

**21/00348/APP**  
**16th March 2021**

**Substitution of Plots 31-39 at R2 Speyview Aberlour  
Moray  
for Springfield Properties PLC**

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**Comments:**

- The application is on a housing site designated for 50 or more dwellings within the Development Plan, regardless of whether the application is for all or part of the site.
- Advertised for neighbour notification purposes - notification not possible because no premises situated on land to which notification can be sent.

**Procedure:**

- Completion of an amended legal agreement regarding developer obligations.

**Recommendation Grant planning permission - subject to the following conditions and conclusion of legal agreement:-**

**Conditions/Reasons**

1. Prior to the commencement of any works, a full site Construction Environmental Management Plan, including a dedicated pollution prevention section, shall be submitted to and approved in writing by the Council, as Planning Authority, in consultation with SEPA; and thereafter all work shall be carried out in accordance with the approved plan.

**Reason:** In order to minimise the impacts of necessary construction works on the environment.

2. Prior to the commencement of development details of the affordable housing specification shall be submitted to and approved by the Council, as Planning Authority in consultation with the Head of Housing and Property Service regarding the detailed arrangements for the long-term delivery and provision of the affordable housing accommodation on the site. This shall include evidence to confirm the identity of the organisation (or other similar agency) responsible for the provision and management of all affordable housing provided on the site.

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

**Reason:** To ensure all of the residential units approved on site are affordable and managed accordingly.

3. A Construction Phase Surface Water Management Plan shall be submitted a minimum of two months prior to the commencement of the development and shall be agreed in writing prior to work commencing with the Council, as Planning Authority in consultation with Moray Flood Risk Management. The plan shall include measures to prevent increased flood risk to neighbouring properties and to ensure heavily silted surface water does not enter the River Spey catchment. Thereafter the development shall be carried out in accordance with the agreed details.

**Reason:** To prevent surface water flooding during the course of the development and minimise risk to the River Spey SAC.

4. Prior to development commencing, details of the road surfacing/colouration between points A and B on the site plan approved as part of planning application 18/01373/APP shall be submitted to and agreed in writing with the Council, as Planning Authority. This section of road shall have a different finish/colouration to the remainder of the roads in the development. Thereafter the roads shall be finished in accordance with the agreed details.

**Reason:** To emphasise the street hierarchy and improve legibility of the development.

5. Unless otherwise agreed in writing with the Council, as Planning Authority, the equipped play area approved as part of planning application 18/01373/APP shall be provided in accordance with the approved plans prior to the commencement of the 20th residential unit within the R2 designation area. Thereafter the equipped play area shall be maintained in accordance with the approved Landscape Management Plan AB02\_L\_02 for the lifetime of the development.

**Reason:** To ensure the timeous provision of the play area and surrounding open space.

6. All surface water drainage infrastructure within the development shall be implemented in accordance with the details contained in the approved 'Drainage Assessment' and associated drawings AB01\_ENG\_250, AB02\_ENG\_220 A and AB02\_ENG\_600 B approved as part of planning application 18/01373/APP. Unless otherwise agreed in writing with the Council, as Planning Authority, this drainage infrastructure will be completed prior to the first occupation of any housing unit in the development and thereafter maintained for the lifetime of the development in accordance with the approved 'Drainage Assessment'.

**Reason:** To ensure an acceptable form of development is provided in accordance with intentions stated in the submitted Drainage Assessment, and to provide for adequate protection of the water environment from surface water run-off during the lifetime of the development.

7. Prior to the commencement of development (with the exception of works to form the access) the proposed ghost island priority junction with the A95 (T), as illustrated in Cameron + Ross Drawing No. A/180471-901 (Revision 5) "Proposed Ghost Island Layout" as approved in relation to planning application 18/01373/APP shall be constructed and agreed in writing by the Council, as Planning Authority, following consultation with Transport Scotland.

**Reason:** To ensure that the standard of access layout complies with the current standards, and that the safety and free flow of traffic on the trunk road is not diminished.

8. Prior to the occupation or completion of any of the dwellinghouses hereby approved, whichever is the sooner, a new footway along the east side of the re-aligned A95 (T), as illustrated in Springfield Properties Drawing No. AB02-ENG-260 (Revision A) "A95 Re-Alignment" as approved in relation to planning application 18/01373/APP, shall be constructed and agreed in writing by the Council, as Planning Authority, following consultation with Transport Scotland.

**Reason:** To ensure that facilities are provided for the pedestrians that are generated by the development and that they may access the existing footpath system without interfering with the safety and free flow of traffic on the trunk road.

9. Prior to the occupation or completion of any of the dwellinghouses hereby approved, whichever is the sooner, the proposed bus stop lay-bys on both sides of the A95 (T), as illustrated in Cameron + Ross Drawing No. A/180471-905 "Proposed Bus Stop Locations" as approved in relation to planning application 18/01373/APP, shall be constructed to the satisfaction of the Council, as Planning Authority, following consultation with Transport Scotland.

**Reason:** To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.

10. Prior to commencement of the development, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to, and agreed in writing with the Council, as Planning Authority, following consultation with Transport Scotland and thereafter implemented in accordance with the agreed details.

**Reason:** To ensure that there will be no distraction to drivers on the trunk road, and that the safety of the traffic on the trunk road will not be diminished.

11. Prior to commencement of the development, details of the barrier proposals along the trunk road boundary shall be submitted to, and agreed in writing with the Council, as Planning Authority, following consultation with Transport Scotland and thereafter implemented in accordance with the agreed details.

**Reason:** To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

12. There shall be no drainage connections to the trunk road drainage system.

**Reason:** To ensure that the efficiency of the existing trunk road drainage network is not affected.

13. Prior to the commencement of development the following shall be submitted for approval by the Council, as Planning Authority in consultation with the Roads Authority:
- a) A Construction Traffic Management Plan which includes details of any temporary site access arrangements, site compounds, lay down areas and site parking (Plan scale 1:500 minimum) and proposals to safeguard non-motorised road users;
  - b) Details (Plan scale 1:500) which show the provision of a temporary turning area, including details of all materials to be used in the construction of the turning area, adjacent to Plots 35/36 to provide a turning facility for refuse collection vehicles and other visiting vehicles.

The approved Construction Traffic Management Plan must be complied with at all times. The works identified in b) shall be completed prior to the first occupation or completion, whichever is the sooner, of any of the houses on plots numbered 29 to 36 and shall be retained until such time that the roads connecting Plots 35/36 and Plots 13/14/15/16 are connected and available for use by visiting service vehicles.

**Reasons:**

- a) To ensure an acceptable form of development in terms of the arrangements to manage traffic during construction works at the site.
  - b) To ensure acceptable infrastructure to service the development through the provision of details currently lacking.
14. Prior to the commencement of development a Travel Information Pack, which sets out opportunities for travel by foot, cycle and public transport, shall be submitted for approval by the Council, as Planning Authority in consultation with the Roads Authority. The Travel Information Pack shall include:
- a) Information on routes for pedestrians and cyclists to access local facilities.
  - b) Information on the provision of bus services serving the development.
  - c) Details of how to access personal Travel Planning and of incentives to travel by foot, cycle and public transport.
  - d) Details of the programme for updating the Travel Information Pack as the development progress.

The approved Travel Information Pack shall thereafter be provided to each dwelling as they are completed from the date of first completion of any part of the residential development.

**Reason:** To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

15. No works in connection with the development hereby approved shall commence unless an archaeological Written Scheme of Investigation (WSI) has been

submitted to and approved in writing by the Council, as Planning Authority and a programme of archaeological works has been carried out in accordance with the approved WSI. This should comprise an archaeological trial trenching evaluation of 7-10% of the total proposed development site, to be undertaken by a suitably qualified archaeological contractor, the results of which will be used to inform whether further mitigation is required. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the WSI will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the Council, as Planning Authority. The PERD shall be carried out in complete accordance with the approved details.

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

16. No development shall commence until details of protection measures of existing private water supplies leading through the site (both during construction and for the lifetime of the development) have been submitted to and agreed in writing with the Council, as Planning Authority. Thereafter the development shall be implemented in accordance with the agreed details, unless otherwise agreed with the Council, as Planning Authority.

**Reason:** In order to safeguard the water supplies which serve the neighbouring houses.

17. Prior to development commencing, cross sections through the proposed play area approved as part of planning application 18/01373/APP shall be submitted to and agreed in writing with the Council, as Planning Authority. Thereafter the play area shall be provided in accordance with the agreed details.

**Reason:** To ensure the play area is provided at an acceptable gradient, to maximise the functionality of this facility.

18. No boundary fences, hedges, walls or any other obstruction whatsoever over 1.0m in height and fronting onto the public road shall be within 2.4m of the edge of the carriageway.

**Reason:** To ensure acceptable development that does not create any hazard to road users in the interests of road safety.

19. The width of the individual vehicular access shall be 3.0m – 5.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The part of the access over the public footway shall be to the Moray Council specification and surfaced with bituminous macadam.

**Reason:** To ensure acceptable infrastructure at the individual development accesses.

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

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

21. The bat and bird boxes as detailed in the ecological mitigation measures submitted in support of this application, shall be provided prior to the completion of each house on the plots in which they are located and thereafter retained throughout the lifetime of the development.

**Reason:** In order to enhance habitat provision throughout the development in the interests of increasing biodiversity.

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

**Reason:** To ensure the residential units hereby approved are served by appropriate high speed internet connections.

23. No residential unit shall be occupied until the EV charging infrastructure associated with it has been provided in accordance with the approved EV charging details, submitted in support of this application.

**Reason:** In the interests of an acceptable form of development and the provision of infrastructure to support the use of low carbon transport.

### **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 DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that:-

This development is subject to a S.75 legal agreement in regard to arrangements for payment of developer obligations to address the impact of the development upon healthcare facilities to be payable in instalments.

Construction/demolition works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting birds should be made prior to the commencement of development if this coincides with the main bird breeding season (April - July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest. For information please see: [www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp](http://www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp)

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

THE HOUSING STRATEGY & PROPERTY MANAGER has commented that:

Policy DP2(d) requires that 25% of units are provided for affordable housing. 100% of the units are proposed for affordable housing. Whilst this over provision is welcomed, the applicant is advised that the additional affordable housing provision arising from these proposals will not be considered to offset any Policy DP2(d) requirement arising from future proposals on the wider R2 Speyview designation, nor on any other designation or location.

THE ENVIRONMENTAL HEALTH MANAGER has commented that:

I would advise that there has been a history of failures from the private water supply that leads through the site and that it has dried up in drought conditions. We would therefore strongly recommend that the existing properties which bound the development site using this supply are connected to the mains supply, and note that the developer has confirmed that they are happy to facilitate this.

SCOTTISH NATURAL HERITAGE has commented that:-

Any works should not result in unattended excavations that badger or other mammals could fall into and become trapped. Excavations should be covered when unattended or formed with a sloping edge to allow any animals to escape.

Lighting used during development works should be fitted with shades to prevent light spillage outside the working area. Lighting during and post development should not illuminate woodland and scrub habitat as lighting can affect commuting and foraging success for crepuscular and nocturnal species.

ABERDEENSHIRE ARCHAEOLOGICAL SERVICE has commented that:-

Post-Excavation Research Design (PERD)

A written specification for the post-excavation analysis of artefacts and samples recovery during the excavation phase or archaeological works, prepared by the appointed Chartered Institute for Archaeologists (CIfA) member archaeological contractor on behalf of the applicant. This should include a project design for the

post-excavation work, a costed assessment for this work, and costed proposals for the publication of results. The PERD must be submitted to the planning authority for approval. Once the PERD has been agreed, written confirmation must be provided to the planning authority demonstrating that an agreement is in place between the applicant and the appointed ClfA member archaeological contractor, committing the applicant to fund the post-excavation work and for said work to be completed by an agreed date.

#### Securing post excavation research design

When any post excavation research design is required through the implementation of a programme of archaeological works, the analysis, publication and dissemination of results and archive deposition requires to be agreed and secured between the developer of the site and the archaeological contractor undertaking the archaeological works on the site before it will be agreed in writing by the planning authority.

TRANSPORT SCOTLAND has commented that:-

The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Roads Directorate. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal

Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation

Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges.

Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.

THE TRANSPORTATION MANAGER, DIRECT SERVICES 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](mailto: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. The applicant will be required to provide technical information, including drawings and drainage calculations, and provide a Road Bond to cover the full value of the works in accordance with the Security for Private Road Works (Scotland) 1985 Regulations as part of the site is for private housing. Advice on this matter can be obtained from the Moray Council web site or by emailing [constructionconsent@moray.gov.uk](mailto: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 applicants shall free and relieve the Roads Authority from any claims arising out of their operations on the road or extension to the road.

The developer must contact the Roads Authority Street Lighting Section at Ashgrove Depot, Elgin – Tel (01343) 557300, Ext 7327 to discuss the proposals with respect to the specifications and design of street lighting provision.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version No.	Title/Description
AB01_LP2_01		Location plan
MC/2018/K/OOP/01		K Type Detached OPP - elevations and floor plans
AB02-ENG-300 H		Levels layout
AB02_PL_04	D	Material conditions
AB02-ENG-250 A		Drainage areas
AB02-ENG-600 D		Drainage layout
AB02-ENG-545		Existing and proposed services
2018 MC_TYPE CS		CS Type semi detached - elevations and floor plan
2020DST-DST-901	A	Deanston - elevations and floor plans
AB02_PL_05	F	Materials and character areas
AB02_PL2_01	B	Site layout

Additional Information to be issued with decision:

Supporting document - EV pillar and charger type spec

Supporting document - Speyview ecological mitigation

Supporting document - Super-fast broadband strategy



## PLANNING APPLICATION COMMITTEE SITE PLAN

**Planning Application Ref Number:**

**21/00348/APP**

**Site Address**

**Plots 31—39 R2 Speyview**

**Aberlour**

**Applicant Name:**

**Springfield Properties PLC**

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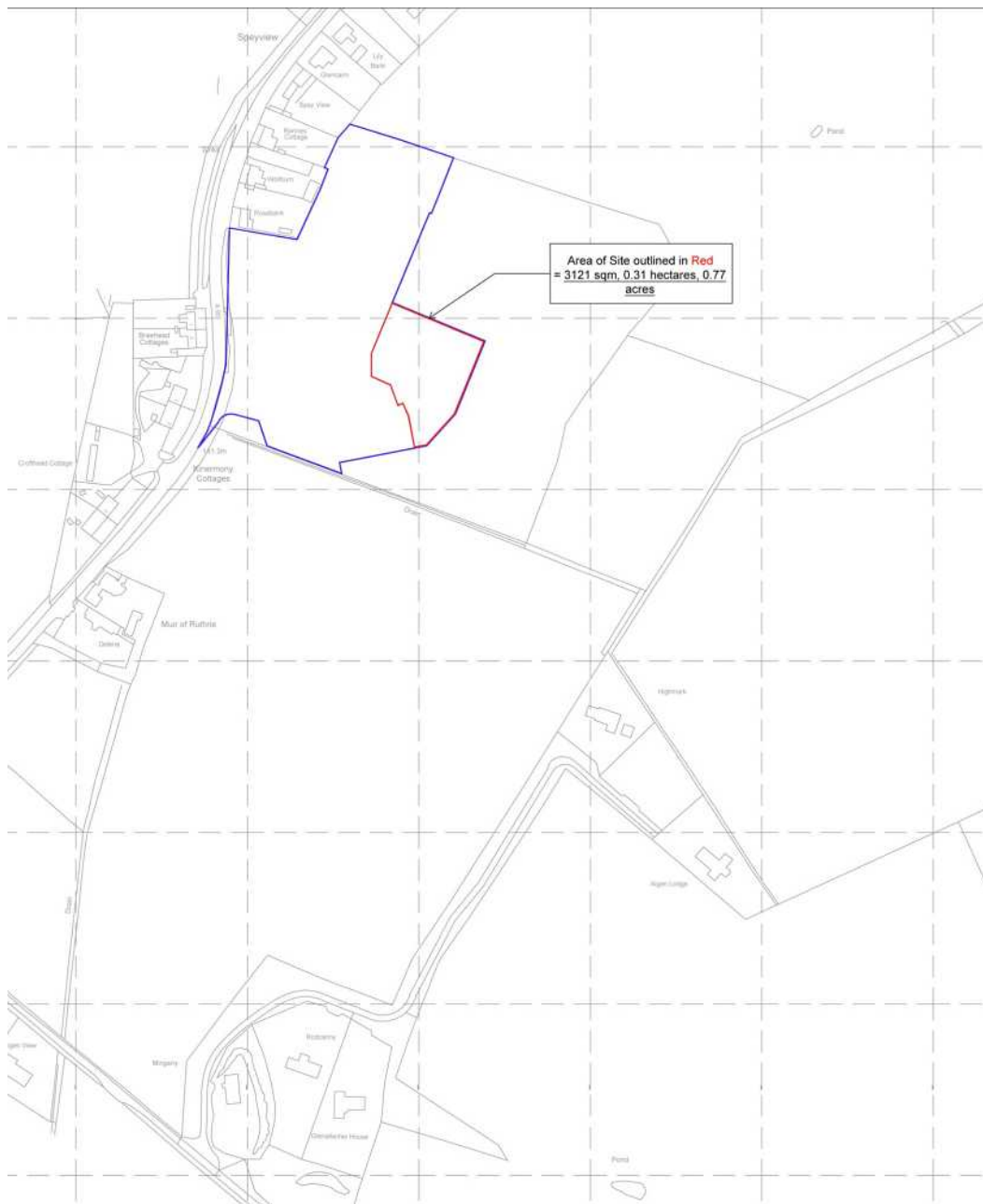
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## Location Plan



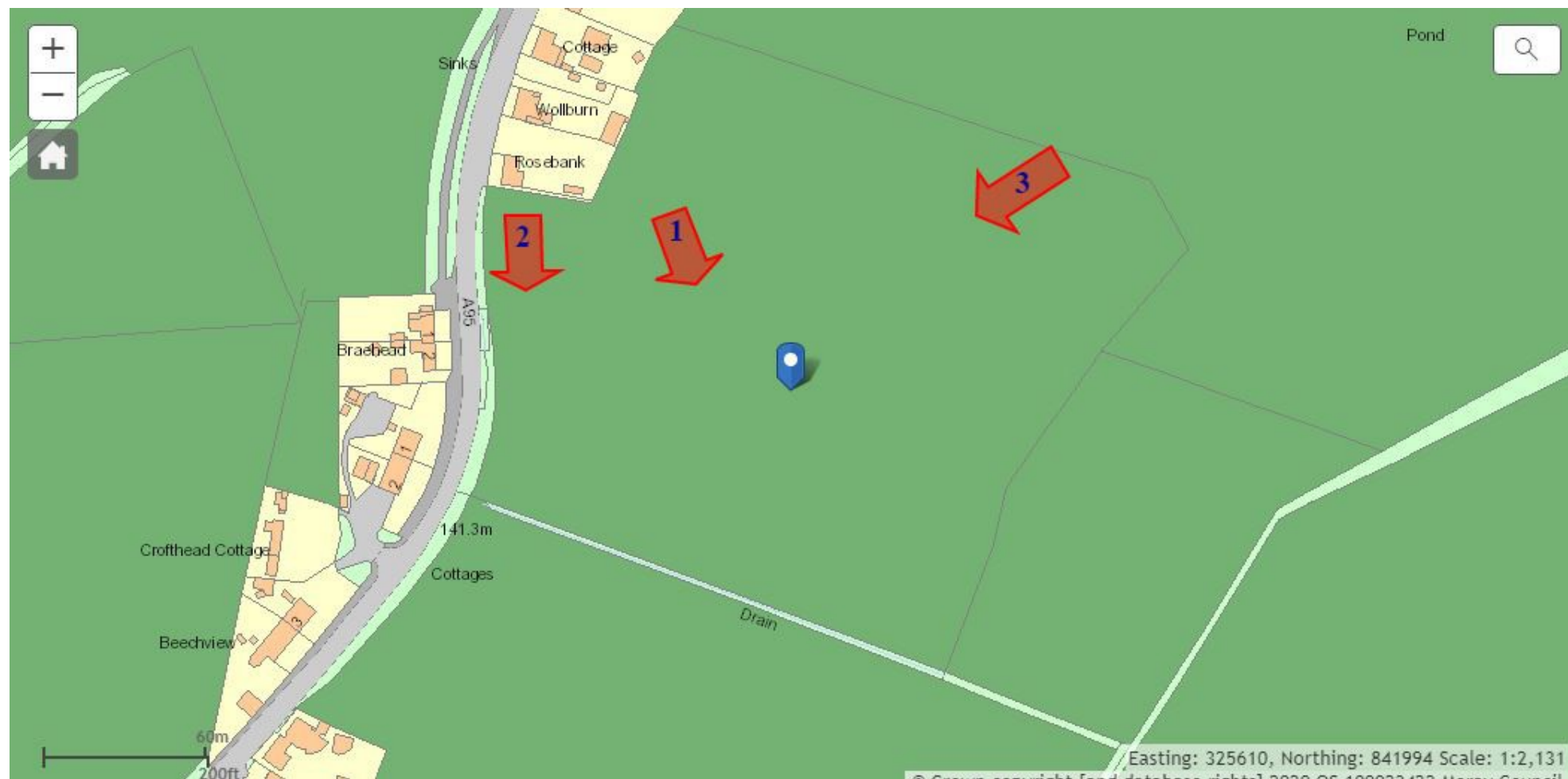
## Site Location



Site layout



Photo location plan





**Photo 1**



**Photo 2**





**Photo 3**



## PLANNING APPLICATION: 21/00348/APP

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

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### **THE PROPOSAL**

- This planning application seeks to amend 9 houses on plots 31 to 39 on part of the R2 Speyview housing designation at Aberlour.
- The proposed site forms part of a previously approved development for the erection of 39 houses/units 18/01373/APP which was consented on 12 November 2019. This proposal seeks to substitute the private housing element of the scheme previously approved and replace these with further affordable houses, resulting in 100% affordable housing provision across this initial phase of development.
- The applicants have outlined that this change from private to public housing is being made in an attempt to overcome constraints in relation to the existing surface water network, where upgrades required for the wider area render the development unviable without upfront public funding which would only be provided in conjunction with affordable housing.
- The road and plot layout largely remains the same as previously approved, with only minor amendments to accommodate the differing footprints of the new houses.
- As with the previous scheme, the proposed house types (3 - CS, Deanston and K) consist of 8 semi-detached houses and 1 detached house, however, rather than being a mixture of 1¾ and 2 storey houses, the proposals consist of 4 single storey houses and 5 two storey houses.
- The houses have simple pitched roof forms and will be finished with grey concrete tiles, buff render, grey timber cladding, upvc windows, soffits and fascias.

### **THE SITE**

- Formerly known as R4 within the previous local development plan, the site now forms part of the R2 Speyview, designation within the current local development plan.
- Works are yet to commence on the development, however, the existing consent (18/01373/APP) remains extant.
- The portion of the site affected by this proposal lies within the centre of the overall designation, with the remainder of the consented scheme lying between this site and existing neighbouring houses to the west and northwest.

### **HISTORY**

18/01373/APP - granted in November 2019 for a first phase of 39 homes on the site, with later phases shown in an Indicative Masterplan.

## **POLICY - SEE APPENDIX**

### **ADVERTISEMENTS**

Application advertised for neighbour notification purposes.

### **CONSULTATIONS**

**Strategic Planning and Development** – Requested minor amendments to the proposals in terms of EV charging points, biodiversity enhancements and changes to the material finish of the houses to ensure a distinct character to this character area/street of the development and reflect updated local development plan policy. The applicants amended the proposals to reflect these comments and the Strategic Planning and Development team have now confirmed that the proposals are considered to be compliant with current policy.

**Scottish Water** – No objection, however have highlighted that they are unable to confirm if there is capacity within the Aberlour waste water treatment works and have advised the applicants to engage with them separately from the planning process to discuss this issue.

**Environmental Health, Contaminated Land** – No objection.

**Environmental Health** – No objection.

**Transportation Manager** – No objection, subject to conditions covering car parking, EV charging, visibility splays, travel information pack and construction traffic management plan.

**Housing Strategy and Property** – No objection, subject to a condition requiring submission/approval of delivery arrangements for affordable housing. Comments have also been provided highlighting the need for affordable housing in the area, where it is confirmed that as of 1 September 2021 there were 64 households in housing need on the Council's Housing List who had expressed a preference for re-housing in Aberlour; it is estimated that existing social housing stock in Aberlour will result in 4 vacancies per year, based on average re-let rates. This is a ratio of 15:1 and is much higher than the Moray ratio of 9:1.

**Developer Obligations** – No objections, identified need for amended S75 legal agreement to reflect this application as well as the extant consent.

**Transport Scotland** – Does not object, subject to conditions and informatives being carried over from the previous consent covering the provision of the new access onto the A95 and new pedestrian access along the A95. Works to the trunk road will require to be subject to a separate regulatory process between the applicant and Transport Scotland.

**Moray Flood Risk Management** – No objection, subject to conditions being carried over from the extant consent relating to the provision of an acceptable drainage scheme.

**Archaeology** - No objection, subject to conditions and informatives requiring an archaeological scheme of investigation.

**Environmental Health, Private Water Supplies** – No objections, subject to condition to protect existing supplies. Advises that where possible houses on existing private water supplies should connect to the public network as there has been a shortage of water on the private supply in past years.

**Speyside Community Council** - No objection.

**Aberlour Community Association** – Support the application, however, raise concerns regarding the safety of pedestrians walking along the edge of the A95 to get into the centre of town.

**Officer Comments:** In response, the consideration of this application is limited to the proposed change of house types. Pedestrian access to the site as a whole was considered as part of the previous application and will be considered in relation to any future phases which come forward. Road safety audits were carried out in relation to the previous application which outlined that the proposals would be in compliance with transportation standards, and following assessment of this information both the Council's Transportation Service and Transport Scotland raised no objection. It is a requirement of policy that future phases of the overall designation will be required to be served via a separate pedestrian/cycle connection which connects into Taylor Court and will help to move pedestrians and cyclist away from the footpath alongside the A95.

## **OBJECTIONS-REPRESENTATIONS**

None 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. The main issues are considered below.

### **Principle of Residential Development (Aberlour R2, PP1, PP3, DP1, and DP2)**

The principle of housing on these plots has already been established through the approval of the existing consented development on the site. Therefore the primary matters that require to be considered as part of this application are the impact of the house type changes on the overall scheme and any changes in development plan policy requirements since the approval of the original application.

The main elements of this scheme such as drainage, access, open space, landscaping and play areas remain the same as those previously approved, and as such fall outwith the scope of the consideration of this application.

Although the proposal will result in all the housing in this first phase being affordable, policy DP2 and associated guidance allows for this where there is a need for 100% provision, these are acceptable as part of a wider mixed community and all other local plan policies are met. The Housing Strategy and Property Service advise that there is a need for this level of provision in this case based on Council's housing lists for the area.

The development is also acceptable as part of a wider mixed community, and all other local plan policies are met.

### **Placemaking and Infrastructure (PP1, PP3, DP1, DP2 and EP2)**

Given that this proposal is for the amendment of 9 houses, the quality audit process was not applicable in this case, however, aspects of the new development plan policy in relation to placemaking, biodiversity and infrastructure provision still require to be met.

To this end the applicants have made minor amendments to the design of the proposed houses to ensure they are in keeping with those already consented in the remainder of the scheme. A different palette of material finishes has been proposed to ensure this street/character area retains an element of distinctiveness when compared to the remainder of the consented scheme, thereby contributing to the overall character and sense of place of the development.

Longer driveways have been provided to ensure that well over 50% of the car parking spaces will be provided to the sides of the houses, therefore reducing the dominance of parked cars on the streetscape.

Whilst the open space has been accommodated within the wider consented development, the applicants have proposed bird and bat boxes to enhance habitat provision and have also incorporated hedging along the frontage of the plots to assist with greening the streetscene and provide further habitat and these aspects will be secured via condition.

In terms of infrastructure provision the applicants have committed to the provision of fibre-optic broadband and EV chargers for each house as per current policy requirements.

Given the proposed houses are remote for the existing neighbouring houses which bound this overall designation, the changes in house types have no potential to result in any additional privacy or overbearing impact.

Based on the above observations the proposal is considered to be compliant with policies in relation to placemaking and infrastructure provision.

### **Access and Transport (DP1 and PP3)**

Policies DP1 Development Principles and PP3 Infrastructure and Services seek to ensure that any development is served by a suitable access, provide the appropriate parking and are planned/coordinated, and served by adequate infrastructure/services. In this regard the access arrangements remain as before, with adequate parking provision provided within each plot. The Transportation Manager has confirmed they are content with the proposed revisions subject to conditions. The plots all provide the requisite amount of parking for the number of bedrooms.

Transport Scotland have also confirmed that they have no objection to the proposals provided the conditions which it previously recommended in relation to the original approval are carried over to this development.

On the basis of the above the proposal would accord with policies DP1 and PP3 regarding access and transport.

### **Developer Obligations (PP3)**

The proposed changes in house types results in a net reduction in the standard residential unit equivalent (SRUE) and as such the developer obligation sought for this phase of the development will need to be reduced slightly from 34 SRUE to 33.2 SRUE; this will need to be reflected within an updated Section 75 legal agreement to cover both this application and the original application.

### **Conclusion**

Overall the proposed change of house types will result in a minimal impact on the character and appearance of the consented development and will result in a net gain in habitat/biodiversity and infrastructure provision when compared with the extant consent.

Given that this proposal may assist in unlocking a currently constrained site and provide an additional 9 affordable houses for the Speyside area, in which there is a current shortfall in provision, this proposal is considered to comply with policy and is recommended for approval.

As this application is linked to the original consent on this site (18/01373/APP), conditions from this original consent will be re-applied where relevant to the new consent. These conditions cover aspects such as the overall drainage scheme for the site, access onto the trunk road, Construction Environmental Management Plan, Construction Phase Surface Water Management Plan, play area/equipment provision, archaeology investigation, landscaping and private water supplies.

### **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  
Officer:**

Iain T Drummond  
Planning Officer

**Ext:** 01343 563607

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



## **APPENDIX**

### **POLICY**

#### **Proposed Moray Local Development Plan 2020**

##### **PP1 PLACEMAKING**

- a) Development must be designed to create successful, healthy places that support good physical and mental health, help reduce health inequalities, improve people's wellbeing, safeguard the environment and support economic development.
- b) A Placemaking Statement is required for residential developments of 10 units and above to be submitted with the planning application to articulate how the development proposal addresses the requirements of policy PP1 Placemaking and other relevant LDP policies and guidance. The Placemaking Statement must include sufficient information for the council to carry out a Quality Audit. Where considered appropriate by the council, taking account of the nature and scale of the proposed development and of the site circumstances, this shall include a landscaping plan, a topographical survey, slope analysis, site sections, 3D visualisations, a Street Engineering Review and a Biodiversity Plan. The Placemaking Statement must demonstrate how the development promotes opportunities for healthy living and working. The landscape plan must set out details of species type, size, timescales for planting and maintenance.
- c) To create successful, healthy places residential developments of 10 units and above must comply with Scottish Government policy Creating Places and Designing Streets and must incorporate the following fundamental principles:
  - (i) **Character and Identity**
    - Create places that are distinctive to prevent homogenous 'anywhere' development;
    - Provide a number of character areas reflecting site characteristics that have their own distinctive identity and are clearly distinguishable;
    - Provide distinctiveness between and in each character area through a combination of measures including variation in urban form, street structure/network, architecture and masonry, accent features (such as porches), surrounds and detailing, materials (buildings and surfaces), colour, boundary treatments, hard/soft landscaping and a variety of approaches to tree species and planting that emphasises the hierarchy of open spaces and streets within a cohesive design strategy for the whole development;
    - Distinctiveness must be reinforced along main thoroughfares, open spaces and places where people may congregate such as shopping/service centres;
    - Retain, incorporate and/or respond to relevant elements of the landscape such as topography and planted features, natural and historic environment, and propose street naming (in residential developments of 20 units and above, where proposed names are to be submitted with the planning application) to retain and enhance local associations;



**(ii) Healthier, Safer Environments**

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

**(iii) Housing Mix**

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

**(iv) Open Spaces/Landscaping**

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

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

**v) Biodiversity**

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

**(vi) Parking**

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

- Parking areas must use a variation in materials to reduce the visual impact on the streetscene.

**(vii) Street Layout and Detail**

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

- (d) Future masterplans will be prepared through collaborative working and in partnership between the developer and the council for Lochyhill (Forres), Barhill Road (Buckie), Elgin Town Centre/Cooper Park, Elgin North East, Clarkly Hill, Burghead and West Mosstodloch. Masterplans that are not prepared collaboratively and in partnership with the council will not be supported. Masterplans that are approved will be Supplementary Guidance to the Plan.
- (e) Proposals for sites must reflect the key design principles and safeguard or enhance the green networks set out in the Proposals Maps and Settlement Statements. Alternative design solutions may be proposed where justification is provided to the planning authority's satisfaction to merit this.

**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.

## **R2 Speyview 14 ha 60 units and 1ha of employment land**

- Proposals must comply with key design principles set out in Figure 1.1.
- Masterplan required for the site including provision of 1ha of employment land to the south.
- The site will provide a gateway into the settlement. Proposals must be designed to reflect this.
- Development must reflect the woodland character of the site.
- Houses fronting onto the A95 must be 1½ storey in height, have their primary elevations facing the road with no direct access onto the A95 and be of traditional design with stone frontages, natural slate roofs and low stone walls with metal railings.
- Woodland creation along the eastern boundary must be provided to create a backdrop for housing and an attractive edge to the town.
- Landscaping on the western edge must be provided to create a buffer between the development and existing housing along the A95.
- Early phase(s) must provide a central greenspace with pocket park.
- Phase 1 Habitat Survey required.
- Later phase(s) must provide a neighbourhood park or a pocket park, depending on the balance of residential and industrial use.
- An active travel connection to Taylor Court must be provided.
- Footpath along or parallel to the extent of the site frontage onto the A95 must be provided. Once completed, the development must provide active travel connections from U103H (Ruthrie Road) on the southern boundary with the A95 frontage and Sellar Place and potential for future connectivity from the eastern site boundary.
- Flood Risk Assessment (FRA) may be required.
- Drainage Impact Assessment (DIA) required.

## **DP1 DEVELOPMENT PRINCIPLES**

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

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

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

**(i) Design**

- a) The scale, density and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.
- b) The development must be integrated into the surrounding landscape which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g. distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided with planning applications for all proposals where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the "Right Tree in the Right Place".
- c) Make provision for new open space and connect to existing open space under the requirements of Policy EP5 and provide details of the future maintenance of these spaces. A detailed landscape plan must be submitted with planning applications and include information about green/blue infrastructure, tree species, planting, ground/soil conditions, and natural and man-made features (e.g. grass areas, wildflower verges, fencing, walls, paths, etc.).
- d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours and integrate into the landscape.
- e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.
- f) Proposals do not result in backland development or plots that are subdivided by more than 50% of the original plot. Sub-divided plots must be a minimum of 400m<sup>2</sup>, excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and the resultant plot density and layout reflects the character of the surrounding area.
- g) Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.
- h) Existing stone walls on buildings and boundaries must be retained. Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.
- i) Proposals must orientate and design buildings to maximise opportunities for solar gain.
- j) All developments must be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use (calculated on the basis of the approved design and plans for the specific development) through the installation and operation of low and zero-carbon generating technologies.

## **(ii) Transportation**

- a) Proposals must provide safe entry and exit from the development, including the appropriate number and type of junctions, maximise connections and routes for pedestrians and cyclists, including links to active travel and core path routes, reduce travel demands and ensure appropriate visibility for all road users at junctions and bends. Road, cycling, footpath and public transport connections and infrastructure must be provided at a level appropriate to the development and connect people to education, employment, recreation, health, community and retail facilities.
- b) Car parking must not dominate the street scene and must be provided to the side or rear and behind the building line. Maximum (50%) parking to the front of buildings and on street may be permitted provided that the visual impact of the parked cars is mitigated by hedging or low stone boundary walls. Roadways with a single carriageway must provide sufficient off road parking to avoid access routes being blocked to larger service vehicles and prevent parking on pavements.
- c) Provide safe access to and from the road network, address any impacts on road safety and the local road, rail and public transport network. Any impacts identified through Transport Assessments/ Statements must be identified and mitigated. This may include but would not be limited to, passing places, road widening, junction improvements, bus stop infrastructure and drainage infrastructure. A number of potential mitigation measures have been identified in association with the development of sites and the most significant are shown on the Proposals Map as TSP's.
- d) Provide covered and secure facilities for cycle parking at all flats/apartments, retail, community, education, health and employment centres.
- e) Garages and parking provision must be designed to comply with Moray Council parking specifications see Appendix 2.
- f) The road layout must be designed to allow for the efficient mechanical sweeping of all roadways and channels, pavements, turning areas and junctions. The road layout must also be designed to enable safe working practices, minimising reversing of service vehicles, with hammerheads minimised in preference to turning areas such as road stubs or hatchets, and to provide adequate space for the collection of waste and movement of waste collection vehicles.
- g) The road and house layout in urban development should allow for communal refuse collection points where the design does not allow for individual storage within the curtilage and / or collections at kerbside. Communal collection points may either be for the temporary storage of containers taken by the individual householder or for the permanent storage of larger containers. The requirements for a communal storage area are stated within the Council's Kerbside Collection Policy, which will be a material consideration.
- h) Road signs should be minimised designed and placed at the back of footpaths to reduce street clutter, avoid obstructing pedestrian movements and safeguarding sightlines;



- i) Within communal parking areas there will be a requirement for electric car charging points. Parking spaces for car sharing must be provided where a need is identified by the Transportation Manager.

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

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

**DP2 HOUSING**

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

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

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

Piecemeal and individual/ plot development proposals will only be acceptable where details for the comprehensive redevelopment of the site are provided to the satisfaction of the planning authority and proposals comply with the terms of Policy

DP1, other relevant policies including access, affordable and accessible housing, landscaping and open space and where appropriate key design principles and site designation requirements are met.

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

**c) Housing density**

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

**d) Affordable Housing**

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

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

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

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

**e) Housing Mix and Tenure Integration**

Proposals must demonstrate tenure integration and meet the following criteria;

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

**f) Accessible Housing**

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

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

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

### **Affordable Housing**

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

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

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

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

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

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

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

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

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

affordable housing mix, detailing the size and type of housing required based on HNDA/LHS requirements.

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

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

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

Affordable housing requirement figures will be rounded up.

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

### **Accessible housing**

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

Policy DP2 aims to;

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

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

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

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

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

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

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

#### External requirements

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

#### Internal requirements

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

Accessible housing requirement figures will be rounded down.

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

## **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.

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

### **a) Flooding**

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

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

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

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

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

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

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

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

- a) In areas of little to no risk (less than 0.1%), there will be no general constraint to development.
- b) Areas of low to medium risk (0.1% to 0.5%) will be considered suitable for most development. A flood risk assessment may be required at the upper end of the

probability range i.e. (close to 0.5%) and for essential civil infrastructure and the most vulnerable uses. Water resistant materials and construction may be required. Areas within this risk category will generally not be suitable for civil infrastructure. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during flooding events.

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

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

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

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

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

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

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

If below ground attenuation is proposed the developer must provide a robust justification for this proposal. Over development of a site or a justification on economic grounds will not be acceptable. When investigating appropriate SUDS

solutions developers must integrate the SUDS with allocated green space, green networks and active travel routes to maximise amenity and biodiversity benefits.

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

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

### **c) Water Environment**

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

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

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

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



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

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

## **EP13 FOUL DRAINAGE**

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

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

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

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

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

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

### **a) Pollution**

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

**b) Contamination**

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

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

**c) Hazardous sites**

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