

19/01510/APP
28th November 2019

Proposed residential development for the construction of 70 units (48no private/22 affordable) including associated drainage and infrastructure including the widening of Pitgaveny Road and the formation of a new junction onto Calcots Road at R13 Lesmurdie Fields Elgin Moray for Robertson Homes

Comments:

- This application was previously considered by Planning and Regulatory Services Committee in October 2020, but following a specific request from the applicant, the committee agreed in August 2021 to allow the application to be revised and re-assessed at a further committee.
- Advertised as a departure from the local development plan and for neighbour notification purposes - notification not possible because no premises situated on land to which notification can be sent.
- Application is a major development as defined under the Hierarchy Regulations 2009 for a development of more than 50 houses, and the site exceeds 2ha.
- 24 representations received.

Procedure:

- Completion of a (Section 75) legal agreement regarding developer obligations relating to healthcare prior to issue of consent.
- A further public advertisement period has been undertaken in relation to the departure issues, and this expires on the 23 June 2022. If any further representations are received these will be considered and reported to committee verbally.

Recommendation

Grant planning permission subject to the following:-

Conditions/Reasons

1. Unless otherwise agreed in writing with the Council, as Planning Authority, the development shall include a total of 18 affordable house units and a minimum of 6 accessible units. The 18 affordable units shall be provided no later than upon completion of the 40th house unit upon the site.

Reason: In order to avoid any ambiguity regarding the terms of the consent, and to confirm the number of affordable and accessible housing units to be developed.

2. No trees which would lie within the pylon wayleave area as show on the approved landscaping drawing Landscape Proposal (sheet 1 of 5) drawing number 95.64.01d shall be planted, and in their place shrubs or bushes shall be planted using specimens already selected for use elsewhere in the development.

Reason: In order to ensure no tree planting interferes with the necessary clearance required for overhead pylons.

3. All works close to retained trees and tree felling activity must be carried out in accordance with the details contained upon the updated four 'Tree Protection Plans' submitted July 2019 and hereby approved.

Reason: In order to ensure that those trees to be retained will be suitably protected.

4. Prior to occupation of the cottage flats as shown on the Site Layout Drawing No. 1125-ARC-004 F), the submitted secure cycle store design (drawing number LES-CS-001) shall be completed and located close to the flats. The secure bicycle store must thereafter be built in accordance with the approved design and arrangements be put in place to provide a key or code entry for all flat occupants. The cycle storage shall be retained and maintained in perpetuity as cycle parking for use in conjunction with the flats.

Reason: In order to ensure secure cycle storage for the flats is provided.

5. Notwithstanding the following details which have been submitted but are not accepted. No development shall commence until revised details have been submitted and approved in writing by the Planning Authority in consultation with the Roads Authority to address the following:
 - a) Continuation of a 2 metre wide footway from Plot 18 south and west to connect with the layby to the south of plot 18 and the provision of a dropped kerb crossing to access the footway to the south in front of plots 41/42.
 - b) Revised details for the proposed road narrowing taper to the east of the site access on the north side of Pitgaveny Road.
 - c) Provision of a 3 metre cycle path in place of the proposed 2 metre footpath on the south side of Pitgaveny Road from the site access junction eastwards in front of plots 43-48.

Thereafter the development shall be completed in accordance with the approved details. The altered or continued pathways shall be provided prior to the occupation of the adjoining plots they lie in front of.

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

6. Notwithstanding the Road Safety Audit submitted (which is based on an previous site layout and is not accepted), no development shall commence until a Stage

1/2 Road Safety Audit for the proposed internal roads and the extents of any proposed works to the public road and footpaths and cycle paths outwith the site boundary, shall be undertaken and the proposed site layout and roads shall be revised to include any mitigation required to address road safety issues. The Road Safety Audit and revised site layout shall be submitted for approval by the Planning Authority in consultation with the Roads Authority.

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

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

7. No development shall commence until the following has been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority;
 - a) Details (Plans scale 1:500 min and calculations) for the roads drainage to accommodate alterations to Pitgaveny Road and Calcots Road;
 - b) Details (Plans scale 1:500 min) showing the requirements for any changes to the existing speed limits and relocation or provision of speed limit signage;
 - c) Written confirmation that a street lighting scheme design has been agreed with the Roads Authority;
 - d) Details (Plans scale 1:500 min) showing site access visibility splays (4.5m x 43m) in each direction at all proposed site accesses onto Pitgaveny Road (U37E).

Thereafter prior to commencement of any other part of the development, the following shall be completed in accordance with the approved details unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority and the development shall be progressed in accordance with the approved details:

- All works to widen Pitgaveny Road.
- All works to provide the off-site cycle paths between the site and Lesmurdie Road.
- All works to form the new Pitgaveny Road/Calcots Road junction.
- All works required to implement changes to the speed limits.

Reason: The provision of details lacking from the current submission in the interests of road safety and to ensure acceptable infrastructure is provided at the appropriate stage of the development in the interests of road safety.

8. No development shall commence until details have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority to confirm the arrangements for future adoption/vesting by an in-perpetuity regulatory body, of the maintenance and management of the roads SUDs system excluding any other parts of the SUDs system to be identified by the Roads Authority which is to be maintained by or factored on behalf of the developer or their successors.

Reason: To ensure the management and maintenance of effective roads drainage and surface water management infrastructure proposed for the site.

9. No development shall commence until details have been submitted to confirm the maintenance/ factoring arrangements for all landscaped areas including those adjacent to the public road (including footways and cycle paths, verges, and service strips but excluding residential plot boundaries). Thereafter the landscaping shall be maintained in accordance with the approved arrangements and it must be ensured that landscaping will not interfere with the function of the public road or cause a hazard to road users. All landscaping must be completed and planted no later than the first planting season following completion of all the houses.

Reason: In the interests of road safety and to ensure the amenity and maintenance of the site landscaping is provided.

10. Notwithstanding the details shown on Drawing 1125-ROB-001 "Route of Build" (which is not accepted), no works shall commence on site until a Construction Traffic Management Plan has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include the following information:
- a) duration of works;
 - b) construction programme;
 - c) anticipated schedule for delivery of materials and plant;
 - d) details of any temporary construction access onto the public road;
 - e) Details of the route(s) of construction traffic between the site and the nearest 'A' Class road(s)
 - f) measures to be put in place to prevent material being deposited on the public road;
 - g) measures to be put in place to safeguard the movements of pedestrians;
 - h) traffic management measures to be put in place during works including any specific instructions to drivers; and
 - i) parking provision, loading and unloading and turning areas for construction traffic.

Thereafter, the development shall be implemented in accordance with the approved details.

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

11. No house or flat shall be occupied until the EV charging infrastructure associated with the parking for the unit has been provided and made available for connection of an EV charging unit.
Thereafter the development shall be completed in accordance with the approved details.

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

12. Bin storage compounds must be designed in accordance with the design on Bin storage drawing 1125(PL)DET-01 and be provided for prior to the occupation of the associated flats.

Reason: To ensure the bin storage is provided timeously.

13. Visibility splays of 4.5 metres by 43 metres in both directions at all site access onto Pitgaveny Road shall be provided and maintained clear of any obstruction above 0.26 metres in height, measured from the level of the carriageway.

Reason: To ensure acceptable visibility is provided and maintained for road users at all times in the interests of road safety.

14. Parking provision shall be provided in accordance with the site layout (Drawing No. 1125-ARC-014) with 1 space for 1 bed houses/flats, 2 spaces for 2/3 bed houses/flats and 3 spaces for 4 or more bed houses/flats.
Thereafter no house or flat shall be occupied until parking has been provided and made available for use by that house or flat. Thereafter the parking arrangements shall be retained and maintained in perpetuity as parking spaces for use in conjunction with that house or flat hereby approved.

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

15. Driveways over service verges shall be constructed to accommodate vehicles and shall be surfaced with bituminous macadam unless otherwise agreed with the Council, as Planning Authority in consultation with the Roads Authority.

Reason: To ensure acceptable infrastructure is provided at the property accesses.

16. No boundary fences, hedges, walls or any other obstruction whatsoever over 1.0 metre in height and fronting onto the public road shall be within 2.4 metres of the edge of the carriageway, measured from the level of the public carriageway, unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority.

Reason: To enable drivers of vehicles leaving driveways to have a clear view over a length of road sufficient to allow safe exit, in the interests of road safety for the proposed development and other road users.

17. Permitted development rights shall be removed from service strips along plot frontages and no amendments to planting within these areas shall be permitted. Specifically permitted development rights within Part 1 & 2, Classes 1 - 8 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended and inclusive of any additional domestic permitted rights introduced in the future.

Reason: To ensure an acceptable form of development and effective roads drainage infrastructure is provided and safeguarded.

18. Unless otherwise agreed in writing, no development shall commence until a strategy to assess and then, where subsequently appropriate, a strategy to deal with potential contamination on the site have been submitted to, and accepted in writing by the Council, as Planning Authority. The strategies shall be devised and overseen by an appropriately qualified person in accordance with relevant up-to-date authoritative technical guidance, e.g. BS10175 'The Investigation of Potentially Contaminated Sites - Code of Practice', and shall include:
- a) an appropriate level of characterisation of the type, nature and extent of contamination on the site and accompanying risk assessment as described in Planning Advice Note 33 Development of Contaminated Land (Revised 2000);
 - b) how any identified contamination will be dealt with during construction works;
 - c) details of remedial measures required to treat, remove or otherwise mitigate contamination to ensure that the site is suitable for the proposed use, and that it does not represent a risk to health or of pollution in the wider environment; and
 - d) a means of verifying the condition of the site on completion of the remedial measures.

Thereafter, no development shall commence (other than those works required to investigate and remediate contamination on the site) until written confirmation has been issued by the Council, as Planning Authority that the works have been implemented and completed in accordance with the agreed details.

Reason: To ensure that the site is suitable for the proposed use, and that risks to the wider environment and to users of neighbouring land from on-site contamination are appropriately assessed and managed.

19. Prior to development commencing a compliance statement, showing detailed plans/information of full compliance with the Accessible Housing Guidance note contained on pages 41-42 of Moray Local Development Plan 2020 must be submitted to and approved in writing by the Council, as Planning Authority. Thereafter the accessible units as identified drawing 1125-ARC-012 A Accessible Housing must be built in accordance with the approved compliance statement.

Reason: To ensure the identified house units meet the required standard and design features to fulfil the accessible housing need for the development.

20. Prior to occupation of the first dwelling, the specific details and timing for provision of the four public art bespoke carved benches and associated information boards indicated at the locations shown on approved plan 'Public Art' 1125-ARC-015 must be submitted to and approved in writing by the Council, as Planning Authority. Thereafter the benches installed shall be maintained and if so instructed by Moray Council, made safe and replaced with another bench of a design and material approved by Moray Council.

Reason: In order that consideration can be given to the specific design of park benches to be provided.

21. The recommended ecological mitigation must be carried out in accordance with approved Biodiversity Plan 1125-ARC-016 dated May 2022, the GLM Ecology Ecological Assessment for Lesmurdie dated August 2019 para 1.18 and 2.22 and GLM Ecology Bat Survey Report 'Trees to be Felled, Lesmurdie' September 2021 para 1.12. Thereafter the measures must be adhered to prior to and during construction unless otherwise agreed in writing with the Council, as Planning Authority.

Reason: In order to ensure the appropriate mitigation is undertaken to protect wildlife upon the site.

22. Unless otherwise agreed in writing, the roof tile finish for all the detached garages within the development shall match that approved tile colour upon the roof of the dwelling which it shares a plot with.

Reason: In order to ensure the proposed garages conform the colours of each of the character areas.

23. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. 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. The programme of works will include an archaeological evaluation of 7-10% of the development site.

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

24. Prior to development commencing, a revision to the capacity of the soakaways lying south of Pitgaveny Road shall be submitted to and approved by the Council as Planning Authority (in consultation with Moray Flood Risk Management). This shall detail the capacity of the soakaways increased to 384 m³ storage volume in line with the submitted and approved Drainage Impact Assessment.

Reason: In order to avoid any ambiguity relating to the design and capacity of surface water drainage infrastructure.

25. Construction works (including vehicle movements) associated with the development audible at any point on the boundary of any noise sensitive dwelling

shall be permitted between 0800 - 1900 hours, Monday to Friday and 0800 - 1300 hours on Saturdays only, and at no other times out with these permitted hours (including National Holidays) shall construction works be undertaken except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited periods of construction works to be undertaken out with the permitted/stated hours of working.

Reason: In order to ensure the development does not cause unnecessary nuisance or disturbance and loss of amenity to neighbouring residences.

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

Reason: In order to control certain construction activities so as to ensure the development does not cause unnecessary nuisance or disturbance and loss of amenity to neighbouring residences.

27. Unless otherwise agreed in writing, no housing unit shall be occupied until details and timing of the provision of compensatory trees planting (beyond any landscaping and structural planting hereby approved) has been submitted to and approved by Moray Council. This final area, composition and location of the compensatory shall be commensurate to the removal of the loss of trees within the approved Tree removal plans drawing 1-4c identified throughout the site, inclusive of the felling of 0.2 hectares of scots pine at the southern end of the site. Any trees that die, are become damaged within the first 5 years following planting must be replaced with trees or comparable girth and species to when they were planted.

Reason: In order to ensure the permanent loss of trees resulting from the development is replaced with appropriate planting elsewhere.

28. Prior to development commencing the final design and selection of play equipment for the pocket park must be submitted to and approved by Moray Council. Notwithstanding the layout and equipment shown in the submitted pocket park play area, at least one piece of play equipment must be changed for a design that accommodates mobility impaired users. Thereafter the park must be built in accordance with the approved details. Unless otherwise agreed with the Council as Planning Authority, the playpark must be provided no later than following completion of the 40th house in the development.

Reason: In order to ensure the proposed playpark meets the needs of all users and is provided at the appropriate stage in the development.

29. Unless otherwise agreed with the Council as Planning Authority, all tree felling must be carried out in accordance with the approved Tree Removal Plans drawing

1-4c. Also works and mitigation must accord with the Tree Protection Plan hereby approved on drawing numbered 1 - 4 D.

Reason: In order to ensure the removal and protection of trees is carried out in accordance with the submitted details.

30. Unless otherwise agreed in writing with the Council as Planning Authority, prior to development commencing details of the timing of the provision of the feature stone walls referred to the Placemaking Statement May 2022 to be constructed upon the site shall be agreed in writing with the Council.

Reason: In order to ensure the timeous provision of stone walls which will add to the amenity and appearance of the site.

Reason(s) for Decision

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

Whilst the proposal constitutes a departure from policies EP2, EP5 and EP7 where an incursion into designated ENV woodland would occur it is considered acceptable in this instance where other planting mitigation, compensatory planting and the otherwise acceptable development layout would result. The proposal accords with all other policies of the adopted Moray Local Development Plan 2020 and there were no other material considerations preventing approval.

List of Informatives:

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

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

The drawing number 1125-ARC-011 Proposed Street Naming relates to the naming only, but should apply to the layout hereby approved under drawing number 1125-ARC-004 Version F rather than that shown on the street naming plan. Whilst part of the placemaking process this is carried out under a separate process to the planning.

THE TRANSPORTATION MANAGER has commented that:-

A statutory process will be required to stop up the section of Pitgaveny Road no longer required once the new junction has been formed. The costs of undertaking the statutory process shall be met by the developer.

The Construction Traffic Management Plan must make provisions to ensure that that no construction traffic including site personnel shall enter or exit the site via

Chandlers Rise unless otherwise approved in writing by the Transportation Manager.

Where works are required to widen any existing road, footway or cycle path, resurfacing will be required over the full width unless otherwise agreed in writing by the Transportation Manager.

Before commencing development, the applicant is obliged to apply for Construction Consent in accordance with Section 21 of the Roads (Scotland) Act 1984 for new roads. The applicant will be required to provide technical information, including drawings and drainage calculations, and provide a Road Bond to cover the full value of the works in accordance with the Security for Private Road Works (Scotland) 1985 Regulations. Advice on this matter can be obtained from the Moray Council web site or by emailing transport.develop@moray.gov.uk

Construction Consent shall include a CCTV survey of all existing roads drainage to be adopted and core samples to determine the construction depths and materials of the existing road.

The requirement for a Stage 3 or 4 Road Safety Audit will be determined through the Roads Construction Consent process or subsequent to the road construction prior to any road adoption.

Proposals for road construction materials and specifications and any SUDs related to the drainage of the public road must be submitted and approved through the formal Roads Construction Consent process.

Planning consent does not carry with it the right to carry out works within the public road boundary and the applicant is obliged to contact the Transportation Manager for road opening permit in accordance with the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road.

If existing street furniture will need to be repositioned this shall be at the expense of the developer.

Street lighting will be required as part of the development proposal. The applicant shall ensure that their operations do not adversely affect any Public Utilities, which should be contacted prior to commencement of operations.

The applicants shall free and relieve the Roads Authority from any claims arising out of his operations on the road or extension to the road.

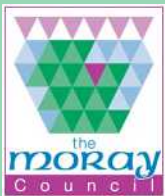
The Transportation Manager must always be contacted before any works commence. This includes any temporary access, which should be agreed with the Roads Authority prior to work commencing on it.

No retaining structures or embankments shall be constructed along the edge of the road, whether retaining the public road or ground adjoining the public road without prior consultation and agreement of the Roads Authority.

The diversion of Pitgaveny Road will require a statutory process to be completed to 'Stop Up' a section of the existing Pitgaveny Road to vehicles (Approx. 45 metres in length measured along the northern kerbline) from the junction with Calcots Road.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
BE-SD-02 A	Behrens semi-detached - elevations
CO(AS)-01	Cortona - floor plans
CO-GR(AS)-01 A	Cortona GR detached - floor plans
CO-GR(OPP)-01 A	Cortona GR detached - floor plans
CO-GR(OPP)02 A	Cortona GR detached (OPP) - elevations
1125(PL)SL-01	Topographical survey
1125(PL)DET-01	Bin store details
1125(PL)LP-01	Location plan
170253-001-CAM-DR-C-939 B	Combined service layout (sheet 1 of 2)
1125-ARC-016	Bio Diversity plan
18-ER-GR-11	Easton - floor plans
18-ER-GR-12	Easton – elevations
18-GU-B-12	Guimard – Elevations
18-GU-B-11	Guimard - floor plan
18-JA-GR-12	Jacobson Garden Road - elevations
18-JA-GR-11	Jacobson garden room - floor plans
18-MA-GR-12	Mackintosh garden room - elevations
18-MA-GR-11	Mackintosh garden room - floor plans
170253-001-CAM-DR-C-901 A	Site investigation layout plan
18-MA-B-11	Guimard floor plans
170253-001-CAM-DR-C-900 A	Location plan
1125-ARC-011	Street Naming
1817(PL)101	Type C - elevations and floor plan
170253-001-CAM-DR-C-916	Road construction details (Sheet 1 of 2)
1125-ARC-015	Public art
18-BR-06_05 C	Brasini Base 18 elevations
18-GU-MkII-B-06__05	Gumard 18MkII - elevations
18-JA-GR-06_05	Jacobson garden room 18 - elevations
900 4	Site investigation plan
170253-001-CAM-DR-C-920 F	Sewer SUDS layout 1-2
18-CO-GR-12	Cortona – elevations
18-CO-GR-11	Cortona GR - elevations
925	Water main deed of servitude
AL-SD-06	Alexander SD - floor plans

922-1 4	Highway sewer longitudinal sections sheet 1 of 4
922-2 4	Highway sewer longitudinal sections sheet 2 of 4
922-4 4	Highway sewer longitudinal sections sheet 4 of 4
933-1 3	Water main layout sheet 1 of 3
1 - 4 C	Tree removal plan
1 - 4 D	Tree protection plan
1125-ARC-006 A	Fencing layout
1125-ARC-010 C	Character areas and materials
170253-001-CAM-DR-C-921 H	Sewers and SUDS layout plan sheet 2 of 2
LES-CS-001	Proposed cycle shelter
170253-001-CAM-DR-C-940 B	Combined services layout (sheet 2 of 2)
1125-ARC-013 B	EV Infrastructure
170253-001-CAM-DR-C-908 D	Kerbing layout (1 of 2)
170253-001-CAM-DR-C-909 D	Kerbing layout (2 of 2)
170253-001-CAM-DR-C-941 E	Site levels layout (1 of 2)
1125-ARC-004 F	Planning layout
170253-001-CAM-DR-C-942 E	Site levels layout (2 of 2)
170253-001-CAM-DR-C-911 H	Road layout (2 of 2)
170253-001-CAM-DR-C-919 F	Refuse vehicle swept path (2 of 2)
922-3 Rev 4	Highway sewer longitudinal section sheet 4 of 4
95.64.01 D	Landscaping sheet 1 of 5
95.64.02 D	Landscaping sheet 2 of 5
95.64.03 D	Landscaping sheet 3 of 5
95.64.04 D	Landscaping sheet 3 of 5
95.64.05 D	Landscaping sheet 5 of 5
170253-001-CAM-DR-C-921 G	Sewer and SUDS layout (sheet 2 of 2)
170253-001-CAM-DR-C-910 G	Road layout plan (Sheet 1 of 2)
170253-001-CAM-DR-C-918 D	Refuse Vehicle swept path (Sheet 1 of 2)
170253-001-CAM-DR-C-907 C	Pitgaveny junction upgrade works



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

19/01510/APP

Site Address:

R13 Lesmurdie Fields

Elgin

Applicant Name:

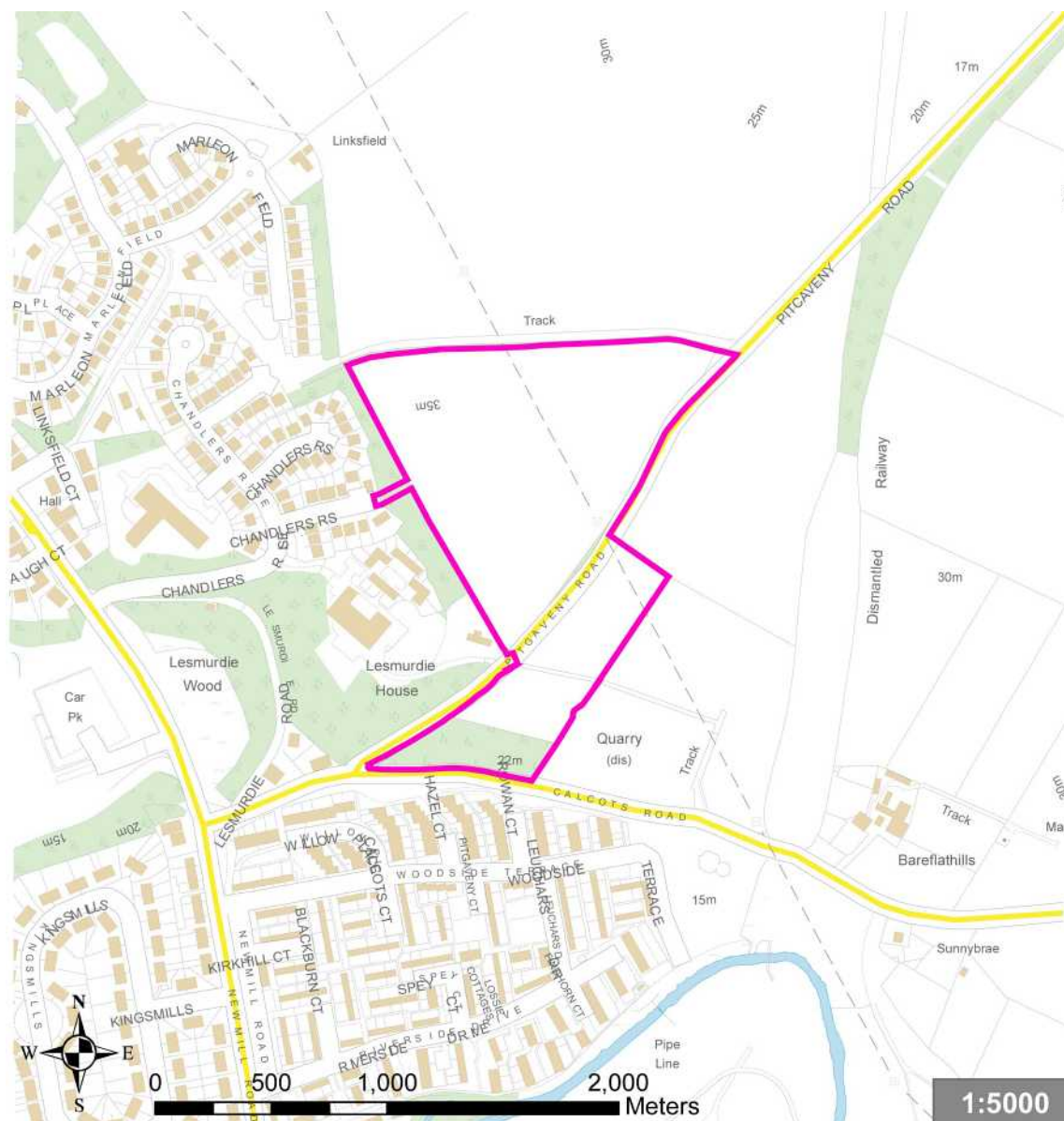
Robertson Homes

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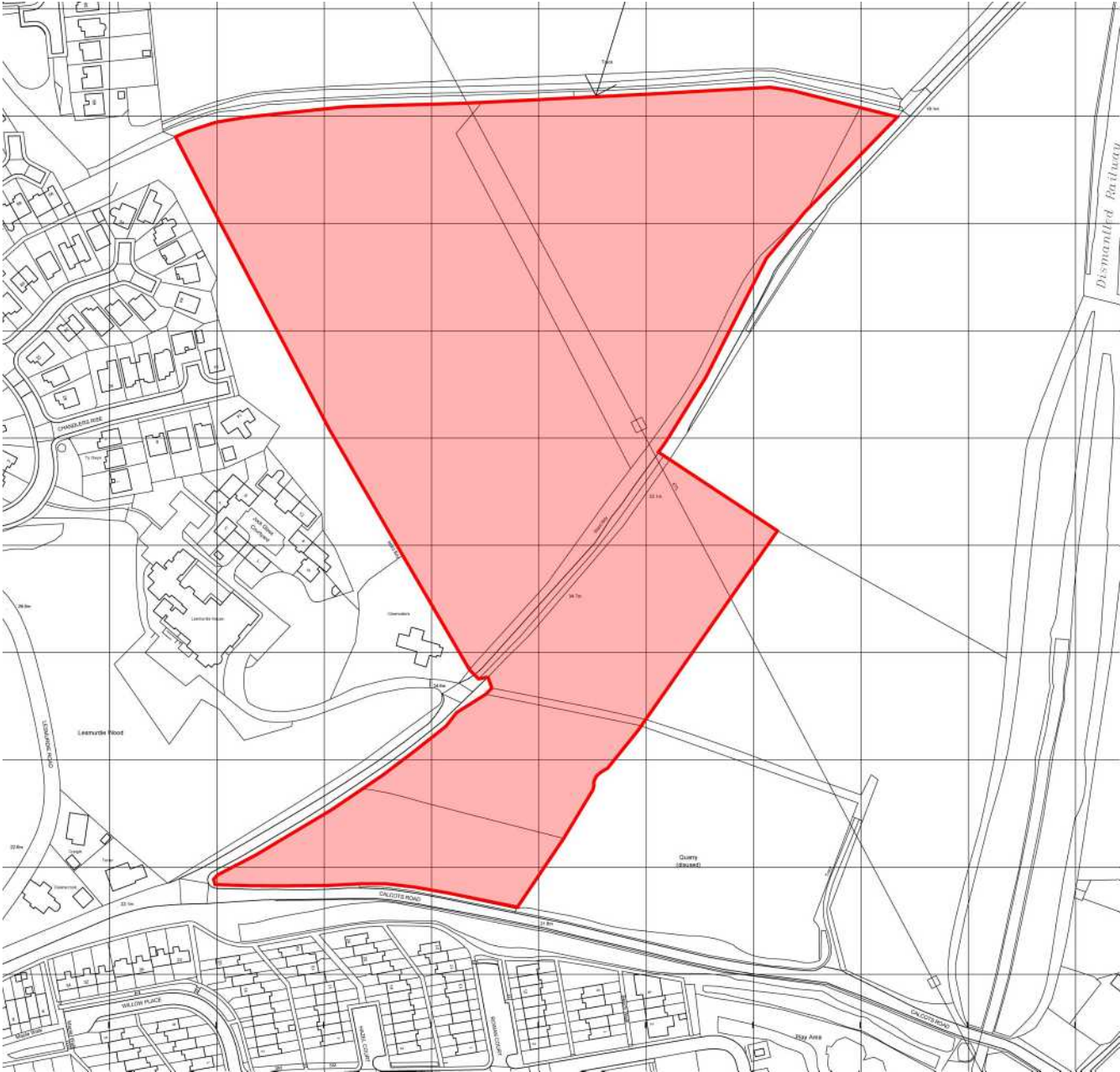
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Location Plan



Site Location



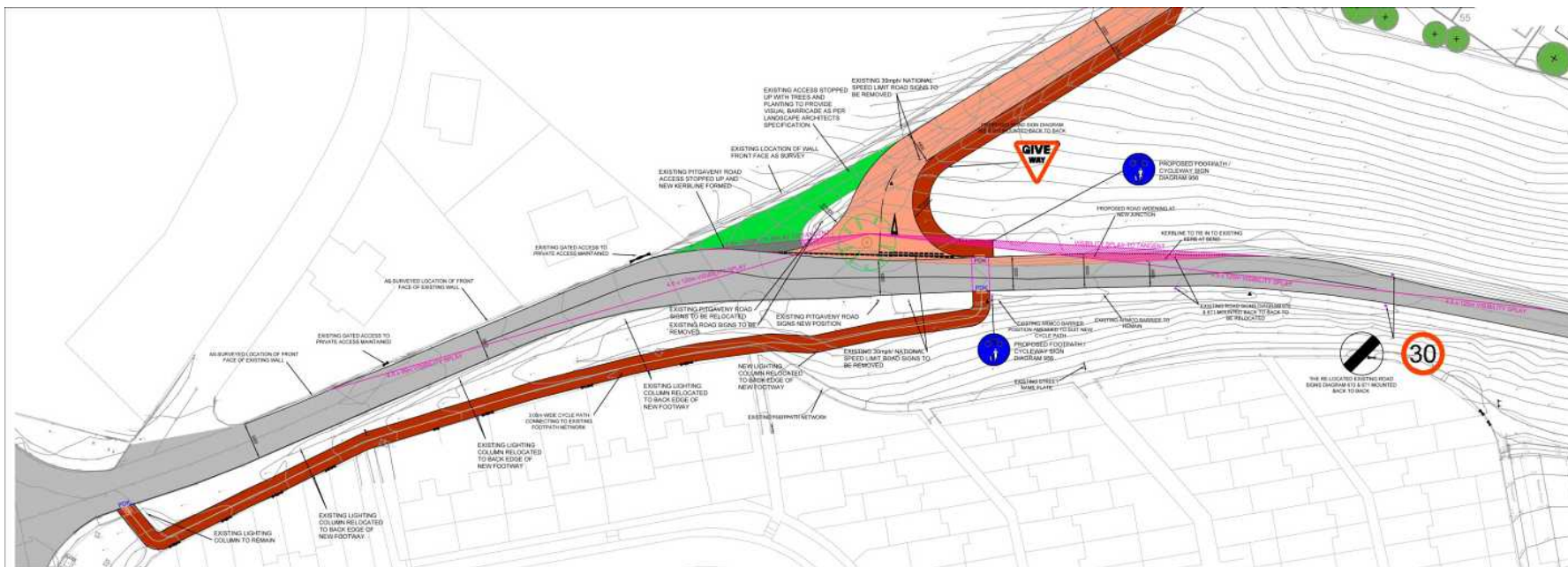
Site layout



Landscaping plan



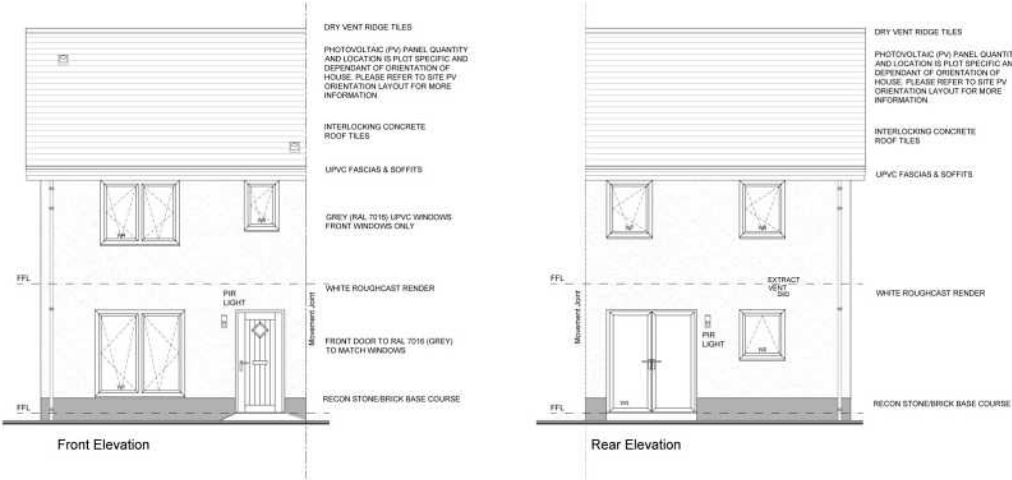
Pitgaveny Junction



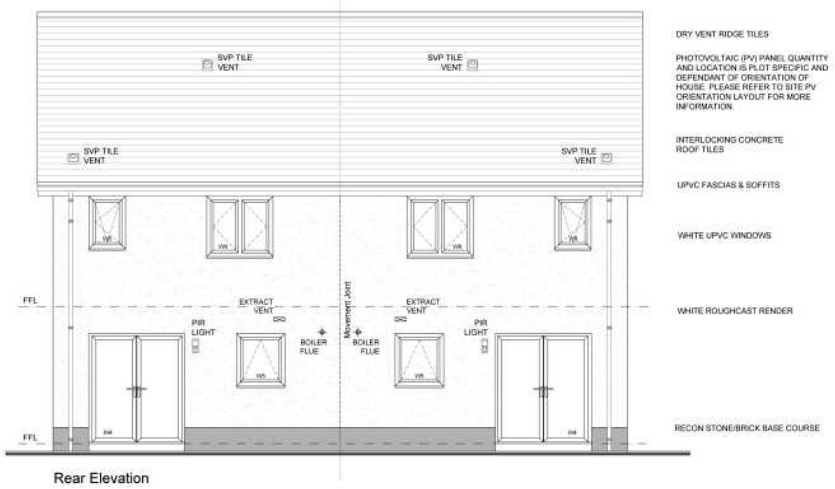
Pitgaveny Road Junction Visibility Splay & Upgrade Works
Scale 1:500



Alexander End Unit



Behrens Semi-detached



Guimard Corner Unit



Front Elevation

- DRY VENT RIDGE TILES
- PHOTOVOLTAIC (PV) PANEL QUANTITY AND LOCATION IS PLOT SPECIFIC AND DEPENDANT OF ORIENTATION OF HOUSE. PLEASE REFER TO SITE PV ORIENTATION LAYOUT FOR MORE INFORMATION
- INTERLOCKING CONCRETE ROOF TILES
- UPVC FASCIAS & SOFFITS
- GREY (RAL 7016) UPVC WINDOWS
- HARDE PLANK CLADDING
- WHITE ROUGHCAST RENDER
- FRONT DOOR TO RAL 7016 (GREY) TO MATCH WINDOWS
- RECON STONE/BRICK BASE COURSE



Side Elevation



Rear Elevation

- DRY VENT RIDGE TILES
- PHOTOVOLTAIC (PV) PANEL QUANTITY AND LOCATION IS PLOT SPECIFIC AND DEPENDANT OF ORIENTATION OF HOUSE. PLEASE REFER TO SITE PV ORIENTATION LAYOUT FOR MORE INFORMATION
- INTERLOCKING CONCRETE ROOF TILES
- UPVC FASCIAS & SOFFITS
- GREY (RAL 7016) UPVC WINDOWS
- WHITE ROUGHCAST RENDER
- HARDE PLANK CLADDING
- RECON STONE/BRICK BASE COURSE



Side Elevation

Jacobson Detached with garden room



Side Elevation

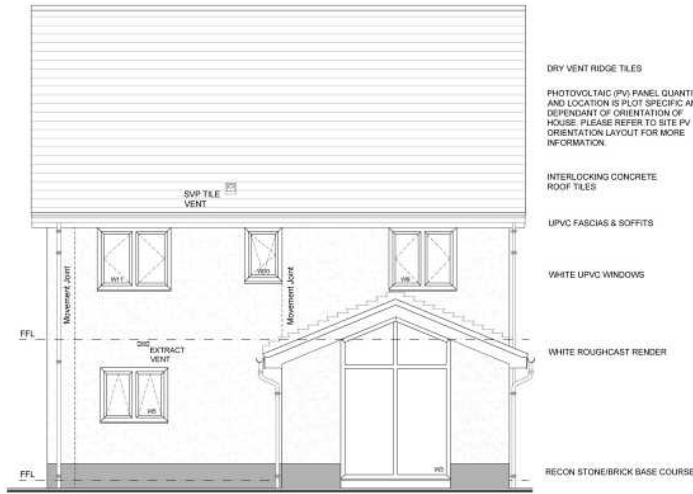


Front Elevation

- DRY VENT RIDGE TILES
- PHOTOVOLTAIC (PV) PANEL QUANTITY AND LOCATION IS PLOT SPECIFIC AND DEPENDANT OF ORIENTATION OF HOUSE. PLEASE REFER TO SITE PV ORIENTATION LAYOUT FOR MORE INFORMATION.
- INTERLOCKING CONCRETE ROOF TILES
- UPVC FASCIAS & SOFFITS
- GREY (RAL 7016) UPVC WINDOWS TO FRONT ONLY
- WHITE ROUGHCAST RENDER
- FRONT DOOR TO RAL 7016 (GREY) TO MATCH WINDOWS
- RECON STONE/BRICK BASE COURSE



Side Elevation



Rear Elevation

- DRY VENT RIDGE TILES
- PHOTOVOLTAIC (PV) PANEL QUANTITY AND LOCATION IS PLOT SPECIFIC AND DEPENDANT OF ORIENTATION OF HOUSE. PLEASE REFER TO SITE PV ORIENTATION LAYOUT FOR MORE INFORMATION.
- INTERLOCKING CONCRETE ROOF TILES
- UPVC FASCIAS & SOFFITS
- WHITE UPVC WINDOWS
- WHITE ROUGHCAST RENDER
- RECON STONE/BRICK BASE COURSE

Photo location plan



Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8



Photo 9



PLANNING APPLICATION: 19/01510/APP

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

1. THE PROPOSAL

- Erect 70 housing units (18 affordable and 8 accessible house units).
- The proposal will involve an improved junction between Pitgaveny Road and Calcots Road (TSP48), widening of Pitgaveny Road (TSP49) and provision of a footway/cycleway from Calcots Road to Lesmurdie Road (TSP50). A roadway connection from the proposed site into the existing housing development at Chandlers Rise to the west is also proposed.
- The development will include felling of trees, tree planting and other substantive landscaping provisions. Planting is proposed along the western boundary of the site which will supplement the retained planting in the ENV6 designation to the west of the site.
- Road soakaways close to the southern housing character area sit outwith the existing field boundary and adjacent to Pitgaveny Road within the stand of Scots Pines designation ENV5.
- The site will drain to several open swale/drainage basins, treating the surface water from the development. The development will connect its foul drainage sewer to the Scottish Water public sewer network.
- The site contains several open areas to the north and east, which will see several informal paths, blocks of tree planting and meadow grassland retained within the site boundary.
- The site boundaries will see a variety of finishes including timber fencing, timber fencing between stone piers and stone wall at the entrance way to the site. The feature wall and stone piers will appear towards the site frontage onto Pitgaveny Road.
- The closest residence is a substantial modern, two storey house near the entranceway to Lesmurdie House, which sits immediately south west of the site on the north side of Pitgaveny Road.
- The proposal includes provision of a pocket park and park benches at several points throughout the site.
- There are informal pedestrian links from the site leading eastward and northward over the open amenity land forming part of the development. These shall link northward to the edge of the site where future connection to LONG 1B may be realised.
- There are three character areas proposed providing a mix of different finishes and materials to each of those areas.

2.

THE SITE

- The majority of the site sits upon the designated residential site R13 Lesmurdie Fields. The site is bound to the east and north by agricultural land, and the west and south by existing housing development and Lesmurdie House.
- There are several areas of trees close to Pitgaveny Road (ENV5 Lesmurdie) and between the site and Chandlers Rise (ENV6-North East Amenity Land) which also fall within the site boundary and will witness tree felling to enable access provision and drainage.
- The site is bisected by the adopted but unclassified U37E Pitgaveny Road.
- The site is approximately 6.5 hectares, and occupies largely rough grassland, other than the areas where trees are present within the ENV designations.
- In terms of topography, the area where the houses are proposed constitutes the highest most level area of the site. Towards the north of the site, and east of the overhead powerlines which bisect the site, the land slopes downward to the north and east. The area of the site south of Pitgaveny Road is also relatively flat arable land at present and is generally shielded from view by the stand of existing woodland to the south which also lies within the site boundary.
- The site occupies an area identified as possibly hosting archaeological assets, also lying to the west is the B-listed Lesmurdie House. It is partially obscured from the site by existing woodland.
- The site is subject to limited risk of surface water flooding.
- There are no international or national environmental designation upon the site.

3.

HISTORY

18/00978/PAN - Proposal of Application Notice (PAN) for residential development consisting of 90 no private and affordable dwellings including access landscape and drainage (SUDS) at Pitgaveny Road, Elgin. (The proposal now relates to 70 house units).

19/01510/APP – current application. Following the favourable consideration by this committee in Oct 2020 of housing development at Lesmurdie, the Section 75 legal agreement was not concluded such that the final planning approval notice could be issued. The legal agreement was not concluded due to the applicant raising concerns over viability of the proposal that had obtained committee approval. Following discussion, committee subsequently agreed in August 2021 to allow the application to be revised and re-determined by a subsequent committee.

This matter is explained further below in the observations section.

4. **POLICY - SEE APPENDIX**

5. **ADVERTISEMENTS**

- 5.1 Advertised as a departure from the Moray Local Development Plan and for neighbour notification purposes.

6. **CONSULTATIONS**

Aberdeenshire Council Archaeology Service – No objection subject to a condition regarding archaeological investigation of the site.

Moray Flood Risk Management – Following submission of amended drainage design, no objections. The proposed drainage details now under consideration meet the requirement of the flood management team. A condition is however recommended to address a minor design issue with one of the soakaway to ensure the soakaway capacity correlates with the calculations in the Drainage Impact Assessment.

Environmental Health, Contaminated Land – Approve subject to a condition regarding provision of a strategy for dealing with ground contamination should it be uncovered.

Environmental Health – Approve subject to conditions agreeing the working hours of the construction site and provision of a Construction Environmental Management Plan to minimise and mitigate noise, dust, vibration etc.

Scottish Water – No objection and advice contained within response letter forwarded to the applicants.

SEPA – Approve, recommend a condition requested a condition that connection to the Scottish Water public sewer be made a condition of the consent secured before houses were built. Following discussion between SEPA and Moray Council it became clear that the condition would not be required as the application form and any approved plans illustrate that connection to the public sewer with no alternatives is proposed.

Housing Strategy and Development Manager – No objection, as the mix of affordables and accessible housing has been the subject of discussion with the applicant. A condition has been recommended to ensure the timeous build out of the affordable housing in the overall scheme.

Strategic Planning & Development – The site is designated as R3 Lesmurdie Fields within the Local Development Plan with an indicative capacity of 70 units. The designation includes a set of Key Design Principles for the site.

PP1 Placemaking and R13 Lesmurdie Fields

A Quality Audit (QA) was undertaken on the proposal by a multi-disciplinary team consisting of Council Officers from Strategic Planning and Development, Development Management, Transportation, Housing, Flood Risk Management

and Nature Scot. The QA represents the collective view of internal consultees and Nature Scot in terms of whether the proposal complies with PP1 and the Key Design Principles. The QA assessed the proposal against the seven fundamental placemaking principles of PP1 and the Key Design Principles within the LDP. To comply with PP1 and deliver a distinctive place with all the health and environmental benefits associated with this the proposal must achieve green in all categories of the QA.

Officers have worked with the applicant to achieve revisions to the proposals. This has involved several meetings with the applicant and assessment of revised proposals. The final QA that accompanies this response shows that the proposal scores green on only 7 out of the 9 categories on the proviso that the conditions detailed in this response and in the QA are attached to the consent.

Character and Identity – The layout has a grid/block structure and reflects the site constraints. Three character areas are proposed each using different colours and materials (buildings and surfaces) and landscaping. Key buildings with full brick elevations, corner buildings featuring cladding further help to establish character and identify. Feature walls on corner plots, plots fronting Pitgaveny Road, around the pocket park and reclaimed stone walls at key access points also help to define the character of the development. The proposal however fails to respond to the landscape as woodland removal to the south of Characters Zone 3 is proposed to accommodate SUDS which is a departure from policy EP7 part c).

Healthier and Safer Environments - The layout has been designed in a grid like layout which allows for buildings to have public fronts and private backs which in turn provides good natural surveillance on streets. Through the QA revisions have been made to the orientation of some houses to provide better natural surveillance of open spaces and windows have been incorporated into other houses to provide overlooking to parking areas. Through the QA more key buildings with full brick elevations have been identified aiding orientation and navigation as well as helping to define character. An entrance feature wall is now proposed on the access from Chandlers Rise as well as those proposed on Pitgaveny Road. These features are welcomed and will create an attractive entrance to the development. Carved benches featuring woodland animals have been proposed as the public art contribution. These would also form a short trail through the larger open space with information boards. The finalised design of these should be the subject of condition. The revised proposal no longer proposes closing a section of Pitgaveny Road providing a fully integrated and permeable network.

Housing Mix – Through the QA a wider housing mix has been created that now incorporates a range of house types including a private terrace, semi-detached and detached housing ranging in size from 3 to 5 bedrooms. Accessible housing has been identified within this mix and a condition is required to ensure the internal layout, parking and other requirements identified in the Accessible Housing Guidance note on page 41 of the LDP are met. Affordable housing meets the 25% requirements and incorporates cottage flats, terraces and bungalows ranging in size from 1 to 3 bedrooms.

Open Space and Landscaping – The large area of open space to the north that incorporates new planning and paths reflects the Key Design Principles within the designation. The landscaped areas provide seasonal variation including native planting and pollination. Through the QA additional planting along the northern boundary using a woodland mix brings the proposal in line with the Key Design Principles. The introduction of play equipment and benches now gives the pocket park a clear function. The planting and stone feature wall also help to ensure this will be a focal point within the development. A kickabout area has also been incorporated within the larger open space. A condition relating to the finalised design of the pocket park, incorporation of inclusive play equipment and timing of delivery is required. Through the QA the number of trees on streets has increased and planting schedules have been amended to ensure all street and feature trees will be semi- mature.

Biodiversity – The open spaces proposed incorporate SUDS, tree planting, shrub planting and hedges. The dead wood from felled trees will be retained to support invertebrates. The development proposes woodland planting on the northern edge of development to provide containment as well as creating new habitats to support wildlife. The hedgerow mix is proposed at several locations is made up of predominantly native species. In addition to this significant planting within the internal layout will support biodiversity and wildlife. The submitted Biodiversity Plan also identifies the location of swift bricks and shows hedgehog highways between all gardens. As set out above the SUDS for character zone 3 necessitates woodland removal and therefore the proposal fails to integrate existing green infrastructure and is also a departure from policy EP7 part c).

Parking – A maximum of 50% of parking is shown to the front of buildings and hedging, trees and walls have been used to mitigate parking in streets. Communal parking areas are broken up by semi mature tree planting. Feature walls have also been used to define the entrances to some of the communal parking areas which also helps to mitigate impacts of parking. A condition is required for the detailed drawings of the enclosed covered cycle stores for the cottage flats.

Street Structure - There is a clear hierarchy of streets with varied geometry and shared surfaces. The landscaping and variation in street material further define the hierarchy and character areas.

The revised layout no longer proposes closing a section of Pitgaveny Road thus providing a fully integrated and permeable network. A 3m wide cycle path is shown along Pitgaveny Road which connects into a new footpath connection at Calcots Road which then connects into a widened footpath to the rear of Willow Place/Maple Walk. This helps connect the development to the nearest shops and services as well as to wider path networks into the centre and around Elgin. The layout now reflects the requirements of the R13 housing designation, which sought to improve the Pitgaveny Road/Calcots road junction.

Street Layout – Further detail is required regarding visibility splays.

Street Detail – Drainage, SUDS details and utilities strategy have been provided.

PP3 Infrastructure Services

The proposal must have the necessary infrastructure and services to serve the development. Consultees will respond individually in terms of whether the proposal meets the policy requirements for transportation, foul and surface water drainage (including SUDS) and active travel requirements.

Green infrastructure is incorporated into the design. The proposal has successfully incorporated new planting, paths and drainage solutions into open space.

Access to electric car charging is provided for all residential units. A plan of EV Infrastructure has been provided.

DP1 Development Principles

Issues regarding design, parking, and street layout have been considered under PP1 Placemaking and within the Quality Audit with a summary of the key issues above.

DP2 Housing

The proposal includes affordable housing in line with the quantity requirements of part d) of the policy. Affordable housing is considered to be integrated within the development and has similar architectural styles and materials to private houses. Subject to a condition in respect of the detailed delivery arrangements for affordable housing the proposal is considered to comply with policy DP2 Housing

Part f) of the policy requires 10% of private sector units to be built to a wheelchair accessible standards. The applicant has identified accessible plots meeting the 10% requirement however a condition is required for further details to ensure these meet the standards set out in the Accessible Housing Guidance note on page 41 of the LDP are met.

EP2 Biodiversity

Policy EP2 Biodiversity requires proposals of 4 or more houses to create new or where appropriate, enhance natural habitats of ecological and amenity value. A Biodiversity Plan has been submitted. In addition to the native planting shown on the landscaping plans swift bricks are proposed within houses located throughout the development and hedgehog highways included within all gardens. Mature landscaping including trees and hedgerow is to be retained connecting existing habitat to new.

EP5 Open Space /PP1 Placemaking c (iv) Open Space/Landscaping Existing Open Space (ENV's)

The layout includes proposals for SUDS within the ENV5 designation to the south of character zone 3. Part a) of policy EP5 Open Space does not support the change of use of ENV designations to anything other than open space. The removal of woodland from this area is unacceptable in terms of policy EP7 and there is limited information provided on the nature of the SUDS proposed at this location. As presently proposed it would be a departure from policy EP5 part a).

Green Infrastructure and Open Space

All new developments are required to incorporate accessible multifunctional open space of a quantity and quality to meet the needs of development and must provide green infrastructure to connect to wider green/blue networks. The open space proposed meets the policy requirements in terms of accessibility and quantity and reflects the Key Design Principles set out within the designation. Through the QA the quality of the open space has been improved by providing a clear function for the pocket park by incorporating play equipment and seating, and providing a kickabout area within the larger open space. The finalised design of the pocket park play area requires to be the subject of condition to ensure that inclusive equipment is incorporated. The open space incorporates a series of linking paths, SUDS, seating and planting. Carved benches featuring woodland animals have been proposed as the public art contribution. These would form a short trail through the larger open space with information boards. The finalised design of these should be the subject of condition.

A condition will also be required to ensure that the play area is delivered upon completion of 50% of the character area to which they pertain i.e. Character Area 2. A condition will also need to be attached regarding maintenance arrangements for play equipment, seating, paths and landscaping etc.

Landscaping and Planting

Landscaping throughout the development incorporates a variety of tree, hedge and shrub species. This variation has been used to help define character areas. A detailed landscape plan has been provided which shows the location, number and height/species/girth of all trees and planting proposed.

Policy PP1 requires planting on all routes and within communal parking areas to be semi-mature. The landscape schedules submitted indicated that this has been provided for. A condition however is required on the timeframe for delivery of the landscaping/open space in each character area.

EP7 Forestry, Woodland, and Trees

Trees are to be retained in the northern part of the site. However, from the Site Investigation Plan a number of trees will be removed. Policy EP7 part b) requires healthy trees to be retained and incorporated into the proposal unless it is technically unfeasible to do this. The policy guidance on page 87 of the LDP 2020 Volume 1 states that trees of category A and B must be retained, with category C trees retained as far as practicable and appropriate.

Tree removal will be required to provide the access to the development from Chandlers Rise and Pitgaveny Road. It is technically unfeasible to achieve access and the link to Chandlers Rise without the need for removal of existing trees. The link to Chandlers Rise helps to create a permeable well connected development and is a requirement of the Key Design Principles set out within the designation in LDP2020. Removal of trees at this location is therefore acceptable.

An area of woodland removal is proposed in the south east corner of the site. The area proposed to be removed is 0.2 ha and therefore falls to be considered

under part c of policy EP7 in relation to the Control of Woodland Removal. Policy EP7 part c) only supports woodland removal where this would achieve significant and clearly defined public benefits and where removal will not have unacceptable adverse effects. It is understood tree removal along the edge of Pitgaveny Road is required to accommodate the road improvements that are set out within the R13 designation including the provision of a cycle way. The improved pedestrian and cycle way provision can be considered to be a public benefit as this enhances safety for users, provides sustainable connections to wider networks and promotes healthier lifestyles. Therefore this element of woodland removal could be justified under the terms of policy EP7 part c. However, the area of tree removal to the south of character zone 3 appears to be to accommodate SUDS and to provide an offset to the proposed housing. This does not provide additional public benefits as this is solely for the housing scheme proposed and the applicant has not provided justification in terms of policy EP7 in respect of woodland removal. The design and layout should have been adapted to avoid woodland removal. This is therefore a departure from policy and no justification has been provided for the removal.

Where it is technically unfeasible to retain trees or where woodland removal is considered acceptable, compensatory planting must be provided. The applicant has provided woodland planting to the north of plots 1 to 08. However, the extent of this would not fully compensate for the 40 trees to be removed or the 0.2 ha of woodland removal. It is noted that the structural planting proposed in the north-eastern corner of the large open space is required as part of the Key Design Principle within the R13 designation and is a separate policy requirement that would not contribute to the compensatory planting requirement. The proposal is currently a departure from policy EP7 as adequate compensatory planting has not been identified. Compensatory planting requires to be provided on site in the first instance.

EP12 Management & Enhancement of the Water Environment, EP13 Foul Drainage and Flood Risk Assessment and Drainage Impact Assessment for New Development Supplementary Guidance (SG)

As set out above, the proposal incorporates blue and green infrastructure which contributes to placemaking, biodiversity and recreational objectives. The Council's Flood Risk Management Team (FRMT) has provided a detailed response on whether the proposal meets the technical requirements for flooding and drainage.

Transportation Manager – The Transportation Manager, subject to the conditions recommended is satisfied the application can be recommended for approval. Given the constraints of the existing Pitgaveny/Calcots Road junction the development would see improvements to the Pitgaveny/Calcots Road junction and good connectivity from the site to Lesmurdie Road and Chandlers Rise for all modes of travel.

The proposed site layout includes a second point of access for pedestrians and vehicles onto an existing cul-de-sac at Chandlers Rise which would provide an alternative route to Lesmurdie Road. This provides connectivity to the neighbouring development and is also the most direct route from the site for walking and cycling to primary and secondary schools. This arrangement will also improve the efficiency of the road network for site servicing.

The proposed mitigation works to the transport network are considered to be acceptable in principle to Transportation subject to completion of the detailed design. An updated Road Safety Audit which must be completed and any mitigation requirements addressed as part of the Road Construction Consent process.

A Transport Assessment has been submitted in support of the proposed development. No capacity issues have been identified with the network and local junctions.

Various conditions recommended regarding the proposed transportation works relating to the development.

Developer Obligations – A sum towards healthcare was agreed with the applicant. A Section 75 legal agreement will be put in place to ensure the provision of the sums is paid at prescribed phases of the development.

SSE (Scottish and Southern Electricity) – No response at the time of writing this report. The applicants are aware of the pylons bounding the eastern side of the development area, and have put in place a buffer corridor beneath the pylons.

7. **OBJECTIONS-REPRESENTATIONS**

NOTE: Following the determination of this application, name and address details will be/have been removed (i.e. redacted) in accordance with the General Data Protection Regulations (paragraph 3 of Minute, Planning & Regulatory Services Committee 16 September 2014).

Objection Expiry Date 23.06.2022 – any representations received further to the preparation of the recommendation would be reported/discussed verbally to committee.

[REDACTED]

[REDACTED]

Given the unique situation where the application was resurrected under the same planning application reference number all representations from 2020 as well as those subsequently lodged in 2021/2022 have been taken into consideration for the above planning application in addition to those previously stated. The three representations stated in 2020 cover the same matters as raised more recently with the summary below ensuring all points are summarised and considered, with the no assumptions made that any representations have been withdrawn over the passage of time. One neighbour has lodged representation in 2020 and in 2021 and both letters are being taken into account. Where specific issues have been addressed between notification letters, these are highlighted below.

The grounds for representation are summarised below.

The Moray Councils e-planning allows contributors to select grounds for representation from a list, and one of the objectors has identified the follows matters in their grounds for objection:-

- Affecting natural environment
- Loss of privacy (being overlooked)
- Traffic
- Road Access
- Road Safety
- View affected
- Noise
- Parking
- Activity at unsociable hours/behaviour
- Permitted Development
- Poor design
- Contrary to Local Plan
- Inadequate Plans

Traffic issues

Issue: Traffic and Parking – there are already a shortage of off-street parking spaces in Chandlers Rise and many vehicles have to park on the street. The link would see an increase in traffic using an already congested street which would be a risk to young children playing in the street. The on-street parking in Chandlers Rise, due in part to lack of off-street parking would make the access road difficult to use for existing and new residents alike. There are no visitor parking spaces.

Comment (PO): The proposed development has its main access to the site onto an upgraded Pitgaveny Road and Calcots Road, so the volume of traffic routinely using the

Chandlers Rise link is likely to be confined to the properties at the north end of the proposed development, and that would also be dependent upon their intended destination.

The roads layout has been the subject of consideration by the Transportation Section of the Council who have received a detailed Transport Assessment and other submissions which illustrate that the increase in traffic into Chandlers Rise will be to an acceptable level. It is appreciated that where a road has previously been a dead end, such a connection will change the traffic and character of the road, but subject to the roads capacity for the anticipated traffic the wider benefits of connectivity between different parts of the town is an objective worth pursuing. In terms of vehicles parking on the street, the Transportation Section has considered the carriageway sufficiently wide to accommodate the link into the site.

Issue: The proposed opening and widening of Pitgavney Road will encourage a higher volume of vehicles than currently experienced. More potential for accidents. There will be an increase in bottlenecking already seen on the road a few hundred meter's to the north east where once again line of sight is seriously impaired and only room for one vehicle pass at a time.

The entrance also for new housing on the south side of Pitgavney Road is another potential accident waiting to happen. Being at the top of the brae it will have limited visibility of any oncoming traffic travelling up from the Calcots junction. Visibility is already impaired in its current state as it is. While widening of the road will help reduce this risk, the position of the entrance itself will only once again add a hazard rather than remove one. A reduction in speed limits would not be enough to make this section of road safe.

Comment (PO): The proposed use of the Pitgavney Road junction is required it to ensure an acceptable access to the site. The junction improvements should improve road safety at this location. The applicant has proposed junction improvements and widening of Pitgavney Road to provide off road pedestrian and cycle access along with improvement to road geometry and visibility.

Issue: An alternative route possibly talking access solely onto Pitgavney Road should be considered where it would prevent increase traffic through the residential area of Chandlers Rise. With the junction improvements to Pitgavney/Calcots Road, why is access required from Chandlers Rise at all. If it were an emergency/pedestrian/cycle access only, this might be acceptable.

Comment (PO): Several iterations of roads layout were considered by the applicant and Moray Council, but for reasons given above it has always been intended to link this development for motorised and non-motorised traffic into Chandlers Rise. The link from the development to Chandlers Rise is identified within the Moray Local Development Plan R13 designation for this site, and has been sought as it will provide better permeability and linkage from the development to the rest of Elgin.

Issue: Relevant to residents of Jock Glass Courtyard accessed via Pitgavney Road at present while the junction improvements to the Pitgavney/Calcots junction would be welcomed the However, the volume of traffic already using this road includes agricultural, heavy goods vehicles, cars, motor bikes etc. Widening the road will only encourage even more use. Already many of these

vehicles speed in excess of what is safe on a narrow single track section. Access to both sides of the development on Pitgaveny Road will therefore see a large increase in traffic using this short section of road. There is a need for speed bumps or other road calming measures to ensure that the road does not become a rat run to Lossiemouth.

Comment (PO): The proposed road layout has been the subject of extensive consultation with the Council Transportation Manager and the application was subject of a detailed traffic assessment which informed the layout now being considered. It is unclear how the improved road would constitute a preferred route to Lossiemouth when the surrounding road network would be unchanged. No speed bumps are proposed for Pitgaveny Road, but changes to road finishes, active street frontages into Pitgaveny Road and changes to speed limits will alter driver behaviour in this vicinity.

Issue: Would it be possible to limit access only to the new developments and Lesmurdie House, Jock Glass Courtyard? The installation of bollards just beyond the entrance to the new developments would help reduce the volume of traffic. This would allow safer access to all houses concerned, cyclists and pedestrians who often walk along the road. Farm vehicles would still be able to access their land from the other end of the road nearer the farm.

Comment (PO): Various options were considered and the applicants a one point did propose to close Pitgaveny Road to through traffic. Closing Pitgaveny Road to through traffic would be detrimental to the wider permeability of traffic entering and leaving Elgin. The proposal before committee which see Pitgaveny Road remain open, and with an enhanced junction is what is proposed within this report.

Issue: The previous notified layout that that saw the development segregated from the entrance to Lesmurdie House (by closing off Pitgaveny Road) was favourable, for safety purposes, for walking and cyclists.

Comment (PO): A previous layout that saw all development traffic plus any southbound through traffic from Pitgaveny Road diverted through Chandlers Rise was created other traffic and planning issues, and the layout and road improvements currently proposed constitute the best arrangement for the wider locality.

Issue: Increased traffic in the locality would be detrimental to wildlife also. Wildlife routinely crosses Pitgaveny Road.

Comment (PO): It is not considered that the volume of traffic generated by an additional 70 houses would be so detrimental to wildlife as to warrant refusal of the application. Various mitigation measures are proposed during construction so as minimise the impact on wildlife.

Issue: Even with the proposed improvements to the Pitgaveny/Calcots Road junction and Pitgaveny Road, it will still not be safe with increased traffic and issues of visibility, forward visibility and bottlenecking and cars passing at the junction remaining.

Comment (PO): The proposed road layout has been the subject of extensive consultation with the Council Transportation Manager and the application was subject of a detailed traffic assessment which informed the layout now being considered. The Transportation Manager is aware of the visibility issues at the

current junction and on Pitgaveny Road. Subject to conditions the proposal is considered to be acceptable.

Issue: A dedicated crossing would be needed from Lesmurdie House across to the proposed pavement and also between both sides of the development on Pitgaveny Road as objectors have witnessed the need for such features. Speed calming is required

Comment (PO): This has not been sought or offered as part of the development, and within 30mph zones not all crossing points would require a dedicated crossing.

Issue: The visibility for cars and width of some junctions within and leaving Chandlers Rise proposed for use by the developers is not good.

Comment (PO): The Transportation Manager has not assessed there to be any issues with the adopted Chandlers Rise roadways or capacity.

Issue: Lesmurdie Road is increasingly busy, which causes delays in access to and from Chandlers Rise already.

Comment (PO): The Transportation Manager in assessing the use of Chandlers Rise would be aware of the existing road network and its capacity.

Issue: If the Pitgaveny Road junction was not properly upgraded this would encourage more of the new traffic to go via Chandlers Rise. Encouraging traffic through Chandlers Rise would discourage active travel to non-vehicular movement in Chandlers Rise.

Comment (PO): The proposals do include substantive upgrading to the Pitgaveny/Calcots Road junction, capable of providing suitable access to the proposed development. This includes a 3m cycle/footpath.

Other issues

Issue: Wildlife – the gap being formed in the ENV6 woodland would impact on habitat for squirrels, deer, hedgehogs, badgers, bats, owls, buzzards and woodpeckers. This was not properly surveyed as part of the original survey. It was understood such woodland was to be protected. The proposed development site itself is an important habitat.

Comment (PO): Whilst the loss of any habitat is regrettable, the wider benefits of developing the site to meet housing need, improving access throughout the settlement, reducing journey times and encouraging alternative forms of travel must be considered. The proposal seeks to provide substantive planting throughout the development, which would offset the loss of woodland habitat resulting from the development. The area of woodland lost in the ENV6 designation is not substantial and would see the removal of 15 trees. As the strip of land linking the site to Chandlers Rise was not examined in 2019 a bat survey was carried out in 2021 as the most likely species within the habitat to be affected. The survey uncovered no clear evidence on the bats or sight of possible roosts. See the observations section below also into effects upon ENV designations and loss of woodland.

Issue: Loss of woodland between Calcots Road and Pitgaveny Road and between the site and Chandlers Rise.

Comment (PO): In the observations section the loss of trees is specifically addressed. Where the loss of some trees would achieve some site specific opportunity identified within the settlement statement their removal may be acceptable. Some tree loss however does constitute a departure from policy. Compensatory planting is also proposed, to offset the loss of these trees and in addition the applicant proposes planting over 2000 elsewhere across the site.

Issue: A Chandlers Rise resident previously sought removal and replanting of trees within the adjoining ENV6 woodland due to concern over their size and the risk of them falling on the house during inclement weather but was told this was not permissible as the trees were protected.

Comment (PO): It is unclear from whom permission for tree felling and replanting was sought, as the land is not owned by Moray Council. It is likely that other than the exceptions identified in policy EP5 tree felling in ENV designations would be discouraged unless some immediate threat to property could be demonstrated. Some of the proposed tree felling for drainage within the ENV5 woodland to the south of the development is however being felled contrary to policy to accommodate drainage provision.

Issue: Residents at Lesmurdie House although more than 20m from the site boundary should have been directly notified of the development as a common courtesy.

Comment (PO): The specific requirements for neighbour notification are stipulated within the Development Management Regulations and the Council must apply it precisely and consistently. To have notified those beyond 20m from the site boundary would be inappropriate and open to challenge by the applicant.

Issue: One immediate neighbour to the site says that in 2021 they had not been notified of the development and received no communication.

Comment (PO): Moray Council records show that notifications have been posted to the property in question on 3 occasions inclusive of on one occasion a letter of explanation from the planning officer in August 2021.

Issue: The proposed development would lower the price of property in Chandlers Rise.

Comment (PO): Changes in property value are not a material planning consideration.

Issue: There are problems with water pressure already, which will be worse with a further 70 houses on the same system.

Comment (PO): Scottish Water have raised no objections to the proposed development and water pressure would be a separate matter to resolve with Scottish Water.

Issue: The change from a closed cul-de-sac to a through road, bring more people into and passing through this locality would be a security concern with passing and opportunistic criminality, unsociable behaviour likely to increase in the cul-de-sac.

Comment (PO): It is speculative to state that criminal activity/unsociable behaviour would increase because the road has been linked to a neighbouring new development.

Issue: The proposed link through to Chandlers Rise from the new development would bring additional noise and disruption to what is currently a quiet cul-de-sac.

Comment (PO): Notwithstanding the construction period, the development in the longer term is not anticipated to bring undue noise to the locality. The development being residential in character will generate more noise than Chandlers Rise once complete.

Issue: Some objectors question land ownership of the strip of land to be used for access between Chandlers Rise and the new development. Some say ownership is unknown while others say that it is owned communally by the residents of Chandlers Rise.

Comment (PO): The applicant has stated that they own the site in its entirety in the submitted application form. Notwithstanding any contest over who owns this land, the matter would not prevent determination of the current planning application.

Issue: There does not appear to be a pocket park in the submissions, which would force children to cross the road at Calcots Road.

Comment (PO): The plans do now show a pocket park and within the submitted design.

Issue: Looking at the proposed street naming, if part of the new development is also called Chandlers Rise, this will cause confusion and how will the numbering work?

Comment (PO): The street naming does indicate that part of the new development will be called Chandlers Rise and this will help bring a sense of connectivity and identity to the new development. The numbering would have to start beyond the numbering of the existing street, and this task is carried out separately to the planning process.

Issue: Residents in Chandlers Rise have to pay a factoring fee for landscape maintenance and will the new residents using Chandlers Rise not have to contribute or do they just get to enjoy the landscaping that others pay for. They will use and increase wear on the pavements and streets.

Comment (PO): There will likely be a similar arrangement for the housing development where residents will contribute to the upkeep of landscaping being created. The pavements and streets are adopted within Chandlers Rise and maintained by Moray Council.

8. OBSERVATIONS

- 8.1 Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise.
- 8.2 The site has been a residential designation within the current and preceding local development plans. Housing designation R13 within the Moray Local

Development Plan 2020 settlement statement for Elgin indicates the site is appropriate for approximately 70 house units.

8.3 **Background**

As discussed in the History Section of the report above, this proposed development has previously been considered by this committee in Oct 2020 and was to be approved subject to the conclusion of developer obligation payments via a legal agreement. It became clear in early 2021 however that the applicants could not foresee the proposal being progressed as presented to Moray Council due to the approved layout being financially unviable. They asked that the pending application be allowed to be re-designed with a more commercially viable mix of housing, and that the development still maintain and benefit from the cap previously placed upon developer obligation contributions of £6,500 per house units in place in 2020 when the application was considered by committee. The new submission was to be supported by a viability assessment, allowing for consideration of the applicants case to have developer obligations frozen at 2020 levels, where by 2021 no such cap existed.

- 8.3.1 Members considered a report in August 2021 seeking Committees approval to allow the Council to effectively set aside the committees previous decision, allow the applicant to re-visit and submit for assessment a revised design and housing mix, and engage in discussions over viability via the submission of a Viability Assessment which was assessed independently by the District Valuer. The suggested approach was approved and since 2021 the applicant has been in the process of amending the plans, consulting with the District Valuer via the Councils Developer Obligations staff who oversaw the Viability Assessment and agreeing a developer obligation sum to be paid in the event of approval.
- 8.3.2 For the avoidance of doubt, all that is before Members for consideration is the layout subject of this report, with previously considered layout and housing mix superseded in its entirety. This has been (to officers' knowledge) the first occasion where the Council has permitted a planning application, previously considered by committee, to effectively come back to committee to be re-considered.
- 8.3.3 The application being for 70 house units is a major development as defined under the Hierarchy Regulations 2009 as it is for a housing development of more than 50 houses and is therefore subject to Pre-application Consultation report (PAC) procedures.
- 8.3.4 For this application, the original PAC report outlines the extent of the applicant's engagement with the local community in accordance with the Proposal of Application Notice (PAN) and the public event undertaken at Elgin Town Hall in April 2019. The event was advertised and invites issued to the Innes and Elgin Community Councils. The event was attended by 19 members of the public and the feedback is contained within the Pre-Application Consultation (PAC) Report. There was no legislative requirement to carry pre-application procedures again following the re-visitation of the proposals and while no further public consultation event was carried out, further neighbour notification and advertisement was carried out informing the neighbours of the proposed

revisions. Following neighbour re-notifications a further 21 representations have been made.

8.3.5 Some carried forward from the initial 2019 submissions, the application has also been supported by the submission of:-

- Planning, Sustainability and Design Checklist
- Design & Access Statement
- Placemaking Statement
- Transport Assessment
- Drainage Impact Assessment
- Ecological Assessment (including habitat survey)
- Archaeological Walkover Survey Report
- Tree removal & Protection Plan
- Biodiversity Plan

8.4 **Principle of residential development (PP3, DP1, DP2 and R13 Lesmurdie Fields)**

MLDP2020 policy PP3 Infrastructure and Services requires development to be planned and co-ordinated with infrastructure to ensure that places function properly and proposals are adequately served by infrastructure and services. The development should be suitably located to make use of existing utilities and ensure provision of appropriate facilities.

8.4.1 Policy DP1 Development Principles considers 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 what mitigation is required to address these impacts. It also considers whether the design of a development is appropriate to its setting.

8.4.2 MLDP 2020 Policy DP2 Housing a) requires proposals on designated sites to be supported by 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 Council, as well as to comply with policy PP1 Placemaking, DP1 Development Principles, site development (designation) requirements and relevant MLDP policies. The required design statement and supporting information have been submitted in support of the application to inform consideration.

8.4.3 The proposal seeks to provide housing in line with the requirements of the R13 Lesmurdie Fields designation, and due to various constraints such as topography and overhead power lines the area appropriate for development lies generally to south west side and in the field south of Pitgaveny Road. The site has substantive areas of open space and planting and has provided adequate landscaping and spacing to the nearest properties (particularly Clearwaters at the entrance to Lesmurdie House). The application has sought to comply with the various requirements of the development identified in the settlement statement designation which includes wider links to locality, improvements in connectivity of the site with the settlement to the west (and potential links north to the Long designation) and substantive landscaping. The density and layout

accord with intentions of the designation which suggested a density of 70 units (which is what is proposed) with the layout adequately spacious, with garden sizes throughout the development acceptable. Overall the housing proposed does accord with the residential designation for the site, and seeks to integrate the specific requirements of the designation R13 and therefore complies with the Elgin settlement statement.

8.5 **Open Space issues (EP5 and Elgin ENV5 and ENV6)**

The requirements of policy EP5 Open Space cover the effect of the development on ENV5 Lesmurdie – Green Corridor – there will be the loss of approximately 10 trees at the corner of this designation to accommodate the improved junction of the Pitgaveny Road with the Calcots road. Similarly 15 trees will be removed from the designation ENV6 North East Amenity Land - Natural/Semi-Natural Greenspace adjacent to Chandlers Rise where the access link will be formed from the development into Chandlers Rise. The applicant has undertaken a detailed felling plan and submitted a Tree Removal, Protection Plan and Planting plan. The specific implications for trees is discussed below.

- 8.5.1 Of note MLDP 2020 policy EP5 Open Space seeks the protections of all designation open spaces in the settlement, but does acknowledge that exceptions may be granted where a site specific opportunity is identified within the settlement statement. Whilst outside the designation, Elgin settlement statement does state specifically for R13 that improvements to this Calcots/Pitgaveny junction will be required, and therefore some incursion in the adjoining ENV5 woodland has to be made to improve the geometry and gradient of the junction. The current junction of the Calcots/Pitgaveny is poor and the improvement of this junction justifies the incursion into the area of coniferous trees.
- 8.5.2 Similarly for the road connection through ENV6 to Chandlers Rise it is typical to link housing developments together to improve permeability and connectivity within the wider locality. The MLDP2020 also acknowledges that to achieve aims such as connectivity, this would involve forming connections through areas of designation 'ENV' woodland and amenity areas with the remainder of those areas remaining protected. The link from the site westward to existing residential areas is therefore desirable.
- 8.5.3 What does however depart from the policy EP5 Open Space is the loss of approximately 0.2h of woodland from designation EP5 Lesmurdie Green Corridor on the south side of the development where soakaways for the roads infrastructure are proposed. Particularly the one closest to plots 53-56 could have been located within the adjoin field forming part of the designation. The other soakaways running parallel to the widened Pitgaveny Road are located partially to benefit from the gravity afforded by their location lower down in the site. There will be specific compensatory tree planting to account for the loss of this area of Scots Pine, and where the designation already necessitated some permissible intervention into this stand of trees already it is not considered that the proposed loss of a further 0.2 hectares warrants refusal of the application. Of note in terms of open space, the proposed surface water soakaways would not constitute built form above ground level within the open space designation,

so would be visually invasive, albeit would result in a clearing amongst the existing ENV5 trees.

- 8.5.4 The site provides well in excess of the 20% minimum open space required under EP5 b) III). The proposals are therefore not considered to depart from policy EP5 in this regard.

8.6 **Placemaking, design and layout (PP1, DP1 and DP2)**

MLDP 2020 Policy PP1 Placemaking requires development proposals to meet the following criteria:

- a) to be designed to create successful, healthy places that support good physical and mental health, safeguard the environment and support economic growth;
- b) be supported by a Placemaking Statement (and sufficient information) for 10 or more units which demonstrates how the development proposal addresses PP1 requirements and other relevant LDP policies and guidance; and
- c) to comply with Scottish Government Policy Creating Places and Designing Streets and incorporate seven fundamental principles addressing:
 - i) Character and Identity,
 - ii) Healthier, Safer Environments,
 - iii) Housing Mix,
 - iv) Open Spaces/Landscaping,
 - v) Biodiversity,
 - vi) Parking and
 - vii) Street Layout and Detail.

- 8.6.1 There are a wide range of requirements specified in policies PP1 Placemaking, PP3 Infrastructure and Services, DP1 Development Principles and DP2 Housing that go beyond the requirements of the previous local development plan. These range from servicing/utilities plans (inclusive of future provision for electric car charging), biodiversity plans, public art, additional visitor carparking, open space requirements, street naming, place-making statement, restrictions on street frontage parking, bin and secure cycle storage.

- 8.6.2 The place-making statement addresses pedestrian movement, vehicular movement, public transport, safer environments, car parking, legibility/street hierarchy, character and identity, reference to surrounding buildings/materials housing mix, access to facilities/amenities, visual connection, natural features, open space and connections to open space, biodiversity and landscaping.

- 8.6.3 Without discussing the entire quality audit process, which covers many topics as summarised above, the various amendments to the proposal have led to the above requirements being incorporated into the final layout plan currently subject of this report. The consultation response from Strategic Planning and Development, referred to earlier in this report

- 8.6.4 Following process of audit, discussion and amendment of the plans with the applicant, the following summary shows the quality audit change.

QA Category	QA 1 score	QA2 Score (if mitigation/conditions are secured)	Mitigation/Conditions necessary to score green.
Character and Identity			<p>Three character areas are proposed each using different colours, materials and landscaping. Key buildings and corner buildings are identified along with feature walls and reclaimed stone walls helping to establish the site character.</p> <p>Woodland will be removed to provide SUD and is therefore a departure from policy EP7 part c) Control of Woodland Removal. This triggers a red in that the development incur upon the designated open space that is the ENV designation which bounds the site.</p> <p>Compensatory planting must be identified for all tree and woodland removal (i.e. 40 trees and 0.2 ha of woodland). Applicant has agreed to a condition providing compensatory planting within site beyond the landscaping and structural planting already proposed to offset the loss of trees.</p>
Healthier, Safer Environments			<p>A fully integrated and permeable network incorporating cycle path will create good connections to existing development and shops and encourages active travel. A grid like layout provides good natural surveillance and easy navigation. Re-orientation of buildings and incorporating windows into gables has allowed better overlooking of open spaces and parking areas. Features including key buildings and entrance feature walls aid navigation and create a welcoming entrance.</p> <p>Condition detail of play areas, surfacing and benches/picnic tables including ensuring these meet accessible needs (to be agreed in consultation with Parent Able). A condition will also be required for maintenance arrangements.</p> <p>Condition finalised design and details of carved benches that will form trail through the open space.</p> <p>Condition requiring extension of the cycle path on the south side of Pitgaveny Road in front of plots 43-48. Such a condition is recommended.</p>
Housing Mix			<p>Through the QA a wider housing mix has been created that now incorporates a range of house types including a private terrace, semi-detached and</p>

			detached housing ranging in size from 3 to 5 bedrooms. Affordable housing meets the 25% requirements and incorporates cottage flats, terraces and bungalows ranging in size from 1 to 3 bedrooms. Accessible housing has been identified within this mix.
Open Spaces & Landscaping			<p>Large area of open space to north incorporates new planting, paths, benches and mown kickabout area. The pocket park includes play equipment, benches and planting giving this space a clear function. The planting proposed provides seasonal variation including native planting and for pollination. The Landscaping Plans show trees on all routes in line with policy.</p> <p>As above, condition details of play area.</p> <p>Condition Landscape Delivery Plan to ensure Pocket park is delivered upon 50% of Character Area 2 (properties around open space), planting is semi-mature throughout the development, and the timeframe for delivery of planting within each character area.</p> <p>Condition details of maintenance arrangements of trees within streets and hedges/planting that mitigates parking.</p>
Biodiversity			<p>The open spaces proposed incorporate SUDS, tree planting, shrub planting and hedges. The dead wood will be retained to support invertebrates. Woodland planting on the northern edge will provide containment as well as creating new habitats to support wildlife. The hedgerow mix proposed at several locations is made up of predominantly native species. Swift bricks and hedgehog highways are also proposed.</p> <p>Proposal is a departure from policy EP7 part c) Control of Woodland Removal as woodland is to be removed to accommodate SUDS.</p> <p>As above condition compensatory planting is recommended.</p>
Parking			A maximum of 50% of parking is shown to the front of buildings and hedging, trees and walls have been used to mitigate parking in streets. Communal parking areas are broken up by semi mature tree planting. Feature walls proposed to define the entrances to some communal parking areas this also

			helps mitigate impacts of parking. Condition details of cycle storage at apartments T5/T6 house types.
Street Structure			There is a clear hierarchy of streets with varied geometry and shared surfaces. The landscaping and variation in street material further define the hierarchy and character areas. Revisions to the layout have provided an integrated and permeable network that includes a 3m wide cycle path that connects to existing infrastructure helping to connect the development to the nearest shops and wider path networks. Improvements to the Pitgaveny/Calcots Road junction are also provided.
Street Layout			Condition to confirm details of visibility splays. Layout otherwise acceptable.
Street Detail			Condition for further clarification to SUDS details. Otherwise acceptable.

- 8.6.5 Overall, the proposed revised layout represents a high standard of design on this designated housing site in Elgin which incorporates the principles of good placemaking, as set out in PP1 of the MLDP 2020, achieving scores of green under each of the design principles outlined in the above Quality Audit 2. Subject to conditions addressing the above requirements (where identified), the proposals would accord with the provisions of (or constitute an acceptable departure from) PP1, DP1, DP2, R1, EP2, EP5 and EP7.
- 8.6.6 Of note the presence of SUDS soakaways within the ENV5 woodland triggers a red in two categories (and several policies). This issue does not however detract from the wider layout and in particular the streetscape, parking and landscaping within the development has been done to a high standard. While the southern portion of the site, character area 3 might have been re-designed to force the incorporation of the soakaways, to avoid conflict with the ENV5 area, the site density and layout for plots 43-70 is well designed, spacious and meets all other policy criteria. On balance, it was not considered advantageous to dismiss the layout in this part of the site to redress the loss of 0.2 hectares of ENV5 and avoid departing from EP2, part a) of policy EP5 and part c) of EP7. The development through the introduction of over 2000 new tree specimens beyond the required compensatory planting does on balance redress any loss of biodiversity from the loss of parts of the ENV5 and ENV6 designations.
- 8.7 **Affordable and Accessible Housing (DP2)**
Policy DP2 requires that 25% of the total number of units in new developments must be provided as affordable housing. As 70 housing units are proposed an affordable contribution is rounded up to 18 units will be required.
- 8.7.1 Given the proposals show the affordable housing as the first phase of the development, and the applicants already have a housing association in place

for the affordable housing, comfort can be taken that if consented the affordable housing would be provided at an early stage of the overall development. A condition is recommended requiring adherence to the applicants' submitted phasing plan, which proposes development of the affordable units as a first phase of the development.

- 8.7.2 As a proportion of the 52 private houses, 8 will be accessible semi-detached units (more than the 10% policy requirement, which would only require 6). These are identified on the submitted plans and while floor plans have been provided, a condition is recommended to ensure full details of compliance with accessible standards shown in guidance associated with policy DP2.

8.8 **Flooding and drainage (PP3, DP1 and EP12)**

Policies PP3 Infrastructure and Services and DP1 Development Principles (iii) Water Environment, Pollution, Contamination require development to be planned and co-ordinated with infrastructure to ensure places function properly, and proposals are adequately served by infrastructure and services in terms of foul and surface water drainage and water supply. Policy EP12 Management and Enhancement of the Water Environment requires surface water from development to be dealt with in a sustainable manner (SuDS) that has a neutral effect on the risk of flooding or which reduces the risk of flooding, including temporary/construction phase SuDS.

- 8.8.1 This application as submitted in the pursuit of compliance with the previous and adopted MLDP2020 has seen numerous amendments to the proposed drainage arrangements for the site. The proposals now include several open swales which are designed to be less formal in appearance and will incorporate wetlands planting species. The incursion of the soakaways into the ENV5 woodland designation raised departure issues for other policies, but the submitted Drainage Impact Assessment (DIA) and updated drainage design is acceptable subject to the conditions recommended. The application has sought to rationalise the soakaway designs within the ENV5 woodland to keep them toward the edges of the stand of trees, and a conditions ensuring the capacity of these soakaways in maintained in line with the DIA.

- 8.8.2 On the basis of the above, the proposals accord with policies PP1, DP1 and EP12 in relation to drainage.

8.9 **Information Communication Technology (ICT) (PP3)**

Policy PP3 Infrastructure & Services requires installation of Information Communication Technology and fibre optic broadband connections (unless justification can be provided to show that ICT is technically unfeasible here). The applicant has confirmed that this IT cabling to the development will be Fibre Optic which has now become standard for new housing developments.

8.10 **Access and Parking (PP3, DP1 and DP2)**

Policies PP3 Infrastructure and Services and DP1 Development Principles (ii) Transportation require development to be planned and co-ordinated with infrastructure to ensure places function properly, and proposals are adequately served by infrastructure and services.

- 8.10.1 Policy PP1 Placemaking and DP2 Housing require proposals on designated sites to be supported by Placemaking and a design statement addressing roads infrastructure, access for pedestrians, cyclists, public transport and service vehicles.
- 8.10.2 Placemaking and Design Statements, a Transport Assessment, Utilities Plan and engineering drawings have been submitted with the application to address the above policies PP1, PP3, DP1 and DP2 regarding transportation matters.
- 8.10.3 There are several Potential Transportation Improvements (also known as TSP's) within the MLDP 2020 for this location and the proposal is further informed by specific transportation requirements of designation statement itself which require footpath and cycle connections, west into Chandlers Rise, and south to Lesmurdie to provide good connectivity to play parks and shops nearby. Both Pitgaveny Road, Calcots Road, the junction between them leading toward Lesmurdie Road will require substantive upgrade as part of the application.
- 8.10.4 As part of the proposed development mitigation works the junction at Calcots Road will be repositioned to the east and the visibility improved. Pitgaveny Road will also be widened to 5.5 metres from Calcots Road to a point approximately 50 metres beyond the crossroads access to the site to provide for two-way traffic movement. The repositioning of the junction will have an impact on the existing gradients on Calcots Road. To improve junction safety the proposals are to reduce the gradient at the approach to the junction however this will also require a short section of the road beyond the junction to be increased in gradient to achieve a suitable tie in with the existing road levels. The proposed mitigation however is considered to be an improvement in terms of overall road safety for the visibility and walking and cycling.
- 8.10.5 Pitgaveny Road is currently within the national speed limit (60mph) from the junction with Calcots Road northwards past the site. In order to support the extension of the 30mph speed limit to the extent of the site frontage, street lighting will need to be provided from Calcots Road to the end of the site frontage. Details for the required street lighting need to be provided and approved through the statutory process for the Roads Construction Consent which will be required. Road drainage will also be provided as part of the mitigation works to Pitgaveny Road.
- 8.10.6 The location of the existing 30 mph speed limit on Calcots Road will also require to be relocated further east as part of the proposed junction modifications. Details of the new speed limits will need to be agreed with the Roads Authority prior to commencement of the development. This will be a separate process to the planning application however.
- 8.10.7 Proposals to mitigate for the lack of walking and cycling provision include realignment of the existing Pitgaveny Road/Calcots Road junction, provision of a new 3 metre wide cycle path on the south side of Pitgaveny Road from the site to Calcots Road, a crossing of Calcots Road, provision of a new/widened 3 metre wide cycle path to the rear (north) of properties on Willowside Place.

- 8.10.8 The proposals include a second point of access for pedestrians and vehicles onto an existing Cul-de-sac at Chandlers Rise which will provide an alternative route to Lesmurdie Road. This provides connectivity to neighbouring development and is also the most direct route from the site for walking and cycling to primary and secondary schools. This layout will also improve the efficiency of the road network for site servicing.
- 8.10.9 The proposed mitigation works to the transport network are considered to be acceptable in principle to Transportation subject to completion of the detailed design and a new Road Safety Audit which must be completed and the any mitigation requirements addressed as part of the Road Construction Consent process.
- 8.10.10 A Transport Assessment has been submitted in support of the proposed development and no capacity issues have been identified with the network and local junctions.
- 8.10.11 The site is split into two distinct areas north and south of Pitgaveny Road, with 46 units to the north and 24 units to the south. The southern part of the development is accessed via a road linking two junctions onto Pitgaveny Road one of which forms a crossroads with the access to the northern part of the development. This arrangement will improve the efficiency with which the site can be serviced and provides a legible network of routes.
- 8.10.12 The layout of the area to the north of Pitgaveny Road provides a direct route to connect to the northwest corner and the link through to Chandlers Rise. There is also a loop road connecting two minor streets and a single cul-de-sac to the north end of the site. The road layout offers potential for future connections to be made to the north and east if required. The grid layout provides an easily legible street layout and there is a clear road hierarchy.
- 8.10.13 The internal roads comprise short straights with speed tables at each junction to manage traffic speeds within the development.
- 8.10.14 Provision is made for a 3 metre wide cycle path along Pitgaveny Road and through the northern part of the site. The 3 metre path continues to the east to terminate at the end of the cul-de-sac to allow for future potential connectivity. A well connected network of footpaths is provided throughout the site.
- 8.10.15 Details have been submitted to confirm the proposed infrastructure provision to support the addition of Electric Vehicle charging at properties within the development. Further design details are sought by condition as required by policy DP2.
- 8.10.16 Subject to the conditions recommended the proposal is considered to comply with policies PP3, DP1 and DP2.
- 8.11 **Impact on natural environment (DP1, EP2, EP7 and EP14)**
It is noted that under policy EP2 Biodiversity the opportunity should be taken to enhance the natural environment where possible, and the applicant via substantial additional planting, beyond that relating to compensatory tree planting, above ground drainage solutions (integrating wetland flora species)

will have enriched the biodiversity of the overall site which was previously open scrub grassland.

- 8.11.1 A departure from EP2 has been identified where the loss of woodland within designation ENV5 would result in the loss of habitat. Compensatory tree planting is proposed to address the loss of trees, but there will be an irreversible reduction of the scots pine woodland (albeit plantation) and the habitat it would have provided. The loss of approximately 0.2 hectares is not however considered to warrant refusal of the development in this instance as road improvements already necessitate some incursion into the ENV5 woodland and overall the proposal whilst felling 40 trees and 0.2ha of scots pine plantation as identified in the detailed felling surveys would need to be measured against the proposed new landscaping and structural planting. The submitted landscaping plans show the introduction across the site of over 2000 new mixed tree specimens on what was predominantly open rough grazing. On balance the development should enhance woodland habitat in time, notwithstanding the loss of habitat in existing wooded ENV designations.
- 8.11.2 The application was supported by submission of an Ecological Assessment that confirmed the site in its current state offers limited biodiversity, however a further bat survey was also undertaken for the area of woodland to the east within designation ENV6. While undoubtedly bat habitat, no evidence of roosts was detected for the trees to be removed. Whilst the ENV6 woodland provides habitat for various species, and constitutes an area if used for foraging/cover it displayed no special attributes preventing development, and does not occupy a large area. Many of the species identified as being present by those making representation are transient and forage in the wider locality, so the strip of woodland being used for the link would not prevent or impede the foraging elsewhere in the ENV6 designation. In the compensatory and additional planting a mix of indigenous species have been proposed by the landscape architect to enhance biodiversity. This includes different grass planting in the meadow and more managed grass areas.
- 8.11.3 Of note a condition is recommended to ensure that mitigation measures such as works to commence outwith ground nesting bird season and pre-commencement surveys for felling and earthworks are undertaken. This includes if works are carried out between April-July then pre-construction breeding bird surveys would be required.
- 8.11.4 While there would be a loss of some habitat from tree felling to enable access requirements, it is considered that the extent of compensatory and additional tree planting, mix of less managed meadow grass planting and wetland planting in swales will contribute positively to enhancing the natural environment and ensuring compliance with policy EP2 (other than for in ENV5 as discussed above).
- 8.11.5 A further safeguard to the environment, and requirement under policy EP14 Pollution Control, Contamination and Hazards is the recommended imposition of a contaminated land condition given its previous uses and presence on site of mounds of historic material on the site that appear to be building rubble.

8.12 **Effect on Woodland and Trees (EP7)**

Policy EP7 Forestry, Woodlands and Trees seeks to control or mitigate the impact of lost woodland or trees in relation to proposed development. It seeks to encourage new woodland planting within development proposals, connection of woodlands to form a wider green network and protection of important existing woodland habitat. As outlined above several areas of woodland have seen some tree felling to facilitate access to the site from Calcots Road, Pitgaveny Road and Chandlers Rise. As referred to by objectors a corridor of trees will need to be removed between the site and Chandlers Rise, but this would not substantively diminish the remaining tree belt under the ENV6 designation.

- 8.12.1 The proposal does however include the provision of a surface water soakaway within the woodland area south of plots 53-56 at the southern end of the site. This plantation of scots pine is designated as green space ENV5 within the Elgin settlement statement plan. The arboriculture report recommended that some trees close to the field edge should be removed anyway to prevent interference with the new housing but the felling extends to 2133m² to include space required to accommodate surface water drainage soakaways. The loss of these indigenous scots pine, albeit a plantation of triggers a departure from policy EP2 and EP7 part c) only supports woodland removal where this would achieve significant and clearly defined public benefits and where removal will not have unacceptable adverse effects. The loss of woodland for road and accessibility improvements is accepted a public benefit but the position of the soakaways which has greater flexibility has been treated as a departure from EP7. This departure does not however warrant refusal for the reasons stated elsewhere and in the wider context where the development will see the introduction of substantive areas of structural planting, landscaping and street trees.
- 8.12.2 Existing trees elsewhere within the site boundary to the east will be unaltered. The applicant has submitted detailed felling, tree protection and planting details which have helped inform the assessment. Measures to protect the trees to be retained are conditioned.
- 8.12.3 In summary 40 individual trees are being removed to allow development as well as an area of felling 2133m² of Scots Pine plantation at ENV5 next to Calcots Road to accommodate the road and junction improvements and drainage provision. Within the development there will be substantive planting of 130 tree specimens (small, semi-mature or extra heavy standards) and these trees will comprise of Alder, rowan, birch, beech, cherry as well as some specimens of maple, whitebeam and Joseph's coat of arms to add diversity to the planting mix. The more substantive proposed woodland areas will introduce approximately 2200 tree specimens planted comprising of oak, birch, alder, rowan, hawthorn and scots pine. The submitted landscape plans show the significant extent of planting proposed.
- 8.12.4 Furthermore hundreds of new shrubs and hedge plants will be planted throughout the scheme, with a diversity of species to encourage biodiversity.
- 8.12.5 The proposal is therefore acceptable in terms of policy EP7 (other than where trees are removed in designation ENV5 for SuDS drainage) and will see adequate compensatory and structural tree planting provided within the site.

Given that much of the site is currently rough pasture, this planting will improve the tree cover in this area, despite the necessary tree felling required.

8.13 Impact on Cultural Heritage (EP8 and EP10)

Policy EP8 Historic Environment seeks the preservation of sites of local archaeological importance, and the integrity of their settings and Policy EP10, the protection of listed buildings and their settings.

8.13.1 Due to archaeological records, investigation of the ground will be required and a condition to this effect is recommended. The proximity of the B-listed Lesmurdie House was a consideration and it is noted that through other residential development, there have been substantial changes to what would have been the original curtilage of the building. The proposed development being separated from the listed building by Jock Glass courtyard and the mature ENV6 woodland strip will have no detrimental impact upon its setting. Existing landscaping along the western edge of the site further mitigates any perceived impact upon its setting.

8.13.2 The proposal, subject to the archaeological condition, therefore complies with both policy EP8 and EP10.

8.14 Developer Obligations (PP3)

Policy PP3 Infrastructure and Services requires that developer obligations will be sought to mitigate any measurable adverse impact of a development proposal on local infrastructure. In this case, following an assessment of education, healthcare, transport (including rail), sports and recreational facilities and access routes it is determined that for the 70 houses proposed, a sum is payable toward healthcare provision. A viability assessment was carried out for this development also, which was subject to independent review by the District Valuer, which concluded the sum sought was acceptable and did not prevent viability of the proposal.

8.14.1 The applicant has agreed to pay this sum in the event of the application being supported by committee and prior to the planning consent being issued. The therefore ensures compliance with policy PP3d) relating to developer obligations.

Conclusion

The development proposing 70 houses, in line with the density suggested in the R13 designation does comply with the intended form of development for this site, other than where surface water drainage infrastructure occupies a portion of woodland designation adjoining the site. This has triggered a departure from policies EP2 Biodiversity, EP5 Open Spaces and EP7 Forestry, Woodland and Trees.

In considering the remaining policy issues, and other material considerations the proposed development would comply with the relevant policies and designations of the MLDP 2020. The development would contribute to the provision of housing in north east Elgin and would provide a good quality living environment for its occupants. While weight is attached notably to the objections relating to developments connection via Chandlers Rise and Pitgaveny Road,

the proposed arrangement have been acceptable to the Transportation Manager.

REASON(S) FOR DECISION

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

While the proposal constitutes a departure from policies EP2, EP5 and EP7 where an incursion into designated ENV woodland would occur it is acceptable in this instance where other planting mitigation, compensatory planting and the otherwise acceptable development layout would result. The proposal accords with all other policies of the adopted Moray Local Development Plan 2020 and there were no other material considerations preventing approval.

**Author/Contact
Officer:**

Neal MacPherson
Principal Planning Officer

Ext: 01343 563266

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

APPENDIX

POLICY

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 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.

PP2 SUSTAINABLE ECONOMIC GROWTH

Development proposals which support the Moray Economic Strategy to deliver sustainable economic growth will be supported where the quality of the natural and built environment is safeguarded, there is a clear locational need and all potential impacts can be satisfactorily mitigated.

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 400m², excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and the resultant plot density and layout reflects the character of the surrounding area.
- g) Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.
- h) Existing stone walls on buildings and boundaries must be retained. Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.
- i) Proposals must orientate and design buildings to maximise opportunities for solar gain.
- j) All developments must be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use (calculated on the basis of the approved design and plans for the specific development) through the installation and operation of low and zero-carbon generating technologies.

(ii) Transportation

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

- d) Provide covered and secure facilities for cycle parking at all flats/apartments, retail, community, education, health and employment centres.
- e) Garages and parking provision must be designed to comply with Moray Council parking specifications see Appendix 2.
- f) The road layout must be designed to allow for the efficient mechanical sweeping of all roadways and channels, pavements, turning areas and junctions. The road layout must also be designed to enable safe working practices, minimising reversing of service vehicles, with hammerheads minimised in preference to turning areas such as road stubs or hatchets, and to provide adequate space for the collection of waste and movement of waste collection vehicles.
- g) The road and house layout in urban development should allow for communal refuse collection points where the design does not allow for individual storage within the curtilage and / or collections at kerbside. Communal collection points may either be for the temporary storage of containers taken by the individual householder or for the permanent storage of larger containers. The requirements for a communal storage area are stated within the Council's Kerbside Collection Policy, which will be a material consideration.
- h) Road signs should be minimised designed and placed at the back of footpaths to reduce street clutter, avoid obstructing pedestrian movements and safeguarding sightlines;
- i) Within communal parking areas there will be a requirement for electric car charging points. Parking spaces for car sharing must be provided where a need is identified by the Transportation Manager.

(iii) Water environment, pollution, contamination

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

- f) Make acceptable arrangements for waste collection and management and encourage recycling.
- g) Avoid sterilising significant workable reserves of minerals, prime agricultural land or productive forestry.
- h) Proposals must avoid areas at risk of coastal erosion and coastal change.

DP2 HOUSING

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

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

b) Piecemeal/ individual plot development proposals

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

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

c) Housing density

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

d) Affordable Housing

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

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

A higher percentage contribution will be considered subject to funding availability, as informed by the Local Housing Strategy. A lesser contribution or alternative in the

form of off-site provision or a commuted payment will only be considered where exceptional site development costs or other project viability issues are demonstrated and agreed by the Housing Strategy and Development Manager and the Strategic Planning and Development Manager. Intermediate tenures will be considered in accordance with the HNDA and Local Housing Strategy, and agreed with the Housing Strategy and Development Manager.

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

e) Housing Mix and Tenure Integration

Proposals must demonstrate tenure integration and meet the following criteria;

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

f) Accessible Housing

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

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

POLICY GUIDANCE NOTE- AFFORDABLE AND ACCESSIBLE HOUSING

Affordable Housing

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

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

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

The 2017 HNDA identified a requirement for 56% of all need and demand to be affordable units in Moray between 2017 and 2035. This Local Development Plan has lowered the threshold so that individual house proposals are required to make a contribution towards

affordable housing provision, which is intended to ensure proposals do not circumnavigate the policy and provide a fair and transparent process.

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

http://www.moray.gov.uk/moray_standard/page_90100.html. The current Local Housing Allowance will be used as a proxy for average private sector rents.

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

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

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

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

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

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

Affordable housing requirement figures will be rounded up.

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

Accessible housing

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

Policy DP2 aims to;

- Assist the Council, the NHS and the Health and Social Care Moray to meet the challenges presented by our ageing population and the shared aim of helping people to live well at home or in a homely setting. The HNDA 2017 demonstrates that Moray's population is ageing and there is a trend towards older and smaller households.
- Provide increased choice of tenure to people with physical disabilities or mobility impairments, by increasing the supply of accessible housing in the private sector. There is currently a mismatch between the size and type of housing required and the size and type of housing available across all tenures. This mismatch, along with increasing housing needs associated with physical disability, are the likely drivers of owner occupiers seeking public sector accessible housing to meet medical needs.

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

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

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

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

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

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

External requirements

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

Internal requirements

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

Accessible housing requirement figures will be rounded down.

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

DP3 LONG TERM LAND RESERVES

LONG term designations are identified to set out the direction of growth and to assist in the forward planning of infrastructure and landscape enhancement/mitigation. These sites are embargoed from development during the period of the Local Development Plan. The need for release of these designations will be reviewed through the next local development plan and annually through the housing and employment land audits. Early release of these areas, or sites within them, will only be considered where:

A shortfall in the 5 year effective housing and/ or employment land supply or shortfall in projected delivery of housing/employment units/land is identified in the annual housing and employment land audits, which cannot be met by:

1. Windfall provision assuming previous trends.
2. Constrained sites which are likely to become available for development to meet the shortfall in the relevant timeframe.

Or

3. Where the release of LONG term land is required to deliver key objectives of the Council and its Community Planning partners set out in the Local Outcome Improvement Plan, or to meet significant increased demand for housing arising from personnel deployed at RAF Lossiemouth or Kinloss Barracks.

Or

4. Where the release of LONG term land is required to provide land for an inward investment opportunity and no alternative sites identified in the employment land audit meet the requirement.

In these circumstances an appropriate release of LONG term land may be recommended where:

- This can be achieved without compromising delivery of a master-planned approach and where appropriate access, infrastructure and landscaping setting can be secured.
- The site is demonstrated to be effective within the next 5 years.
- Any site specific triggers are fully complied with.

EP2 BIODIVERSITY

All development proposals must, where possible, retain, protect and enhance features of biological interest and provide for their appropriate management. Development must

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

Development should integrate measures to enhance biodiversity as part of multi-functional spaces/ routes.

Proposals for 4 or more housing units or 1000 m² or more of commercial floorspace must create new or, where appropriate, enhance natural habitats of ecological and amenity value.

Developers must demonstrate, through a Placemaking Statement where required by Policy PP1 which incorporates a Biodiversity Plan, that they have included biodiversity features in the design of the development. Habitat creation can be achieved by providing links into existing green and blue networks, wildlife friendly features such as wildflower verges and meadows, bird and bat boxes, amphibian friendly kerbing, wildlife crossing points such as hedgehog highways and planting to encourage pollination, wildlife friendly climbing plants, use of hedges rather than fences, incorporating biodiversity measures into SUDS and retaining some standing or lying dead wood, allotments, orchards and woodlands.

Where development would result in loss of natural habitats of ecological amenity value, compensatory habitat creation will be required where deemed appropriate.

EP5 OPEN SPACE

a) Existing Open Space (ENV's and Amenity Land)

Development which would result in a change of use of a site identified under the ENV designation in settlement statements or amenity land designations in rural groupings to anything other than open space use will be refused. Proposals that would result in a change of use of an ENV4 Sports Area to any other use (including other ENV categories) will be refused. The only exceptions are where the proposal is for essential community infrastructure required to deliver the key objectives of the Council and its Community Planning Partners, excluding housing, or for a site specific opportunity identified within the settlement statement. Where one of these exceptions applies, proposals must:

- Be sited and designed to minimise adverse impacts on the principal function of the space and the key qualities and features identified in the Moray Open Space Strategy Supplementary Guidance.
- Demonstrate that there is a clear excess of the type of ENV and the loss of the open space will not negatively impact upon the quality, accessibility and quantity of open space provision and does not fragment green networks (with reference to the Moray Open Space Strategy Supplementary Guidance, green network mapping and for ENV4 Sports Area in consultation with SportScotland) or replacement open space provision of equivalent function, quality and accessibility is made.

The temporary use of unused or underused land as green infrastructure is encouraged, this will not prevent any future development potential which has been identified from being realised. Proposals that would result in a change of use of an ENV4 Sports Area to any other use (including other ENV categories) will be refused.

Proposals for allotments or community growing on existing open space will be supported where they do not adversely affect the primary function of the space or the key qualities and features identified in the Moray Open Space Strategy Supplementary Guidance and a locational requirement has been identified in the Council's Food Growing Strategy. Consideration will include related aspects such as access, layout, design and car parking requirements.

Any new/proposed extension to existing cemetery sites requiring an intrusive ground investigation must be undertaken in accordance with SEPA's guidance on assessing the impacts of cemeteries on groundwater before any development occurs at the site.

Areas identified in Settlement Statements as ENV are categorised based on their primary function as set out below. These are defined in the Open Space Strategy Supplementary Guidance.

ENV 1	Public Parks and Gardens
ENV 2	Amenity Greenspace
ENV 3	Playspace for children and teenagers
ENV 4	Sports Areas
ENV 5	Green Corridors
ENV 6	Natural/Semi-Natural Greenspace
ENV 7	Civic Space
ENV 8	Allotments
ENV 9	Cemeteries and proposed extensions
ENV 10	Private Gardens and Grounds
ENV 11	Other Functional Greenspace

b) Green Infrastructure and Open Space in New Development

New development must incorporate accessible multifunctional open space of appropriate quantity and quality to meet the needs of development and must provide green infrastructure to connect to wider green/blue networks. In Elgin, Buckie and Forres green infrastructure must be provided as required in the green network mapping. Blue drainage infrastructure will require to be incorporated within green open space. The blue-green context of the site will require to be considered from the very outset of the design phase to reduce fragmentation and maximize the multi-benefits arising from this infrastructure.

Open space provision in new developments must meet the accessibility, quality and quantity standards set out below and meet the requirements of policy PP1 Placemaking, EP2 Biodiversity, other relevant policies and any site specific requirements within the Settlement Statements. Developers must demonstrate through a Placemaking Statement that they have considered these standards in the design of the open space, this must include submission of a wider analysis plan that details existing open space outwith the site, key community facilities in the area and wider path networks.

i) Accessibility Standard

Everyone will live within a five minute walk of a publicly usable space of at least 0.2ha.

ii) **Quality Standard**

All new development proposals will be assessed and must achieve a very good quality score of no less than 75%. Quality will be assessed by planning officers at the planning application stage against the five criteria below using the bullet point prompts. Each criterion will be scored on a scale of 0 (poor) to 5 (very good) with an overall score for the whole development expressed as a percentage.

Accessible and well connected

- Allows movement in and between places, consideration to be given to reflecting desire lines, permeable boundaries, and multiple access points
- Accessible entrances in the right places.
- Accessible for all generations and mobility's, including consideration of gradient and path surfaces.
- Provide appropriately surfaced, inclusive, high quality paths.
- Connects with paths, active travel routes and other transport modes including bus routes.
- Offers connecting path network with legible waymarking and signage.

Attractive and Appealing Places

- Attractive with positive image created through character and quality elements.
- Attractive setting for urban areas.
- Quality materials, equipment and furniture.
- Attractive plants and landscape elements that support character, including providing seasonal and sensory variation and food production.
- Welcoming boundaries and entrance areas.
- Adequate bin provision.
- Long term maintenance measures in place. ▸

Biodiverse supporting ecological networks (see Policy EP2 Biodiversity)

- Contribute positively to biodiversity through the creation of new natural habitats for ecological and amenity value.
- Large enough to sustain wildlife populations, including green/blue networks and landscaping.
- Offers a diversity of habitats.
- Landscaping and open space form part of wider landscape structure and setting.
- Connects with wider blue/green networks Provide connections to existing green/blue networks and avoids fragmentation of existing habitats.
- Ensure a balance between areas managed positively for biodiversity and areas managed primarily for other activities e.g. play, sport.
- Resource efficient, including ensuring open space has a clear function and is not "left over".

Promotes activity, health and well being

- Provides multifunctional open space for a range of outdoor physical activities reflecting user needs and location.
- Provides diverse play, sport, and recreational facilities for a range of ages and user groups.
- Providing places for social interaction, including supporting furniture to provide seating and resting opportunities.

- Appropriate high quality facilities meeting needs and reflecting the site location and site.
- Carefully sited facilities for a range of ages with consideration to be given to existing facilities, overlooking, and ease of access for users.
- Open space is flexible to accommodate changing needs.

Safe, Welcoming and contributing to Character and Identity

- Safe and welcoming.
- Good levels of natural surveillance.
- Discourage anti-social behaviour.
- Appropriate lighting levels.
- Sense of local identity and place.
- Good routes to wider community facilities e.g connecting to schools, shops, or transport nodes.
- Distinctive and memorable places that support local culture and identity.
- Catering for a range of functions and activities providing a multi-functional space meeting needs.
- Community involvement in management.

b iii) Quantity Standard

Unless otherwise stated in site designations, the following quantity standards will apply.

- Residential sites less than 10 units - landscaping to be determined under the terms of Policy DP1 Development Principles to integrate the new development.
- Residential sites 10-50 units and new industrial sites- minimum 15% open space
- Residential sites 51-200 units- minimum 20% open space
- Residential sites 201 units and above and Business Parks- minimum 30% open space which must include allotments, formal parks and playspaces within residential sites.

In meeting the quantity requirements, only spaces which have a clear multi benefit function will be counted. Structure and boundary landscaping areas must make provision for public access and link into adjacent green corridors. The quantity standard must be met within the designation boundaries. For windfall sites the quantity standard must be new open space provision within the application boundaries.

Open Spaces approved in new developments will be classed as ENV spaces upon granting of consent.

Proposals must also comply with the Council's Open Space Strategy Supplementary Guidance.

EP7 FORESTRY, WOODLANDS AND TREES

a) Moray Forestry and Woodland Strategy

Proposals which support the economic, social and environmental objectives and projects identified in the Moray Forestry and Woodlands Strategy will be supported where they meet the requirements of other relevant Local Development Plan policies. The council will consult Scottish Forestry on proposals which are

considered to adversely affect forests and woodland. Development proposals must give consideration to the relationship with existing woodland and trees including shading, leaf/needle cast, branch cast, wind blow, water table impacts and commercial forestry operations.

b) Tree Retention and Survey

Proposals must retain healthy trees and incorporate them within the proposal unless it is technically unfeasible to retain these. Where trees exist on or bordering a development site, a tree survey, tree protection plan and mitigation plan must be provided with the planning application if the trees or trees bordering the site (or their roots) have the potential to be affected by development and construction activity. Proposals must identify a safeguarding distance to ensure construction works, including access and drainage arrangements, will not damage or interfere with the root systems in the short or longer term. A landscaped buffer may be required where the council considers that this is required to maintain an appropriate long term relationship between proposed development and existing trees and woodland.

Where it is technically unfeasible to retain trees, compensatory planting on a one for one basis must be provided in accordance with (e) below.

c) Control of Woodland Removal

In support of the Scottish Government's Control of Woodland Removal Policy, Woodland removal within native woodlands identified as a feature of sites protected under Policy EP1 or woodland identified as Ancient Woodland will not be supported.

In all other woodlands development which involves permanent woodland removal will only be permitted where it would achieve significant and clearly defined additional public benefits (excluding housing) and where removal will not result in unacceptable adverse effects on the amenity, landscape, biodiversity, economic or recreational value of the woodland or prejudice the management of the woodland.

Where it is proposed to remove woodland, compensatory planting at least equal to the area to be felled must be provided in accordance with e) below.

d) Tree Preservation Orders and Conservation Areas

The council will serve Tree Preservation Orders (TPO's) on potentially vulnerable trees which are of significant amenity value to the community as whole, trees that contribute to the distinctiveness of a place or trees of significant biodiversity value.

Within Conservation Areas, the council will only agree to the felling of dead, dying, or dangerous trees. Trees felled within Conservation Areas or subject to TPO must be replaced, unless otherwise agreed by the council.

e) Compensatory Planting

Where trees or woodland are removed in association with development, developers must provide compensatory planting to be agreed with the planning authority either on site, or an alternative site in Moray which is in the applicant's control or through a commuted payment to the planning authority to deliver compensatory planting and recreational greenspace.

GUIDANCE TREES AND DEVELOPMENT

Trees are an important part of Moray's towns and villages and surrounding countryside, adding colour and interest to the townscape and a sense of nature in our built environment. They contribute to the diversity of the countryside, in terms of landscape, wildlife habitat and shelterbelts. Trees also have a key role to play in terms of climate change by helping to absorb carbon dioxide which is one of the main greenhouse gases that cause global warming.

The cumulative loss of woodlands to development can result in significant loss of woodland cover. In compliance with the Scottish Government Control of Woodland Removal policy, woodland removal should only be allowed where it would achieve significant and clearly defined additional public benefits. In appropriate cases a proposal for compensatory planting may form part of this balance. Where woodland is to be removed then the Council will require compensatory planting to be provided on site, on another site in Moray within the applicant's control or through a commuted payment to the Council towards woodland and greenspace creation and enhancement. Developers proposing compensatory planting are asked to follow the guidance for site assessment and woodland design as laid out in Scottish Forestry's "Woodland Creation, Application Guidance" and its subsequent updates, when preparing their proposal.

The Council requires a Tree Survey and Tree Protection Plan to be submitted by the applicant with any planning application for detailed permission on designated or windfall sites which have trees on them. The survey should include a schedule of trees and/or groups of trees and a plan showing their location, along with the following details;

- Reference number for each tree or group of trees.
- Scientific and common names.
- Height and canopy spread in metres (including consideration of full height and spread).
- Root protection area.
- Crown clearance in metres.
- Trunk diameters in metres (measures at 1.5m above adjacent ground level for single stem trees or immediately above the root flare for multi stemmed trees).
- Age and life expectancy.
- Condition (physiological and structural).
- Management works required.
- Category rating for all trees within the site (U, A, B or C *). This arboricultural assessment will be used to identify which trees are suitable for retention within the proposed development.

*BS5837 provides a cascading quality assessment process for categorisation of trees which tree surveys must follow. An appropriately scaled tree survey plan needs to accompany the schedule. The plan should be annotated with the details of the tree survey, showing the location, both within and adjacent to the site, of existing trees, shrubs and hedgerows. Each numbered tree or groups of trees should show the root protection area and its category U, A, B, C.

Based on the guidance in BS5837, only category U trees are discounted from the Tree Survey and Tree Protection Plan process. Trees in category A and B must be retained, with category C trees retained as far as practicable and appropriate. Trees proposed for removal should be replaced with appropriate planting in a landscape plan which should

accompany the application. Trees to be retained will likely be set out in planning conditions, if not already covered by a Tree Preservation Order.

If a tree with habitat value is removed, then measures for habitat reinstatement must be included in the landscape plan. It is noted that in line with part b) of policy EP7 where woodland is removed compensatory planting must be provided regardless of tree categorisation."

A Tree Protection Plan (TPP) must also be submitted with planning applications, comprising a plan and schedule showing;

- Proposed design/ layout of final development, including accesses and services.
- Trees to be retained- with those requiring remedial work indicated.
- Trees to be removed.
- Location (and specification) of protective fencing around those trees to be retained based on the Root Protection Area.

The TPP should show how the tree survey information has informed the design/ layout explaining the reasoning for any removal of trees.

Landscape Scheme

Where appropriate a landscape scheme must be submitted with planning applications, clearly setting out details of what species of trees, shrubs and grass are proposed, where, what standard and when planting will take place. Landscape schemes must aim to deliver multiple benefits in terms of biodiversity, amenity, drainage and recreation as set out in policy.

The scheme should also set out the maintenance plan. Applicants/ developers will be required to replace any trees, shrubs or hedges on the site which die, or are dying, severely damaged or diseased which will be specified in planning conditions.

Tree species native to Scotland are recommended for planting in new development - Alder, Aspen, Birch, Bird Cherry, Blackthorn, Crab Apple, Elm, Gean, Hawthorn, Hazel, Holly, Juniper, Sessile Oak, Rowan, Scots Pine, Whitebeam, Willow.

EP8 HISTORIC ENVIRONMENT

a) Scheduled Monuments and Unscheduled Archaeological Sites of Potential National Importance.

Where a proposed development potentially has a direct impact on a Scheduled Monument, Scheduled Monument Consent (SMC) is required, in addition to any other necessary consents. Historic Environment Scotland manage these consents.

Development proposals will be refused where they adversely affect the integrity of the setting of Scheduled Monuments and unscheduled archaeological sites of potential national importance unless the developer proves that any significant adverse effects are clearly outweighed by exceptional circumstances, including social or economic benefits of national importance.

b) Local Designations

Development proposals which adversely affect sites of local archaeological importance or the integrity of their settings will be refused unless;

- Local public benefits clearly outweigh the archaeological value of the site, and
- Consideration has been given to alternative sites for the development and preservation in situ is not possible.
- Where possible any adverse effects can be satisfactorily mitigated at the developer's expense.

The Council will consult Historic Environment Scotland and the Regional Archaeologist on development proposals which may affect Scheduled Monuments, nationally important archaeological sites and locally important archaeological sites.

EP12 MANAGEMENT AND ENHANCEMENT OF THE WATER ENVIRONMENT

a) Flooding

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

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

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

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

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

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

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

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

- a) In areas of little to no risk (less than 0.1%), there will be no general constraint to development.
- b) Areas of low to medium risk (0.1% to 0.5%) will be considered suitable for most development. A flood risk assessment may be required at the upper end of the probability range i.e. (close to 0.5%) and for essential civil infrastructure and the most vulnerable uses. Water resistant materials and construction may be required. Areas within this risk category will generally not be suitable for civil

infrastructure. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during flooding events.

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

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

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

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

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

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

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

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

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

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

c) Water Environment

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

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

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

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

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

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

EP13 FOUL DRAINAGE

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

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

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

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

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

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.

EP10 LISTED BUILDINGS

Development proposals will be refused where they would have a detrimental effect on the character, integrity or setting of a listed building. Alterations and extensions to listed buildings or new developments within their curtilage must be of the highest quality, and respect the original structure in terms of setting, scale materials and design.

No listed building should be demolished unless it can be clearly demonstrated that every effort has been made to retain it. Where the demolition of a listed building is proposed it must be shown that;

- The building is not of special interest or
- The building is incapable of repair.
- The demolition of the building is essential to delivering significant benefits to economic growth or the wider community.
- The repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable price.

New development must be of a comparable quality and design to retain and enhance special interest, character and setting of the listed building (s).

Enabling development may be acceptable where it can be shown to be the only means of retaining a listed building (s). The resulting development should be of a high design quality protecting the listed building (s) and their setting and be the minimum necessary to enable its conversion and re-use.

R13 Lesmurdie Fields 6ha 70 units

- Proposals must comply with the Key Design Principles shown in Figure 1.3.
- A Pocket Park must be provided.
- Widening of Pitgaveny Road will be required to enable access to the site, along with the provision of a new cycleway.
- Detailed design of proposed access arrangements based on a detailed topographical survey with sections for all visibility and road alignments is required. The existing road geometry, forward visibility, topography and landscaping make achieving a viable access onto Pitgaveny Road difficult.
- Access to the site for public transport to be provided.
- Transport Assessment required.
- Flood Risk Assessment (FRA) required.
- Drainage Impact Assessment (DIA) required.
- Phase 1 Habitat Survey required.

TSP21 Lesmurdie Road/Calcotts Road - potential junction improvements associated with development in north Elgin

LONG 1 A/B North East

- A masterplan is required for the site.
- The area identified LONG1A would be a first phase.
- Flood Risk Assessment (FRA) required. Flood risk may constrain parts of the site.
- A drainage masterplan that covers the whole development area is required.
- A Drainage Impact Assessment (DIA) and full SUDS design will be required at an early stage. Development run off must match pre-development run off by using appropriate levels of SUDS. SUDS must be used to fully treat surface water prior to discharge given the size and sensitivity of the catchment.
- Demonstrate that there will not be an adverse effect on the integrity of Loch Spynie Special Protection Area e.g. by minimising diffuse pollution, preventing pollution reaching watercourses during construction, and connection of houses to mains water and sewerage.
- A buffer strip of at least 6 metres between the watercourse and development is required.
- Phase 1 Habitat Survey required.
- Links to be made to the old Elgin /Lossiemouth railway and the path network in Elgin.
- A Transport Assessment is required which must assess the impacts on junctions TSP 30 and 31 to determine the level of developer obligations for any necessary mitigation. The scope of the assessment must be agreed with Transport Scotland and the Moray Council Transportation.
- Off site road improvements are required, see Roads Infrastructure Improvements within the Action Programme Appendix 1 for a full list.
- Connections to be provided to site I8 Newfield and R13 Lesmurdie Fields.
Connections to be provided between sites LONG 1A and LONG 1B.

Elgin ENV5 Green Corridor

East Road (EL/OS/008),
Sandy Road (EL/OS/020),
Thornhill (EL/OS/046),
Myreside Circle (EL/OS/048),
Reiket Lane (EL/OS/055),
Reiket Lane/Ashgrove Road Cycle Path (EL/OS/057),
Lossiemouth Road (EL/OS/59),
Borough Briggs (EL/OS/060),
Lesmurdie (EL/OS/063),
River Lossie Corridor and Cyclepath (EL/OS/064),
Linkwood Burn (EL/OS/078),
Linkwood Path (EL/OS/079),
Old Railway Elgin South (EL/OS/080),
Morriston Road (EL/OS/084), Glassgreen

Elgin ENV6 Natural/Semi-Natural Greenspace

Lesmurdie House (EL/OS/010),
North East Amenity Land (EL/OS/012),
Wards Wildlife Site (EL/OS/013),
South and East of Spynie Hospital (EL/OS/018),
Marleon/Lesmurdie Wood (EL/OS/021),

Lesmurdie Wood (EL/OS/026),
Palmers Cross (EL/OS/042),
Sherriff/Old Mills (EL/OS/061),
Kockmasting Wood (EL/OS/067),
Findrassie Woods (EL/OS/068),
Quarrelwood (EL/OS/072),
Mayne Wood (EL/OS/075),
Birkenhill (EL/OS/077),
Oakwood/Quarrelwood (EL/OS/081),
Bogs of Linkwood, Hallowood/Moss of Barmuckity

TSP48 Calcots Road/Pitgaveny Road junction improvements required to development to the east of Elgin

TSP49 Pitgaveny Road widening and provision of footway/cycleway in association with development to the east of Elgin

TSP50 Calcotts Road/Pitgaveny Road footway/cycleway provision from development to existing infrastructure at Lesmurdie Road