

20/00265/APP
28th February 2020

Application under section 42 to vary condition 3(VI) of planning consent 08/01685/FUL (requiring provision of new link road from B9103 to A941 upon completion of 25 units) to instead require upgrade of existing junction of B9103 with A941 and footway improvements prior to completion/occupation of Plot 29A-F and prior to commencement of Plot 30A-F at Inchbroom Pines Development Lossiemouth Moray for Tulloch Of Cunninghamston Ltd

Comments:

- The application is reported to Committee because the original application was previously reported to Committee and the appointed officer considers that significant amendments are proposed to this consent.
- The proposal has been advertised for neighbour notification purposes.

Procedure:

- If minded to approve, defer issue of consent until variation to existing legal agreement for development is undertaken.

Recommendation

- Approve subject to conditions.

Conditions/Reasons

1. The following items shall be submitted for the approval in writing of the Planning Authority and provided in line with the specified triggers;
 - i) A scheme for the upgrading of the existing footway along the frontage of the site on the B9013 Inchbroom Road to a combined cycleway/footway including street lighting from the Phase 1 Development Access to the Phase 2 Development Access to be provided prior to the first occupation of Phase 2.
 - ii) A scheme for the widening of the B9013 Inchbroom Road to a minimum width of 5.5 metres along the frontage of the site, including the location of the new speed limit signs to be provided prior to the first occupation or completion of plot 29A-F (whichever is the soonest) and prior to any work commencing on plot 30A-F.

- iii) The upgrade and widening of footways and junctions as shown in drawing numbers INC/FTI/02 and INC/FTI/05 Rev A, to be completed and provided for use prior to the first occupation or completion of plot 29A-F (whichever is the soonest) and prior to any work commencing on plot 30A-F.

Reason: In the interests of achieving an acceptable form of development to provide:

- i) safe and suitable access for pedestrians and cyclists along the site frontage of Inchbroom Road.
- ii) additional road width along the frontage of the site to enable two vehicles to safely pass each other.
- iii) safe and suitable access for pedestrians to the development from the A941 Elgin Road along Inchbroom Road.

- 2 The construction of Phase 2 of the development shall not commence until the completion of Phase 1.

Reason:

- To ensure acceptable pedestrian and roads infrastructure to access the development.
- To ensure acceptable development that does not create any hazard to road users in the interests of road safety.
- To ensure acceptable infrastructure at the development access.
- To enable drivers of vehicles to undertake manoeuvres safely and with the minimum interference to the safety and free flow of traffic on the public road.
- To enable drivers of vehicles entering or exiting the site to undertake the manoeuvre safely and to ensure the safety and free flow of traffic on the public road.
- 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 new access.
- To ensure the construction of an acceptable access in the interests of road safety and effective drainage infrastructure.
- 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.
- To ensure an acceptable access in the interests of road user safety.

- 3 The width of the vehicular accesses from the B9013 Inchbroom Road shall be 5.5 metres.

Reason: To enable acceptable vehicular access to the development in the interests of road safety.

- 4 A visibility splay of 4.5m by 70m shall be provided at both development accesses onto the B9013 Inchbroom Road. These splays shall be clear of any obstruction above 0.26 metres in height.

Reason: To enable drivers to 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.

- 5 The width of individual vehicular accesses shall be 2.4m-3.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The section of the accesses over the prospective public footpath/verge shall be to the Moray Council Specification and surfaced in bitmac.

Reason: To enable acceptable vehicular access to individual properties within the development in the interests of road safety.

- 6 No boundary fences, hedges, walls or any obstruction whatsoever over 1.0m in height and fronting onto the public road/prospective public road shall be within 2.4m of the edge of the carriageway (see informative notes).

Reason: To enable drivers to vehicles leaving individual 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.

- 7 No water shall be permitted to drain, or loose material be carried onto the prospective public footpath/carriageway.

Reason: In the interests of road safety.

- 8 Drop kerbs shall be provided across individual accesses to the Moray Council Roads Service Specification.

Reason: In the interests of road safety.

- 9 Parking provision shall be as follows:
1.5 spaces for apartments up to 2 bedrooms;
2.0 spaces for apartments with 3 or more bedrooms;
2.0 spaces for houses with 3 bedrooms or less; and
3.0 spaces for houses with 4 or more bedrooms.

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.

- 10 New boundary walls/fences shall be set back from the edge of the prospective public carriageway at a distance of 2.0m.

Reason: In the interests of road safety.

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

Reason: In the interests of road safety.

- 12 Parking provision shall be outwith visibility splays.

Reason: In the interests of road safety.

- 13 Minor access of 'Novel' roads shall be designed as 'open plan' with no fencing along the rear of service verges (see informative notes).

Reason: In the interests of road safety.

- 14 Driveways over service verges shall be constructed to take vehicles and shall be finished in bituminous macadam.

Reason: In the interests of road safety.

- 15 Acoustic double glazing shall be installed in all living apartments and consist of 2 panes of 4mm thick glass separated by a 16mm cavity. The Specification and acoustic performance shall be in accordance with section 3.4 of the Noise Impact Assessment titled "Report on Air traffic Noise for Tulloch of Cummingston at Inchbroom Road, Lossiemouth, Moray by Charlie Fleming Associates, Acoustical Consultants Noise Control Engineers, 16th October 2008 - Document 14651."

Reason: In the interests of ensuring an acceptable form of development.

- 16 Acoustically attenuated ventilators shall be installed in south-west facing bedrooms of house numbers 4 to 12, 44 to 47 and 49. They shall also be installed in east facing bedrooms of houses 49 to 54. The attenuated ventilators shall have an element normalised level difference, $D_{n,e}$, of at least 32dB in the 500Hz octave band.

Reason: In the interests of ensuring an acceptable form of development.

- 17 No development shall commence until details of the gas protection measures to be installed within the property have been approved in writing by the Council (as Planning Authority). The details shall include the following and the gas protection measures shall be installed in accordance with the approved details:
- a full technical specification of the gas protection measures, including the membrane, to be installed;
 - full details of the appropriately qualified person responsible for installing the gas protection measures;
 - full details of the exact siting and extent of the gas protection measures;
 - full details of the means by which it will be ensured that the gas protection measures will be fully protected during and after installation. These details must demonstrate that the gas protection measures will prevent impacts from contamination migration and gas migration;
 - the timescale for installing the gas protection measures; and the Council as Planning Authority shall be notified of the date for installing the membrane no later than 7 days before its intended installation (contact the Environmental Health Section on 01343 563345 or by writing to the Environmental Health Manager, The Moray Council, Council Offices, High Street, Elgin IV30 1BX).

Reason: In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground gases.

- 18 Any extension, garage, shed, greenhouse, outbuilding and conservatory or summerhouse not requiring planning consent shall not be erected until details of a gas proof membrane to be installed under the building or other gas protection measures have been approved in writing by the Council (as Planning Authority). The details shall include the following and the gas protection measures shall be provided in accordance with the approved details:
- a full technical specification of the gas protection measures to be provided;
 - full details of the appropriately qualified person responsible for installing the gas protection measures;
 - full details of the exact siting and extent of the gas protection measures;
 - full details of the means by which it will be ensured that the gas protection measures will be fully protected during and after installation. These details must demonstrate that the gas protection measures will prevent impacts from contamination migration and gas migration;
 - the timescale for providing the gas protection measures; and the Council as Planning Authority shall be notified of the date for installing the membrane or gas protection measures no later than 7 days before the intended installation/provision (contact the Environmental Health Section on 01343 563345 or by writing to the Environmental Health Manager, The Moray Council, Council Offices, High Street, Elgin IV30 1BX).

Reason: In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground gases.

- 19 No development (apart from that required for remediation) shall commence until all necessary works to remediate contamination on the site have been carried out in accordance with the details of the required remediation measures which have previously been submitted to and approved by the Council, as Planning Authority in consultation with the Council's Environmental Health (Contaminated Land) Section where:
- a) The required remediation measures shall be fully implemented as detailed and described in the applicants Contamination Remediation Method Statement dated 9th March 2007.
 - b) Notification of the date of commencement of remediation works shall be given to the Council, as Planning Authority not less than 7 days before the development commences (contact Environmental Health Manager, Council Offices, High Street, Elgin, IV30 1BX, tel: 01343 563345).

Should any subsequent or previously undiscovered contamination be found during the development of the site, then all works should cease and the Planning Authority in consultation with the Environmental Health Section (Contaminated Land) be contacted immediately, after which measures to remediate these areas should be agreed in writing and implemented as per the approved revised remediation statement.

Reason: In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground gases.

- 20 That prior to the commencement of development, detailed proposals for the location and long term delivery of the affordable housing requirement for the development shall be submitted for the approval in writing of the Moray Council, as Planning Authority.

Reason: To ensure an acceptable form of development in accordance with affordable housing policy.

- 21 That the tree identified on the application plans as containing a red squirrel drey and the cluster of trees surrounding this shall be retained and protected throughout the lifetime of the development. Any further trees suspected of containing possible dreys must be protected during development, and the advice/permission of SNH sought prior to the commencement of any tree felling operations.

Reason: In the interests of nature conservation.

Reason(s) for Decision

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

The supporting information provided with the application justifies the proposed variation to the condition, which is in accordance with the requirements of the Moray Local Development Plan 2020. There are no other material considerations that indicate otherwise.

List of Informatives:

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

Construction Consent for the roads will be required under Section 21 of the Roads (Scotland) Act 1984.

The design of the SUDS system for the site shall follow the design principles contained in the SUDS design manual, and be supported by the following information as appropriate:

- Site investigation report with soil conditions and water table information including the time of year when the investigations took place;
- Sub-soil flow characteristics used in the design of the SUDS system;
- Existing surface and sub-surface site drainage details, and proposals for permanent diversion flows;
- Any temporary drainage arrangements required during construction to accommodate development;
- On-site storage proposed - capacity, connections, overflow arrangements, outfalls; Future maintenance arrangements required during construction to accommodate development;
- Detailed design drawings and calculations for settlement basins;

- Drainage design shall take into consideration effect on land immediately downhill of settlement basins;
- Whether or not existing watercourses or drainage paths will be affected by the development; and
- Whether or not the drainage system downstream of the development site will require to be upgraded to convey the run-off from this site.

The applicants shall ensure that a burden is included in the Title of each house which fronts onto a minor Access Road to the effect that the scheme is designed as 'Open Plan' and that no fences/walls shall be constructed along the frontage of any property.

The 2.0m Service Strips shall be part of the road but may be incorporated into the garden area. This burden shall state that the householder is responsible for the maintenance of this strip and that no fences/walls/boundaries shall be erected on/between this strip and the public road.

The applicant shall be responsible for ensuring that water does not run from the public road into his property.

The applicant shall ensure that their operations do not adversely affect any Public Utilities which should be contacted prior to commencement of operations.

The applicant 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 Transportation Manager prior to work on it commencing. No retaining walls shall be constructed along the edge of the road whether retaining the public road or ground adjoining the public road without consultation with the Transportation Manager.

The developer should contact the Transportation Manager, Direct Services, Environmental Services Department (Street Lighting Section) at Academy Street, ELGIN, Moray or by telephoning 01343 557343 to discuss their proposals.

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

The consultation response of Scottish Natural Heritage is attached for the information of the developer. Attention is drawn in particular to the comments with regard to squirrel dreys.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

Reference No. Version No.	Title/Description
INC/S42/02 A	Location plan
INC/FTI/03	Footpath analysis
INC/FTI/02	Proposed layout
INC/S42/01 A	Site plan
INC/FTI/04	Swept path analysis
INC/FTI/05 A	Road markings plan



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:
20/00265/APP

Site Address:
Inchbroom Pines Development
Lossiemouth

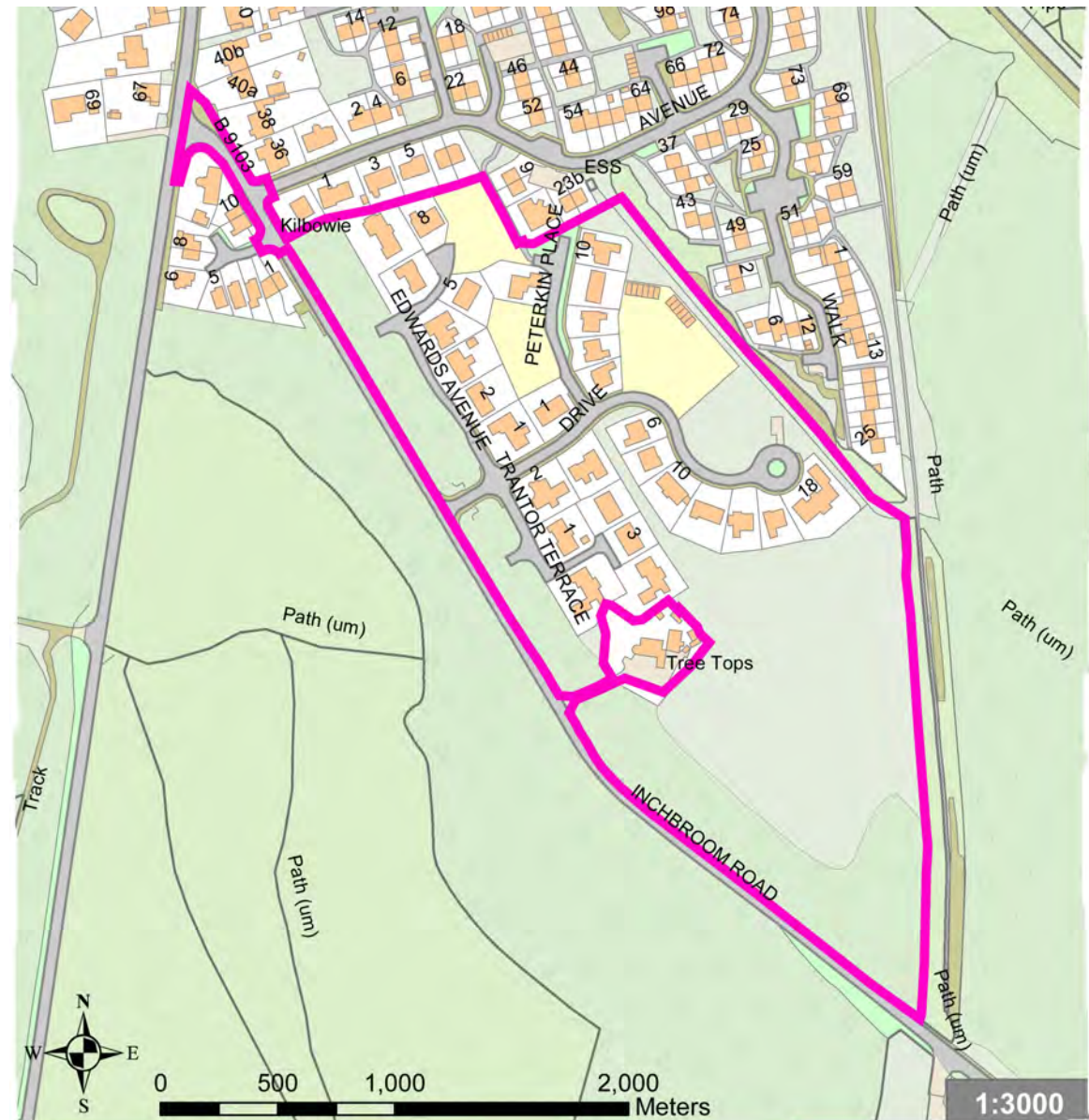
Applicant Name:
Tulloch Of Cummingston Ltd

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Location Plan



Site Location



Site plan



20/00265/APP - Photograph positions



Map Description: Arrows point in direction photograph was taken

Scale: 1:1,250 @ A4



Photo 1



Photo 2



Photo 3



Photo 4



PLANNING APPLICATION: 20/00265/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

- Application under section 42 of the Town and Country Planning Act (Scotland) (1997) (as amended) to vary condition 3(VI) of planning consent 08/01685/FUL.
- Planning approval 08/01685/FUL gave consent for 57 residential properties, known as the Inchbroom Pines residential development in Lossiemouth.
- Condition 3(VI) of that consent requires the provision of a new link road from the B9103 Inchbroom Road to the A941 Elgin Road. The trigger for its provision was the completion of 25 residential units.
- This application proposes a variation to the condition, to remove this requirement and instead upgrade the existing junction where the B9103 Inchbroom Road meets the A941 Elgin Road, and footways on the B9103 Inchbroom Road. The proposed trigger for this would be prior to completion/occupation of Plot 29A-F and prior to commencement of Plot 30A-F as applied for under application 19/01178/APP.

THE SITE

- A 7.3 ha site with a partially completed residential development to the north of Inchbroom Road, and the junction of the B9103 Inchbroom Road with the A941 Elgin Road.
- The site has been split into two phases, with all houses in phase 1 completed excluding the flats applied for under application 19/01178/APP.

HISTORY

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

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

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

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

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

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

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

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

19/01178/APP – Erection of 12 flats in lieu of 8 granted under 08/01685/APP on plots 29 and 30 pending consideration alongside this application.

POLICY - SEE APPENDIX

ADVERTISEMENTS

- Advertised for neighbour notification purposes and as a departure from the development plan (Moray Local Development Plan 2015).

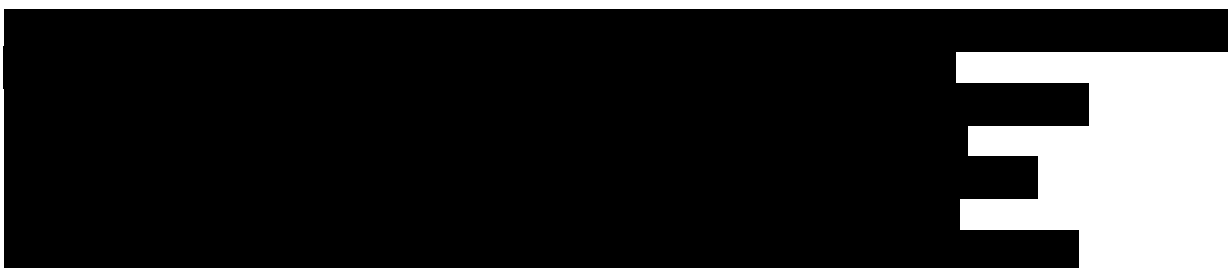
CONSULTATIONS

Transportation Manager – No objections subject to condition requiring road markings to be submitted to and agreed with the Council.

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).

Seven representations have been received from the following parties:



Issue: The requirement to provide the link road was agreed with the applicant and approved by the Council and it is clear the applicant accepted this position. The road is

busy with a variety of traffic and this has increased since the decision to require the provision of the link road and roundabout. Therefore, the applicant should be required to retain the original requirement to provide this infrastructure to best serve the development and Lossiemouth as a whole.

Comment (PO): No Transport Assessment or Statement was provided with the initial applications to demonstrate the need for a link road. The applicant has the right to apply for a variation to this, as this application has done so. The Transport Statement provided with this application demonstrates the existing junction has sufficient capacity to serve the housing development. Minor modifications to this junction will assist in the widening of footways to improve pedestrian accessibility to the site.

Issue: The provision of a link road will improve road safety, diverting traffic away from pedestrians.

Comment (PO): Traffic accident data shows there have been no accidents in the past five years resulting in injury or death at the junction. The proposed arrangement will see an upgrade to footways, with widening, whereas the provision of a link road would not see any upgrade to footways in the area.

Issue: New link road will slow traffic entering Lossiemouth, improve visibility compared to the current junction.

Comment (PO): The existing junction alongside proposed upgrades is considered sufficient to serve the consented housing development.

Issue: The applicant has made sales of millions on the houses sold on the Inchbroom development and their accounts lodged with Companies House show similar equity. There is no reasoning behind the amendment other than to save money.

Comment (PO): This is not a material planning consideration.

Issue: What if a new road is required in the future, it would fall to the Council to fund it.

Comment (PO): If the need for a new road is identified in the future as a result of further development, it would be for the developer(s) of said development to provide or fund the provision of a new link road. On the basis of the existing consented development, it has been demonstrated that the existing junction is acceptable. A minor modification to the junction will assist with the provision of enhanced footway widths alongside Inchbroom Road.

Issue: Nothing has changed from the original approval bar what can be seen as a desire of the applicant to undermine the decision taken by the approving Committee; this should not be permitted. Councillors should seriously question this application and the reasons behind same.

Comment (PO): Additional information has been provided to inform the necessary infrastructure upgrades to the development in lieu of the link road,

Issue: Any reduction of the traffic calming measure at the junction should not be permitted, as the speed of traffic entering the junction from Lossiemouth towards Inchbroom is too fast, and causes issues for driveways at the junction.

Comment (PO): The proposal would see the narrowing of the roadway at points close to the junction, which along with centre line hatchings and a tighter corner, should slow traffic compared to the existing junction layout.

Issue: Impact of development on flora and fauna.

Comment (PO): The proposal is not considered to result in an adverse impact on flora and fauna, and would preserve undeveloped land compared to the building of a new link road.

Issue: Impact of development on listed buildings and conservation areas.

Comment (PO): The development is not located near any listed buildings, nor within a designated conservation area.

Issue: Development will result in loss of garden ground, and current link road should be pursued instead.

Comment (PO): The area of garden ground lost as a result of the development is minimal for both properties where garden ground is required. The remaining garden ground is considered suitable for the provision of outdoor amenity space for each house. The Transport Statement provided with the application demonstrates that the link road is not necessary to mitigate the impact of the development and that upgrades to the existing junction of the A941 and B9103 are sufficient to mitigate the impact of the development. The loss of garden ground is proposed to enhance pedestrian connectivity from the housing development to amenities in Lossiemouth (e.g. schools).

Issue: Existing junction is inadequate, and the Transport Statement provided fails to take account of any development beyond that already approved.

Comment (PO): The submitted Transport Statement shows the existing junction is sufficient to serve the consented housing development. Any development(s) separate to this application will be assessed separately, and infrastructure upgrades necessary to mitigate the impact of the development(s) will be secured if required.

Issue: There will be an increase in noise, dust and pollution associated with the road being widened, particularly those properties that will lose garden ground.

Comment (PO): Any noise, dust and pollution associated with works will be temporary, and it would not be reasonable to refuse the application on this basis. The overall increase in levels of noise, dust and pollution from the additional traffic generated from the housing development would be negligible.

Issue: The proposed narrowing of the junction clearly shows that there is insufficient capacity for the junction to operate without crossing the centre line, and will result in an adverse impact on road safety.

Comment (PO): Swept path analysis provided shows there is sufficient space for the junction to safely operate (with HGVs able to overrun the hatchings). The Transportation Manager raised no objections to the layout of the junction.

Issue: The Transport Statement provided with the application only considered the option of narrowing the existing road, and discounted the option to widen the road (pavement) on the basis that third party land was required and it could not be certain that this could be acquired to undertake the works.

Comment (PO): The Transport Statement demonstrates that the proposed alterations to the junction itself and 1.5 metre wide footways could be accommodated within the existing public road (including footways). However, this was to the detriment of the road width and Transportation officers did not support this proposal. Subsequently the applicant has proposed wider footways which utilise third part land and only a minor narrowing of the road (vehicle swept paths have been provided to demonstrate the passing of vehicles. This has shown that an initial agreement is in place to acquire the necessary third party land (two areas of garden ground).

Issue: Application fails to meet policy T1 (of MLDP 2015 – now superseded by MLDP 2020) on the basis it cannot be considered to be an improvement to the A941.

Comment (PO): MLDP policy T1 related to the safeguarding of future improvements to road and transportation infrastructure which would be promoted by the Council and does not seek improvements to the A941 as part of development in Lossiemouth.

Issue: Had the proposal for housing been brought forward with the proposed junction arrangements, it would not have been accepted.

Comment (PO): The application as proposed has to be considered on the basis of the development plan and any material considerations.

Issue: Proposal fails to meet policy T2 on the basis it does not provide the highest level of access for end users, particularly neighbouring residents.

Comment (PO): The proposed variation would see an improvement to the existing junction, as well as improved pedestrian access.

Issue: Proposal fails to meet policy T6 on the basis the junction would be unsuitable for larger vehicles and the additional traffic will result in congestion and collisions.

Comment (PO): The Transport Statement demonstrates the junction has sufficient capacity and can operate safely.

Issue: Under the proposed MLDP, TSP3 is identified as an upgrade to the A941 to the south of Lossiemouth, consideration should therefore be given to keeping requirement for the link road and fulfil the requirement for TSP3.

Comments (PO): TSP3 is further south than the link road identified in the current consent, and is intended to serve designated site OPP1 in the MLDP 2020.

OBSERVATIONS

Legislative Matters

Section 42 of the Town and Country Planning (Scotland) Act 1997 allows applicants to apply to develop land without compliance with conditions previous attached to a planning consent. In determining such an application, the Council, as Planning Authority can only consider the conditions subject to which planning permission should be granted and may:

- grant permission unconditionally (i.e. remove the conditions attached to the planning consent);
- grant permission conditionally with differing conditions; or
- refuse the application (i.e. keep the conditions attached to the planning consent).

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

Consideration of an application under section 42 of the Act limits evaluation to the conditions themselves, the planning merits of the proposal cannot be reconsidered. Thus, the consideration here will be limited to whether the requested variation is acceptable.

The site subject to this application has been designated as a residential development site in the adopted (MLDP 2020) and previous development plans (2000, 2008 and 2015). Under the 2000 development plan, the infrastructure necessary to serve the development was identified as the widening of Inchbroom Road to 5.5 metres and the provision of a footway.

As noted under the history section above, there have been a number of consents on the site. A planning application (05/01755/FUL) submitted in 2005 for the site resulted in discussions for the provision of a link road, which was ultimately conditioned, however no Transport Assessment was provided and the justification for this requirement is unclear.

A subsequent application (08/01685/FUL) was granted in 2010, and has been the main consent for the ongoing residential development. Approximately half of the site remains yet to be developed. This application carried over the condition requiring the transportation upgrades identified under the 05/01755/FUL consent including the provision of the link road.

The condition sought to be varied under this application (3(vi) applied to 08/01685/FUL) requires the creation of a new spur to divert the B9103 away from Inchbroom Road. This would go to the south of the small group of houses at Inchbroom Court. The newly diverted road would meet either a newly constructed roundabout or junction at the A941 to the south of Lossiemouth. To date, no progress has been made with this infrastructure and the trigger for its provision (25 units) has passed (33 now built).

In lieu of this requirement, the applicant has proposed upgrades to the existing junction of the B9103 and the A941, and has provided a Transport Statement justifying this approach.

Policy Considerations

At the time of application, the proposal was a departure under the MLDP 2015, that being the development plan in force at the time of application. It identified the provision of a link road as a requirement under TSP6 of the Lossiemouth Settlement Statement, as part development on the R3 residential designation (Inchbroom). The application was advertised as a departure from the development plan on this basis. However this upgrade requirement has been removed from the recently adopted MLDP 2020 and designation R3 – Inchbroom. The MLDP 2015 is no longer a material consideration in the determination of this application. Accordingly, the proposal is no longer a departure from the development plan.

In determining whether the requested variation to the condition is suitable, consideration must be given to the alternative scheme proposed, and whether that is sufficient to serve the consented housing development.

The Transport Statement submitted in support of this application contains a capacity assessment of the existing junction undertaken using data from a traffic count undertaken in 2019. This assessment found no operational issues with the junction and sufficient reserve capacity when all traffic predicted/modelled from the full development of site R3 has been taken into account.

A review of injury accident data for the junction has also been undertaken. It found there have been no reported accidents resulting in injury at this junction in the last 5 years.

At present, footways on Inchbroom Road to either side of the junction of Inchbroom Avenue are narrow. This would be the main route for pedestrians from the housing development towards amenities in Lossiemouth (town centre, schools, etc.). Whilst the Transport Statement identifies that the widening of the footpath is not required, the applicant has proposed widening the footpath nonetheless, and has entered into an agreement to secure the necessary land from properties adjacent to the road.

The Transportation Manager has raised no objections to the proposed variation.

In light of this, the proposed variation to the condition would comply with the requirements of the MLDP (policies PP3, DP1, DP2 and designation R3).

Six Tests of Planning Conditions

Where varying conditions, or indeed imposing conditions on planning permission, they must meet the requirements of the six tests for planning conditions. These are set out in Planning Circular 4/1998: The Use of Conditions in Planning Permissions. The six tests are:

- Need for a Condition – would permission have to be refused if the condition were not imposed?
- Relevance to Planning – the condition must serve a planning purpose.
- Relevance to the Development to be permitted – it must deal with the impact of the development.
- Enforceability – a condition should not be imposed if it is not practical to enforce it.
- Precision – the applicant must be able to understand exactly what the condition requires.
- Reasonableness – the condition must be reasonable in all other respects and must not be unduly restrictive.

With reference to the need for the proposed varied condition – the increase in vehicle and pedestrian movements associated with the residential development requires mitigation. Without mitigation, the residential development would have been refused. The applicant has demonstrated that the proposed alternative upgrade to the junction of the A941 and B9103 in lieu of the link road is sufficient to mitigate the residential development's impact on the local transport network. Therefore its need is justifiable.

In relation to the relevance to planning – the upgrade of infrastructure to serve a development serves a clear planning purpose. It cannot be secured by legislation separate to the planning process, and is clearly related to the planning application for the residential development. Therefore the proposed condition is relevant to planning.

The proposal is also relevant to the development it serves, as it is necessary to mitigate the impact it has on existing transport infrastructure.

The condition as proposed is enforceable, with a clear description of what is required, as well as a trigger for its provision. The condition is also precise in light of this.

Finally, in relation to reasonableness, the information submitted demonstrates that the proposed scheme is sufficient to mitigate the impact of the residential development on R3 on transport infrastructure in the area. It is therefore a reasonable condition to place.

Conclusion

Taking account of these matters, a variation of condition 3 as proposed is considered acceptable and meets the six tests for planning conditions. Accordingly, it complies with the requirements of the Moray Local Development Plan 2020, namely policies PP3, DP1, DP2 and designation R3.

Other Conditions

The opportunity is also being taken to delete conditions 1 and 2 as attached to consent 08/01685/FUL which related to the period for implementation of consent and ensuring the development is carried out in accordance with the approved plans, this is now recognised as being inherent in planning legislation rather than a requirement by condition.

Condition 3 has been amended to ensure the triggers that were previously placed as informative notes are now incorporated into the condition, and triggers amended to tie into the new plot numbering as a result of the proposed flats. Condition 3(ii) has been amended to remove reference to a requirement for a cycle path and pavement on the link road which is no longer proposed as part of this development. Condition 3(iv) requires a bus layby associated with the new link road and revised road layout. This has been deleted. Condition 3(v) required the installation of a pedestrian crossing on the A941 – this has been deleted as it is now provided. Condition 3(vii) – requiring a travel plan for submission has also been deleted, having not been submitted and is no longer a requirement on new housing developments permitted by this Council.

As a result of amended conditions, the numbering of planning conditions now no longer ties with the original consent however, those conditions continue to be relevant to address the impact of the wider housing development.

Recommendation

Approve subject to conditions but withhold issue of consent until variation of existing s75 agreement has been undertaken to incorporate this consent into its terms.

REASON(S) FOR DECISION

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

The supporting information provided with the application justifies the proposed variation to the condition, which is in accordance with the requirements of the Moray Local Development Plan 2020. There are no other material considerations that indicate otherwise.

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APPENDIX

POLICY

Moray Local Development Plan 2020

R3 Inchbroom 7.3 ha 67 units

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

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.