

23/00494/APP
9th May 2023

**Erect 39 affordable homes at R2 Speyview Aberlour
Moray
for Springfield Properties PLC**

Comments:

- A SITE VISIT has been carried out.
- The application is being reported to committee because the appointed officer considers that, following the consultation process, it raises matters of wider community interest.
- Advertised for neighbour notification purposes - notification not possible because no premises situated on land to which notification can be sent.
- 4 representations received at the time of printing the report. Any further representations received up to 15 December 2023 will be reported verbally at the meeting.

Procedure:

None.

Recommendation Grant Planning Permission - Subject To The Following:-

1. Payment of developer obligations; and
2. The following conditions:

Conditions/Reasons

1. Prior to the commencement of development details of the affordable housing specification shall be submitted to and approved by the Council, as Planning Authority in consultation with the Housing Strategy and Development Manager regarding the detailed arrangements for the delivery and provision of the affordable housing on the site, which shall include confirmation of the identity of the organisation (or other similar agency) responsible for the provision and management of all affordable housing provided on the site for the lifetime of the development. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure all the residential units approved on site are affordable and managed accordingly.

2. All residential units within the development shall be provided and retained as affordable housing for the lifetime of the development unless otherwise agreed in writing with the Council as Planning Authority in consultation with the Housing Strategy & Development Manager.

Reason: To ensure an acceptable form of development in terms of the required provision and delivery of affordable housing.

3. Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Council, as Planning Authority in consultation with the Environmental Health Manager. The plan shall include measures to minimise construction related noise, vibration, dust, and artificial lighting, a pollution prevention plan to protect the water environment, waste management plan and ecological mitigation plan. Thereafter the development will be carried out in accordance with the agreed plan.

Reason: In order that potential polluting activities are considered and managed, to protect local residents and the environment.

4. Construction works (including vehicle movements) associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0800 - 1900 hours, Monday to Friday and 0800 - 1300 hours on Saturdays only, and at no other times out with these permitted hours (including National Holidays). The above construction hours shall apply, unless otherwise agreed in writing with the Planning Authority, and where so demonstrated exceptional operational constraints require limited periods of construction works to be undertaken out with the permitted construction hours.

Reason: To protect local residents from noise nuisance in ensuring the construction phase is restricted within permitted hours.

5. The air source heat pumps must be installed and maintained in accordance with the Microgeneration Scheme guidance: - MCS 020 MCS Planning Standards for Permitted Development Installations of Wind Turbines and Air Source Heat Pumps on Domestic Premises.

Reason: To protect local residents from noise nuisance due to the use of the development.

6. No development shall commence until details of protection measures of existing private water supplies leading through the site (both during construction and for the lifetime of the development) have been submitted to and agreed in writing with the Council as Planning Authority. Thereafter the development shall be implemented in accordance with the agreed details, unless otherwise agreed with the Planning Authority.

Reason: In order to safeguard the water supplies which serve the neighbouring houses.

7. No development shall commence until an amended Landscape and Biodiversity Plan has been submitted to and approved by the Council, as Planning Authority. This shall be closely based upon the Detailed Landscaping Layout drawing number AB02_L_01 Rev C and Landscape Management Plan number AB02_L_02, and show the following:
- (a) additional tree, shrub, and hedge planting along the active travel route to provide a buffer between the development and existing housing along the A95,
 - (b) locations and specifications of bird and bat boxes (minimum, 6 of each) on the site, as recommended in the Preliminary Ecological Appraisal (update 2) prepared by Rachael Thwaites, Ecological Consultant dated 6 September 2023,
 - (c) the time-scale(s) for all new planting, seeding and turfing to be undertaken on the site for each phase / character area on the site, and including the planting blocks to the south and east shown outwith the site boundary on the masterplan drawing contained within the accompanying document titled Design Statement July 2023 Rev A.

Thereafter, the landscaping arrangements shall be carried out in accordance with the approved details. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council as Planning Authority gives written consent to any variation of this planning condition.

Reason: To ensure the provision of an acceptable level of planting at the development in the interests of the amenity, to enhance biodiversity in the area, and to ensure the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development or amenity and character of the area.

8. The mitigation recommendations as detailed within the accompanying Badger Survey Report, prepared by Walking-the-Talk dated 15 September 2023, shall be fully implemented by the developer, unless otherwise agreed in writing by the Council, as Planning Authority.

Reason: To ensure that the development does not have an adverse impact on protected species or habitat and minimise disturbance to nature conservation interests and enhance biodiversity.

9. Unless otherwise agreed in writing with the Council as Planning Authority, the equipped play area shall be provided in accordance with the approved plans titled Phase 1 Play Area AB02-R_PL_10 Rev B and specification plan prepared by 'Produlic' dated 13/11/2023, reference 2311.40920 (SpeyviewAberlour_SpringfieldProperties PLC) prior to the commencement of the 20th residential unit on site. Thereafter the equipped play area shall be maintained in accordance with the details set out in the approved landscape management plan for the lifetime of the development.

Reason: To ensure the timeous provision of the play area.

10. Prior to the commencement of the 20th residential unit on site, finalised details of the public artwork and street-naming on the site, closely based upon the submitted drawings AB02-R_PL_09 C and 09 A Public Art, including timescale for provision shall be submitted to and approved by the Council, as Planning Authority. Thereafter the development shall be implemented in accordance with these approved details, plans and timescales, unless otherwise agreed by the Council.

Reason: To ensure distinctive urban form with public art to provide good orientation and navigation.

11. No development shall commence until a construction phase surface water management plan has been submitted to and approved by the Council, as Planning Authority in consultation with Moray Flood Risk Management. Thereafter the development shall be carried out in accordance with the agreed details.

Reason - To prevent surface water flooding and pollution during the course of the development and minimise risk to the River Spey SAC.

12. The surface water drainage arrangements detailed in the approved drawings and Drainage Strategy Report Rev C prepared by Springfield Properties shall be completed prior to the first occupation of any housing unit in the development or its completion whichever is the sooner, and thereafter maintained for the lifetime of the development in accordance with the approved Drainage Strategy, unless otherwise agreed by the Council, as Planning Authority.

Reason: To ensure that surface water drainage is provided timeously, and complies with the principles of SUDs to protect the water environment.

13. No development shall commence until a Community Wealth Building Plan has been submitted to and approved in writing by the Council, as Planning Authority. This plan shall include measures, targets and monitoring for the following areas as appropriate:
 - (a) improving community resilience, reducing inequalities and maximising local job creation at the development (training, apprenticeships, etc.) and
 - (b) increasing spending within communities and ensuring the maximum use of local supply chains and services to be applied to the site.

The measures and monitoring shall thereafter be implemented in accordance with the plan unless otherwise agreed in writing with the Council, as Planning Authority.

Reason: To support a new strategic approach to economic development that helps to build a wellbeing economy in accordance with National Planning Framework 4 Policy 25 - Community Wealth Building.

14. Prior to the commencement of any development hereby permitted (other than the formation of a temporary construction access and siting of the works compound to allow delivery of the new trunk road access junction), the new ghost island priority

junction with the A95(T), generally as illustrated in the Cameron and Ross Drawing No. A1/1804741-1001 (Revision 4) Proposed A95 Improvements Layout, shall be constructed to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason: To ensure that the standard of access layout complies with the current standards, and that the safety and free flow of traffic on the trunk road is not diminished.

15. Prior to occupation of any part of the development hereby permitted, a new active travel link, generally as illustrated in Springfield Properties Drawing No. AB02-ENG-602 (Revision B) Active Travel Route Layout, shall be constructed to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason: To ensure that facilities are provided for the pedestrians that are generated by the development and that they may access the existing footpath system without interfering with the safety and free flow of traffic on the trunk road.

16. Prior to occupation of any part of the development hereby permitted, new bus stop lay-bys on both sides of the A95(T), generally as illustrated in Cameron + Ross Drawing Numbers A1/180471 – 1002 (Revision 2) Bus Stop Lay-by Layout (North of Proposed Junction) and A1/180471 – 1003 (Revision 3) Bus Stop Lay-by Layout (South of Proposed Junction), shall be constructed to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.

17. Prior to commencement of the development, details of the landscaping treatment along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland. All landscaping shall be located such that it can be installed and maintained from within the development without requiring access to the trunk road.

Reason: To ensure that there will be no distraction to drivers on the Trunk Road and that the safety of the traffic on the Trunk Road will not be diminished.

18. Prior to commencement of the development, details of the fencing / barrier proposals along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland and thereafter implemented prior to commencement of operation. The fencing / barrier proposals shall be located such that they can be erected and maintained from within the development without requiring access to the trunk road.

Reason: To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

19. There shall be no drainage connections to the trunk road drainage system.

Reason: To ensure that the efficiency of the existing trunk road drainage network

is not affected.

20. No development shall commence until the follow details have been submitted for approval in writing by the Planning Authority in consultation with the Roads Authority:
- A Road Safety Audit / Safety Audit of the potential non-motorised user route(s) between the development and the A95(T) bridge over the Linn Burn. Prior to commencement the scope of the audit shall be submitted for approval in writing with the Moray Council Transport Development team.
 - Details of the proposed mitigation measures to address any issues identified by the Road Safety Audit/Safety Audit.

Thereafter, the Road Safety Audit / Safety Audit and mitigation measures shall be completed in accordance with the approved details prior to the completion of any house within the development.

Reasons: To ensure acceptable development in the interests of road safety and the provision of details currently lacking from the submission.

21. Notwithstanding the details submitted on the adoption plan drawings (Drawing No AB02-ENG-515 Rev F) and Kerbing Plan (AB02-ENG-510 Rev F), which are contrary to the site plan (Drawing No. AB02-R_PL_01 Rev B), prior to the commencement of development the following details shall be submitted for the approval by the Planning Authority in consultation with the Roads Authority:
- a) Adoption Plan (Scale 1:500 minimum) showing a 3 metre cyclepath on the west side of the road leading south from the crossroads to the end of the adopted road.
 - b) Details, including maintenance arrangements for hedges to be planted adjacent to parking spaces which shall be planted at least 1.0 metres from the edge of the parking space to readily enable access into and out of parked vehicles at all times.

Thereafter the development shall be constructed in accordance with the approved details.

Reasons:

- a) To ensure acceptable development through the provision of details currently lacking from the submission.
 - b) To ensure an acceptable development in terms of parking provision and amenity of the area.
22. Notwithstanding the details of parking for Plots 21 and 22 (Type F – 4 Bed) shown on the site layout plan (Drawing AB02-R_PL_01 Rev B) which indicate a space for only 2 spaces per plot, no development shall commence until details (Site Layout Plan scale 1:500 min) has been submitted for approval in writing by the Planning Authority in consultation with the Roads Authority which confirms the location of a minimum of 3 parking spaces to serve each 4 bed plot. Thereafter parking provision shall be provided and maintained for use in accordance with the approved site layout plan unless otherwise agreed in writing with Moray Council Transportation.

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.

23. Notwithstanding the Travel Information Pack submitted, which is not accepted, prior to completion of the first house, a Travel Information Pack shall be submitted for approval in writing by the Planning Authority in consultation with the Roads Authority, which includes the following information:
- a) Information on routes for pedestrians and cyclists to access local facilities.
 - b) Information on the provision of bus services including demand responsive services serving the development.
 - c) Information on the availability and accessibility of local public car and ebike/cycle sharing schemes.
 - d) Details of the programme for updating the Travel Information Pack as the development progresses.

Thereafter the Travel Information Pack shall be provided to each dwelling upon first occupation from the date of first completion of any part of the residential development.

Reason: To ensure the provision of acceptable sustainable transport information through the provision of details currently lacking in the interests of reducing the impact of travel and transport on the environment.

24. Prior to the commencement of development the following shall be submitted for approval by the Planning Authority in consultation with the Roads Authority:
- a) A Construction Traffic Management Plan which includes details of any temporary site access arrangements, site compounds, lay down areas and site parking (Plan scale 1:500 minimum) and proposals to safeguard non-motorised road users;
 - b) Details (Plan scale 1:500) which show the provision of a temporary turning area, including details of the construction of the turning area, adjacent to Plots 35/36 to provide a turning facility for refuse collection vehicles and other visiting vehicles.

The approved Construction Traffic Management Plan must be complied with at all times. The works identified in b) shall be completed prior to completion or first occupation of any of the plots numbered 29 to 39 and shall be retained until such time that the road ends at Plots 35/36 and Plots 13/14/15/16 are connected via a loop road and available for use by visiting service vehicles.

Reasons:

- a) To ensure an acceptable form of development in terms of the arrangements to manage traffic during construction works at the site.
 - b) To ensure acceptable infrastructure to service the development through the provision of details currently lacking.
25. No boundary fences, hedges, walls or any other obstruction whatsoever over 1.0m in height and fronting onto the public road shall be within 2.4m of the edge of

the carriageway.

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

26. The width of the individual vehicular accesses shall be 3.0m – 5.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The part of the access over the public footway shall be to The Moray Council specification and surfaced with bituminous macadam.

Reason: To ensure acceptable infrastructure at the individual development accesses.

Reason(s) for Decision

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

The proposals represent an acceptable housing development on part of an allocated site within the Moray Local Development Plan, which will make a substantial contribution towards the provision of affordable housing in this area of Moray.

While part of the proposed layout does not meet the parking requirements set out within PP1 as a minimum of 50% of parking is not to the side or rear of the building line on one of the two streets, the impact of parked cars on the streetscene in this location will be satisfactorily mitigated by plot specific boundary treatment and plant, and as such is an acceptable departure from Moray Local Development Plan 2020 Policy PP1 Placemaking.

The proposal is in accordance with all other aspects of the National Planning Framework 4 and Moray Local Development Plan 2020, and there are no material considerations that indicate otherwise.

List of Informatives:

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

A Building Warrant will be required for the proposals. Should you require further assistance please do not hesitate to contact Building Standards, Environmental Services Department, Council Office, High Street, ELGIN IV30 1BX or by telephoning 01343 563243.

A Developer Obligation has been paid towards healthcare.

FLOOD RISK MANAGEMENT has commented that:

The applicant has confirmed that Scottish Water will adopt the drainage infrastructure, including the SuDS basins. Any further development out with the red line boundary, identified in Section 1 of the DIA for this application, will require to have an independent SuDS system designed and cannot be integrated with the

system within this application.

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

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

Before commencing development the applicant is obliged to apply for Construction Consent in accordance with Section 21 of the Roads (Scotland) Act 1984 for new roads. The applicant will be required to provide technical information, including drawings and drainage calculations, and provide a Road Bond to cover the full value of the works in accordance with the Security for Private Road Works (Scotland) 1985 Regulations as part of the site is for private housing. Advice on this matter can be obtained from the Moray Council web site or by emailing constructionconsent@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 applicants shall free and relieve the Roads Authority from any claims arising out of their operations on the road or extension to the road.

The developer must contact the Roads Authority Street Lighting Section at Ashgrove Depot, Elgin – Tel (01343) 557300, to discuss the proposals with respect to the specifications and design of street lighting provision.

THE HOUSING STRATEGY & DEVELOPMENT MANAGER, has commented that:

Policy DP2 (d) requires that 25% of units are provided for affordable housing. 100%. In this case 100% of the units are proposed for affordable housing. Whilst this overprovision is welcomed the applicant is advised that the additional affordable housing arising from these proposals will not be considered to offset any Policy DP2 (d) requirement arising from future proposals on the wider R2 Speyview designation, nor any designation or location.

TRANSPORT SCOTLAND has commented that:

The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Roads Directorate. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal.

Trunk Road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.

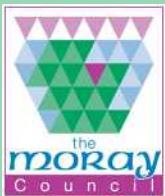
Trunk Road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges.

Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version No.	Title/Description
AB02-ENF-634A		Active travel route drainage layout
AB02_DURN_PL_01		Durness semi-detached - elevations and floor plans
2016EB_901	A	Semi combinations - elevations and floor plans
2020DST-DST-901	A	Deanston semi-combinations - elevations and floor plans
AB-2-ENG-505	A	Long sections
AB02-ENG-200		Visibility splays
AB02-ENG-210		Swept path
AB02-ENG-220	A	Overland flows
AB02-ENG-250	A	Drainage areas
AB02-ENG-255		Slope analysis
AB02-ENG-270		Temporary turning head
AB02-ENG-510	F	Kerbing
MC/2016/1/01		Cottage flat A type - elevations and floor plans
MC/2017/F/01		F type semi detached - elevations and floor plans
MC/2018/K/OPP/01		K type detached OPP - elevations and floor plans
		Plans and sections
AB02-ENG-608	B	SuDS basin details
2018 BE_901	A	2018 Types BE - elevations and floor plans
A/180471-1001	4	Roads layout
A/180471-1002	2	Roads layout

A/180471-1003 3	Roads layout
AB02-ENG-602	Active travel connection
AB02-ENG-603 B	Active travel route long section
	Play equipment specifications
AB02-ENG-480	Proposed service route layout
	Play equipment data sheet
AB02_R_LP_01 B	Location plan
AB02-R_PL_04 B	Material conditions
AB02-ENF-600 M	Drainage arrangements
AB02-ENG-280 C	Construction Phase drainage arrangements
AB02-ENG-300 L	Levels
AB02-ENG-515 F	Adoption layout
AB02-R_PL_01 B	Site plan
AB02-R_PL_07 A	Parking provision
AB02-R_PL_08 A	Electric vehicle charging
AB02-R_PL_10 B	Play area plan
AB02-R_PL_05 B	Material & character areas
2016 BB_901	Semi combinations - elevations and floor plans
AB02-R_L_01 C	Landscaping
AB02-R_PL_06 C	Roads hierarchy
AB02-R_PL_09 C	Public art
MC/2018/CS/01 E	Plot 34 -37 C Type semi detached - elevations and floor plan
MC/2018/CS/01 E	Plots 9-12 27-28 CS type semi detached - elevations and floor plans
AB02_PL_02	Wider site layout
AB02-R_PL_09 A	Public Art



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

23/00494/APP

Site Address:

R2 Speyview
Aberlour

Applicant Name:

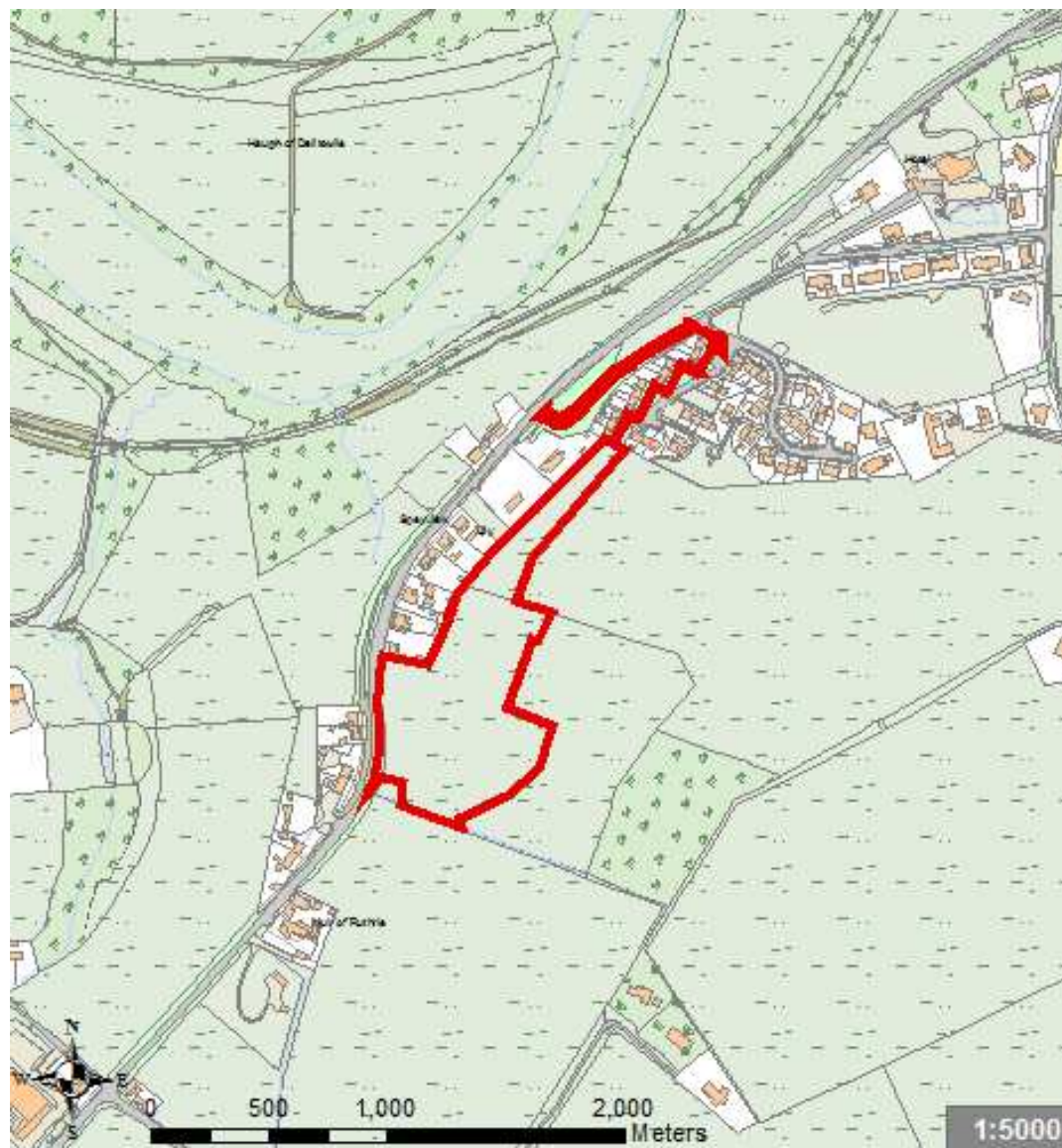
Springfield Properties PLC

Plans, drawings and other material submitted to the local authority are protected by the Copyright, Designs and Patents Act 1988 (section 47). You may only use material which is downloaded and/or printed for consultation purposes, to compare current applications with previous schemes and to check whether developments have been completed in accordance with approved plans.

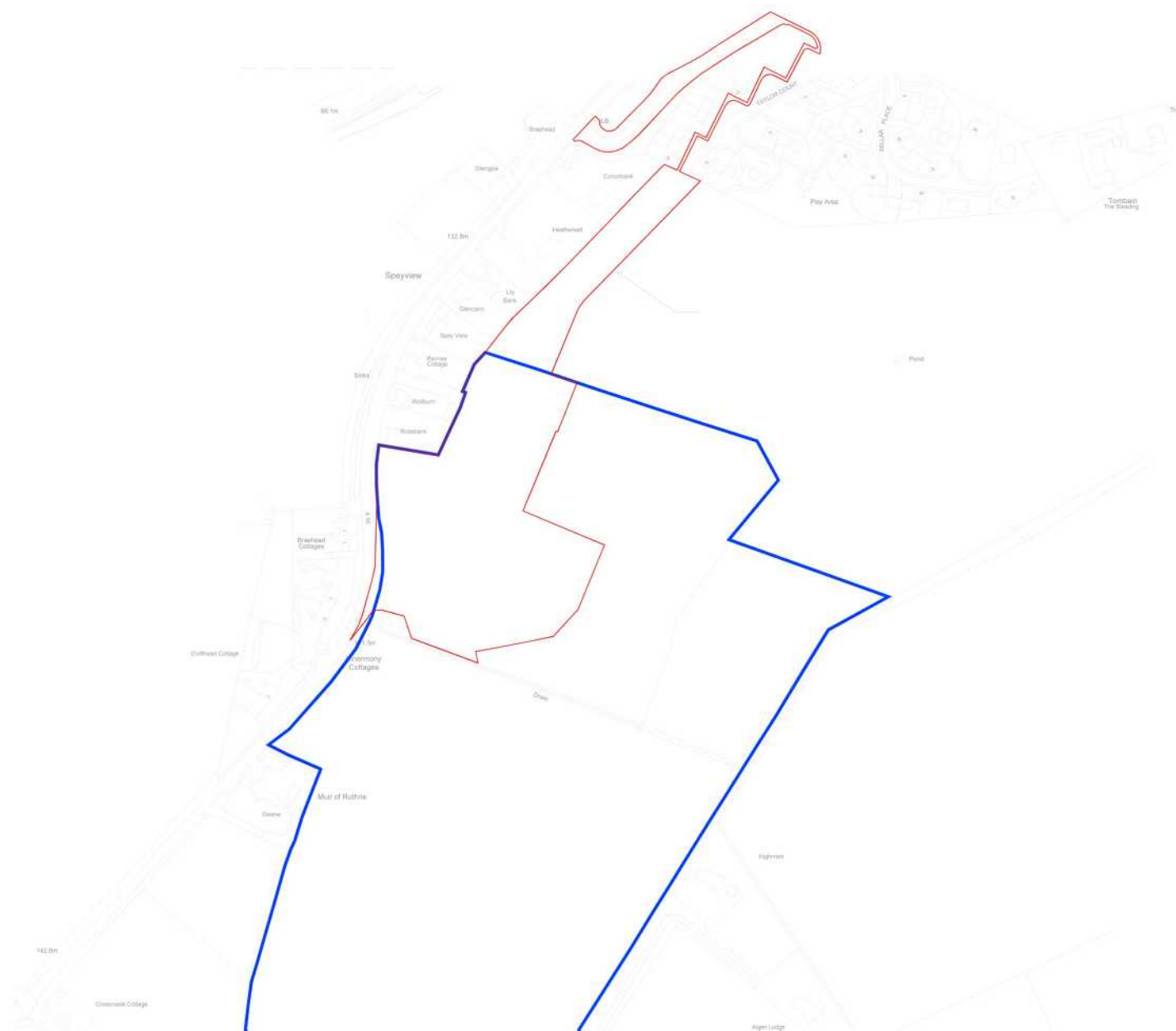
Further copies must not be made without the prior permission of the copyright owner.

Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Moray Council and other Copyright holders. This permission must be granted in advance.

Location Plan



Site Location



Site plan



Site layout



Landscaping plan



Play Area



Active travel route



23/00494/APP - Photograph Positions

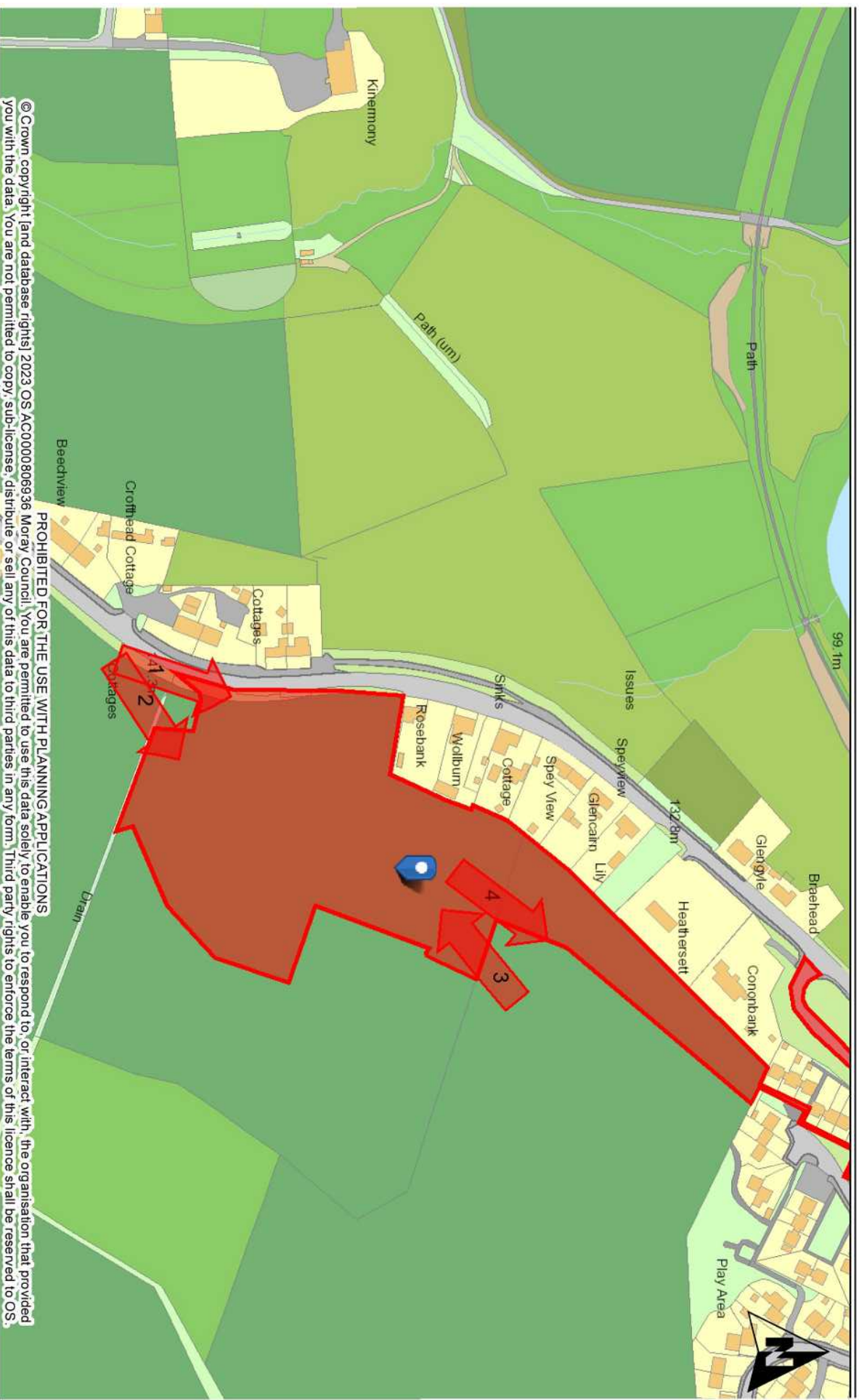


Photo 1



Photo 2



Photo 3



Photo 4



PLANNING APPLICATION: 23/00494/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

- Full permission is sought for the erection of 39 affordable homes (31 houses and 8 flats) on the northwest portion of the R2, Speyview housing designation in Aberlour.
- The proposed 39 units would comprise 8 x 1-bed flats, 4 x 2-bed semi-detached houses, 10 x 2-bed semi-detached bungalows, 14 x 3-bed semi-detached houses, 2 x 4-bed semi-detached houses and 1 x 5-bed detached house. The 8 house types would have pitched roofs and be finished in smooth grey concrete roof tiles and a mixture of wet harl render and painted timber cladding on the walls. The houses fronting onto the A95 would have natural slate roofs.
- An indicative masterplan has been submitted which shows how the remainder of the designation is likely to be developed in the future.
- The homes will be connected to the public water supply and public foul sewerage system. Surface water from the development will be disposed of via swales and infiltration basins located throughout the site, which will attenuate flows and discharge into a drainage ditch on the west/opposite side of the A95.
- The proposed layout comprises a series of roadways/footpaths, with a central tree lined road, and a cycleway which runs north-south through the site and leads on through the remainder of the R2 designation to Taylor Court to the north; other proposed associated works include the formation of a footpath along the southern edge of Dowans Road between Taylor Court and the A95 to the north, to provide a continuous active travel connection into Aberlour.
- Proposed boundary treatment includes timber fencing, harl and feature stone walls and hedging.
- As part of the proposals two bus stops will be provided on the A95, together with a cycleway/footpath along the site frontage and two pedestrian crossing points (dropped kerbs with tactile paving).
- The Landscaping scheme comprises a mix of semi mature and standard trees, multi-stemmed/feathered trees, beech/laurel hedges, shrub beds/borders, planted swales and wildflower areas. Identified tree species are Beech, Scots Pine, Copper Beach, Crab Apple, Cherry, Rowan, Lime, Birch, Maple, Hawthorn and Hornbeam. Seating and public art is also proposed.
- The application is supported by a Drainage Strategy Report, Design Statement, Planning Statement, Flood Risk Assessment, Preliminary Ecological Appraisal, Badger Survey, Travel Information Pack and Active Travel Review document.

2. **THE SITE**

- The site extends to 2.65 hectares and comprises the northwest portion of the R2 Speyview designation, which lies on the southern edge of Aberlour.
- The proposed site is relatively flat. Outwith the site boundary within the remainder of the designation the land rises relatively steeply in sections to the northeast, east and southeast and much of the designation is bounded by mature woodland to the east.
- The site is bounded to the west by the A95 and existing houses, to the north by agricultural land (which includes the northernmost area of the R2 designation) and to the south and east by the remainder of the designation.
- The site lies within the Spey Valley Special Landscape Area, as identified within the MLDP 2020.
- The River Spey SAC and SSSI are located approximately 180m to the northwest of the site.
- The SEPA indicative flood map shows that the site is identified as being at 'little or no risk' from river flooding. The SEPA flood map also indicates that the majority of the site is at low risk from surface water flooding, with small localised areas shown to be at 'medium or high risk'.

3. **HISTORY**

21/00348/APP – Planning consent to amend 9 houses on plots 31 to 39 on part of the R2 Speyview housing designation – granted 19 April 2022.

18/01373/APP - Planning consent for residential development (39 units) and associated infrastructure on north-west part of R4, Speyview housing designation – granted 12 November 2019.

4. **POLICIES**

National Planning Framework 4

Sustainable Places

Policy 1- Tackling the Climate

Policy 2 - Climate mitigation and adaptation

Policy 3 – Biodiversity

Policy 4 – Natural places

Policy 5 – Soils

Policy 7 – Historic assets and places

Policy 12 – Zero waste

Policy 13 – Sustainable transport

Liveable Places

Policy 14 – Design, quality and place

Policy 15 - Local living

Policy 16 - Quality homes

Policy 18 - Infrastructure First

Policy 20 - Blue and Green Infrastructure
Policy 22 – Flood risk and water management
Policy 23 – Health and safety
Policy 24 - Digital Infrastructure

Moray Local Development Plan 2020

Primary Policies

PP1 – Placemaking
PP2 – Sustainable Economic Growth
PP3 – Infrastructure and Services

Development Policies

DP1 – Development Principles
DP2 – Housing

Environment Policies

EP1 – Natural Heritage Designations
EP2 – Biodiversity
EP3 - Special Landscape Areas
EP5 – Open Space
EP8 - Historic Environment
EP12 – Management and Enhancement of the Water Environment
EP13 – Foul Drainage
EP14 – Pollution, Contamination and Hazards

Settlement Statements

Aberlour - R2 Speyview

5. ADVERTISEMENTS

5.1 Advertised for neighbour notification purposes.

6. CONSULTATIONS

Strategic Planning & Delivery - Policy and urban design comments provided in relation to R2 Site Designation, development Principles and Design, Climate, Nature and Biodiversity, Open Space and Play and Community Wealth Building. Notes amendments sought and provided to ensure fuller compliance with placemaking policy PP1 (see observations section). Recommends conditions to address landscaping along the active travel connection, biodiversity enhancement, public art and community wealth building plan.

Considers that the proposed layout has been well designed, utilises high quality materials and creates a development with character and identity. Although the proposal does not accord with parking requirements, the applicant has previously revised the layout in an effort to locate parking to the side and rear as far as possible. A hierarchy of open space has been provided within the proposals. There are identifiable key areas of open space including two 2 planted SuDS features, a pocket park and a landscaped amenity area with

seating. The development proposes a play area which is inclusive and accessible.

Moray Flood Risk Management – No objection, following submission of further information. Informative advice provided regarding SuDS drainage arrangements for latter phase of development.

Developer Obligations - Developer Obligations assessment carried out in relation to current Local Development Plan policy and associated supplementary planning guidance. Contributions are sought towards provision of healthcare facilities. Notes that the applicant has agreed to pay the contribution prior to issue of the planning consent.

Moray Access Manager - No objection, fully supports proposals.

Aberdeenshire Council Archaeology - No objections, notes that the proposed development site has already been subject to archaeological monitoring, and that no further mitigation is required.

Scottish Water - No objection. Advisory notes provided regarding Pre-Determination Enquiry process to allow Scottish Water to fully appraise the proposal.

Environmental Health – No objection subject to conditions regarding hours of construction works including vehicle movements, submission/approval of a Construction Environmental Management Plan (CEMP) to minimise construction related noise, dust and artificial lighting and implementation of air source heat pump details.

Environmental Health, Private Water Supplies – No objections, subject to condition to protect existing supplies (both during construction and for the lifetime of the development).

Contaminated Land - No objection.

Transportation Manager – No objection, following review of submitted plans and supporting information subject to conditions regarding provision of details of footway and parking provision serving 22, 24 and 26 Taylor Court (where active travel route joins onto Taylor Court), a Road Safety Audit / Safety Audit of potential non- motorised user route(s), finalised details of cyclepath, kerbing etc. leading south of site, maintenance arrangements of hedges adjacent to parking, updated details showing one additional space for plots 21 and 22, revised Travel Information Pack, a Construction Traffic Management Plan (CTMP), details of temporary turning head at Plots 35/36 for refuse collection vehicles and visiting vehicles, and standard requirements for fencing/obstructions set back from the edge of the carriageway, individual vehicular access specifications and minimum driveway lengths.

Extracts from consultation comments:

Notes that the assessment of and proposals for provision of non-motorised user (NMU) connectivity between the development and Aberlour is an essential requirement for the development.

Under the current proposal, the footway provision alongside the A95(T) would remain as current (with some minor improvements to drop kerbs and crossing locations). Pedestrian access from the development via the A95(T) would require pedestrians to cross the road twice.

Currently from Aberlour the existing footway on the east side terminates at the access to a property titled Heathersett. The next section of footway on the east side of the A95(T) commences to the north of the property titled Rannes Cottage and ends at Rosebank. In between the two sections of the east side footways there is a section of approximately 120 metres which has no footway provision on the east side of the A95(T).

On the west side of the A95(T) heading southwards from Aberlour the existing footway effectively terminates at the Cemetery opposite the entrance to Aberlour Distillery. There is then a gap of 750 metres on the west side until next section of footway starts opposite the property titled Heathersett and continues southwards where it is interrupted by a layby in front of properties entitled Braehead Cottages.

From the proposed development there would be no continuous direct footway connection to Aberlour via footways adjacent to the A95(T). Using this route would require a minimum of 2 uncontrolled crossings of the A95(T).

The applicant has submitted an Active Travel Review (ATR) in response to issues raised by Moray Council and Transport Scotland.

The current proposal submitted includes a section of 3 metre wide shared use path from the end of the proposed road within the development heading northeast towards the existing field boundary with the Taylor Court development. This path is approximately 170m in length and a long section provided for it indicates the gradients to be within the acceptable range which would make it suitable for future adoption by the local roads authority (subject to detailed design including provision for street lighting). This section of the proposed route is considered acceptable in principle and satisfies the Local Development Plan designation requirement which states that "An active travel connection to Taylor Court must be provided."

Where the proposed non-motorised route (NMU) crosses into the Taylor Court development the route utilises the existing infrastructure. The existing path is narrower (between 1.5m-2m) and the proposals include provision for widening to form a path up to 2 metres wide (where possible, subject to the existing grassed areas and avoiding property boundaries and parking) through the existing development. A long section for the existing path shows that the route exceeds the normal maximum gradient of 5.5% at several locations, generally 6-6.5% over a maximum of 20 metres but with a maximum of 14% over a distance of approximately 8 metres where the footway exits onto Sellar Place.

Currently the footway within Taylor Court is only adopted as far south as the frontage of number 20 Taylor Court. A section of the proposed footpath between the end of the adopted footway and the field boundary is not adopted as part of the public road however it is within the ownership of and maintained

by the Moray Council. The route of the footway shown on the proposed plans does not take cognisance of the existing parking spaces delineated in this area which likely serves 22, 24 and 26 Taylor Court. Further modifications may be required to delineate an appropriate route through this area. The route itself follows a zig-zag path through the existing development. Whilst it is largely adopted its layout and gradients could have a negative influence on the desirability of this as a walking route to Aberlour however given the existing status and land ownerships on the section of the route there are no constraints to its use.

The final section of the proposed NMU route between the site and the existing path on the A95(T) starts at the entrance to Taylor Court and continues northwest downhill on the west side of Sellar Place to the junction with Dowans Road. This is the steepest section of the route including a section at 14% and 8%. At the junction of Sellar Place and Dowans Road the most direct route to Aberlour would be to head east along Dowans Road then north on Ruthrie Road. The proposed route however heads West and is approximately 235 metres longer than the alternative more direct route via Ruthrie Road at this point. The proposed route requires new footway provision including retaining walls. The route also includes a 650 metre section of footway adjacent to the A95(T) whereas the alternative and more direct route via Ruthrie Road avoids this but lacks footway provision on the section of road leading from Dowans Road the A95(T). The route via Ruthrie Road includes a narrow informal path leading from Ruthrie Road down to the A95(T) which has been in use for many years, is on the desired line, and is already well used. This path would be the first decision point for pedestrians heading south from Aberlour when choosing their route to the development.

Both active travel routes between the development and Aberlour utilise a section of the existing A95(T) footway on the eastern side of the A95(T). This section starts at the southern junction of Dowans Road with the A95(T) and extends for approximately 650 metres along the eastern side of the A95(T) to the site entrance to the Aberlour distillery. Approximately 500 metres of this section of footway would be within the existing 40 mph speed limit. There are no proposals to amend or improve this section of the footway or the existing 90 metre section of footway on the east side of the A95(T) from Dowans Road to the property entitled Heathersett.

Table 1 - NMU route comparisons

Routes	Total Length	Length adjacent to A95(T) (40mph)	A95(T) crossings required	Issues
Route 1 (Developer Proposed via Dowans Rd (West))	1346m	500m	0	Potential land ownership issues, Gradients, Distance, Proximity to A95(T)
Route 2 (A95(T) East side)	1099m	779m	0	Proximity to A95(T), Design constraints, land ownership
Route 3 (Via	1129m	679m	2	Safety/Visibility at crossing

A95(T) existing paths)				points. Proximity to A95(T)
Route 4 (Via Dowans Rd and Ruthrie Road)	1111m	0m	0	Missing footways, potential land ownership issues, Gradients

Comparing the potential routes pedestrians may choose above, Route 2 via a footway adjacent to the A95(T) would be the shortest. Route 4 is similar in terms of distance and is entirely remote from the A95(T), Route 3 is the second longest but requires two crossings of the A95(T) which will increase the journey time and perceived level of risk, and Route 1 (which is proposed by the applicant) is the longest, is adjacent to the 40 mph section of the A95(T) for 37% of the journey length, is indirect and more difficult to navigate and involves sections of steep gradients.

Of the options above which are accessed via Taylor Court, Route 4 is potentially the most desirable route in terms of travel distance and separation from the A95(T). Improvements along this route are however likely to be an issue due to land ownership, physical space and even if these can be overcome the route would include sections with steep gradients which may affect the accessibility via this route. That said it will likely be a desirable route particularly for children walking to school and further mitigation/improvements to this route should be provided where practicable.

The ATR states that “The applicant can’t guarantee that some pedestrians won’t continue to use the A95(T) as there is infrastructure available given this serves existing properties in the area.” It suggests however that the alternative route provided will be attractive as some users (prams, mobility impaired etc) will not be comfortable crossing the A95(T).

In consideration of a new footway on the east side of the A95(T), at a meeting with the applicant and Transport Scotland on 17/11/23, Moray Council Transportation recommended that the applicant prepare an option to provide a footway utilising the existing road verge and third party land within property frontages along the eastern side of the A95(T) for consideration. Officers acknowledge the applicants stated attempts to approach landowners previously regarding the acquisition of garden ground for this which they say would not be forthcoming. The reasons for the request, which was explained at the meeting, is to consider the technical feasibility of constructing a path and to identify the constraints and extents of any third party land which would be required. It is recognised that any future delivery of this would be subject to further discussions with landowners or potentially through use of powers to compulsory purchase land necessary.

The proposals to construct a 2 metre wide footway on the south side of Dowans Road would require additional ground to construct retaining walls at the back of the footway. The applicant has sought legal advice regarding the extent of the road verge adjacent to Dowans Road which asserts that the road verge would extend to the fences at the top of the embankment and they have concluded there would be sufficient land to implement their proposed path. Moray Council Transportation have shared their opinion that parts of the land (which are not in

Council ownership) extending beyond the street lighting and forming part of an embankment, do not serve a function of the public road as the embankment could theoretically be removed. Whilst Moray Council may have maintained some of this embankment historically that could be associated with the adjacent housing, which was previously Council housing, though some are now in private ownership. Maintenance may also be undertaken on third party land using powers under the Roads Scotland Act where there is an imminent risk to road users and the fact that intermittent maintenance has been undertaken is not the same as it being regularly maintained for a specific function in this case for the public road. Transportation understand that the applicant has been requested to confirm whether title searches for the land in question have been undertaken but are not aware of the result of this request.

The Active Travel Review notes that another consented development to the west (20/00317/APP) includes a proposal to construct a footway on the north side of Dowans Road which would provide access to the town for pedestrians and cyclists. For clarity, the proposed path under that consent would be 2 metres wide and it is not therefore suitable for cycle use contrary to that which is stated in the ATR. Whilst the development has been indicated as 'under construction' the path has not been provided and there is no confirmed date for the commencement or completion of the path therefore this application cannot at present rely on the potential future provision by others to demonstrate a suitable connection in lieu of their own proposals.

Whilst the applicant has indicated a proposed potential footway connection for NMU's between the site and Aberlour, the proposal does not follow either the shortest route or desire lines and proposes both new infrastructure and modifications to existing infrastructure. Transportation consider it essential that an independent Safety Audit should be undertaken to assess the potential risks along the proposed route and also from users using alternative shorter routes and natural desire lines in order to consider any further mitigation which may be required. As the applicant has not submitted this level of detail upfront a suspensive condition will be necessary to ensure the audit is completed satisfactorily and details for mitigation of the safety issues raised are approved prior to commencement of any part of the development.

Consideration of the proposals relating to any modifications to the A95(T) are a matter for Transport Scotland to consider as the Trunk Roads Authority however consideration of the likely walking routes between Aberlour and the Development must consider potential overlapping issues associated with both Roads Authorities.

Drawings submitted are inconsistent. Drawing number AB02-R_PL_01 Rev B (Site Plan) and Drawing AB02-R_PL_01 (Site Layout indicates provision of a cyclepath on the west side of the "Potential Future Access" road to the south. The adoption layout (Drawing AB02-ENG-515 Rev F) shows the kerblines for a cyclepath and shading for a footway and the Kerbing Plan (AB02-ENG 510 Rev F) indicates a 2 metre wide footway. Whilst a 3 metre wide cyclepath is not critical to the current phase it would be required for any future phase to the south and therefore needs to be provided and would be a requirement for Roads Construction Consent.

The provision of new bus stop infrastructure on A95(T) is a matter for Transport Scotland to consider. A new bus stop is also proposed for existing southbound services as part of the works to provide the new site access junction. In addition to scheduled commercial bus services Moray Council operate a demand responsive service 'm.connect' which includes both scheduled and booked services. The internal road layout of the development and road geometry would not be adequate to accommodate a standard 13m bus nor is it considered likely to be desirable for commercial bus operators to divert from the A95(T) into the development therefore the existing provision which includes the A95(T) commercial services and demand responsive 'm.connect' services, are considered acceptable.

Transport Scotland – Following review of submitted plans and supporting information raises no objections subject to conditions regarding provision of the new ghost island priority junction access onto the A95(T), the new active travel link to Taylor Court, new bus stop lay-bys on both sides of the A95(T), details of landscape treatment and fencing/barrier proposals along trunk road boundary and standard requirements regarding trunk road drainage. Advisory comments confirm that the road works required to meet conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges, and that any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.

Housing Strategy and Development Manager - No objections, subject to conditions regarding provision of affordable units.

Speyside Community Council – Objects to the development, confirms support for the housing but objects to the lack of active travel routes and safe crossings over the A95 Trunk Road.

- Uncontrolled, drop kerb crossings across a trunk road where the speed limit is 40mph are not safe for able bodied residents. They are even less safe for the young, those with mobility issues or visual impairments.
- Drop kerb crossings are more appropriate for use in less busy locations than a trunk road while controlled crossings are favoured at busier, faster locations such as this.
- It is our view that the proposal for dropped kerb crossings is not disability friendly and perhaps contravenes the Equalities Act. There is no 'reasonable adjustment' in the proposal and those unable to cross the roads would be unable to access public transport unless m.connect picked them up from the door. However, this restricts the free movement of those individuals affected.
- Although this is a 40mph zone, and unlikely to be reduced, vehicles are frequently travelling at greater speeds as they are either going down hill from a 60mph zone or accelerating to go up hill. This is the reality, unfortunately.
- The existing pavement along the A95(T) is very narrow in places, particularly in front of The Dowans Hotel, and not wide enough for 2 buggies and/or wheelchairs to pass.
- Having recently walked this route I can confirm that the volume of traffic together with the size of some of the vehicles and their closeness to the footpath would make the walk from Dowans Road into Aberlour extremely unsafe and unhealthy especially when walking with children. In addition, it

took me, an adult, 25 minutes to walk from Aberlour to the footpath at the end of Taylor Court. Add another 10 minutes across any active travel link to the site and that makes 35 minutes in total.

- There is no safe cycle route on the A95(T) to/from the site. There is however a short cycleway/path either side of the new junction. How will pedestrians and cyclists be kept apart? What is the point in building such a short cycleway, that really goes nowhere?
- Buses are infrequent – even with the on-demand m.connect service. There are no buses in the evenings nor on a Sunday.
- Whilst not a planning consideration – a single bus fare into Aberlour is £3 ie one zone of m.connect.

Speyside Community Council welcomes the upgrade of the existing footpath from Taylor Court along Dowans Road to the A95(T). However, there is still no active travel route from the site, across third party owned land, to Taylor Court.

Without a legally binding agreement with the third party landowner, Speyside Community Council is of the opinion that this is a potential active travel link and certainly not a definite one.

This latest re-consultation proposal has not addressed any of our previous concerns. There is still no active travel route from the site into Aberlour and the wider environs. Nor does it encourage the use of public transport – which is very limited anyway.

Additionally, given the current difficulties being experienced by Aberlour Medical Practice, it is unlikely that there is capacity to accommodate any more patients. This should be properly investigated. Developer Obligations are meaningless if they can't be implemented.

Building Standards – No objections, warrant required.

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).

Objection Expiry Date: 15.12.2023
4 letters of representation have been received.

[REDACTED]

Issue: Access and road safety concerns, contributor has witnessed road traffic accidents including a fatality along this section of the A95(T), entrance and exit to the proposed new housing scheme is situated on the blind corner, there is a

high volume of traffic on this route and if the speed limit is not to be reduced then this will be dangerous; concerns regarding the increase in traffic that will follow its completion.

Comments (PO): Transport Scotland has raised no objections subject to conditions.

Issue: Although plans for active transport routes are outlined on the drawings these are based on the assumption that permission will be granted to link the site to Taylor Court which does not seem to be available at the moment, it may never be granted so that the only access will be via the A95(T).

Comments (PO): A planning condition has been recommended to secure the link through Taylor Court prior to any house being occupied. In supporting information the applicant has confirmed that they have secured land to provide the active travel link.

Issue: Assuming a new pavement is completed on the east side of the carriageway, and leads all the way into the village, this would still be a long walk for a parent with young children along a route busy with heavy lorries. Cycling along this section is also fraught with danger for the same reason.

Comments (PO): The footway along the A95(T) carriageway is no longer part of the proposal (except for the section fronting the site). A cycle way is proposed between the site and Taylor Court providing an alternative active traffic connection in line with the site designation.

Issue: Travel Pack, the accuracy of statements in travel pack is queried and not based on the behaviour of people, suggestions of a crocodile of children walking to school along the A95 and easy access by foot to the village square to catch a bus are unrealistic, may be for the young but not for an elderly person returning with shopping who is faced with a long walk up the hill out of the village.

Comments (PO): These comments are noted, however the principle of residential development on this site is established through the R2 site designation of the adopted MLDP. The Transportation Section, following consultation, has identified the need for submission of an amended Travel Pack document covering additional information regarding access routes, bus services, car and cycle sharing schemes etc.

Issue: Concerns about drainage and the protection of our private water supply, notes that one document states that it is hoped that existing residents will connect to mains water; queries whether those residents are expected to pay for the connection, and if so why, when they have a good supply at the moment.

Comments (PO): As recommended by the Environmental Health Section, a planning condition shall be attached to the decision notice requiring the submission/approval of details of measures to protect any private water supplies leading through the site, during construction and for the lifetime of the development, and thereafter implementation.

A Flood Risk Assessment and Drainage Strategy Report have been submitted in support of the application which provide details of surface water drainage arrangements (SuDS) for the proposed development that will be attenuated to greenfield run-off characteristics prior to discharge. Moray Flood Risk

Management has reviewed this information, are content with the proposed drainage arrangements and have raised no objection. Conditions shall be attached requiring implementation of these proposals and submission/approval of a Construction Phase Surface Water Management plan. The proposals will ensure that surface water is dealt with in a sustainable manner that has a neutral effect on flooding and incorporates blue and green infrastructure.

Issue: Lack of health care facilities, the current GP surgery cannot cope with the existing number of local residents so something radical would need to be done to ensure there was adequate cover for an increased population.

Comments (PO): A Developer Obligations assessment has been undertaken in relation to the application and identified the need for contributions towards healthcare (reconfiguration of Aberlour Health Centre and one additional dental chair). The applicants have confirmed that they are agreeable to the contribution, which is to be secured via a payment prior to the grant of permission.

Issue: Supports proposal, notes that an active travel link to Taylor Court is proposed to be constructed over clients neighbouring land as part of this development, which is in accordance with the related Local Development Plan requirement. Considers the provision of this link is a safer provision than widening the A95 Trunk road to create an adjacent foot and cycle way. Requests that the detailed route of this active travel link should not prejudice the development of the remaining land within R2 allocated for housing and potential additional land in this vicinity in future.

Comments (PO): Noted.

Issue: Currently not enough parking provided for houses in Taylor Court, there is only room for one vehicle on the road with parked cars.

Comments (PO): Existing parking provision in Taylor Court, an established development is not part of the proposal.

Issue: Whilst agree with affordable housing for this area, contributor objects to the access route for this scheme.

Comments (PO): The proposed access cycle path / footpath route is a requirement of R2 site designation and accords with the development plan.

8. OBSERVATIONS

8.1 Appraisal

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e. the adopted National Planning Framework 4 (NPF4) and adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise.

8.2 The main planning issues are considered below:

8.3 Environmental Impact Assessment

The proposed development has been screened in relation to the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 as it is a Schedule 2 development in terms of the regulations. Having

considered the characteristics of the development, the location of the development and characteristics of the proposed development it has been concluded that the proposal is not an EIA development.

8.4 Background

The proposal is for 39 affordable homes. This site previously had planning permission (18/01373/APP) for 30 affordable homes and 9 private homes, which has now lapsed. A further application (21/00348/APP) was submitted to remix house types and amend the 9 private homes to affordable homes and this has also lapsed. The site layout itself remains unchanged from the original planning application and subsequent remix application. It now includes an active travel corridor north to Taylor Court and other offsite footpath works along Dowans Road.

8.5 The key policy considerations from the Moray Local Development Plan 2020 and National Planning Framework (NPF) 4 are set out below.

8.6 R2 Speyview

(NPF4 Policy 14, 15 and 16; MLDP 2020 Speyview R2 designation, PP1, DP1 and DP2)

The application site forms the northwest part of the R2 Speyview site, a long-standing designation identified for residential development in the Moray Local Development Plan 2020, with an indicative capacity of 60 units and 1 hectare of employment land.

8.7 NPF4 Policy 14 Design Quality and Place seeks to ensure that development is well designed and makes successful places by adopting a design led approach and applying the place principle. Policy 15 Local Living and 20 minute neighbourhoods seeks to create connected development where residents can meet the majority of their daily needs within a reasonable distance of their home. Policy 16 Quality Homes supports development proposals new homes on land allocated for housing in Local Development Plans.

8.8 MLDP Primary Policy PP1 Placemaking contains design criteria which all residential development must meet, with significant emphasis on placemaking, biodiversity and promoting health and well-being through good urban design. Policy DP1 Development Principles sets out the need for the scale, density and character of development to be appropriate to the surrounding area. Where proposals involve the development of part of a larger designation policy DP2 b) requires that a comprehensive layout of the whole site be provided to the satisfaction of the planning authority and that the proposals comply with policy DP1, other relevant policies regarding access, housing, landscaping and open space, and that key design principles and site designation requirements are met.

8.9 The specific developer requirements listed for the designation include compliance with key design principles set out in Figure 1.1 of the designation which seeks a high quality gateway development into the settlement, provision of woodland, landscaping, green spaces / pocket parks, active travel connections and technical assessments on ecology and flood risk / drainage.

- 8.10 The submitted proposals for the first phase of this allocation complies with the principles identified in Figure 1.1. The development forms an appropriate gateway to the settlement. Frontages are outwardly responsive with houses fronting the A95(T) reflecting traditional design and utilising high quality materials, and useable open space has been created including provision of a new equipped pocket play park and landscaping. A new active travel link is also proposed to the north to Taylor Court, with further offsite footpath works along Dowans Road. The application is also supported by the requisite technical assessments and information identified in the designation to inform assessment of drainage, flood risk and ecology. An indicative masterplan contained within the Design Statement also sets out a strategic framework of landscaping and woodland for the wider designation.
- 8.11 In terms of Policy DP2 b) requirements, the submitted Design Statement and associated wider designation plans provide the necessary information in the form of a development framework to demonstrate how the first phase accords with the key principles identified in the MLDP and how this phase fits into the masterplanned approach for the wider R2 site.
- 8.12 From more detailed assessment below the development satisfies siting, design and servicing requirements, provides acceptable access, open space / landscaping, sustainable urban drainage arrangements and avoids any adverse effects on environmental interests in accordance with NPF4 Policies 14, 15 and 16 and MDLP policies PP1 and DP1.
- 8.13 The proposal would bring investment to the Aberlour area through construction of new homes in a sustainable location that makes efficient use of land and infrastructure. The proposed development will provide much-needed new affordable homes for people, including young families and older people, in a range of detached, semi-detached houses and flats.
- 8.14 **Place-making, Design and Site Layout
(NPF4 Policy 14, 15 and 16; MLDP Policy PP1, DP1 & R2)**
The original planning application (18/01373/APP) was subject to the detailed Quality Audit (QA). As part of that process a significant amount of work was undertaken to negotiate improvements to the design. These key changes still feature within these proposals and include relocation of the play area to a central location within the development that will form part of a wider open space in future phases of the site. House types were amended from two storey to single storey on part of the site to address impact on amenity of existing houses. The design of the houses facing on the A95(T) were revised to reflect a more traditional design in keeping with the heritage of Aberlour and surrounding older buildings. On that basis, it is not considered necessary to undertake a further QA.
- 8.15 Character and Identity
The proposed development comprises 3 character areas, which are differentiated through the use of coloured materials including cladding, wall render and street surface materials. The frontage houses are of a traditional design and utilise high quality materials in the form of slate and wet dash render.

- 8.16 Proposals for public art have been submitted in the form of a feature stone panel built into the entrance wall and a sculpture by a local artist within the play area. Suggestions for street naming relating to the local area and whisky distilling include Ruthrie, Hogshead and Cooperage. These are acceptable in principle and further details of this provision shall be addressed by condition.
- 8.17 Parking
The proposals do not meet the parking requirements set out within MLDP Policy PP1 as a minimum of 50% of parking is not to the side or rear of the building line on one of the two streets. To address the impact of parked cars the applicant has revised the parking arrangements by locating spaces to the side and rear (where practicable) and providing hedging, shrubs and street trees as mitigation. In addition to this, the houses fronting onto the A95(T) have a low wall with fencing on top (defining rear gardens) with tree planting and hedging in front that will help mitigate the impact of parked cars on the streetscene. On this basis, the proposal is considered an acceptable departure from the parking requirements set out in MLDP Policy PP1 (c) (vi).
- 8.18 Open Space
A hierarchy of open space has been provided within the proposals. There are identifiable key areas of open space including two 2 planted SuDS features, a pocket park play area which is inclusive and accessible and a landscaped amenity area with seating.
- 8.19 In terms of landscaping, semi-mature tree planting is proposed for the tree lined street and a variety of other native trees, shrubs, wildflower, SuDS planting and bulb planting to create seasonal variation.
- 8.20 Active Travel Connections
The supporting text for the Aberlour R2 designation requires the provision of an active travel connection to Taylor Court and a footpath along or parallel to the extent of the site frontage onto the A95(T). These arrangements are proposed and form part of the application, and submitted details are acceptable to the Transportation Section and Transport Scotland, subject to conditions. As set out in the Key Design Principles, landscaping is required between the active travel connection to Taylor Court and the properties to the west/north-west to mitigate any potential impacts from overlooking. This shall be addressed through a planning condition requiring an updated Landscaping Plan to include proposals for this area.
- 8.21 Drawing from the above, the proposal is considered to comply with NPF4 Policies 14, 15 & 16, MLDP Policies PP1, PP3, DP1 & PPG (Inclusive and Accessible Play) and Aberlour R2 Speyview, subject to an updated Landscaping Plan.
- 8.22 **Open Space and Recreation**
(NPF4 Policy 21 Play, Recreation and Sport; E5 Open Space)
Under the terms of EP5 Open Space new development must provide an appropriate quantity and quality of open space. Developments of 10 to 50 homes must provide 15% open space. The proposed layout meets the 15% open space requirement and the open space remains unchanged from the previous planning applications.

- 8.23 In addition, all new development must achieve a very good score of no less than 75% when assessed against key criteria identified in EP5. Given this is a first phase application the overall quality of open space is difficult to fully assess. For example, the play space will form part of a larger area of open space and there is still extensive landscaping to be provided. A hierarchy of open space has been provided with 3 key areas including 2 planted SuDS areas, a play space and a landscaped amenity area with seating. A detailed assessment has not been undertaken at this time however the provision of open space within this Phase 1 proposal is considered, in principle, to meet the intention of the policy to provide very good quality open space.
- 8.24 NPF4 Policy 21 states proposals likely to be occupied by children and young people will be supported where they incorporate well designed, good quality provision for play and recreation. If a new play area is proposed, provision will include a wide range of play experiences that are inclusive, suitable for different age ranges and accessible. This approach mirrors that set out within the Planning Policy Guidance on inclusive and accessible play. The R2 Speyview designation text references the requirement to provide a pocket park in early phases of the development, with the Planning Policy Guidance stating that pocket parks should comprise 6 pieces of equipment (excluding sensory, which must be provided in addition to play equipment), of which 3 pieces must be inclusive. Furthermore, a statement setting out evidence of how the proposed play equipment has met the play values set out with the PPG must be provided. Following the submission of revised plans and accompanying statement, the play area contains 6 pieces of equipment, of which 4 are inclusive, and a sensory play panel.
- 8.25 In terms of accessibility, proposals for play spaces must be located where path and recreational spaces are on gradients that are suitably flat. Surfacing, paths and benches (inclusive and wheelchair friendly) must be designed to be fully accessible to people of all ages and abilities. Acceptable materials are proposed for surfacing into (tarmac) and throughout the play space (grass matting) and a site plan detailing levels have been submitted to demonstrate that the gradients are suitably flat. The proposal therefore complies with NPF4 Policy 21, MLDP Policy EP5 and PPG (Inclusive and Accessible Play).
- 8.26 **Climate and nature crisis, mitigation and adaptation (NPF4 Policy 1 and 2)**
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 crises, and minimises greenhouse gas emissions as far as possible.
- 8.27 The proposal sets out a number of measures to be implemented as part of the Applicant's wider commitment to minimising emissions. Positive measures taken for Speyview include installation of air source heat pumps, using local, sustainable materials in the construction of energy efficient timber-framed homes and the adoption of a fabric first approach, incorporating high levels of insulation and air tightness to ensure homes retain more of the heat put in. Homes will also provide the infrastructure required to install electric vehicle chargers. The proposal is considered to comply with NPF4 Policies 1 and 2.

- 8.28 **Natural Heritage and Biodiversity**
(NPF4 Policy 3 and 4; MLDP 2020 Policy EP1, EP2 and Speyview R2)
NPF4 Policy 3 and MLDP Policy EP2 require new development to enhance biodiversity with measures that are proportionate to the scale and nature of the development.
- 8.29 NPF4 Policy 4 Natural Places and MLDP policy EP1 seeks to ensure that development does not adversely impact the integrity of protected designations (European, national and local) or protected species in terms of protecting designation integrity/interests and species.
- 8.30 The site itself is not subject to any environmental designations, although there are natural heritage interests within the wider area, namely the River Spey SAC, SPA and SSSI located 180m to the northwest. The re-imposition of a condition to control/treat surface water run-off during and after the construction of the development will ensure that the proposal would have no adverse impacts on these designations.
- 8.31 A Preliminary Ecological Appraisal (PEA) Report has been submitted with the application, which assesses habitat on the site and surrounding area, and species present. This concludes that likely effects of the proposed development on ecology will be minimal, as the site comprising overgrown former grazing land and is of limited natural heritage interest with low biodiversity value. In line with recommendations in the report, an updated Badger Survey has been undertaken and submitted with the application. This identifies that the site is used for foraging purposes, however, there are no active badger setts within 30m of the site. Mitigation measures to protect badgers, as set out within the report and to be adopted during construction shall be addressed by condition.
- 8.32 A detailed landscaping plan has been submitted in support of the application which details hedge and tree planting throughout the site along with planted SuDS and swales features, incorporating a wildflower mix of grasses and shrubs which will contribute to enhance the overall habitat value and biodiversity of the site. The Ecological Appraisal proposes a range of measures to conserve, restore and enhance biodiversity across the site. While bird and bat boxes are suggested, these are not identified on any plans and a condition shall be attached requiring submission of an updated Landscaping Plan with these features identified.
- 8.33 Drawing from the above, and subject to the conditions identified the proposal complies with NPF4 policies 3 and 4, and MLDP policies EP1 and EP2.
- 8.34 **Affordable Housing**
(NPF4 Policy 16; MLDP Policy DP2)
Policy DP2 (d) requires that 25% of units are provided for affordable housing. In this case 100% of the house and flats proposed are to be affordable housing and are of an acceptable mix, which has been confirmed by the Housing Strategy & Development Manager. Conditions shall be attached to the decision, as recommended, addressing the delivery, management and retention of the affordable housing to ensure compliance with policy DP2. Housing Strategy & Development Manager has further advised that this overprovision, whilst

welcomed, will not be considered to offset any Policy DP2 (d) requirement arising from future proposals on the wider R2 Speyview designation, nor any designation or location. These comments shall be attached as informative comments to the decision.

8.35 Since the scheme comprises entirely affordable housing the requirements of policy DP2 f) Accessible Housing are not applicable.

8.36 **Access, Parking and Sustainable Transport
(NPF4 Policy 13; MLDP Policy DP1 and PP3)**

NPF4 Policy 13 Sustainable Transport seeks to encourage, promote and facilitate development that prioritises sustainable travel. MLDP 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.

8.37 The proposed development incorporates the transportation requirements as set out within text accompanying the R2 site designation. These include the provision of two bus stops / shelters on the A95(T), a footpath along the site frontage, and an active travel connection (cycleway / footpath) to Taylor Court to the north. Further works include the provision of dropped kerb crossing points and a cycle path along the south side of Dowans Road.

8.38 The applicant has submitted an Active Travel Review document (ATR) which contains a review of the various active travel schemes proposed to support the residential development and justification for the current proposed scheme. This sets that the applicant sought to deliver an approved A95(T) realignment scheme to provide a continuous footway on the east side of the carriageway under 18/01373/APP, however it has not been possible to deliver this without third party land which cannot be secured. Due to the constraints on the A95(T), the applicant, has secured land to deliver a segregated footway connection to Taylor Court, which is in line with the Local Development Plan site designation. Improved dropped kerb crossing on the A95(T) will also be provided to ensure that any pedestrian using this route can do so safely. The ATR concludes that the applicant has considered the constraints associated with A95(T) and proposes acceptable active travel arrangements which provide safe access to the wider settlement to the north.

8.39 Following review of the submitted plans and this supporting information the Transportation Section has raised no objection subject to conditions and informatives. These relate to the provision of details of footway and parking provision serving 22, 24 and 26 Taylor Court (where active travel route joins onto Taylor Court), a Road Safety Audit / Safety Audit of potential non-motorised user route(s), finalised details of cyclepath, kerbing etc. leading south of site, maintenance arrangements of hedges adjacent to parking, updated details showing one additional space for plots 21 and 22, revised Travel Information Pack, a Construction Traffic Management Plan (CTMP), details of temporary turning head for refuse collection vehicles and visiting vehicles, and standard requirements for fencing/obstructions set back from the edge of the carriageway, vehicular access specifications and minimum driveway lengths.

- 8.40 Transport Scotland have been consulted on the proposals and have raised no objection to the grant of permission subject to conditions and advisory comments. These relate to the provision of the new ghost island priority junction access onto the A95(T), a new active travel link to Taylor Court to ensure that facilities are provided for the pedestrians generated by the development to access the existing footpath system, new bus stop lay-bys on both sides of the A95(T), details of landscape treatment and fencing/barrier proposals along trunk road boundary and standard requirements regarding trunk road drainage. Advisory comments confirm that the road works required to meet conditions will require a Road Safety Audit, and that any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.
- 8.41 Subject to compliance with these conditions, the proposals would accord with the NPF4 Policy 13 and MLDP Policy DP1 and PP3.
- 8.42 **Pollution - Construction and Operation
(NPF4 Policy 23; MLDP 2020 Policy DP1 and EP14)**
NPF4 Policy 23 Health and Safety presumes against development that is likely to raise unacceptable noise issues.
- 8.43 MLDP Policy DP1 Development Principles seek to ensure that new developments do not create pollution which may adversely affect the environment or local amenity. Policy EP14 states that new developments must not create pollution (air, water, light and noise etc.) which could adversely affect the environment or local amenity, and for proposals which have the potential to cause significant pollution these should be accompanied by a detailed assessment report on the levels, character and transmission of the potential pollution with measures to mitigate impact.
- 8.44 Environmental Health following consultation has raised no objection subject to conditions controlling hours of construction works including vehicle movements, submission/approval of a Construction Environmental Management Plan (CEMP) to minimise construction related noise, dust and artificial lighting and implementation of air source heat pump details. These, along with the separation distances to nearby housing, are considered sufficient to protect residential amenity from unacceptable noise.
- 8.45 The above mentioned CEMP condition shall also include the requirement for submission/approval of site-specific water pollution prevention plan to safeguard the water environment.
- 8.46 Subject to compliance with these conditions the proposal would accord with NPF4 Policy 23 and MLDP policies DP1 and EP14.
- 8.47 **Drainage, Flood Risk and Water Supply
(NPF4 Policy 22; MLDP 2020 Policy DP1, EP12 and EP13)**
NPF4 22 Flood Risk & Water Management seeks to strengthen resilience of development to flood risk through avoidance as a first principle and reducing the vulnerability of existing/future development to flooding. It also advocates use of SuDS to ensure surface water does not increase flood risk to itself and

others, and supports connection to public water mains unless this is not feasible.

- 8.48 MLDP Policy DP1 Development Principles, EP12 Management and Enhancement of the Water Environment and EP13 Foul Drainage requires development proposals to provide acceptable water and drainage infrastructure (including SuDS) and assessment of flood risk, with impacts satisfactorily mitigated and not to materially increase the possibility of flooding elsewhere.
- 8.49 The development would connect to the public water supply and foul network. Scottish Water, following consultation, has raised no objection to the grant of permission and has provided advisory notes, which shall be attached to the decision notice as recommended.
- 8.50 The SEPA indicative flood map shows that the majority of the site is not at risk of surface water flooding, with the exception of a small localised area in the western corner.
- 8.51 Flood Risk Assessment and Drainage Strategy Reports have been submitted in support of the application. These assess surface water movement across the R2 designation and provide details of surface water drainage arrangements (SuDS) for the proposed development, which will be attenuated to greenfield run-off characteristics prior to discharge. These arrangements will comprise a network of upsized pipes under the development roadways that will convey water to two suitably sized detention basins and a large swale, with flows treated/attenuated and discharged in a controlled manner to an existing ditch via an outfall on the west side of the adjacent A95(T). The active travel cycleway will be drained by infiltration trenches.
- 8.52 Moray Flood Risk Management, following review of this supporting information, are content with the proposed drainage arrangements and have raised no objection. Conditions shall be attached requiring implementation of these proposals and submission/approval of a Construction Phase Surface Water Management plan. The proposals will ensure that surface water is dealt with in a sustainable manner that has a neutral effect on flooding and incorporates blue and green infrastructure.
- 8.53 A number of private water supplies currently run through the site and serve existing neighbouring houses, which will require protection from the development. The Environmental Health Manager, following consultation has raised no objection to the application subject to a suspensive condition requiring submission/approval of details of protection measures of these existing private water supplies (both during construction and for the lifetime of the development), and thereafter their implementation, unless otherwise agreed with the Planning Authority.
- 8.54 Drawing from the above, the proposal is considered to comply with NPF4 Policy 22 and MLDP policies DP1, EP12 and EP13.

- 8.55 **Zero Waste**
(NPF4 Policy 12 Zero waste)
NPF4 Policy 12 Zero waste seeks to prioritise the reduction and reuse of materials in construction and waste management during operations. Supporting information has been submitted to address this requirement. This sets out that during construction phase, a Construction Environmental Management Plan (CEMP) will be produced, and construction waste will be managed by the site contractor in line with the CEMP and recycled appropriately. This provision shall be covered by condition. Post construction, the proposals include bin store areas for the homes, which will be used to manage general household waste through the provision of separate waste and recycling bins which will encourage segregation and minimise cross contamination.
- 8.56 **PP3 Infrastructure and Services**
(NPF4 Policy 24; MLDP 2020 Policy PP3)
To ensure developments are adequately served by infrastructure to support the development applicants are required to confirm broadband connection to the site and to submit a utilities plan demonstrating how existing and proposed utilities have been incorporated into the development.
- 8.57 The applicant has confirmed that each property will be provided with fibre optic cabling to each property and has provided the necessary utilities plan.
- 8.58 **Historic Environment**
(NPF4 Policy 7; MLDP 2020 Policies EP8)
A condition of the previous planning consent required a trial trenching evaluation. This was carried out in 2019 and comprised the excavation of 25 trenches, revealing shallow topsoil greatly affected by ploughing as well as other ground disturbance. No archaeological features or artefacts were recorded. Based on this information, as the proposed development site has already been subject to archaeological monitoring, the Aberdeenshire Archaeological Service has confirmed that no further mitigation is required.
- 8.59 **Community Wealth Building**
(NPF4 Policy 25)
At the time of the submission of this application, there was no Community Wealth Building Strategy in place to assess the proposal against the policy. A strategy has since been agreed by the Council. However, it is considered that the proposed development would be able to readily comply with NPF4 Policy 25, and a condition shall be attached to secure submission/approval of a satisfactory Community Wealth Building Plan as required by the guidance.
- 8.60 **Developer Obligations**
(NPF4 Policy 18; MLDP PP3)
A Developer Obligations assessment has been carried out in accordance with NPF4 Policy 18 Infrastructure First and MLDP Policy PP3 Infrastructure and Services, and associated supplementary planning guidance and has identified the need for contributions towards healthcare. The applicants have confirmed that they are agreeable to the contribution, to be paid prior to the grant of permission.

Conclusion and Recommendation

The proposals represent an acceptable housing development which will make a substantial contribution towards the provision of affordable housing in Speyside, where there is an identified need.

The layout has been well designed, utilises high quality materials and creates a development with character and identity. While part of the proposed layout does not accord with parking requirements, impacts of parked cars on the street scene will be satisfactorily mitigated by plot specific boundary treatment and planting. A hierarchy of open space has been provided within the proposals, which includes identifiable key areas of open space including two 2 planted SuDS features, a pocket park and a landscaped amenity area with seating. The development proposes a play area which is inclusive and accessible.

The proposal is in accordance with all other aspects of the National Planning Framework 4 and Moray Local Development Plan 2020 and is recommended for conditional approval.

REASON(S) FOR DECISION

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

The proposals represent an acceptable housing development on part of an allocated site within the Moray Local Development Plan, which will make a substantial contribution towards the provision of affordable housing in this area of Moray.

While part of the proposed layout does not meet the parking requirements set out within PP1 as a minimum of 50% of parking is not to the side or rear of the building line on one of the two streets, the impact of parked cars on the streetscene in this location will be satisfactorily mitigated by plot specific boundary treatment and plant, and as such is an acceptable departure from Moray Local Development Plan 2020 Policy PP1 Placemaking.

The proposal is in accordance with all other aspects of the National Planning Framework 4 and Moray Local Development Plan 2020, and there are no material considerations that indicate otherwise.

**Author/Contact
Officer:**

Richard Smith
Principal Planning Officer

Ext: 01343 563256

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