

21/00739/APP
20th May 2021

**Residential development of 53 dwellinghouses
landscaping and associated infrastructure on Land At
CF4 South Glassgreen Elgin Moray
for Springfield Properties PLC**

Comments:

- Advertised as a departure from Moray Local Development Plan 2020.
- Proposal to be reported to Committee under the scheme of delegation where the proposal exceeds 50 house units and where it falls within the category of “major development” as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.
- 2 representations have been received.

Procedure:

- If Members are minded to approve, a separate Section 75 legal agreement is required prior to issuing planning consent to see delivery of the Developer Obligations agreed. A further modification to the existing Elgin South Section 75 legal agreement may be required to secure the relocation of the Glassgreen Primary site within the legal agreement area (and in accordance with the approved Final Draft updated Elgin South Masterplan).

Recommendation **Grant Planning Permission - Subject to following:**

Conditions/Reasons

1. Unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Environmental Health Manager, the air source heat pump at the proposed dwellings shall be the Daikin Altherma H Hybrid Outdoor Unit model EJHA04AAV3, confirmed by supporting email from the applicant to the Environmental Health Section on 5th July 2021 at 17 :20 hours, and the sound power level of the unit shall not exceed 58.7 dB (A), as confirmed in Page 7 Product catalogue supporting document for the identified model.

Reason: In order to ensure the agreed type of air source heat pump is installed, for which the noise levels are known and agreed.

2. Construction works (including vehicle movements) associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0800 – 1900 hours, Monday to Friday and 0800 –

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

Reason: In order to ensure the amenity of neighbouring properties is not adversely affected.

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

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

4. Parking provision for houses shall be provided at the following rates:
 - a. 1 Bedroom = 1 space.
 - b. 2 -3 Bedrooms = 2 spaces.
 - c. 4 or more bedrooms = 3 spaces.

Parking for flats (Plots 401-408, 429-432 and 442-445) shall be provided as shown on Drawing EL02_PL_SL_16 including provision of 2 visitor car parking spaces and bicycle stores (with a minimum of 1 cycle space per flat). Parking shall be provided prior to the completion of each house or flat which it is associated with and thereafter retained and available for that purpose unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority.

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.

5. No boundary fences, hedges, walls or any other obstruction whatsoever over 0.6m in height and fronting onto the public road shall be within 2.4m of the edge of the carriageway.

Reason: To enable drivers of vehicles entering or exiting the site to have a clear view so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road.

6. No works shall commence on any area proposed for development until a

Construction Traffic Management Plan for the respective area has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include the following information:

- a. duration of works;
- b. construction programme;
- c. number of vehicle movements (i.e. materials, plant, staff, components);
- d. anticipated schedule for delivery of materials and plant;
- e. full details of any temporary construction access;
- f. full details of construction traffic routes from the A941 and A96 to the site, including any proposals for temporary haul routes and routes to be used for the disposal of any materials from the site;
- g. measures to be put in place to prevent material being deposited on the public road;
- h. measures to be put in place to safeguard the movements of pedestrians;
- i. traffic management measures to be put in place during works including any specific instructions to drivers; and
- j. parking provision, loading and unloading areas for construction traffic.

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

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

7. No development shall commence until a Travel Information Pack, which sets out opportunities for travel by foot, cycle and public transport, has been submitted to, and approved in writing 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; and
 - d) details of the programme for updating the Travel Information Pack as the development progress, to be carried out annually.

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.

8. Prior to the commencement of any part of the development accessed from the A941 Elgin to Dufftown Road, the following shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority:
 - i) a detailed drawing (scale 1:500) showing the location, design specifications and timescale for delivery of the access to the development on the A941 including the proposed design speed, visibility splay requirements and

- junction type; and
- ii) details of all changes/modifications to the design, to be informed by a Stage 1/2 Road Safety Audit (RSA) for the proposed junction, and any other works proposed on the A941 e.g. bus laybys and pedestrian crossings.

Thereafter, the development access, bus laybys and pedestrian crossings shall be provided in accordance with the approved details and agreed timescales.

Reason: To ensure the provision of a safe and suitable access, including for pedestrians and cyclists, to the development in the interest of road safety through the provision of information currently lacking from the submission.

9. No development shall commence until the following details, including drawing(s) (scale 1:500 minimum) and timescales for delivery, have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority and where appropriate, the Head of Housing & Property for the junction design for the proposed access from the A941 to include provision for pedestrian access to southbound bus stop. Pedestrian access to the southbound bus stop shall be provided and maintained in accordance with the approved details and agreed timescales.

Reason: To ensure acceptable infrastructure is provided linking the development area to cater for movements by foot, cycle, vehicle and public transport through the provision of details not yet approved.

10. No development shall commence on any area proposed for development until details have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority regarding the formation of any required/proposed construction access(es) (which includes any temporary access(es) to the area proposed for development from any public road. The details shall include:
 - a) a drawing (scale 1:500 minimum) regarding the location and design specifications of the proposed access(es);
 - b) specification of the materials used for the construction access(es);
 - c) all traffic management measures required to ensure safe operation of the construction access(es);
 - d) details including materials for the reinstatement of any temporary construction access(es); and
 - e) details regarding the timescale for the opening up and closure of any temporary access(es) together with the time-period over which the temporary access(es) will be used.

Thereafter, the works shall be provided in accordance with the approved details.

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

11. The landscaping hereby approved must accord with the amended landscaping plan SPE 101.21 SL-11 dated 23 November 2021. Unless otherwise agreed with the Council as Planning Authority, in addition to landscaping proposed on this

landscaping plan, semi-mature indigenous trees must be added in the front curtilage of plots 435, 436, 412 and 413. All planting must be completed no later than the first planting season following completion of the final housing unit. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council, as Planning Authority gives written consent to any variation of this planning condition. The landscaping hereby approved must also be maintained in accordance with the "Schedule of Services - Glassgreen Openspace and SuDs Infrastructure Maintenance Schedule" document submitted with the application.

Reason: In order to ensure the visual impact of parking on front curtilages is minimised by the presence of appropriate landscaping.

12. Further to the reference to the public art in the open space area on the southern side of the site referred to on Site Layout drawing EL02_PL_SL_13 Rev F prior to occupation of any dwellings, details of the public art must be submitted to and approved by Moray Council. The installation must thereafter be built in accordance with the approved details and completed prior to occupation of last housing unit.

Reason: In order to give further consideration to proposed public art installation and to ensure it is timely provided.

13. Unless otherwise agreed in writing with the Council, as Planning Authority in consultation with the Housing Strategy and Development Manager, the affordable housing approved under planning application 21/00304/APP must be completed no later than commencement of the 35th housing unit of this consent hereby approved. Similarly the 2 affordable units proposed within this site, must be also be provided no later than the 35th housing unit upon this site.

Reason: In order to ensure the timely provision of affordable housing associated with the development.

14. Prior to the commencement of any works, a Construction Environmental Management Plan incorporating a site specific pollution prevention plan shall be submitted to and approved in writing by the Council, as Planning Authority including a site specific pollution plan; and must include site specific mitigation measures to address dust, artificial light, vibration and noise impacts during construction and ecological management. Thereafter all work shall be carried out in accordance with the approved plan.

Reason: In order to prevent potential pollution of the environment and minimise impacts from construction works 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 planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of

archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

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

16. The development hereby approved for 53 house units will contribute towards the wider trigger set by Transport Scotland relevant to Elgin South planning permission 18/01209/APP whereby collectively no development beyond Phase 1A (295 residential units plus Moray Sports Centre and (Linkwood) Primary School as defined on drawing EL44_SL_09 Rev L) until:
- a) details (which may include evidence from Transport Scotland) have been submitted to the Council, as Planning Authority to confirm that the Trunk Roads Authority has completed the upgrading and realignment of the A96 (T) Hardmuir to Fochabers section of the A96 Dualling programme;

OR

- b) a Transport Assessment for each sub-phase has been submitted to the Council, as Planning Authority and that any trunk road mitigation measures necessary to off-set the impact of the sub-phase have thereafter been implemented in accordance with a timescale identified by the Transport Assessment to the satisfaction of the Council, as Planning Authority in consultation with Transport Scotland.

Reason: To ensure that the scale of development beyond the development hereby approved in addition to Phase 1A of 18/01209/APP is supported by a Transport Assessment, and to ensure that the scale and operation of the proposed development beyond the development hereby approved in addition to Phase 1A of 18/01209/APP do not adversely affect the safe and efficient operation of the A96 trunk road network.

17. Prior to development commencing and further to the information accepted within the submitted Drainage Assessment, the following information must be submitted to and approved by the Council, as Planning Authority in consultation with the Moray Flood Risk Management Team.
- a. details of the flood flows across the site illustrating that flood water would be contained within the new development and not put any property at flood risk
 - b. Confirmation that the existing system has the capacity to convey the additional flows from the new system and there is adequate attenuation within the existing system SuDS to store the additional surface water.

Reason: In order to confirm the appropriate design and capacity features are included in the drainage proposals for the development.

18. The environmental mitigation measure proposed on page 13 of the submitted "Extended Phase 1 Habitat Survey and Biodiversity Actions" dated May 2021 and he submitted "South Glassgreen Wildlife Enhancement and Mitigation Document" dated November 2021 must be complied as the site is developed. All bat and bird boxes, and other features must be in place in the first nesting season following completion of the landscaping works and planting.

Reason: To ensure that any impact on the natural environment is kept to a minimum and to enhance the habitat for fauna following development being completed.

Reason(s) for Decision

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

The proposal accords with all relevant policies of the Moray Local Development Plan 2020 other than Elgin Settlement designation community facility designation CF4 for a primary school site. There now being an alternative more appropriate school site identified within the Final Draft Updated Elgin South Masterplan, the current CF4 site may be released for housing as an appropriate alternative use as the Council is satisfied with the suitability of the proposed new primary school site and is being included within the revised Elgin South Masterplan to be adopted.

List of Informatives:

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

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

A S.75 Legal agreement for the Developer Obligations that has been agreed has been signed and registered.

THE TRANSPORTATION MANAGER has commented that:-

No kerbing details have been provided however based on the details shown for plots, 413-414, 422-423 and 449-450 these plots would be likely to result in excessive continuous dropped kerb arrangements. Details for the proposed kerbing require approval through the Roads Construction Consent statutory process.

The provision of Electric Vehicle (EV) chargers and/or associated infrastructure shall be provided in accordance with Moray Council guidelines. Cabling between

charging units and parking spaces must not cross or obstruct the public road including footways. Infrastructure provided to enable EV charging must be retained for this purpose for the lifetime of the development unless otherwise agreed in writing by the Planning Authority. Guidance on Electric Vehicle (EV) Charging requirements can be found at:

<http://www.moray.gov.uk/downloads/file134860.pdf>

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

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

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

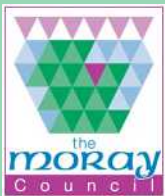
No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

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

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version No.	Title/Description
MC/2018/Z/03	B	Z Type option 2 - elevations and floor plans
EL02-ENG-210		Indicative utility layout
EL02_PL_SL_16		Parking provision
EL02_SL_17		EV charging
MC/2018/CS(dt)01		CS Type - elevations and floor plans
SPE 101.21.SL-11		Planting plan
EL02_LP_0417		Location plan

1224dt(AS)601 H	Arden house type
950sd(AS)901 E	Ardmore house type
652/727cf(--)901 C	Auldearn apartment house type
EL02-ENG-200	Swept path analysis
EL02-ENG-320 A	Levels layout
EL02-ENG-550	Adoption layout
EL02-ENG-600 B	Drainage layout
SR-901	Standard sun lounge elevations and floor plan
SPE 101.21 SL-01	Landscape proposal
SPE 101.21 LA-01	Landscape analysis
1287dt(as)901 C	Balerno house type
BINSTORE_01 A	
1339dt(AS)901 G	Braemar House type
EL02_PL_CF01	Cottage flats house type
1932ct(AS)901 F	Culbin house type
1073sd(--)901 K	Cupar house type
932te(AS)901 A	Dallachy house type
	Horizontal 2 bike locker
1653dt(AS)901 A	Kintore house type
1104dt(AS)901 C	Lauder house type
1237dt(--)901 B	Nairn house type
1202dt(AS)901 D	Roslin house type
EL02_PL_SL_13 F	Site layout
EL02_PL_SL_14 B	House type allocation

EL02_PL_SL_15	B	Material conditions
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PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

21/00739/APP

Site Address:

Land At CF4 South

Glassgreen

Elgin

Applicant Name:

Springfield Properties PLC

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Location Plan



Site layout



Landscape layout



View from A941 looking west across site



View from west edge of site



PLANNING APPLICATION: 21/00739/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

- Erect 53 houses inclusive of 2 affordable housing units
- 6 accessible housing units are proposed.
- A small open seating area is proposed and landscaping and seating which will also host some public art.
- Several access road into the site are proposed from the surrounding consented housing permissions.
- A SUDs drainage basin is proposed on the north side of the site.
- 6 visitor parking spaces are proposed on the south side of the site.

THE SITE

- Designated as CF4 (Community Facility) prospective South Glassgreen new primary school as designated in Moray Local development Plan 2020 (MLDP)
- There are no national, regional or local environmental cover the site.
- The site is approximately 1.8ha in area.
- The site is currently vacant, but has been used a laydown space or storage for building materials associated with the adjoining Elgin South development.

HISTORY

Relevant history across Elgin South

16/01244/APP - Phase 1 of Elgin LONG2 south to include 870 houses neighbourhood uses including Classes 1 shops 2 financial professional & other services 3 food & drink 4 business 8 residential institutions 10 non-residential institutions Moray Sport Centre (with provision for indoor & outdoor recreation) two primary school sites and associated infrastructure (transport drainage & open space) and landscaping at Elgin South, Elgin, Moray. Approved by Committee on 10 May 2018 following conclusion of the legal agreement.

18/01209/APP - Application under Section 42 to vary condition 1 of planning consent 16/01244/APP to maintain provision for 870 houses (as approved) but vary phasing design and site layout details i.e. adjust Phase 1A boundary (western most part of Phase 1A within Crescent North and South Glassgreen character areas) to provide 50 affordable homes together with consequential revisions to boundaries of Phase 1D (South Glassgreen) and eastern most part of Phase 1A (Meadows North character area) and Phase 1C (Meadows East character area) revise mix of homes (including site layout and new Braemar and Lauder house types) within Crescent North and South Glassgreen

character areas revise layout and reduce number of houses by 18 units within Village Garden character area to accommodate revision to alignment gas pipeline revise numbers and mix of houses including site layout within Village Core and Meadows East character areas to accommodate 18 homes relocated from Village Garden at Elgin South, Elgin Moray. Approved by committee in 15/05/19.

18/01603/S75 - Section 42 application to vary the phasing condition (Condition) of Proposed modification of planning obligation (associated with application 16/01244/APP) for Phase 1 development at Elgin LONG 2 South to apply to development occurring under planning applications 16/01244/APP and 18/01209/APP at Elgin South LDP2015 Long 2 Elgin Moray. Concluded in May 2019.

19/00666/APP - Substitution of house types on Plots 1-4 Crescent North (as per 16/01244/APP) at Elgin South, Elgin, Moray. This saw a remix of house types already approved elsewhere within the Elgin South development. Approved under delegated powers on 10/03/20 and required a modified Section 75 agreement.

19/01641/APP - Remix of plots 37 - 40 and 44 - 47 at (8no total) Crescent North Elgin South Elgin Moray. This saw a remix of house types already approved elsewhere within the Elgin South development. Approved under delegated power in April 2020.

21/01163/APP - Residential development landscaping and associated infrastructure at Glassgreen Village Phase 2, Elgin South. Pending application for 192 house units, commercial units and associated infrastructure, landscaping and drainage. This application is pending consideration.

21/00206/APP - Application under S42 to vary condition no 2 of planning permission 18/01209/APP - phasing to reflect updated masterplan 2021 along with revisions to layout and substitution of Plots 122 to 129 at Glassgreen Elgin South, Elgin. This site was approved at committee on December 2021 and is awaiting modification of the legal agreement prior to the issue of planning permissions.

21/00396/APP - Plot substitutions at No's 1-43 and 47-50 (total no of plots are decreased from 47 to 35) at Glassgreen Elgin South, Elgin. Lying adjacent to and north of CF4, this site was approved at committee on December 2021 and is awaiting modification of the legal agreement prior to the issue of planning permission.

21/00304/APP - Amended approved houses types approved under ref 18/01209/APP from 16 private homes to 15 affordable homes on land at Plots 44 to 62 South Glassgreen Elgin South, Elgin. This application lies immediately north of CF4 and is proposed to provide the necessary affordable housing associated with the development proposed under this report for 51 private and 2 affordable. This application will likely be determined on the same day, as the application subject of this report.

POLICY - SEE APPENDIX

ADVERTISEMENTS

Advertised as a departure from Moray Local Development Plan 2020 and specifically designation CF4 as defined in Elgin Settlement Statement.

CONSULTATIONS

Housing Strategy and Development Manager – No objections following the revisions to affordable housing now proposed and the provision of affordable housing under reference 21/00304/APP.

Transport Scotland – No objection subject to a condition setting triggers in conjunction with planning permission 18/01209/APP, whereby either the Hardmuir to Fochabers section of the A96 Dualling programme has been progressed, or Transport Assessments can otherwise provide evidence that other phases may proceed.

Scotland Gas Networks Ltd - No objection but further discussion with the developer should occur to ensure pipelines and the integrity of the servitude or easement area are not compromised. *Officer Note: it is noted the applicant and SGN have already been in direct discussions over this and the applicant is aware of the wayleaves and protection required of the gas pipeline.*

Environmental Health Manager - Approve subject to conditions relating to the noise output of air source heat pumps and a condition relating to hours of construction activity.

Contaminated Land - No objection.

Transportation Manager - Approve subject to conditions and informatives.

Scottish Water - No objections, but various advice offered re Scottish Water assets etc. Letter passed to applicants.

Strategic Planning and Development - The application proposes 53 units on the site identified as CF4 in the LDP 2020. The site was previously identified as the location for a primary school in the now superseded version of the Elgin South Masterplan.

The Elgin South Masterplan was recently revised and updated to reflect the LDP 2020 and other newly identified issues such as the requirement for a larger school site in the Glassgreen area and the proposed A96 duelling.

The approval of the Masterplan by the Planning and Regulatory Services committee was also on the basis that land designated as CF4 for a primary school is not released for development until the Council is satisfied as to the suitability of the proposed new primary school site.

DP2 Housing

The South Glassgreen character area where this application is located has recently been subject to a number of remix applications. It has been agreed with the applicant that in this instance the affordable housing requirements will be met through a combination of this application and planning application 21/00304/APP which is proposing to change 16 private units to 15 affordable. It is proposed to determine this application at the same time as this one.

As 68 units are being proposed across both applications, 17 affordable units are required. With 15 units being proposed under 21/00304/APP, two units were required to be

provided under this application to meet this policy requirement.

Through discussions with the applicant these 2 additional units have now been provided on site within this application and meets the mix provided by Housing and Property Service.

The proposal is therefore deemed to comply with DP2.

PP3 Placemaking, DP1 Development Principles

Throughout the determination of this application a number of revisions were made to the layout in order to meet the policy requirements set out PP1 Placemaking. A Quality Audit was undertaken which accompanies this response which reflects the changes made to the layout. Following revisions by the applicant to the original proposal, the QA scored “green” in all but one (parking) category and this is addressed below.

Character & Identity - Although the application site is within the wider South Glassgreen character area the placemaking statement shows that it is proposed to provide differentiation through the creation of 4 smaller character areas or streets. To achieve this it is proposed to use different colours of timber cladding, landscaping, and hedging within each area. Key buildings are also being proposed on the southern edge which will be differentiated with a different cladding.

Parking - The applicant has made revisions to the original layout to seek to comply with the parking requirements of PP1. The proposal meets the quantitative aspect (i.e. minimum of 50% of car parking spaces located to the rear or side of the building line) on the majority of streets. One street (plots 434-441 & 411-414) fails to achieve this however given this is an infill site and the front curtilage parking is primarily located in the plots within the northern ‘spur’ of the street which is mitigated by semi-mature trees within plot 436 the parking will be largely obscured from view in the streetscape when travelling north through the development. Therefore in this instance this is considered to be an acceptable departure from PP1.

All communal parking areas meet the policy requirements and have been broken up in intervals of 4 with landscaping and semi-mature tree planting.

Open Space & Landscaping - Two areas of open space are being proposed within the development. The central area of open space will create a focal point with seating and a variety of planting (see section below). There continues to be a discrepancy between the landscape and parking plans. Semi-mature trees within plots 412, 413, 435 & 436 will require to be conditioned should the application be recommended for approval to ensure this planting is delivered, which is particularly prudent for plot 436 given the above.

Policy EP5 Open Space

EP5 requires open space within new developments to meet standards for quantity and quality to ensure the delivery of multifunctional open space.

Following discussions with the applicant the central area of open space has been increased in size making it a focal point within the development. While it is acknowledged that in this instance it is not possible to remove the SUDs pond due to a significant amount of drainage infrastructure already being in place, it has been improved with more varied planting, rain gardens, hedging, and by providing seating areas for residents to use ensuring it has a function and providing space for social interaction.

On this basis the proposal was scored during the QA process and achieved over 75% meaning that it is deemed to comply with policy.

In conjunction with the other smaller area of open space that will be provided on the southern edge of the site the overall open space provision is deemed to be acceptable and complies with PP1 the quantity and quality standards of policy EP5 Open Space.

EP2 Biodiversity

The applicant has provided a Wildlife Enhancement and Mitigation document to show how the layout will support biodiversity. This has been submitted in addition to the detailed landscape plan.

This includes the provision of a variety of bird and bat boxes, hedgehog highways, and details on how the proposed planting within the development will support a variety of animals and insects.

Conclusions from Strategic Planning and Development consultation

The proposal has been considered against policies PP1, PP3, EP2, EP5, DP1, and DP2 and is deemed to comply. In summary;

- The proposal scored green in all but one (parking) category of the QA. Although the quantitative requirement for a minimum of 50% of car parking spaces to be located to the side or rear and behind the building line has not been achieved on one street this is considered to be acceptable in this instance given the proposal is an infill site and the semi-mature trees located within plot 436 will screen the front curtilage parking in the northern 'spur' of the street thereby reducing the visual dominance in the streetscape. A condition is required to ensure the trees are provided for plots 435, 436, 412 & 413 as there is a discrepancy between the parking and landscape plans;
- The areas of open space have been improved to ensure they have a function and provide a focal point within the development that will contain seating, rain gardens, and be planted with a variety of species;
- The layout has incorporated a number of measures to support and enhance biodiversity;
- The layout provides the affordable housing requirements within this site and in conjunction with 21/00304/APP

The proposal is supported on the basis that the proposal complies with all other relevant LDP policies which other consultees will comment on.

Planning and Development Obligations – Developer Obligation payment of £413,975.89 is required in relation to secondary school provision, transport requirements and healthcare. A legal agreement will be put in place to deliver this contribution for the increase in new housing proposed.

Building Standards Manager – A Building Warrant will be required.

Moray Flood Risk Management – No objection, but additional clarification required on some flood flow detail and details not contained within the submitted Drainage Assessment.

Moray Access Manager – No objection.

Scottish Environment Protection Agency – *Officer Note - following consideration of standing advice and discussion with SEPA, no matters arise from this proposal requiring their formal input and where no housing is affected by flooding.*

Aberdeenshire Council Archaeology Service – Approve subject to a condition to ensure potential of previously unrecorded archaeology to survive within the proposed development area is recorded.

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).

[REDACTED]
[REDACTED]

Issue: Visual impact on privacy from the front, side and rear of objectors privacy due to the house types proposed.

Comments (PO): Whilst the proposals do include 2 storey dwellings/flats, they are proposed to be an adequate distance from existing properties. Within an urban setting, some degree of overlooking is to be expected between residential properties.

Issue: The proposed layout will see three different gardens back to back with the neighbours garden. The ground floor bedroom with patio doors will be overlooked by the 3 gardens.

Comments (PO): Beyond the gardens proposed, a communal parking area will also lie adjacent to one of the residential properties. It is not considered that the proposed garden sitting adjacent to existing gardens is incompatible. The rear gardens are also separated by an existing 1.8m timber fence.

Issue: The proposals will result in a loss of light and overshadowing of the objectors property.

Comments (PO): One of the properties proposed adjacent to the objectors properties is single storey in construction while the flats and semi-detached houses to the south are two storey. The houses immediately to the south are approximately 18m from the rear façade of the objector's property while the flats to the south east are perpendicular to and approximately 15m away from the nearest corner of the objectors property. The proposed buildings are sufficiently far from the objectors properties so as not to detrimentally affect their light. The spacing between existing and proposed housing is comparable to distancing other properties throughout Elgin South. It is also noted that the objectors rear garden is bound by a 1.8m high timber fence.

Issue: There is inadequate parking to the front of properties for residents and visitors. The stacked cars in driveways will mean car manoeuvring more with more noise, headlights and congestion.

Comments (PO): Parking requirements in force by Moray Council now require additional parking within plots where garages are less than 3m x 7m, which means most plots have 2-3 off street parking spaces. The development also includes additional visitor parking.

Issue: The proposed houses will bring noise and disturbance and this will also occur while it is a building site with machinery and banging from 7am onwards.

Comments (PO): Condition 2 recommends that construction work does not commence until after 8am in the morning. It is appreciated that whilst a construction site, some noise disturbance will occur, but this will only be temporary in nature. The subsequent noise and disturbance generated from domestic noise from the new houses is not considered to be different than that from the existing residential properties.

Issue: The building works being carried out already generate sand blow and light pollution into the objectors property.

Comments (PO): A condition is recommended requiring a Construction Environmental Management Plan (CEMP) which includes a requirement for mitigation measures for dust and construction lighting.

Issue: The development will be environmentally unfriendly, as there is much wildlife visits the area. The construction environmental management plan recommended in conditions should help mitigate any environmental impacts.

Comments (PO): The site lies within the Elgin settlement boundary and is already designated for development. This site has already been disturbed by construction activity and from visits has already is not considered to be of high ecological value.

Issue: Building the houses will reduce the objectors view.

Comments (PO): Possible loss of views is not a material planning consideration.

Issue: When the objector bought their house in Dec 2020 they were not informed that there would be any other development behind them.

Comments (PO): Whether or not the seller chooses to inform of other consented development in the vicinity is a matter outwith the Councils control. The planning history and designation status of this plans has been in the public domain for some time and permission for a school upon this site existed since 2018.

Issue: Local services such as hospital and chemists are already bursting at the seams.

Comments (PO): The applicants are paying a developer obligation contribution towards local healthcare.

Issue: There is a problem with weeds growing through the fence into the objectors garden, which the objector being disabled cannot address themselves and the council will not attend to.

Comments (PO): This would not be matter relevant to the determination of the planning application. If development commenced, the land adjoining the neighbour would either be private garden ground, or communal space maintained by the developer.

Issue: There is no local bus route to Findlater Lane, taxi services are expensive and there are no local retail shops.

Comments (PO): The latest proposed phase of Elgin South includes provision of local neighbourhood commercial/retail units and as more of Elgin South is built out, the possible need for a bus route will be considered by the Councils Public Transport Unit. While

Findlater Lane remains incomplete, and has not through-road as yet, it would not be suitable for public transport.

Issue: The objector has had drainage issues with the developer.

Comments (PO): Whilst the objector has not expanded upon what these specific issues have been, the applicants have submitted adequate drainage proposals for the development, and neither SEPA, nor the Councils own Flood Risk Management Team have raised any issues with the proposed drainage arrangements for the site.

Issue: Annoyance at building material already being allowed to be stored at this location without planning permission, which has caused annoyance and disturbance with the machinery used to move it.

Comments (PO): Planning permission does exist to the east of the objectors properties for housing, and for the land to the south, whilst approval exists only at the moment for principal of a primary school site, permitted development rights do exist for construction compound to exist adjoining permitted development sites. The storage of building material and initial ground clearance works, would be therefore constitute a breach of planning control.

OBSERVATIONS

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e. the adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise.

Background

This application is being considered in conjunction with planning application 21/00304/APP which lies adjacent to this site, and is composed entirely of 15 affordable housing in an area that was previously approved under 16 private house units under 16/01244/APP and 18/01209/APP. This change is proposed to ensure a proportionate amount of affordable house units are provided if this planning application for 53 housing units is approved and where it only proposed 2 new affordable house units.

The main issues are considered below:

Principle of Development CF4 school site for housing

Moray Local Development Plan 2020 (MLDP) Elgin Settlement Statement, and the original adopted Elgin South Masterplan designated an area 2.5ha to be safeguarded for a future primary school at South Glassgreen. This was affirmed in the approval of planning applications 16/01244/APP and 18/01209/APP.

It is noted that while CF4 planning designation as shown in MLDP identified an area approximately 2.5ha, during the consideration of planning application 16/01244/APP the proposed school site shrunk to occupy an area approximately 1.8ha of this designation, as this was the area sought by Moray Council as required for a future primary school at that time and was accepted and approved in 2018. Subsequent to this approval educational requirements now mean a site of 2.5ha is required for a future primary school. With the consented 1.8ha site now bound on 3 sides by approved housing development, some of which has been completed or commenced, the need for a larger primary school site required an alternative location. Working with the developer Springfield Properties, the

updated Elgin South Masterplan revisited a number of issues in Elgin South, such as re-phasing the development and including the need to establish a suitable alternative location for a 2.5ha primary school site at South Glassgreen.

A 2.5ha area, approximately 150m south of the CF4 designation has been identified within the updated Elgin South Masterplan, which is now identified as the 'Glassgreen School Site'. The new school site is also repositioned marginally further southward to be located more centrally within the wider Elgin South site (its likely pupil catchment) and to benefit better from road and active travel linkages. A range of neighbourhood retail, flexible commercial and community hub units will be provided within proximity to the new school site for South Glassgreen.

The updated Final Draft Elgin South Masterplan was accepted as a material consideration by Moray Council at Committee in August 2021, but with the caveat that the CF4 school site could not be released until such time as further site investigations has been concluded to ensure the 'Glassgreen School Site' was suitable to host a new school. These investigations covering aspects such as ground conditions and other constraints has been carried out on behalf of Moray Council and has recently concluded that the Glassgreen School Site is acceptable to host a new primary school. Upon this basis, this planning application seeking to replace the CF4 designation with residential development, can be treated as an acceptable departure from MLDP where a suitable larger school site is identified in the updated Elgin South Masterplan.

As this proposal seeks new housing above and beyond the 870 housing units approved under Elgin South planning permissions 16/01244/APP and 18/01209/APP and the associated legal Section 75 agreement it stands to be assessed separate from the various obligations and triggers set in that development. Notwithstanding the more detailed analysis below, the principle of housing in the area, comparable to the other residential development approved immediately to the west, north and east of the site is acceptable.

Placemaking, Siting and Design (PP1, DP1 and DP2)

Policy PP1 Placemaking sets out that sufficient information must be provided to allow the Council to carry out a Quality Audit (QA) of the proposal. As noted in the Strategic Planning and Development Team's response this Audit process has been undertaken and the application has been subject of a number of meetings and correspondence. Initial issues were identified and during consideration of the proposals revisions made to address the changes sought. The QA assessed the proposal against the 7 fundamental placemaking principles of Policy PP1. In order to comply with PP1 and deliver a distinctive place with all the associated health and environmental benefits proposals require to achieve "green" ratings and this has been achieved in all cases as set out in the table below.

This shows the series of issues identified with the first QA which led to "red" ratings. These were addressed through the submission of revised plans leading to "green" ratings subject to the mitigation set out in the table. This mitigation relates to points of detail which can be addressed by planning conditions, with the revised submission satisfactorily demonstrating that the development delivers on all the placemaking principles.

Following an initial and further detailed quality audit process for the proposed development the below progression can be summarised.

QA Category	Score	Mitigation	Revised Score	Mitigation/Conditions necessary to score green
Character & Identity		<ul style="list-style-type: none"> All issues relating to car, parking, open space, landscaping, and biodiversity as set out in the QA must be addressed. 		Condition semi-mature trees in front curtilage of plots 435, 436, 412 and 413. Otherwise amended landscaping plans acceptable.
Healthier, Safer Environments		<p>The proposed cyclepath between plots 405-410 runs adjacent to the private driveway serving plots 409 and 410. This arrangement has been used historically on a number of other sites but is no longer considered acceptable.</p> <p>Transportation have provided comments in their planning consultation response</p>		Condition for details, delivery timescale and maintenance arrangements for public art.
Housing Mix		<ul style="list-style-type: none"> The plans must show two affordable housing units to comply with Policy DP2. Policy DP2(d) and associated Guidance Notes state that “the type of affordable housing to be provided will be determined by the Housing and Property Service”. The applicant should refer to the Strategic Housing Investment Plan (Section 3, Size and type of new affordable housing) available at http://www.moray.gov.uk/downloads/file115848.pdf. The applicant should be advised to contact Housing and Property for guidance in this regard prior to revision of their proposals. 		Agreed with the Housing Strategy and Development Manager
Open Spaces and Landscaping		<ul style="list-style-type: none"> The area where the SUDs pond is located must be redesigned to provide a functional area of open space for residents to use. It must become the focal point for the character area and contain seating, planting, bio retention features, and public art. Semi mature street trees in accordance with the Council’s PPG must be provided along the 		Additional landscaping has now been proposed within the SUDS area to ensure biodiversity and enhanced amenity.

		street.		
Biodiversity		<ul style="list-style-type: none"> • A biodiversity plan must be provided showing how the layout promotes biodiversity. 		Additional landscaping plan submitted showing this achieved.
Car Parking		<ul style="list-style-type: none"> • Revise layout so that 50% of parking is located to the side or behind the building line on the main primary street. • Transportation have advised that the integral garages do not meet the Council's minimum internal dimension requirements and therefore they do not count towards the parking requirements of any plot. There is a shortfall in parking on plots 409, 410, 413, 416, 419, 420, 424, 426, 427, 435, 436 and 445 when taking account of the driveway and garage dimensions. • No details for the provision of EV chargers or EV infrastructure have been provided to satisfy the policy requirements. • The proposed cycle storage facilities are poorly located and lack natural surveillance. The details submitted are inconsistent with the plans showing wedge type lockers laid out with alternate sided openings but the standard details provided show rectangular lockers with no dimension details. 		<p>A small number of spurs within the layout have not been able to achieve the 50% rear parking. This is in part due to working with a defined roads layout on 3 sides of the CF4 site, where a previously approved roads layout has influenced the layout currently proposed. That layout is however considered acceptable on balance.</p> <p>See below explanation.</p>

Street Structure		Whilst the proposed application layout could in isolation be made acceptable subject to the changes noted by Transportation, it is one of several applications which have been made for changes within South Glassgreen which includes changes to paths and road layouts. In order to ensure the various applications result in a consistent and coherent network of roads and paths all the proposed changes should be considered under a single application for the roads and paths. This has not been done which could result in issues with the South Glassgreen layout as a whole.		Plans have been amended not show connectivity to surrounding connected areas, and where necessary conditions comparable to those from the wider Elgin South planning consents have been recommended to ensure cohesiveness of development. Eg. Conditions about the A941 junction.
Street Layout				Layout remains acceptable following amendments under other categories.
Street Detail				Utilities plan now provided along with finalised detailed landscaping on streets

Following submission of amended plans the only remaining area of red relates to parking provision. The other place-making categories have been satisfied following minor amendments to plans, layout and the addition of a further affordable house within the site.

The amended parking layout shows that on all streets apart from one (plots 435-441 & 411-414) the quantitative element of the policy has been met with 50% of parking on all streets being located to the rear or behind the building.

Whilst the majority of parking is within the front curtilage on the street (plots 435-441 & 411-414), this is concentrated in a northern spur which will only be accessed by these 3 properties (plots 435-437). The spur forms part of the streetscape however, on the parking plan trees are strategically placed in the front curtilage of plots 436 & 437 which together with hedging is considered to screen and break up the visual dominance of parked cars in the streetscape. Given this site is considered to be an infill development, and for the aforementioned reasons, the parking mitigation is considered to be acceptable in this instance. As set out above, a condition will be required on any consent to ensure these semi-mature trees are provided given the discrepancy between the landscape and parking plans.

Detailed landscaping plans submitted alongside the proposed maintenance schedule ensure that an acceptable degree of landscaping is achieved on site. Open space requirements are achieved in part for the requirement to keep free from development a corridor host to a high pressure gas main for which residences must be set back. The substantive landscaping along the southern edge of the site, will provide a green corridor between the proposed site, and any future development to the south.

In terms of the proposed layout, character areas and proposed design of dwellings, amendments were received following the QA process which ensure the 3 proposed

character areas are host to pallet of building finishes unique to each, while the composition of houses, with the mix of different cedar cladding colours being the determining factor difference between house types. It is noted that the properties on the west, north and east side of the site front onto already consented street, so attempting a character distinction between the 53 houses subject of this application may be less of a necessity, where many of the plots will identify with the approved housing on the streets which they would occupy. The character areas covering the one central road running through the site attempt to create a distinct areas within the middle of the site.

The proposed development does comprise an acceptable layout, with appropriate open space, landscaping and is within an adequate distance from playparks to the north. The proposal therefore complies with the placemaking requirements of policy PP1 Placemaking.

Access and Parking (PP1 and DP1)

The Transport Assessment (TA) submitted in support of the application includes references to a proposed Site Access from the A941, the details of which are not the subject of the current application and the principles of which have not been agreed with Transportation officers. For the avoidance of doubt, any references to works associated with the A941 i.e. including the A941 site access, proposed speed limit changes, pedestrian and cycle paths and crossings and bus stop provision have not been considered for this application and the works or the principles are not accepted by Transportation. These will require consideration and approval and it is noted that planning application for the wider development of this area, such as 16/01244/APP and 18/01209/APP have conditions looking to final details of the A941 junction also. These conditions are reiterated as this site would also take access from the A941.

Policy DP1(ii)(b) and PP1 vi) require 50% of the parking on each street to be behind the building line of each unit and while this has been achieved on most streets, but please not the comments above under place-making in relation to where this could not be achieved. The existing approved street layout surrounding the site, has partially pre-determined the road layout currently proposed and as a result some small portions of the site have been unable to meet this requirement. Various amendments were made to improve placemaking and landscaping requirements, such that this shortfall of side and rear parking affecting a small number of plots does not detract from the overall acceptable layout of the proposed development.

Accounting for the constraints to the roads arising from the site infilling what had originally been laid out as a school premises, the alternative residential layout does meet the aims of policy DP1 Development Principles and PP1 Placemaking.

Drainage, Water Supply and Flood risk (PP3, DP1 and EP12)

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

Subject to the clarification sought in the condition recommended, the submitted Drainage assessment and proposed Suds basin and drainage infrastructure will comply with the above policies.

Natural Environment (EP1, PP1 and DP1)

The site is not subject to any international, national or local environmental designations and has already been subject to some intervention from the adjoining construction works. Site visits confirm that the land is of low ecological importance and the applicant submitted Extended Phase 1 Habitat Survey and Biodiversity Actions carried out in May 2021 does not highlight any specific features, but does list appropriate mitigation and best practice when undertaking development. The mitigation measures proposed in the document are recommended as condition to ensure they are adhered to. These measures include pollution prevention, good site maintenance, vigilance for protected species on site and avoidance of ground works during ground bird nesting season. The applicant also submitted a South Glassgreen Wildlife Enhancement and Mitigation Document November 2021 which covers much of the same mitigation measures and also seeks to enhance the natural habitat through instillation of bird and bat boxes, insect friendly grass mixes, hedgehog pathways beneath fences, and other measures.

This will ensure compliance with the above policies where they relate to the protection of the natural environment.

Affordable housing (Policy DP2 (d))

Policy DP2 Housing requires new housing developments to provide 25% of the total units as affordable housing in affordable tenures to be agreed by the Housing Strategy and Development Manager. As this development is effectively new housing provision, beyond the numbers previously approved in Elgin South, this requirement for affordable housing must be met.

Two affordable units have now been provided within this application which includes a 2 bed and 4 bed detached bungalows. The remaining requirement for affordable housing is being met by the separate planning application for 15 affordable housing units (see 21/00304/APP in the history section above). Whilst unusual to provide affordable provision across two separate concurrent planning applications, the overall 25% is still being met, and complies with policy.

The proposal is now deemed to fully comply with PP1 and DP2.

Accessible Housing (DP2)

In terms of accessible housing, 6 accessible housing units are to be provided across the site. These properties are shown and detailed in the submitted Accessible Housing Statement which identifies the 6 ground floor flats designed to meet accessible housing standards.

The proposal is now deemed to fully comply with PP1 and DP2 f) where the 10% requirements of accessible housing from the private stock proposed is required.

Pollution Control (DP1, EP14 and R1)

Policies DP1 Development Principles and Policy EP14 Pollution, Contamination and Hazards seek to ensure that new developments do not create pollution which may adversely affect the environment or local amenity.

Conditions recommended seek a Construction Environmental Management Plan and limit hours of construction to ensure mitigation of impacts of construction activity on the surrounding properties. It is noted is acknowledged that residents may have anticipated this locality would be host to a primary school and it playground, but that does not preclude its use for alternative purposes if all other material considerations allow.

Developer Obligations (PP3)

The development has been the subject of a developer obligations assessment in accordance with policy PP3 Infrastructure and Services and supplementary planning guidance which has identified the need for contributions towards healthcare facilities. The applicants have agreed to the level of developer obligations which will require to be secured via a S.75 legal agreement prior to the issue of the planning consent.

Conclusion

Subject to the conditions recommended the development would constitute an acceptable departure from the originally designated use and comfort can be taken from the identification of a larger more appropriate site to the south. The proposed alternative housing use and layout would provide an appropriate use of this land subject to the developer obligations sought and conditions proposed.

REASON(S) FOR DECISION

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

The proposal accords with all relevant policies of the Moray Local Development Plan 2020 other than Elgin Settlement designation community facility designation CF4 for a primary school site. There now being an alternative more appropriate school site identified within the Final Draft Updated Elgin South Masterplan, the current CF4 site may be released for housing as an appropriate alternative use as the Council is satisfied with the suitability of the proposed new primary school site and is being included within the revised Elgin South Masterplan to be adopted.

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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.

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.

EP2 BIODIVERSITY

All development proposals must, where possible, retain, protect and enhance features of biological interest and provide for their appropriate management. Development must safeguard and where physically possible extend or enhance wildlife corridors and green/blue networks and prevent fragmentation of existing habitats.

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

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

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

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

EP5 OPEN SPACE

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

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

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

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

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

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

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

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

b) Green Infrastructure and Open Space in New Development

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

very outset of the design phase to reduce fragmentation and maximize the multi-benefits arising from this infrastructure.

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

i) Accessibility Standard

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

ii) Quality Standard

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

Accessible and well connected

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

Attractive and Appealing Places

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

Biodiverse supporting ecological networks (see Policy EP2 Biodiversity)

- Contribute positively to biodiversity through the creation of new natural habitats for ecological and amenity value.
- Large enough to sustain wildlife populations, including green/blue networks and landscaping.
- Offers a diversity of habitats.

- Landscaping and open space form part of wider landscape structure and setting.
- Connects with wider blue/green networks Provide connections to existing green/blue networks and avoids fragmentation of existing habitats.
- Ensure a balance between areas managed positively for biodiversity and areas managed primarily for other activities e.g. play, sport.
- Resource efficient, including ensuring open space has a clear function and is not "left over".

Promotes activity, health and well being

- Provides multifunctional open space for a range of outdoor physical activities reflecting user needs and location.
- Provides diverse play, sport, and recreational facilities for a range of ages and user groups.
- Providing places for social interaction, including supporting furniture to provide seating and resting opportunities.
- Appropriate high quality facilities meeting needs and reflecting the site location and site.
- Carefully sited facilities for a range of ages with consideration to be given to existing facilities, overlooking, and ease of access for users.
- Open space is flexible to accommodate changing needs.

Safe, Welcoming and contributing to Character and Identity

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

iii) Quantity Standard

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

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

In meeting the quantity requirements, only spaces which have a clear multi benefit function will be counted. Structure and boundary landscaping areas must make provision for public access and link into adjacent green corridors. The quantity

standard must be met within the designation boundaries. For windfall sites the quantity standard must be new open space provision within the application boundaries.

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

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

EP6 SETTLEMENT BOUNDARIES

Settlement boundaries are drawn around each of the towns, villages and rural groupings representing the limit to which these settlements can expand during the Local Development Plan period.

Development proposals immediately outwith the boundaries of these settlements will not be acceptable, unless the proposal is a designated "LONG" term development site which is being released under the terms of Policy DP3.

EP7 FORESTRY, WOODLANDS AND TREES

a) Moray Forestry and Woodland Strategy

Proposals which support the economic, social and environmental objectives and projects identified in the Moray Forestry and Woodlands Strategy will be supported where they meet the requirements of other relevant Local Development Plan policies. The council will consult Scottish Forestry on proposals which are considered to adversely affect forests and woodland. Development proposals must give consideration to the relationship with existing woodland and trees including shading, leaf/needle cast, branch cast, wind blow, water table impacts and commercial forestry operations.

b) Tree Retention and Survey

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

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

c) Control of Woodland Removal

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

In all other woodlands development which involves permanent woodland removal will only be permitted where it would achieve significant and clearly defined additional

public benefits (excluding housing) and where removal will not result in unacceptable adverse effects on the amenity, landscape, biodiversity, economic or recreational value of the woodland or prejudice the management of the woodland.

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

d) Tree Preservation Orders and Conservation Areas

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

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

e) Compensatory Planting

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

GUIDANCE TREES AND DEVELOPMENT

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

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

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

- Reference number for each tree or group of trees.
- Scientific and common names.
- Height and canopy spread in metres (including consideration of full height and spread).

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

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

Based on the guidance in BS5837, only category U trees are discounted from the Tree Survey and Tree Protection Plan process. Trees in category A and B must be retained, with category C trees retained as far as practicable and appropriate. Trees proposed for removal should be replaced with appropriate planting in a landscape plan which should accompany the application. Trees to be retained will likely be set out in planning conditions, if not already covered by a Tree Preservation Order.

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

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

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

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

Landscape Scheme

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

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

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

EP8 HISTORIC ENVIRONMENT

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

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

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

b) Local Designations

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

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

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

EP12 MANAGEMENT AND ENHANCEMENT OF THE WATER ENVIRONMENT

a) Flooding

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

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

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

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

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

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

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

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

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

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

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

Where development is permitted, measures to protect against or manage flood risk will be required and any loss of flood storage capacity mitigated to achieve a neutral or better outcome. Water resistant materials and construction must be

used where appropriate. Land raising and elevated buildings on structures such as stilts are unlikely to be acceptable.

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

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

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

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

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

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

c) Water Environment

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

The report must consider existing and potential impacts up and downstream of the development particularly in respect of potential flooding. The Council operates a

presumption against the culverting of watercourses and any unnecessary engineering works in the water environment.

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

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

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

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

EP13 FOUL DRAINAGE

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

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

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

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

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

R20 Glassgreen, Elgin South 18 ha 195 units

- Proposals must comply with the Elgin South Masterplan Supplementary Guidance. The Masterplan layout is shown on page 171.
- Site R20 includes South Glassgreen and Crescent (North) neighbourhoods within the Elgin South Masterplan.
- Flood Risk Assessment (FRA) required.
- Drainage Impact Assessment (DIA) required.
- Phase 1 Habitat Survey required.
- Open space and play areas must be provided in compliance with the masterplan.

CF4 Glassgreen Primary School

Suitable Uses

- 2.5ha site safeguarded for new Primary School.

LONG2 Elgin South

- Proposals must comply with the Elgin South Masterplan Supplementary Guidance. The Masterplan layout is shown on page 171.
- Flood Risk Assessment (FRA) required.
- Drainage Impact Assessment (DIA) required.
- Phase 1 Habitat Survey required.
- A Transport Assessment is required, the scope of which must be agreed with Transport Scotland and the Moray Council Transportation.
- Vehicular connection to the A96 (T) required via the Barmuckity Business Park.
- A Water Framework Directive waterbody specific objective will require to be addressed.