

## PLANNING APPLICATION: 21/01163/APP

*In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications*

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### 1. THE PROPOSAL

- Erect 186 houses inclusive of 47 affordable housing units. Of the 139 private houses, more than 10% are accessible housing (14 units) with the applicant intending to provide 23 accessible units within the private housing.
- The houses consist of a mix of detached, semi-detached and flatted residential units. Several of the flatted units are accommodated within 3 storey flatted apartments.
- There are eight character areas proposed providing a mix of different building finishes and materials to each of those areas. Beyond the character area, at key junctions/entrances to the development there are 17 Key Buildings will also have utilise distinct materials from adjoining buildings.
- A range of different material and colours have been selected for the roof tiles, wall render, stone cladding, wall cladding, window and doors finishes. Driveway and paths within plots will also have different colour paving bricks, and the choice of street trees, hedging and shrubs will vary between character areas.
- The private housing is a mix of detached and semi-detached two storey housing, and the private flat apartments are a mix of different compositions including two and three storey buildings. The affordable housing hosts to a mix of detached, semi-detached, terraced and flatted properties. Several of the affordable houses are also single storey.
- 3 retail/commercial units, each of 87sqm in area. These are located on the ground floor of the apartment blocks which sits upon the west side of the proposed civic space.
- A play area is proposed within the south side of the proposed civic square, which contributes to formation of civic space/focal point for the development. Vehicular access to the roadways on the south and east sides of the square to be limited closest to the play area.
- New junction with ghost turning lanes onto the A941. This road way also links into previously approve areas of housing to the north.
- A junction onto Birnie Road is also proposed which would see the speed limit moved further south.
- A variety of surface water drainage infrastructure is proposed including 3 SUDS basins and various swales.

2.

## **THE SITE**

- There are no national, regional or local environmental designations covering the site.
- The site is currently open agricultural land, with a long established bund running along the southern side of the site, separating it from the land to the south. There are no trees upon the site.
- The overall site size is 13.6 hectares, inclusive of the access link to the A941 to the north east of the main area of the development.
- The site is bound to the north by newly constructed housing, to the east by the farmland and the A941, to the south by open farmland and to the west by the Thomshill/Birnie Road. A golf driving range lies south west of the site also.
- The site lies within Moray Local Development Plan 2020 (MLDP) Elgin designation LONG2, which is further informed by the updated Elgin South Masterplan which covers this area.
- The site had some records of surface water flooding upon the site. There are no water courses on the site, but it is bound to the south by an agricultural drainage ditch flowing west to east. An agricultural bund lies within the site along its southern boundary.

3.

## **HISTORY**

### **Relevant history across Elgin South**

**16/01244/APP** - Phase 1 of Elgin LONG2 south to include 870 houses neighbourhood uses including Classes 1 shops 2 financial professional & other services 3 food & drink 4 business 8 residential institutions 10 non-residential institutions Moray Sport Centre (with provision for indoor & outdoor recreation) two primary school sites and associated infrastructure (transport drainage & open space) and landscaping at Elgin South, Elgin, Moray. Approved by Committee on 10 May 2018 following conclusion of the legal agreement.

**18/01209/APP** - Application under Section 42 to vary condition 1 of planning consent 16/01244/APP to maintain provision for 870 houses (as approved) but vary phasing design and site layout details i.e. adjust Phase 1A boundary (western most part of Phase 1A within Crescent North and South Glassgreen character areas) to provide 50 affordable homes together with consequential revisions to boundaries of Phase 1D (South Glassgreen) and eastern most part of Phase 1A (Meadows North character area) and Phase 1C (Meadows East character area) revise mix of homes (including site layout and new Braemar and Lauder house types) within Crescent North and South Glassgreen character areas revise layout and reduce number of houses by 18 units within Village Garden character area to accommodate revision to alignment gas pipeline revise numbers and mix of houses including site layout within Village Core and Meadows East character areas to accommodate 18 homes relocated from Village Garden at Elgin South, Elgin Moray. Approved by committee in 15/05/19.

**18/01603/S75** - Section 42 application to vary the phasing condition of Proposed modification of planning obligation (associated with application

16/01244/APP) for Phase 1 development at Elgin LONG 2 South to apply to development occurring under planning applications 16/01244/APP and 18/01209/APP at Elgin South LDP2015 Long 2 Elgin Moray. Concluded in May 2019.

Of relevance to this application is the adoption of the updated Elgin South Masterplan, adopted by Moray Council in August 2021, which altered the phasing and detail of the previous Elgin South Masterplan and the phasing as approved under 18/01209/APP.

#### 4. **POLICY**

##### National Planning Framework 4

NPF1 - Tackling the Climate  
NPF2 - Climate mitigation and adaptation  
NPF3 - Biodiversity  
NPF4 - Natural Places  
NPF5 - Soils  
NPF6 - Forestry, woodland and trees  
NPF7 - Historic assets and places  
NPF8 - Green belts  
NPF12 - Zero waste  
NPF13 - Sustainable transport  
NPF14 - Design, quality and place  
NPF15 - Local living  
NPF16 - Quality homes  
NPF18 - Infrastructure first  
NPF19 - Heating and cooling  
NPF20 - Blue and green infrastructure  
NPF21 - Play, recreation and sport  
NPF22 - Flood risk  
NPF23 - Health and safety  
NPF24 - Digital Infrastructure  
NPF27 - City, town, local community centres  
NPF28 – Retail

##### Moray Local Development Plan 2020

PP1 Placemaking  
PP2 Sustainable Economic Growth  
PP3 Infrastructure and Services  
DP1 Development Principles  
DP2 Housing  
DP3 Long Term Land Reserves  
DP5 Business and Industry  
EP2 Biodiversity  
EP4 Countryside Around Towns  
EP5 Open Space  
EP6 Settlement Boundaries  
EP8 Historic Environment  
EP12 Management and Enhancement Water  
EP13 Foul Drainage

EP14 Pollution Contamination Hazards  
Elgin - R20 Glassgreen, Elgin South  
Elgin - LONG2 Elgin South  
Elgin ENV4 - Sports Areas

5. **ADVERTISEMENTS**

5.1 Advertised for neighbour notification purposes.

6. **CONSULTATIONS**

**Housing Strategy and Development Manager** - Amendments were sought to the configuration of parking as part of the Quality Audit process.

**Transport Scotland** - Condition requiring clarification on future development attached, and need to consider by-pass triggers.

**Scotland Gas Networks Ltd** - Initially requesting further input regarding working distances from the high pressure gas main to the east, but following further clarification of building densities and distances, no concerns were raised.

**Environmental Health Manager** - Approve subject to conditions relating to noise emissions from air source heat pumps, working hours and the need for a Construction Environment Management Plan.

**Contaminated Land** - No objection.

**Transportation Manager** - Approve subject to a number conditions and informatives. Realignment works required on Birnie Road and re-positioning of the site access further to the south.

**Scottish Water** - No objections, letter containing general advice forwarded to applicant.

**Strategic Planning and Development –**

**Introduction**

The site is located within an area of land identified as Glassgreen Village within the Elgin South Masterplan. A masterplan was prepared for the wider Elgin South area and the LONG2 designation which covers this area of land in the Moray Local Development Plan (MLDP) 2020 and provides a strategic framework for its growth which all proposals must comply with.

Due to land ownership constraints of the eastern side of LONG2 (R19 Easter Linkwood and Linkwood), the Elgin South Masterplan was revised and approved at the Planning and Regulatory Services Committee on 3 August 2021. The Housing Land Audit (HLA) 2021 which was approved at the same committee confirmed that Elgin R19 Easter Linkwood and Linkwood are

considered to be constrained which results in the reduction of 611 units from the effective supply in Elgin. The approved HLA confirmed the release of land on the western village (Glassgreen) to reflect the phasing in the masterplan for which this application falls within.

The revisions included changes to the phasing which would see development phases in the western village being brought forward earlier to ensure that there was an effective supply of housing land available. In addition to this the revised masterplan updated the character areas and design codes, identified a new neighbourhood hub with community facilities, and identified a larger school site for the proposed Glassgreen primary school which increased to 2.5ha.

This application proposes 186 housing units and three 87m<sup>2</sup> commercial units.

### **National Planning Framework (NPF4)**

NPF4 was adopted and published on 13 February 2023 and now forms part of the Local Development Plan for Moray. The NPF is a key part of the new planning system in Scotland, which is plan-led and decisions on planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

A significant amount of work was undertaken throughout the determination of this application by Officers and the applicant to ensure it complies with all MLDP policies which is reflected in it scoring “green” in all categories in the accompanying Quality Audit (QA). Notwithstanding this the application is still required to be assessed against NPF4 given that it is now adopted. However, in summary the proposal is deemed to comply with all relevant NPF4 and MLDP policies.

A brief summary will be provided against each relevant policy in this response.

### **PP1 Placemaking, DP1 Development Principles**

Throughout the determination of this application a number of revisions were made to the layout in order to comply with PP1 Placemaking and the Elgin South Masterplan. A QA was undertaken which accompanies this response which reflects the changes made to the layout. The QA scored “green” in all categories showing that the proposal fully complies with Policy PP1 Placemaking.

### ***NPF4 Policy 14 Design, Quality and Place***

*Policy 14 seeks to create healthy pleasant, distinctive, connected, sustainable and adaptable places. To achieve this proposals must meet the six qualities of successful places as set out in the policy and supporting appendix.*

*As stated, the application was subject to a QA which assessed the proposal against Policy PP1. Policy PP1 contains all of the key elements of Policy 14 as well as extra requirements to ensure that quality neighbourhoods are delivered.*

*The application was deemed to fully comply with PP1 which resulted in it scoring “green” in all categories in the accompanying QA. As such it is therefore deemed to comply with Policy 14 and all of the six qualities of successful places.*

### **Mixed Use**

The Elgin South Masterplan seeks to provide a mixed use neighbourhood that provides good local facilities for residents to use. The principle of Local Living and 20 minute neighbourhoods is a key pillar of NPF4 which seeks to create connected and compacted neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home.

The application site encompasses part of “The Square” character area as identified in the masterplan. A key element of this character area and the wider western village was the provision of a square or “neighbourhood hub”. The masterplan requires this open space to be fronted by key buildings as well as providing mixed use on the ground floor to ensure that facilities are provided to support the new neighbourhood and the local living concept.

The Council commissioned a retail study which was approved by the Planning and Regulatory Services Committee as a material consideration on 4 April 2022. This was to inform the retail and commercial floorspace necessary to support 20 minute neighbourhoods for strategic growth areas across Moray. The study set out the following recommendation for Elgin South and has been approved as a material consideration. In summary;

- Total floorspace in each of the two villages centres should be comparable to Southfield Drive i.e. in the region of 1000-1250 sqm Gross Floor Area (GFA);
- Initial commercial space (ca 300-400 sqm GFA) could be provided by the completion of the 450<sup>th</sup> dwelling for each development area (i.e. east and west villages);
- The convenience store format should be provided by the completion of the 900<sup>th</sup> dwelling for each development area.

It is acknowledged that the application being assessed only encompasses part of the central square. In line with the masterplan requirements three 87 sqm units will be provided for potential retail/commercial uses.

While the provision of this initial space is slightly under the 300 – 400 sqm identified in the retail study it is deemed to be acceptable in this instance given that future phases around the square will be forthcoming to ensure that the square will become a focal point of the development.

Although it is outwith this application any future phase application must provide a 400 sqm convenience store as per the recommendations of the retail study. While any future application cannot be prejudged, failure to provide these future facilities will be contrary to NPF4 and the principles of local living, the Elgin South Masterplan, and the approved retail study.

### ***NPF4 – Policy 15 Local Living and 20 minute neighbourhoods***

*Policy 15 seeks to support local living by creating new neighbourhoods that are compact and well connected where people can meet the majority of their daily needs within a reasonable distance of their home.*

*As stated above the Elgin South Masterplan embodied this policy intent from the outset through the creation of three villages, good active travel connections, and the requirement for the provision of local facilities such as schools, shops, and other community facilities such as a nursery. This is supported by the approved retail study that was commissioned to provide clarity and detail on what provision must be provided.*

*As above, the applicant is providing three 87 sqm units for mixed use opportunities. Given this is one phase of the wider village this is acceptable in this instance and complies with the aims of Policy 15.*

*However, as stated and although it is not a consideration as part of the determination of this application a 400 sqm convenience store must be provided in the next phase to ensure that the aims of the masterplan and retail study are provided. Failure for this to be facility provided in future phases would be contrary to NPF4 and the Elgin South Masterplan and would not be acceptable.*

### **Policy EP2 Biodiversity (NPF Policy 3)**

The applicant has provided a biodiversity action plan which when read with the landscape plan explains what steps have been take to promote and enhance biodiversity.

The plan states that a variety of trees, shrubs, wildflower plants, and hedging will be incorporated into the site to support a variety of animals and insects which is welcomed. Street trees will be provided throughout the development as well as a mix of species of hedging for boundary treatments. Blue infrastructure has also been included through the form of swales and SUDS.

The plan states that hedgehog highways will be incorporated in the design which is supported. However, a condition will be sought to ensure that a plan is provided showing where these will be located upon the site.

### ***NPF4 – Policy 3 Biodiversity***

*Policy 3 seeks that all proposals must include appropriate measures to conserve, restore, and enhance biodiversity. This policy is in line with Policy EP2 and as stated above and in the QA the efforts have been made to support biodiversity through a variety of planting, and inclusion of green and blue infrastructure. The proposal was deemed to comply with EP2 and therefore it also is deemed to comply with Policy 3.*

### **DP2 Housing**

The Housing Strategy Development Manager has raised no objections to the development. The proposed housing mix meets the policy requirements for

affordable and accessible housing and previous concerns relating to the parking layout have been addressed.

### ***NPF4 Policy 16 Quality Homes***

*Policy 16 seeks to provide delivery of high quality affordable homes. This development will provide 47 affordable homes. As the Housing Strategy Development Manager has raised no objection with the proposed housing mix the proposal is deemed to comply with Policy 16.*

### **SP & D Conclusions**

The proposal has been considered against policies PP1, EP2, EP5, DP1 i) a), DP2 and the Elgin South Masterplan and is deemed to comply with those policies for the reasons set out above and within the QA which accompanies this response.

As explained a significant amount of work was undertaken throughout the determination of this application by Officers and the applicant to ensure it complies with all MLDP policies which is reflected in it scoring “green” in all categories in the accompanying QA. The proposal is therefore deemed to comply with all relevant MLDP and NPF4 policies and there were no areas of conflict.

Other consultees will comment on compliance with other relevant MLDP and NPF4 policies.

**Planning and Development Obligations** - Developer Obligation payment of £1,707,751.08 is required in relation to education, healthcare and transportation infrastructure.

**Building Standards Manager** - A Building Warrant will be required.

**Moray Flood Risk Management** - No objection, following submission of additional information/clarification.

**Moray Access Manager** - No objection.

**Nature Scot** - No objections and they endorse the mitigation and enhancements proposed in section 4 of the Habitat Survey and Biodiversity Action Plan.

**Scottish Environment Protection Agency** – No statutory requirement to consultation SEPA as on site surface water drainage dealt as a part of drainage assessment. Bund along southern edge site was queried, but this has been in situ for many years and lies upon the uphill site of a field drain. It will mostly be covered by structural planting.

**Aberdeenshire Council Archaeology Service** – Approve subject to a condition regarding the need for a written scheme of investigation assess the archaeology of the site.



**Health and Safety Executive** – no objections, note that the development is within proximity to a High pressure gas main, and that consultation has been carried out with Scottish Gas Networks.

## 7. **OBJECTIONS-REPRESENTATIONS**

NOTE: Following the determination of this application, name and address details will be/have been removed (i.e. redacted) in accordance with the General Data Protection Regulations (paragraph 3 of Minute, Planning & Regulatory Services Committee 16 September 2014).



**Issue:** Objector assured by application that nothing would be built behind their property (they live at the southern end of Crescent North). They also wish to know the likely time when the development would occur.

**Comments (PO):** The plan supplied appears to show their property lies within the neighbouring consented and built Elgin South phase to the north of the current application site. Moray Council cannot comment on what assurances were or were not given to the objector that no development would occur behind them. At the time they bought the property, the LONG 2 housing designation within MLDP2020 did indicate that housing would be developed to the south at some stage. It is considered that there is sufficient distance between the rear of their property and proposed development.

Moray Council cannot confirm or stipulate when (if permission were granted) when the development may occur.

## 8. **OBSERVATIONS**

- 8.1 Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan, namely the adopted National Planning Framework 4 and adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise.
- 8.2 **Background and NPF4**

This application is informed by the Updated Elgin South Masterplan, adopted by Moray Council in August 2021, which supersedes some of the previous phasing contained within the planning approvals for Elgin South listed below. In general terms, notwithstanding the construction of Moray Sports Centre, Linkwood Primary School and some new housing near Linkwood Road, the majority of development in Elgin South has occurred in the south west of Elgin, with the majority of new housing occurring west of the A941 Rothes Road.
- 8.2.1 In February this year NPF4 replaced Scottish Planning Policy 2014 and provided national planning policies applicable to all 32 local planning authorities in Scotland. This becomes the 'Development Plan' alongside the local development plan (MLDP) and the relevant policies of both are used as the primary consideration in determining planning application. Where any difference or conflict exists between local and national planning policies,

national planning policies take precedence. Of note, application of some of the new national policies is however subdued until supplementary planning guidance is prepared to ensure consistent and clear application of the policies. While policies such as Policy 2 Climate mitigation and adaptation seeks to permit only development that minimises emissions and adapts to the current and future impacts of climate change, housing development is likely best influenced by future changes to Building Regulations, this development does what it can by the use of air source heat pumps, and other design measures seeking to minimise energy loss such as good cycle/pedestrian links to discourage motorised transport etc. Further detailed local guidance is being prepared to assist with calculating energy assessments for future developments.

### **8.3 Principle of development for housing.**

#### **8.3.1 Placemaking, Siting and Design (NPF4 Policy 14, 15, 16 and PP1, DP1, DP2)**

8.3.2 NPF4 Policy 14 Design, quality and space seeks to encourage, promote and facilitate well designed development. It identifies 6 qualities Healthy, Pleasant, Connected, Distinctive, Sustainable and adaptable.

8.3.3 The proposal accords with requirement so of the Elgin South Masterplan, which has identified a school site at Glassgreen (adjacent to this site), green corridors, civic spaces, play areas, road and path connections, a mix of housing and retail units all in accordance with the high level indicative plan within the masterplan. The Housing Land Audit (HLA) 2021 allowed the release of the LONG2 housing designation which informed the update Elgin South Masterplan. The proposal therefore accords with the housing designation in which is located.

8.3.4 MLDP 2020 Policy PP1 Placemaking requires development proposals to meet the following criteria:

- a) to be designed to create successful, healthy places that support good physical and mental health, safeguard the environment and support economic growth;
- b) be supported by a Placemaking Statement (and sufficient information) for 10 or more units which demonstrates how the development proposal addresses PP1 requirements and other relevant LDP policies and guidance; and
- c) to comply with Scottish Government Policy Creating Places and Designing Streets and incorporate seven fundamental principles addressing:
  - i) Character and Identity,
  - ii) Healthier, Safer Environments,
  - iii) Housing Mix,
  - iv) Open Spaces/Landscaping,
  - v) Biodiversity,
  - vi) Parking and
  - vii) Street Layout and Detail.

- 8.3.5 There are a wide range of requirements specified in policies PP1 Placemaking, PP3 Infrastructure and Services, DP1 Development Principles and DP2 Housing that go beyond the requirements of the previous local development plan. These range from servicing/utilities plans (inclusive of future provision for electric car charging), biodiversity plans, public art, additional visitor carparking, open space requirements, street naming, place-making statement, restrictions on street frontage parking, bin and secure cycle storage.
- 8.3.6 The place-making statement addresses pedestrian movement, vehicular movement, public transport, safer environments, car parking, legibility/street hierarchy, character and identity, reference to surrounding buildings/materials housing mix, access to facilities/amenities, visual connection, natural features, open space and connections to open space, biodiversity and landscaping.
- 8.3.7 Following process of audit, discussion and amendment of the plans with the applicant, the following summary shows the quality audit change. Policy PP1 Placemaking sets out that sufficient information must be provided to allow the Council to carry out a Quality Audit (QA) of the proposal. As noted in the Strategic Planning and Development Team's response this Audit process has been undertaken and the application has been subject of a number of meetings and correspondence. Initial issues were identified and during consideration of the proposals revisions made to address the changes sought. The QA assessed the proposal under a number of heading as identified in the table below. While the QA process was conducted largely prior to adoption of NPF4, Moray Councils Quality Audit process was already closely aligned to its aims in terms of urban design, biodiversity and aims. A column of comparable goals within NPF4 policy 14 Liveable Places is included for reference.

Design Principle	Initial Score	Final Score	Mitigation/Condition Necessary to Score Green	NPF4 Liveable Places
Character & Identity			Compliant with policy requirements. Distinct character areas, street planting and appropriate frontages onto school site now proposed	Pleasant/Distinctive
Healthier, Safer, Environments			Further detail given on the retail units close to the civic space or neighbourhood hub. Public in the form of bespoke public benches and hard and soft landscaping within the civic space provides a distinct and healthy environment.	Healthy
Housing Mix	N/A	N/A	Site accommodates 25% affordable homes and 10% accessible within the remaining private	Suitable/Adaptive

			<p><b>mix. Applicants now volunteering additional accessible units in private housing (23 in total).</b></p> <p><b>Affordable is good central location, facing onto several streets alongside private housing.</b></p>	
Open Space/Landscaping			<p><b>Substantive amount of green spaces and a civic space proposed. Green streets now more evident in landscaping and parking plans. Condition requiring details for maintenance arrangements.</b></p>	<b>Pleasant/Healthy/and Sustainable</b>
Biodiversity			<p><b>Condition ensuring that hedgehog highways are provided, alongside species friendly mixes of grass, meadow and tree planting to enhance biodiversity. Almost 3000 trees being introduced to the site.</b></p>	<b>Sustainable</b>
Car Parking			<p><b>Compliant with policy requirements. Notable amount of trees proposed within parking areas to break up its appearance.</b></p>	<b>Pleasant/Suitable</b>
Street Structure, Layout and Detail			<p><b>Changes made to some junctions and cycle paths, now acceptable. Site is permeable and well connected.</b></p>	<b>Connected/Sustainable</b>

8.3.8 Of note from the Quality Audit process, the requirements for greener streets has resulted in a good level of street trees proposed planting and parking areas. The applicant has kept many of the street trees within communal areas, outwith private gardens where their presence can be more easily safeguarded and the can be taken within the maintenance regime of the wider landscaping.

8.3.9 NPF Policy 15 Local Living and 20 minute neighbourhoods, seeks to ensure people have access to facilities from their homes, including healthcare facilities. To this end residential developments must demonstrate or provide adequate services are easily accessible via non-motorised means, within 20 minutes of their home. Infrastructure such as schools and local shops, health care should

be locally accessible where possible. As part of the Updated Elgin South Masterplan, this phase of the Elgin South was to include an element of retail/commerce units ensuring units were provided that could accommodate local services/services. 3 small units are proposed near the square, and the applicant has confirmed their intent to provide a larger unit in the next Phase of Elgin South, appropriate for a neighbourhood grocery convenience store. This is in line with the retail assessment supporting the masterplan. It is noted that the Planning Statement makes reference on p16 to a further small 87sqm unit being provided within Phase 3, but subsequent to this, discussion around the retail requirements for the wider Elgin South west village centre see the applicant acknowledging the requirement for a larger convenience store, which would be subject of a separate application.

- 8.3.10 The various proposed parking courts are generally to the rear or side of the areas hosting apartments. The rear parking area, north of the proposed civic square is bound on its north side by rear higher garden fences, but looking at the orientation of the AA type flats, and 3 storey flats lying to its west and south, there are many primary windows, such as kitchen, bedroom and dining areas overlooking the parking, such that it will be overlooked. The presence of cycle and bin storage areas, in addition to the parking means that the degree of passive surveillance etc. will be sufficient to ensure it feels like a safe space.
- 8.3.11 The developer has also managed to ensure that within each of the defined streets, at least 50% parking lies behind the building line, and the reduction in prominence of street parking is also aided by the number street trees proposed.
- 8.3.12 As part of the place making requirements, the applicant has proposed public art in the form of bespoke benches, which are to be commissioned and will be evident within the civic space and likely elsewhere in the site. A condition is recommended to ensure these installations add some unique to the identity and amenity of the areas they are installed within. The proposed civic space, or square in the middle of the development sees a good quality space, close to the shops, host to the play area, which includes distinctive hard and soft landscaping, planting and street trees.

#### 8.4 Design

- 8.4.1 Beyond a diverse range of building materials, paving block and planting diversity between the various character areas, the proposals show 17 different styles of house, and 8 different style of flatted apartments. The added diversity provided in the materials used for key buildings all contribute to what will be a distinct and unique development, which will also see notably more diversity to building finishes that is seen elsewhere in Elgin South. Individually the style of each house type, apartment or semi-detached units is also acceptable, with well-proportioned elevations and sufficient distances to neighbouring plots.
- 8.4.2 The development layout and design therefore complies with the requirements of NPF4 policy 14 Liveable Places and MLDP Policy PP1 Placemaking and above associated policies.

#### 8.5 **Access and Parking (NPF4 Policy 13, 18 and PP3, DP1)**

- 8.5.1 NPF4 Policy 13 Sustainable Transport has similar requirements and seeks to encourage, promote and facilitate development that prioritises sustainable travel. Policy 18 Infrastructure first to encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of place-making.
- 8.5.2 Policies PP3 Infrastructure and Services and DP1 Development Principles require the provision of a safe entry/exit from new development, with appropriate infrastructure, parking, cycle parking and Electric Vehicle (EV) charging facilities.
- 8.6 Pedestrian and Cycle Access  
Provision is made within the development for cycle routes which provide strong connectivity both north-south with the existing network and east-west passing through the central 'square' feature where the proposed retail units are located. There is a comprehensive network of footways within the site however the proposals lack clarity or consideration of the masterplan proposals in terms of the extension of the existing cycle path east-west from Crescent North at the boundary of the site which is a key route and would provide more direct pedestrian routes for pedestrians and cyclists. A condition is recommended to address the lack of details and the provision of this west-east active travel route which would reduce travel distances for pedestrians and cyclists.
- 8.6.1 Due to the nature of the A941 in the vicinity of the site access, the lack of close frontage development and no other interventions at the location of the proposed site access junction. It is considered that no reduction to the existing national speed limit would be appropriate as it would not be self-enforcing. It is therefore not recommended to provide at grade pedestrian crossing facilities. In order to facilitate pedestrian and cycle connectivity in the future a grade separated crossing of the road must be considered. An over bridge has been identified as the preferred solution as noted in the Elgin South Masterplan Phase 1 TA. The submission included an indicative bridge design in order to demonstrate the feasibility to incorporate this and the Elgin South Masterplan TA Phase 1 states that it is expected that this will be delivered after 2030. Transportation note that the provision of this would not be triggered by the current application, any trigger will be subject to consideration of any future applications and the details for the indicative bridge are not approved as part of the current application.
- 8.7 Public Transport
- 8.7.1 The TA submitted notes the nearest existing bus services to the north on Thornhill Drive (33 A/C and 36) these stops are in excess of a kilometre from the site and are therefore in excess of the recommended maximum 5 minute walk time (400m) to achieve an acceptable level of accessibility. In order to provide bus services within a 5 minute walk of the proposed development, alterations to existing or the provision of new bus services will be required. The roads within the development would provide a 6.1m wide road link between the A941 to the east and the C2E (Birnie Road) to the west to facilitate the future provision of bus services. Provision is made for east and westbound bus stops within the development adjacent to the proposed future school site. The Transport Assessment (TA) submitted in support of the application notes that *"Springfield will liaise with TMC public transport officers and local bus operators*

*to discuss extending and re-routing existing services and delivering new services in order to serve Elgin South. This will be informed by the phasing and completion/ occupation of individual Character Areas.”* A condition is recommended to ensure the roads and bus stop infrastructure are completed and bus services are provided at an appropriate stage in the development. Whilst this does not guarantee a bus service for the future it is aimed at supporting the introduction of public transport, with the intention to hopefully achieve a commercially viable service in the future.

#### 8.7.2 Vehicular Access

Access to this development will be taken via a new priority controlled T junction onto Birnie Road (C2E) to the west. It is noted within the Transport Assessment (TA) that access is also to be provided via a priority junction onto the A941 however subsequent to this submission, the proposals were revised to include a ghost island junction to satisfy the design requirements. The TA notes that a 4 arm roundabout would be required for future phases of the Elgin South development. TA states that *the construction and delivery of the future A941 roundabout will be dictated by an agreed ‘threshold’ in terms of the number of residential units that can be constructed/occupied before the roundabout is required.* It should be noted that no threshold has been agreed with MC Transportation. Transportation would support the provision of a roundabout as part of the current application however acknowledge that it is not necessary at this time. In order to demonstrate the feasibility of the future access requirements a preliminary design for a roundabout has been submitted which is acceptable in principle and the trigger for any future roundabout is likely to be associated with any future development to the east of the A941. The indicative details for the roundabout are acceptable in principle however they are not approved as part of the current application.

#### 8.7.3 Speed Limits

The TA recommends that consideration is given to extending the existing 40mph speed limit on the A941 southwards to include the proposed new junction. Transportation have advised the applicants that this would not be supported due to the set-back development frontage and lack of any speed intervention measures to support a self-enforcing 40mph speed limit at this location. Based on the submitted details to date, the current 60mph speed limit would remain and has been used in consideration of the current design proposals to form the new junction.

#### 8.7.4 The design of the Birnie Road site access junction and visibility splays are based on an assumption that the existing 40mph speed limit would be extended southwards to the southern side of the proposed site access junction. A condition is recommended to trigger the requirements for the commencement and completion of the statutory process, and the completion of the works required to achieve this.

#### 8.7.5 Regarding Birnie Road C2E, a change to the layout was required to ensure the new junction onto Birnie Road could be achieved safely, and further detailed work design work will be carried out post consent. The amended junction position is however now acceptable and takes the junction to a location where appropriate visibility can be achieved.

- 8.7.6 Consultation with Transport Scotland has confirmed that subject to a condition about the need for a bypass in future phases, the current application acceptable, subject to the roads works proposed.
- 8.7.7 Each block of flats has dedicated secure cycle parking, allowing to for 2 bicycles per flat to be stored.
- 8.7.8 Subject to the conditions recommended the proposals accord with the relevant infrastructure policies above.
- 8.8 **Drainage, Water Supply and Flood risk (NPF4 Policy and PP3, DP1, EP12)**  
Policies PP3 Infrastructure and Services and DP1 Development Principles (iii) Water Environment, Pollution, Contamination require development to be planned and co-ordinated with infrastructure to ensure places function properly, and proposals are adequately served by infrastructure and services in terms of foul and surface water drainage and water supply. Policy EP12 Management and Enhancement of the Water Environment requires surface water from development to be dealt with in a sustainable manner (SuDS) that has a neutral effect on the risk of flooding or which reduces the risk of flooding, including temporary/construction phase SuDS.
- 8.8.1 NPF4 22 Flood Risk & Water Management seeks to strengthen resilience of development to flood risk through avoidance as a first principle, reducing the vulnerability of existing/future development to flooding, and advocates use of SUDs to ensure surface water does not increase flood risk to itself and others.
- 8.8.2 The application site, which was subject only to surface water drainage issues was accompanied by a detailed Drainage Impact Assessment and drainage scheme, which see a range of green and blue drainage solutions proposed. Beyond the 3 SUDS basins, the proposal includes several swales in the green verges that run throughout the development. The drainage arrangements are acceptable to the Moray Flood Risk Management Team, and the proposal therefore complies with policies NPF4, DP1, EP12 and PP1.
- 8.9 **Natural Environment (NPF Policy 1, 3 and 4 and EP1, PP1, DP1)**  
NPF4 Policy 1 Tackling the climate and nature crisis and Policy 2 Climate mitigation and adaptation support development which addresses the global climate emergency and nature crisis, and minimises greenhouse gas emissions. NPF4 Policy 3 Biodiversity seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. NPF4 Policy 4 Natural Places has similar requirements to MLDP policy EP1 in terms of protecting designation integrity/interests and species.
- 8.9.1 The site is not subject to any international, national or local environmental designations and has already been subject to some intervention from the adjoining construction works. The site is currently open agricultural grazing land of limited ecological value, but the proposal includes substantive areas of structural planting that will see almost 3000 trees planted across the site, and also substantive amounts of trees proposed within street, parking areas and civic areas. The Habitat Survey carried out didn't identify any sensitive species on site requiring specific protection or mitigation.



- 8.9.2 The applicant has proposed within Habitat Survey and Biodiversity Action Plan mitigation, such as provision of hedgehog highways and grass cutting regimes that operate on rota to maintain differing lengths of grass and allow meadow or grass mixes to flower and seed.
- 8.9.3 Landscaping biodiversity – it is noted the application propose enhancements within the Habitat Survey and Biodiversity Action Plan, such as, but not limited to the use of a bee, bird and butterfly seed grass/meadow mixes on street verges, wet meadow seed mix in SUDS areas. Newly planted trees, shrubs and hedgerows will include native nut, seed, berry and nectar producing species to provide a foraging resource for wildlife in the locale, such species include: Scot's pine, rowan, gean, hazel, hawthorn, blackberry, dog rose and holly. These will ensure a diversity of plant habitat, and the large structural planting areas, host to several thousand trees will be provide a different habitat to the street trees, and grassed areas. The applicant has confirmed that beyond the 192 street trees being planted (most of which are heavy standards) the areas of structural planting will cover 19,500sqm and host approximately 2623 new trees.
- 8.9.4 NPF4 Policy 2 Biodiversity contains similar goals to those present in EP1, PP1, DP1 and the proposed planting will ensure the development enhances the environment of the current site. The construction mitigation and best practices to reduce the impact on the natural environment are the subject of conditions, inclusive of the need for Construction Environmental Management Plan.
- 8.10 **Affordable housing (NPF Policy16 and DP2 (d))**  
NPF4 policy Quality Homes seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities. Policy DP2 Housing requires new housing developments to provide 25% of the total units as affordable housing in affordable tenures to be agreed by the Housing Strategy and Development Manager.
- 8.10.1 As this development has provided the necessary proportion of affordable houses (47 Units) of a mix previously discussed with the Housing Service the proposal comply with the above policies. Conditions are recommended to ensure delivery of the affordable housing.
- 8.11 **Accessible Housing (NPF Policy15, 16 and DP2)**  
NPF4 Policy 15 Local Living and 20 Minute Neighbourhoods makes reference to the need for provision of accessible housing options, giving the ability to age in place and utilise housing diversity.
- 8.11.1 In terms of accessible housing, 23 accessible housing units are to be provided across the private housing, this provides more than the necessary 14 accessible units that would make 10% of the requirement under Policy DP2. These properties are shown and detailed in the submitted Accessible Housing Statement which identifies the specific house designs to meet accessible housing standards. Of note further accessible houses will comprise some the

affordable housing also. A condition is recommended ensuring the accessible housing meets the standard set out in MLDP.

- 8.11.2 The proposal is now deemed to fully comply with PP1, DP2 f) and Policy 15 where the 10% requirements of accessible housing from the private stock proposed is required.

#### 8.12 **Pollution Control (NPF Policy 12 and DP1, EP14 and R1)**

- 8.12.1 NPF policy 12 Zero Waste seeks to minimise waste and pollution.
- 8.12.2 Policies DP1 Development Principles and Policy EP14 Pollution, Contamination and Hazards seek to ensure that new developments do not create pollution which may adversely affect the environment or local amenity.
- 8.12.3 Conditions recommended seek a Construction Environmental Management Plan for the construction process, but it is not anticipated that the development would generate pollution post consent. The applicant has provided good bin storage facilities for all the apartments, which will encourage recycling. A condition is recommended requiring a site specific waste management plan to be submitted to ensure compliance with NPF policy 12.

#### 8.13 **Impact on Cultural Heritage (NPF policy 7 and EP8, EP10)**

Policy EP8 Historic Environment seeks the preservation of sites of local archaeological importance, and the integrity of their settings and Policy EP10, the protection of listed buildings and their settings.

- 8.13.1 NPF policy 7 Historic Assets and Places seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.
- 8.13.2 Given the site size and location an archaeological investigation has been sought. Whilst there are no known archaeological assets on the site, there are many in the wider area. The applicants have already prepared a Written Scheme of Investigation (WSI) for archaeology, but a condition is recommended allowing for the submission of an updated investigation that allows the Archaeology Service to review the proposals.
- 8.13.3 The proposal, subject to the archaeological condition, therefore complies with both policy EP8 and EP10.

#### 8.14 **Developer Obligations (NPF4 Policy 18 and PP3)**

- 8.14.1 NPF4 Policy 18- Infrastructure first intends to encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of place making. This can be achieved via various means including planning obligations.
- 8.14.2 The development has been the subject of a developer obligations assessment in accordance with policy PP3 Infrastructure and Services and supplementary planning guidance which has identified the need for contributions towards healthcare facilities. The applicants have agreed to the level of developer

obligations which will require to be secured via a S.75 legal agreement prior to the issue of the planning consent. These obligations will address identified needs in education, health care and transportation matters.

### **Conclusion**

Subject to the conditions recommended the development would be acceptable with housing layout, house designs and tree planting are all compliant with policy. The creation of a neighbourhood hub, or civic space, which will be the focal point for the current application and intended to serve also Phase 3, will provide a good focal point for the community and will form a distinct and attractive feature within the community.

### **REASON(S) FOR DECISION**

The Council's reason(s) for making this decision are: -

The proposal accords with the relevant policies of National Planning Framework 4 and Moray Local Development Plan 2020, and there were no material considerations that would indicate otherwise.

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