

20/00845/APP
14th July 2020

Change of use of agricultural land to create a secure dog walking field at The Lodge Drybridge Buckie Moray for Mr Alasdair Bruce

Comments:

- The application falls within the category of "major development" as defined within the Moray Council approved delegation scheme because the area of the proposed site exceeds 2 hectares.
- As the application is for a change of use, not construction, it does not fall within the category of "major" in relation to the requirements for pre application consultation with the community)
- The proposal has been advertised for neighbour notification purposes and under Schedule 3 No representations received

Procedure:

- None

Recommendation

Grant planning permission - subject to the following:

Conditions

1. Notwithstanding the submitted details the development shall not be brought into use until:
 - i) a detailed drawing (scale 1:500 or 1:1000) showing visibility splays measuring 2.4 metres by 120 metres to the east, and 2.4 metres by 90 metres to the west, and a schedule of maintenance for the splay area have been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority; and
 - ii) the visibility splays have been provided in accordance with the approved details.

Thereafter the visibility splays shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway in accordance with the agreed schedule of maintenance throughout the lifetime of the development hereby approved

Reason: To enable drivers of vehicles leaving the site 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 through the provision of details currently lacking.

2. The development hereby approved shall not be brought into use until a passing place to the Moray Council standards and specification has been constructed on the section of the C11L Drybridge – Deskford Road at the agreed location, located 85m to the west of the site access (Roads Construction Consent shall be required for this element).

Reason: To enable drivers of vehicles to have adequate forward visibility to see approaching traffic and for two vehicles to safely pass each other ensuring the safety and free flow of traffic on the public road.

3. The development hereby approved shall not be brought into use until the first 5m of the access track, as measured from the edge of the public carriageway, has been constructed to the Moray Council specification and surfaced with bituminous macadam. The width of the surfaced vehicular access shall be minimum 3.5 metres, and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway

Reason: To ensure acceptable infrastructure at the development access.

4. Unless otherwise agreed in writing with the Planning Authority, in consultation with the Environmental Health Manager, the use of the development shall be permitted between the hours of 0700 to 2000 hours only. The use of the development shall not be permitted on National Holidays (i.e. Easter Sunday, Good Friday, Christmas Day, Boxing Day and New Year's Day).

Reason: To ensure that the development is appropriate to the surrounding area and does not have an adverse impact upon neighbouring properties in the area

5. Unless otherwise agreed in writing with the Planning Authority, in consultation with the Environmental Health Manager, the development hereby approved shall be operated in accordance with the approved documents entitled "Rules of the Field" and "Outline of Planned Use" apart from the operational hours which shall be in accordance with condition 4.

Reason: to ensure that the development is appropriate to the surrounding area and does not have an adverse impact upon neighbouring properties in the area

6. There shall be no external lighting installed at the site.

Reason: to ensure that the development is appropriate to the surrounding area and does not have an adverse impact upon neighbouring properties in the area.

7. Any existing ditch, watercourse or drain under the site access shall be piped using a suitable diameter of pipe, agreed with the Roads Maintenance Manager (300mm minimum). The pipe shall be laid to a self-cleansing gradient and connected to an outfall.

Reason: To ensure the construction of an acceptable access in the interests of road safety and effective drainage infrastructure.

8. A minimum of three car parking spaces shall be provided within the site and made available for use by staff and customers throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

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

9. No water shall be permitted to drain or loose material be carried onto the public carriageway.

Reason: To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the access.

10. A turning area shall be provided within the curtilage of the site to enable vehicles to enter and exit in a forward gear and retained thereafter throughout the lifetime of the development hereby approved.

Reason: To ensure the provision for vehicles to enter/exit in a forward gear in the interests of the safety and free flow of traffic on the public road.

Reason(s) for Decision

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

The proposal accords with the relevant provisions of the Moray Development Plan 2020 and there are no material considerations that indicate otherwise

List of Informatives:

The TRANSPORTATION MANAGER has commented that:

Planning consent does not carry with it the right to carry out works within the public road boundary.

Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 56 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public

road. Advice on these matters can be obtained by emailing roadspermits@moray.gov.uk

Before commencing development the applicant is obliged to apply for Construction Consent in accordance with Section 21 of the Roads (Scotland) Act 1984 for new roads (passing place). The applicant will be required to provide technical information, including drawings and drainage calculations. Advice on this matter can be obtained from the Moray Council web site or by emailing constructionconsent@moray.gov.uk

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

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

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
1019/09-SLP C	Site and location plan
1019/09-SLP B	Site layout plan
	Sheilmuir Passing Place details
	Sheilmuir visibility splays
	Sheilmuir passing place position
	Revised Version - Rules of the Field
	Outline of Planned Use



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:
20/00845/APP

Site Address:
The Lodge
Drybridge Buckie

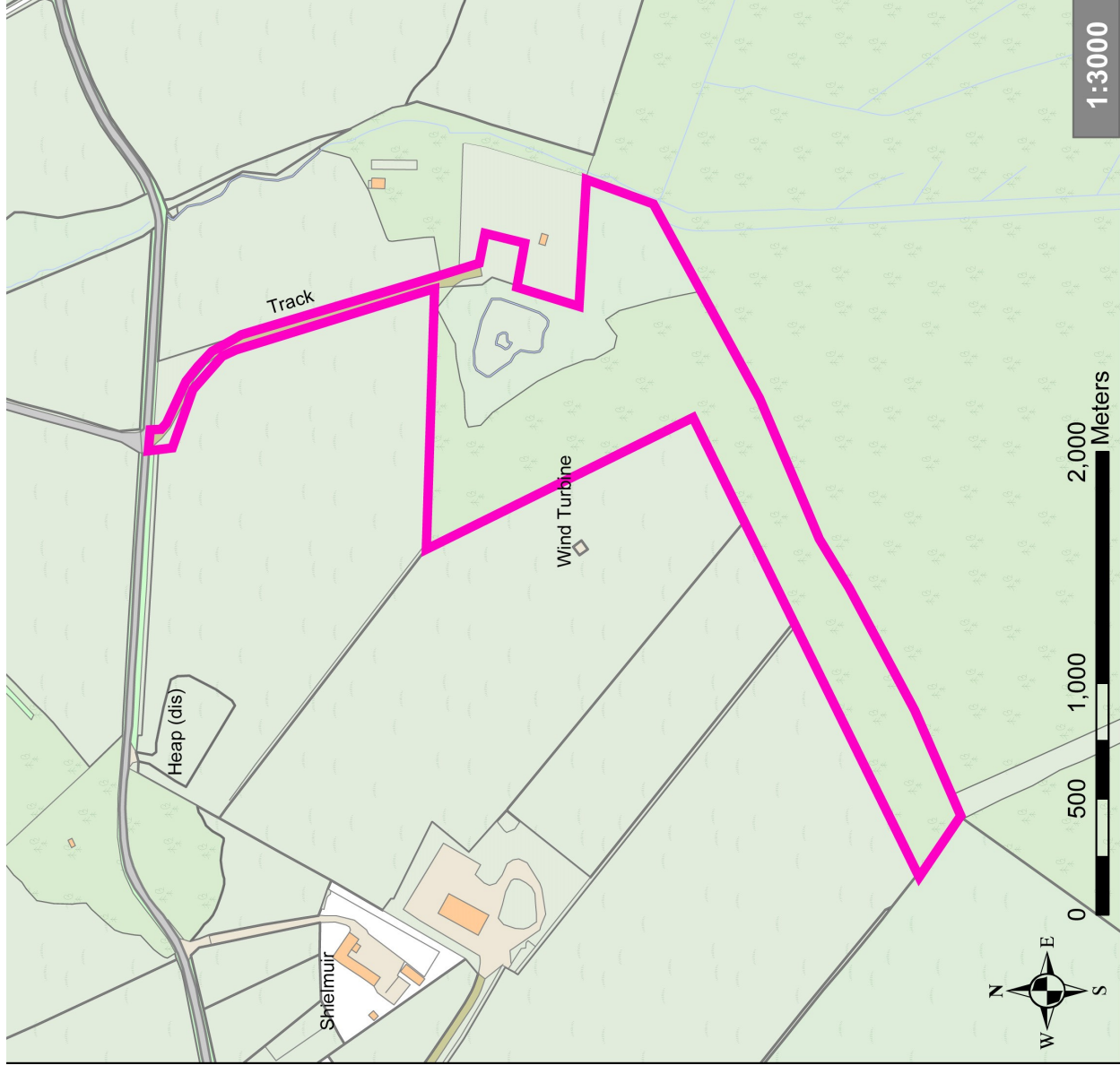
Applicant Name:
Mr Alasdair Bruce

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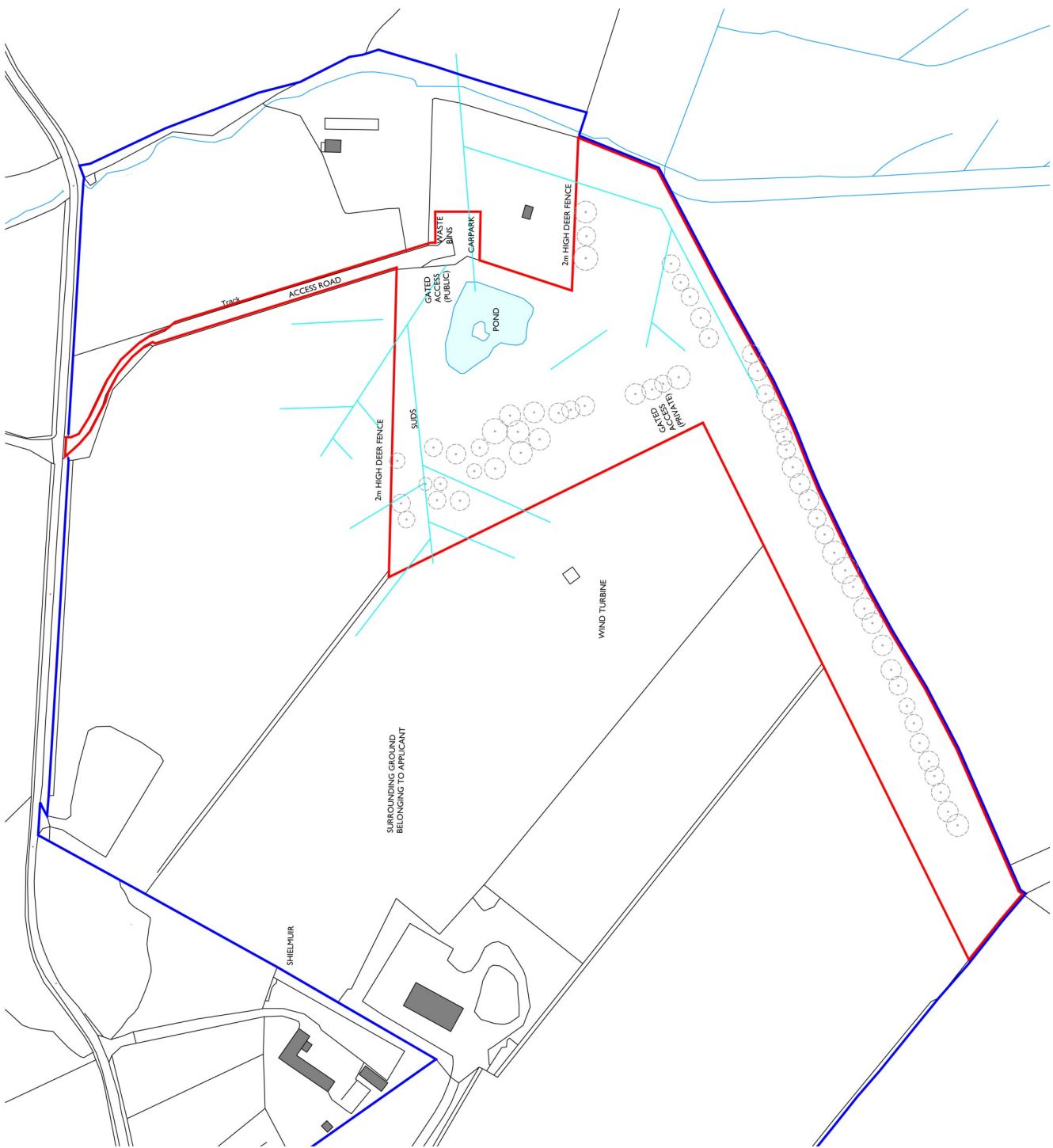
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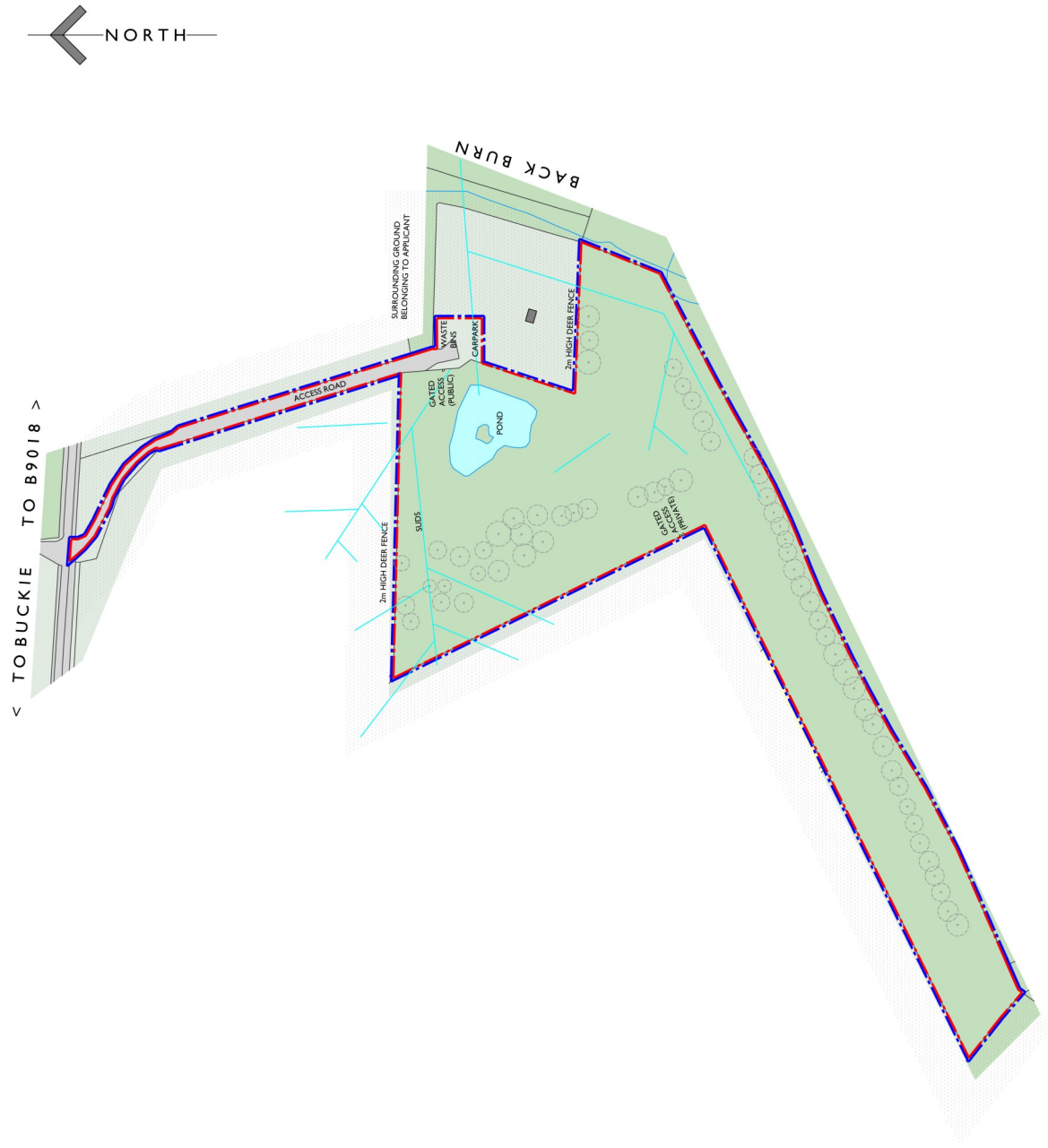
Location Plan



Site Location



Site layout



Proposed Passing Place location

Sheilmuir Passing Place



Scale: 1:2500

Position of Photographs

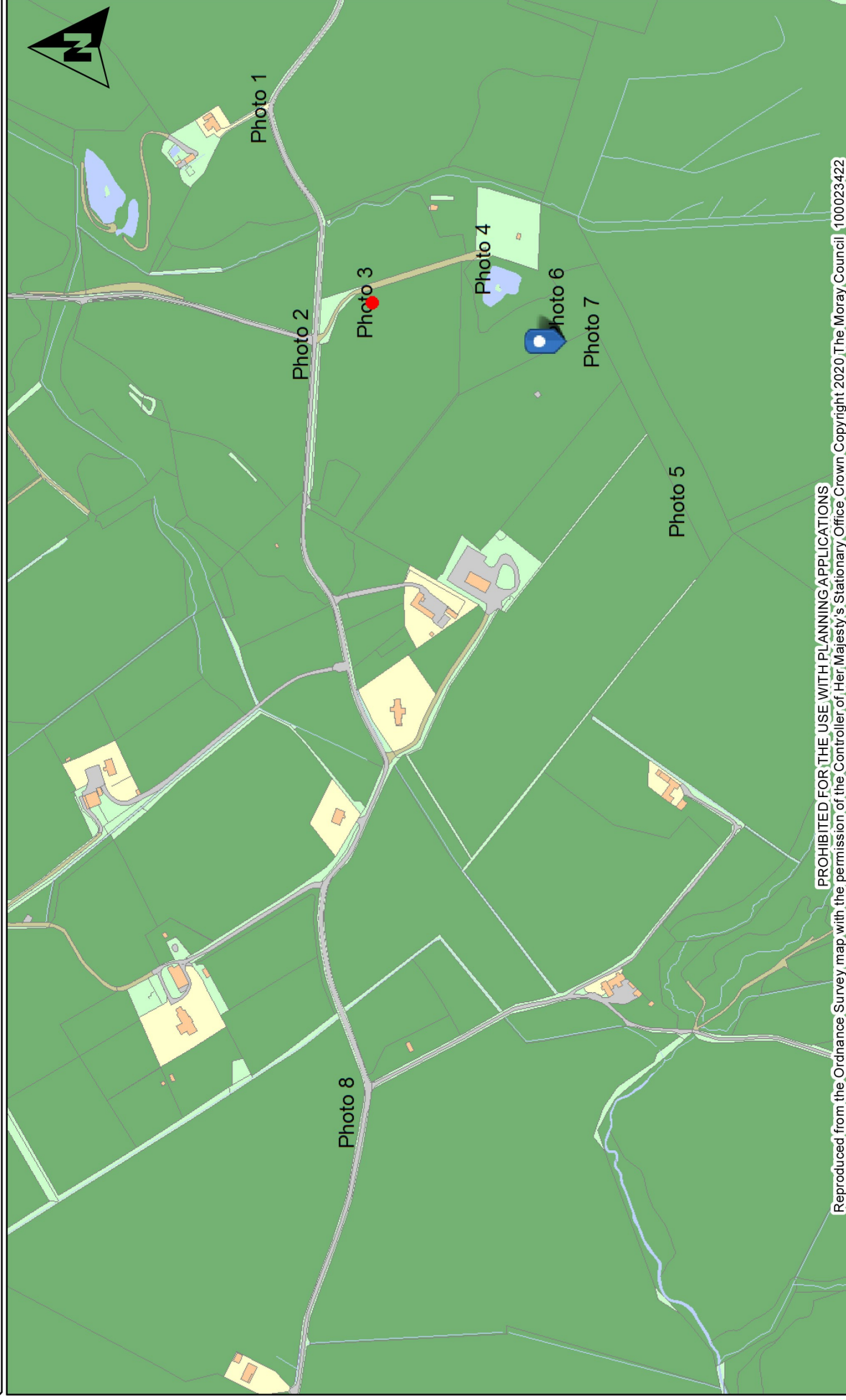


Photo 1





Photo 2

Photo 3



Photo 4





Photo 5

**Photo 6a (looking north
west towards turbine
from site boundary**



**Photo 6b (looking west
over pond and site)**



**Photo 6c (looking north
west towards turbine
from within site)**



**Photo 6d (looking east
over pond)**



Photo 7





Photo 8

PLANNING APPLICATION: 20/00845/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

THE PROPOSAL

This application seeks full planning permission for the change of use of an agricultural field to form a secure dog walking area for use by clients to walk and exercise their dogs, including dogs with behavioural and/or recall issues or dogs who are a prohibited breed or subject to an order. Professional dog walkers may also use the facility. The key features of the proposals are as follow:

- Field to be enclosed by 2 metre high deer type post and wire fencing – fencing in place
- Vehicular access will be via an existing access track leading southwards from the C11 Deskford to Drybridge road.
- Access track forms an unsurfaced access onto the public road. This private access track does not serve any other residential properties.
- Existing unsurfaced parking and turning facilities are located at the end of this track beside the public entrance into the proposed dog walking field.
- No foul or surface water drainage arrangements are required as no changes to the surfacing of the field or parking area are proposed.
- One public access point into the field will be used which is existing and in the form of a lockable high gate in the north east part of the site beside the access track. (There is a second private gated access in the western corner of the site).

Proposed rules of the field have been submitted together with an outline of the proposed operations. These set out how the proposal will operate. Key points are summarised as follows:

- Field to be used for 50 minute sessions by one customer and their dog(s)
- Changeover of 10 minutes between bookings should ensure maximum of two vehicles on site at any time.
- Users normally limited to single vehicle although in exceptional circumstances a second vehicle may be allowed – extra charge for this. Users can invite a friend and their dog (s) to a session.
- Bin to be provided for dog and other non-recyclable waste with hand sanitiser to be provided for use at the gate Waste will be taken weekly by the applicant to Local Authority facility as general waste for disposal thereafter.
- Hours of operation initially proposed as 7 days per week from 6 am to 10 pm from April to October and from 8 am to 8 pm during November to March. Following discussion the applicant is agreeable to reducing the opening hours to between the hours of 7 am to 8 pm, with no opening on National holidays.
- User's responsibility to act responsibly with noise kept to a minimum, highlighting that any complaints about noise and unacceptable behaviour will result in refusal of further use of the facility.

- No lighting is available on site so users must make own arrangements for personal lighting i.e. torches.
- Professional dog walkers to contact applicant in advance.
- No smoking or barbeques.

The applicant has also submitted a supporting statement which outlines the economic viability issues relating to the requirements for road access upgrading and passing place provision as sought by the Moray Council Transportation Team. This statement explains that the cost of these works will not be able to be recouped until after the development has been operating for more than 3 years and as such will put the viability of the proposal into jeopardy at a time when it is understood the Moray Council is seeking to support economic development. It explains that until the development is established use will be low. It requests that the roads requirements be reviewed after an initial 18 month period and, if deemed necessary, provided later after the development is operating in a financially sustainable manner, as opposed to having to be provided up front.

The statement also highlights that the access track has been used for the last 12 years by agricultural and private vehicles with no problems relating to debris being discharged onto the public road or any issues/incidents relating to visibility or vehicles passing each other on the public road.

THE SITE

- The application site comprises around 2.5 hectares of generally level agricultural land in a rural location to the south of the Deskford to Drybridge minor C class road which runs by the Hill of Maud toward Buckie.
- The access track is around 160 metres long, and forms an unsurfaced access onto the public road. It is lined on one side by vegetation. This track does not serve any other residential properties.
- The site is roughly L shaped with a narrow “leg” to the west. It is bounded to the north, west and east by agricultural land under the applicants’ control, and to the south by commercial woodland.
- To the north east of the site lies a small field containing the remains of a cottage with Back Burn watercourse lying to the east of this. To the immediate east of the site is land containing a small wooden shed type building.
- The site contains areas of tree planting, including areas of native trees, to create walkways and “glades” throughout the site. There is also a pond in the eastern part of the site.
- The applicant owns land around the site as shown on the submitted plans with this land leading northwards to his own house, a fairly recent property at the Lodge to the north west of site. An agricultural shed associated with the landholding is located to the south of this house, some 140 metres to the north-west of the site at its closest point. There is also a small domestic wind turbine located to the west of the site.

The surrounding area is characterised by scattered rural properties. The nearest residential properties in the area include:

- Shieltmuir – located beside the applicant’s house and some 180 metres to the north west of the application site
- Blackburn – some 270 metres to the north east on the other side of the public road
- Rosebank – some 450 metres to the far east located beside the public road
- Schoolhill – some 200 metres to the west of the westernmost portion of the site

HISTORY

There is no specific planning history on the site itself other than on part of the westernmost tip of the site and into the adjacent field where consent was refused in 2007 for the erection of a house (reference 07/01709/FUL).

In the surrounding area full planning permission was granted in 2008 for the applicant's own house at the Lodge (Reference 08/02267/FUL) adjacent to the public road and to the south west of an existing property at Shieltmuir. This consent was subject to planning conditions requiring that the first ten metres of the access be surfaced and that a surfaced parking layby be provided.

An agricultural notification application for the shed built to the rear of the applicant's house was approved in 2009 (reference 09/01466/AGR).

To east of the site, on the small field containing the remains of a cottage, planning consent was granted in outline in 2008 for a replacement house with access point indicated at the western edge of the site (reference 08/02229/OUT). At this time a parking layby was required by planning condition. This consent was renewed in 2011 (reference 11/01635/APP) and then again in 2014 (Reference 14/01099/APP.) This last consent expired in 2017.

POLICY - SEE APPENDIX

ADVERTISEMENTS

The proposal has been advertised in the local press for neighbour notification purposes and also under the terms of Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 as having the potential to potentially alter the character of an area of established amenity; cause activity and noise between the hours of 8 pm and 8 am.

No representations have been received.

CONSULTATIONS

Transportation Manager: Notes that the proposal is for a change of use of agricultural land to provide a secure dog walking area with each individual session lasting 50 minutes, 10 minute overlap between customers and ordinarily only one car visiting the site at a time. No objections to the proposal subject to conditions being attached including the requirements to secure a passing place on the C11L Drybridge to Deskford road some 85 metres to the west of the site access, surface the first 5 metres of the access track and provision of satisfactory visibility splays as the access point onto the public road.

Environmental Health: No objections subject to planning condition being attached to restrict opening hours to between 0700 and 2000 hours with no operations on National and Bank holidays. Following further discussion with the applicants it was agreed that operating on bank holidays would be permissible given the location and distance from other properties. The team also requested that an informative be attached highlighting that

the operations should be controlled in accordance with the applicant's supporting statement and rules of the field in order to prevent any noise nuisance.

Flood Risk Management: no objections - highlight that any upgrading work to the existing access track should be carried out using permeable surface.

Contaminated Land: no objections.

OBJECTIONS-REPRESENTATIONS

No representations have been received.

OBSERVATIONS

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

Background

This application falls within the category of "major development" as defined within the Moray Council approved delegation scheme because the area of the proposed site exceeds 2 hectares, hence it is being reported to Committee for determination. However as the application is for a change of use, not construction, it does not fall within the category of "major" in relation to the statutory requirements for pre application consultation with the community.

Policy Context and Assessment

Principle of Development (PP1, PP2, DP5)

Policy PP1 Placemaking seeks to ensure that new development is designed to create successful healthy places that improve people's wellbeing, safeguard the environment and support economic development, promote character and identity and biodiversity. Policy PP2: Sustainable Economic Growth also seeks to support development proposals which support the Moray Economic Strategy to deliver sustainable economic growth where the quality of the built and natural environment is safeguarded, there is clear locational need and all potential impacts can be satisfactorily mitigated. Policy DP5: Business and Industry also applies which supports rural businesses and farm diversification, stating that proposals for new business development and extensions to existing businesses in rural locations will be supported where there is a locational need for the site and the proposal is in accordance with other relevant policies. It further notes that farm diversification proposals and business proposals that support the economic viability of the farm business are supported where they meet the requirements of all other relevant policies, highlighting that a high standard of design appropriate to the rural environment is required.

In this regard the proposed development to provide a secure dog walking facility is well suited to a rural location, where there is space to exercise the dogs. There is therefore considered to be a locational need where such space is required for this type of use. Furthermore the site is located close to the applicant's own house whereby operations can be monitored as required and involves little change other than fencing to the existing field

thereby fitting in well in principle with the agricultural setting here. Using the field productively in this way will also help to support the agricultural business and enable farm diversification here. It is therefore considered that the principle of this change of use accords with policy. It is the details of siting, design, amenity and servicing that requires to be considered now.

Landscape and Environmental Impacts (DP1 and EP2)

Policy DP1: Development Principles sets out the need for the scale, density and character of new development to be appropriate to the surrounding area, integrated into the surrounding landscape and safeguarding existing trees with detailed landscape plan provided.

The proposed development is located within a rural area where surrounding uses are agricultural and forestry with scattered houses set in this landscape. No new buildings are proposed and the fencing/gates are existing, entirely appropriate to the rural location. The deer fencing is set well back from the public road and is appropriate in design and finishes to this area. The site is already well landscaped and the proposed use takes advantage of this attractive setting by offering the opportunity for dog walkers to use the walks through this lightly wooded site, which is enhanced by the existing pond and glade effect of the walks. As such the development is not considered to have any particular landscape impacts with any small scale infrastructure (i.e. bin and hand sanitiser) to be discretely located at the parking area set back from the public road. The submitted plans indicate the areas of existing planting and this is considered to meet policy requirement for a landscape scheme.

The only other landscape impact relates to the provision of infrastructure required for road safety reasons – the passing place and the visibility splays at the access point. This should be achieved by trimming of roadside vegetation which will have limited landscape impacts which are considered to be outweighed by the road safety benefits.

Policy DP1: Development Principles also sets out that development should conserve and enhance the natural environment as does Policy EP2 Biodiversity which aims to deliver biodiversity enhancements by creating networks of high quality green spaces. The current proposals do not conflict with these requirements. Indeed the development could be considered to help deliver these requirements by securing a productive use for this site which already has biodiversity features in place by way of existing pond and planting. Furthermore it will enable more people to enjoy these benefits.

Amenity and impacts on neighbours (DP1 and EP14)

Policy DP1: Development Principles sets out the need for the scale, density and character to be appropriate to the surrounding area, with no loss of amenity for neighbouring properties. Policy EP14: Pollution, Contamination and Hazards also sets out that development proposals which may cause significant air, water, soil, light or noise pollution or exacerbate existing issues must be accompanied by detailed assessment reports on potential pollution and mitigation.

In this regard, as noted previously, there are no close neighbours to the application site. However in a rural area such as this residents may expect to enjoy reasonable levels of amenity and peace and it is important to ensure that this is the case. With a secure dog exercising proposal such as this the main likely impact upon neighbours may be from dogs barking as the other use such as walking in the field is no more intrusive than normal

agricultural operations. This matter has been assessed by the Environmental Health Manager and the applicants have agreed to restrict their opening hours in order to ensure that there is less potential for disturbance. This can be secured by planning condition. It is also considered that the applicant's own operating plan in the form of the supporting statement and "rules of the field" should ensure that there are no adverse impacts on amenity and this includes restriction on any lighting in the field which is welcomed in this rural location.

The information provided by the applicants has been sufficient to consider the impacts, and it is not considered that any impacts are of a significance requiring further detailed assessments to be provided.

Finally it is noted that following advertisement no objections to the proposals have been received.

Servicing, Access and Parking (DP1 and PP3)

Policy DP1: Development Requirements sets out the need for appropriate servicing and access arrangements.

In this case no servicing is required in terms of disposal of surface water or drainage/water supply infrastructure, whilst satisfactory arrangements are proposed for dealing with dog waste with bin to be provided and the "rules of the field" setting out behaviour for users. There is ample space within the site for the parking and turning of vehicles, and the parking area is discretely located by the entrance gate with no changes required to its layout or surfacing.

The key servicing issue is therefore access to the site. In this regard Policy DP1 requires that new development must provide safe entry and exit from the development, maximise routes/connections for cyclists and pedestrians, reduce travel demands and ensure appropriate visibility for all road users at junctions and bends. Infrastructure must be provided at a level appropriate to the development with any impacts on road safety and the roads network addressed. Policy DP1 notes that this may include passing places, road widening, junction improvements etc. This is reinforced by policy PP3: Infrastructure and Services which states that development must be planned and coordinated with infrastructure to ensure that places function properly and that proposals are adequately served by infrastructure and services. PP3 also highlights that developments will be required as necessary to provide mitigation/modification to the existing transport network to address the impact of the development.

In terms of these general principles this type of development will inevitably be used by vehicles, with only limited use by cyclists/walkers. The location as noted earlier is justified in terms of locational need so the key issue here is whether the site can be satisfactorily and safely accessed by vehicles.

The proposed use has the potential to attract up to a maximum of 13 visits per day which is a considerable increase in traffic levels at this site and upon the surrounding road network. The roads network serving the site is a minor twisting C class road and new development along the road to date has been related to single houses where the access points have required to be surfaced and often layby provision required. Further west along this road close to Drybridge widening works have taken place in relation to ongoing new development in the vicinity.

The Transportation Manager has considered the ability of the roads network to accommodate the increased traffic. The Team initially sought surfacing for the first 10 metres of the access track to reduce impacts on the public road from discharge of loose material (given the length of the track whereby material could accumulate on the underside of cars) and the provision of a passing place (as opposed to a roadside service layby which would be required for a new house in recognition of the fact that the proposed development will not generate deliveries). Further discussion took place and it was agreed to reduce the extent of surfacing of the access track to 5 metres with upstand at end of surfacing to assist in removal of material from underside of cars. It should be noted that the required visibility splays can be provided within the public verge. The passing place is to be provided at a location which will provide the maximum benefit to road users, located at the top of an existing crest a short distance to the west of the access. The passing place is also located within land which is under the ownership/control of the applicant. These requirements require to be implemented before the development is brought into use.

As noted earlier, the applicant has raised serious concerns regarding the cost of providing these requirements considering that this is likely to make the development unviable, and requesting that the need for the works be reviewed in 18 months instead.

Whilst sympathising with the applicant's position, cognisance has already been taken of ensuring that the roads requirements are proportionate. These requirements have been assessed in detail by the technical consultee and are required in order to ensure that there are measures in place to accommodate the additional traffic without detriment to road safety, the road network and ultimately without incurring financial costs to the public. The applicant's wish to defer the works until a later date to assess if any damage has occurred and to allow the business to get up and running is understood. However there is no readily enforceable way of delivering this. The application is being considered in terms of the use applied for, and the roads requirements are not dissimilar to what would be required for a new house in the countryside which would be unlikely to generate the same level of traffic movements. Furthermore if the improvements are not secured before the developments opens to the public there would be a risk of damage to persons and road network contrary to the interests of road safety.

In these circumstances it is not considered that the economic issues outweigh the road safety considerations, and in order to meet with the policy requirement for safe access it is recommended that planning conditions be attached to secure these works. The applicant will of course have the option of appealing the planning conditions.

Finally in terms of servicing it is noted that the Flood risk Management team has requested that any works to upgrade the access track involve permeable surface. This potentially conflicts with the aforementioned requirement for surfacing with tarmac the first 5 metres for access track. However this is no different from the many other situations in the countryside where surfacing of tracks to new houses is sought and the requirement to make provision for drainage of the access point will address this matter with ample space around the access track to deal with any run off. Providing a small 5m section of tarred road to interface with the existing surfaced public road will not compromise the wider point being made by the Flood Risk Management Team.

Conclusion

This proposed development, which will provide a useful facility and represents farm

diversification entirely appropriate to the rural location with minimal impact on the surrounding area, is welcomed. It is considered to comply with Local Development Plan policies subject to appropriate planning conditions being attached to secure necessary road improvements and to ensure that it operates in accordance with the rules and guidance which has been developed by the applicant. Approval is therefore recommended on this basis.

REASON(S) FOR DECISION

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

The proposal accords with the relevant provisions of the Moray Development Plan 2020 and there are no material considerations that indicate otherwise

**Author/Contact
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APPENDIX

POLICY

Moray Local Development Plan 2020

PP1 PLACEMAKING

- a) Development must be designed to create successful, healthy places that support good physical and mental health, help reduce health inequalities, improve people's wellbeing, safeguard the environment and support economic development.
- b) A Placemaking Statement is required for residential developments of 10 units and above to be submitted with the planning application to articulate how the development proposal addresses the requirements of policy PP1 Placemaking and other relevant LDP policies and guidance. The Placemaking Statement must include sufficient information for the council to carry out a Quality Audit. Where considered appropriate by the council, taking account of the nature and scale of the proposed development and of the site circumstances, this shall include a landscaping plan, a topographical survey, slope analysis, site sections, 3D visualisations, a Street Engineering Review and a Biodiversity Plan. The Placemaking Statement must demonstrate how the development promotes opportunities for healthy living and working. The landscape plan must set out details of species type, size, timescales for planting and maintenance.
- c) To create successful, healthy places residential developments of 10 units and above must comply with Scottish Government policy Creating Places and Designing Streets and must incorporate the following fundamental principles:

(i) Character and Identity

- Create places that are distinctive to prevent homogenous 'anywhere' development;
- Provide a number of character areas reflecting site characteristics that have their own distinctive identity and are clearly distinguishable;
- Provide distinctiveness between and in each character area through a combination of measures including variation in urban form, street structure/network, architecture and masonry, accent features (such as porches), surrounds and detailing, materials (buildings and surfaces), colour, boundary treatments, hard/soft landscaping and a variety of approaches to tree species and planting that emphasises the hierarchy of open spaces and streets within a cohesive design strategy for the whole development;
- Distinctiveness must be reinforced along main thoroughfares, open spaces and places where people may congregate such as shopping/service centres;
- Retain, incorporate and/or respond to relevant elements of the landscape such as topography and planted features, natural and historic environment, and propose street naming (in residential developments of 20 units and above, where proposed names are to be submitted with the planning application) to retain and enhance local associations;

(ii) Healthier, Safer Environments

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

(iii) Housing Mix

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

(iv) Open Spaces/Landscaping

- Provide accessible, multi-functional open space within a clearly defined hierarchy integrated into the development and connected via an active travel network of green/blue corridors that are fully incorporated into the development and to the surrounding area, and meet the requirements of policy EP5 Open Space and the Open Space Strategy Supplementary Guidance and Policy EP12 Managing the Water Environment and Drainage Impact Assessment for New Developments Supplementary Guidance.
- Landscaped areas must provide seasonal variation, (mix of planting and colour) including native planting for pollination and food production.
- Landscaping areas that because of their size, shape or location would not form any useable space or that will not positively contribute to the character of an area will not contribute to the open space requirements of Policy EP4 Open Space.
- Semi-mature tree planting and shrubs must be provided along all routes with the variety of approaches reflecting and accentuating the street hierarchy.
- Public and private space must be clearly defined.
- Play areas (where identified) must be inclusive, providing equipment so the facility is for every child/young person regardless of ability and provided upon completion of 50% of the character area.
- Proposals must provide advance landscaping identified in site designations and meet the quality requirements of policy EP5 Open Space.
- Structural landscaping must incorporate countryside style paths (such as bound or compacted gravel) with waymarkers.
- Maintenance arrangements for all paths, trees, hedging, shrubs, play/ sports areas, roundabouts and other open/ green spaces and blue/green corridors must be provided.

(v) Biodiversity

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

(vi) Parking

- Car parking must not dominate the streetscape to the front or rear of properties. On all streets a minimum of 50% of car parking must be provided to the side or rear and behind the building line with a maximum of 50% car parking within the front curtilage or on street, subject to the visual impact being mitigated by hedging, low stone boundary walls or other acceptable treatments that enhance the streetscape.
- Provide semi-mature trees and planting within communal private and public/visitor parking areas and on-street parking at a maximum interval of 4 car parking spaces.

- Secure and covered cycle parking and storage, car sharing spaces and electric car charging points must be provided in accordance with policy DP1 Development Principles.
- Parking areas must use a variation in materials to reduce the visual impact on the streetscene.

(vii) Street Layout and Detail

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

PP3 INFRASTRUCTURE & SERVICES.

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

- a) In relation to infrastructure and services developments will be required to provide the following as may be considered appropriate by the planning authority, unless these requirements are considered not to be necessary:

- i) Education, Health, Transport, Sports and Recreation and Access facilities in accord with Supplementary Guidance on Developer Obligations and Open Space.
- ii) Green infrastructure and network requirements specified in policy EP5 Open Space, Town and Village Maps and, contained within Supplementary Guidance on the Open Space Strategy, Masterplans and Development Briefs.
- iii) Mitigation/modification to the existing transport network (including road and rail) to address the impact of the proposed development in terms of safety and efficiency. This may include but not be limited to passing places, road widening, junction enhancement, bus stop infrastructure, and drainage infrastructure. A number of potential road and transport improvements are identified and shown on the Town and Village Maps as Transport Proposals (TSP's) including the interventions in the Elgin Transport Strategy. These requirements are not exhaustive and do not pre-empt any measures which may result from the Transport Assessment process.
- iv) Electric car charging points must be provided at all commercial and community parking facilities. Access to charging points must also be provided for residential properties, where in-curtilage facilities cannot be provided to any individual residential property then access to communal charging facilities should be made available. Access to other nearby charging facilities will be taken into consideration when identifying the need for communal electric charging points.
- v) Active Travel and Core Path requirements specified in the Council's Active Travel Strategy and Core Path Plan.
- vi) Safe transport and access routes linking to existing networks and mitigating the impacts of development off-site.
- vii) Information Communication Technology (ICT) and fibre optic broadband connections for all premises unless justification is provided to substantiate it is technically unfeasible.
- viii) Foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS), including construction phase SUDS.
- ix) Measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland including the provision of local waste storage and recycling facilities designed into the development in accord with policy PP1 Placemaking. For major applications a site waste management plan may be required to ensure that waste minimisation is achieved during the construction phase.
- x) Infrastructure required to improve or increase capacity at Water Treatment Works and Waste Water Treatment Works will be supported subject to compliance with policy DP1.

- xi) A utilities plan setting out how existing and new utility (including gas, water, electricity pipelines and pylons) provision has been incorporated into the layout and design of the proposal. This requirement may be exempted in relation to developments where the council considers it might not be appropriate, such as domestic or very small scale built developments and some changes of use.

b) Development proposals will not be supported where they:

- i) Create new accesses onto trunk roads and other main/key routes (A941 & A98) unless significant economic benefits are demonstrated or such access is required to facilitate development that supports the provisions of the development plan.
- ii) Adversely impact on active travel routes, core paths, rights of way, long distance and other access routes and cannot be adequately mitigated by an equivalent or better alternative provision in a location convenient for users.
- iii) Adversely impact on blue/green infrastructure, including green networks important for wildlife unless an equivalent or better alternative provision will be provided.
- iv) Are incompatible with key waste sites at Dallachy, Gollanfield, Moycroft and Waterford and would prejudice their operation.
- v) Adversely impact on community and recreational sites, buildings or infrastructure including CF designations and cannot be adequately mitigated.
- vi) Adversely impact on flood alleviation and mitigation infrastructure.
- vii) Compromise the economic viability of bus or rail facilities.

c) Harbours

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

d) Developer Obligations

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

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

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

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

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

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. "

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.

(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.
- 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.

(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.

DP5: BUSINESS & INDUSTRY

- a) Development of employment land is supported to deliver the aims of the Moray Economic Strategy. A hierarchical approach will be taken when assessing proposals for business and industrial uses. New and existing employment designations are set out in Settlement Statements and their description identifies where these fall within the policy hierarchy.

Proposals must comply with Policy DP1, site development requirements within town and village statements, and all other relevant policies within the Plan. Office development that will attract significant numbers of people must comply with Policy DP7 Retail/Town Centres.

Efficient energy and waste innovations should be considered and integrated within developments wherever possible.

- b) **Business Parks**
Business parks will be kept predominantly for 'high-end' businesses such as those related to life sciences and high technology uses. These are defined as Class 4 (business) of the Town and Country Planning (Use Classes) (Scotland) Order 1997. This applies to new proposals as well as redevelopment within established Business Parks.

Proposals for the development of new business parks must adhere to the key design principles set out in town statements or Development Frameworks adopted by the Council.

- c) **Industrial Estates**

Industrial Estates will be primarily reserved for uses defined by Classes 4 (business), 5 (general) and 6 (storage and distribution) of the Town and Country Planning (Use Classes) (Scotland) Order 1997. This applies to new proposals as well as redevelopment within established Industrial Estates. Industrial Estates could be suitable sites for waste management facilities.

d) Existing Business Areas

Long established business uses will be protected from non-conforming uses (e.g. housing). The introduction or expansion of non-business uses (e.g. retail) will not be permitted, except where the total redevelopment of the site is proposed.

e) Other Uses

Class 2 (business and financial), 3 (food and drink), 11 (assembly and leisure) and activities which do not fall within a specific use class (*sui generis*), including waste management facilities will be considered in relation to their suitability to the business or industrial area concerned, their compatibility with neighbouring uses and the supply of serviced employment land. Retail uses will not be permitted unless they are considered ancillary to the principal use (e.g. manufacture, wholesale). For this purpose, 'ancillary' is taken as being linked directly to the existing use of the unit and comprising no more than 10% of the total floor area up to a total of 1,000 sq metres (gross) or where a sequential approach in accordance with town centre first principles has identified no other suitable sites and the proposal is in accordance with all other relevant policies and site requirements are met.

f) Areas of Mixed Use

Proposals for a mix of uses where site specific opportunities are identified within Industrial Estate designations in the Settlement Statement, will be considered favourably where evidence is provided to the authority's satisfaction that the proposed mix will enable the servicing of employment land and will not compromise the supply of effective employment land. A Development Framework that shows the layout of the whole site, range of uses, landscaping, open space and site specific design requirements must be provided. The minimum levels of industrial use specified within designations must be achieved on the rest of the site.

g) Rural Businesses and Farm Diversification

Proposals for new business development and extensions to existing businesses in rural locations including tourism and distillery operations will be supported where there is a locational need for the site and the proposal is in accordance with all other relevant policies.

A high standard of design appropriate to the rural environment will be required and proposals involving the rehabilitation of existing properties (e.g. farm steadings) to provide business premises will be encouraged.

Outright retail activities will be considered against policy DP7, and impacts on established shopping areas, but ancillary retailing (e.g. farm shop) will generally be acceptable.

Farm diversification proposals and business proposals that will support the economic viability of the farm business are supported where they meet the requirements of all other relevant Local Development Plan policies.

h) **Inward Investment Sites**

The proposals map identifies a proposed inward investment site at Dallachy which is safeguarded for a single user business proposal seeking a large (up to 40ha), rural site. Additional inward investment sites may be identified during the lifetime of the Plan.

Proposals must comply with Policy DP1 and other relevant policies.

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.

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.