

**19/01178/APP**  
**8th October 2019**

**Substitute approved 2no blocks of 4 unit apartments with 2no blocks of 6 unit apartments and enlarged garage blocks on Plots 29 And 30 Inchbroom Lossiemouth Moray for Tulloch Of Cummingston Ltd**

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**Comments:**

- The application is reported to Committee because it involves development on a site identified for more than 50 units in the local development plan.
- The proposal has been advertised for neighbour notification purposes.
- 7 representations received.

**Procedure:**

- If minded to approve, defer issue of decision until developer obligations have been secured and application 20/00265/APP has been determined.

**Recommendation**

- Approve subject to conditions and to withhold issue of consent until developer obligations for healthcare and a contribution towards affordable housing have been secured.

**Conditions/Reasons**

1. The development as hereby granted forms part of, and is related to, a development granted planning permission under formal decision notice 08/01685/FUL dated 10 February 2010 (subsequently amended by 20/00265/APP) wherein:
  - a) the terms and conditions as attached to the permission granted under formal decision notice 08/01685/FUL and 20/00265/APP are hereby re-iterated and remain in force in so far as they relate to the development hereby approved, including any details already approved thereunder to discharge the requirements of the identified conditions; and
  - b) no part of the development as hereby granted shall be exercised in conjunction with, or in addition to, the house design and plot layout details already approved for this development.

**Reason** - To ensure a satisfactory form of development and that it progresses in accordance with the already approved and required details, and that only one permission is implemented on the plots covered by this application, the design and plot layout arrangements as now proposed/hereby approved, including changes in design and levels are considered as an acceptable alternative to that already approved and not an addition thereto.

2. No development shall commence until details of a communal bin storage area, capable of accommodating bins for the 12 flats hereby consented, located outwith any visibility splays have been submitted to, and approved in writing by, the Council as Planning Authority. The communal storage areas shall be constructed in accordance with the approved details prior to the first occupation of development and thereafter maintained in perpetuity.

**Reason** - To ensure that suitable provision is made for the storage of communal waste and recycling bins.

3. The surface water drainage shall be provided for use for their respective block of flats in line with the details approved as part of this application prior to the occupation of any flat within the block or completion of the entire block of flats, whichever is the soonest.

**Reason** - In order to ensure the flats are served by appropriate surface water drainage.

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

**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.

5. No development shall commence until a scheme (drawn to scale) showing the location of the proposed tree planting (including species and height), in accordance with the landscape scheme approved as part of this application; and the measures to be taken to protect any existing trees, shrubs and hedgerows on and adjoining the site during the course of developing the site. Thereafter the protection measures shall be implemented prior to any development commencing and be retained until completion of the development.

**Reason** - In order that detailed consideration can be given to the landscaping of the site and suitable protection given to existing trees.

6. No development shall commence until details regarding the installation of fibre broadband connection for each residential unit (to be provided prior to occupation of each unit) have been submitted to and approved in writing by the Council, as Planning Authority. Thereafter, the development shall be implemented in accordance with these approved details, unless otherwise agreed in writing by the Council.

**Reason** - To ensure the residential units hereby approved are served by appropriate high speed internet connections, in accordance with policy PP3 – Infrastructure and Services of the Moray Local Development Plan 2020.

7. That all planting, seeding or other features forming part of the approved Landscaping/Biodiversity Plan shown on drawing number IB29&30 / BW / 03 C, as well as that required under condition 5 shall be carried out in the first planting and seeding seasons following the occupation of the last block of flats; or the completion of the building works, whichever is the sooner. 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 that the development retains, enhances and protects features of biological interest on the site and provides for their appropriate management and maintenance.

#### **Reason(s) for Decision**

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

The proposed remix and increase in number of flats on the site is designed and sited at a level appropriate to the character and amenity of the wider housing development in which it would sit. It therefore complies with the provisions of the adopted Moray Local Development Plan 2020 and there are no material considerations that indicate otherwise.

#### **List of Informatives:**

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

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

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.

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

Before commencing development the applicant is obliged to apply for an amendment to Construction Consent No. 670202-0314 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. Advice on this matter can be obtained from the Moray Council web site or by emailing [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk)

The provision of Electric Vehicle (EV) chargers and/or associated infrastructure shall be provided in accordance with Moray Council guidelines. Cabling between charging units and parking spaces must not cross or obstruct the public road, including footways. Infrastructure provided to enable EV charging must be retained for this purpose for the lifetime of the development unless otherwise agreed in writing with the Planning Authority.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version No.	Title/Description
IB29&30/PL/06		Plot 30 - garage general arrangements
IB29&30/PL/04		Location plan
IB2930/PL/05		Garage general arrangement
G		Plot 29 - elevations and floor plans
A		Plot 30 - elevations and floor plans
IB29&30/BW/03	D	Site plan/Biodiversity Plan

Supporting docs to accompany decision:  
Placemaking Statement  
Drainage Statement



## PLANNING APPLICATION COMMITTEE SITE PLAN

**Planning Application Ref Number:**

**19/01178/APP**

**Site Address:**

Plots 29 And 30

Inchbroom Lossiemouth

**Applicant Name:**

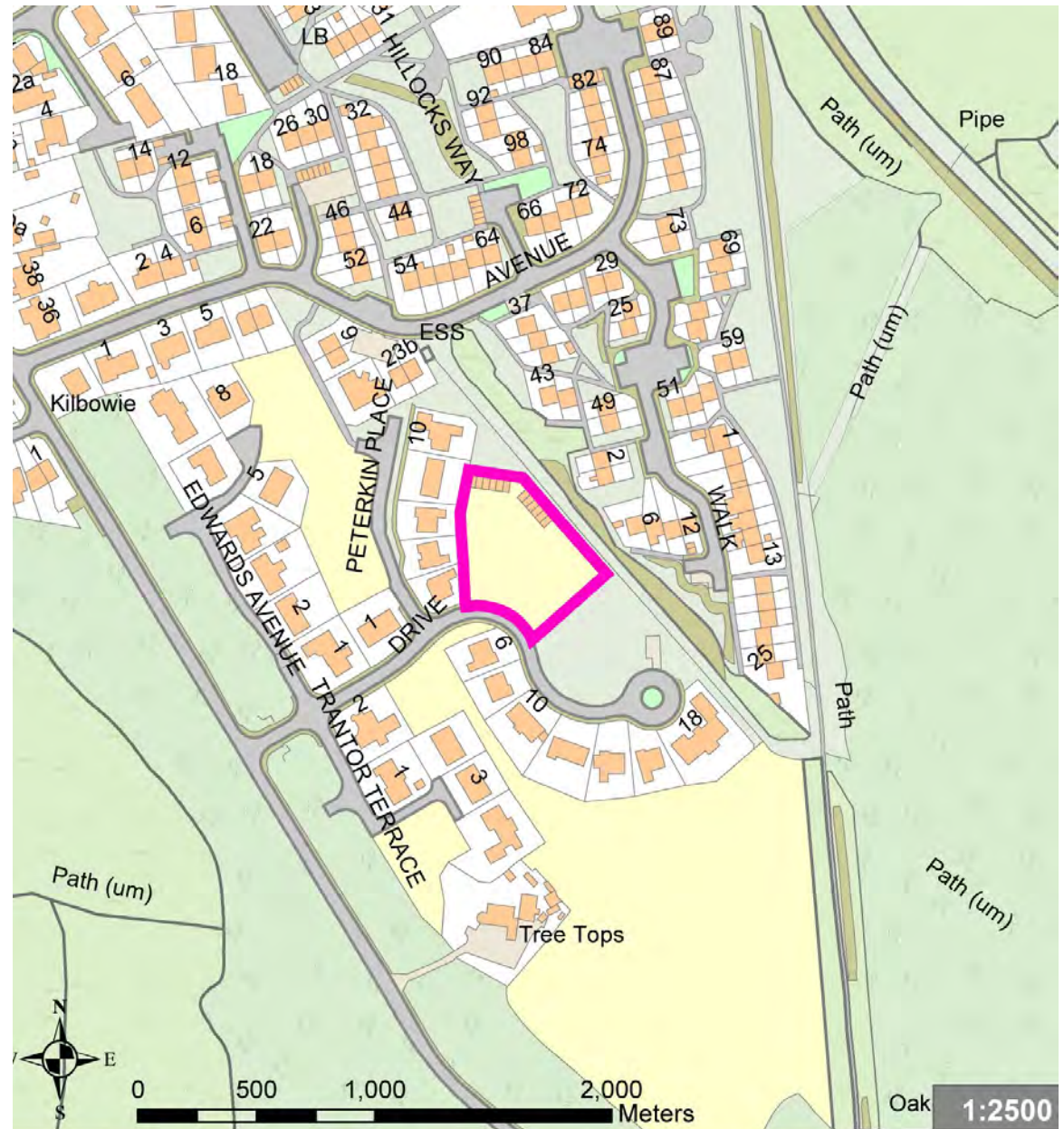
Tulloch Of Cummingston Ltd

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## Location Plan





Site Location



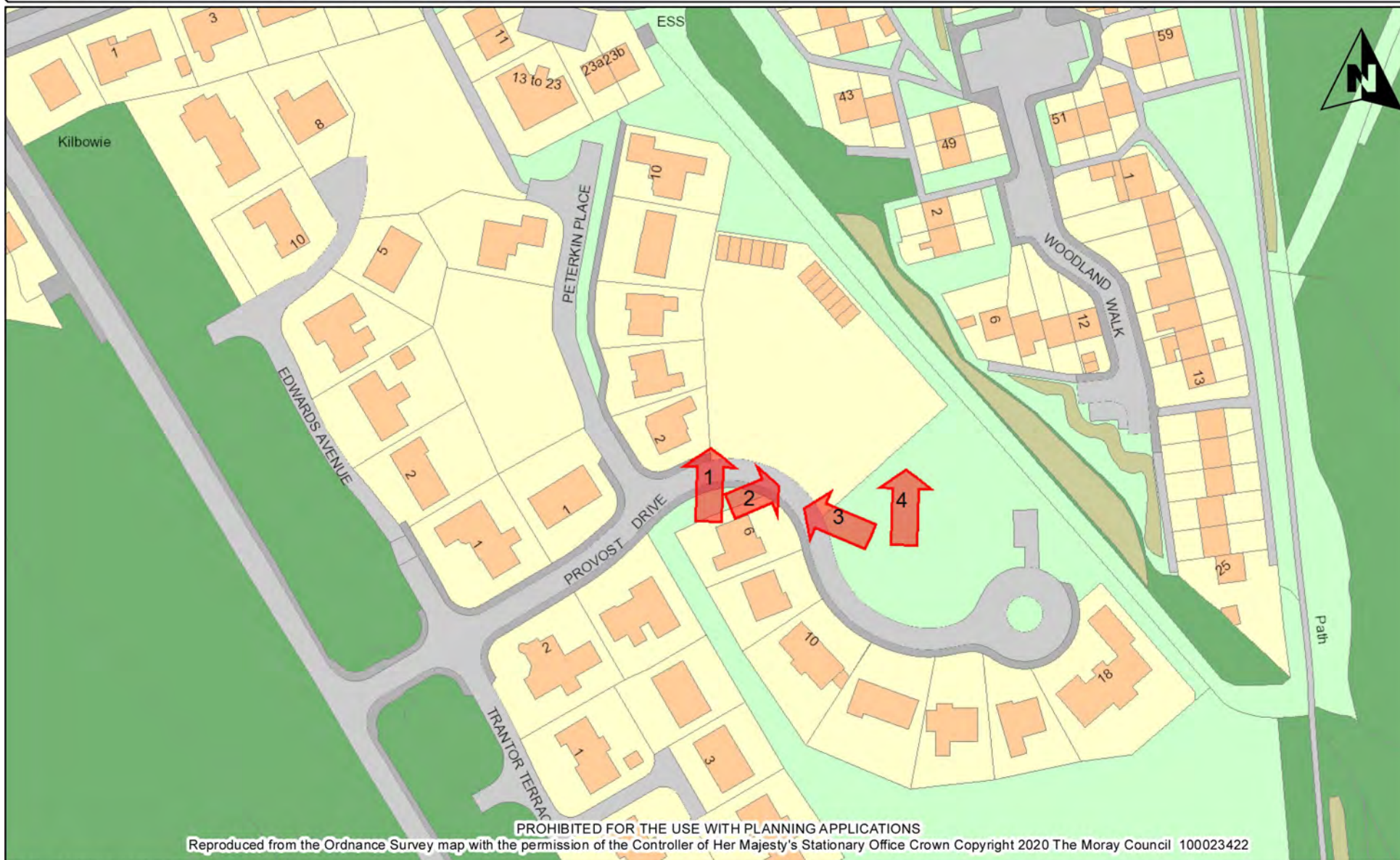


Site plan





## 19/01178/APP - Photograph positions



**Map Description:** Arrows point in direction photograph was taken

Scale: 1:1,250 @ A4





**Photo 1**





**Photo 2**





**Photo 3**





**Photo 4**



## PLANNING APPLICATION: 19/01178/APP

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

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### **THE PROPOSAL**

- Erection of 12 apartments in 2 two storey blocks of 6 apartments, and erection of 12 garages in 2 blocks of 6.
- The blocks would be handed (symmetrical layout to one another), and arranged in an L-shaped footprint.
- Externally, the blocks would be finished in a mix of beige roughcast and pink fyfestone clad walls, brown roof tiles and oak coloured windows, doors, soffits and fascias.
- Vehicular access to the garages and parking would be taken from the south of the site to Provost Drive, running between the flats and the rear of houses to the west on Peterkin Place.
- A parking space would be provided to the front of each garage, as well as two visitor parking spaces and two disabled parking spaces (totalling 16 spaces).
- The site is currently being used as a construction compound and the garages are largely completed (garage doors yet to be installed).

### **THE SITE**

- Located within Inchbroom housing development, on the south east of Lossiemouth.
- Surrounding houses are completed, with this part of the site forming the last section of phase 1 of the development.
- The application site has consent for the erection of 8 apartments and 8 garages under the planning permission for the housing development.

### **HISTORY**

**05/01755/FUL** – Erection of 101 residential units (including 18 affordable units) and construction of roads refused by the Planning and Regulatory Services Committee following departure hearing on 9 November 2007. Appeal to Scottish Ministers dismissed on 25 June 2008.

**08/01692/FUL** – Erection for three houses granted planning permission by Planning and Regulatory Services Committee on 11 February 2009.

**08/01685/FUL** – Erection of 57 houses and garages, construction of roads and play area granted planning permission by the Planning and Regulatory Services Committee on 10 February 2010.

**10/00492/APP** – Amended layout including remix of house types granted planning permission by Planning and Regulatory Services Committee on 31 January 2012.

**11/01215/APP** - Erection of 6 flats and 4 semi detached dwellinghouses (10 units) on land adjacent to 52 Inchbroom Avenue Lossiemouth – granted planning permission by Planning and Regulatory Services Committee on 28 February 2012.

**12/02143/APP** – Remix of houses granted planning permission under delegated powers on 5 April 2013.

**14/01836/APP** – Remix of house types granted planning permission by the Planning Regulatory Services Committee on 28 January 2015.

**16/01656/APP** - Substitute approved 4 bedroom split level house with 2no semi-detached 3 bedroom houses on plots 1A and 1B granted planning permission by Planning and Regulatory Services Committee on 17 January 2017.

**20/00265/APP** – Application to Application under section 42 to vary condition 3(VI) of planning consent 08/01685/FUL (requiring provision of new link road from B9103 to A941 upon completion of 25 units) to instead require upgrade of existing junction of B9103 with A941 and footway improvements prior to completion/occupation of Plot 29A-F and prior to commencement of Plot 30A-F. Application pending consideration alongside this application.

## **POLICY - SEE APPENDIX**

## **ADVERTISEMENTS**

- Advertised for neighbour notification purposes.

## **CONSULTATIONS**

**Moray Council Housing and Property** – Policy DP2 requires 25% of the total number of units in new development to be provided as affordable housing. As 4 additional units are proposed, an affordable housing obligation of one unit is required. This can be delivered in the form of a commuted sum and secured either via section 75 (legal agreement) or section 69 agreement.

A commuted sum is considered appropriate given the nature of the development (flats), whereby it would be difficult to provide one affordable flat within a privately factored flatted development (e.g. high costs of factoring in private sector may make an affordable unit no longer affordable, coupled with maintenance considerations. The commuted sum will be used to deliver affordable housing elsewhere in the Elgin Housing Market Area (Lossiemouth falls into this area).

**Scottish Water** – Sufficient capacity at Badentinan Water Treatment Works and Moray West Waste Water Treatment Works to serve the proposed development.

**Contaminated Land** – No objections.



**Environmental Health** – No objections.

**Moray Flood Risk Management** – Following provision of additional drainage information, no objections subject to condition requiring the surface water soakaway to be installed in line with those details submitted.

**Ministry of Defence Safeguarding** – No safeguarding objections.

**Developer Obligations** – Developer obligations sought towards healthcare (extension to Moray Coast Medical Practice).

**Transportation Manager** – No objections subject to condition tying development into consent for wider development).

## **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).

10 representations have been received from 7 parties:

Mr Michael Lefevre - 8 Provost Drive Lossiemouth Moray IV31 6FB - O

Mr & Mrs Peter & Donna Madigan - 6 Provost Drive Lossiemouth Moray IV31 6FB -O

Mr Andrew Regan - 4 Peterkin Place Lossiemouth Moray IV31 6FG - O

Mrs Jessica Riley - 6 Peterkin Place Lossiemouth Moray IV31 6FG - O

Mr Joe Allan - 94 Franklin Place Westwood East Kilbride Glasgow G75 8LS - R

Mrs Elizabeth Mackenzie -14 Provost Drive Lossiemouth Moray IV31 6FB - O

Mrs Wendy Stewart - 10 Provost Drive Lossiemouth Moray IV31 6FB - O

## **Traffic and Parking**

**Issue:** Development will result in additional traffic, which will adversely impact on road safety in close proximity to children's play area.

**Comment (PO):** The level of additional traffic generated by 4 flats is not considered excessive to the point there would be significant adverse impact on road safety.

**Issue:** There may be an overflow of parking on surrounding residential streets, which may block driveways of existing houses.

**Comment (PO):** Sufficient parking has been provided on site in line with the Council's Parking Standards, as well as visitor parking and disabled parking. The Council's Transportation Manager raised no objections to the proposal in relation to parking provision. It is not anticipated there will be a significant volume of parked vehicles on

surrounding street as a result of four additional parking spaces. If parking blocks a driveway would have to be reported to Police Scotland.

**Issue:** Air pollution from additional traffic.

**Comment (PO):** The traffic generated by four additional flats will not result in a significant increase in air pollution that would warrant refusal of this planning application.

### **Residential Amenity**

**Issue:** Loss of privacy due to proximity of flats to rear gardens of properties on Peterkin Place.

**Comment (PO):** Following amendments to the scheme, the distance between the flats relative to the rear boundaries of the houses on Peterkin Place has increased over that of the consented scheme for the site (see comment below). Whilst there is a slight increase in the number of units on the site, the overall number of units with an outlook to houses on Peterkin Place will remain the same as that consented (two). The consented flats have two bedrooms, two bathrooms and a lounge window on the same elevation looking towards Peterkin Place. The proposed flats have three bedrooms, a bathroom, a kitchen window, and a secondary lounge window on this elevation, however this is not considered to result in a significant increase in overlooking over and above the consented flats that would warrant refusal of permission. The proposal is therefore not considered to result in an adverse impact on privacy of neighbouring properties.

**Issue:** Loss of natural sunlight, as well as a general overbearance due to the siting of the flats.

**Comment (PO):** The position of the flats relative to neighbouring properties are not considered to result in a loss of sunlight nor an overbearance that would warrant refusal of the application, noting the distance between the flats relative to the houses to the southwest has increased from 2 metres since the first submission of this application to 5.8 metres as now proposed. This is slightly greater than the units consented under the original application (3.7 metres separation). The overall height of the proposed units will also be slightly lower than that consented (8.1 metres compared with 8.75 metres).

**Issue:** Noise and disturbance to amenity from additional flats and activity (traffic, more people in area).

**Comment (PO):** The proposal is not considered to result in an increase of residential activity that would be detrimental to the residential amenity of the area that would warrant refusal of the proposal.

**Issue:** Refuse bins – no information on storage of these, potential for multiple bins to be stored on site, impact on residential amenity.

**Comment (PO):** A condition is to be placed requiring a scheme of waste and recycling bin storage to be agreed with the Council.

### **Form of Development**

**Issue:** Proposal results in over development of the site.

**Comment (PO):** The form of the development coupled with servicing arrangements are suitable for the character established in the surrounding housing development.

**Issue:** Negative impact on character of area.

**Comment (PO):** The flats, whilst slightly larger, will be in keeping with that character of those consented as well as the surrounding of the residential development in which they would be situated.

**Issue:** Proposal is contrary to original planning permission for site.

**Comment (PO):** An extant consent does not preclude further alternative development on the site, and any deviation from this will be subject to a further application (such as this application).

## **Natural Heritage**

**Issue:** Impact development on bats, hedgehogs and earthworms. Flora and fauna should be protected and this must be drawn to the developer's attention.

**Comment (PO):** The proposal is not considered to result in an adverse impact on these creatures, noting that the site in its current form holds minimal biodiversity value having been scraped out and used as a construction compound.

## **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 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

### **Principle of Development**

The general principle of residential development on the site is accepted taking into consideration the extant consent on the site, as well as the residential development site designation in the MLDP (R3 – Inchbroom).

Site R3 is identified for the development of 67 units, however 68 are consented on site. This proposal would see numbers increase to 72. This is above the identified capacity, however in relation capacity numbers specified within residential site designations, policy DP2 of the MLDP states that these are purely indicative and consideration to the suitability of development rests with its compliance with respective design and infrastructure policies of the respective plans. Accordingly, the proposal is not considered to conflict with policy DP2, with the main consideration in this case lying with the siting, design and servicing of the proposal.

### **Siting and Design**

Policy PP1 contains a number of design criteria which all residential development must meet, whilst policy DP1 requires new development to be of a scale, design and character appropriate to the wider area. Policy PP1 of the MLDP requires all developments of 10 or more to provide a Placemaking Statement.

This proposal would see the development of flats with an increased density over that presently consented for the site. Whilst this is larger (increasing by four units with a subsequent increase in garage numbers), it is considered the proposal can be adequately accommodated within the site. The flats would be in keeping with the established character, height and density in the wider housing development, whilst sufficient parking and external amenity space is also provided within the curtilage of the site for residents of the flats.



The Placemaking Statement provided with the application states the revised layout has been carefully considered and with relocation of the original access, the revised proposal forms a large open landscaped area with clear definitive pathways to each apartment block and car parking to the rear, which will enhance the area and will remove the currently approved car parking arrangement would dominate the overall appearance of the flats. It notes that the material choices and design features of the flats (such as bay windows and turrets) has taken cues from the wider residential development in which it would sit.

The statement also notes that this site forms the last section of phase 1 to be developed, and street layout and design has already been established. The flats will connect into the network of adopted footpaths and informal woodland paths in the development that provide connectivity to the wider area and will encourage walking and cycling through safe appealing routes.

Taking account of these matters, the proposal is considered to comply with the requirements of policies PP1 and PP3 of the MLDP.

### **Biodiversity and Landscaping/Trees**

Whilst a small site, PP1 requires all development assessed under this policy to ensure biodiversity is enhanced as part of a proposal. The Placemaking Statement provided with the application identifies that new planting along the eastern boundary of the site (already in place) contain a variety of berry producing species of Hawthorn, Rowan and Elderberry which attract birds and other wildlife. Further tree planting is proposed (see below) and new flower beds will be planted with a mixture of Dahlia, Lavender, Marigolds which will encourage and provide a natural habitat for butterflies and bees. Separately, existing squirrel dreys have been protected as part of the wider development.

Policy EP7 creates a presumption against the removal of trees and woodland. A tree survey provided with the application has identified three trees (Scots Pine) to be removed to accommodate the development. These trees are located on plot 30, and the survey notes that they would require to be removed to accommodate the flats currently consented on the site. Replacement planting at a rate of 10 per tree lost is proposed, with a mixture of scots pine, alder, birch and rowan proposed. This is shown on the tree survey drawing provided, though their size has not been specified.

Subject to condition requiring details of tree planting and protection measures for existing trees to be submitted and agreed with the council, as well as ensuring it is implemented, the proposal is considered to comply with policies PP1 and EP7.

### **Impact on Amenity**

The revised scheme will result in an additional four number of residential units on the site. The level of additional activity generated by these units is not considered to be detrimental to the amenity of the surrounding residential area in which the development would be located. It is acknowledged that the flats are relatively close to the rear of houses to the south west of the site. However the flats covered by the existing consent are as close, thus it is considered that the impact on amenity would not be exacerbated by granting this alternative consent. Taking account of these matters, the proposal is considered to be designed and sited at a level appropriate to the amenity of the surrounding area, in line with policy PP3 of the MLDP.

## **Waste**

No details of how waste bins will be stored on site have been provided with the application. A condition will be placed requiring an appropriate scheme to be agreed with the Council. This is particularly pertinent given the development comprises flats, and there is the potential for multiple bins to be stored in an uncontrolled manner.

## **Drainage**

Foul drainage would discharge to the public sewers, in line with the requirements of policy EP12 of the MLDP. Scottish Water raised no objections to the proposal. Surface water drainage would discharge via surface water soakaways (infiltration), one to each block. The drainage information provided confirms this is a suitable solution taking account of the ground conditions on site. Subject to a condition requiring the drainage to be implemented in accordance with the details provided, the proposal is considered to comply with the requirements of policy EP12 of the MLDP.

## **Parking**

Sufficient parking has been provided, meeting the parking standards set out in MLDP policy DP1. The Transportation Manager raised no objections to the proposal. A condition is also to be added requiring details of preparatory works (ducting, cabling) to enable electric car charging points to be accommodated (one for each flat), in compliance with the relevant section of the MLDP (policy DP1). The applicant has agreed to this provision.

## **ICT Provision**

MLDP policy PP3 requires all new development to be served by fibre broadband unless justification can be provided that it is not technically feasible. The wider housing development in which these flats would sit are served by fibre broadband, therefore this will be available to the flats. Subject to condition ensuring it is provided which has been agreed by the applicant, the proposal will not conflict with this element of policy PP3.

## **RAF Lossiemouth – Noise and Safeguarding**

The site is located within noise contours of aircraft operating at RAF Lossiemouth. Whilst Environmental Health raised no objections to the proposal, a previous condition applied to the consent 08/01685/APP for the wider development requiring acoustic double glazing will be relevant to this consent in order to ensure sufficient mitigation is provided for noise from aircraft.

The site also falls within an area identified as safeguarding for RAF Lossiemouth. The MoD raised no safeguarding objection to this application and policy EP15 is met.

## **Affordable Housing**

Under policy DP2 of the MLDP, any housing development of 4 or more units requires a contribution of 25% of the total units to be provided as affordable. In this case, as there will be a net increase in 4 residential units, a contribution of 1 additional unit is sought. The Housing Strategy and Development Manager has confirmed that the contribution can be sought by means of a commuted sum. The applicant has agreed to submit this payment prior to issue of the decision and on this basis the proposal is considered to comply with the requirements of policy DP2.

## **Developer Obligations**

Developer obligations towards healthcare (extension to Moray Coast Medical Practice) are sought in light of the increase in units on the site. This has been calculated in line with the Developer Obligations Supplementary Guidance. The applicant has agreed to submit this

payment prior to issue of the decision and on this basis the proposal is considered to comply with the requirements of policy DP1 of the MLDP.

**Recommendation**

Approve subject to conditions but to withhold issue of consent until developer obligations towards affordable housing and healthcare have been secured.

**REASON(S) FOR DECISION**

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

The proposed remix and increase in number of flats on the site is designed and sited at a level appropriate to the character and amenity of the wider housing development in which it would sit. It therefore complies with the provisions of the adopted Moray Local Development Plan 2020 and there are no material considerations that indicate otherwise.

**Author/Contact  
Officer:**

Andrew Miller  
Planning Officer

**Ext:** 01343 563274

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



## **APPENDIX**

### **POLICY**

#### **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 sufficient information for the council to carry out a Quality Audit. Where considered appropriate by the council, taking account of the nature and scale of the proposed development and of the site circumstances, this shall include a landscaping plan, a topographical survey, slope analysis, site sections, 3D visualisations, a Street Engineering Review and a Biodiversity Plan. The Placemaking Statement must demonstrate how the development promotes opportunities for healthy living and working. The landscape plan must set out details of species type, size, timescales for planting and maintenance.
- c) To create successful, healthy places residential developments of 10 units and above must comply with Scottish Government policy Creating Places and Designing Streets and must incorporate the following fundamental principles:
  - (i) **Character and Identity**
    - Create places that are distinctive to prevent homogenous 'anywhere' development;
    - Provide a number of character areas reflecting site characteristics that have their own distinctive identity and are clearly distinguishable;
    - Provide distinctiveness between and in each character area through a combination of measures including variation in urban form, street structure/network, architecture and masonry, accent features (such as porches), surrounds and detailing, materials (buildings and surfaces), colour, boundary treatments, hard/soft landscaping and a variety of approaches to tree species and planting that emphasises the hierarchy of open spaces and streets within a cohesive design strategy for the whole development;
    - Distinctiveness must be reinforced along main thoroughfares, open spaces and places where people may congregate such as shopping/service centres;
    - Retain, incorporate and/or respond to relevant elements of the landscape such as topography and planted features, natural and historic environment, and propose street naming (in residential developments of 20 units and above, where proposed names are to be submitted with the planning application) to retain and enhance local associations;
  - (ii) **Healthier, Safer Environments**
    - Designed to prevent crime, fear of crime and anti-social behaviour with good levels of natural surveillance and security using treatments such as low boundary walls,

dual frontages (principal rooms) and well-lit routes to encourage social interaction. Unbroken high boundary treatments such as wooden fencing and blank gables onto routes, open spaces and communal areas will not be acceptable.

- Designed to encourage physical exercise for people of all abilities.
- Create a distinctive urban form with landmarks, key buildings, vistas, gateways and public art to provide good orientation and navigation through the development.
- Provide a mix of compatible uses, where indicated within settlement statements, integrated into the fabric of buildings within the street.
- Prioritise pedestrians and cyclists by providing a permeable movement framework that incorporates desire lines (including connecting to and upgrading existing desire lines) and is fully integrated with the surrounding network to create walkable neighbourhoods and encourage physical activity.
- Integrate multi- functional active travel routes, green and open space into layout and design, to create well connected places that encourage physical activity, provide attractive spaces for people to interact and to connect with nature.
- Create safe streets that influence driver behaviour to reduce vehicle speeds that are appropriate to the local context such as through shorter streets, reduced visibility and varying the building line.
- Provide seating opportunities within streets, paths and open spaces for all generations and mobility's to interact, participate in activity, and rest and reflect.
- Provide for people with mobility problems or a disability to access buildings, places and open spaces.
- Create development with public fronts and private backs.
- Maximise environmental benefits through the orientation of buildings, streets and open space to maximise the health benefits associated with solar gain and wind shelter.

### **(iii) Housing Mix**

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

### **(iv) Open Spaces/Landscaping**

- Provide accessible, multi-functional open space within a clearly defined hierarchy integrated into the development and connected via an active travel network of green/blue corridors that are fully incorporated into the development and to the surrounding area, and meet the requirements of policy EP5 Open Space and the Open Space Strategy Supplementary Guidance and Policy EP12 Managing the Water Environment and Drainage Impact Assessment for New Developments Supplementary Guidance.

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

**v) Biodiversity**

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

**(vi) Parking**

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

### **(vii) Street Layout and Detail**

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

### **PP3 INFRASTRUCTURE & SERVICES**

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

- a) In relation to infrastructure and services developments will be required to provide the following as may be considered appropriate by the planning authority, unless these requirements are considered not to be necessary:
- i) Education, Health, Transport, Sports and Recreation and Access facilities in accord with Supplementary Guidance on Developer Obligations and Open Space.
  - ii) Green infrastructure and network requirements specified in policy EP5 Open Space, Town and Village Maps and, contained within Supplementary Guidance on the Open Space Strategy, Masterplans and Development Briefs.
  - iii) Mitigation/modification to the existing transport network (including road and rail) to address the impact of the proposed development in terms of safety and efficiency. This may include but not be limited to passing places, road



widening, junction enhancement, bus stop infrastructure, and drainage infrastructure. A number of potential road and transport improvements are identified and shown on the Town and Village Maps as Transport Proposals (TSP's) including the interventions in the Elgin Transport Strategy. These requirements are not exhaustive and do not pre-empt any measures which may result from the Transport Assessment process.

- iv) Electric car charging points must be provided at all commercial and community parking facilities. Access to charging points must also be provided for residential properties, where in-curtilage facilities cannot be provided to any individual residential property then access to communal charging facilities should be made available. Access to other nearby charging facilities will be taken into consideration when identifying the need for communal electric charging points.
- v) Active Travel and Core Path requirements specified in the Council's Active Travel Strategy and Core Path Plan.
- vi) Safe transport and access routes linking to existing networks and mitigating the impacts of development off-site.
- vii) Information Communication Technology (ICT) and fibre optic broadband connections for all premises unless justification is provided to substantiate it is technically unfeasible.
- viii) Foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS), including construction phase SUDS.
- ix) Measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland including the provision of local waste storage and recycling facilities designed into the development in accord with policy PP1 Placemaking. For major applications a site waste management plan may be required to ensure that waste minimisation is achieved during the construction phase.
- x) Infrastructure required to improve or increase capacity at Water Treatment Works and Waste Water Treatment Works will be supported subject to compliance with policy DP1.
- xi) A utilities plan setting out how existing and new utility (including gas, water, electricity pipelines and pylons) provision has been incorporated into the layout and design of the proposal. This requirement may be exempted in relation to developments where the council considers it might not be appropriate, such as domestic or very small scale built developments and some changes of use.

**b) Development proposals will not be supported where they:**

- i) Create new accesses onto trunk roads and other main/key routes (A941 & A98) unless significant economic benefits are demonstrated or such access is required to facilitate development that supports the provisions of the development plan.

- ii) Adversely impact on active travel routes, core paths, rights of way, long distance and other access routes and cannot be adequately mitigated by an equivalent or better alternative provision in a location convenient for users.
- iii) Adversely impact on blue/green infrastructure, including green networks important for wildlife unless an equivalent or better alternative provision will be provided.
- iv) Are incompatible with key waste sites at Dallachy, Gollanfield, Moycroft and Waterford and would prejudice their operation.
- v) Adversely impact on community and recreational sites, buildings or infrastructure including CF designations and cannot be adequately mitigated.
- vi) Adversely impact on flood alleviation and mitigation infrastructure.
- vii) Compromise the economic viability of bus or rail facilities.

**c) Harbours**

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

**d) Developer Obligations**

Developer obligations will be sought to mitigate any measurable adverse impact of a development proposal on local infrastructure, including education, healthcare, transport (including rail), sports and recreational facilities and access routes. Obligations will be sought to reduce, eliminate or compensate for this impact. Developer obligations may also be sought to mitigate any adverse impacts of a development, alone or cumulatively with other developments in the area, on the natural environment.

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

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

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

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

## **DP1 DEVELOPMENT PRINCIPLES**

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

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

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

### **(i) Design**

- a) The scale, density and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.
- b) The development must be integrated into the surrounding landscape which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g. distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided with planning applications for all proposals where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the "Right Tree in the Right Place".
- c) Make provision for new open space and connect to existing open space under the requirements of Policy EP5 and provide details of the future maintenance of these spaces. A detailed landscape plan must be submitted with planning applications and include information about green/blue infrastructure, tree species, planting, ground/soil conditions, and natural and man-made features (e.g. grass areas, wildflower verges, fencing, walls, paths, etc.).
- d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours and integrate into the landscape.
- e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.
- f) Proposals do not result in backland development or plots that are subdivided by more than 50% of the original plot. Sub-divided plots must be a minimum of 400m<sup>2</sup>, excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and the resultant plot density and layout reflects the character of the surrounding area.

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

**(ii) Transportation**

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

junctions. The road layout must also be designed to enable safe working practices, minimising reversing of service vehicles, with hammerheads minimised in preference to turning areas such as road stubs or hatchets, and to provide adequate space for the collection of waste and movement of waste collection vehicles.

- g) The road and house layout in urban development should allow for communal refuse collection points where the design does not allow for individual storage within the curtilage and / or collections at kerbside. Communal collection points may either be for the temporary storage of containers taken by the individual householder or for the permanent storage of larger containers. The requirements for a communal storage area are stated within the Council's Kerbside Collection Policy, which will be a material consideration.
- h) Road signs should be minimised designed and placed at the back of footpaths to reduce street clutter, avoid obstructing pedestrian movements and safeguarding sightlines;
- i) Within communal parking areas there will be a requirement for electric car charging points. Parking spaces for car sharing must be provided where a need is identified by the Transportation Manager.

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

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



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

## **DP2 HOUSING**

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

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

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

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

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

**c) Housing density**

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

**d) Affordable Housing**

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

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

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

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

**e) Housing Mix and Tenure Integration**

Proposals must demonstrate tenure integration and meet the following criteria;

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

**f) Accessible Housing**

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

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

**POLICY GUIDANCE NOTE- AFFORDABLE AND ACCESSIBLE HOUSING**

**Affordable Housing**

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

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

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

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

A number of variables influence affordability of housing, including mortgage deposit requirements, mortgage interest rates, lower quartile house prices, lower quartile private rents, lower quartile full time gross earnings. Changes in these variables will affect the affordability of housing in Moray. The maximum affordable rent and maximum affordable house purchase prices is published on the Council's website at

[http://www.moray.gov.uk/moray\\_standard/page\\_90100.html](http://www.moray.gov.uk/moray_standard/page_90100.html). The current Local Housing Allowance will be used as a proxy for average private sector rents.

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

The policy requires single house proposals to make a commuted sum payment as a developer obligation towards affordable housing, with the cost figure published annually on the Council website at [http://www.moray.gov.uk/moray\\_standard/page\\_94665.html](http://www.moray.gov.uk/moray_standard/page_94665.html) and determined by the District Valuer's assessment of the value of serviced land for affordable housing in Moray. This allows developers to be clear at the outset of a project about the potential cost of commuted payments and should be reflected in land values.

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

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

- Social rented accommodation- housing provided by an affordable rent managed by a Registered Social Landlord such as a housing association or another body regulated by the Scottish Housing Regulator, including Moray Council.
- Mid-market rent accommodation- housing with rents set at a level higher than purely social rent, but lower than market rent levels and affordable by households in housing need. Mid-market rent housing can be provided by the private and social housing sectors.
- Shared equity housing- sales to low income households, administered through a Scottish Government scheme e.g. Low-cost initiative for First Time Buyers (LIFT). Any proposals to provide affordable housing in a form other than those listed above, must demonstrate that the cost to the householder is "affordable" in the Moray context and that the property will remain "affordable" in perpetuity.

Affordable housing requirement figures will be rounded up.

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

### **Accessible housing**

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

Policy DP2 aims to;

- Assist the Council, the NHS and the Health and Social Care Moray to meet the challenges presented by our ageing population and the shared aim of helping people to live well at home or in a homely setting. The HNDA 2017 demonstrates that Moray's population is ageing and there is a trend towards older and smaller households.

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

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

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

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

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

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

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

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

Internal requirements

- Hallways- minimum 1200mm wide (HfVNs para 10.2.3 refers)
- Door frames- minimum 926mm wide door leaf, giving a clear width of 870mm (HfVNs para 10.5.7 refers)
- Bathrooms/ wet rooms- 1500mm wheelchair turning circle required (HfVNs para 14.9.2 refers)

Accessible housing requirement figures will be rounded down.



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

## **EP12 MANAGEMENT AND ENHANCEMENT OF THE WATER ENVIRONMENT**

### **a) Flooding**

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

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

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

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

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

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

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

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

- a) In areas of little to no risk (less than 0.1%), there will be no general constraint to development.
- b) Areas of low to medium risk (0.1% to 0.5%) will be considered suitable for most development. A flood risk assessment may be required at the upper end of the probability range i.e. (close to 0.5%) and for essential civil infrastructure and the most vulnerable uses. Water resistant materials and construction may be required. Areas within this risk category will generally not be suitable for civil infrastructure. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during flooding events.
- c) Areas of medium to high risk (0.5% or above) may be suitable for:
  - Residential, institutional, commercial and industrial development within built up areas provided that flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood management plan.

- Essential infrastructure within built up areas, designed and constructed to remain operational during floods and not impede water flow.
- Some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place, and
- Employment related accommodation e.g. caretakers or operational staff.

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

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

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

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

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

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

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

Specific arrangements must be made to avoid the issue of permanent SUDS features becoming silted-up with run-off. Care must be taken to avoid the spreading and/or introduction of invasive non-native species during the construction of all SUDS features. On completion of SUDS construction the developer must submit a comprehensive Operation and Maintenance Manual. The ongoing maintenance of SUDS for all new development will be undertaken through a factoring agreement, the details of which must be supplied to the Planning Authority.

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

### **c) Water Environment**

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

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

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

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

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

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

### **EP13 FOUL DRAINAGE**

All development within or close to settlements (as defined in the Local Development Plan) of more than 2,000 population must connect to the public sewerage system unless

connection is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed investment to address this constraint has been allocated within its investment Programme and the following requirements have been met;

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

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

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

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

## **EP14 POLLUTION, CONTAMINATION & HAZARDS**

### **a) Pollution**

Development proposals which may cause significant air, water, soil, light or noise pollution or exacerbate existing issues must be accompanied by a detailed assessment report on the levels, character and transmission of the potential pollution with measures to mitigate impacts. Where significant or unacceptable impacts cannot be mitigated, proposals will be refused.

### **b) Contamination**

Development proposals on potentially contaminated land will be approved where they comply with other relevant policies and;

- i) The applicant can demonstrate through site investigations and risk assessment, that the site is in a condition suitable for the proposed development and is not causing significant pollution of the environment; and
- ii) Where necessary, effective remediation measures are agreed to ensure the site is made suitable for the new use and to ensure appropriate disposal and/or treatment of any hazardous material.

### **c) Hazardous sites**

Development proposals must avoid and not impact upon hazardous sites or result in public safety concerns due to proximity or use in the vicinity of hazardous sites.

## **EP15 MOD SAFEGUARDING**

Development proposals must not adversely impact upon Ministry of Defence safeguarding operations. Details of consultation zones for Kinloss Barracks and RAF Lossiemouth and development types which will be subject to consultation with the Defence Infrastructure Organisation are available from Moray Council. The outer boundaries of the zones are shown on the Proposals Map.

### **R3    Inchbroom                      7.3 ha                      67 units**

- Development commenced. 31 units remaining.
- Low density housing interspersed with trees.
- Wide tree belt either side of Inchbroom must be retained.
- Level 2 Flood Risk Assessment (FRA) required.
- Drainage Impact Assessment (DIA) required.