

24/00043/APP
15th January 2024

Erect 31 affordable homes and associated works on phase 2 of the land 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.
- 1 representation received.

Procedure:

None.

Recommendation

Grant Planning Permission - Subject to the following:

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

Conditions/Reasons

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which the permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. 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.

3. 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.

4. The Construction Environmental Management Plan (CEMP) for the site shall be implemented throughout the construction phase of the development in accordance with the supporting document by "The Springfield Group, dated July 2023, Project Title: Aberlour, Phase 1&2, Planning Permission Ref 23/00494/APP".

Reason: In order to ensure that environmental emissions are considered and managed during the construction phase, in order to prevent nuisance to local residents.

5. 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.

6. 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.

7. 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.

8. The mitigation recommendations as detailed within the supporting documents “Badger Survey Report and Recommendations, prepared by Walking-the-Talk dated 15 September 2023 (updated 30 April 2024)”, and “Preliminary Ecological Appraisal (PEA) update 2 prepared by Rachael Thwaites dated 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. The construction phase surface water management plan, approved as part of this application, shall be fully implemented by the Developer, unless otherwise agreed in writing by the Council, as Planning Authority.

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

10. 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.

11. Notwithstanding the details submitted on the landscaping plan (Drawing No SP A2 103.22 SL-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:

Details, including maintenance arrangements for hedges and shrubs to be planted adjacent to parking spaces which confirm that any hedges shall be planted at least 1.0 metres from the edge of the parking space and all hedges and shrubs will be maintained at least 0.4m clear from the adjacent parking space in order to preserve space to access parked vehicles at all times.

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

Reason: To ensure an acceptable development in terms of parking provision and amenity of the area.

12. Notwithstanding the details provided for cycle parking for plots 205-212 and 217-220 on the site plan (Drawing No. AB02_PL_02 B) which do not provide sufficient details for the design or numbers of spaces, no development shall commence until details (Technical specifications/Plan(s) scale 1:100min) are provided for the proposed cycle parking which confirm the provision of secure and weatherproof cycle parking provision for a minimum of 1 cycle space per flat.

Thereafter, prior to first occupation the cycle parking shall be provided and made available for use by each flat and unless otherwise approved in writing by the planning authority the cycle parking shall be retained and maintained in perpetuity for that purpose in conjunction with that flat hereby approved.

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.

13. Notwithstanding the details submitted for EV charging for plots 205-212 and 217-222 (which are insufficient and do not show the charging unit types or specifications), no development shall commence until the following details have been submitted for approval by the Planning Authority in consultation with the Roads Authority:
- Details showing the type and specifications (7Kw minimum per connection) of the proposed EV charging units(s).

Thereafter the EV charging facilities shall be provided in accordance with the approved details prior to the development becoming operational and maintained and available for use in association with the house or flat in perpetuity unless otherwise agreed in writing by the Planning Authority.

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 from the submission.

14. Notwithstanding the Traffic Management Plan submitted (which does not include details of construction hours), prior to the commencement of development, the following shall be submitted for approval by the Planning Authority in consultation with the Roads Authority:

A Construction Traffic Management Plan which includes details of:-

- Construction programme.
- Construction hours.
- Proposals to safeguard non-motorised road users including instructions to drivers and peak school travel times during which HGV movements should be avoided where possible.
- Measures to be put in place to prevent material being deposited on road.
- Contact details for the site supervisor.

Thereafter, the approved Construction Traffic Management Plan must be complied with at all times during the construction phase of the development.

Reason: To ensure an acceptable form of development in terms of the arrangements to manage traffic during construction works at the site.

15. 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.

16. 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.

17. Houses requiring 2 or more parking spaces shall have a driveway length of 6.0m minimum in front of any garage to permit a second car to park, unless alternative parking arrangements are provided. No part of the driveway shall be included in the public road.

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

18. 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 to 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.

19. No development shall commence until the works identified in conditions 14, 15 and 16 of planning permission 23/00494/APP have been completed to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason: To ensure that facilities are provided for the vehicles and pedestrians that are generated by the development, without interfering with the safety and free flow of traffic on the trunk road.

20. 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 Landscape Proposals drawing number SP A2 103.22 SL-01 Rev B and d number AB02_L_02, and show the following:

- (a) additional native hedge planting along the north boundary of the site to support movement of species around the development,
- (b) confirmation of pine species to be Scots Pine,
- (c) locations and specifications of pot ladders, insect hotels, bird and bat boxes and hedgehog highways on the site, as recommended in the document titled Design and Access Statement dated February 2024,
- (d) Landscape Maintenance Schedule for all landscaping across the site, to include updated management notes for the species rich long grass areas to ensure cuttings are removed,
- (e) the time-scale(s) for all new planting, seeding and turfing to be undertaken,
- (f) specifications of the goal post to be installed at the kickabout area, and
- (g) specifications of the accessible path to the kickabout area (to be bituminous macadam or an equivalent suitable hard-wearing material).

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.

21. After the expiry of 24 months of planting a condition survey report by an ecologist of the species rich long grass to assess whether adjustments to ongoing management are required shall be submitted to and approved by the Council, as Planning Authority.

Reason: To ensure that this planting provision is being maintained in a manner which is not adversely affecting its biodiversity value.

22. No development shall commence until colour details of the external cladding finishes of the dwellings within Character Area F as identified in drawing titled Phase 2 Material Conditions number AB02_02PL_03 Rev C, has been submitted to and approved by the Council, as Planning Authority. These shall specify a green forest shade. Thereafter the development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Council.

Reason: To ensure that material finishes are suitable for this part of the development, to reflect its location adjacent to the nearby woodland and provide differentiation with the other character areas in the proposed development.

23. All measures identified in the approved Community Wealth Building Statement shall be implemented during the course of the development, unless otherwise agreed in writing with the Council, as Planning Authority.

Reason: To ensure that the development proceeds in accordance with the submitted Community Wealth Building statement, to ensure compliance with National Planning Framework 4 Policy 25 – Community wealth building.

24. Prior to development commencing an updated Carbon Reduction and Climate Risk Assessment shall be submitted to and approved in writing by the Council, as Planning Authority. The assessment shall be closely based on the document titled 'Carbon Statement dated 14th May 2024, prepared by Springfield Group' and shall include a detailed whole life carbon assessment for the development. Thereafter, the development shall be implemented in accordance with these approved details, unless otherwise agreed in writing with the Council, as Planning Authority.

Reason: To ensure that the development proceeds in accordance with the submitted updated Carbon Statement, to ensure compliance with National Planning Framework 4 Policy 2 – Climate mitigation and adaptation.

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.

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 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.

A Developer Obligation requires has been paid towards healthcare.

The applicant is reminded that all wild birds, their nests and their eggs are protected by law under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) and that it is their responsibility to develop the site in accordance with all wildlife legislation and that works should be timed carefully to avoid the times of year when wild birds are likely to be nesting, i.e. the breeding season.

MORAY 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.

TRANSPORTATION MANAGER 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 may require a Road Bond to cover the full value of the works in accordance with the Security for Private Road Works (Scotland) 1985 Regulations. Advice on this matter can be obtained from the Moray Council web site or by emailing constructionconsent@moray.gov.uk.

In curtilage Electric Vehicle (EV) charging provision requirements are covered by building warrant. EV charging provision for off plot and communal parking areas 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 in the Moray Local Development Plan Policy and Additional Guidance

http://www.moray.gov.uk/moray_standard/page_133431.html.

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.

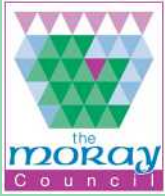
The developer must contact the Roads Authority Street Lighting Section at Ashgrove Depot, Elgin – Tel (01343) 557300, to discuss the proposals with respect to the specifications and design of street lighting provision.

THE HOUSING STRATEGY & DEVELOPMENT MANAGER, has commented that:-

Policy DP2 (d) requires that 25% of the total number of units in new developments must be provided as affordable housing. The applicant's proposals for provision of 100% affordable housing are noted. The applicant must be made aware that this over-provision will not be regarded as an offset of affordable housing from any other proposal or location.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
2022 KERR_OPP_901	Kerr (Detached Opp) - elevations and floor plans
AB01_LP2_02	Location plan
AB02-ENG-480	Proposed services
AB02-ENG-515 G	Adoption layout
AB0AB02_2020-DST_901	2020 Deanston - elevations and floor plans
AB02_MC_2018_A_901	Cottage Flat A type - elevations and floor plans
AB02_TMP_01	Traffic Management Plan
AB02-ENG-265	Sections Plan
AB02-ENG-266	Sections and details
AB02-ENG-211	Swept path
AB02-ENG-505 B	Long sections
AB02-ENG-535 C	Road setting out
AB02-ENG-210 B	Swept path
AB22_2022_FRA_901_01	Fraser - elevations and floor plans
AB22-2022_FRA_901_102	Fraser - elevations and floor plans

AB02_R_PL_12		Street Naming
AB02_2022_KERR_AS_901	A	Kerr (Detached AS) - elevations and floor plans
AB02-ENG-600 S		Drainage arrangements
AB02_2022_CAMP-901-01	A	Campbell - elevations and floor plans
AB02_2022_FRA_901	A	Fraser - elevations and floor plans
AB02_PL_05	B	Parking mitigation
A2 103.22.SL.01	B	Landscaping
AB02-ENG-300 Q		Levels layout
AB02_PL-06	B	Electric vehicle charging
AB02_PL_01	A	Site plan
AB02_PL_02	B	Site layout
AB02_PL_03	C	Material finishes
AB02_PL_04	B	Roads Hierarchy
AB02_PL_05	B	Waste management



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:
24/00043/APP

Site Address:
R2 Speyview
Aberlour

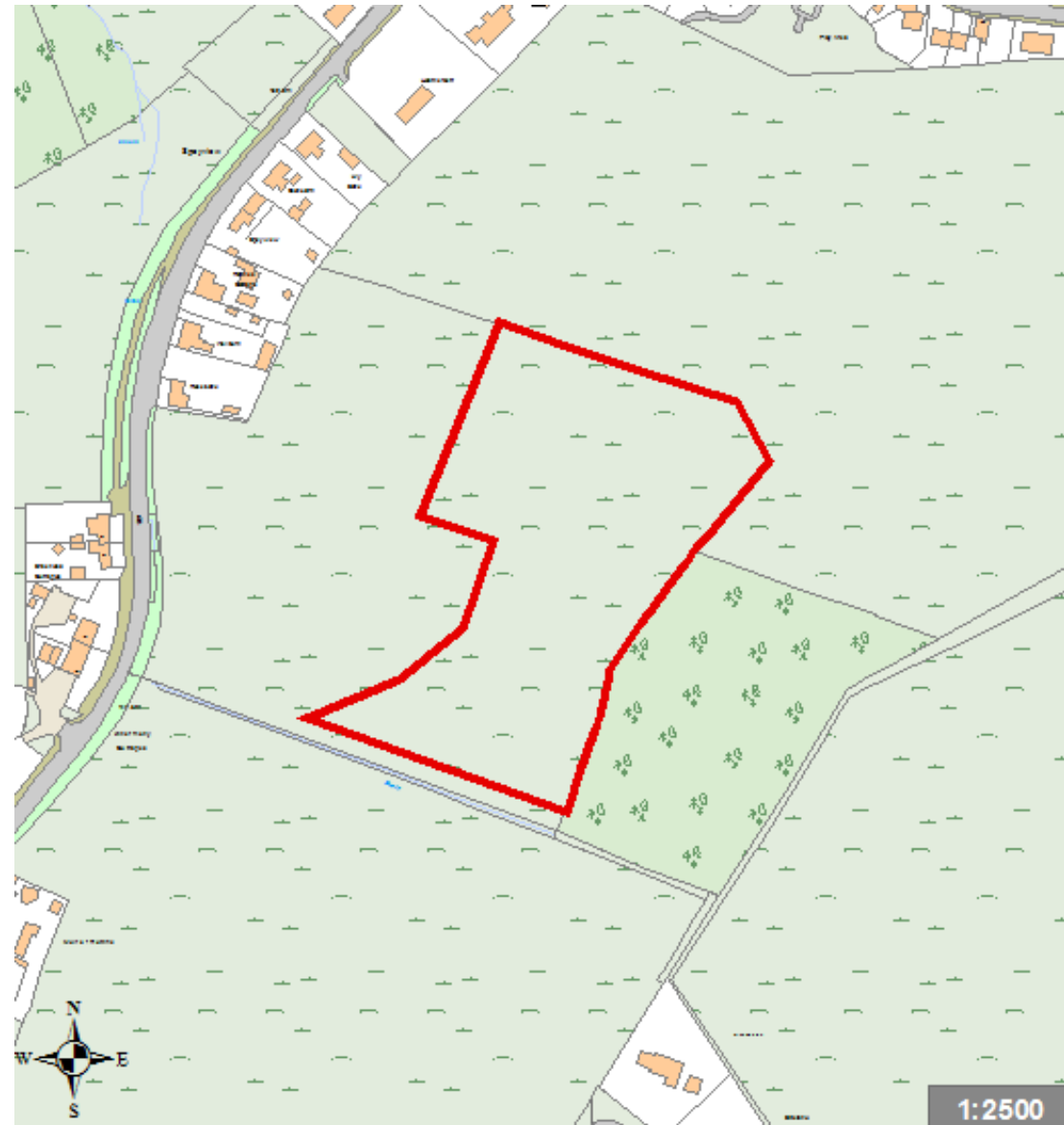
Applicant Name:
Springfield Properties PLC

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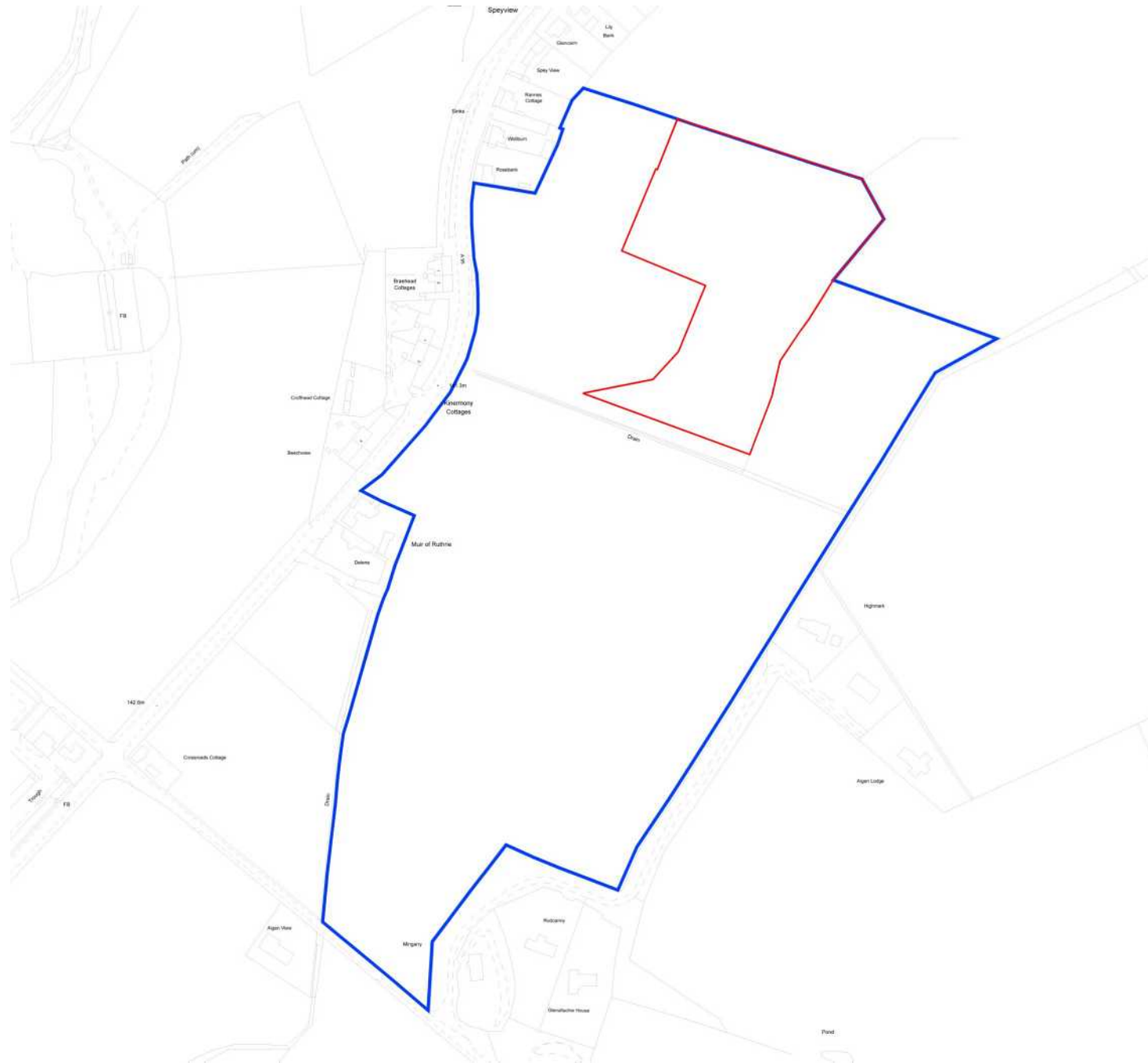
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Location Plan



Site Location



Site plan

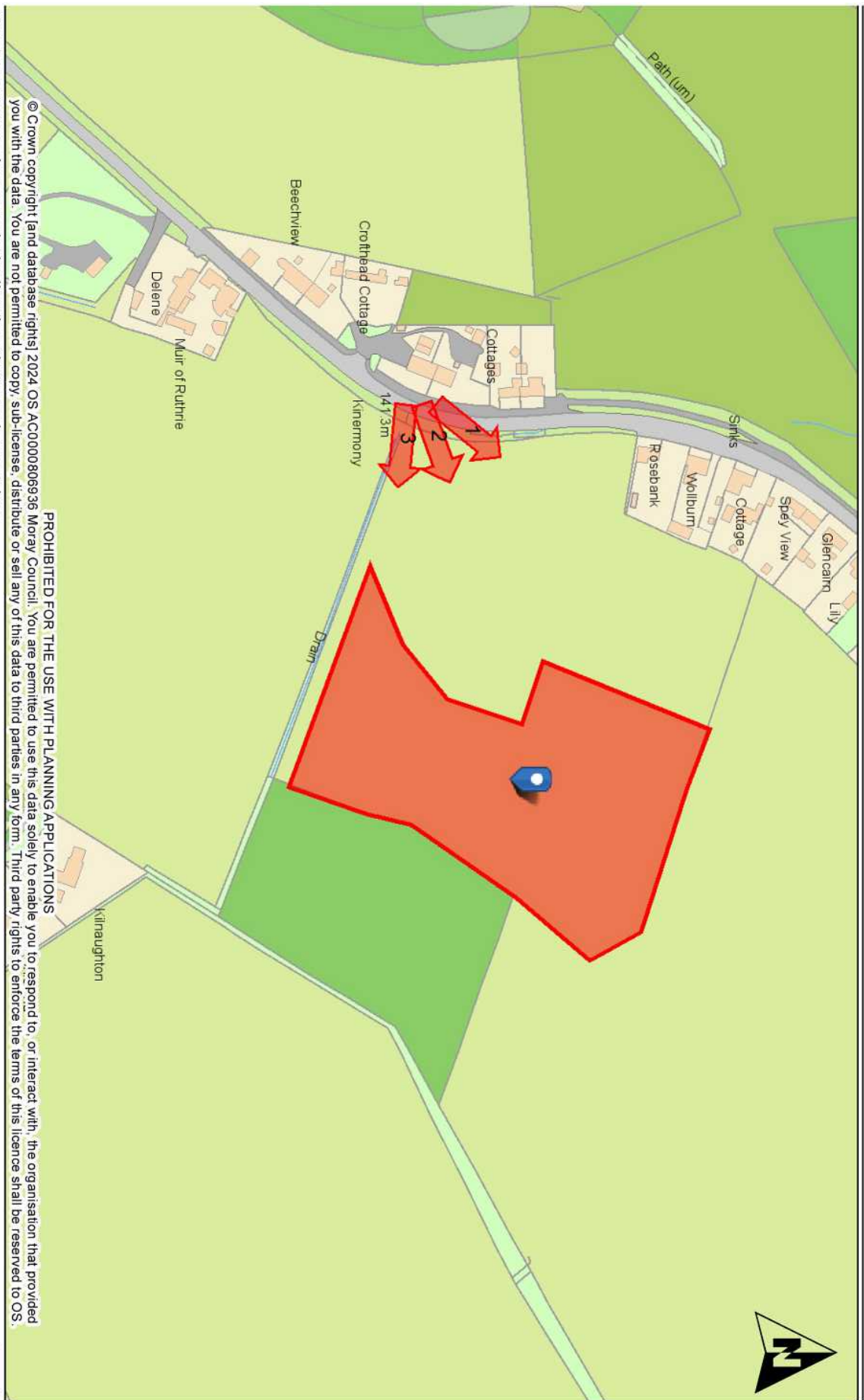


Legend

- Ownership Boundary
- Site Boundary
- Accessible

Color	Property Type	Count
Light Blue	A Type	12
Light Green	1 Bed Full	8
Light Purple	2 Bed Bungalow	4
Light Orange	3 Bed S	6
Light Yellow	4 Bed S	1
Light Grey	5 Bed D	1
Light Blue	Other	1
Accessible Total		31

24/00043/APP - Photograph Positions



Map Description: Arrows point in direction photograph was taken.

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Scale: 1:2,500 @ A4



Photo 1



Photo 2



Photo 3



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 permission for the erection of 31 affordable homes (19 houses and 12 flats) on part of the R2 Speyview housing designation in Aberlour of the Moray Local Development Plan 2020.
- The proposal forms the second phase of housing which will sit alongside the first phase of development of 39 homes (23/00494/APP) to the west, that was approved in December 2023.
- The proposed 31 units would comprise 12 x 1-bed flats, 8 x 2-bed semi-detached bungalows, 4 x 3-bed semi-detached houses, 6 x 4-bed semi-detached houses and 1 x 5-bed detached house. The 5 house types would have pitched roofs and be finished in smooth grey concrete roof tiles and a mix of dry dash render and painted timber cladding on the walls.
- The layout comprises 3-character areas, two of which are extensions of character areas consented within Phase 1, with differing material finishes.
- 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 upsized pipes that will connect into swales and infiltration basins located within Phase 1 to the east, which will attenuate flows and discharge into a drainage ditch on the west/opposite side of the A95.
- The proposed layout comprises several roadways and footpaths which will connect into the approved Phase 1 development to the west, and includes street trees, woodland planting, open space, a kickabout pitch and seating.
- Proposed boundary treatment includes timber fencing, hedging, and retaining walls to address ground level changes between plots (where required).
- The Landscaping scheme comprises a range of semi-mature, heavy-standard and feathered trees, mixed species native woodland and shrub planting, beech/hawthorn hedges, shrub beds/borders, wildflower long grass areas and mown grass areas. Identified tree species include Hawthorn, Birch, Willow, Alder, Rowan, Cherry, Apple, Hornbeam, Beech, Oak and Pine. Shrub species include Sloe, Hazel, Holly, Broom and Dog Rose.
- The application is supported by a Drainage Strategy Report, Design and Access Statement, Planning Statement, Preliminary Ecological Appraisal, Badger Survey, Construction Environmental Management Plan, Community Wealth Building Plan and Carbon Reduction and Climate Risk Statement.

2. **THE SITE**

- The site extends to 1.98 hectares and comprises the northeast portion of the R2 Speyview designation, which lies on the southern edge of Aberlour.
- The site is currently rough agricultural ground and gently sloping, rising from west to east.
- The site is bounded to the west by rough ground and the approved Phase 1 development (23/00494/APP), to the north by agricultural land (which includes the northernmost area of the R2 designation), to the south by the rough ground and the remainder of the designation and to the east by plantation woodland.
- A gas pipeline (intermediate pressure) runs through the eastern part of the site, from south to north.
- It lies within the Spey Valley Special Landscape Area, identified within the MLDP 2020.
- The River Spey SAC and SSSI are located approximately 280m to the northwest of the site.
- The site is not at risk of flooding.

3. **HISTORY**

23/00494/APP - Planning consent to erect 39 houses affordable homes on land at R2 Speyview housing designation – granted 21 December 2023.

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 – Provides policy and urban design comments in relation to the R2 Site Designation, development principles and design, climate, nature and biodiversity, open space, community wealth building and carbon reduction. Notes amendments sought and provided to ensure greater compliance with placemaking policy PP1 (see observations section). Recommends conditions to address character area material finish colouration, landscaping, maintenance, biodiversity, and updated version a carbon reduction and climate risk assessment.

Considers that the proposal builds on principles established in Phase 1, and that the proposed layout has been well designed and creates a development with character and identity. Notes that the proposal accords with parking requirements and provides a kickabout area play area which is inclusive and accessible.

Moray Flood Risk Management – No objection. Informative advice provided regarding SuDS drainage arrangements for latter phases 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.

Aberdeenshire Council Archaeology - No objection.

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 adherence to the submitted Construction Environmental Management Plan (CEMP) to minimise construction related noise, dust and artificial lighting, the control of hours of construction works including vehicle movements, requirement for air source heat pumps to be in accordance with Micro-regeneration Scheme Guidance and submission / approval of details of protection measures of existing private water supplies leading through the site (both during construction and for the lifetime of the development).

Contaminated Land - No objection.

Transportation Manager – No objection subject to conditions regarding the provision of offsite works (active travel link to Taylor Court and bus laybys) to provide access to the development for non-motorised users and public transport users prior to completion of any house or flat within the development, submission / approval of maintenance arrangements of hedges adjacent to parking, details of cycle parking and EV charging to the flats, a Construction Traffic Management Plan (CTMP), a Travel Information Pack, and standard requirements regarding parking provision, fencing/obstructions set back from the edge of the carriageway, vehicular access specifications and minimum driveway lengths.

Transport Scotland – No objection, subject to a suspensive condition requiring works identified in conditions 14, 15 and 16 of planning permission 23/00494/APP to be completed to the satisfaction of the Planning Authority, after consultation with Transport Scotland. These include construction of a ghost island priority access junction onto the trunk road, pedestrian crossings, active travel link to Taylor Court and bus stop lay-bys on the trunk road.

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

Speyside Community Council – Objects to the development. Welcomes the provision of a further 31 affordable homes for social housing, however, still has concerns regarding access and egress to the site. Acknowledges that some of these concerns may be addressed in conditions attached to Phase 1 of the development, but these conditions have yet to be fulfilled.

Repeats concerns regarding proposed uncontrolled pedestrian crossings with road safety impacts for drivers and pedestrians from additional homes and that the 40mph speed limit along the A95 will not be changed. Notes there is no provision for buses/m.connect to drive onto the site to pick up passengers, proposed bus stops will not encourage people to use public transport, and queries how this will enable residents to reduce their carbon footprint.

Queries whether residents with mobility issues/sensory issues will be trapped in their homes, with consideration of particular needs and the accessibility of site being distant from the town. Awaits sight of information on Active Travel Route, Road Safety Audit of non-motorised routes between the development and Aberlour and updated Travel Information Pack. Queries whether the Medical Centre has capacity to accommodate residents from another 70 homes and whether there are enough nursery/childcare places available.

Officer Comments in response: These comments are similar to comments submitted and considered in relation to the Phase 1 application on this allocated housing site which was approved by the Planning and Regulatory Services Committee in December 2023 and raise no new substantive issues. As noted above, both Transport Scotland and the Transportation Section have raised no objection to the proposal subject to conditions requiring provision of appropriate roads, public transport and active travel infrastructure approved as part of the Phase 1 application. Agreement of finalised details of works on the trunk road are the subject of ongoing separate (Minute of Agreement) procedures with Transport Scotland. With this infrastructure in place the development would be acceptable in road safety terms. A Developer Obligations assessment has identified the need for contributions towards healthcare (reconfiguration of Aberlour Health Centre and one additional dental chair) which the applicant has agreed to pay. This assessment does not extend to nursery/childcare places.

Scottish and Southern Energy – No response received.

Scotland Gas Networks – No objection.

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: 15.2.2024
1 letter of representation has been received.



Issue: Access and road safety concerns, the proposal for an additional 31 homes on this site has not taken notice of previous comments. There is still a road safety issue with pedestrians having to cross the busy A95 to access public transport. There doesn't seem to be any plan to have buses go into the development. Whilst it is within the 20 minute radius of the village, it is a long haul back uphill on foot for parents with children and older people, especially with shopping bags.

Comments (PO): Transport Scotland has raised no objection to the proposal subject to a condition requiring adherence to conditions attached to the previous consent for housing on phase 1, to ensure that appropriate facilities are provided for vehicles and pedestrians generated by the development. These include construction of a ghost island priority access junction onto the trunk road, pedestrian crossings, active travel link to Taylor Court and bus stop lay-bys on the trunk road. With this infrastructure provision the proposal is considered acceptable in road safety terms.

There is no requirement for a bus stop within a development of this scale. The site is a designated site which is allocated for housing in the Moray Local Development Plan.

Issue: Drainage concerns, cites recent problems with drainage on the A95. The drains could not cope with the water that runs off the field and caused a large area of surface water on the road down to the village, queries how much worse it will be when the field is covered with tarmac and is not absorbing at least some of the water. Even after the drains were cleared the water was still not drying away properly.

Comments (PO): A Drainage Strategy Report has 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, whilst the schools might be able to cope with children from the new development it is doubtful that the health services in the village will. The centre is currently almost totally reliant on locum doctors, and it is not easy to get an appointment.

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.

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

The application site forms the northeast part of the R2 Speyview site, a long-standing housing designation in the Moray Local Development Plan 2020. The proposal is for 31 affordable homes and will sit alongside the 39 homes approved as Phase 1 immediately to the west in December 2023.

8.5 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.

8.6 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.

8.7 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, vantage points on higher ground, active travel connections and technical assessments on ecology and flood risk/drainage.

- 8.8 The submitted proposals for the second phase of this allocation toward to the rear of the site complies with the principles identified in Figure 1.1. The proposed layout would provide an area of accessible green space on the higher eastern part of the site creating a vantage point with views across the wider countryside, together with new woodland planting providing a backdrop and containment. The proposed development would adopt a modern form of design utilising high quality materials and create a permeable layout with useable open space and connections to adjacent development, in line with placemaking principles. The application is supported by the requisite technical assessments and information identified in the designation to inform assessment of drainage, flood risk and ecology.
- 8.9 In terms of Policy DP2 b) requirements, the submitted Design and Access Statement provides the necessary information in the form of a masterplan layout to demonstrate how this second phase accords with the key principles identified in the MLDP and fits into the master planned approach for the wider R2 site.
- 8.10 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.
- 8.11 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.
- 8.12 **Place-making, Design and Site Layout
(NPF4 Policy 14, 15, 16 and 21; MLDP Policy PP1, PP3, DP1, EP5 and Aberlour R2)**
Character and Identity
The proposed development comprises three character areas, two of which are extensions of character areas consented within Phase 1 of the development site. The character areas are differentiated with coloured materials including feature cladding, wall render and driveway blocks. Several amendments have been made to orientation, design features and landscaping to reinforce the character areas. These changes reflect the character areas' location within the development and improve the distinctiveness of the character areas when viewed alongside adjacent areas. However, the variance in feature cladding colour within Character Area F, the easternmost area closest to the existing woodland, is still not considered to be sufficient to differentiate between the character areas in the proposed development. This matter shall be addressed via a planning condition requiring agreement on the final feature cladding colour of Character Area F, to use a green forest shade to reflect its location alongside woodland.

- 8.13 Parking
The proposal meets parking requirements set out within MLDP Policy PP1 as a minimum of 50% of parking is to the side or rear of the building lines on both streets. Hedging is provided to mitigate the impact of parked cars on the street scene, with additional tree planting.
- 8.14 Connections
Following the submission of revised plans, a path has been provided between Plot 231 and the play space approved in Phase 1 where there is a desire line. This will improve connectivity within the overall development.
- 8.15 Open Space
The development proposes a kickabout area, accessed by a path, in the north-east corner of the site. To demonstrate its function as a kickabout area provision of a goalpost with details to be agreed shall be addressed by condition. The open space is well overlooked and provides a significant area of accessible greenspace, creating a vantage point with views across the wider countryside in line with the R2 designation. Seating areas have been provided along with gradient and surface details (bitmac or equivalent) for the path, which is to be to an accessible standard. This provision shall be addressed by condition.
- 8.16 Landscaping
The Landscaping scheme comprises a range of semi-mature, heavy-standard and feathered trees, mixed species native woodland and shrub planting, beech/hawthorn hedges, shrub beds/borders, wildflower species rich long grass areas and mown grass areas. The submitted landscaping plan promotes local provenance native trees which is welcomed. To address outstanding queries/matters, a condition shall be attached requiring the submission of an updated landscape plan confirming/clarifying use of Scots Pine within the planting schedule (to support expanding habitat from the adjacent woodland) as this is currently undefined, provision of a corridor of native hedge planting along the north boundary (to supplement existing trees and species rich grasses) to support safe movement of species around the development, and updated management notes for the species rich long grass areas to ensure cuttings are removed. Further conditions shall be attached requiring submission of a Landscape Maintenance Schedule and a condition survey report by an ecologist after 2 years of the species rich long grass to assess whether adjustments to ongoing management are required.
- 8.17 Subject to planning conditions relating to character area colour, landscaping and maintenance, the proposal is considered to comply with NPF4 Policies 14, 15, 16 & 21 and MLDP Aberlour R2 and Policies PP1, PP3, DP1 & EP5.
- 8.18 **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.

- 8.19 The proposal sets out several measures which will 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.
- 8.20 A Carbon Reduction and Climate Risk Statement has been provided which sets out details of the methodology, embodied and operational carbon impacts, carbon management and reporting. The document has been reviewed by the Climate Change Officer and is considered in principle to comply with NPF4 Policy 2 and associated Moray PPG. A whole life carbon assessment is currently being undertaken by the applicant and a condition shall be attached requiring the submission of an updated Carbon Reduction and Climate Risk Statement, including a detailed whole life carbon assessment.
- 8.21 With the above in mind and subject to the condition identified the proposal is considered to comply with NPF4 Policies 1 and 2.
- 8.22 **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.
- 8.23 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.
- 8.24 The site itself is not subject to any environmental designations, although there are natural heritage interests within the wider area, i.e. the River Spey SAC, SPA and SSSI located 280m to the northwest. The 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.
- 8.25 In terms of local wildlife on and near the site, the submitted Preliminary Ecological Appraisal report (EA) has identified differing habitat types on the site (semi-improved grassland and tall ruderal species), with signs of activity, foraging and sett features in the wider area. The report recommends mitigation measures to be implemented as part of the proposed development; these include commissioning an updated badger survey, use of wildlife friendly lighting and native species planting to provide for native inserts and other fauna. The submitted updated Badger Survey (confidential) recommends a series of mitigation actions which will require a licence from NatureScot. Adherence to these recommendations shall be addressed by planning conditions.

- 8.26 A detailed landscaping plan has been submitted in support of the application which details tree, hedge, and woodland planting across the site, along with wildflower seed mixes and shrubs which will contribute to and enhance the overall habitat value and biodiversity of the site. The submitted Ecological Appraisal and Design and Access Statement propose a range of measures to conserve, restore and enhance biodiversity across the site. While pot ladders for amphibians, insect hotels, bird and bat boxes and hedgehog highways 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.
- 8.27 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.
- 8.28 **Affordable Housing
(NPF4 Policy 16; MLDP Policy DP2)**
NPF Policy 16 Quality Homes seeks to encourage, promote and facilitate delivery of high quality affordable and sustainable homes providing choice across tenures that meet diverse housing needs. MLDP 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. The Housing Strategy & Development Manager has further advised that this over-provision is noted but will not be regarded as an offset of affordable housing from any other proposal or location. These comments shall be attached as informative comments to the decision.
- 8.29 Since the scheme comprises entirely affordable housing the requirements of policy DP2 f) Accessible Housing are not applicable.
- 8.30 **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.
- 8.31 The proposed access to the site will be via a new priority-controlled junction onto the A95(T) Grantown – Keith Road and internal roads formed by Phase 1 of the R2 development (planning application 23/00494/APP), which was granted planning consent in December 2023. The proposed internal layout comprises several roadways and footpaths which will connect into the approved Phase 1 development.
- 8.32 Following review of the submitted plans, the Transportation Section has raised no objection subject to conditions. These include the reapplication of suspensive condition 20 attached to the Phase 1 consent to ensure that the offsite works to provide access to the development for non-motorised users (NMU's) are agreed and completed prior to completion of any house within the

development and other conditions relating to the submission / approval of maintenance arrangements of hedges adjacent to parking, details of cycle parking and EV charging to the flats, a Construction Traffic Management Plan (CTMP), a Travel Information Pack, and standard requirements regarding parking provision, fencing/obstructions set back from the edge of the carriageway, vehicular access specifications and minimum driveway lengths.

- 8.33 Transport Scotland have been consulted on the proposals and have raised no objection to the grant of permission subject to a suspensive condition requiring works identified in conditions 14, 15 and 16 of planning permission 23/00494/APP to be completed to the satisfaction of the Planning Authority, after consultation with Transport Scotland. 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 and new bus stop lay-bys on both sides of the A95(T).
- 8.34 Subject to compliance with these conditions, the proposals would accord with the NPF4 Policy 13 and MLDP Policy DP1 and PP3.
- 8.35 **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. MLDP Policy DP1 Development Principles and EP14 Pollution, Contamination and Hazards seek to ensure that new developments do not create pollution which may adversely affect the environment or local amenity.
- 8.36 The submitted Construction Environmental Management Plan (CEMP) sets out measures to minimise construction related noise, dust, and artificial lighting and to protect the water environment. The Environmental Health Section is content with this information and has raised no objection subject to conditions requiring adherence to the CEMP, the control of hours of construction works including vehicle movements, requirement for air source heat pumps to be in accordance with Micro-regeneration Scheme Guidance. These would ensure that environmental emissions are considered and managed during the construction phase, in order to prevent nuisance to local residents.
- 8.37 Subject to compliance with these conditions the proposal would accord with NPF4 Policy 23 and MLDP policies DP1 and EP14.
- 8.38 **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.

- 8.39 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.
- 8.40 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.
- 8.41 A Drainage Strategy Report has been submitted in support of the application which provides 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 within the consent Phase 1 development to the east, 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).
- 8.42 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 implementation of a submitted 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.
- 8.43 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.
- 8.44 Drawing from the above, the proposal is considered to comply with NPF4 Policy 22 and MLDP policies DP1, EP12 and EP13.
- 8.45 **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. The submitted Planning Statement and CEMP set out that construction waste will be managed by the site contractor in line with the CEMP and recycled appropriately. 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. On this basis, the requirements of policy 12 are met.

8.46 **PP3 Infrastructure and Services
(NPF4 Policy 24; MLDP 2020 Policy PP3)**

To ensure that 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. The applicant has confirmed that each property will be provided with fibre optic cabling to each property and has provided the requisite utilities plan.

8.47 **Community Wealth Building
(NPF4 Policy 25)**

NPF Policy 25 (Community wealth building) supports proposals that contribute to local or regional community wealth building strategies and those that are consistent with local economic proprieties. Guidance has also been prepared locally setting out where Community Wealth Building will be sought for a project, and this applies to the current proposal.

In compliance with NPF4 Policy 25 and associated Moray PPG, a Community Wealth Building Plan (CWBP) has been submitted which provides an overview of how the proposal maximises local employment and skills opportunities and stimulates local supply chain opportunities through construction and operational stages of the development. The Council's Community Wealth Building Officer is content with this information and on this basis, the policy requirements and associated guidance are met.

8.48 **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 and incorporates substantial areas of open space. Subject to conditions relating to character area material finish colouration, landscaping, maintenance and biodiversity, the proposal complies with relevant Development Plan policies.

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.

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

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