

22/00385/APP
1st April 2022

**Change of house types approved under ref 15/00244/APP
on Plots 4-7 Ordiequish Road Fochabers Moray
for Bob Milton Properties Ltd**

Comments:

- The application is reported to Committee because it proposes a change in house type on plots (4-7) on a development previously approved by Committee decision under application reference 15/00244/APP (for the erection of 49 dwelling houses on R1 Ordiequish Road, Fochabers).
- The proposal has been advertised for neighbour notification and departure purposes.

Procedure:

- None

Recommendation

Grant planning permission: subject to the following conditions and informatives.

Conditions/Reasons

1. No development work shall commence on plots 4-7 until a detailed drawing (scale 1:200) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority confirming the provision of, or location where a future Electric Vehicle (EV) charging unit is to be connected to an appropriate electricity supply, including details (written proposals and/ or plans) to confirm the provision of the necessary cabling, ducting, and consumer units capable of supporting the future charging unit; and thereafter the EV charging infrastructure shall be provided in accordance with the approved drawing and details prior to the first occupation of the dwelling house.

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

2. Parking spaces shall be provided as shown on Drawing HT50/01/07d prior to the occupation or completion of each of the dwelling houses, whichever is the sooner. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

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

3. No boundary fences, hedges, walls or any other obstruction whatsoever over 0.6m in height and fronting onto the public road shall be within 2.4m of the edge of the carriageway.

Reason: To enable drivers of vehicles entering or exiting the site to have a clear view so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road.

4. New boundary walls/fences shall be set back from the edge of the public carriageway at a distance of 2.0m.

Reason: To ensure acceptable development in the interests of road safety.

5. Notwithstanding the submitted details no development works on plots 4-7 shall commence until details (plans and elevations including material specification) have been submitted to and approved in writing by the Council, as Planning Authority showing the precise location and design of the 600mm boundary wall to be provided on the south and east boundaries of plot 7 which should be match the wall details of plot 8 (application reference 21/01487/APP). Thereafter the development must be carried out in accordance with the agreed details.

Reason: In order to provide details currently lacking and in order to ensure an acceptable form of development.

6. Notwithstanding the submitted details no development works on plots 4-7 shall commence until a detailed landscape plan including species specifications, location, heights and timescale for all planting has been submitted to and approved in writing by the Council as Planning Authority. On-plot species shall be a minimum of 1.5m in height at the time of planting. Thereafter the development must be carried out in accordance with the agreed details.

Reason: In order to provide details currently lacking and in order to ensure an acceptable form of development.

Reason(s) for Decision

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

The extant consent for this development is currently being implemented on the ground and defines the existing design, layout and character of the development which includes frontage car parking.

The variation of the house types proposed is acceptable and whilst it is noted that the parking fails to meet the current MLDP 2020 policy requirement of a maximum of 50% frontage car parking, the parking arrangement proposed for plots 4-7 is consistent with the existing consented development and will reflect and maintain the established layout

and character of the consented development. It is also noted that the proposed boundary hedging and ornamental tree to be planted in each plot will help to soften the overall visual impact of parked cars fronting on to the street. Furthermore, noting that the accepted land use nor the overall character and layout of the consented house scheme will change as a result of the proposal; this application is recommended as an acceptable departure from Policy PP1 (iv), DP1 (ii) b) and EP3 Part b. In all other regards, subject to conditions, the proposal complies with the requirements of the MLDP 2020 and there are no material considerations that indicate otherwise.

List of Informatives:

THE DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that:-

This planning consent relates solely to plot 4-7 as defined by this application description and the application site edge red as detailed on site plan SLP001/02/01G and block plan HT50/01/07D.

A Building Warrant will be required for the proposals. Should you require further assistance please contact the Building Standards Duty Officer between 2pm and 4pm or telephone on 03001234561. No appointment is necessary. Alternatively e-mail buildingstandards@moray.gov.uk

THE TRANSPORTATION MANAGER, has commented that:-

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

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

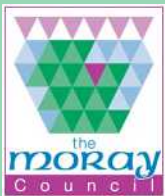
Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 56 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road. Advice on these matters can be obtained by emailing roadspermits@moray.gov.uk

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.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
HT009/05/02 B	Plot 4 - elevations
	Location plan
HT32/02/01 A	Plot 7 - Newton house type
HT009/05/01 B	Plot 4 - floor plans
900/01 A	Road/sewer layout
HT018/01/02 C	Plot 5 - elevations
HT018/01/01 A	Plot 5 - floor plans
HT/25/02/02 B	Plot 6 - elevations
900	Road layout
HT/25/02/01 B	Plot 6 - floor plans
SLP001/02/01RC	Roughcast colours
920 A	Sewer layout
SITE SECTIONS 01	Site sections
SLP002/02/01LDS A	Landscape layout
HT50/01/07 D	Block plan
SLP001/02/01 G	Site plan



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

22/00385/APP

Site Address:

Plots 4-7

Ordiequish Road

Applicant Name:

Bob Milton Properties Ltd

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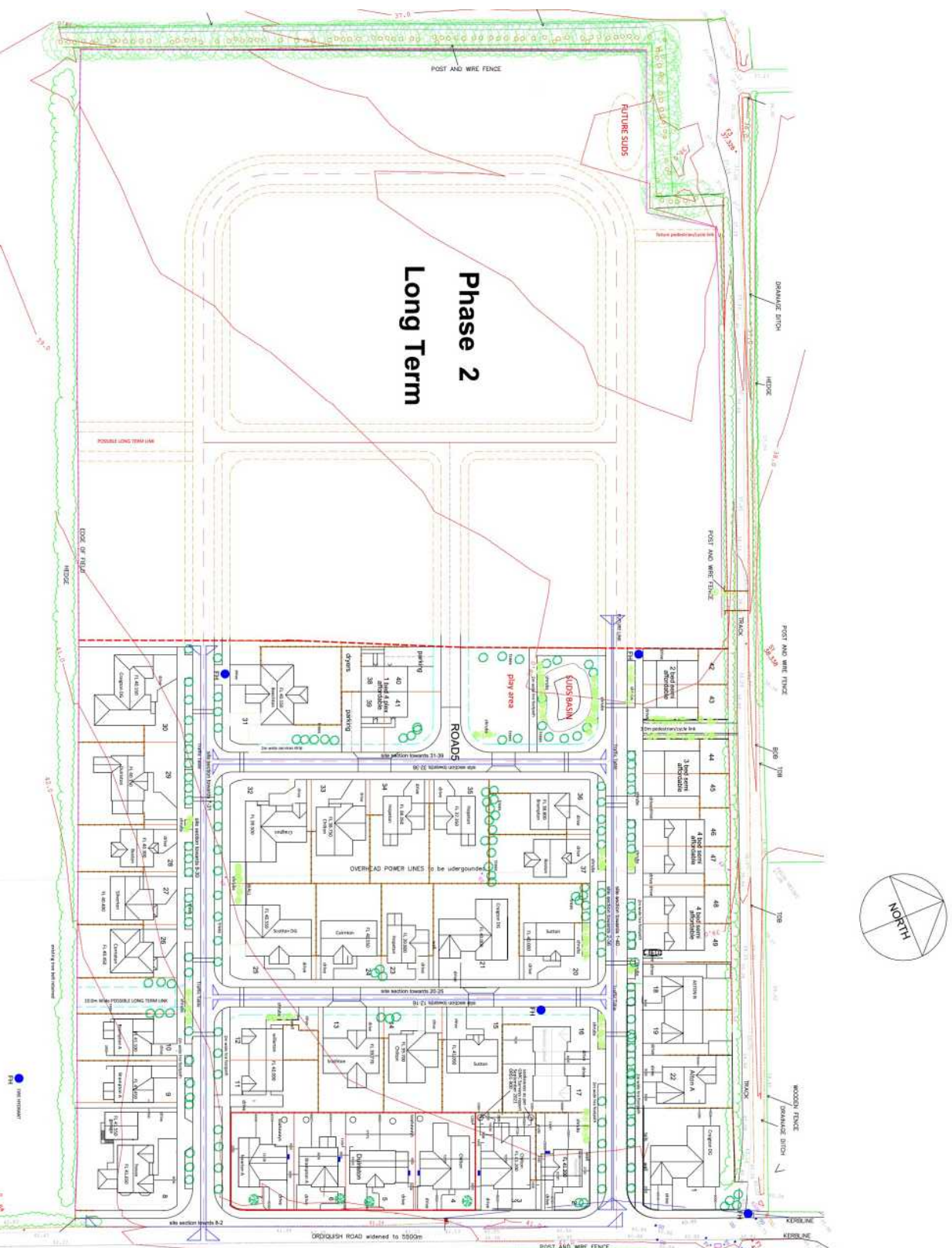
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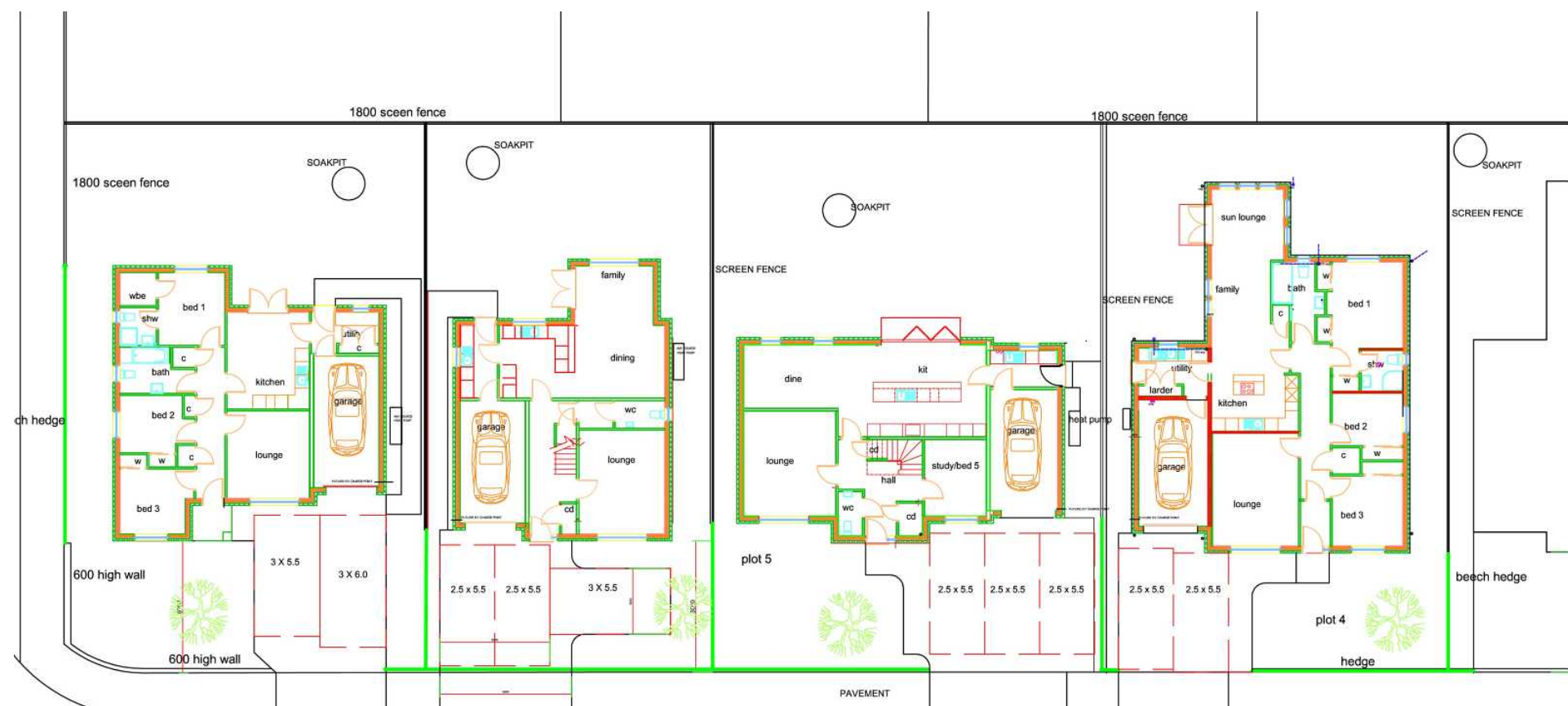
Location Plan



Site plan



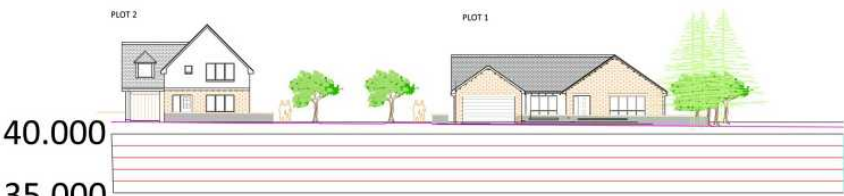
Block plan



Site sections



site section towards Plots 8-2



site section towards Plots 2-1

Photo Location plan

22/00385/APP



Map Description: Views to Site

Scale: 1:2,500 @ A4



View from South East



View from North East



PLANNING APPLICATION: 22/00385/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

1. THE PROPOSAL

- This application seeks planning permission to change the house types approved on plots 4-7 under application 15/00244/APP (for the erection of 49 dwelling houses on R1 Ordiequish Road, Fochabers).
- The proposed house types are as follows:
 - Plot 4: Single storey, 3 bedroom “Chilton” house type. The dwelling will be finished in artc white roughcast with feature Fyfestone on the front of the dwelling. A 3 Bedroom “Scotton” was approved on this plot as part of application 15/00244/APP.
 - Plot 5: Two storey, 4 bedroom (with study) “Dulriston”. The dwelling will be finished in artc white roughcast with feature Fyfestone on the front of the dwelling. A 4 bedroom “Criagton” was approved on this plot as part of application 15/00244/APP.
 - Plot 6: Two storey, 4 bedroom (with study) “Brampton”. The dwelling will be finished in artc white roughcast with feature Fyfestone on the front of the dwelling. A 3 bedroom “Chilton” was approved on this plot as part of 15/00244/APP.
 - Plot 7: Single storey, 3 bedroom “Newton” this design has not previously been approved on this development. The dwelling will be finished in artc white roughcast with feature Fyfestone on the front of the dwelling. A 5 bedroom “Sutton” was approved on this plot as part of 15/00244/APP.
- The plot layout arrangement includes garden area, driveway, parking provision with the proposed location for the EV charging point identified, and, boundary details including; 1800mm screen fencing, frontage hedging and the 600mm feature boundary wall at Plot 7 to provide a defined entrance to the development.
- The dwellings will connect to the public water supply and mains drainage with on plot soakaway rings, updated drainage calculations have been provided to take account of the revised design.
- Plots 4-7 are part of a commenced residential development under application 15/00244/APP with construction on “Phase 1” well underway.

2. THE SITE

- Located on the southern edge of Fochabers, the site is located on the R1 Ordiequish Road Local Development Plan Designation which covers an area of 2.6ha and has an indicative capacity for 50 units and the subject of a commenced consent under application 15/00244/APP.
- Plots 4-7 are located along the eastern boundary of the site and are located in “Phase 1” of the consented development.
- Plots 4-7 have their frontages onto Ordiequish Road with established woodland beyond. Plots 4-7 occupy a central position on the eastern boundary of the site and the rest of the consented scheme extends to the north, west and south from the plots. Plot 7 is a corner plot with its southern boundary fronting onto the southern development road with plot 8 located beyond.
- The settlement of Fochabers falls within the Spey Valley Special Landscape Area.

3. HISTORY

12/01577/PPP - Planning permission in principle for 50 houses and associated works on Site R1 Fochabers. This was approved 10 February 2014, subject to conditions and the terms of a s75 Agreement covering developer contributions and affordable housing provision.

15/00244/APP - Detailed planning permission for the erection of 49 houses on land west of Ordiequish Road, Fochabers. Decision issued by Committee Decision on 26 November 2015 subject to conditions and informatives. This application also necessitated a “Minute of Variation” to the previously agreed s75 Agreement.

21/00933/APP - Change of house type approved under ref 15/00244/APP to Chilton House type on Plot 3 Ordiequish Road Fochabers. Decision issued on 18 August 2021.

21/01487/APP - Amend the house design approved on Plot 8 Ordiequish Fields under the application 15/00244/APP. Decision Issued on 09 December 2021.

4. POLICY - SEE APPENDIX

5. ADVERTISEMENTS

- 5.1 Advertised for neighbour notification purposes and as a departure to the local development plan.

6. CONSULTATIONS

Contaminated Land – No objection

Environmental Health – No objection

Moray Flood Risk Management – No objection

Scottish Water – No objection with advisory information advising that Scottish Water records show that there is proposed infrastructure within the site but that it is understood to be pipework proposed by the developer to service the Development. Thereafter information about the Scottish Water Pre-Development Enquiry Process is provided for the developer.

Transportation Manager – No objection subject to conditions and informatives.

Developer Obligations – No objection, response confirms that since this planning application only changes the house types on plot 4-7 and this change results in less than 1 Standard Residential Unit Equivalent (SRUE), no further Developer Obligations or Affordable Housing contributions are required.

Strategic Planning and Delivery - While we do not object to the principle of the remix the application, the proposal does not meet the parking criteria of Policy PP1 (iv).

PP1 (iv) is clear that car parking must not dominate the streetscape to the front or rear of properties. On all streets a minimum of 50% of car parking must be provided to the side or rear and behind the building line with a maximum of 50% car parking within the front curtilage or on the street, subject to the visual impact of parking being mitigated.

While it is acknowledged that there is an extant consent for the whole site with two recently approved individual remix applications along the frontage, the proposed layout fails to comply with the parking aspect of PP1 as all of the proposed parking will be located in front of the building line. Furthermore Transportation Services have stated in their response the proposed garage dimensions fail to meet the required dimensions (7m x 3m) to count as a parking space. The internal garages therefore cannot be counted as a space in terms of being behind located the building line.

While it is acknowledged that the applicant has tried to mitigate the appearance of parked cars this is not enough to mitigate the overall visual impact of parking along this frontage as none of the house types within this application (and house types along the frontage outwith this application) allow for parking to be located to the side or rear which is contrary to the aims of the policy. In particular, the inclusion of a 4 bed house (Plot 6) will require 3 spaces along the majority of the frontage of the house.

For the reasons set out above the proposal is deemed to be a departure from PP1 Placemaking (iv).

7. OBJECTIONS-REPRESENTATIONS

None.

8. OBSERVATIONS

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

8.2 Background

As confirmed by the applicant, the application to change the house types has been submitted to meet current market demand in the area while reflecting the character and appearance of the consented development.

8.3 Principle of Development

The principle of residential development on the site for residential use is accepted taking account the extant consent on the site (15/00244/APP), the commenced development works and the local plan designation of the site as a designated residential site (R1 Ordiequish Road).

8.3.1 Since the site currently benefits from an extant/implemented consent the assessment of this application focuses on the revised house designs, plot layout, amenity, drainage, access/parking considerations and any implications for developer obligations or the agreed S75.

8.4 Siting and Character (R1 Fochabers, PP1, DP1 and DP2)

Within the consented development plots 1-8 form the frontage of the development on to Ordiequish Road. Plots 4-7 are the subject of this remix application. As is the established character in this consented development, the houses are to be positioned centrally on the plots with the orientation of the house fronting onto Ordiequish Road with parking provided in front drives, noting that while the dwellings do have integral garages within their design they fall short of the minimum size requirement to be considered as a parking space.

8.4.1 The design and layout of the development at Ordiequish Road was consented under the 2008 Moray Local Development Plan prior to the requirement for a minimum of 50% of car parking to be located to the side or rear and behind the building line with a maximum of 50% car parking within the front curtilage or on the street which was introduced as part of the MLDP 2020. This means that while the parking for each of the plots fails to comply with the current MLDP 2020 parking requirement, the parking arrangement proposed for plots 4-7 is consistent with the existing consented development and will reflect and maintain the established character and layout of the development which is currently being built out on the ground. It is also noted that the proposed boundary hedging and ornamental tree to be planted in each plot will help to soften the overall visual impact of parked cars fronting on to the street. Given these factors, whilst it is recognised that the proposed parking at plots 4-7 will not comply with the parking policy requirement of the MLDP 2020 as defined by Policy PP1 (iv) (and DP1 (ii) b))), it will be consistent with the existing consented development and established character of the development and on this basis can therefore be recommended for approval as an acceptable departure from Policy PP1 (iv).

- 8.5 **Design and amenity (PP1, PP3 DP1 and DP2)**
The consented development comprises a variety of two, three, four and five bedroom modern detached and semi-detached house types, of single and two storey design. The house designs proposed represent existing house types agreed for this development, or in the case of the proposed “Newton” house for plot 7 is of a character and style that reflects the design/character of the development (noting that the material finishes proposed are consistent with the materials already agreed for this development). The proposed house designs are acceptable and will not materially alter the overall character of the development. The houses remain centrally positioned within the plot and the separation distances is consistent with those already agreed in the development. No adverse impacts upon amenity i.e. loss of privacy, loss of light or overbearing impact is considered to occur as a result of the change in house types.
- 8.6 **Spey Valley Special Landscape Area (EP3, i) b)**
This application is for a remix of house types on four individual plots on a consented house scheme. The accepted land use nor the overall character of the consented house scheme will change as a result of the application. Therefore notwithstanding the departure issue against Policy PP1 (iv) and DP1 (ii) b), the proposal is not considered to compromise the integrity or qualities of the Special Landscape Area and can therefore be recommended as an acceptable departure from policy EP3 i) b).
- 8.7 **Water and Drainage (DP1, EP12 and EP13)**
The dwellings will connect to the public water supply and mains drainage with on plot soakaway rings; updated drainage calculations have been provided to take account of the revised design.
- 8.7.1 Following consultation Moray Flood Risk Management has raised no objection to the proposal. Scottish Water has also raised no objection to the proposal, and it is noted that any connection required will be subject to liaison between the applicant and Scottish Water. The proposal complies with the requisite requirements of Policies DP1, EP12 and EP13.
- 8.8 **Access and Parking DP1 and PP3**
Following the submission of amended plans, the Transportation Service has raised no objection to the proposal and has provided relevant and necessary Transportation conditions including electric vehicle charging enabling infrastructure, parking and plot access requirements.
- 8.8.1 As has been identified previously the proposal fails to comply with current policy requirements of a minimum of 50% of car parking provided to the side or rear and behind the building line with a maximum of 50% car parking within the front curtilage or on the street. However, the plots have demonstrated that the requisite parking standards can be achieved on each plot, noting that frontage parking is consistent with the existing consented development and has already been accepted as an acceptable departure against DP1 (ii) b) (and Policy PP1 (iv)).

8.9 **Developer Obligations (PP3)**

Developer Obligations for the consented development (15/00244/APP) required financial contributions towards recreation provision in the Milnes High School Catchment Area and a contribution to the Core Path Network Improvement in Fochabers. These matters are covered by a s75 Legal Agreement. Following assessment, the Developer Obligations Section, has confirmed that since this planning application only changes the house types on plot 4-7 and this change results in less than 1 Standard Residential Unit Equivalent (SRUE), no further Developer Obligations are required, and, that the existing s75 Agreement will not require to be modified, and the existing legal agreement will apply.

8.10 **Affordable Housing (DP2)**

As part of the consented development 15/00244/APP, affordable housing is also to be provided through on-site provision in the form of 12 affordable units which are located within the north-western/western part of the site (conditions 11 and 12 refer). The final details for the affordable housing must be provided prior to commencement of "Phase 3" of the development and delivery of the affordable units on site must be achieved before the completion of the 34th open market house. This proposal is for a change of house type on plots 4-7 which are part of Phase 1 of the development, and therefore it does not affect these requirements which apply to latter phases of the development.

- 8.10.1 Taking account of these matters the proposal is acceptable under affordable housing requirements.

Conclusion

The principle of residential development is established by the extant consent which is currently being implemented on the ground. The variation of the house types proposed is acceptable and whilst it is noted that the parking fails to meet the current parking requirement of Policy PP1 (iv) and DP1 (ii) b), the parking arrangement proposed for plots 4-7 is consistent with the existing consented development and will reflect and maintain the established character and layout of the development. It is also noted that the proposed boundary hedging and ornamental tree to be planted in each plot will help to soften the overall visual impact of parked cars fronting on to the street.

Therefore, whilst it is recognised that the proposed parking at plots 4-7 will not comply with the parking policy requirement of the MLDP 2020 as defined by Policy PP1 (iv) and DP1 (ii) b), it will be consistent with the existing consented development and established character of the development. Having failed to be fully compliant with Policies PP1 and DP1, the proposal therefore also fails to be fully compliant with Policy EP3 i) b).

However, the proposed frontage parking is consistent with the existing consented scheme which is currently being built out on the ground and will reflect and maintain the existing character and layout of the development. Furthermore, noting that the accepted land use nor the overall character and layout of the consented house scheme will change as a result of the proposal; this application is recommended as an acceptable departure from Policy PP1 (iv), DP1 (ii) b) and EP3 i) b).

REASON(S) FOR DECISION

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

The extant consent for this development is currently being implemented on the ground and defines the existing design, layout and character of the development which includes frontage car parking.

The variation of the house types proposed is acceptable and whilst it is noted that the parking fails to meet the current MLDP 2020 policy requirement of a maximum of 50% frontage car parking. The parking arrangement proposed for plots 4-7 is consistent with the existing consented development and will reflect and maintain the established layout and character of the consented development. It is also noted that the proposed boundary hedging and ornamental trees to be planted in each plot will help to soften the overall visual impact of parked cars fronting on to the street. Furthermore, noting that the accepted land use nor the overall character and layout of the consented house scheme will change as a result of the proposal; this application is recommended as an acceptable departure from Policy PP1 (iv), DP1 (ii) b) and EP3 i) b). In all other regards, subject to conditions, the proposal complies with the requirements of the MLDP 2020 and there are no material considerations that indicate otherwise.

**Author/Contact
Officer:**

Shona Strachan
Planning Officer

Ext: 01343 563303

**Beverly Smith
Development Management & Building Standards Manager**

APPENDIX

POLICY

Proposed Moray Local Development Plan 2020

PP3 INFRASTRUCTURE & SERVICES

Development must be planned and co-ordinated with infrastructure to ensure that places function properly and proposals are adequately served by infrastructure and services.

- a) In relation to infrastructure and services developments will be required to provide the following as may be considered appropriate by the planning authority, unless these requirements are considered not to be necessary:
 - i) Education, Health, Transport, Sports and Recreation and Access facilities in accord with Supplementary Guidance on Developer Obligations and Open Space.
 - ii) Green infrastructure and network requirements specified in policy EP5 Open Space, Town and Village Maps and, contained within Supplementary Guidance on the Open Space Strategy, Masterplans and Development Briefs.
 - iii) Mitigation/modification to the existing transport network (including road and rail) to address the impact of the proposed development in terms of safety and efficiency. This may include but not be limited to passing places, road widening, junction enhancement, bus stop infrastructure, and drainage infrastructure. A number of potential road and transport improvements are identified and shown on the Town and Village Maps as Transport Proposals (TSP's) including the interventions in the Elgin Transport Strategy. These requirements are not exhaustive and do not pre-empt any measures which may result from the Transport Assessment process.
 - iv) Electric car charging points must be provided at all commercial and community parking facilities. Access to charging points must also be provided for residential properties, where in-curtilage facilities cannot be provided to any individual residential property then access to communal charging facilities should be made available. Access to other nearby charging facilities will be taken into consideration when identifying the need for communal electric charging points.
 - v) Active Travel and Core Path requirements specified in the Council's Active Travel Strategy and Core Path Plan.
 - vi) Safe transport and access routes linking to existing networks and mitigating the impacts of development off-site.
 - vii) Information Communication Technology (ICT) and fibre optic broadband connections for all premises unless justification is provided to substantiate it is technically unfeasible.
 - viii) Foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS), including construction phase SUDS.

- ix) Measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland including the provision of local waste storage and recycling facilities designed into the development in accord with policy PP1 Placemaking. For major applications a site waste management plan may be required to ensure that waste minimisation is achieved during the construction phase.
- x) Infrastructure required to improve or increase capacity at Water Treatment Works and Waste Water Treatment Works will be supported subject to compliance with policy DP1.
- xi) A utilities plan setting out how existing and new utility (including gas, water, electricity pipelines and pylons) provision has been incorporated into the layout and design of the proposal. This requirement may be exempted in relation to developments where the council considers it might not be appropriate, such as domestic or very small scale built developments and some changes of use.

b) Development proposals will not be supported where they:

- i) Create new accesses onto trunk roads and other main/key routes (A941 & A98) unless significant economic benefits are demonstrated or such access is required to facilitate development that supports the provisions of the development plan.
- ii) Adversely impact on active travel routes, core paths, rights of way, long distance and other access routes and cannot be adequately mitigated by an equivalent or better alternative provision in a location convenient for users.
- iii) Adversely impact on blue/green infrastructure, including green networks important for wildlife unless an equivalent or better alternative provision will be provided.
- iv) Are incompatible with key waste sites at Dallachy, Gollanfield, Moycroft and Waterford and would prejudice their operation.
- v) Adversely impact on community and recreational sites, buildings or infrastructure including CF designations and cannot be adequately mitigated.
- vi) Adversely impact on flood alleviation and mitigation infrastructure.
- vii) Compromise the economic viability of bus or rail facilities.

c) Harbours

Development within and diversification of harbours to support their sustainable operation will be supported subject to compliance with other policies and settlement statements.

d) Developer Obligations

Developer obligations will be sought to mitigate any measurable adverse impact of a development proposal on local infrastructure, including education, healthcare, transport (including rail), sports and recreational facilities and access routes. Obligations will be sought to reduce, eliminate or compensate for this impact.

Developer obligations may also be sought to mitigate any adverse impacts of a development, alone or cumulatively with other developments in the area, on the natural environment.

Where necessary obligations that can be secured satisfactorily by means of a planning condition attached to planning permission will be done this way. Where this cannot be achieved, the required obligation will be secured through a planning agreement in accordance with Circular 3/2012 on Planning Obligations.

Developer obligations will be sought in accordance with the Council's Supplementary Guidance on Developer Obligations. This sets out the anticipated infrastructure requirements, including methodology and rates.

Where a developer considers that the application of developer obligations renders a development commercially unviable a viability assessment and 'open-book accounting' must be provided by the developer which Moray Council, via the District Valuer, will verify, at the developer's expense. Should this be deemed accurate then the Council will enter into negotiation with the developer to determine a viable level of developer obligations.

The Council's Developer Obligations Supplementary Guidance provides further detail to support this policy.

PP1 PLACEMAKING

- a) Development must be designed to create successful, healthy places that support good physical and mental health, help reduce health inequalities, improve people's wellbeing, safeguard the environment and support economic development.
- b) A Placemaking Statement is required for residential developments of 10 units and above to be submitted with the planning application to articulate how the development proposal addresses the requirements of policy PP1 Placemaking and other relevant LDP policies and guidance. The Placemaking Statement must include sufficient information for the council to carry out a Quality Audit. Where considered appropriate by the council, taking account of the nature and scale of the proposed development and of the site circumstances, this shall include a landscaping plan, a topographical survey, slope analysis, site sections, 3D visualisations, a Street Engineering Review and a Biodiversity Plan. The Placemaking Statement must demonstrate how the development promotes opportunities for healthy living and working. The landscape plan must set out details of species type, size, timescales for planting and maintenance.
- c) To create successful, healthy places residential developments of 10 units and above must comply with Scottish Government policy Creating Places and Designing Streets and must incorporate the following fundamental principles:
 - (i) **Character and Identity**
 - Create places that are distinctive to prevent homogenous 'anywhere' development;
 - Provide a number of character areas reflecting site characteristics that have their own distinctive identity and are clearly distinguishable;

- Provide distinctiveness between and in each character area through a combination of measures including variation in urban form, street structure/network, architecture and masonry, accent features (such as porches), surrounds and detailing, materials (buildings and surfaces), colour, boundary treatments, hard/soft landscaping and a variety of approaches to tree species and planting that emphasises the hierarchy of open spaces and streets within a cohesive design strategy for the whole development;
- Distinctiveness must be reinforced along main thoroughfares, open spaces and places where people may congregate such as shopping/service centres;
- Retain, incorporate and/or respond to relevant elements of the landscape such as topography and planted features, natural and historic environment, and propose street naming (in residential developments of 20 units and above, where proposed names are to be submitted with the planning application) to retain and enhance local associations;

(ii) Healthier, Safer Environments

- Designed to prevent crime, fear of crime and anti-social behaviour with good levels of natural surveillance and security using treatments such as low boundary walls, dual frontages (principal rooms) and well-lit routes to encourage social interaction. Unbroken high boundary treatments such as wooden fencing and blank gables onto routes, open spaces and communal areas will not be acceptable.
- Designed to encourage physical exercise for people of all abilities.
- Create a distinctive urban form with landmarks, key buildings, vistas, gateways and public art to provide good orientation and navigation through the development.
- Provide a mix of compatible uses, where indicated within settlement statements, integrated into the fabric of buildings within the street.
- Prioritise pedestrians and cyclists by providing a permeable movement framework that incorporates desire lines (including connecting to and upgrading existing desire lines) and is fully integrated with the surrounding network to create walkable neighbourhoods and encourage physical activity.
- Integrate multi- functional active travel routes, green and open space into layout and design, to create well connected places that encourage physical activity, provide attractive spaces for people to interact and to connect with nature.
- Create safe streets that influence driver behaviour to reduce vehicle speeds that are appropriate to the local context such as through shorter streets, reduced visibility and varying the building line.
- Provide seating opportunities within streets, paths and open spaces for all generations and mobility's to interact, participate in activity, and rest and reflect.
- Provide for people with mobility problems or a disability to access buildings, places and open spaces.
- Create development with public fronts and private backs.
- Maximise environmental benefits through the orientation of buildings, streets and open space to maximise the health benefits associated with solar gain and wind shelter.

(iii) Housing Mix

- Provide a wide range of well integrated tenures, including a range of house types and plot sizes for different household sizes, incomes and generations and meet the affordable and accessible requirements of policy DP2 Housing.
- All tenures of housing should have equal access to amenities, greenspace and active travel routes.

(iv) Open Spaces/Landscaping

- Provide accessible, multi-functional open space within a clearly defined hierarchy integrated into the development and connected via an active travel network of green/blue corridors that are fully incorporated into the development and to the surrounding area, and meet the requirements of policy EP5 Open Space and the Open Space Strategy Supplementary Guidance and Policy EP12 Managing the Water Environment and Drainage Impact Assessment for New Developments Supplementary Guidance.
- Landscaped areas must provide seasonal variation, (mix of planting and colour) including native planting for pollination and food production.
- Landscaping areas that because of their size, shape or location would not form any useable space or that will not positively contribute to the character of an area will not contribute to the open space requirements of Policy EP4 Open Space.
- Semi-mature tree planting and shrubs must be provided along all routes with the variety of approaches reflecting and accentuating the street hierarchy.
- Public and private space must be clearly defined.
- Play areas (where identified) must be inclusive, providing equipment so the facility is for every child/young person regardless of ability and provided upon completion of 50% of the character area.
- Proposals must provide advance landscaping identified in site designations and meet the quality requirements of policy EP5 Open Space.
- Structural landscaping must incorporate countryside style paths (such as bound or compacted gravel) with waymarkers.
- Maintenance arrangements for all paths, trees, hedging, shrubs, play/sports areas, roundabouts and other open/ green spaces and blue/green corridors must be provided.

v) Biodiversity

- Create a variety of high quality multi- functional green/blue spaces and networks that connect people and nature, that include trees, hedges and planting to enhance biodiversity and support habitats/wildlife and comply with policy EP2 Biodiversity and Geodiversity and EP5 Open Space.
- A plan detailing how different elements of the development will contribute to supporting biodiversity must be included in the design statement submitted with the planning application.
- Integrate green and blue infrastructure such as swales, permeable paving, SUDS ponds, green roofs and walls and grass/wildflower verges into streets, parking areas and plots to sustainably address drainage and

flooding issues and enhance biodiversity from the outset of the development.

- Developments must safeguard and where physically possible extend or enhance wildlife corridors and green/blue networks and prevent fragmentation of existing habitats.

(vi) Parking

- Car parking must not dominate the streetscape to the front or rear of properties. On all streets a minimum of 50% of car parking must be provided to the side or rear and behind the building line with a maximum of 50% car parking within the front curtilage or on street, subject to the visual impact being mitigated by hedging, low stone boundary walls or other acceptable treatments that enhance the streetscape.
- Provide semi-mature trees and planting within communal private and public/visitor parking areas and on-street parking at a maximum interval of 4 car parking spaces.
- Secure and covered cycle parking and storage, car sharing spaces and electric car charging points must be provided in accordance with policy DP1 Development Principles.
- Parking areas must use a variation in materials to reduce the visual impact on the streetscene.

(vii) Street Layout and Detail

- Provide a clear hierarchy of streets reinforced through street width, building density and street and building design, materials, hard/soft landscaping and a variety of approaches to tree planting and shrubs.
- Streets and connecting routes should encourage walking and cycling over use of the private car by providing well connected, safe and appealing routes.
- Design junctions to prioritise pedestrians, accommodate active travel and public transport and service/emergency vehicles to reflect the context and urban form and ensure that the street pattern is not standardised.
- Dead-end streets/cul-de-sacs will only be selectively permitted such as on rural edges or where topography, site size, shape or relationship to adjacent developments prevent an alternative more permeable layout. These must be short, serving no more than 10 units and provide walking and cycling through routes to maximise connectivity to the surrounding area.
- Where a roundabout forms a gateway into, or a landmark within, a town and/or a development, it must be designed to create a gateway feature or to contribute positively to the character of the area.
- Design principles for street layouts must be informed by a Street Engineering Review (SER) and align with Roads Construction Consent (RCC) to provide certainty that the development will be delivered as per the planning consent.

- (d) Future masterplans will be prepared through collaborative working and in partnership between the developer and the council for Lochyhill (Forres), Barhill Road (Buckie), Elgin Town Centre/Cooper Park, Elgin North East, Clarkly Hill, Burghead and West Mosstodloch. Masterplans that are not prepared collaboratively and in partnership with the council will not be supported. Masterplans that are approved will be Supplementary Guidance to the Plan. 111

- (e) Proposals for sites must reflect the key design principles and safeguard or enhance the green networks set out in the Proposals Maps and Settlement Statements. Alternative design solutions may be proposed where justification is provided to the planning authority's satisfaction to merit this.

DP1 DEVELOPMENT PRINCIPLES

This policy applies to all development, including extensions and conversions and will be applied reasonably taking into account the nature and scale of a proposal and individual circumstances.

The Council will require applicants to provide impact assessments in order to determine the impact of a proposal. Applicants may be asked to determine the impacts upon the environment, transport network, town centres, noise, air quality, landscape, trees, flood risk, protected habitats and species, contaminated land, built heritage and archaeology and provide mitigation to address these impacts.

Development proposals will be supported if they conform to the relevant Local Development Plan policies, proposals and additional guidance, meet the following criteria and address their individual and cumulative impacts:

(i) Design

- a) The scale, density and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.
- b) The development must be integrated into the surrounding landscape which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g. distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided with planning applications for all proposals where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the "Right Tree in the Right Place".
- c) Make provision for new open space and connect to existing open space under the requirements of Policy EP5 and provide details of the future maintenance of these spaces. A detailed landscape plan must be submitted with planning applications and include information about green/blue infrastructure, tree species, planting, ground/soil conditions, and natural and man-made features (e.g. grass areas, wildflower verges, fencing, walls, paths, etc.).
- d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours and integrate into the landscape.
- e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.
- f) Proposals do not result in backland development or plots that are subdivided by more than 50% of the original plot. Sub-divided plots must be a minimum of

400m², excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and the resultant plot density and layout reflects the character of the surrounding area.

- g) Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.
- h) Existing stone walls on buildings and boundaries must be retained. Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.
- i) Proposals must orientate and design buildings to maximise opportunities for solar gain.
- j) All developments must be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use (calculated on the basis of the approved design and plans for the specific development) through the installation and operation of low and zero-carbon generating technologies.

(ii) Transportation

- a) Proposals must provide safe entry and exit from the development, including the appropriate number and type of junctions, maximise connections and routes for pedestrians and cyclists, including links to active travel and core path routes, reduce travel demands and ensure appropriate visibility for all road users at junctions and bends. Road, cycling, footpath and public transport connections and infrastructure must be provided at a level appropriate to the development and connect people to education, employment, recreation, health, community and retail facilities.
- b) Car parking must not dominate the street scene and must be provided to the side or rear and behind the building line. Maximum (50%) parking to the front of buildings and on street may be permitted provided that the visual impact of the parked cars is mitigated by hedging or low stone boundary walls. Roadways with a single carriageway must provide sufficient off road parking to avoid access routes being blocked to larger service vehicles and prevent parking on pavements.
- c) Provide safe access to and from the road network, address any impacts on road safety and the local road, rail and public transport network. Any impacts identified through Transport Assessments/ Statements must be identified and mitigated. This may include but would not be limited to, passing places, road widening, junction improvements, bus stop infrastructure and drainage infrastructure. A number of potential mitigation measures have been identified in association with the development of sites and the most significant are shown on the Proposals Map as TSP's.
- d) Provide covered and secure facilities for cycle parking at all flats/apartments, retail, community, education, health and employment centres.
- e) Garages and parking provision must be designed to comply with Moray Council parking specifications see Appendix 2.

- f) The road layout must be designed to allow for the efficient mechanical sweeping of all roadways and channels, pavements, turning areas and junctions. The road layout must also be designed to enable safe working practices, minimising reversing of service vehicles, with hammerheads minimised in preference to turning areas such as road stubs or hatchets, and to provide adequate space for the collection of waste and movement of waste collection vehicles.
- g) The road and house layout in urban development should allow for communal refuse collection points where the design does not allow for individual storage within the curtilage and / or collections at kerbside. Communal collection points may either be for the temporary storage of containers taken by the individual householder or for the permanent storage of larger containers. The requirements for a communal storage area are stated within the Council's Kerbside Collection Policy, which will be a material consideration.
- h) Road signs should be minimised designed and placed at the back of footpaths to reduce street clutter, avoid obstructing pedestrian movements and safeguarding sightlines;
- i) Within communal parking areas there will be a requirement for electric car charging points. Parking spaces for car sharing must be provided where a need is identified by the Transportation Manager.

(iii) Water environment, pollution, contamination

- a) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water including temporary/ construction phase SUDS (see Policy EP12).
- b) New development should not be located in areas at flood risk or increase vulnerability to flooding (see Policy EP12). Exceptions to this would only be considered in specific circumstances, e.g. extension to an existing building or change of use to an equal or less vulnerable use. Where this exception is applied the proposed development must include resilience measures such as raised floor levels and electrical sockets.
- c) Proposals must avoid major hazard sites and address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- d) Proposals must protect and wherever practicable enhance water features through for example naturalisation of watercourses by introducing a more natural planform and removing redundant or unnecessary structures.
- e) Proposals must address and sufficiently mitigate any contaminated land issues.
- f) Make acceptable arrangements for waste collection and management and encourage recycling.
- g) Avoid sterilising significant workable reserves of minerals, prime agricultural land or productive forestry.

- h) Proposals must avoid areas at risk of coastal erosion and coastal change.

DP2 HOUSING

- a) Proposals for development on all designated and windfall housing sites must include a design statement and shall include supporting information regarding the comprehensive layout and development of the whole site, addressing infrastructure, access for pedestrians, cyclists, public transport and service vehicles, landscaping, drainage, affordable and accessible housing and other matters as may be required by the planning authority, unless these requirements are not specified in the site designation or are considered not to be required.

Proposals must comply with Policy PP1, DP1, the site development requirements within the settlement plans, all other relevant policies within the Plan and must comply with the following requirements;

- b) **Piecemeal/ individual plot development proposals**

Piecemeal and individual/ plot development proposals will only be acceptable where details for the comprehensive redevelopment of the site are provided to the satisfaction of the planning authority and proposals comply with the terms of Policy DP1, other relevant policies including access, affordable and accessible housing, landscaping and open space and where appropriate key design principles and site designation requirements are met.

Proposals for piecemeal/ plot development must be accompanied by a Delivery Plan setting out how the comprehensive development of the site will be achieved.

- c) **Housing density**

Capacity figures indicated within site designations are indicative only. Proposed capacities will be considered through the Quality Auditing process against the characteristics of the site, character of the surrounding area, conformity with all policies and the requirements of good Placemaking as set out in Policies PP1 and DP1.

- d) **Affordable Housing**

Proposals for all housing developments (including conversions) must provide a contribution towards the provision of affordable housing.

Proposals for new housing developments of 4 or more units (including conversions) must provide 25% of the total units as affordable housing in affordable tenures to be agreed by the Housing Strategy and Development Manager. For proposals of less than 4 market housing units a commuted payment will be required towards meeting housing needs in the local housing market area.

A higher percentage contribution will be considered subject to funding availability, as informed by the Local Housing Strategy. A lesser contribution or alternative in the form of off-site provision or a commuted payment will only be considered where exceptional site development costs or other project viability issues are demonstrated and agreed by the Housing Strategy and Development Manager and the Strategic Planning and Development Manager. Intermediate tenures will be considered in accordance with the HNDA and Local Housing Strategy, and agreed with the Housing Strategy and Development Manager.

Further detail on the implementation of this policy is provided in the Policy Guidance note on page 40.

e) Housing Mix and Tenure Integration

Proposals must demonstrate tenure integration and meet the following criteria;

- Architectural style and external finishes must ensure that homes are tenure blind
- The spatial mix must ensure communities are integrated to share school catchment areas, open spaces, play areas, sports areas, bus stops and other community facilities.

f) Accessible Housing

Housing proposals of 10 or more units incorporating affordable housing will be required to provide 10% of the private sector units to wheelchair accessible standard. Flexibility may be applied on sites where topography would be particularly challenging for wheelchair users.

Further detail on the implementation of this policy is provided in the Policy Guidance note on page 41.

POLICY GUIDANCE NOTE- AFFORDABLE AND ACCESSIBLE HOUSING

Affordable Housing

Providing affordable housing is a key priority for Moray Council and this is reflected in the Local Outcomes Improvement Plan (LOIP) and the Local Housing Strategy (LHS). The Council's Housing Need and Demand Assessment 2017 highlights the significant requirement for affordable housing in Moray, which is a national issue, resulting from a number of factors including affordability issues, downturn in the economy and the shortage of public and private sector rented houses.

Planning policies assist with the provision of affordable housing, which is defined in Scottish Planning Policy (SPP) as;

"housing of a reasonable quality that is affordable to people on modest incomes. Affordable housing may be provided in the form of social rented accommodation, mid-market rented accommodation, shared ownership housing, shared equity housing, housing sold at a discount (including plots for self-build and low cost housing without subsidy." This local development plan regards lower quartile earnings as "modest incomes".

The 2017 HNDA identified a requirement for 56% of all need and demand to be affordable units in Moray between 2017 and 2035. This Local Development Plan has lowered the threshold so that individual house proposals are required to make a contribution towards affordable housing provision, which is intended to ensure proposals do not circumnavigate the policy and provide a fair and transparent process.

A number of variables influence affordability of housing, including mortgage deposit requirements, mortgage interest rates, lower quartile house prices, lower quartile private rents, lower quartile full time gross earnings. Changes in these variables will affect the

affordability of housing in Moray. The maximum affordable rent and maximum affordable house purchase prices is published on the Council's website at http://www.moray.gov.uk/moray_standard/page_90100.html. The current Local Housing Allowance will be used as a proxy for average private sector rents.

Affordable housing should be provided on site and as part of a mixed development of private and affordable units. To meet the need for affordable housing there may be proposals for 100% provision of affordable housing and these will be acceptable as part of a wider mixed community, provided all other Local Development Plan policies are met.

The policy requires single house proposals to make a commuted sum payment as a developer obligation towards affordable housing, with the cost figure published annually on the Council website at http://www.moray.gov.uk/moray_standard/page_94665.html and determined by the District Valuer's assessment of the value of serviced land for affordable housing in Moray. This allows developers to be clear at the outset of a project about the potential cost of commuted payments and should be reflected in land values.

The type of affordable housing to be provided will be determined by the Housing and Property service. Developers should contact Housing and Property as early as possible. Housing and Property will decide whether a commuted payment or affordable units will be required on a site by site basis. Housing and Property will provide developers with an affordable housing mix, detailing the size and type of housing required based on HNDA/LHS requirements.

The Council will consider the following categories of affordable housing within the context of the needs identified in the HNDA/ LHS;

- Social rented accommodation- housing provided by an affordable rent managed by a Registered Social Landlord such as a housing association or another body regulated by the Scottish Housing Regulator, including Moray Council.
- Mid-market rent accommodation- housing with rents set at a level higher than purely social rent, but lower than market rent levels and affordable by households in housing need. Mid-market rent housing can be provided by the private and social housing sectors.
- Shared equity housing- sales to low income households, administered through a Scottish Government scheme e.g. Low-cost initiative for First Time Buyers (LIFT).

Any proposals to provide affordable housing in a form other than those listed above, must demonstrate that the cost to the householder is "affordable" in the Moray context and that the property will remain "affordable" in perpetuity.

Affordable housing requirement figures will be rounded up.

The Strategic Housing Investment Plan (SHIP) is produced annually by the Council and identifies details of the proposed delivery of affordable housing.

Accessible housing

Scottish Planning Policy states (para 28) that "the aim is to achieve the right development in the right place; it is not to allow development at any cost" and "that policies and decisions should be.....supporting delivery of accessible housing."

Policy DP2 aims to;

- Assist the Council, the NHS and the Health and Social Care Moray to meet the challenges presented by our ageing population and the shared aim of helping people

to live well at home or in a homely setting. The HNDA 2017 demonstrates that Moray's population is ageing and there is a trend towards older and smaller households.

- Provide increased choice of tenure to people with physical disabilities or mobility impairments, by increasing the supply of accessible housing in the private sector. There is currently a mismatch between the size and type of housing required and the size and type of housing available across all tenures. This mismatch, along with increasing housing needs associated with physical disability, are the likely drivers of owner occupiers seeking public sector accessible housing to meet medical needs.

Accessible/ adapted housing can promote independence and wellbeing for older or disabled people, can facilitate self- care, informal care and unpaid care, potentially prevent falls and hospital admissions and can delay entry into residential care.

Policy DP2 requires that housing proposals of 10 or more units incorporating affordable housing must provide 10% of the private sector units to wheelchair accessible standard where all the rooms are accessible to a wheelchair user.

This applies to new build and conversion/ redevelopment projects. Flexibility may apply where there is extremely challenging topography or where the site is in a remote location. For the purposes of Policy DP2, "remote" locations are defined as being rural areas outside settlement and Rural Grouping boundaries as defined in the Local Development Plan.

Accessible units should be in a location which provides convenient access, in terms of distance, gradient and available public transport, to reach the facilities needed for independent living. Small, low maintenance gardens are generally regarded as a positive feature by this customer group.

New wheelchair accessible housing in any tenure must comply with Housing for Varying Needs Standards (HfVNs), including the standards specific to dwellings for wheelchair users. HfVNs is available at http://webarchive.nationalarchives.gov.uk/20131205115152uo_/http://www.archive2.official-documents.co.uk/document/deps/cs/HousingOutput/start.htm

The specific design specification required to meet the terms of this policy are;

External requirements

- location(s) convenient for amenities and facilities e.g. public transport, local shops etc
- car parking space as close as possible to the entrance door and at a maximum distance of 15m (HfVNs para 7.13.4 refers).
- Step free paths within curtilage, ramp gradients preferably of 1:20 but no steeper than 1:12 (HfVNs para 7.7.1 refers)

Internal requirements

- Hallways- minimum 1200mm wide (HfVNs para 10.2.3 refers)
- Door frames- minimum 926mm wide door leaf, giving a clear width of 870mm (HfVNs para 10.5.7 refers)

- Bathrooms/ wet rooms- 1500mm wheelchair turning circle required (HfVNs para 14.9.2 refers)

Accessible housing requirement figures will be rounded down.

All proposals for new build or converted housing should set out details of how they will comply with this policy in their planning application.

EP3 SPECIAL LANDSCAPE AREAS AND LANDSCAPE CHARACTER

i) Special Landscape Areas (SLA's)

Development proposals within SLA's will only be permitted where they do not prejudice the special qualities of the designated area set out in the Moray Local Landscape Designation Review, adopt the highest standards of design in accordance with Policy DP1 and other relevant policies, minimises adverse impacts on the landscape and visual qualities the area is important for, and are for one of the following uses;

- a) In rural areas (outwith defined settlement and rural grouping boundaries);
 - i) Where the proposal involves an appropriate extension or change of use to existing buildings, or
 - ii) For uses directly related to distilling, agriculture, forestry and fishing which have a clear locational need and demonstrate that there is no alternative location, or
 - iii) For nationally significant infrastructure developments identified in the National Planning Framework,
- b) In urban areas (within defined settlement, rural grouping boundaries and LONG designations);
 - i) Where proposals conform with the requirements of the settlement statements, Policies PP1, DP1 and DP3 as appropriate and all other policy requirements, and
 - ii) Proposals reflect the traditional settlement character in terms of siting and design.
- c) The Coastal (Culbin to Burghead, Burghead to Lossiemouth, Lossiemouth to Portgordon, Portgordon to Cullen Coast), Cluny Hill, Spynie, Quarrywood and Pluscarden SLA's are classed as "sensitive" in terms of Policy DP4 and no new housing in the open countryside will be permitted within these SLA's.

Proposals for new housing within other SLA's not specified in the preceding para will be considered against the criteria set out above and the criteria of Policy DP4.

- d) Where a proposal is covered by both a SLA and CAT or ENV policy/designation, the CAT policy or ENV policy/designation will take precedence.

b ii) Landscape Character

New developments must be designed to reflect the landscape characteristics identified in the Landscape Character Assessment of the area in which they are proposed.

Proposals for new roads and hill tracks associated with rural development must ensure that their alignment and use minimises visual impact, avoids sensitive natural heritage and historic environment features, including areas protected for nature conservation, carbon rich soils and protected species, avoids adverse impacts upon the local hydrology and takes account of recreational use of the track and links to the wider network.

EP12 MANAGEMENT AND ENHANCEMENT OF THE WATER ENVIRONMENT

a) Flooding

New development will not be supported if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere. For development at or near coastal locations, this includes consideration of future flooding that may be caused by sea level rise and/or coastal change eroding existing natural defences in the medium and long term.

Proposals for development in areas considered to be at risk from flooding will only be permitted where a flood risk assessment to comply with the recommendations of Scottish Planning Policy and to the satisfaction of Scottish Environment Protection Agency and the Council is provided by the applicant.

There are different levels of flood risk assessment dependent on the nature of the flood risk. The level of assessment should be discussed with the Council prior to submitting a planning application.

Level 1 - a flood statement with basic information with regard to flood risk.

Level 2 - full flood risk assessment providing details of flood risk from all sources, results of hydrological and hydraulic studies and any appropriate proposed mitigation.

Assessments must demonstrate that the development is not at risk of flooding and would not increase the probability of flooding elsewhere. Level 2 flood risk assessments must be signed off by a competent professional. The Flood Risk Assessment and Drainage Impact Assessment for New Development Supplementary Guidance provides further detail on the information required.

Due to continuing changes in climatic patterns, the precautionary principle will apply when reviewing any application for an area at risk from inundation by floodwater. Proposed development in coastal areas must consider the impact of tidal events and wave action when assessing potential flood risk.

The following limitations on development will also be applied to take account of the degree of flooding as defined in Scottish Planning Policy;

- a) In areas of little to no risk (less than 0.1%), there will be no general constraint to development.
- b) Areas of low to medium risk (0.1% to 0.5%) will be considered suitable for most development. A flood risk assessment may be required at the upper end of the probability range i.e. (close to 0.5%) and for essential civil infrastructure and the most vulnerable uses. Water resistant materials and construction may be required. Areas within this risk category will generally not be suitable for civil infrastructure. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during flooding events.

- c) Areas of medium to high risk (0.5% or above) may be suitable for:
- Residential, institutional, commercial and industrial development within built up areas provided that flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood management plan.
 - Essential infrastructure within built up areas, designed and constructed to remain operational during floods and not impede water flow.
 - Some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place, and
 - Employment related accommodation e.g. caretakers or operational staff.

Areas within these risk categories will generally not be suitable for the following uses and where an alternative/lower risk location is not available;

- Civil infrastructure and most vulnerable uses.
- Additional development in undeveloped and sparsely developed areas, unless a location is essential for operational reasons e.g. for navigation and water based recreation, agriculture, transport or utilities infrastructure (which should be designed to be operational during floods and not impede water flows).
- New caravan and camping sites

Where development is permitted, measures to protect against or manage flood risk will be required and any loss of flood storage capacity mitigated to achieve a neutral or better outcome. Water resistant materials and construction must be used where appropriate. Land raising and elevated buildings on structures such as stilts are unlikely to be acceptable.

b) Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)

Surface water from development must be dealt with in a sustainable manner that has a neutral effect on flooding or which reduces the risk of flooding. The method of dealing with surface water must also avoid pollution and promote habitat enhancement and amenity. All sites must be drained by a sustainable drainage system (SUDS) designed in line with current CIRIA guidance. Drainage systems must contribute to enhancing existing "blue" and "green" networks while contributing to place-making, biodiversity, recreational, flood risk and climate change objectives.

When considering the appropriate SUDS design for the development the most sustainable methods, such as rainwater harvesting, green roofs, bio retention systems, soakaways, and permeable pavements must be considered first. If it is necessary to include surface water attenuation as part of the drainage system, only above ground attenuation solutions will be considered, unless this is not possible due to site constraints.

If below ground attenuation is proposed the developer must provide a robust justification for this proposal. Over development of a site or a justification on economic grounds will not be acceptable. When investigating appropriate SUDS solutions developers must integrate the SUDS with allocated green space, green networks and active travel routes to maximise amenity and biodiversity benefits.

Specific arrangements must be made to avoid the issue of permanent SUDS features becoming silted-up with run-off. Care must be taken to avoid the spreading and/or introduction of invasive non-native species during the construction of all

SUDS features. On completion of SUDS construction the developer must submit a comprehensive Operation and Maintenance Manual. The ongoing maintenance of SUDS for all new development will be undertaken through a factoring agreement, the details of which must be supplied to the Planning Authority.

All developments of less than 3 houses or a non-householder extension under 100 square metres must provide a Drainage Statement. A Drainage Assessment will be required for all developments other than those identified above.

c) Water Environment

Proposals, including associated construction works, must be designed to avoid adverse impacts upon the water environment including Ground Water Dependent Terrestrial Ecosystems and should seek opportunities for restoration and/or enhancement, if appropriate. The Council will only approve proposals impacting on water features where the applicant provides a report to the satisfaction of the Council that demonstrates that any impact (including cumulative) on water quality, water quantity, physical form (morphology), river hydrology, sediment transport and erosion, coastal processes (where relevant) nature conservation (including protected species), fisheries, recreational, landscape, amenity and economic and social impact can be adequately mitigated.

The report must consider existing and potential impacts up and downstream of the development particularly in respect of potential flooding. The Council operates a presumption against the culverting of watercourses and any unnecessary engineering works in the water environment.

A buffer strip of at least 6 metres between any new development and all water features is required and should be proportional to the bank width and functional river corridor (see table on page 96). This must achieve the minimum width within the specified range as a standard, however, the actual required width within the range should be calculated on a case by case basis by an appropriately qualified individual. These must be designed to link with blue and green networks, including appropriate native riparian vegetation and can contribute to open space requirements.

Developers may be required to make improvements to the water environment as part of the development. Where a Water Framework Directive (WFD) water body specific objective is within the development boundary, or in proximity, developers will need to address this within the planning submission through assessment of potential measures to address the objective and implementation, unless adequate justification is provided. Where there is no WFD objective the applicant should still investigate the potential for watercourse restoration along straightened sections or removal of redundant structures and implement these measures where viable.

Width to watercourse (top of bank)	Width of buffer strip (either side)
Less than 1m	6m
1-5m	6-12m
5-15m	12-20m
15m+	20m+

The Flood Risk Assessment and Drainage Impact Assessment for New Development Supplementary Guidance provides further detail on the information required to support proposals.

EP13 FOUL DRAINAGE

All development within or close to settlements (as defined in the Local Development Plan) of more than 2,000 population must connect to the public sewerage system unless connection is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed investment to address this constraint has been allocated within its investment Programme and the following requirements have been met;

- Systems must not have an adverse effect on the water environment
- Systems must be designed and built to a standard which will allow adoption by Scottish Water
- Systems must be designed such that they can be easily connected to a public sewer in the future. Typically this will mean providing a drainage line up to a likely point of connection.

All development within or close to settlements (as above) of less than 2,000 population will require to connect to public sewerage except where a compelling case is made otherwise. Factors to be considered in such a case will include size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage problems within the area.

Where a compelling case is made, a private system may be acceptable provided it does not pose or add a risk of detrimental effects, including cumulative, to the natural and built environment, surrounding uses or amenity of the general area.

Where a private system is deemed to be acceptable, within settlements as above or small scale development in the countryside, a discharge to land, either full soakaway or raised mound soakaway, compatible with Technical Handbooks (which sets out guidance on how proposals may meet the Building Regulations) must be explored prior to considering a discharge to surface waters.

R1 Ordiquish Road 2.6 ha 50 units

- Access to the site will be from Ordiquish Road and the layout must allow for future access requirements to R2.
- Two points of access required. Access arrangements must also take into consideration access for R4/LONG.
- Transport Assessment required. The Assessment must take into account other developments proposed off Ordiquish Road (R2, R4 and LONG).
- Provision of road improvements required including widening of Ordiquish Road. Assessment of the condition of the bridge over the Fochabers Burn required. Assessment of the need for junction improvements required.
- Footway and cycleway connections to the existing network and school required.
- A Pocket Park must be provided.
- Boundary landscaping must be provided.
- Development of this site must be significantly complete (50%) before commencement on R2.
- Drainage Impact Assessment (DIA) required.

- Demonstrate that there will be no adverse effect on the integrity of the River Spey Special Area of Conservation (SAC) from development activity causing pollution or sediment to reach the SAC, or changes to water quality and quantity.