 5.3** The assessment of the sound has been performed as suggested in The Scottish Executive Development Department document titled *Planning Advice Note 1/2011: Planning and Noise*¹ (PAN 1/2011). This, in turn, refers to *Technical Advice Note 2011: Assessment of Noise*² (TAN 2011).
- 5.4** The *Magnitude of Impact* of the sound of the air traffic, on the residents of the house, was determined in Section 3.0. During the day, the sound will have a *Moderate adverse* impact on the residents of the house. The RAF does not fly at night, and so there will be *No adverse impact* at this time.
- 5.5** As the impact of the air traffic sound during the day will be *Major*, the significance will be *Large/Very Large*, which are defined in TAN 2011² as:
- Very Large: These effects represent key factors in the decision-making process. They are generally, but not exclusively associated with impacts where mitigation is not practical or would be ineffective.*
- Large: These effects are likely to be important considerations but where mitigation may be effectively employed such that resultant adverse effect are likely to have a Moderate or Slight significance.*
- 5.6** As there will be *No adverse impact* at night, the significance will be *Neutral*, which is defined in TAN 2011² as:
- Neutral: No effect, not significant, noise need not be considered as a determining factor in the decision making process.*
- 5.7** Whatever the conclusions as to the significance, The Moray Council has, in the past, allowed developments to proceed on land exposed to this order of sound provided that the levels inside the house, with windows closed but trickle ventilators open, do not exceed certain limits. The internal sound levels have thus been calculated, as described in Section 4.0. In the Lounge, the glazing will need to be upgraded and acoustically attenuated trickle ventilators installed, as described in Section 4.11. In the Study, Dining Kitchen, Bedroom 2 and Bedroom 3 of the house, acoustically attenuated trickle ventilators should be installed, as described in Section 4.11.


Peter Dunlop BSc (Hons) MIOA

6.0 References

- 1) The Scottish Government, *Planning Advice Note PAN 1/2011 Planning and Noise*, Crown Copyright 2011, ISBN 978-1-78045-043-8 (web only).
- 2) The Scottish Government, *Technical Advice Note TAN 2011 Assessment of Noise*, Crown Copyright 2011, ISBN 978-1-78045-042-1 (web only).
- 3) Saint Gobain, *Acoustic Performance of Glazing*.
- 4) Inman C., *A Practical Guide to the Selection of Glazing for Acoustic Performance in Buildings*, *Acoustics Bulletin*, **19**, (5), September/October 1994, pp19-24.

Appendix

A1.0 Basic Principles of Acoustics

A1.1 Sound Pressure

The sound we hear is due to tiny changes in pressure in the air, caused by something disturbing the air, such as a loudspeaker cone moving back and forward, the blades of a fan heater going round, the moving parts of a car engine, and so on. From the initial point of the disturbance the sound travels to the receiver in the form of a wave. It is not like a wave in water, rather like one that would travel along a stretched spring, such as a child's *Slinky* toy laid flat on the ground and “pinged” at one end. Whether the human ear can hear the sound wave as it travels through the air, however, depends on the size of the disturbance and the frequency of it. That is, if the loudspeaker moves very slightly we may not be able to hear the changes in air pressure that it causes because they are too small for the ear to detect. The magnitude of sound pressures that the human ear can detect ranges from about 0.00002Pascals (Pa) to 200Pa. This enormous range presents difficulties in calculation and so, for arithmetic convenience, the sound pressure is expressed in decibels, dB. Decibels are a logarithmic ratio as shown below:

$$\text{Sound Pressure Level } L \text{ (dB)} = 20\text{Log}_{10}\{p/P\}$$

Where p = the sound pressure to be expressed in dB

and P = reference sound pressure 0.00002Pa

Hence, if we substitute 0.00002Pa, the smallest sound the ear can hear, for p , the result is 0dB. Conversely, if we substitute 200Pa, the loudest sound the ear can hear, for p , the result is 140dB. Hence, sound is measured in terms of sound pressure level in dB relative to 0.00002Pa.

A1.2 Range of Audible Sound Pressure Levels

An approximate guide to the range of audible pressures is presented overleaf in Table A1. The sound pressure levels noted are typical of the source given and should not be considered to be precise. The notes in the "Threshold" column of the Table are for general guidance, the sound pressure levels of those thresholds varying between individuals.

Table A1

Range of Audible Sound Pressure Levels and Sound Pressures

Sound Pressure Level (dB re 2x10 ⁻⁵ Pa)	Sound Pressure (Pa)	Source	Threshold of:
160	2000	Rifle at ear	Damage
140	200	Jet aircraft take off @ 25m	Pain
120	20	Boiler riveting shop	Feeling
100	2	Disco, noisy factory	
80	0.2	Busy street	
60	0.02	Conversation @ 2m	
40	0.002	Quiet office or living room	
20	0.0002	Quiet, still night in country	
0	0.00002	Acoustic test laboratory	Hearing

A1.3 Frequency and Audible Sound

Returning to the example of the loudspeaker cone, if it moves back and forward very slowly, for example once or twice a second, then we will not be able to hear the sound because the ear cannot physically respond to such a low frequency sound. Human ears are sensitive to sound pressure waves with frequencies between about 30Hertz (Hz) and 16,000Hz, where Hz is the unit of frequency and is also known as the number of cycles per second. That is, the number of times each second that the loudspeaker cone moves in and out, the fan blade goes round, etc. At the other end of the frequency spectrum, a sound with a frequency of 30,000Hz will also be inaudible, again because the ear cannot physically respond to sound pressure waves having such a high frequency.

Across the audible frequency range, the response of the ear varies. For example, a sound having a frequency of 63Hz will not be perceived as being as loud as a sound of exactly the same sound pressure level, having a frequency of 250Hz. A sound having a frequency of 500Hz will not be perceived as being as loud as a sound of the same sound pressure level with a frequency of 1,000Hz. Indeed, for a given sound pressure level, the hearing becomes progressively more sensitive as the frequency increases up to around 2,500Hz. Thereafter, from 2,500Hz upwards to about 16,000Hz, the sensitivity decreases, with sounds having frequencies above 16,000Hz being inaudible to most adults.

Virtually all sounds are made up of a great many component sound waves of different sound pressure levels and frequencies combined together. To measure the sound pressure level contributed at each of the frequencies between 30Hz and 16,000Hz, that is, 15,970 individual frequencies, would require 15,970 individual measurements. This would yield a massive, unwieldy amount of data.

A1.4 Octave Bands of Frequency

As a compromise, the sound pressure level in particular ranges, or "bands", of frequencies can be measured. One of the commonest ranges of frequency is the octave band. An octave band of frequencies is defined as a range of frequencies with an upper limit twice the frequency of the lower limit, eg 500Hz to 1,000Hz. This octave is exactly the same as a musical octave, on the piano, violin, etc, or *doh* to high *doh* on the singing scale. Octave bands are defined in international standards and are identified by their centre frequency. Sound measurements are generally made in the eight octave bands between 63Hz and 8,000Hz. This is because human hearing is at its most sensitive, in terms of its frequency response, over this range of frequencies. Furthermore, speech is made up of sound waves having frequencies in this range.

A1.5 "A-Weighting" and dB(A)

Whilst an octave band analysis gives quite detailed information as to the frequency content of the sound, it is rather clumsy in terms of presenting results of measurements, that is, having to note sound pressure levels measured at eight separate octave bands. Furthermore, the ear hears all these separate frequency components as a whole and thus it would seem sensible to measure sound in that way.

When sound pressure level is measured with a sound level meter, the instrument can analyse the sound in terms of its octave band content as described above in section A1.4, or measure all the frequencies at once. Bearing in mind that the response of the ear varies with frequency, the sound level meter can apply a correction to the sound it

is measuring to simulate the frequency response of the ear. This correction is known as "A-weighting" and sound pressure levels measured with this applied are described as having been measured in dB(A).

A1.6 Variation of Sound Level With Time

Most sounds, for example, speech, music, a person hammering, road traffic, an aircraft flying overhead, vary with respect to time. Various terms can be applied to describe the temporal nature of a sound as shown in Table A2.

Table A2

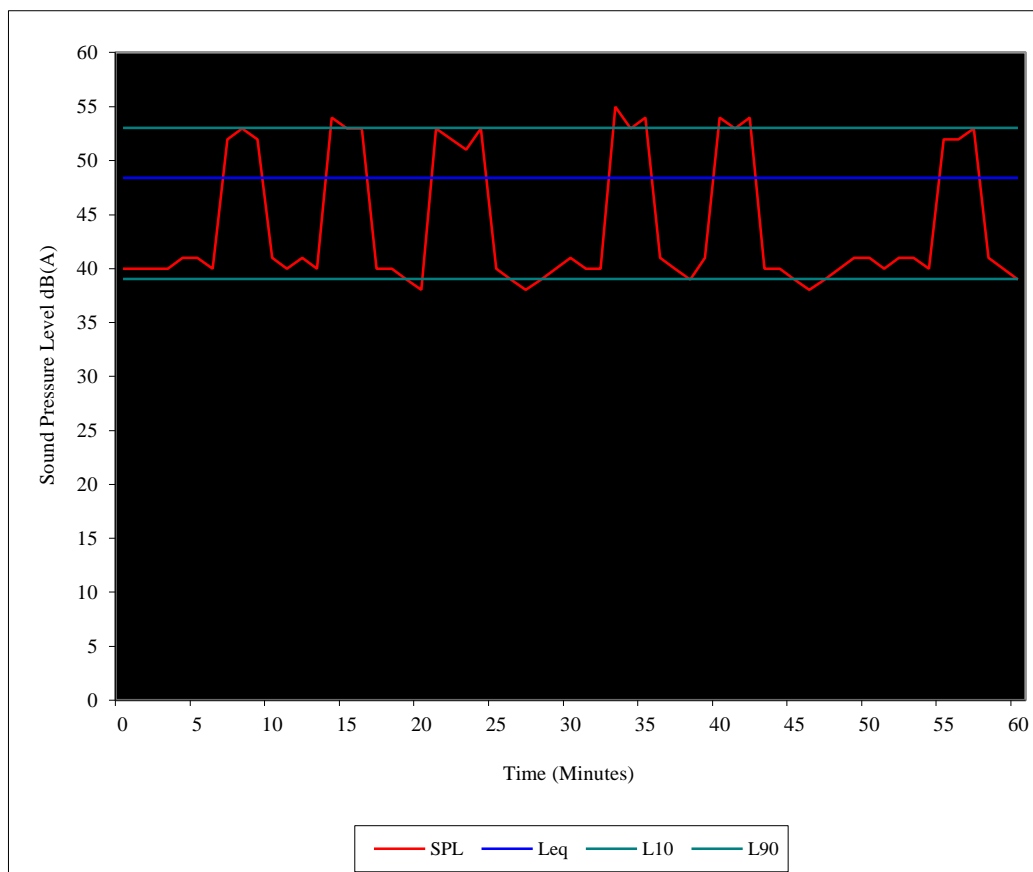
Examples of the Temporal Nature of Sound

Description	Example of Sound Source
Constant or steady state	Fan heater, waterfall
Impulsive	Gun shot, hammer blow, quarry blast
Irregular or fluctuating	Road traffic, speech, music
Cyclical	Washing machine, grass mowing
Irregular impulsive	Clay pigeon shooting
Regular impulsive	Regular hammering, tap dripping, pile driving

In practice, combinations of virtually any of the above can exist. In measuring sound it is necessary to deal with the level as it varies with respect to time.

A1.7 Time History

Consider the time history, as it is known, shown overleaf in Figure A1. Note that it is not an actual time history, rather an approximate representation of that which a person might experience some 100m away from a building site on which a man is operating a pneumatic drill.

Figure A1**Example of Time History of Construction Site Sound**

The sound of the compressor and other activity on the site is reasonably constant with time, having a level of between 38dB(A) and 41dB(A). When the drill operates the sound level rises to between around 51dB(A) and 55dB(A).

A measurement of the sound between the 25th minute and the 32nd minute, when the sound is that of the compressor, would result in a level of about 40dB(A). This is very different from the result of a measurement made between the 33rd minute and the 35th minute, when the drill is operating, which would give a sound level of about 54dB(A). In the past acousticians therefore had to develop some way of measuring the sound which gives us information as to its variation in time. The easiest parameters to understand are the maximum and minimum levels, in this case 55dB(A) and 38dB(A) respectively. These do not tell us much about the sound other than the range of levels involved. The most widely used parameter is the equivalent continuous sound level, L_{eq} , which is explained in Section A1.8.

A1.8 Equivalent Continuous Sound Level, L_{eq}

A representative measurement of the sound to which the person in the example is exposed must deal with these changes in level. This can be done by measuring what is known as the equivalent continuous sound level, denoted as L_{eq} . If the measurement has been made in dB(A) it can be denoted as L_{Aeq} and expressed in dB. This is the sound level which, if maintained continuously over a given period, would have the

same sound energy as the actual sound (which varied with time) had. In the example the L_{eq} is 48.4dB(A) and it is shown on Figure A1 as a blue line. In layman's terms it may be considered to be the average of the sound over a period of time.

A1.9 Sound Exposure Level, L_{AE}

This is the sound level which if maintained constant for a period of one second would have the same sound energy as the time varying sound had. It may be considered to be a L_{eq} normalised to one second. It is very useful for measuring the sound of discrete events such as train pass-bys, aircraft flyovers, explosions and gunfire. A series of L_{AE} 's can be added together relatively easily and an L_{eq} calculated for a long period of time such as a whole day or night.

A1.10 Percentiles, L_x

Another parameter often used in describing sound is the percentile. This is a statistical parameter and with respect to sound is that level exceeded for x% of the measurement period. Hence the L_{10} is that level which was exceeded for 10% of the measurement period. In the example this is 53dB(A) and it is shown in green on Figure A1. It can be seen to be a reasonable representation of the typical value of the peaks in the time history. The L_{10} is often used to describe road traffic sound, such as in the *Calculation of Road Traffic Noise* by the Department of Transport and in the *Noise Insulation Regulations 1975/1988*.

Conversely, the L_{90} is that level exceeded for 90% of the time. In the example it is 39dB(A) and is also shown in green. It is a good descriptor of the troughs in the time history. Another way of thinking of the L_{90} is that it describes the background sound, during lulls in the more obvious noise, in this case the drill. The L_{90} is used in *British Standard BS 4142:1997 Method for Rating industrial noise affecting mixed residential and industrial areas*, as the descriptor of the background sound.

Any percentile can be specified such as L_{21} , L_{65} , L_8 , L_{87} and so on. In practice however the only other percentiles used are the L_1 , which is very similar to the maximum level that occurred during the measurement period and the L_{99} , which is similar to the minimum level that occurred. Very occasionally the L_5 and L_{95} might be specified in a measurement procedure.

A1.11 Maximum and Minimum, L_{Amax} and L_{Amin}

These are the maximum and minimum sound levels which occurred during a given measurement. On Figure A1, they are 55dB(A) and 38dB(A) respectively. They are easy to understand, but do not tell us much about the sound other than the range of levels involved. The maximum level is, however, sometimes important, as it correlates well with sleep disturbance due to isolated sound events.

A1.12 Time Weighting, Fast, L_F , or Slow, L_S

Time weighting refers to the speed at which the sound level meter follows variations in the time history. The “fast” weighting of 125 milli-seconds corresponds to the way in which the human ear follows sound. The “slow” weighting effectively introduces more averaging of the sound. Note that the L_{eq} is independent of the time weighting, which only applies in the measurement of maxima, minima and percentiles.

A1.13 Free-field

As sound propagates from the source it may do so freely, or it may be obstructed in some way by a wall, fence, building, earth bund, etc. The former is known as free-field propagation. The sound exposure categories prescribed in TAN 2011 are based on free-field sound levels.

A1.14 Hemi-spherical

Most sound sources, being on the ground, radiate sound into a half, or hemi-sphere. Exceptions to this are road traffic sound and railway sound which is considered to radiate into a hemi-cylinder, and flying aircraft sound which radiates into a sphere.

A1.15 Level Difference, D

This is the most basic of sound transmission measurements. It is the difference in sound pressure level due to a building element, that is, a floor or wall. It is determined by placing a sound source in one room, measuring the sound pressure level in that room, which is then known as L_1 (source). Whilst the sound source is still radiating, the sound pressure level is measured in the room upstairs in the flat below, for a floor test, or next door through the separating wall, for a wall test. This is known as L_2 (received). The level difference D is then simply:

$$\text{Level Difference } D = L_1 \text{ (source)} - L_2 \text{ (received)}$$

Hence the parameter D represents the reduction in sound pressure level that occurs as the sound passes from one room to another through the floor or wall. This applies equally to the sound of televisions, hi-fi systems, speech and so on, as it does to the sound used in conducting the test. The greater the value of D the better the “sound insulation”. This can be seen if we re-arrange the above equation and work out the received level as:

$$L_2 \text{ (received)} = L_1 \text{ (source)} - \text{Level Difference } D$$

That is, for a given source of sound such as a television, the bigger the level difference D , the less L_2 (received) will be.

A1.16 Sound Reduction Index, R

The level difference described above is a function of the wall in terms of how much sound is transmitted through that element. It is, however, also a function of the acoustical absorption in the receiving room, and the area of the wall radiating the sound.

Considering the acoustical absorption first, for example, the same sound energy will be transmitted through a wall depending on the construction of that element. If the receiving room is full of furniture, curtains and carpeting, the measured sound pressure level L_2 (received) will be less than if all the furnishings were removed. Thus, with the furnishings present, D , equal to L_1 (source) - L_2 (received) will be greater, (because L_2 (received) will be less). If the furnishings are removed, L_2 (received) will increase as there is no longer anything to absorb the sound, and hence D will decrease.

The level difference D is also a function of the area of the partition radiating the sound from one room to the other. The bigger the area, the more sound will be transmitted, the received level will increase, and the difference D will decrease.

To determine the sound transmission performance of the wall itself, regardless of the effect of the acoustical absorption in the receiving room, and the area of the partition, the sound reduction index R is defined as:

$$R = D + 10 \log S - 10 \log A$$

Where S = area of wall radiating sound into receiving room.

A = the acoustical absorption in the receiving room.

A1.17 Reverberation Time, T

The acoustical absorption of a room can be quantified by measuring what is called the reverberation time, in seconds, of the room.

$$A = 0.161 V / T$$

where V = volume of the room.

In turn, the reverberation time is defined as the time taken for the sound pressure level in a room to decay to -60dB relative to its original value from the time the sound source is switched off. It may be subjectively described as a measure of the amount of echo in a room, which is dependent on the room's volume, internal surface area and acoustical absorption.

A1.18 Weighted Sound Reduction Index, R_w

Having calculated the sound reduction index R as described overleaf, we are left with values at sixteen separate third-octave band frequencies. This is rather clumsy in terms of presenting the results of the measurements, and to make things neater the average of the sixteen results could be taken. This would give a broad indication of the sound transmission performance of the wall at a glance, albeit at the expense of the detailed information that comes with the third-octave band results. However, a straightforward arithmetic average of the sixteen individual R results places equal importance on each of the values. In reality, as far as speech transmission is concerned, which is what walls are usually trying to ensure against, certain frequencies are more important than others. Bearing this in mind, a weighted average is determined. This is done by placing a reference curve, which is defined in BS.5821: Part 1, against the measured curve of R results and calculating the difference between the values of the two curves at each frequency. The reference curve is shifted upwards to as high a value as possible such that the average difference over the sixteen third-octave bands does not exceed 2.0dB. Having moved the reference curve to as high a value as possible within this criterion, the weighted value of R , the R_w , is read off the shifted curve at 500Hz.

A1.19 Spectrum Adaptation Terms, C , C_{tr}

These terms can be calculated and then specified along with the weighted value, be it a weighted level difference D_w , weighted apparent sound reduction index R'_w , weighted standardised level difference $D_{nT,w}$ or weighted normalised level difference $D_{n,w}$ as described in section A2.4 above. The spectrum adaptation term is then added to the, for example, $D_{nT,w}$ value, and the sum provides an indication as to the level of sound insulation the element of the building will afford for a noise with a given spectrum (frequency content). The types of noises the 2 spectrum adaptation terms relate to are shown overleaf in the table.

Type of Noise Source	Relevant Spectrum Adaptation Term
Living activities, (talking, music, radio, tv) Children playing Railway traffic at medium to high speed ¹⁾ Highway road traffic > 80km/h ¹⁾ Jet aircraft, short distance Factories emitting mainly medium and high frequency noise	C (spectrum No.1)
Urban road traffic Railway traffic at low speeds ¹⁾ Aircraft, propeller driven Jet aircraft, large distance Disco music Factories emitting mainly low and medium frequency noise	C _{tr} (spectrum No.2)
1) In several European countries, calculation models for highway road traffic noise and railway noise exist, which define octave band levels; these could be used for comparison with spectra Nos.1 and 2.	

Hence, for example, if one knows the A-weighted level of a television in one room, subtracting the weighted level difference D_w plus C of a wall from it, then gives an indication as to the A-weighted level likely to be received in the room next door. If one has measured the A-weighted traffic noise level of an urban street, subtracting the weighted level difference D_w plus C_{tr} of the facade from it, then gives an indication as to the A-weighted level likely in the building.

Calculation of the spectrum adaptation terms is not entirely dissimilar from calculating the weighted levels. The measured sound transmission results at each frequency are subtracted from the given spectrum, either No.1 or No.2. The difference is then divided by 10, and raised to the power 10. These values are then summed. 10 times the logarithm of that number is subtracted from the weighted value to give the spectrum adaptation term.

A1.20 Normalised Level Difference, D_n

This is a level difference evaluated as described in Section A1.15 but corrected to allow for the absorption in the receiving room as follows:

$$D_n = D - 10 \log A/10$$

Rather than correct for the area of the floor or wall and absorption in the receiving room, as the sound reduction index does, the absorption of most rooms in dwellings is around 10m². The D_n is therefore the basic level difference, normalised to the absorption of a typical room.

A1.21 Element Normalised Level Difference, $D_{n,e}$

This is a normalised level difference evaluated as described in Section A1.20, but for a small element of a construction, such as a trickle, or permanent, ventilator. The element is mounted in a substantial wall so that all sound transmission is through it, and that through the wall is negligible. The $D_{n,e}$ therefore relates to the sound transmission per the element and is independent of the area of the item.

A1.22 Weighted Element Normalised Level Difference, $D_{n,e,w}$

Having calculated the standardised level difference $D_{n,e}$ as described above, we are left with values at sixteen separate third-octave band frequencies. This is rather clumsy in terms of presenting the results of the measurements, and to make things neater the average of the sixteen results could be taken. This would give a broad indication of

the sound insulation performance of the element at a glance, albeit at the expense of the detailed information that comes with the third-octave band results. However, a straightforward arithmetic average of the sixteen individual D_{nT} results places equal importance on each of the values. In reality, as far as most noise sources are concerned, certain frequencies are more important than others. Bearing this in mind, a weighted average is determined. This is done by placing a reference curve, which is defined in British Standard BS EN ISO 717-1:1997, against the measured curve of $D_{n,e}$ results and calculating the difference between the values of the two curves at each frequency. The reference curve is shifted upwards to as high a value as possible such that the sum of the differences over the sixteen third-octave bands does not exceed 32.0dB. Having moved the reference curve to as high a value as possible within this criterion, the weighted value of $D_{n,e}$, the $D_{n,e,w}$, is read off the shifted curve at 500Hz.

DESIGN STATEMENT
ERECT NEW 3 BED DWELLING AT
EAST OF COVESEA COTTAGE, LOSSIEMOUTH
Ref: 220022

1.0 INTRODUCTION:

- 1.1** This **Design Statement** has been prepared by **CM Design Architectural & Town Planning Consultants** in response to the requirements of the Moray Local Development Plan 2020
- 1.2** The proposal relates to the erection of a new storey-and-a-half dwelling located West of Lossiemouth and East of Covesea Cottage.
- 1.3** The proposal shares boundaries with a previously approved planning application ref 18/01447/APP.
- 1.4** The site equates to approximately 3252sqm of wild grass and gorse bushes. A topographical survey has been carried out, demonstrating how the site rises sharply from the road before leveling off.

2.0 SITE LOCATION

- 2.1** The B9040 is the coastal road between Lossiemouth and Hopeman, located West of Lossiemouth and East of Covesea Cottage.



- 2.2** The site enjoys a significant backdrop of upward sloping grounds covered in well-established high gorse and shrubbery. This screening exists at both the front and rear of the proposed site.
- 2.3** The topography of the site rises sharply from main road and levels off allowing for considerable natural screening to passing road users. Vehicles approaching from the east and west will only see the rooftops of any proposed houses, if at all.

- 2.4** The proposed dwelling will utilise an existing site entrance accessed via the B9040. This has previously been approved by the Transport department as site the entrance to application 18/01477/APP.

3.0 SITE BACKGROUND

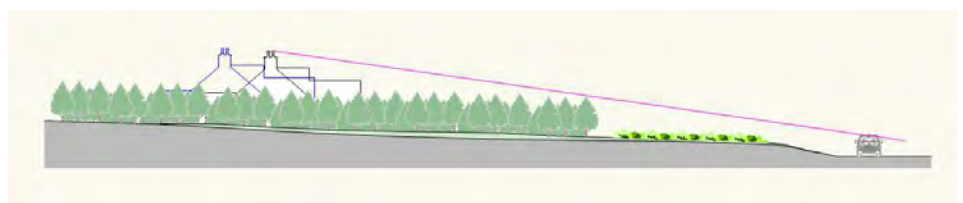
- 3.1** The site shares boundaries with an adjacent plot previously approved application reference **18/01477/APP**. This approval was granted in March 2019.
- 3.2** This application shares part of the existing eastern fence line from previous application. Also reducing the previous application plot size by approximately 600sqm.

4.0 PROPOSALS

- 4.1** The proposal is for a new house plot located East of the previously approved 2018 application (**18/01477/APP**). The new plot will share the existing site entrance accessed via the B9040.
- 4.2** The proposal comprises of a single 1.5 storey dwelling located to the North of the plot as shown on the below plan.



- 4.3** The topography of the site raises sharply from the road before reducing to a more gentle slope, the topography can be visualized on the site section below.
- The proposed dwelling has been located to the rear of the site, sunken into the landscape minimising the visual impact from all public vantage points.



Head Office - Moray
69 St Brendans
South Guildry Street
Elgin
Moray
IV30 1QN

t 01343 540020
e office@cmdesign.biz
w cmdesign.biz

Lossiemouth Office
Ellel, James Street
Lossiemouth
Moray
IV31 6BX

t 01343 612305

Devon Office
The Generator Quay House
The Gallery, Kings Wharf
Exeter
EX2 4AN

t 01392 345566

PROJECTMANAGEMENT
RENEWABLECONSULTANCY

4.4 The site will be accessed via the existing entrance, sweeping through the existing gorse bushes into the new treeline. This discrete entrance was previously approved and seeks to provide access which reflects the settlement pattern in the area.

Maintaining the use of this entrance ensures the visual and vehicle impact on the road is limited.

4.5 The proposed material finishes include a modern smooth off-white render, and a natural slate roof. The windows and doors are to be double glazed Alu-clad. Below is an extract of the South Elevation.



5.0 POLICY COMPLIANCE

5.1 Section 25 of the Town and Country Planning (Scotland) Act 2006 requires that applications be determined in accordance with the current Moray Local Development Plan unless material considerations indicate otherwise.

5.2 This application represents the erection of a new house on the site, which is supported by Policy.

5.3 Policy PP1 – Encourages the creation of distinctive place and calls for variety of design where appropriate.



extract from Policy PP1 MLDP

5.3.1 The properties located adjacent to the B9040 and surrounding area are generally traditional looking small cottage style dwellings. These vary from traditional stone-built cottages to relatively modern cottage style dwellings. Most of the surrounding dwellings have similar features including natural slate roofs, traditional vertical emphasis windows.

5.3.2 The proposed dwelling maintains the traditional features found within the surrounding area, including a natural slate roof, skew tabling, stone features and vertical windows.

Head Office - Moray

69 St Brendans
South Guildry Street
Elgin
Moray
IV30 1QN

t 01343 540020
e office@cmdesign.biz
w cmdesign.biz

Lossiemouth Office

Ellel, James Street
Lossiemouth
Moray
IV31 6BX

t 01343 612305

Devon Office

The Generator Quay House
The Gallery, Kings Wharf
Exeter
EX2 4AN

t 01392 345566

PROJECTMANAGEMENT

RENEWABLECONSULTANCY

5.4 Policy DP1 – Sets out compliance criteria relating to siting, privacy, impact, scale, character, amenity, solar gain etc.

5.4.1 The siting of the proposed dwelling is in-keeping with the building line of adjacent building plot. Siting the dwelling in this location ensures that significant natural visual screening can be achieved limiting the impact from the road.

5.4.2 Furthermore, this siting of the proposed dwelling ensures a significant back drop of upward sloping grounds covered in high gorse and shrubbery. This screening exists at both the front and rear of the proposed site.

5.4.3 The plot will have no impact or encroachment upon the Coastal protection zone which lies immediately to the North of the site.

5.4.4 The scale of the proposal is very much in keeping with the streetscape along the B9040. The height of the proposed dwelling complies with the maximum permitted ridge height of 6.75m and benefits from a 40 degree pitch as required within the MDP.

5.4.5 The character of the proposal is in-keeping with the immediately adjacent dwellings along the B9040 in terms of scale, size and positioning. Great care has been taken to ensure the proposed dwelling is in keeping with the surrounding area by utilising materials of a traditional pallet. These include a natural slate roof, simple smooth render finish.

5.4.6 In accordance with planning policy, and the previous planning conditions, a minimum of 2 parking spaces including 1 electric vehicle charging point have been provided. The site also offers sufficient turning circles to ensure that vehicles can access and exit the site in a forward gear.

5.4.7 The orientation, siting and layout of the proposed dwelling ensures that all principle rooms receive the best south west sunlight and benefit greatly from solar gain as required in DP1.

5.4.8 All boundaries will be defined with new post and wire fencing.

5.4.9 A separate Drainage Statement has been submitted along with this application that details the strategy with regards to on-site and off-site drainage measures.

5.5 This design and application is considered to comply with current policy in all respects.

From: Teresa Ruggeri <Teresa.Ruggeri@moray.gov.uk>
Sent: 02 Jun 2022 03:32:42
To: DMSMyEmail@moray.gov.uk
Cc:
Subject: FW: 22/00215/APP Erect dwellinghouse on Land Adjacent To Easter Covesea Cottage, Duffus
Attachments: 22-00215-APP Erect dwellinghouse on Land Adjacent To Easter Covesea Cottage, Duffus.pdf

From: DeveloperObligations <DeveloperObligations@moray.gov.uk>
Sent: 02 June 2022 14:38
To: Fiona Olsen <Fiona.Olsen@moray.gov.uk>
Cc: DC-General Enquiries <development.control@moray.gov.uk>
Subject: 22/00215/APP Erect dwellinghouse on Land Adjacent To Easter Covesea Cottage, Duffus

Hi

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

Thanks,
Rebecca

Rebecca Morrison | Infrastructure Growth/Obligations Officer (Strategic Planning and Development) | Economic Growth and Development
rebecca.morrison@moray.gov.uk | [website](#) | [facebook](#) | [twitter](#) | [instagram](#) | [news](#)



Developer Obligations & Affordable Housing: ASSESSMENT REPORT



moray
council

Date: 02/06/2022

Reference: 22/00215/APP

Description: Erect dwellinghouse on Land Adjacent To Easter Cove Sea Cottage, Duffus

Applicant: Mr Ronald Stewart

Agent: C M Design

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

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

Summary of Obligations

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

Breakdown of Calculation

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

3 bed = 1 SRUE

This assessment is therefore based on 1 SRUE.



Developer Obligations & Affordable Housing: ASSESSMENT REPORT



moray
council

Date: 02/06/2022

Reference: 22/00215/APP

Description: Erect dwellinghouse on Land Adjacent To Easter Covesea Cottage, Duffus

Applicant: Mr Ronald Stewart

Agent: C M Design

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

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Summary of Obligations

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Transport (<i>Contribution towards Demand Responsive Transport-dial-a-bus</i>)	
Healthcare (<i>Contribution towards extension at Moray Coast Medical Practice</i>)	
Sports and Recreation	Nil
Total Developer Obligations	
Affordable Housing	
TOTAL	

Breakdown of Calculation

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

3 bed = 1 SRUE

This assessment is therefore based on 1 SRUE.



INFRASTRUCTURE

Education

Primary Education

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

Contribution towards Primary Education = Nil

Secondary Education

The pupils generated by this development are zoned to Lossiemouth High School. The school is currently operating at 76% capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary in this instance.

Contribution towards Secondary Education = Nil

Transport

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

[REDACTED]

Contributions towards Transport = Nil

Healthcare

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

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

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

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

[REDACTED]

Contribution towards Healthcare= [REDACTED]

Sports and Recreational Facilities

Existing sports provision within Lossiemouth is considered to be adequate to serve the needs of the residents anticipated to be generated by this development. Therefore, in this instance, no contribution will be required.



Contribution for Sports and Recreation
Facilities = Nil

AFFORDABLE HOUSING

The average market value of a serviced plot for 1 Affordable Unit within the Elgin local Housing Market Area is [REDACTED]

Contributions are based on 25% of the total number of units proposed in the application:

[REDACTED]

Therefore, the total contribution towards affordable housing is:

1 proposed unit = [REDACTED]

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



TERMS OF ASSESSMENT

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

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

PAYMENT OF CONTRIBUTIONS

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

INDEXATION

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

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



Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	3rd March 2022
Planning Authority Reference	22/00215/APP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Land Adjacent To Easter Cove sea Cottage Duffus Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133071842
Proposal Location Easting	319518
Proposal Location Northing	870750
Area of application site (M²)	3252
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=R7DY55BGLEB00
Previous Application	18/01477/APP 18/01072/APP
Date of Consultation	17th February 2022
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Ronald Stewart
Applicant Organisation Name	
Applicant Address	Backlands House 7 Forsyth Street Hopeman Moray IV30 5JQ
Agent Name	C M Design
Agent Organisation Name	
Agent Address	St Brendans 69 South Guildry Street Elgin Moray IV30 1QN
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Fiona Olsen
Case Officer Phone number	01343 563189
Case Officer email address	fiona.olsen@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.

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 22/00215/APP

Erect dwellinghouse on Land Adjacent To Easter Covesea Cottage Duffus Moray for Mr Ronald Stewart

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

Please

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

Condition(s)

1. No development shall commence until a visibility splay 4.5 metres by 215 metres has been provided in both directions at the access onto the Public Road with all boundaries set back to a position behind the required visibility splays, and thereafter the visibility splays shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway.

Reason: To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit, in the interests of road safety for the proposed development and other road users

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

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

3. Prior to the first occupation of the dwelling house a new bin store shall be provided at the agreed location shown on submitted drawing 220022.STEWART.03PP.

To ensure acceptable development that does not create any hazard to road users in the interests of road safety.

4. Prior to the first occupation of the dwelling house, the first 10m of the access track, measured from the edge of the public carriageway, shall be constructed to the Moray Council specification and surfaced with bituminous macadam. The width of the vehicular access shall be minimum 5.0 metres for the first 10 metres measured from the edge of the public carriageway, and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway.

Reason: To ensure acceptable infrastructure at the development access.

5. Prior to the first occupation of the dwelling house an access lay-by 12.0m long 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.

Reason: To enable visiting service vehicles to park clear of the public road in the interests of road safety.

6. Three parking spaces shall be provided within the site prior to the occupation or completion of the dwelling houses, whichever is the sooner. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the permanent availability of the level of parking necessary for residents/visitors/others in the interests of an acceptable development and road safety.

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

Reason: To ensure the provision for vehicles to enter/exit in a forward gear in the interests of the safety and free flow of traffic on the public road

8. No water shall be permitted to drain or loose material be carried onto the public carriageway.

Reason: 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.

Further comment(s) to be passed to applicant

The formation of the required visibility splay will involve the regrading/ lowering of ground levels and the clearance of gorse and vegetation.

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

The provision of Electric Vehicle (EV) chargers and/or associated infrastructure shall be provided in accordance with Moray Council guidelines. Cabling between charging units and parking spaces must not cross or obstruct the public road including footways. Infrastructure provided to enable EV charging must be retained for this purpose for the lifetime of the development unless otherwise agreed in writing by the Planning Authority. Guidance on Electric Vehicle (EV) Charging requirements can be found at:
<http://www.moray.gov.uk/downloads/file134860.pdf>

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

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

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

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

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.

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

Date 13 April 2022

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

Friday, 18 February 2022



Local Planner
Development Services
Moray Council
Elgin
IV30 1BX

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

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



Dear Customer,

Land Adjacent To Easter Covesea Cottage, Duffus, IV30 5QS
Planning Ref: 22/00215/APP
Our Ref: DSCAS-0058760-PSS
Proposal: Erect dwellinghouse

Please quote our reference in all future correspondence

Audit of Proposal

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

Water Capacity Assessment

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

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

Waste Water Capacity Assessment

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

Please Note

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

Asset Impact Assessment

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

- ▶ 1 x 4" AC water main in the site boundary

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) to apply for a diversion.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Surface Water

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

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

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

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk

- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
 - ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
 - ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
 - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

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

▶ Non Domestic/Commercial Property:

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

▶ Trade Effluent Discharge from Non-Domestic Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle,

plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

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

Yours sincerely,

Angela Allison

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

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

Consultation Request Notification – Development Plans

Planning Authority Name	Moray Council
Response Date	16th March 2022
Planning Authority Reference	22/00215/APP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Land Adjacent To Easter Covesea Cottage Duffus Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133071842
Proposal Location Easting	319518
Proposal Location Northing	870750
Area of application site (M²)	3252
Additional Comments	Refusal - Pressurised and Sensitive Area, Ribbon Development, Build up, NIA outstanding, Transportation Info outstanding
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=R7DY55BGLEB00
Previous Application	18/01477/APP 18/01072/APP
Date of Consultation	2nd March 2022
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Ronald Stewart
Applicant Organisation Name	
Applicant Address	Backlands House 7 Forsyth Street Hopeman Moray IV30 5JQ
Agent Name	C M Design
Agent Organisation Name	
Agent Address	St Brendans 69 South Guildry Street Elgin Moray IV30 1QN
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Fiona Olsen
Case Officer Phone number	01343 563189
Case Officer email address	fiona.olsen@moray.gov.uk

PA Response To	consultation.planning@moray.gov.uk
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NOTE:

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

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

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

Please respond using the attached form:-

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

MORAY COUNCIL PLANNING CONSULTATION RESPONSE

From: Development Plans

Planning Application Ref. No: 22/00215/APP

**Erect dwellinghouse on Land Adjacent To Easter Covesea Cottage Duffus Moray
for Mr Ronald Stewart**

Ward: 05_17 Heldon And Laich

DETERMINATION - DEPARTURE FROM DEVELOPMENT PLAN

(For Structure/Local Plan Comment)

		Page No	Policy No(s)	Yes	No
1	Departure from Moray Local Development Plan 2020		DP4 Rural Housing EP3 Special Landscape Areas and Landscape Character	X X	
2	Further Discussion Required				

REASONING FOR THIS DECISION:

POLICY COMMENTS

It should be noted these comments relate solely to the principle of a new housing in this location and have not considered any other policy implications.

DP4 Rural Housing and EP3 Special Landscape Areas and Landscape Character

Policy DP4 Rural Housing sets out a spatial strategy to direct new housing in the open countryside to the least sensitive locations by identifying pressurised and sensitive areas (unsuitable for new housing) and areas of intermediate pressure (potentially suitable for new housing subject to meeting all policy requirements). The site is located within a pressurised and sensitive area with this coastal location being designated as a pressurised area due to the landscape and visual impacts associated with build-up of new housing. On this basis no new housing will be permitted in this location.

In addition to this the site also sits within the Burghead to Lossiemouth Coast Special Landscape Area (SLA). Policy EP3 Special Landscape Areas and Landscape Character states that within rural areas (outwith defined settlement and rural grouping boundaries) development must be one of the following uses i) Where the proposal involves an appropriate extension or change of use to existing buildings, or ii) For uses directly related to distilling, agriculture, forestry and fishing which have a clear locational need and demonstrate that there is no alternative location, or iii) For nationally significant infrastructure developments identified in the National Planning Framework. The proposal for a new house does not fall into any of these categories and is therefore not supported under the terms of EP3. Furthermore, EP3 refers back to the spatial strategy for rural housing set out in DP4 and specifically identifies the Burghead to Lossiemouth SLA amongst others as “sensitive” stating housing is not permitted in this location.

It is noted that there is consent for a house immediately adjacent to this site however this was considered under the terms of the previous Local Development Plan and prior to the review of local landscape designations and introduction of pressurised and sensitive areas.

In conclusion the proposals as submitted should be recommended for refusal.

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

Date 23 March 2022
Phone No

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

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	3rd March 2022
Planning Authority Reference	22/00215/APP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Land Adjacent To Easter Covesea Cottage Duffus Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133071842
Proposal Location Easting	319518
Proposal Location Northing	870750
Area of application site (M²)	3252
Additional Comment	RAF Lossiemouth Noise Zones 63dBA and 66dBA categories B and C
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=R7DY55BGLEB00
Previous Application	18/01477/APP 18/01072/APP
Date of Consultation	17th February 2022
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Ronald Stewart
Applicant Organisation Name	
Applicant Address	Backlands House 7 Forsyth Street Hopeman Moray IV30 5JQ
Agent Name	C M Design
Agent Organisation Name	
Agent Address	St Brendans 69 South Guildry Street Elgin Moray IV30 1QN
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Fiona Olsen
Case Officer Phone number	01343 563189
Case Officer email address	fiona.olsen@moray.gov.uk

PA Response To	consultation.planning@moray.gov.uk
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For full Data Protection policy, information and rights please see http://www.moray.gov.uk/moray_standard/page_119859.html

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Environmental Health Manager

Planning Application Ref. No: 22/00215/APP

Erect dwellinghouse on Land Adjacent To Easter Covesea Cottage Duffus Moray for Mr Ronald Stewart

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)

This Section recommends approval subject to the following conditions -

Unless otherwise agreed in writing with the Council (as Planning Authority), the glazing in the windows and patio doors of the Lounge on the eastern, southern and western elevations shall consist of 6mm and 10mm thick panes of normal float glass separated by a 12mm cavity. The specification and acoustic performance shall be in accordance with Section 4.11 of the Noise impact Assessment supporting document dated 20th May 2022, titled "Report on Air Traffic Sound For Mr B Stewart At Land to East of Easter Covesea Cottage, Lossiemouth" and provided by Charlie Fleming Associates Limited, Acoustic Consultants, 5 Saltpans, Charlestown, Fife KY11 3EB.

Acoustically attenuated trickle ventilators shall be provided in the Lounge, Study, Dining Kitchen, Bedroom 2 and Bedroom 3 of the house. They should have an element normalised level difference Dn, e, of at least 37dB in the 500Hz octave band, as stated in Section 4.10 of the Noise impact Assessment supporting document dated 20th May 2022, titled "Report on Air Traffic Sound For Mr B Stewart At Land to East of Easter Covesea Cottage, Lossiemouth" and provided by Charlie Fleming Associates Limited, Acoustic Consultants, 5 Saltpans, Charlestown, Fife KY11 3EB.

The above noise mitigation measures shall be maintained throughout the lifetime of the development.

Contact: Douglas Caldwell
email address:
Consultee:

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

Consultee Comments for Planning Application 22/00215/APP

Application Summary

Application Number: 22/00215/APP

Address: Land Adjacent To Easter Cove sea Cottage Duffus Moray

Proposal: Erect dwellinghouse on

Case Officer: Fiona Olsen

Consultee Details

Name: Mr CL Consultations

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

Email: Not Available

On Behalf Of: Contaminated Land

Comments

No objections

Adrian Muscutt, CLO

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Moray Flood Risk Management

Planning Application Ref. No: 22/00215/APP

Erect dwellinghouse on Land Adjacent to Easter Covesea Cottage Duffus Moray for Mr Ronald Stewart

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

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

Contact:	Javier Cruz	Date..... 23/05/2022
email address:	Javier.cruz@moray.gov.uk	Phone No
Consultee:	The Moray Council, Flood Risk Management	

Comments for Planning Application 22/00215/APP

Application Summary

Application Number: 22/00215/APP

Address: Land Adjacent To Easter Cove sea Cottage Duffus Moray

Proposal: Erect dwellinghouse on

Case Officer: Fiona Olsen

Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Lack of landscaping
- Over-development of site
- Precedent

Comment: This development is contrary to the Moray Local Development Plan 2020. MLDP Policy DP4 states - 'Opportunities for housing in the open countryside are limited to single houses and proposals for more than one house will not be accepted'. Whilst this application is for a single house, planning permission for another property adjacent to this site has already been granted; this second property would contribute to an unnecessary, intrusive build-up of housing in a rural area, which could lead to more housing and ribbon development at a later date. In addition, the landscaping proposals are inadequate and misleading.

Comments for Planning Application 22/00215/APP

Application Summary

Application Number: 22/00215/APP

Address: Land Adjacent To Easter Cove sea Cottage Duffus Moray

Proposal: Erect dwellinghouse on

Case Officer: Fiona Olsen

Customer Details



Comment Details


Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Lack of landscaping
- Traffic

Comment: I object to this planning application. I regularly walk with my children in this area and the environment is brilliant for plants and wildlife.

This application goes against the Moray Local Development plan 2020 and is designated an area of Landscape Value and so should be preserved. There are not mature trees surrounding the land. There is already permission for one house another would go against guidelines. It would be an eyesore and dominate the area. It would stop the  that stop there each winter, from landing for much needed rest and food.

We need our green spaces! The pictures of trees around the house are simply misleading there is only broken fences (Some blown down in the storms) and open land. You can see the traffic from the far side of the land, it is that open.

Comments for Planning Application 22/00215/APP

Application Summary

Application Number: 22/00215/APP

Address: Land Adjacent To Easter Covesea Cottage Duffus Moray

Proposal: Erect dwellinghouse on

Case Officer: Fiona Olsen

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Height of proposed development
- Lack of landscaping
- Over-development of site
- Precedent
- Road access
- Road safety
- Traffic
- View affected

Comment: I wish to note my objection to the development 22/00215/APP as a resident of Covesea village.

I note that the same development suggestion for 3 houses (18/01072/APP) was previously refused as being contrary to the policies then in force: PP3, H7, IMP1 and EP8 of Moray LDP 2015 and feel that the same grounds for refusal pertain. Although a single house was subsequently approved it now seems that this is simply house number 2 of the original 3 house proposal and, presumably, a third house will follow to side-step the initial refusal! Furthermore, I would imagine there will be subsequent development of garage space for these dwellings.

Although the Coastal Protection Zone assignation has been removed, the area is currently designated as a Special Landscape Area. This is one of the truly unspoilt regions of the Burghead to Lossiemouth coastal route and will suffer from further needless and insensitive development.

In respect of Policy PP3 (Transport), the stretch of the B9040 adjacent to the development is already particularly hazardous for pedestrians, equestrians and cyclists as vehicular traffic drops unsighted at 60 mph from the brow of the hill at Covesea down east towards the golf course. This development would exacerbate that hazard.

My strongest objection is in respect of Policy DP4 (Rural Housing) which states "Opportunities for housing in the open countryside are limited to single houses and proposals for more than one house will not be accepted" and "the new house must not create a ribbon development, contribute to an unacceptable build up of housing or detrimentally alter the rural character of an area due to its prominent or roadside location". I feel that such a development will impact negatively on the unspoilt rural feel of the area. The application itself cites "the site enjoys a significant backdrop of upward sloping grounds covered in well-established high gorse and shrubbery". Exactly! This development will detract from that. I am concerned that this stretch of the B9040 will eventually become an unbroken ribbon of houses detracting from the remote feel of the area. In addition, the height of the proposed dwelling makes it less concealed.

Comments for Planning Application 22/00215/APP

Application Summary

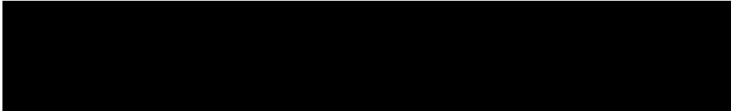
Application Number: 22/00215/APP

Address: Land Adjacent To Easter Cove sea Cottage Duffus Moray

Proposal: Erect dwellinghouse on

Case Officer: Fiona Olsen

Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Road access
- Traffic

Comment: Linear development, no services , more car use

Comments for Planning Application 22/00215/APP

Application Summary

Application Number: 22/00215/APP

Address: Land Adjacent To Easter Cove Sea Cottage Duffus Moray

Proposal: Erect dwellinghouse on

Case Officer: Fiona Olsen

Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Lack of landscaping
- Over-development of site
- Precedent
- Road access
- Road safety
- Traffic

Comment: 1. History and precedent

I have seen the previous application (18/01072/APP) by the applicant for 3 houses, and refused as contrary to policies PP3, H7, IMP1 and EP8 of Moray LDP 2015 and the supplementary guidance 'Housing in the Countryside'. While I appreciate the current application will be considered under MLDP 2020, and that a single house (18/01477/APP) was subsequently permitted, the principles of the criteria for the initial refusal still hold and the potential for ribbon development is strong. I understand that each application is treated individually but I would ask you to consider precedent as a real concern, particularly given that the land eastwards towards the Golf Dedication Centre is in the same ownership and as yet undeveloped. Piecemeal applications also have the potential to bypass Policy PP1 Placemaking.

2. Policy EP3

For MLDP 2020, the nature and landscape designations were altered following the Local Landscape Designation Review 2018. The Coastal Protection Zone was removed. The designation for the area of the application is now a Special Landscape Area: Burghead to Lossiemouth coast. It is shown on the Council interactive map which is referenced in the Justification/Notes box on p. 79 of MDP 2020; it extends from N verge of B9040 to the sea.

http://www.moray.gov.uk/moray_standard/page_123058.html

Policy EP3 SLAs i) c) states that as a sensitive area in terms of DP4, no new housing in the countryside will be permitted. (p. 78)

3. Policy PP3 Infrastructure and Services - Transport. The B9040 is not a bus route; nor does it have an Active travel Route (ATR), despite its being a 60 mph zone with poor sight lines and frequented by cyclists and pedestrians. Even one additional hazard in the form of another access track is unhelpful, and nor is new housing so distant from public transport or an ATR consistent with the Council's policies on carbon reduction. We will also see more wheelie bins on the roadside but no layby for the binmen to park.

4. Policy DP4 Rural housing

a) The application relates to the lowest priority in the cited hierarchy - this is building in the open countryside.

This house and its immediately adjacent neighbour will not be of low impact nor integrate sensitively into the landscape nor reflect the rural character of the area. They will look like suburban houses in an area of 19th Century scattered farm cottages and farm steadings such as Easter Covesea and Covesea Farm which are set back from the main road.

d) i) 'Proposals for more than one house will not be supported'. The principle of the spatial strategy must surely preclude permitting one house at a time!

d) ii) See EP3

d) iii) a) Siting criteria: Neither the current application alone, nor viewed in conjunction with its neighbour sharing an entrance, meet the criteria. There is not 75% containment. In fact, the current scrub, broken fence and gorse is nothing like as effective in providing screening as suggested in the application, particularly to the west. Screening from planted trees must be realistic in time scale and space allotted, without roots and shade compromising the buildings. The houses are orientated to take in views to the south from the main rooms - the entrance is on the north side - so it is unlikely that screening will match the apparent aspiration of the houses' design, and they will therefore consequently be highly visible from the main road.

This application is for a second house aligned on the B9040, creating the start of ribbon development, and detrimentally altering the local rural character due to the prominent and roadside location.

5. Guidance on Cumulative Build Up p. 54-55

The notes on siting indicators cite as undesirable the very situation here where new houses along the roadside could overwhelm the perception of the former traditional dispersed settlement pattern of older buildings of vernacular design. The road itself was only built in living memory.

6. Additional buildings

The site plan is of insufficient quality to be certain but I can see no indication of a garage or shed, only parking areas. These are common requirements for a dwelling of this type.

I would urge you to refuse permission, in line with the Policies and Guidance of Moray's LDP 2020, for this application for new build housing in the countryside to prevent cumulative roadside development in this rural area adjacent to the Covesea coast.

Comments for Planning Application 22/00215/APP

Application Summary

Application Number: 22/00215/APP

Address: Land Adjacent To Easter Cove Sea Cottage Duffus Moray

Proposal: Erect dwellinghouse on

Case Officer: Fiona Olsen

Customer Details

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Over-development of site
- Poor design
- Precedent

Comment:

I object to this development on the grounds that it does not fit with the Moray Local Development Plan 2020. The proposed dwelling in the prominent location directly adjacent to the public road, would create an obtrusive build that would contribute to a build up of development that would undermine the rural character of the area and will not sensitively integrate into the landscape. MLDP Policy DP4 states - 'Opportunities for housing in the open countryside are limited to single houses and proposals for more than one house will not be accepted'. Whilst this is a proposal for a single house, there has already been planning permission granted for a single house to be built there (Work not yet started). This application is from the same landowner who applied for planning permission for 3 houses on that land in 2019. He was granted permission for one house and is now applying for permission for a second house, building next door to the house he already has planning permission for. This is a planning application for a second house clearly contravening the statement above 'Proposals for more than one house will not be accepted'.

It also states - 'the new house must not create a ribbon development, contribute to an unacceptable build up of housing or detrimentally alter the rural character of an area due to its prominent or roadside location'. With potentially 2 new houses being built, in line with each other, I would argue that this is the start of a ribbon development and will contribute to an unacceptable build up of housing.

It also states - There must be existing landform, mature trees, established woodland.... To provide

75% enclosure, containment or backdrop for the proposed new house.....Fields drains, ditches, burns, posts and wire fencing, roads and tracks do not provide adequate enclosure or containment.

Whilst there is Gorse growing to the front of the land it is not tall enough to conceal or partially conceal the house. Any trees that were on that land have already been cleared. The back area is Gorse, with broken down fencing to the side. . It does not have 75% containment.

Two new builds in this area will overwhelm the older traditional buildings. If permission is granted, the owner will clearly apply for planning permission for a 3rd house (The original, refused plan) and the number of new houses would overwhelm the presence of the older buildings even more, thus becoming a major characteristic of the landscape. This is another step towards joining up traditionally dispersed settlement. He is trying for his original plan of 3 houses by the back door, step by step over the years.

Design statement 4.3 - shows trees on the western boundary of the land, there are no trees there, it is simply posts and wire fencing with a track beside it, the visual impact will be immense. The Gorse to the front and the back of the building are not tall enough to minimise visual impact. The design drawings are very clever but the trees that they indicate as coverage are not there and there is not enough land to allow for planting once the houses are built. The illustration in the MLDP DP4 Siting, gives a clear illustration of the site in question (An example stated as unacceptable), there are no existing mature trees and the landform does not provide containment or enclosure

Comments for Planning Application 22/00215/APP

Application Summary

Application Number: 22/00215/APP

Address: Land Adjacent To Easter Cove sea Cottage Duffus Moray

Proposal: Erect dwellinghouse on

Case Officer: Fiona Olsen

Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Height of proposed development
- Over-development of site

Comment: This is an inappropriate development along this section of coast. It completely goes against previous decision to allow the erection of one dwelling, which is one too many as it is. Visually it will lead to a density of housing completely inappropriate for this location literally adjacent to a protected coastal zone.

Comments for Planning Application 22/00215/APP

Application Summary

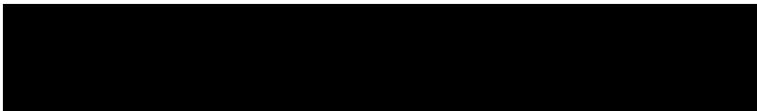
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Comments for Planning Application 22/00215/APP

Application Summary

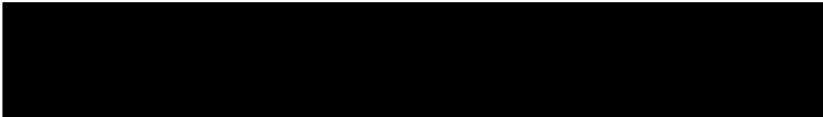
Application Number: 22/00215/APP

Address: Land Adjacent To Easter Cove sea Cottage Duffus Moray

Proposal: Erect dwellinghouse on

Case Officer: Fiona Olsen

Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Road safety
- Traffic
- View affected

Comment: The Moray Local Development Plan (DP 4, 2020) sets out boundaries for planning permission and I believe that if he gains permission whilst clearly violating these boundaries, it opens the door for all the landowners to apply!

Comments for Planning Application 22/00215/APP

Application Summary

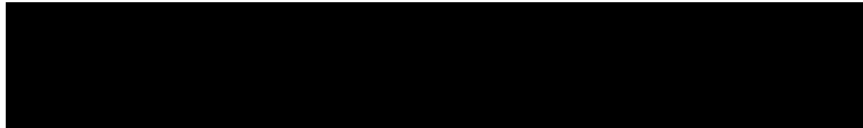
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Address: Land Adjacent To Easter Cove sea Cottage Duffus Moray

Proposal: Erect dwellinghouse on

Case Officer: Fiona Olsen

Customer Details



Comment Details

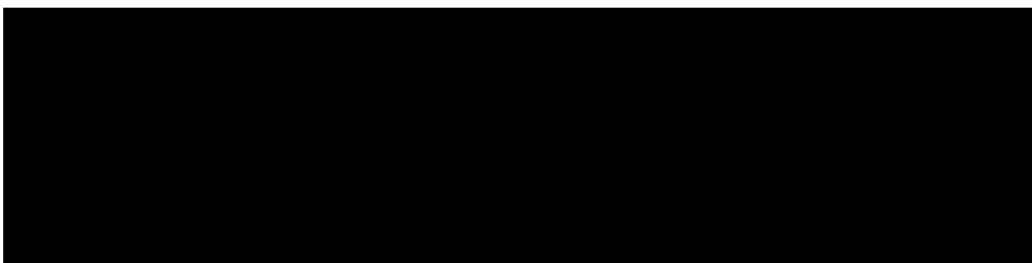
Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Over-development of site
- Precedent

Comment: The proposed dwelling with its prominent location directly adjacent to a public road, would create an obtrusive development that would contribute to a build up of development that would undermine the rural character of the area and not sensitively integrate into the landscape.



Sent: 17 March 2022 16:58
To: planning <planning@moray.gov.uk>
Subject:

Warning. This email contains web links and originates from outside of the Moray Council network. You should only click on these links if you are certain that the email is genuine and the content is safe.

Good Afternoon,
Regarding the planning application for land adjacent to Easter Covesea Cottage.

I have placed an objection through the normal channels. I took some photographs to support my view regarding lack of mature trees for a boundary. I have tried to send them through your site but I cannot attach the photos to a form. Could you please accept the photos below as supporting evidence that the application is contravening the MLDP 2020. Apologies that it is not sent in the usual manner but I just couldn't see how to attach photos.
Kind Regards



----- Forwarded message -----



Sent: Tuesday, 15 March 2022, 16:53:15 GMT
Subject:







Comments for Planning Application 22/00215/APP

Application Summary

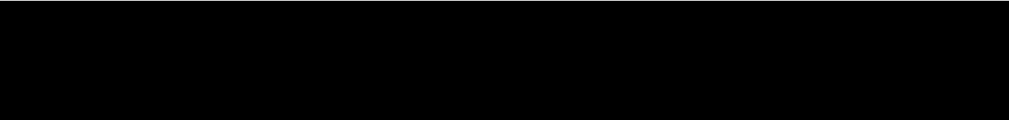
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Address: Land Adjacent To Easter Cove Sea Cottage Duffus Moray

Proposal: Erect dwellinghouse on

Case Officer: Fiona Olsen

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Lack of landscaping
- Over-development of site
- Precedent

Comment: I object to this development on the grounds that it does not fit with the Moray Local Development Plan 2020. The proposed dwelling in the prominent location directly adjacent to the public road, would create an obtrusive build that would contribute to a build up of development that would undermine the rural character of the area and will not sensitively integrate into the landscape.

MLDP Policy DP4 states - 'Opportunities for housing in the open countryside are limited to single houses and proposals for more than one house will not be accepted'. Whilst this is a proposal for a single house, there has already been planning permission granted for a single house to be built there (Work not yet started). This application is from the same landowner who applied for planning permission for 3 houses on that land in 2019. He was granted permission for one house and is now applying for permission for a second house, building next door to the house he already has planning permission for. This is a planning application for a second house clearly contravening the statement above 'Proposals for more than one house will not be accepted'.

It also states - 'the new house must not create a ribbon development, contribute to an unacceptable build up of housing or detrimentally alter the rural character of an area due to its prominent or roadside location'. With potentially 2 new houses being built, in line with each other, I would argue that this is the start of a ribbon development and will contribute to an unacceptable build up of housing.

REPORT OF HANDLING

Ref No:	22/00215/APP	Officer:	Fiona Olsen
Proposal Description/ Address	Erect dwellinghouse on Land Adjacent To Easter Cove sea Cottage Duffus Moray		
Date:	23.06.2022	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
Moray Flood Risk Management	24/05/22	No Objections
Planning And Development Obligations	02/06/22	Contributions sought
Strategic Planning And Development	28/03/22	Policy DP4 seeks to direct housing to least sensitive locations. The site is located within a pressurised and sensitive area where no new housing will be permitted and therefore does not comply with policy DP4 Rural Housing The site also sits within the Burghead to Lossiemouth Coast Special Landscape Area (SLA). The proposal for a new house would not fit within any of the designated uses for new developments within rural SLAs and therefore the proposal does not comply with Policy EP3 Special Landscape Areas.
Environmental Health Manager	09/06/22	No Objections subject to a condition
Contaminated Land	22/02/22	No Objections
Transportation Manager	13/04/22	No Objections subject to conditions and informatives
Scottish Water	18/02/22	No Objections

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
EP14 Pollution Contamination Hazards	N	Complies
DP1 Development Principles		See Below

DP4 Rural Housing		See Below
EP1 Natural Heritage Designation	N	Complies
EP3 Special Landscape Areas		See Below
EP7 Forestry Woodland and Trees	N	Complies
EP12 Management and Enhancement Water	N	Complies
EP13 Foul Drainage	N	Complies

REPRESENTATIONS

Representations Received	YES	
Total number of representations received: TEN		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
<p>Issue: In a prominent location with insufficient containment/backdrop.</p> <p>Comments (PO): Although the site slopes steeply from the public road, thereafter levelling off to gentle sloped land extending to the coastline to the north which is dense with gorse bushes. Gorse bushes also lie to the east of the site and the site is bound by the neighbouring plot to the west and the public road to the south.</p> <p>The bordering gorse bushes and gentle slope would not be considered sufficient containment and backdrop for a new house as DP4 outlines that these must be existing landform, mature trees, established woodland or buildings of a sufficient scale. Therefore the proposed new house would be considered to be prominent on the landscape with insufficient containment and backdrop.</p>		
<p>Issue: Would lead to a build-up of development/undermine rural character of surrounding area.</p> <p>Comments (PO): The site is located within a pressurised and sensitive area due to the landscape and visual impacts associated with build-up of new housing in this area. On this basis no new housing will permitted in this location and therefore the application will be refused.</p>		
<p>Issue: Would lead to ribbon development and a development of two houses which is not permitted under DP4 Rural Housing.</p> <p>Comments (PO): Policy DP4 states that proposals for new houses will be limited to single houses. Although there is a neighbouring consent for a dwellinghouse (18/01477/APP refers), this application proposes a single house and that would comply with DP4(d)(i). However the proposal for a new dwellinghouse immediately adjacent to a neighbouring plot would be considered 'ribbon development' which would not comply with the siting requirements of policy DP4(d)(iii).</p>		
<p>Issue: Would set precedent for more housing along this road.</p> <p>Comments (PO): This application proposes a single house which will be considered under its own merits in relation to the relevant Local Development Plan policies associated with the proposed site. Any future application would be assessed in the same manner.</p>		
Issue: Piecemeal applications can bypass PP1 Placemaking.		

Comments (PO): It is noted that PP1 Placemaking applies to all developments however a Placemaking Statement is only required for residential developments of 10 units or more.

Issue: Site is within a Special Landscape Area (SLA) where no new housing will be permitted.

Comments (PO): This is correct as the development proposal would not fall within any of the permitted categories within a SLA rural area and the application will be refused as it would not comply with Policy EP3.

Issue: Road safety concerns on B9040.

Comments (PO): Moray Council Transportation Section have been consulted and have raised no objections subject to a series of conditions to be added to any final consent. These conditions include a condition relating to the provision of an appropriate visibility splay. Roads Safety has been assessed as part of this application and if the application were to be approved, the recommended conditions would be applied to any future consent.

Issue: Design is suburban in appearance and of an unacceptable height.

Comments (PO): The proposed dwellinghouse would measure approx. 6.3m to the roof ridge and following amendments, would comply with the design requirements (including the required gable width formula) as set out in policy DP4.

The overall appearance of the dwellinghouse is simple and well-proportioned and the external wall finish of an off-white render and stone quoins and a pitched roof over in natural slate would also comply with Policy DP4.

Issue: Concerns regarding birds and other wildlife using this site.

Comments (PO): The application will be refused as it does not comply with policies EP3 and DP4 of the MLDP2020. Should the application be approved informatives would be added to the final consent reminding the developer of their duty regarding protected species (such as bats) and recommending that any construction works take place at a time so as to avoid disturbing ground nesting birds.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

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

Proposal

The application seeks planning permission to erect a new one and a half storey dwellinghouse.

Site

The site is an existing parcel of overgrown land of approx. 3252sqm situated on land adjacent to Easter Cove Sea Cottage, Lossiemouth.

The site is located within the MLDP2020 designated Burghead to Lossiemouth Coast Special Landscape Area and also within a 'Pressurised and Sensitive Area'.

The site also falls within noise contours identified from aircraft operating at RAF Lossiemouth.

The site is proposed to be connect to an existing shared access (with a neighbouring plot to the

immediate west of the site, 18/01477/APP refers) from the south-east of the site. Work has commenced on the neighbouring plot and therefore that permission is now extant and will not expire.

Policy Assessment (MLDP 2020)

Siting (DP1, DP4, EP3)

Policy DP4(d)(i) and (ii) refer to new housing in the open countryside and outline that a spatial strategy has been developed to direct new housing to the least sensitive locations by identifying pressurised and sensitive areas and areas of intermediate pressure. The site is located within a pressurised and sensitive area due to the landscape and visual impacts associated with build-up of new housing. On this basis no new housing will be permitted in this location and the proposal would not comply with policy DP4.

Policy DP4(d)(iii) also refers to the siting criteria set out for new housing in the open countryside which require that there must be acceptable enclosure, containment and backdrop for a proposed new house (in the form of existing landform, mature trees, established woodland or buildings of a sufficient scale). It also states that a new house should not create ribbon development, be formed via artificial mounding or clear felling of trees and a minimum of 15% of the plot should be landscaped with native tree species of at least 1.5m in height. Policy DP4 is clear that no new housing within Pressurised and Sensitive Areas should be permitted and as such the merits of the siting of any proposed house is not something that could overcome the fundamental issue that the proposed site lies within the Pressurised and Sensitive Area. It is noted however that the site is set on a very gentle slope, with dense gorse bushes to the north and east which would not provide sufficient containment and enclosure for a new house. The site also sits immediately to the east of a neighbouring plot which has an extant consent for a new house (permitted under the previous 2015 Moray Local Development Plan which was adopted prior to the review of local landscape designations and the introduction of 'pressurised and sensitive' area). The formation of another house plot immediately adjacent would lead to ribbon development. This combined with the insufficient containment and backdrop would detrimentally alter the rural character of the area due to its prominent roadside location and would therefore be unacceptable in terms of the siting criteria of Policy DP4.

The site also sits within the Burghead to Lossiemouth Coast Special Landscape Area (SLA). Policy EP3 Special Landscape Areas and Landscape Character states that within rural areas (outwith defined settlements and rural grouping boundaries) development must be one of the following uses i) for an extension or change of use to existing buildings, or ii) for uses directly related to distilling, agriculture, forestry and fishing which have a clear locational need and demonstrate that there is no alternative location, or iii) for nationally significant infrastructure developments identified in the National Planning Framework. The proposal for a new house does not fall into any of these categories and is therefore not supported under the terms of EP3. Furthermore, EP3 refers back to the spatial strategy for rural housing set out in DP4 and specifically identifies the Burghead to Lossiemouth SLA amongst others as "sensitive", stating housing is not permitted in this location.

Overall therefore, the site would sit within a 'Pressurised and Sensitive Area' where no new housing will be permitted. It would also not meet the required siting criteria for a new house in the countryside as the site would not contain sufficient containment and backdrop. The site borders a neighbouring plot (with extant consent for a new house) would also lead to ribbon development which overall would alter the rural character of the area due to the prominent roadside location of the site. The site is also located within the Burghead to Lossiemouth SLA and as the proposal for a house plot would not fall within the development categories permitted in this area and therefore would not be supported in terms of policy EP3. Finally policy DP1 states that development proposals will be supported if they conform to the relevant LDP policies. In this case the proposal does not comply with policies DP4 and EP3 and therefore in turn, would not comply with policy DP1.

As a result the proposal is contrary to policies DP1, DP4 and EP3 and therefore the application is recommended for refusal.

Design and Materials (DP1, DP4)

Policy DP4 seeks to promote traditional rural design and avoid insensitive suburban development. In particular, it sets out specific requirements for the maximum height of any new house to be 6.75m, the form of the house to have appropriate scale and massing and composed of simple well-proportioned elements. Artificial decorative stone must not be used and houses should meet the require gable width and roof pitch formula and have a horizontal emphasis to all windows.

The proposed house is one-and-a-half storey dwelling with a ridge height of approx. 6.3m. Following amendments, the design would comply with the gable width formula and required roof pitch as set by policy DP4. It is a simple and well-proportioned design incorporating two external wall finishes including an off-white render and natural stone quoins/skew tabling. The pitched roof over would be finished in natural slate. As natural and traditional materials these would sit well within the existing coastal location and aid to integrate the development into the surrounding rural landscape.

These matters, although compliant in design terms, would not override the aforementioned objections with regard to the location within a Pressurised and Sensitive Area and the Burghead to Lossiemouth Special Landscape Area (SLA) within which no new housing will be permitted and therefore refusal is recommended.

Amenity, Landscaping and Trees (DP1, DP4)

Policy DP1 requires that the scale, density and character of all development be appropriate to the surrounding area, be integrated into the surrounding landscape and not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity. Policy DP4 requires that 15% of new house plot must be landscaped with native tree species to assist the development to integrate sensitively.

There are trees no existing trees on the site. The submitted site plan shows sufficient planting of native trees to meet the policy requirements of DP4. The majority of tree planting is proposed to the southern end of the site, in front of the proposed dwellinghouse. Although the planting would help to screen the development from the public road, similar to the neighbouring plot (18/01477/APP refers) this would not meet the siting criteria outlined under DP4 which requires backdrop, containment and enclosure to be landform, mature trees, established woodland or buildings of a sufficient scale and therefore the proposed planting would not aid to meet the siting requirements of policy DP4.

However if the application were to be approved both boundary treatments and landscaping would be matters controlled by condition.

Access & Parking (DP1)

There is sufficient space within the site for parking and turning and access will be connected to an existing access to the south-east of the site. Moray Council Transportation Section have been consulted and have raised no objections subject to a series of conditions and informatives to be added to any final consent. These conditions relate to the provision of a visibility splay, EV charging point, bin store, access lay-by, parking and a turning area and finally a condition to ensure no loose material is taken onto the public road. Therefore the proposal would be considered acceptable in terms of the access and parking requirements of policy DP1 and if approved the above conditions would be added to any final consent.

Drainage & Water Supply (DP1, EP12, EP13)

Details of foul water treatment and soakaway and a surface water soakaway are shown on the submitted plans. A Site Investigation and Drainage Assessment have been submitted which describe the proposed drainage arrangements and testing undertaken to ensure the site can be adequately drained. Moray Flood Risk Management have been consulted on the application and have raised no objections.

It is proposed to connect the dwellinghouse to the public water supply. Scottish Water have been

consulted and have raised no objections.

Therefore the proposal would meet the drainage and water supply requirements of policy DP1, EP12 and EP13.

Should the application be approved the agreed drainage design would also require to be a matter controlled by condition.

Pollution (EP14)

Policy EP14 requires that development proposals which may cause significant air, water, soil, light or noise pollution or exacerbate existing issues must be accompanied by a details assessment report on the levels, character and transmission of the potential pollution with measures to mitigate impacts.

The site falls within noise contours identified from aircraft operating at RAF Lossiemouth. Accordingly, a Noise Impact Assessment (NIA) has been provided with the application and it details the impact of such noise upon the occupants of the proposed house. The NIA identifies mitigation measures that are necessary to reduce noise levels within the house to an appropriate level whilst ensuring appropriate ventilation. The Council's Environmental Health Section has recommended conditions requiring the necessary mitigation measures to be put in place as part of the proposed scheme. Should the application be approved, these conditions would be added to any final consent.

An Air Source Heat Pump (ASHP) is also proposed at the property. The Council's Environmental Health Section has recommended a condition requiring details of the ASHP to be submitted prior to commencement of the development.

Therefore if approved, the aforementioned noise mitigation measures and details of the ASHP would be matters controlled by condition to ensure compliance with policy EP14.

Developer Obligations and Affordable Housing (PP3, DP2)

A Developer Obligation towards transport and healthcare and is sought as part of the application. An affordable housing contribution is also sought. The applicant has confirmed willingness to pay both of these, should the application be approved.

Ground Nesting Birds (EP1)

Policy EP1 outlines that wild birds and other wildlife are protected under domestic legislation and it is likely that ground nesting birds could utilise the site. Therefore, should the application be approved, an informative should be added to the final consent reminding the developer that all wild birds, their nests and their eggs are protected by law under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) and that it is their responsibility to develop the site in accordance with all wildlife legislation and that works should be timed carefully to avoid the times of year when wild birds are likely to be nesting, i.e. the breeding season. This would ensure compliance with policy EP1, should the application be approved.

Conclusion

The proposed site is located within a pressurised and sensitive area where no new housing will be permitted as it would detract from the rural landscape character of the wider area. The site would also not contain sufficient containment and backdrop to meet the siting criteria as set by policy DP4. The site borders with a neighbouring plot (with extant consent for a new house) and the placement of a new house on this site would also lead to ribbon development which overall would alter the rural character of the area due to the prominent roadside location of the site. Finally the site is also within the Burghead to Lossiemouth SLA and the proposal for a house plot would not fall within the development categories permitted in this area and therefore would also not be supported in terms of policy EP3.

Overall, therefore, the proposal for a house in this location is unacceptable and refusal is recommended.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
18/01477/APP	Erect cottage on Land Adjacent To Easter Covesea Cottage Duffus Moray			
	Decision	Permitted	Date Of Decision	13/03/19
18/01072/APP	Re application of previously refused (Ref: 18/01072/APP) - Land To East Of Covesea Cottages Lossiemouth Moray			
	Decision	Refuse	Date Of Decision	09/10/18

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	No Premises	17/03/22	
PINS	No Premises	17/03/22	

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?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Design Statement (ref: 220022, dated 02/02/2022)	
Main Issues:	Outlines site, site history and details of the proposed design.	
Document Name:	Drainage Statement (220022, dated 15/02/2022)	
Main Issues:	Outlines that all surface and foul water drainage systems will be dealt with at building warrant stage following percolation testing.	
Document Name:	Site Investigation and Drainage Assessment (GMC22-082, dated 23/05/2022)	
Main Issues:	Outlines ground testing and calculations undertaken to confirm ground suitability for both foul and surface water soakaways.	

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)			

It also states - There must be existing landform, mature trees, established woodland.... To provide 75% enclosure, containment or backdrop for the proposed new house.....Fields drains, ditches, burns, posts and wire fencing, roads and tracks do not provide adequate enclosure or containment.

Whilst there is Gorse growing to the front of the land it is not tall enough to conceal or partially conceal the house. Any trees that were on that land have already been cleared. The back area is Gorse, with broken down fencing to the side. . It does not have 75% containment.

Two new builds in this area will overwhelm the older traditional buildings. If permission is granted, the owner will clearly apply for planning permission for a 3rd house (The original, refused plan) and the number of new houses would overwhelm the presence of the older buildings even more, thus becoming a major characteristic of the landscape. This is another step towards joining up traditionally dispersed settlement. He is trying for his original plan of 3 houses by the back door, step by step over the years.

Design statement 4.3 - shows trees on the western boundary of the land, there are no trees there, it is simply posts and wire fencing with a track beside it, the visual impact will be immense. The Gorse to the front and the back of the building are not tall enough to minimise visual impact. The design drawings are very clever but the trees that they indicate as coverage are not there and there is not enough land to allow for planting once the houses are built. The illustration in the MLDP DP4 Siting, gives a clear illustration of the site in question (An example stated as unacceptable), there are no existing mature trees and the landform does not provide containment or enclosure.



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

REFUSAL OF PLANNING PERMISSION

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

TO



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

**Erect dwellinghouse on Land Adjacent To Easter Covesea Cottage Duffus
Moray**

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

Date of Notice: **27 June 2022**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

Economy, Environment and Finance
Moray Council
Council Office
High Street
ELGIN
Moray
IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

1. The application proposes a new dwellinghouse on a site within an identified pressurised and sensitive area where no new housing will be permitted due to the landscape and visual impacts associated with build-up and is therefore contrary to policy DP4 - Rural Housing.
2. A new house on this site would detract from the rural landscape character of the wider area as the site would not contain sufficient backdrop and containment and would create ribbon development with the neighbouring plot (with extant permission for a new house) contrary to the siting criteria as set by Policy DP4 Rural Housing as well as DP1 Development Principles.
3. The site is located within the Burghead to Lossiemouth SLA the proposal for a house plot would not fall within any of the development categories permitted under EP3 for a rural location within the SLA and no new housing is permitted in the open countryside in this SLA therefore the proposal would be contrary to policy EP3 - Special Landscape Areas.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
220022.STEWART.02PP	A	Elevations and floor plans
220022.STEWART.01PP	B	Site and location plan
220022.STEWART.03PP		Visibility splay

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

Amended plans submitted to show visibility splay.

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

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning

authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from www.eplanning.scotland.gov.uk

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



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 0300 1234561 Email: development.control@moray.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100600970-001

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.

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:	CM Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Craig	Building Name:	St Brendans
Last Name: *	Mackay	Building Number:	69
Telephone Number: *	01343540020	Address 1 (Street): *	South Guildry Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Elgin
Fax Number:		Country: *	United Kingdom
		Postcode: *	IV30 1QN
Email Address: *	office@cmdesign.biz		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="Backlands House"/>
First Name: *	<input type="text" value="Ronald"/>	Building Number: <input type="text" value="7"/>
Last Name: *	<input type="text" value="Stewart"/>	Address 1 (Street): * <input type="text" value="Forsyth Street"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text" value="01343 542777"/>	Town/City: * <input type="text" value="Hopeman"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="IV30 5JQ"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="production@jnkitchens.nadsl.net"/>	

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

Please identify/describe the location of the site or sites

Land East of Covesea Cottages, Lossiemouth

Northing	<input type="text" value="870774"/>	Easting	<input type="text" value="319583"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erect dwelling house on Land Adjacent to Easter Cove sea Cottage Duffus Moray

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Statement of appeal is provided on a separate document in the supporting documents section.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

DOC001 - CMD Drawing – 220022.STEWART.01PP(B) Site & Location Plan DOC002 - CMD Drawing – 220022.STEWART.02PP(A) Floor plans and elevations DOC003 – CMD Drawing – 220022.STEWART.03PP Visibility Splay DOC004 – Phase II Site Investigation report ERS Ref no 1219-001 DOC005 – Handling Report DOC006 – Decision Notice Statement of Case

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/00215/APP

What date was the application submitted to the planning authority? *

15/02/2022

What date was the decision issued by the planning authority? *

27/06/2022

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

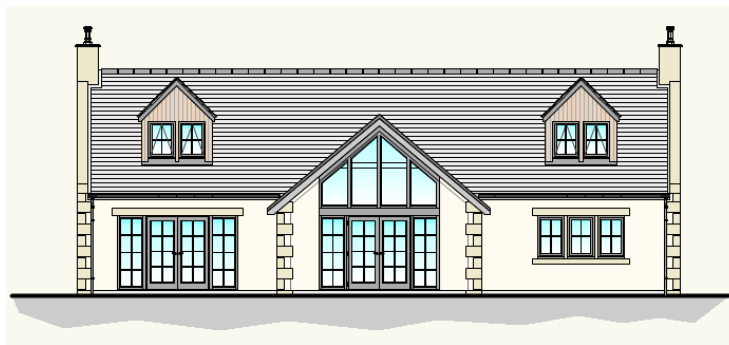
Declaration Name: Mr Craig Mackay

Declaration Date: 26/09/2022



STATEMENT OF APPEAL

New dwellinghouse on Land adjacent to Easter Covesea
Cottage, Duffus, Moray



Sept 2022

**St. Brendans
South Guildry Street
Elgin
Moray
IV30 1QN**

**t. 01343 540020
w. cmdesign.biz**

**4 Bridge Street
Nairn
Highland
IV12 4EJ**

**t. 01667 300230
w. cmdesign.biz**



planningconsultancy • architecturaldesign • projectmanagement

St. Brendans
South Guildry Street
Elgin
Moray
IV30 1QN

t. 01343 540020 f. 01343 556470
e. office@cmdesign.biz

Our Reference:	22022.STEWART
Local Authority:	Moray Council
Planning Application Ref:	22/00215/APP
Application Proposal:	Erect Dwellinghouse on Land Adjacent to Easter Covesea Cottage, Duffus, Moray
Site Address:	as above
Appellants:	Mr Ronald Stewart
Date Application Validated:	17 th February 2022
Council Decision Notice Date:	27 th June 2022
Reason for Refusal:1	<p>Reason 1 – “The application proposes a new dwellinghouse on a site within an identified pressurised and sensitive area where no new housing will be permitted due to the landscape and visual impacts associated with build-up and is therefore contrary to policy DP4 – Rural Housing”</p> <p>Reason 2 - “A new house on this site would detract from the rural landscape character of the wider area as the site would not contain sufficient backdrop and containment and would create ribbon development with the neighbouring plot (with extant permission for a new house) contrary to the siting criteria as set by Policy DP4 Rural Housing as well as DP1 Development Principles”</p> <p>Reason 3 – “The site is located within the Burghead to Lossiemouth SLA. The proposal for a house would not fall within any of the development categories permitted under EP3 for a rural location within the SLA and no new housing is permitted in the open countryside in this SLA therefore the proposal would be contrary to Policy EP3 – Special Landscape Areas”</p>

PLANNING APPEAL STATEMENT OF CASE – NEW DWELLINGHOUSE ON LAND ADJACENT TO EASTER COVESEA COTTAGE, DUFFUS

Application Drawings & Supporting Documents:	<p>DOC001 - CMD Drawing – 220022.STEWART.01PP(B) Site & Location Plan</p> <p>DOC002 - CMD Drawing – 220022.STEWART.02PP(A) Floor plans and elevations</p> <p>DOC003 – CMD Drawing – 220022.STEWART.03PP Visibility Splay</p> <p>DOC004 – Phase II Site Investigation report ERS Ref no 1219-001</p> <p>DOC005 – Handling Report</p> <p>DOC006 – Decision Notice</p>
Contents:	<ol style="list-style-type: none"> 1. Introduction – Page 3 2. Background – Page 4 3. Statement of Case – Page 5 4. Reasons for Refusal – Page 6 5. Conclusion – Page 8

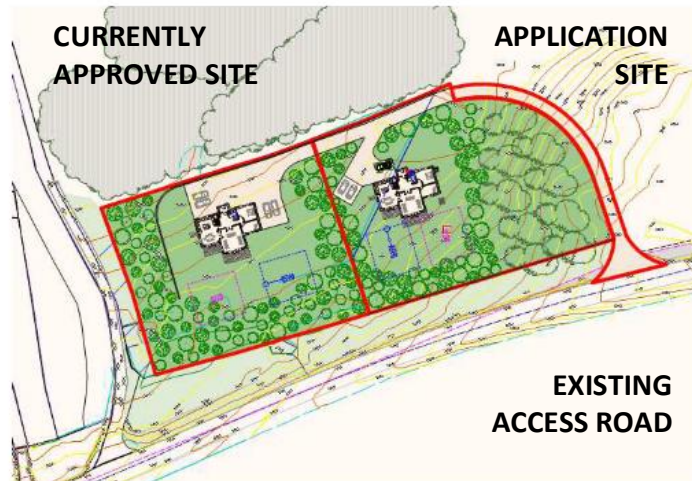
Introduction

- 1.1. The following Statement of Case, submitted **by CM Design, Town Planning & Architectural Consultants**, has been prepared to support a Local Review Board submission relating to -

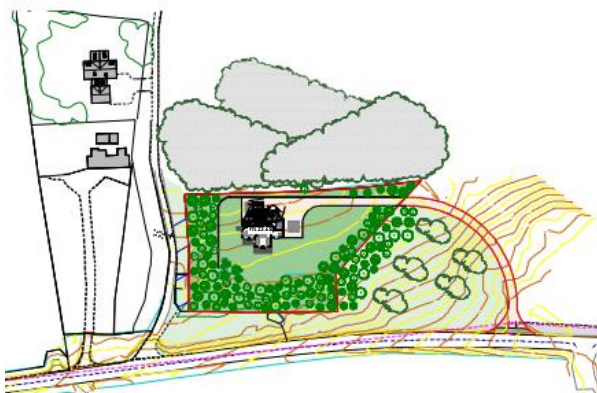
Developing a new home on an “infill” site, adjacent to an existing approved new house

- 1.2. This proposal seeks to infill an existing enclosed area of land next to an existing approved new-house site (Planning Ref 18/01477/APP refers) and to take further advantage of the same site and design merits that allowed the initial house proposal to be approved.
- 1.3. Several **material considerations exist** in this case that provide justification for positive consideration, under Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997
- 1.4. The house design has been deemed to acceptable and compliant in terms of Policy
- 1.5. The nature of development would be considered an **acceptable departure** in terms of the impacts of Policy DP4 and the requirements of the Pressurized and Sensitive Designation upon the wider area.

- 1.6. There is sufficient screening of the property from public vantage points
- 1.7. There is a sufficient backdrop to the site
- 1.8. The arrangement of the existing access road allows for an orthodox and acceptable “infill” without contradicting the existing settlement pattern nearby or representing a risk of ribbon development.



- 1.9. The extract below the left shows the originally approved house site and the remaining land.



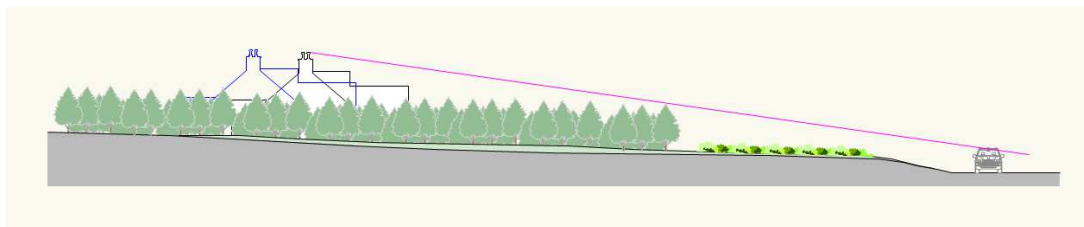
- 1.10. It should be noted that this land is **perfectly developable** under current Policies and a small house such as the one proposed could feasibly be constructed as an annexe to the existing house without any significant challenge in terms of Policy

2. THE SITE

- 2.1. The proposed site would be considered brownfield as it was a former sheep shearing pen which has undergone examination and approval by contaminated land specialists (See **DOC 004** – Specialist Report by ERS)
- 2.2. The site is accessed via an existing track approved previously by Moray Council Transport Department and this access has been established and awaits the final wearing course.



- 2.3. The site enjoys a significant backdrop and foreground of established high gorse and shrubbery.
- 2.4. Whilst the existing **approved house** might be seen momentarily by vehicles passing from the west, the proposed house enjoys a much higher level of screening due to its lower topography and its situation behind existing landscaping.
- 2.5. The general topography at this location slopes from north to south and overlooks the runways and associated buildings of RAF Lossiemouth. There are **no domestic properties** to the north, south or east of this site that would be impacted by this development.



- 2.6. The site can be developed without exacerbating the cumulative issues and impacts that are prevalent elsewhere and which formed the basis for current Policy for development in this particular area of Moray.

3. Statement of Case

- 3.1. Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires applications to be determined in accordance with the Development Plan unless **material considerations** indicate otherwise.
- 3.2. As stated earlier in this Statement there are significant **material considerations** to be aware of in this case and are repeated here for the sake of clarity.
 - A house or a building of this scale or nature COULD be formed on this site as an ancillary building to the existing approved house next door. The principal of there being a building on this site sometime in the future is completely feasible under policies relating to ancillary expansion existing house
 - The site represents an orthodox and acceptable departure to Policy by virtue of its sunken location, screening and its nature of “infill”
 - The proposed house cannot be readily seen from the road or public vantage point.
 - The nature of the proposed side by side house site is in-keeping with many of the traditional sporadic house groupings that can be seen along the B9040
- 3.3. The policies that guide development at the site address, are intended to limit isolated, cumulative housing in the countryside. Given that a house could be formed on this site as an ancillary building to the existing house, it is requested that this proposal for a new site be considered to be an acceptable departure from Policy.
- 3.4. The protected nature of the Coastline of Moray, currently designated as a Special Landscape Area and a Highly Pressurized and Sensitive Area, is understood but the particular nature of the proposed site is worthy of close consideration and would not be considered to be the heart or intention of these new Policies.
- 3.5. An opportunity exists to “round off” and existing “cluster” of houses by “infilling” a secluded and screened area of land that is naturally formed by existing features, roadways and landform

4. Reasons for Refusal – Policy Compliance

4.1. The detail of the reason for refusal are examined as follows.

4.2. **Reason 1** - *“The application proposes a new dwellinghouse on a site within an identified pressurised and sensitive area where no new housing will be permitted due to the landscape and visual impacts associated with build-up and is therefore contrary to policy DP4 – Rural Housing”*

- 4.2.1. The designation of certain areas of Moray as “pressurized and sensitive” was introduced to tackle the increase in **highly visible development** of new housing in the countryside where there was already a high concentration of approved housing.
- 4.2.2. This proposal does not represent the manner of development that this designation was designed to limit. This development is screened, it has context.
- 4.2.3. This particular area of the designation is not highly developed with new housing due to the proximity of RAF Lossiemouth and the SSI nature of adjoining lands.
- 4.2.4. Section 25 and 37 of the Town and Country Planning (Scotland) Act requires that each case be considered on their own merit and this particular site is worthy such close attention.
- 4.2.5. The following extract from the MLDP 2020 demonstrates the manner of cumulative build up that the Policy and the designation was implemented to avoid.



Figure 5 - MDLP extract showing common problem with cumulative build-up across Moray – This is NOT the application site

4.2.6. This application does not represent this manner of development in any way

4.3. **Reason 2** - *“A new house on this site would detract from the rural character of the wider area as the site would not contain sufficient backdrop and containment and would create ribbon development with the neighbouring plot (with extant permission for a new house) contrary to the siting criteria as set by Policy DP4 Rural Housing as well as DP1 Development principles”*

- 4.3.1. This proposal is more akin to “infill development” than ribbon development as it utilises the landform left by the existing vehicular access from the B9040.
- 4.3.2. The matter of “containment” might be considered somewhat subjective as the coastal nature of this area of Moray is more commonly suited to intense gorse land rather than exposed tree-lines and, as such, the native screening should be considered to be acceptable within the meaning and intentions of this Policy
- 4.4. **Reason 3** - *“The site is located within the Burghead to Lossiemouth SLA. The proposal for a house would not fall within any of the development categories permitted under EP3 for a rural location within the SLA and no new housing is permitted in the open countryside in this SLA therefore the proposal would be contrary to Policy EP3 – Special Landscape Areas”*
- 4.4.1. Policy EP3 does NOT preclude or prohibit development within an SLA (Special Landscape Area) instead paragraph i) states – “**..proposals will only be permitted where they do not prejudice the special qualities of the designated area..**”
- 4.4.2. Given that each application should be considered on its own merits, this development could be considered to be an acceptable departure from Policy given its location, screening, access and context.
- 4.4.3. This is not an application for an isolated house within the SLA and without context. The site takes the form of an “infill site” and within an existing cluster of housing which can be developed without any impact on the principles of the SLA
- 4.4.4. The design of the building has been accepted in terms of Policy.



- 4.4.5. The picture above demonstrates the settlement pattern in this particular area, and the scattered nature of 2 or 3 closely knit houses between Hopeman and Lossiemouth.
- 4.4.6. This proposal represents that settlement pattern perfectly and does not conflict with Policy EP3 of the needs of the SLA

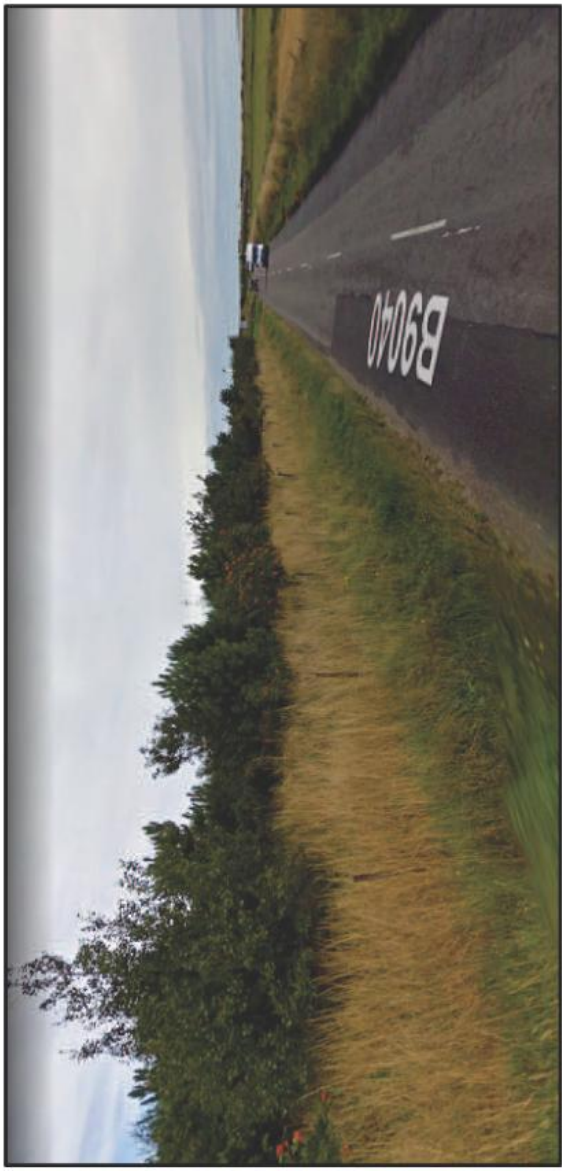
5. Conclusion

5.1. This Statement of case has established the following:

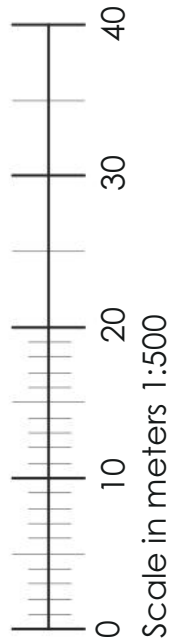
- That **material considerations** exist that can assist in a positive consideration of this case.
- That this particular proposal **does not represent** the manner of development that current Policies on limiting rural development are targeting.
- That this site can represent an **acceptable departure** from Policy in terms of the aspirations of the SLA designation and the pressurised and sensitive designation.
- That the development represents an “**infill**” proposal rather than any measure of ribbon development. There is a cluster of houses that merit being consolidated and limited by current road access, landform and land features.
- That a house or annexe of this nature could be formed on this site under policies that allow for **ancillary buildings** to the existing house site.
- Current Policies on limiting cumulative build-up of new housing are more directed at isolated, randomly located and highly visible developments and not perhaps applicable in this case.

5.2. The appellant respectfully requests that detail of this case be fully considered and the Appeal to approve this application be upheld.

It is proposed to maintain the gorse bushes along the road and around the site entrance with the trees planted behind. This will maintain the existing landscape while successfully obscuring the dwelling from the B9040.



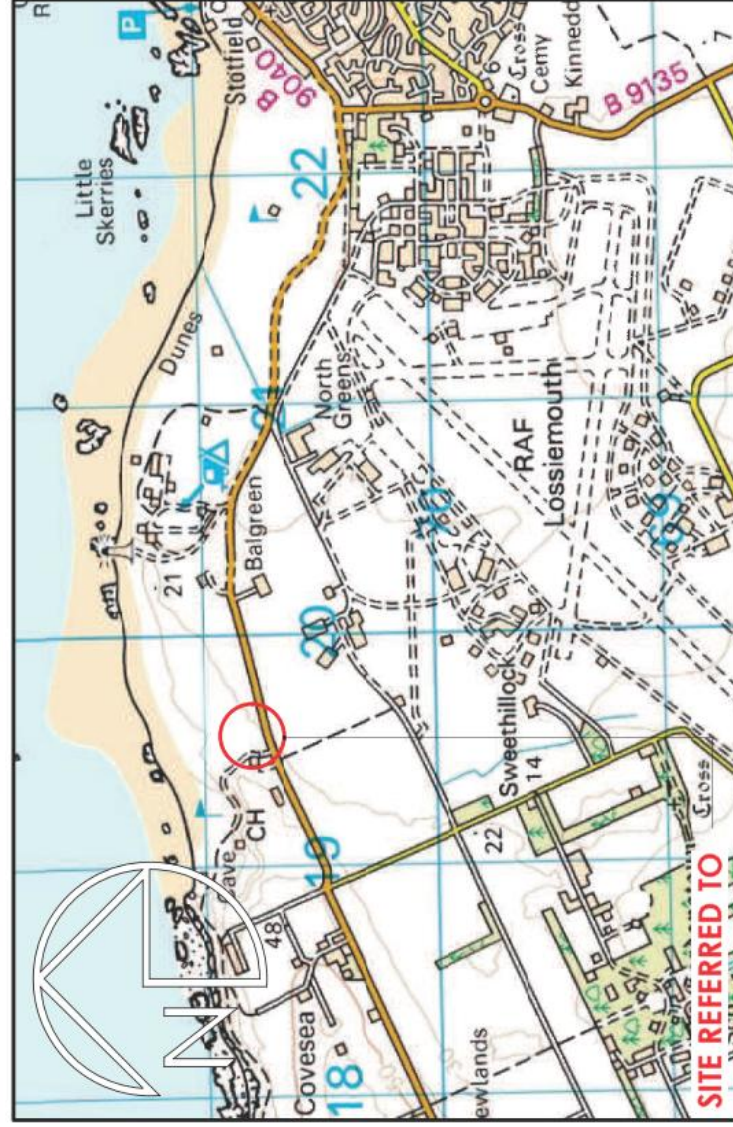
It is proposed to plant trees along the boundaries of the site to ensure the proposed dwelling has a private garden and is obscured from view from the B9040.



LOCATION PLAN 1:1000



LOCATION PLAN 1:1000



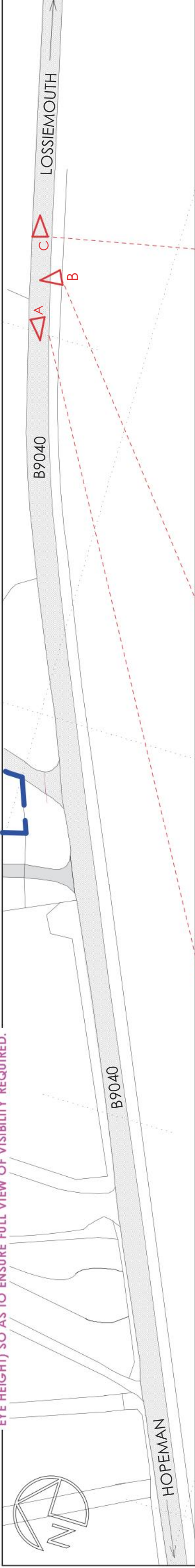
LOCATION PLAN N.T.S



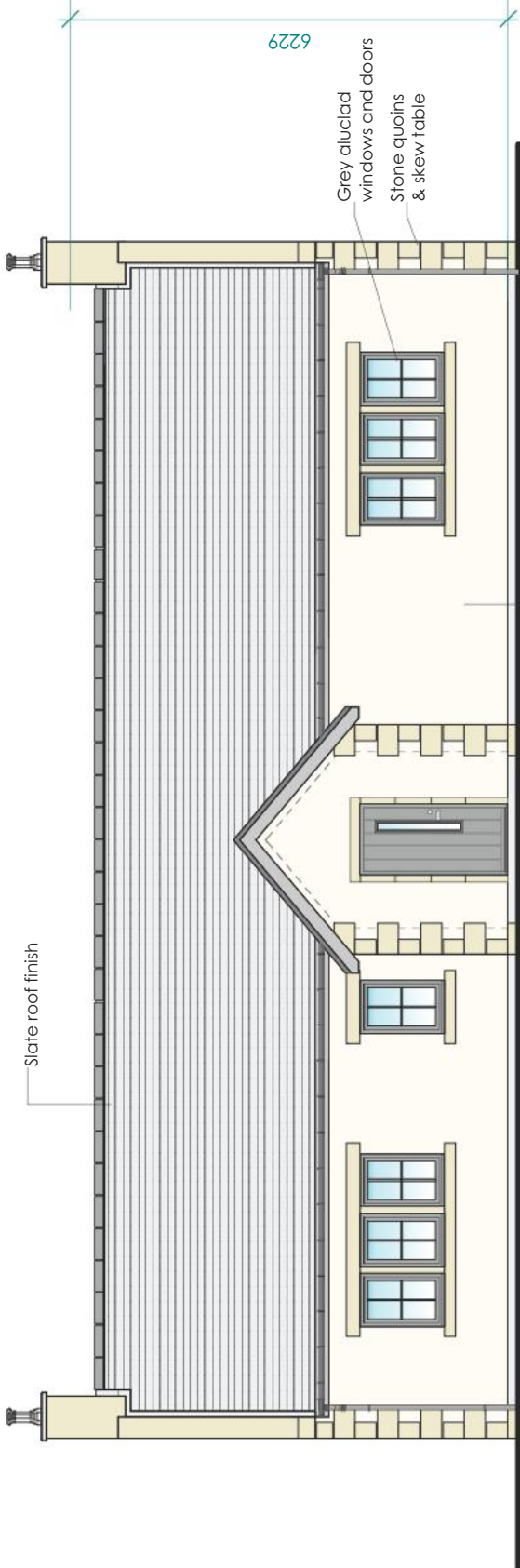
DO NOT SCALE OFF DRAWINGS. ALL SIZES ARE TO BE CHECKED. CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS/ORDERING OF MATERIALS. NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED. CONTRACTORS RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED DRAWINGS.

CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION.

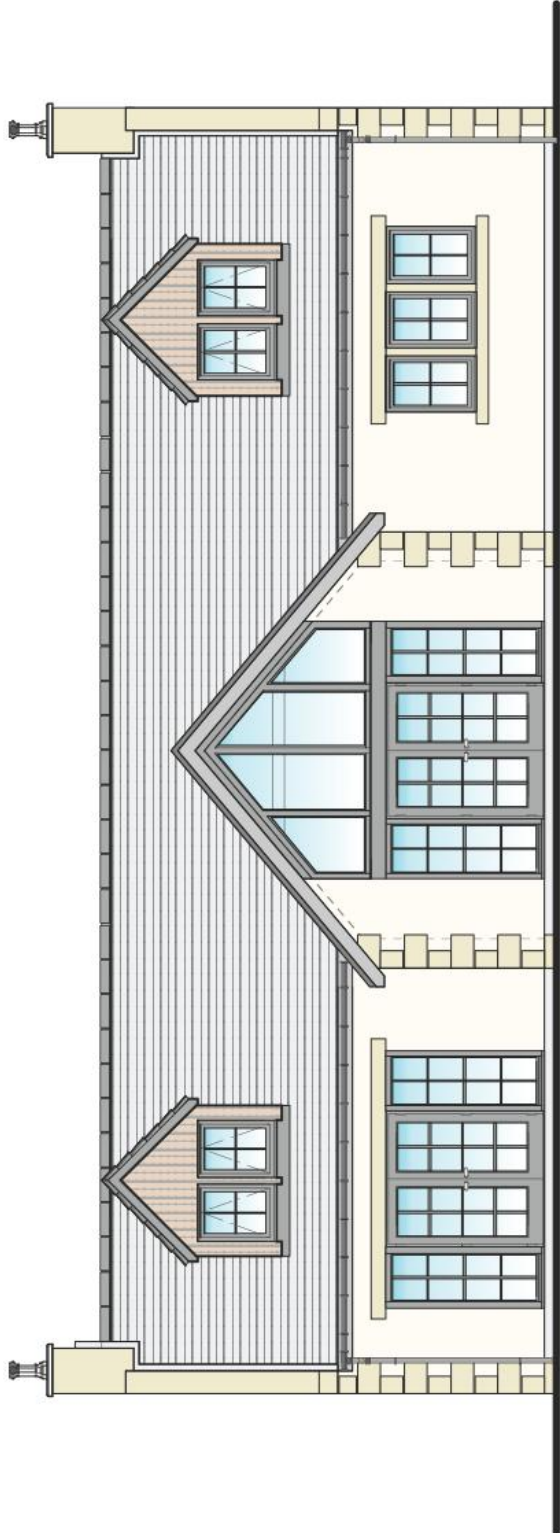
VISIBILITY SPLAY SET BACK 4.5 M ('X' DISTANCE) FROM EDGE OF CARRIAGEWAY. VISIBILITY SPLAY ('Y' DISTANCE) SET AT 215M MEASURED TO THE NEARER EDGE OF THE MAIN ROAD TO ITS INTERSECTION WITH THE CENTRE LINE OF THE ACCESS ('X' DISTANCE). WITHIN SPLAY THERE ARE TO BE NO VISUAL OBSTRUCTIONS OVER THE HEIGHT OF 600MM (TYPICAL DRIVERS EYE HEIGHT) SO AS TO ENSURE FULL VIEW OF VISIBILITY REQUIRED.



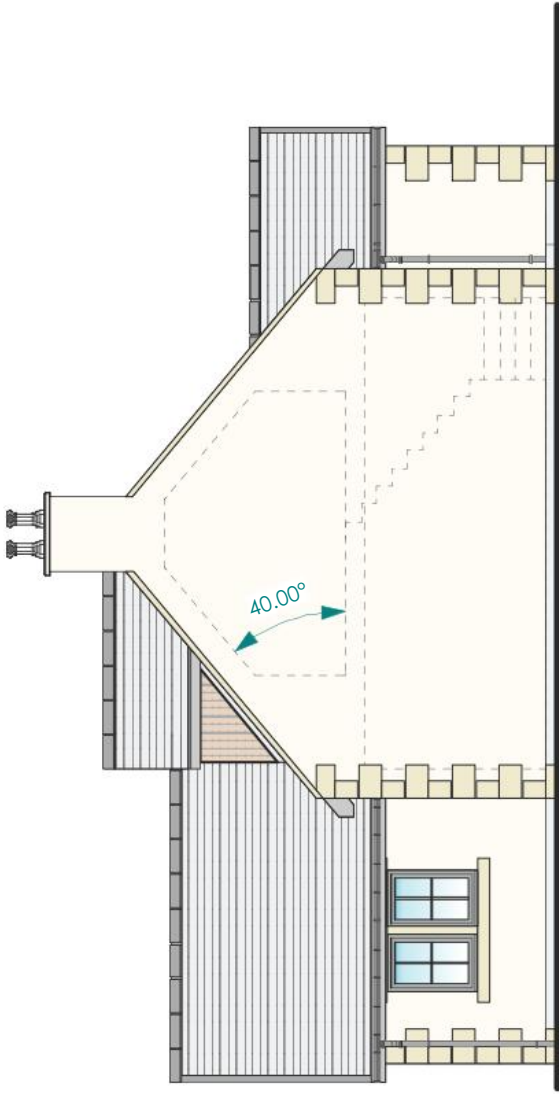
VISIBILITY SPLAY 1:1000



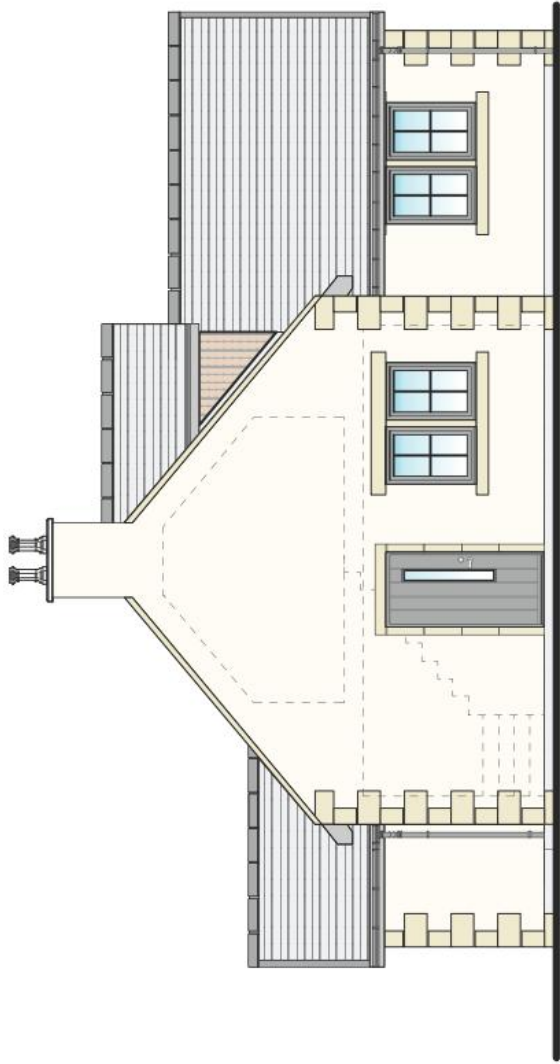
FRONT ELEVATION
(Scale 1:100)



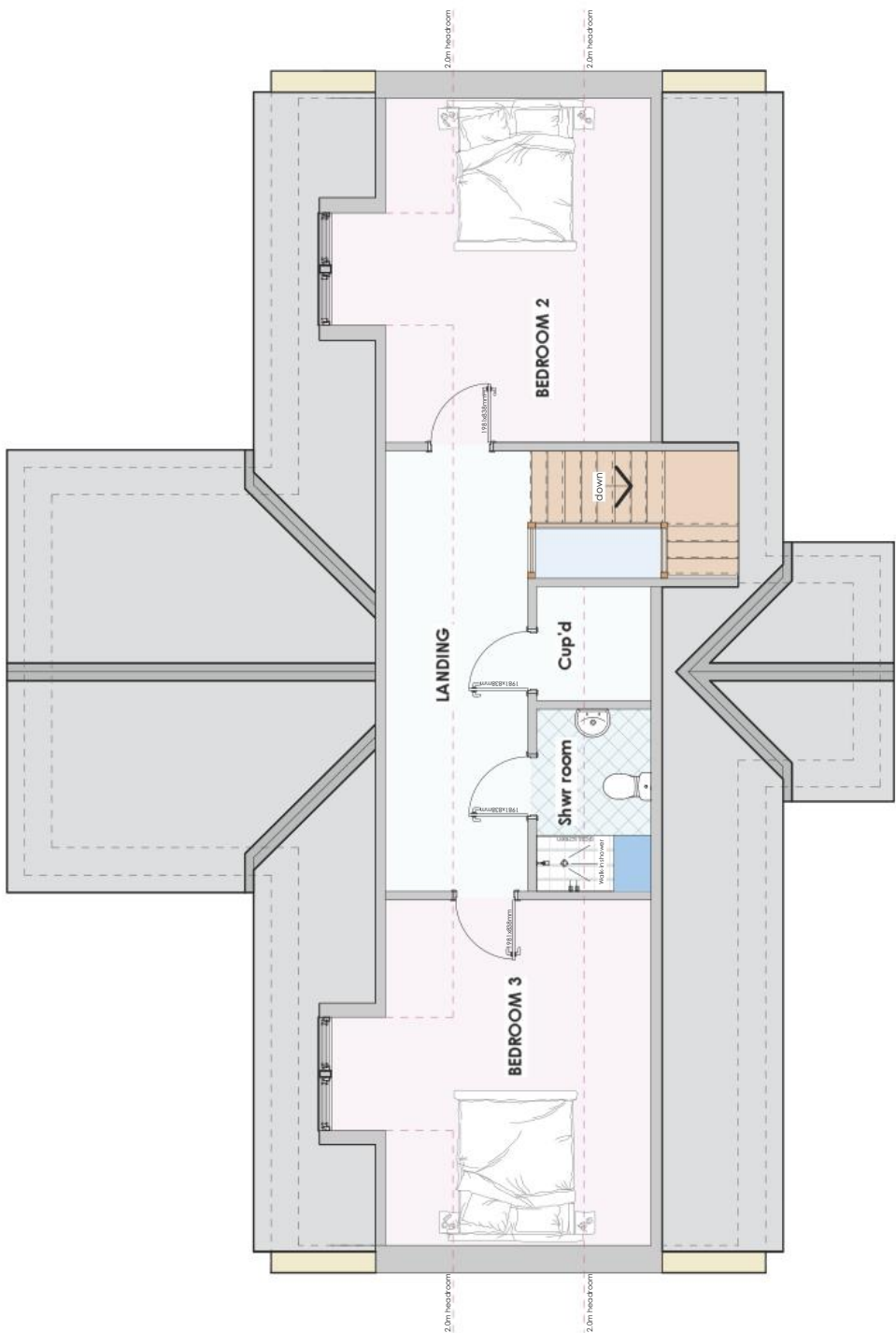
REAR ELEVATION
(Scale 1:100)



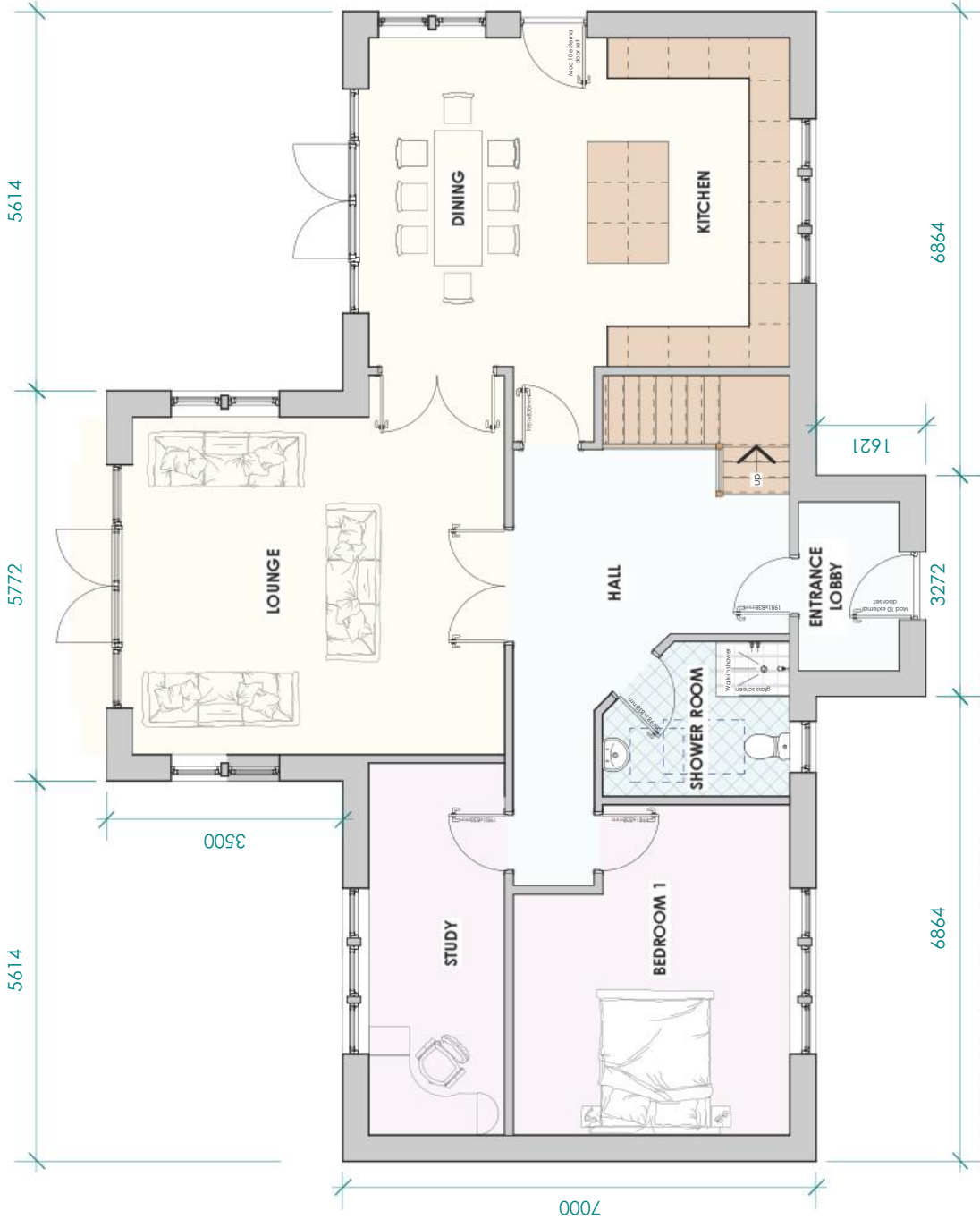
SIDE ELEVATION
(Scale 1:100)



SIDE ELEVATION
(Scale 1:100)



FIRST FLOOR PLAN
(Scale 1:100)



GROUND FLOOR PLAN
(Scale 1:100)

EXAMPLES IMAGES OF SIMILAR DWELLINGS ALONG B9040



PHOTO A

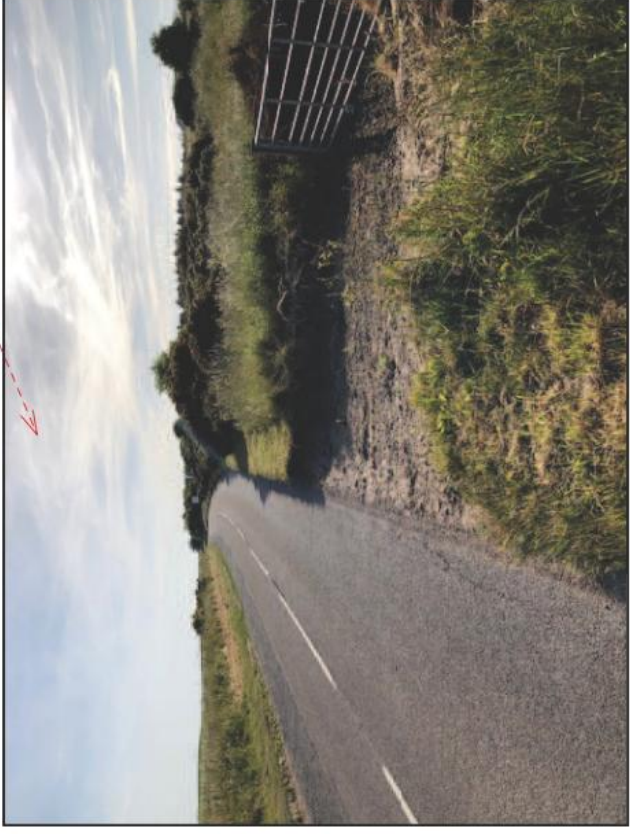
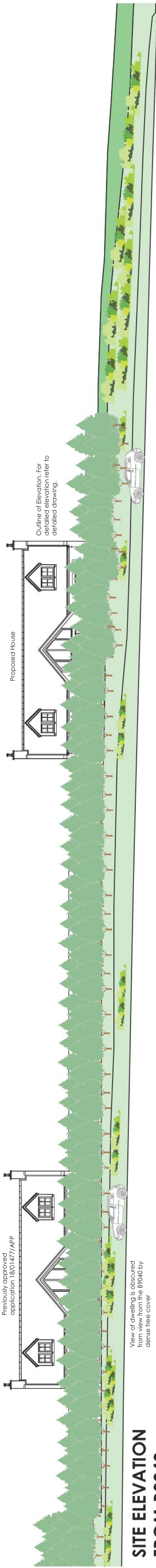
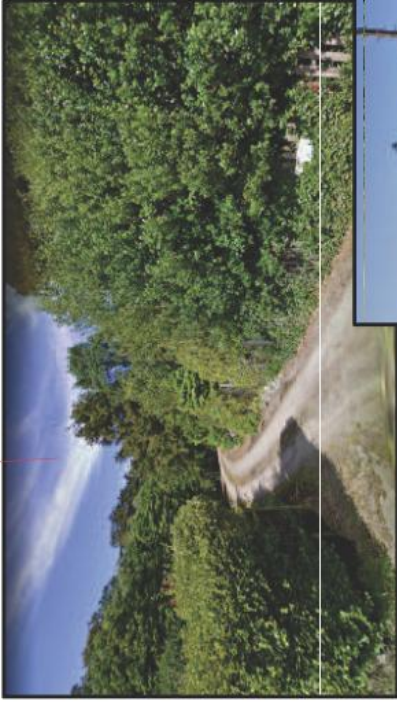


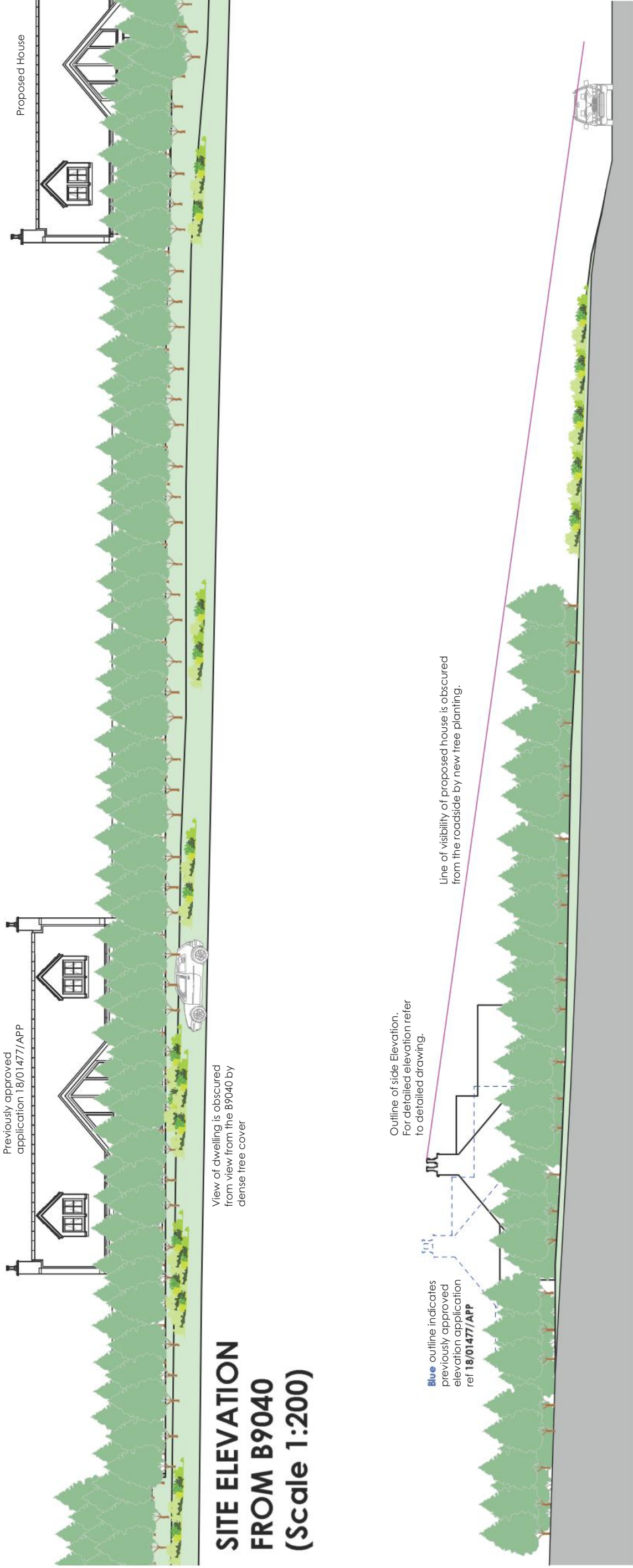
PHOTO B



PHOTO C



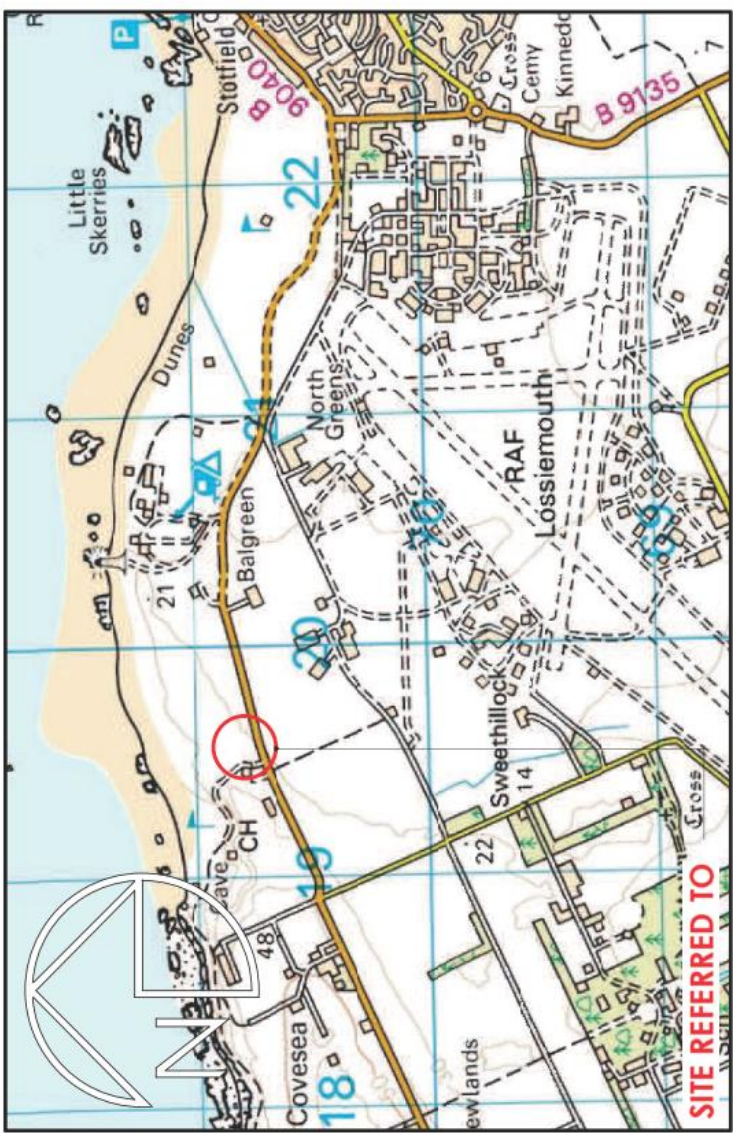
SITE ELEVATION
FROM B9040
(Scale 1:200)



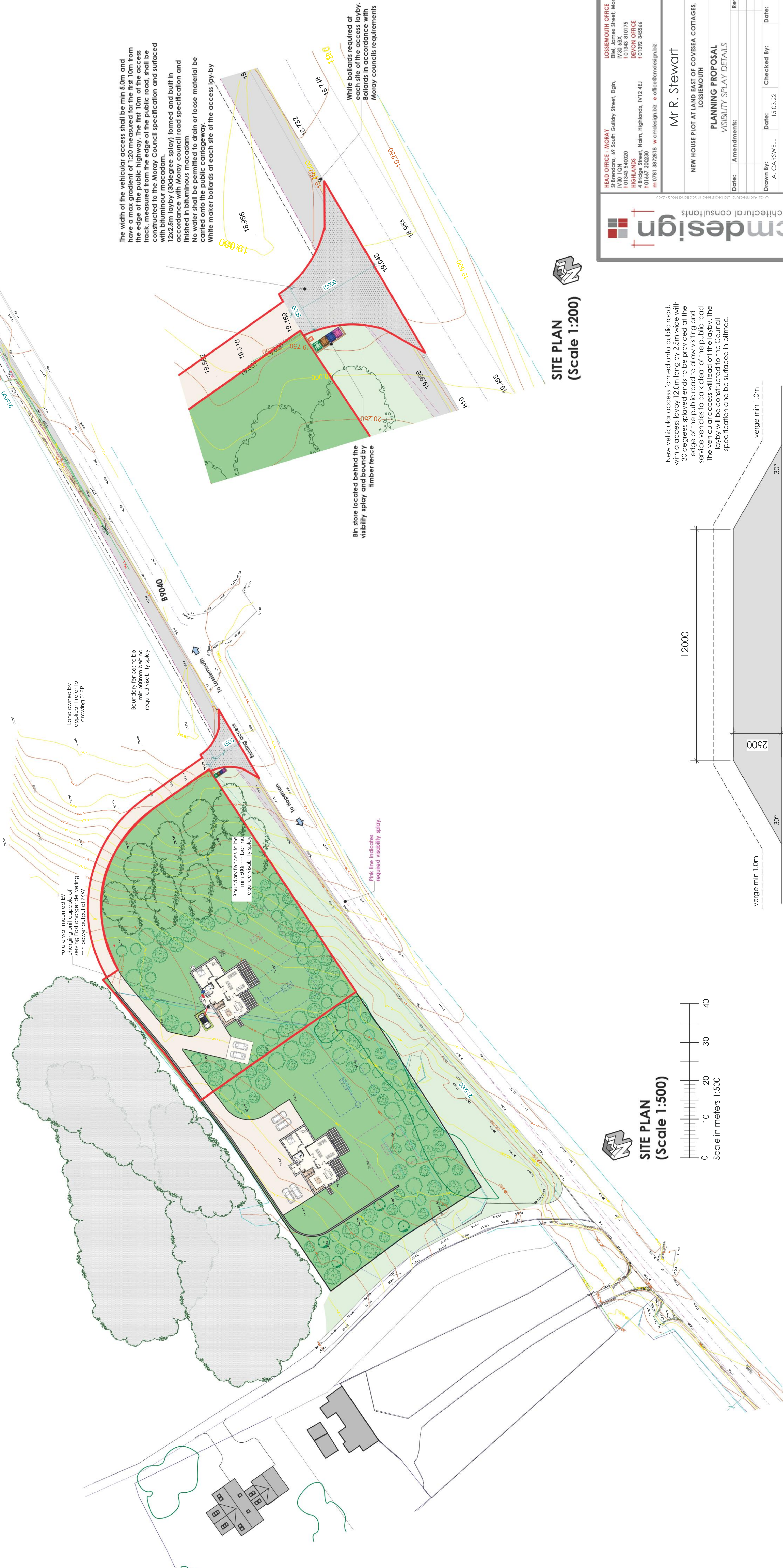
SITE ELEVATION TRAVELING EAST
FROM HOPEMAN TO LOSSIEMOUTH
(Scale 1:200)



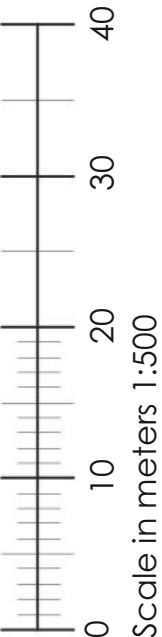
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LOCATION PLAN N.T.S



SITE PLAN (Scale 1:500)



SITE PLAN (Scale 1:200)

New vehicular access formed onto public road with a visibility splay of 12.0m. The access is with 30 degrees splayed ends to be provided at the edge of the public road to allow visiting and service vehicles to park clear of the public road. The vehicular access will lead off the layby. The layby will be constructed to the Council specification and be surfaced in bitmac.



The width of the vehicular access shall be min 5.0m and the minimum splay shall be 12.0m. The access shall be formed onto the public highway. The first 10m 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.

12x2.5m layby (30degree splay) formed and built in accordance with Moray council road specification and finished in bituminous macadam.

No water shall be permitted to drain or loose material be carried onto the public carriageway.

White marker bollards at each site of the access lay-by.

Bin store located behind the visibility splay and bound by timber fence

White bollards required at each site of the access layby. Bollards in accordance with Moray councils requirements



architectural consultants

HEAD OFFICE - MORAY
St Breidans, 49 South Gully, Street, Elgin,
IV30 1QN
01343 340020
01343 810175
01343 810175
4 Bridge Street, Nairn, Highlands, IV12 4EJ
01667 300230
01667 345566
m 0781 3872818 w cmedesign.biz e office@cmdesign.biz

LOSSIEMOUTH OFFICE
Elgin, James Street, Moray,
IV30 4BX
01343 340020
01343 810175
01343 810175
4 Bridge Street, Nairn, Highlands, IV12 4EJ
01667 300230
01667 345566
m 0781 3872818 w cmedesign.biz e office@cmdesign.biz

Mr R. Stewart

NEW HOUSE PLOT AT LAND EAST OF COVESEA COTTAGES,
LOSSIEMOUTH

PLANNING PROPOSAL
VISIBILITY SPLAY DETAILS

Date: Amendments: Rev:

Drawn By: A. CARSWELL Date: 15.03.22 Checked By: Date:

220022.STEWART.03PP



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

REFUSAL OF PLANNING PERMISSION

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

TO



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

**Erect dwellinghouse on Land Adjacent To Easter Covesea Cottage Duffus
Moray**

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

Date of Notice: **27 June 2022**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

Economy, Environment and Finance
Moray Council
Council Office
High Street
ELGIN
Moray
IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

1. The application proposes a new dwellinghouse on a site within an identified pressurised and sensitive area where no new housing will be permitted due to the landscape and visual impacts associated with build-up and is therefore contrary to policy DP4 - Rural Housing.
2. A new house on this site would detract from the rural landscape character of the wider area as the site would not contain sufficient backdrop and containment and would create ribbon development with the neighbouring plot (with extant permission for a new house) contrary to the siting criteria as set by Policy DP4 Rural Housing as well as DP1 Development Principles.
3. The site is located within the Burghead to Lossiemouth SLA the proposal for a house plot would not fall within any of the development categories permitted under EP3 for a rural location within the SLA and no new housing is permitted in the open countryside in this SLA therefore the proposal would be contrary to policy EP3 - Special Landscape Areas.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
220022.STEWART.02PP	A	Elevations and floor plans
220022.STEWART.01PP	B	Site and location plan
220022.STEWART.03PP		Visibility splay

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

Amended plans submitted to show visibility splay.

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

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning

authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from www.eplanning.scotland.gov.uk

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

REPORT OF HANDLING

Ref No:	22/00215/APP	Officer:	Fiona Olsen
Proposal Description/ Address	Erect dwellinghouse on Land Adjacent To Easter Cove sea Cottage Duffus Moray		
Date:	23.06.2022	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
Moray Flood Risk Management	24/05/22	No Objections
Planning And Development Obligations	02/06/22	Contributions sought
Strategic Planning And Development	28/03/22	Policy DP4 seeks to direct housing to least sensitive locations. The site is located within a pressurised and sensitive area where no new housing will permitted and therefore does not comply with policy DP4 Rural Housing The site also sits within the Burghead to Lossiemouth Coast Special Landscape Area (SLA). The proposal for a new house would not fit within any of the designated uses for new developments within rural SLAs and therefore the proposal does not comply with Policy EP3 Special Landscape Areas.
Environmental Health Manager	09/06/22	No Objections subject to a condition
Contaminated Land	22/02/22	No Objections
Transportation Manager	13/04/22	No Objections subject to conditions and informatives
Scottish Water	18/02/22	No Objections

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
EP14 Pollution Contamination Hazards	N	Complies
DP1 Development Principles		See Below

DP4 Rural Housing		See Below
EP1 Natural Heritage Designation	N	Complies
EP3 Special Landscape Areas		See Below
EP7 Forestry Woodland and Trees	N	Complies
EP12 Management and Enhancement Water	N	Complies
EP13 Foul Drainage	N	Complies

REPRESENTATIONS

Representations Received

YES

Total number of representations received: TEN

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: In a prominent location with insufficient containment/backdrop.

Comments (PO): Although the site slopes steeply from the public road, thereafter levelling off to gentle sloped land extending to the coastline to the north which is dense with gorse bushes. Gorse bushes also lie to the east of the site and the site is bound by the neighbouring plot to the west and the public road to the south.

The bordering gorse bushes and gentle slope would not be considered sufficient containment and backdrop for a new house as DP4 outlines that these must be existing landform, mature trees, established woodland or buildings of a sufficient scale. Therefore the proposed new house would be considered to be prominent on the landscape with insufficient containment and backdrop.

Issue: Would lead to a build-up of development/undermine rural character of surrounding area.

Comments (PO): The site is located within a pressurised and sensitive area due to the landscape and visual impacts associated with build-up of new housing in this area. On this basis no new housing will be permitted in this location and therefore the application will be refused.

Issue: Would lead to ribbon development and a development of two houses which is not permitted under DP4 Rural Housing.

Comments (PO): Policy DP4 states that proposals for new houses will be limited to single houses. Although there is a neighbouring consent for a dwellinghouse (18/01477/APP refers), this application proposes a single house and that would comply with DP4(d)(i). However the proposal for a new dwellinghouse immediately adjacent to a neighbouring plot would be considered 'ribbon development' which would not comply with the siting requirements of policy DP4(d)(iii).

Issue: Would set precedent for more housing along this road.

Comments (PO): This application proposes a single house which will be considered under its own merits in relation to the relevant Local Development Plan policies associated with the proposed site. Any future application would be assessed in the same manner.

Issue: Piecemeal applications can bypass PP1 Placemaking.

Comments (PO): It is noted that PP1 Placemaking applies to all developments however a Placemaking Statement is only required for residential developments of 10 units or more.

Issue: Site is within a Special Landscape Area (SLA) where no new housing will be permitted.

Comments (PO): This is correct as the development proposal would not fall within any of the permitted categories within a SLA rural area and the application will be refused as it would not comply with Policy EP3.

Issue: Road safety concerns on B9040.

Comments (PO): Moray Council Transportation Section have been consulted and have raised no objections subject to a series of conditions to be added to any final consent. These conditions include a condition relating to the provision of an appropriate visibility splay. Roads Safety has been assessed as part of this application and if the application were to be approved, the recommended conditions would be applied to any future consent.

Issue: Design is suburban in appearance and of an unacceptable height.

Comments (PO): The proposed dwellinghouse would measure approx. 6.3m to the roof ridge and following amendments, would comply with the design requirements (including the required gable width formula) as set out in policy DP4.

The overall appearance of the dwellinghouse is simple and well-proportioned and the external wall finish of an off-white render and stone quoins and a pitched roof over in natural slate would also comply with Policy DP4.

Issue: Concerns regarding birds and other wildlife using this site.

Comments (PO): The application will be refused as it does not comply with policies EP3 and DP4 of the MLDP2020. Should the application be approved informatives would be added to the final consent reminding the developer of their duty regarding protected species (such as bats) and recommending that any construction works take place at a time so as to avoid disturbing ground nesting birds.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

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

Proposal

The application seeks planning permission to erect a new one and a half storey dwellinghouse.

Site

The site is an existing parcel of overgrown land of approx. 3252sqm situated on land adjacent to Easter Cove Sea Cottage, Lossiemouth.

The site is located within the MLDP2020 designated Burghead to Lossiemouth Coast Special Landscape Area and also within a 'Pressurised and Sensitive Area'.

The site also falls within noise contours identified from aircraft operating at RAF Lossiemouth.

The site is proposed to be connect to an existing shared access (with a neighbouring plot to the

immediate west of the site, 18/01477/APP refers) from the south-east of the site. Work has commenced on the neighbouring plot and therefore that permission is now extant and will not expire.

Policy Assessment (MLDP 2020)

Siting (DP1, DP4, EP3)

Policy DP4(d)(i) and (ii) refer to new housing in the open countryside and outline that a spatial strategy has been developed to direct new housing to the least sensitive locations by identifying pressurised and sensitive areas and areas of intermediate pressure. The site is located within a pressurised and sensitive area due to the landscape and visual impacts associated with build-up of new housing. On this basis no new housing will be permitted in this location and the proposal would not comply with policy DP4.

Policy DP4(d)(iii) also refers to the siting criteria set out for new housing in the open countryside which require that there must be acceptable enclosure, containment and backdrop for a proposed new house (in the form of existing landform, mature trees, established woodland or buildings of a sufficient scale). It also states that a new house should not create ribbon development, be formed via artificial mounding or clear felling of trees and a minimum of 15% of the plot should be landscaped with native tree species of at least 1.5m in height. Policy DP4 is clear that no new housing within Pressurised and Sensitive Areas should be permitted and as such the merits of the siting of any proposed house is not something that could overcome the fundamental issue that the proposed site lies within the Pressurised and Sensitive Area. It is noted however that the site is set on a very gentle slope, with dense gorse bushes to the north and east which would not provide sufficient containment and enclosure for a new house. The site also sits immediately to the east of a neighbouring plot which has an extant consent for a new house (permitted under the previous 2015 Moray Local Development Plan which was adopted prior to the review of local landscape designations and the introduction of 'pressurised and sensitive' area). The formation of another house plot immediately adjacent would lead to ribbon development. This combined with the insufficient containment and backdrop would detrimentally alter the rural character of the area due to its prominent roadside location and would therefore be unacceptable in terms of the siting criteria of Policy DP4.

The site also sits within the Burghead to Lossiemouth Coast Special Landscape Area (SLA). Policy EP3 Special Landscape Areas and Landscape Character states that within rural areas (outwith defined settlements and rural grouping boundaries) development must be one of the following uses i) for an extension or change of use to existing buildings, or ii) for uses directly related to distilling, agriculture, forestry and fishing which have a clear locational need and demonstrate that there is no alternative location, or iii) for nationally significant infrastructure developments identified in the National Planning Framework. The proposal for a new house does not fall into any of these categories and is therefore not supported under the terms of EP3. Furthermore, EP3 refers back to the spatial strategy for rural housing set out in DP4 and specifically identifies the Burghead to Lossiemouth SLA amongst others as "sensitive", stating housing is not permitted in this location.

Overall therefore, the site would sit within a 'Pressurised and Sensitive Area' where no new housing will be permitted. It would also not meet the required siting criteria for a new house in the countryside as the site would not contain sufficient containment and backdrop. The site borders a neighbouring plot (with extant consent for a new house) would also lead to ribbon development which overall would alter the rural character of the area due to the prominent roadside location of the site. The site is also located within the Burghead to Lossiemouth SLA and as the proposal for a house plot would not fall within the development categories permitted in this area and therefore would not be supported in terms of policy EP3. Finally policy DP1 states that development proposals will be supported if they conform to the relevant LDP policies. In this case the proposal does not comply with policies DP4 and EP3 and therefore in turn, would not comply with policy DP1.

As a result the proposal is contrary to policies DP1, DP4 and EP3 and therefore the application is recommended for refusal.

Design and Materials (DP1, DP4)

Policy DP4 seeks to promote traditional rural design and avoid insensitive suburban development. In particular, it sets out specific requirements for the maximum height of any new house to be 6.75m, the form of the house to have appropriate scale and massing and composed of simple well-proportioned elements. Artificial decorative stone must not be used and houses should meet the require gable width and roof pitch formula and have a horizontal emphasis to all windows.

The proposed house is one-and-a-half storey dwelling with a ridge height of approx. 6.3m. Following amendments, the design would comply with the gable width formula and required roof pitch as set by policy DP4. It is a simple and well-proportioned design incorporating two external wall finishes including an off-white render and natural stone quoins/skew tabling. The pitched roof over would be finished in natural slate. As natural and traditional materials these would sit well within the existing coastal location and aid to integrate the development into the surrounding rural landscape.

These matters, although compliant in design terms, would not override the aforementioned objections with regard to the location within a Pressurised and Sensitive Area and the Burghead to Lossiemouth Special Landscape Area (SLA) within which no new housing will be permitted and therefore refusal is recommended.

Amenity, Landscaping and Trees (DP1, DP4)

Policy DP1 requires that the scale, density and character of all development be appropriate to the surrounding area, be integrated into the surrounding landscape and not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity. Policy DP4 requires that 15% of new house plot must be landscaped with native tree species to assist the development to integrate sensitively.

There are trees no existing trees on the site. The submitted site plan shows sufficient planting of native trees to meet the policy requirements of DP4. The majority of tree planting is proposed to the southern end of the site, in front of the proposed dwellinghouse. Although the planting would help to screen the development from the public road, similar to the neighbouring plot (18/01477/APP refers) this would not meet the siting criteria outlined under DP4 which requires backdrop, containment and enclosure to be landform, mature trees, established woodland or buildings of a sufficient scale and therefore the proposed planting would not aid to meet the siting requirements of policy DP4.

However if the application were to be approved both boundary treatments and landscaping would be matters controlled by condition.

Access & Parking (DP1)

There is sufficient space within the site for parking and turning and access will be connected to an existing access to the south-east of the site. Moray Council Transportation Section have been consulted and have raised no objections subject to a series of conditions and informatives to be added to any final consent. These conditions relate to the provision of a visibility splay, EV charging point, bin store, access lay-by, parking and a turning area and finally a condition to ensure no loose material is taken onto the public road. Therefore the proposal would be considered acceptable in terms of the access and parking requirements of policy DP1 and if approved the above conditions would be added to any final consent.

Drainage & Water Supply (DP1, EP12, EP13)

Details of foul water treatment and soakaway and a surface water soakaway are shown on the submitted plans. A Site Investigation and Drainage Assessment have been submitted which describe the proposed drainage arrangements and testing undertaken to ensure the site can be adequately drained. Moray Flood Risk Management have been consulted on the application and have raised no objections.

It is proposed to connect the dwellinghouse to the public water supply. Scottish Water have been

consulted and have raised no objections.

Therefore the proposal would meet the drainage and water supply requirements of policy DP1, EP12 and EP13.

Should the application be approved the agreed drainage design would also require to be a matter controlled by condition.

Pollution (EP14)

Policy EP14 requires that development proposals which may cause significant air, water, soil, light or noise pollution or exacerbate existing issues must be accompanied by a details assessment report on the levels, character and transmission of the potential pollution with measures to mitigate impacts.

The site falls within noise contours identified from aircraft operating at RAF Lossiemouth. Accordingly, a Noise Impact Assessment (NIA) has been provided with the application and it details the impact of such noise upon the occupants of the proposed house. The NIA identifies mitigation measures that are necessary to reduce noise levels within the house to an appropriate level whilst ensuring appropriate ventilation. The Council's Environmental Health Section has recommended conditions requiring the necessary mitigation measures to be put in place as part of the proposed scheme. Should the application be approved, these conditions would be added to any final consent.

An Air Source Heat Pump (ASHP) is also proposed at the property. The Council's Environmental Health Section has recommended a condition requiring details of the ASHP to be submitted prior to commencement of the development.

Therefore if approved, the aforementioned noise mitigation measures and details of the ASHP would be matters controlled by condition to ensure compliance with policy EP14.

Developer Obligations and Affordable Housing (PP3, DP2)

A Developer Obligation towards transport and healthcare and is sought as part of the application. An affordable housing contribution is also sought. The applicant has confirmed willingness to pay both of these, should the application be approved.

Ground Nesting Birds (EP1)

Policy EP1 outlines that wild birds and other wildlife are protected under domestic legislation and it is likely that ground nesting birds could utilise the site. Therefore, should the application be approved, an informative should be added to the final consent reminding the developer that all wild birds, their nests and their eggs are protected by law under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) and that it is their responsibility to develop the site in accordance with all wildlife legislation and that works should be timed carefully to avoid the times of year when wild birds are likely to be nesting, i.e. the breeding season. This would ensure compliance with policy EP1, should the application be approved.

Conclusion

The proposed site is located within a pressurised and sensitive area where no new housing will be permitted as it would detract from the rural landscape character of the wider area. The site would also not contain sufficient containment and backdrop to meet the siting criteria as set by policy DP4. The site borders with a neighbouring plot (with extant consent for a new house) and the placement of a new house on this site would also lead to ribbon development which overall would alter the rural character of the area due to the prominent roadside location of the site. Finally the site is also within the Burghead to Lossiemouth SLA and the proposal for a house plot would not fall within the development categories permitted in this area and therefore would also not be supported in terms of policy EP3.

Overall, therefore, the proposal for a house in this location is unacceptable and refusal is recommended.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
18/01477/APP	Erect cottage on Land Adjacent To Easter Covesea Cottage Duffus Moray			
	Decision	Permitted	Date Of Decision	13/03/19
18/01072/APP	Re application of previously refused (Ref: 18/01072/APP) - Land To East Of Covesea Cottages Lossiemouth Moray			
	Decision	Refuse	Date Of Decision	09/10/18

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	No Premises	17/03/22	
PINS	No Premises	17/03/22	

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?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Design Statement (ref: 220022, dated 02/02/2022)	
Main Issues:	Outlines site, site history and details of the proposed design.	
Document Name:	Drainage Statement (220022, dated 15/02/2022)	
Main Issues:	Outlines that all surface and foul water drainage systems will be dealt with at building warrant stage following percolation testing.	
Document Name:	Site Investigation and Drainage Assessment (GMC22-082, dated 23/05/2022)	
Main Issues:	Outlines ground testing and calculations undertaken to confirm ground suitability for both foul and surface water soakaways.	

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)			



APPENDIX 3

FURTHER REPRESENTATIONS FROM INTERESTED PARTIES

Lissa Rowan

From: [REDACTED]
Sent: 18 October 2022 11:42
To: Lissa Rowan
Cc: [REDACTED]
Subject: Re: Notice of Review: Planning Application 22/00215/APP

Warning. This email contains web links and originates from outside of the Moray Council network. You should only click on these links if you are certain that the email is genuine and the content is safe.

[REDACTED] Your ref. LR/LR281

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

18/10/2022

To the Clerk of the MLRB

Notice of Review: Planning Application 22/00215/APP – Erect dwelling house on land adjacent to Easter Covesea Cottage, Duffus, Moray

Thank you for the opportunity to make further representations on this case.

I refer to the history of the site and the past reasons for refusals of developments here, which I consider still remain valid. I have no reason to rescind my objections to the application now under reconsideration as they are not effectively refuted in the applicant's statement of case for review. Besides going against the spirit of the LDP, their reasons do not meet the specific requirements of the LDP's Policies.

For example, in their point 1.8, I note the curious use of the term 'infill' site. Despite the applicant's contention this would not represent a risk of ribbon development, the layout contradicts this. 'Infill' between what and what? The implication is there will be further development to the east ie ribbon development – and a return to an earlier plan for 3 houses.

Approval for the development to the west of the case under review was presumably based on the premise a single house was intended. A house east would exchange screening by vegetation with another house.

There has been mention of ancillary buildings on the permitted site. I can see no justification for this to include a dwelling house, given the LDP definition of 'ancillary building'.

There is no escaping the fact that any further housing development in the SLA at Covesea would prejudice the special qualities of the designated area and further add to the hazards of the B9040 which has no bus route or cycle path (ATR).

I would urge you to hold the line of Moray's LDP.

Yours sincerely

[Redacted signature]

On 03/10/2022 14:18, Lissa Rowan wrote:

Good afternoon

Please find attached correspondence in relation to the above Notice of Review.

Kind regards

Lissa

Lissa Rowan | Committee Services Officer | Governance, Strategy and Performance Services

liisa.rowan@moray.gov.uk | [website](#) | [facebook](#) | [twitter](#) | [instagram](#) | [news](#)

07765 741754



[REDACTED]
[REDACTED]
16th October 2022

Notice of Review: Planning Application 22/00215/APP – Erect dwelling house on land adjacent to Easter Covesea Cottage, Duffus, Moray

To whom it may concern,

I would like to remind the review committee of the reasons this planning application was refused. Having applied for 3 houses in 2018, the applicant gained permission for 1 house. The MLDP 2020 is a good, strong policy that is designed to keep areas of landscape interest protected and to ease the pressure to build in these areas and direct that development to identified areas. The latest application for a second house in the area, by the same landowner was refused by the planning department on the following grounds:

1. The application proposes a new dwelling house on a site within an identified pressurised and sensitive area where no new housing will be permitted due to the landscape and visual impacts associated with build-up and is therefore contrary to policy DP4 - Rural Housing.
2. A new house on this site would detract from the rural landscape character of the wider area as the site would not contain sufficient backdrop and containment and would create ribbon development with the neighbouring plot (with extant permission for a new house) contrary to the siting criteria as set by Policy DP4 Rural Housing as well as DP1 Development Principles.
3. The site is located within the Burghead to Lossiemouth SLA the proposal for a house plot would not fall within any of the development categories permitted under EP3 for a rural location within the SLA and no new housing is permitted in the open countryside in this SLA therefore the proposal would be contrary to policy EP3 - Special Landscape Areas.

MLDP 202 DP4 - Pressurised and Sensitive Areas states:

Due to the landscape and visual impacts associated with build-up and landscape and environmentally sensitive areas, no new housing will be permitted within the identified pressurised and sensitive areas.

Areas of intermediate pressure:

1. There must be existing landform, mature trees, established woodland or buildings of a sufficient scale to provide acceptable enclosure, containment and backdrop for the proposed new house. These features must be immediately adjoining the site (i.e. on the boundary). Fields drains, ditches, burns, post and wire fencing, roads and tracks do not provide adequate enclosure or containment.
2. The new house must not create ribbon development, contribute to an unacceptable build-up of housing or detrimentally alter the rural character of an area due to its prominent or roadside location.
3. Artificial mounding, cut and fill and/or clear felling woodland to create plots will not be permitted.

4. 15% of the plot must be landscaped with native tree species

This area of land is designated pressurised and sensitive, the application does not even meet the criteria for intermediate pressure. The few Elder trees that were on site have been cleared and a mound of earth placed to the rear of the land, by the landowner, which now has grass growing on it, is an artificial mounding that would not be high enough to screen the building from the north. The Gorse to the south of the land is not high enough to screen the building and in fact, some of it will have to come down in order to create a visibility splay at the entrance to the land (Please see photos sent in as part of my previous objection). There are no native trees for screening on any of the lands boundaries. The picture used in point 2.2 by the applicant, clearly shows that the land is quite open to all passers by, from all sides. There are some broken down and uncared for fencing - the above clearly states that is not acceptable enclosure.

The applicant is now arguing that he could build ancillary buildings and that would be the equivalent of a new building on site.

As described by the Scottish government, the permitted development rules for an ancillary building are generally for shed's, greenhouses and outbuildings and may be granted if:

- it's located at the back of the house
- **it's not used as a separate home to live in**
- it, and any other development, does not take up half or more of the 'curtilage' – this means half or more of the grounds behind your home
- it's not higher than 4 metres at the highest point
- any part that's a metre or less from the boundary is no higher than 2.5 metres
- the eaves (the part where the wall meets the roof) is no higher than 3 metres
- if the land is in a conservation area or in the grounds of a listed building, the ancillary building has a footprint of less than 4 square metres

If the applicant were to change the original 2018 building application as already agreed under the previous MLDP, they may have to re-apply for planning permission because, the plans indicate that trees planted for screening would not allow for ancillary buildings.

You cannot compare the building of ancillary buildings with a new home building.

The applicant is arguing that this is application is infill. Infill requires other buildings to be in the area and the new build would fill a space there. This is not infill, this is the start of a ribbon development.

The applicant has argued that each application should be read in it's own context. I know that if this application review finds in favour of the applicant, 2 houses would be built and then in 2 years time there will be an application for a 3rd house. (3 houses were originally applied for in 2018). After that, the applicant could argue that the houses and associated planting, create a screen that could allow for houses to be built on the land behind them.....

Please consider the formation of this strong and forward thinking policy, the reasons why it came to be and how it will be weakened if this application is allowed. Please also consider the effect agreeing to this application will have on all of the pressurised and sensitive area between Burghead and Lossiemouth.

Kind Regards

