

19/01649/AMC
16th January 2020

Approval of Matters Specified in conditions 3 (overall layout), 7 (sections) and 8 (landscaping) of 19/00320/PPP at Land To The North And West Of East And West Whins Findhorn Moray for Duneland Limited

Comments:

- This application can be determined by the Appointed Officer under the recently revised scheme of delegation but would previously have been reported to the Planning and Regulatory Services Committee as it was agreed at the meeting on 10 December 2019 that all further applications related to reference 19/00320/PPP be reported to the P&RS committee. As the P&RS Committee is suspended therefore this report is being put forward under the agreed revised delegation scheme and can be called in for determination by a member of the Emergency Cabinet for determination by the Cabinet or determined by the Appointed Officer if not called in.
- The application was advertised for neighbour notification purposes.
- No objections received.

Procedure:

- A S75 minute of agreement to be completed prior to issue of planning consent.

Recommendation

Grant Planning Permission – Subject to the following:

Conditions/Reasons

1. The development hereby granted forms part of, and is related to, the development granted planning permission under formal decision notice 19/00320/PPP dated 4 November 2019 wherein the terms and conditions as attached to that permission are hereby reiterated and remain in force in so far as they relate to the development hereby approved, in particular Conditions 10-20 inclusive, including any details already approved thereunder to discharge the requirements of the identified conditions.

Reason: To ensure an acceptable form of development and that it progresses in accordance with the already approved and required details.

2. No development shall commence until all the tree protection measures have been implemented as detailed on the approved Tree Protection Plan sheet 1 of 1. Thereafter the measures shall be retained as approved throughout the construction period.

Reason: To ensure the protection of existing trees during the construction period.

3. Development shall not proceed except in accordance with the Construction Traffic Management Plan North Whins 1.1 dated 11 March 2020.

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

4. Development shall not proceed except in accordance the Written Scheme of Investigation for Proposed Archaeological Work at Land to the North and West of East and West Whins, Findhorn, Moray dated 14 January 2020. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

5. No development shall commence until a site specific updated Construction Environmental Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. Thereafter development shall not proceed except in accordance with the approved plan. For the avoidance of doubt the details shall be in accordance with the approved Construction Environmental Management Plan North Whins 1.1 dated 1 April 2020 and all appendices.

Reason: In order to minimise the impacts of the development works upon the environment.

6. Development shall not proceed except in accordance with the Drainage Impact Assessment 134482 – North Whins, Findhorn.

Reason: In order to minimise the impacts of the development works upon the environment.

7. The landscaping measures detailed on approved plan A110-REVC shall be implemented in full in accordance with the 'Delivery Schedule' set out on the approved plan. For the avoidance of doubt no development shall commence until all works listed as 'pre-commencement' have been completed. Where works are associated with a specific phase the work required in each phase shall be completed in the first planting season following commencement of development on any unit within that phase. Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are

removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: To ensure that the proposed landscaping is timeously provided.

8. No trees other than those identified for removal in the approved site and landscaping plan A110 - REVB shall be removed without the prior written approval of the planning authority.

Reason: In order to ensure tree removal is adequately controlled.

Reason(s) for Decision

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

The proposal accords with the provisions of the development plan and there are no material considerations that indicate otherwise.

List of Informatives:

THE SCOTTISH ENVIRONMENT PROTECTION AGENCY has commented that:-

As per the advice on our letter of 8 April 2019 (our reference PCS/164660) to application 19/00320/PPP a Controlled Activities Regulations (CAR) construction site licence (CSL) is required for management of surface water run-off from a construction site, including access tracks, which is more than 4 hectares, is in excess of 5km, or includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25°.

Where a CSL is not required, as is the case here as the site is approximately 2.58 ha, we recommend basing the construction surface water management proposals of the CEMP on the Pollution Prevention Plan template in section 3 of our Sector Specific Guidance: Construction Sites (WAT-SG-75) and the waste management measures on the Waste Management Plan template on the NetRegs website. In addition, "generally we find the use of maps and plans can communicate what is proposed better than lengthy text so we would encourage the use of plans, drawings and photographs wherever possible to support the concise written text. This work should be undertaken with input from the contractor."

Because this CEMP is 105 pages it is difficult to see exactly which updates have been made and some of the information is unnecessary. There is now a clear statement on colour coding waste, and a proposal to include a cut-off ditch as a precaution. There is one section where it specifies a SUDS pond will be installed during the construction phase, but this is not mentioned in an earlier section where the CEMP still specifies no SUDS should be necessary as a result of the local soil conditions. No pond is shown on the drainage impact assessment drawings.

Concrete works are specified as not being required in situ as the road is not kerbed. This would not appear to be the case as we understand the CEMP will cover the works for the entire development, not just the initial phase for the road construction, so we assume concrete will be used in kerbing and required for the construction of the buildings.

More generally, this CEMP details some unnecessary information, such as the nature of sound waves. It is not necessary to include in a CEMP the basic physics of sound. It should not be necessary to specify that extremely loud noise is hazardous to workers and can constitute a nuisance to neighbouring properties. Inclusion of this kind of generic material is counter-productive, as it makes it harder to determine which parts of a CEMP are site specific and can be expected to be carried out on site. When it is necessary to refer to the CEMP in order to ascertain what should be done, or what should have been done in relation to an incident, the pertinent information is difficult to find. It also makes it difficult to see, in an updated CEMP, where the information has been altered, especially in the absence of any catalogue of changes made and variation control.

A CEMP should be written to inform those responsible for carrying out the work about the methods, risks and mitigations that have been identified as necessary in order to comply with environmental obligations and prevent environmental harm. In general, we recommend that generic information pertaining to any and all sites, i.e. a company's general working practises and environmental policy, be covered in an appendix, or that the specific information pertaining to the specific site covered by the CEMP is kept together separately from lists of relevant legislation, explanations of what noise is, or statements of best practise that may or may not be employed at the site.

In the event of it being necessary to attend the site, SEPA officers will want know if the CEMP has been followed. If any aspect of it has not, then this will not be supportive of good site management. To that end, it is recommended that what will actually be carried out on site be made clear in all cases.

Details of regulatory requirements and good practice advice for the applicant can also be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
A113	Lichen translocation plan
134482/1004 A	Proposed roads layout long section
	Proposed electrical box

134482/1003	Proposed road layout long section
B102	Proposed bin storage
134482/1005	Offsite road works to B9011 detail
	Location plan
A106 A	Infrastructure masterplan
A110 C	Site and landscape plan
134482/1002 B	Proposed roads construction details
134482/1001 B	Proposed roads layout plan
A101 C	Site plans with levels
1 of 1	Tree constraints plan



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

19/01649/AMC

Site Address:

**Land To The North And West Of East And West
Whins**

Findhorn

Applicant Name:

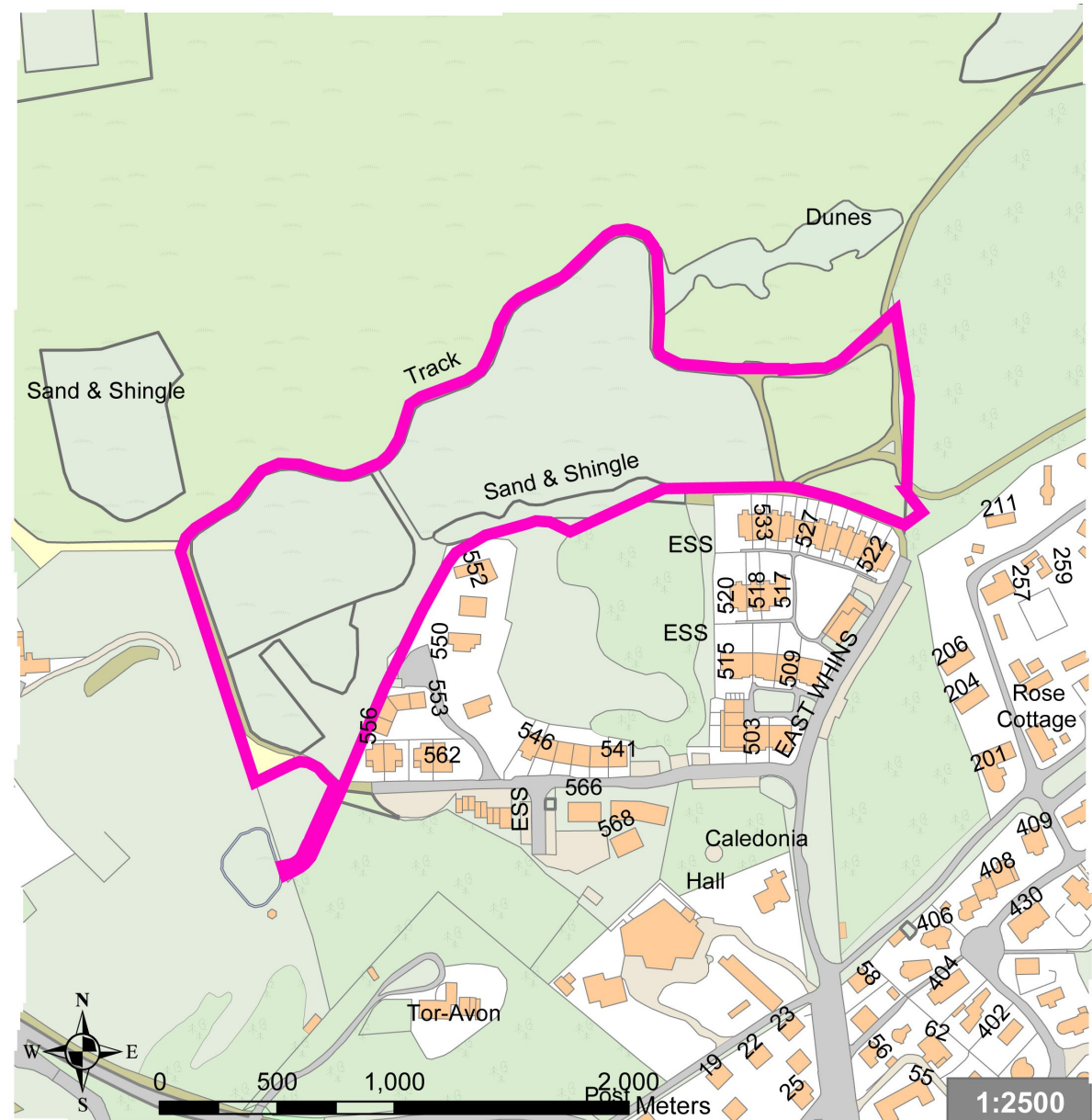
Duneland Limited

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Location Plan



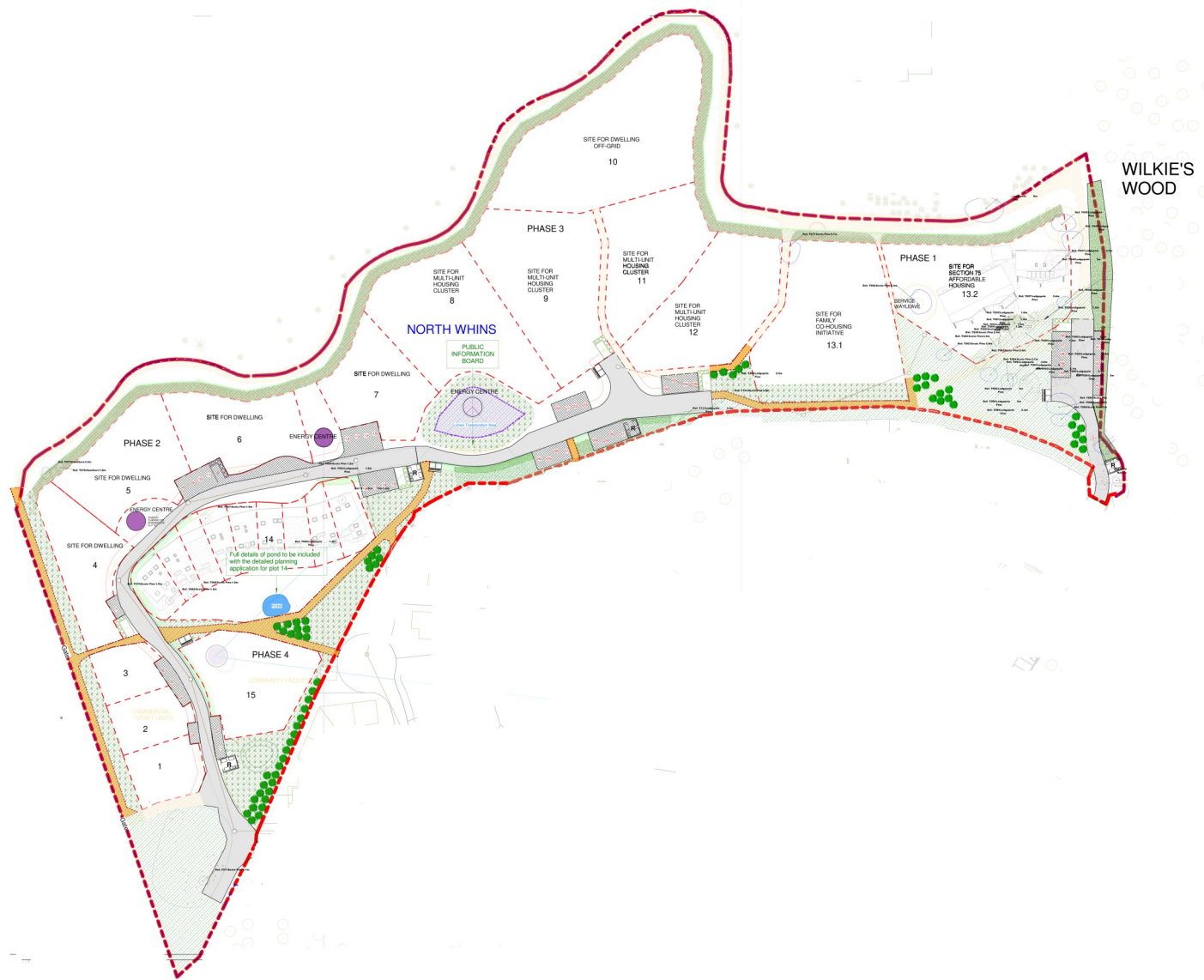
Site Location



Location Plan

1 : 5000

Site plan













PLANNING APPLICATION: 19/01649/AMC

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

THE PROPOSAL

- This application seeks approval of the matters specified in condition 3 (overall layout), condition 7 (sections) and condition 8 (landscaping) of 19/00320/PPP. Permission in Principle for 38 units, 3 craft units and associated infrastructure at North Whins was granted on 4 November 2019.
- This application and an associated application (20/00135/AMC) for 8 affordable housing units are the first further applications to come forward.
- The application is accompanied by a drainage statement.

THE SITE

- The site is on dune land to the north of The Findhorn Foundation. The site curves round the northern part of the site around the existing development at East and West Whins and sites within the Findhorn settlement statement boundary.
- The site forms a natural bowl but is undulating with a rise to the dune-line to the north.
- There is an existing footpath around the northern edge of the site, beyond which are open area of open land.
- The site is bounded to the south by the 'East Whins' and 'West Whins' developments with a central communal area between the two.
- Cullerne Gardens is to the west of the site.
- There is woodland (known as Diamond Wood) to the east of the site.

HISTORY

20/00135/APP – Construct four studios and four two bedroom timber framed affordable housing units – pending consideration.

20/00016/APP - Amend condition 9(b) imposed on 19/00320/PPP to read as follows: All buildings shall have a maximum ridge height of 7.1m from finished floor level – approved at committee 25/02/20 (pending s.75).

19/01436/APP - Amend condition 9(b) imposed on 19/00320/PPP to read as follows: All buildings shall have a maximum ridge height of 15.7m above Ordnance Datum (AOD) (as amended) – withdrawn 14/01/20.

19/00320/PPP - Erect 38 dwellinghouses and 3 craft/commercial units and a community facility – permitted 04/11/19.

POLICY - SEE APPENDIX

ADVERTISEMENTS

- Advertised for neighbour notification purposes.

CONSULTATIONS

Strategic Planning & Delivery: The overall layout proposed is in keeping with that set out within the masterplan submitted to support planning application 19/00320/PPP.

The section details provided and supporting ground level information demonstrates that the proposed buildings will not breach the ridgeline of the gorse bank and are in keeping with the scale of the existing buildings immediately adjacent.

Following discussions with the applicant and submission of further detailed information, the landscaping proposals are considered acceptable. 19 trees are being removed in total none of which are high quality Category A specimens and are being replaced with 60 saplings (a mixture of rowan, hawthorn, oak and hazel) to be planted in clumps to further enhance the wildlife corridor. The wildlife corridor proposed is intended to allow movement of animal and amphibians across the site and connect woodlands to the east and west of the site. There are no boundary enclosures delineating the proposed plots and this will further support movement of animals and amphibians across/through the site. Proposals have also sought to reflect the recommendations set out within the ecological assessments provided to support 19/00320/PPP in relation to dune heathland restoration and lichen translocation.

On the basis of the above the proposals are considered to meet the terms of the masterplan and comply with PP3 Placemaking.

Environmental Health: No objection.

Contaminated Land: No objection.

Transportation Manager: The consultation request states the application relates to only three specific conditions from the Planning Permission in Principle. Transportation did not recommend any of the conditions which are the subject of this application, however there are elements of these conditions which have a direct relationship with other Transportation recommended conditions and our response addresses this. A Construction Traffic Management Plan (CTMP) for the whole development has been accepted.

Moray Flood Risk Management: No objection.

Moray Access Manager: No objection. Development proposal fits with masterplan in terms of paths and outdoor access so no further comment is necessary.

Findhorn & Kinloss Community Council: No response at the time of writing.

Archaeology: No objection. A Written Scheme of Investigation (WSI) for the overall site has been accepted.

SNH: No further comments to make.

SEPA: No objection. It is noted that environmental enhancement measures have been covered by condition. A Construction Environmental Management Plan (CEMP) for the overall development has been accepted. SEPA would welcome further iterations of the CEMP which would be able to provide more detailed site specific information.

OBJECTIONS-REPRESENTATIONS

No objections received.

OBSERVATIONS

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e. the adopted Moray Local Development Plan 2015 (MLDP) unless material considerations indicate otherwise. On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Moray Local Development Plan 2020 was approved as the "settled view" of the Council and minimal weight will be given to it, with the 2015 MLDP being the primary consideration.

Further consideration of the weight to be attached to the Proposed Plan was considered and agreed at the Planning and Regulatory Services Committee on 29 January 2019, with the Committee agreeing that between June/ August 2019 and adoption of the new LDP in mid-2020, the weight to be given to matters set out in the Proposed Plan will vary;

- Where matters set out in the Proposed Plan are subject to unresolved objections which will be considered through Examination, then those matters will continue to be given minimal weight as a material consideration in the development management process.
- Where matters set out in the Proposed Plan are not subject to unresolved objections, they will be given greater weight as a material consideration in the development management process.

The weight to be given will be considered on a case by case basis and will be agreed by the Development Management Manager and Development Plans Principal Planning Officer.

In this case the proposal is not subject to a designated site.

The main issues are considered below.

Planning History

Planning permission in principle (19/00320/PPP) for 38 houses, 3 craft/commercial units and a community facility with associated infrastructure was granted on 4 November 2019. The permission was granted subject to a number of conditions requiring the approval of matters including layout, design and materials, landscaping, sections and drainage. There are also conditions relating to affordable and accessible housing, environmental

management, construction traffic, parking and improvements to the public road. The current application relates to condition 3 (overall layout), 7 (section) and 8 (landscaping) and essentially deals with the overall layout and communal areas of the development. It is anticipated that development on each plot or phased areas will be brought forward individually.

Overall Layout & Sections (PP3, H1, T2, T5 & IMP1)

The submitted details provided all the information required under condition 3 of the permission in principle. These include details of the plot boundaries, road layout, access, foot paths, vehicle parking, cycle parking, landscaping and drainage details. The submitted layout reflects the indicative details provided as part of the permission in principle and those contained in the submitted masterplan which was approved as part of that permission. The Transportation Manager has no objection to the proposed roads layout and parking provision. The parking provision is broadly acceptable but as no final details of the development on each plot has been provided a condition relating to the definitive parking requirement for each plot is recommended. This is in line with the terms of the permission in principle. An updated drainage statement has been submitted in support of the application. This confirms that surface water from the proposed road will be directed to a dry swale alongside the road with an exceedance basin at the south west of the site. The proposals reflect the terms of the original consent and Moray Flood Risk Management has no objection. The details are sufficient to recommended approval of the matters specified in condition 3.

Sections through the site have also been provided. Detailed sections will be required with proposals for each individual plot. This will have to demonstrate that development can be accommodated within the amended terms of the permission in principle which require the buildings to be 7.1m to the ridge. This will be dealt with as part of further applications. The details are acceptable in relation to condition 7 but further details will be required as the development progresses.

Landscaping (H1& IMP1)

Detailed landscaping proposals have been submitted in relation to condition 8 of the proposal along with a tree protection plan. These proposals include a wildlife corridor, lichen translocation, planting of acid grass/heath mix and the delineation of existing paths. These reflect the details contained in the environmental document approved under the permission in principle. The plan also highlights gorse removal beyond the application site boundary which is out with the scope of the application. In line with the approved environmental measures removal of existing trees is kept to a minimum but 19 trees are being removed in total mainly in the north east of the site. All trees are identified on the submitted site and landscaping plan and tree protection measures are detailed on a separate plan. The plan identifies 19 trees for removal. These are in the north east of the site. The trees that are to be removed have been assessed by an arboriculturist as 1 U category (cannot be retained), 8 category C (low quality) and 10 category B (moderate quality) trees. Conditions will be recommended preventing any further tree removal and requiring the tree protection measures to be implemented in full. Tree planting will also be minimal as the ecologist recommended at the time of the permission in principle that tree planting could damage the fragile dune habitat. Sixty trees (a mixture of rowan, hawthorn, oak and hazel 40-60 cm saplings) will be planted to enhance the proposed wildlife corridor along the southern boundary of the site. The tree planting is detailed on the site and landscaping plan. No trees will be planted within 5m of the existing dune heath in order to protect this habitat. The proposals will enhance the existing environment in line with the

terms of the permission in principle. A condition is recommended to ensure that the proposed measures are provided in a timely manner.

Compliance with the terms of the Permission in Principle

This application is for approval of the matters specified in conditions 3, 7 & 8 of the permission in principle reference 19/00320/PPP. The remaining conditions of the permission in principle continue to apply. SEPA advise that they would welcome further iterations of the Construction Environmental Management Plan which contain more detail on site specific practices which are only likely to be available once a contractor is appointed. A further condition is therefore recommended.

Conclusion

The proposal accords with policy and is in line with the terms of the permission in principle. It is recommended that the matters specified in the stated conditions are approved.

REASON(S) FOR DECISION

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

The proposal accords with the provisions of the development plan and there are no material considerations that indicate otherwise.

**Author/Contact
Officer:**

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Senior Planning Officer

Ext: 01343 563479

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

APPENDIX

POLICY

Moray Local Development Plan 2015 - Material Consideration

Primary Policy PP3: Placemaking

All residential and commercial (business, industrial and retail) developments must incorporate the key principles of Designing Streets, Creating Places and the Council's supplementary guidance on Urban Design.

Developments should;

- create places with character, identity and a sense of arrival
- create safe and pleasant places, which have been designed to reduce the fear of crime and anti social behaviour
- be well connected, walkable neighbourhoods which are easy to move around and designed to encourage social interaction and healthier lifestyles
- include buildings and open spaces of high standards of design which incorporate sustainable design and construction principles
- have streets which are designed to consider pedestrians first and motor vehicles last and minimise the visual impact of parked cars on the street scene.
- ensure buildings front onto streets with public fronts and private backs and have clearly defined public and private space
- maintain and enhance the natural landscape features and distinctive character of the area and provide new green spaces which connect to green and blue networks and promote biodiversity
- The Council will work with developers and local communities to prepare masterplans, key design principles and other site specific planning guidance as indicated in the settlement designations.

Policy H1: Housing Land

Designated sites

Land has been designated to meet the strategic housing land requirements 2013-2025 in the settlement statements as set out in Table 1. Proposals for development on all designated housing sites must include or be supported by information regarding the comprehensive layout and development of the whole site. This allows consideration of all servicing, infrastructure and landscaping provision to be taken into account at the outset. It will also allow an assessment of any contribution or affordable housing needs to be made. Proposals must comply with the site development requirements within the settlement plans and policies and the Council's policy on Place- making and Supplementary Guidance, "People and Places".

Windfall sites within settlements

New housing on land not designated for residential development within settlement boundaries will be acceptable if;

- a) The proposal does not adversely impact upon the surrounding environment, and
- b) Adequate servicing and infrastructure is available, or can be made available
- c) The site is not designated for an alternative use
- d) The requirements of policies PP2,PP3 and IMP1 are met.

Housing Density

Capacity figures indicated within site designations are indicative and proposed capacities will be considered against the characteristics of the site, conformity with policies PP3, H8 and IMP1.

Policy IMP1: Developer Requirements

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It should comply with the following criteria

- a) The scale, density and character must be appropriate to the surrounding area.
- b) The development must be integrated into the surrounding landscape
- c) Road, cycling, footpath and public transport must be provided at a level appropriate to the development. Core paths; long distance footpaths; national cycle routes must not be adversely affected.
- d) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water.
- e) Where of an appropriate scale, developments should demonstrate how they will incorporate renewable energy systems, and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria.
- f) Make provision for additional areas of open space within developments.
- g) Details of arrangements for the long term maintenance of landscape areas and amenity open spaces must be provided along with Planning applications.
- h) Conservation and where possible enhancement of natural and built environmental resources must be achieved, including details of any impacts arising from the disturbance of carbon rich soil.
- i) Avoid areas at risk of flooding, and where necessary carry out flood management measures.

- j) Address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- k) Address and sufficiently mitigate any contaminated land issues
- l) Does not sterilise significant workable reserves of minerals or prime quality agricultural land.
- m) Make acceptable arrangements for waste management.

Proposed Moray Local Development Plan 2020

PP1 PLACEMAKING

- a) Development must be designed to create successful, healthy places that support good physical and mental health, help reduce health inequalities, improve people's wellbeing, safeguard the environment and support economic development.
- b) A Placemaking Statement is required for residential developments of 10 units and above to be submitted with the planning application to articulate how the development proposal addresses the requirements of policy PP1 Placemaking and other relevant LDP policies and guidance. The Placemaking Statement must include a sufficient information for the Council to carry out a Quality Audit including a topo survey, slope analysis, site sections, 3D visualisations, a Landscaping Plan, a Street Engineering Review and a Biodiversity Plan as these will not be covered by suspensive conditions on a planning consent. The Placemaking Statement must demonstrate how the development promotes opportunities for healthy living and working. The landscape plan must set out details of species type, size, timescales for planting and maintenance.
- c) To create successful, healthy places residential developments of 10 units and above must comply with Scottish Government policy Creating Places and Designing Streets and must incorporate the following fundamental principles;
 - (i) **Character and Identity**
 - Create places that are distinctive to prevent homogenous 'anywhere' development.
 - For developments of 20 units and above, provide a number of character areas that have their own distinctive identity and are clearly distinguishable. Developments of less than 20 units will be considered to be one character area, unless they are part of a larger phase of development or masterplan area.
 - Provide distinctiveness between and in each character area through a combination of measures including variation in urban form, street structure/network, architecture and masonry, accent features (such as porches), surrounds and detailing, materials (buildings and surfaces), colour, boundary treatments, hard/soft landscaping and a variety of approaches to tree species and planting that emphasises the hierarchy of open spaces and streets within a cohesive design strategy for the whole development.
 - Distinctiveness must be reinforced along main thoroughfares, open spaces and places where people may congregate such as shopping/service centres.

- Retain, incorporate and/or respond to relevant elements of the landscape such as topography and planted features, natural and historic environment, and propose street naming (in residential developments of 20 units and above, where proposed names are to be submitted with the planning application) to retain and enhance local associations.

(ii) Healthier, Safer Environments

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

(iii) Housing Mix

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

(iv) Open Spaces/Landscaping

- Provide accessible, multi-functional open space within a clearly defined hierarchy integrated into the development and connected via an active travel network of green/blue corridors that are fully incorporated into the development and to the surrounding area, and meet the requirements of policy EP5 Open Space and the Open Space Strategy Supplementary Guidance and Policy

EP12 Managing the Water Environment and Drainage Impact Assessment for New Developments Supplementary Guidance.

- Landscaped areas must provide seasonal variation, (mix of planting and colour) including native planting for pollination and food production.
- Landscaped areas must not be 'left-over' spaces that provide no function. 'Left-over' spaces will not contribute to the open space requirements of policy EP4 Open Space.
- Semi-mature tree planting and shrubs must be provided along all routes with the variety of approaches reflecting and accentuating the street hierarchy.
- Public and private space must be clearly defined.
- Play areas (where identified) must be inclusive, providing equipment so the facility is for every child/young person regardless of ability and provided upon completion of 50% of the character area.
- Proposals must provide advance landscaping identified in site designations and meet the quality requirements of policy EP5 Open Space.
- Structural landscaping must incorporate countryside style paths (such as bound or compacted gravel) with waymarkers.
- Maintenance arrangements for all paths, trees, hedging, shrubs, play/ sports areas, roundabouts and other open/ green spaces and blue/green corridors must be provided.

(v) Biodiversity

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

(vi) Parking

- Car parking must not dominate the streetscape to the front or rear of properties. On all streets a minimum of 75% of car parking must be provided to the side or rear and behind the building line with a maximum of 25% car parking within the front curtilage or on street, subject to the visual impact being mitigated by hedging, low stone boundary walls or other acceptable treatments that enhance the streetscape.
- Provide semi-mature trees and planting within communal private and public/visitor
- Secured and covered cycle parking and storage, car sharing spaces and electric car charging points must be provided in accordance with policy DP1 Development Principles.
- Parking areas must use a variation in materials to reduce the visual impact on the streetscene.

(vii) Street Layout and Detail

- Provide a clear hierarchy of streets reinforced through street width, building density and street and building design, materials, hard/soft landscaping and a variety of approaches to tree planting and shrubs.
 - Streets and connecting routes should encourage walking and cycling over use of the private car by providing well connected, safe and appealing routes.
 - Design junctions to prioritise pedestrians, accommodate active travel and public transport and service/emergency vehicles to reflect the context and urban form and ensure that the street pattern is not standardized.
 - Dead-end streets/cul-de-sacs will only be selectively permitted on rural edges or where topography dictates. These must be short, serving no more than 10 units and provide walking and cycling through routes to maximise connectivity to the surrounding area.
 - Roundabouts must be designed to create gateways and contribute to the character of the overall development.
 - Design principles for street layouts must be informed by a Street Engineering Review (SER) and align with Roads Construction Consent (RCC) to provide certainty that the development will be delivered as per the planning consent.
- (d) Masterplans have been prepared for Findrassie (Elgin), Elgin South, Bilbohall (Elgin), and Dallas Dhu (Forres) and are Supplementary Guidance to the Plan. Further Masterplans will be prepared in partnership for Lochyhill (Forres), Barhill Road (Buckie), Elgin Town Centre/ Cooper Park, Elgin North East, Clarkly Hill, Burghead and West Mosstodloch. A peer review organised by the Council will be undertaken at the draft and final stages in the masterplan's preparation. Following approval, the Masterplans will be Supplementary Guidance to the Plan.
- (e) Proposals for sites must reflect the key design principles and safeguard or enhance the green networks set out in the Proposals Maps and Settlement Statements. Alternative design solutions may be proposed where justification is provided to the planning authority's satisfaction to merit this.

DP1 DEVELOPMENT PRINCIPLES.

This policy applies to all developments, including extensions and conversions and will be applied proportionately.

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

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

(i) **Design**

- a) The scale, density and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.
- b) The development must be integrated into the surrounding landscape which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g. distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided with planning applications for all proposals where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the "Right Tree in the Right Place".
- c) Make provision for new open space and connect to existing open space under the requirements of Policy EP5 and provide details of the future maintenance of these spaces. A detailed landscape plan must be submitted with planning applications and include information about green/blue infrastructure, tree species, planting, ground/soil conditions, and natural and man-made features (e.g. grass areas, wildflower verges, fencing, walls, paths, etc.).
- d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours and integrate into the landscape.
- e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.
- f) Proposals do not result in backland development or plots that are subdivided by more than 50% of the original plot. Sub-divided plots must be a minimum of 400m², excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and the resultant plot density and layout reflects the character of the surrounding area.
- g) Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.
- h) Existing stone walls on buildings and boundaries must be retained.
- i) Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.
- i) Proposals must orientate and design buildings to maximise opportunities for solar gain

(ii) **Transportation**

- a) Proposals must provide safe entry and exit from the development, including the appropriate number and type of junctions, maximise connections and routes for pedestrians and cyclists, including links to active travel and core path routes, reduce

travel demands and ensure appropriate visibility for all road users at junctions and bends. Road, cycling, footpath and public transport connections and infrastructure must be provided at a level appropriate to the development and connect people to education, employment, recreation, health, community and retail facilities.

- b) Car parking must not dominate the street scene and must be provided to the side or rear and behind the building line. Minimal (25%) parking to the front of buildings and on street may be permitted provided that the visual impact of the parked cars is mitigated by hedging or low stone boundary walls. Roadways with a single carriageway must provide sufficient off road parking to avoid access routes being blocked to larger service vehicles and prevent parking on pavements.
- c) Provide safe access to and from the road network, address any impacts on road safety and the local road and public transport network. Any impacts identified through Transport Assessments/ Statements must be identified and mitigated. This may include but would not be limited to, passing places, road widening, junction improvements, bus stop infrastructure and drainage infrastructure. A number of potential mitigation measures have been identified in association with the development of sites and the most significant are shown on the Proposals Map as TSP's.
- d) Provide covered and secure facilities for cycle parking at all flats/apartments, retail, community, education, health and employment centres.
- e) Garages and parking provision must be designed to comply with Moray Council parking specifications see Appendix 2.
- f) The road layout must be designed to allow for the efficient mechanical sweeping of all roadways and channels, paviers, turning areas and junctions. The road layout must also be designed to enable safe working practices, minimising reversing of service vehicles with hammerheads minimised in preference to turning areas and to provide adequate space for the collection of waste and movement of waste collection vehicles.
- g) The road and house layout in urban development should allow for communal refuse collection points where the design does not allow for individual storage within the curtilage and / or collections at kerbside. Communal collection points may either be for the temporary storage of containers taken by the individual householder or for the permanent storage of larger containers. The requirements for a communal storage area are stated within the Council's Kerbside Collection Policy, which will be a material consideration.
- h) Road signs should be minimised designed and placed at the back of footpaths to reduce street clutter, avoid obstructing pedestrian movements and safeguarding sightlines.
- i) Within communal parking areas there will be a requirement for electric car charging points. Parking spaces for car sharing must be provided where a need is identified by the Transportation Manager.

iii) **Water environment, pollution, contamination.**

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

DP2 HOUSING.

- a) Proposals for development on all designated and windfall housing sites must include a design statement and supporting information regarding the comprehensive layout and development of the whole site, addressing infrastructure, access for pedestrians, cyclists, public transport and service vehicles, landscaping, drainage, affordable and accessible housing and other matters identified by the planning authority, unless otherwise indicated in the site designation.

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

b) Piecemeal/ individual plot development proposals

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

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

c) Housing density

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

d) Affordable Housing

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

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

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

Further detail on the implementation of this policy is provided in the Policy Guidance note on page 44.

e) Housing Mix and Tenure Integration

Proposals for 4 or more housing units must provide a mix of house types, tenures and sizes to meet local needs as identified in the Housing Need and Demand Assessment and Local Housing Strategy.

Proposals must demonstrate tenure integration and meet the following criteria;

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

f) Accessible Housing

Housing proposals of 10 or more units will be required to provide 10% of the private sector units to wheelchair accessible standard, with all of the accessible units to be in single storey form. Flexibility may be applied on sites where topography would be particularly challenging for wheelchair users.

Further detail on the implementation of this policy is provided in the Policy Guidance note on page 44.