



## MORAY LOCAL REVIEW BODY

17 NOVEMBER 2022

### SUMMARY OF INFORMATION FOR CASE No LR281

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

#### **Ward 5 – Heldon and Laich**

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

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

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

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

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

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









## **APPENDIX 1**

# **DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER**





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

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

Thank you for completing this application form:

ONLINE REFERENCE 100535316-001

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

## Type of Application

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

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

## Description of Proposal

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

New Dwelling House

Is this a temporary permission? \*  Yes  No

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

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

No  Yes – Started  Yes - Completed

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

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

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Backlands House"/>
First Name: *	<input type="text" value="Ronald"/>	Building Number:	<input type="text" value="7"/>
Last Name: *	<input type="text" value="Stewart"/>	Address 1 (Street): *	<input type="text" value="Forsyth Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Hopeman"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="IV30 5JQ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		



## Site Address Details

Planning Authority:

Moray Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Land East of Covesea Cottages, Lossiemouth

Northing

870774

Easting

319583

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

3252.00

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

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

Rough Grazing

## Access and Parking

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

Yes  No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*    ≤ Yes **T** 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)? \*

4

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

## Water Supply and Drainage Arrangements

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

**T** Yes ≤ No

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

≤ Yes – connecting to public drainage network

**T** 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.

**T** 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).

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

Soakaway

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

**T** 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? \*

**T** 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)

Please refer to plans

## Residential Units Including Conversion

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

Yes  No

How many units do you propose in total? \*

1

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

## All Types of Non Housing Development – Proposed New Floorspace

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

Yes  No

## Schedule 3 Development

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

Yes  No  Don't Know

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

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

## Planning Service Employee/Elected Member Interest

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

Yes  No

## Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? \*  Yes  No

Is any of the land part of an agricultural holding? \*  Yes  No

## Certificate Required

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

Certificate A

## Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Craig Mackay

On behalf of: Mr Ronald Stewart

Date: 15/02/2022

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*  Yes  N/A

A Design Statement or Design and Access Statement. \*  Yes  N/A

A Flood Risk Assessment. \*  Yes  N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*  Yes  N/A

Drainage/SUDS layout. \*  Yes  N/A

A Transport Assessment or Travel Plan  Yes  N/A

Contaminated Land Assessment. \*  Yes  N/A

Habitat Survey. \*  Yes  N/A

A Processing Agreement. \*  Yes  N/A

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

## **Declare – For Application to Planning Authority**

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

Declaration Name: Mr Craig Mackay

Declaration Date: 15/02/2022

## **Payment Details**

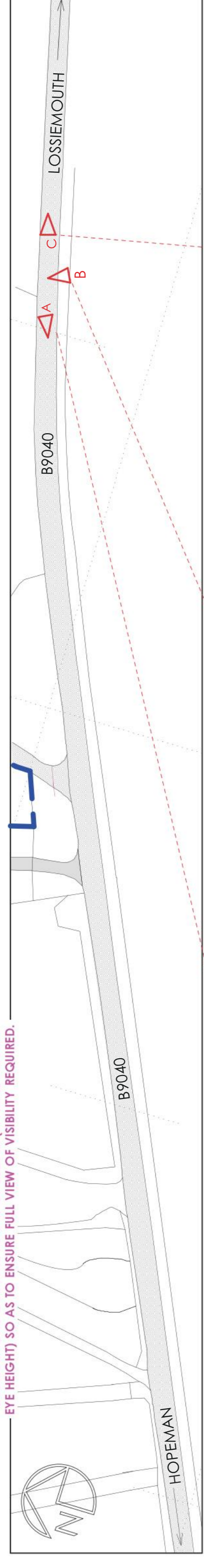
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Payment date: 15/02/2022 11:14:23

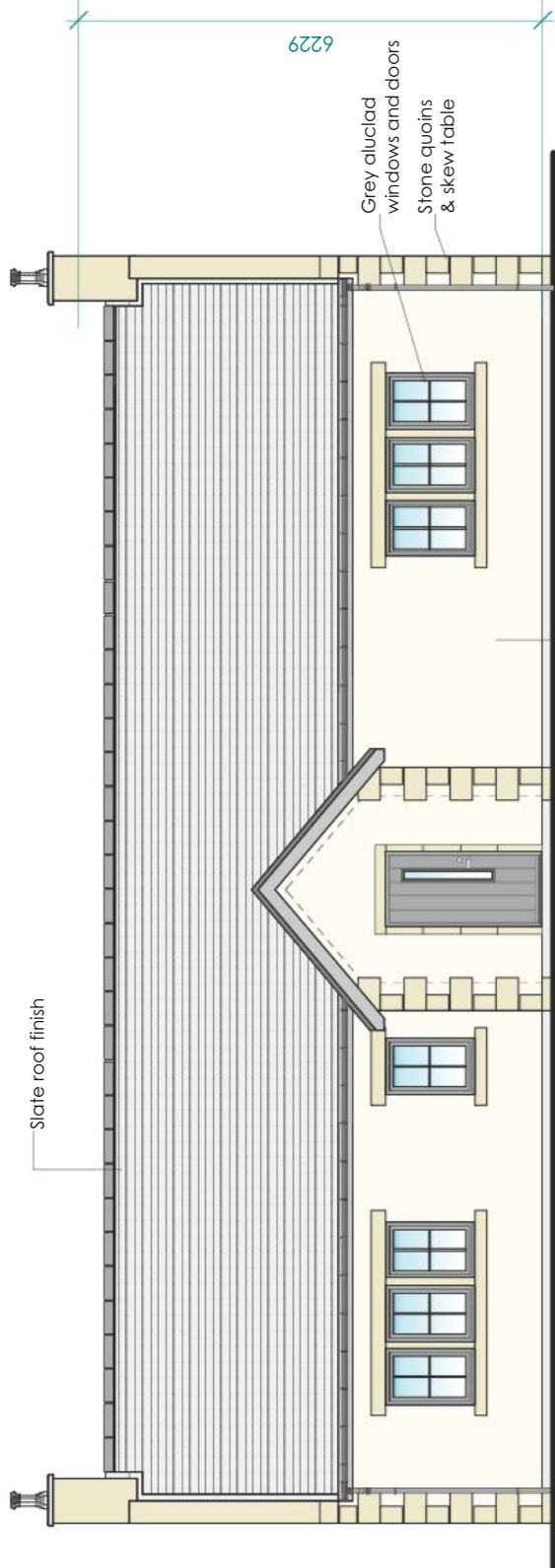
Created: 15/02/2022 11:14

DO NOT SCALE OFF DRAWINGS. ALL SIZES ARE TO BE CHECKED. CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS/ORDERING OF MATERIALS. NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED. CONTRACTORS RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED DRAWINGS. CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION.

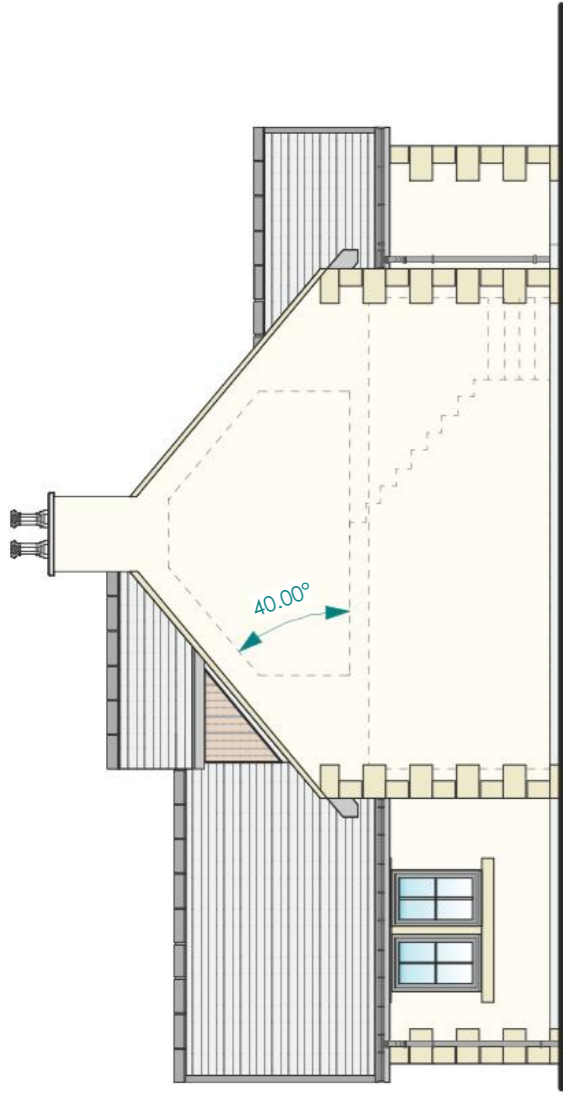
VISIBILITY SPLAY SET BACK 4.5M ('X' DISTANCE) FROM EDGE OF CARRIAGEWAY. VISIBILITY SPLAY ('Y' DISTANCE) SET AT 21.5M MEASURED TO THE NEARER EDGE OF THE MAIN ROAD TO ITS INTERSECTION WITH THE CENTRE LINE OF THE ACCESS ('X' DISTANCE). WITHIN SPLAY THERE ARE TO BE NO VISUAL OBSTRUCTIONS OVER THE HEIGHT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



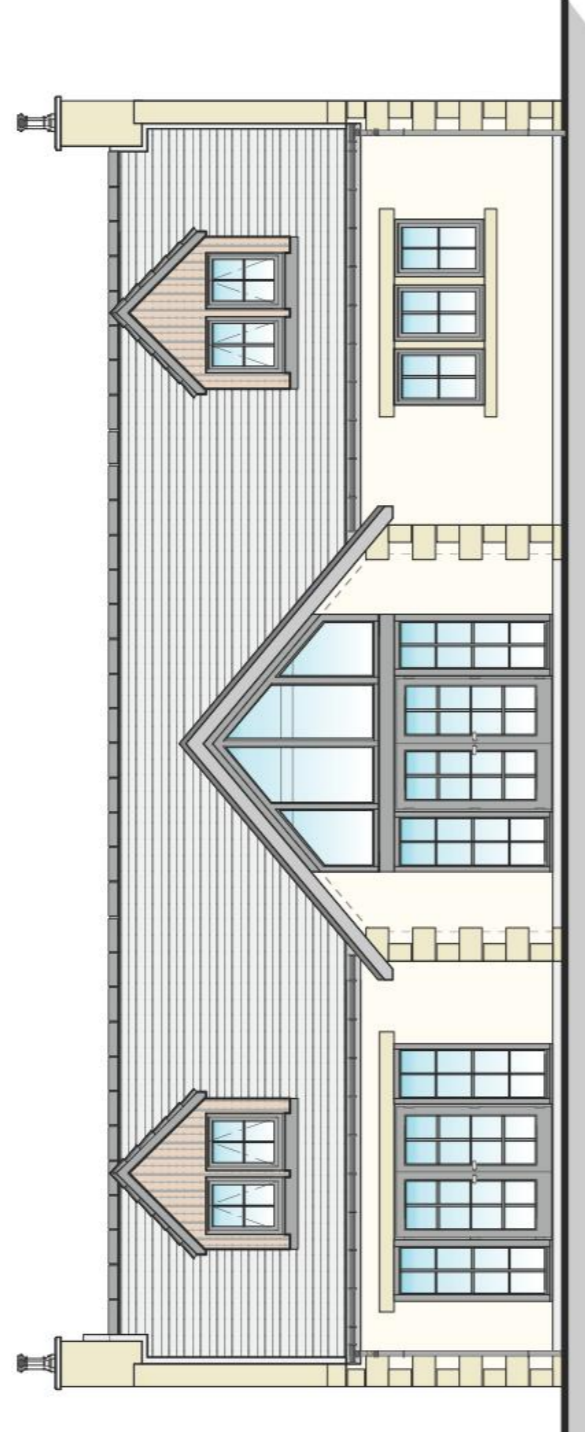
VISIBILITY SPLAY 1:1000



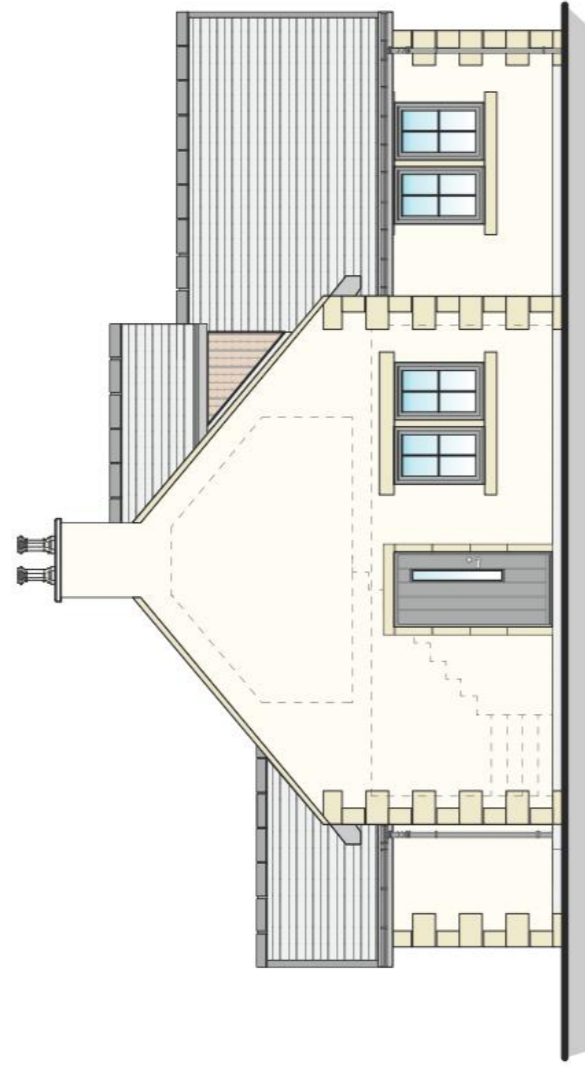
FRONT ELEVATION (Scale 1:100)



SIDE ELEVATION (Scale 1:100)



REAR ELEVATION (Scale 1:100)



SIDE ELEVATION (Scale 1:100)



PHOTO A

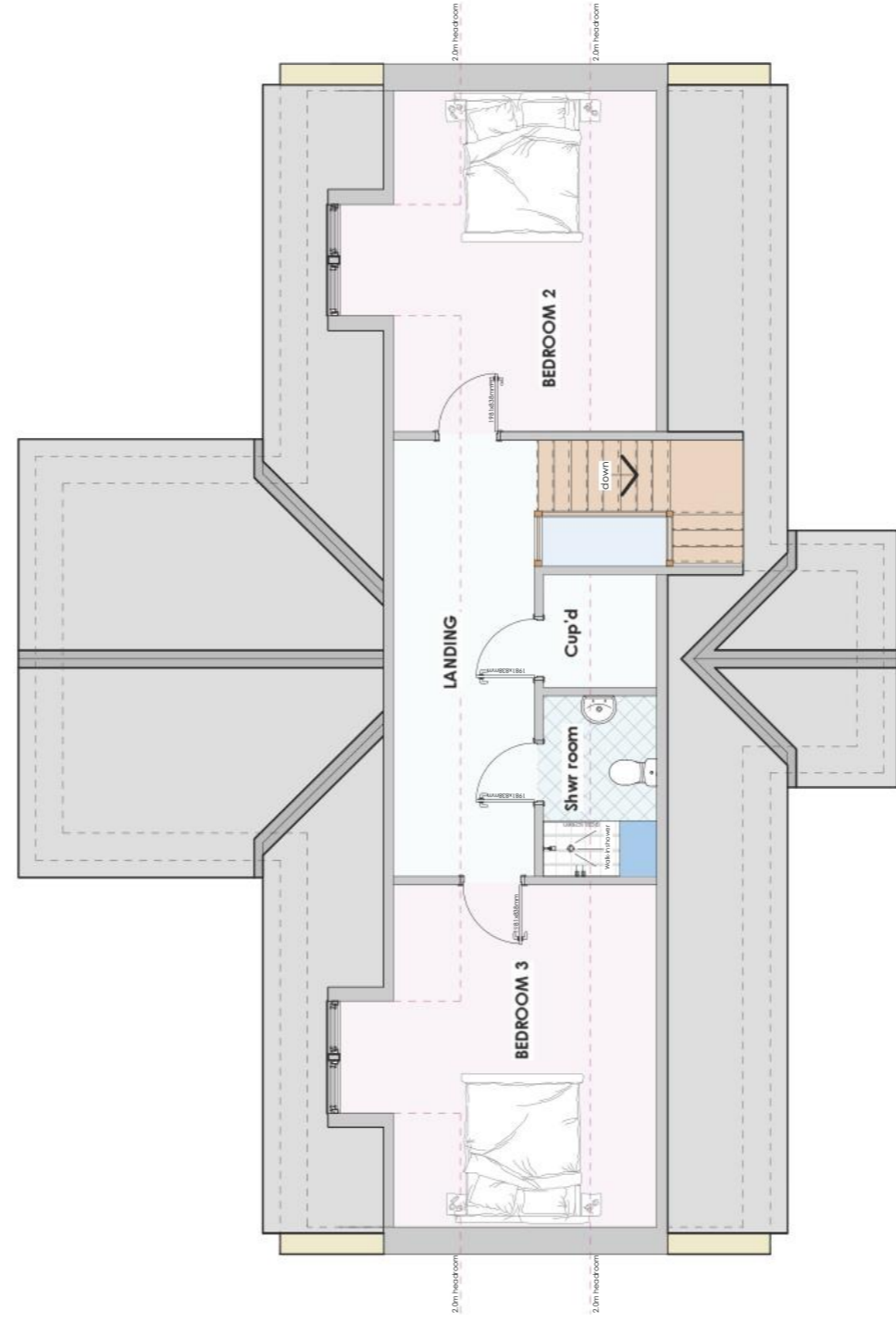


PHOTO B

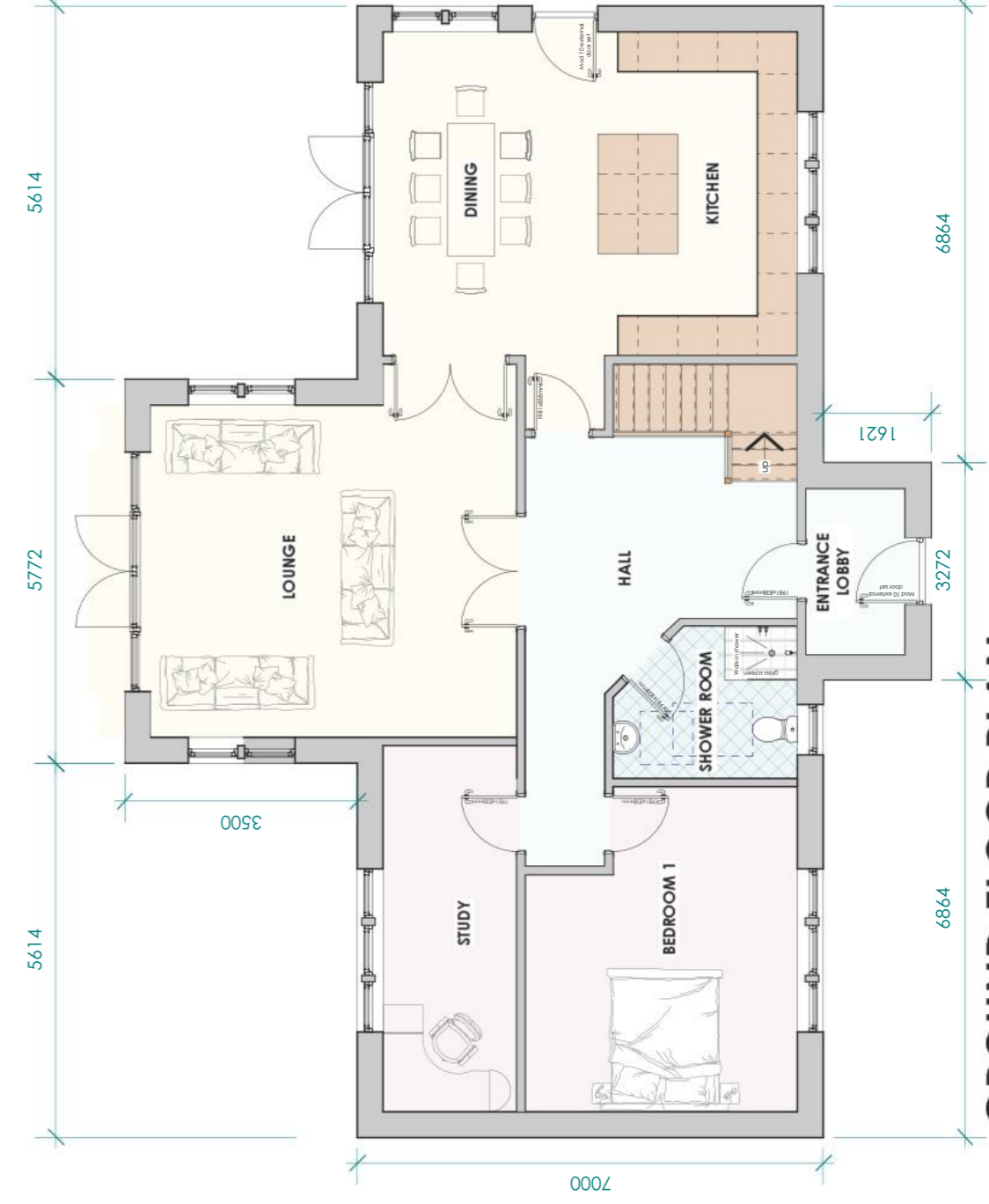


PHOTO C

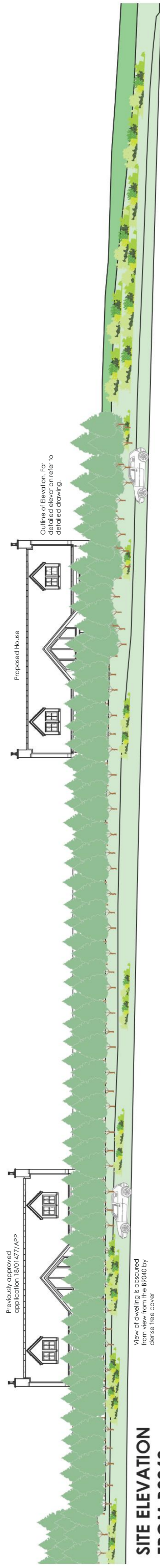
EXAMPLES IMAGES OF SIMILAR DWELLINGS ALONG B9040



FIRST FLOOR PLAN (Scale 1:100)



GROUND FLOOR PLAN (Scale 1:100)



SITE ELEVATION FROM B9040 (Scale 1:200)

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

**cm design** architectural consultants

HEAD OFFICE - MORAY  
 51 Breidlands, 49 South Gully Street, Elgin, IV30 4BX  
 01343 340020  
 01343 340021  
 4 Bridge Street, Nairn, Highlands, IV12 4EJ  
 01467 300230  
 m 0781 3872818 w cmedesign.co.uk e office@cmdesign.biz

LOSSIEMOUTH OFFICE  
 101343 340020  
 01343 340021  
 4 Bridge Street, Nairn, Highlands, IV12 4EJ  
 01467 300230  
 m 0781 3872818 w cmedesign.co.uk e office@cmdesign.biz

Mr R. Stewart  
 NEW HOUSE PLOT AT LAND EAST OF COVESEA COTTAGES, LOSSIEMOUTH

SKETCH PROPOSAL  
 ELEVATIONS & VISIBILITY

Date: 09.08.22  
 Amendments: Roof finish altered

Rev: A

Drawn By: A. CARSWELL  
 Date: 02.02.22  
 Checked By: A. CARSWELL  
 Date: 02.02.22

220022.STEWART.02PP A





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

### DENDROLOGY & BOTANY PROPOSALS

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

Total new planting to extend to 3252m<sup>2</sup> or 15% of total site area.

**Trees**  
The area hatched green (488m<sup>2</sup>) is to be planted out with a mixture of 1800mm high native trees, which are to be planted in groups of species in a random pattern at approximately 3metre spacing. All new transplanted trees to be a mixture of Standard, Half-Standard and Whips.

All new trees to be staked, tied and protected with growing shelters, rabbit, vole and/or slimmer guards.

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

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

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

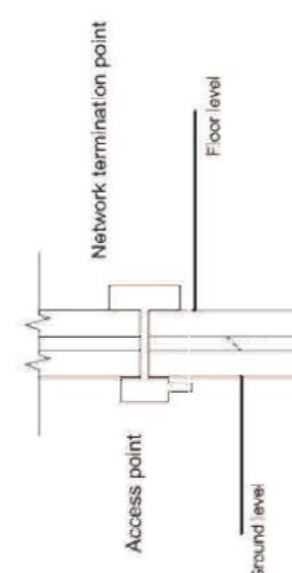
Following the completion of the development (taken from the date of the issue of Building Warrant Completion Certificate), on a yearly basis (for a five year period) all trees and hedges are to be inspected. Any tree/hedging found dying or diseased will be replaced with similar species in close proximity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

New native tree planting to consist of an even mixture of: Common Alder (Alnus Glutinosa), Mountain Ash (Sorbus Aucuparia), Silver Birch (Betula Pendula), Wild Cherry (Prunus Avium), Common Hawthorn (Crataegus Monogyna), Common Hazel (Corylus Avelana), Holly (Ilex Aquifolium), Blackthorn (Prunus Spinos), Scots Pine (Pinus Sylvestris), Common Ash (Fraxinus Excelsior), Common Aspen (Populus tremula) and Willow (Salix Caprea).

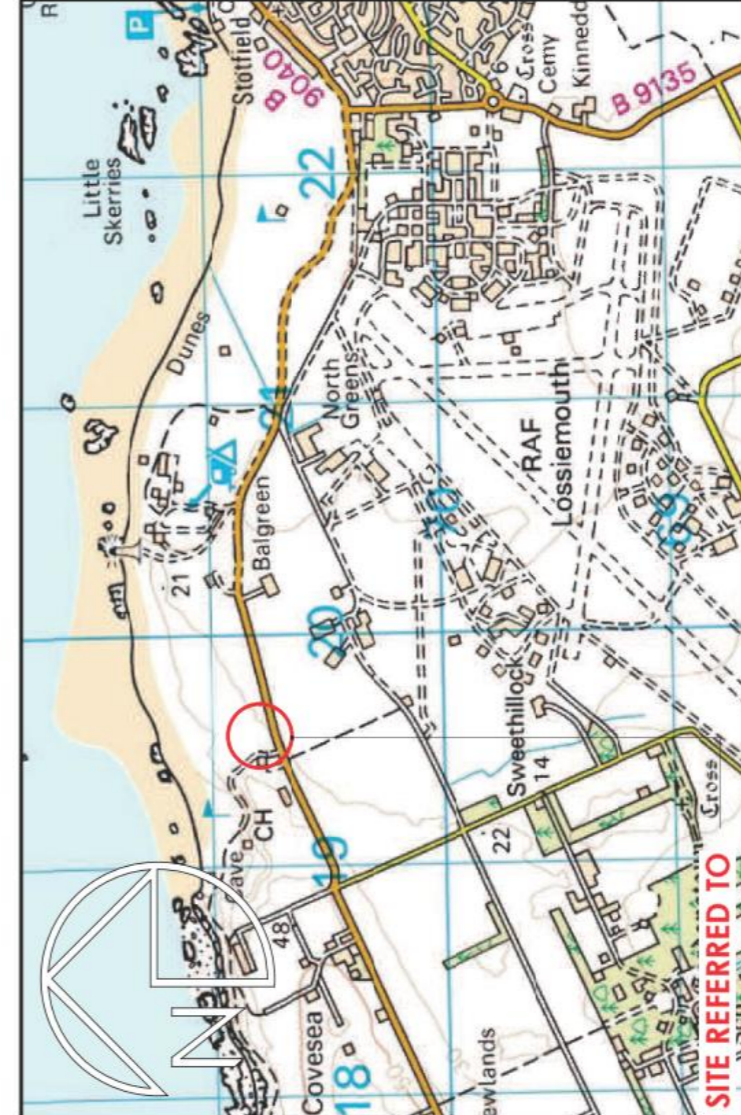
**Hedging**  
New Beech hedging shown along the site boundaries to be formed by a double row of 450x600mm plants, protected by rabbit proof fencing and much mat weed protection.

**General landscaping**  
Site to be levelled, weeded, cultivated and prepared for grass seeding and sown with a suitable grass seed mix.

**Reference Material**  
Moyce Development Plan - Trees & Development: Supplementary Planning Guidance  
BSI British Standards - BS5837: 2005 Trees in relation to construction  
re-recommendations  
BSI British Standards - BS4428: 1989 Code of practice for general landscape operations excluding hard surfaces



Typical in-building service duct



LOCATION PLAN N.T.S

HEAD OFFICE - MORAY  
St Brelands, 69 South Gully Street, Elgin,  
IV30 4BX  
01343 540020  
01343 540021  
4 Bridge Street, Nairn, Highlands, IV12 4EJ  
01467 300230  
01467 345566  
m 0781 3872818 w cmedesigngbz e office@cmedesigngbz

LOSSIEMOUTH OFFICE  
Elie, James Street, Moray,  
IV30 4BX  
01343 540020  
01343 540021  
4 Bridge Street, Nairn, Highlands, IV12 4EJ  
01467 300230  
01467 345566  
m 0781 3872818 w cmedesigngbz e office@cmedesigngbz

Mr R. Stewart  
NEW HOUSE PLOT AT LAND EAST OF COVESEA COTTAGES,  
LOSSIEMOUTH

SKETCH PROPOSAL  
SITE & LOCATION PLANS

Date: Amendments: Rev:  
07.02.2022 Site plan updated A  
18.02.2022 Site plan updated B

Drawn By: A. CARSWELL Date: 02.02.22 Checked By: 220022.STEWART.01PP B

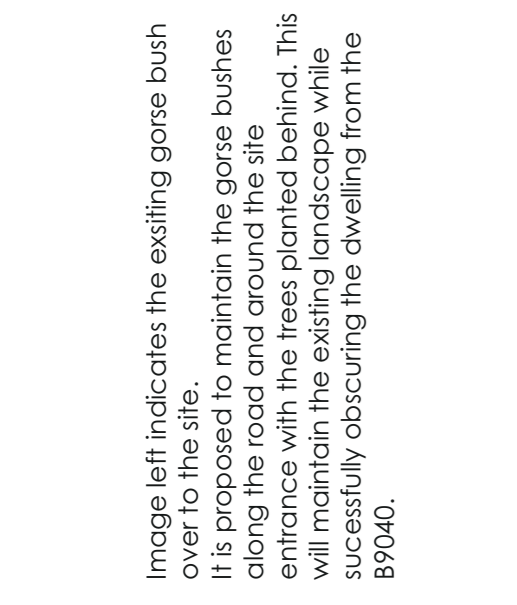


Image left indicates the existing gorse bush over to the site.

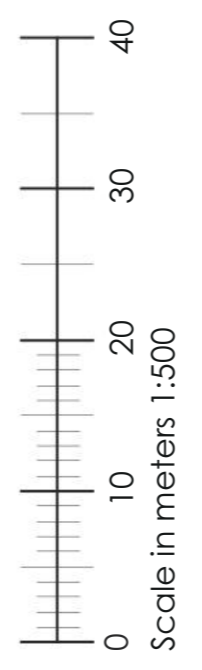
It is proposed to maintain the gorse bushes along the road and around the site entrance with the trees planted behind. This will maintain the existing landscape while successfully obscuring the dwelling from the B9040.

Image right shows existing dense trees located west of the proposed site.

It is proposed to plant trees along the boundaries of the site to ensure the proposed dwelling has a private garden and is obscured from view from the B9040.



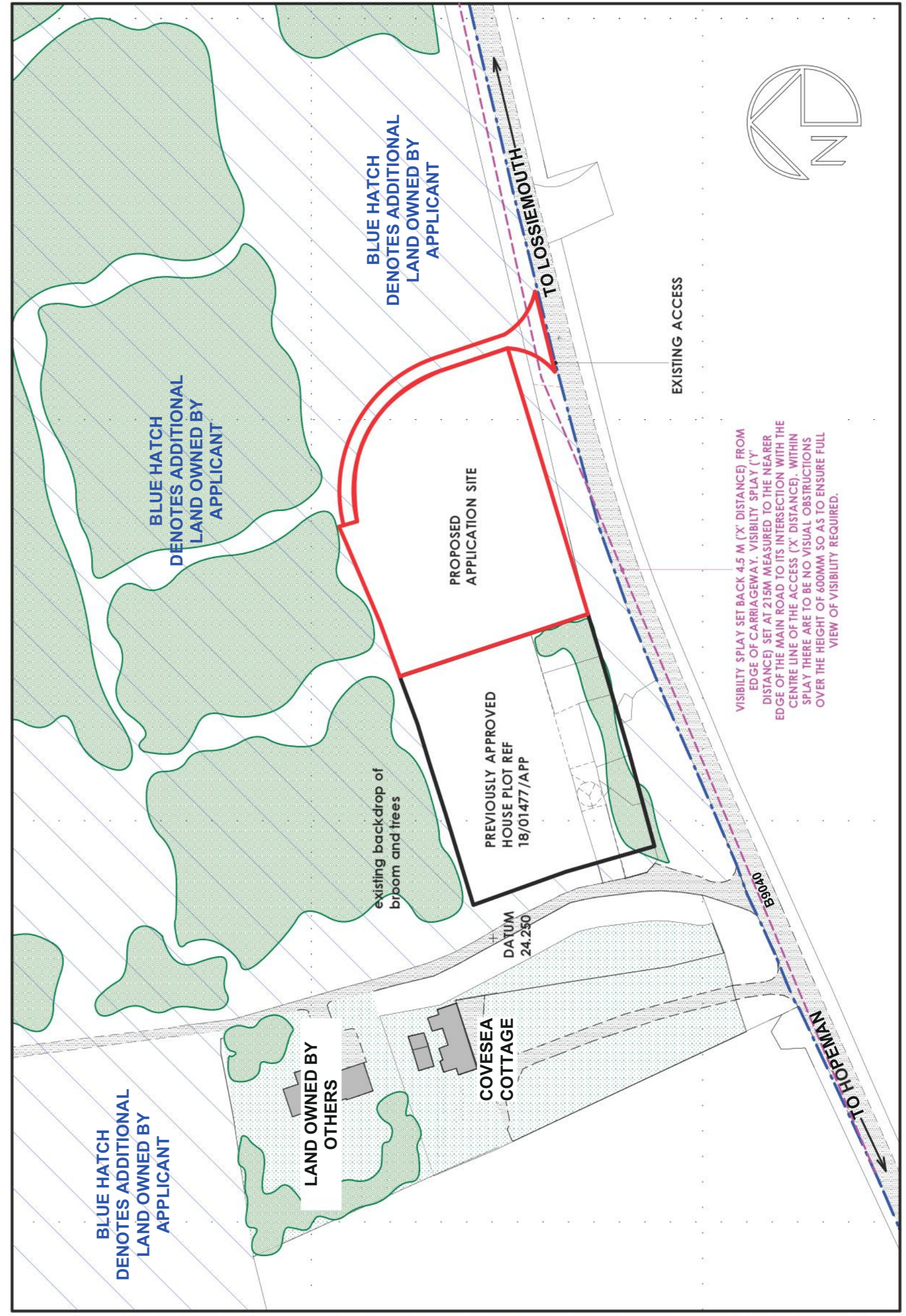
SITE PLAN (Scale 1:500)



COASTAL PROTECTION ZONE

SITE REFERRED TO IN APPLICATION

SITE PHOTOGRAPH (N.T.S)

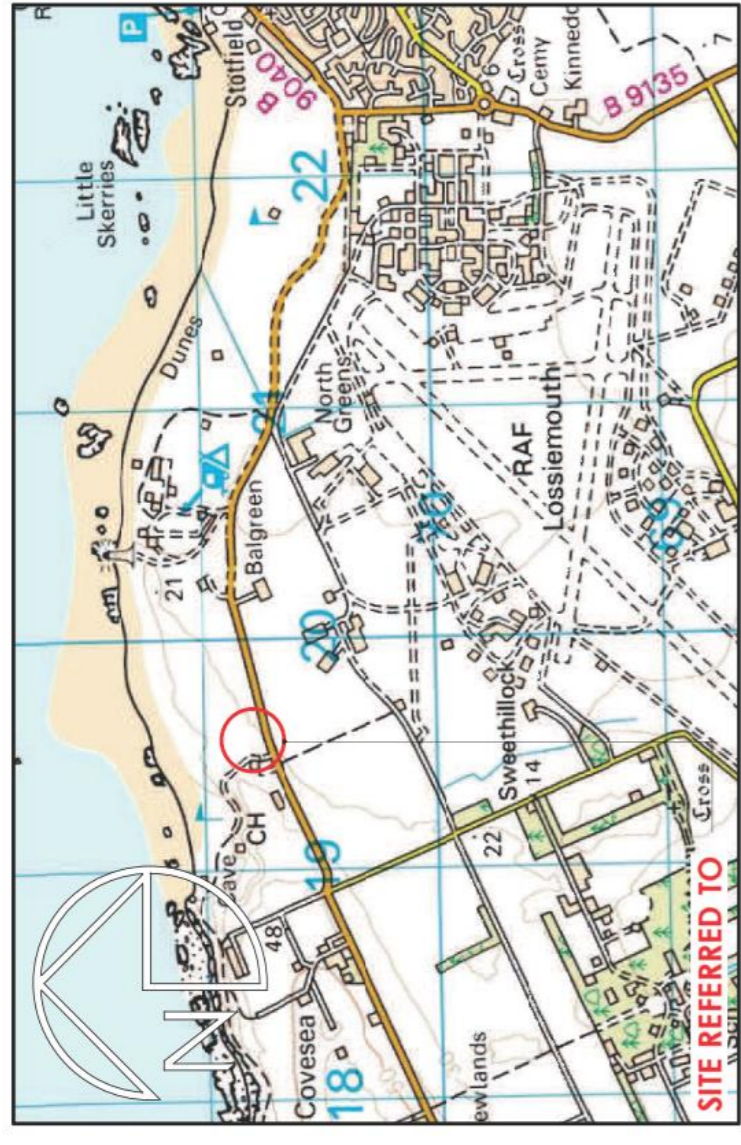


LOCATION PLAN 1:1000

VISIBILITY TRIANGLES BACK 4.5M BY DISTANCES FROM EDGES OF CURVES. VISIBILITY TRIANGLE DISTANCE SET AT 215M MEASURED TO THE NEARER EDGE OF THE MAIN ROAD TO ITS INTERSECTION WITH THE CURVE. VISIBILITY TRIANGLES SHOULD BE INSTALLED AND SPRAY HERE ARE TO BE NO VISUAL OBSTRUCTIONS OVER THE HEIGHT OF 600MM SO AS TO ENSURE FULL VIEW OF VISIBILITY REQUIRED.



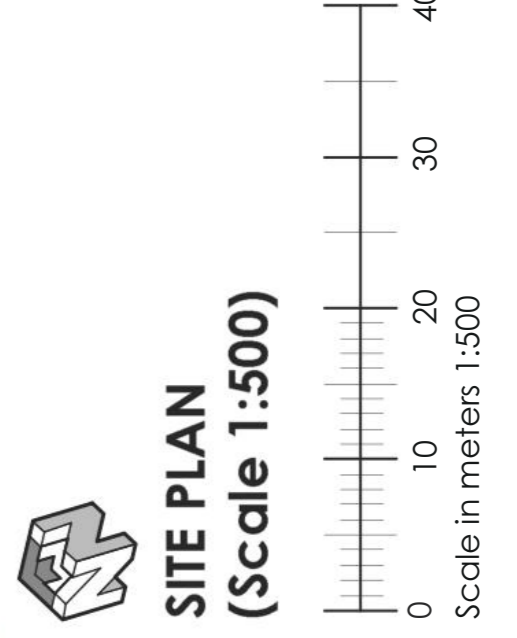
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CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION.



LOCATION PLAN N.T.S.



**SITE PLAN (Scale 1:200)**



New vehicular access formed onto public road with a 12x2.5m layby (30 degree splay) with 30 degree splay ends to be provided at the edge of the public road to allow visiting and service vehicles to park clear of the public road. The vehicular access will lead off the layby. The layby will be constructed to the Council specification and be surfaced in bitmac.



**HEAD OFFICE - MORAY**  
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01343 34020  
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m 0781 3872818 w cmedesign.biz e office@cmedesign.biz

**LOSSIEMOUTH OFFICE**  
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01343 810175  
01343 810175  
01343 810175  
m 0781 3872818 w cmedesign.biz e office@cmedesign.biz

**Mr R. Stewart**  
NEW HOUSE PLOT AT LAND EAST OF COVESA COTTAGES, LOSSIEMOUTH  
**PLANNING PROPOSAL**  
VISIBILITY SPLAY DETAILS

Date: \_\_\_\_\_  
Amendments: \_\_\_\_\_  
Rev: \_\_\_\_\_

Drawn By: A. CARSWELL Date: 15.03.22  
Checked By: \_\_\_\_\_ Date: \_\_\_\_\_

**220022.STEWART.03PP**



Gary Mackintosh  
Email: [gmsurveys@gmail.com](mailto:gmsurveys@gmail.com)  
Tel: 07557431702

# gmsurveys

Surveys, Setting-Out Civil Engineering Design

## Site Investigation & Drainage Assessment

SITE EAST OF COVESEA COTTAGES

Gary Mackintosh Bsc  
[gmsurveys@gmail.com](mailto:gmsurveys@gmail.com)

## Contents

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

***Client:***

Mr R Stewart

***Site Address:***

Plot B  
Site Adjacent to Easter Covesea Cottages  
Duffus

***Planning Reference:***

TBC

***Date:***

23<sup>rd</sup> May 2022

***Job Number:***

GMC22-082

***Company Information:***

Assessment completed by:

Gary Mackintosh Bsc

**GMCSurveys**

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Email: gmcsurveys@gmail.com

Telephone: 07557431702

***Introduction:***

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

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

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

***Soil Conditions:***

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

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

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

There was no evidence of fill material or contamination within the trial pits and no ground water was encountered. The natural soils have a minimum bearing capacity of 100kn/m<sup>2</sup>.



### ***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 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	Mean
<b>Date of Test</b>	<b>21/05/22</b>	<b>21/05/22</b>	<b>21/05/22</b>	
TH01	720s	960s	1260s	980s
<b>Average Soil Vp</b>	<b>6.53s/mm</b>			

### ***Infiltration testing:***

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

<b>Infiltration Test</b>	<b>Pit Dimensions (w/l)</b>	<b>Test Zone (mbgl)</b>	<b>Infiltration Rate (m/s)</b>
INF01	0.8m x 1.2m	1.0 - 1.8	$6.94 \times 10^{-5}$

### ***Conclusion and Recommendations:***

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

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

### ***Foul Water Discharge via Soakaway:***

As the Vp rate is below 15s/mm, in addition to the package sewage treatment plant, SEPA require that 3.6m<sup>2</sup> per person or 25m<sup>2</sup> minimum be allowed for the foul water soakaway, whichever is greater.

3.6 x 5 (3 Bedroom) = 18.00m<sup>2</sup> **Therefore minimum 25m<sup>2</sup> required.**

It is therefore proposed to install a soakaway with a minimum base area of 25m<sup>2</sup>. This area can be provided with soakaway plan dimensions 6.30m x 4.00m at a depth of 0.45m below invert level. Alternative dimensions may be adopted to better suit the site layout ensuring that the minimum base area of **25.00m<sup>2</sup>** is maintained.

### ***Surface Water Dispersal via Soakaway:***

Please see attached surface water calculations detailing the requirement and suitability for soakaway dimensions of **4.0m x 2.0m at a depth of 1.20m** below the invert level based on the proposed contributing area of 170m<sup>2</sup> (house roof area with extra over for hardstanding) up to and including a 1:30year event with 35% allowance for climate change.

Soakaway Details can be found in Appendix A.

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

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



MasterDrain  
SW 16.10

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

Project <b>Site Adj to Easter Covesea Cottage, Duffus</b>
Title <b>Surface Water Soakaway</b>

**Rectangular pit design data:-**

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

**Calculations :-**

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

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

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

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

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

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

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

Soakaway volume storage OK.

Minimum required  $a_{s50}$  : 6.90 m<sup>2</sup>

Actual  $a_{s50}$  : 7.20 m<sup>2</sup>

Minimum depth required: 1.15 m

Time to maximum 1 hrs

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

Soakaway emptying time is OK.



MasterDrain  
SW 16.10

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

Project <b>Site Adj to Easter Covesea Cottage, Duffus</b>
Title <b>Surface Water Soakaway</b>

**Location hydrological data (FSR):-**

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

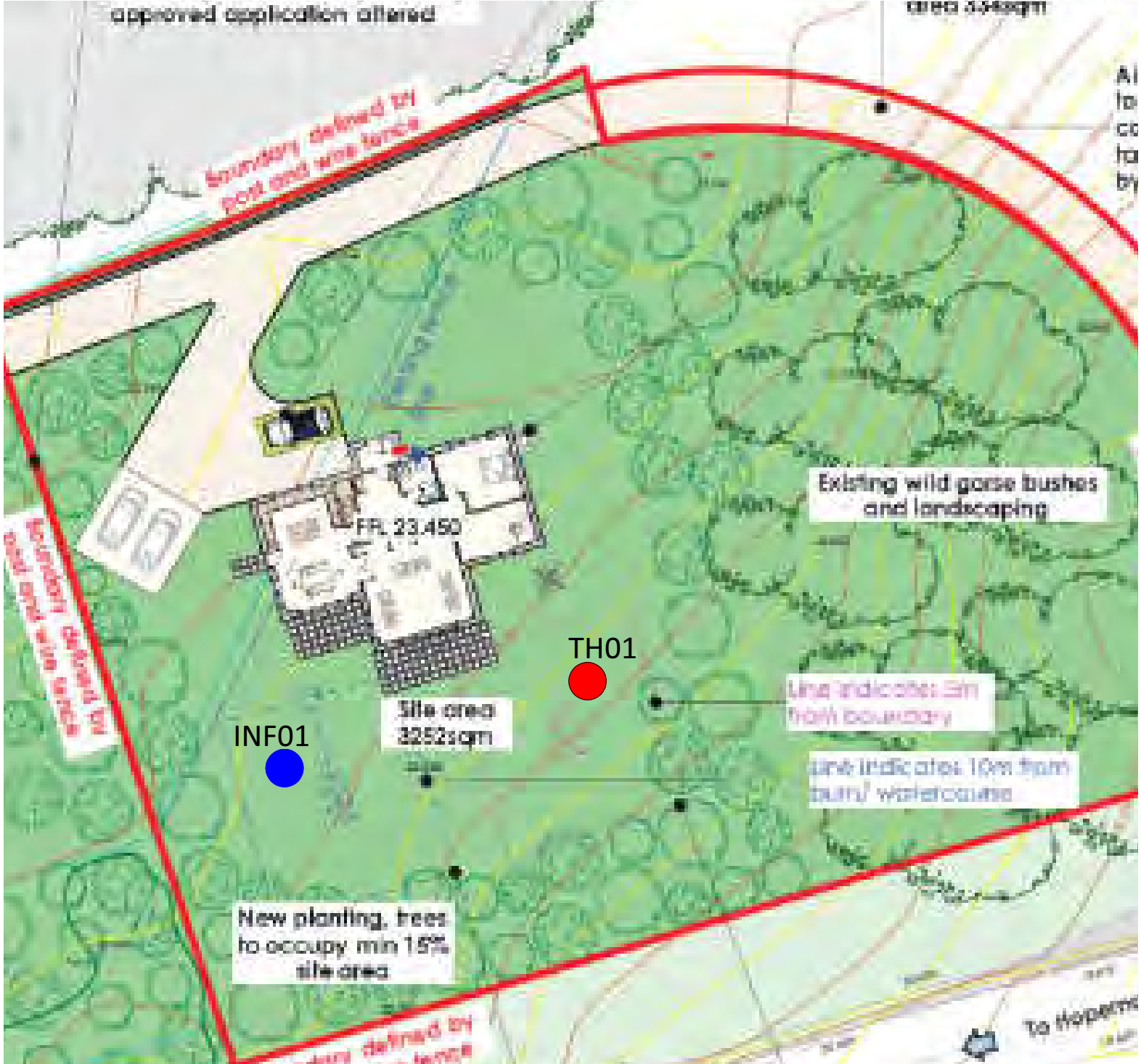
**Soil classification for WRAP type 1**

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

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

## **Appendix A**

### **Test Hole Locations**



REV:	DESCRIPTION:	BY:	DATE:
STATUS:	ISSUE		

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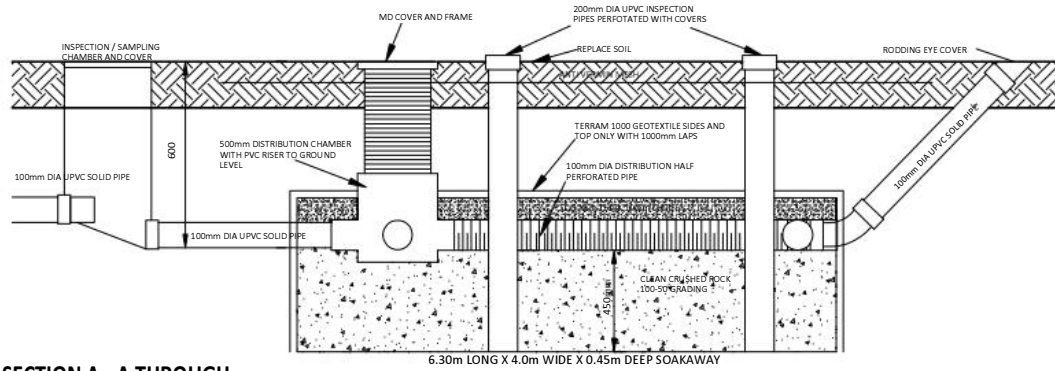
CLIENT:  
 Mr R Stewart  
 C/O CM Design

SITE: Site B, East of Easter Covesea Cottage, Duffus  
 TITLE: Test Hole Location

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

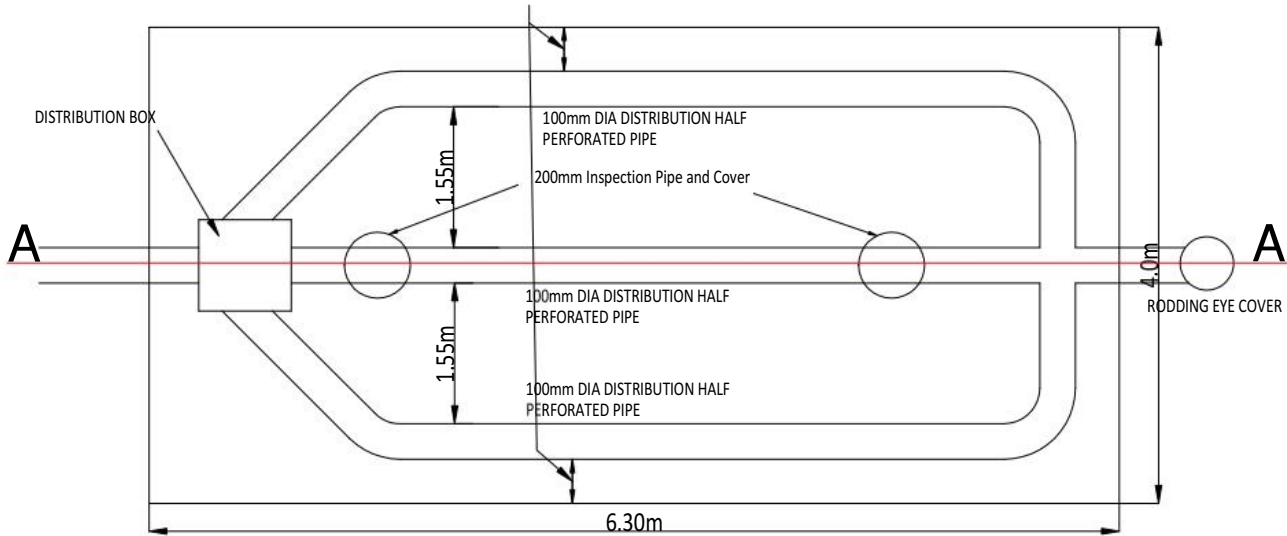
## **Appendix B**

### Soakaway Details/Certificates

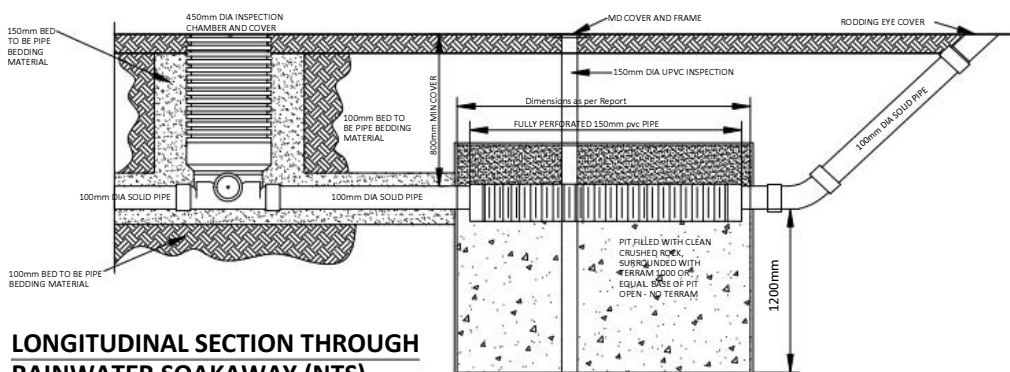


**SECTION A - A THROUGH  
FOUL WATER SOAKAWAY (NTS)**

300mm FROM EDGE OF SOAKAWAY TO PIPE  
AROUND PERIMETER



**PLAN VIEW  
SOAKAWAY ARRANGEMENTS (NTS)**



**LONGITUDINAL SECTION THROUGH  
RAINWATER SOAKAWAY (NTS)**

REV:	DESCRIPTION:	BY:	DATE:
STATUS:		ISSUE	

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CLIENT:  
**Mr R Stewart  
C/O CM Design**

SITE:  
**Site B, East of Easter  
Covesea Cottage, Duffus**  
TITLE:  
**Soakaway Details**

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



**Certificate For Proposed Sub – Surface Soakaways**  
**Foul Water**

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

**Percolation Test/Soakaway Sizing:**

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

Location: TP1  
Average Soil Vp: 6.53s/mm  
PE: 5  
Base Area (min): 25.00m<sup>2</sup> (as per SEPA requirements)

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

Signed: G Mackintosh      Gary Mackintosh BSc.      Date: 23<sup>rd</sup> May 2022

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

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**Certificate For Proposed Sub – Surface Soakaways**  
**Surface Water**

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

**Trial Pit Test – Surface Water:**

Depth of Excavation: 1.8  
Water Table Present: No

**Infiltration Test:**

Location: INF01  
Infiltration Test Zone: 1.0 – 1.8mbgl  
Infiltration Rate (m/s):  $6.94 \times 10^{-5}$   
Contributing Area: 170m<sup>2</sup>  
Soakaway Size: 4.0m x 2.0m x 1.2 below the invert of the pipe (30year)

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

Signed: G Mackintosh      Gary Mackintosh BSc.      Date: 23<sup>rd</sup> May 2022

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

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

**1.0 INTRODUCTION:**

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

**2.0 SITE LOCATION**

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



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

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

### 3.0 SITE BACKGROUND

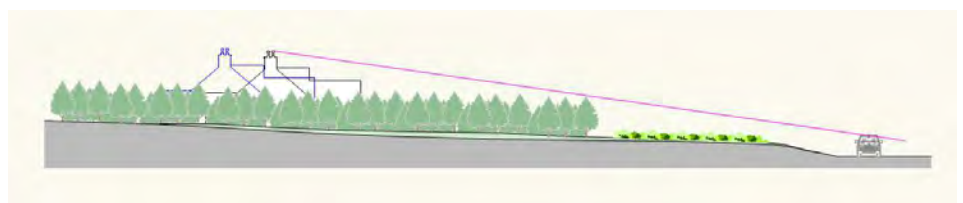
- 3.1** The site shares boundaries with an adjacent plot previously approved application reference **18/01477/APP**. This approval was granted in March 2019.
- 3.2** This application shares part of the existing eastern fence line from previous application. Also reducing the previous application plot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

### 4.0 PROPOSALS

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



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



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PROJECTMANAGEMENT  
RENEWABLECONSULTANCY

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

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

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



### 5.0 POLICY COMPLIANCE

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

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

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



extract from Policy PP1 MLDP

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

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

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

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

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

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

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

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

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

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

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

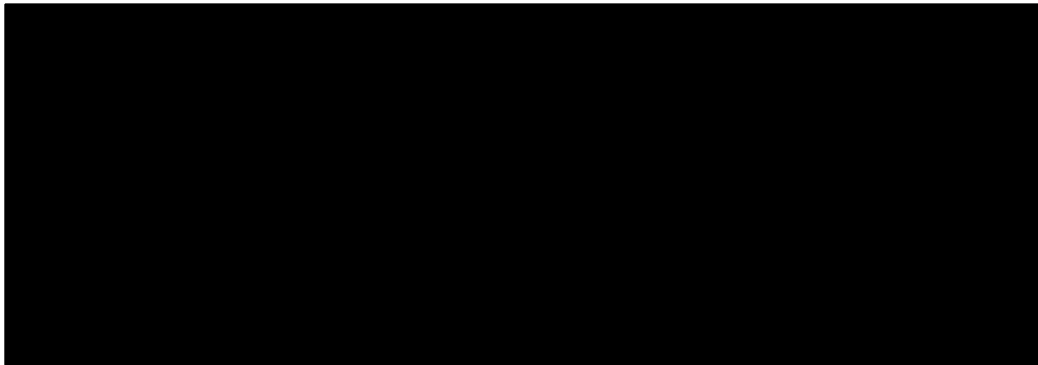
**5.4.9** A separate Drainage Statement has been submitted along with this application that details the strategy with regards to on-site and off-site drainage measures.

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



## CHARLIE FLEMING ASSOCIATES

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Eur Ing Charlie Fleming BSc MSc CEng FIOA MCIBSE MIET

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



## 1.0 Introduction

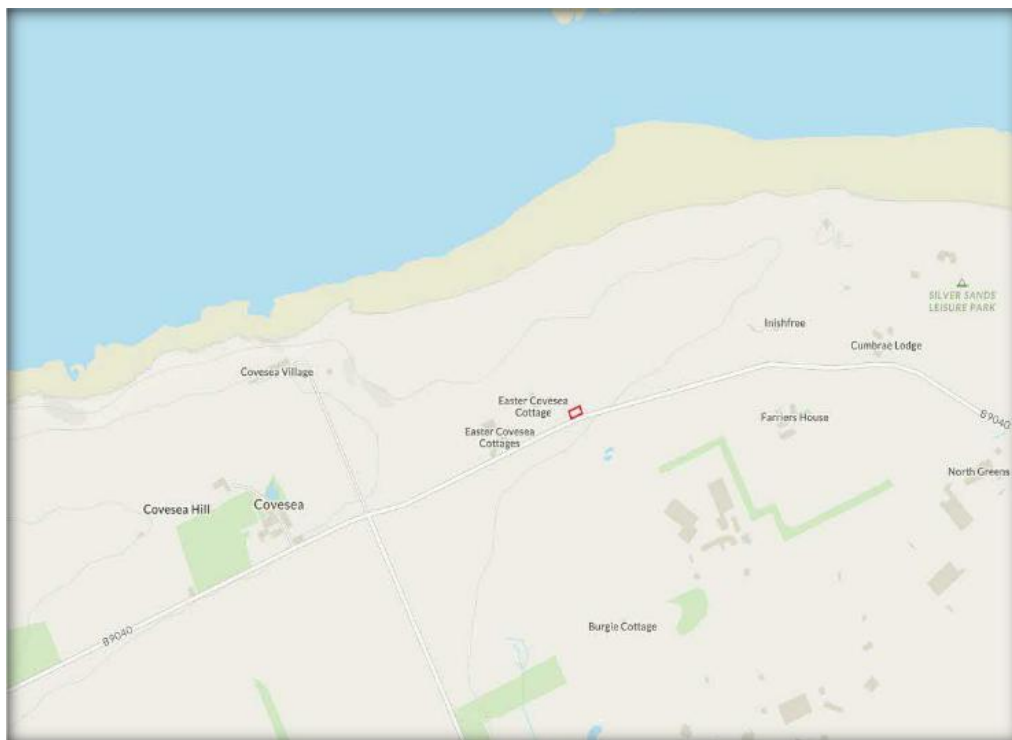
- 1.1 Mr R. Stewart has applied for planning permission to construct a house on land to the east of Easter Covesea Cottage, near Lossiemouth, in Moray. The location of the land on which it is proposed to construct the house is shown outlined in red below in the centre of Figure 1(a) and overlaid in Figure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

**Figure 1(a)**

**Location of Proposed House**  
(Courtesy of Ordnance Survey)



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

**Figure 1(b)****Location of Proposed House  
(Courtesy of Ordnance Survey)**

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

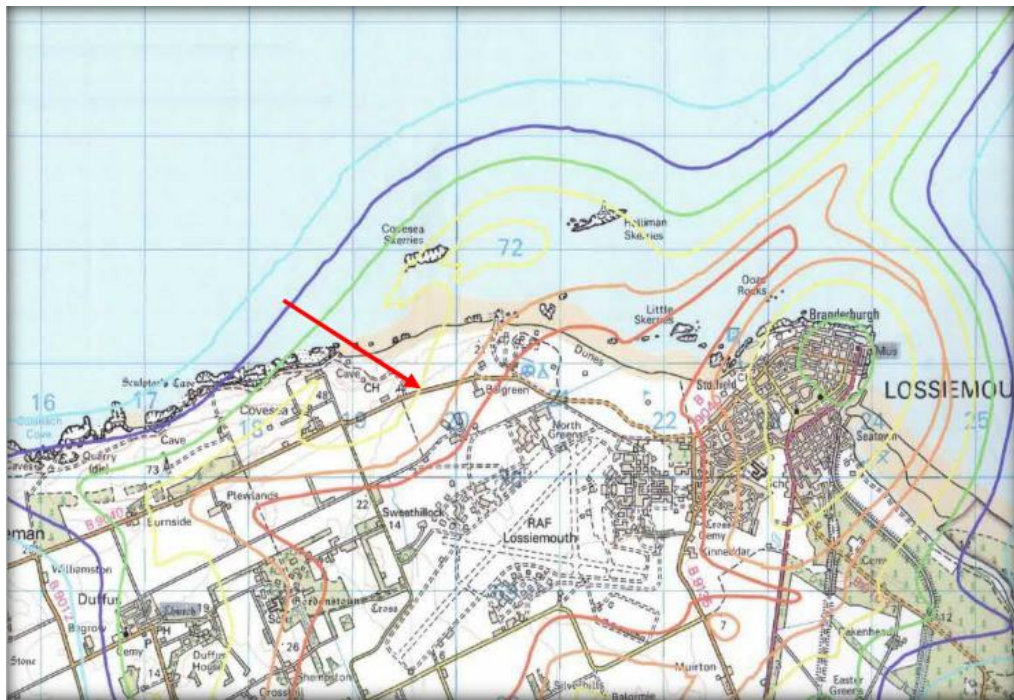
Section 5.0 concludes the main text of the report and is followed by references to the documents cited herein. The Appendix describes basic principles of acoustics and explains the technical terms used in the report.

## 2.0 The Moray Council Air Traffic Sound Level Data

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

Figure 2

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



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

- 3.1 The first stage in the process for assessing the sound levels, as prescribed in TAN 2011<sup>2</sup>, is to conduct the *Quantitative Assessment*, which involves calculating the *Magnitude of Impact* the air traffic sound would otherwise have had on the residents of the proposed house.
- 3.2 The *Magnitude of Impact* is determined by the amount by which the  $L_{Aeq}$  exceeds 45dBA at night, and 55dBA during the day, as shown in Table 1. During the day, according to the contours, the sound will exceed 55dBA by 11dBA. It would, therefore, have a *Major adverse* impact on the residents of the house. The RAF does not fly regularly at night and so there will be *No adverse impact* at this time.

**Table 1**

**Magnitude of Impacts Associated with Night and Day Exceedance Levels<sup>2</sup>**

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

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

**Table 2**

**Significance of Effects<sup>2</sup>**

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

The *Sensitivity of Receptor* will be high as it is a house which is to be constructed. As the impact of the air traffic sound during the day would otherwise have been *Major*, the significance would have been *Large/ Very Large*, which are defined in TAN 2011<sup>2</sup> as:

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

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

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

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

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

#### 4.0 Calculation of Internal Levels of Air Traffic Sound

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

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

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

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

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

- 4.6** The dimensions of the glazing in the windows on the eastern and western elevations of the Lounge, together with the windows and patio doors on its southern elevation, were scaled off the architect's drawings, and the area calculated to be 4m<sup>2</sup>.

The area of one trickle ventilator is understood to be 10,000mm<sup>2</sup>. It is also understood that there will be four ventilators, in the windows, giving a total area of 40,000mm<sup>2</sup>.

- 4.7** The dimensions of the Lounge were scaled off the architect's drawings, and the volume calculated to be 79m<sup>3</sup>.
- 4.8** The reverberation times of the room have been taken to be the same as those measured by Charlie Fleming Associates in a similar sized lounge in a flat in Edinburgh. The reverberation times are shown below in Table 3.
- 4.9** The variables discussed in Sections 4.2 to 4.8 have been put into the equation, given earlier in Section 4.1, as shown below in Table 3.

**Table 3**  
**Calculation of Internal Sound Levels,  $L_{eq}$**   
(dB re 2 x 10<sup>-5</sup> Pa)

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

Figures shown in italicised print have been extrapolated.

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

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

- 4.11** To reduce the sound, the glazing in the windows and patio doors on the eastern, southern and western elevations of the Lounge should have a sound reduction index, for traffic sound, of at least 34dB. This is sometimes denoted  $R_{a, tr}$ , or  $R_{Tr}$ . Alternatively, the sound reduction index,  $R$ , plus spectrum adaptation term,  $C_{tr}$ , must be 34dB or greater. Glazing consisting of 6mm and 10mm thick panes of normal float glass, separated by a 12mm wide cavity, has, according to Saint Gobain<sup>3</sup>, this property. This glazing does not need to be installed in any other rooms of the house.

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

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

Passivent  
North Frith Oasts  
Ashes Lane  
Hadlow  
Kent TN11 9QU  
Tel: 01732 850 770  
Web : [www.passivent.com](http://www.passivent.com)

Glidevale  
2 Brooklands Road  
Sale  
Cheshire M33 3SS  
Tel: 0161 905 5700  
Web: [www.glidevale.com](http://www.glidevale.com)

Greenwood Air Management  
Greenwood House  
Brookside Avenue  
Rustington  
West Sussex BN16 3LF  
Tel: 01903 771 021  
Web: [www.greenwood.co.uk](http://www.greenwood.co.uk)

Rytons Building Products  
Design House, Orion Way  
Kettering Business Park



Kettering  
Northants NN15 6NL  
Tel: 01536 511 874  
Web: [rts.vents.co.uk](http://rts.vents.co.uk)

## 5.0 Conclusions

5.1 Mr R. Stewart has applied for planning permission to construct a house on land to the east of Easter Cove sea Cottage, near Lossiemouth, in Moray. Lossiemouth Royal Air Force (RAF) base lies some 1.7km to the south-east of where the house will be built.

5.2 The concern was raised at the planning stage, by officers of The Moray Council, that the sound of military aircraft might disturb the residents of the proposed house. Charlie Fleming Associates was asked by, Ms Anna Carswell, of CM Design, the firm of architects designing the house, acting as an agent of Mr Stewart, to prepare an air traffic noise impact assessment to accompany the planning application

5.3 The assessment of the sound has been performed as suggested in The Scottish Executive Development Department document titled *Planning Advice Note 1/2011: Planning and Noise*<sup>1</sup> (PAN 1/2011). This, in turn, refers to *Technical Advice Note 2011: Assessment of Noise*<sup>2</sup> (TAN 2011).

5.4 The *Magnitude of Impact* of the sound of the air traffic, on the residents of the house, was determined in Section 3.0. During the day, the sound will have a *Moderate adverse* impact on the residents of the house. The RAF does not fly at night, and so there will be *No adverse impact* at this time.

5.5 As the impact of the air traffic sound during the day will be *Major*, the significance will be *Large/Very Large*, which are defined in TAN 2011<sup>2</sup> as:

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

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

5.6 As there will be *No adverse impact* at night, the significance will be *Neutral*, which is defined in TAN 2011<sup>2</sup> as:

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

5.7 Whatever the conclusions as to the significance, The Moray Council has, in the past, allowed developments to proceed on land exposed to this order of sound provided that the levels inside the house, with windows closed but trickle ventilators open, do not exceed certain limits. The internal sound levels have thus been calculated, as described in Section 4.0. In the Lounge, the glazing will need to be upgraded and acoustically attenuated trickle ventilators installed, as described in Section 4.11. In the Study, Dining Kitchen, Bedroom 2 and Bedroom 3 of the house, acoustically attenuated trickle ventilators should be installed, as described in Section 4.11.

  
Peter Dunlop BSc (Hons) MIOA

## 6.0 References

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

## Appendix

### A1.0 Basic Principles of Acoustics

#### A1.1 Sound Pressure

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

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

Where  $p$  = the sound pressure to be expressed in dB

and  $P$  = reference sound pressure 0.00002Pa

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

#### A1.2 Range of Audible Sound Pressure Levels

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

**Table A1**

**Range of Audible Sound Pressure Levels and Sound Pressures**

Sound Pressure Level (dB re 2x10 <sup>-5</sup> 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**

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

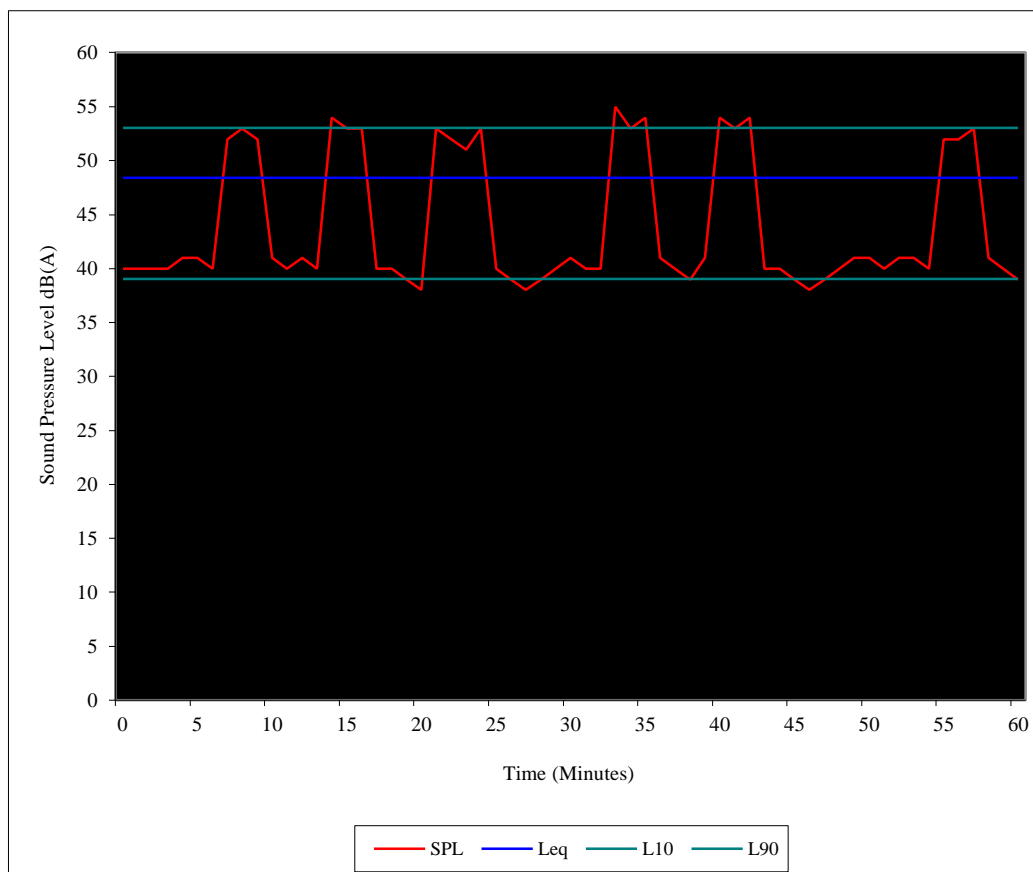
In practice, combinations of virtually any of the above can exist. In measuring sound it is necessary to deal with the level as it varies with respect to time.

#### **A1.7 Time History**

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

Figure A1

## Example of Time History of Construction Site Sound



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

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

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

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

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

#### **A1.9 Sound Exposure Level, $L_{AE}$**

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

#### **A1.10 Percentiles, $L_x$**

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

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

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

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

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

#### **A1.12 Time Weighting, Fast, $L_F$ , or Slow, $L_S$**

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



**A1.13 Free-field**

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

**A1.14 Hemi-spherical**

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

**A1.15 Level Difference,  $D$** 

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

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

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

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

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

**A1.16 Sound Reduction Index,  $R$** 

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

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

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

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

$$R = D + 10 \text{ Log } S - 10 \text{ Log } A$$

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

$A$  = the acoustical absorption in the receiving room.

#### **A1.17 Reverberation Time, $T$**

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

$$A = 0.161 V / T$$

where  $V$  = volume of the room.

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

#### **A1.18 Weighted Sound Reduction Index, $R_w$**

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

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

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

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

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

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

#### A1.20 Normalised Level Difference, $D_n$

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

$$D_n = D - 10 \text{ Log } A/10$$

Rather than correct for the area of the floor or wall and absorption in the receiving room, as the sound reduction index does, the absorption of most rooms in dwellings is around 10m<sup>2</sup>. The  $D_n$  is therefore the basic level difference, normalised to the absorption of a typical room.

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

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

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

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

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

# DESIGN STATEMENT

## ERECT NEW 3 BED DWELLING AT EAST OF COVESEA COTTAGE, LOSSIEMOUTH

Ref: 220022

### 1.0 INTRODUCTION:

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

### 2.0 SITE LOCATION

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



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

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

### 3.0 SITE BACKGROUND

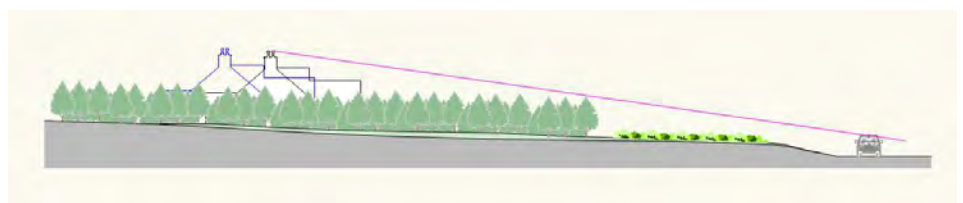
- 3.1** The site shares boundaries with an adjacent plot previously approved application reference **18/01477/APP**. This approval was granted in March 2019.
- 3.2** This application shares part of the existing eastern fence line from previous application. Also reducing the previous application plot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

### 4.0 PROPOSALS

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



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



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PROJECTMANAGEMENT  
RENEWABLECONSULTANCY

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

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

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



### 5.0 POLICY COMPLIANCE

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

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

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



extract from Policy PP1 MLDP

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

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

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

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

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

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

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

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

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

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

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

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

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



**From:** Teresa Ruggeri <Teresa.Ruggeri@moray.gov.uk>

**Sent:** 02 Jun 2022 03:32:42

**To:** DMSMyEmail@moray.gov.uk

**Cc:**

**Subject:** FW: 22/00215/APP Erect dwellinghouse on Land Adjacent To Easter Covesea Cottage, Duffus

**Attachments:** 22-00215-APP Erect dwellinghouse on Land Adjacent To Easter Covesea Cottage, Duffus.pdf

---

**From:** DeveloperObligations <DeveloperObligations@moray.gov.uk>

**Sent:** 02 June 2022 14:38

**To:** Fiona Olsen <Fiona.Olsen@moray.gov.uk>

**Cc:** DC-General Enquiries <development.control@moray.gov.uk>

**Subject:** 22/00215/APP Erect dwellinghouse on Land Adjacent To Easter Covesea Cottage, Duffus

Hi

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

Thanks,  
Rebecca

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

[rebecca.morrison@moray.gov.uk](mailto:rebecca.morrison@moray.gov.uk) | [website](#) | [facebook](#) | [twitter](#) | [instagram](#) | [news](#)

The logo for Moray Council, featuring the word "MORAY" in a stylized, purple, serif font above the word "council" in a smaller, purple, sans-serif font.



# Developer Obligations & Affordable Housing: ASSESSMENT REPORT



**moray**  
council

**Date:** 02/06/2022

**Reference:** 22/00215/APP

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

**Applicant:** Mr Ronald Stewart

**Agent:** C M Design

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

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

## Summary of Obligations

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

## Breakdown of Calculation

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

3 bed = 1 SRUE

This assessment is therefore based on 1 SRUE.



**Moray Council DEVELOPER OBLIGATIONS**



# Developer Obligations & Affordable Housing: ASSESSMENT REPORT



**moray**  
council

**Date:** 02/06/2022

**Reference:** 22/00215/APP

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

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Sports and Recreation	Nil
<b>Total Developer Obligations</b>	██████████
Affordable Housing	██████████
<b>TOTAL</b>	██████████

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

3 bed = 1 SRUE

This assessment is therefore based on 1 SRUE.



**Moray Council DEVELOPER OBLIGATIONS**



# INFRASTRUCTURE

## Education

### Primary Education

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

**Contribution towards Primary Education = Nil**

### Secondary Education

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

**Contribution towards Secondary Education = Nil**

## Transport

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

[REDACTED]

## Contributions towards Transport = Nil

## Healthcare

Healthcare Facilities include General Medical Services (GMS), community pharmacies and dental practices. Scottish Health Planning Notes provide national guidance on standards and specification for healthcare facilities. The recommended number of patients is 1500 per General Practitioner (GP) and floorspace requirement per GP is 271m<sup>2</sup>.

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

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

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

[REDACTED]

**Contribution towards Healthcare= [REDACTED]**

## Sports and Recreational Facilities

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



**Contribution for Sports and Recreation  
Facilities = Nil**

---

## **AFFORDABLE HOUSING**

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

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

[REDACTED]

Therefore, the total contribution towards affordable housing is:

1 proposed unit = [REDACTED]

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



## TERMS OF ASSESSMENT

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

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

## PAYMENT OF CONTRIBUTIONS

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

## INDEXATION

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

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







## Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	3rd March 2022
<b>Planning Authority Reference</b>	22/00215/APP
<b>Nature of Proposal (Description)</b>	Erect dwellinghouse on
<b>Site</b>	Land Adjacent To Easter Covesea Cottage Duffus Moray
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133071842
<b>Proposal Location Easting</b>	319518
<b>Proposal Location Northing</b>	870750
<b>Area of application site (M<sup>2</sup>)</b>	3252
<b>Additional Comment</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=R7DY55BGLEB00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=R7DY55BGLEB00</a>
<b>Previous Application</b>	18/01477/APP 18/01072/APP
<b>Date of Consultation</b>	17th February 2022
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Mr Ronald Stewart
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	Backlands House 7 Forsyth Street Hopeman Moray IV30 5JQ
<b>Agent Name</b>	C M Design
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	St Brendans 69 South Guildry Street Elgin Moray IV30 1QN
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Fiona Olsen
<b>Case Officer Phone number</b>	01343 563189
<b>Case Officer email address</b>	fiona.olsen@moray.gov.uk
<b>PA Response To</b>	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](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](http://www.moray.gov.uk/moray_standard/page_119859.html)

You can contact our Data Protection Officer at [info@moray.gov.uk](mailto:info@moray.gov.uk) or 01343 562633 for more information.

Please respond using the attached form:-

## MORAY COUNCIL

### PLANNING CONSULTATION RESPONSE

**From:** Transportation Manager

**Planning Application Ref. No: 22/00215/APP**

**Erect dwellinghouse on Land Adjacent To Easter Covesea Cottage Duffus Moray for Mr Ronald Stewart**

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

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

#### **Condition(s)**

1. No development shall commence until a visibility splay 4.5 metres by 215 metres has been provided in both directions at the access onto the Public Road with all boundaries set back to a position behind the required visibility splays, and thereafter the visibility splays shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway.

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

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

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

3. Prior to the first occupation of the dwelling house a new bin store shall be provided at the agreed location shown on submitted drawing 220022.STEWART.03PP.

To ensure acceptable development that does not create any hazard to road users in the interests of road safety.

4. Prior to the first occupation of the dwelling house, the first 10m of the access track, measured from the edge of the public carriageway, shall be constructed to the Moray Council specification and surfaced with bituminous macadam. The width of the vehicular access shall be minimum 5.0 metres for the first 10 metres measured from the edge of the public carriageway, and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway.

Reason: To ensure acceptable infrastructure at the development access.

5. Prior to the first occupation of the dwelling house an access lay-by 12.0m long by 2.5m wide with 30 degrees splayed ends shall be provided at the edge of the public road to allow visiting service vehicles to park clear of the public road. The vehicular access should lead off the lay-by. The lay-by must be constructed in accordance with The Moray Council specification and surfaced with bituminous macadam.

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

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

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

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

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

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

Reason: To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the new access.

#### **Further comment(s) to be passed to applicant**

The formation of the required visibility splay will involve the regrading/ lowering of ground levels and the clearance of gorse and vegetation.

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

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

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

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

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

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

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

**Contact: AG**  
**email address: [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk)**  
**Consultee: TRANSPORTATION**

**Date 13 April 2022**

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



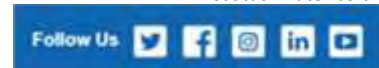
Friday, 18 February 2022



Local Planner  
Development Services  
Moray Council  
Elgin  
IV30 1BX

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

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)



Dear Customer,

**Land Adjacent To Easter Covesea Cottage, Duffus, IV30 5QS**  
**Planning Ref: 22/00215/APP**  
**Our Ref: DSCAS-0058760-PSS**  
**Proposal: Erect dwellinghouse**

**Please quote our reference in all future correspondence**

## **Audit of Proposal**

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

## **Water Capacity Assessment**

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

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

## **Waste Water Capacity Assessment**

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

## Please Note

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

## Asset Impact Assessment

According to our records, the development proposals impact on existing Scottish Water assets.

- ▶ 1 x 4" AC water main in the site boundary

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) to apply for a diversion.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

## Surface Water

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

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

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

## General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - ▶ Site Investigation Services (UK) Ltd
  - ▶ Tel: 0333 123 1223
  - ▶ Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://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](http://www.scotlandontap.gov.uk)

### ▶ **Trade Effluent Discharge from Non-Domestic Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle,

plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto: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](http://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](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Angela Allison**

Development Services Analyst

[PlanningConsultations@scottishwater.co.uk](mailto:PlanningConsultations@scottishwater.co.uk)

### **Scottish Water Disclaimer:**

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

## Consultation Request Notification – Development Plans

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	16th March 2022
<b>Planning Authority Reference</b>	22/00215/APP
<b>Nature of Proposal (Description)</b>	Erect dwellinghouse on
<b>Site</b>	Land Adjacent To Easter Covesea Cottage Duffus Moray
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133071842
<b>Proposal Location Easting</b>	319518
<b>Proposal Location Northing</b>	870750
<b>Area of application site (M<sup>2</sup>)</b>	3252
<b>Additional Comments</b>	Refusal - Pressurised and Sensitive Area, Ribbon Development, Build up, NIA outstanding, Transportation Info outstanding
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=R7DY55BGGLEB00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=R7DY55BGGLEB00</a>
<b>Previous Application</b>	18/01477/APP 18/01072/APP
<b>Date of Consultation</b>	2nd March 2022
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Mr Ronald Stewart
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	Backlands House 7 Forsyth Street Hopeman Moray IV30 5JQ
<b>Agent Name</b>	C M Design
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	St Brendans 69 South Guildry Street Elgin Moray IV30 1QN
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Fiona Olsen
<b>Case Officer Phone number</b>	01343 563189
<b>Case Officer email address</b>	fiona.olsen@moray.gov.uk

<b>PA Response To</b>	consultation.planning@moray.gov.uk
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**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](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](http://www.moray.gov.uk/moray_standard/page_119859.html)

You can contact our Data Protection Officer at [info@moray.gov.uk](mailto: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](mailto:consultation.planning@moray.gov.uk)

## **MORAY COUNCIL PLANNING CONSULTATION RESPONSE**

**From: Development Plans**

**Planning Application Ref. No: 22/00215/APP**

**Erect dwellinghouse on Land Adjacent To Easter Covesea Cottage Duffus Moray  
for Mr Ronald Stewart**

**Ward: 05\_17 Heldon And Laich**

### **DETERMINATION - DEPARTURE FROM DEVELOPMENT PLAN**

*(For Structure/Local Plan Comment)*

		<b>Page No</b>	<b>Policy No(s)</b>	<b>Yes</b>	<b>No</b>
<b>1</b>	<b>Departure from Moray Local Development Plan 2020</b>		DP4 Rural Housing  EP3 Special Landscape Areas and Landscape Character	X  X	
<b>2</b>	<b>Further Discussion Required</b>				

**REASONING FOR THIS DECISION:**

**POLICY COMMENTS**

It should be noted these comments relate solely to the principle of a new housing in this location and have not considered any other policy implications.

**DP4 Rural Housing and EP3 Special Landscape Areas and Landscape Character**

Policy DP4 Rural Housing sets out a spatial strategy to direct new housing in the open countryside to the least sensitive locations by identifying pressurised and sensitive areas (unsuitable for new housing) and areas of intermediate pressure (potentially suitable for new housing subject to meeting all policy requirements). The site is located within a pressurised and sensitive area with this coastal location being designated as a pressurised area due to the landscape and visual impacts associated with build-up of new housing. On this basis no new housing will permitted in this location.

In addition to this the site also sits within the Burghead to Lossiemouth Coast Special Landscape Area (SLA). Policy EP3 Special Landscape Areas and Landscape Character states that within rural areas (outwith defined settlement and rural grouping boundaries) development must be one of the following uses i) Where the proposal involves an appropriate extension or change of use to existing buildings, or ii) For uses directly related to distilling, agriculture, forestry and fishing which have a clear locational need and demonstrate that there is no alternative location, or iii ) For nationally significant infrastructure developments identified in the National Planning Framework. The proposal for a new house does not fall into any of these categories and is therefore not supported under the terms of EP3. Furthermore, EP3 refers back to the spatial strategy for rural housing set out in DP4 and specifically identifies the Burghead to Lossiemouth SLA amongst others as “sensitive” stating housing is not permitted in this location.

It is noted that there is consent for a house immediately adjacent to this site however this was considered under the terms of the previous Local Development Plan and prior to the review of local landscape designations and introduction of pressurised and sensitive areas.

In conclusion the proposals as submitted should be recommended for refusal.

**Contact: Emma Gordon**  
**email address: emma.gordon@moray.gov.uk**  
**Consultee: Development Plans**

**Date 23 March 2022**  
**Phone No .....**

<b>Return response to</b>	<b>consultation.planning@moray.gov.uk</b>
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## Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	3rd March 2022
<b>Planning Authority Reference</b>	22/00215/APP
<b>Nature of Proposal (Description)</b>	Erect dwellinghouse on
<b>Site</b>	Land Adjacent To Easter Covesea Cottage Duffus Moray
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133071842
<b>Proposal Location Easting</b>	319518
<b>Proposal Location Northing</b>	870750
<b>Area of application site (M<sup>2</sup>)</b>	3252
<b>Additional Comment</b>	RAF Lossiemouth Noise Zones 63dBA and 66dBA categories B and C
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=R7DY55BGGLEB00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=R7DY55BGGLEB00</a>
<b>Previous Application</b>	18/01477/APP 18/01072/APP
<b>Date of Consultation</b>	17th February 2022
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Mr Ronald Stewart
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	Backlands House 7 Forsyth Street Hopeman Moray IV30 5JQ
<b>Agent Name</b>	C M Design
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	St Brendans 69 South Guildry Street Elgin Moray IV30 1QN
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Fiona Olsen
<b>Case Officer Phone number</b>	01343 563189
<b>Case Officer email address</b>	fiona.olsen@moray.gov.uk

<b>PA Response To</b>	consultation.planning@moray.gov.uk
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For full Data Protection policy, information and rights please see [http://www.moray.gov.uk/moray\\_standard/page\\_119859.html](http://www.moray.gov.uk/moray_standard/page_119859.html)

You can contact our Data Protection Officer at [info@moray.gov.uk](mailto:info@moray.gov.uk) or 01343 562633 for more information.

Please respond using the attached form:-

**MORAY COUNCIL**

**PLANNING CONSULTATION RESPONSE**

**From:** Environmental Health Manager

**Planning Application Ref. No: 22/00215/APP**

**Erect dwellinghouse on Land Adjacent To Easter Covesea Cottage Duffus Moray for Mr Ronald Stewart**

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

- |   | <b>Please</b>                        |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below   | <b>x</b><br><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 | <b>x</b>                             |
| (d) Further information is required in order to consider the application as set out below                                 | <input type="checkbox"/>             |

**Condition(s)**

This Section recommends approval subject to the following conditions -

Unless otherwise agreed in writing with the Council (as Planning Authority), the glazing in the windows and patio doors of the Lounge on the eastern, southern and western elevations shall consist of 6mm and 10mm thick panes of normal float glass separated by a 12mm cavity. The specification and acoustic performance shall be in accordance with Section 4.11 of the Noise impact Assessment supporting document dated 20th May 2022, titled "Report on Air Traffic Sound For Mr B Stewart At Land to East of Easter Covesea Cottage, Lossiemouth" and provided by Charlie Fleming Associates Limited, Acoustic Consultants, 5 Saltpans, Charlestown, Fife KY11 3EB.

Acoustically attenuated trickle ventilators shall be provided in the Lounge, Study, Dining Kitchen, Bedroom 2 and Bedroom 3 of the house. They should have an element normalised level difference Dn, e, of at least 37dB in the 500Hz octave band, as stated in Section 4.10 of the Noise impact Assessment supporting document dated 20th May 2022, titled "Report on Air Traffic Sound For Mr B Stewart At Land to East of Easter Covesea Cottage, Lossiemouth" and provided by Charlie Fleming Associates Limited, Acoustic Consultants, 5 Saltpans, Charlestown, Fife KY11 3EB.

The above noise mitigation measures shall be maintained throughout the lifetime of the development.

**Contact: Douglas Caldwell**  
**email address:**  
**Consultee:**

**Date.....**  
**Phone No .....**

<b>Return response to</b>	<b>consultation.planning@moray.gov.uk</b>
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# **Consultee Comments for Planning Application 22/00215/APP**

## **Application Summary**

Application Number: 22/00215/APP

Address: Land Adjacent To Easter Covesea Cottage Duffus Moray

Proposal: Erect dwellinghouse on

Case Officer: Fiona Olsen

## **Consultee Details**

Name: Mr CL Consultations

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

Email: Not Available

On Behalf Of: Contaminated Land

## **Comments**

No objections

Adrian Muscutt, CLO

**MORAY COUNCIL**

**PLANNING CONSULTATION RESPONSE**

**From:** Moray Flood Risk Management

**Planning Application Ref. No: 22/00215/APP**

**Erect dwellinghouse on Land Adjacent to Easter Covesea Cottage Duffus Moray for Mr Ronald Stewart**

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

- |   | <b>Please</b>                        |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below   | <b>x</b><br><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"/>             |

<b>Contact:</b>	Javier Cruz	<b>Date.....</b> 23/05/2022
<b>email address:</b>	Javier.cruz@moray.gov.uk	<b>Phone No .....</b>
<b>Consultee:</b>	The Moray Council, Flood Risk Management	

# Comments for Planning Application 22/00215/APP

## Application Summary

Application Number: 22/00215/APP

Address: Land Adjacent To Easter Covesea Cottage Duffus Moray

Proposal: Erect dwellinghouse on

Case Officer: Fiona Olsen

## Customer Details



## Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Lack of landscaping
- Over-development of site
- Precedent

Comment: This development is contrary to the Moray Local Development Plan 2020. MLDP Policy DP4 states - 'Opportunities for housing in the open countryside are limited to single houses and proposals for more than one house will not be accepted'. Whilst this application is for a single house, planning permission for another property adjacent to this site has already been granted; this second property would contribute to an unnecessary, intrusive build-up of housing in a rural area, which could lead to more housing and ribbon development at a later date. In addition, the landscaping proposals are inadequate and misleading.





# Comments for Planning Application 22/00215/APP

## Application Summary

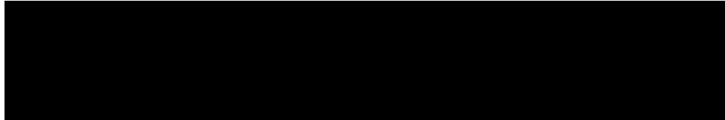
Application Number: 22/00215/APP

Address: Land Adjacent To Easter Covesea Cottage Duffus Moray

Proposal: Erect dwellinghouse on

Case Officer: Fiona Olsen

## Customer Details



## Comment Details


Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Lack of landscaping
- Traffic

Comment: I object to this planning application. I regularly walk with my children in this area and the environment is brilliant for plants and wildlife.

This application goes against the Moray Local Development plan 2020 and is designated an area of Landscape Value and so should be preserved. There are not mature trees surrounding the land. There is already permission for one house another would go against guidelines. It would be an eyesore and dominate the area. It would stop the  that stop there each winter, from landing for much needed rest and food.

We need our green spaces! The pictures of trees around the house are simply misleading there is only broken fences (Some blown down in the storms) and open land. You can see the traffic from the far side of the land, it is that open.



# Comments for Planning Application 22/00215/APP

## Application Summary

Application Number: 22/00215/APP

Address: Land Adjacent To Easter Covesea Cottage Duffus Moray

Proposal: Erect dwellinghouse on

Case Officer: Fiona Olsen

## Customer Details



## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Height of proposed development
- Lack of landscaping
- Over-development of site
- Precedent
- Road access
- Road safety
- Traffic
- View affected

Comment: I wish to note my objection to the development 22/00215/APP as a resident of Covesea village.

I note that the same development suggestion for 3 houses (18/01072/APP) was previously refused as being contrary to the policies then in force: PP3, H7, IMP1 and EP8 of Moray LDP 2015 and feel that the same grounds for refusal pertain. Although a single house was subsequently approved it now seems that this is simply house number 2 of the original 3 house proposal and, presumably, a third house will follow to side-step the initial refusal! Furthermore, I would imagine there will be subsequent development of garage space for these dwellings.

Although the Coastal Protection Zone assignment has been removed, the area is currently designated as a Special Landscape Area. This is one of the truly unspoilt regions of the Burghead to Lossiemouth coastal route and will suffer from further needless and insensitive development.

In respect of Policy PP3 (Transport), the stretch of the B9040 adjacent to the development is already particularly hazardous for pedestrians, equestrians and cyclists as vehicular traffic drops unsighted at 60 mph from the brow of the hill at Covesea down east towards the golf course. This development would exacerbate that hazard.

My strongest objection is in respect of Policy DP4 (Rural Housing) which states "Opportunities for housing in the open countryside are limited to single houses and proposals for more than one house will not be accepted" and "the new house must not create a ribbon development, contribute to an unacceptable build up of housing or detrimentally alter the rural character of an area due to its prominent or roadside location". I feel that such a development will impact negatively on the unspoilt rural feel of the area. The application itself cites "the site enjoys a significant backdrop of upward sloping grounds covered in well-established high gorse and shrubbery". Exactly! This development will detract from that. I am concerned that this stretch of the B9040 will eventually become an unbroken ribbon of houses detracting from the remote feel of the area. In addition, the height of the proposed dwelling makes it less concealed.

# Comments for Planning Application 22/00215/APP

## Application Summary

Application Number: 22/00215/APP

Address: Land Adjacent To Easter Covesea Cottage Duffus Moray

Proposal: Erect dwellinghouse on

Case Officer: Fiona Olsen

## Customer Details



## Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Road access
- Traffic

Comment: Linear development, no services , more car use



# Comments for Planning Application 22/00215/APP

## Application Summary

Application Number: 22/00215/APP

Address: Land Adjacent To Easter Covesea Cottage Duffus Moray

Proposal: Erect dwellinghouse on

Case Officer: Fiona Olsen

## Customer Details

## Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Lack of landscaping
- Over-development of site
- Precedent
- Road access
- Road safety
- Traffic

Comment:1. History and precedent

I have seen the previous application (18/01072/APP) by the applicant for 3 houses, and refused as contrary to policies PP3, H7, IMP1 and EP8 of Moray LDP 2015 and the supplementary guidance 'Housing in the Countryside'. While I appreciate the current application will be considered under MLDP 2020, and that a single house (18/01477/APP) was subsequently permitted, the principles of the criteria for the initial refusal still hold and the potential for ribbon development is strong. I understand that each application is treated individually but I would ask you to consider precedent as a real concern, particularly given that the land eastwards towards the Golf Dedication Centre is in the same ownership and as yet undeveloped. Piecemeal applications also have the potential to bypass Policy PP1 Placemaking.

2. Policy EP3

For MLDP 2020, the nature and landscape designations were altered following the Local Landscape Designation Review 2018. The Coastal Protection Zone was removed. The designation for the area of the application is now a Special Landscape Area: Burghead to Lossiemouth coast. It is shown on the Council interactive map which is referenced in the Justification/Notes box on p. 79 of MDP 2020; it extends from N verge of B9040 to the sea.

[http://www.moray.gov.uk/moray\\_standard/page\\_123058.html](http://www.moray.gov.uk/moray_standard/page_123058.html)

Policy EP3 SLAs i) c) states that as a sensitive area in terms of DP4, no new housing in the countryside will be permitted. (p. 78)

3. Policy PP3 Infrastructure and Services - Transport. The B9040 is not a bus route; nor does it have an Active travel Route (ATR), despite its being a 60 mph zone with poor sight lines and frequented by cyclists and pedestrians. Even one additional hazard in the form of another access track is unhelpful, and nor is new housing so distant from public transport or an ATR consistent with the Council's policies on carbon reduction. We will also see more wheelie bins on the roadside but no layby for the binmen to park.

#### 4. Policy DP4 Rural housing

a) The application relates to the lowest priority in the cited hierarchy - this is building in the open countryside.

This house and its immediately adjacent neighbour will not be of low impact nor integrate sensitively into the landscape nor reflect the rural character of the area. They will look like suburban houses in an area of 19th Century scattered farm cottages and farm steadings such as Easter Covesea and Covesea Farm which are set back from the main road.

d) i) 'Proposals for more than one house will not be supported'. The principle of the spatial strategy must surely preclude permitting one house at a time!

d) ii) See EP3

d) iii) a) Siting criteria: Neither the current application alone, nor viewed in conjunction with its neighbour sharing an entrance, meet the criteria. There is not 75% containment. In fact, the current scrub, broken fence and gorse is nothing like as effective in providing screening as suggested in the application, particularly to the west. Screening from planted trees must be realistic in time scale and space allotted, without roots and shade compromising the buildings. The houses are orientated to take in views to the south from the main rooms - the entrance is on the north side - so it is unlikely that screening will match the apparent aspiration of the houses' design, and they will therefore consequently be highly visible from the main road.

This application is for a second house aligned on the B9040, creating the start of ribbon development, and detrimentally altering the local rural character due to the prominent and roadside location.

#### 5. Guidance on Cumulative Build Up p. 54-55

The notes on siting indicators cite as undesirable the very situation here where new houses along the roadside could overwhelm the perception of the former traditional dispersed settlement pattern of older buildings of vernacular design. The road itself was only built in living memory.

#### 6. Additional buildings



The site plan is of insufficient quality to be certain but I can see no indication of a garage or shed, only parking areas. These are common requirements for a dwelling of this type.

I would urge you to refuse permission, in line with the Policies and Guidance of Moray's LDP 2020, for this application for new build housing in the countryside to prevent cumulative roadside development in this rural area adjacent to the Cove sea coast.



# Comments for Planning Application 22/00215/APP

## Application Summary

Application Number: 22/00215/APP

Address: Land Adjacent To Easter Covesea Cottage Duffus Moray

Proposal: Erect dwellinghouse on

Case Officer: Fiona Olsen

## Customer Details

## Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Over-development of site
- Poor design
- Precedent

Comment:

I object to this development on the grounds that it does not fit with the Moray Local Development Plan 2020. The proposed dwelling in the prominent location directly adjacent to the public road, would create an obtrusive build that would contribute to a build up of development that would undermine the rural character of the area and will not sensitively integrate into the landscape.

MLDP Policy DP4 states - 'Opportunities for housing in the open countryside are limited to single houses and proposals for more than one house will not be accepted'. Whilst this is a proposal for a single house, there has already been planning permission granted for a single house to be built there (Work not yet started). This application is from the same landowner who applied for planning permission for 3 houses on that land in 2019. He was granted permission for one house and is now applying for permission for a second house, building next door to the house he already has planning permission for. This is a planning application for a second house clearly contravening the statement above 'Proposals for more than one house will not be accepted'.

It also states - 'the new house must not create a ribbon development, contribute to an unacceptable build up of housing or detrimentally alter the rural character of an area due to its prominent or roadside location'. With potentially 2 new houses being built, in line with each other, I would argue that this is the start of a ribbon development and will contribute to an unacceptable build up of housing.

It also states - There must be existing landform, mature trees, established woodland.... To provide

75% enclosure, containment or backdrop for the proposed new house.....Fields drains, ditches, burns, posts and wire fencing, roads and tracks do not provide adequate enclosure or containment.

Whilst there is Gorse growing to the front of the land it is not tall enough to conceal or partially conceal the house. Any trees that were on that land have already been cleared. The back area is Gorse, with broken down fencing to the side. . It does not have 75% containment.

Two new builds in this area will overwhelm the older traditional buildings. If permission is granted, the owner will clearly apply for planning permission for a 3rd house (The original, refused plan) and the number of new houses would overwhelm the presence of the older buildings even more, thus becoming a major characteristic of the landscape. This is another step towards joining up traditionally dispersed settlement. He is trying for his original plan of 3 houses by the back door, step by step over the years.

Design statement 4.3 - shows trees on the western boundary of the land, there are no trees there, it is simply posts and wire fencing with a track beside it, the visual impact will be immense. The Gorse to the front and the back of the building are not tall enough to minimise visual impact. The design drawings are very clever but the trees that they indicate as coverage are not there and there is not enough land to allow for planting once the houses are built. The illustration in the MLDP DP4 Siting, gives a clear illustration of the site in question (An example stated as unacceptable), there are no existing mature trees and the landform does not provide containment or enclosure

# Comments for Planning Application 22/00215/APP

## Application Summary

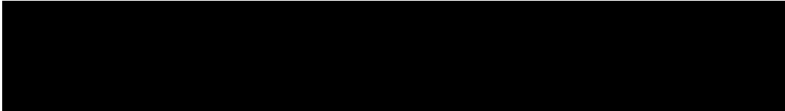
Application Number: 22/00215/APP

Address: Land Adjacent To Easter Covesea Cottage Duffus Moray

Proposal: Erect dwellinghouse on

Case Officer: Fiona Olsen

## Customer Details



## Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Height of proposed development
- Over-development of site

Comment: This is an inappropriate development along this section of coast. It completely goes against previous decision to allow the erection of one dwelling, which is one too many as it is. Visually it will lead to a density of housing completely inappropriate for this location literally adjacent to a protected coastal zone.



# Comments for Planning Application 22/00215/APP

## Application Summary

Application Number: 22/00215/APP

Address: Land Adjacent To Easter Covesea Cottage Duffus Moray

Proposal: Erect dwellinghouse on

Case Officer: Fiona Olsen

## Customer Details



## Comment Details

Commenter Type: Member of the Public

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Comment Reasons:

- Affecting natural environment
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Comment: This is an inappropriate development along this section of coast. It completely goes against previous decision to allow the erection of one dwelling which is one too many. Visually it will lead to a density of housing completely inappropriate for this location.





# Comments for Planning Application 22/00215/APP

## Application Summary

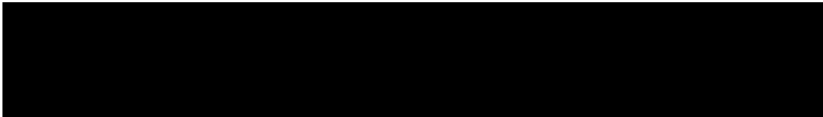
Application Number: 22/00215/APP

Address: Land Adjacent To Easter Covesea Cottage Duffus Moray

Proposal: Erect dwellinghouse on

Case Officer: Fiona Olsen

## Customer Details



## Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Road safety
- Traffic
- View affected

Comment: The Moray Local Development Plan (DP 4, 2020) sets out boundaries for planning permission and I believe that if he gains permission whilst clearly violating these boundaries, it opens the door for all the landowners to apply!



# Comments for Planning Application 22/00215/APP

## Application Summary

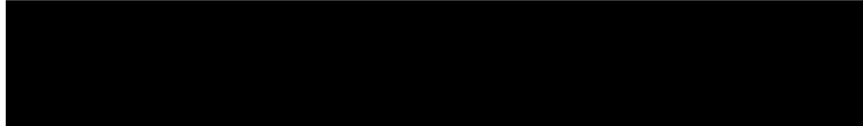
Application Number: 22/00215/APP

Address: Land Adjacent To Easter Covesea Cottage Duffus Moray

Proposal: Erect dwellinghouse on

Case Officer: Fiona Olsen

## Customer Details



## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Over-development of site
- Precedent

Comment: The proposed dwelling with its prominent location directly adjacent to a public road, would create an obtrusive development that would contribute to a build up of development that would undermine the rural character of the area and not sensitively integrate into the landscape.



[REDACTED]

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[REDACTED]

Sent: 17 March 2022 16:58  
To: planning <planning@moray.gov.uk>  
Subject:

**Warning. This email contains web links and originates from outside of the Moray Council network. You should only click on these links if you are certain that the email is genuine and the content is safe.**

Good Afternoon,  
Regarding the planning application for land adjacent to Easter Covesea Cottage.

I have placed an objection through the normal channels. I took some photographs to support my view regarding lack of mature trees for a boundary. I have tried to send them through your site but I cannot attach the photos to a form. Could you please accept the photos below as supporting evidence that the application is contravening the MLDP 2020. Apologies that it is not sent in the usual manner but I just couldn't see how to attach photos.  
Kind Regards

[REDACTED]

----- Forwarded message -----

[REDACTED]

**Sent:** Tuesday, 15 March 2022, 16:53:15 GMT  
**Subject:**









# Comments for Planning Application 22/00215/APP

## Application Summary

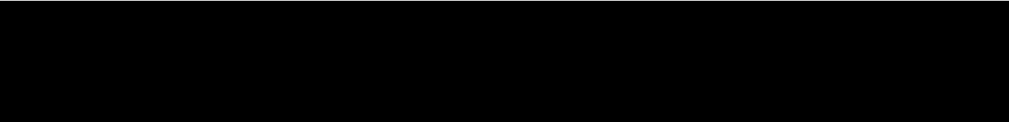
Application Number: 22/00215/APP

Address: Land Adjacent To Easter Covesea Cottage Duffus Moray

Proposal: Erect dwellinghouse on

Case Officer: Fiona Olsen

## Customer Details



## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Lack of landscaping
- Over-development of site
- Precedent

Comment: I object to this development on the grounds that it does not fit with the Moray Local Development Plan 2020. The proposed dwelling in the prominent location directly adjacent to the public road, would create an obtrusive build that would contribute to a build up of development that would undermine the rural character of the area and will not sensitively integrate into the landscape.

MLDP Policy DP4 states - 'Opportunities for housing in the open countryside are limited to single houses and proposals for more than one house will not be accepted'. Whilst this is a proposal for a single house, there has already been planning permission granted for a single house to be built there (Work not yet started). This application is from the same landowner who applied for planning permission for 3 houses on that land in 2019. He was granted permission for one house and is now applying for permission for a second house, building next door to the house he already has planning permission for. This is a planning application for a second house clearly contravening the statement above 'Proposals for more than one house will not be accepted'.

It also states - 'the new house must not create a ribbon development, contribute to an unacceptable build up of housing or detrimentally alter the rural character of an area due to its prominent or roadside location'. With potentially 2 new houses being built, in line with each other, I would argue that this is the start of a ribbon development and will contribute to an unacceptable build up of housing.



## **REPORT OF HANDLING**

<b>Ref No:</b>	22/00215/APP	<b>Officer:</b>	Fiona Olsen
<b>Proposal Description/ Address</b>	Erect dwellinghouse on Land Adjacent To Easter Cove sea Cottage Duffus Moray		
<b>Date:</b>	23.06.2022	<b>Typist Initials:</b>	LMC

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

<b>CONSULTATIONS</b>		
<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Moray Flood Risk Management	24/05/22	No Objections
Planning And Development Obligations	02/06/22	Contributions sought
Strategic Planning And Development	28/03/22	Policy DP4 seeks to direct housing to least sensitive locations. The site is located within a pressurised and sensitive area where no new housing will permitted and therefore does not comply with policy DP4 Rural Housing  The site also sits within the Burghead to Lossiemouth Coast Special Landscape Area (SLA). The proposal for a new house would not fit within any of the designated uses for new developments within rural SLAs and therefore the proposal does not comply with Policy EP3 Special Landscape Areas.
Environmental Health Manager	09/06/22	No Objections subject to a condition
Contaminated Land	22/02/22	No Objections
Transportation Manager	13/04/22	No Objections subject to conditions and informatives
Scottish Water	18/02/22	No Objections

<b>DEVELOPMENT PLAN POLICY</b>		
<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
EP14 Pollution Contamination Hazards	N	Complies
DP1 Development Principles		See Below

DP4 Rural Housing		See Below
EP1 Natural Heritage Designation	N	Complies
EP3 Special Landscape Areas		See Below
EP7 Forestry Woodland and Trees	N	Complies
EP12 Management and Enhancement Water	N	Complies
EP13 Foul Drainage	N	Complies

## REPRESENTATIONS

Representations Received

YES

Total number of representations received: TEN

Names/Addresses of parties submitting representations

Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.

Summary and Assessment of main issues raised by representations

**Issue:** In a prominent location with insufficient containment/backdrop.

**Comments (PO):** Although the site slopes steeply from the public road, thereafter levelling off to gentle sloped land extending to the coastline to the north which is dense with gorse bushes. Gorse bushes also lie to the east of the site and the site is bound by the neighbouring plot to the west and the public road to the south.

The bordering gorse bushes and gentle slope would not be considered sufficient containment and backdrop for a new house as DP4 outlines that these must be existing landform, mature trees, established woodland or buildings of a sufficient scale. Therefore the proposed new house would be considered to be prominent on the landscape with insufficient containment and backdrop.

**Issue:** Would lead to a build-up of development/undermine rural character of surrounding area.

**Comments (PO):** The site is located within a pressurised and sensitive area due to the landscape and visual impacts associated with build-up of new housing in this area. On this basis no new housing will permitted in this location and therefore the application will be refused.

**Issue:** Would lead to ribbon development and a development of two houses which is not permitted under DP4 Rural Housing.

**Comments (PO):** Policy DP4 states that proposals for new houses will be limited to single houses. Although there is a neighbouring consent for a dwellinghouse (18/01477/APP refers), this application proposes a single house and that would comply with DP4(d)(i). However the proposal for a new dwellinghouse immediately adjacent to a neighbouring plot would be considered 'ribbon development' which would not comply with the siting requirements of policy DP4(d)(iii).

**Issue:** Would set precedent for more housing along this road.

**Comments (PO):** This application proposes a single house which will be considered under its own merits in relation to the relevant Local Development Plan policies associated with the proposed site. Any future application would be assessed in the same manner.

**Issue:** Piecemeal applications can bypass PP1 Placemaking.

<p><b>Comments (PO):</b> It is noted that PP1 Placemaking applies to all developments however a Placemaking Statement is only required for residential developments of 10 units or more.</p>
<p><b>Issue:</b> Site is within a Special Landscape Area (SLA) where no new housing will be permitted.</p> <p><b>Comments (PO):</b> This is correct as the development proposal would not fall within any of the permitted categories within a SLA rural area and the application will be refused as it would not comply with Policy EP3.</p>
<p><b>Issue:</b> Road safety concerns on B9040.</p> <p><b>Comments (PO):</b> Moray Council Transportation Section have been consulted and have raised no objections subject to a series of conditions to be added to any final consent. These conditions include a condition relating to the provision of an appropriate visibility splay. Roads Safety has been assessed as part of this application and if the application were to be approved, the recommended conditions would be applied to any future consent.</p>
<p><b>Issue:</b> Design is suburban in appearance and of an unacceptable height.</p> <p><b>Comments (PO):</b> The proposed dwellinghouse would measure approx. 6.3m to the roof ridge and following amendments, would comply with the design requirements (including the required gable width formula) as set out in policy DP4.</p> <p>The overall appearance of the dwellinghouse is simple and well-proportioned and the external wall finish of an off-white render and stone quoins and a pitched roof over in natural slate would also comply with Policy DP4.</p>
<p><b>Issue:</b> Concerns regarding birds and other wildlife using this site.</p> <p><b>Comments (PO):</b> The application will be refused as it does not comply with policies EP3 and DP4 of the MLDP2020. Should the application be approved informatives would be added to the final consent reminding the developer of their duty regarding protected species (such as bats) and recommending that any construction works take place at a time so as to avoid disturbing ground nesting birds.</p>

**OBSERVATIONS – ASSESSMENT OF PROPOSAL**

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

**Proposal**

The application seeks planning permission to erect a new one and a half storey dwellinghouse.

**Site**

The site is an existing parcel of overgrown land of approx. 3252sqm situated on land adjacent to Easter Covesea Cottage, Lossiemouth.

The site is located within the MLDP2020 designated Burghead to Lossiemouth Coast Special Landscape Area and also within a 'Pressurised and Sensitive Area'.

The site also falls within noise contours identified from aircraft operating at RAF Lossiemouth.

The site is proposed to be connect to an existing shared access (with a neighbouring plot to the

immediate west of the site, 18/01477/APP refers) from the south-east of the site. Work has commenced on the neighbouring plot and therefore that permission is now extant and will not expire.

## **Policy Assessment (MLDP 2020)**

### **Siting (DP1, DP4, EP3)**

Policy DP4(d)(i) and (ii) refer to new housing in the open countryside and outline that a spatial strategy has been developed to direct new housing to the least sensitive locations by identifying pressurised and sensitive areas and areas of intermediate pressure. The site is located within a pressurised and sensitive area due to the landscape and visual impacts associated with build-up of new housing. On this basis no new housing will be permitted in this location and the proposal would not comply with policy DP4.

Policy DP4(d)(iii) also refers to the siting criteria set out for new housing in the open countryside which require that there must be acceptable enclosure, containment and backdrop for a proposed new house (in the form of existing landform, mature trees, established woodland or buildings of a sufficient scale). It also states that a new house should not create ribbon development, be formed via artificial mounding or clear felling of trees and a minimum of 15% of the plot should be landscaped with native tree species of at least 1.5m in height. Policy DP4 is clear that no new housing within Pressurised and Sensitive Areas should be permitted and as such the merits of the siting of any proposed house is not something that could overcome the fundamental issue that the proposed site lies within the Pressurised and Sensitive Area. It is noted however that the site is set on a very gentle slope, with dense gorse bushes to the north and east which would not provide sufficient containment and enclosure for a new house. The site also sits immediately to the east of a neighbouring plot which has an extant consent for a new house (permitted under the previous 2015 Moray Local Development Plan which was adopted prior to the review of local landscape designations and the introduction of 'pressurised and sensitive' area). The formation of another house plot immediately adjacent would lead to ribbon development. This combined with the insufficient containment and backdrop would detrimentally alter the rural character of the area due to its prominent roadside location and would therefore be unacceptable in terms of the siting criteria of Policy DP4.

The site also sits within the Burghead to Lossiemouth Coast Special Landscape Area (SLA). Policy EP3 Special Landscape Areas and Landscape Character states that within rural areas (outwith defined settlements and rural grouping boundaries) development must be one of the following uses i) for an extension or change of use to existing buildings, or ii) for uses directly related to distilling, agriculture, forestry and fishing which have a clear locational need and demonstrate that there is no alternative location, or iii) for nationally significant infrastructure developments identified in the National Planning Framework. The proposal for a new house does not fall into any of these categories and is therefore not supported under the terms of EP3. Furthermore, EP3 refers back to the spatial strategy for rural housing set out in DP4 and specifically identifies the Burghead to Lossiemouth SLA amongst others as "sensitive", stating housing is not permitted in this location.

Overall therefore, the site would sit within a 'Pressurised and Sensitive Area' where no new housing will be permitted. It would also not meet the required siting criteria for a new house in the countryside as the site would not contain sufficient containment and backdrop. The site borders a neighbouring plot (with extant consent for a new house) would also lead to ribbon development which overall would alter the rural character of the area due to the prominent roadside location of the site. The site is also located within the Burghead to Lossiemouth SLA and as the proposal for a house plot would not fall within the development categories permitted in this area and therefore would not be supported in terms of policy EP3. Finally policy DP1 states that development proposals will be supported if they conform to the relevant LDP policies. In this case the proposal does not comply with policies DP4 and EP3 and therefore in turn, would not comply with policy DP1.

As a result the proposal is contrary to policies DP1, DP4 and EP3 and therefore the application is recommended for refusal.

### **Design and Materials (DP1, DP4)**

Policy DP4 seeks to promote traditional rural design and avoid insensitive suburban development. In particular, it sets out specific requirements for the maximum height of any new house to be 6.75m, the form of the house to have appropriate scale and massing and composed of simple well-proportioned elements. Artificial decorative stone must not be used and houses should meet the require gable width and roof pitch formula and have a horizontal emphasis to all windows.

The proposed house is one-and-a-half storey dwelling with a ridge height of approx. 6.3m. Following amendments, the design would comply with the gable width formula and required roof pitch as set by policy DP4. It is a simple and well-proportioned design incorporating two external wall finishes including an off-white render and natural stone quoins/skew tabling. The pitched roof over would be finished in natural slate. As natural and traditional materials these would sit well within the existing coastal location and aid to integrate the development into the surrounding rural landscape.

These matters, although compliant in design terms, would not override the aforementioned objections with regard to the location within a Pressurised and Sensitive Area and the Burghead to Lossiemouth Special Landscape Area (SLA) within which no new housing will be permitted and therefore refusal is recommended.

### **Amenity, Landscaping and Trees (DP1, DP4)**

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

There are trees no existing trees on the site. The submitted site plan shows sufficient planting of native trees to meet the policy requirements of DP4. The majority of tree planting is proposed to the southern end of the site, in front of the proposed dwellinghouse. Although the planting would help to screen the development from the public road, similar to the neighbouring plot (18/01477/APP refers) this would not meet the siting criteria outlined under DP4 which requires backdrop, containment and enclosure to be landform, mature trees, established woodland or buildings of a sufficient scale and therefore the proposed planting would not aid to meet the siting requirements of policy DP4.

However if the application were to be approved both boundary treatments and landscaping would be matters controlled by condition.

### **Access & Parking (DP1)**

There is sufficient space within the site for parking and turning and access will be connected to an existing access to the south-east of the site. Moray Council Transportation Section have been consulted and have raised no objections subject to a series of conditions and informatives to be added to any final consent. These conditions relate to the provision of a visibility splay, EV charging point, bin store, access lay-by, parking and a turning area and finally a condition to ensure no loose material is taken onto the public road. Therefore the proposal would be considered acceptable in terms of the access and parking requirements of policy DP1 and if approved the above conditions would be added to any final consent.

### **Drainage & Water Supply (DP1, EP12, EP13)**

Details of foul water treatment and soakaway and a surface water soakaway are shown on the submitted plans. A Site Investigation and Drainage Assessment have been submitted which describe the proposed drainage arrangements and testing undertaken to ensure the site can be adequately drained. Moray Flood Risk Management have been consulted on the application and have raised no objections.

It is proposed to connect the dwellinghouse to the public water supply. Scottish Water have been

consulted and have raised no objections.

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

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

#### **Pollution (EP14)**

Policy EP14 requires that development proposals which may cause significant air, water, soil, light or noise pollution or exacerbate existing issues must be accompanied by a details assessment report on the levels, character and transmission of the potential pollution with measures to mitigate impacts.

The site falls within noise contours identified from aircraft operating at RAF Lossiemouth. Accordingly, a Noise Impact Assessment (NIA) has been provided with the application and it details the impact of such noise upon the occupants of the proposed house. The NIA identifies mitigation measures that are necessary to reduce noise levels within the house to an appropriate level whilst ensuring appropriate ventilation. The Council's Environmental Health Section has recommended conditions requiring the necessary mitigation measures to be put in place as part of the proposed scheme. Should the application be approved, these conditions would be added to any final consent.

An Air Source Heat Pump (ASHP) is also proposed at the property. The Council's Environmental Health Section has recommended a condition requiring details of the ASHP to be submitted prior to commencement of the development.

Therefore if approved, the aforementioned noise mitigation measures and details of the ASHP would be matters controlled by condition to ensure compliance with policy EP14.

#### **Developer Obligations and Affordable Housing (PP3, DP2)**

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

#### **Ground Nesting Birds (EP1)**

Policy EP1 outlines that wild birds and other wildlife are protected under domestic legislation and it is likely that ground nesting birds could utilise the site. Therefore, should the application be approved, an informative should be added to the final consent reminding the developer that all wild birds, their nests and their eggs are protected by law under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) and that it is their responsibility to develop the site in accordance with all wildlife legislation and that works should be timed carefully to avoid the times of year when wild birds are likely to be nesting, i.e. the breeding season. This would ensure compliance with policy EP1, should the application be approved.

#### **Conclusion**

The proposed site is located within a pressurised and sensitive area where no new housing will be permitted as it would detract from the rural landscape character of the wider area. The site would also not contain sufficient containment and backdrop to meet the siting criteria as set by policy DP4. The site borders with a neighbouring plot (with extant consent for a new house) and the placement of a new house on this site would also lead to ribbon development which overall would alter the rural character of the area due to the prominent roadside location of the site. Finally the site is also within the Burghead to Lossiemouth SLA and the proposal for a house plot would not fall within the development categories permitted in this area and therefore would also not be supported in terms of policy EP3.



Overall, therefore, the proposal for a house in this location is unacceptable and refusal is recommended.

<b>OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT</b>
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None

<b>HISTORY</b>
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Reference No.	Description		
18/01477/APP	Erect cottage on Land Adjacent To Easter Covesea Cottage Duffus Moray		
	<b>Decision</b>	Permitted	<b>Date Of Decision</b>
			13/03/19
18/01072/APP	Re application of previously refused (Ref: 18/01072/APP) - Land To East Of Covesea Cottages Lossiemouth Moray		
	<b>Decision</b>	Refuse	<b>Date Of Decision</b>
			09/10/18

<b>ADVERT</b>
---------------

Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	No Premises	17/03/22
PINS	No Premises	17/03/22

<b>DEVELOPER CONTRIBUTIONS (PGU)</b>
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<b>Status</b>	N/A
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<b>DOCUMENTS, ASSESSMENTS etc. *</b>
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*\* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc*

Supporting information submitted with application?	YES
Summary of main issues raised in each statement/assessment/report	
Document Name:	Design Statement (ref: 220022, dated 02/02/2022)
Main Issues:	Outlines site, site history and details of the proposed design.
Document Name:	Drainage Statement (220022, dated 15/02/2022)
Main Issues:	Outlines that all surface and foul water drainage systems will be dealt with at building warrant stage following percolation testing.
Document Name:	Site Investigation and Drainage Assessment (GMC22-082, dated 23/05/2022)
Main Issues:	Outlines ground testing and calculations undertaken to confirm ground suitability for both foul and surface water soakaways.

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

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

It also states - There must be existing landform, mature trees, established woodland.... To provide 75% enclosure, containment or backdrop for the proposed new house.....Fields drains, ditches, burns, posts and wire fencing, roads and tracks do not provide adequate enclosure or containment.

Whilst there is Gorse growing to the front of the land it is not tall enough to conceal or partially conceal the house. Any trees that were on that land have already been cleared. The back area is Gorse, with broken down fencing to the side. . It does not have 75% containment.

Two new builds in this area will overwhelm the older traditional buildings. If permission is granted, the owner will clearly apply for planning permission for a 3rd house (The original, refused plan) and the number of new houses would overwhelm the presence of the older buildings even more, thus becoming a major characteristic of the landscape. This is another step towards joining up traditionally dispersed settlement. He is trying for his original plan of 3 houses by the back door, step by step over the years.

Design statement 4.3 - shows trees on the western boundary of the land, there are no trees there, it is simply posts and wire fencing with a track beside it, the visual impact will be immense. The Gorse to the front and the back of the building are not tall enough to minimise visual impact. The design drawings are very clever but the trees that they indicate as coverage are not there and there is not enough land to allow for planting once the houses are built. The illustration in the MLDP DP4 Siting, gives a clear illustration of the site in question (An example stated as unacceptable), there are no existing mature trees and the landform does not provide containment or enclosure.





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

**REFUSAL OF PLANNING PERMISSION**

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

TO



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

**Erect dwellinghouse on Land Adjacent To Easter Covesea Cottage Duffus  
Moray**

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

Date of Notice: **27 June 2022**



**HEAD OF ECONOMIC GROWTH AND DEVELOPMENT**

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

**IMPORTANT**  
**YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW**

**SCHEDULE OF REASON(S) FOR REFUSAL**

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

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

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

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

<b>Reference</b>	<b>Version</b>	<b>Title</b>
220022.STEWART.02PP	A	Elevations and floor plans
220022.STEWART.01PP	B	Site and location plan
220022.STEWART.03PP		Visibility splay

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

Amended plans submitted to show visibility splay.

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

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning

authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from [www.eplanning.scotland.gov.uk](http://www.eplanning.scotland.gov.uk)

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







## **APPENDIX 2**

# **NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS**





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

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

Thank you for completing this application form:

ONLINE REFERENCE 100600970-001

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

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:  You must enter a Building Name or Number, or both: \*

First Name: \*  Building Name:

Last Name: \*  Building Number:

Telephone Number: \*  Address 1 (Street): \*

Extension Number:  Address 2:

Mobile Number:  Town/City: \*

Fax Number:  Country: \*

Postcode: \*

Email Address: \*

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Backlands House"/>
First Name: *	<input type="text" value="Ronald"/>	Building Number:	<input type="text" value="7"/>
Last Name: *	<input type="text" value="Stewart"/>	Address 1 (Street): *	<input type="text" value="Forsyth Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="01343 542777"/>	Town/City: *	<input type="text" value="Hopeman"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="IV30 5JQ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="production@jnkitchens.nadsl.net"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Moray Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Land East of Covesea Cottages, Lossiemouth"/>
---

Northing	<input type="text" value="870774"/>	Easting	<input type="text" value="319583"/>
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## Description of Proposal

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

Erect dwelling house on Land Adjacent to Easter Covesea Cottage Duffus Moray

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Statement of appeal is provided on a separate document in the supporting documents section.

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

Yes  No

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

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

DOC001 - CMD Drawing – 220022.STEWART.01PP(B) Site & Location Plan DOC002 - CMD Drawing – 220022.STEWART.02PP(A) Floor plans and elevations DOC003 – CMD Drawing – 220022.STEWART.03PP Visibility Splay DOC004 – Phase II Site Investigation report ERS Ref no 1219-001 DOC005 – Handling Report DOC006 – Decision Notice Statement of Case

## Application Details

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

22/00215/APP

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

15/02/2022

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

27/06/2022

## Review Procedure

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

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

Yes  No

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

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

Yes  No

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

Yes  No

## Checklist – Application for Notice of Review

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

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

Yes  No

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

Yes  No

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

Yes  No  N/A

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

Yes  No

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

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

Yes  No

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

## **Declare – Notice of Review**

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

Declaration Name: Mr Craig Mackay

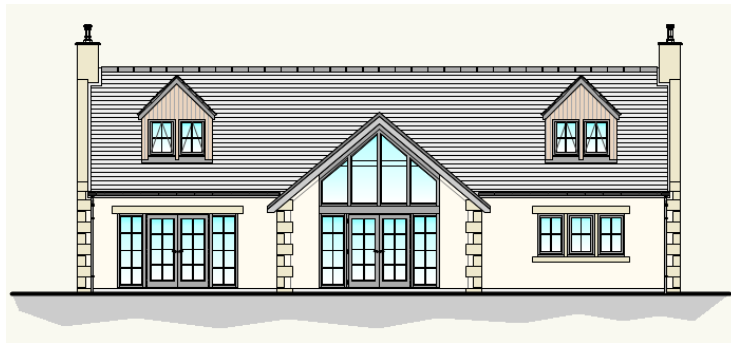
Declaration Date: 26/09/2022





# STATEMENT OF APPEAL

New dwellinghouse on Land adjacent to Easter Covesea  
Cottage, Duffus, Moray



**Sept 2022**

**St. Brendans  
South Guildry Street  
Elgin  
Moray  
IV30 1QN**

**t. 01343 540020  
w. cmdesign.biz**

**4 Bridge Street  
Nairn  
Highland  
IV12 4EJ**

**t. 01667 300230  
w. cmdesign.biz**



planningconsultancy • architecturaldesign • projectmanagement

St. Brendans  
South Guildry Street  
Elgin  
Moray  
IV30 1QN

t. 01343 540020 f. 01343 556470  
e. office@cmdesign.biz

<b>Our Reference:</b>	22022.STEWART
<b>Local Authority:</b>	Moray Council
<b>Planning Application Ref:</b>	22/00215/APP
<b>Application Proposal:</b>	Erect Dwellinghouse on Land Adjacent to Easter Covesea Cottage, Duffus, Moray
<b>Site Address:</b>	as above
<b>Appellants:</b>	Mr Ronald Stewart
<b>Date Application Validated:</b>	17 <sup>th</sup> February 2022
<b>Council Decision Notice Date:</b>	27 <sup>th</sup> June 2022
<b>Reason for Refusal:1</b>	<p><b>Reason 1</b> – “The application proposes a new dwellinghouse on a site within an identified pressurised and sensitive area where no new housing will be permitted due to the landscape and visual impacts associated with build-up and is therefore contrary to policy DP4 – Rural Housing”</p> <p><b>Reason 2</b> - “A new house on this site would detract from the rural landscape character of the wider area as the site would not contain sufficient backdrop and containment and would create ribbon development with the neighbouring plot (with extant permission for a new house) contrary to the siting criteria as set by Policy DP4 Rural Housing as well as DP1 Development Principles”</p> <p><b>Reason 3</b> – “The site is located within the Burghead to Lossiemouth SLA. The proposal for a house would not fall within any of the development categories permitted under EP3 for a rural location within the SLA and no new housing is permitted in the open countryside in this SLA therefore the proposal would be contrary to Policy EP3 – Special Landscape Areas”</p>

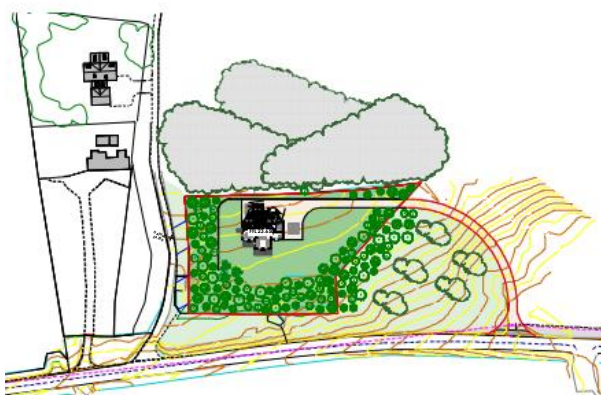
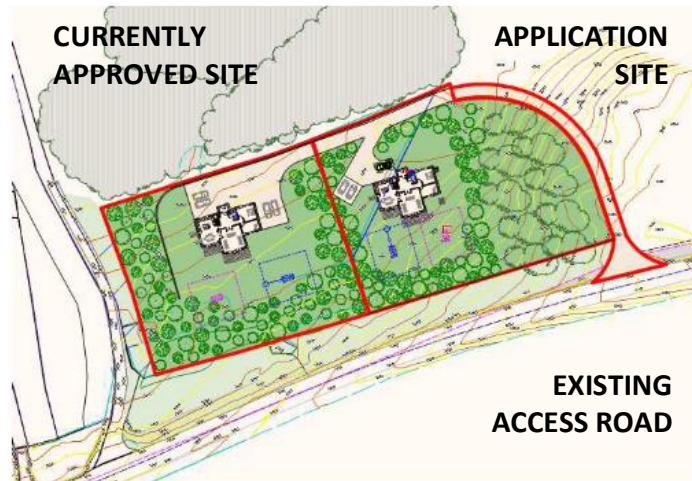
<b>Application Drawings &amp; Supporting Documents:</b>	<p>DOC001 - CMD Drawing – 220022.STEWART.01PP(B) Site &amp; Location Plan</p> <p>DOC002 - CMD Drawing – 220022.STEWART.02PP(A) Floor plans and elevations</p> <p>DOC003 – CMD Drawing – 220022.STEWART.03PP Visibility Splay</p> <p>DOC004 – Phase II Site Investigation report ERS Ref no 1219-001</p> <p>DOC005 – Handling Report</p> <p>DOC006 – Decision Notice</p>
<b>Contents:</b>	<ol style="list-style-type: none"> <li>1. Introduction – Page 3</li> <li>2. Background – Page 4</li> <li>3. Statement of Case – Page 5</li> <li>4. Reasons for Refusal – Page 6</li> <li>5. Conclusion – Page 8</li> </ol>

## Introduction

- 1.1. The following Statement of Case, submitted by **CM Design, Town Planning & Architectural Consultants**, has been prepared to support a Local Review Board submission relating to -

**Developing a new home on an “infill” site, adjacent to an existing approved new house**

- 1.2. This proposal seeks to infill an existing enclosed area of land next to an existing approved new-house site (Planning Ref 18/01477/APP refers) and to take further advantage of the same site and design merits that allowed the initial house proposal to be approved.
- 1.3. Several **material considerations exist** in this case that provide justification for positive consideration, under Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997
- 1.4. The house design has been deemed to acceptable and compliant in terms of Policy
- 1.5. The nature of development would be considered an **acceptable departure** in terms of the impacts of Policy DP4 and the requirements of the Pressurized and Sensitive Designation upon the wider area.
- 1.6. There is sufficient screening of the property from public vantage points
- 1.7. There is a sufficient backdrop to the site
- 1.8. The arrangement of the existing access road allows for an orthodox and acceptable “infill” without contradicting the existing settlement pattern nearby or representing a risk of ribbon development.
- 1.9. The extract below the left shows the originally approved house site and the remaining land.



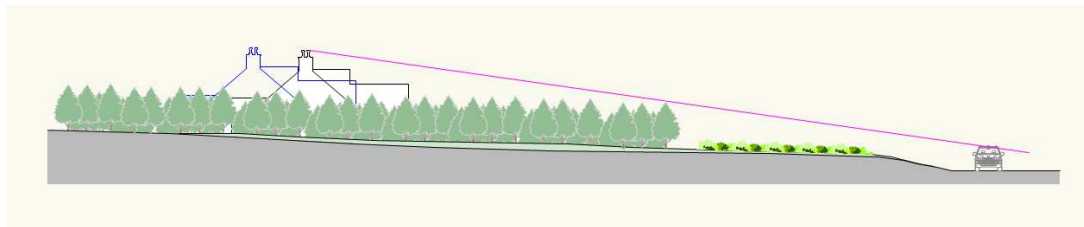
- 1.10. It should be noted that this land is **perfectly developable** under current Policies and a small house such as the one proposed could feasibly be constructed as an annexe to the existing house without any significant challenge in terms of Policy

## 2. THE SITE

- 2.1. The proposed site would be considered brownfield as it was a former sheep shearing pen which has undergone examination and approval by contaminated land specialists (See **DOC 004** – Specialist Report by ERS)
- 2.2. The site is accessed via an existing track approved previously by Moray Council Transport Department and this access has been established and awaits the final wearing course.



- 2.3. The site enjoys a significant backdrop and foreground of established high gorse and shrubbery.
- 2.4. Whilst the existing **approved house** might be seen momentarily by vehicles passing from the west, the proposed house enjoys a much higher level of screening due to its lower topography and its situation behind existing landscaping.
- 2.5. The general topography at this location slopes from north to south and overlooks the runways and associated buildings of RAF Lossiemouth. There are **no domestic properties** to the north, south or east of this site that would be impacted by this development.



- 2.6. The site can be developed without exacerbating the cumulative issues and impacts that are prevalent elsewhere and which formed the basis for current Policy for development in this particular area of Moray.

### 3. Statement of Case

- 3.1. Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires applications to be determined in accordance with the Development Plan unless **material considerations** indicate otherwise.
- 3.2. As stated earlier in this Statement there are significant **material considerations** to be aware of in this case and are repeated here for the sake of clarity.
- A house or a building of this scale or nature COULD be formed on this site as an ancillary building to the existing approved house next door. The principal of there being a building on this site sometime in the future is completely feasible under policies relating to ancillary expansion existing house
  - The site represents an orthodox and acceptable departure to Policy by virtue of its sunken location, screening and its nature of “infill”
  - The proposed house cannot be readily seen from the road or public vantage point.
  - The nature of the proposed side by side house site is in-keeping with many of the traditional sporadic house groupings that can be seen along the B9040
- 3.3. The policies that guide development at the site address, are intended to limit isolated, cumulative housing in the countryside. Given that a house could be formed on this site as an ancillary building to the existing house, it is requested that this proposal for a new site be considered to be an acceptable departure from Policy.
- 3.4. The protected nature of the Coastline of Moray, currently designated as a Special Landscape Area and a Highly Pressurized and Sensitive Area, is understood but the particular nature of the proposed site is worthy of close consideration and would not be considered to be the heart or intention of these new Policies.
- 3.5. An opportunity exists to “round off” and existing “cluster” of houses by “infilling” a secluded and screened area of land that is naturally formed by existing features, roadways and landform

## 4. Reasons for Refusal – Policy Compliance

4.1. The detail of the reason for refusal are examined as follows.

4.2. **Reason 1** - *“The application proposes a new dwellinghouse on a site within an identified pressurised and sensitive area where no new housing will be permitted due to the landscape and visual impacts associated with build-up and is therefore contrary to policy DP4 – Rural Housing”*

4.2.1. The designation of certain areas of Moray as “pressurized and sensitive” was introduced to tackle the increase in **highly visible development** of new housing in the countryside where there was already a high concentration of approved housing.

4.2.2. This proposal does not represent the manner of development that this designation was designed to limit. This development is screened, it has context.

4.2.3. This particular area of the designation is not highly developed with new housing due to the proximity of RAF Lossiemouth and the SSI nature of adjoining lands.

4.2.4. Section 25 and 37 of the Town and Country Planning (Scotland) Act requires that each case be considered on their own merit and this particular site is worthy such close attention.

4.2.5. The following extract from the MLDP 2020 demonstrates the manner of cumulative build up that the Policy and the designation was implemented to avoid.



*Figure 5 - MDLP extract showing common problem with cumulative build-up across Moray – This is NOT the application site*

4.2.6. This application does not represent this manner of development in any way

4.3. **Reason 2** - *“A new house on this site would detract from the rural character of the wider area as the site would not contain sufficient backdrop and containment and would create ribbon development with the neighbouring plot (with extant permission for a new house) contrary to the siting criteria as set by Policy DP4 Rural Housing as well as DP1 Development principles”*

- 4.3.1. This proposal is more akin to “infill development” than ribbon development as it utilises the landform left by the existing vehicular access from the B9040.
- 4.3.2. The matter of “containment” might be considered somewhat subjective as the coastal nature of this area of Moray is more commonly suited to intense gorse land rather than exposed tree-lines and, as such, the native screening should be considered to be acceptable within the meaning and intentions of this Policy
- 4.4. **Reason 3** - *“The site is located within the Burghead to Lossiemouth SLA. The proposal for a house would not fall within any of the development categories permitted under EP3 for a rural location within the SLA and no new housing is permitted in the open countryside in this SLA therefore the proposal would be contrary to Policy EP3 – Special Landscape Areas”*
- 4.4.1. Policy EP3 does NOT preclude or prohibit development within an SLA (Special Landscape Area) instead paragraph i) states – ***“..proposals will only be permitted where they do not prejudice the special qualities of the designated area..”***
- 4.4.2. Given that each application should be considered on its own merits, this development could be considered to be an acceptable departure from Policy given its location, screening, access and context.
- 4.4.3. This is not an application for an isolated house within the SLA and without context. The site takes the form of an “infill site” and within an existing cluster of housing which can be developed without any impact on the principles of the SLA
- 4.4.4. The design of the building has been accepted in terms of Policy.



- 4.4.5. The picture above demonstrates the settlement pattern in this particular area, and the scattered nature of 2 or 3 closely knit houses between Hopeman and Lossiemouth.
- 4.4.6. This proposal represents that settlement pattern perfectly and does not conflict with Policy EP3 of the needs of the SLA



## 5. Conclusion

5.1. This Statement of case has established the following:

- That **material considerations** exist that can assist in a positive consideration of this case.
- That this particular proposal **does not represent** the manner of development that current Policies on limiting rural development are targeting.
- That this site can represent an **acceptable departure** from Policy in terms of the aspirations of the SLA designation and the pressurised and sensitive designation.
- That the development represents an “**infill**” proposal rather than any measure of ribbon development. There is a cluster of houses that merit being consolidated and limited by current road access, landform and land features.
- That a house or annexe of this nature could be formed on this site under policies that allow for **ancillary buildings** to the existing house site.
- Current Policies on limiting cumulative build-up of new housing are more directed at isolated, randomly located and highly visible developments and not perhaps applicable in this case.

**5.2. The appellant respectfully requests that detail of this case be fully considered and the Appeal to approve this application be upheld.**

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

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

### DENDROLOGY & BOTANY PROPOSALS

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

Total new planting to extend to 3252m<sup>2</sup> or 15% of total site area.

**Trees**  
The area hatched green (488m<sup>2</sup>) is to be planted out with a mixture of 1800mm high native trees, which are to be planted in groups of species in a random pattern at approximately 3metre spacing. All new transplanted trees to be a mixture of Standard, Half-Standard and Whips.

All new trees to be staked, tied and protected with growing shelters, rabbit, vole and/or stammer guards.

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

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

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

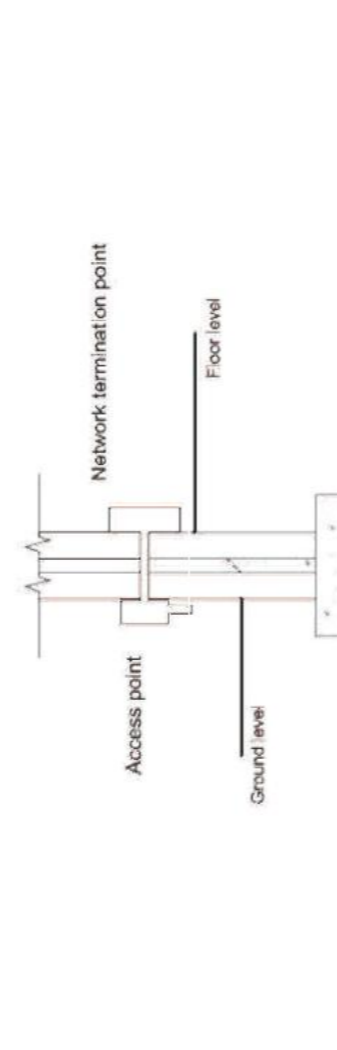
Following the completion of the development (taken from the date of the issue of Building Warrant Completion Certificate), on a yearly basis (for a five year period) all trees and hedges are to be inspected. Any tree/hedging found dying or diseased will be replaced with similar species in close proximity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

New native tree planting to consist of an even mixture of: Common Alder (Alnus Glutinosa), Mountain Ash (Sorbus Aucuparia), Silver Birch (Betula Pendula), Wild Cherry (Prunus Avium), Common Hawthorn (Crataegus Monogyna), Common Hazel (Corylus Avelana), Holly (Ilex Aquifolium), Blackthorn (Prunus Spinosa), Scots Pine (Pinus Sylvestris), Common Ash (Fraxinus Excelsior), Common Aspen (Populus tremula) and Willow (Salix Caprea).

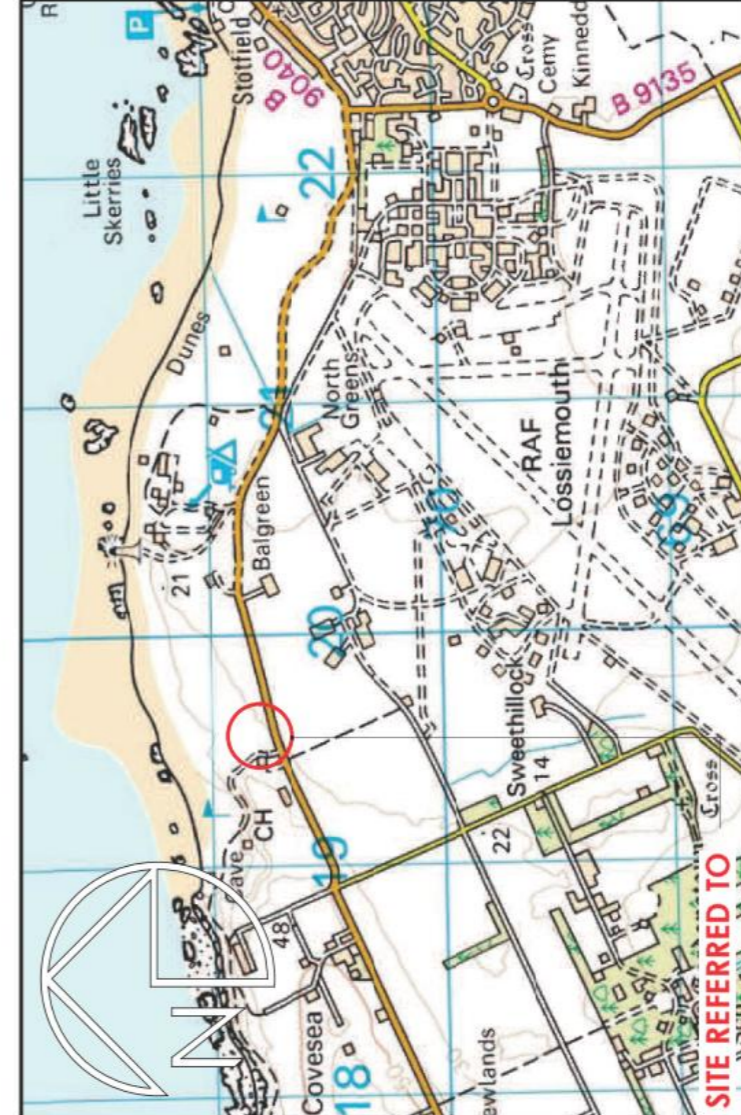
**Hedging**  
New Beech hedging shown along the site boundaries to be formed by a double row of 450x600mm plants, protected by rabbit proof fencing and much mat weed protection.

**General landscaping**  
Site to be levelled, weeded, cultivated and prepared for grass seeding and sown with a suitable grass seed mix.

**Reference Material**  
Moyce Development Plan - Trees & Development: Supplementary Planning Guidance  
BSI British Standards - BS5837: 2005 Trees in relation to construction re-recommendations  
BSI British Standards - BS4428: 1989 Code of practice for general landscape operations excluding hard surfaces



Typical in-building service duct



LOCATION PLAN N.T.S

HEAD OFFICE - MORAY  
St Brelands, 69 South Gully Street, Elgin, IV30 4BX  
Tel: 01343 540020  
Fax: 01343 540021  
4 Bridge Street, Nairn, Highlands, IV12 4EJ  
Tel: 01467 300230  
Fax: 01467 300231  
m 0781 3872818 w cmedesigngbz e office@cmedesigngbz

LOSSIEMOUTH OFFICE  
Elgin, James Street, Moray, IV30 4BX  
Tel: 01343 540020  
Fax: 01343 540021  
4 Bridge Street, Nairn, Highlands, IV12 4EJ  
Tel: 01467 300230  
Fax: 01467 300231  
m 0781 3872818 w cmedesigngbz e office@cmedesigngbz

Mr R. Stewart  
NEW HOUSE PLOT AT LAND EAST OF COVESEA COTTAGES, LOSSIEMOUTH

SKETCH PROPOSAL  
SITE & LOCATION PLANS

Date: 07.02.2022  
Amendments: Site plan updated  
Rev: A  
B

Drawn By: A. CARSWELL  
Checked By: 02.02.22  
Date: 220022.STEWART.01PP B

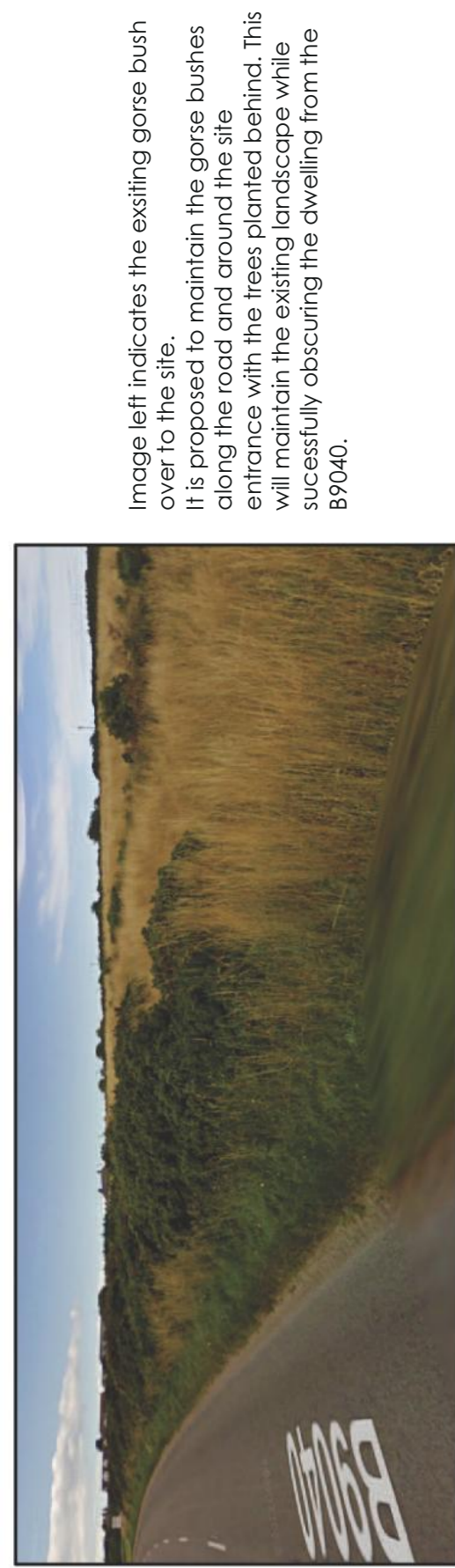
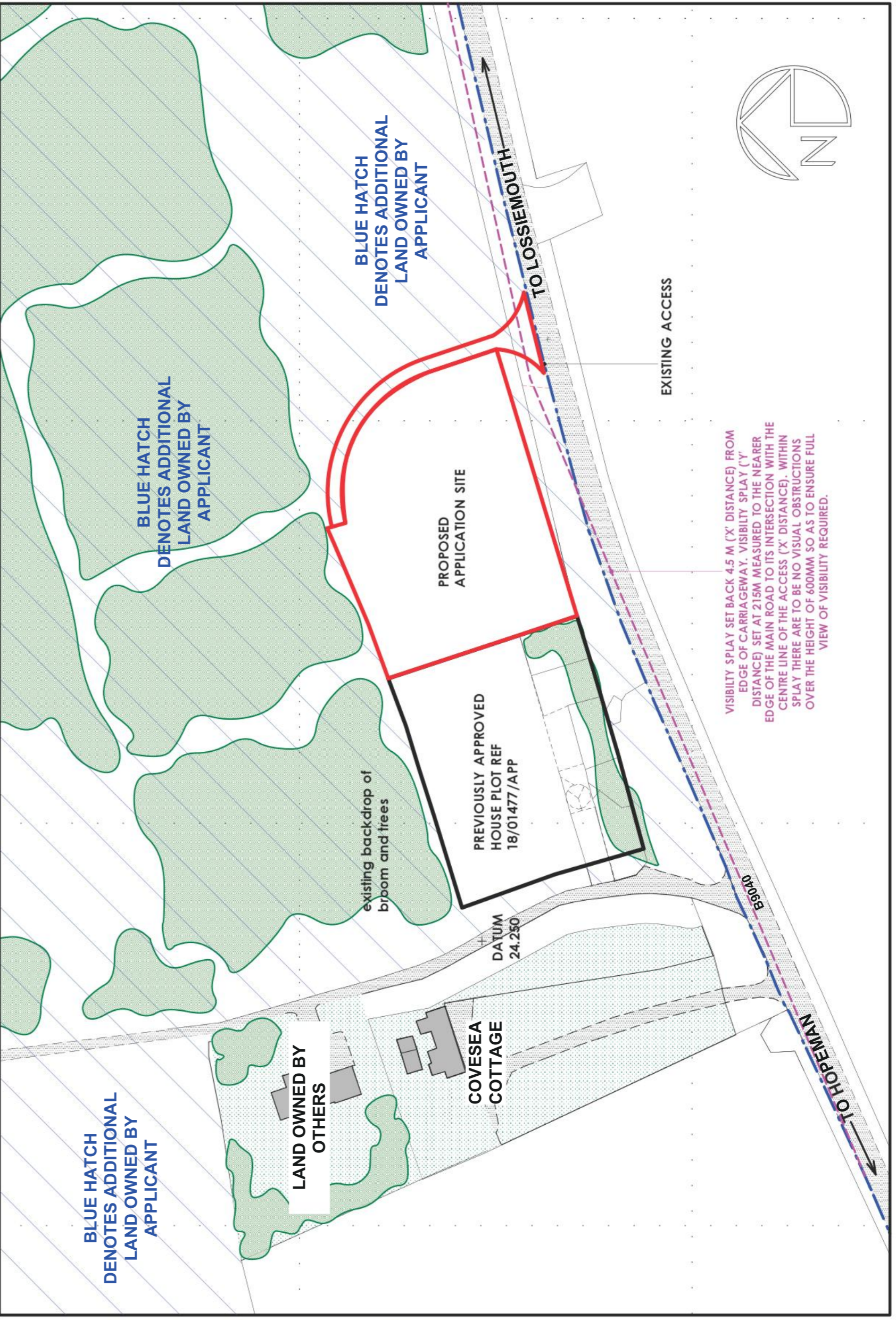
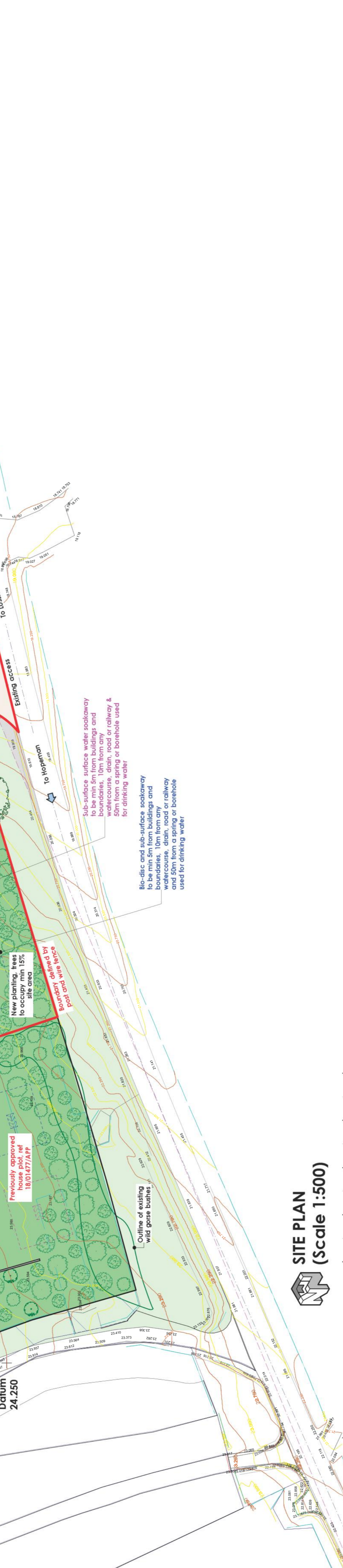


Image left indicates the existing gorse bush over to the site.  
It is proposed to maintain the gorse bushes along the road and around the site entrance with the trees planted behind. This will maintain the existing landscape as the gorse bushes are a major visual obstruction from the B9040.

Image right shows existing dense trees located west of the proposed site.  
It is proposed to plant trees along the boundaries of the site to ensure the proposed dwelling has a private garden and is obscured from view from the B9040.



SITE PHOTOGRAPH (N.T.S)

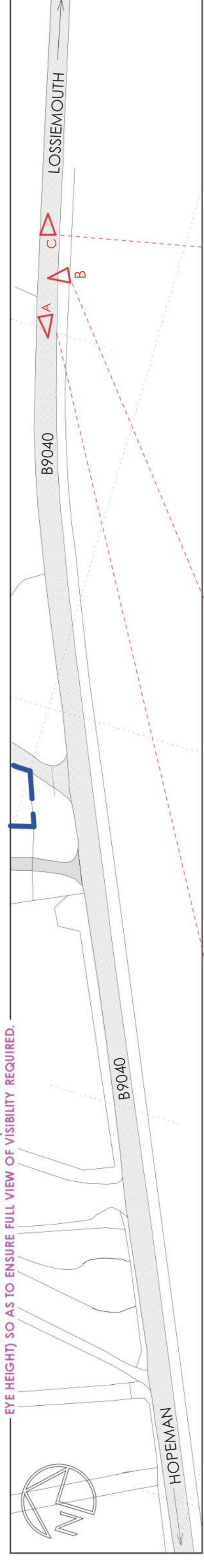
SITE REFERRED TO IN APPLICATION

VISIBILITY TRIANGLES SET BACK 4.5M BY DISTANCES FROM EDGES OF CURBS/ROADS. VISIBILITY DISTANCE SET AT 215M MEASURED TO THE NEARER EDGE OF THE MAIN ROAD TO ITS INTERSECTION WITH THE CURB OF THE MAIN ROAD. VISIBILITY TRIANGLES SHALL BE SET AT 4.5M FROM THE MAIN ROAD. VISIBILITY TRIANGLES SHALL BE SET AT 4.5M FROM THE MAIN ROAD TO ENSURE FULL VIEW OF VISIBILITY REQUIRED.

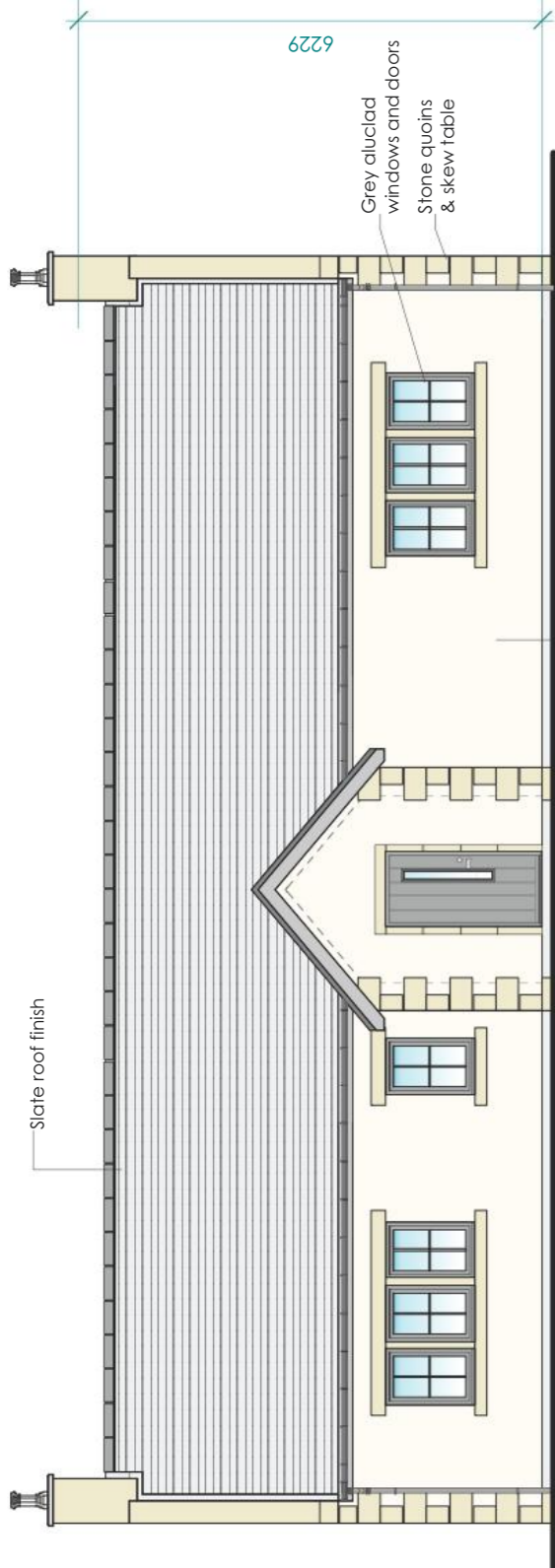


DO NOT SCALE OFF DRAWINGS. ALL SIZES ARE TO BE CHECKED, CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS/ORDERING OF MATERIALS. NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED. CONTRACTORS RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED DRAWINGS. CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION.

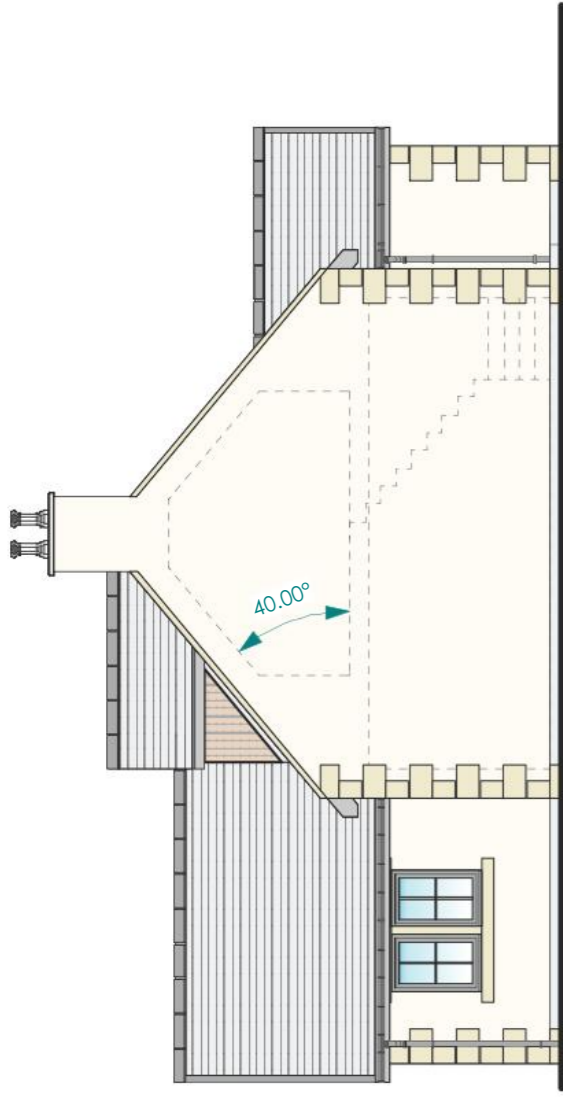
VISIBILITY SPLAY SET BACK 4.5M ('X' DISTANCE) FROM EDGE OF CARRIAGEWAY. VISIBILITY SPLAY ('Y' DISTANCE) SET AT 21.5M MEASURED TO THE NEARER EDGE OF THE MAIN ROAD TO ITS INTERSECTION WITH THE CENTRE LINE OF THE ACCESS ('X' DISTANCE). WITHIN SPLAY THERE ARE TO BE NO VISUAL OBSTRUCTIONS OVER THE HEIGHT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



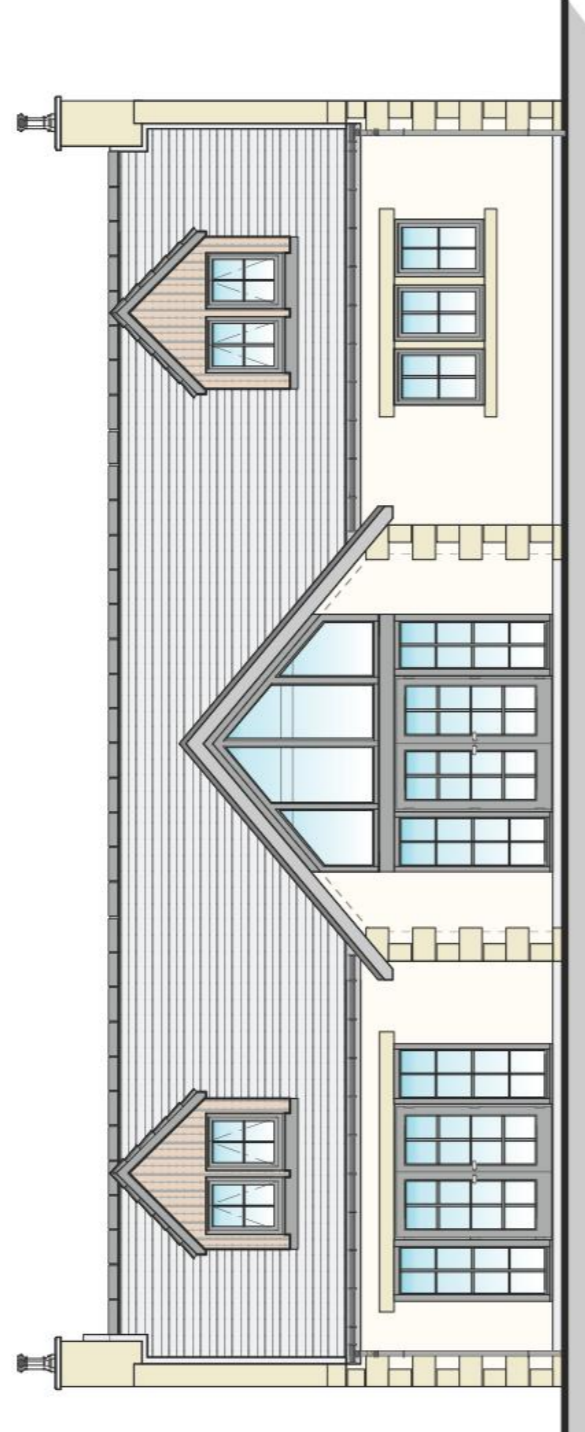
VISIBILITY SPLAY 1:1000



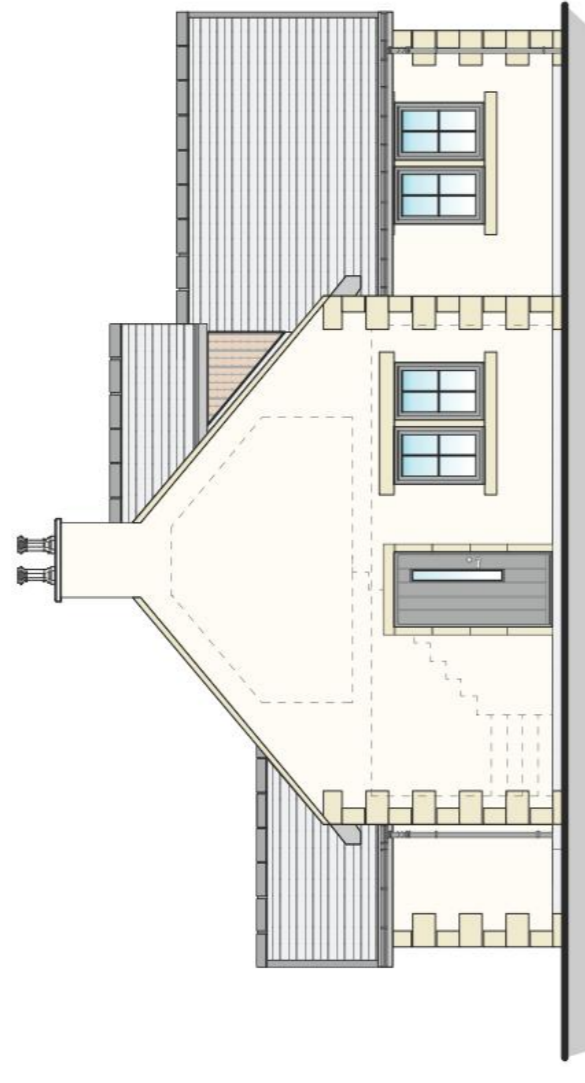
FRONT ELEVATION (Scale 1:100)



SIDE ELEVATION (Scale 1:100)



REAR ELEVATION (Scale 1:100)



SIDE ELEVATION (Scale 1:100)



PHOTO A

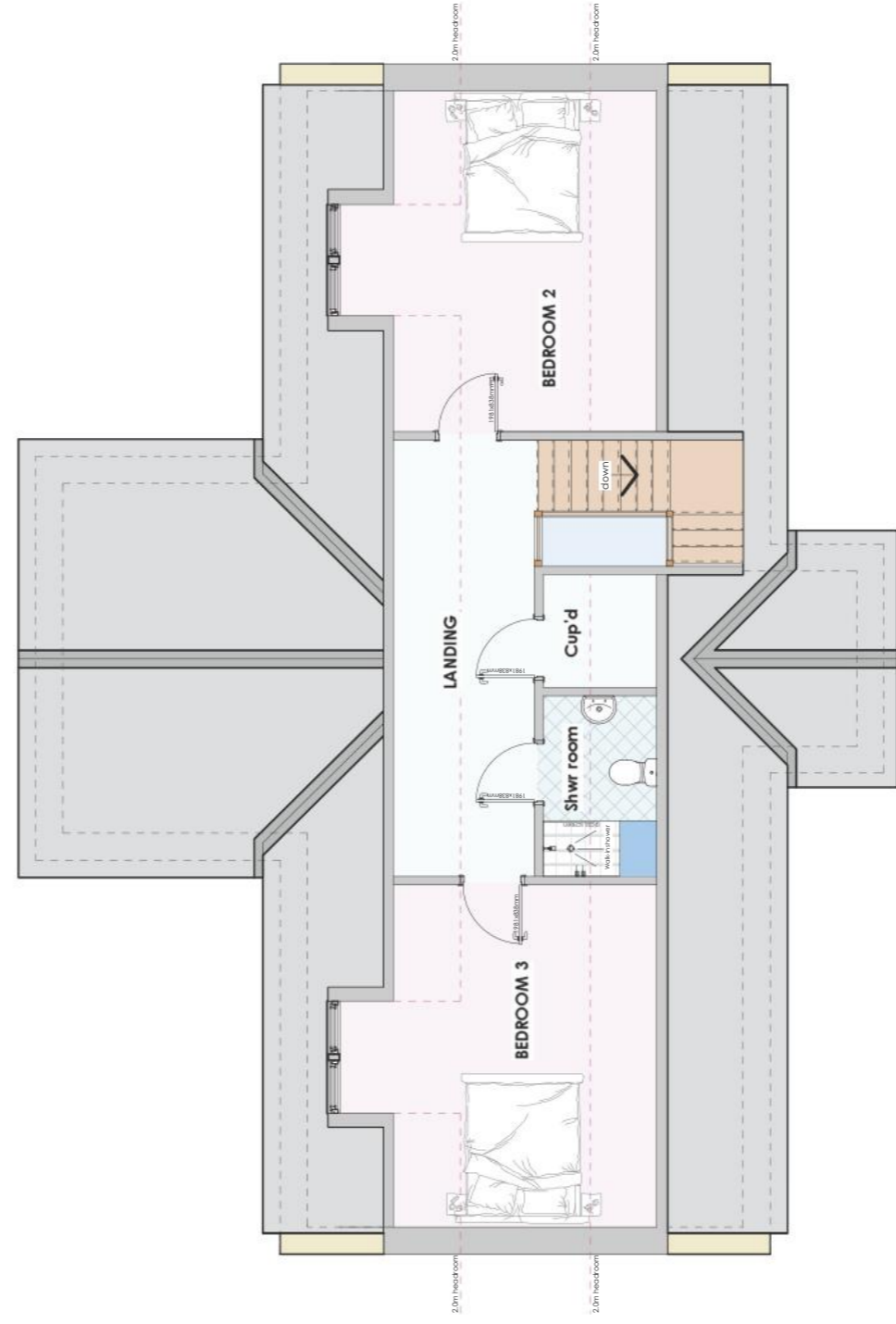
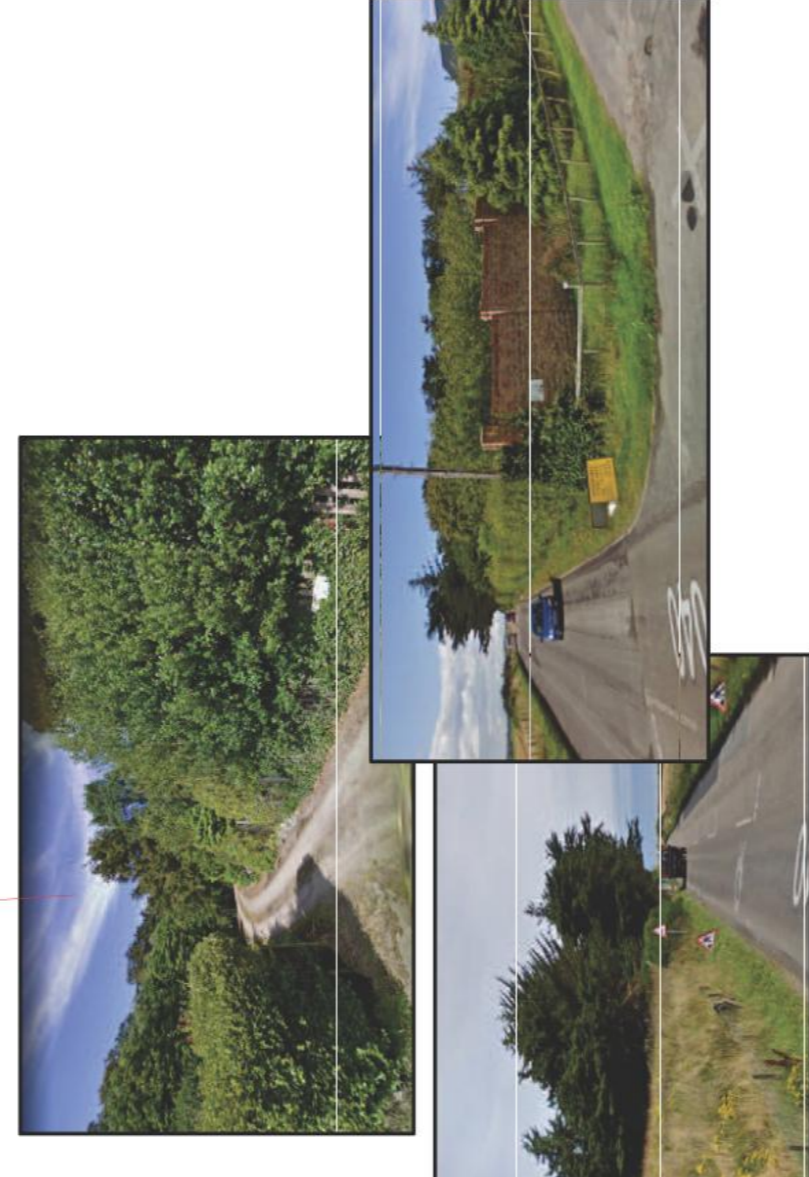


PHOTO B

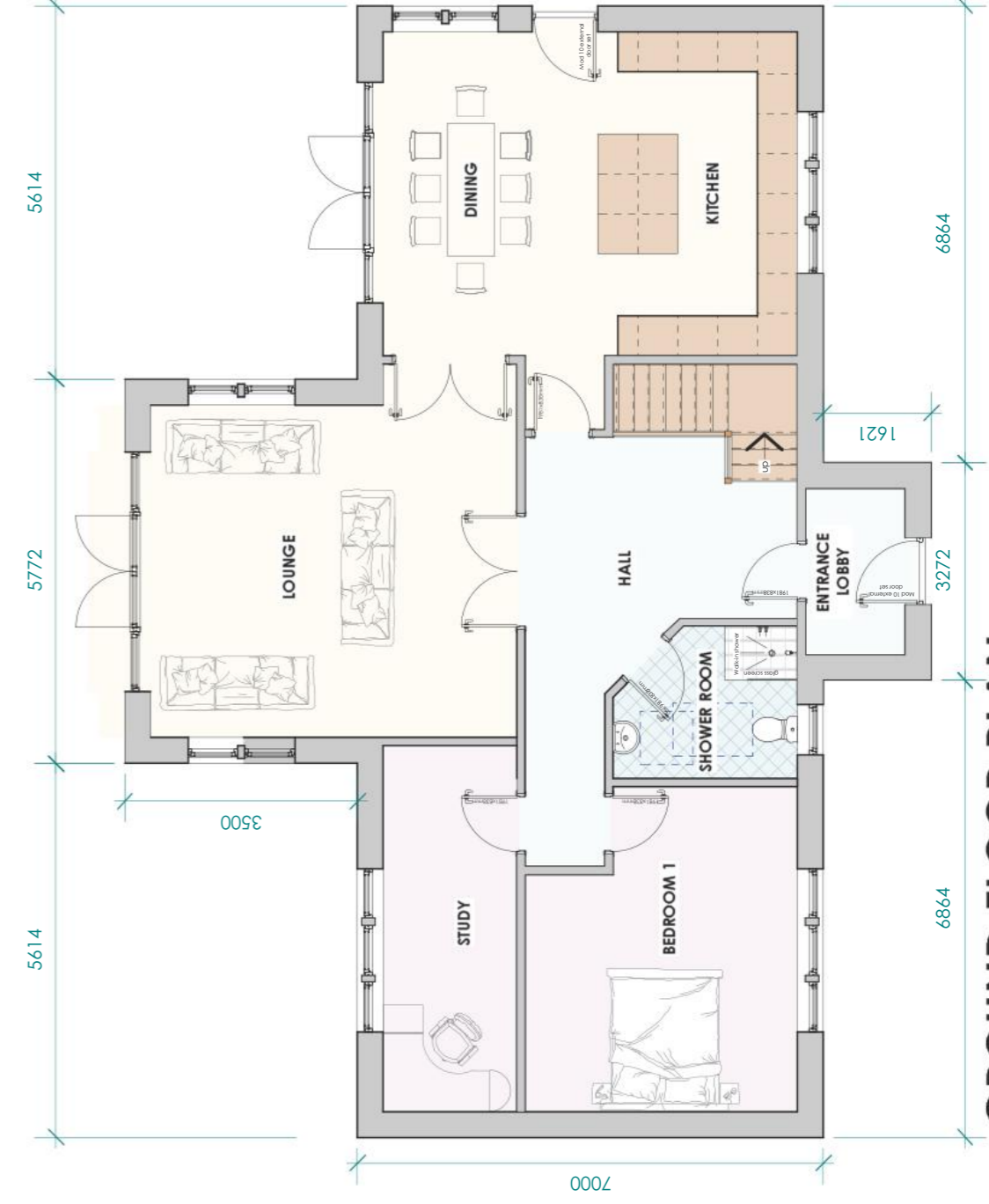


PHOTO C

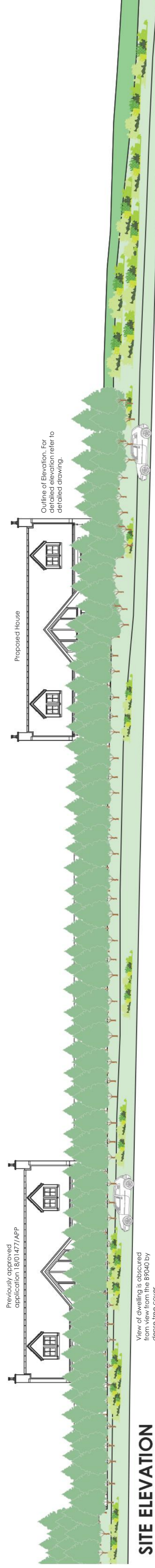
EXAMPLES IMAGES OF SIMILAR DWELLINGS ALONG B9040



FIRST FLOOR PLAN (Scale 1:100)



GROUND FLOOR PLAN (Scale 1:100)



SITE ELEVATION FROM B9040 (Scale 1:200)

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

**cm design** architectural consultants

HEAD OFFICE - MORAY  
 51 Breidlands, 49 South Gully Street, Elgin, IV30 4BX  
 01343 340020  
 01343 340021  
 4 Bridge Street, Nairn, Highlands, IV12 4EJ  
 01467 300230  
 m 0781 3872818 w cmedesign.co.uk e office@cmdesign.biz

LOSSIEMOUTH OFFICE  
 101343 340020  
 01343 340021  
 4 Bridge Street, Nairn, Highlands, IV12 4EJ  
 01467 300230  
 m 0781 3872818 w cmedesign.co.uk e office@cmdesign.biz

Mr R. Stewart  
 NEW HOUSE PLOT AT LAND EAST OF COVESEA COTTAGES, LOSSIEMOUTH

SKETCH PROPOSAL  
 ELEVATIONS & VISIBILITY

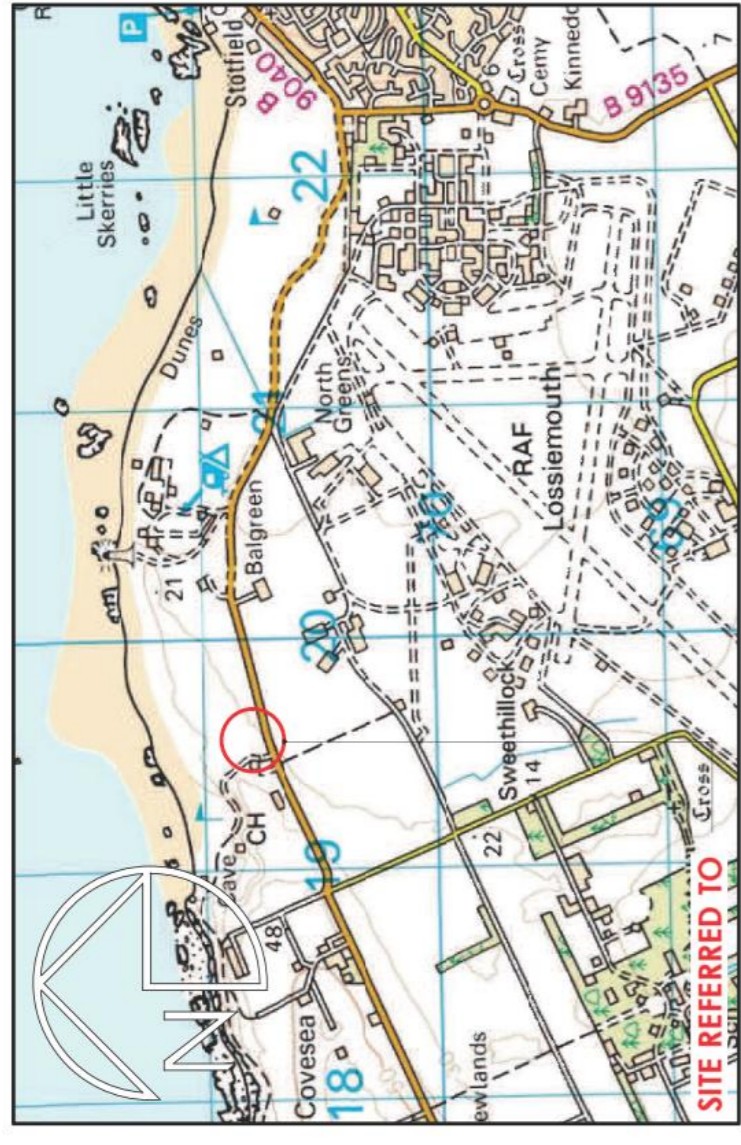
Date: 09.08.22  
 Amendments: Roof finish altered

Rev: A

Drawn By: A. CARSWELL  
 Date: 02.02.22  
 Checked By: A. CARSWELL  
 Date: 02.02.22

220022.STEWART.02PP A

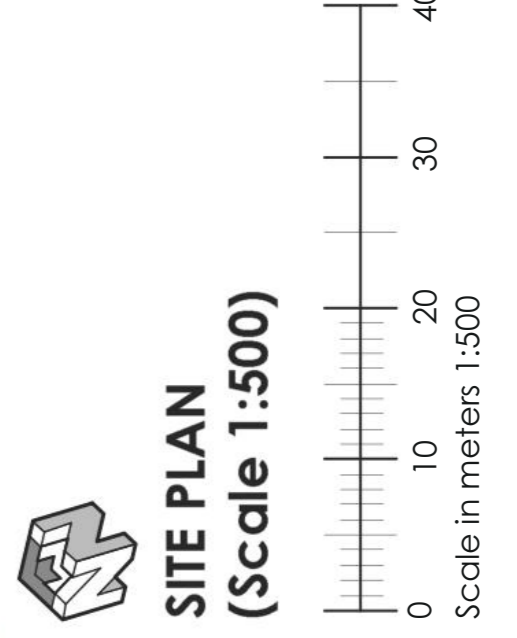
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CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION.



LOCATION PLAN N.T.S.



**SITE PLAN (Scale 1:200)**



New vehicular access formed onto public road with a 30 degree splay 12.0m by 2.5m with 30 degrees splayed ends to be provided at the edge of the public road to allow visiting and service vehicles to park clear of the public road. The vehicular access will lead off the layby. The layby will be constructed to the Council specification and be surfaced in bitmac.



**HEAD OFFICE - MORAY**  
51 Breidans, 49 South Gully Street, Elgin, IV30 4BX  
01343 34020  
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**LOSSIEMOUTH OFFICE**  
Elgin, James Street, Moray, IV30 4BX  
01343 810175  
01343 810175  
01392 345544  
01392 345544  
m 0781 3872818 w cmdesign.biz e office@cmdesign.biz

**Mr R. Stewart**  
NEW HOUSE PLOT AT LAND EAST OF COVESEA COTTAGES, LOSSIEMOUTH  
**PLANNING PROPOSAL**  
VISIBILITY SPLAY DETAILS

Date: \_\_\_\_\_  
Amendments: \_\_\_\_\_  
Rev: \_\_\_\_\_

Drawn By: A. CARSWELL  
Date: 15.03.22  
Checked By: \_\_\_\_\_  
Date: \_\_\_\_\_

**220022.STEWART.03PP**



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

**REFUSAL OF PLANNING PERMISSION**

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

TO



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

**Erect dwellinghouse on Land Adjacent To Easter Covesea Cottage Duffus  
Moray**

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

Date of Notice: **27 June 2022**



**HEAD OF ECONOMIC GROWTH AND DEVELOPMENT**

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

**IMPORTANT**  
**YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW**

**SCHEDULE OF REASON(S) FOR REFUSAL**

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

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

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

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

<b>Reference</b>	<b>Version</b>	<b>Title</b>
220022.STEWART.02PP	A	Elevations and floor plans
220022.STEWART.01PP	B	Site and location plan
220022.STEWART.03PP		Visibility splay

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

Amended plans submitted to show visibility splay.

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

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning

authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from [www.eplanning.scotland.gov.uk](http://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

<b>Ref No:</b>	22/00215/APP	<b>Officer:</b>	Fiona Olsen
<b>Proposal Description/ Address</b>	Erect dwellinghouse on Land Adjacent To Easter Cove sea Cottage Duffus Moray		
<b>Date:</b>	23.06.2022	<b>Typist Initials:</b>	LMC

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

<b>CONSULTATIONS</b>		
<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Moray Flood Risk Management	24/05/22	No Objections
Planning And Development Obligations	02/06/22	Contributions sought
Strategic Planning And Development	28/03/22	Policy DP4 seeks to direct housing to least sensitive locations. The site is located within a pressurised and sensitive area where no new housing will permitted and therefore does not comply with policy DP4 Rural Housing  The site also sits within the Burghead to Lossiemouth Coast Special Landscape Area (SLA). The proposal for a new house would not fit within any of the designated uses for new developments within rural SLAs and therefore the proposal does not comply with Policy EP3 Special Landscape Areas.
Environmental Health Manager	09/06/22	No Objections subject to a condition
Contaminated Land	22/02/22	No Objections
Transportation Manager	13/04/22	No Objections subject to conditions and informatives
Scottish Water	18/02/22	No Objections

<b>DEVELOPMENT PLAN POLICY</b>		
<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
EP14 Pollution Contamination Hazards	N	Complies
DP1 Development Principles		See Below

DP4 Rural Housing		See Below
EP1 Natural Heritage Designation	N	Complies
EP3 Special Landscape Areas		See Below
EP7 Forestry Woodland and Trees	N	Complies
EP12 Management and Enhancement Water	N	Complies
EP13 Foul Drainage	N	Complies

## REPRESENTATIONS

Representations Received

YES

Total number of representations received: TEN

Names/Addresses of parties submitting representations

Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.

Summary and Assessment of main issues raised by representations

**Issue:** In a prominent location with insufficient containment/backdrop.

**Comments (PO):** Although the site slopes steeply from the public road, thereafter levelling off to gentle sloped land extending to the coastline to the north which is dense with gorse bushes. Gorse bushes also lie to the east of the site and the site is bound by the neighbouring plot to the west and the public road to the south.

The bordering gorse bushes and gentle slope would not be considered sufficient containment and backdrop for a new house as DP4 outlines that these must be existing landform, mature trees, established woodland or buildings of a sufficient scale. Therefore the proposed new house would be considered to be prominent on the landscape with insufficient containment and backdrop.

**Issue:** Would lead to a build-up of development/undermine rural character of surrounding area.

**Comments (PO):** The site is located within a pressurised and sensitive area due to the landscape and visual impacts associated with build-up of new housing in this area. On this basis no new housing will permitted in this location and therefore the application will be refused.

**Issue:** Would lead to ribbon development and a development of two houses which is not permitted under DP4 Rural Housing.

**Comments (PO):** Policy DP4 states that proposals for new houses will be limited to single houses. Although there is a neighbouring consent for a dwellinghouse (18/01477/APP refers), this application proposes a single house and that would comply with DP4(d)(i). However the proposal for a new dwellinghouse immediately adjacent to a neighbouring plot would be considered 'ribbon development' which would not comply with the siting requirements of policy DP4(d)(iii).

**Issue:** Would set precedent for more housing along this road.

**Comments (PO):** This application proposes a single house which will be considered under its own merits in relation to the relevant Local Development Plan policies associated with the proposed site. Any future application would be assessed in the same manner.

**Issue:** Piecemeal applications can bypass PP1 Placemaking.

<p><b>Comments (PO):</b> It is noted that PP1 Placemaking applies to all developments however a Placemaking Statement is only required for residential developments of 10 units or more.</p>
<p><b>Issue:</b> Site is within a Special Landscape Area (SLA) where no new housing will be permitted.</p> <p><b>Comments (PO):</b> This is correct as the development proposal would not fall within any of the permitted categories within a SLA rural area and the application will be refused as it would not comply with Policy EP3.</p>
<p><b>Issue:</b> Road safety concerns on B9040.</p> <p><b>Comments (PO):</b> Moray Council Transportation Section have been consulted and have raised no objections subject to a series of conditions to be added to any final consent. These conditions include a condition relating to the provision of an appropriate visibility splay. Roads Safety has been assessed as part of this application and if the application were to be approved, the recommended conditions would be applied to any future consent.</p>
<p><b>Issue:</b> Design is suburban in appearance and of an unacceptable height.</p> <p><b>Comments (PO):</b> The proposed dwellinghouse would measure approx. 6.3m to the roof ridge and following amendments, would comply with the design requirements (including the required gable width formula) as set out in policy DP4.</p> <p>The overall appearance of the dwellinghouse is simple and well-proportioned and the external wall finish of an off-white render and stone quoins and a pitched roof over in natural slate would also comply with Policy DP4.</p>
<p><b>Issue:</b> Concerns regarding birds and other wildlife using this site.</p> <p><b>Comments (PO):</b> The application will be refused as it does not comply with policies EP3 and DP4 of the MLDP2020. Should the application be approved informatives would be added to the final consent reminding the developer of their duty regarding protected species (such as bats) and recommending that any construction works take place at a time so as to avoid disturbing ground nesting birds.</p>

**OBSERVATIONS – ASSESSMENT OF PROPOSAL**

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

**Proposal**

The application seeks planning permission to erect a new one and a half storey dwellinghouse.

**Site**

The site is an existing parcel of overgrown land of approx. 3252sqm situated on land adjacent to Easter Covesea Cottage, Lossiemouth.

The site is located within the MLDP2020 designated Burghead to Lossiemouth Coast Special Landscape Area and also within a 'Pressurised and Sensitive Area'.

The site also falls within noise contours identified from aircraft operating at RAF Lossiemouth.

The site is proposed to be connect to an existing shared access (with a neighbouring plot to the

immediate west of the site, 18/01477/APP refers) from the south-east of the site. Work has commenced on the neighbouring plot and therefore that permission is now extant and will not expire.

### **Policy Assessment (MLDP 2020)**

#### **Siting (DP1, DP4, EP3)**

Policy DP4(d)(i) and (ii) refer to new housing in the open countryside and outline that a spatial strategy has been developed to direct new housing to the least sensitive locations by identifying pressurised and sensitive areas and areas of intermediate pressure. The site is located within a pressurised and sensitive area due to the landscape and visual impacts associated with build-up of new housing. On this basis no new housing will be permitted in this location and the proposal would not comply with policy DP4.

Policy DP4(d)(iii) also refers to the siting criteria set out for new housing in the open countryside which require that there must be acceptable enclosure, containment and backdrop for a proposed new house (in the form of existing landform, mature trees, established woodland or buildings of a sufficient scale). It also states that a new house should not create ribbon development, be formed via artificial mounding or clear felling of trees and a minimum of 15% of the plot should be landscaped with native tree species of at least 1.5m in height. Policy DP4 is clear that no new housing within Pressurised and Sensitive Areas should be permitted and as such the merits of the siting of any proposed house is not something that could overcome the fundamental issue that the proposed site lies within the Pressurised and Sensitive Area. It is noted however that the site is set on a very gentle slope, with dense gorse bushes to the north and east which would not provide sufficient containment and enclosure for a new house. The site also sits immediately to the east of a neighbouring plot which has an extant consent for a new house (permitted under the previous 2015 Moray Local Development Plan which was adopted prior to the review of local landscape designations and the introduction of 'pressurised and sensitive' area). The formation of another house plot immediately adjacent would lead to ribbon development. This combined with the insufficient containment and backdrop would detrimentally alter the rural character of the area due to its prominent roadside location and would therefore be unacceptable in terms of the siting criteria of Policy DP4.

The site also sits within the Burghead to Lossiemouth Coast Special Landscape Area (SLA). Policy EP3 Special Landscape Areas and Landscape Character states that within rural areas (outwith defined settlements and rural grouping boundaries) development must be one of the following uses i) for an extension or change of use to existing buildings, or ii) for uses directly related to distilling, agriculture, forestry and fishing which have a clear locational need and demonstrate that there is no alternative location, or iii) for nationally significant infrastructure developments identified in the National Planning Framework. The proposal for a new house does not fall into any of these categories and is therefore not supported under the terms of EP3. Furthermore, EP3 refers back to the spatial strategy for rural housing set out in DP4 and specifically identifies the Burghead to Lossiemouth SLA amongst others as "sensitive", stating housing is not permitted in this location.

Overall therefore, the site would sit within a 'Pressurised and Sensitive Area' where no new housing will be permitted. It would also not meet the required siting criteria for a new house in the countryside as the site would not contain sufficient containment and backdrop. The site borders a neighbouring plot (with extant consent for a new house) would also lead to ribbon development which overall would alter the rural character of the area due to the prominent roadside location of the site. The site is also located within the Burghead to Lossiemouth SLA and as the proposal for a house plot would not fall within the development categories permitted in this area and therefore would not be supported in terms of policy EP3. Finally policy DP1 states that development proposals will be supported if they conform to the relevant LDP policies. In this case the proposal does not comply with policies DP4 and EP3 and therefore in turn, would not comply with policy DP1.

As a result the proposal is contrary to policies DP1, DP4 and EP3 and therefore the application is recommended for refusal.

### **Design and Materials (DP1, DP4)**

Policy DP4 seeks to promote traditional rural design and avoid insensitive suburban development. In particular, it sets out specific requirements for the maximum height of any new house to be 6.75m, the form of the house to have appropriate scale and massing and composed of simple well-proportioned elements. Artificial decorative stone must not be used and houses should meet the require gable width and roof pitch formula and have a horizontal emphasis to all windows.

The proposed house is one-and-a-half storey dwelling with a ridge height of approx. 6.3m. Following amendments, the design would comply with the gable width formula and required roof pitch as set by policy DP4. It is a simple and well-proportioned design incorporating two external wall finishes including an off-white render and natural stone quoins/skew tabling. The pitched roof over would be finished in natural slate. As natural and traditional materials these would sit well within the existing coastal location and aid to integrate the development into the surrounding rural landscape.

These matters, although compliant in design terms, would not override the aforementioned objections with regard to the location within a Pressurised and Sensitive Area and the Burghead to Lossiemouth Special Landscape Area (SLA) within which no new housing will be permitted and therefore refusal is recommended.

### **Amenity, Landscaping and Trees (DP1, DP4)**

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

There are trees no existing trees on the site. The submitted site plan shows sufficient planting of native trees to meet the policy requirements of DP4. The majority of tree planting is proposed to the southern end of the site, in front of the proposed dwellinghouse. Although the planting would help to screen the development from the public road, similar to the neighbouring plot (18/01477/APP refers) this would not meet the siting criteria outlined under DP4 which requires backdrop, containment and enclosure to be landform, mature trees, established woodland or buildings of a sufficient scale and therefore the proposed planting would not aid to meet the siting requirements of policy DP4.

However if the application were to be approved both boundary treatments and landscaping would be matters controlled by condition.

### **Access & Parking (DP1)**

There is sufficient space within the site for parking and turning and access will be connected to an existing access to the south-east of the site. Moray Council Transportation Section have been consulted and have raised no objections subject to a series of conditions and informatives to be added to any final consent. These conditions relate to the provision of a visibility splay, EV charging point, bin store, access lay-by, parking and a turning area and finally a condition to ensure no loose material is taken onto the public road. Therefore the proposal would be considered acceptable in terms of the access and parking requirements of policy DP1 and if approved the above conditions would be added to any final consent.

### **Drainage & Water Supply (DP1, EP12, EP13)**

Details of foul water treatment and soakaway and a surface water soakaway are shown on the submitted plans. A Site Investigation and Drainage Assessment have been submitted which describe the proposed drainage arrangements and testing undertaken to ensure the site can be adequately drained. Moray Flood Risk Management have been consulted on the application and have raised no objections.

It is proposed to connect the dwellinghouse to the public water supply. Scottish Water have been

consulted and have raised no objections.

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

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

### **Pollution (EP14)**

Policy EP14 requires that development proposals which may cause significant air, water, soil, light or noise pollution or exacerbate existing issues must be accompanied by a details assessment report on the levels, character and transmission of the potential pollution with measures to mitigate impacts.

The site falls within noise contours identified from aircraft operating at RAF Lossiemouth. Accordingly, a Noise Impact Assessment (NIA) has been provided with the application and it details the impact of such noise upon the occupants of the proposed house. The NIA identifies mitigation measures that are necessary to reduce noise levels within the house to an appropriate level whilst ensuring appropriate ventilation. The Council's Environmental Health Section has recommended conditions requiring the necessary mitigation measures to be put in place as part of the proposed scheme. Should the application be approved, these conditions would be added to any final consent.

An Air Source Heat Pump (ASHP) is also proposed at the property. The Council's Environmental Health Section has recommended a condition requiring details of the ASHP to be submitted prior to commencement of the development.

Therefore if approved, the aforementioned noise mitigation measures and details of the ASHP would be matters controlled by condition to ensure compliance with policy EP14.

### **Developer Obligations and Affordable Housing (PP3, DP2)**

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

### **Ground Nesting Birds (EP1)**

Policy EP1 outlines that wild birds and other wildlife are protected under domestic legislation and it is likely that ground nesting birds could utilise the site. Therefore, should the application be approved, an informative should be added to the final consent reminding the developer that all wild birds, their nests and their eggs are protected by law under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) and that it is their responsibility to develop the site in accordance with all wildlife legislation and that works should be timed carefully to avoid the times of year when wild birds are likely to be nesting, i.e. the breeding season. This would ensure compliance with policy EP1, should the application be approved.

### **Conclusion**

The proposed site is located within a pressurised and sensitive area where no new housing will be permitted as it would detract from the rural landscape character of the wider area. The site would also not contain sufficient containment and backdrop to meet the siting criteria as set by policy DP4. The site borders with a neighbouring plot (with extant consent for a new house) and the placement of a new house on this site would also lead to ribbon development which overall would alter the rural character of the area due to the prominent roadside location of the site. Finally the site is also within the Burghead to Lossiemouth SLA and the proposal for a house plot would not fall within the development categories permitted in this area and therefore would also not be supported in terms of policy EP3.

Overall, therefore, the proposal for a house in this location is unacceptable and refusal is recommended.

<b>OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT</b>
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None

<b>HISTORY</b>
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Reference No.	Description		
18/01477/APP	Erect cottage on Land Adjacent To Easter Covesea Cottage Duffus Moray		
	<b>Decision</b>	Permitted	<b>Date Of Decision</b>
18/01072/APP	Re application of previously refused (Ref: 18/01072/APP) - Land To East Of Covesea Cottages Lossiemouth Moray		
	<b>Decision</b>	Refuse	<b>Date Of Decision</b>

<b>ADVERT</b>
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<b>Advert Fee paid?</b>	Yes	
<b>Local Newspaper</b>	<b>Reason for Advert</b>	<b>Date of expiry</b>
Northern Scot	No Premises	17/03/22
PINS	No Premises	17/03/22

<b>DEVELOPER CONTRIBUTIONS (PGU)</b>
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<b>Status</b>	N/A
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<b>DOCUMENTS, ASSESSMENTS etc. *</b>
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*\* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc*

Supporting information submitted with application?	YES
Summary of main issues raised in each statement/assessment/report	
Document Name:	Design Statement (ref: 220022, dated 02/02/2022)
Main Issues:	Outlines site, site history and details of the proposed design.
Document Name:	Drainage Statement (220022, dated 15/02/2022)
Main Issues:	Outlines that all surface and foul water drainage systems will be dealt with at building warrant stage following percolation testing.
Document Name:	Site Investigation and Drainage Assessment (GMC22-082, dated 23/05/2022)
Main Issues:	Outlines ground testing and calculations undertaken to confirm ground suitability for both foul and surface water soakaways.

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

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





## **APPENDIX 3**

# **FURTHER REPRESENTATIONS FROM INTERESTED PARTIES**



**Lissa Rowan**

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**From:** [REDACTED]  
**Sent:** 18 October 2022 11:42  
**To:** Lissa Rowan  
**Cc:** [REDACTED]  
**Subject:** Re: Notice of Review: Planning Application 22/00215/APP

**Warning. This email contains web links and originates from outside of the Moray Council network. You should only click on these links if you are certain that the email is genuine and the content is safe.**

[REDACTED] Your ref. LR/LR281

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

18/10/2022

To the Clerk of the MLRB

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

Thank you for the opportunity to make further representations on this case.

I refer to the history of the site and the past reasons for refusals of developments here, which I consider still remain valid. I have no reason to rescind my objections to the application now under reconsideration as they are not effectively refuted in the applicant's statement of case for review. Besides going against the spirit of the LDP, their reasons do not meet the specific requirements of the LDP's Policies.

For example, in their point 1.8, I note the curious use of the term 'infill' site. Despite the applicant's contention this would not represent a risk of ribbon development, the layout contradicts this. 'Infill' between what and what? The implication is there will be further development to the east ie ribbon development – and a return to an earlier plan for 3 houses.

Approval for the development to the west of the case under review was presumably based on the premise a single house was intended. A house east would exchange screening by vegetation with another house.

There has been mention of ancillary buildings on the permitted site. I can see no justification for this to include a dwelling house, given the LDP definition of 'ancillary building'.

There is no escaping the fact that any further housing development in the SLA at Covesea would prejudice the special qualities of the designated area and further add to the hazards of the B9040 which has no bus route or cycle path (ATR).

I would urge you to hold the line of Moray's LDP.

Yours sincerely

[Redacted signature]

On 03/10/2022 14:18, Lissa Rowan wrote:

Good afternoon

Please find attached correspondence in relation to the above Notice of Review.

Kind regards

Lissa

**Lissa Rowan** | Committee Services Officer | Governance, Strategy and Performance Services

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07765 741754



[REDACTED]  
[REDACTED]  
16th October 2022

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

To whom it may concern,

I would like to remind the review committee of the reasons this planning application was refused. Having applied for 3 houses in 2018, the applicant gained permission for 1 house. The MLDP 2020 is a good, strong policy that is designed to keep areas of landscape interest protected and to ease the pressure to build in these areas and direct that development to identified areas. The latest application for a second house in the area, by the same landowner was refused by the planning department on the following grounds:

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

MLDP 202 DP4 - Pressurised and Sensitive Areas states:

Due to the landscape and visual impacts associated with build-up and landscape and environmentally sensitive areas, no new housing will be permitted within the identified pressurised and sensitive areas.

Areas of intermediate pressure:

1. There must be existing landform, mature trees, established woodland or buildings of a sufficient scale to provide acceptable enclosure, containment and backdrop for the proposed new house. These features must be immediately adjoining the site (i.e. on the boundary). Fields drains, ditches, burns, post and wire fencing, roads and tracks do not provide adequate enclosure or containment.
2. The new house must not create ribbon development, contribute to an unacceptable build-up of housing or detrimentally alter the rural character of an area due to its prominent or roadside location.
3. Artificial mounding, cut and fill and/or clear felling woodland to create plots will not be permitted.

4. 15% of the plot must be landscaped with native tree species

This area of land is designated pressurised and sensitive, the application does not even meet the criteria for intermediate pressure. The few Elder trees that were on site have been cleared and a mound of earth placed to the rear of the land, by the landowner, which now has grass growing on it, is an artificial mounding that would not be high enough to screen the building from the north. The Gorse to the south of the land is not high enough to screen the building and in fact, some of it will have to come down in order to create a visibility splay at the entrance to the land (Please see photos sent in as part of my previous objection). There are no native trees for screening on any of the lands boundaries. The picture used in point 2.2 by the applicant, clearly shows that the land is quite open to all passers by, from all sides. There are some broken down and uncared for fencing - the above clearly states that is not acceptable enclosure.

The applicant is now arguing that he could build ancillary buildings and that would be the equivalent of a new building on site.

As described by the Scottish government, the permitted development rules for an ancillary building are generally for shed's, greenhouses and outbuildings and may be granted if:

- it's located at the back of the house
- **it's not used as a separate home to live in**
- it, and any other development, does not take up half or more of the 'curtilage' – this means half or more of the grounds behind your home
- it's not higher than 4 metres at the highest point
- any part that's a metre or less from the boundary is no higher than 2.5 metres
- the eaves (the part where the wall meets the roof) is no higher than 3 metres
- if the land is in a conservation area or in the grounds of a listed building, the ancillary building has a footprint of less than 4 square metres

If the applicant were to change the original 2018 building application as already agreed under the previous MLDP, they may have to re-apply for planning permission because, the plans indicate that trees planted for screening would not allow for ancillary buildings.

You cannot compare the building of ancillary buildings with a new home building.

The applicant is arguing that this application is infill. Infill requires other buildings to be in the area and the new build would fill a space there. This is not infill, this is the start of a ribbon development.

The applicant has argued that each application should be read in it's own context. I know that if this application review finds in favour of the applicant, 2 houses would be built and then in 2 years time there will be an application for a 3rd house. (3 houses were originally applied for in 2018). After that, the applicant could argue that the houses and associated planting, create a screen that could allow for houses to be built on the land behind them.....

Please consider the formation of this strong and forward thinking policy, the reasons why it came to be and how it will be weakened if this application is allowed. Please also consider the effect agreeing to this application will have on all of the pressurised and sensitive area between Burghead and Lossiemouth.

Kind Regards

