

21/01963/APP
24th October 2022

Proposed residential development (Phase 1) associated landscaping and infrastructure and demolition of existing dwellinghouse at R7 Land At Muirton Muirton Way Buckie Moray for Morlich Homes Ltd

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.
- 63 representations have been received 32 objections, 27 in support and 2 neutral.

Procedure:

Completion of a (Section 75) legal agreement regarding developer obligations relating to primary and secondary school provision and transport requirements prior to issue of consent.

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

Conditions/Reasons

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which the permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

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

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

3. A construction phase surface water management plan shall be submitted a minimum of two months prior to the commencement of the development and shall be agreed in writing prior to work commencing with the Planning Authority in consultation with Moray Flood Risk Management. The plan shall include measures to prevent increased flood risk to neighbouring properties and measures to ensure heavily silted surface water does not enter any watercourse.

Thereafter the development shall be carried out in accordance with the agreed details.

Reason: To prevent surface water flooding during the course of the development and minimise risk to adjacent watercourses.

4. The 19 units identified as affordable housing on the approved site plan shall only be used for affordable housing purposes in accordance with the agreement(s) reached between the applicant/developer and Moray Council and/or any registered social landlord (e.g. housing association or similar) to enable the long term delivery of affordable housing on this site; and no development shall commence until details of the agreement(s) to confirm the arrangements for the delivery of the proposed affordable accommodation hereby approved shall be submitted to and approved in writing by the Council, as Planning Authority.

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

Reason: To ensure an acceptable form of development in terms of the required provision and delivery of the affordable housing accommodation proposed for this site wherein the benefits of such provision are passed on to serve the community in future years.

5. The accessible housing identified on the approved Site Plan, shall be provided in accordance with the Accessible housing statement submitted in support of this application and each accessible house shall thereafter be retained a such throughout the lifetime of the development.

Reason: To ensure accessible housing is provided and retained within the development hereby approved.

6. Unless otherwise agreed in writing with the planning authority, the equipped play area shall be provided in accordance with the approved plans prior to the commencement of the 30th residential unit on site. Thereafter the equipped play area shall be maintained in accordance with the approved Landscape Management Plan for the lifetime of the development.

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

7. No development shall commence until an amended Landscape Scheme has been submitted to and approved by the Council, as Planning Authority. This shall be based upon the Landscaping/Biodiversity drawing number 19-39/PL/06 Rev B,

and show and clarify the following:

- a) The position and number of species to be planted in the approved rain gardens and roadside swales,
- b) The location of all public areas to be finished in grass, which notwithstanding the details shown on the approved site plan, shall include the kick about area within the play park,
- c) The arrangements for the time-scale(s) for all new planting, seeding and turfing to be undertaken on the site, and including the woodland planting to the southwest of the site and the tree avenue along the old cemetery load shown on the approved site plan and
- d) Details for the landscaping and timing of the area identified for future neighbourhood development on the site plan.

Reason: In order to ensure this area is finished and maintained and does not detract from the character of the surrounding area in future if left undeveloped.

Thereafter, the landscaping arrangements shall be carried out in accordance with the approved scheme details. 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.

Reason: In order to remove any ambiguity regarding the terms of the landscape scheme, to also ensure structural planting blocks are provided to help integrate this phase of the development and to ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development or amenity and character of the area.

8. The development hereby approved shall be carried out in accordance with the mitigation measures as identified within the Preliminary Ecological Appraisal submitted in support of this application.

Reason: To ensure the proposals minimise the impact on the surrounding wildlife and maximises opportunities for habitat creation.

9. The development hereby approved shall be carried out in accordance with the mitigation, compensation and biodiversity enhancement measures as identified within the bat survey submitted in support of this application.

Reason: To ensure the proposals minimise the impact on bats and maximises opportunities for habitat creation.

10. Prior to development commencing a surface water maintenance plan shall be submitted to and approved in writing by the local Planning Authority. All surface water drainage provision within the development shall be implemented in accordance with the details contained in the Drainage Impact Assessment, submitted in support of this proposal. Each residential unit hereby approved shall not be brought into use until it is connected to the approved drainage arrangements. Thereafter the drainage arrangements and surface water

maintenance plan shall be will be retained and maintained throughout the lifetime of the development.

Reason: To ensure surface water from the development is disposed of and maintained in a sustainable manner.

11. All bird and bat boxes and hedgehog highways as shown on the approved Landscaping/Biodiversity shall be provided prior to the completion of the house on which they are located or within 3 months of the completion of the development (whichever is the sooner).

Reason: In order to ensure these habitat enhancement measures are provided as soon as practical, in the interests of supporting biodiversity on site.

12. Unless otherwise agreed in writing with the Planning Authority all boundary enclosures shall be provided in accordance with the details specified on the approved site plan. The boundary enclosures associated with each house/unit hereby approved shall be provided prior to completion of each house/unit and thereafter retained throughout the lifetime of the development.

Reason: To ensure the timeous provision, retention and specification of the approved boundary enclosures in the interests of the character and appearance of the development.

13. 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. This should comprise a level 1 archaeological standing building survey of the farmstead & farmhouse, prior to demolition, as well as an archaeological trial trenching evaluation of 5-7% of the total proposed development site, these works to be undertaken by a suitably qualified archaeological contractor.

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.

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

in accordance with these approved details, unless otherwise agreed in writing by the Council, as Planning Authority.

Reason: To ensure the residential units hereby approved are served by appropriate high speed internet connections, in accordance with policy PP3 – Infrastructure and Services of the Moray Local Development Plan 2020.

15. Prior to commencement of development timescales for the provision of the public art as shown on the approved site plan and detailed on page 16 of the placemaking statement dated December 2021, submitted in support of this application, shall be provided and agreed in writing with the local planning authority and subsequently implemented in accordance with the agreed timescales. The public art shall thereafter be retained throughout the lifetime of the development.

Reason: To ensure the public art is timeously provided.

16. Notwithstanding the details submitted shown within the adopted road layout plan which does not include a road connection to the New Cemetery are not acceptable. No development shall commence until the following have been submitted for approval in writing by the Planning Authority in consultation with the Roads Authority and Lands and Parks:
- details (Plans scale 1:500 min) for a road connection (including footways/cyclepaths) to be provided between Alba Road and the New Cemetery Car Park;
 - a development phasing plan (roads and plots) to demonstrate that no works shall commence on any part of the development to the north of the existing cemetery connection until the approved road connection (including footways and cyclepaths) between Alba Road and the New Cemetery Car Park have been completed and opened to the public.

Thereafter, unless otherwise agreed in writing by the Planning Authority the development, shall be completed in accordance with the approved details and access to the New Cemetery Car Park.

Reason: To ensure access is provided in the interests of an acceptable development, road safety and the provision of details currently lacking from the submission and to ensure pedestrian and vehicle access is maintained to the “New Cemetery” at all times throughout the construction of the development.

17. Notwithstanding the site layout details below submitted (which are not acceptable) no development shall commence until details are submitted and approved in writing by the Planning Authority in consultation with the Roads Authority to address the following:
- a) Plots 55 and 56 (which require 3 parking spaces) show a public footway between the 3 proposed parking spaces which is unacceptable. (Either the footway fronting plots 55-57) shall be relocated adjacent to the carriageway or an additional parking space must be provided within the plot to the rear of the buildings);

- b) No details are provided for the bike storage for Plots 58/59 and 64/65. The bike store shown between parking bays to the front of plots 61/62 does not appear to be set back from the parking spaces and no details are provided to confirm that the proposed cycle parking would be weatherproof (secure and enclosed on all sides). Details (Plans (1:200 min) and specifications are required for the provision of secure weatherproof cycle parking for Plots 58/59 and 64/65 in accordance with the Moray Local Development Plan 2020 Parking Standards);
- c) The details for the proposed footway/verge in front of Plot 21 are unacceptable/lacking detail. (Revised details (Plans 1:500 min) required showing the footway located adjacent to the carriageway);
- d) Plots 13 and 14 show (Drawing PL-39/PL/02 Rev B) show a shared wide dropped kerb opening which is unacceptable. (Revised details (Plans 1:500 min) required showing the footway relocated adjacent to the carriageway and single width driveway crossings of the footway);
- e) A 3m cyclepath between the Plot 28/29 boundaries. No details of fencing are provided. Minimum clearances are required between the cyclepath and any fence or boundary features in accordance with Cycling by Design. (Revised details showing the proposed cyclepath boundary details (walls/fences etc), their height and positions set back in accordance with the requirements of Cycling by Design are required);
- f) Plot 27 and 29 'Duffus' 4 bed houses require a minimum of 3 parking spaces. The current proposals indicate 1 garage space and 1 driveway space. The driveway for plot 27 is less than 6 metres in front of the garage opening. Plot 27 therefore has a shortfall of 2 parking spaces and plot 29 has a shortfall of 1 parking space. (Revised details (Plans scale 1:200 min) are required to show provision for 3 parking spaces for each plot;
- g) The proposed junction with Alba Road severs the existing 3m cyclepath with no provision to reconnect the existing cyclepath or provide 3m wide crossings of Roads 1 and 2 which are required to maintain connectivity. (Details (Plans 1:500min) are required for a continuous 3m wide cyclepath on the north side of Road 1 and Alba Road with a 3m wide crossing of Road 2. The existing cyclepath on Alba Road to the south must be extended along the south side of Road 1 and 3m wide crossings provide of Road 1 to form a continuous cyclepath connection from the south).

Thereafter unless otherwise agreed in writing by the Planning Authority, the development shall be completed in accordance with the approved details. No house or flat shall be occupied until parking has been provided and made available for use by that house or flat. Parking arrangements shall be retained and maintained in perpetuity as parking spaces for use in conjunction with that house or flat hereby approved.

Reason: To ensure the availability of the level of parking necessary for residents/visitors/others, in the interests of an acceptable development, road safety and the provision of details currently lacking from the submission.

18. No works shall commence on site until a Construction Traffic Management Plan has been submitted to and approved in writing by the Council, as Planning

Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include the following information:

- duration of works;
- construction programme/phasing;
- construction compound location(s)
- hours of operation for delivery of materials and plant;
- full details of any temporary construction access (note: no construction traffic shall be permitted via Golf View Drive unless approved in writing by the Planning Authority in consultation with the Roads Authority) ;
- measures to be put in place to prevent material being deposited on the public road and measures to be put in place to monitor and clean the public road;
- measures to be put in place to safeguard the movements of pedestrians;
- traffic management measures to be put in place during works including any specific instructions to drivers; and
- site parking provision, loading and unloading and turning areas for construction traffic.

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

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

19. No development shall commence until evidence has been submitted to confirm that a Road Safety Audit (Stage 1/2) for the internal road layout new junction onto Alba Place and modifications and extension to Golf View Drive have been completed in agreement with the Roads Authority and revised details for any revised layouts have been submitted for approval in writing by the Planning Authority in consultation with the Roads Authority.

Thereafter, unless otherwise agreed in writing by the Planning Authority, the development shall be completed in accordance with the approved details.

Reason: In the interests of road safety and the provision of details currently lacking from the submission.

20. No development shall commence until details have been submitted to confirm the maintenance/ factoring arrangements for all landscaped areas within or adjacent to the public road (including footways and cycle paths, verges, and service strips but excluding residential plot boundaries). Thereafter the landscaping shall be maintained in accordance with the approved arrangements and it must be ensured that landscaping will not interfere with the function of the public road or cause a hazard to road users.

Reason: In the interests of road safety and the provision of details currently lacking from the submission.

21. No more than 5 residential units shall take access from the northern accesses via Golf View Drive until the proposed road and footways between Golf View Drive

and Alba Road have been completed in accordance with the approved details and opened to the public.

Reason: To ensure that acceptable access and connectivity is provided to the development.

22. No house or flat shall be occupied until the EV charging infrastructure associated with the parking for the unit has been provided and made available for connection of an EV charging unit.

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

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

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

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

24. No boundary fences, hedges, walls or any other obstruction whatsoever over 1 metre in height and fronting onto the public road shall be within 2.4 metres of the edge of the carriageway and nothing fronting onto a cyclepath shall be within 0.25 metres of the edge of the cyclepath, measured from the level of the public carriageway, unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority.

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

25. Householder permitted development rights (as defined in the Town and Country Planning (General Permitted Development) (Scotland) Order 1922, (as amended) (or any Order revoking and re-enacting that Order(s) with or without modification shall be removed from any service strips along plot frontages and no amendments to planting within these areas shall be permitted.

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

26. The consent hereby permitted relates to phase one only (65 dwellings units, associated landscaping and infrastructure) and no other development.

Reason: To clarify the extent of the development permitted.

Reason(s) for Decision

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

Notwithstanding the minor departure from the car parking and tree retention requirements in Policies PP1, DP1 and EP7 and subject to conditions as recommended, the siting, design and servicing of the development are considered acceptable and otherwise accord with planning policy with no unacceptable or significant adverse effect upon the surrounding environment and there are no material considerations that indicate otherwise.

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 Agreement is in place to cover Developer Obligations for Education and Transport.

THE TRANSPORTATION MANAGER has commented that:-

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

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

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

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

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

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

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

Street lighting will be required as part of the development proposal.

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

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

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

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

NATURESCOT has commented that:-

The required works affecting bats can likely be carried out under a low impact licence in conjunction with a bat licence holder and further advice regarding this can be obtained via the following link,

<https://www.nature.scot/doc/guidance-bat-low-impact-licensing-blimp-ecologists-guide>

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
19-39-PL-07 A	Utilities plan
001	Tree constraints plan
19-39-PL-2BCP-01	2 bed carport
19-39-PL-3B2S-01	3 bed 2-storey
19-39-PL-3B5P-01	3 bed 5 person
19-39-PL-3BS-01	3 bed semi
19-39-PL-4B2S	4 bed 2 storey
19-39-PL-4BS-01	4 bed semi
19-39-PL-FSL-01	Findlater sun lounge left hand
19-39-PL-FSR-01	Findlater sun lounge right hand
19-39-PL-02	Plot 18 - elevations and floor plans

19-39-PL-02		Plot 19 - elevations and floor plans
19-39-PL-02		Plot 26 - elevations and floor plans
19-39-PL-03		Plot 25 - elevations and floor plans
19-39-PL-01	B	Location plan
19-39-PL-02	B	Parking plan
19-39-PL-04		Site sections
19-39/PL/BR/C03/01		Balvenie right hand - elevations and floor plans
19-39-PL-02	B	Site plan including housing mix and schedule
19-39/PL/28/C01/01		Plot 28 - elevations and floor plans
19-39/PL/BL/C01/01		Balvenie left hand - elevations and floor plans
19-39/PL/BL/C03/01		Balvenie left hand - elevations and floor plans
19-39/PL/BR/C01/01		Balvenie right hand - elevations and floor plan
19-39/PL/CY/01		2 bed courtyard - elevations and floor plans
19-39/PL/DL/C01/01		Duffus left hand - elevations and floor plans
19-39/PL/DR/C01/01		Duffus right hand - elevations and floor plan
19-39/PL/DR/C03/01		Duffus right hand - elevations and floor plans
19-39/PL/FL/C01/01		Findlater left hand - elevations and floor plans
19-39/PL/FR/C01/01		Findlater right hand - elevations and floor plans
19-39/PL/OL/C03/01		Osier left hand - elevations and floor plans
19-39/PL/OR/C01/01		Osier right hand - elevations and floor plans
19-39/PL/OR/C03/01		Osier right hand - elevations and floor plans
19-39/PL/S/C03/01		Spruce semi -elevations and floor plans
19-39/PL/T2G/C03/01		Terrace 2 garage - elevations and floor plans
19-39/PL/T4G/01		Terrace 4 garage - elevations and floor plans
19-39/PL/TAF/01		Terrace AF - elevations and floor plans
900	A	Road layout
903	A	Drainage layout
904	A	Access arrangements
905	A	Kerbing layout
906	A	Road adoption plan
915		Swept path analysis
19-39-PP-01	A	Playpark
19-39-PL03	C	Character Areas
19-39-PL-06	B	Landscape/Biodiversity



PLANNING APPLICATION COMMITTEE SITE PLAN

**Planning Application Ref Number:
21/01963/APP**

**Site Address:
R7 Land At Muirton
Muirton Way**

**Applicant Name:
Morlich Homes Ltd**

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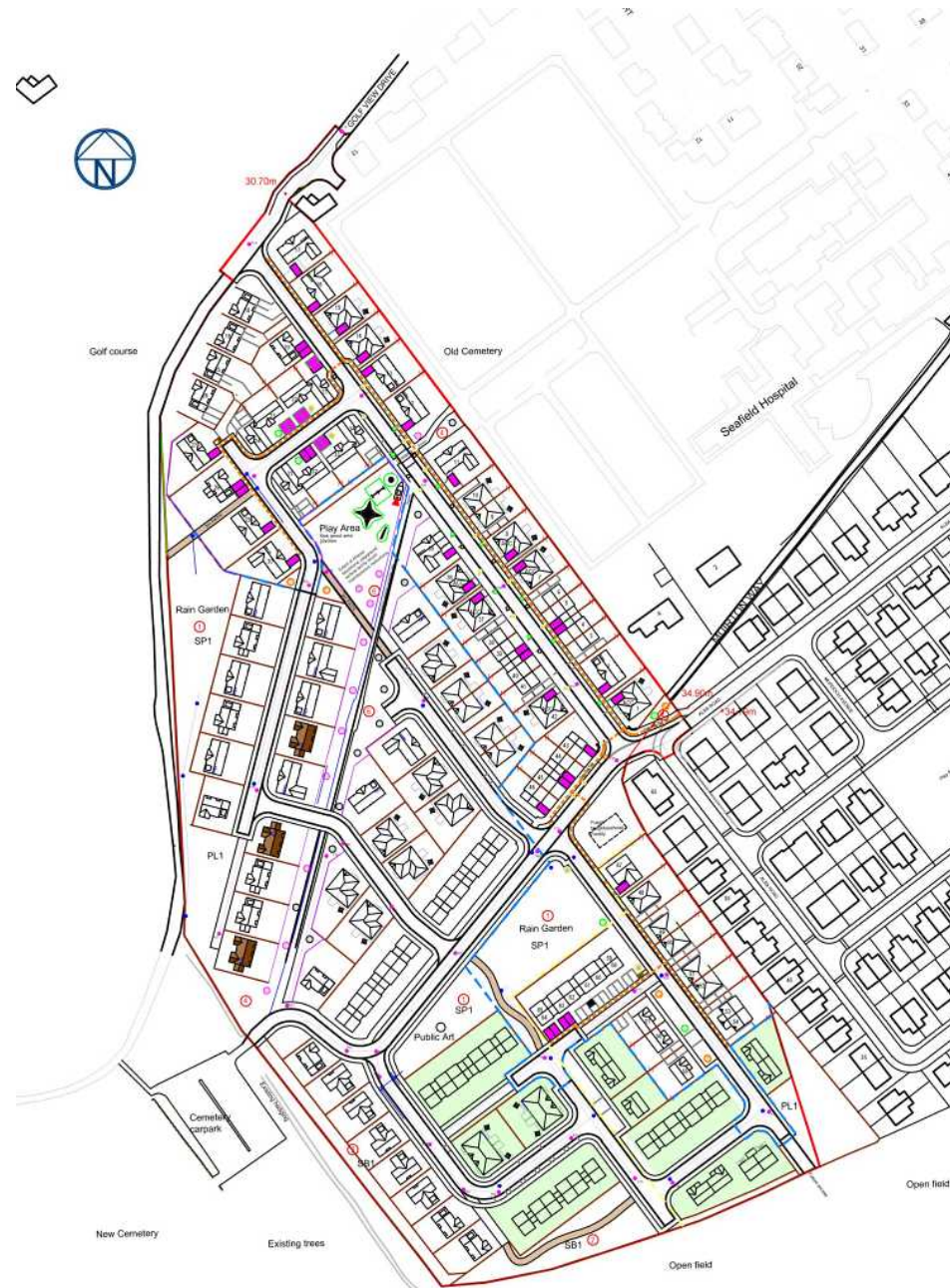
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Location Plan



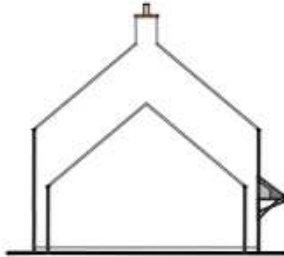
Site Location



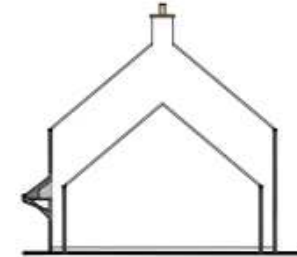
Site plan



Terrace 4 Garage



Front Elevation



Rear Elevation



First Floor Plan
Floor Area: 64sqm



Ground Floor Plan
Floor Area: 42sqm



North West Elevation



North East Elevation



South East Elevation



South West Elevation

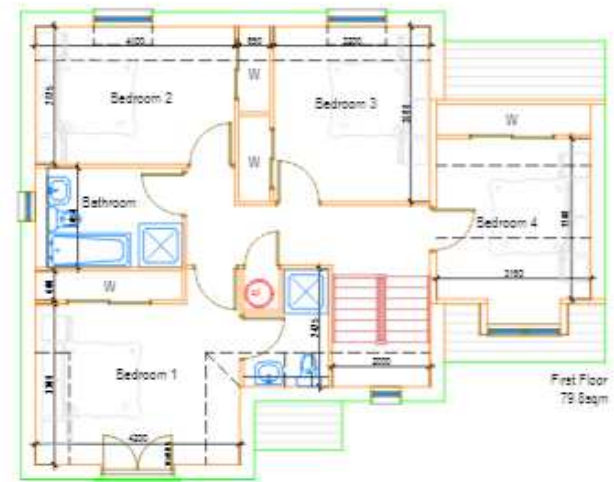
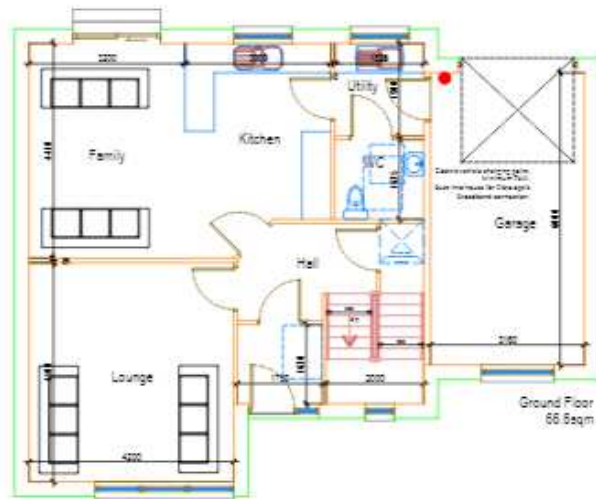


Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



PLANNING APPLICATION: 21/01963/APP

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

1. THE PROPOSAL

- This application seeks planning permission for the erection of 65 houses/units on the eastern portion of the R7, Muirton designation in Buckie.
- The site boundary covers the whole of the designation, however, houses/units are only proposed within a first phase of the development, as detailed on the site plans submitted. The overall layout for the whole designation has been provided this would result in around 160 housing units across the whole designation, whilst also incorporating, open space, landscaping and SUDs drainage features.
- 19 of the 65 houses/units proposed in the first phase are affordable with the remaining 46 houses being private.
- The proposal incorporates a number of different house types and includes a mixture of detached, semi-detached and terraced houses and flats separated into 5 character areas across the site.
- Two main access points are proposed into the site, one from Alba Road on the eastern site boundary and another from the north via Golf View Drive. Future access stubs to the south have also been provided.
- The houses/units will be connected to the public water supply and public foul sewerage system. Surface water from the development will be disposed of via roadside swales and rain gardens (infiltration basins) located throughout the site, which will attenuate flows and eventually discharge into an existing drainage ditch to the north west of the site.
- It is proposed that the existing road between the cemeteries, be changed into a cycleway, with separate access to the new cemetery being provided as part of the proposals.
- A play area is proposed within the first phase of this development and incorporates an informal 20m by 30m kick about area, accessible surfacing and a number of pieces of play equipment including a play boat and an inclusive roundabout suitable for all abilities.
- The landscaping scheme comprises a mix of extra heavy standard trees for the avenue/parkland/open space planting, native woodland planting within the woodland belt to the south/west of the site, wetland planting within the rain gardens and swales. The majority of houses have a variety of different species of hedging proposed along their front boundaries and fruit trees have been incorporated adjacent to the benches which have been located within the open areas throughout the scheme.
- Hedgehog highways are to be provided in all rear garden areas and 40 bat/bird boxes are shown throughout the development.

- It is proposed that the existing farmhouse and associated outbuildings will be demolished as part of the proposals and the existing trees which lie adjacent to the farmhouse and track leading to it are to be removed.
- A space has been left by the applicants adjacent to the main access from Alba Road to accommodate some form of future neighbourhood facility. The final specific use of this area of ground is not yet known, however, a planning application would be required to use this site for such a purpose and any such application would be assessed in the normal manner in relation to amenity impact, design etc.
- The following supporting documents have also been provided; Placemaking Statement and associated addendums, Biodiversity Statement and addendum, Planning Statement, Drainage Assessment and Flood Statement, Transport Assessment, Street Engineering Review, Tree Survey Plan, Accessible Housing Statement, Bat Surveys, Preliminary Ecology Survey, Super-fast Broadband Strategy, EV Charging Specification Statement, Domestic Waste Management Plan, Site Waste Recycling Statement, Pre-application Consultation Report, Parking Schedule and Statement, Archaeological Written Scheme of Investigation, Air Source Heat Pump Specification.

2. THE SITE

- The site is located to the west of Buckie and south of Buckpool Golf Course and is designated within the Moray Local Development Plan 2020 as R7 Land at Muirton and identified as being suitable for residential development with an indicative capacity of 140 units.
- The applicants have included the whole of the R7 designation within their site boundary, however, have only proposed houses within the first phase of the development, as shown on the proposed site plan.
- The site is approx. 7 hectares in area, with the first phase of housing shown covering an area of approx. 3 hectares.
- The site is bounded to the north by Golf View Drive and the golf course beyond, to the east by the old cemetery and existing houses, to the south by open farmland and west by the new cemetery and area of woodland.
- Within the south east portion of the site there is an existing dwellinghouse and associated outbuildings. The house, outbuildings and track leading to these have a number of existing trees adjacent.
- With the exception of the existing house and surrounds, the remaining majority of the site is largely flat grassland and is not covered by any environmental or landscape designations.
- The SEPA indicative flood map shows that the site is identified as being at 'little or no risk' from river flooding. The SEPA flood map also indicates that the majority of the site is at low risk from surface water flooding, with small localised areas shown to be at 'medium or high risk'.

3. **HISTORY**

18/00978/PAN - Proposal of Application Notice (PAN) for residential development, landscaping and associated infrastructure at R7 land at Muirton, Buckpool, Buckie.

21/00804/SCN – Environmental impact assessment screening opinion issued confirming that this proposal does not constitute EIA development.

4. **POLICY - SEE APPENDIX**

5. **ADVERTISEMENTS**

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

6. **CONSULTATIONS**

Transportation - Approve subject to conditions and informatives. Conditions are recommended to ensure access arrangements for the cemetery are agreed prior to development commencing.

Environmental Health Manager - No objection.

Contaminated Land - No objection.

Moray Access Manager - No objection.

Moray Flood Risk Management - No objection, subject to the development being carried out in accordance with the Drainage Impact assessment submitted in support of the application.

Aberdeenshire Council Archaeology Service - Approve subject to a condition to ensure archaeological investigation and recording of the existing farmhouse, steadings and wider site.

SEPA - No objection.

NatureScot - Have identified that the proposals are covered by NatureScot standing advice and that that given the low level nature of bat use identified and the common species of bats involved, the proposals would not have a significant impact on the protected species and the works can be carried out without a formal licence and instead be completed under the “blimp” process, which allows for the applicants licenced bat surveyor to monitor the demolition works and ensure they are completed in accordance with best practice.

Planning and Development Obligations - Developer Obligation payment of £727,250.02 is required in relation to primary and secondary school provision and transport requirements (Contribution towards Burn of Buckie Active Travel

Bridge). A legal agreement will be put in place to deliver this contribution for the increase in new housing proposed.

Scottish Water - No objection however connection to the public sewer remains the responsibility of the developer.

Housing Strategy and Policy Manager - No objection subject to conditions to ensure provision of affordable and accessible housing in line with policy.

Strategic Planning & Delivery - The application proposes the first phase of residential development for private and affordable homes. The site is identified as R7 Land at Muirton in the Local Development Plan (LDP) 2020 with an indicative capacity of 140 units. The application proposes a first phase of development on the site for 65 units. However, the applicant has provided a comprehensive street layout for the whole site showing where all connections within and outwith the site will be located. The applicant has stated that landscaping for the whole site will be planted in the first phase.

The applicant is proposing to demolish the buildings within the farm steading complex that are located immediately adjacent to the site. These buildings fall outwith the R7 designation but form part of the detailed application. In terms of the LDP this area of land is classed as “white land” as it has no formal designation.

PP1 Placemaking, Key Design Principles

Throughout the determination of this application a number of revisions were made to the layout in order to meet the key design and policy requirements set out in the Key Design Principles and PP1 Placemaking. This included relocating the play area to a more central location, improving the connectivity of the street layout by removing a previously large cul de sac, and providing more variation between character areas.

A Quality Audit was undertaken which accompanies this response which reflects the changes made to the layout. The QA scored “green” in all categories with the exception of “Parking” due to minor departures.

In summary, overall the proposal is deemed to comply with the key design principles and policy PP1 Placemaking as it represents a development with character and identity with elements that reflect the townscape of Buckie. In summary;

Character and Identity – 5 different character areas will be provided ensuring that the development has visual interest with character and identity that contains elements that reflect Buckie’s townscape. Differentiation will not only be provided through the use of a variety of house types but also features such as timber cladding, masonry features, chimneys, and traditional styled windows with astragals. In addition to this different species of hedging will be used within each character area to add further differentiation as well as stone walls at key public locations.

The development will provide a strong frontage onto Golf View Road with a modern take on traditionally styled buildings with chimneys and timber cladding

on ancillary elements which is a reflection of properties that can be found within Moray's coastal towns. These properties will have post and wire fences as a front boundary treatment and will create a strong and attractive frontage to the development which was a requirement of the key design principles in the site designation. In addition to this other key buildings will provide character across the development.

Key Buildings – In addition to the variety provided by the character areas, key buildings will provide further distinction and aid with legibility. These have been designed to reflect traditional elements of the Buckie townscape. In the instance of Plots 58 – 65 is a large terraced building that will create a focal point within the development and displays traditional features such as those mentioned above.

Car Parking - The applicant provided a revised parking plan showing the number of cars that will be located behind the building line. The plans show that the applicant has successfully managed to locate 50% or more spaces either to the side and behind the building line as per the policy requirements of Policy PP1 on the majority of streets.

While it is acknowledged that this is the first Phase of the wider development of the site, there are two streets where the quantitative (50%) element has not been met. Given these streets fail to meet the quantitative elements of the policy they are deemed to be departures from Policy PP1. However, for the reasons set out in the QA they are deemed to be acceptable departures.

In summary and in this instance the streets that fail to comply with the quantitative element are small in nature and adequate landscape mitigation has been put in place to ensure that they will not be visually dominated by parked cars which is the overriding principle of the policy.

Landscaping and Open Space – The applicant made a number of changes to the layout to ensure that good quality open space will be provided. This includes a more formal central play area which includes a pocket park and more central area of open space which will provide a rain garden which will add to the character and enhance the overall biodiversity of the site. This will be discussed in more detail below.

Policy EP5 Open Space

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

The applicant provided a revised the layout based on the initial QA and moved the play area and more formal area of open space to a more central location which is welcomed. This will create an attractive feature of the development with good access for residents across the whole site. The revised open space also meets the requirements for a pocket park as set out in the Open Space Strategy SG.

The applicant has provided a landscape plan which shows that a variety of plants and trees will be planted across the site which is welcomed. However,

throughout the process of the application further information was sought from the applicant regarding specific numbers of plants. While information regarding the girths of trees was provided to ensure that they were semi-mature for some parts of the site only percentages were provided eg the rain gardens.

A condition will be sought to ensure that a detailed landscape plan is provided before development commences that provides specific details relating to numbers and locations of all trees and landscaping across the site rather than just percentages.

The plans show that an area will be reserved on within the site for a “future neighbourhood facility” should the requirement or need come about in the future. This would be subject to its own individual detailed application. A condition will be sought that ensures that the area highlighted for a “future neighbourhood facility” is properly landscaped and given a clear function until another use comes forward so as to comply with Policy EP5.

Overall the development will provide good quality open space notwithstanding this area of land being reserved. Should it be developed in the future it would not have a detrimental impact on the overall open space provision both in terms of quality and quantity of Policy EP5 and PP1.

An assessment against the quality criteria of EP5 was undertaken during the QA and which resulted in it scoring over 75% meaning that it achieved a green and complies with Policy EP5.

Policy EP2 Biodiversity

Policy EP2 requires proposals to provide a Biodiversity Plan to demonstrate how the layout will integrate measures to enhance biodiversity and create new habitats by including biodiversity features in the design of the development.

The applicant has provided a Biodiversity Plan in conjunction with the landscape plan and shows that a number of measures will be incorporated into the layout to promote and enhance biodiversity.

A variety of planting will be provided across the development in the form of hedging, shrub, tree, grassland and wildflower meadows. This will create an attractive development as well as promoting and creating habitats for animals and insects. The landscape plan shows that all hedging will be evergreen ensuring year round coverage.

Rains gardens and swales have been used and integrated for SUDs across the development. This is welcomed and helps to create an attractive development while supporting biodiversity and is a move away from having single large SUDs detention basins. These features will be planted with a variety of species and will become features within the development.

Semi-mature trees including fruit and blossom trees will be provided across the development and seasonal variation will also be provided in terms of the shrubs ensuring that there will be colour all year round.

In addition to this the plans shows that hedgehog highways will be provided across all plots and that bat and bird boxes will be provided. A condition will be sought ensuring that the exact numbers of these boxes is provided.

On the basis of the measures provided in the Biodiversity and Landscape plans the proposal is deemed to comply with EP2.

Policy EP7 Forestry, Woodlands, and Trees

The applicant is proposing to demolish the buildings within the farm steading complex that are located immediately adjacent to the site. The buildings falls outwith the R7 designation but forms part of the detailed application. In terms of the LDP this area of land is classed as “white land” as it has no formal designation. Surrounding the farm complex is a shelter belt of trees which the applicant is also proposing to remove. In line with Policy EP7 the applicant provided a tree survey which highlighted that two category B trees will be removed. The remainder of the trees fall within categories C and U.

Policy EP7 is clear that proposals must retain healthy trees unless it is technical unfeasible to do so with the policy guidance stating that Category A & B trees must be retained. Unfortunately, the tree survey was undertaken at a late stage in the design process and therefore these trees were not incorporated into the layout. In terms of policy, removing trees to facilitate development is not a reason to justify tree removal. For this reason the removal of these trees is a departure from Policy EP7.

Although it is unfortunate that this approach was undertaken by the applicant and represents a departure from Policies EP7 and PP1, in terms of the layout it has been well designed to have character and identity that reflects aspects of the traditional townscape of Buckie which is in line with the overall aims of Policy PP1 and reflected in the high scoring QA.

While compensatory planting is not an acceptable reason to justify the removal of trees, there will be a surplus of tree planting being undertaken across the whole site including on parts of the site outwith the first phase.

DP2 Housing

The Housing Strategy Development Manager has raised no objections to the development. The proposed housing mix meets the policy requirements for affordable and accessible housing.

The proposal has been considered against policies PP1, EP2, EP5, EP7, DP1, DP2 and the Development Brief and is deemed to comply. In summary;

- The site is designated for housing in the MLDP 2020;
- The proposal has been well designed to provide character and identity that reflects Buckie’s traditional townscape and the key design principles set out in the site designation. The development provides 5 character areas all of which will be visually different. This high standard of design was reflected in the QA which accompanies this response;
- An attractive and functional area of open space will be provided which will provide a play and seating area as well as a kickabout area for informal play. The proposal scored over 75% in terms of the quality standard for Policy EP5;

- Swales and rain gardens have been incorporated into the development and will be planted to support biodiversity and create visual interest; and
- Advanced planting will be provided across the whole site, not just within this first phase.

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

Buckie Community Council - No response received.

Grampian Police - No response received.

ParentAble Moray - No response received.

Moray Disability Forum - No response received.

7. OBJECTIONS-REPRESENTATIONS

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

63 representations have been received of which 32 are objections, 27 are in support and 2 making neutral comments.

[REDACTED]

[REDACTED]

All objections/representations have been read and where material, given the appropriate consideration prior to the decision reached.

Headings of objection reasons selected by objectors from objection/representation from the online objection page:

- Affecting natural environment

- Over-development of site
- Poor design
- Road access
- Traffic
- Road safety
- Inadequate plans
- Parking
- Contrary to Local Plan
- Over-development of site
- Activity at unsociable hours/behaviour
- Litter
- Loss of privacy (being overlooked)
- Noise
- Reduction of natural light
- Legal issues
- Drainage
- Lack of landscaping
- Permitted Development
- Precedent

The grounds for representation are summarised as follows:

Issue: Poor design

- Buckie has enough housing estates that take away from its picturesque history.

Comment (PO): As per the discussions in the observations section of this report and the findings of the Quality Audit process, the proposal is considered to represent a high standard of design which is reflective of the Buckie traditional architectural vernacular and will complement the character of the town. Significant expansion of housing has occurred within Buckie over the years beyond its older historic streets, such that this development would not detract from the wider setting of the town.

Issue: Lack of services

- Buckie is now lacking in Doctors, Dentists, Schools and Hospitals due to the recent estates built over the past decade.
- There is a lack of public facilities to support increased population in this area eg - schools, shops, medical services, post office struggling social work depts, nurseries.
- This development needs reduced housing as too many in the area.
- There are already 700 odd houses going up in fields nearby, and I do not know where all these supposed people are coming from. Buckie lacks the infrastructure and facilities as is, how do you think 700 odd more houses are going to impact that?
- Moray Council should really be thinking about what is best for the local community and not their own pockets. I know many people in Buckie, already living here who can't register with a GP or Dentist due to lack of places, this carries a huge safety and wellbeing issue for people. The services already in crisis will be pushed past breaking point and may even collapse due to stress on their mental and physical wellbeing. Moray Council should be listening to their community, and providing significantly

more infrastructure before they even think of yet more housing, which won't even have the people to buy them. Why don't you instead convert the empty houses and buildings into suitable affordable housing, there are plenty of empty buildings.

- First and foremost as a parent and as a professional nurse, I have huge concerns over the pressure additional houses in Buckie will put on schools, GP Practices and hospitals. It is a well known fact that teaching staff are scarce, additional support funding has been cut back, NQTs being placed in schools and being the majority of the work force is not ideal to the NQTs themselves nor the exiting teaching staff who are stretched. Additional teaching support are stretched to their limits and resources are low. Primary Care are also short for GP's across the whole of Scotland and hospital beds in Elgin have already been reduced despite the increase in house in Moray in general.
- The Council are selling every bit of land for housing in Buckie yet no additional schools or services.
- Once again the local area is being flooded with houses but with ZERO space being left for infrastructure to support these such as space for shops.

Comment (PO): Developer Obligation payment of £727,250.02 is required in relation to primary and secondary school provision and transport requirements (Contribution towards Burn of Buckie Active Travel Bridge).

It should be remembered that developer obligations in relation to planning applications can only be sought in relation to the provision physical infrastructure, contributions cannot be taken in relation to staffing provision. Many of the comments made relate to a lack of staff rather than lack of facilities to accommodate the required staff and staffing is not a matter that can be addressed via the planning process.

With the regard to the perceived "need" for additional housing in Buckie, this is established via the Moray Housing Need and Demand Assessment, which feeds into the Local Development Plan process. National planning policy requires that development plans provide adequate land for housing in accordance with need identified within the Housing Need and Demand Assessment.

Issue: Impact on Graveyards

- The position of this development is detriment to the population of Buckie, as its intercepting a peaceful graveyard, and an important walk and place to visit for the locals.
- The cemetery should be sacred.
- To build so many in-between established cemeteries is really being very insensitive to the people who go there to visit loved ones and need the tranquillity which surrounds them just now. The road to west cemetery is majorly affected by plans as they cross over it. Hearses and processions need clear uninterrupted access which they have just now. There have been problems with damage and antisocial behaviour at west cemetery and housing so close may increase this.
- This is hugely unethical, and Buckie as a whole already has a litter problem, how do you think the cemeteries where people go to pay respects to their loved ones will cope having to deal with mess and waste all over the place.

- If houses are to be built along the back wall of the old cemetery, then the present gap in the west wall will required to be refilled as we can't allow access from a housing estate directly into a cemetery. This simply cannot be allowed to left as it is at present, should the plans be allowed to proceed. A new entry point will have to be found to the new cemetery as it could no longer be viable to gain access from the old cemetery, through a housing estate.
- There is also ongoing cases of fly tipping at the cemetery bins and the existing 'rain garden' despite the area being next to Gollachy recycling centre. The increase in houses will contribute to that.
- The proposed access arrangements could be amended so that a new access to the new cemetery could be formed off Alba Road.
- The current through running through the old cemetery could then be closed off and prevent the cemetery being used as a public footpath/shortcut to Barhill Road – the cemetery should not be used as a through way for foot or vehicle traffic.

Comment (PO): The old cemetery is already bounded by existing housing to the north and housing within the vicinity of cemeteries throughout Moray and the wider country is not unusual. The land on which the development is proposed is designated within the Moray Local Development Plan for housing and as such the development is considered acceptable in this regard. Antisocial behaviour such as fly tipping and littering are not material planning considerations or matters which can be addressed through the planning system.

The access arrangements to the new cemetery have been amended and involve utilising the existing access between the two cemeteries for a footpath/cycleway and provision of a new access to the “new cemetery”. The existing pathway through the old cemetery is classified as a core path and is a valued local path and as such this route has been maintained and linked through the development.

Issue: Insufficient supporting infrastructure

- Infrastructure is already questionable that is in place in this area, with roads frequently unable handle the down pours. Furthermore the roundabout that is in place is also a hazard and resembles to recently dangerous roundabout identifies in Fochabers - more thought needs to go into these plans and lot more insight from the local planning officers.
- Could anyone maybe suggest another bigger supermarket for this end of Buckie? Hundreds more people, but not more shops to go to.

Comment (PO): All relevant consultees covering a range of infrastructure provision have been consulted on this application and no objections have been raised on the basis of lack of infrastructure. As covered elsewhere within this report, the proposals are considered acceptable in this regard. Transportation improvements and transport related developer obligations will enhance infrastructure in the area.

The applicants have also identified an area within the site for a potential future neighbourhood facility.

Issue: Poor access

- Alba Road will be significantly busier as a result of the development

- The existing road infrastructure within Buckpool is insufficient to cope with any new development.
- Request for traffic calming in Netherha on the basis that the road has become a common thoroughfare for the school run and drivers and behaving irresponsibly.
- I am very concerned about the access road from the old Cemetery leading to the new cemetery. This really needs to be reviewed and changed.
- There is 1 bridge which gives access from Buckpool to Buckie.
- St Peter's road is a danger as it is for residents and users.
- The new development will be an approx. 30 min+ walk to St Peters School, Cluny School and Buckie High, this may be too far a walk for some Primary school aged children.
- The infrastructure in Buckie in general is struggling to cope with the amount of new houses being built. There have been no new roads/access routes built to accommodate these changes. There is only one route through Buckpool to Buckie and that is over a bridge which was built years ago.
- Golf View Drive will become unsafe to walk along as a result of the additional traffic associated with the development.

Comment (PO): Following consultation with the Transportation service, access to the site and the proposed transportation works are considered to be acceptable.

Developer obligations towards the provision of a new footbridge across the Burn of Buckie have been agreed as part of this application.

Issue: Impact on natural environment

- The location has been considered for building for a while, it's just a big area of wasteland - although birds, deer, foxes and badgers will probably think differently.
- It would be fantastic to consult 'Scottish Badgers' in order to check if there are any in that area. Very likely, as badgers have been seen in Buckpool on a regular basis.
- Also, there will be skylarks in those fields. We had plenty in the area, before the houses around Alba Road were built, but now they have been driven out to the field towards the cemetery.
- Can the applicant please indicate where the green corridors like hedgehog highways will be installed? Walking around new housing estates, I can only see fences down to the ground with no opportunity for animals like hedgehogs to go from garden to garden. I know that a lot of developers are now advertising the implementation of highways and it helps to make people aware of the needs of one of our most endangered mammals.
- Concern for environmental impact for wildlife, especially during a period where Scotland is aiming for rewilding.

Comment (PO): A bat survey and preliminary ecology appraisal have been submitted in support of the application and subject to the conditions as recommended they identify that the development will not have any significant adverse impact on the interests of protected species including badgers and bats.

Hedgehog Highways, bat and bird boxes are proposed across the site. A balance need to be struck between the provision of new housing and the loss of presently undeveloped land and in this case the proposals are considered acceptable.

Issue: Land ownership and inadequate plans

- Concerns raised by Buckpool Golf Club regarding the loss of golf club land as a result of road widening to 5.5m with an additional 2m wide pavement and confirmation sought in terms whether the golf club would be forced to concede the sale of the ground.
- The developers are not in a position to deliver the development scheme because they are not in control of the land required to provide the proposed access via Golf View Drive.
- What encroachment if any will there be into the Buckpool Golf Club course. Also, what are the street designs. This map shows nothing regarding the road accesses and the pavements/parking areas etc.

Comment (PO): Any potential encroachment on third party land is a private legal matter between the applicants and the other owners of the land and is not a matter which can be taken into account in the determination of planning applications.

Should third party land be required to deliver a development, it would be for the applicants to agree this with the third party land owner separate to the planning process.

Sufficient information has been provided on the proposed scale plans to establish what is being proposed.

Issue: The demolition of the existing house will result in the loss of a home for the existing occupants. To demolish a farmhouse which has been lived for numerous years surely is unnecessary.

Comment (PO): The occupation of the existing farmhouse is again a private legal matter separate to the planning process.

In terms of the loss of the existing farmhouse and associated buildings, these buildings are not listed, are in poor condition and do not have significant architectural merit and as such their replacement with highly insulated, affordable housing is considered acceptable in this instance.

Issue: Impact on open space

- We have little enough open spaces in Buckpool and this development will add to us losing more green space.
- A lot of people take their daily walks up golf view and down the cemetery road. Where are they meant to go if it becomes a building site then built up area.

Comment (PO): Whilst the site is an attractive green field at present, it is still an agricultural field, which if left undeveloped could be cultivated or use for livestock. As outlined previously the site is designated for housing within the Local Development Plan.

The development ensures that existing walking links will be retained and these will lead out along the core paths to further open green space beyond.

Issue: Impact on the amenity of neighbouring residents, some of which are vulnerable.

Comment (PO): The proposals ensure that adequate separation distances are achieved to maintain privacy levels and ensure the proposals do not result in an overbearing impact.

Whilst the development will result in an increase in traffic and activity within existing neighbouring developments, where access links through to the development are provided, it is important to ensure that development/settlements are as permeable as possible. The traffic and activity associated with the proposed development is in keeping with the established residential character of the surrounding area.

Issue: The 'rain gardens' will no doubt be left an eye sore like the existing one on Barhill Road in which children have climbed over the fence and it is unsafe. It clearly is an eye sore to be a visitor to the town and for them to drive down the road and see a fenced off area of overgrown mess, hardly attractive.

Comment (PO): Detailed landscaping proposals have been provided in support of the application which should ensure these rain gardens resemble attractive wetland areas and provide valuable natural habitat.

Issue: Drainage

- Will new sewage/drainage facilities created or will they 'tie in' with existing ones? The flooding at the top of High Street should alert developers to the unsuitability of this practise.
- Rain gardens - these are necessary to try and alleviate flooding due to natural springs known in this area.

Comment (PO): Detailed flood risk and drainage impact assessments have been provided in relation to this development and both SEPA and Moray Flood Risk Management have raised no objections to the proposals.

Issue: Concerns regarding the lack of provision of affordable housing.

Comment (PO): The development will result in the provision of 19 affordable homes, which is an over provision of 2 units above the minimum 25% requirement.

Issue: The developer should not be permitted to start another development until they have finished existing ongoing developments on other sites.

Comment (PO): Planning applications must be considered on their own merits and other unrelated developments are not material in the determination of this application.

Issue: Concerns raised by Buckpool Golf Club regarding safety as a result of stray golf balls potentially hitting the additional traffic traveling along Golf View Drive as a result of the development and a request for screening to be erected along Golf View Drive to mitigate this impact.

Comment (PO): The site is designated housing land where houses fronting onto Golf View Drive is a Key Design Principle and where such screening was not deemed necessary or reasonable in the designation of the land for housing. There is already an established relationship between the golf course and users of Golf View Drive and existing houses. The proposed houses are not

considered to exacerbate this situation to such an extent that would require additional screening.

Comments provided in support of this application

- There is a significant lack of quality housing in Buckpool at the moment.
- The development will offer an attractive area to live in adjacent to the golf course with a variety of house types on offer.
- The positive impact of this proposal on the local economy in terms of employment and apprenticeship opportunities for the young.
- It's great to see a local company employing local people and subcontractors willing to make such a major investment in the town and I wish to give it my wholehearted support.
- Having been on the council house waiting list for over 3 years, it is a very positive move to see much needed affordable housing incorporated into this proposed development.
- Also pleased to see large amounts of green space being retained in respect of the change of use from a farmers field into high quality, well constructed housing stock.
- Pleased to see further future expansion to the town creating work for local tradesman for many years to come. Also good to see the improvements that will be made to the much used dump road that has been sorely needed for many years.
- Think it would brilliant for the area, take people into our community.
- A well established 'local' company, employing 'local' people to build homes that will either attract people to the area or perhaps minimise people leaving the area to purchase properties elsewhere can only be seen as a positive with the subsequent financial boost to the 'local' economy that these new house owners will undoubtedly bring...
- It looks like a very well laid out proposal, with plenty of green space and much needed social housing in the mix. Not to mention the boost in employment this will create.
- Adding a little shop to the development would allow for growth within the area for local business and creating job opportunities.
- We welcome new houses to be built great for the area and nice to have families surrounding all the residents that have been there for many years my parents did not object many years ago actually to those who are now objecting and knocking on the neighbours around asking them to object think the need to cast the memories back to the residents that welcomed them to the area!!
- I write to express Osprey Housing's formal support for the application by Morlich Homes and ask that this be recommended for approval and approved by Moray Council. Osprey Housing have worked very closely with Morlich Homes on a number of successful projects in Moray to deliver much needed local, accessible affordable housing. This project will deliver much needed tenure blind social housing as part of the overall scheme.
- It is encouraging to see the inclusion of affordable housing included in the developer's plans. The development offers continued security of employment for lots of individuals in an extremely unpredictable economic climate. This does not come across as a concrete jungle more a sympathetically designed development taking into consideration the surrounding green areas. There is most definitely a need for both private

and affordable housing in the Buckie area as has been demonstrated by previous developments - none of which have many, if any, vacant plots.

- The proposed development could bring much needed affordable housing since the council are no longer building homes.

Comment (PO): As per the comments within the observations section of this report, the development is considered to constitute a high standard of design and layout and is recommended for approval on this basis.

8. **OBSERVATIONS**

- 8.1 Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:
- 8.2 **Principle of the Development (DP2 & Buckie R7)**
The application site is covered by the Buckie R7 designation in the Moray Local Development Plan 2020 (MLDP) which designates the site for 140 units and sets out a number of key principles, including that buildings should front onto Golf View Drive and views towards the sea should be integrate into the development, avenue planting should be provided along the cemetery road, two access points should be provided, one from Alba Road and another from Golf View Drive, access stubs should be provided to the south to allow connection to future development and structural planting should be provided in the south west corner of the site and include paths and seating areas. The text accompanying the designation also identifies that links to existing core paths in and adjacent to the site should be provided, a Drainage Impact, Flood Risk and Transport Assessments will be required. Measures to close off the existing cemetery road and provision of new access arrangements should be incorporated, improvements to the pinch point at Golf View drive are required and a pocket park must be provided in a central location.
- 8.2.1 As outlined in detail below, the proposals are considered to be compliant with these key policy aspects and as such the principle of the development is considered to be acceptable and compliant with policies DP2 & Buckie R7 in this regard.
- 8.3 **Placemaking & Design (PP1, DP1, DP2 and Buckie R7)**
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.
- 8.3.1 The table below 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 the majority of aspects being considered "green" ratings. Where red

ratings or departure issues have been identified, these issues are discussed in detail following on from the summary of the QA process below.

Character & Identity - LDP Page 22 – PP1 (i)	
Mitigation	Final comments and any mitigation/conditions required to score green
<ul style="list-style-type: none"> • Provide greater differentiation between character areas. This must be explained in the Placemaking Statement and character area plan. This could include different species of landscaping, boundary treatments, street materials, and architectural details/colours for each character area. • Details with regards to the frontage being provided over both Golf View Road and corepath BK06 must be provided as this in an LDP requirement as set out in the key design principles. Active frontages must be provided over both these roads. This must include details of all house types and proposed boundary treatments. <p>This information must be provided for the future housing to the south of plots 27-29 (although it is not part of this phase) given their important location. 1.8m timber fencing fronting onto either of these roads will not be acceptable. 3D visuals would be useful to provide an understanding of how these key frontages will look.</p> <ul style="list-style-type: none"> • Given the importance of these units, clarification with regards to the boundary treatments for Plots 17-29 is required which is not clear from the plans (see landscape section below). • The Placemaking Statement must be updated to show how the development has incorporated key features of Buckie’s townscape and include a townscape analysis. This would also help to provide and explain the differentiation between character areas. 	<ul style="list-style-type: none"> • The applicant provided an update to the placemaking statement. This update explains the concept behind the development and the five characters areas. When read in conjunction with the landscape, material, and character area plans it shows how the development will provide differentiation across each of the character areas as well as explain as to why they reflect the townscape of Buckie. • An active frontage has been provided over Golf View Road. Plots 18, 19, 25, and 26 have been highlighted as key buildings and form part of character area 1. These house types have traditional features such as chimneys, stone elements on the frontage, timber windows and doors, and timber cladding on whole ancillary elements of the buildings to reflect properties often found in Seatowns along the Moray Coast. <p>Clarification and details regarding the proposed boundary treatments has been provided and is acceptable. This consists of a mix of hedging of a variety of species which will be different in each character area providing variation and differentiation. Stone walls will also be provided which will add to the character and legibility of the development.</p> <ul style="list-style-type: none"> • A plan showing the location of key buildings has been provided. While it is unclear why the applicant has deemed Plots 12, 30, and 35 to key buildings, the other proposed key buildings, in conjunction with the overall variety in house types will create a visually

<ul style="list-style-type: none"> • The Placemaking Statement and plans must be revised to show where key buildings will be located within the development. This must provide information with regards to what makes these buildings different from others within the development such as those in character area 4 which are more traditional in nature. • Provide details with regards to access to the cemetery as per the LDP (see below). • All locations for the proposed public art must be clearly marked on a plan. 	<p>interesting development with traditional features that reflect Buckie. This includes elements such as chimneys, timber cladding, windows with a vertical emphasis and astragals, and masonry features surrounding windows and doors. In particular Plots 18, 19, 25, and 26 will create a strong traditional frontage to the development and similarly Plots 58-65 will create a strong focal point within the development.</p> <ul style="list-style-type: none"> • Transportation Services have confirmed they are happy with the access arrangements to the cemetery in line with the required LDP requirements. • Details regarding public art have been provided and shown on the plans. This includes a fishing boat piece of play equipment that will be located in the central area of open space as well as a lighthouse sculpture reflecting Buckie's fishing and maritime heritage. • A condition will be sought that seeks to ensure that soft low level boundary treatments are provided for future plots for properties that will have their rear elevations facing the old cemetery road ensuring that 1.8 timber fencing will not be provided.
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Healthier, Safer Environments & Street Layout and Detail LDP Page 24 & 30 – PP1 (ii) & (vii)	
Mitigation	Final comments and any mitigation/conditions required to score green
<ul style="list-style-type: none"> • As per the LDP, clarification is required as to how access to the new part cemetery will be provided given that it is proposed to close off vehicular access from the old cemetery. Transportation will provide further detailed comments. • The large cul de sac on the western side of the site must be addressed to comply with PP1. One solution could be to extend the road west and south to the west of the play area to connect to the adoptable road. • The street layout is uniform and lacks a 	<ul style="list-style-type: none"> • The layout has been revised and the previously large cul de sac has been removed. A vehicular connection has now been provided across the old cemetery road which creates improves permeability and avoids splitting the site in two. • Future connectivity has been shown to R8. • The layout was amended and an adoptable vehicular connection to Golf View Drive will now be provided as previously this connection was through a

<p>clear hierarchy. This must be improved through the use of different geometry, street materials and colours which must also be used help to delineate character areas (see above).</p> <ul style="list-style-type: none"> • Extend the future vehicular connection to site R8 up to the site boundary and provide cyclepath connectivity. • The private driveway running between Plots 14-19 is on a key desire line and must be upgraded to an adoptable route avoiding the need to travel over a private drive. One option would be to extend the 5.5m road and form a junction onto Golf View Drive. • Widening of Golf View Drive/Corepath BK01 to 5.5m with cyclepath is required along the frontage of the site to provide access to the site and provide for existing users who will be impacted by development traffic. • Provide a continuous cyclepath from Alba road into and through R7 linking to the west of the site and south for future connectivity and to the north to provide access onto Corepath BK01. • The plans must be revised to show the correct “as built layout” immediately to the east as this is incorrect in relation to what is actually built and could cause confusion. • Ensure the layout is connected with Public to Public routes which can be adopted. 	<p>private driveway.</p> <ul style="list-style-type: none"> • Transportation Services are happy that all previous connection and corepath issues raised in the initial QA have been addressed.
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Housing Mix – LDP Page 26 PP1 (iii)	
Mitigation	Final comments and any mitigation/conditions required to score green
<ul style="list-style-type: none"> • Clarify number of bedrooms for Plots 61 & 62 and ensure that the plans are consistent. 	<ul style="list-style-type: none"> • Clarification regarding the affordable house types has been provided. Housing Services have confirmed that proposed provision is acceptable.

Car Parking – LDP Page 28 PP1 (iv)	
Mitigation	Final comments and any mitigation/conditions required to score green
<ul style="list-style-type: none"> • A revised parking plan is required. If the applicant seeks to count integral garages as a parking space then they must meet the Council’s parking standards (7x3m). A further assessment will be undertaken once this has been confirmed. • The parking plan must be revised as it is currently misleading as it currently suggests a number of spaces that are behind the building line which are not. This must be addressed and suggested revisions and solutions such as moving spaces back in plots has been given in the QA. • Address inappropriate stacking arrangements eg Plots 2, 35 etc. 	<ul style="list-style-type: none"> • The applicant has revised the plans so that internal garages meet the Council’s parking standards. This has been confirmed by Transportation Services. • Previous issues regarding inappropriate stacking arrangement have been addressed and confirmed by Transportation Services. • The applicant provided a revised parking plan that accurately reflects which cars will be located behind the building line. The plans show that the applicant has been successfully managed to locate 50% or more spaces either to the side and behind the building line as per the policy requirements of Policy PP1 on the majority of streets. <p>While it is acknowledged that this is the first Phase of the wider development of the site, there are two streets where the quantitative (50%) element has not been met. Given these streets fail to meet the quantitative elements of the policy they are deemed to be departures from Policy PP1. However, for the reasons set out below they are minor departures and can be deemed to be acceptable in this instance due to the mitigation that has been put in place to ensure that they will not be visually dominated by parked cars which is the overriding principle of the policy.</p> <p>In the case of Plots 22, 23 and 32, 33, these form part of small courtyard style development where it is naturally difficult to locate spaces to the rear. In this case, the street where these units are located on could be deemed to be small “connector” street with a total of 8 spaces being in front on the building line.</p> <p>These spaces have been broken up in pairs with semi mature planting being located to the side providing visual mitigation. On the whole, due to the small nature of the street and with the</p>

	<p>proposed landscape mitigation, car parking will not overly dominate the streetscene. Furthermore the inclusion of these house types adds to the visual interest of the development and there are wider placemaking benefits for having this type of layout in this instance.</p> <p>Plots 58-65 consists of a large traditionally styled terraced building. This building will become a feature of the development with its traditional features and will overlook the central rain garden creating a focal point. The nature of a terraced building means that parking has to be located on the street. While this is unavoidable, it is important that efforts are made to reduce the visual appearance of parked cars. In this case 15 spaces will be provided and the applicant has shown these to be broken up in pairs with planting situated between them. Given the wider placemaking benefits of having the terraced units in this location, the small more private nature of the street, and the fact that spaces are broken up then this arrangement is deemed acceptable in this instance. Furthermore only half of this small section of the street is being proposed at this stage which allows for further mitigation to be provided at a later stage to ensure that overall cars do not visually dominate this part of the development.</p> <p>Overall, the layout has been well designed and while there are minor departures in terms of the quantitative element of PP1, overall the streets will not be visually dominated with parked cars which is the overriding principle of the policy. For these reasons these are deemed to be acceptable departures from PP1.</p>
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Open Space & Landscaping – LDP Page 26 PP1 (iv)	
Mitigation	Final comments and any mitigation/conditions required to score green
<ul style="list-style-type: none"> Remove Plot 34 and relocate the play area to this central location, incorporating the existing area of open space that already exists there. Substantial planting and/or hedging must be provided along the rear of Plots 31 & 32 to create an attractive space 	<ul style="list-style-type: none"> The applicant revised the layout based on the initial QA and moved the play area and more formal area of open space to a more central location which is welcomed. This will create an attractive feature of the development with good access for

and avoid timber fencing.

- Provide a pocket park as per the Open Space Strategy SG. This must be between 0.2 and 1ha include space for a 30 x20m kickabout area and include benches and landscaping/planting.
- Provide details with regards to the proposed play equipment being proposed. This must include some pieces of equipment that can be used for users of all abilities. Details regarding paths and surfacing for the play area must be provided to ensure it is fully accessible.
- More detail is required in the landscape plan with regards to the proposed planting for the open space and rain gardens. While the plan shows that a variation of species will be provided, the landscape plan must provide numbers of plants/trees rather than a percentage and show the locations of where the different elements will be planted.

For example the biodiversity statement refers to a swale near the play area but this is not shown on the plan. Areas PL1 & SP1 also refer to a number of species that will be however it is not shown on the plan what trees will be planted where. While the variation proposed with shrubs and semi mature trees are welcomed this detail must be provided so a full assessment of the landscape proposals can be made.

- Provide details with regards to the driveways that are proposed to cross the street swales to ensure that this arrangement can be fully assessed and delivered.
- Confirm that tree pits will be provided so that what is shown on the plan will be delivered ie roadside swales with street trees. Note – In order to meet transportation requirements (see above) the number/location of street trees may need to altered.
- A condition will be sought that ensures that the area highlighted for a “future

residents across the whole site.

- The revised open space meets the requirements for a pocket park as set out in the Open Space Strategy SG.
- Details regarding the proposed play equipment have been provided which includes elements of accessible equipment to ensure inclusivity. This includes information on the proposed surfacing to ensure that the play area is wheelchair accessible.
- The applicant has provided a revised landscape plan. This shows that a variety of plants and trees will be planted across the site which is welcomed.

However, throughout the process of the application further information was sought from the applicant regarding specific numbers. While information regarding the girths of trees was provided to ensure that they were semi-mature for some parts of the site only percentages were provided eg the rain gardens.

A condition will to sought to ensure that a detailed landscape plan is provided before development commences that provides specific details relating to numbers and locations of all tree and landscaping across the site rather than just percentages.

- The applicant is proposing to demolish the buildings within the farm steading complex that are located immediately adjacent to the site. The buildings falls outwith the R7 designation but forms part of the detailed application. In terms of the LDP this area of land is classed as “whiteland” as it has no formal designation. Surrounding the farm complex is a shelter belt of trees which the applicant is also proposing to remove. In line with Policy EP7 the applicant provided a tree survey which highlighted that two category B trees will be removed. The remainder of the trees fall within categories C and U.

neighbourhood facility” is properly landscaped and given a clear function until another use comes forward so as to comply with Policy EP5.

- Details with regards to the phasing and timing for delivery of the landscaping must be provided given that the applicant has stated that it will all be provided within the first phase.
- Street trees must be provided along all streets. No trees have been provided along the main entranceway into the site (Plots 26-29). This must be provided.
- Clarify what the brown line boundary treatment will be to the rear of properties. This must be put on the key of the plans and state what species will be provided.
- A tree survey is required to assess the quality of the trees proposed for removal and to ascertain if any can be retained as Policy EP7 requires that all category A & B trees are retained and incorporated into the design of the development.
- Address concerns relating to the provision of structural landscaping on the south eastern corner of the site.

Policy EP7 is clear that proposals must retain healthy trees unless it is technical unfeasible to do so and that Category B trees must be retained. Unfortunately, the tree survey was undertaken at a late stage in the design process and therefore these trees were not incorporated into the layout. In terms of policy, removing trees to facilitate development is not a reason to justify tree removal. For this reason the removal of these trees is a departure from Policy EP7 and PP1 but within the wider context of the quality audit aims, these loss of these unprotected trees lying on white land have to be considered in the round against the significant proposed planting that is proposed. Notwithstanding the departure issue, it is not considered that the loss of a small number of trees would trigger a red score in the quality audit process. Especially where the farm buildings the sit beside are proposed from demolition.

Although it is unfortunate that this approach was undertaken by the applicant and represents a departure from Policies EP7 and PP1, in terms of the layout it has been well designed to have character and identity that reflects aspects of the traditional townscape of Buckie which is in line with the overall aims of Policy PP1. This is reflected in the QA scoring where the layout scored “green” in all categories with the exception of “Parking” due to minor departure issues which have been deemed to be acceptable in this instance.

While compensatory planting is not an acceptable reason to justify the removal of trees, there will be a surplus of tree planting being undertaken across the whole site including on parts of the site outwith the first phase.

- The plans show that an area will be on within the site for “future neighbourhood facility” should the requirement or need come about in the future. This would be subject to its own individual detailed application. A condition will be sought

	<p>that ensures that the area highlighted for a “future neighbourhood facility” is properly landscaped and given a clear function until another use comes forward so as to comply with Policy EP5.</p> <p>Overall the development will provide good quality open space notwithstanding this area of land. Should it be developed in the future it would not have a detrimental impact on the overall open space provision in terms of Policy EP5 and PP1.</p>
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Biodiversity LDP Page 28 PP1 (v)	
Mitigation	Final comments and any mitigation/conditions required to score green
<ul style="list-style-type: none"> • A bat survey must be undertaken. • A tree survey must be undertaken given that it is proposed to remove existing trees. If trees are being retained a tree protection plan must be provided. • The biodiversity plan must be revised to show the number and location of the bird boxes that are being proposed. 	<ul style="list-style-type: none"> • The applicant has undertaken the required bat survey. • The issue relating to tree removal has been addressed above. • An updated biodiversity statement has been provided and has addressed previous points.

8.3.2 With regard to the red rating and departure issues identified in the QA summary, in terms of the car parking departure, 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. In two instances, as detailed in the QA, where the parking does not meet this stipulation, there are overriding design and placemaking benefits to these streets, which outweigh this quantitative assessment criteria and as such the application is considered to be an acceptable departure from policy in this regard, whilst still scoring red in the QA.

8.3.3 In relation to loss of trees, the tree survey submitted identifies that there are, 61 “C” class trees, 3 “U” Class trees and 2 “B” class trees located in an around the existing farmhouse, associated buildings and track leading to them.

8.3.4 Policy guidance in relation to trees is quite specific, in that it requires all healthy trees to be retained, given the proposal involves the removal of 2 “B” class trees the proposal is considered to be a departure in this regard and was a consideration in the QA. The loss of the “C” and “U” class trees is considered acceptable given their limited value. In considering the loss of the “B” class trees, these trees are located relatively close to the neighbouring housing development on the eastern fringe of the overall designation. The position in

which the trees are located is not a natural area to wish to integrate them into an open space area or similar in terms of placemaking. In this location it would be better in placemaking terms to locate proposed housing back to back with the existing housing to ensure 1.8m high timber fences do not become a dominant feature in the street scene.

- 8.3.5 In addition to this, one of the “B” class trees is Sitka Spruce, which is not a species which would normally be selected to integrate within a housing development as a standalone tree due to its tall nature with limited habitat value and tendency to be affected by wind blow, resulting in a risk to neighbouring houses. The other “B” class tree is a sycamore, which whilst being more beneficial in habitat value, in terms of trying to achieve an acceptable overall layout, it is considered unreasonable to insist that the layout is altered to accommodate this single tree especially when the applicants are proposing the planting of 75 extra heavy standard trees within phase one of the scheme, along with thousands of hedging plants and a further upfront provision of over 550 trees within the woodland planting to the south west of the wider designation. It is not therefore considered, despite the departure issue over the loss of two trees within the site to score this issue a red in the overall quality audit.
- 8.3.6 With the above factors in mind it is considered acceptable to depart from policy in this regard, especially when considering the overall high standard of design and placemaking that has been achieved with this proposal.
- 8.3.7 When considering the development as a whole in placemaking terms, the proposal constitutes a high standard of design and layout. It is clear that careful consideration has been given to each of the 7 fundamental aspects of placemaking with particularly good examples of key buildings being provided to ensure constant interest and variety when moving through the development. The design of these key buildings represent excellent examples of modern interpretations of traditional Buckie architectural vernacular, where traditional features such as chimneys, windows with vertical emphasis and mock sash and case appearance, bandings round the windows and doors and timber cladding to ancillary elements of house designs have all be incorporated. This visual interest is emphasised further by the variety of building forms provided, where the applicants propose detached, semi-detached, terraced, and a courtyard of houses all of different sizes and scale depending on which character area they are located.
- 8.3.8 In addition to this good base level of building design and form, the other elements of placemaking are integrated well into the scheme and compliment the design and layout proposed. For example, rather than just being a functional design solution the Suds form a positive feature of the proposals, which should provide habitat rich wetland areas and echo other similar wetland type areas found along the surrounding coastland.
- 8.3.9 Detailed information has been provided with regard to boundary enclosures which includes extensive use of post and wire fencing accompanied by boundary hedging which will provide a softer more inviting character and avoids a development dominated by tall timber privacy fencing.

- 8.3.10 The applicants have relocated the play park space to within the heart of phase one, which ensures when the play area is provided it will form part of the active area of the housing development, resulting in a safer environment. The location of the play park, adjacent to the cycleway also links it in well to the wider settlement and will not only benefit the proposed housing development but also the wider community. Further details of the play area have also been provided and include an informal 20m by 30m kick about area, accessible surfacing and an all abilities roundabout, which is in addition to the play boat, swings, chute and climbing net.
- 8.3.11 Public art in the form of a “charity lighthouse” has been proposed within the rain gardens and also emphasising the sites views over the coast and the strong links Buckie has with the fishing industry, a play fishing boat is proposed as part of the play equipment within the play park.
- 8.3.12 Recognising that both bats and birds are present in the area, the applicants have proposed 40 bat and bird boxes throughout this phase of the development and tailored the planting especially within the wetland areas to provide habitat and food sources for these species. Throughout the remainder of the development, bulb planting hedging and tree species have been selected to provide, flowers, fruit, nuts and berries to encourage a wide variety of wildlife. Hedgehog highways have also been incorporated into every fence within the development.
- 8.3.13 In terms of potential for privacy or overbearing impact, the proposals have sufficient separation distances from existing neighbouring houses and are reflective of the established urban development pattern in the wider area.
- 8.3.14 Taking all of the above into account, despite the red rating/departures identified throughout the QA process, when viewed as a whole this development is considered to achieve a high standard of design and layout, which will ensure it does not result in a homogenous “anywhere” development and has strong design links to Buckie. As such in placemaking terms the proposal is considered to be acceptable.
- 8.4 **Access and parking (PP1, PP3 and DP1)**
A Transport Assessment and Street Engineering Review has been submitted in support of this application and subject to conditions and informatives as recommended the transportation service have no objection to the approval of the application.
- 8.4.1 As detailed in the previous placemaking section of this report, the car parking arrangements are considered to be acceptable and the applicants propose EV charging for all houses/flats. Access stubs have been provided to the south to enable vehicular access to future development. Subject to conditions as recommended, footpaths and cycleways will be provided to ensure maximum permeability through the development and ensure connections are provided to the existing core path network.
- 8.4.2 The amended arrangements for the use of the cemetery road to be used as a cycleway and then a new access provided to serve the new cemetery are considered acceptable and a condition has been applied to ensure acceptable,

safe access is provided to the new cemetery throughout the construction of the development and ensure that access to the cemetery is not affected during the transition between the use of the old and new accesses.

- 8.4.3 With regard to the pinch point on Golf View Drive as covered in the Key design Principles, a specific plan relating to the details of this access has been provided and the issue has also been covered within the Street Engineering Review. It is proposed that the access be widened in this location to allow for a 2m wide pavement to be formed on the southern side of Golf View Drive linking up with existing pavements along the southern side of Golf View drive to the east of the site. There will be a 3.5m wide pinch point as the access and associated pavement pass the existing neighbouring house which bounds the site to the north east, however, this pinch point has been designed to act like a traffic calming measure to reduce vehicle speeds and aid safe access and egress from the development. Transportation have highlighted that a Road Safety Audit will also be carried out as part of any Road Construction Consent Application.
- 8.4.4 Based on the above the access and parking arrangements proposed are considered to be acceptable, subject to the conditions as recommended.
- 8.5 **Drainage, Water Supply and Flood Risk (PP3, DP1, EP12 and EP13)**
Policies PP3 Infrastructure and Services, DP1 Development Principles (iii) Water Environment, Pollution, Contamination and EP13 Foul Drainage 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 via a Sustainable Urban Drainage Scheme (SuDS) that has a neutral effect on the risk of flooding or which reduces the risk of flooding, including temporary/construction phase SuDS.
- 8.5.1 Moray Flood Risk Management, SEPA and Scottish Water have all been consulted in this regard and have no objection to the approval of the application. They are aware of the wider surface water issues that have arisen elsewhere in southern Buckie, and the proposed SUDS includes the necessary climate change capacity.
- 8.5.2 Subject to a condition as recommended to ensure the development is carried out in accordance with the submitted Drainage Assessment, the proposed, water supply, foul drainage and Suds arrangements will comply with the above policies.
- 8.6 **Natural Environment (EP1, PP1 and DP1)**
The site is not subject to any international, national or local environmental designations, however, as detailed previously in this report, the development does involve the demolition of an existing farmhouse and associated steadings which, following the submission of a bat survey are known to contain two small scale common pipistrelle bat roosts. Following consultation with NatureScot it was highlighted that given the low level nature of bat use identified and the common species of bats identified, the proposals would not have a significant

impact on the protected species and the works can be carried out without a formal licence and instead be completed under the “blimp” process, which allows for the applicants licenced bat surveyor to monitor the demolition works and ensure they are completed in accordance with best practice.

8.6.1 A Preliminary Ecological Appraisal was also submitted in support of the proposals and other than recommending that the aforementioned bat survey be carried out, the development was not considered to have any impact on other protected species. The survey did however identify the presence invasive plant species and recommended that a biosecurity plan is prepared and a specialist contractor is contacted to eradicate the species from the site, this is covered by a condition as recommended.

8.6.2 As outlined within the placemaking section of this report, the applicants have proposed 40 bat and bird boxes throughout this first phase of the development and tailored the planting especially within the wetland areas to provide habitat and food sources for these species. Throughout the remainder of the development, bulb planting hedging and tree species have been selected to provide, flowers, fruit, nuts and berries to encourage a wide variety of wildlife. Hedgehog highways have also been incorporated into every fence within the development.

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

8.7 **Affordable and Accessible housing (PP1 and DP2)**

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.

8.7.1 The applicants have proposed 19 affordable units which equates to an over provision of two units beyond the 25% affordable housing requirement.

8.7.2 Policy DP2 requires that 10% of all private sector houses proposed are built to an accessible standard. In this case the applicants have proposed that 6 of the 46 private sector units proposed will be accessible, which again equates to an over provision of accessible units above minimum policy requirements.

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

8.8 **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.

8.8.1 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.

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

Policy PP3 Infrastructure & Services vii) requires development proposals to incorporate the installation of Information Communication Technology and fibre

optic broadband connections (unless justification can be provided to show that ICT is technically unfeasible). The applicants have submitted a superfast Broadband strategy, which identifies that all houses will be connected to a superfast broadband connection.

8.10 **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 primary and secondary school provision and transport requirements (Contribution towards Burn of Buckie Active Travel Bridge). 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, whilst identified as a minor departure from policy in relation to car parking and the loss of two "B" class trees, overall for the reasons set out in this report, the development is considered to achieve a high standard of placemaking, with strong sense of place which will complement the settlement of Buckie and as such is recommended for approval.

REASON(S) FOR DECISION

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

Notwithstanding the minor departure from the car parking and tree retention requirements in Policies PP1, DP1 and EP7 and subject to conditions as recommended, the siting, design and servicing of the development are considered acceptable and otherwise accord with planning policy with no unacceptable or significant adverse effect upon the surrounding environment and there are no material considerations that indicate otherwise.

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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.

DP1 DEVELOPMENT PRINCIPLES

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

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

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

(i) Design

- a) The scale, density and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.
- b) The development must be integrated into the surrounding landscape which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g. distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided with planning applications for all proposals where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the "Right Tree in the Right Place".
- c) Make provision for new open space and connect to existing open space under the requirements of Policy EP5 and provide details of the future maintenance of these spaces. A detailed landscape plan must be submitted with planning applications and include information about green/blue infrastructure, tree species, planting, ground/soil conditions, and natural and man-made features (e.g. grass areas, wildflower verges, fencing, walls, paths, etc.).
- d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours and integrate into the landscape.
- e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.

- f) Proposals do not result in backland development or plots that are subdivided by more than 50% of the original plot. Sub-divided plots must be a minimum of 400m², excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and the resultant plot density and layout reflects the character of the surrounding area.
- g) Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.
- h) Existing stone walls on buildings and boundaries must be retained. Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.
- i) Proposals must orientate and design buildings to maximise opportunities for solar gain.
- j) All developments must be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use (calculated on the basis of the approved design and plans for the specific development) through the installation and operation of low and zero-carbon generating technologies.

(ii) Transportation

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

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

(iii) Water environment, pollution, contamination

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

- g) Avoid sterilising significant workable reserves of minerals, prime agricultural land or productive forestry.
- h) Proposals must avoid areas at risk of coastal erosion and coastal change.

DP2 HOUSING

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

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

- b) Piecemeal/ individual plot development proposals**

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

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

- c) Housing density**

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

- d) Affordable Housing**

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

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

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

accordance with the HNDA and Local Housing Strategy, and agreed with the Housing Strategy and Development Manager.

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

e) Housing Mix and Tenure Integration

Proposals must demonstrate tenure integration and meet the following criteria;

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

f) Accessible Housing

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

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

POLICY GUIDANCE NOTE- AFFORDABLE AND ACCESSIBLE HOUSING

Affordable Housing

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

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

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

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

A number of variables influence affordability of housing, including mortgage deposit requirements, mortgage interest rates, lower quartile house prices, lower quartile private rents, lower quartile full time gross earnings. Changes in these variables will affect the affordability of housing in Moray. The maximum affordable rent and maximum affordable house purchase prices is published on the Council's website at http://www.moray.gov.uk/moray_standard/page_90100.html The current Local Housing Allowance will be used as a proxy for average private sector rents.

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

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

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

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

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

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

Affordable housing requirement figures will be rounded up.

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

Accessible housing

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

Policy DP2 aims to;

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

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

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

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

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

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

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

External requirements

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

Internal requirements

- Hallways- minimum 1200mm wide (HfVNs para 10.2.3 refers)
- Door frames- minimum 926mm wide door leaf, giving a clear width of 870mm (HfVNs para 10.5.7 refers)

- Bathrooms/ wet rooms- 1500mm wheelchair turning circle required (HfVNs para 14.9.2 refers)

Accessible housing requirement figures will be rounded down.

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

EP1 NATURAL HERITAGE DESIGNATIONS

a) European Site designations

Development likely to have a significant effect on a European Site and which is not directly connected with or necessary to the conservation management of that site must be subject to an appropriate assessment of the implications for its conservation objectives. Proposals will only be approved where the appropriate assessment has ascertained that there will be no adverse effect on the integrity of the site.

In exceptional circumstances, proposals that could affect the integrity of a European Site may be approved where:

- i) There are no alternative solutions, and
- ii) There are imperative reasons of over-riding public interest including those of a social or economic nature, and
- iii) Compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

For European Sites hosting a priority habitat or species (as defined in Article 1 of the The Conservation (Natural Habitat & c.) Regulations 1994), prior consultation with the European Commission via Scottish Ministers is required unless the imperative reasons of overriding public interest relate to human health, public safety or beneficial consequences of primary importance to the environment.

b) National designations

Development proposals which will affect a National Park, National Scenic Area (NSA), Site of Special Scientific Interest (SSSI) or National Nature Reserve will only be permitted where:

- i) The objectives of designation and the overall integrity of the area will not be compromised; or
- ii) Any significant adverse effects on the qualities for which the site has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

c) Local Designations

Development proposals likely to have a significant adverse effect on Local Nature Reserves, wildlife sites or other valuable local habitats will be refused unless it can be demonstrated that:

- i) Public benefits clearly outweigh the nature conservation value of the site, and
- ii) There is a specific locational requirement for the development, and
- iii) Any potential impacts can be satisfactorily mitigated to conserve and enhance the site's residual conservation interest.

d) European Protected Species

European Protected Species are identified in the Habitats Regulations 1994 (as amended in Scotland). Where a European Protected Species may be present or affected by development or activity arising from development, a species survey and where necessary a Species Protection Plan should be prepared to accompany the planning application, to demonstrate how the Regulations will be complied with. The survey should be carried out by a suitably experienced and licensed ecological surveyor.

Proposals that would have an adverse effect on European Protected Species will not be approved unless;

- The need for development is one that is possible for SNH to grant a license for under the Regulations (e.g. to preserve public health or public safety).
- There is no satisfactory alternative to the development.
- The development will not be detrimental to the maintenance of the favourable conservation status of the species.

e) Other protected species

Wild birds and a variety of other animals are protected under domestic legislation, such as the Wildlife and Countryside Act 1981 (as amended in Scotland by the Nature Conservation (Scotland) Act 2004 and the Wildlife and Natural Environment (Scotland) Act 2011), Protection of Badgers Act 1992 and Marine (Scotland) Act 2010. Where a protected species may be present or affected by development or activity arising from development, a species survey and where necessary a Species Protection Plan should be prepared to accompany the planning application to demonstrate how legislation will be complied with. The survey should be carried out by a suitably experienced ecological surveyor, who may also need to be licensed depending on the species being surveyed for.

Proposals which would have an adverse effect on badgers or their setts must be accompanied by a Badger Protection Plan demonstrating how impacts will be avoided, mitigated, minimised or compensated for.

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 eg connecting to schools, shops, or transport nodes.
- Distinctive and memorable places that support local culture and identity.

- Catering for a range of functions and activities providing a multi-functional space meeting needs.
- Community involvement in management.

b iii) Quantity Standard

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

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

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

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

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

EP7 FORESTRY, WOODLANDS AND TREES

a) Moray Forestry and Woodland Strategy

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

b) Tree Retention and Survey

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

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

c) Control of Woodland Removal

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

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

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

d) Tree Preservation Orders and Conservation Areas

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

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

e) Compensatory Planting

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

GUIDANCE TREES AND DEVELOPMENT

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

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

and woodland design as laid out in Scottish Forestry's "Woodland Creation, Application Guidance" and its subsequent updates, when preparing their proposal.

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

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

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

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

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

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

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

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

Landscape Scheme

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

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

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

EP12 MANAGEMENT AND ENHANCEMENT OF THE WATER ENVIRONMENT

a) Flooding

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

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

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

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

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

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

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

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

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

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

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

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

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

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

When considering the appropriate SUDS design for the development the most sustainable methods, such as rainwater harvesting, green roofs, bio retention systems, soakaways, and permeable pavements must be considered first. If it is necessary to include surface water attenuation as part of the drainage system, only

above ground attenuation solutions will be considered, unless this is not possible due to site constraints.

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

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

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

c) Water Environment

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

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

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

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

the potential for watercourse restoration along straightened sections or removal of redundant structures and implement these measures where viable.

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

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

EP13 FOUL DRAINAGE

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

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

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

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

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

EP14 POLLUTION, CONTAMINATION & HAZARDS

a) Pollution

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

b) Contamination

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

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

c) Hazardous sites

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