



MORAY LOCAL REVIEW BODY

24 FEBRUARY 2022

SUMMARY OF INFORMATION FOR CASE No LR270

Planning Application 21/00168/APP – Proposed erection of dwelling-house and attached garage at Plot 3 Easter Coltfeld, Alves, Elgin

Ward 5 – Heldon and Laich

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 8 October 2021 on the grounds that:

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

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

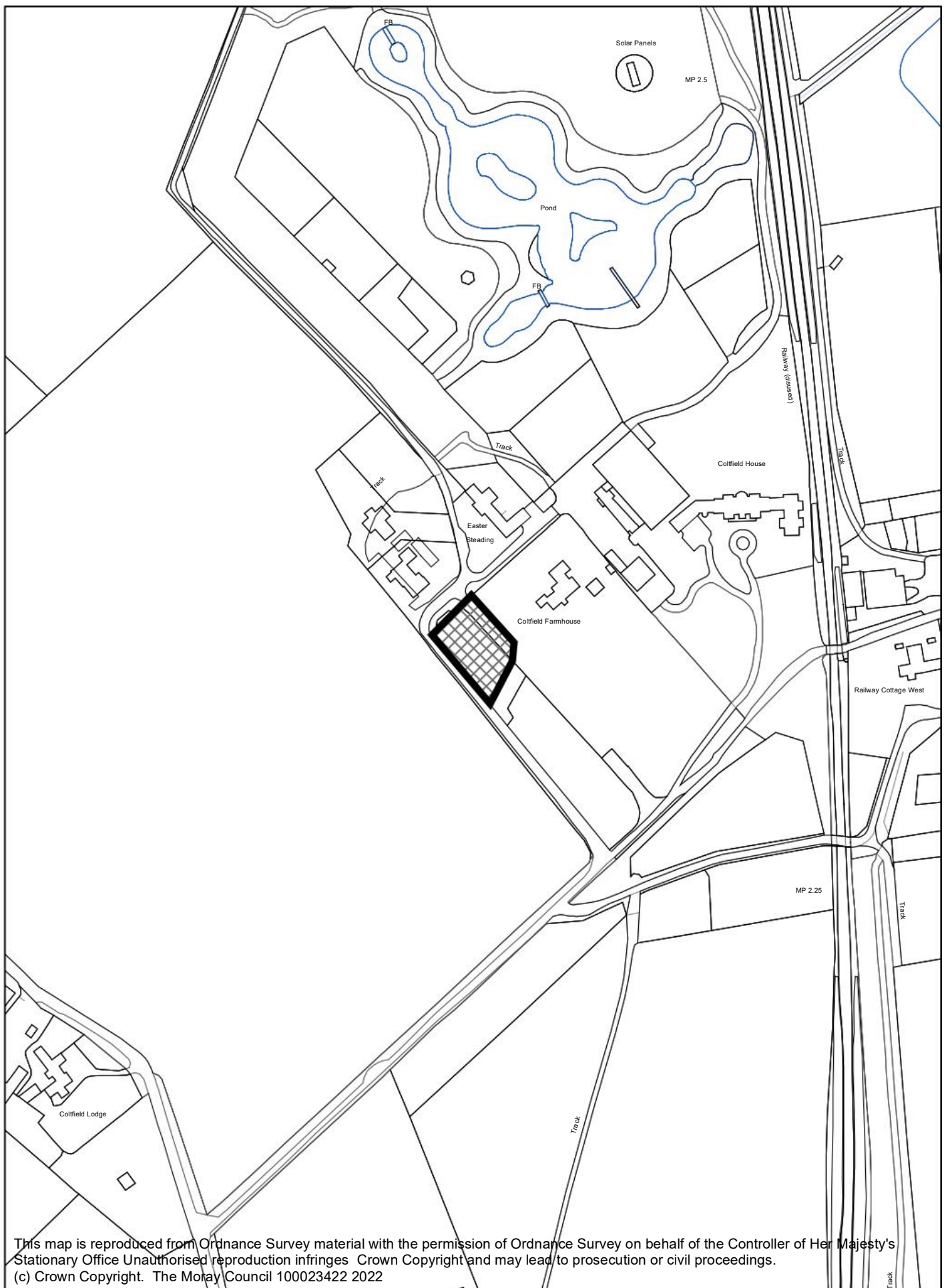
Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

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.



Location plan for Planning Application Reference Number : 21/00168/APP



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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 100359372-001

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

Type of Application

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

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

Description of Proposal

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

Proposed erection of dwelling-house with attached garage

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

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

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

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

1720.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Unused land

Access and Parking

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

☐ Yes ☒ No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

5

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

☒ Yes ☐ No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- ☐ Yes – connecting to public drainage network
☒ No – proposing to make private drainage arrangements
☐ Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

- ☒ New/Altered septic tank.
☐ Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
☐ Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? *

- ☒ Discharge to land via soakaway.
☐ Discharge to watercourse(s) (including partial soakaway).
☐ Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

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

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

☒ Yes ☐ No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

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

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

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

Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

Trees

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

☒ Yes ☐ No

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

Waste Storage and Collection

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

☒ Yes ☐ No

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

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

Residential Units Including Conversion

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

☒ Yes ☐ No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Mr Blair Tulloch

On behalf of:

Date: 03/02/2021

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

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

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Blair Tulloch

Declaration Date: 01/02/2021

Payment Details

Online payment: 081304

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

Created: 09/02/2021 10:56

Easter Coltfield

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

RED LINE DENOTES
PROPOSED PLANNING
APPLICATION



DRAINAGE

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

BOUNDARY TREATMENTS

Existing and new post + wire
fencing with beech hedging

LANDSCAPE WORKS

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

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

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

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

BLOCK PLAN (SCALE 1:1250)

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



EASTER COLTFIELD

DRAWING DESCRIPTION

PLANNING DRAWING - SITE INFORMATION

DRAWING no.	SCALE
3 E.COLT / P.D. / 01	AS STATED (A1)

DRAWN BY	DATE
B. Tulloch	JUNE 2021

Plot 3, Easter Colttield

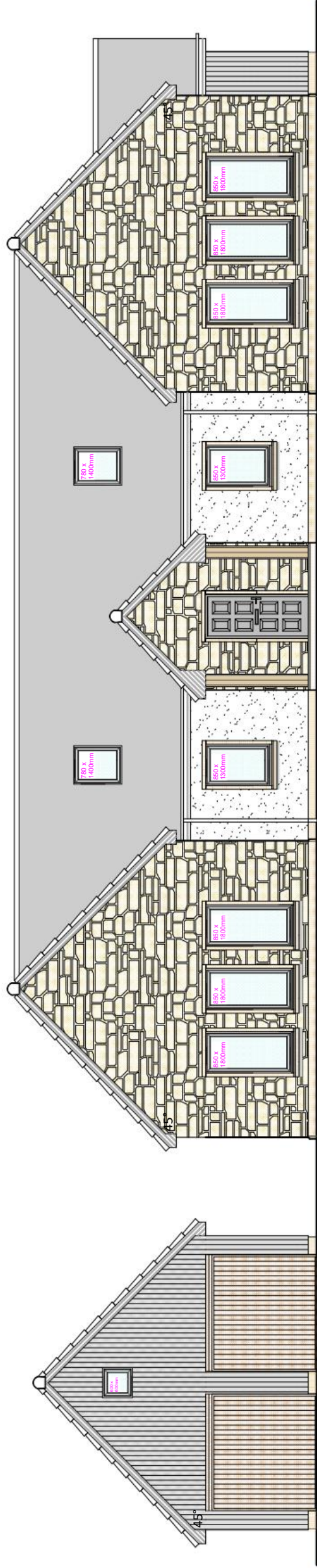


t - (01343) 835600 f - (01343) 835700
e - info@tullochofcummingston.co.uk
web - www.tullochofcummingston.co.uk

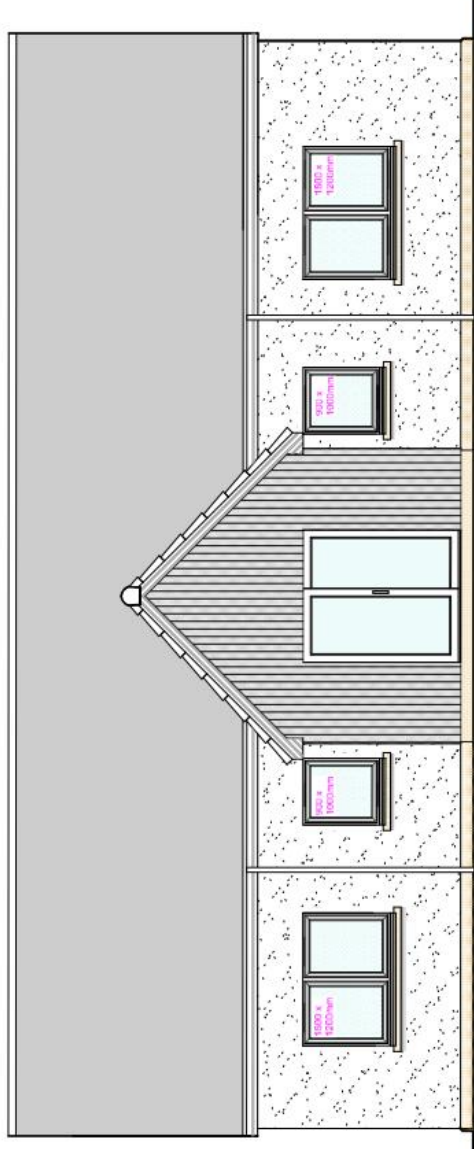
PROJECT

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

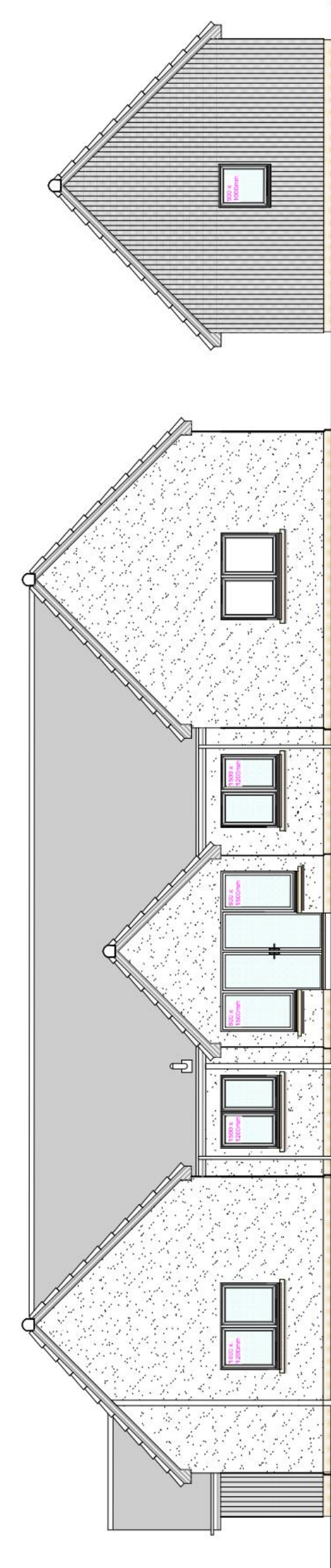
Plot 3, Easter Coltfield, Alves



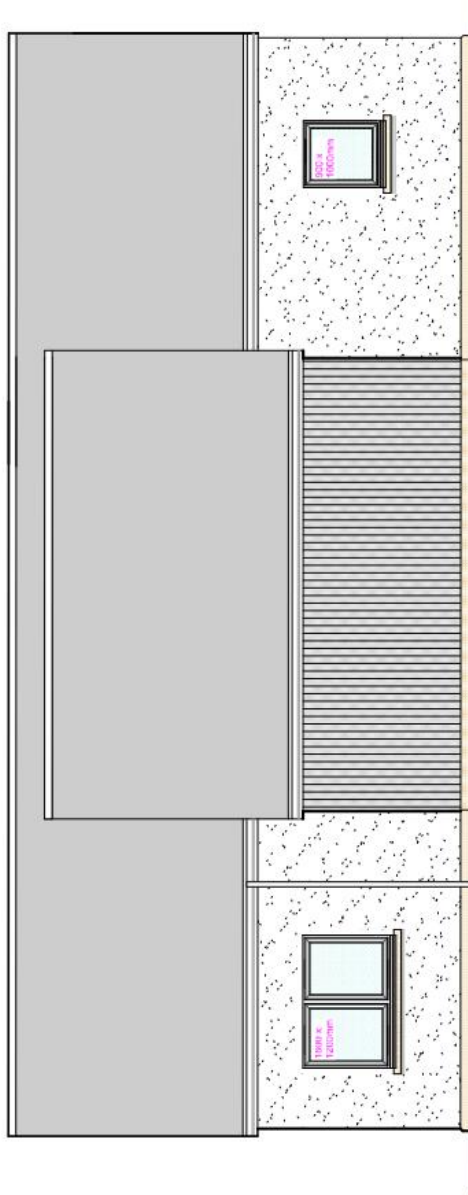
FRONT ELEVATION



SIDE ELEVATION

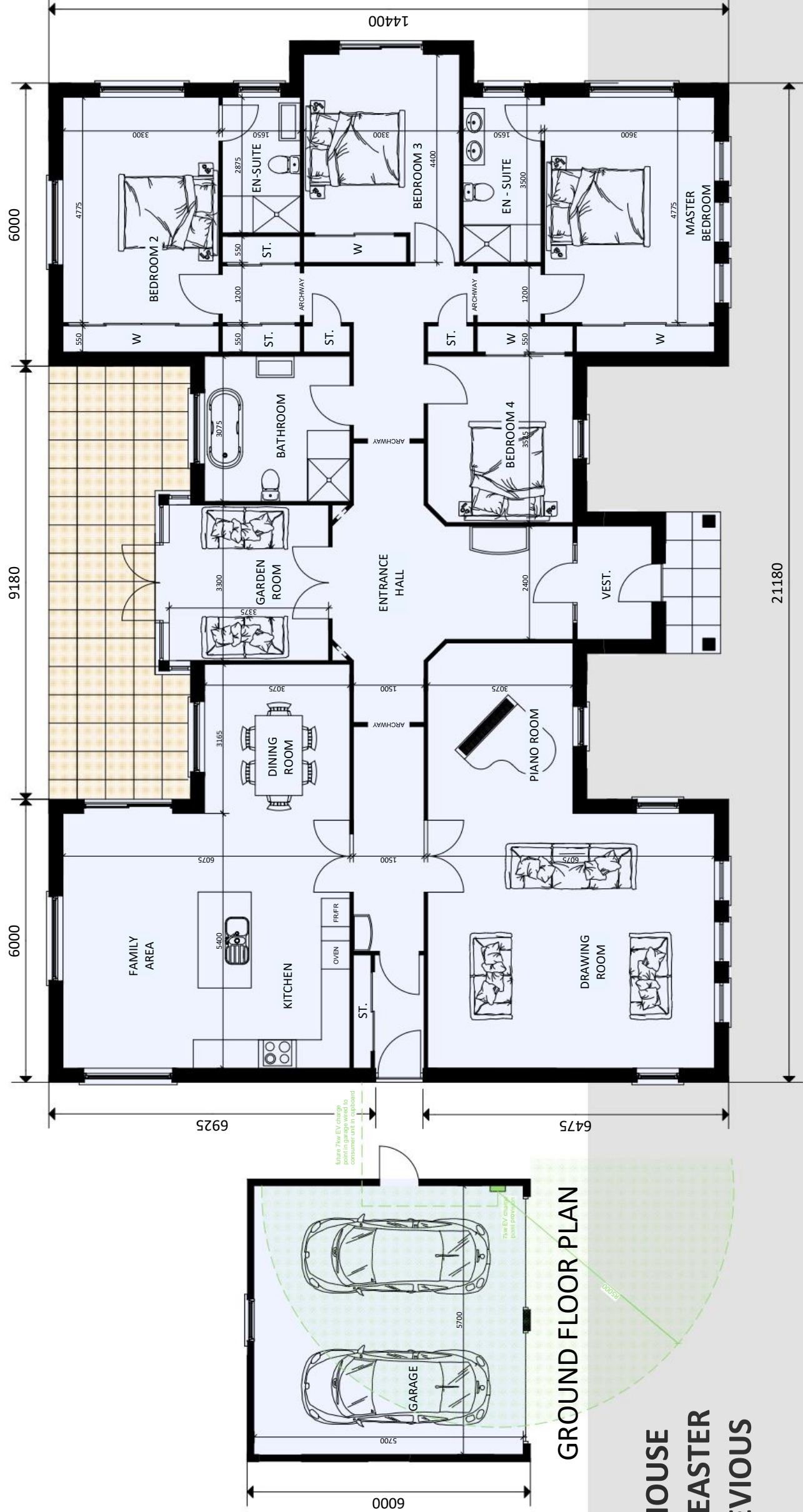


REAR ELEVATION



SIDE ELEVATION

- MATERIALS (AS PER OTHER BUILDS ON THE DEVELOPMENT):
- NATURAL SLATE
 - SANDSTONE
 - BROWN/BUFF ROUGHCAST
 - VERTICAL TIMBER LININGS
 - IRISH OAK WINDOWS
 - GREY COMPOSITE DOOR
 - GREY FASCIA/SOFFITS
 - BLACK GUTTERS/DOWNPipes

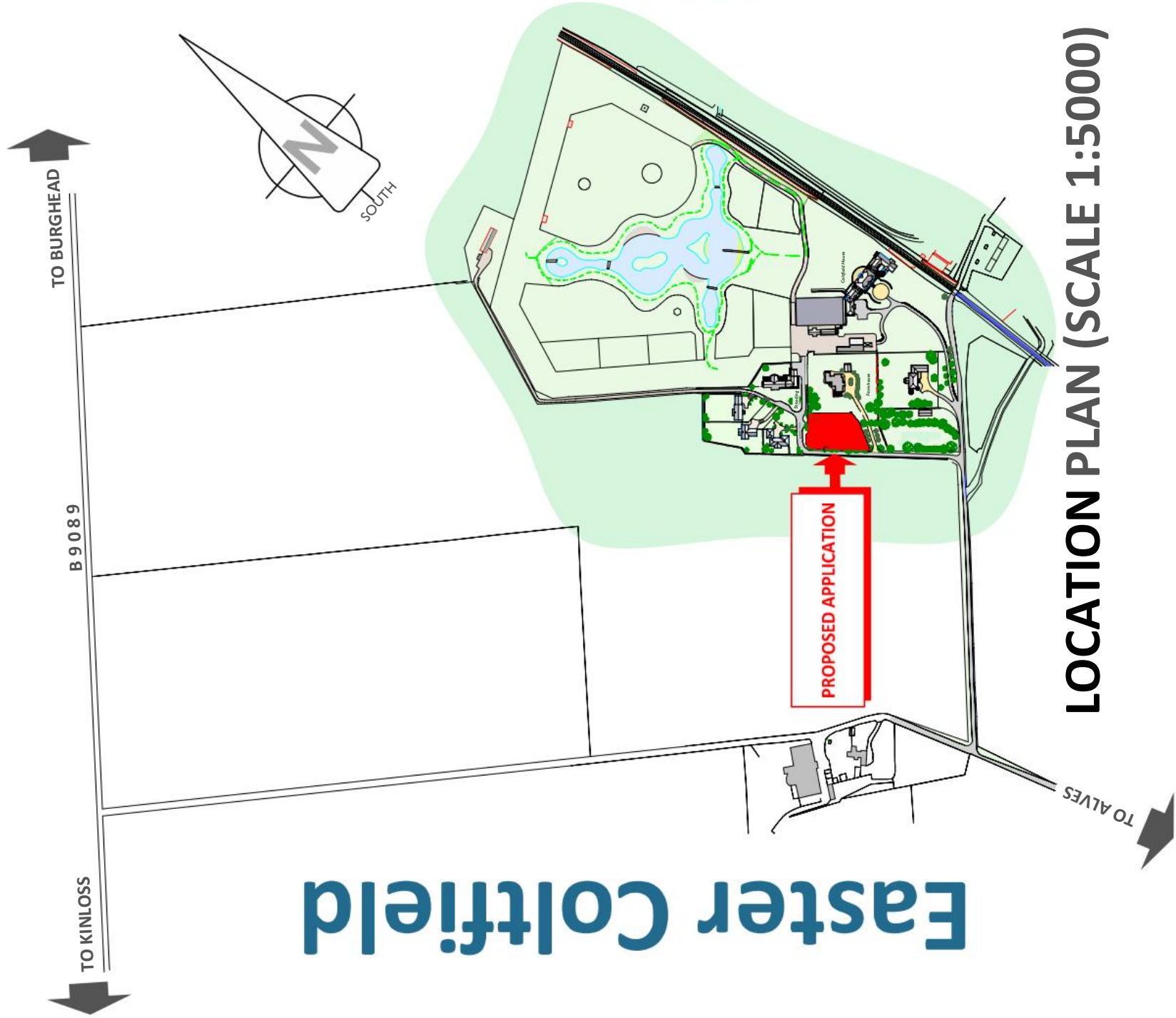


GROUND FLOOR PLAN

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

JUNE 2021

SCALE - 1:100 (A2)



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

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

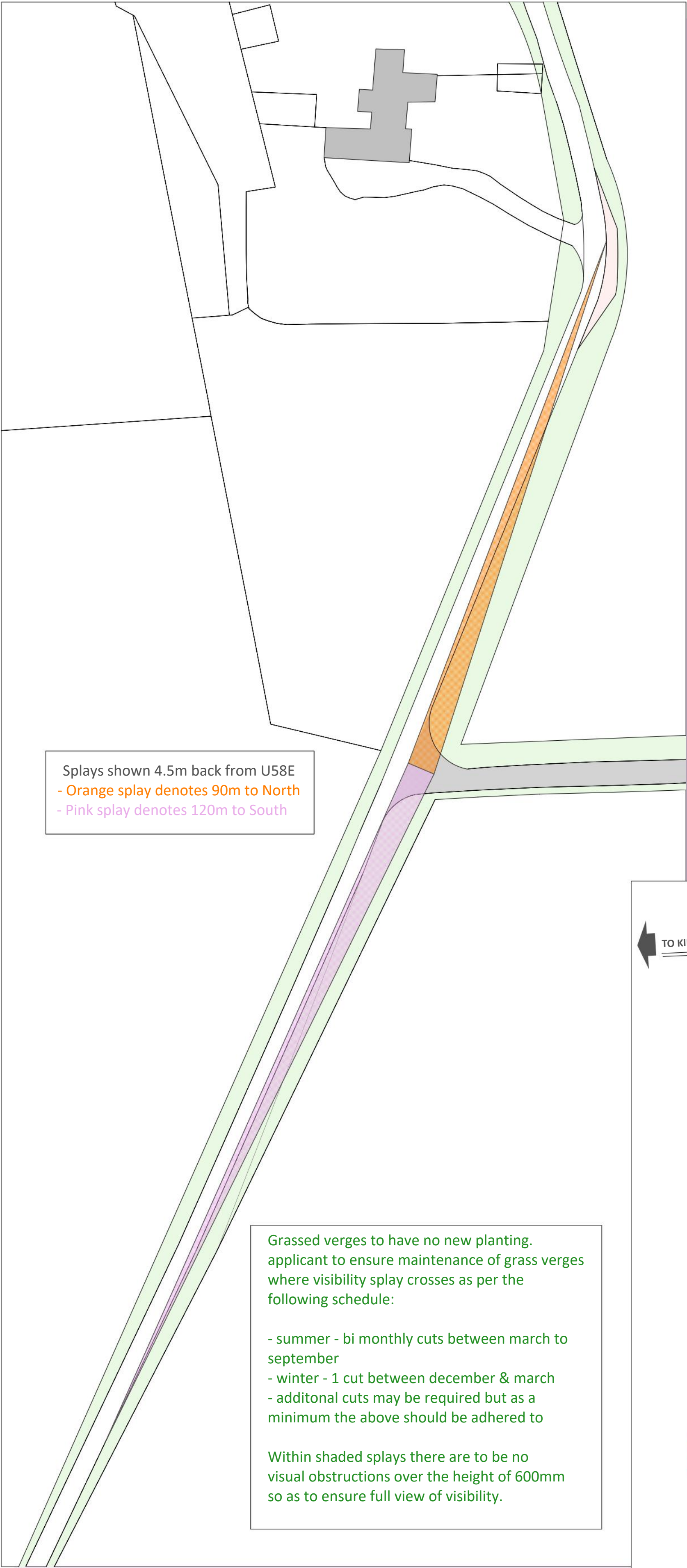
DRAWN BY
S.Reid MCIAT

SCALE
AS STATED (A3)

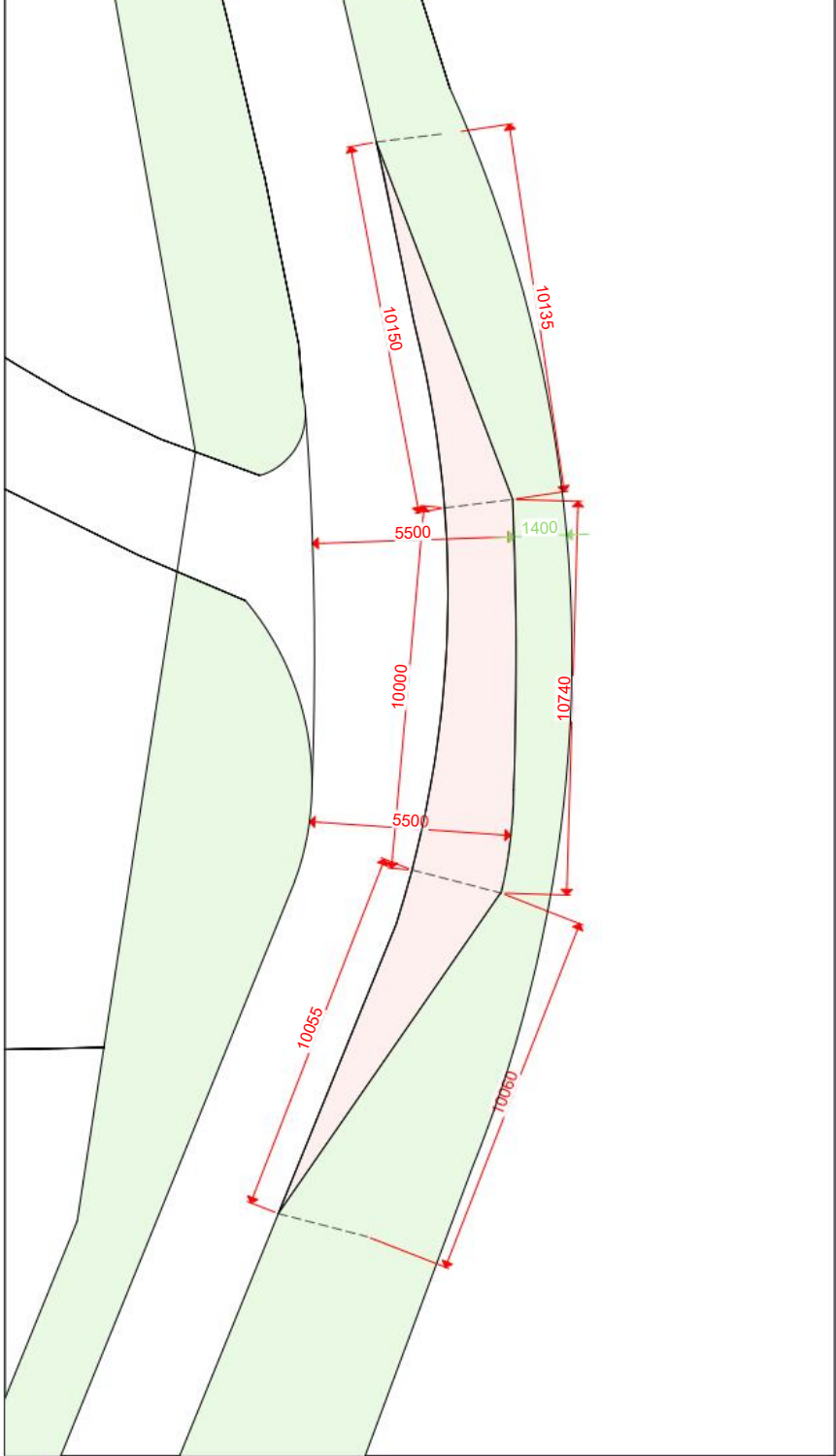
DATE
FEBRUARY 2021



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

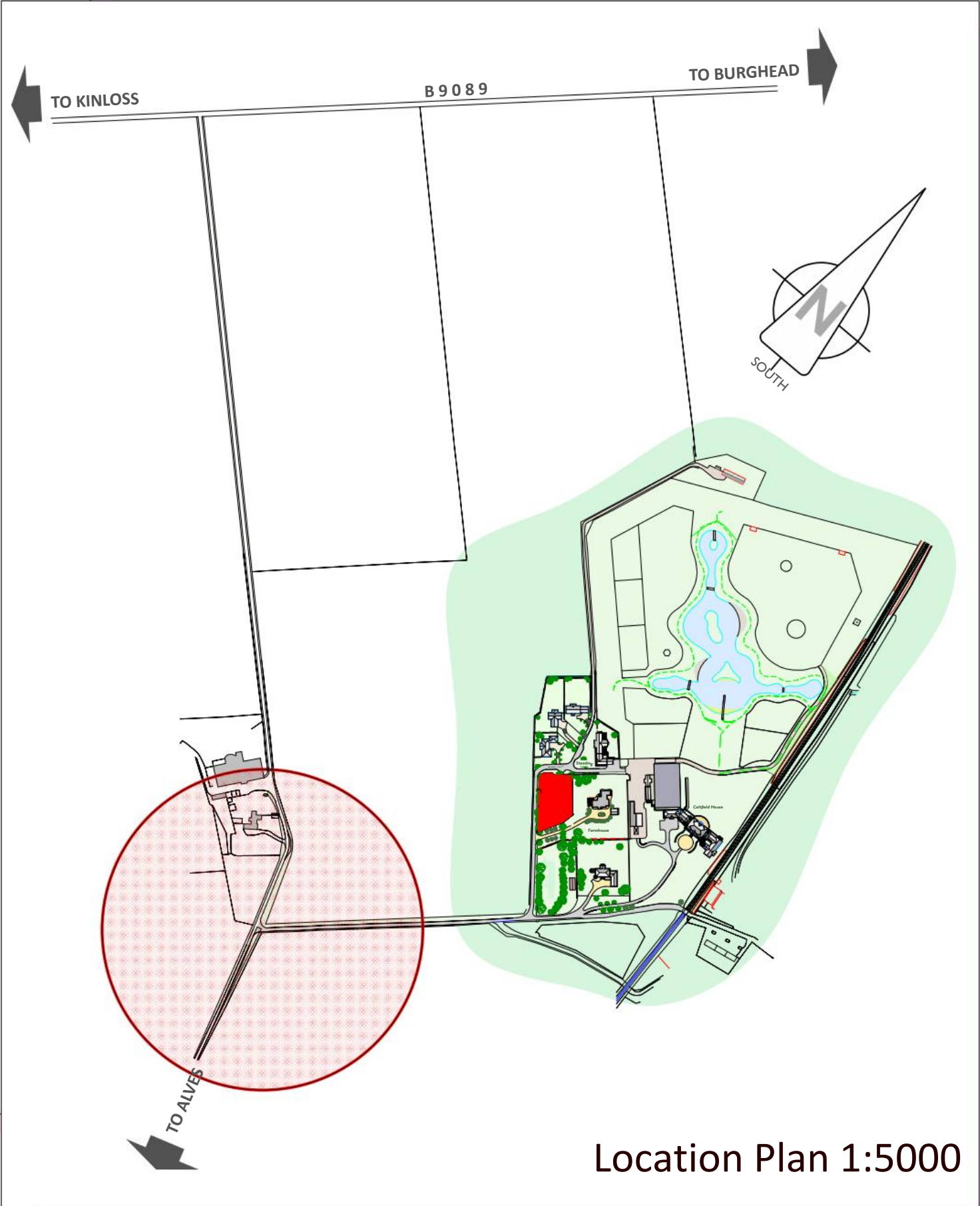


Splay Plan 1:500



Layby Design 1:200

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



Location Plan 1:5000

Consultation Request Notification

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

NOTE:

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

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

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Aberdeenshire Council Archaeology Service

Planning Application Ref. No: 21/00168/APP

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

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

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

Reason(s) for objection

None

Condition(s)

None

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Claire Herbert
email address:
archaeology@aberdeenshire.gov.uk
Consultee: Archaeology service

Date...01/03/2021.....
Phone No ...01467 537717

Return response to	consultation.planning@moray.gov.uk
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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 21/00168/APP

Application Summary

Application Number: 21/00168/APP

Address: Plot 3 Easter Coltfeld Alves Elgin Moray

Proposal: Erect dwellinghouse with attached garage on

Case Officer: Iain T Drummond

Consultee Details

Name: Mr CL Consultations

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

Email: clconsultations@moray.gov.uk

On Behalf Of: Contaminated Land

Comments

Approved unconditionally

From:DeveloperObligations
Sent:23 Feb 2021 11:58:58
To:Iain.Drummond@moray.gov.uk,
Subject:21/00168/APP Erect dwellinghouse with attached garage on Plot 3 Easter Coltfeld, Alves, Elgin
Attachments:21-00168-APP Erect dwellinghouse with attached garage on Plot 3 Easter Coltfeld, Alves, Elgin.pdf,

Hi

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

Thanks,
Rebecca

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

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

Developer Obligations & Affordable Housing: ASSESSMENT REPORT



moray
council

Date: 23/02/2021

Reference: 21/00168/APP

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

Applicant: Tulloch Of Cummingston Ltd

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

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

Summary of Obligations

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

Breakdown of Calculation

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

4 bed = 1.2 SRUE

This assessment is therefore based on 1.2 SRUE.



Moray Council DEVELOPER OBLIGATIONS

INFRASTRUCTURE

Education

Primary Education

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

Contribution towards Primary Education = Nil

Secondary Education

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

Contribution towards Secondary Education = Nil

Transport

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

[REDACTED]

Contributions towards Transport = [REDACTED]

Healthcare

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

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

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

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

[REDACTED]

Contribution towards Healthcare= [REDACTED]

Sports and Recreational Facilities

Sports and Recreation Facilities

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



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

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

[REDACTED]

Contribution for Sports and Recreation Facilities = [REDACTED]

AFFORDABLE HOUSING

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

[REDACTED]

Therefore, the total contribution towards affordable housing is:

1 proposed unit = £ [REDACTED]

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



TERMS OF ASSESSMENT

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

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

PAYMENT OF CONTRIBUTIONS

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

INDEXATION

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

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



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

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

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



REHIS
Chartered Environmental Health Officer
2021

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

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

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

01343 563355 |

moray
council

Consultation Request Notification – Development Plans

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

NOTE:

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

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

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

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

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

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

Please respond using the attached form:-

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

MORAY COUNCIL PLANNING CONSULTATION RESPONSE

From: Development Plans

Planning Application Ref. No: 21/00168/APP

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

Ward: 05_17 Heldon And Laich

DETERMINATION - DEPARTURE FROM DEVELOPMENT PLAN

(For Structure/Local Plan Comment)

		Page No	Policy No(s)	Yes	No
1	Departure from Moray Local Development Plan 2015		DP4 – Rural Housing DP 1 – Development Principles	X X	
2	Further Discussion Required				

REASONING FOR THIS DECISION:

POLICY COMMENTS

Introduction

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

Background

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

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

DP4 Rural Housing

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

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

Compliance with other criteria set out in DP4

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

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

DP1 Development Principles

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

Conclusion

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

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

Contact: Emma Gordon

email address: emma.gordon@moray.gov.uk

Consultee: Development Plans

Date: 7 June 2021.

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.

**MORAY COUNCIL
PLANNING CONSULTATION RESPONSE**

From: The Moray Council, Flood Risk Management

Planning Application Ref. No: 21/00168/APP

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

Please

x

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

Contact:	Leigh Moreton	Date	22/06/2021
email address:	leigh.moreton@moray.gov.uk	Phone No	07815 647384

Consultee: The Moray Council, Flood Risk Management

Wednesday, 17 February 2021



Local Planner
Development Services
Moray Council
Elgin
IV30 1BX

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

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

Dear Sir/Madam

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

Please quote our reference in all future correspondence

Audit of Proposal

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

Water Capacity Assessment

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

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

Waste Water Capacity Assessment

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



SW Public
General

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



Please Note

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

Surface Water

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

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

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

General notes:

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



- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).

Next Steps:

▶ All Proposed Developments

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

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

▶ Non Domestic/Commercial Property:

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

▶ Trade Effluent Discharge from Non Dom Property:

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



development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

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

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

Yours sincerely,

Planning Application Team

Development Operations Analyst

developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

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



Consultation Request Notification

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

NOTE:

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

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

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 21/00168/APP

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

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

Please

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

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

Condition(s)

1. No development shall commence until:

- i. a detailed drawing (scale 1:500 or 1:1000 which shall also include details to demonstrate control of the land) showing the visibility splay 4.5 metres by 90 metres to the North, and 4.5 Metres by 120 metres to the South, and a schedule of maintenance for the splay area has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority; and
- ii. thereafter the visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and
- iii. thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.

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

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

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

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

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

4. Three car parking spaces shall be provided within the site prior to the occupation or completion of the dwelling house, whichever is the sooner. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

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

Further comment(s) to be passed to applicant

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

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

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

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

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

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

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

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

Date 17 February 2021

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

54 MAR 2021

MANAGER
MANAGEMENT (DEVELOPMENT
MANAGEMENT & BUILDING

STANDARD 01/03/2021

Cher Madame le Ministre

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

Please Mr. Certain Time
All Windows From From
ON Each Site Is Fully
Protection, Hibernation Is
Coming To An End

Among Species Mow
Hedgehog, Adonis Slow
Worms Grass Snakes Care
To Min

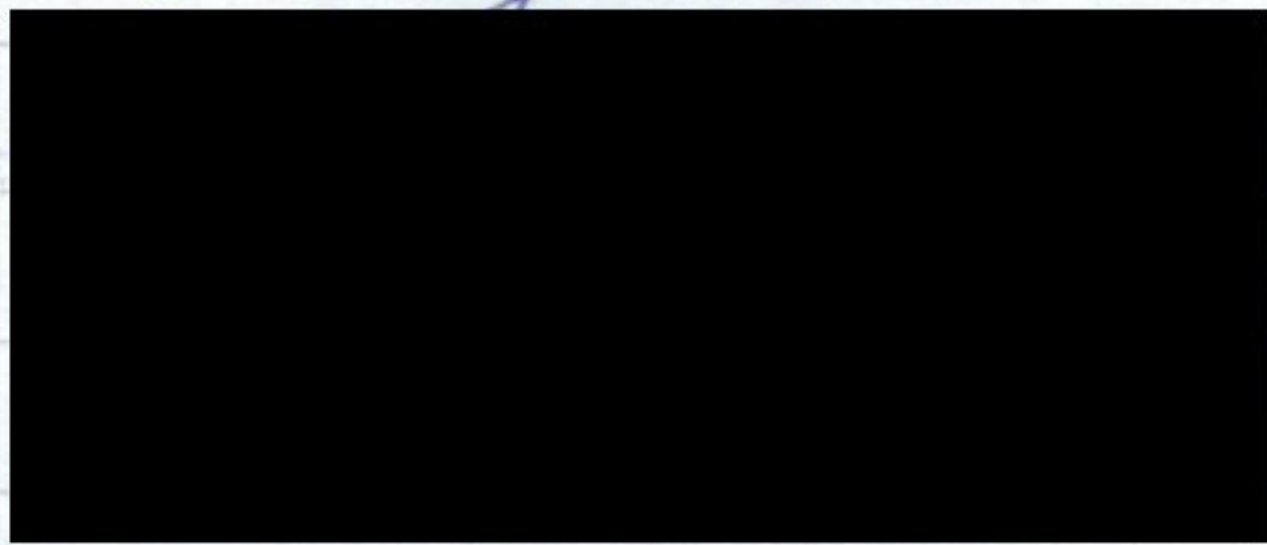
Bird Nesting All Day

II

COMMUNICATING ON COMMUNICATING

IF LANDSCAPING IS A
FEATURE OF ANY DESIGN
MIND IT SHOULD FAVOUR
BUTTERFLIES & MOTHS

Yours fraternally



REPORT OF HANDLING

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

RECOMMENDATION		
Approve, without or with condition(s) listed below		N
Refuse, subject to reason(s) listed below		Y
Legal Agreement required e.g. S,75		N
Notification to Scottish Ministers/Historic Scotland		N
Hearing requirements	Departure	N
	Pre-determination	N

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

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

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

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received: ONE		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
<p>Issue: Concern regarding the impact of the development on flora and fauna, with specific reference to hibernating animal and nesting birds.</p> <p>Comments (PO): This application is being refused on the basis of failing to comply with policies in relation to the principle of new housing in the countryside, however, were the application being approved, the applicants have outlined that it is their intension to retain, protect and enhance the existing trees/habitat on site and allow free movement of animals such as hedgehogs. With this in mind this issue is not considered to merit the refusal of this application.</p>		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The Proposal

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

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

The Site and Surroundings

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

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

Appraisal

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

Principle of development (DP1 and DP4)

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

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

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

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

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

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

Noise Pollution (DP1 and EP14)

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

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

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

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

Access/Parking (PP3 & DP1)

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

Water Supply and Drainage (PP3, EP12 & EP13)

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

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

Developer obligations and affordable housing (PP3 and DP2)

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

Recommendation

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

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

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
06/00619/OUT	Outline to erect 1no detached dwellinghouse on Plot C Easter Coltfeld Farm Alves Moray			
	Decision	Permitted	Date Of Decision	05/12/06

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

DEVELOPER CONTRIBUTIONS (PGU)	
Status	Contributions sought

DOCUMENTS, ASSESSMENTS etc. * <i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i>		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Drainage assessment	
Main Issues:	Outlines the drainage methodology for the site.	

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

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



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

REFUSAL OF PLANNING PERMISSION

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

TO



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

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

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

Date of Notice: **8 October 2021**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

Economy, Environment and Finance
Moray Council
Council Office
High Street
ELGIN
Moray
IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

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

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

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

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

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

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

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



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 100359372-003

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

Applicant Details

Please enter Applicant details

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

Northing

864396

Easting

312022

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)

Proposed erection of dwelling-house with attached garage

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 separate Statement regarding review of case

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)

Plannign Statement Appendix 1 - Masterplan Appendix 2 - Planning History Appendix 3 - Submission Docs Appendix 4 - Site Investigation Appendix 5 - decision notice and report of handling Appendix 6 - Mapping Appendix 7 - NIA

Application Details

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

21/00168/APP

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

09/02/2021

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

08/10/2021

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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

A site visit is essential so members can visualise and assess the existing landscape setting of which this review relates to and better understand the overall context of Easter Colfield

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.

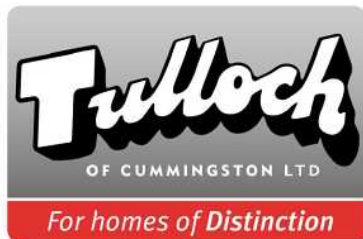
Declaration Name: Mr Blair Tulloch

Declaration Date: 07/01/2022

**ERECT DWELLINGHOUSE WITH DETACHED
GARAGE, ON PLOT 3 EASTER COLTFIELD,
ALVES, ELGIN, MORAY.**



PLANNING STATEMENT
(in support of the review of planning decision
notice 21/00168/APP)



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5.0 CONCLUSION	Page 10

Author	A.J.Sanderson	
Version	Issue 1	December 2021

Tulloch of Cummingston Ltd, Tulloch House, Forsyth Street, Hopeman, IV30 5ST
Tel: (01343) 835600 Fax: (01343) 835700 Email: office@tullochofcummingston.co.uk

1.0 INTRODUCTION

The purpose of this Planning Statement is to draw upon the details as already submitted to demonstrate that the proposed dwelling (planning application reference 20/00168/APP) should have been approved given its compliance with existing and emerging national planning policies and compliance with the principle aims set out in MLDP and associated material considerations.

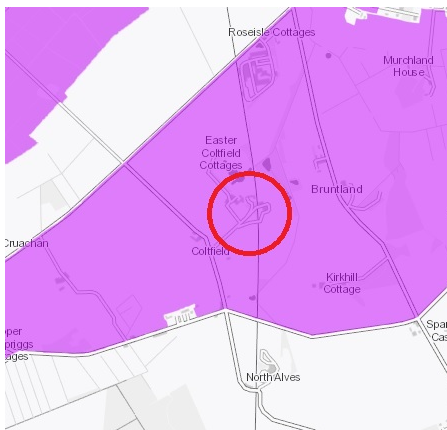
This Statement is not intended to provide new supporting information but instead to respond to the assessment made in the Officer's Handling Report and the reasons for refusal as outlined in the Decision Notice, by providing additional policy referencing and photographic evidence. These are provided to counter argue the points in the reasons for refusal and those outlined in the Officer's Handling Report. The photographic evidence is also intended to assist the Local Review Body Members given the difficulties in site visits during the ongoing COVID restrictions. Reference to policy and visual aspects during site inspections would have been available and be used by the planning officer in determining this proposal and are not therefore new material.

Given the statutory requirement that all applications should be assessed on their own individual merits against planning policy and material planning considerations, this Statement will concentrate on the consideration of whether the proposals meet the policy requirements in principle as set out in national policy and guidance, and then regarding Policy DP1 (Development Principles), DP4 (Rural Housing) and EP14 (Pollution, Contamination & Hazards), as included in the reasons for refusal. Relevant and significant material considerations are also presented throughout the Statement, that must be considered in assessing this application.

It is important and specifically requested that the Local Review Body Members read this Statement alongside **all** the previously submitted Statements and Reports to enable a comprehensive review of all the facts and merits involved in these proposals before making their decision on this case.

2.0 BACKGROUND & PLANNING HISTORY

The proposed development site is a rectangular shaped piece of rough ground located within a larger grouping of houses surrounding Coltfoot Farmhouse within the open countryside North of Alves. The plot extends to approximately 1740m² / 0.430 Acres. Access to the site is served by an existing shared private access drive which currently serves the existing 8 properties and a further 1 which is currently under construction. The site is fully enclosed with well-defined long-established boundaries consisting of beech hedging, dry stone walling and ranch style fencing. Mature trees within the application site surround the boundary providing further enclosure and screening. Access to the plot itself is existing and was previously formed shortly after approval of the sites original outline planning consent application, 06/00619/OUT.



The application plot and wider area is now located in the newly identified Pressurised and Sensitive Area within the Moray Local Development Plan 2020. This designation dictates that any new housing within areas denoted as pressurised and sensitive area would be recommended for refusal due to the determinantal effect on the landscape character of such areas identified and as such these areas have been designated to restrict any further housing.

This plot and others in the vicinity formed part of an overall Easter Coltfoot, masterplan, **Appendix 1**, prepared circa 2005-2006 by the applicant, for the erection of 7 new houses, steading conversion and refurbishment & alterations of Coltfoot House. The full extent of this proposed development was fully contained within the existing garden ground of Coltfoot Farmhouse and the adjoining farm steading area. The applicant has invested heavily in developing the overall masterplan to ensure a well-balanced development that respects the rural setting and wider landscape setting.

A mixture of outline and detailed planning applications have been submitted historically to cover all the relevant plots. This full history and extant/expired planning applications in the vicinity have been detailed within **Appendix 2**. The application site did previously have outline planning consent, (06/00619/OUT) which was approved on 5th December 2006. However, this consent has since lapsed.

3.0 DEVELOPMENT PROPOSAL & POLICY APPRAISAL

The planning application submission sought planning permission to erect a H-shaped single storey pitched roof house and detached garage on Plot 3 Easter Coltfeld and plans and drawings relating to the submission are attached as **Appendix 3**. A maximum ridge height of 6.15m is proposed and all gabled roofs are of 45° pitch. A vertical emphasis to windows has been provided and a simple pallet of external finishing material including, natural stone, timber linings and slated roofs compliment the surrounding landscape character area and would be acceptable and in accordance with the design criteria set out for Policy DP4 (*Rural Housing*).

The access into the proposed site would be served via an opening & driveway from the existing track which bounds the site to the South West. A further passing place would be provided on the section of U58E Wester Alves Road located between the site and the U58E Coltfeld Road and is detailed within **Appendix 3**. BT & Electric services are all located adjacent to the site to enable connections to be easily made and Future EV charging infrastructure has been indicated on the submission drawings and all of the above led to Transportation being satisfied that the proposals is compliant with Policies PP3 (*Infrastructure and Services*) & DP1 (*Development Principles*)

A Site Investigation and Drainage Assessment was carried out by GMC Surveys, **Appendix 4**, and a design for a private foul drainage system comprising of septic tank and soakaway along with a private separate soakaway system for disposal of surface water has been provided within the curtilage of the application boundary. A public water supply would be laid into the dwelling which Scottish Water had no objection to. All of the above would satisfy Policies PP3 (*Infrastructure & Services*), EP12 (*Management and enhancement of the Water Environment*) & EP13 (*Foul Drainage*).

Existing substantial mixed mature trees consisting of Beech, Sycamore & Willow, are contained within the curtilage of the application site and the immediate areas out with the site. This proposal would not require any tree removal and instead all existing trees would be protected fully during the construction process and thereafter maintained for their lifetime which would in turn retain the existing screening and



enhance the biodiversity provided all of which would be compliant with Environmental Policies EP2 (*Biodiversity*) and EP7 (*Forestry, Woodlands and Trees*). In addition to the retention of all existing trees the existing boundary enclosure consisting mainly of beech hedging planting through post and wire fencing provide clear, unobstructed pathways throughout the plot further enhancing the biodiversity values of the application site.

Developer Obligations (PP3 & DP2) were being sought for the development proposal and in the event of the review being approved, we can confirm that the contribution requested would be paid in full.

4.0 REFUSAL NOTICE & DISCUSSION

The planning application was determined on 8th October 2020 and was refused planning permission for the reason(s) as follows-

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

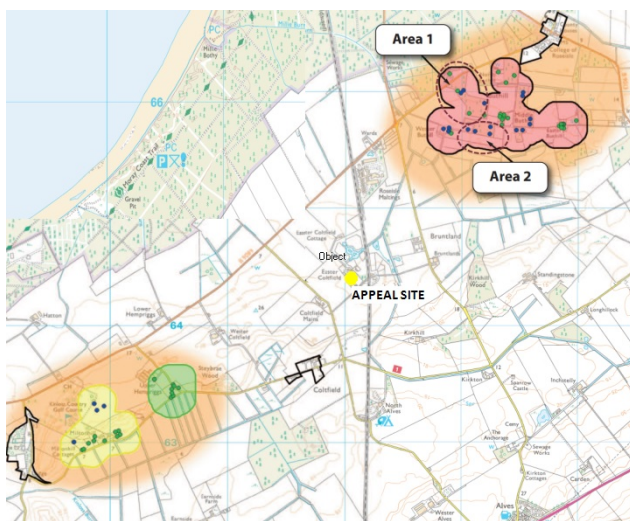
1. The site lies within a Pressurised and Sensitive Area and as such policy DP4 outlines that no new housing will be permitted within these areas on the basis that further housing would exacerbate the build-up of housing which has already negatively impacted on the character of the countryside in this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

Appendix 5 Contains the decision notice and the planning officers handling of the application.

1 - DP1 (development principles) / DP4 (rural housing)

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

The justification text within policy DP4 explains the ethos behind the designation of Pressurised and Sensitive Areas and outlines that there are locations within Moray where the cumulative build-up of houses in the countryside has negatively impacted on the landscape character of an area and as such these areas have been designated to restrict any further housing.



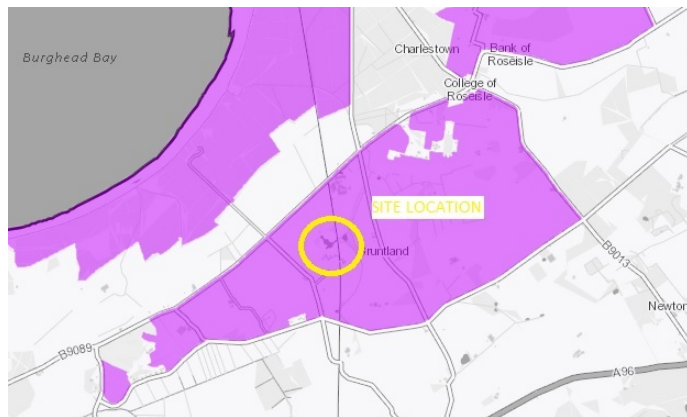
Extract prepared by the Moray Council showing specific Miltonhill & Roseisle pressurised areas (Jan 2018)

Two distinct areas, to the East (Buthill & Roseisle) and West (Miltonhill & Kinloss Country Golf Club) of the proposed site has experienced a significant growth in new housing in the countryside over the past 25 years and this has undoubtedly eroded the rural character of the area. However it is contested that this plot would not exacerbate the existing impact on the rural character of the surrounding landscape due to it integrating effectively into the existing well screened grouping and surrounding landscape area.

Moray Council prepared a Guidance Note on landscape and visual impacts of cumulative build-up of Houses in the countryside prepared in January 2018 under MLDP 2015. These plans indicated Roseisle (1km to East of Appeal Site) and Miltonhill (1.5km West of Appeal Site) as Areas where concentration of new houses constitutes unacceptable build up in the open countryside.

The Moray Local Development Plan 2020 when prepared and adopted. has introduced areas of Pressurised and Sensitive areas which now covers the 2 areas noted above, Miltonhill and Roseisle, and also all the land in between which subsequently now covers this application site. The applicant & landowner, when submitting this current planning application, was unaware that his land was now also being zoned under Pressurised and Sensitive

MLDP 2020 Pressurised and Sensitive Area mapping



Areas, which effectively means no new housing within these areas would be supported. At no point during the MLDP 2020 local plan consultation period was this proposed or noted in any of the documentation with no prior notification or consultation carried out either with the landowner/ developer of Easter Coltfoot.

Discussions between Development Management and the applicant post submission took place to discuss this new pressurised designation along with other matters arising from this new designation such as why the small grouping of houses at Easter Coltfoot wasn't suggested to be included/designated as a rural grouping in the Moray Local Development Plan 2020 similar to the rural groupings now identified at Roseisle & Miltonhill despite there being a clear and definitive masterplan and significant planning history for Easter Coltfoot.

Appendix 6 is mapping which shows planning applications for new build housing between Miltonhill and Roseisle submitted and approved between January 2017 to January 2022. A total of 6 applications were approved for new housing within this area, of which 4 are related to the Overall Masterplan prepared for Coltfoot Farm (This includes 3 houses built on the footprint area of existing steadings and one application to confirm extant planning consent status). This would suggest that the pressurized and sensitive area which now extends over Coltfoot Farm is clearly excessive and unjustified and doesn't take in to account the small number of historical applications for new build housing within this now extended pressurised and sensitive area.



The planning officers report of handling suggests the introduction of a new house in this identified pressurised and sensitive location would have a detrimental landscape and visual impact as well as impacting on the character and appearance of this rural area. Due to the topography of the surrounding open landscape, the plot itself would only be fully visible from limited viewpoints. The image

shown above has been taken from an elevated position on the U58E single track Coltfeld Road facing East towards Roseisle, which shows the plot location and the wider landscape setting. As can be seen from the image the plot itself has the necessary enclosure and backdrop to allow a house to be fully integrated into the local setting and could be considered to be less of a visual impact compared to the current 2No replacement new builds recently constructed (Planning App 18/01553/APP) to the left of the plot shown on the above image.



B9089 Roseisle-Kinloss Road/U58E Coltfeld Road

The adjacent image is taken from a viewpoint at the junction of the B9089 Roseisle to Kinloss Road and the U58E Coltfeld Road, looking south towards the plot location. From this viewpoint, the plot can be identified by the cluster of established trees on and surrounding the appeal site. It is clear from the attached image that the existing ground forms

and topography, that the dwelling would not be visible from this viewpoint or any other location along the B9089 thereby reducing any concerns that the dwelling would have a detrimental impact on the visual and landscape setting of this rural location when viewed from key viewpoints such as roads, adopted core paths and existing settlements.

Furthermore the presence of an established masterplan covering Easter Coltfeld essentially means that it couldn't be considered as ribbon or sporadic development which again addresses concerns regarding the visual impact of the proposal within this location.

2 - DP1 (development principles) / EP14 (pollution contamination & hazards)



Policy EP14 aims to ensure public health and environmental quality are not compromised and looks to implement appropriate mitigation or remediation measures prior to, or as part of, the proposed development.

The proposed site is within the RAF Kinloss Noise Contour Map and specifically the 66 to 72 dBA contour and as such a Noise Impact Assessment (NIA) would be required. As noted within the planning officers report, that by the time we were requested a NIA to

cover the development proposal, we were already aware that the site lay within the Pressurised and Sensitive Area and would be refused on this basis alone and as such we did not wish to go to the initial upfront expense of having a NIA carried out.

A noise impact assessment (NIA), **Appendix 7**, was prepared and submitted as part of the planning application covering the new build Coltfeld House under planning reference 10/00435/APP due to the location of the proposed dwelling being within the 66 to 72 dBA contours. This plot is located circa 100m East of the appeal site. The NIA prepared by Charlie Fleming Associates to cover this dwelling concluded that no site-specific measures would be required to meet the exposure limits set by Moray Council.

Furthermore, when preparing the planning application submission, 18/01553/APP, for 3 replacement dwellings immediately to the north of the appeal site, and circa 150m west from the above noted Coltfeld House, we were not requested to provide a NIA to cover this application despite it being within the 66 to 72 dBA contour and being located nearer to the Kinloss Airfield and approach flight path.

Taken into account the previous history of the above noted planning applications and the conclusions gathered from the NIA prepared previously by Charlie Fleming, we were confident that this appeal plot could be assessed and provided with adequate mitigation (if required), to meet the sound limit requirements set by Moray Council and on this basis it was suggested that the requirement for submission of a NIA could be conditioned to be provided prior to any development works commencing. However, this was not accepted by Environmental Health.

To confirm, we would be willing to provide the NIA, Should the appeal be successful, and the above item being conditioned.

5.0 CONCLUSION

For the reasons given above we have been able to demonstrate that the proposed development should be considered for approval taking into account the Easter Coltfeld Masterplan, Previous Planning consent and current planning policy of which this proposal is largely compliant with.

Policy DP4 and the pressurised and sensitive designation is no doubt well-intentioned and would be appropriate to many other locations that have been subjected to uncontrolled sporadic and ribbon development within clearly open countryside, but for this plot we believe that this one aspect of the policy is not appropriate for this situation and circumstances and that it should be interpreted flexibly to allow full material consideration of all factors surrounding the application submission.

As has been demonstrated the plot is within a clear and defined master planned area with defined long-established boundaries and substantial existing screening, the proposed dwelling which is traditionally designed wouldn't be prominent or easily viewed from key viewpoints or main roads and would not be considered to impact negatively the existing rural appearance of the area and therefore should be considered favourably for approval.

END OF REPORT

A P P E N D I X O N E

M A S T E R P L A N



Easter Coltfield



MASTERPLAN

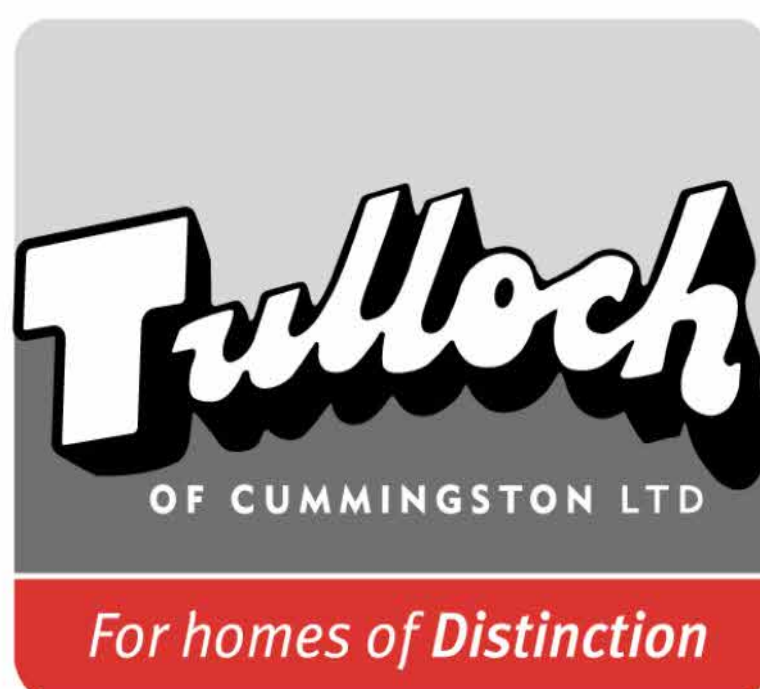
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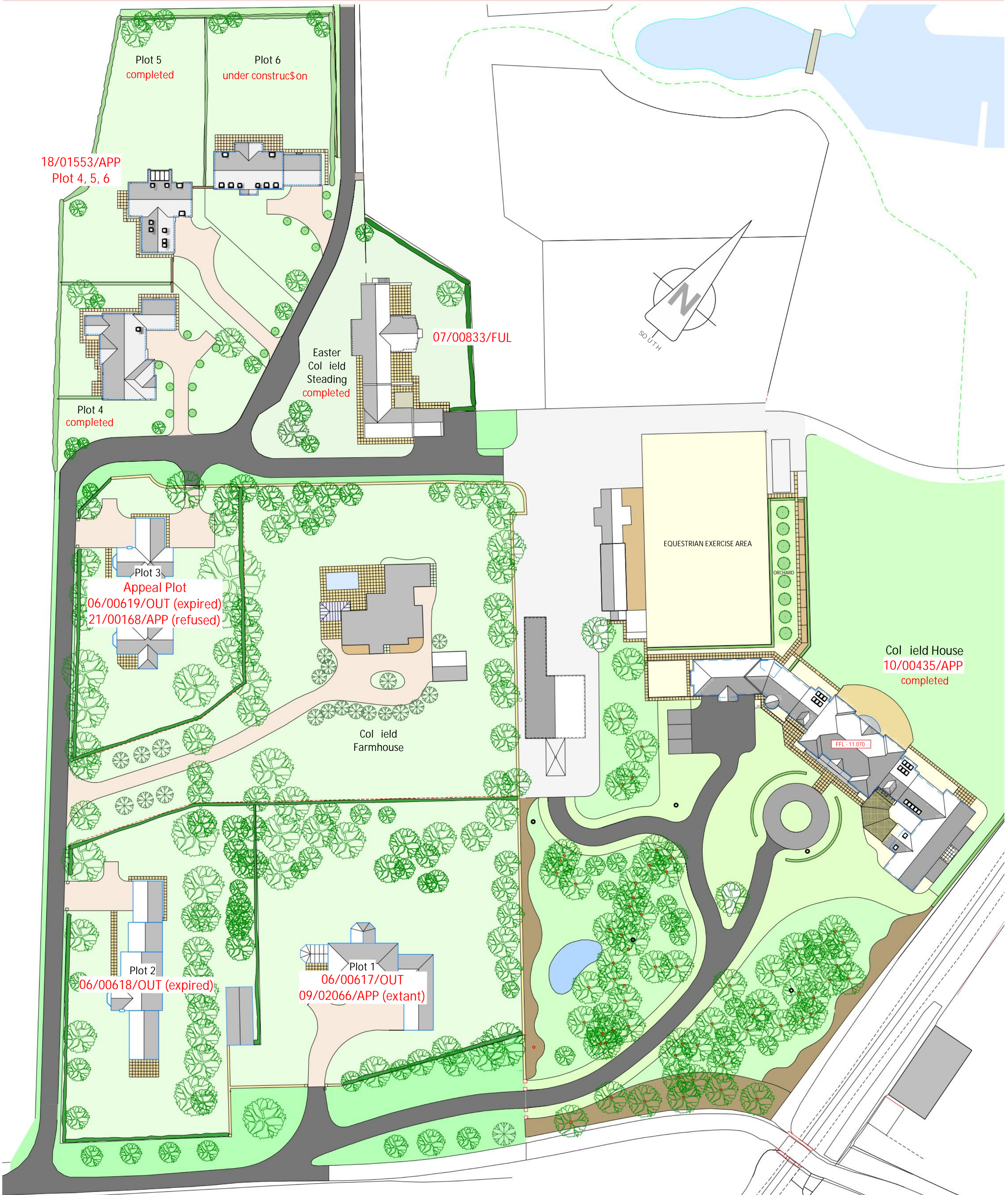
t - (01343) 835600 f - (01343) 835700
e - reception@tullochofcummingston.co.uk
web - www.tullochofcummingston.co.uk

A P P E N D I X T W O

P L A N N I N G H I S T O R Y

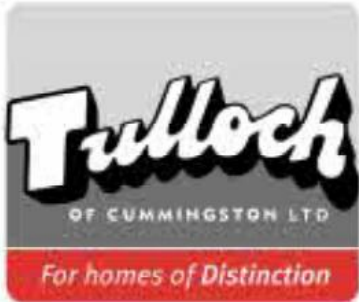


Easter Coltfield



PLANNING HISTORY

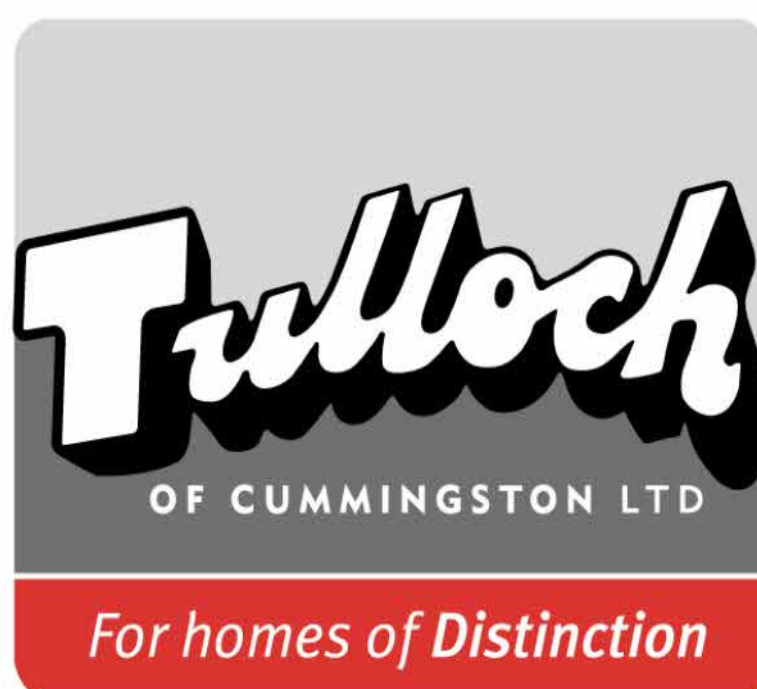
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t - (01343) 835600 f - (01343) 835700
e - reception@tullochofcummington.co.uk
web - www.tullochofcummington.co.uk

A P P E N D I X T H R E E

P L A N N I N G S U B M I S S I O N D O C U M E N T S



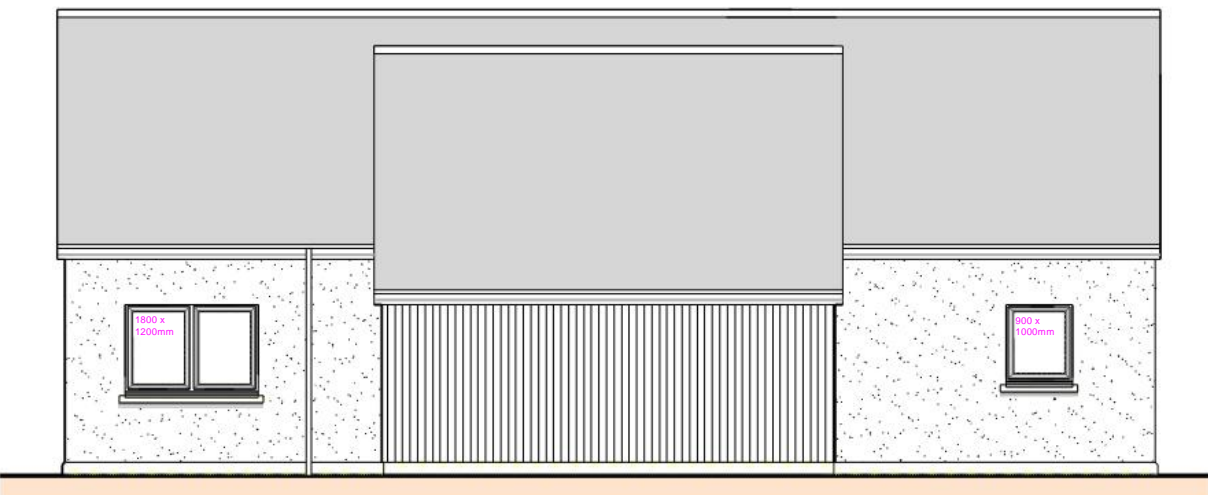
Easter Coltfield



FRONT ELEVATION



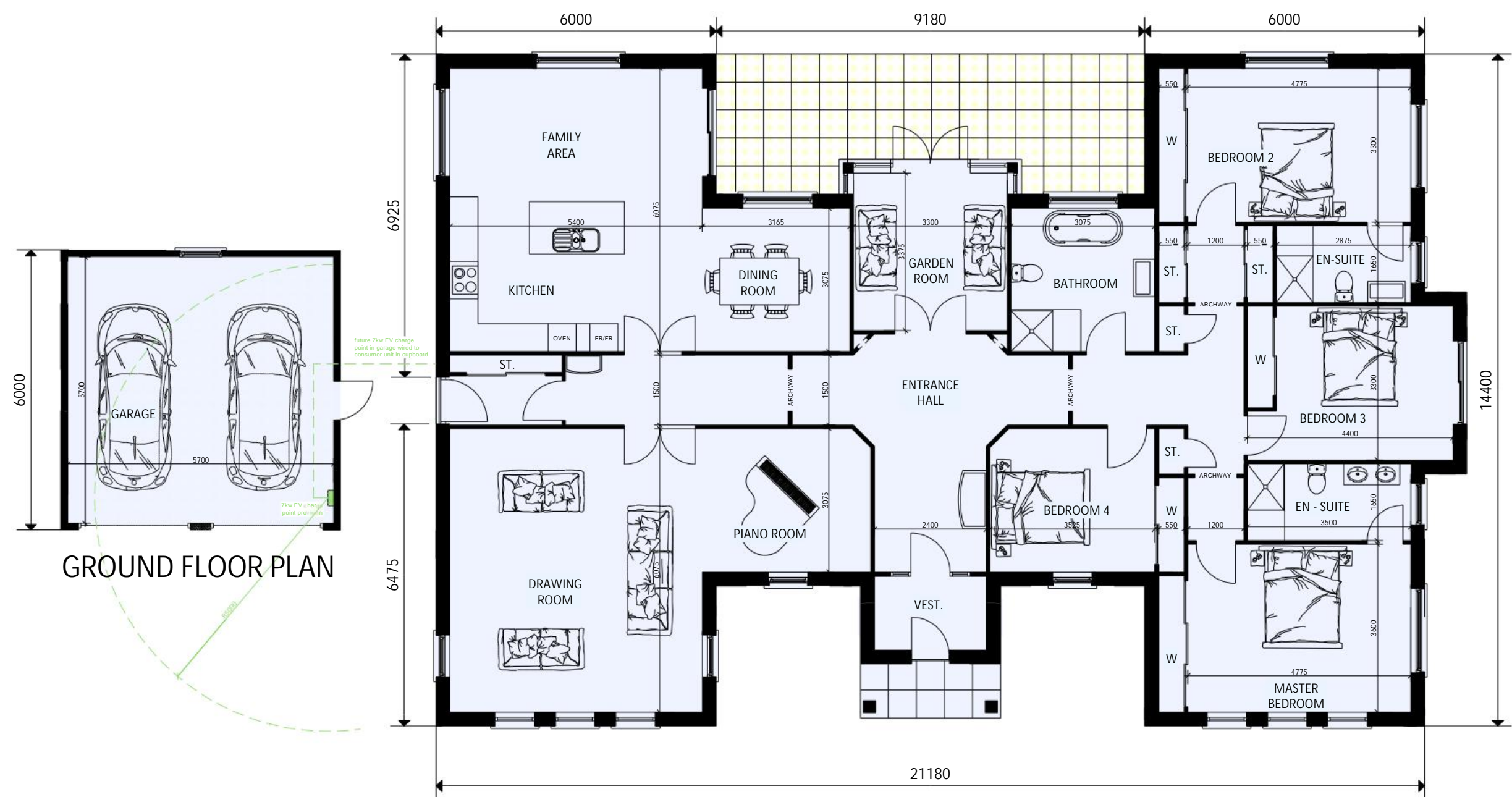
REAR ELEVATION



SIDE ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN

PLANNING SUBMISSION DOCUMENTS FLOORPLAN & ELEVATIONS 1:100

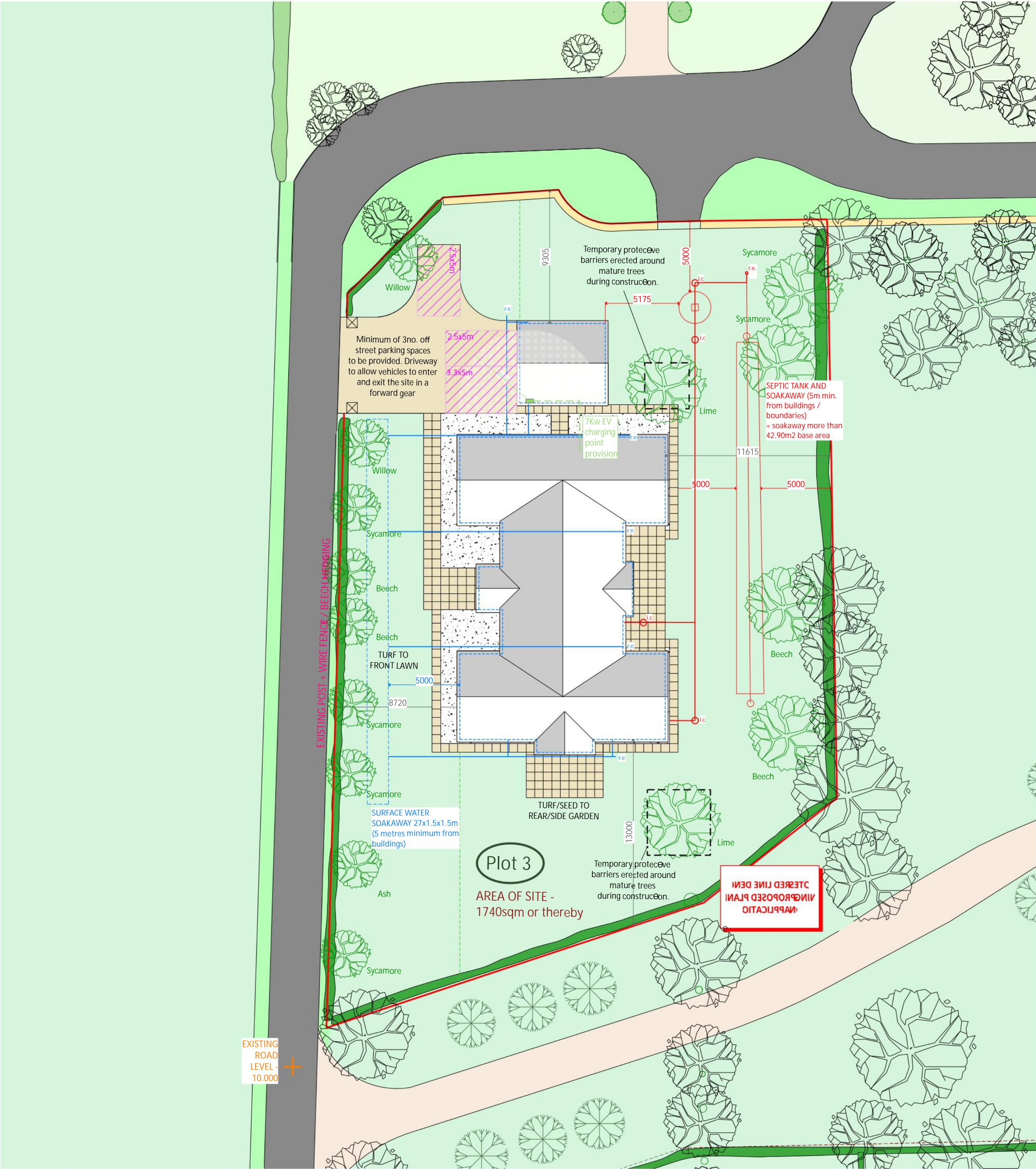
MATERIALS (AS PER OTHER
BUILDS ON THE DEVELOPMENT):

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



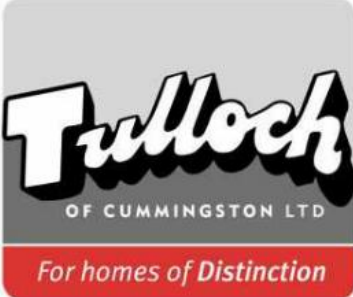
t - (01343) 835600 f - (01343) 835700
e - reception@tullochofcumingston.co.uk
web - www.tullochofcumingston.co.uk

Easter Coltfield



PLANNING SUBMISSION DOCUMENTS

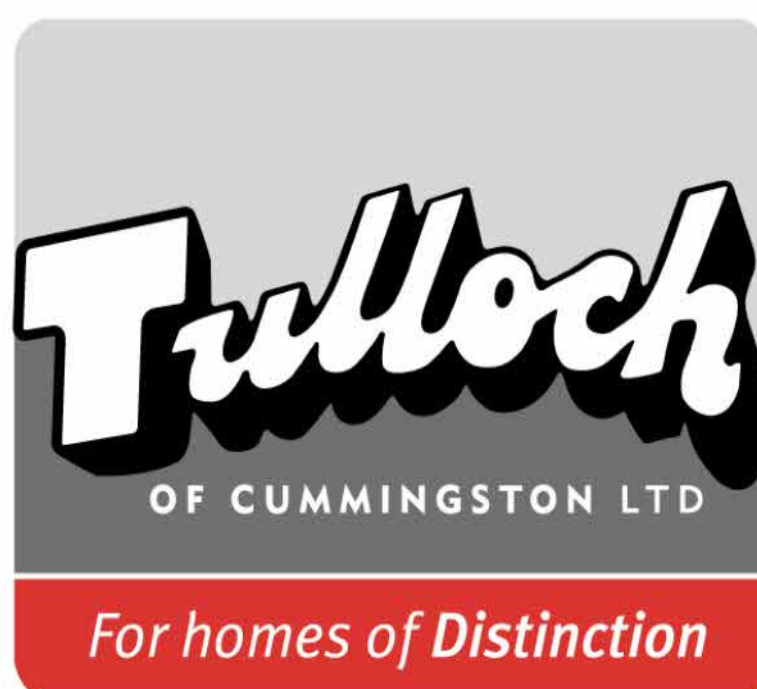
SITE PLAN 1:200



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

A P P E N D I X F O U R

S I T E I N V E S T I G A T I O N



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

gmcsurveys

Surveys, Setting-Out Civil Engineering Design

Site Investigation & Drainage Assessment

EASTER COLTFIELD

Gary Mackintosh Bsc
gmcsurveys@gmail.com

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Soil Conditions:	3
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Conclusion and Recommendations:	5
Foul Water Discharge via Soakaway:	5
Surface Water Dispersal via Soakaway:	5

Client:

Tulloch of Cumminston

Site Address:

Plot 3

Easter Coltfeld

Elgin

Planning Reference:

TBC

Date:

8th February 2021

Job Number:

0807

Company Information:

Assessment completed by:

Gary Mackintosh Bsc

GMCSurveys

34 Castle Street

Forres

Moray

IV36 1PW

Email: gmcsurveys@gmail.com

Telephone: 07557431702

Site Description:

The proposals are to erect a new 4bed private dwelling and associated infrastructure within Plot 3, Located at Easter Coltfild, By Elgin.

The SEPA flood maps have been consulted which indicate that the site lies within an area of pluvial flood risk during a 1:200year event. Based on the mapping flooding occurs adjacent to the existing access track to the south west of the proposed site. Based on this, it is recommended that any surface water system installed should be sized to manage flows up to and including a 1:200year event with 35%allowance for climate change to ensure that the proposals have no detrimental impact on the area.

GMC Surveys were asked to carry out a site investigation to provide a drainage solution for the proposed development.

Soil Conditions:

Excavations were carried out using a mechanical digger on 4th February 2021 to assess the existing ground conditions and carry out infiltration and percolation testing for the dispersal of foul and surface waters via soakaways.

The trial pits were excavated to depths of 2.0m. The pits were left open and no ground water was encountered.

The excavations provided existing ground conditions of 300 - 450mm Topsoil with many roots, dark brown and light brown intermixed fine sands with some gravels used as fill material within the site to a depth ranging from 450mm –1500mmbgl overlying light brown, medium dense, slightly silty Sands proved to the depth of the excavations.

The trial pits were left open and there was no evidence of ground water or contamination within the trial pits.

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	04/02/21	04/02/21	04/02/21	
TP1	2400s	3720s	4380s	3500s
TP2	4320s	5340s	5580s	5080s
Average Soil Vp	28.60s/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	1.0mx 1.0m	1.0 - 1.8	1.652 x 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 above the maximum threshold of 15s/mm therefore a 'Standard Septic Tank' would be suitable, the final details of which are to be confirmed by the chosen supplier.

Foul Water Discharge via Soakaway:

The proposals are for a 4bed property therefore the foul water soakaway dimensions can be established as:

Soil Percolation Value –28.60s/mm

No of Persons (4bed) –6

Min Base Area ($A = V_p \times PE \times 0.25$) = 42.90m²

This can be provided with dimensions of 11.00m x 4.0m x 0.45m below the invert level of the pipe. The soakaway dimensions may be altered to provide a better fit within the plot ensuring that the base area of 42.90m² is maintained.

Surface Water Dispersal via Soakaway:

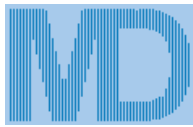
Please see attached surface water calculations detailing the requirement and suitability for soakaway dimensions of 27.0m x 1.5m at a depth of 1.5m below the invert level based on the proposed contributing area of 400m² (new roof area with extra over for hard standing) up to and including a 1:200 year event with 35% allowance for climate change.

The proposed soakaway has been designed to accommodate flows up to and including a 1:200year event with 35% allowance for climate change to ensure the surrounding flood risk areas are not impacted by the proposed development.

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



Master Chain
2W 18.28

gmcsurveys
Surveys, Setting Out Civil Engineering Design

211001 Villa, 81 Castle Street
T0182 176 176
email: gmc@surveys@gmcii.com
Mobile: 07825 481 781

Lod No. 8887		
Sheet no. 1		
Date 25/10/17		
By GM	Original	Approved

Project Plot 3 Estate Col Hill
Title Surface Water Soakaway

Rectangular pit design data :-

Pit length = 27 m
Depth below invert = 1.5 m
Imperm. area = 400 m²
Return period = 200 yrs

Pit width = 1.5 m
Percentage voids = 30.0%
Infil. factor = 0.000017 m/s
Climate change = 35%

Calculations :-

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

$$a_{20} = 2 \times (\text{length} + \text{width}) \times \text{depth} / 2 = 42.8 \text{ m}^2$$

Outflow factor : $O = a_{20} \times \text{Infiltration rate} = 0.0007268 \text{ m/s}$

Soakaway storage volume : $S_{\text{soak}} = \text{length} \times \text{width} \times \text{depth} \times \% \text{ voids} / 100 = 18.2 \text{ m}^3$

Duration	Rainfall mm/hr	Inflow m ³	Depth (maximum) m	Outflow m ³	Storage m ³
5 mins	134.7	4.5	0.35	0.22	4.25
10 mins	106.5	7.1	0.55	0.43	6.64
15 mins	89.8	9.0	0.69	0.65	8.33
30 mins	64.4	12.9	0.95	1.31	11.57
1 hrs	43.7	17.5	1.22	2.62	14.87
2 hrs	28.2	22.6	1.43	5.23	17.35
4 hrs	17.9	28.6	1.49	10.47	18.14
6 hrs	13.6	32.7	1.40	15.70	16.97
10 hrs	9.6	38.4	1.01	26.16	12.27
24 hrs	5.3	50.5	0.00	62.79	0.00

Actual volume $S_{\text{soak}} = 18.225 \text{ m}^3$

Required volume : $S_{\text{req}} = 18.140 \text{ m}^3$

Soakaway volume storage OK.

Minimum required a_{20} : 42.55 m²

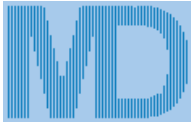
Actual a_{20} : 42.75 m²

Minimum depth required 1.49 m

Time to maximum 4 hrs

Emptying time to 50% volume = $t_{20} = S_{\text{req}} \times 0.5 / (a_{20} \times \text{Infiltration rate}) = 03:28 \text{ (hrs)}$

Soakaway emptying time is OK.



Ms261Chsin
2W 18.28

gmcsurveys
Surveys, Setting Out Civil Engineering Design

211001 Villie, 81 Cestie Street
7018 1V81 170
email: gmcsurveys@gmcsurveys.com
Mobile: 87007 481 781

Lod No. 8887		
Sheet no. 2		
Date 25/10/18		
By GM	Original	Approval

Project
Plot 3 Estate Colthillb
Title
Surface Water Drainage

Location hydrological data (FSR):-

Location = ELG IN
M 5-60 (mm) =
Soil index = 0.40
W RAP

Grid reference = NJ2162
r = 0.24
SAAR (mm /yr) = 800
Area = Scotland and N.

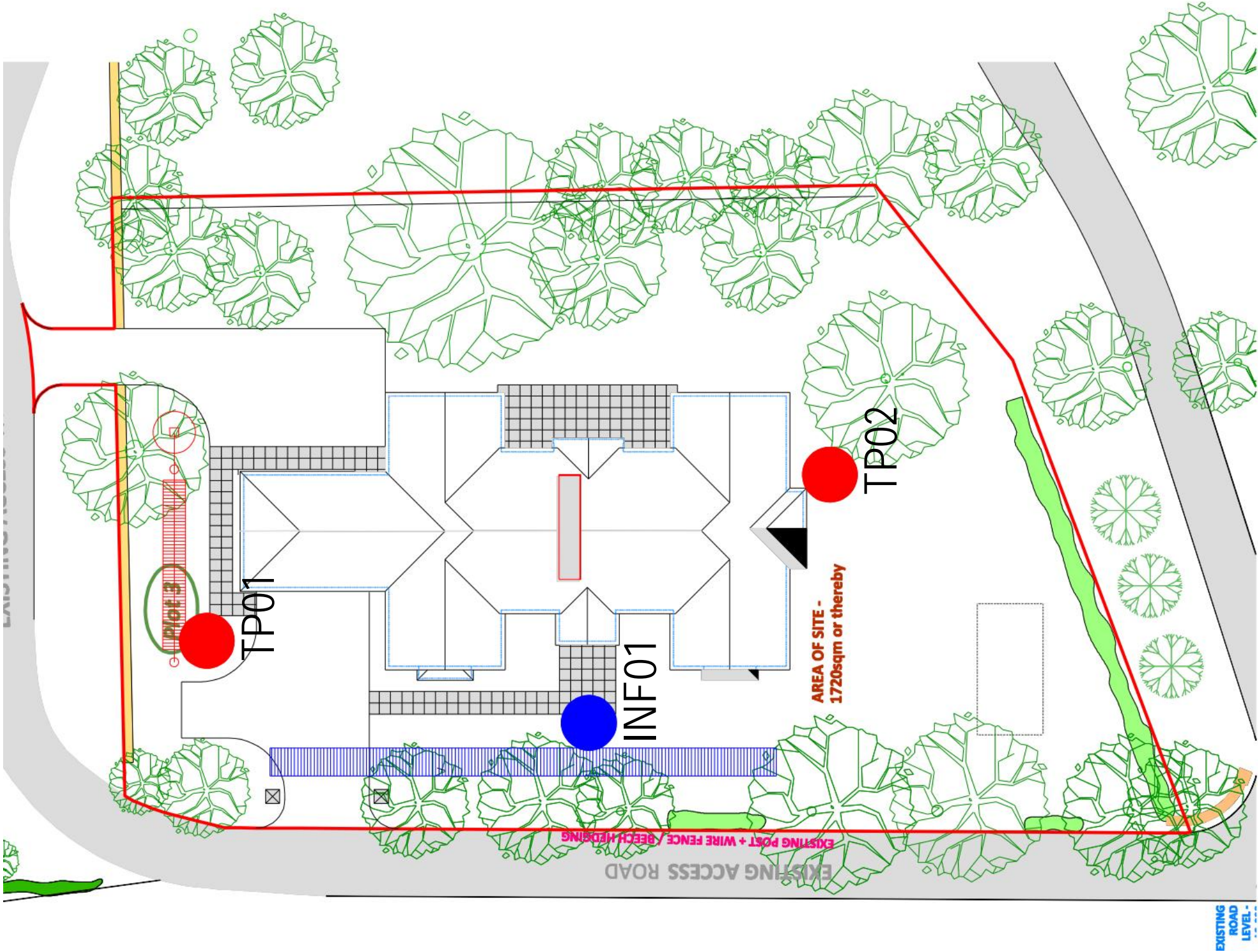
Soil classification for W RAP type 3

- Relatively impermeable soils in boulder and sedimentary clays, and in all in eastern England;
- Permeable soils with shallow ground water in low-lying areas;
- Mixed areas of permeable and impermeable soils, in approximately equal proportions.

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

APPENDIX A

Site/Testhole Location



REV	DESCRIPTION	BY	DATE	ISSUE					
STATUS									

gmcsurveys
Surveys, Setting Out, Civil Engineering Design
T: 07557 431 702
E: gmcsurveys@gmail.com

CLIENT: Tulloch Of Cummingston

SITE:		Plot 3 Easter Coltfeld, Elgin			
TITLE:		Test Hole Location/ Site Plan/ Indicative Layout			
SCALE: 1:100	DATE:	FEB21	DRAWN:	GM	CHECKED:
PROJECT NO:	0807	DRAWING NO:	Appendix A		
REVISION:		-			

APPENDIX B

Soakaway Details/Certificates

Certificate For Proposed Sub – Surface Soakaways
Foul Water

Applicants Name: Tulloch of Cummingston
Address: Forsyth Street, Hopeman, Elgin IV30 5ST
Site Address: Plot 3 Easter Coltfeld, Elgin
Date of Tests: 4th February 2021
Weather Conditions: Overcast/Occasional Winter Showers

Percolation Test/Soakaway Sizing:

	1 st	2 nd	3 rd	Mean
Date of Test	04/02/21	04/02/21	04/02/21	
TP1	2400s	3720s	4380s	3500s
TP2	4320s	5340s	5580s	5080s
Average Soil Vp				28.60s/mm

Location: TP1&TP2
Average Soil Vp: 28.60s/mm
PE: 6
Base Area (min): 42.90m²

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: 8th February 2021

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: Tulloch of Cummingston
Address: Forsyth Street, Hopeman, Elgin IV30 5ST
Site Address: Plot 3 Eater Colfield, Elgin
Date of Tests: 4th February 2021
Weather Conditions: Overcast/Occasional Winter Showers

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): 1.652×10^{-5}
Contributing Area: 400m²
Soakaway Size: 27.0m x 1.5m x 1.5m below the invert of the pipe (1:200)

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: 8th February 2021

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

APPENDIX FIVE

DECISION NOTICE / REPORT OF HANDLING





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

REFUSAL OF PLANNING PERMISSION

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

TO Tulloch Of Cummingston Ltd
 Tulloch House
 Forsyth Street
 Elgin
 Mora
 IV30 5ST

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

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

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

Date of Notice: **8 October 2021**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

Economy, Environment and Finance
Moray Council
Council Office
High Street
ELGIN
Moray
IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

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

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

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

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

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

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

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

REPORT OF HANDLING

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

RECOMMENDATION		
Approve, without or with condition(s) listed below		N
Refuse, subject to reason(s) listed below		Y
Legal Agreement required e.g. S,75		N
Notification to Scottish Ministers/Historic Scotland		N
Hearing requirements	Departure	N
	Pre-determination	N

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

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

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

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received: ONE		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
<p>Issue: Concern regarding the impact of the development on flora and fauna, with specific reference to hibernating animal and nesting birds.</p> <p>Comments (PO): This application is being refused on the basis of failing to comply with policies in relation to the principle of new housing in the countryside, however, were the application being approved, the applicants have outlined that it is their intension to retain, protect and enhance the existing trees/habitat on site and allow free movement of animals such as hedgehogs. With this in mind this issue is not considered to merit the refusal of this application.</p>		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The Proposal

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

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

The Site and Surroundings

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

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

Appraisal

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

Principle of development (DP1 and DP4)

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

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

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

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

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

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

Noise Pollution (DP1 and EP14)

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

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

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

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

Access/Parking (PP3 & DP1)

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

Water Supply and Drainage (PP3, EP12 & EP13)

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

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

Developer obligations and affordable housing (PP3 and DP2)

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

Recommendation

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

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

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
06/00619/OUT	Outline to erect 1no detached dwellinghouse on Plot C Easter Colfield Farm Alves Moray			
	Decision	Permitted	Date Of Decision	05/12/06

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

DEVELOPER CONTRIBUTIONS (PGU)	
Status	Contributions sought

DOCUMENTS, ASSESSMENTS etc. * * Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Drainage assessment	
Main Issues:	Outlines the drainage methodology for the site.	

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

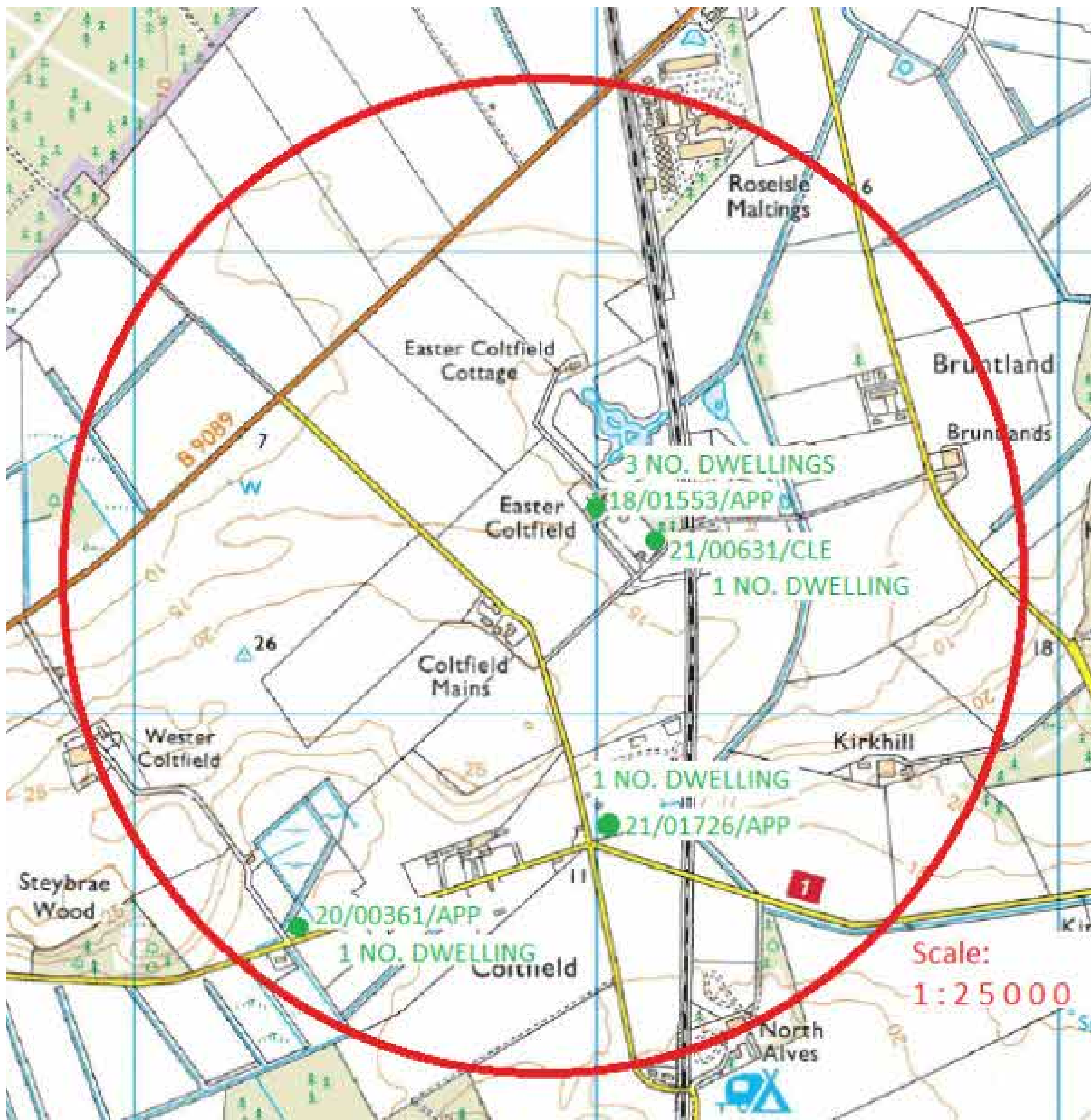
DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)			
Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary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

APPENDIX SIX

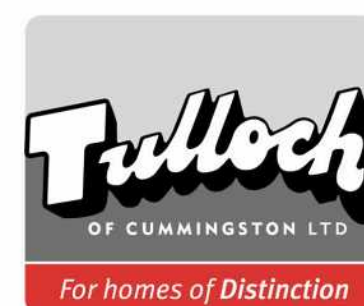
NEW BUILD PLANNING APPLICATIONS BETWEEN JANUARY 2018 & JANUARY 2022



Easter Coltfield



**NEW BUILD PLANNING APPLICATIONS
BETWEEN JANUARY 2018 - JANUARY 2022**



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A P P E N D I X S E V E N

COLTFIELD HOUSE NOISE IMPACT ASSESSMENT



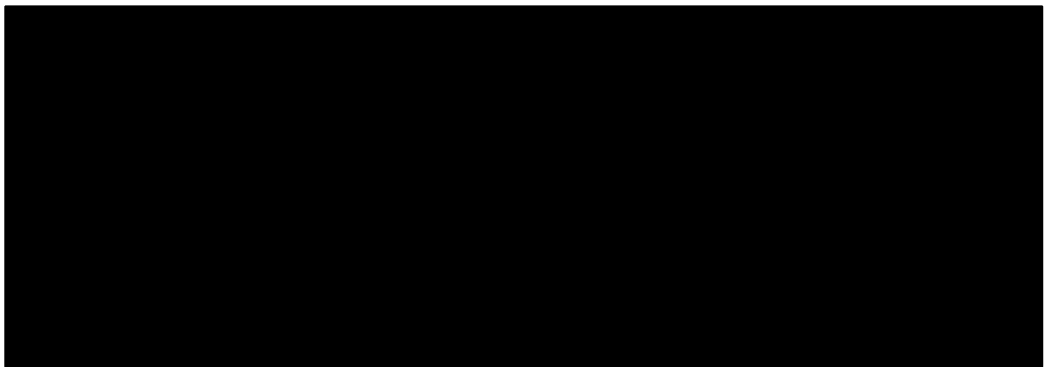


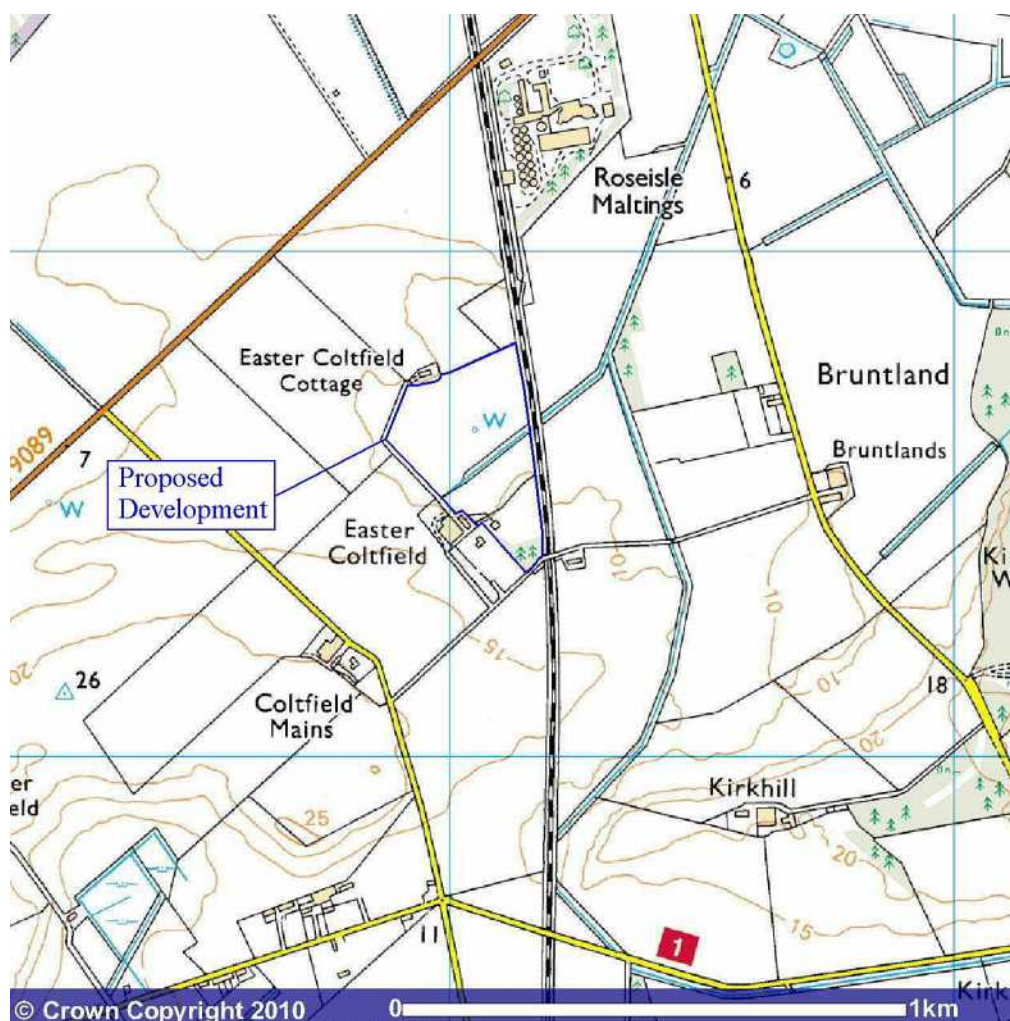
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1.0 Introduction

- 1.1 Tulloch of Cummington proposes to construct a house, stables and cattery, on a plot of land at Easter Coltfeld, near Alves, in Moray. The boundary of the land is shown outlined in blue below in Figure 1, which is reproduced with the permission of Ordnance Survey. Kinloss Royal Air Force (RAF) base lies some 5500m to the west-south-west of the land.

Figure 1

Location of Proposed Development
(Courtesy of Ordnance Survey)



- 1.2 The concern was raised at the planning stage, by officers of The Moray Council, that the noise of military aircraft might disturb the occupants of the proposed house. Charlie Fleming Associates was asked, by Mr Alex Sanderson, of Tulloch of Cummington Ltd, to assess the level of aircraft noise affecting the site and confirm whether it would be acceptable.

- 1.3** It is usual to assess air traffic noise affecting the site of proposed residential development in accordance with The Scottish Executive Development Department publication titled *Planning Advice Note 56 Planning and Noise*¹, (PAN56).
- 1.4** PAN56 stipulates that the noise be considered over two periods, daytime from 07.00hrs to 23.00hrs, and night-time from 23.00hrs to 07.00hrs. The noise level over these periods determines which of 4 Noise Exposure Categories (NEC) the site falls into. Each NEC is accompanied by a series of recommendations.
- 1.5** To establish which NEC the land on which it is proposed to construct the house falls into, the noise on the land could be measured, over the daytime and night-time periods mentioned above. The noise around military airports, however, varies considerably from day to day, week to week, and month to month. To encompass these variations, it would be necessary to measure the noise over a period of several months, which would be prohibitively expensive.
- 1.6** The noise around RAF Kinloss has been predicted by the Noise and Vibration Division, of the Occupational and Environmental Medicine Wing, of the RAF Centre of Aviation Medicine. These noise levels are calculated and plotted as contours by a computer programme. The programme contains a number of variables which have a significant bearing on the results. The values ascribed to these variables are not generally available. Charlie Fleming Associates has, however, learned how some of them were input into the computer model of noise around RAF Lossiemouth. It is assumed that similar parameters have been put into the computer model of the noise around RAF Kinloss, which leads the author to have some reservations as to the accuracy of the contours.
- 1.7** Whilst the author has reservations about the accuracy of the RAF noise contours, in the absence of being able to measure the noise over several months, these were used in determining the NEC of the land on which it is proposed to construct the house, as discussed in Section 2.0 of this report. In Section 3.0, the noise levels in the proposed house are calculated, and compared to the limit usually adopted by The Moray Council.

Section 4.0 concludes the main text of the report, and is followed by a list of the documents referred to herein. The Appendix describes basic principles of acoustics and explains the technical terms used in the report.

2.0 Royal Air Force (RAF)/The Moray Council Air Traffic Noise Level Data

- 2.1 The noise level contours produced by the RAF Centre of Aviation Medicine Noise and Vibration Division, have been issued by The Moray Council. These are shown below in Figure 2. Where it is proposed to build the house is also shown on Figure 2, on the 66dB(A) contour.

Figure 2

RAF Kinloss Aerodrome Noise Contours L_{Aeq}
(Courtesy of The Moray Council)



- 2.2 Where it is proposed to build the house is therefore in both NEC B and NEC C, of which PAN56 states;

NEC B

Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise. For proposed development subject to the high end of the category a Noise Impact Assessment will assist authorities in identifying appropriate noise mitigation measures.

NEC C

Planning permission should not normally be granted. Based upon the evidence contained within a Noise Impact Assessment, however, it may be possible to grant permission subject to measures that ensure an adequate level of protection against noise.

- 2.3** With the site of the house falling into both NEC B and NEC C, it is appropriate to calculate the noise level inside it. How this has been done is described in Section 3.0.

3.0 Calculation of Internal Levels of Air Traffic Noise

- 3.1 It is usual in an assessment of this type to calculate the noise levels inside one of the most exposed rooms, which, in this case, will be the Lounge. The principle in this is that, if the noise is acceptable in the most exposed room, it follows that it will also be acceptable in the other, less exposed ones. The noise in the room 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 façade.
 S = area of façade.
 A = acoustical absorption in receiving room.
 V = volume of receiving room.
 T = reverberation time of receiving room.

- 3.2 Charlie Fleming Associates has measured the noise of military aircraft movements at a site in Wester Buthill, approximately 1.3km to the north-east of this one. The octave band noise levels, measured at that site, have been adjusted to a level of 66.0dB(A), which is that present in this case, according to the contours. (It is more accurate to calculate the internal noise using octave band levels as opposed to A-weighted ones). These are shown overleaf in Table 1 which shows the variables used in the calculations.
- 3.3 Most air traffic noise contours include a 2dB(A) 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, because the model is one developed for civilian air traffic movements. This may overestimate the noise of the military aircraft as they take-off, land and manoeuvre, because they are closer to the ground than the civilian ones, and the angle of sound propagation towards the earth not steep enough to cause the full 2dB(A) increase. Hence it would seem reasonable to reduce the noise level suggested by the contours by 1dB(A), as shown overleaf in Table 1.

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 noise, at most, by 3.0dB(A), for an angle of incidence of 90 degrees. This has been added to the measured noise levels as shown overleaf in Table 1. This will over-estimate the noise slightly, by 0.7dB(A), as the angle of incidence of the sound will actually be 70 degrees.

- 3.4 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^{2&3}.

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

- 3.5** The dimensions of the glazing in the Lounge were scaled off the architect's drawings and found to be equivalent to 12.8m². The area of the trickle ventilators was taken to be 10,000mm².
- 3.6** The dimensions of the Lounge were read off the architect's drawings, and found to be 5.4m x 4.0m x 2.7m. The reverberation times of the room have been taken to be the same as those measured by Charlie Fleming Associates in a living room of the same size, in Nether Johnstone House, just outside Johnstone in Renfrewshire.
- 3.7** The variables discussed in Sections 3.2 to 3.6 have been put into the equation, given earlier in Section 3.1, as shown below in Table 1.

Table 1
Calculation of Internal Noise Levels, L_{eq}
(dB re 2×10^{-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 16 hour 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	11.1	11.1	11.1	11.1	11.1	11.1	11.1	11.1	11.1
10log 0.161 x V	12.7	12.7	12.7	12.7	12.7	12.7	12.7	12.7	12.7
T	0.9	0.7	0.6	0.6	0.5	0.5	0.5	0.4	0.4
10log T	-2.2	-3.0	-3.8	-3.3	-3.9	-4.4	-4.5	-5.3	-5.3
Level <i>Internal</i>	35.3	36.0	39.3	46.6	34.1	26.4	12.6	-9.7	-13.9

Figures shown in italicised print have been extrapolated.

- 3.8** The "Level *Internal*", with the trickle ventilator open, is 39dB(A), which is just within the limit of 40dB(A) which The Moray Council usually applies to this type of noise. As the noise is only just within the limit, that in various other rooms was calculated. In the Dining Room, Master Bedroom and Bedroom 5, it proved to be 40dB(A), 40dB(A) and 38dB(A) respectively. On the southern elevation of the house, in the Study and Sun Lounge, it proved to be 31dB(A) and 34dB(A).

4.0 Conclusions

- 4.1** Tulloch of Cummingston proposes to construct a house on a plot of land at Easter Coltfeld, near Alves, in Moray. Kinloss Royal Air Force (RAF) base lies some 5500m to the west-south-west of the land. The concern was raised at the planning stage, by officers of The Moray Council, that the noise of military aircraft might disturb the occupants of the proposed house. Charlie Fleming Associates was asked to assess the level of aircraft noise affecting the land, and confirm whether it would be acceptable.
- 4.2** The assessment of the noise has been performed as suggested in The Scottish Executive Development Department document titled *Planning Advice Note 56 Planning and Noise*, (PAN56). The air traffic noise was quantified using equivalent continuous noise level, L_{Aeq} , contours provided by The Moray Council. According to these, the site is exposed to 66.0dB(A), which places it in both Noise Exposure Category (NEC) B and C, of which PAN56 states;

NEC B

Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise. For proposed development subject to the high end of the category a Noise Impact Assessment will assist authorities in identifying appropriate noise mitigation measures.

NEC C

Planning permission should not normally be granted. Based upon the evidence contained within a Noise Impact Assessment, however, it may be possible to grant permission subject to measures that ensure an adequate level of protection against noise.

- 4.3** With the development site falling into both NEC B and C, it is appropriate to calculate the noise level in the proposed house. This was done as described in Section 3.0.
- 4.4** In the Lounge, which will be one of the most exposed rooms of the house, the noise level will be around 39dB(A), with the trickle ventilator open. This is just within the 40dB(A) limit which The Moray Council usually applies to this type of noise.

As the noise is only just within the limit, that in various other rooms was calculated. In the Dining Room, Master Bedroom and Bedroom 5, it proved to be 40dB(A), 40dB(A) and 38dB(A) respectively. On the southern elevation of the house, in the Study and Sun Lounge, it proved to be 31dB(A) and 34dB(A).

Eur Ing Charlie Fleming BSc MSc CEng MCIBSE FIOA MIET

5.0 References

- 1) The Scottish Executive Development Department, *Planning Advice Note PAN56 Planning and Noise*, Crown Copyright April 1999, ISBN 0 7480 8157 7.

In such cases, internal noise levels within individual living apartments should be less than 45dB(A) during the day and 35dB(A) during the night. Levels should be predicted using appropriate time periods and the L_{Aeq} parameter.

- 2) Inman C., *A Practical Guide to the Selection of Glazing for Acoustic Performance in Buildings*, *Acoustics Bulletin*, **19**, (5), September/October 1994, pp19-24.
- 3) Saint Gobain, *Acoustic Performance of Glazing*.

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 0.00002 Pascals (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:

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

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 2×10^{-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

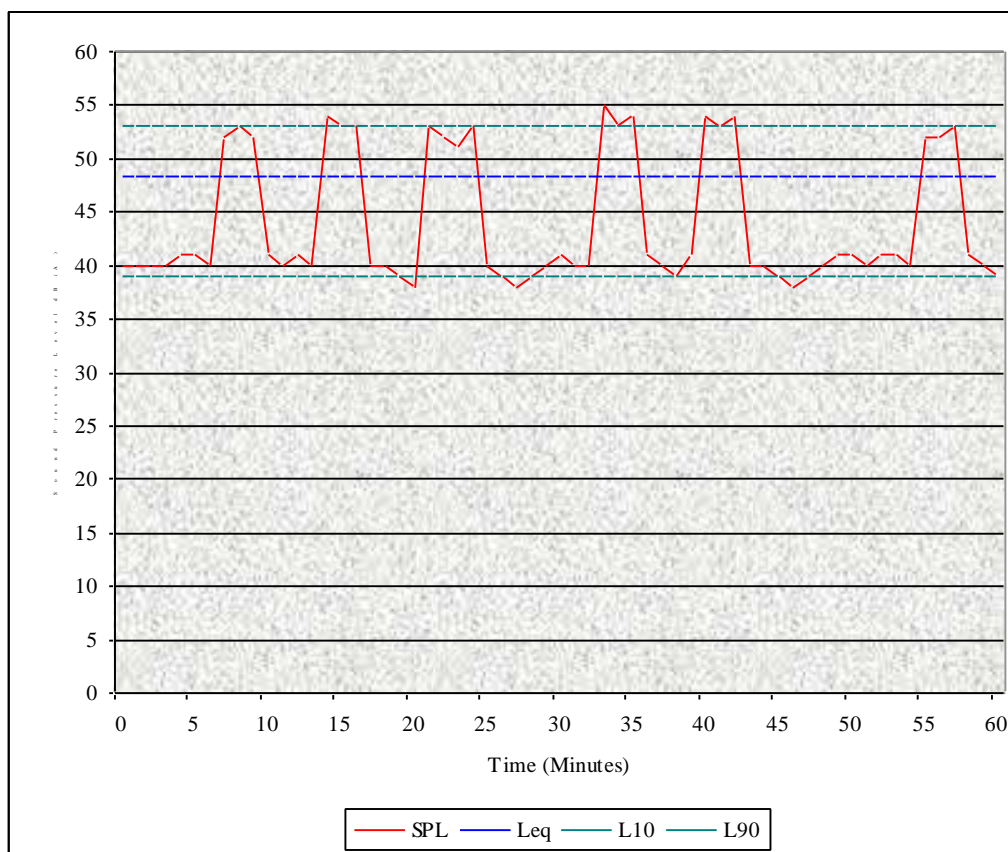
Examples of the Temporal Nature of Sound

Description	Example of Noise 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 noise 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 Noise**

The noise 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 noise level rises to between around 51dB(A) and 55dB(A).

A measurement of the noise between the 25th minute and the 32nd minute, when the noise 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 noise level of about 54dB(A). In the past acousticians therefore had to develop some way of measuring the noise 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 noise 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 noise 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 noise 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 noise is the percentile. This is a statistical parameter and with respect to noise 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 noise, 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 noise, 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 noise.

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 noise 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 noise other than the range of levels involved. The maximum level is, however, sometimes important, as it correlates well with sleep disturbance due to isolated noise 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 noise. 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 noise exposure categories prescribed in PAN56 are based on free-field noise levels.

A1.14 Hemi-spherical

Most noise sources, being on the ground, radiate sound into a half, or hemi-sphere. Exceptions to this are road traffic noise and railway noise which is considered to radiate into a hemi-cylinder, and flying aircraft noise 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 noise of televisions, hi-fi systems, speech and so on, as it does to the noise 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 noise 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.