



MORAY LOCAL REVIEW BODY

29 OCTOBER 2020

SUMMARY OF INFORMATION FOR CASE No LR241

Notice of Review: Planning Application 20/00311/APP – Erect dwellinghouse at site at Convalley, Dufftown

Ward 1 – Speyside Glenlivet

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 6 May 2020 on the grounds that:

The proposed development is contrary to Policy IMP1: Developer Requirements, Policy H7: New Housing in the Open Countryside and Policy E7: Areas of Great Landscape Value (AGLV) and Impacts upon the Wider Landscape of the adopted Moray Local Development Plan (2015) and, as a material consideration, associated Supplementary Guidance on Housing in the Countryside and Guidance Note on the Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside, for the following reasons:

- (a) It does not reflect the traditional pattern of settlement in the locality and will be viewed as part of a grouping together with adjacent constructed and consented houses at Convalleys, detracting from the character of the surrounding area.
- (b) It will contribute to a build-up of development where the number of houses will have the effect of changing the rural character of the area.
- (c) It will contribute to a sequential visual effect of cumulative build-up of new housing experienced when travelling along roads in the vicinity of the site in terms of its siting particularly in relation to existing and consented houses at Convalleys and the designated rural grouping at Lettoch.
- (d) It will have a significant adverse effect upon an Area of Great Landscape Value and the landscape character of the area as a result of this siting and build-up of development.

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

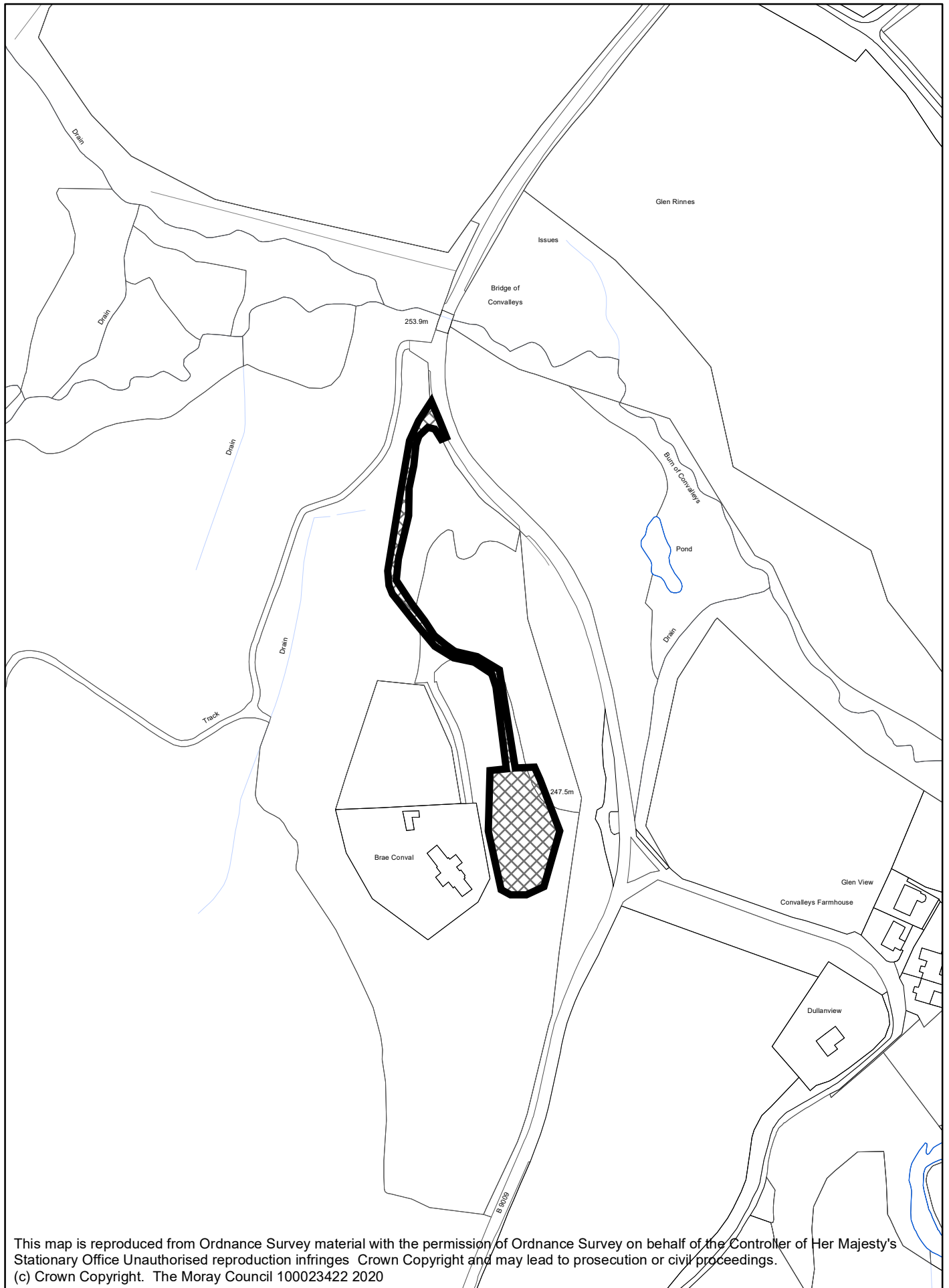
The Notice of the Review, Grounds for Review and any supporting documents submitted by the Applicant are attached as **Appendix 2**.

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.



Location plan for Planning Application Reference Number : 20/00311/APP



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APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100240685-001

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)

Erect dwellinghouse on brownfield site at Convalleys, Glenrinnies, Dufftown, Keith

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:	Grant and Geoghegan Ltd.		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Neil	Building Name:	Unit 4 Westerton Road Business
Last Name: *	Grant	Building Number:	
Telephone Number: *	07769744332	Address 1 (Street): *	4 Westerton Road South
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	KEITH
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB55 5FH
Email Address: *	neil@ggmail.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	per grant and geoghegan
First Name: *	Michelle	Building Number:	
Last Name: *	McConachie	Address 1 (Street): *	Unit 4 Westerton Road Business
Company/Organisation		Address 2:	4 Westerton Road South
Telephone Number: *		Town/City: *	KEITH
Extension Number:		Country: *	Moray
Mobile Number:		Postcode: *	AB55 5FH
Fax Number:			
Email Address: *	neil@ggmail.co.uk		

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

837197

Easting

330367

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

2932.00

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)

Undeveloped land

Access and Parking

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

☒ Yes ☐ No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	<div style="border: 1px solid black; padding: 2px 10px;">0</div>
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)? *	<div style="border: 1px solid black; padding: 2px 10px;">3</div>
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).	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *	
<input type="checkbox"/> Yes – connecting to public drainage network <input checked="" type="checkbox"/> No – proposing to make private drainage arrangements <input type="checkbox"/> 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? *	
<input checked="" type="checkbox"/> New/Altered septic tank. <input type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed). <input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).	
What private arrangements are you proposing for the New/Altered septic tank? *	
<input checked="" type="checkbox"/> Discharge to land via soakaway. <input type="checkbox"/> Discharge to watercourse(s) (including partial soakaway). <input type="checkbox"/> Discharge to coastal waters.	
Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *	
New septic tank to soakaway.	
Do your proposals make provision for sustainable drainage of surface water?? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (e.g. SUDS arrangements) *	
Note:- Please include details of SUDS arrangements on your plans Selecting 'No' to the above question means that you could be in breach of Environmental legislation.	

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

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

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

Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

Trees

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

☒ Yes ☐ No

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

Waste Storage and Collection

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

☒ Yes ☐ No

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

To Local Authority requirements

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

Are you able to identify and give appropriate notice to ALL the other owners? * ☒ Yes ☐ No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] 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;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name: Mr Gavin Strathdee

Address: Strathdee Properties Viewfield Farm, Craigellachie, ABERLOUR, Moray, AB38 9QT

Date of Service of Notice: * 05/03/2020

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

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Neil Grant

On behalf of: Ms Michelle McConachie

Date: 05/03/2020

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☒ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ 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)

Site Investigation & Drainage Assessment

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 Neil Grant

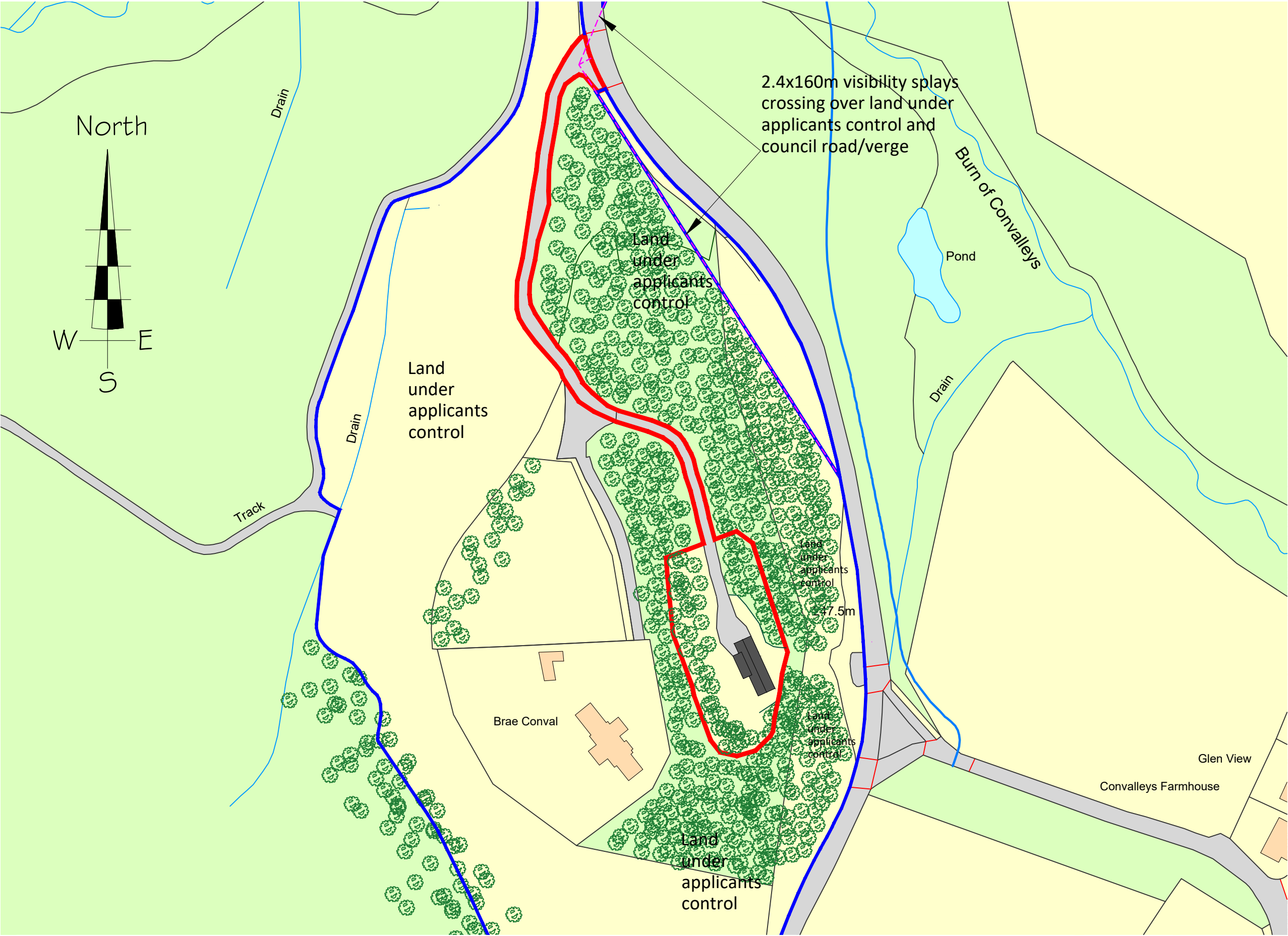
Declaration Date: 05/03/2020

Payment Details

Online payment: 261208

Payment date: 05/03/2020 15:07:39

Created: 05/03/2020 15:07

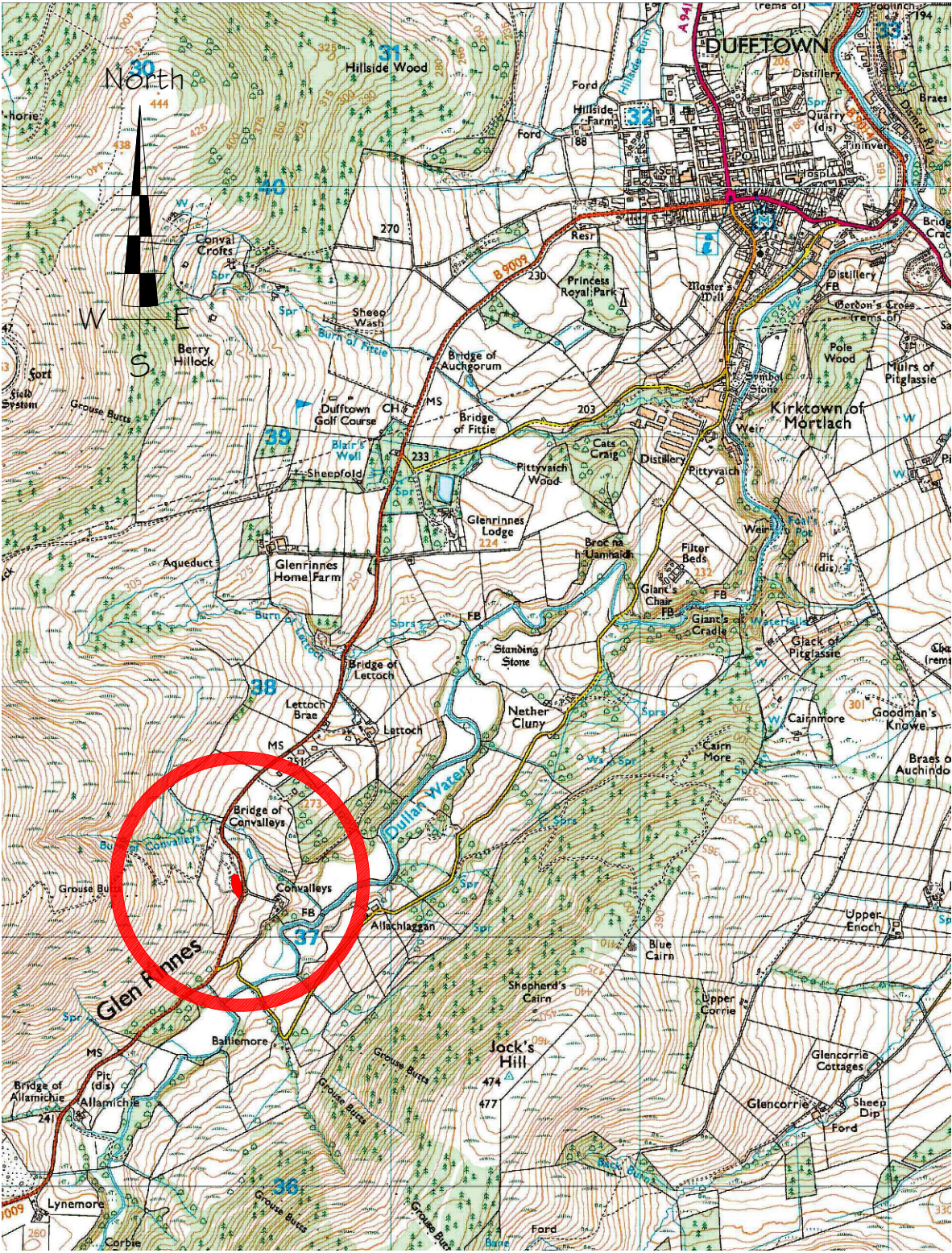
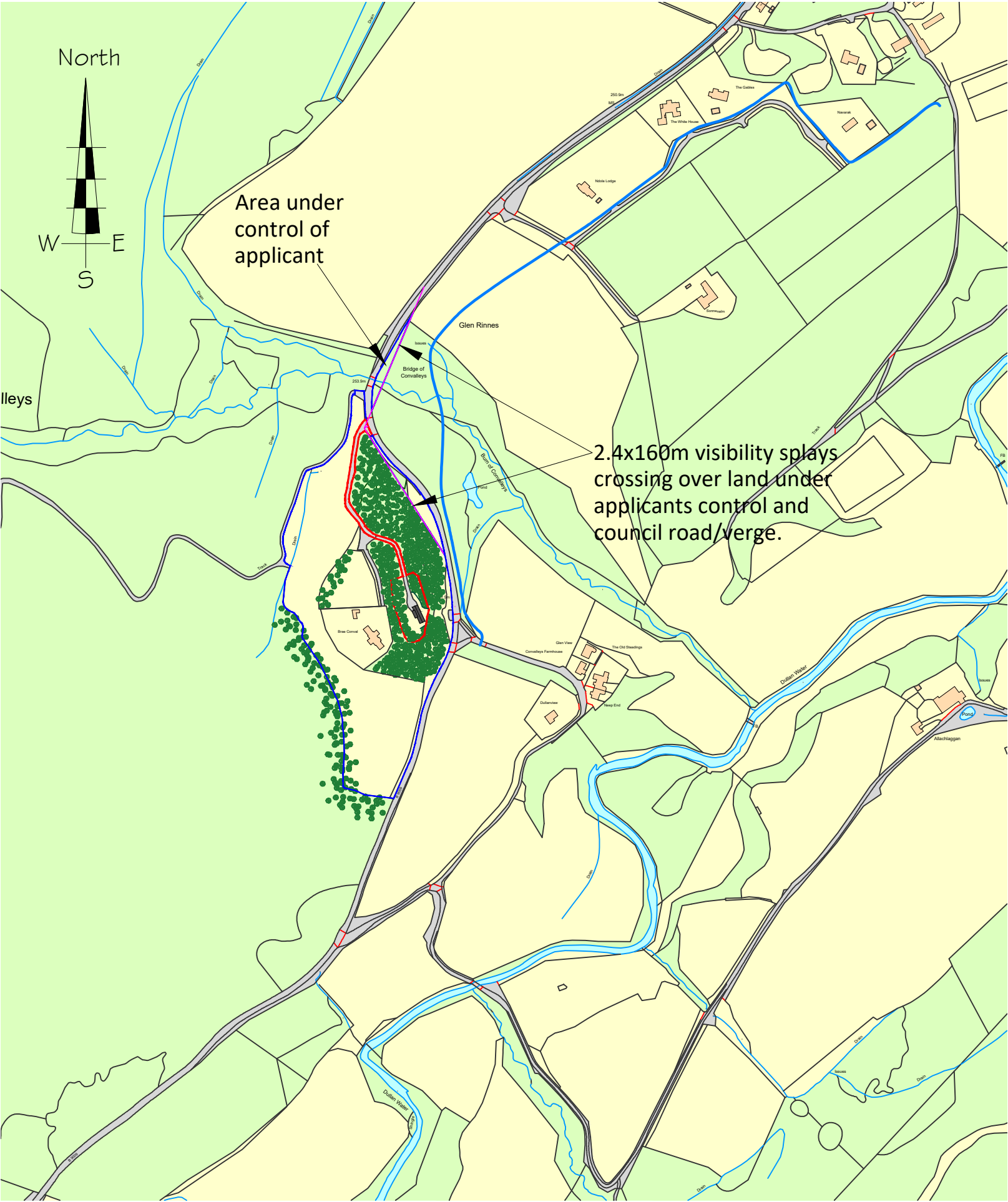


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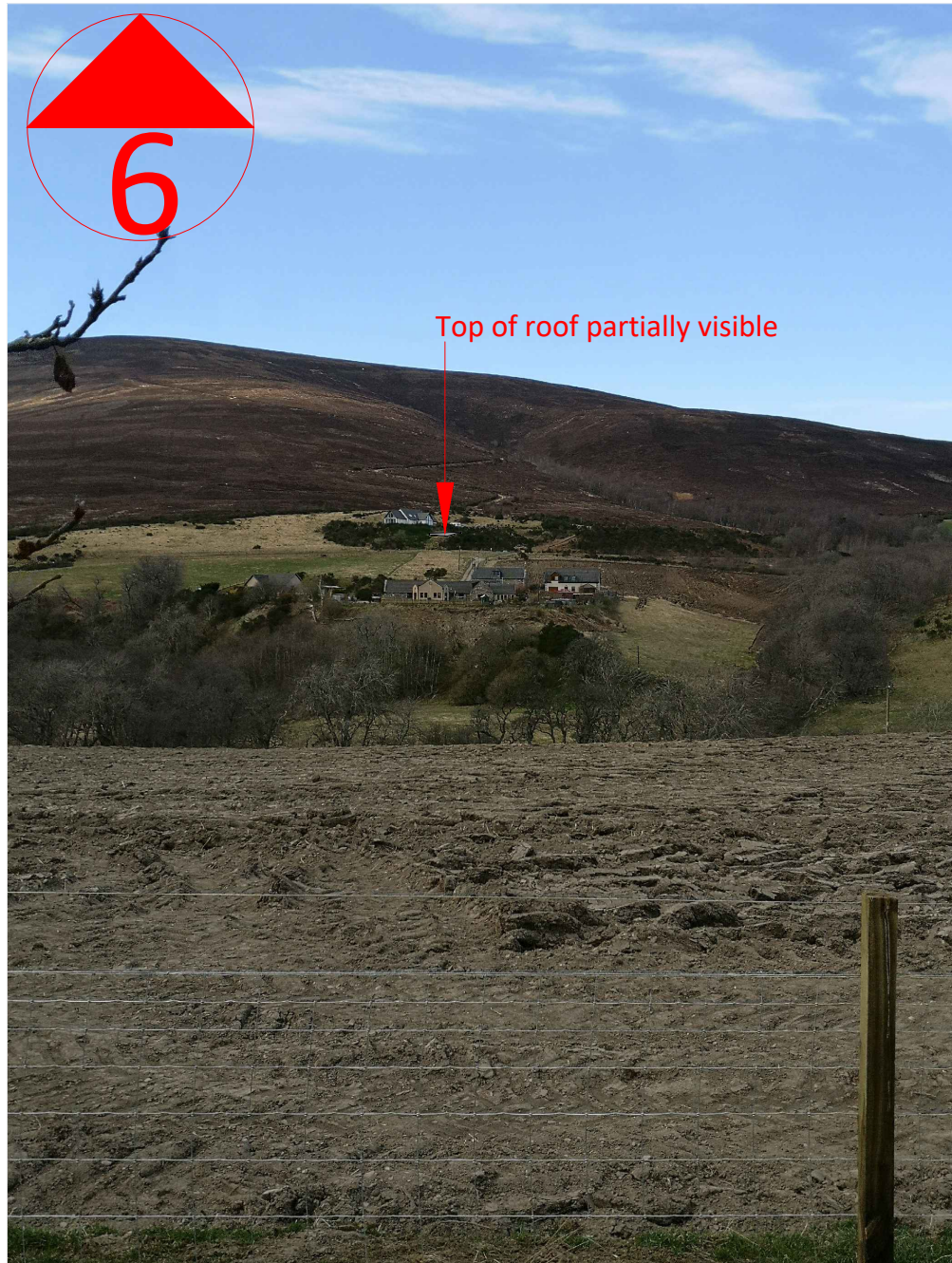
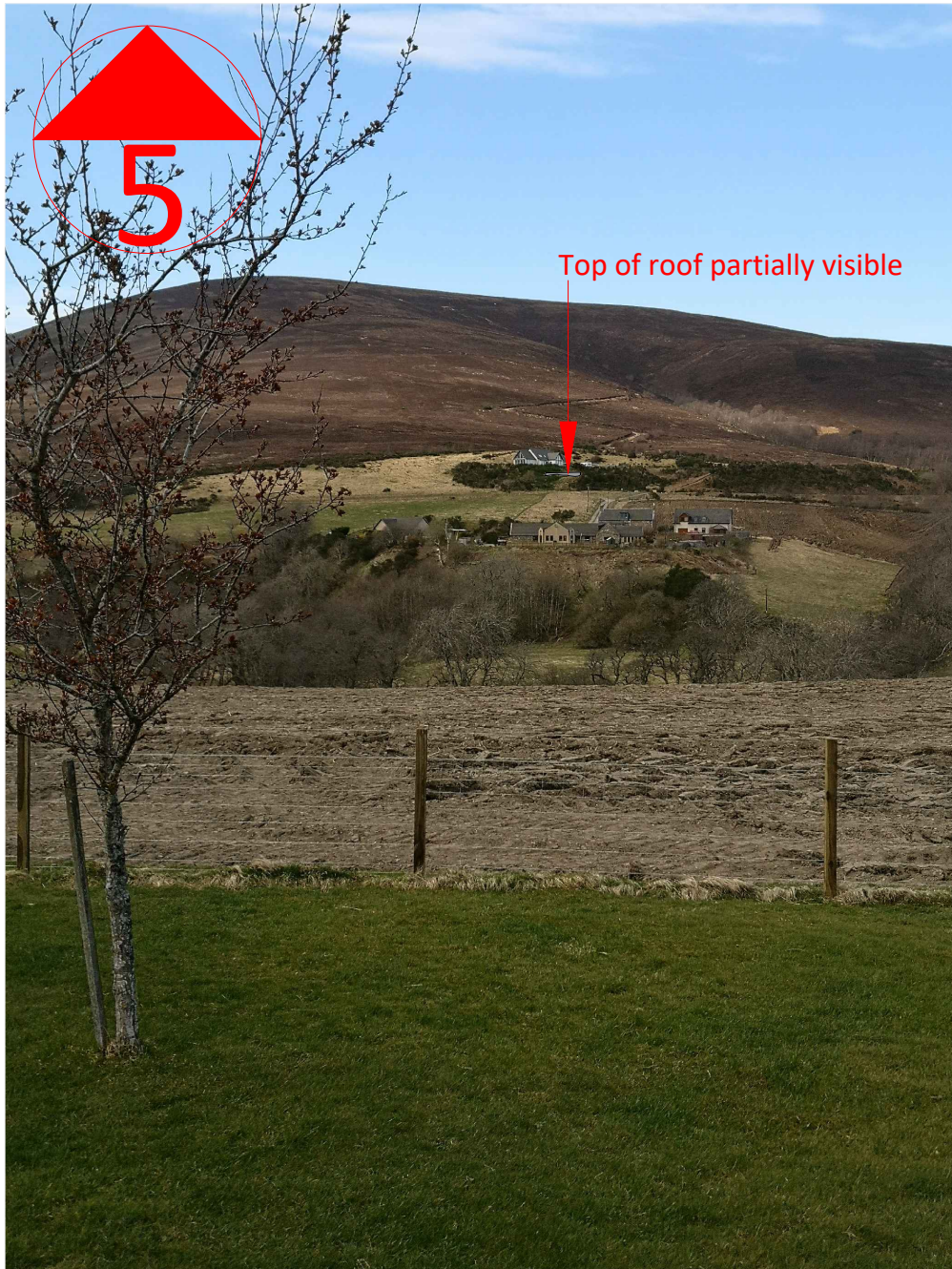
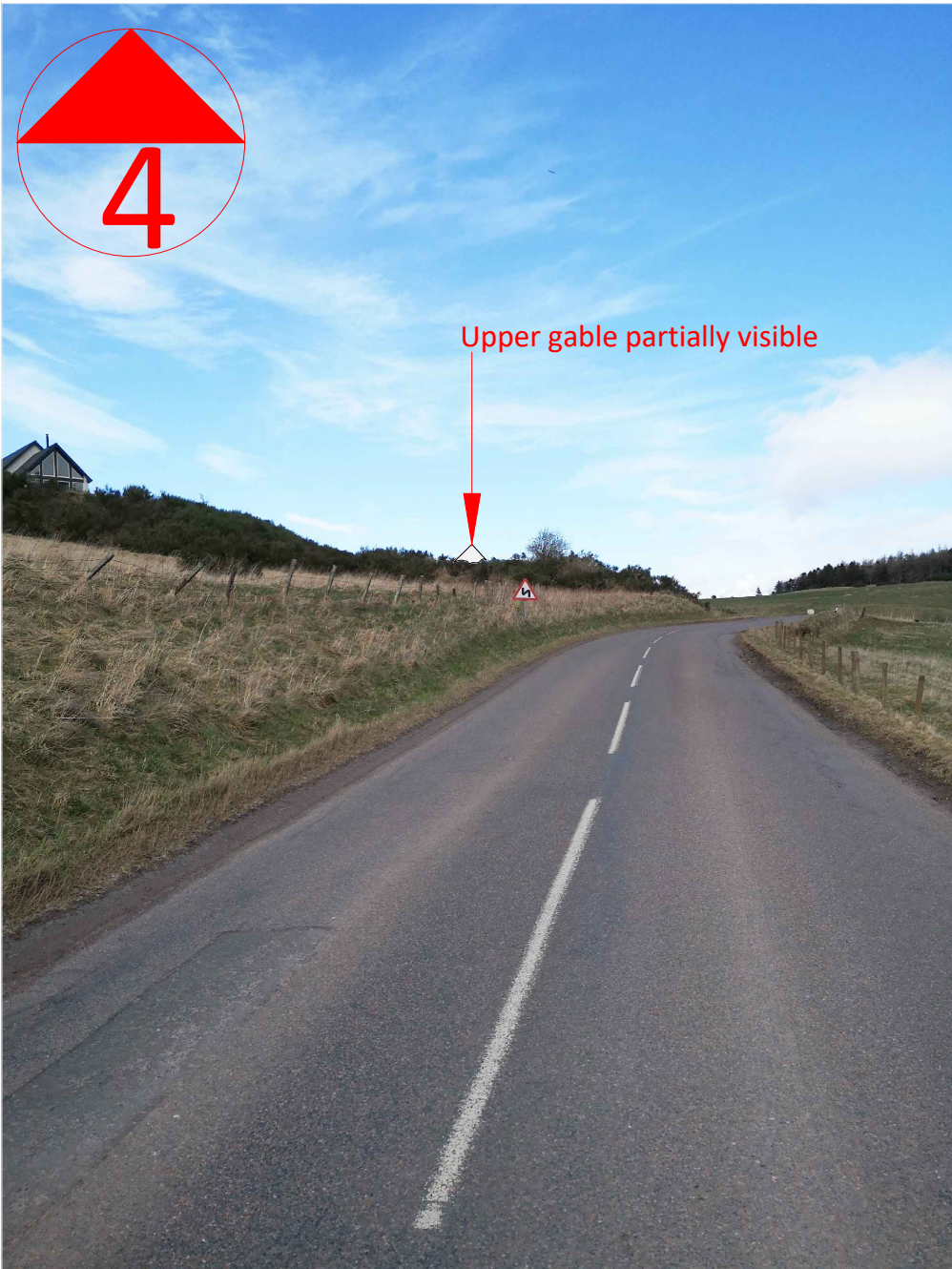
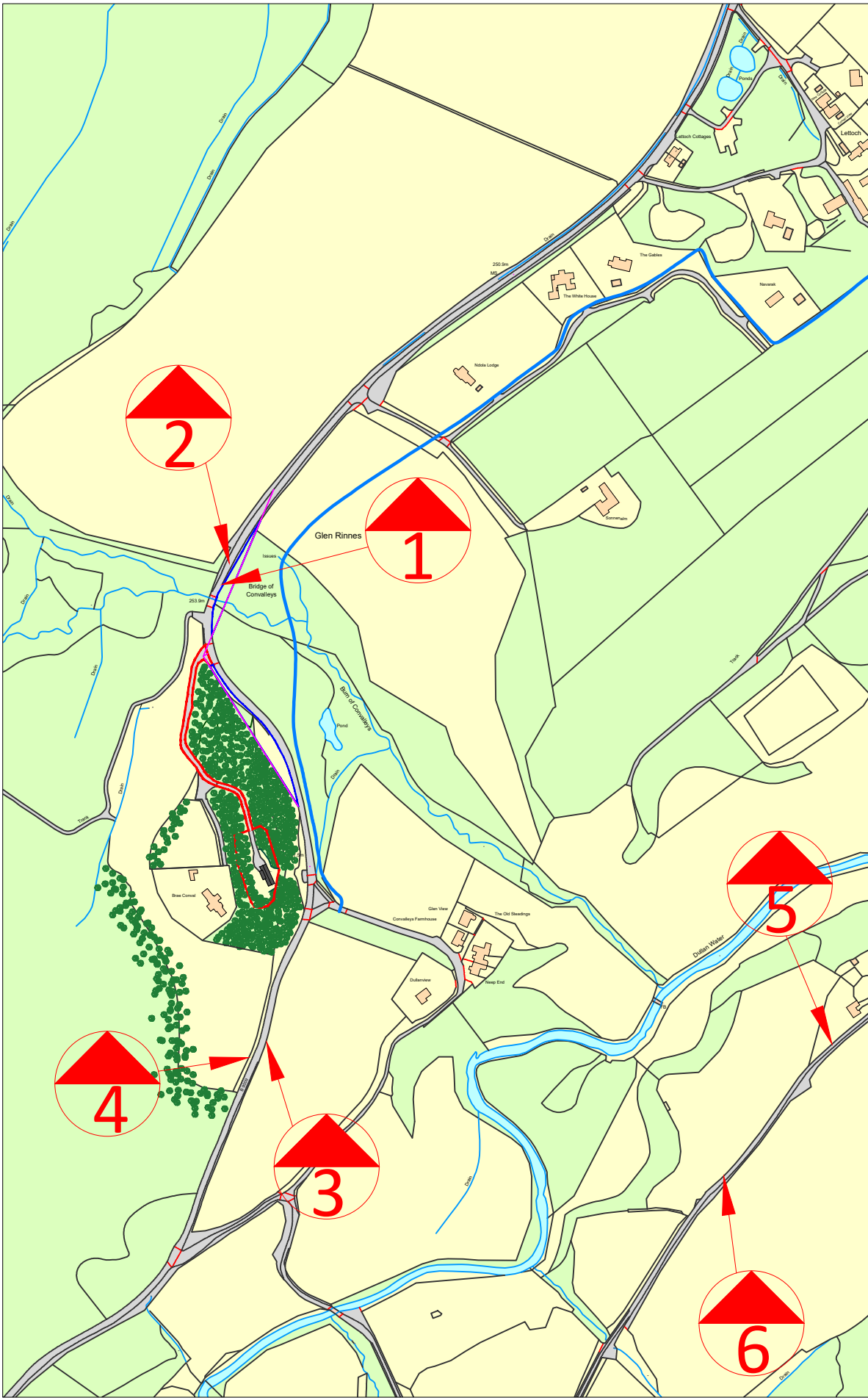
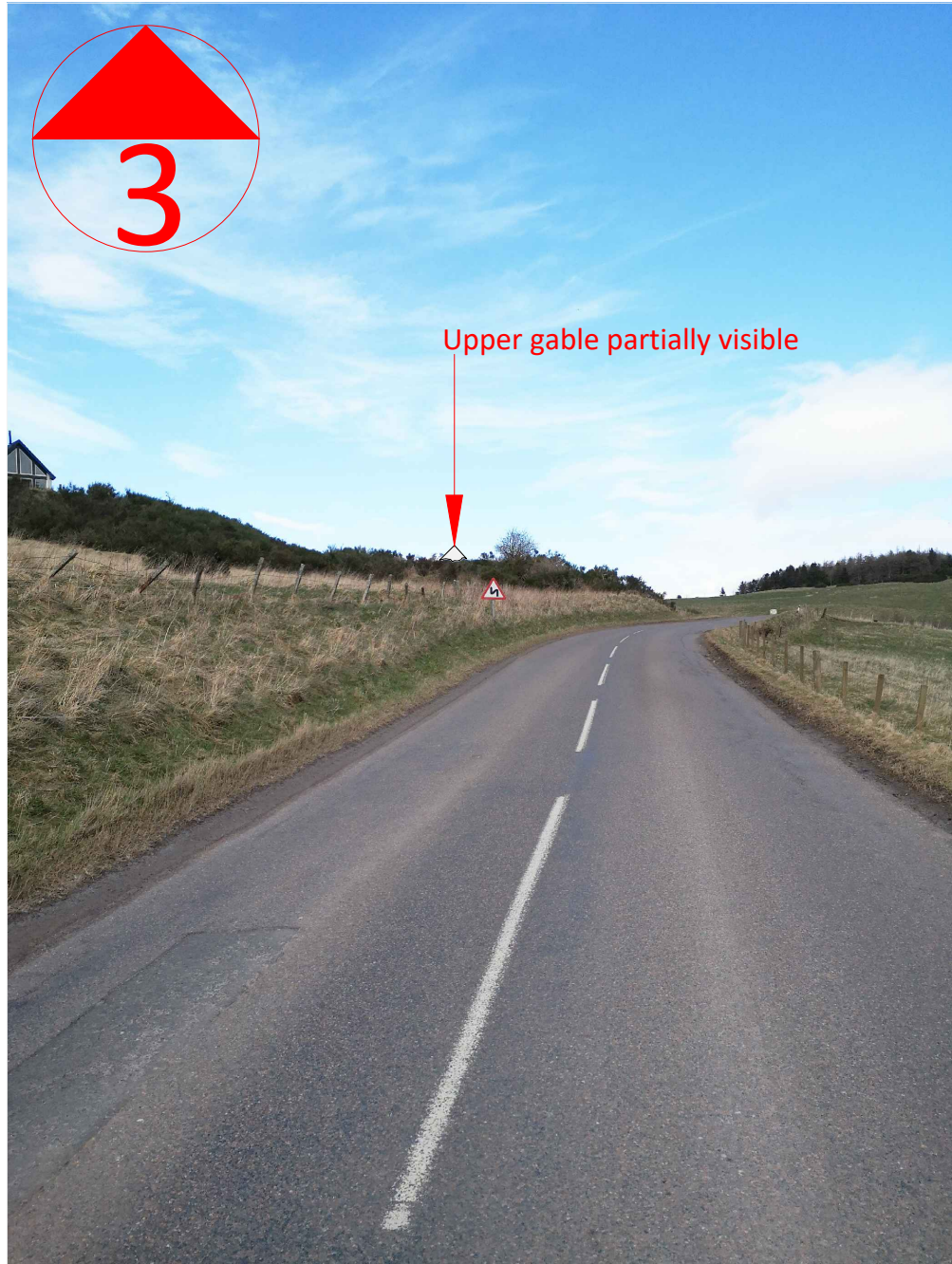
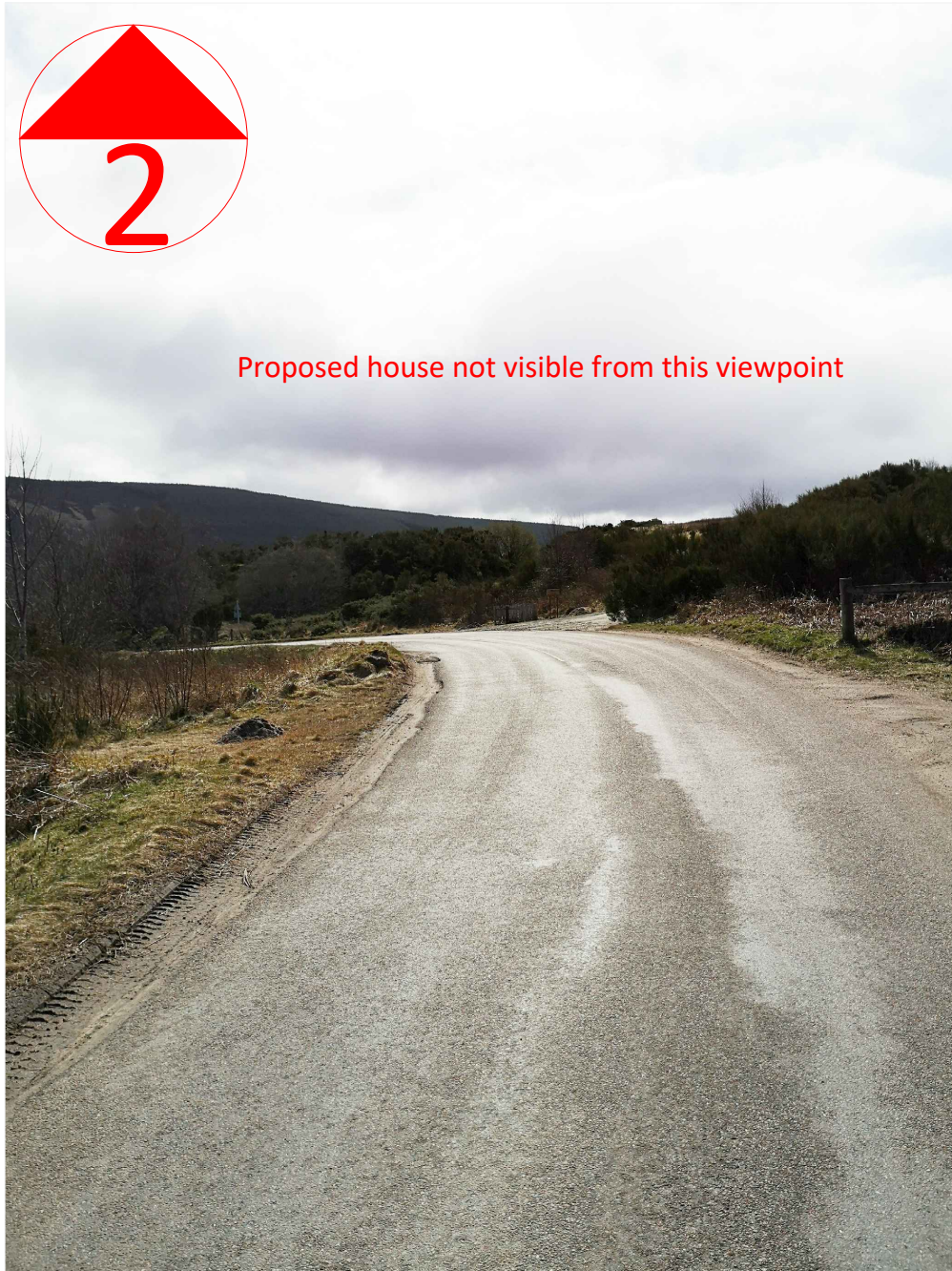
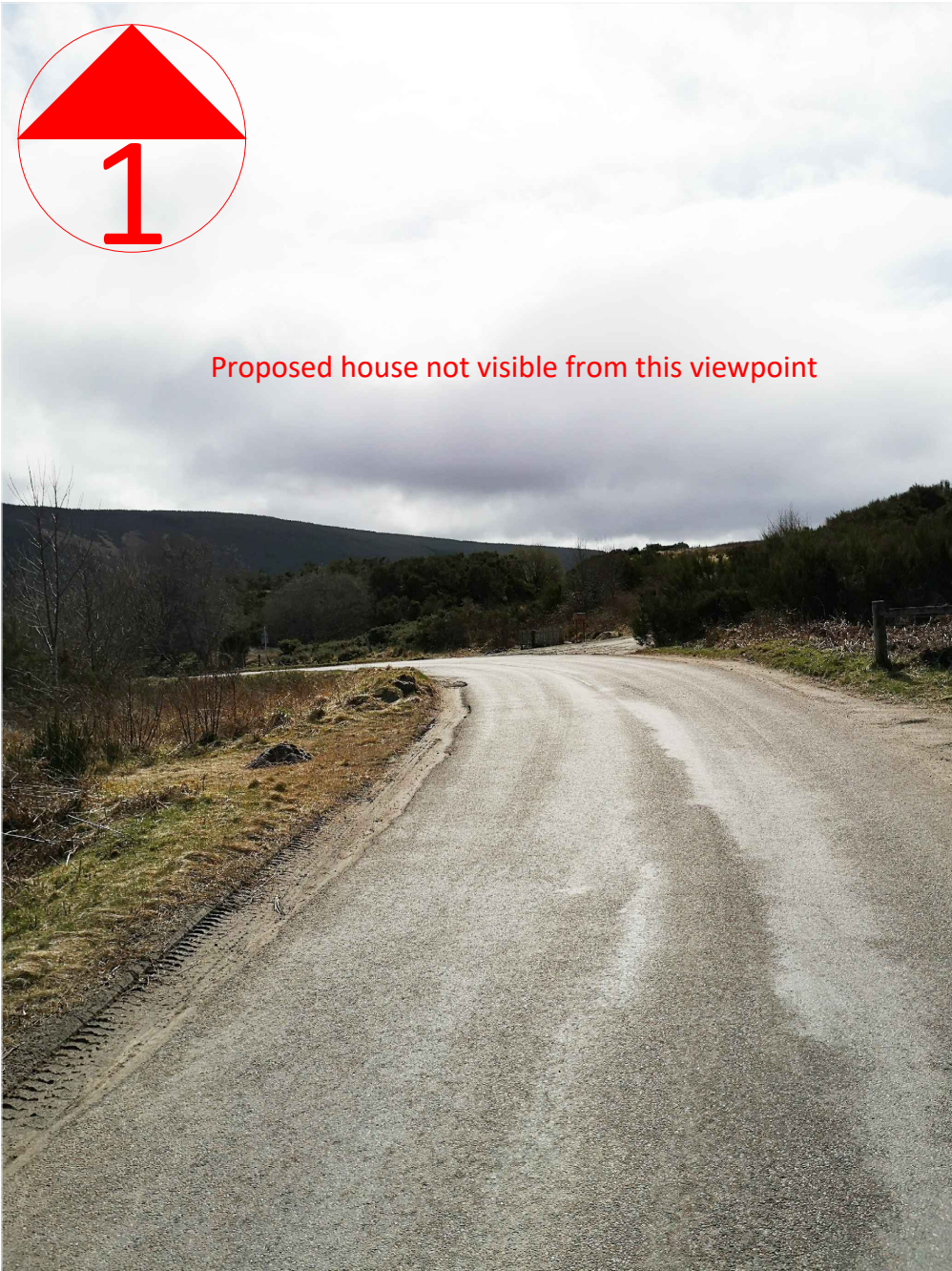
Site at Convalleys, Dufftown



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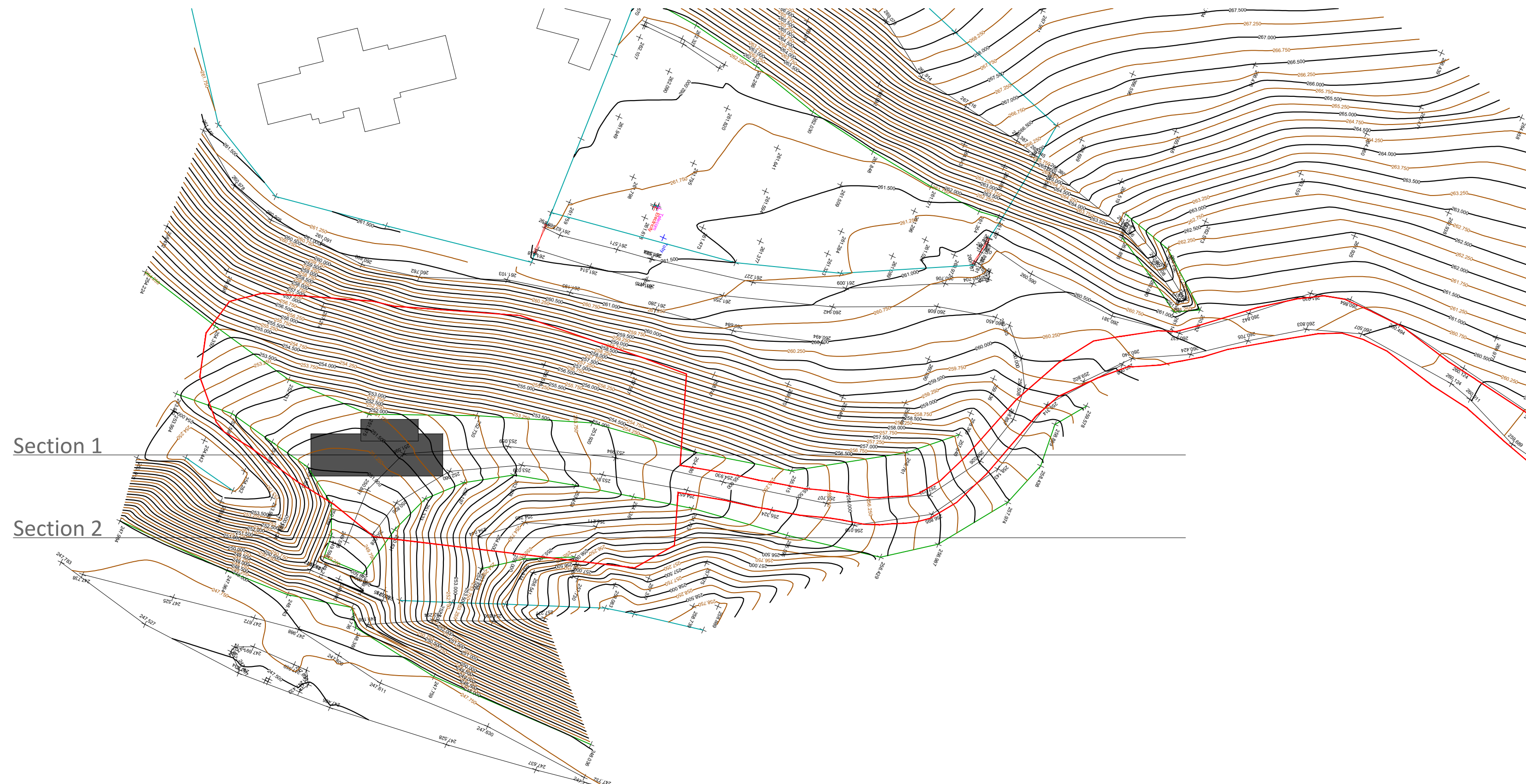
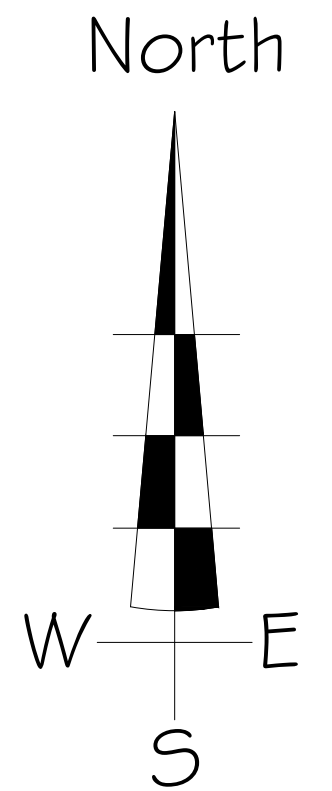
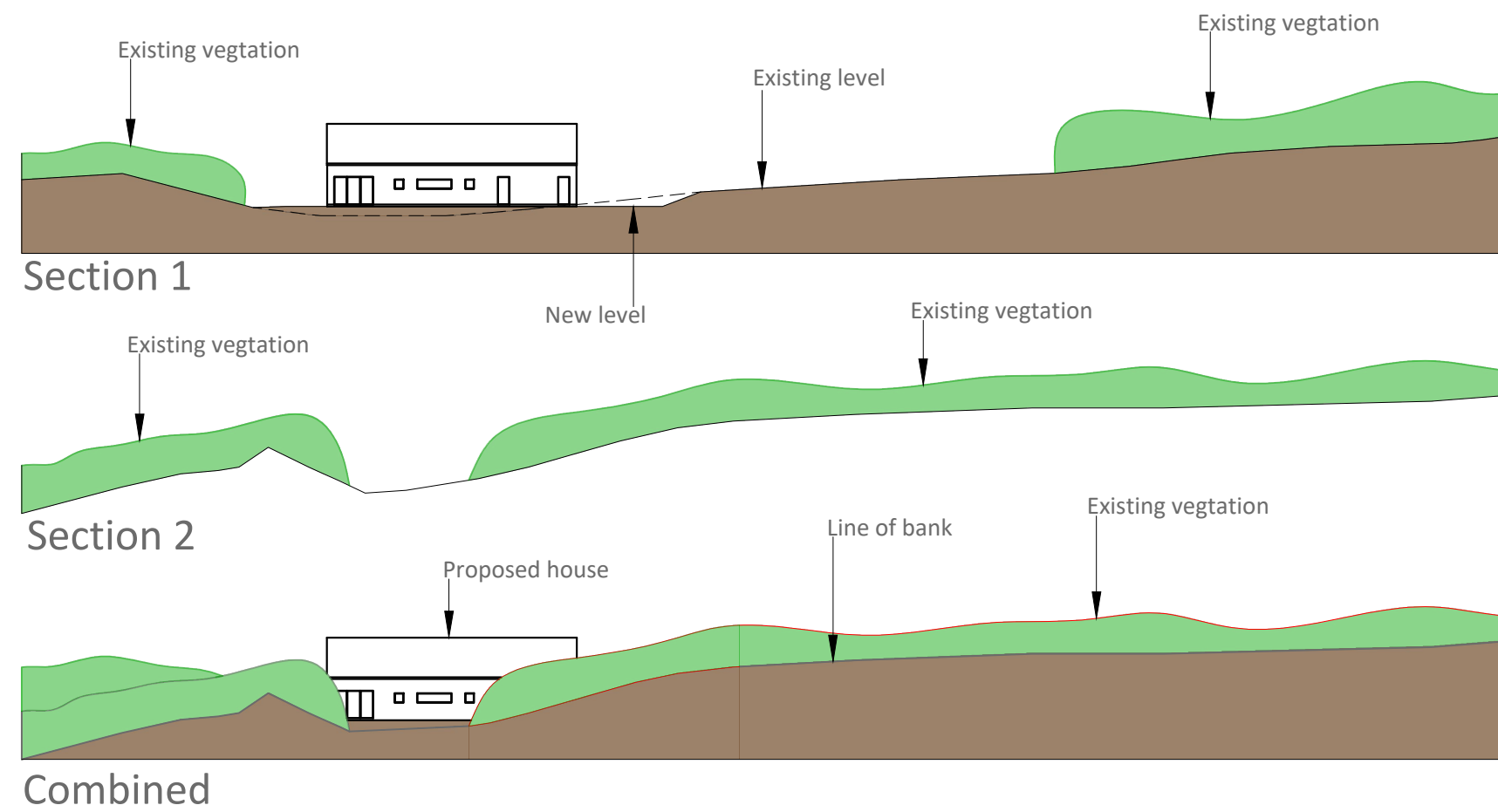


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Site at Convalleys, Dufftown



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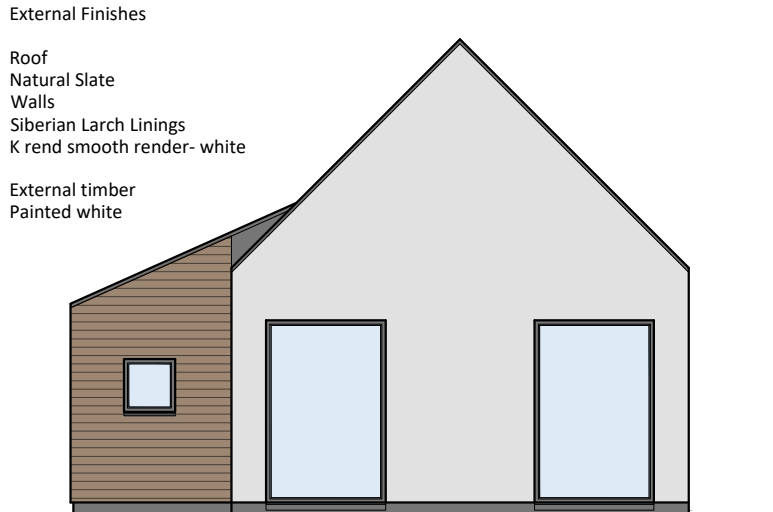
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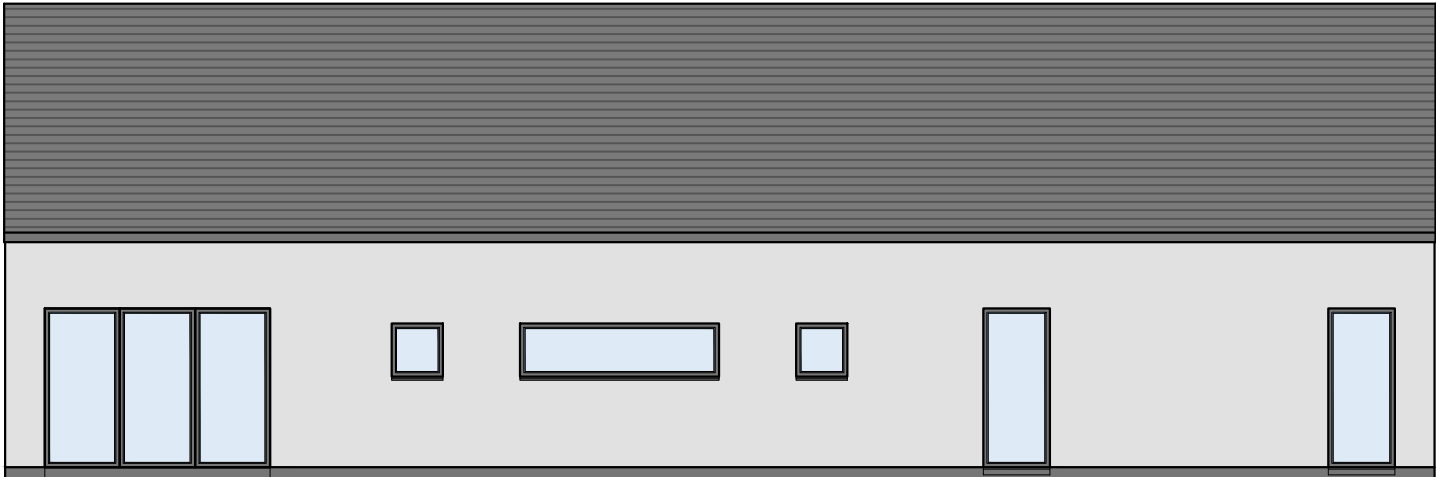
Site at Convalleys, Dufftown



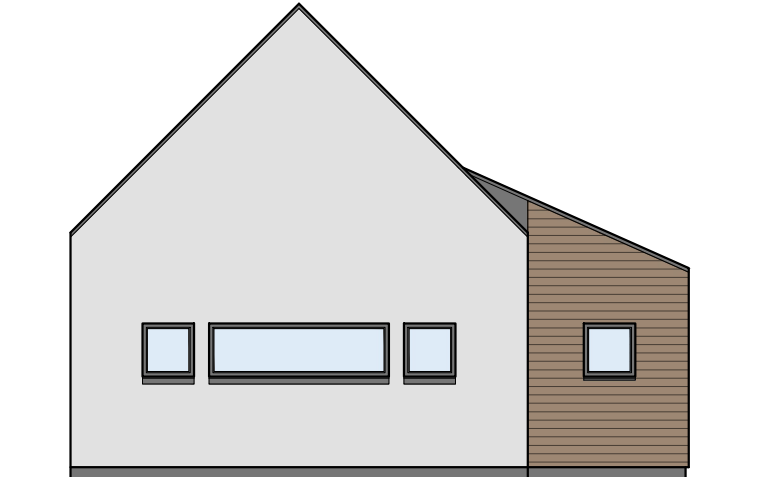
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

External Finishes

Roof
Natural Slate
Walls
Siberian Larch Linings
K rend smooth render- white

External timber
Painted white

External Finishes

Walls
Smooth K-Rend White Render
Larch Cladding

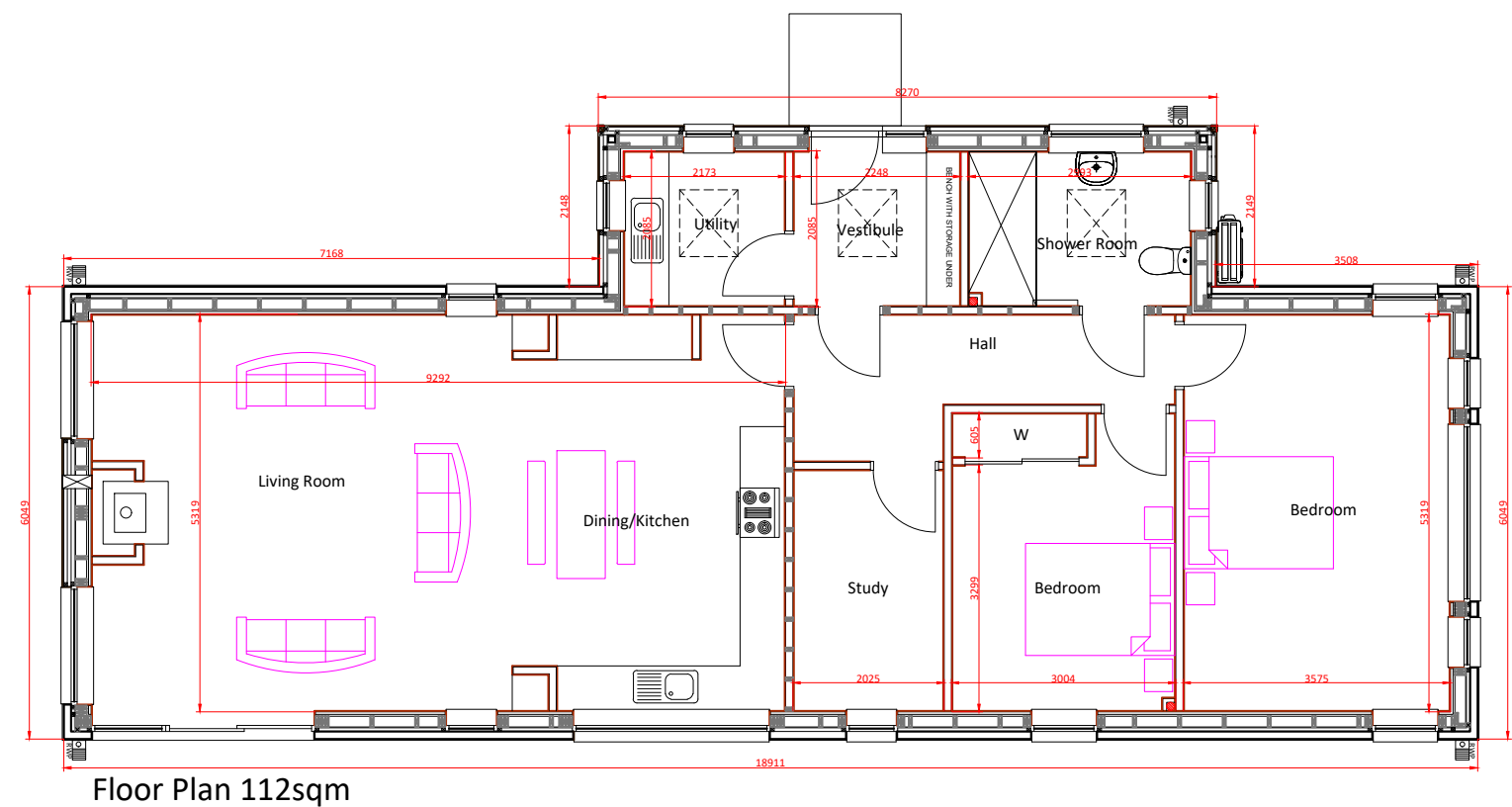
Roof
Natural Slate

Windows
Grey UPVC

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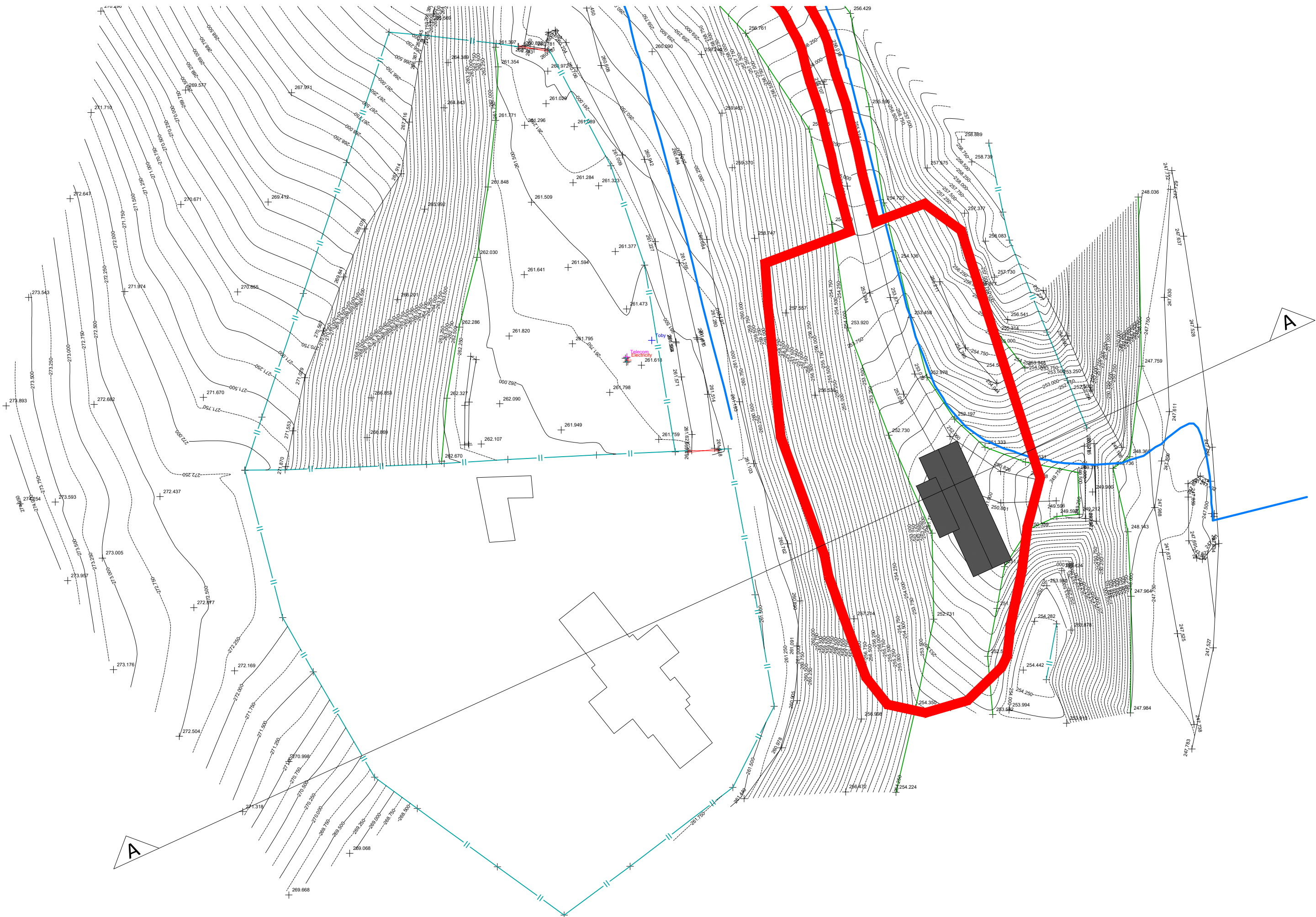
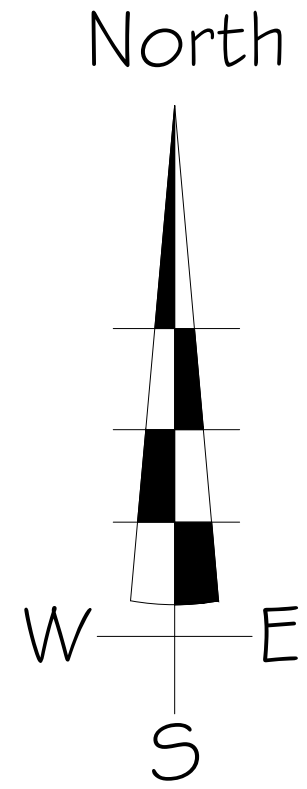
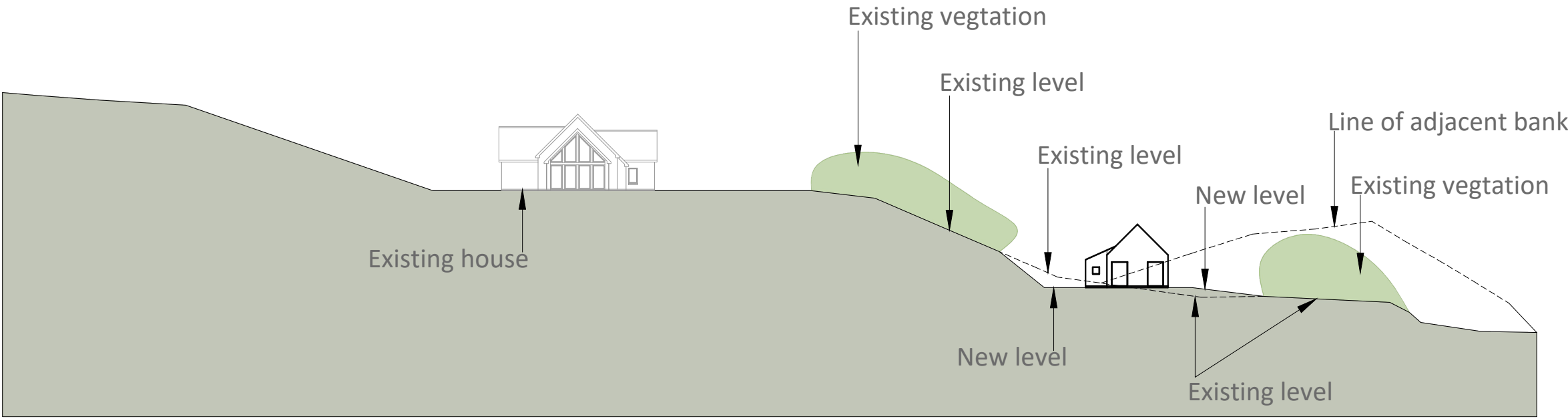


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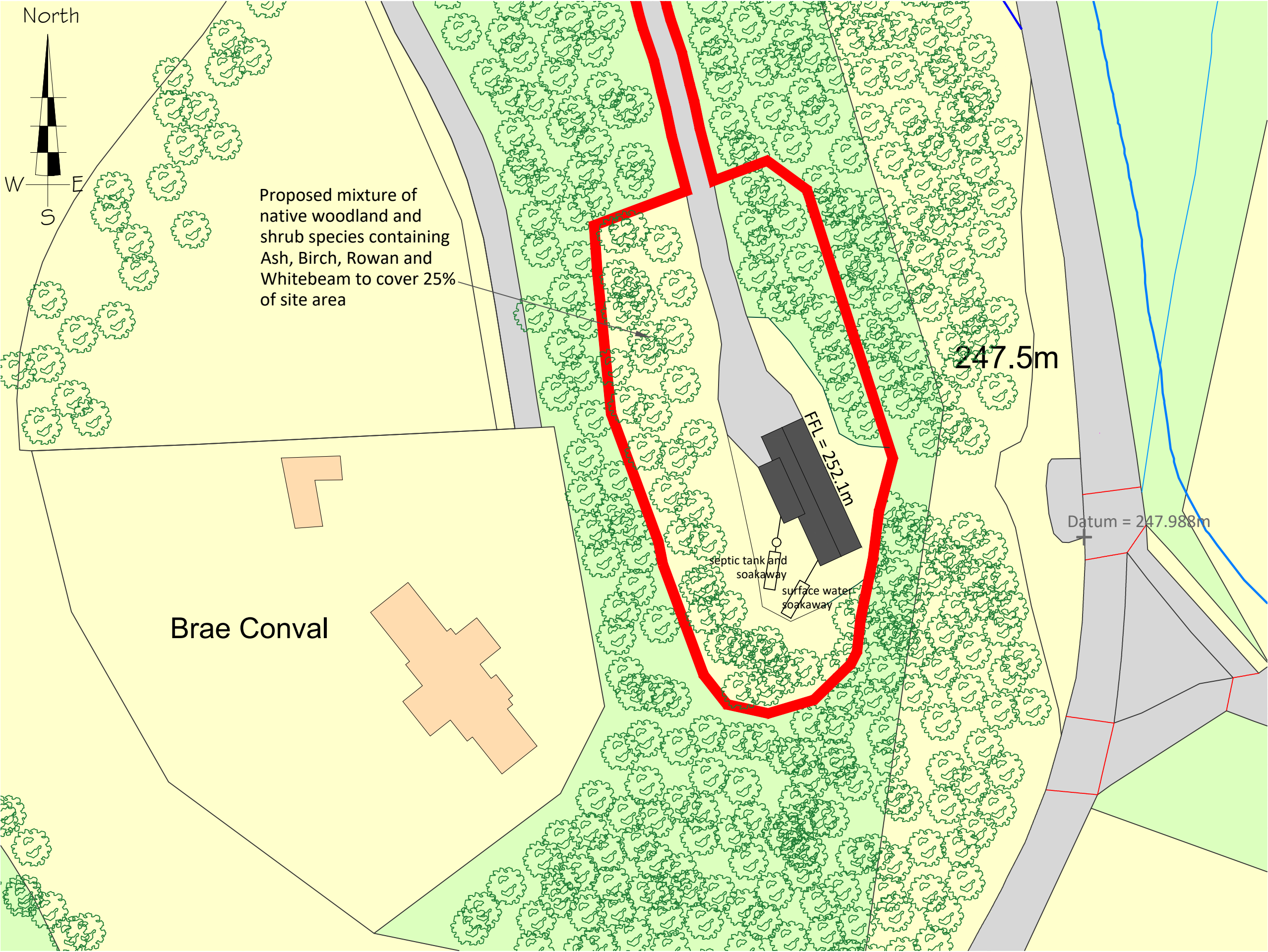
Site at Convalleys, Dufftown



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geoghegan

planning, development and
architectural consultants

T:01343 556644
E:enquiries@ggmail.co.uk



grant and
geoghegan

planning, development and
architectural consultants

T:01343 556644
E:enquiries@ggmail.co.uk

Gary Mackintosh
Email: gmsurveys@gmail.com
Tel: 07753384192

gmsurveys

Surveys, Setting-Out Civil Engineering Design

Site Investigation & Drainage Assessment

SITE AT CONVALLEY

Gary Mackintosh BSc
gmsurveys@gmail.com

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Client:

Grant and Geoghegan

Site Address:

Site near Convalleys
Dufftown

Planning Reference:

n/a

Date:

04/03/2020

Job Number:

0965

Company Information:

Assessment completed by:

Gary Mackintosh BSc

GMCSurveys

34 Castle Street

Forres

Moray

IV36 1PW

Email: gmcsurveys@gmail.com

Telephone: 07753384192

Site Description:

The site is located near Convalleys Farm. The proposals are to erect a dwelling house and associated infrastructure.

The site is bounded by agricultural land to all sides, with the access track to the north of the site. The site has a relatively flat gradient.

SEPA flood maps show no risk of flooding in the area of the site.

GMC Surveys were asked to carry out a site investigation and report to determine the drainage requirements for the dwellings.

Soil Conditions:

Excavations were carried out using a mechanical digger in February 2020 to assess the existing ground conditions and carry out infiltration and percolation testing for the dispersal of foul and surface waters via soakaways.

The trial pits were excavated to depths of 1.6m. The pits were left open and no ground water was encountered.

The excavations provided existing ground conditions of 400mm Topsoil overlying brown to dark brown medium/ coarse sands to the extent of the test pit.

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

Percolation/Soakaway Testing:

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

	1 st	2 nd	3 rd	Mean
Date of Test	16/02/2020	16/02/2020	16/02/2020	
THo1	5400s	5520s	5700s	5540s
THo2	6000s	6060s	7020s	6360s
Average Soil Vp				39.67s/mm

Infiltration testing:

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

Infiltration Test	Pit Dimensions (w/l)	Test Zone (mbgl)	Infiltration Rate (m/s)
INF01	0.8mx 1.0m	0.5 – 1.5	2.52×10^{-5}

Conclusion and Recommendations:

The natural ground is suitable for Traditional strip foundations designed in accordance with BS8110 – Structural use of Concrete.

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

The Vp rate is above the maximum threshold of 15s/mm therefore individual septic tanks can be used, the final details of which are to be confirmed by the chosen supplier.

Foul Water Discharge via Soakaway:

It is proposed that the property is to discharge to a septic tank and soakaway.

Area of soakaway= PE x Vp x 0.25 = **59.5m²**

This area can be provided with soakaway plan dimensions **10m x 6m at a depth of 0.45m** below invert level of the incoming pipe. Alternative dimensions may be adopted to better suit the site layouts ensuring that the minimum base area of **59.5m²** is maintained.

Surface Water Dispersal via Soakaway:

The calculation sheets below confirm the suitability of a surface water soakaway with dimensions of **11m x 4m x 0.8m** below the invert level of the pipe based on the proposed roof area of **170m²**.

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 16.12

gmcsurveys
Surveys. Setting Out Civil Engineering Design

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

Job No. 0965		
Sheet no. 1		
Date 04/03/20		
By GM	Checked	Approved

Project **Convalleys**
Title **BRE365 Trench calculations for Scotland**

Rectangular pit design data:-

Pit length	=	11 m	Pit width	=	4 m
Depth below invert	=	.8 m	Percentage voids	=	30.0%
Imperm. area	=	170 m ²	Infilt. factor	=	0.000025 m/s
Return period	=	200 yrs	Climate change	=	35%

Calculations :-

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

$$a_{s50} = 2 \times (\text{length} + \text{width}) \times \text{depth}/2 = 12.0 \text{ m}^2$$

Outflow factor : $O = a_{s50} \times \text{Infiltration rate} = 0.0003 \text{ m/s}$

Soakaway storage volume : $S_{\text{actual}} = \text{length} \times \text{width} \times \text{depth} \times \% \text{voids}/100 = 10.6 \text{ m}^3$

Duration	Rainfall mm/hr	Inflow m ³	Depth (hmax) m	Outflow m ³	Storage m ³
5 mins	156.3	2.2	0.16	0.09	2.12
10 mins	124.5	3.5	0.25	0.18	3.33
15 mins	105.4	4.5	0.32	0.27	4.21
30 mins	75.6	6.4	0.45	0.54	5.89
1 hrs	50.6	8.6	0.57	1.08	7.52
2 hrs	32.7	11.1	0.68	2.16	8.96
4 hrs	20.7	14.1	0.74	4.32	9.78
6 hrs	15.8	16.1	0.73	6.48	9.64
10 hrs	11.2	19.0	0.62	10.80	8.22
24 hrs	6.2	25.2	0.00	25.92	0.00

Actual volume : $S_{\text{actual}} = 10.560 \text{ m}^3$

Required volume : $S_{\text{reqd.}} = 9.780 \text{ m}^3$

Soakaway volume storage OK.

Minimum required a_{s50} : 11.11 m²

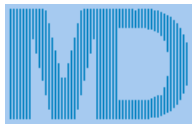
Actual a_{s50} : 12.00 m²

Minimum depth required: 0.74 m

Time to maximum 4 hrs

Emptying time to 50% volume = $t_{s50} = S_{\text{reqd}} \times 0.5 / (a_{s50} \times \text{Infiltration rate}) = 04:31 \text{ (hr:min)}$

Soakaway emptying time is OK.



MasterDrain
SW 16.12

gmcsurveys
Surveys, Setting Out Civil Engineering Design

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

Job No. 0965		
Sheet no. 2		
Date 04/03/20		
By GM	Checked	Approved

Project **Convalleys**
Title **BRE365 Trench calculations for Scotland**

Location hydrological data (FSR) :-

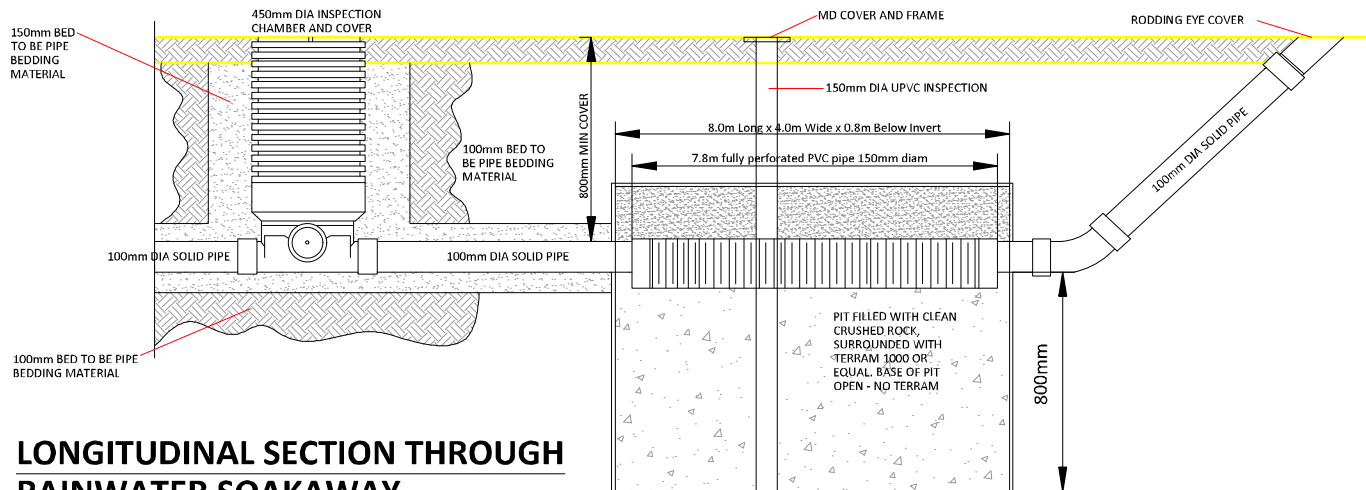
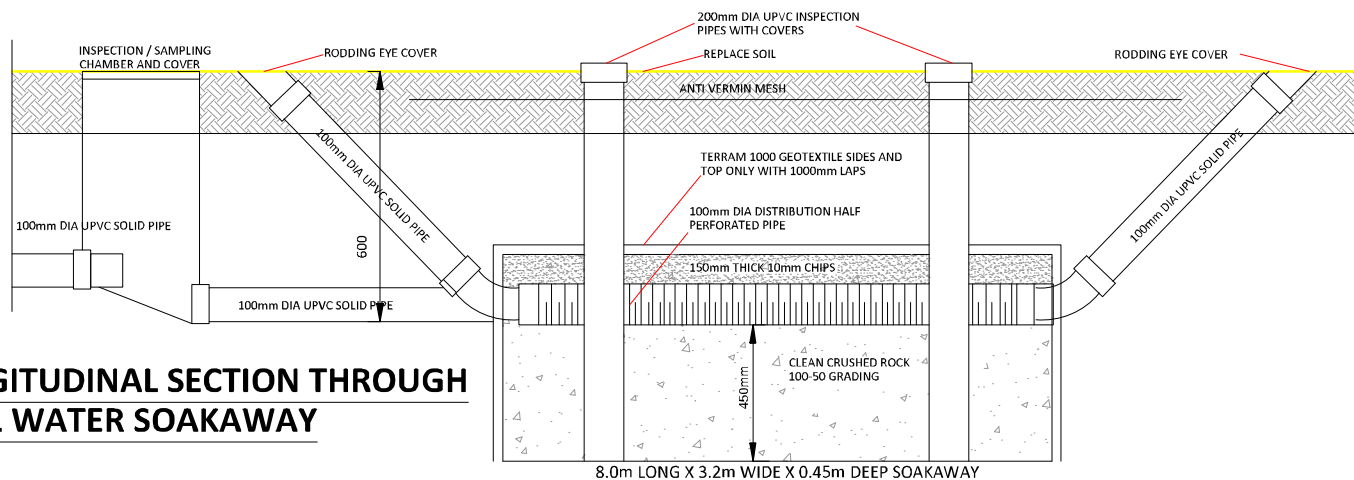
Location	=	Scotland	Grid reference	=	
M5-60 (mm)	=	16.4	r	=	0.23
Soil index	=	0.30	SAAR (mm/yr)	=	1000

Soil classification for WRAP type 2

- i) Very permeable soils with shallow ground water;
- ii) Permeable soils over rock or fragipan, commonly on slopes in western Britain associated with smaller areas of less permeable wet soils;
- iii) Moderately permeable soils, some with slowly permeable subsoils.

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

LONGITUDINAL SECTION THROUGH FOUL WATER SOAKAWAY



LONGITUDINAL SECTION THROUGH RAINWATER SOAKAWAY

REV:	DESCRIPTION:	BY:	DATE:
STATUS: ISSUE			

gmcsurveys

Surveys, Setting Out, Civil Engineering Design

T: 07557 431 702

E: gmcsurveys@gmail.com

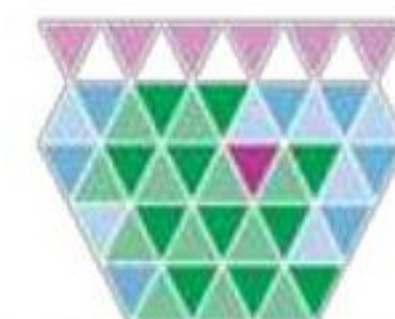
CLIENT: Grant and Geoghegan

SITE: Convalleys
Dufftown

TITLE: Soakaway Details

SCALE AT A4: NTS	DATE: MAR2020	DRAWN: GM	CHECKED:
PROJECT NO: 0965	DRAWING NO: Appendix	REVISION:	-

Developer Obligations: ASSESSMENT REPORT



moray
council

Date: 13/03/2020

Reference: 20/00311/APP

Description: Erect dwellinghouse on Site At
Convalley, Dufftown

Applicant: Ms Michelle McConachie

Agent: Grant And Geoghegan Limited

This assessment has been carried out by Moray Council. This assessment is carried out in relation to policy IMP3 Developer Obligations of the Moray Local Development Plan 2015 (LDP) and associated Supplementary Guidance (SG) on Developer Obligations which was adopted on 1 March 2018.

The LDP and SG can be found at
http://www.moray.gov.uk/moray_standard/page_100443.html

Summary of Obligations

Primary Education	Nil
Secondary Education	Nil
Transport	Nil
Healthcare (<i>Contribution towards extension at Rinnes Medical Practice and 1 Additional Dental Chair</i>)	
Sports and Recreation	Nil
Total Developer Obligations	

Breakdown of Calculation

Proposals 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:

2 bed = 0.8 SRUE

This assessment is therefore based on 0.8 SRUE.

Developer Obligations Discount for Small Scale Development

A discount of 80% will be applied to the contribution for single unit developments to reflect their small scale nature.



Moray Council **DEVELOPER OBLIGATIONS**

INFRASTRUCTURE

Education

Primary Education

Pupils generated by this development are zoned to Mortlach Primary School. The school is currently operating at 71% functional capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary.

Contribution towards Primary Education = Nil

Secondary Education

Pupils resident in Dufftown are zoned to Speyside High School. The school is currently operating at 73% capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary.

Contribution towards Secondary Education = Nil

Transport

The Moray Council Transportation Services has confirmed that no developer obligations will be sought for this proposal.

Contributions towards Transport = Nil

Healthcare

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

General Practitioner (GP) and floorspace requirement per GP is 271m².

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

Rinnes Medical Practice is the nearest GP Practice within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Rinnes Medical Practice is working beyond design capacity and existing space will be required to be extended and that 1 Additional Dental Chair will be required.

Contributions are calculated based on a proportional contribution of £1,290 per SRUE for the health centre and additional dental chair each.

Contribution towards Healthcare= [REDACTED]

Sports and Recreational Facilities

Sports and Recreation Facilities

Existing sports provision within Dufftown 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



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.





13th March 2020

Moray Council
Council Office High Street
Elgin
IV30 9BX

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

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

Dear Local Planner

AB55 Moray Dufftown Site At Convalley
PLANNING APPLICATION NUMBER: 20/00311/APP
OUR REFERENCE: 790180
PROPOSAL: Erect dwellinghouse

Please quote our reference in all future correspondence

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

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

Foul

- 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.

General notes:

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

Site Investigation Services (UK) Ltd
Tel: 0333 123 1223
Email: sw@sisplan.co.uk
www.sisplan.co.uk

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk.

Yours sincerely

Erin Drummond

Erin.Drummond@scottishwater.co.uk

**MORAY COUNCIL
PLANNING CONSULTATION RESPONSE**

From: The Moray Council, Flood Risk Management

Planning Application Ref. No: 20/00311/APP

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

Please

x

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

Contact:	Leigh Moreton	Date	12/03/2020
email address:	Leigh.moreton@moray.gov.uk	Phone No	01343 563773

Consultee: The Moray Council, Flood Risk Management

Consultee Comments for Planning Application 20/00311/APP

Application Summary

Application Number: 20/00311/APP

Address: Site At Convalley Dufftown Moray

Proposal: Erect dwellinghouse on

Case Officer: Katherine Donnachie

Consultee Details

Name: Mr EH Consultations

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

Email: ehplanning.consultations@moray.gov.uk

On Behalf Of: Environmental Health C12

Comments

No objection

Andrew Stewart

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	25th March 2020
Planning Authority Reference	20/00311/APP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Site At Convalley Dufftown Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133073067
Proposal Location Easting	330362
Proposal Location Northing	837205
Area of application site (M²)	2932
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=Q6RFMDBGMB500
Previous Application	
Date of Consultation	11th March 2020
Is this a re-consultation of an existing application?	No
Applicant Name	Ms Michelle McConachie
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	Grant And Geoghegan Limited
Agent Organisation Name	
Agent Address	Unit 4 Westerton Road Business Centre 4 Westerton Road South Keith AB55 5FH
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Katherine Donnachie
Case Officer Phone number	
Case Officer email address	katherine.donnachie@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

The statutory period allowed for a consultation response is 14 days. Due to scheduling

pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Contaminated Land

Planning Application Ref. No: 20/00311/APP

Erect dwellinghouse on Site At Convalley Dufftown Moray for Ms Michelle McConachie

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

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

Condition(s)

[Informative]

This development has been identified from the 1905 Ordnance Survey map as being located on the site of a former sand pit. Moray Council does not have any further information as to whether the pit has been infilled and whether the ground is contaminated. Safe development is the responsibility of the developer. You should consider investigating this matter further prior to proceeding with the proposed works. Should contamination be encountered, contact the Environmental Health section immediately (email contaminated.land@moray.gov.uk, tel 0300 1234561) to agree an appropriate course of action.

Contact: Adrian Muscutt
email address:
Consultee:

Date 18/03/2020
Phone No

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

Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://publicaccess.moray.gov.uk/eplanning/> (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply

with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using “redaction” software to avoid (or mask) the display of such information. Where appropriate other “sensitive” information within documents will also be removed prior to publication online.

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	25th March 2020
Planning Authority Reference	20/00311/APP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Site At Convalley Dufftown Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133073067
Proposal Location Easting	330362
Proposal Location Northing	837205
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Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=Q6RFMDBGMB500
Previous Application	
Date of Consultation	11th March 2020
Is this a re-consultation of an existing application?	No
Applicant Name	Ms Michelle McConachie
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	Grant And Geoghegan Limited
Agent Organisation Name	
Agent Address	Unit 4 Westerton Road Business Centre 4 Westerton Road South Keith AB55 5FH
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Katherine Donnachie
Case Officer Phone number	
Case Officer email address	katherine.donnachie@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 20/00311/APP

Erect dwellinghouse on Site At Convalley Dufftown Moray for Ms Michelle McConachie

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

Please

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

Condition(s)

1. No development shall commence until:

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

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

2. Notwithstanding the submitted details prior to the occupation of the dwelling house, the first 15m of the access track, measured from the edge of the public carriageway, shall be constructed across its full existing width to the Moray Council specification and surfaced with bituminous macadam, 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.

3. A minimum of two car parking spaces shall be provided within the site prior to the

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

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

4. 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

5. No water or loose material shall be permitted to drain or be carried onto the public carriageway for the lifetime of the development.

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 or as a result of the regrading works.

Further comment(s) to be passed to applicant

The formation of the required visibility splay will involve the removal of gorse and vegetation and the significant lowering/ regrading of a bank to the south. Note - the visibility splay maintenance regime has not been shown on the submitted drawings.

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

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

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

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

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

Contact: AG

Date 30 March 2020

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

Consultee: TRANSPORTATION

Return response to

consultation.planning@moray.gov.uk

From: Katherine Donnachie
Sent: 9 Apr 2020 10:52:00 +0100
To: Planning Consultation
Subject: consultation response : 20/00311/APP

Thanks K

From: Adrian Muscutt <Adrian.Muscutt@moray.gov.uk>
Sent: 09 April 2020 10:50
To: Katherine Donnachie <Katherine.Donnachie@moray.gov.uk>
Subject: 20/00311/APP

Katherine

Thank you for the additional information on the proposed water supply for 20/00311/APP. I can confirm it is a known supply with regular testing and on the basis of the information supplied there appears to be sufficient water.

I have no access to Uniform for the normal consultation procedure so can I ask that the following condition be attached to any planning consent.

Prior to occupation of the house hereby approved, a scheme of effective treatment to the private water supply shall be fully installed and properly maintained for the lifetime of the development. The scheme must ensure that the water to the house fully complies with the regulatory limits stated in The Water Intended for Human Consumptions (Private Supplies)(Scotland) Regulations 2017 and should specifically include point of entry ultraviolet treatment and pre-filtration.

Regards
Adrian

Adrian Muscutt | Environmental Health Section
Normal working pattern: Tuesday to Friday
adrian.muscutt@moray.gov.uk | [website](#)
01343 563496 | 0300 1234561



REPORT OF HANDLING

Ref No:	20/00311/APP	Officer:	Katherine Donnachie
Proposal Description/ Address	Erect dwellinghouse on Site At Convalley Dufftown Moray		
Date:	05.05.2020	Typist Initials:	DM

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Planning and Development Obligations	13/03/20	Developer obligations are required – contribution of healthcare in terms of extension at Rinnes Medical Centre Practise and one additional dental chair. Applicant has indicated willingness to pay obligations.
Scottish Water	13/03/20	Advise that there is no public water or drainage infrastructure within the vicinity of the site
Moray Flood Risk Management	12/03/20	No objections
Environmental Health Manager	13/03/20	No public water supply available. On receipt of further information on the proposed water supply advised that the proposed supply is a known supply which is regularly tested and on the basis of information provided there appears to be sufficient water. Should the application be approved a condition should be attached requiring an effective treatment scheme to be installed before the house is occupied and maintained thereafter throughout the lifetime of the consent.

Contaminated Land	18/03/20	No objections – note that the development has been identified from the 1905 Ordnance Survey map as being located on the site of a former sand pit. Moray Council does not have any information as to whether the pit has been infilled or whether the ground is contaminated. Safe development is the responsibility of the developer and if the application were approved then an informative should be attached highlighting this.
Transportation Manager		No objections subject to conditions being attached including the requirement for further details on the control and maintenance of visibility splays at the junction onto the public road, and surfacing of the first 15 metres of the access track

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
Moray Local Development Plan 2015		
PP3: Placemaking	N	Refer to observations
H7: New Housing in the Open Countryside	Y	Refer to observations
E4: Trees and Development	N	Refer to observations
E7: AGLV and impacts on wider landscape	Y	Refer to observations
EP5: Sustainable Urban Drainage Systems	N	Refer to observations
EP10: Foul Drainage	N	Refer to observations
EP4: Private Water Supplies	N	Refer to observations
ER2: Development in Woodlands	N	Refer to observations
T2: Provision of Access	N	Refer to observations
T5: Parking Standards	N	Refer to observations
IMP1: Developer Requirements	Y	Refer to observations
IMP3: Developer Obligations	N	Refer to observations
2020 Proposed Local Development Plan		
PP1 Placemaking		
PP3 Infrastructure & Services		
DP1 Development Principles		
DP4 Rural Housing		

EP7 Forestry, Woodlands and Trees		
EP14 Pollution, Contamination & Hazards.		

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received		
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: Potential impacts upon wildlife, flora and fauna and requirement to plant trees.		
Comments (PO): The main vegetation in and around the site is broom and vegetated slopes. There is not considered to be an unduly adverse impact on wildlife/flora/fauna and the application indicates proposed native tree planting in this case.		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Proposal

This application seeks full planning permission to erect a new single storey house at Convalleys by Dufftown. The house is to be centrally positioned within the site with sections submitted to show how it will sit on the site with some ground excavation proposed. Sections also illustrate the relationship of the proposed new house with an existing new house to the west.

The house design is a simple single storey 2 bedroom house type with pitched roof and front utility/entrance/shower room lean to roofed feature. The house faces west towards the slope and the entrance feature will be finished in larch linings. The rest of the house will be finished in white K rend smooth render with natural slate roof and grey UPVC windows. It measures just under 20 metres long by 6 metres deep with the rear feature measuring some 8 metres by 2 metres. The rear elevation as facing the public road has a variety of window styles plus patio doors, as do the gable elevations. Landscaping is indicated within the site, with a mixture of native woodland species, to cover 25% of the site.

Connection to a public water supply was originally indicated, but after Scottish Water confirmed that there was no public supply available it is now proposed to connect to a private supply which serves other houses in the area, located at Glenrinnies, with new pipework connections proposed to the house site. Surface and foul waters will be disposed of within the site by means of soakaway with drainage report submitted to confirm the suitability of the ground conditions for this approach

Site

The application site is located at Convalleys, Glenrinnies to the south of Dufftown, just south of the bridge crossing over the Burn of Convalleys. Further east is the minor unclassified road from Pittyvaich to Dufftown, and this lies at a lower level. There is a small grouping of houses at Convalleys farmhouse to the east of the application site, dating from the early 2000s. There is a designated rural group of houses at Lettoch a short distance to the north beside the main B9009 road where there are numerous new houses approved and built over the years. The wider area within

which the application site sits is designated as an Area of Great Landscape Value in the Moray Local Development Plan.

The site is located adjacent to the B9009 Dufftown to Glenlivet road to the west of a layby type arrangement on this road which appears to have formerly provided access to this piece of land which is understood to have formed part of a quarry here. The site lies at a slightly higher level to the road with banking between it and the road, apart from the opening towards the layby. These banked areas are covered in vegetation, containing areas of broom. The ground to the west slopes up towards a new house at Brae of Conval which sits at a considerably higher level with land sloping westwards up from this towards the open moorland slopes of Meikle Conval with Ben Rinnes beyond. There is a live planning permission in place for a further new house to the immediate north of this new house, and an application has been submitted to revise the design of the house which was originally approved in 2008.

The application site is accessed from an access point to the north onto the B9009 road which is shared with the two house plots referred to above. The applicant controls land here to provide visibility splays. The shared track then winds southwards to serve the two plots with an existing rough spur track leading down the slope to the application site. The site itself is located in an opening at the foot of the slope which has a hard surface and is understood may date from previous quarrying operations in the area. It is bounded to the west by sloping vegetated slope, to the south and north by vegetated undulating ground with further banking as noted earlier to the east (roadside).

There has been some planning history in relation to new houses in the surrounding area which is summarised as follows:

Convalleys (to immediate west of application site)

- 08/02350/FUL – consent granted to erect a large single storey house with attic accommodation and side wings at site 2 Convalleys, The Quarry Glenrinnies on land to the west of, and above, the application site. This house is built and occupied. The original consent here dated from 1998 for one house, then in 2008 this application together with the one below was granted resulting in a total of two plot here..
- 08/02348/FUL – Consent was granted in 2008 to erect a large single storey house with attic accommodation and side wings at Site 1, immediately to the north of the above house site. Confirmation that work had commenced on this site was provided in 2013 by Moray Council planning officials and an application is currently pending for a revised design for this site (20/00468/APP) for a 1 ½ storey house.
- 01/01872/FUL – retrospective permission was granted to form new agricultural access and road to the far northwest in 2002.

To the south east at Convalleys Farm

- 03/00866/FUL -consent granted for erection of two bedroom dwellinghouse at Convalleys Glenrinnies Keith Banffshire
- 05/00656/FUL -consent granted for erection of dwellinghouse at Convalleys Dufftown

To the north east at Lettoch there have been numerous consents granted for new houses over the years, here including more recently

- 18/00315/APP permission granted to demolish shed and erect new house at Lettoch Bridge
- 17/01745/APP house at Upper Lettoch
- 17/01504/APP house at Lettoch Brae
- 17/01167/APP house at Meikle Conval
- 17/0728/APP house at Little Conval
- 17/0353/APP house at Conval View

APPRAISAL

Policy Background

Section 25 of the 1997 Town and Country Planning (Scotland) Act as amended requires applications to be determined in accordance with the Development Plan (in this case this is the adopted Moray Local Development Plan 2015) unless material considerations indicate otherwise.

On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee of Moray Council, the Proposed Moray Local Development Plan 2020 was approved as the “settled view” of the Council. Minimal weight will be given to it, with the 2015 MLDP being the primary consideration until the Proposed Plan is adopted. It is against this background that this application is being assessed in terms of whether it complies with the policies of the adopted Moray Local Development Plan.

Principle

The application site lies outwith the rural grouping of Lettoch as designated in the Moray Local Development Plan 2015. The description of that grouping in the Plan expressly notes that the boundary line has been drawn to consolidate growth with opportunities for development and limited infill identified on two sites within the grouping. It is noted that due to the prominent nature of this location further development is restricted.

Accordingly Policy H7 New Housing in the Open Countryside of the Moray Local Development Plan applies. This presumes in favour of new housing in the open countryside providing it meets various criteria on siting and design. It is therefore the merits of the site, layout and design that are to be considered here.

Siting – Landscape and Cumulative Impacts

Policy Background

Policy H7 New Housing in the Open Countryside of the Moray Local Development Plan 2015 presumes in favour of new housing in the open countryside providing it meets various criteria on siting and design. In particular it requires that new development:

- reflects the traditional pattern of settlement, is sensitively integrated with the surrounding landform using natural backdrops particularly where the site is clearly visible in the landscape
- has at least 50% of the site boundaries long established and capable of distinguishing the site from the surrounding land
- does not detract from the character or setting of existing buildings or their surrounding area when added to an existing grouping or create inappropriate ribbon development
- does not contribute to a build-up of development where the number of houses has the effect of changing the rural character of the area, noting that particular attention will be given to proposals in the open countryside where there has been a significant growth in the number of new house applications

Where these criteria are met detailed guidance on design are then set out to be met in full (Design will be assessed later in this report). Reference is also made within Policy H7 to Policy E4: Trees and Development which seeks to avoid woodland removal and to secure planting of native species. (In this case there is no loss of woodland so no particular conflict with Policy E4)

Policy IMP 1 Developer Requirements also sets out that new development should be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area with criteria to be met set out in more detail including the need for the scale, density and character to be appropriate to

the surrounding area and for the new development to be integrated in the landscape.

In this case the application site also lies within an area where the landscape quality is expressly recognised by the Local Development Plan designation as an “Area of Great Landscape Value”. In such areas Policy E7 sets out that proposals which would have a significant adverse effect on the area will be refused unless they are of the highest design standards, and designed to reflect the landscape characteristics and special qualities identified in the relevant landscape character assessment of the area.

Policy H7 on New Housing in the Countryside is also supplemented by Supplementary Guidance on Housing the Countryside which explains at the outset that the development strategy for Moray as set out in the Local Development Plan substantiates that most new rural housing should take place within rural communities whilst allowing for some new housing on well-located sites that have minimal environmental impact. It highlights that to prevent mistakes of the past being repeated, undesirable precedents of poorly located, sited and designed development will not be accepted as a relevant material consideration when determining planning applications. This guidance sets out that when assessing the “traditional” pattern of development this means the arrangement of vernacular building in the locality and does not include buildings of modern construction. It also highlights that even where a proposal may reflect the traditional pattern of development it may not always be appropriate. For example a proposal which contributes to a build-up of development that is considered to undermine the rural character of the area, including open appearance and ambience

This supplementary guidance is supported by a Guidance Note on Landscape and Visual Impacts of Cumulative Build- Up of Housing in the Countryside approved in January 2018 which is a material consideration when determining planning applications for housing in the countryside where cumulative build up is an issue. This guidance note focuses on eight study areas identified as housing in the countryside hot spots and also contains cumulative build- up indicators which provide further detail on assessing build- up of development and determining when it is unacceptable in area outwith the identified study areas. In this case the application does not lie within one of the identified hot spots. However given its proximity to existing consents houses and to a rural grouping at Lettoch it is important to consider the potential for cumulative build up on this case.

Set against this policy background the key matters to consider are the landscape and visual impacts (including the impact on the Area of Great Landscape Value) of the development, and the cumulative impacts.

Landscape and Visual Impacts

Whilst the site has some element of setting given the vegetated slopes around it, it will be located beside the B9009 public road between Dufftown and Glenlivet. This is a particularly attractive part of Moray, recognised as such by the Area of Great Landscape Value designation where great care must be exercised with the siting of new development to ensure that the policy objective of ensuring no significant adverse effect on the landscape character is delivered. SNH’s landscape character assessment work sets out the specific landscape character of this part of Moray. The site lies within the Moray and Nairn Upland Valleys character area and on the immediate edge of the Open Uplands character area to the west, and an Upland Farmed Area to the north east. The SNH LCA descriptions highlight that Ben Rinnes is a particularly strong landmark feature here, and that traditional farmsteads and occasional large stone houses are scattered and well integrated throughout the foothills and strath floor edges, sitting comfortably in the landscape. It notes that scenic B roads following the valley floors are popular recreational routes here to access the hills and the whisky trail. The application site will be seen against the backdrop of this landscape character area

Whilst the site is only visible from the B9009 road for short sections as illustrated in the applicant’s supporting visualisations, from certain viewpoints particularly from the south the new house will be prominent. It will also be visible at wider distance from the attractive Pittyvaich road to the east set

against the rising backdrop of Meikle Conval and the moorland leading to Ben Rinnes beyond. This landscape was traditionally characterised by scattered rural development with the landscape itself the dominant feature.

In this case the new house will “read” in this landscape as part of a grouping with the new house to the west which is prominent in the landscape, as well as in time the approved house immediately north of this. Such a grouping would not be reflective of the local traditional landscape character and would also adversely impact upon the characteristics of this Area of Great Landscape Value.

This is not considered to comply with Policies H7, IMP1 and E7

Cumulative Impacts

Moray Council guidance on the landscape and visual impacts of cumulative build-up of houses in the countryside covers the whole of Moray and sets out cumulative build-up indicators to identify build-up and to determine when it becomes unacceptable. These indicators in relation to siting include

- where the number of new houses overwhelms the presence of older buildings
- the incidence and inter-visibility of new houses results in these being a major characteristic in the landscape, with a prominence of new houses from key viewpoints
- there are sequential visual effects experienced from travelling along roads in the vicinity

Indicators relating to design are also set out.

Set against this background is considered that the development will contribute to a build-up of development where the number of houses will have the effect of changing the rural character of the area contrary to Policy H7. The new house, as noted earlier will be prominent in the landscape from certain viewpoints and will also creating a visual grouping with existing and consented houses which will become a major characteristic in the landscape. This is compounded by the fact that there is a prominently sited rural grouping at Lettoch, a short distance to the north, where the grouping was designated to try and consolidate growth. Approving further new development at Convalleys will have the effect of creating the beginnings of a new roadside rural grouping here out of character with the immediate area. This will have adverse sequential effects when travelling along the B909 Dufftown road. In addition from the unclassified Pittyvaich - Convalleys road to the east, it will be viewed as a cluster of new development in relation to the new house built to the west, and the one already consented. This would create a build-up of new housing in the countryside, set against the rising backdrop of Meikle Conval. Furthermore vegetation between the proposed house and the layby and indeed to both the north and south of the application site all seem to be outwith the application site so reducing control over the setting of the development.

In these overall circumstances the development is considered to contribute to a build-up of development where the number of houses will have the effect of changing the rural character of the area contrary to Policy H7.

Design

Policy H7 Housing in the Countryside of the adopted Moray Local Development Plan 2015 sets out design requirements to be met with new housing in the open countryside. This is supported by Supplementary Guidance on Housing in the Countryside. Policy H7 provides detail on gable proportions and roof pitches, uniform external materials, boundaries to reflect character of area, landscaping, vertical emphasis to windows, and the need to work with contours. The need for the building to be of a scale and size that fits into its setting is highlighted, along with highlighting that comparatively low buildings are generally sympathetic to the lines of the landscape in Moray with plans based on more narrow rectangles acceptable with large houses to be designed as a series of elements. Exceptions to the policy requirements will only be justified on the basis of innovative design. Similarly Policy IMP 1 Developer Requirements sets out that new development should be sensitively designed.

In this regard the proposed house, being of fairly simple design with traditional finishes, is considered to generally follow these principles. Whilst the window styles vary with a number of horizontal window styles included the overall style is considered to be acceptable in design terms whereby if the site itself was considered to be acceptable there would be no particular conflicts with Policies H7 and Imp 1 and E7.

Servicing

Policy T2 Provision of Access of the Adopted Moray Local Development Plan 2015 requires that new development be designed to provide the highest level of access for end users, providing safe entry and exit from the development and to provide appropriate mitigation to the existing transport network where required to address the impacts of new development on the safety and efficiency of the transport network. T5 Parking Standards requires that development complies with the Council's parking standards.

In this respect the development is accessed via an existing shared track where the applicant controls the land at the junction onto the public road which is necessary to provide and safeguard the appropriate visibility splays and upgrading being sought by the Transportation Team. There is also space within the site to provide adequate car parking provision. On this basis the development is considered to comply with policies T2 and T5 subject to the imposition of appropriate planning conditions if the application were supported.

Policy EP10: Foul Drainage and Policy EP5: Surface Water Drainage seek to ensure that suitable, sustainable servicing arrangements are made. In this respect a satisfactory drainage assessment has been provided setting out the proposals for disposal of surface and foul water and the relevant consultee (Flood Risk Management Team) is satisfied with the arrangements. Similarly Policy EP4 Private Water Supplies seeks to ensure that a wholesome and adequate supply can be provided. In this case subject to a condition requiring the installation of suitable treatment on the water supply before the house is occupied the Environmental Health Service is satisfied in principle with the proposal to connect to an existing established private supply here. In these circumstances the application is considered to comply with Policies EP4 and EP10 subject, if the application were approved, to appropriate planning conditions being attached regarding drainage arrangements being provided in accordance with the Drainage Report and treatment being provided for the water supply.

Environmental Impacts

Policy IMP 1 Developer Requirements seeks to ensure that conservation, and where possible enhancement, of the natural environment is achieved. In this case if the development proceeded there would be limited impact on the natural environment with the site being partly hard surfaced and bounded by vegetated, largely broom, slopes. There is space for landscaping to be carried out within the site whereby there is not considered to be a particular impact on the natural environment in terms of flora and fauna.

Policy EP9: Contaminated Land seeks to ensure that any necessary remediation of potentially contaminated land is undertaken. In this case the Council Contaminated Land Team has noted that an informative will be required to be attached to any consent if the application were supported to ensure that the applicant was aware of their obligation in relation to any site investigation that may be required given previous historic sand quarry uses in the area.

Developer Obligations

Policy IMP3: Developer Obligations of the adopted Moray Local Development Plan 2015 sets out that contribution will be sought from developers in cases where a development would have a measurable adverse or negative impact upon existing infrastructure, community facilities or amenity. The Developer Obligations Officer has calculated that a contribution towards healthcare is required in this case. If the application were supported this contribution would require to be paid, and the applicant

has indicated willingness to pay in this case. However as the application is not considered to comply with planning policy and is being recommended for refusal the payment has not been sought. Such payment would require to be secured if, for example, any future appeal was successful.

On this basis the application is considered to be capable of complying with Policy IMP3.

Conclusion

The proposed development is not considered to comply with Local Development Plan policies due to the siting of the proposed house which will does not reflect the traditional pattern of development, will contribute to a build- up of development and will have a significant adverse effect upon the Area of Great Landscape Value. Accordingly refusal is recommended.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

- Moray Council Guidance Note on Landscape and Visual Impacts of Cumulative Build- Up of Housing in the Countryside Jan 2018

HISTORY

Reference No.	Description			
	Decision		Date Of Decision	

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	Departure from development plan No Premises	09/04/20	
PINS	Departure from development plan No Premises	09/04/20	

DEVELOPER CONTRIBUTIONS (PGU)

Status	CONT SOUGHT
--------	-------------

DOCUMENTS, ASSESSMENTS etc. *

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

Supporting information submitted with application?

YES

Summary of main issues raised in each statement/assessment/report

Document Name: Site Investigation and Drainage Assessment

Main Issues: Report sets out no flooding issues in area. Details percolation and infiltration test results carried out to demonstrate suitability of ground conditions for disposal of foul and surface waters by means of standard stone filled soakaways with details of sizes set out - foul water area around 10 metres by 6 metres and surface water area of around 11 metres by 4 metres.

Document Name: Viewpoints

Main Issues: Supporting material put in by agent following planning officer request to illustrate by way of visualisations from a number of viewpoints how the new house may appear in the landscape, including in relation to existing properties.

S.75 AGREEMENT

Application subject to S.75 Agreement

NO

Summary of terms of agreement:

Location where terms or summary of terms can be inspected:

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)

Section 30

Relating to EIA

NO

Section 31

Requiring planning authority to provide information and restrict grant of planning permission

NO

Section 32

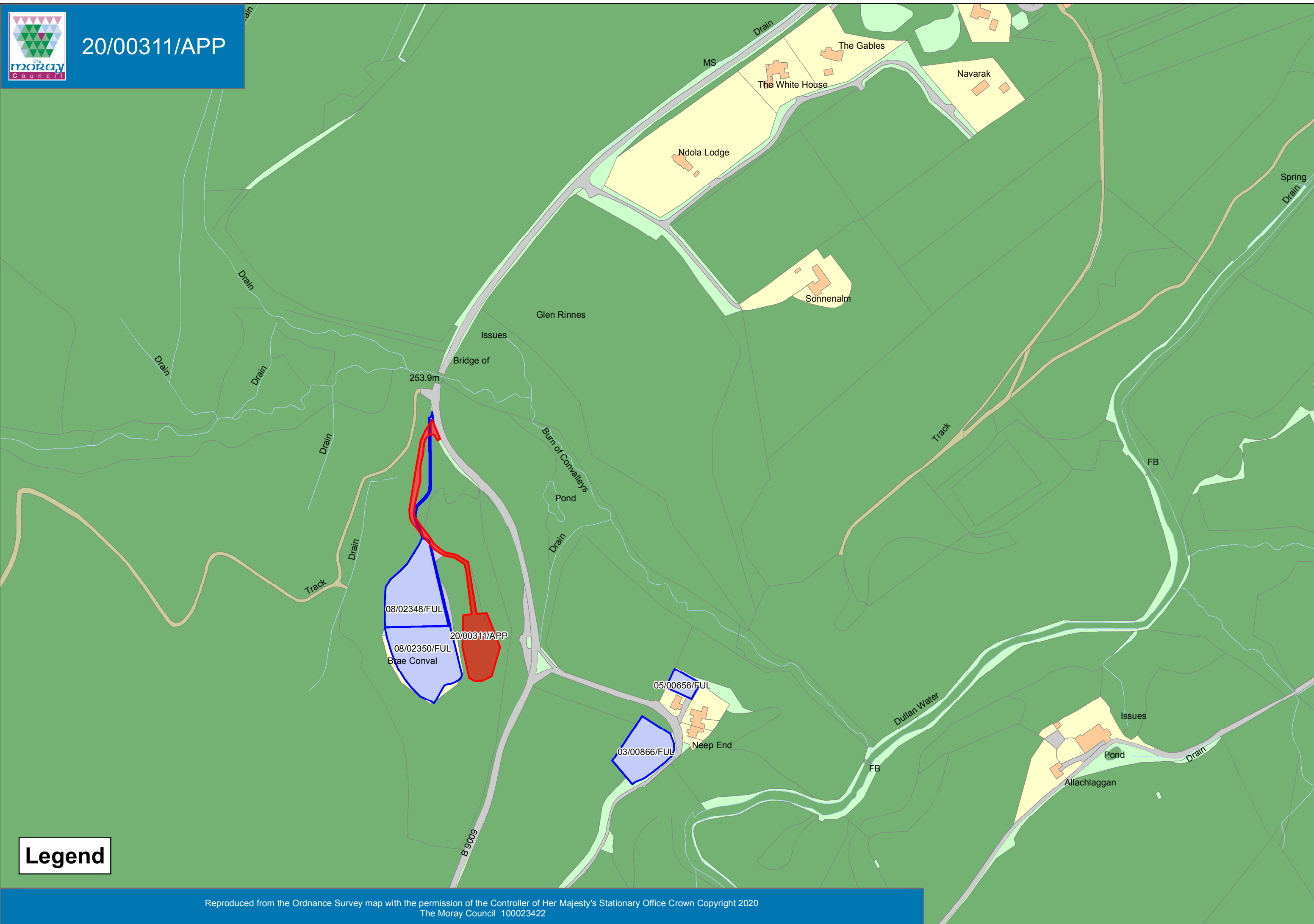
Requiring planning authority to consider the imposition of planning conditions

NO

Summary of Direction(s)



20/00311/APP



Legend

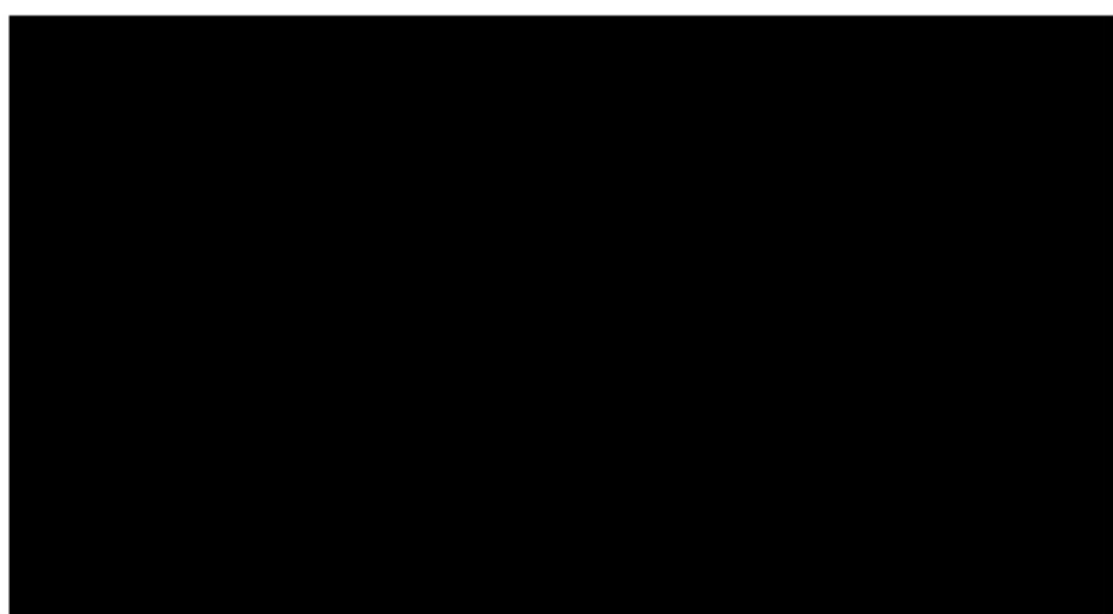


**MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

**[Speyside Glenlivet]
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 Site At Convalley Dufftown Moray

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

Date of Notice: **6 May 2020**



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 proposed development is contrary to Policy IMP 1: Developer Requirements, Policy H7; New Housing in the Open Countryside and Policy E7: Areas of Great Landscape Value (AGLV) and Impacts upon the Wider Landscape of the adopted Moray Local Development Plan 2015 and, as a material consideration, associated Supplementary Guidance on Housing in the Countryside and Guidance Note on the Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside, for the following reasons:
 - (a) It does not reflect the traditional pattern of settlement in the locality and will be viewed as part of a grouping together with adjacent constructed and consented houses at Convalleys, detracting from the character of the surrounding area
 - (b) It will contribute to a build- up of development where the number of houses will have the effect of changing the rural character of the area
 - (c) It will contribute to a sequential visual effect of cumulative build-up of new housing experienced when travelling along roads in the vicinity of the site in terms of its siting particularly in relation to existing and consented houses at Convalleys and the designated rural grouping at Lettoch
 - (d) It will have a significant adverse effect upon an Area of Great Landscape Value and the landscape character of the area as a result of this siting and build-up of development.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
017/306/04		Block plan
017/306/05		Location plan
017/306/07		Viewpoints
017/306/08		North to south section
016/AA/0A2		Water supply plan
017/306/02		Elevations
017/306/01		Floor plan
017/306/06		Site elevations and cross section
017/306/03		Site plan

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

- Updated location and block plans to show land control
- Provision of viewpoint information
- North – south sections
- Details of water supply

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

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

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



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s) Name:

Miss M McConachie

Address:

Postcode

Contact Telephone

1 Contact Telephone

2 Fax No

E-mail*

Agent (if any)

Name: Grant & Geoghegan

Address: Unit 4 Westerton Road Business Centre,
4 Westerton Road South, Keith

Postcode: AB55 5FH

Contact Telephone 1: 01343 556644

Contact Telephone 2:

Fax No

E-mail: neil@ggmail.co.uk

Mark this box to confirm all contact should be
through this representative: X

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No
X ☐

Planning authority

Moray Council

Planning authority's application reference number

20/00311/APP

Site address

Site at Convalley, Dufftown

**Description of proposed
development**

Erect dwellinghouse

Date of application

18 March 2020

Date of decision (if any)

06 May 2020

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- | | |
|--|--------------------------|
| 1. Application for planning permission (including householder application) | X |
| 2. Application for planning permission in principle | <input type="checkbox"/> |
| 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) | <input type="checkbox"/> |
| 4. Application for approval of matters specified in conditions | <input type="checkbox"/> |

Reasons for seeking review

- | | |
|---|--------------------------|
| 1. Refusal of application by appointed officer | X |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/> |
| 3. Conditions imposed on consent by appointed officer | <input type="checkbox"/> |

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.

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

- | | |
|---|--------------------------|
| 1. Further written submissions | <input type="checkbox"/> |
| 2. One or more hearing sessions | <input type="checkbox"/> |
| 3. Site inspection | <input type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | X |

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

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

- | | Yes | No |
|--|-----|--------------------------|
| 1. Can the site be viewed entirely from public land? | X | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | X | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Grounds of Appeal stated in separate document.

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 new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

N/A

List of documents and evidence

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.

We understand the refused plans will form part of the appeal papers which Member's will be able to draw on. No further information is required in this instance.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at Council Office, High Street, Elgin until such time as the review is determined. It is also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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 from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Neil Grant

Date

04/08/2020

grant & geoghegan ltd.

Chartered Planning Development and Architectural Consultants

Unit 4 Westerton Road Business Centre
4 Westerton Road South
Keith AB55 5FH

T: 01343 556644
E: enquiries@ggmail.co.uk

Grounds of Appeal

Site at Convalley, Dufftown, Moray

Issue Date:
31st July 2020

CONTENTS

1.0. Introduction

2.0. The Proposal

3.0. Reason for Refusal

4.0. Grounds of Appeal

5.0. Moray Local Development Plan 2020

6.0. Conclusion

1.0 Introduction

These grounds for review of a decision to refuse planning permission for a dwellinghouse at Convalley, Dufftown are submitted under section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended). This notice of review has been lodged within the prescribed three month period from the refusal of permission dated the 6th of May 2020.

In this context, the appeal statement responds to the reasons for the refusal and addresses the proposal in relation to Development Plan Policies and relevant material planning considerations as required by Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2.0 The Proposal

The proposal seeks planning permission for a single dwelling served by a private water supply and private drainage (septic tank/soakaway and SUDS). Access will be from an existing track which extends from the B9009 some 200 metres to the north.

The proposed 2 bedroom dwelling is of modest single storey construction, in a rectangular shaped plan form with 45 degree pitched roof and traditional gables. External finishes include natural slate to the roof and a combination of white K rend and locally sourced larch cladding to the walls.

3.0 Reasons for Refusal

The application under reference 20/00311/APP was refused under the Council's Scheme of Delegation by the case officer on the 6th of May 2020. The reasons for refusal state that;

The proposed development is contrary to Policy IMP 1: Developer Requirements, Policy H7; New Housing in the Open Countryside and Policy E7: Areas of Great Landscape Value (AGLV) and Impacts upon the Wider Landscape of the adopted Moray Local Development Plan 2015 and, as a material consideration, associated Supplementary Guidance on Housing in the Countryside and Guidance Note on the Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside, for the following reasons:

- (a) It does not reflect the traditional pattern of settlement in the locality and will be viewed as part of a grouping together with adjacent constructed and consented houses at Convalleys, detracting from the character of the surrounding area*
- (b) It will contribute to a build- up of development where the number of houses will have the effect of changing the rural character of the area*
- (c) It will contribute to a sequential visual effect of cumulative build-up of new housing experienced when travelling along roads in the vicinity of the site in terms of its siting particularly in relation to existing and consented houses at Convalleys and the designated rural grouping at Lettoch*
- (d) It will have a significant adverse effect upon an Area of Great Landscape Value and the landscape character of the area as a result of this siting and build-up of development.*

There does not appear to be any reasonable justification in planning policy terms for the refusal of this application. The appellant does not consider this application to have been assessed on its own individual merits in light of the prevailing circumstances surrounding the site and respectfully contends that unfortunately, the case officer did not interpret relevant planning policy and guidance correctly.

4.0 Grounds of Appeal

Refusal Reason 1 – It does not reflect the traditional pattern of settlement in the locality and will be viewed as part of a grouping together with adjacent constructed and consented houses at Convalleys, detracting from the character of the surrounding area

This is a contradiction in terms. One of the main characteristics in this part of the Moray countryside is small groups of houses and buildings dispersed throughout the rural area. The Officer's assertion is that refusal is recommended on the basis that the site forms part of a group. In response, we would contend that the addition of a dwelling to an existing, dispersed group of houses would accurately reflect the traditional pattern of settlement in this area.

The test in policy is whether a new house can be accommodated without any undue detrimental impact upon the rural character of the area. In our assessment, it can. The subject site shares a close relationship with "Brae Conval" and although they are in relative close proximity to Convalleys Farmhouse etc and Lettoch Brae, a combination of woodland, landform and the public road provide a natural break to development and separate the site from the surrounding area so they are not, and will not (if approved), be read together, even in long distance views from the south.

In the circumstances, it is clear that the addition of a modest, sensitively sited development in the manner proposed would not have a significant detrimental impact upon the character or setting of existing buildings or the surrounding area. The proposals would respect and reflect the prevailing dispersed settlement pattern, made up of small groups of houses and buildings, whilst maintaining adequate separation so as not to detract from the character of the surrounding area or give rise to any undue impact in terms of neighbouring amenity (privacy, prejudice to sunlight/ daylight etc). It should be noted that no objections were received from neighbouring residents in relation to the proposals.

Further, the implementation of a long terms landscaping scheme made up of native species trees will ensure that this separation is reinforced and that the proposed development integrates quickly and successfully into its surrounds. This aspect of the development can be transposed into an appropriately worded condition if Member's were minded to do so.

Refusal Reason 2 – It will contribute to a build- up of development where the number of houses will have the effect of changing the rural character of the area

The subject site does not form part of a "hotspot" as defined by the recently published *Guidance Note on Landscape and Visual Impact of Cumulative Build-up of Houses in the Countryside*. It should also be noted that the subject site is a significant enough distance away from the nearest hotspots at Archiestown and Craigellachie to ensure the proposed development would not contribute to the build-up of development in the vicinity of these "hotspots".

There remains a clear commitment in National Planning Policy and Guidance and in the Moray Local Development Plan to the principle of well sited and designed new housing in the countryside. The introduction of a dwelling into an area of ground surrounded by woodland, with an existing access, set in this wider scattering of houses and agricultural buildings can be seen to reflect the established settlement pattern and respect the rural character of the area.

In terms of the various other tests in policy, the site does not meet with the Council's definition of obtrusive development i.e. on a skyline, artificially elevated ground or in open settings such as the central area of a field. Once built, it will not be possible to view this modest structure on the skyline from the surrounding

countryside, and the house will not be built on artificially elevated ground (conditions relating to finished floor levels can be imposed to ensure control is retained over this matter).

On the basis of the above, it cannot reasonably be concluded that the introduction of a single dwelling in the manner proposed will change the rural character of the area. Overall it is considered that the proposal is an example of high quality siting, completely in accordance with the rural character of the area and therefore meets the requirements of relevant Policy and Supplementary Guidance on Housing in the Countryside. In doing so it also satisfies the requirements of Policy IMP1 which requires development to be integrated into the landscape and of a character appropriate to the surrounding area.

Refusal Reason 3 – It will contribute to a sequential visual effect of cumulative build-up of new housing experienced when travelling along roads in the vicinity of the site in terms of its siting particularly in relation to existing and consented houses at Convalleys and the designated rural grouping at Lettoch

In our view, there is no reasonable assessment of visual impact in this case that would conclude the introduction of a single dwellinghouse in this location would have an overbearing visual impact on the experience of road users travelling in the vicinity of the site, such as to warrant refusal of the application.

Any views of this site from the surrounding roads would be fleeting and/ or at such a distance that they would be significantly diminished. In the circumstances, we consider the view taken by the appointed officer on this matter to be an unsustainable position to maintain and certainly not a suitable reason to use as justification for the refusal of a planning application in these circumstances.

During the course of the application, we did provide viewpoints which demonstrate the impact of the development from key views but we would also respectfully suggest Member's visit the area and experience the negligible visual impact the proposed dwelling would have on the experience of road users for themselves.

Refusal Reason 4 – It will have a significant adverse effect upon an Area of Great Landscape Value and the landscape character of the area as a result of this siting and build-up of development.

Unfortunately, this reason does not correlate very well with the test set out in policy. Policy E7 Areas of Great Landscape Value states that development proposals which would have a significant adverse effect upon an Area of Great Landscape Value will be refused unless:

- (a) They incorporate the highest standards of siting and design for rural areas;
- (b) They will not have a significant adverse effect on the landscape character of the area, in the case of wind energy proposals the assessment of landscape impact will be made with reference to the terms of the Moray Wind Energy Landscape Capacity Study;
- (c) They are in general accordance with the guidance in the Moray and Nairn Landscape Character Assessment.

Although we do not consider the proposals to give rise to a significant effect upon an Area of Great Landscape Value, we can affirm that the highest standards of siting and design have been incorporated into the proposed development i.e. the scale of the development is compatible with the site and surrounding structures. PAN 72 recognises that there is a sturdy quality to much of the scale and shape of Scotland's domestic rural architecture which is derived largely from the simplicity of the form and proportion of buildings as well as in the arrangement of windows and doors.

In this case, through its rectangular shaped plan form and pitched roof design, the proposal successfully re-interprets traditional Scottish architecture in a modern context. The proposed design includes features such as a 45 degree roof pitch, suitably proportioned gable ends with locally sourced timber external cladding and natural slate to the roof. In this context, the proposed design meets and exceeds the requirements set out in policy.

In terms of the SNH National Landscape Character Assessment (the Moray and Nairn Landscape Character Assessment was superseded in 2019), the site forms part of the “Upland Valleys – Moray and Nairn” landscape character type (type 294). The key characteristics of this landscape character type consist of narrow, incised glens with winding sinuous river channels and an undulating valley floor.

The land use is described as mainly agriculture, predominantly for grazing but with improved pasture and a dispersed settlement of traditional farmsteads and houses which are well integrated into the lower valley landscapes.

Overall, the guidance identifies that housing is most successfully located throughout the foothills and strath floor edges, enclosed by stands of mixed deciduous woodland. The proposal at hand is in full accordance with the guidance in these regards.

5.0 Moray Local Development Plan 2020

The preceding paragraphs relate specifically to the Officer’s assessment of the proposals in relation to the Moray Local Development Plan 2015. We understand Members will also be minded to assess the proposals against the requirements of policy DP4 Rural Housing in the Moray Local Development Plan 2020. In this policy context, we would set out the following:-

Siting Criteria

- The proposed development would benefit from substantial enclosure and backdrop made up of woodland, the public road and landform in line with policy requirements;
- The addition of this new house would not result in ribbon development, contribute to an unacceptable build-up of housing nor would it detrimentally alter the rural character of the area due to its prominence or roadside location;
- The proposal would not be on artificially elevated ground, it would not require cut and fill and the clear felling of woodland would not be required to accommodate it.
- The site already benefits from an established woodland setting and the proposals include substantial planting, meeting and exceeding policy requirements.

Design Criteria

- The house would be less than 6.75m high;
- The form of the house is of an appropriate scale and massing and is composed from simple well-proportioned symmetrical elements, avoiding any element of sub-urban architecture;
- No artificial decorative stone is proposed. The house would be finished in a combination of natural slate to the roof with white K-rend and larch to the walls.
- The proposed roof would have a pitch of 45 degrees.
- Fenestration is provided with a strong vertical emphasis;
- The property would be bounded by native species tree planting;
- The property would be served by existing, safe and sensitive access arrangements;
- The applicant would not have any issue with the removal of permitted rights to ensure Members are comfortable appropriate boundaries are safeguarded and to limit the curtilage associated with the house.

As can be seen above and in the preceding paragraphs, there is an overwhelmingly positive case for the development whichever development plan policies are applied.

6.0 Conclusion

The Planning Act requires planning applications to be determined in accordance with the Development Plan unless there are “material considerations” to justify doing otherwise.

National Planning Policy and the Moray Local Development Plan all encourage well sited and designed houses in the countryside. The lead policies for testing the acceptability of the site as a suitable location for a house in the countryside are Policy H7 (as per the reasons for refusal) and new policy DP4 which both contain (similar) specific criteria about the siting of new dwellings.

These Grounds of Appeal and the submitted plans clearly show that the reasons for refusal do not sit comfortably with the criteria set out in either of these policies, including all relevant supplementary guidance. During the course of the application, the proposal has been shown to have been acceptable in relation to other relevant Local Development Plan policies and guidance and there are no outstanding objections from consultees.

As the proposal can be accepted under Development Plan policies and there are no known material considerations to the contrary, it is respectfully requested that the Local Review Body reconsider the decision to refuse the proposed development and grant planning permission.



APPENDIX 3

FURTHER REPRESENTATIONS FROM INTERESTED PARTIES

██████████ Mrs Lissa Rowan
Education, Communities & Organisational
Development Democratic Services
Moray Council
Dear Mr Rowan 21/08/2020

REFERENCES LR/LR ████████-241-██████
My input with regard to planning
applications ██████████ + 20/08/2020 +
██████████ work to express my
wish that all wildlife flora & fauna
on each site be fully protected to law
that is unbalanced but wish ~~to~~ to
make some mitigation

Prior to lockdown
it appeared that moles, with little
if any local protection, would be given
local protection before the year
ended with the Covid 19 situation
being what it is this morning. Despite
again my request is that this be
anticipation

By this time your MLRB
is committed with whatever outcome.
Henceforth may have come into higher-
nature care must be taken not to
put them in danger. Population
numbers throughout the UK at
an alarming rate. The same may
be said of bats some species choose
trees rather than buildings. It is
their mating season at this time.

II

They will cause birth in the spring
time. No time may be cut down unless
it is absolutely certain that
birds will not be put at risk.

Thus cut down should
be removed as soon as possible!
Other wildlife from fauna
as in para 2. If work cuts
ahead it is likely to be in
the autumn, possibly more apart,
it should be considered what
might come then during the
seasons of the date, time and
venue of the work to be
advised but it is unlikely that
I shall be able to attend.

Yours faithfully



PS Will Hinges be destroyed? This
should not be the case they provide
protection and shelter for smaller
birds so too spiders and other
insects! What of ants? Is an
ecological/environmental impact
survey required

PPS Is there anything of
archaeological interest on site

Lissa Rowan

From: DeveloperObligations
Sent: 01 September 2020 13:00
To: Lissa Rowan
Cc: Katherine Donnachie
Subject: FW: 20/00311/APP Erect dwellinghouse on Site At Convalley, Dufftown

Hi Lissa,

Please find attached confirmation on willingness to pay the affordable housing contribution under Policy DP2 Housing of the LDP2020 for the above planning application

Thanks
Rebecca

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

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



From: neil@ggmail.co.uk [mailto:neil@ggmail.co.uk]
Sent: 25 August 2020 5:38 PM
To: DeveloperObligations
Subject: RE: 20/00311/APP Erect dwellinghouse on Site At Convalley, Dufftown

Hi, this is fine

From: DeveloperObligations <DeveloperObligations@moray.gov.uk>
Sent: 25 August 2020 09:16
To: 'neil@ggmail.co.uk' <neil@ggmail.co.uk>
Subject: 20/00311/APP Erect dwellinghouse on Site At Convalley, Dufftown

Dear Sir(s)

Please find attached an assessment which includes a commuted payment towards affordable housing.

The Moray Local Review Body (LRB) will determine the case against the Moray Local Development Plan 2020 (LDP 2020) which was adopted on 27th July 2020. Policy DP2 Housing of the LDP2020 sets out a requirement for a commuted payment towards affordable housing for proposals of 1-3 units. Therefore a contribution towards Affordable Housing is being sought.

I would be grateful if you could confirm within 7 days if you are willing to pay the affordable housing commuted payment set out in the Affordable Housing assessment. Please note this is without prejudice to the final decision on your application. Should the LRB be minded to approve your application, then I will contact you to seek payment at a later date.

Should you not respond to this email then I will assume that you do not agree with the assessment and are not willing to pay the contribution, and I will inform Committee Services accordingly. Please note this will be taken into consideration by the LRB when determining your application in terms of compliance with policy DP2 (Housing) of the Moray Local Development Plan 2020.

For queries regarding Affordable Housing these should be directed to the Development Management case officer who dealt with your application in the first instance. Please note that due to current circumstances homeworking is being undertaken, therefore it will not be possible to reach the department via phone.

Kind regards,
Rebecca

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

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

