

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/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.

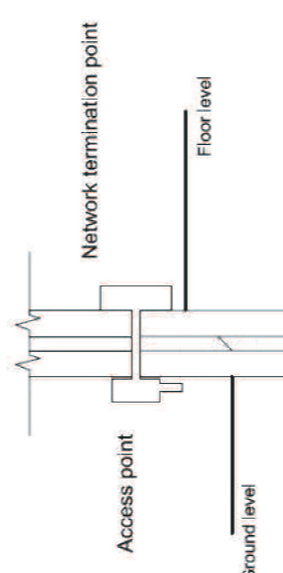
Following the completion of the development (taken from the date of the issue of Building Warrant Completion Certificate), on a yearly basis (for a five year period) all trees and hedges are to be inspected. Any tree/hedging found dying or diseased will be replaced with similar species in close proximity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

**Reference Material**  
Moray Development Plan - Trees & Development: Supplementary Planning Guidance  
BSI British Standards - BS5837: 2005 Trees in relation to construction recommendations  
BSI British Standards - BS428: 1989 Code of practice for general landscape operations - excluding hard surfaces



Typical in-building service duct



LOCATION PLAN N.T.S

**HEAD OFFICE - MORAY**  
51 Brendans, 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.biz e office@cmedesign.biz

**Mr R. Stewart**  
NEW HOUSE PLOT AT LAND EAST OF COVESEA COTTAGES, LOSSIEMOUTH  
SKETCH PROPOSAL  
SITE & LOCATION PLANS  
Date: 07.02.2022  
Amendments: 1  
Rev: A  
16.02.2022  
Site plan updated  
Date: 02.02.22  
Checked By: A. CARSWELL  
Date: 22.02.22  
220022.STEWART.01PP B

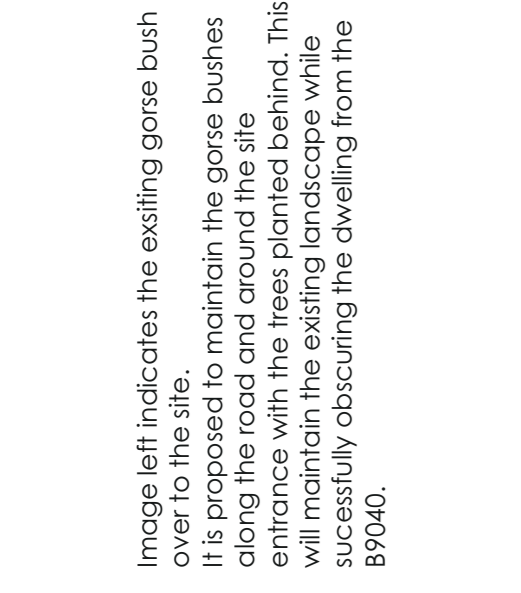
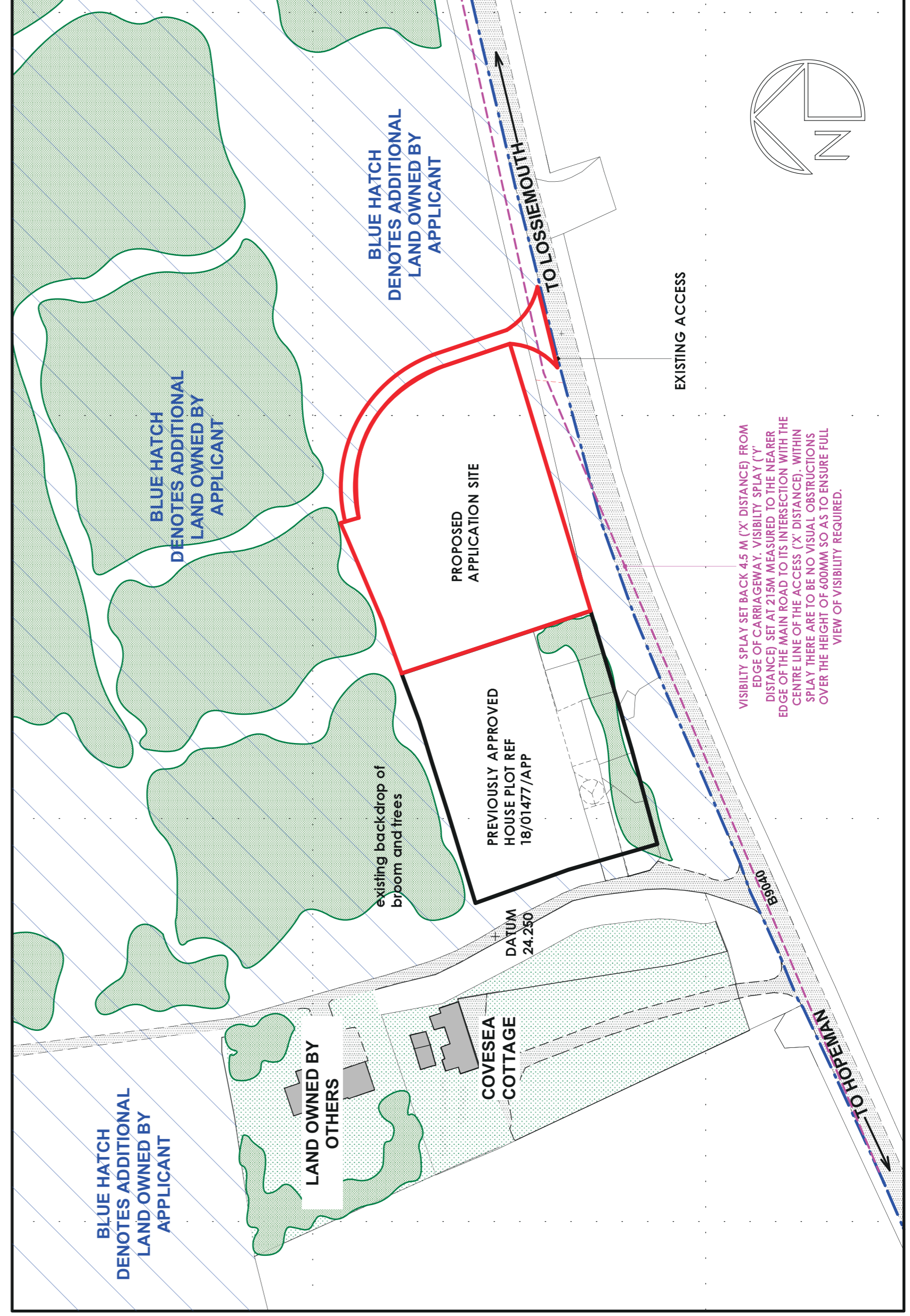
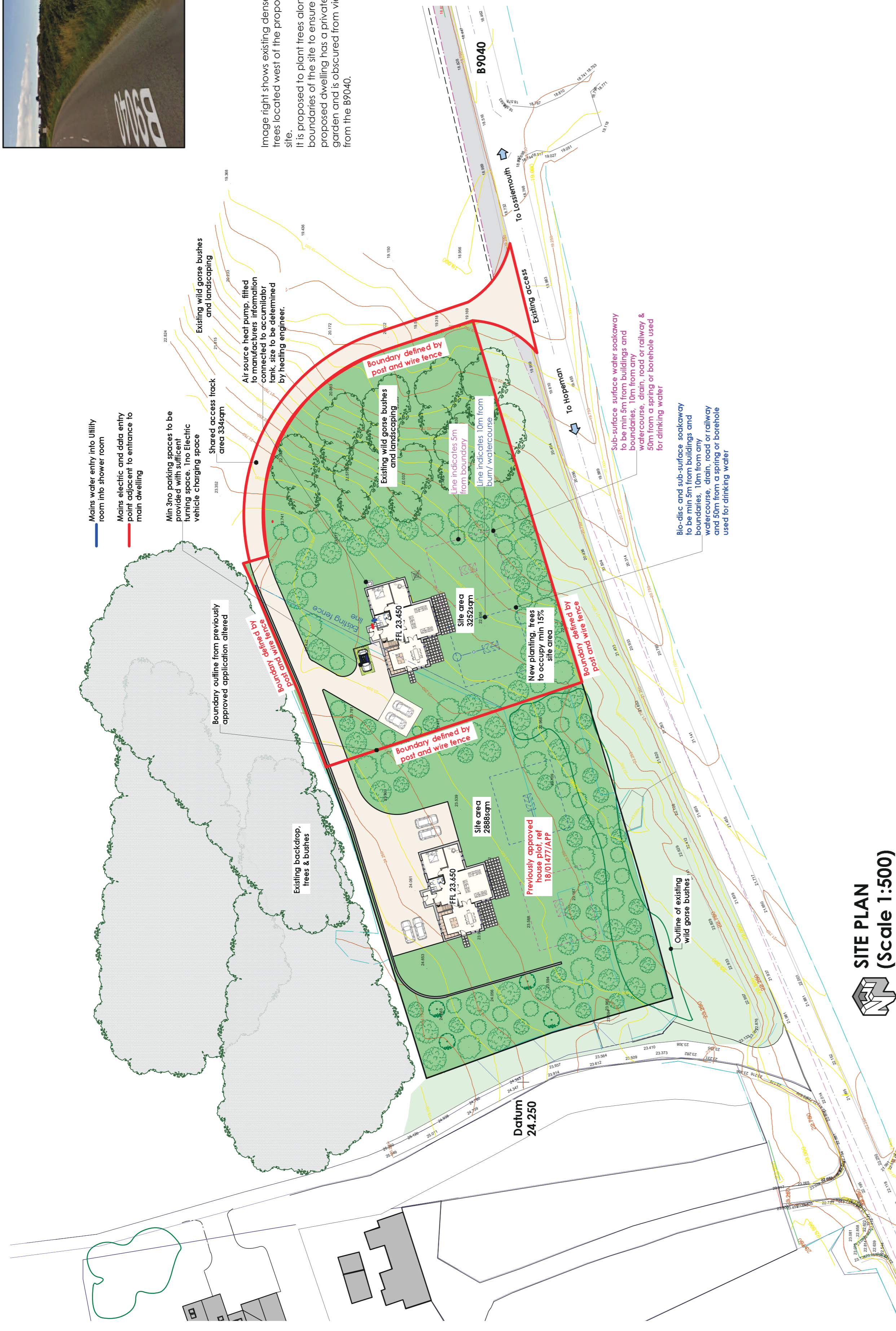


Image left indicates the existing gorse bush over to the site.  
It is proposed to maintain the gorse bushes along the road and around the site entrance with the trees planted behind. This will maintain the existing landscape while successfully obscuring the dwelling from the B9040.

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.

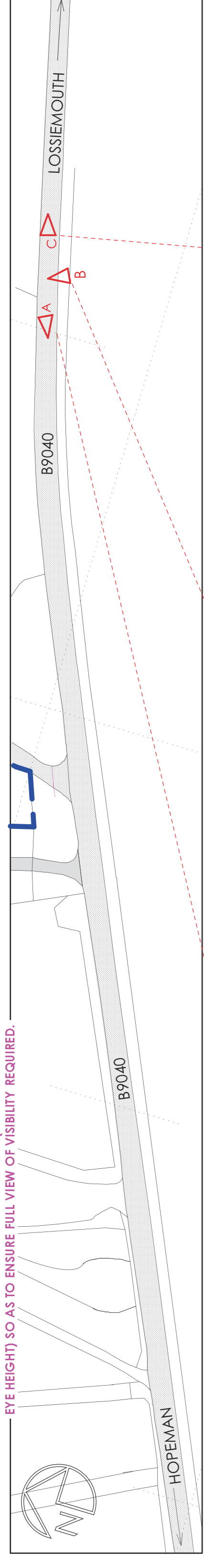


**COASTAL PROTECTION ZONE**  
**SITE REFERRED TO IN APPLICATION**  
**SITE PHOTOGRAPH (N.T.S)**

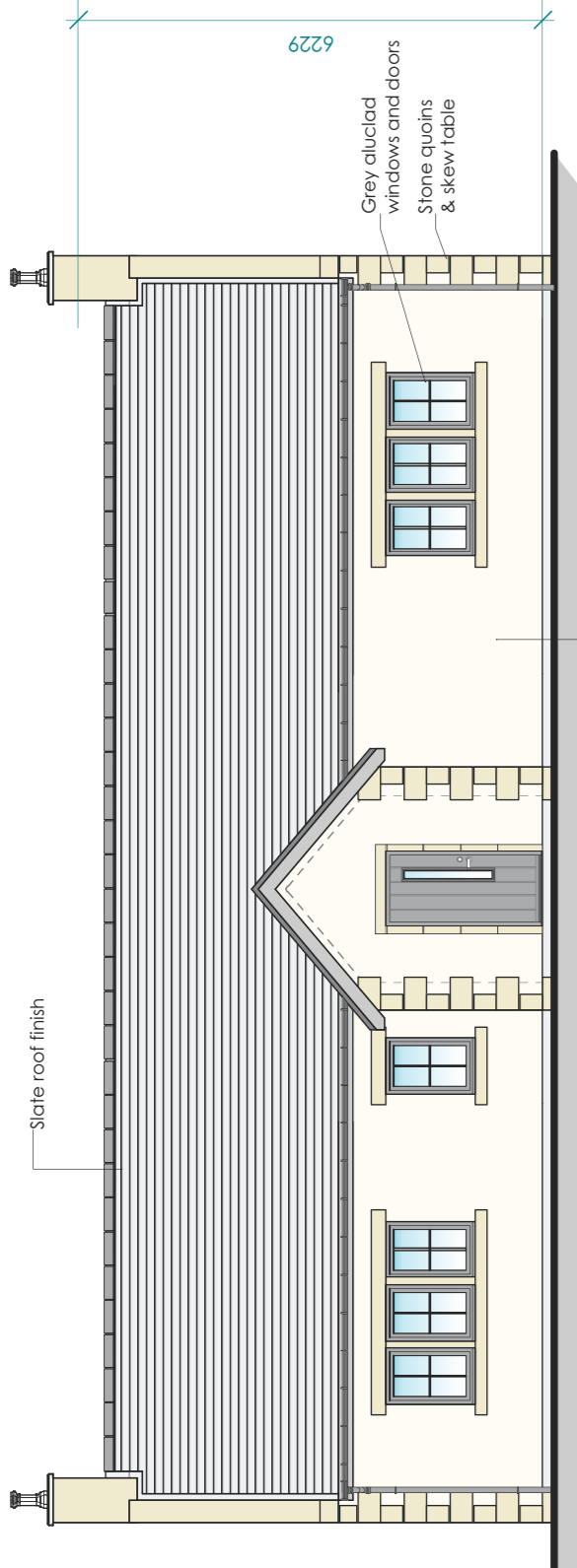
**COASTAL PROTECTION ZONE**  
**SITE REFERRED TO IN APPLICATION**  
**SITE PHOTOGRAPH (N.T.S)**

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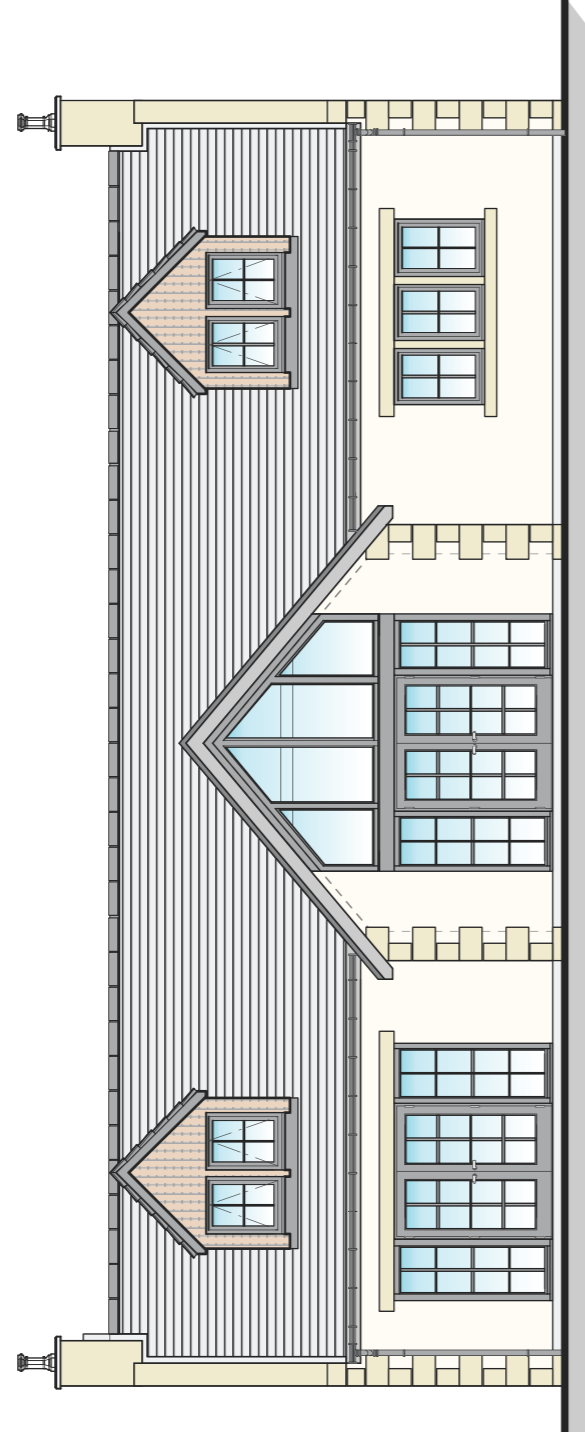
VISIBILITY SPLAY SET BACK 4.5 M ('X' DISTANCE) FROM EDGE OF CARRIAGEWAY. VISIBILITY SPLAY ('Y' DISTANCE) SET AT 21.5M MEASURED TO THE NEARER EDGE OF THE MAIN ROAD TO ITS INTERSECTION WITH THE CENTRE LINE OF THE ACCESS ('X' DISTANCE). WITHIN SPLAY THERE ARE TO BE NO VISUAL OBSTRUCTIONS OVER THE HEIGHT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



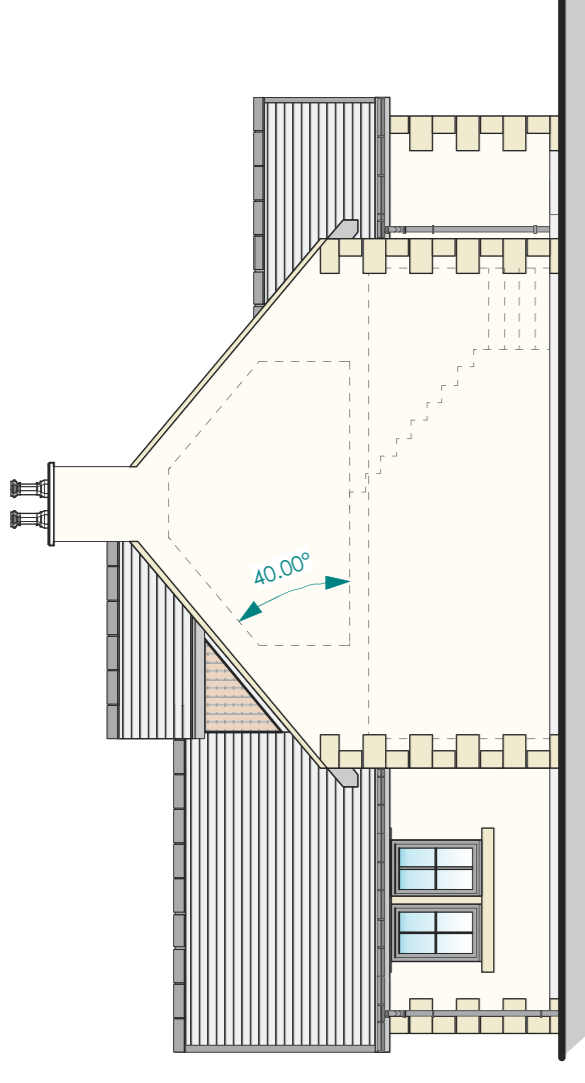
VISIBILITY SPLAY 1:1000



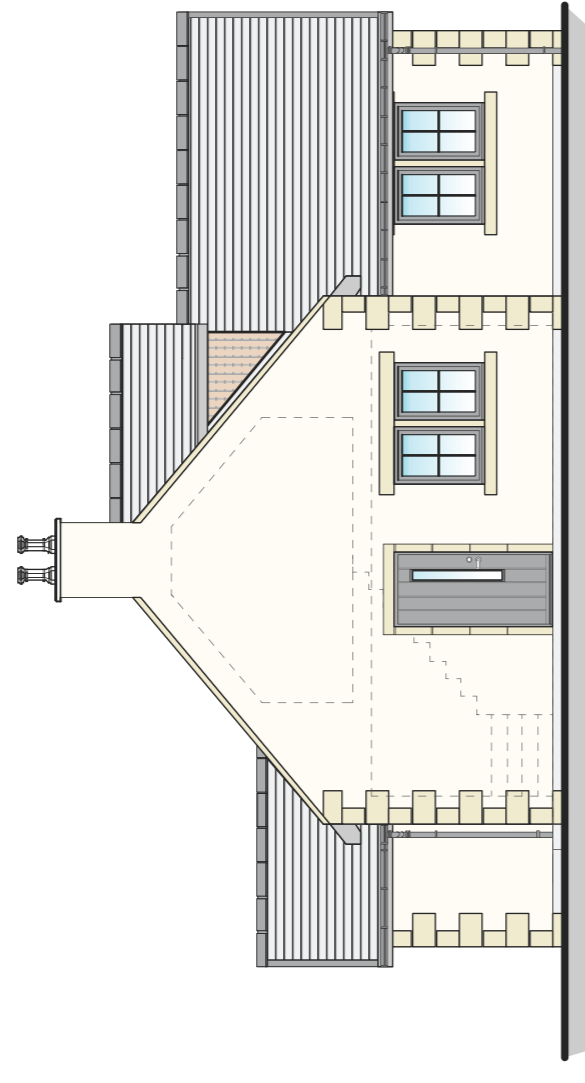
FRONT ELEVATION (Scale 1:100)



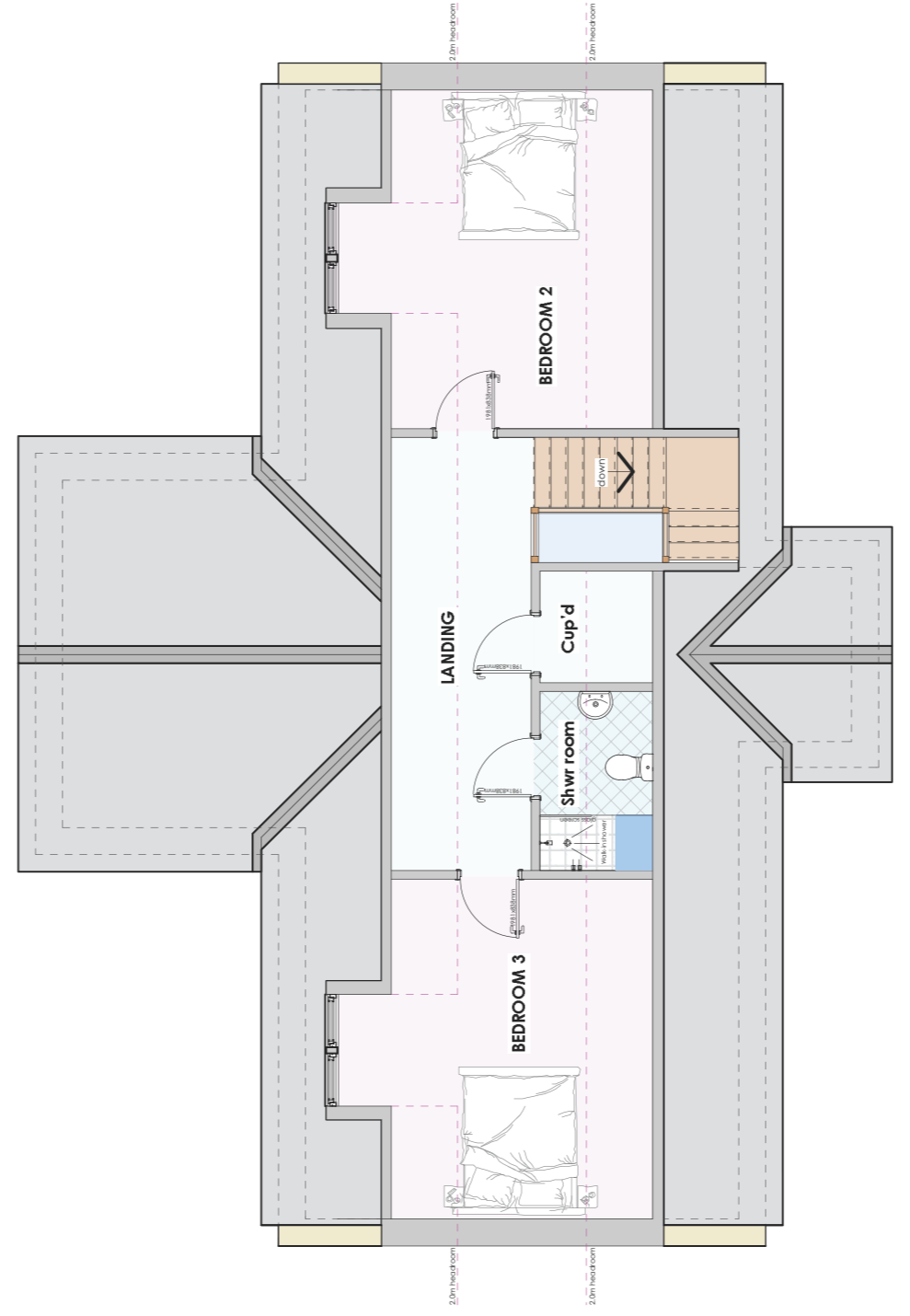
REAR ELEVATION (Scale 1:100)



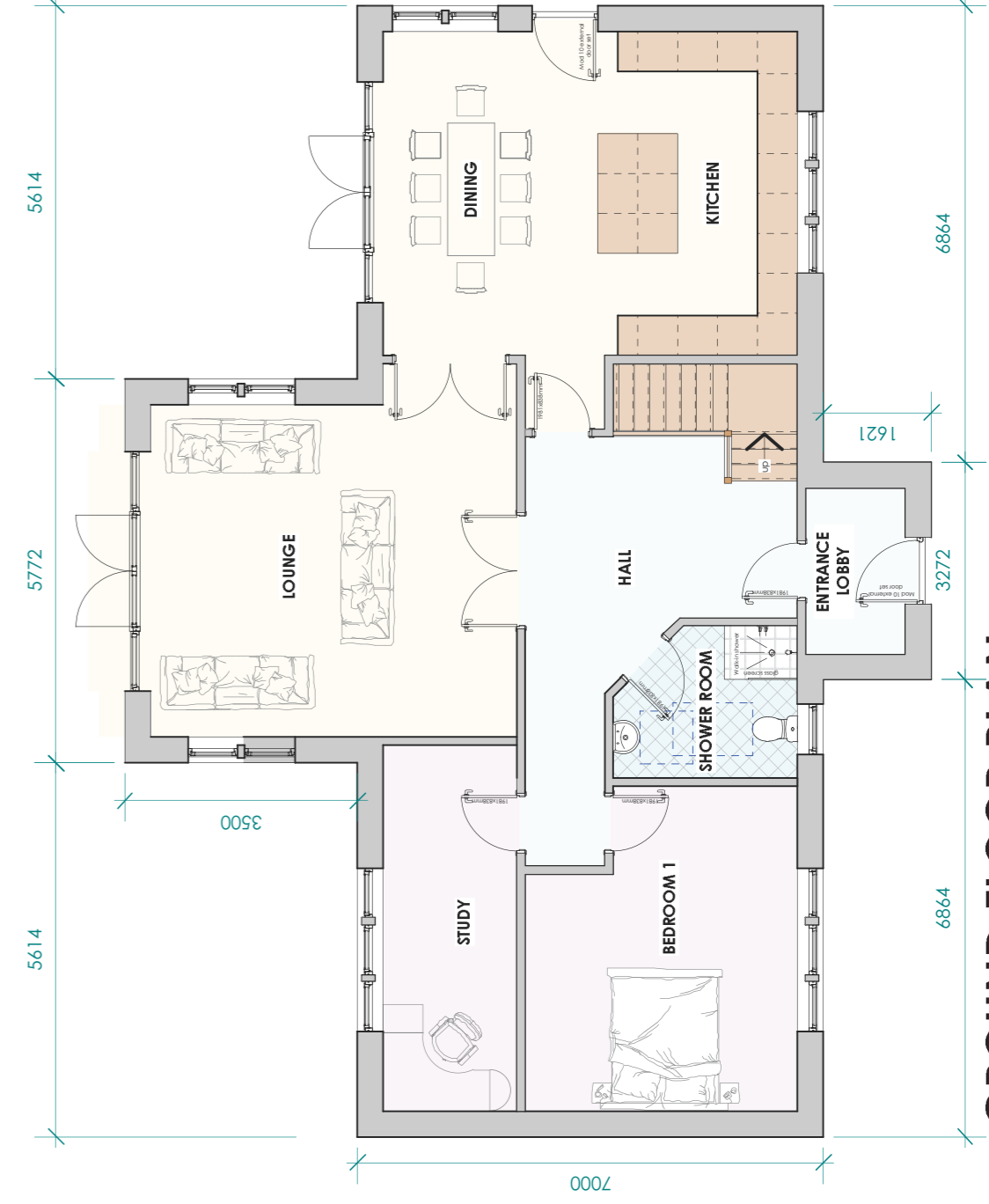
SIDE ELEVATION (Scale 1:100)



SIDE ELEVATION (Scale 1:100)



FIRST FLOOR PLAN (Scale 1:100)



GROUND FLOOR PLAN (Scale 1:100)



PHOTO A



PHOTO B

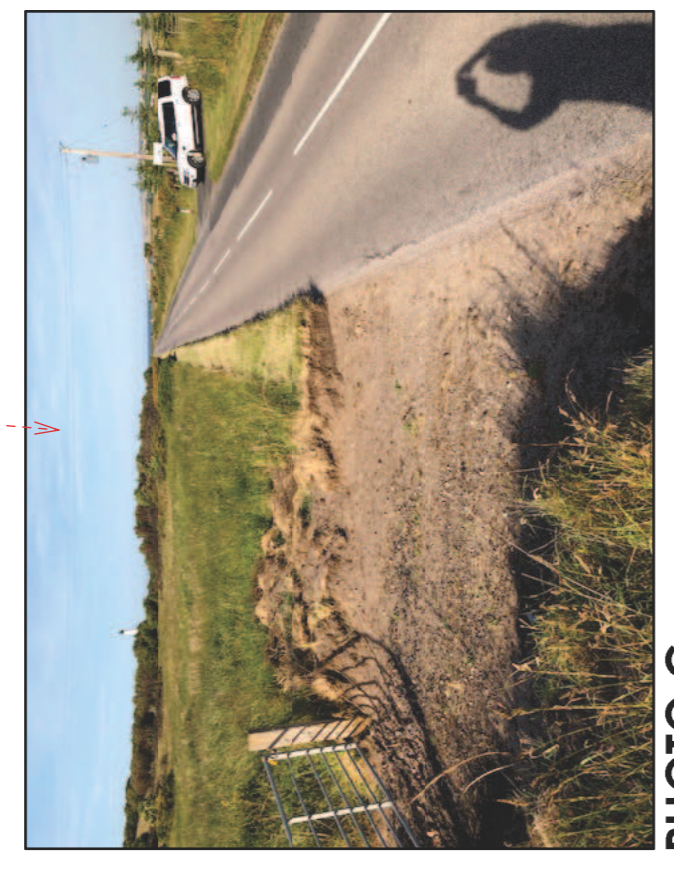
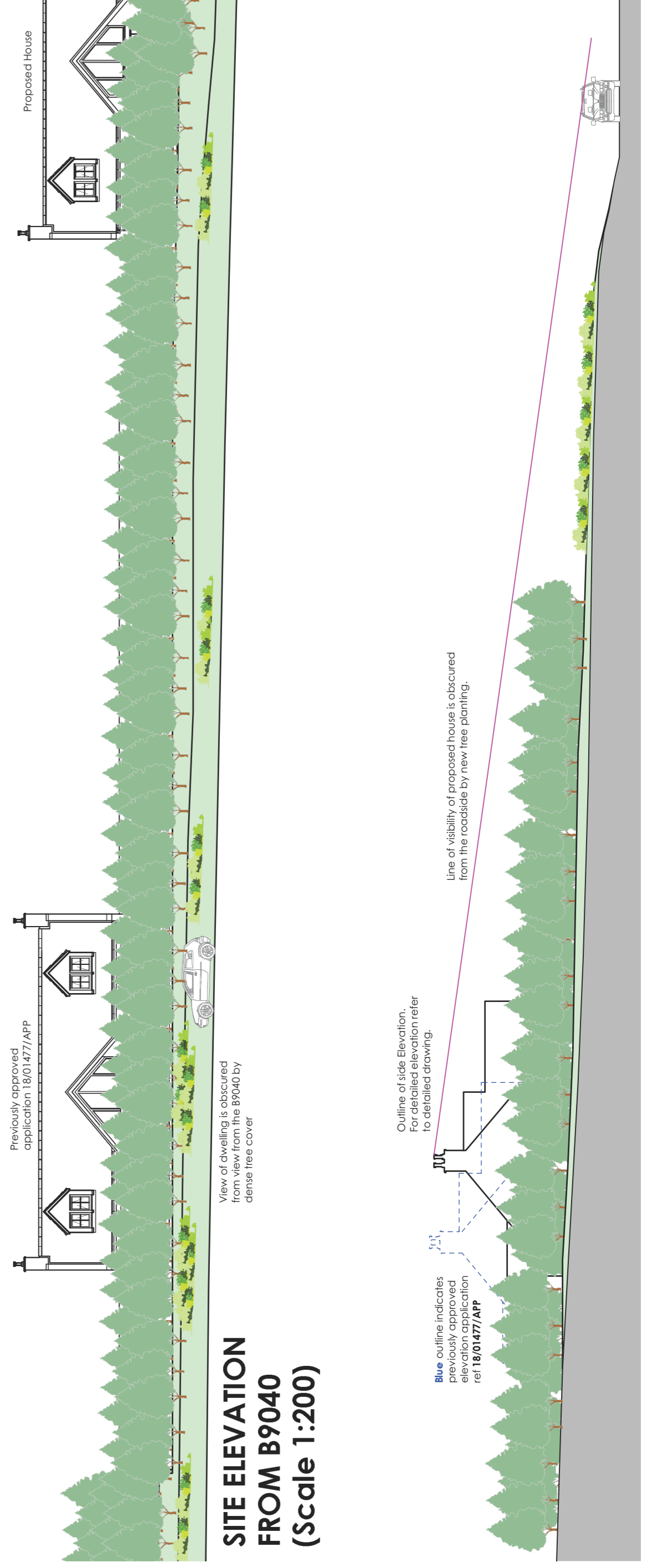


PHOTO C

EXAMPLES IMAGES OF SIMILAR DWELLINGS ALONG B9040



SITE ELEVATION FROM B9040 (Scale 1:200)

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

**HEAD OFFICE - MOBAY**  
51 Breddans, 49 South Gully Street, Egn.  
IV 30 1QN  
01343 34020  
01343 34020  
4 Biddle Street, Naim, Highlands, IV12 4EJ  
01647 302230  
m 0781 3872818 w cmdesign.biz e office@cmdesign.biz

**LOSSIEMOUTH OFFICE**  
Eile, James Street, Moray  
IV30 4BX  
01343 810175  
01343 810175  
101392 345544

**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

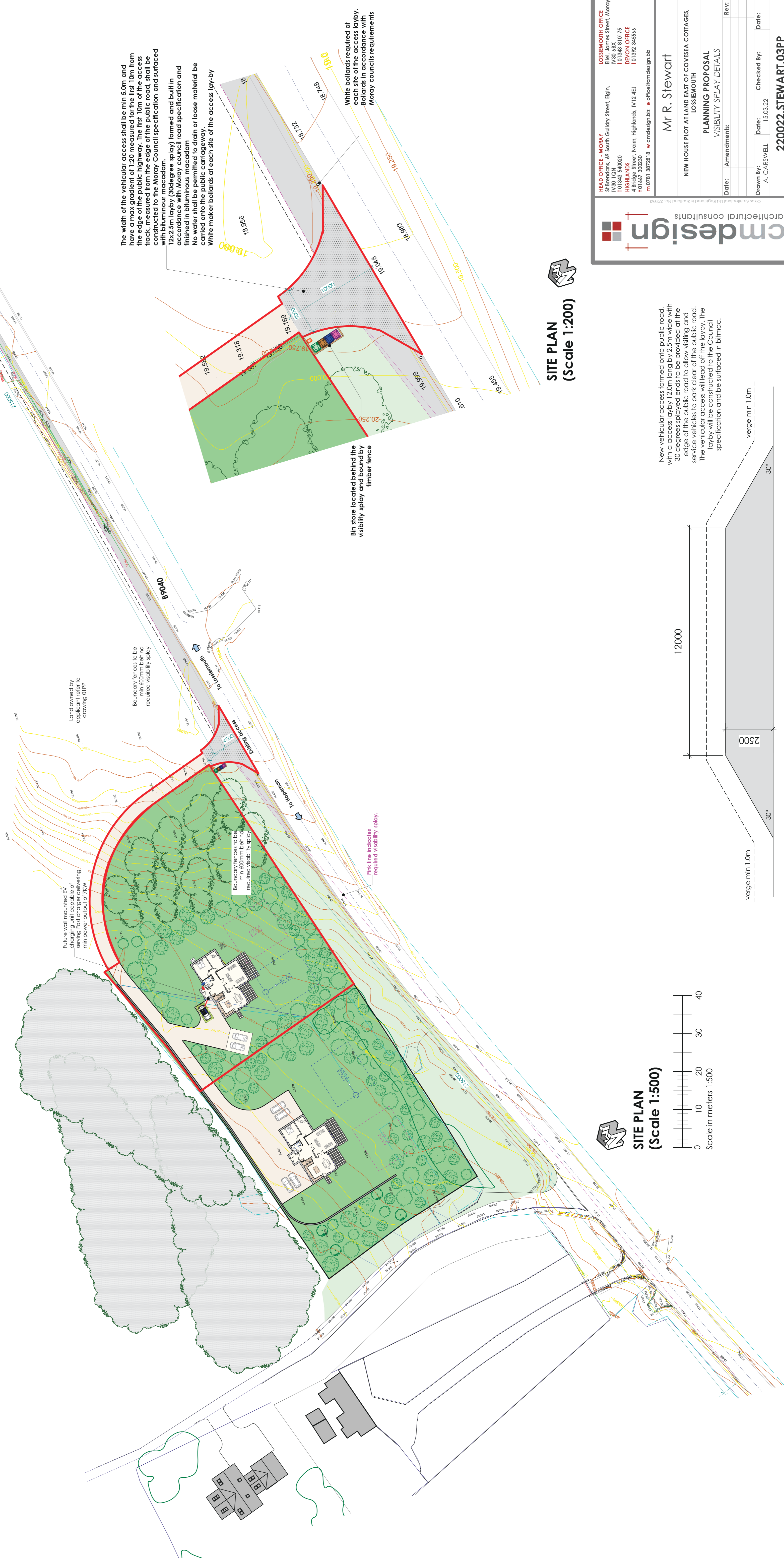
Drawn By: A. CARSWELL  
Date: 02.02.22  
Checked By: [ ]  
Date: [ ]

220022.STEWART.02PP A

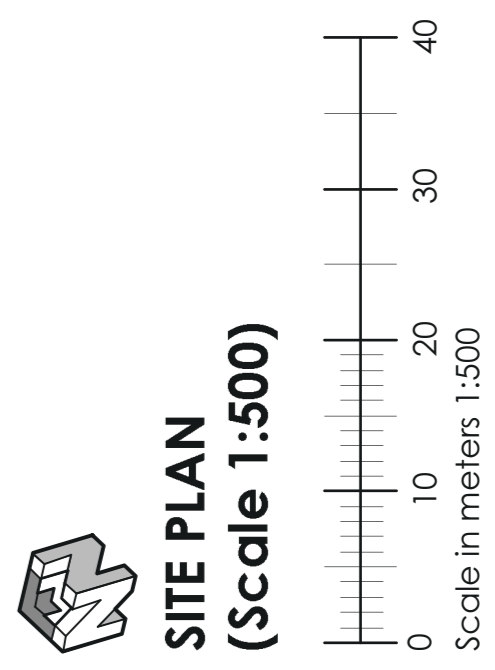
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LOCATION PLAN N.T.S.



SITE PLAN (Scale 1:200)



architectural consultants

HEAD OFFICE - MORAY  
51 Breidans, 49 South Gully Street, Elgin,  
IV30 1QN  
01343 34020  
01343 34021  
4 Bridge Street, Nairn, Highlands, IV12 4EJ  
01467 300230  
01781 3872818 w: cmdesign.biz e: office@cmdesign.biz

LOSSIEMOUTH OFFICE  
Elgin, James Street, Moray,  
IV30 4BX  
01343 810175  
01343 810176  
01392 345544

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



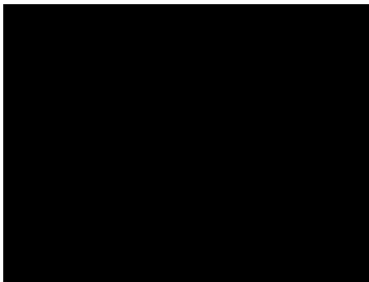


**MORAY COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,  
as amended**

**REFUSAL OF PLANNING PERMISSION**

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

TO

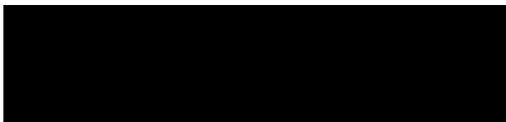


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**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 Covesea 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 Cove sea Cottage, Lossiemouth.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

consulted and have raised no objections.

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

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

### **Pollution (EP14)**

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

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

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

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

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

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

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

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

### **Conclusion**

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

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

<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)			