

18/01209/APP
11th September
2018

Application under Section 42 to vary condition 1 of planning consent 16/01244/APP to maintain provision for 870 houses (as approved) but vary phasing design and site layout details ie adjust Phase 1A boundary (western most part of Phase 1A within Crescent North and South Glassgreen character areas) to provide 50 affordable homes together with consequential revisions to boundaries of Phase 1D (South Glassgreen) and eastern most part of Phase 1A (Meadows North character area) and Phase 1C (Meadows East character area) revise mix of homes (including site layout and new Braemar and Lauder house types) within Crescent North and South Glassgreen character areas revise layout and reduce number of houses by 18 units within Village Garden character area to accommodate revision to alignment gas pipeline revise numbers and mix of houses including site layout within Village Core and Meadows East character areas to accommodate 18 homes relocated from Village Garden at Elgin South Elgin Moray for Springfield Properties PLC

Comments:

- Application is major development as defined under the Hierarchy Regulations 2009 for a development with more than 50 houses, and the site area exceeds 2ha.
- Application amended.
- Advertised for neighbour notification purposes - notification not possible because no premises situated on land to which notification can be sent.
- No representations received.
- Application 16/01244/APP - the current permission - accepted as a significant departure from the development plan after consideration at a pre-determination hearing and subject to a Section 75 agreement regarding planning obligations to address the impact of the development.
- Application 18/01603/S75 under consideration to modify existing agreement regarding planning obligations for Elgin South Phase 1 development, to apply to development pursuant to the current permission (16/01244/APP) and this latest application (18/01209/APP).

Procedure:

- Application 18/01603/S75 to modify existing agreement regarding planning obligations for Elgin South Phase 1 development to be determined and thereafter, await receipt of formal acknowledgement for recording of modified agreement prior to issue of planning permission.

Recommendation

Grant Planning Permission – subject to the following

1. completion of modified legal agreement regarding planning obligations; and
2. the following conditions:

Conditions/Reasons

Permission is granted subject to the following conditions: -

- 1 Condition 1 of formal decision notice 16/01244/APP dated 10 May 2018 is hereby varied and
 - a) the permission as hereby granted shall relate to the application as amended for a development of 870 dwellings (houses and/or flats/apartments), neighbourhood uses, a Moray Sports Centre, two sites for primary schools and associated infrastructure, all in accordance with the amended drawings including EL44_SL_05 Rev J (Overall Site Plan showing Character Areas Locations) and EL44_SL_09 Rev L (Site Layout showing Proposed Phasing within Phase 1) as hereby approved regarding the location, design and site layout arrangements (see 'List of Plans and Drawings Showing The Development' included in this permission); and
 - b) In addition to the additional house types included within this permission as hereby granted (including Braemar and Lauder), the design(s) of all dwellings (houses and/or flats/apartments) and the Moray Sports Centre shall be provided in accordance with the design details approved under formal decision notice 16/01244/APP dated 10 May 2018, including any details already approved thereunder as part of the discharge of conditions associated with that development.

Reason - To ensure an acceptable form of development in the interests of the character, appearance and amenity of the development and the surrounding area.

- 2 Notwithstanding the submitted phasing plan information on drawing EL44_SL_09 Rev L, no development shall commence on the primary school site in South Glassgreen and on all areas to be developed for housing outwith Phase 1A until details have been submitted to and approved by the Council, as Planning Authority to confirm agreement to the release of land areas for development within Phase 1B, 1C and 1D, to be determined by evidence of the need to release housing land where an effective housing land supply cannot be met as evidenced through the Council's annual Housing Land Audit and/or identified as having satisfied the key community objective, all as defined within Policy H2 of the Moray Local Development Plan 2015 (including supplementary guidance and/or any equivalent policy replacing or superseding Policy H2 within any subsequent local development plan) or until such time as the land is no longer precluded for release under Policy H2 (or equivalent) within any future development plan for the area.

Reason - The development is related to and forms part of the Elgin LONG2 designation where the early/partial release of land therein is governed by the requirements of Policy H2 and supplementary guidance (including a Technical Note) being fulfilled. At present, through Policy H2 (of the Moray Local Development Plan 2015), agreement relates only to release a defined

area of land within the Elgin LONG2 South designation for a site for a (Linkwood) primary school, a Moray Sports Centre and an area for housing which includes land proposed for housing at Village Garden and the remaining housing in phase 1A will support sustainable economic growth (Policy PP1) and deliver housing which has been agreed as an acceptable departure. This excludes all other land areas included within the application site, in particular development within Phase 1B, 1C & 1D.

- 3 The terms of reference to the various uses of the sites identified as being for primary schools and the Moray Sports Centre on drawing EL44_SL_10 Rev B of formal decision notice 16/01244/APP remain applicable and the provisions of the Town & Country Planning (Use Classes) (Scotland) Order 1997 (or any Order revoking or re-enacting that Order) the permission as hereby granted shall relate to:

- a) the use of each school site as identified as a site for primary education provision shall be within Use Class 8 (if residential education provision) or Use Class 10 (if non-residential educational provision) of the said Order; and
- b) the use of the Moray Sports Centre, as identified in accordance with design and layout details approved under formal decision notice 16/01244/APP, including any details already approved thereunder as part of the discharge of conditions associated with that development, shall be as a use within Use Class 11 of the Order;

and for no other uses or purposes without the prior approval of the Council, as Planning Authority.

Reason - To ensure an acceptable form of development in accordance with the submitted particulars and retain local authority control over the identified uses as specified within the development including consideration of the effects and impacts of uses other than those hereby approved.

- 4 Notwithstanding the provisions of the Town & Country Planning (Use Classes) (Scotland) Order 1997 (or any Order revoking or re-enacting that Order), the permission relates solely to the use or purpose of each unit/building as identified and specified on the respective 'Use Class Layout' drawings for South Glassgreen, Village Garden and Village Core (whether for Use Class 1, or 2, or 3, or 4, or 10 as identified on the respective drawings) and for no other use or purpose without the prior written approval of the Council, as Planning Authority.

Reason - To ensure an acceptable form of development in accordance with the submitted particulars and to retain local authority control over the identified uses as specified within the development including consideration of the effects and impacts of uses other than those hereby approved.

- 5 For the Moray Sports Centre (the Centre) and except where details of the Centre have already been approved under formal decision notice 16/01244/APP, including any details already approved thereunder as part of the discharge of conditions associated with that development, no further development located within the grounds of, and associated with the Centre shall commence until details have been submitted to and approved by the Council, as Planning Authority (in consultation with other agencies as

appropriate) regarding:

- a) samples or specifications of all material finishes and colouration for the Centre building and all other structures to be erected within the grounds of the Centre;
- b) details regarding the location, design specifications, external appearance and material finishes and finished levels (relative to existing ground levels and a fixed datum) for the proposed means of enclosure around the proposed service yard;
- c) details regarding the location, design specifications, external appearance and material finishes for all plant and machinery, including ventilation and extraction, air conditioning and refrigeration systems or similar to be externally mounted on the building and/or installed within the recessed roof plant area together with all required/proposed measures to mitigate the external visual and/or environmental (noise, odour, etc.) impact of plant and machinery affixed to the building or projecting above the roof structure;
- d) details regarding the location, design specifications, external appearance and material finishes and colouration of all walls and fences to be erected within the grounds of the Centre, including fencing to be erected within and around the perimeter of the Centre site, the 3G pitch and the outdoor tennis courts and stone walls at the entrance and exit accesses to the site off Linkwood Road;
- e) details including samples or specification including colours of all "hard" landscaping and surfacing features to be provided including hardstanding and car parking areas;
- f) details regarding the location, design specifications and time-scale(s) for the provision of all (external) play and trim trail equipment to be provided within the grounds of the Centre;
- g) details regarding the planting mix for the proposed grass pitch and the design specifications, including cross-sections and long-sections to confirm finished levels relative to existing ground levels and a fixed datum, for the synthetic surfacing of the proposed 3G pitch, the outdoor tennis courts, and the sprint and circular running tracks;
- h) in consultation with the Transportation Service, details regarding the location and design specifications for the provision of cycle parking, to the standard of provision identified in Condition 55;
- i) in consultation with the Environmental Health Manager, a noise impact assessment pursuant to Planning Advice Note PAN 1/2011 and the associated Technical Advice Note Assessment of Noise (TAN). The Assessment shall identify all noise sources associated with the construction and operational phases of the Centre and all proposed/required management measures to be adopted to mitigate the impact of noise associated with the Centre;
- j) in consultation with the Environmental Health Manager, measures to suitably control and mitigate cooking odours, including details of any proposed kitchen ventilation/extraction system to be installed and the arrangements for maintenance of the installed system; and
- k) in consultation with the Environmental Health Manager, details of operating hours of the Centre.

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

Reason - Details for a Centre building (of reduced size) have already been approved but in connection with any development proposed further to the provision of the Centre building (as amended) including external sporting facilities, details of the matters specified are insufficient or lacking from the submitted particulars and to ensure an acceptable form of development in the interests of the character, amenities and appearance of the development including the provision of parking for persons attending the site and to minimise noise and odour impacts associated with the Centre upon the amenity of the locality including any nearby properties.

- 6 For the Centre and except where details of the Centre have already been approved under formal decision notice 16/01244/APP including any details already approved thereunder as part of the discharge of conditions associated with that development, no further development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Environmental Health Manager regarding an external lighting scheme for the Centre building and associated external sports areas of the Centre including the 3G pitch and the outdoor tennis courts. The required scheme shall:
- a) be designed to minimise the use of external lighting within and around the boundaries of the site, and the effects of light spills and glare upon the surrounding area beyond the site boundary;
 - b) provide details of all required/proposed external lighting arrangements, whether free-standing or affixed to buildings/structures or similar during both the construction and operation of the development;
 - c) include the location and design specifications (including both candela and lux rating information) for all lighting to be installed and the time-periods for operation together with specifications for all mitigation measures to be introduced and designed to minimise the impact of lighting within and beyond the site boundary (for example, light hoods and louvres, orientation and angle of downward inclination of lamps, etc.).

Thereafter, the further development of external lighting arrangements shall be implemented in accordance with the approved details.

Reason - Details for lighting of the Centre building (of reduced size) have already been approved but in connection with any development proposed further to the provision of the Centre building (as amended) including development within the grounds of the Centre, details of the matters specified are lacking from the submission and to ensure an acceptable form of development in particular to minimise the potential for light pollution disturbance upon visual amenity of the surrounding area and safeguard the amenity of any existing or proposed neighbouring property.

- 7 For the Centre, and except where details of the Centre have already been approved under formal decision notice 16/01244/APP including any details already approved thereunder as part of the discharge of conditions associated with that development, no further development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with Scottish Water, SEPA and Moray Flood Risk Management where appropriate regarding a finalised foul drainage scheme for the

development, to include the location, design specifications and time-scale for the provision of all foul drainage infrastructure. The scheme shall:

- a) be developed and designed in accordance with the submitted Drainage Impact Assessment (July 2016) as submitted as part of application 16/01244/APP including any addendum to that assessment;
- b) include evidence of agreement/approval to confirm the foul drainage arrangements including capacity and connection arrangements are acceptable to Scottish Water (in light of the proposed connections from the development into the existing public sewer network);
- c) include the arrangements including the location, route of pipework and environmental effects including removal (and replacement) of trees whether for disposal to separate foul drainage infrastructure for the Centre only and/or connection to any other foul drainage infrastructure arrangements to be provided for the remainder of the development as hereby approved;
- d) the location, design specifications, external appearance and material finishes, site layout including hardstanding areas and means of access to any required/proposed above ground building/structure or other apparatus to be provided as part of any pumping station to be provided; and
- e) confirmation of the adopting authority or in perpetuity body for the foul drainage network.

Thereafter, the (further) development shall be provided in accordance with the approved foul drainage scheme details with the scheme provided and made available for use prior to occupation and use of any proposed additional development at the Centre first commencing.

Reason - Details for a Centre building (of reduced size) have already been approved but in connection with any development further to the provision of the Centre building (as amended) details for the matters specified including a finalised foul drainage scheme are lacking from the submission and to ensure an acceptable form of development in terms of the provision and delivery of foul drainage infrastructure for the development.

- 8 For the Centre, and except where details of the Centre have already been approved under formal decision notice 16/01244/APP including any details already approved thereunder as part of the discharge of conditions associated with that development, no further development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with Scottish Water, SEPA and Moray Flood Risk Management where appropriate regarding:

- a) a finalised surface water drainage scheme for the development, to include details of all sustainable drainage (SUDs-based) features to be provided including details of the location, design construction specifications, level(s) of treatment, supporting calculations and time-scale(s) for provision and maintenance of all (sustainable) surface water features, including roads drainage to be incorporated into the site layout. The scheme shall:
 - i) be developed and designed in accordance with the surface water design strategy as outlined in the submitted Drainage

- Impact Assessment (July 2016) together with technical guidance contained in the SUDs Manual (by CIRIA, C753);
 - ii) be designed to manage storm water flows for storm events up to and including a 1 in 200-year flood event with surface water to be discharged after on-site attenuation at a controlled rate, not exceeding the greenfield run-off rate;
 - iii) include cross- and long- sections to confirm the area and depth of all required/proposed SUDs basin(s) or other sustainable drainage features where proposed, with finished levels related to existing ground levels and a fixed datum;
 - iv) include details to manage and mitigate any overland flows in the event of flood events or drainage failure in excess of the capacity of the SUDs design/installed drainage network and ensure that such flows are not directed towards existing or proposed development;
 - v) include details of the specialist surface water drainage arrangements and requirements for the 3G pitch and outdoor tennis courts and/or other facilities where appropriate;
 - vi) address the integration of these specialist arrangements within the overall surface water drainage scheme for the Centre, and the integration of this (separate) drainage scheme with the surface water arrangements for the remainder of the development; and
 - vii) confirm the adopting authority/authorities or in perpetuity body/bodies for all surface water drainage arrangements.
- b) a construction surface water management plan, to include the location, design specifications and time-scale(s) for provision of all required/proposed temporary site construction SUDs in order to demonstrate that surface water run-off from the site will be managed and not increase the risk of flooding during the construction phase of the development (see also Condition 16).

Thereafter, the (further) development shall be implemented in accordance with the approved scheme details and all approved surface water drainage arrangements shall be provided and made operational prior to first use and occupation of any further development proposed at the Centre.

Reason - Details for a Centre building (of reduced size) have already been approved but in connection with any development further to the provision of the Centre building (as amended) including external sporting facilities, details of the matters specified are insufficient (being based on an outline drainage and SUDS strategy) and/or are lacking from the submitted particulars and to ensure an acceptable (and sustainable) form of development is provided and maintained and to provide for adequate protection from surface water run-off both during the operational and construction stages of the development.

- 9 For the Centre, and except where details of the Centre have already been approved under formal decision notice 16/01244/APP including any details already approved thereunder as part of the discharge of conditions associated with that development, no further development shall commence until details have been submitted to and approved by the Council, as Planning Authority regarding a finalised (revised) landscape scheme for the development of the Centre. The revised scheme shall:

- a) identify the location of all existing trees/shrubs and hedgerows or other landscape features within the site, and identify those to be retained and those to be removed. The details shall take into account the provision and implications of all drainage and transportation infrastructure associated with the Centre and/or other development proposed along Linkwood Road including drainage crossings, access junctions and traffic calming arrangements;
- b) include details of measures to protect existing trees, shrubs and hedgerows and other landscape features to be retained within the site or immediately adjacent to it before during and after construction activity, for example along the northern boundary of Centre and along Linkwood Road;
- c) include details of the number, species, position, planting distances and sizes of all trees, shrubs and hedgerow planting to be provided within the site. The proposed planting details and specifications shall be closely based upon the landscape information submitted by Macreadie design (as included as part of application 16/01244/APP);
- d) include details of the time-scale(s) for all proposed planting included within the scheme;
- e) include details of a management plan for the maintenance of all planting; and
- f) for all areas where earth moving, mounding and excavation is required/proposed to form landscape features, for example the raised mound adjacent to Linkwood Road and the tennis courts, the scheme shall include details regarding the location and design specifications including cross-sections and long-sections to describe the extent, area and height/depth of the proposed landscape feature with finished levels related to existing ground levels and a fixed datum.

Thereafter, the (further) development shall be implemented in accordance with the approved landscape scheme details and maintained in accordance with maintenance plan.

Reason - Details for a Centre building (of reduced size) have already been approved but in connection with any development further to the provision of the Centre building (as amended) including external sporting facilities, details of matters specified are lacking from the submitted particulars and in light of further impacts upon Linkwood Road, the current details will require to be amended to provide a finalised (revised) landscape scheme for the Centre, and to ensure an acceptable form of development in the interests of the character, appearance and amenity of the development and the surrounding area.

- 10 In relation to the approved landscape scheme for the Centre approved under formal decision notice 16/01244/APP including any details already approved thereunder as part of the discharge of conditions associated with that development and any landscape scheme for any further development , all trees shrubs and hedge planting which within a period of 5 years from planting, die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, numbers and species unless with the prior written consent of the Council, as Planning Authority.

Reason - In order to ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the character, appearance and amenity of the development and the surrounding area.

11 In relation to the proposed provision of affordable housing within the site:

- a) 218 affordable homes (houses and/or flats/apartments) shall be provided within the site (drawing EL44_SL_06 Rev L refers); and
- b) prior to the commencement of any affordable housing accommodation within the areas identified for affordable housing within South Glassgreen, Village Garden, Village Core, Meadows North and Meadows East:
 - i) details shall be provided of the arrangements for the long-term delivery and provision of the required affordable housing accommodation on the site, to include evidence to confirm the identity of the organisation (or other similar agency) responsible for the provision and management of all affordable housing accommodation to be provided;
 - ii) the time-scale(s) for the delivery of the affordable housing accommodation to be provided.

Thereafter, the development shall be implemented in accordance with the approved details for the provision and delivery of affordable housing within the site.

Reason - To ensure an acceptable form of development, in particular the requirement to provide and deliver affordable housing accommodation on the site as a requirement of current planning policy and associated supplementary guidance, including details currently lacking from the submission.

12 Within South Glassgreen and Village Garden, the location, house type, housing mix and site layout arrangements to provide affordable housing shall be in accordance with drawings EL44_SG_03 Rev K (for South Glassgreen) and EL44_VG_03 Rev I (for Village Garden) and notwithstanding the submitted details, no development of affordable housing located outwith South Glassgreen and Village Garden shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Housing & Property Manager regarding:

- a) evidence to confirm agreement to the proposed mix of affordable housing to be provided within Village Core, Meadows East and Meadows North (to be informed by the Housing Needs and Demand Assessment); and
- b) details of any required/proposed re-mix of affordable housing accommodation to be provided within the identified area including house types, mix and site layout, and information to satisfy Condition 11 b) i) and ii) above regarding the arrangements for long-term delivery and timescale for provision of the affordable housing within each identified area.

Thereafter, the development shall be implemented in accordance with the

approved details for the provision and delivery of affordable housing within the site.

Reason - To ensure an acceptable form of development, in particular the requirement to provide and deliver affordable housing accommodation on the site as a requirement of current planning policy and associated supplementary guidance, including details currently lacking from the submission and, as the development progresses, to ensure the delivery of affordable housing continues to remain relevant to local housing needs and demands.

- 13 Notwithstanding the submitted details on drawing EL44_SL_12 Rev H, as part of the development hereby approved, 93 accessible dwellings (houses and/or flats/apartments) shall be provided as identified and denoted as 'A' within the Accommodation Schedules included on the 'General Layout Showing Housing Mix' drawings for Crescent North, South Glassgreen, Village Garden, Village Core, Meadows North and Meadows East; and in accordance with the applicant's 'Accessible Housing Statement' (Elgin South Design & Access Statement, Rev C, May 2017 refers, as submitted as part of application 16/01244/APP).

Thereafter, the accessible accommodation as identified shall, at all times, remain capable for adaption for accessible housing needs unless otherwise agreed in writing with the Council, as Planning Authority in consultation with the Housing & Property Manager.

Reason - To ensure an acceptable form of development, in particular the requirement to provide and deliver accessible housing within the site as a requirement of current planning policy and associated supplementary guidance.

- 14 For residential development:
- a) within Crescent North, South Glassgreen, Village Garden, Village Core, Meadows North and Meadows East, the development shall be carried out in accordance with the submitted drawings regarding material finishes, external boundary treatment, hard surfaces, air pumps and bin store arrangements; and
 - b) for development within Crescent North, South Glassgreen and Village Garden the development shall be undertaken in accordance with their respective 'Material Conditions Drawing'; and

and

- c) no development shall commence until details have been submitted and approved by the Council as Planning Authority regarding
 - i) for development within Village Core, Meadows East and Meadows North, a 'Materials Condition Drawing' to identify dwelling and site layout finishes to each identified residential area (i.e. a 'composite' drawing of material finishes for dwellings and the site layout equivalent to the level of detail included on, for example drawing EL44_CN_MC_01 Rev A (for Crescent North));
 - ii) samples and/or specifications for all "hard" landscaping features to be provided within the layout of Main Street (within Village Core);

- iii) for the play area locations identified within South Glassgreen, Village Core and Meadows East, and notwithstanding the indicative details submitted, the actual type, number, specifications and time-scale(s) for provision of all play equipment to be provided; and
- iv) for development within Village Core, Meadows East and Meadows North, the location(s) and design specifications for all required/proposed watercourse crossings, to include information to demonstrate that they are designed to convey a 1 in 200-year design flow plus climate change without causing constriction of flows or increasing the risk of flooding elsewhere.

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

Reason – Whereas details of external treatment of buildings/structures and surfaces are included, details of the matters specified are insufficient or lacking from the application particulars and to ensure an acceptable form of development in the interests of the character, amenities and appearance of the development including formal provision for play and waste collection arrangements and the provision of any new crossing over a watercourse including pedestrian and cycle and vehicle bridge crossings over the Linkwood Burn.

15 For residential development within Crescent North, South Glassgreen, Village Garden, Village Core, Meadows North and Meadows East, no development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with Scottish Water, SEPA and Moray Flood Risk Management where appropriate regarding a finalised foul drainage scheme for the development, to include the location, design specifications and time-scale for provision of all foul drainage infrastructure. The scheme shall:

- a) be developed and designed in accordance with the submitted Drainage Assessment (Issue 2, August 2016 and an addendum as submitted as part of application 16/01244/APP);
- b) include evidence of agreement/approval to confirm the foul drainage arrangements including capacity and connection arrangements are acceptable to Scottish Water (in light of the proposed connections from the development into the existing public sewer network);
- c) include the arrangements including the location, route of pipework to discharge/connect foul drainage from each individual area into all required/proposed foul drainage infrastructure (pumping stations) for the development overall;
- d) the location, design specifications, external appearance and material finishes, site layout including hardstanding areas and means of access to any required/proposed above ground building/structure or other apparatus to be provided as part of any pumping station to be provided; and
- e) confirmation of the adopting authority or in perpetuity body for the foul drainage network.

Thereafter, the development shall be provided in accordance with the approved foul drainage scheme details.

Reason - Details of the matters specified including a finalised foul drainage scheme are lacking from the submission and to ensure an acceptable form of development in terms of the provision and delivery of foul drainage infrastructure for the development.

16 For residential development within Crescent North, South Glassgreen, Village Garden, Village Core, Meadows North and Meadows East, no development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with Scottish Water, SEPA and Moray Flood Risk Management where appropriate regarding:

- a) finalised surface water drainage scheme for the development, to include details of all sustainable drainage (SUDs-based) features to be provided including details of the location, design construction specifications, level(s) of treatment, supporting calculations and time-scale(s) for provision and maintenance of all (sustainable) surface water features, including roads drainage to be incorporated into the site layout. The scheme shall:
 - i) be developed and designed in accordance with the surface water design strategy as outlined in the submitted Drainage Assessment (Issue 2 August 2016) together with technical guidance contained in the SUDs Manual (by CIRIA, C753);
 - ii) be designed to manage storm water flows for storm events up to and including a 1 in 200-year flood event to be discharged after on-site attenuation at a controlled rate, not exceeding the greenfield run-off rate;
 - iii) include cross-sections and long-sections to confirm the area and depth of all required/proposed SUDS basin(s) or other sustainable drainage features where proposed, with finished levels related to existing ground levels and a fixed datum;
 - iv) include details to manage and mitigate any overland flows in the event of flood events or drainage failure in excess of the capacity of the SUDs design/installed drainage network and ensure that such flows are not directed towards existing or proposed development;
 - v) include details to connect and integrate surface water drainage arrangements from one area with another area for development for example, from SUDS features within Village Garden to SUDS features within Meadows North, etc.;
 - vi) details to integrate above ground/SUDs drainage features within public spaces (to include use of best practice to integrate blue and green infrastructure);
 - vii) details of integration of proposed drainage infrastructure for Phase 1 with future phases of development within Elgin South (and vice versa);
 - viii) confirm the adopting authority/authorities or in perpetuity body/bodies for all surface water drainage arrangements; and
 - ix) for Village Garden, the SUDs-based details for drainage within Village Core as shown on drawing ES (Village Garden)-ENG 009 are not approved and a revised scheme design shall be provided in accordance with the Condition 16 as set out above. In the event of the SUDs

based arrangements being located within the formal parkland area as shown on drawing EL44_SL_14-01 Rev J the drainage scheme shall be designed to minimise adverse impacts on the recreational, amenity and bio-diversity value of the site as an open space/landscaped park area for Village Core (as approved as part of formal decision notice 16/01244/APP).

- b) a construction surface water management plan, to include the location, design specifications and time-scale(s) for provision of all required/proposed temporary site construction SUDs in order to demonstrate that surface water run-off from the site will be managed and not increase the risk of flooding during the construction phase of the development (see also Condition 18).

Thereafter, the development shall be implemented in accordance with the approved scheme details and all approved surface water drainage arrangements shall be provided and made operational prior to first use and occupation of each area identified for residential development.

Reason - Details of the matters specified are insufficient and/or are lacking from the submitted particulars and to ensure an acceptable (and sustainable) form of development is provided and maintained and to provide for adequate protection from surface water run-off both during the operation and construction stages of the development.

- 17 For residential development within Village Garden, Village Core, Meadows North and Meadows East and as part of the development hereby approved:

- a) no part of the development including construction works and activities shall take place within 6m of any watercourse unless with the prior agreement of the Council, as Planning Authority in consultation with any relevant drainage authority, for example in relation to any proposed/required bridge crossing; and
- b) no development shall commence until details of a finalised site layout for the development (with land uses and flood extent overlay) have been submitted to and approved by the Council, as Planning Authority in consultation with SEPA to confirm that a 600mm (minimum) freeboard has been applied to all finished floor levels to development in the functional floodplain as defined/recommended in Table 15 of the Flood Risk Assessment (July 2016 by Kaya Consulting and included within application 16/01244/APP).

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

Reason - To protect people and property from risk of flooding in accordance with Scottish Planning Policy.

- 18 For residential development within Crescent North, South Glassgreen, Village Garden, Village Core, Meadows North and Meadows East, no development shall commence until a site-specific Construction Method Statement (CMS) has been submitted to and approved by the Council, as Planning Authority in consultation with SEPA, SNH and other agencies

where appropriate. The CMS shall address all pollution prevention and environmental management issues related to the development and:

- a) identify all risks and detailed pollution prevention measures, site management and mitigation measures for all elements potentially capable of giving rise to pollution and be supported by drawing(s) showing the location of construction management features, and include:
 - i) the locations and arrangements for storage of materials, machinery and equipment together with details of emergency procedures and pollution plans in response to spillage of fuels and chemicals, etc.;
 - ii) a site waste management plan to detail how waste will be minimised during construction, demonstrating that construction practices minimise use of raw materials and maximise use of secondary aggregates and recycled and renewable materials and that waste generated by the proposal is reduced and re-used and recycles where appropriate on the site;
 - iii) the location and design of all temporary site construction SUDs arrangements to protect the water environment including all measures to mitigate and guard against run-off from the site including run-off containing soil or sediment or other contaminants; and
 - iv) a Dust Management Plan (Air Quality Assessment (August 2016 refers).
- b) incorporate and include revisions to the Construction and Environmental Management Plan as currently submitted into the CMS to identify:
 - i) which protected species and sensitive habitats have been recorded within or are likely to use the site based on ecological surveys carried out to date;
 - ii) what mitigation measures will be put in place to minimise the impacts on the identified species/habitats;
 - iii) what contractors should do if they unexpectedly encounter a protected species; and
 - iv) who will be responsible for providing ecological advice to contractors.

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

Reason - In order to minimise the impacts of the development works upon the environment including requirements to protect species/habitats.

- 19 For residential development within Village Garden, Village Core, Meadows North and Meadows East, no development shall commence until the following have been submitted to and approved by the Council, as Planning Authority in consultation with SNH regarding:

- a) details to confirm the arrangements to undertake pre-construction surveys for all protected species recorded as using the site, to include the time-scale(s) for undertaking surveys and thereafter, the

- arrangements for reporting the results of the survey and where any survey identifies protected species using the site, the survey results shall identify all required/proposed measures to be implemented to mitigate the impact of the development upon any identified protected species;
- b) the arrangements to undertake watching briefs for protected species during construction works together with the procedures to be adopted to mitigate the protected species where encountered during construction works; and
- c) details to confirm all required/proposed measures to mitigate the impact of the development upon bat species.

Thereafter, the development shall be implemented in accordance with the approved protected species details including mitigation measures.

Reason - To ensure an acceptable form of development taking into account the need to afford protection to all protected species recorded as using the site.

20 For residential development within Crescent North, South Glassgreen, Village Garden, Village Core, Meadows North and Meadows East all landscape scheme arrangements shall be carried out in accordance with the submitted details including proposals to retain and/or remove existing trees, arrangements to protect existing and proposed landscape details before during and after construction activity, all new planting and the arrangements for maintenance of landscaping but prior to development commencing details regarding the following shall be submitted to and approved by the Council, as Planning Authority:

- a) planting specifications including the number, species, position, planting distances and sizes of all tree, shrub and hedgerow planting and seeding mix(es) to be provided to the open space/landscape area including the gardens and meadows (not allotments) to be provided along the southern boundary of Village Garden and within the approx. 70m wide communal open space/landscape area to be provided between the southern boundary of the site for the primary school and the access road extending westwards from Village Garden;
- b) details of the time-scale(s) for all proposed planting to be provided within residential development within Crescent North, South Glassgreen, Village Garden, Village Core, Meadows North and Meadows East; and
- c) details to include cross-sections and long-sections to describe the extent, area and height/depth of any resultant landscape feature together with finished levels related to existing ground levels and a fixed datum for all areas where earth moving, mounding and excavation is required/proposed to form landscape features, for example any raised mound feature within the landscaped area to be provided along the western (Birnie Road) boundary of Crescent North, etc.

Thereafter, the approved landscape details for the development shall be implemented in accordance with the approved landscape scheme details and maintained in accordance with the maintenance plan.

Reason - Details of matters specified are lacking from the submitted particulars and to ensure an acceptable form of development in interests of the character, appearance and amenity of the development and the surrounding area.

21 In regard to all areas of advance (structure) planting proposed within the development (drawing EL44_SL_22 Rev F refers):

a) for advance (structure) planting areas proposed in the western part of the site and located to the north and south of Crescent North and South Glassgreen,

- i) all advance (structure) planting details including time-scales for planting shall be carried out in accordance with the details already approved as part of formal decision notice 16/01244/APP dated 10 May 2018, and drawing EL44_SL_23 Rev F; and
- ii) in accordance the already approved details, all advance (structure) planting works shall be protected before during and after construction activity occurring on, or through, or in proximity to the advance (structure) planting areas as identified and no construction activity including site compounds and contractor car parking areas, building and engineering operations, storage of materials and equipment, etc. shall be located on or occur in proximity to the areas identified for advance (structure) planting.

and

b) notwithstanding the submitted details (including drawing EL44_SL_24 Rev D) and for advance structure planting areas proposed in the eastern part of the site and located to the north and east of Meadows North and Meadow East and, prior to development works commencing, details shall be submitted to and approved by the Council, as Planning Authority regarding:

- a) the time-scale(s) for undertaking all advance (structure) planting, to be referenced against the time-scale for commencing works on the adjacent areas for housing development within the site. All advance (structure) planting shall be undertaken at an early stage in the development of the site and in advance of construction works commencing within the adjoining areas to be developed for housing;
- b) a Management Plan for the long-term management and maintenance all advance (structure) planting areas; and
- c) the arrangements to protect all advance (structure) planting works before during and after construction activity occurring on, or through, or in proximity to the advance (structure) planting areas as identified and no construction activity including site compounds and contractor car parking areas, building and engineering operations, storage of materials and equipment, etc. shall be located on or occur in proximity to the areas identified for advance (structure) planting.

Thereafter, the development shall be implemented in accordance with the approved advance planting arrangements.

Reason - To ensure an acceptable form of development in the interests of

the character, appearance and amenity of the development and the surrounding area and allow for the earliest establishment of advance structure planting to provide a sense of visual containment to the development and help to realise the vision for Elgin South, including the setting of development.

- 22 In relation to the approved landscape scheme details approved and proposed for residential development within Crescent North, South Glassgreen, Village Garden, Village Core, Meadows North and Meadows East, all trees shrubs and hedge planting which within a period of 5 years from planting, die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, numbers and species unless with the prior written consent of the Council, as Planning Authority.

Reason - In order to ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the character, appearance and amenity of the development and the surrounding area.

- 23 No development shall commence within any sub-phase beyond Phase 1A (295 residential units plus Moray Sports Centre and (Linkwood) Primary School as defined on drawing EL44_SL_09 Rev L) until:

- a) details (which may include evidence from Transport Scotland) have been submitted to the Council, as Planning Authority to confirm that the Trunk Roads Authority has completed the upgrading and realignment of the A96 (T) Hardmuir to Fochabers section of the A96 Dualling programme;

OR

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

Reason - To ensure that the scale of development beyond Phase 1A is supported by a Transport Assessment, and to ensure that the scale and operation of the proposed development sub-phases beyond Phase 1A do not adversely affect the safe and efficient operation of the A96 trunk road network.

- 24 In terms of archaeological works within Phase 1:
- a) the arrangements for archaeological investigation at the Centre and in the western part of Phase 1 (for Crescent North and South Glassgreen) shall be undertaken in accordance with the details approved under formal decision notice 16/01244/APP dated 10 May 2018 including any details already approved thereunder as part of the discharge of conditions associated with that development; and
- b) for Village Garden, Village Core, Meadows East and Meadows North, no development shall commence until the developer has secured the implementation of a programme of archaeological works in accordance

with a written scheme of investigation which has been submitted to and approved by the Council, as Planning Authority in consultation with Aberdeenshire Council Archaeology Service. The required scheme details shall provide for an archaeological trial trenching evaluation of the site.

Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the agreement of the Council, as Planning Authority in consultation with Aberdeenshire Council Archaeology Service.

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

25 For residential development within Crescent North, South Glassgreen, Village Garden, Village Core, Meadows North and Meadows East, no development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Moray Access Manager regarding a detailed plan of public access across the site (existing, during construction and upon completion). The Public Access Plan shall:

- a) include supporting text to explain the rationale for all required/proposed foot and cycle access arrangements;
- b) identify all existing paths, tracks and rights of way and areas currently outwith or excluded from statutory access rights;
- c) identify any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures;
- d) identify all paths and tracks proposed for use by walkers and cyclists, to include links to the existing paths network beyond the site and identify which links will be improved to provide for safe active travel corridors to Elgin town centre, the River Lossie cycle path and strategic path corridors including aspirational routes in the emerging Moray Active Travel Strategy i.e. Core Path EG45 Linkwood Road to River Lossie cycle path via Reiket Lane, Core Path EG48 to Ashgrove Road then across railway line to Elgin town centre and EG47 through Dovecot Park to Moss Street; and existing Core Paths EG38 from Bilbohall to the Wards level crossing and EG39 from the Wards level crossing to the railway station;
- e) identify any required diversions of paths, temporary or permanent; and
- f) identify the time-scale(s) for the provision of all foot and cycle paths.

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

Reason - Details of matters as specified are lacking from the current submission and to ensure an acceptable form of development in the interests of public access for walkers and cyclists both through the development site and to further connect the site to the wider path and cycle networks.

26 No development with Meadows East and Meadows North shall commence

until details have been submitted to and approved by the Council, as Planning Authority in consultation with SEPA regarding an environmental improvement scheme for the Linkwood Burn in the eastern section of the development, to include measures for the protection and improvement to the water environment, including the status of the waterbody and to develop opportunities within the design of the open space area to create sufficient space for movement of the watercourse, enhance riparian vegetation, and offer bio-diversity, habitat enrichment and enhancement, public amenity and localised natural flood management benefits.

Thereafter, the development shall be carried out in accordance with the approved environmental improvement scheme.

Reason - To ensure an acceptable form of development including improvement of the waterbody and the surrounding environment.

- 27 Construction works associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0800 - 1900 hours, Monday to Friday and 0800 - 1300 hours on Saturdays only, and at no other times outwith these permitted hours (including National Holidays) shall construction works be undertaken except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited periods of construction works to be undertaken outwith the permitted/stated hours of working.

Reason - To minimise the impact of construction works upon the amenity of the surrounding area including any neighbouring residential property.

- 28 Excluding the Centre development and for residential development within Crescent North, South Glassgreen, Village Garden, Village Core, Meadows North and Meadows East no development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Environmental Health Manager regarding a detailed Construction Noise Impact Assessment which shall:

- a) be based upon (but not limited to) procedures for good practice and workmanship, and noise management and control as advocated within relevant BS:5228 codes of practice for noise and where necessary vibration;
- b) identify all noise management and mitigation measures (including noise and where necessary vibration monitoring programmes) to be adopted during construction works for the development of the site, to be based upon the appointed contractor's working practices and methods together with proposals to promote and establish community relations to address noise/vibration impacts at the closest neighbouring properties including arrangements and procedures/protocols for reporting, handling and responding to complaints regarding noise where so received; and
- c) unless otherwise agreed, construction noise criteria for the permitted construction hours above shall be in accordance with the BS 5228 ABC method detailed in Table 9 of the submitted Noise Impact Assessment (Rev 02, February 2017, by Arup as submitted as part of application 16/01244/APP).

Thereafter, the development shall be carried out in accordance with the approved assessment details including adoption of all measures to mitigate noise impact during construction of the development.

Reason - To minimise the impact of construction works upon the amenity of the surrounding area including any neighbouring residential property.

- 29 In respect of the use of any Class 3 and Class 10 development on the site, no development shall commence on the site until the following details have been submitted to and approved by the Council, as Planning Authority in consultation with the Environmental Health Manager:
- a) a noise impact assessment pursuant to Planning Advice Note PAN 1/2011 and the associated Technical Advice Note Assessment of Noise (TAN) detailing all noise sources associated with the development and all proposed/required noise management measures to be adopted to mitigate the impact of noise associated with the use of the premises; and
 - b) details of measures to suitably control cooking odours arising from use of the premises, including the installation and maintenance of any required/proposed ventilation and extraction system(s).

Thereafter, the noise and odour control arrangements shall be implemented in accordance with the approved details.

Reason - Details of the matters specified are lacking from the submission and to ensure an acceptable form of development in the interests of the amenity of the area including any neighbouring residential property.

- 30 In relation to the proposed installation of air source heat pumps to residential property:
- a) noise emissions associated with the air source heat pumps installed at all affordable housing located throughout the development shall not exceed the (sound pressure) levels stated in Figure D.12 and D.13 of the submitted Noise Impact Assessment (Rev 02, February 2017, by Arup, as submitted as part of application 16/01244/APP); and
 - b) noise emissions associated with air source heat pumps installed at all other (private) dwellings shall not exceed the (sound pressure) levels stated in the manufacturer's information brochure as provided for the proposed installation of the following heat pump units: Daikin Altherma Hybrid Heat Pump EVLQ 05CV3 and 08CV3; Daikin Monobloc 6kw - 8kw types EBHQ 006 BBV3 and EBHQ 008BBV3.

Reason -To ensure an acceptable form of development in the interests of the amenity to individual properties on which heat pumps are installed and upon any neighbouring residential property.

- 31 No development shall commence within Village Core (Phase 1 B) until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Environmental Health Manager regarding a noise impact assessment pursuant to Planning Advice Note PAN 1/2011 and the associated Technical Advice Note Assessment of Noise (TAN). The

Assessment shall identify the noise implications arising from the proximity of the proposed development to the existing gas transmission station and all required/proposed measures to property within Village Core to mitigate the impact of noise arising from the station. The assessment findings shall be reported in terms of BS 4142: 2014 Methods for rating and assessing industrial and commercial sound.

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

Reason -To ensure an acceptable form of development in the interests of the amenity of the proposed development and the surrounding area.

- 32 For residential development located along Linkwood road (within Village Gardens, Village Core and Meadows North), no development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Environmental Health Manager regarding a suitable mitigation plan for outdoor amenity areas of residential properties predicted to experience unmitigated external road traffic daytime noise levels over a sound pressure level of $L_{Aeq, 16\text{ hour}}$ 55 dB, as highlighted in Chapter 8.2 of the submitted Noise Impact Assessment (Rev 02, February 2017, by Arup as submitted with application 16/01244/APP). The plan shall include the location, design specifications and times-scale for delivery of all proposed measures to mitigate noise impact.

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

Reason - Details of the proposed mitigation measures to be adopted are lacking from the submitted particulars and to ensure an acceptable form of development in the interests of the amenity of the development and the surrounding area.

- 33 In relation to any proposed use of any identified premises for Class 1, 2 or 4 development:
- a) noise emissions between the daytime period of 0700 to 2300 hours shall not exceed Noise Rating Curve (NR) 25, as determined within a living apartment of the nearest noise sensitive property with the external window moderately ajar. This limit would apply and be determined over a 1-hour duration within any daytime period; and
 - b) noise emissions between the night time of 2300 to 0700 hours shall not exceed Noise Rating Curve (NR) 20, as determined within the bedroom of the nearest noise sensitive property with the external window moderately open. This limit would apply and be determined over a five minute duration within any night time period.

Reason - In order to minimise the impact of the operation of the use of premises as identified for development upon the amenity of adjoining residents.

- 34 Notwithstanding the submitted details, no development shall commence until the following has been submitted to and approved in writing by the Council,

as Planning Authority in consultation with the Roads Authority and where appropriate, the Head of Housing & Property:

- i) drawing(s) (scale 1:2000 minimum) showing the position of bus stops and 400 metre walking isochrones within all character areas of the development and on the adjacent public roads;
- ii) drawing(s) (scale 1:500 minimum) showing:
 - a) positions of bus stops and bus stop infrastructure (shelters and flags);
 - b) widening of bends on all bus routes to enable buses to pass each other without conflict, excluding locations where traffic calming measures are to be provided; and
- iii) timescales for the delivery of all bus stop infrastructure within each area proposed for development and on the adjacent public roads.

Thereafter, the bus stops and infrastructure shall be provided in accordance with the approved details and agreed timescales.

Reason - To ensure the satisfactory provision of public transport infrastructure through the provision of details currently lacking and/or incorrectly shown on the submitted particulars to date.

- 35 Prior to first use or occupation of the Centre, or the (Linkwood) Primary School (located to west of Village Garden) or first dwelling accessed via Linkwood Road, whichever is sooner, the following shall be provided in accordance with the details and timescale as approved under Condition 36 of formal decision notice 16/01244/APP dated 10 May 2018:

- i) a new pedestrian and cycle bridge crossing of the Linkwood Burn; and
- ii) a continuous 6.0m wide carriageway and a pedestrian and cycle shared use path on the eastern side of the road side from the Linkwood bridge to the junction with Reiket Lane bridge and improvements to Linkwood Road.

Reason - To ensure acceptable infrastructure is provided to access the development by foot, cycle, vehicle and public transport in the interests of road safety, through the provision of details currently lacking from the submission.

- 36 During the replacement of the crossing(s) over the Linkwood Burn, and for any part of the development accessed from Linkwood Road, the proposed route of an alternative access to the development character areas accessed via Linkwood Road to be utilised by all traffic (including emergency services) shall be provided in accordance with the details and timescale as approved under Condition 37 of formal decision notice 16/01244/APP dated 10 May 2018:

Reason - To ensure an acceptable alternative means of access to the development during the replacement of the bridge crossing(s) over Linkwood Burn for pedestrians, cyclists, vehicles, public transport and emergency services in the interest of road safety.

- 37 Prior to the commencement of the 216th dwelling (houses and/or flats/apartments) accessed from Linkwood Road a detailed drawing (scale

1:500) shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority showing the location, design specifications and timescale for the delivery of an alternative access route to the development character areas accessed via Linkwood Road to be utilised by all traffic (including emergency services), together with the separate arrangements for access for pedestrians and cyclists, to be provided at all times during the replacement of the crossing(s) over the Linkwood Burn.

Thereafter, the alternative access route shall be provided in accordance with the approved details and agreed timescale.

Reason - To ensure an acceptable alternative means of access to the development during the replacement of the bridge crossing(s) over Linkwood Burn for pedestrians, cyclists, vehicles, public transport and emergency services in the interest of road safety, through the provision of information currently lacking from the submission.

38 Prior to work commencing or within one year of commencement of any part of the development, the following shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority:

- i) a detailed drawing (scale 1:500) showing the location, design specifications of replacement bridge crossing(s) of the Linkwood Burn which provides for a minimum 6.0m wide vehicular carriageway with 3.0m wide pedestrian and cycle shared use paths on both sides of the bridge crossing;
- ii) a detailed drawing (scale 1:500) showing the location, design specifications for a continuous 6.0m wide carriageway and pedestrian and cycle shared use paths on both sides of Linkwood Road from and including the new bridge over the Linkwood Burn to the junction with Reiket Lane to the north; and
- iii) details of all changes/modifications to the design, to be informed by a Stage 1/2 Road Safety Audit (RSA), for the improvements to Linkwood Road.

Thereafter and prior to the commencement of the 476th dwelling (houses and/or flats/apartments) to be accessed via Linkwood Road, the replacement bridge and improvements to Linkwood Road shall be provided in accordance with the approved details.

Reason - To ensure that the road improvement works and replacement bridge are designed to an appropriate standard and to ensure the provision of a safe and suitable access, including for pedestrians and cyclists, to the development in the interest of road safety, through the provision of information currently lacking from the submission.

39 No development shall commence until a Travel Plan, which sets out proposals for reducing dependency on the private car for the commercial development, including the Sports Centre, has been submitted to, and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The Travel Plan shall include:

- a) measures for the provision of bus services to serve the site, including

- the extension/enhancement of any existing services, and associated financial contributions;
- b) measures for encouraging staff and customers to travel by foot or cycle, including the provision of cycle storage and secure lockers for equipment;
- c) details for the management, monitoring, reviewing and reporting of these measures; and
- d) details of the duration of the Travel Plan.

The approved Travel Plan shall thereafter be implemented from the date of first occupation of any commercial part of the development, including the Sports Centre.

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

- 40 No development shall commence until a Travel Information Pack, which sets out opportunities for travel by foot, cycle and public transport, has been submitted to, and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The Travel Information Pack shall include:

- a) information on routes for pedestrians and cyclists to access local facilities;
- b) information on the provision of bus services serving the development;
- c) details of how to access personal Travel Planning and of incentives to travel by foot, cycle and public transport; and
- d) details of the programme for updating the Travel Information Pack as the development progress, to be carried out annually.

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

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

- 41 Except for development occurring within Phase 1A (including South Glassgreen (50 affordable dwellings), prior to the commencement of any part of the development accessed from the A941 Elgin to Dufftown Road, the following shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority:

- i) a detailed drawing (scale 1:500) showing the location, design specifications and timescale for delivery of the access to the development on the A941 including the proposed design speed, visibility splay requirements and junction type; and
- ii) details of all changes/modifications to the design, to be informed by a Stage 1/2 Road Safety Audit (RSA) for the proposed junction, and any other works proposed on the A941 e.g. bus laybys and pedestrian crossings.

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

timescales.

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

- 42 Prior to the commencement of the 51st dwelling (houses and/or flats/apartments) within the area proposed for development at South Glassgreen, the internal road network for that area shall be connected to the road network of adjacent development to the north of the site and made available for use by all vehicles, pedestrians and cyclists.

Reason - To ensure an acceptable alternative means of access to the development, including for the emergency services.

- 43 Prior to the commencement of any part of the development accessed from the C2E Elgin - Birnie Road, the following shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority:

- i) a detailed drawing (scale 1:500) showing the location, design specifications and timescale for delivery of road widening of Birnie Road to 6.0m (minimum) over the full length of the development frontage onto Birnie Road together with a 2.0m wide verge on the west side of the road and a 3.0m wide pedestrian and cycle shared use path on the east side connecting into the existing pedestrian/cycle network to the north;
- ii) a detailed drawing (scale 1:500) showing the location, design specifications and timescale for delivery of the access to the development on Birnie Road including the design speed, visibility splay requirements and junction type; and
- iii) details of all changes/modifications to the design, to be informed by a Stage 1/2 Road Safety Audit (RSA), for the proposed junction and, any other works proposed on Birnie Road e.g. pedestrian crossings.

Thereafter, the development access and improvements to Birnie Road shall be provided in accordance with the approved details and within the agreed timescales.

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

- 44 Prior to the commencement of the 51st dwelling (houses and/or flats/apartments) within the area proposed for development at Crescent North,

- i) the internal pedestrian and cycle path networks for that area shall be connected to the path and cycle networks within the adjacent development to the north of the site and made available for use; and
- ii) an emergency access shall be provided onto Birnie Road (drawing EL44_CN_04 Rev G.

Reason -To ensure an acceptable alternative means of access to the

development, including for the emergency services.

- 45 For Crescent North and notwithstanding the details on drawings EL44_CN_02 Rev G, EL44_CN_04 Rev G and EL44_CN_MC_01 Rev A, no development shall commence until the following have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority and where appropriate, the Head of Housing & Property:
- a) a detailed Plan (1:500 minimum) shall be provided showing the proposed connection at the northern end of the ramped path and a direct crossing of the track to the path network within the development to the north; and
 - b) provision of a continuous 3m wide cycle path which shall be provided adjacent to Birnie Road (as shown on drawing EL44_CN_L_01 Rev B and connected to the existing cycle path network on the east side of Birnie Road to the north of the development along the southwestern boundary of the landscape area to the south of Plot 6.

Thereafter, and prior to first occupation or completion of building works, whichever is the sooner, for the 1st house within Crescent North the following shall be provided in accordance with the approved details and made open and available for use:

- a) the path connection from Crescent North to the development to the north; and
- b) the 3m wide cycle path adjacent to Birnie Road.

Reason - To ensure an acceptable infrastructure is provided in the interests of sustainable transport and the provision of non-vehicular access to the development together with the required provision of details currently lacking from the submitted particulars.

- 46 For Meadows North and notwithstanding the details on drawings EL44_MN_02 Rev E, EL44_MN_04 Rev E and EL44_MN_06 Rev F, no development shall commence until the following details, including drawing(s) (scale 1:500 minimum) and timescales for the delivery, have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority and where appropriate, the Head of Housing & Property:
- a) references to Informal 'Mown' Footpaths as identified on drawing EL44_MN_04 Rev E between plots 100 and 103, 72 and 73, and Plot 48 to the cycle path to the west to be removed and replaced with a '2m wide compacted or bound surface, footpath' (and the revised details shall supersede all others for these paths);
 - b) plot boundaries 86-93 to be set back behind the 43m forward visibility line;
 - c) vehicle swept path analysis for car/car, car/refuse, car/bus and bus/bus for all 'linking streets' and 'local streets' within Meadows North; and
 - d) the extension of the 5.5m road width on the road located between plots 68 and 94 from its junction with road fronting Plots 68 and 94 to provide sufficient length to accommodate a refuse vehicle clear of the junction.

Thereafter, the road widening identified through the swept path analysis to accommodate vehicle movements and the road widening, road extension, footpaths and forward visibility shall be provided and maintained in

accordance with the approved details and agreed timescales.

Reason - To ensure acceptable infrastructure is provided within this character area to cater for movements by foot including ambulant disabled persons, cycle, vehicle and public transport through the provision of details currently lacking and/or incorrectly shown on the submitted particulars to date.

- 47 For Village Core and notwithstanding the details on drawings EL44_VC_02 Rev E, EL44_VC_04 Rev E, and EL44_VC_06 Rev F, no development shall commence until the following details, including drawing(s) (scale 1:500 minimum) and timescales for delivery, have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority and where appropriate, the Head of Housing & Property:

- a) relocation of the bin storage area on the southern side of the private access between plots 19-22 and 23 to a position to the rear of the access visibility splay;
- b) vehicle swept path analysis for car/car, car/refuse, car/bus and bus/bus for all 'linking streets' and 'local streets' within Village Core;
- c) provision of a continuous footway on at least one side of the road between plots 30 and 44;
- d) widening of road between plots 19-22 and 176-177 to 5.5m, to allow sufficient width for a car and refuse vehicle to pass at the junction with the road fronting plots 19-22 and 176-177; and
- e) widening of the 4.1m wide approaches to 5.5m at the junction of the road fronting plots 152-155 and the road fronting plot 29 to enable a car and refuse vehicle to pass.

Thereafter, the road widening identified through the swept path analysis to accommodate vehicle movements, the bin storage area, footways and road widening shall be provided and maintained in accordance with the approved details and agreed timescales.

Reason - To ensure acceptable infrastructure is provided within this character area to cater for movements by foot, cycle, vehicle and public transport through the provision of details currently lacking and/or incorrectly shown on the submitted particulars to date.

- 48 For Meadows East and notwithstanding the details on drawings EL44_ME_04 Rev C and EL44_ME_06 Rev D, no development shall commence until the following details, including drawing(s) (scale 1:500 minimum) and timescales for delivery, has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority and where appropriate, the Head of Housing & Property:

- a) references to Informal 'Mown' Footpaths as identified on drawing EL44_ME_04 Rev E between plots 163 and 175, on the eastern side of plot 164, between plot 157 and the cycle path to the north of the SUDs infrastructure and to the end of the private driveway serving plot 156, between plot 69 to the cycle path to the east, and between plot 10 and the turning facility to the east, to be removed and replaced with '2 metre wide compacted or bound surface, footpath' (and these revised details shall supersede all others for these paths);

- b) vehicle swept path analysis for car/car, car/refuse, car/bus and bus/bus for all 'linking streets' and 'local streets' within Meadows East;
- c) provision of a continuous 2m wide footway on the north side of the grass open space between plots 193, 148 and 195;
- d) extension of 3m wide cycle path on south side of play area from plot 142 to the end of the turning head;
- e) extension of 2m wide footpath across the accesses to plots 73/74 and 69-72 to link with cycle path on north side of play area;
- f) provision of a 2m wide path across the entrance of the private driveway serving plots 175-180;
- g) provision of a 2m wide footway or verge along road frontages of plot 168;
- h) extension of 3m wide cycle path southwards along frontage of plots 33-36 and 37-40 to junction with Linking Street serving plots 84-91; and
- i) widening of road between plots 50 and 57 to 5.5m, on the approach to and through the bend to allow sufficient width for vehicles to pass (car and refuse on the approach to the bend, car and car at the bend).

Thereafter, the road widening identified through the swept path analysis to accommodate vehicle movements and the footpaths, footways, cycle path and road widening shall be provided and maintained in accordance with the approved details and agreed timescales.

Reason - To ensure acceptable infrastructure is provided within this character area to cater for movements by foot, including ambulant disabled persons, cycle, vehicle and public transport through the provision of details currently lacking and/or incorrectly shown on the submitted particulars to date.

- 49 For Village Garden and notwithstanding the details on drawings EL44_VG_04 Rev G and EL44_VG_06 Rev H, no development shall commence until the following details, including drawing(s) (scale 1:500 minimum) and timescale for delivery, have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority and where appropriate, the Head of Housing & Property:

- a) a 2m wide footpath on the northern side of Plots 22 – 29 and the northern side of Plot 12 to provide a continuous route (which a crossing of the housing road) for pedestrians between the proposed footway to the west of Plots 22 - 25 and the cycle path to the north of Plot 12;
- b) a 2m wide footpath between the parking bays of plots 6 and 7, and a crossing of the internal road to link the footway to the east of Plot 35 with the footway in front of Plots 6 and 7;
- c) reduction in the cycle path width between Plots 50 and 51 by providing a consistent 3m wide path around the bend.

Thereafter, the proposals shall be provided and maintained in accordance with the approved details and agreed timescales.

Reason - To ensure acceptable infrastructure is provided within this character area to cater for movements by foot, cycle, vehicle and public transport through the provision of details currently lacking and/or incorrectly shown on the submitted particulars to date.

50 For South Glassgreen and notwithstanding the details on drawings EL44_SG_02 Rev K, EL44_SG_03 Rev K, EL44_SG_04 Rev I and EL44_SG_06 Rev H, EL44_SGG_L_01 Rev C, EL44_SGG_MC_01 Rev A, no development shall commence until the following details, including drawing(s) (scale 1:500 minimum) and timescales for delivery, have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority and where appropriate, the Head of Housing & Property:

- a) the junction design for the proposed access from the A941 including provision for pedestrian access to southbound bus stop; and
- b) vehicle swept path analysis for car/car, car/refuse, car/bus and bus/bus.

Thereafter, the road widening identified through the swept path analysis to accommodate vehicle movements and the pedestrian access to the southbound bus stop shall be provided and maintained in accordance with the approved details and agreed timescales.

Reason - To ensure acceptable infrastructure is provided within this character area to cater for movements by foot, cycle, vehicle and public transport through the provision of details currently lacking and/or incorrectly shown on the submitted particulars to date.

51 No works shall commence on any area proposed for development until a Construction Traffic Management Plan for the respective area has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include the following information:

- duration of works;
- construction programme;
- number of vehicle movements (i.e. materials, plant, staff, components);
- anticipated schedule for delivery of materials and plant;
- full details of any temporary construction access;
- full details of construction traffic routes from the A941 and A96 to the site, including any proposals for temporary haul routes and routes to be used for the disposal of any materials from the site;
- measures to be put in place to prevent material being deposited on 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
- parking provision, loading and unloading areas for construction traffic.

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

As part of the requirements for a Construction Traffic Management Plan, for South Glassgreen, the location and layout of the contractor's car park and construction compound and laydown areas as shown on drawing ES (South Glassgreen) Eng-009 is not approved.

Reason - To ensure an acceptable form of development in terms of the arrangements to manage traffic during construction works at the site, road safety and the amenity of the area/adjacent properties. The current arrangements for South Glassgreen are unacceptable being located within an area identified and approved for advance (structure) planting (and conflict with the requirements of Condition 21 above.

52 No development shall commence on any area proposed for development until details have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority regarding the formation of any required/proposed construction access(es) (which includes any temporary access(es) to the area proposed for development from any public road. The details shall include:

- a) a drawing (scale 1:500 minimum) regarding the location and design specifications of the proposed access(es);
- b) specification of the materials used for the construction access(es);
- c) all traffic management measures required to ensure safe operation of the construction access(es);
- d) details including materials for the reinstatement of any temporary construction access(es); and
- e) details regarding the timescale for the opening up and closure of any temporary access(es) together with the time-period over which the temporary access(es) will be used.

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

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

53 No boundary fences, hedges, walls or any other obstruction whatsoever over 1.0m in height and fronting onto the public road shall be within 2.4m of the edge of the carriageway, 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, in the interests of road safety for the proposed development and other road users.

54 No fences, planting/hedges, walls or any other obstruction whatsoever over 0.6m measured from the level of the public carriageway shall be permitted within the 'forward visibility' areas or visibility splays crossing plot boundaries within all areas of the residential development, unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority.

Reason - To enable drivers of vehicles to have an acceptable clear forward visibility, in the interests of road safety for the proposed development and other road users.

55 Parking provision shall be provided, and made available and thereafter be

maintained for use at all times at the following level(s) of provision:

Private Housing:

- up to 3 bedrooms - 2 spaces.
- 4 or more bedrooms - 3 spaces.

Private Flats:

- up to 2 bedrooms - 1.5 spaces per flat.
- cycle parking at a rate of 2 stand/locker plus 1 stand per 20 flats.

Affordable Housing:

- up to 2 bedrooms - 1 space.
- 3 or more bedrooms - 2 spaces.
- cycle parking at a rate of 2 stand/locker plus 1 stand per 20 flats.

Sports Centre:

- 240 spaces (as proposed).
- 23 disabled spaces (as proposed).
- a minimum of 3 parking spaces shall be dedicated as electric car charging points, including provision of associated charging infrastructure.
- cycle parking provision at a minimum rate of 2 stands plus 1 additional stand per 50 seats.

Village Core:

- cycle parking provision for commercial uses at a minimum rate of 2 stands plus 1 additional stand for per 500sqm.

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

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

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

- 57 Driveways over service verges shall be constructed to accommodate vehicles and shall be surfaced with bituminous macadam.

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

- 58 For any part of the development accessed from Linkwood Road, the following shall be provided in accordance with the details and timescales as approved under Condition 59 of formal decision notice 16/01244/APP dated 10 May 2018:

- i) the 6.0m wide carriageway with 3.0m wide pedestrian and cycle

- shared use paths on both sides of Linkwood Road from the Linkwood bridge south to beyond the southernmost access to the development;
- ii) the accesses to the development on Linkwood Road; and
- iii) the proposed road improvements and access junctions onto Linkwood Road from the southernmost extent of any proposed works to the junction with Reiket Lane.

Reason - To ensure acceptable infrastructure is provided to access the development by foot, cycle, vehicle and public transport through the provision of details currently lacking and/or incorrectly shown on the submitted particulars to date.

Reason(s) for Decision

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

Planning permission has already been granted for a Phase 1 development at Elgin South to include 870 dwellings, neighbourhood uses, sites for two primary schools and a Moray Sports Centre subject to planning conditions and a legal agreement regarding planning obligations

By seeking to vary a condition of that development, this application seeks to maintain the overall parameters and provisions of the current permission whilst promoting a revised form of development including amended phasing design and site layout arrangements. Whilst maintaining the provision for 870 dwellings overall, and for 295 dwellings within Phase 1A, the proposed adjustment in the locations of development within Phase 1A will facilitate early but increased delivery of housing in the western part of the site within the Crescent North and South Glassgreen character areas, including delivery of 50 affordable dwellings. The location and number of dwellings within successive phases of the development will be rebalanced, in part also addressing requirements to safeguard development in proximity to a high-pressure gas pipeline. The latter will result in a loss of housing from Village Garden but this will be re-located into Village Core and Meadows East character areas. The latest application also includes revisions to the mix of housing including amended design and site layout arrangements. The proposed variation does not impact upon the arrangements to deliver the Moray Sports Centre and the two sites for primary schools.

The proposed variation of Condition 1 of application 16/01244/APP is considered acceptable and remains acceptable, in accordance with the terms and conditions of the current permission and as a significant departure from the development plan. It will result in limited but not significant changes in the overall character and appearance of the Phase 1 development approved within Elgin South when compared with application 16/01244/APP.

Subject to conditions as recommended and modification of the existing agreement regarding developer obligations, the development as now proposed is acceptable, accords with planning policy and respects the Elgin South Masterplan, and can be achieved without unacceptable or significant adverse natural and build environmental impacts and there are no material considerations that indicate otherwise.

List of Informatives:

THE BUILDING STANDARDS MANAGER, has commented that:-

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

MANAGER (DEVELOPMENT MANAGEMENT) has commented that:-

The development is subject to a modified legal agreement (under Section 75A of the 1997 Planning Act), following a formal application (18/01603/S75) to modify the terms of the existing agreement for application 16/01244/APP. The modified agreement relates to developer obligations pursuant to development progressed under applications 16/01244/APP and 18/01209/APP in regard to the arrangements for developer obligations towards provision of primary and secondary education and healthcare facilities, alternative arrangement to provide sports pitches at Moray Sports Centre and requirements to transfer of ownership of the primary school sites to Moray Council and for Linkwood Primary School, provision of a 'serviced' site.

In relation to accessible housing condition, subject to the following requirements at all times being provided, no other internal alterations would require the prior approval of the Council as Planning Authority:

- Hallways - minimum 1200mm wide.
- Door frames - minimum 926mm wide door leaf, giving a clear width of 870mm.
- Bathroom/wet rooms to be retained on ground floor - 1500mm wheelchair turning circle required.

The permission as hereby granted relates solely to the location and intended use of the two sites as identified for primary school education purposes. Details regarding the design and site layout arrangements to provide a school facility within each site will require to be the subject of a separate application for planning permission. A separate application has already been granted for the Linkwood Primary School (formal decision notice 17/01422/APP refers including details thereunder to discharge conditions attached to that permission.

With regard to the proposed non-residential units/buildings as hereby approved and for proposals to implement the approved uses, and before undertaking any alterations, details to change and/or alter the external appearance of the units beyond that approved within this permission including, for example, window and door arrangements or the installation of additional plant and machinery (for example, for required ventilation/extraction purposes in relation to any Class 3 use) etc. must be submitted to the Council, as Planning Authority to establish the requirements for planning permission and other related consents including advertisement consent, etc.

For the avoidance of doubt, no part of the permission as granted confers acceptance (nor should it be so construed) of the "Future Phase" extension of

the Centre and car parking areas. Any such expansion of the Centre will require to be the subject of a separate application for planning permission.

Additional informatives as received from the Moray Flood Risk Management, Environmental Health Manager and the Environmental Protection Manager and appended to formal decision notice 16/01244/APP are hereby re-iterated

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

No new Transport Assessment was submitted with the current application and this application is therefore considered on the same basis as the previous consent.

The following drawings submitted showing vehicle swept path analysis and road layouts are not approved:

ES (Village Garden)-ENG-001-E

ES (Village Garden)-ENG-008

ES (Village Garden)-ENG-007

ES (Village Garden)-ENG-009

ES (South Glassgreen) ENG-009* (*Please note there are two different drawings with the same drawing number and ENG-008 drawing number 2 of 4, appears to be missing)

ES (South Glassgreen)-ENG013

ES (South Glassgreen)-ENG010 (There are two ENG-010 files with different information)

The relocation of driveways and parking provision, and the provision of boundary fences for affordable housing plots shall take into consideration Moray Council Housing and Property requirements in terms of plot size and layout arrangements for the provision of such accommodation.

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 road.maint@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.

A permanent traffic counter (loop type) and cabinet shall be provided by the developer at a location to be agreed with Transportation in proximity to the bridge over the Linkwood Burn, to enable the monitoring of traffic flows over the bridge during the period that one-way operation is proposed.

A Road Safety Audit for the modifications to the existing public road (including Linkwood Road improvements, Birnie Road improvements and the proposed site accesses onto Birnie Road, the A941 and Linkwood Road) will also be required as part of the Roads Construction Consent.

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

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 Section 56 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road.

For garage parking to be included as part of the parking provision the applicant must demonstrate the garages car parking spaces have minimum clear internal dimensions not less than 3 metres by 7 metres.

Private Roads - A responsible party, constituting the road manager, must be nominated for a private road and this information included within the National Gazetteer through the Scottish Road Works Register (SRWR).

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

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

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

THE SCOTTISH ENVIRONMENT PROTECTION AGENCY has commented that:-

See consultation response dated 27 September 2017 in relation to regulatory advice for the applicant wherein a Controlled Activities Regulations (CAR) construction site licence will be required to manage surface water run-off from a construction site, including access tracks and as site design may be affected by pollution prevention requirements, the applicant is strongly encouraged to engage in pre-CAR application discussions with the SEPA regulatory services team. Below identified thresholds, the applicant will need to comply with CAR requirements with all reasonable steps taken to ensure that discharge does not result in pollution of the water environment, and details of how this is achieved may be required through a planning condition.

Details of regulatory requirements and good practice advice is available from SEPA (via website or local office).

ABERDEEN ARCHAEOLOGY SERVICE has commented that:-

The archaeological written scheme of investigation (WSI) should include details about how recording and recovery of archaeological resources found within the application site shall be undertaken, and how updates to the written scheme of investigation will be provided, if required, throughout implementation of archaeological works programme. Should the works reveal the need for post excavation analysis, the development 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/approved, with the PERD carried out in accordance with the approved details.

Some archaeological work has already been undertaken at the site but large areas across the site still require investigation. Whilst a WSI has been submitted previously, the programme of works can be undertaken across the site as a whole, in advance of development, as a single piece of work, or by area/phase in line with any proposed phasing timetable. If a phased approach is undertaken, the works would be discharged in these phases with the condition remaining in place until all works are complete. When archaeological work is carried out on site, the review can be phase by phase or area by area based on the results of executed work.

SCOTTISH GAS NETWORKS (SGN) has commented that:-

See consultation response dated 12 November 2018 wherein objection to the development is withdrawn subject to condition that new roads will not cross the pipeline. Any future amendments may affect the pipeline (including finished ground levels, planting of trees, and construction of paths within the pipeline servitude strip) and requirements on working within the vicinity of the high-pressure pipeline must be discussed with, and approved by, SGN prior to commencement of work.

Excavations, stockpiling of material, vehicles crossing over the top of the pipeline, drilling, piling and the siting of temporary structures of cabins and containers are activities that can have an effect. This list is not exhaustive and SGN advice should be sought if in doubt. Should the extent or design of the permission be amended, SGN may require further consultation with the applicant. The developer has consulted with SGN and agreed working methods necessary to safeguard the security of the pipeline.

SCOTTISH & SOUTHERN ELECTRICITY NETWORKS has commented that:-

There are high voltage overhead lines within the proposed development area. In relation to SSE's apparatus and when working in the vicinity of overhead lines, the developer should refer to Health and Safety Guidance Note GS6 and if any SSE apparatus requires to be diverted or moved in connection with the development, the cost will be borne by the applicant.

SCOTTISH WATER has commented that: -

See consultation response dated 13 November 2017 including comments that further investigation may be required once a formal application has been submitted to Scottish Water who are unable to reserve capacity within the existing water and/or waste water treatment works for this development and that the availability of capacity will be reviewed once a formal connection application is submitted after full planning permission has been granted. According to records the proposal will impact on existing asset infrastructure within the boundary and any potential conflicts should be identified by the developer as this may place restrictions on proximity of construction. The response also includes information on Scottish Water infrastructure located within the site boundary, surface water, general notes and next steps information for the applicant's information and attention.

**DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL,
AS AGREED WITH APPLICANT (S.32A of 1997 ACT)**

Amended design and site layout details

**DETAILS WHERE DIFFERENT TIME-PERIOD(S) FOR DURATION OF PLANNING
PERMISSION IMPOSED (S.58/59 of 1997 ACT)**

N/A

TERMS OF S.75 AGREEMENT RELATING TO THIS APPLICATION

The terms, or summary of terms of the Agreement can be inspected at:-

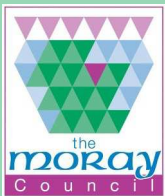
The Moray Council, High Street, Elgin IV30 9BX
or at <http://public.moray.gov.uk/eplanning/>
(and at “Search” insert application reference 16/01244/APP)

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version No.	Title/Description
EL44 SL 22	F	Advanced structure planting
EL44 SL 23	F	Advanced structure planting - Glassgreen
EL44 SL 24	D	Advanced structure planting - East
EL44 SL 14-01	D	Linkwood Road (North)
EL44 SL 14-01	J	Linkwood Road
EL44 SL 14-02	F	Linkwood Road (South)
EL44 SL 15	M	HSE Pipeline offsets
EL44 VC 02	E	Village Core- general layout
EL 44 VC 03	G	Village Core Housing mix
EL44 VC 04	E	Village Core road hierarchy
EL44 VC 05	F	Village Core external finish
EL44 VC 06	F	Village Core Open and Green Spaces
EL44 VC 07	E	Village Core Use Class
EL44 VC 12	A	Village Core Remix layout
EL44 CN 02	G	Crescent North General Layout
EL44 CN 03	H	Crescent North Housing mix
EL44 CN 04	G	Crescent North Roads Hierarchy
EL44 CN 10	C	Crescent North remix layout shown as approved
EL44 CN_L_01	B	Crescent North landscape layout
EL44 CN MC 01A		Crescent North material conditions
EL44 MN 02	E	Meadows North general layout
EL44 MN 03	F	Meadows North housing mix
EL44 MN 04	E	Meadows North Road hierarchy
EL44 MN 05	F	Meadows North external finish
EL44 MN 06	F	Meadows North open and green spaces
EL44 SG 02	K	South Glassgreen layout
EL44 SG 03	K	South Glassgreen Housing mix
EL44 SG 04	I	South Glassgreen roads hierarchy
EL44 SG 10	D	South Glassgreen remix layout approved layout
EL44 SGG MC_01	A	South Glassgreen material conditions
EL44 SGG_L_01	C	South Glassgreen detailed landscaping
EL44 SL 31	D	Overall house numbers

EL44 SL 04	J	Overall numbers
EL44 SL 05	J	Character Areas plan
EL44 SL 06	L	Affordable and Commercial locations
EL44 SL 07	J	Roads hierarchy
EL44 SL 08	L	Open and greens spaces
EL44 SL 09	L	Phasing plan
EL44 SL 11	H	Location of parking spaces
EL44 SL 12	H	Location for accessible housing
		Crescent North - FFL
		Daikin Altherma Hybrid Heat Pump
		Daikin Althermasmall monoblock AWHP
		Multi Play equipment
		Phase 1 - Housing number/phasing
		Play equipment
		Traditional equipment
1104DT(AS)901	B	Lauder - elevations and floor plans
1104DT(OP)901		Lauder (OP) - elevations and floor plans
1339DT(--)901		Braemar (OP) - elevations and floor plans
1339DT(--)901	F	Braemar - elevations and floor plans
EL44 ASP_01		Advanced Structure planting outline scheme
EL44_BIN_01		Bin store details and layout
EL44_CN_00	G	Crescent North - Location plan
EL44_CN_07		Crescent North - visual representation
EL44_MC_00	B	Materials and Character areas
EL44_ME_00	G	Meadows East - location plan
EL44_ME_02	C	Meadows East - boundary treatments
EL44_ME_03	C	Meadows East - housing mix
EL44_ME_04	C	Meadows East - roads hierarchy
EL44_ME_06	D	Meadows East- open space and green space
EL44_ME_07		Meadows East- visual representation
EL44_ME_09		Meadows East - remixed layout showing as approved
EL44_MN_00	G	Meadows North - location plan
EL44_MN_07		Meadows North - visual representation
EL44_MN_L_01		Meadows North - landscaping layout
EL44_MN_MC_01		Meadows North - material conditions
EL44_SG_00	G	South Glassgreen - location plan
EL44_SG_07	H	South Glassgreen - use class layout
EL44_SG_08		South Glassgreen - visual representation
EL44_SL_01		Location plan
EL44_SL_33		Tree protection plan
EL44_VC_10		Village Core - visual representation
EL44_VC_00	G	Village Core - location plan

EL44_VC_08	Village Core East - visual representation
EL44_VC_09	Village Core East - visual representation
EL44_VG_00 G	Village Garden - location plan
EL44_VG_02 I	Village Garden - boundary treatments
EL44_VG_03 I	Village Garden - Housing mix (showing as approved)
EL44_VG_04 G	Village Gardens- roads hierarchy
EL44_VG_06 H	Village Garden - open space and green space
EL44_VG_07 G	Village Garden - use class layout
EL44_VG_08	Village Garden - visual representation
EL44_VG_11	Village Garden - housing mix
EL44_VG_L-01	Village Garden - landscaping layout
EL44_VG_MC_01	Village Garden - material conditions
ES(CRESCENT NORTH)-ENG-0-1	Crescent North roads layout
ES(CRESCENT-NORTH)-ENG-007	Crescent North - site design layout sheet 1 of 2
ES(CRESCENT-NORTH)-ENG-008	Crescent North - site design layout sheet 2 of 2
ES(CRESCENT-NORTH)-ENG-010	South Glassgreen - site design layout sheet 4 of 4
ES(GLASSGREEN)-ENG-013	South Glassgreen - TMC refuse vehicle swept path
ES(SOUTH GLASSGREE)-ENG-001	South Glassgreen - roads layout
ES(SOUTH GLASSGREEN)-ENG-007	South Glassgreen - site design layout sheet 1 of 4
ES(SOUTH GLASSGREEN)-ENG-009	South Glassgreen - construction traffic management plan
ES(SOUTH GLASSGREEN)-ENG-009	South Glassgreen - site design layout sheet 3 of 4
ES(SOUTH GLASSGREEN)-ENG-010	SUDS pond details
ES(SOUTH GLASSGREEN)-ENG-015	Surface water catchment area
ES(VILLAGE GARDEN)-ENG-001 E	Village Garden - roads layout
ES(VILLAGE GARDEN)-ENG-007	Village Garden - site design layout sheet 1 of 2
ES(VILLAGE GARDEN)-ENG-008	Village Garden - site design layout sheet 2 of 2
ES(VILLAGE GARDEN)-ENG-009	Village Garden - drainage layout sheet 1 of 2
ES(VILLAGE GARDEN)-ENG-010	Village Garden - drainage layout sheet 2 of 2

	South Glassgreen FFL
EL44 LMP_01	Landscape schedule
EL44_VG_10 B	Village Garden - remix layout showing as approved building footprints
MC/2012/Z/01	Z Type Plans and Elevations
MC/2018/K/OPP/01	K Type Plans and elevations



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

18/01209/APP

Site Address:

Elgin South

Elgin

Applicant Name:

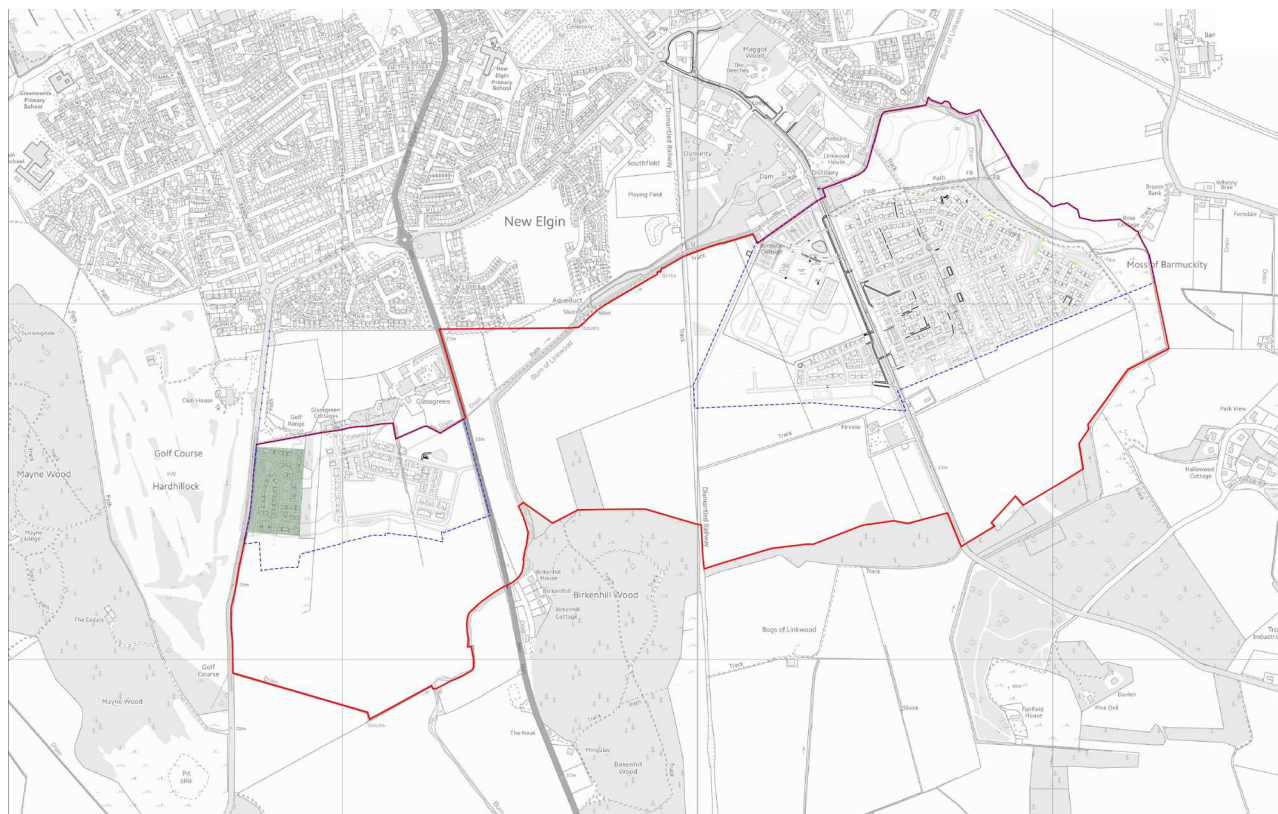
Springfield Properties PLC

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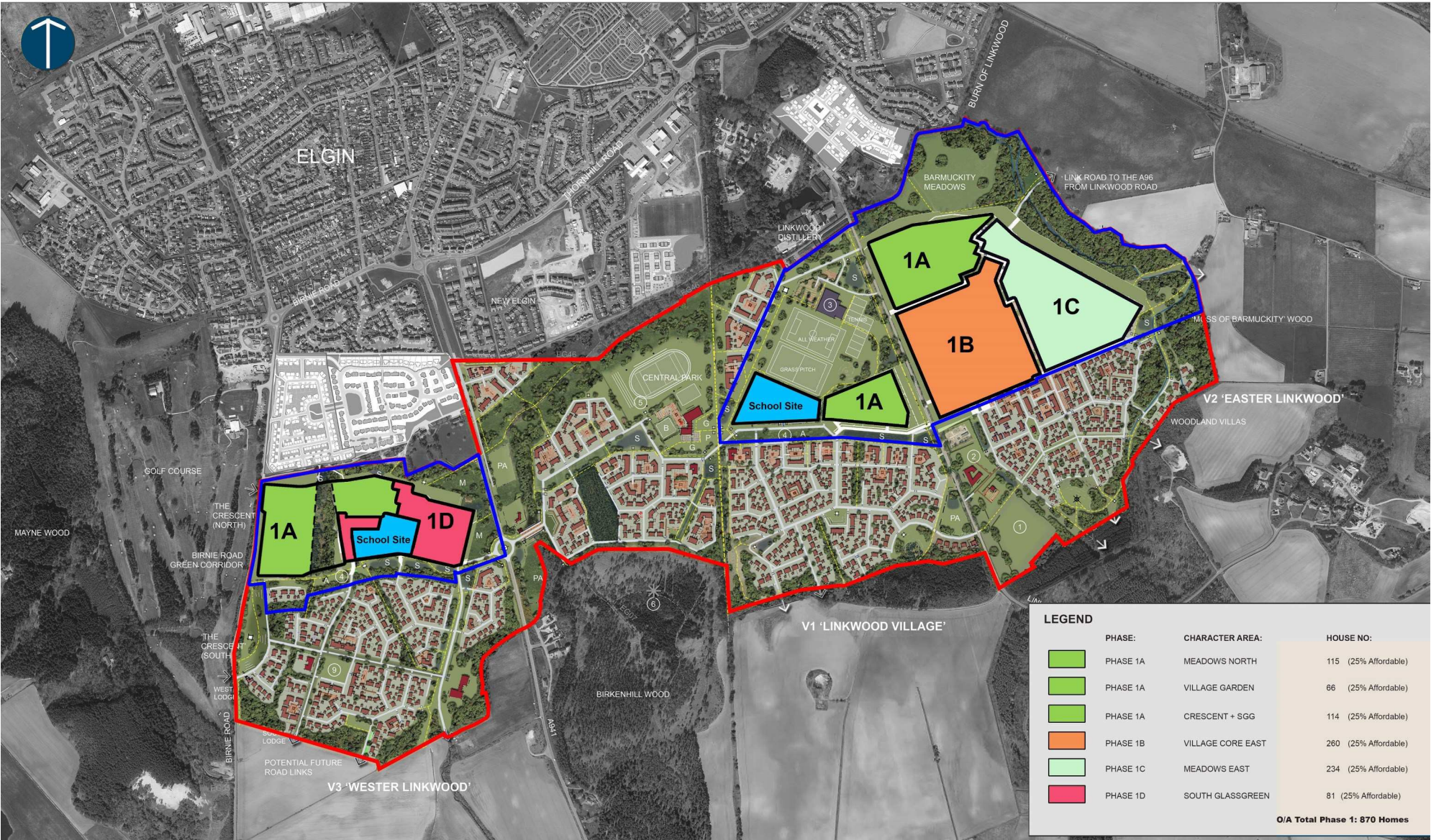
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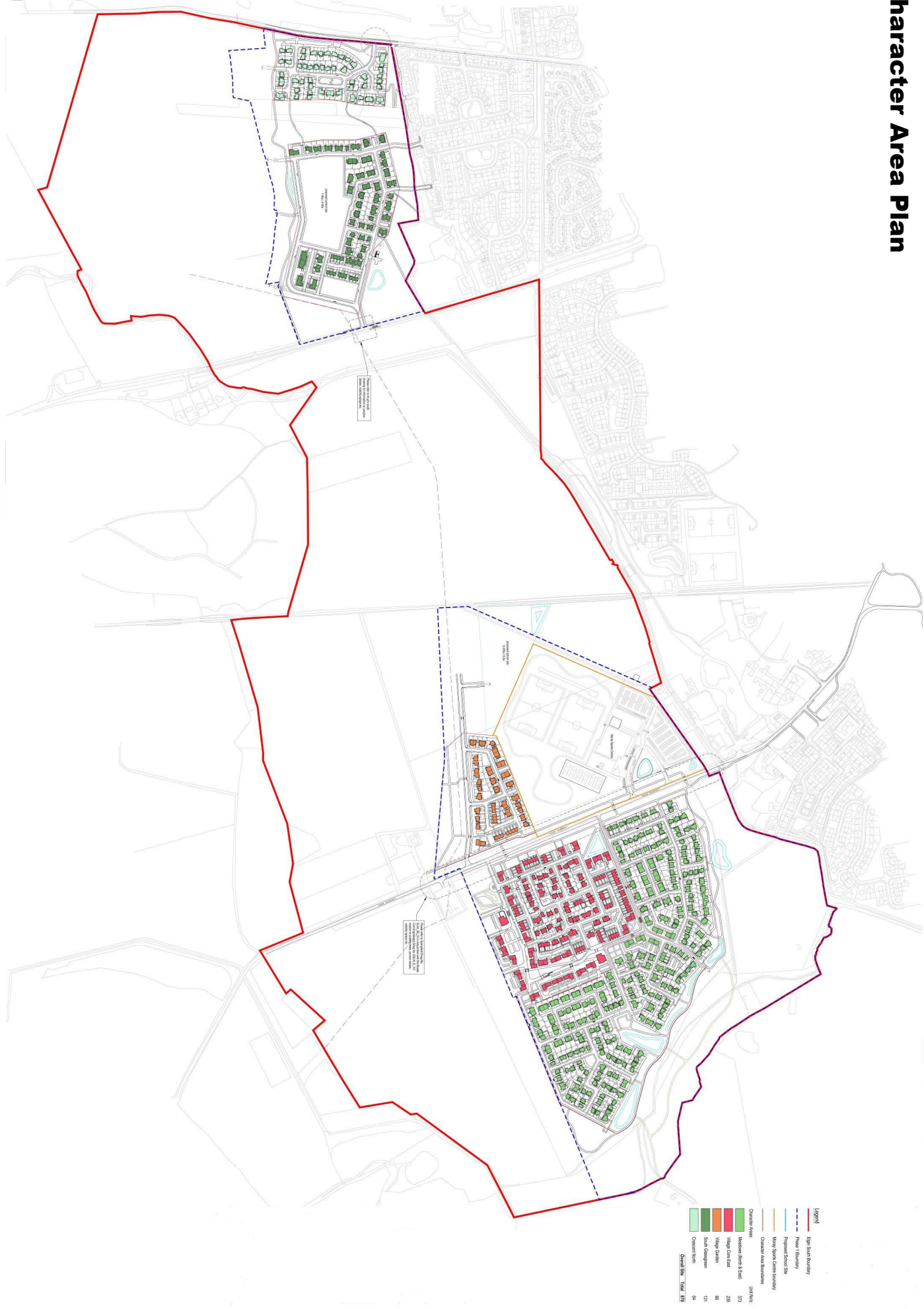
Location Plan



Phase 1—House Numbers/Phasing



Character Area Plan



PLANNING APPLICATION: 18/01209/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

INTRODUCTION

Following consideration at a pre-determination hearing and subject to conditions and a Section 75 Agreement regarding planning obligations, an (amended) application for a Phase 1 development on the Elgin LONG 2 South [Elgin South] designation (as defined in the adopted Moray Local Development Plan (MLDP) 2015) was granted planning permission by formal decision notice 16/01244/APP dated 10 May 2018. This application is the first to be submitted and approved for development within the Elgin South designation.

As approved, the application includes 870 houses, neighbourhood uses, a Moray Sports Centre (with indoor and outdoor recreation) [the Centre], and sites for two primary schools (at Linkwood and South Glassgreen) together with associated transport, drainage, open space and landscaping infrastructure.

This current (Section 42) application seeks to vary Condition 1 as attached to application 16/01244/APP [the current permission] which states:

“1 The permission hereby granted shall relate to the application as amended for a development of 870 dwellings (houses and/or flats/apartments), neighbourhood uses, a Sports Centre, two sites for primary schools and associated infrastructure, all in accordance with the amended drawings including EL44_SL_05 D as hereby approved regarding the location, design and site layout arrangements (see ‘List of Plans and Drawings Showing The Development’ included in this permission).

Reason - To ensure an acceptable form of development in the interests of the character, appearance and amenity of the development and the surrounding area.”

In summary, and although maintaining a total of 870 dwellings across the approved site, the proposed variation seeks to allow commencement of up to 50 affordable homes within the western part of the approved site and address the implications of the actual route of a high-pressure gas pipeline crossing through the eastern part of the site. In addition, to a rebalance of the number of units within each phase and part of the site, the proposal includes revised (including new) house design and site layout details, and information to address conditions of the current permission, focussing on the western part of the site.

The proposed variation seeks mainly to amend the provision of residential accommodation across the Phase 1 Elgin South area including amended/alternative phasing, design and site layout arrangements as now shown on the submitted Phasing Plan EL44_SL_05 Rev E. Although included within the application site boundary as defined, the proposed variation does not alter the arrangements included in the current permission for the Centre and the two sites for the primary schools. No information beyond that previously submitted/approved is included for these elements of the proposal.

From the MLDP 2015, the Elgin South designation is one of two LONG designations intended to set the future direction and growth of development for Elgin. As a material consideration, the Elgin South designation is subject to an approved Elgin South Masterplan [the Masterplan] which promotes a framework for the delivery of approx. 2500 dwellings plus community, leisure and educational facilities, etc within different parts of Elgin South i.e. within 3 “villages” and 11 “character areas”, each with their own character and identity together with the provision of transport, drainage, open space and landscaping infrastructure, etc.

From Table 1 (below), the current permission for the Phase 1 Elgin South development is located within all or parts of the three villages and five character areas.

TABLE 1: LOCATION OF AREAS FOR DEVELOPMENT WITHIN PHASE 1

Masterplan Village	Masterplan Character Area	Area to be developed within Phase 1	Total number of dwellings	
			16/01244/APP	18/01209/APP
Glassgreen	Crescent South Glassgreen	Crescent North South Glassgreen* Primary School	64 131	64 131
Linkwood	Central Park	Moray Sports Centre Primary School** Village Garden*	84	66
Easter Linkwood	Meadows Village Core	Meadows North Meadows East Village Core*	143 224 224	143 230 236
			870	870

* may also include commercial, community, educational and recreational facilities

** now Linkwood Primary School (see application 17/01422/APP)

The larger part of the development is in the eastern part of Elgin South and on either side of Linkwood Road i.e. development at the Centre, the site for Linkwood Primary School, and within Village Garden, Village Core, Meadows North and Meadows East. The smaller part of the development is located within the western part of the Elgin South site between Birnie Road and the A941 road i.e. development within Crescent North and South Glassgreen, with the latter also including a site for a primary school.

Other land within Elgin South and Masterplan area whether to the south of, or between, the areas included within Phase 1 will be subject to further application(s) for planning permission in the future.

As part of the current permission and within this latest application, 870 dwellings will be delivered within 4 (sub)phases i.e. Phase 1A, 1B, 1C and 1D. The total number of dwellings within Phase 1A is limited to 295 dwellings, in order to safeguard the impact of the development upon the A96 trunk road (Condition 23 of application 16/01244/APP refers).

From Table 2, as part of this proposed variation of the current permission, the rebalance of accommodation, as a variation to the current permission, includes additional affordable housing within South Glassgreen, within the earliest phase of the development. In addition, changes are proposed elsewhere within the development in order to maintain the total number of dwellings at 295 units for Phase 1A, and the total number of dwellings within the Phase 1 development (for all (sub)phases and all character areas) at 870 dwellings.

TABLE 2: PHASING OF DEVELOPMENT WITHIN PHASE 1 APPLICATION

Phase	Area to be developed	Total Number of dwellings		Timescale	Total Number of dwellings	
		16/01244/APP		16/01244/APP	18/01209/APP	
	Moray Sports Centre			2018		
	Primary School (Linkwood)*			2018, now 2019		
Phase 1A	Crescent North	64		2017-2022	64	
	South Glassgreen (part)	16			50	
	Village Garden*	84			66	
	Meadows North (part)	131			115	
TOTAL			295			295
Phase 1B	Meadows North (part)	12		2022-2030	12	
	Village Core*	224			236	
	Meadows East (part)	12			12	
TOTAL			248			260
Phase 1C	Meadows East (part)	212		2022-2030	218	
	Meadows North (part)				16	
TOTAL			212			234
Phase 1D	South Glassgreen (part)*	115		2022-2030	81	
	Primary School (Glassgreen)					
TOTAL			115			81
Housing (All Phases)			870			870

* may also include commercial, community, educational and recreational facilities

** now Linkwood Primary School (see application 17/01422/APP)

An application under Section 42 of the 1997 Planning Act seeks to provide a new planning permission but with different conditions from those attached to a previous permission for that development, in this case in accordance with alternative phasing, design and site layout arrangements in accordance with the latest amended drawings including EL44_SL_05 Rev J (Overall Site Plan showing Character Areas Locations) and EL44_SL_09 Rev L (Site Layout showing Proposed Phasing within Phase 1).

THE PROPOSAL

- Application under Section 42 to vary condition 1 of planning consent 16/01244/APP to maintain provision for 870 houses (as approved) but vary phasing, design and site layout details, in particular:
 - adjust Phase 1A boundary (western most part of Phase 1A within Crescent North and South Glassgreen character areas) to provide 50 affordable homes together with consequential revisions to boundaries of Phase 1D (South Glassgreen) and easternmost part of Phase 1A (Meadows North character area) and Phase 1C (Meadows East character area);
 - revise mix of homes new Braemar and Lauder house types and amended site layout details within Crescent North and South Glassgreen character areas;
 - revise layout and reduce number of houses by 18 units within Village Garden character area to accommodate revision to alignment gas pipeline; and
 - revise numbers and mix of houses including site layout arrangements within Village Core and Meadows East character areas to accommodate 18 homes relocated from Village Garden.
- Information is also included to discharge conditions attached to application

16/01244/APP, focusing on the western (Crescent North and South Glassgreen (50 affordable houses)) part of the site and located within the (amended) Phase 1A boundary.

- From the current permission, the Phase 1 development (as amended) comprises 870 houses, neighbourhood uses including Class 1 (Shops), 2 (Financial, professional and other services), 3 (Food and drink), 4 (Business), 8 (Residential institutions), 10 (Non-residential institutions), a Moray Sports Centre (with indoor and outdoor recreation), sites for two primary schools and associated infrastructure including transport, drainage, open space and landscaping.
- For Phase 1, the distribution of residential, neighbourhood and other non-residential uses within the current permission and this latest application is shown in **Appendix 2**, Table 1.

SITES FOR PRIMARY SCHOOLS

- Two sites for future primary schools are included/identified but no (internal) building design and site layout arrangements for each school are included. Each site will be the subject of a separate application(s) for planning permission (by others). The site for the primary school at Linkwood is now the subject of a separate grant of planning permission (see History).
- The Linkwood Primary School site is approx. 2.43ha (6 acres) and located within the Central Park character area and adjoined by Village Garden to the east and the Centre to the north-east. Access to the school site is from Linkwood Road and the westward extension of a new 6.1m wide road (identified as a bus route) plus foot and cycle path arrangements located along the southern boundary of Village Garden.
- The Glassgreen primary school site is approx. 1.8ha (4.15 acres) and located within, and along the southern edge of, the South Glassgreen character area. Access to this primary school site will be from a new 6.1m wide road (identified as a bus route) plus foot and cycle path arrangements to be formed off the A941 road and located along the eastern and southern boundary of South Glassgreen. This character area will also be accessed by roads and/or foot and cycle path arrangements from Crescent North to the west and existing/proposed residential development on Duncansfield and the Driving Range (now The Range), both located across an existing track to the north.

MORAY SPORTS CENTRE [the Centre]

- No details regarding the design and site layout arrangements for the Centre are included within this latest application but from the current permission, the Centre is set within an 11.14ha site.
- As approved under the current permission (prior to revision), the Centre comprises an approx. 6000sq m multi-functional building, with a mono-pitch roof sloping down from north-east to south-west (from approx. 13.1m to 10m high), with internal and external sport and recreational facilities.
- Proposed external finishes include a grey standing seam aluminium roof, white metal cladding panels and vertical timber cladding on the side wall elevations.
- Internally, the Centre includes a 460sq m athletics/gymnastics hall and a 1518sq m (8-court) games hall with 'bleacher' (retractable) seating, both with their changing rooms, plant and machinery and storage areas etc together with a central reception area and security point which will give access to a members' lounge area and external terrace which will overlook the outside sports area to the south. The upper floor areas include social spaces, classrooms, studio spaces, office and meeting rooms, and an elite training facility.

- External sports facilities, located to the south of the Centre, include two pitches (for rugby and football) i.e. one grass and one 3G pitch, both 154 x 90m; an approx. 3m wide, 1km 'circular' running track extending around the perimeter of the outside sports area; an approx. 6m wide, 138m long sprint track; and 6 outdoor tennis courts. (A 4-court indoor tennis facility has been approved over the site of, and as an alternative facility to the outdoor tennis court area (see History).
- 1.8m high weldmesh fence to be erected around the perimeter of the outside sports facility area.
- Access to the Centre is from Linkwood Road with separate in and out access junctions together with drop-off, motorcycle, and disabled parking located at the front of the Centre and 248 parking spaces located along the northern boundary of the Centre.
- Public water supply and foul drainage connections are proposed together with on-site surface water drainage arrangements incorporating SUDs located on the site prior to discharge to the Linkwood Burn. Surface water drainage arrangements for the external sports pitches and courts will be subject to specialist drainage design details.

870 DWELLINGS

- Within Phase 1, and as amended, 870 dwellings (houses and flats/apartments) are proposed i.e. 652 private dwellings (including 93 potential accessible homes), and 218 affordable houses (**Appendix 2**, Tables 1, 2 and 3 refer).
- The number of dwellings, tenure, mix (or allocation) of house designs (and site layout arrangements) vary between each sub phase and/or area to be developed.
- Except where new house designs are proposed, e.g. Braemar, no design details of the house types are included: these remain unchanged from those approved within the current permission. Property will vary in size between 1 and 5 bedrooms; in scale (or height) from single to two-storey dwellings (bungalows and houses); and in form, with detached, semi-detached and terraced housing and two and three storey flat/apartment blocks, the latter providing between 2 and 8 units of residential accommodation.
- Private (ground floor) accommodation is identified as potential accessible housing and within some flat/apartment blocks, 1 or 2 ground floor units are identified for non-residential uses within Use Class 1, 2, 3, 4 and 10.

Private houses and apartments

- 652 private houses include 414 dwellings and 238 apartments as proposed across all areas of development (or 386 dwellings and 173 apartments excluding accessible housing).
- 19 different house types provide 239 (single and two-storey) detached houses, 130 semi-detached houses and 41 (3- or 4-unit) terrace homes.
- 3 house types provide 33 single-storey (bungalow) (properties) which range from approx. 5.5 to 6.8m in height.
- 16 house types provide 204 dwellings, all 1½ - 2 storey in appearance and varying in height from approx. 7.4m to 9.1m.
- 12 different flat/apartment types provide 238 units of accommodation located within and across all Phase 1 areas with the Auldearn (112 units), a block of 4 flats, approx. 8.7m high, with two first floor and two ground floor flats being the most numerous.
- The Glassgreen and Cottage apartments are approx. 10m and 9.3m (max.) respectively. In Village Core, two first floor cottage apartments are located above two ground floor Class 1 retail units.
- Other 2-storey apartments, approx. 9.3m in height, provide up to 2, 3 or 4 residential units, all with 2 first floor apartments located above either 1 or 2 apartments or 1 or 2

non-residential (Class 1, 2, 3, or 4) uses on the ground floor (T-flats: T2 series). Some of these apartment units are identified as potential accessible housing.

- In Village Core, 3-storey apartment blocks, approx. 12m in height, each provide between 4 and 6 residential units, all with 2 apartments located at first and second floor level above either 1 or 2 apartments or 1 or 2 non-residential (Classes 1, 2, 3, or 4) uses on the ground floor (T-flats: T3 series).
- In Village Garden, a 3-storey apartment block is proposed at the entrance off Linkwood Road with 5 apartments and a ground floor Class 1 shop unit (T-flats: T3-V1(C-RU)).

Accessible housing

- 93 potential accessible homes are proposed, including 27 single-storey bungalows located across all character areas. Only one 2-storey accessible house (Crossley) is proposed within Village Core. The remaining accessible accommodation is provided within ground floor flat/apartments including 44 Auldearn units located within all areas proposed for development.
- Drawing EL44_SL_12 Rev H refers to 105 private plots (17%) as capable of accommodating accessible housing but from **Appendix 2** and the 'housing mix drawings for each character area, only 93 units are identified.

Affordable houses

- 287 affordable homes, with 1- to 5-bedrooms, are proposed within all Phase 1 areas except Crescent North.
- 63 homes are single-storey dwellings provided within 4 different detached or semi-detached house types, some with an attached car port.
- 4 different two-storey house types provide 74 units, up to approx. 8.5m high (max.), in detached, semi-detached homes and terraced format.
- Affordable accommodation within flat/apartment units are proposed within all character areas except Crescent North. This includes 9 affordable houses within flat apartment designs located within Village Core.

Other uses (non-residential)

- No details for these uses are included in the latest application but from the current permission, 34 non-residential units/uses are proposed including 29 units located within Village Core, 4 within South Glassgreen and 1 within Village Garden.
- Excluding two detached buildings, 32 (of the 34) non-residential units/uses are located on the ground floor of various apartment buildings and intended for use(s) within Use Classes 1, 2, 3, 4 and/or 10 (with all identified units subject to future agreement).
- Within Village Core, non-residential uses are located along a 'Main Street', an area already approved within the current permission which will include a Village Green and a Market Place. The latter is intended as a multi-purpose 'square' designed as a flexible space to allow for different uses and activities.
- The detached Village Core Building A is identified for Use Class 10 although on drawing EL44_VC_06 Rev F, this building is also referred to as 'Village Hall'. Located at the north-eastern end of Main Street, this building is approx. 10.7m high with all accommodation provided on a single (ground) floor.
- The detached Village Core Building B is identified for Class 3 although on drawing EL44_VC_06 Rev F this building is referred to as 'Village Hall' and includes an outside 'Speakers Corner' area. Located at the south-western end of Main Street, this building is approx. 13.7m high and has ground and first floor accommodation.

External Finishes

- External finishes vary between, and give different identity to, each character area of development. Within the current permission, drawing EL44_MC_00 provides a schedule of finishes (or "Conditions") for each residential area of development within Phase 1 (Conditions 1 - 6), and for non-residential uses (Condition 7). Within the current application, further specification of wall and surface treatments is included, notably for Crescent North South Glassgreen, Village Garden and Meadows North.
- Although different materials are identified, some materials will be used on dwellings throughout all Phase 1 development character areas, for example graphite (slate grey) concrete roof tiles, natural slate on 'accent/feature' buildings within Meadows North, Village Core and Village Garden, or grey standing seam roofs for 'Condition 7' buildings. White render is the main finish together with coloured smooth render walls, timber or synthetic stone cladding on accent buildings/elevations and smooth cement or stone/blockwork basecourse.
- For each residential development areas, the proposed plot boundary treatment will include 0.9m high feature wall or hedge/fencing to frontage of plots and 1.8m high timber fencing or walls to side/rear of plots.
- Additional masonry features include walls and railings, loc bloc (grey or buff) paving, post and wire and paddock fencing.
- Information about the proposed use of air source heat pumps and the design of bin stores are also included.

Landscaping

- "Soft" landscaping arrangements include hedging and semi-mature, heavy standard and multi-stemmed feature and amenity trees and shrub planting together with bulb, ornamental, orchard and meadow planting both within and/or located beyond residential plots including areas identified as a formal green, park, memorial garden (within Village Core), gardens and meadows to south of Village Garden, and (cherry) orchards and meadows within South Glassgreen, Meadows East and Meadows North, together with a large green space area referred to as Barmuckity Meadows (some planting specifications included).
- A play area is proposed within Village Core and Meadows East (indicative details of equipment included).
- Existing woodland to be retained/supplemented, for example with additional woodland planting located between Crescent North and South Glassgreen.
- Along Linkwood Road, trees will be removed due to structural defects, or for visibility, as part of the formation of five new access junctions and other pedestrian/cycle crossings. Whilst several existing trees will be retained and supplemented, new (feature and compensatory) planting is proposed along Linkwood Road once modified and along new foot/cycle paths which run parallel to, but set back from, Linkwood Road (on both sides of the road).
- In the western part of the site, advance (structure) planting is proposed, for example between Crescent North and South Glassgreen (by March 2019) and between these character areas and the existing/proposed (Duncansfield/The Range) development to the north, and on land outwith Phase 1 but located along the southern boundary of the Elgin South designation.
- In the eastern part of the site, advance planting is proposed along the northern and eastern sides of residential development within Meadows North and Meadows East (specific timescale not indicated other than reference to planting season preceding commencement of development), including areas along the Burn of Linkwood and its tributary, the proposed Barmuckity Meadows and beyond the Phase 1 application

boundary both in the south-eastern corner and along the southern boundary of the Elgin South designation.

- Landscaping details are supplemented by information about plant and stock specifications (to accord with BS standards), measures to protect/support trees and maintain all landscaping arrangements, and in some cases a timescale(s) for planting is indicated.
- 'Hard' landscaping is also included, for example common paved surfaces (where local streets have a shared surface) or parking areas, and various street furniture is also proposed within Main Street within Village Core (detailed specifications not included).
- Across the development, locations for Public Art are identified within all areas of development except within South Glassgreen and Village Garden (details of art installation(s) not included).

Access and parking

- Access to Crescent North is from a new single access junction with a new 5.5m wide road formed off Birnie Road. An emergency access will also be formed onto Birnie Road towards the south western corner of this character area.
- Access to South Glassgreen, including the site for a primary school, to be taken from new access junction with 6.1m wide road (bus route) formed off the A941 road together with road and foot and cycle connections between South Glassgreen and the existing Duncansfield/The Range developments to the north. Two additional foot and cycle connections are proposed to/from land areas to the north east of South Glassgreen.
- Between Crescent North and South Glassgreen, three foot and cycle path connections only are proposed.
- Future (vehicle, foot and cycle) access connections are indicated between all character areas and future areas for development within Elgin South.
- 5 new access priority junctions are proposed onto Linkwood Road including two separate ('in' and 'out') access junctions for Moray Sports Centre; on the western side of Linkwood Road an access junction with a 6.1m wide road (bus route) will be formed to serve Village Garden, the Linkwood Primary School site and other development areas proposed to the west and south; and on the opposite (eastern) side of Linkwood Road, two access junctions are proposed each with a 6.1m wide road (bus route) to serve Meadows North, Village Core and Meadows East. This latter road layout extends around the perimeter of Village Core and through 'Main Street' with locations for bus stops indicated.
- Extending north east from the north-eastern corner of Village Core, and acting to separate Meadows North and Meadows East, a 6.1m wide route is identified as a 'link road to A96 from Linkwood Road' in the Masterplan. A network of roads extends off this bus route to serve residential areas within Meadows North, Village Core and Meadows East.
- Throughout the eastern areas of development, provision is made for pedestrian and cycle paths both within and between different character areas including both formal paths and informal "mown" paths, etc.
- Throughout the development, car parking is provided within communal parking areas located adjacent to, or adjoining, residential property and other non-residential buildings including parking areas located behind buildings along 'Main Street' within Village Core, or "in plot" parking for residential plots located either to the side or in front of property.

Water Supply, Foul and Surface Water drainage

- Public water supply connections and separate foul and surface water drainage arrangements are proposed for all character areas.
- A network of foul sewers will collect and convey foul flows by gravity to two proposed pumping stations, one for the western area of development and located adjacent to, and on the north side of, South Glassgreen, and one to serve the remainder of the development (to be located on the eastern side of Meadows North).
- Separate drainage arrangements have been approved for the Centre and Linkwood Primary School. From the pumping stations, foul discharge will be pumped to the public sewer network.
- The proposed surface water drainage network will include on-plot disposal, filter drains, carrier drains and attenuation basins and new outfalls to the Burn of Linkwood and/or its tributary. Subject to investigation and where feasible, infiltration-based drainage systems may be proposed along with swales and dry basins incorporated into public open spaces, to provide further treatment and storage volume. Except where infiltration only is proposed within Crescent North, (attenuated) surface water discharge from SUDs features will discharge to the Linkwood Burn.
- No detailed strategy and design of surface water drainage arrangements are included for the eastern part of the development, and separate arrangements have been proposed/approved for the Centre and Linkwood Primary School, also discharging via separate outfalls to the Linkwood Burn.

SUPPORTING DOCUMENTS

- In support of the current application, the applicant's Supporting Statement identifies that documents submitted with application 16/01244/APP are of relevance to this proposal including the application particulars and drawings, Design and Access Statement (including Accessible Housing Compliance Statement) (revised); Urban Design Statement Checklist and Quality Audit; Sustainability Statement and Climate Change Checklist; Flood Risk Assessment; Drainage Impact Assessment (including an addendum (January 2018)); Construction Surface Water Management Plan; Transport Assessment (including Travel Plan) (September 2016); Construction Traffic Management Plan; Noise Impact Assessment (NIA) (revised February 2017); Air Quality Assessment (September 2016); Construction Environmental Management Plan, Archaeological Written Scheme of Investigation; Site Investigation Report (including Contaminated Land Assessment); Tree Survey; Habitat and Protected Species Survey (Confidential) and Landscape Strategy, Plan and Maintenance Schedule.

THE SITE

- The Phase 1 application covers approx. 82.97ha and forms part of the Elgin LONG2 site designation (approx. 204ha).
- Phase 1 comprises two areas located immediately south of the existing settlement boundary of Elgin.
- The larger (eastern) area is approx. 62.99ha and straddles Linkwood Road. The Linkwood Burn, Linkwood Distillery and existing/approved areas of housing are located beyond the site to the north with a former railway line (now Core Path EG06) bounding the site to the west, and with agricultural land to the south and east.
- The smaller (western) area (approx. 19.98ha) is located between Birnie Road (with Elgin Golf Club beyond) to the west and the A941 road to the east together with

agricultural land to the south and east, and the existing/approved (at Duncansfield/The Range) developments to the north.

- Generally, the existing land-use within Phase 1 (and for much of the larger Elgin LONG2 designation) is mainly agricultural with some isolated buildings and woodland areas, including trees along the Linkwood Burn and Linkwood Road.
- Trending north-south through the designation/site are existing roads and footpaths including Linkwood Road, the A941, Birnie Road, and Core Path EG06. These routes bound or bisect the western and eastern areas of the site.
- The site is not subject to any site-specific designation in relation to landscape, nature conservation or cultural heritage interests except for trees along the Linkwood Burn (which are subject to a Tree Preservation Order and included on woodland inventories), and areas of known archaeological interest. Parts of the site are also identified as being of prime quality (Class 2 and 3.1) agricultural land or land liable to flooding.
- In addition to existing water supply, effluent drains and utility services crossing the site, a notifiable high-pressure gas main crosses through both parts of the Phase 1 application site (and/or the larger Elgin LONG2 designation). A gas transmission station is sited adjacent to Linkwood Road and located just beyond the south-eastern corner of the site, opposite an existing property, Firview.
- The site for Linkwood Primary School is approx. 2.43ha, triangular in shape, and bounded by a disused railway line to the west (EG06), the grounds of the Centre to the north-east, and Village Garden area to the east. Existing farmland to the south is also identified and designated for landscaping and future development as part of the Elgin LONG2 designation.
- The primary school proposed at South Glassgreen is approx. 1.8ha and bounded on all sides by proposed development on South Glassgreen except along its southern side where land to the south, beyond the access road, is identified for development within the Elgin South Masterplan/Elgin LONG2 designation.
- From the MLDP 2015, the Phase 1 site (both areas) is located within the Elgin "Countryside Around Towns" designation i.e. land located immediately beyond the settlement boundary of Elgin, as currently defined.
- The Phase 1 site is also part of the Elgin South designation, one of two designations intended to indicate the future longer-term direction of development and growth of Elgin. The MLDP 2015 LONG sites are not proposed for development during the currency of the MLDP 2015 and their release, in whole or part, is controlled through other provisions within the MLDP 2015, in particular Policy H2 (**Appendix 1**).

HISTORY

18/01603/S75 - Proposed modification of legal agreement for Phase 1 development at Elgin South to apply to both planning applications 16/01244/APP and 18/01209/APP at Elgin South LDP 2015 Long 2 Elgin Moray - currently under consideration.

17/01710/APP - Erect indoor tennis court centre at Moray Sports Centre Linkwood Road – approved 20 June 2018, an indoor 4-court tennis centre to be sited/located over part of the site of an earlier approved 6-court outdoor tennis facility, both located within the external grounds of the Centre. The indoor facility was approved as an alternative and/or replacement facility to an outdoor tennis facility approved as part of application 16/01244/APP.

17/01422/APP - Erection of a new primary school with associated external hard and soft

landscaping, fencing, car parking, playground lighting, sprinkler housing, external equipment stores, cycle shelters and external refuse store at Elgin South - approved 20 June 2018, the proposal being sited on land already identified and approved as a site for a primary school (under the current permission) and, in addition, Moray Council agreed to release part of this Elgin LONG 2 South designation in 2016 (see below). Initially, the school development will appear isolated and detached from other development within Elgin South but, over time, further development within Elgin South, whether already approved or planned within subsequent phases of development, will help to integrate and provide a context and setting for this school which will, along with other community facilities, provide a focus for development within a new village to be formed at the centre of Elgin South.

16/01244/APP – Application for Phase 1 of Elgin LONG 2 south to include 870 houses, neighbourhood uses including Classes 1 Shops, 2 Financial Professional & Other Services, 3 Food & Drink, 4 Business, 8 Residential Institutions, 10 Non-Residential Institutions, Moray Sport Centre (with provision for indoor and outdoor recreation), two primary school sites and associated infrastructure (transport drainage and open space) and landscaping at Elgin South - approved 10 May 2018, after consideration as an acceptable but significant departure from the development plan and subject to planning conditions and prior completion of a Section 75 agreement regarding planning obligations including timescale(s) towards primary and secondary education and healthcare facilities; provision of sports pitches, either as part of, or as an alternative to, those being provided by the Centre; arrangements to deliver the Primary School (Linkwood) including transfer of ownership of site, provision of initial temporary (pedestrian and vehicle) access and thereafter permanent access, and service infrastructure (mains water, electricity, gas, foul drainage, surface water drainage and telecommunications); and transfer of ownership of school site (Glassgreen). [Minutes of Special Meetings of the Planning & Regulatory Committee and Moray Council held on 27 June 2017 refer].

Following issue of the current permission, development commenced on 21 May 2018 with construction of the Centre now underway. A revised (reduced) footprint for the Centre was accepted as non-material variation and the building will be provided as an initial phase of development to be followed by the external sports facilities. Prior to commencement, information was provided to discharge conditions for the Centre building only although information to discharge other conditions has also been submitted and/or accepted for other aspects of the Phase 1 development.

16/00053/PAN - Proposal of Application Notice for proposed residential development (potentially including some student residential accommodation); potential associated neighbourhood uses within Class 1 Shops, Class 2 Financial, Professional and Other Services, Class 3 Food and Drink, Class 4 Business, Class 8, Residential Institutions, Class 10 Non Residential Institutions [current Use Classes Order 1997 refers]; sports centre (with provision for indoor and outdoor sports and recreation); two primary school sites; associated infrastructure (transport, drainage and open space) and landscaping on land at Elgin LONG 2 - response (2 February 2016) confirms the requirements for consultation with the local community. The Planning & Regulatory Services Committee (on 26 February 2016) later advised that consideration should be given to providing an access from the A941 road early within the development, to address existing traffic pressures including congestion within the Elgin road network [paragraph 13 of Minute refers].

15/02250/SCN - Screening Opinion for Phase 1 with proposed residential development (approx. 850 houses, including affordable housing provision and potentially some student residential accommodation), sports centre (with provision for indoor and outdoor sports and recreation and an ancillary restaurant), two sites for local authority primary schools (for approx. 450 pupils), potential associated neighbourhood uses within Class 1 Shops, Class 2 Financial, Professional and Other Services, Class 3 Food and Drink, Class 4 Business, Class 8, Residential Institutions, Class 10 Non Residential Institutions (Use Classes Order 1997 refers) together with associated infrastructure (for example roads, drainage, services, and open space) and landscaping at Elgin South - formal Screening Opinion adopted/issued on 11 February 2016 where, under the Environmental Impact Assessment (EIA) Regulations 2011, and after taking account of the character and location of the development and its characteristics of potential impact, the proposal, as a 'Schedule 2 development', would not be likely to result in significant environmental effects, hence the proposal was not EIA development and formal EIA procedures were not required.

1 November 2016 - After consideration, the Planning & Regulatory Services Committee agreed to delegate authority (to Head of Development Services) to approve the final Elgin South Masterplan subject to additional information requirements to address outstanding transportation issues, and that the final version of the Masterplan, as Supplementary Guidance, be used as a material consideration in the determination of planning applications within Elgin South [paragraph 8 of Minute refers].

30 May 2017 - After consideration, Planning & Regulatory Services Committee agreed to approve the Elgin South Masterplan as supplementary guidance to be used as a material consideration to be given significant weight in the determination of planning applications relating to the Elgin LONG2 South designation [paragraph 6 of Minute refers].

14 June 2016 - After consideration, the Planning & Regulatory Services Committee agreed to release part of the Elgin LONG2 land area into the effective land supply for the provision of a new primary school, sports centre and approximately 150 housing units (an area bounded by the former railway line to the west, Linkwood Burn and Linkwood Distillery to the north, Linkwood Road to the east and field areas to the north and north west of Firview) [paragraph 17 of Minute refers]. The new primary school and sports centre identified in the (draft) Elgin South Masterplan were considered to meet the triggers for release under Policy H2 but a block of land to be released for approx. 150 houses was regarded as a departure from the triggers under Policy H2 but necessary for compliance for Policy PP3 place-making purposes to provide a more active space, overlook key buildings and sports facilities, and encourage the early build out of this block to minimise disruption on the primary school.

30 May 2017 - After consideration, the Planning & Regulatory Services Committee agreed the finalised Moray Housing Land Audit (HLA) 2017 [paragraph 10 of Minute refers]. With an established effective housing land supply in excess of 5 years, and after assessment against the triggers used to control the release of LONG sites (as agreed in June 2016), there is no need to release additional LONG sites through the HLA to meet the minimum housing land requirements of Scottish Planning Policy (SPP).

19 June 2018 - After consideration, the Planning & Regulatory Services Committee agreed the finalised Moray Housing Land Audit (HLA) 2018 [paragraph 6 of Minute refers]. With an established effective housing land supply in excess of 5 years, and after assessment against the triggers used to control the release of LONG sites (as agreed in

June 2016), there is no need to release additional LONG sites through the HLA to meet the minimum housing land requirements of Scottish Planning Policy (SPP).

POLICY - SEE APPENDIX

ADVERTISEMENTS

- Advertised for neighbour notification purposes.

CONSULTATIONS

Building Standards Manager - Building Warrant required.

Planning and Development - The application proposes a change to condition 1 of application 16/01244/APP, the first phase of the wider Elgin South masterplan area for 870 houses, neighbourhood uses, two primary schools, infrastructure and landscaping. The Phase 1 application (870 units) was sub-divided into 4 phases with Phase 1A, for delivery between 2017 and 2022, and Condition 23 of approved consent limiting Phase 1A development to 295 dwellings until improvements to the A96 trunk road have been made. In seeking to deliver 50 affordable homes as part of Phase 1A, this would represent an increase in numbers from the approved consent but, in order not to go over this limit and meet the Council's affordable housing requirements, modifications to future phases are proposed to retain the number of units in Phase 1A to 295 and the wider Phase 1 to 870. The proposal has also been amended due to the location of the gas pipeline being revised, resulting in 18 units being moved into future phases.

The proposed changes to Crescent North, Meadows East, South Glassgreen and the Village Core are minimal with the majority of the proposed units sitting on the footprints of the approved consent. The biggest change is to Village Garden, amended due to the revised location of the gas pipeline. The revised plans could be deemed acceptable in terms of numbers and siting.

There are concerns relating to drainage arrangements as raised by consultees, and that several plans do not match. One layout plan, for Village Core, shows an area of open space as a "formal green" with grass and tree planting, as per the approved consent, but on other plans, this space will contain one or two large SUDs ponds. As one of the densest character areas, this area of open space must be retained as a usable "formal green" and not used for SUDs. Clarity is sought about where SUDs will be located, which could potentially impinge on open space areas and the overall layout of each character area.

Planning & Development Obligations – As the total number of units remains the same in the current application 18/01209/APP as application 16/01244/APP, no further financial obligations will be required.

As part of a separate review of the School Estate and School requirements, a larger school at Glassgreen may be required, with expansion suggested to the south of the site as currently defined. This will be addressed as a separate matter from the current application, for example before or during the development of the school project which will

require to be the subject of a formal application for planning permission. The need to change the school site does not arise from the current Section 42 application.

Environmental Protection Manager – No response at time of report.

Moray Access Manager - No response at time of report.

Waste Management Officer - No objections.

Environmental Health Manager - No objection subject to the conditions of application 16/012244/APP being implemented in conjunction with this development, where relevant.

Contaminated Land – No objections.

Transportation Manager – No objections subject to conditions (as specified) from the previous consent (16/01244/APP) being adapted and/or applied to this application, and informatives as recommended.

Transport Scotland - Does not advise against granting of permission.

Moray Flood Risk Management – No statement has been provided detailing changes or impacts on the drainage layout and justifications of these amendments. Details have not been provided and drawings show different layouts with many supplying no legends. It is unclear and more details need to be provided. For Crescent North and South Glassgreen, the requirements for Conditions 15 and 16 still apply.

Flood Risk Management are advised that no changes are needed/proposed to supporting documents including (the previously submitted) Flood Risk and Drainage Assessments, however there are several proposed amendments to the drainage layout which require more detail. If the site layouts and the number of houses have been changed in each character area, this will warrant updated calculations to ensure that SUDs can accommodate the change in design.

[Officer note: After setting out some detailed comments for each character area, the response seeks further information from the applicant including a revised drainage strategy, calculations and a plan which includes proposed amendments, and a statement describing the changes to the drainage scheme/layout to address comments within the response etc. A finalised surface water drainage scheme is required that meets condition 16, 17, 18, and 27 in full, and all required information should be clearly referenced so it can be easily checked against each bullet point within each condition].

TMC Housing & Property Manager - No objections subject to conditions as recommended. The proposal aims to facilitate timeous delivery of 50 affordable houses for rent in Phase 1A, which is welcomed.

Policy H8 requires 25% of the total number of units in new developments to be affordable housing. For 870 houses, an affordable contribution of 218 units is required but only 217 affordable units are shown (at time of consultation), hence condition recommended that the proposal comply with Policy H8. Delivery arrangements are agreed with Housing and Property and external materials, colours and finishes should provide a tenure-neutral appearance across the development.

[Officer note: the proposal has since been amended to provide 218 affordable units].

Under Policy H8, the developer is requested to contact the Council to determine the required mix of affordable units and provide the size and type of housing to meet current need for affordable housing as identified in the Local Housing Strategy. In August 2018, Housing and Property provided a revised indicative affordable housing mix, to progress the proposals but this is not wholly reflected in this current proposal. The affordable housing mix has been agreed for South Glassgreen (50 units) and Village Garden (25 units) but not for the remaining 143 affordable units. The requirements for affordable housing may change as the phasing plan is implemented and the site is built out, therefore the housing mix for each remaining character area shall be agreed at a time closer to delivery.

Policy H9 requires 10% of private sector units to be built to wheelchair accessible standards. Assuming 218 affordable units (not 217), 652 private sector units would require 65.2 accessible units (rounded up to 66 units), of which 50% (33 units) must be single storey units. From the accessible units shown, 33 are single storey units, therefore the requirements of Policy H9 are met.

TMC Education - No objections to vary Condition 1 following discussion on the nature and scope of the application, which does not propose to vary the site for the school as approved under the current permission, 16/01244/APP and the changes promoted within the current application do not necessitate alteration of the school site boundaries.

As part of a separate review of the School Estate and School requirements, a larger school at Glassgreen may be required, with expansion suggested to the south of the site as currently defined. This will be addressed as a separate matter from the current application, for example before or during the development of the school project which will require to be the subject of a formal application for planning permission. The need to change the school site does not arise from the current Section 42 application.

Aberdeenshire Archaeology Services - No objections but as per previous application, condition recommended requiring submission/approval of archaeological written scheme of investigation (WSI) with a programme of archaeological works to be carried out in accordance with the approved WSI, to safeguard and record the archaeological potential of the area.

The WSI shall include details about how recording and recovery of archaeological resources found within the application site shall be undertaken, and how updates to the written scheme of investigation will be provided, if required, throughout implementation of archaeological works programme. Should the works reveal the need for post excavation analysis, the development 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/approved, with the PERD carried out in accordance with the approved details.

Some archaeological work has already been undertaken at the site but large areas across the site still require investigation. Whilst a WSI has been submitted previously, the programme of works can be undertaken across the site as a whole, in advance of development, as a single piece of work, or by area/phase in line with any proposed phasing timetable. If a phased approach is undertaken, the works would be discharged in

these phases with the condition remaining in place until all works are complete. When archaeological work is carried out on site, the review can be phase by phase or area by area based on the results of executed work.

Forestry Commission Scotland (FCS) - This amendment does not alter the tree protection and compensatory planting proposals approved under 16/01244/APP, therefore FCS's comments for that application stand for this proposal.

[Officer note: for application 16/01244/APP, FCS advised that they had no concerns and whilst a small shelterbelt would be cleared, on-site replanting would far exceed the area of woodland to be removed. FCS also welcomed the positive design in relation to trees and woodland, the retention of existing woodland areas, the programme of tree planting and the design and connectivity of green networks]

Scottish & Southern Electricity Networks (SSE) - No objections but there are high voltage overhead lines within the proposed development area. In relation to SSE's apparatus and when working in the vicinity of overhead lines, the developer should refer to Health and Safety Guidance Note GS6 and if any SSE apparatus requires to be diverted or moved in connection with the development, the cost will be borne by the applicant.

Health and Safety Executive – Does not advise on safety grounds against the granting of planning permission for this application. In relation to the phasing and site layout details, the proposed site layout changes are due partly to the results of a survey which confirmed the exact location of the high-pressure gas pipeline. This affects the layout of the dwellings on South Glassgreen and Village Garden which lie within the consultation distance of the pipeline. According to the proposed layout drawings for South Glassgreen, Village Core and Village Garden no dwellings will be sited within the inner zone of the HSE consultation distance (i.e. within 32m of the pipeline), not more than 30 dwellings will be located within the middle zone (within 70m of pipeline), and housing density within the middle zone will be less than 40 dwelling units per hectare.

Scottish Gas Networks (SGN) – Objection withdrawn subject to condition that new roads will not cross the pipeline. Any future amendments may affect the pipeline (including finished ground levels, planting of trees, and construction of paths within the pipeline servitude strip) and requirements on working within the vicinity of the high-pressure pipeline must be discussed with, and approved by, SGN prior to commencement of work. Excavations, stockpiling of material, vehicles crossing over the top of the pipeline, drilling, piling and the siting of temporary structures of cabins and containers are activities that can have an effect and this list is not exhaustive. SGN advice should be sought if in doubt. Should the extent or design of the permission be amended, SGN may require further consultation with the applicant. The developer has consulted with SGN and agreed working methods necessary to safeguard the security of the pipeline.

SEPA - No objection to vary Condition 1 which sets out the phasing, design and site layout details. This application proposes no changes on matters in relation to SEPA interests.

In terms of regulatory advice, a Controlled Activities Regulations (CAR) construction site licence will be required to manage surface water run-off from a construction site, including access tracks and as site design may be affected by pollution prevention requirements, the applicant is strongly encouraged to engage in pre-CAR application discussions with the SEPA regulatory services team. Below identified thresholds, the applicant will need to

comply with CAR requirements with all reasonable steps taken to ensure that discharge does not result in pollution of the water environment, and details of how this is achieved may be required through a planning condition. Details of regulatory requirements and good practice advice is available from SEPA (via website or local office).

SNH - No comments.

Scottish Water – No objection but this does not confirm that the development can be serviced. Unable to reserve capacity at water and/or waste water treatment works for the development. Once a formal connection application is submitted, after planning permission has been granted, Scottish Water will review available capacity and advise accordingly. According to records the proposal will impact on existing asset infrastructure within the boundary and any potential conflicts should be identified by the developer as this may place restrictions on proximity of construction.

[Officer note: the response also includes information about surface water, general notes and next steps information].

Elgin Community Council - No objections.

Innes Community Council - No response at time of report.

Heldon Community Council - No response at time of report.

OBJECTIONS-REPRESENTATIONS

None

OBSERVATIONS

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e. the adopted Moray Local Plan 2015 (MLDP) unless material considerations indicate otherwise. The main issues are considered below.

Section 42 application

An application under Section 42 of the 1997 Planning Act seeks to provide a new planning permission but with different conditions from those attached to a previous permission for that development

In this case, the current permission (16/01244/APP) provides for 870 houses, neighbourhood uses, a Moray Sport Centre (with indoor and outdoor recreation), sites for two primary schools and associated infrastructure in accordance with approved phasing, design and site layout arrangements, etc. as set out within that permission including (amended) drawings EL44_SL_05 Rev D (Overall Site Plan showing Character Areas Locations) and EL44_SL_09 Rev E (Site Layout showing Proposed Phasing within Phase 1).

In order to vary Condition 1 of application 16/01244/APP, the current application now seeks to provide the same elements of the development as before, including 870 houses, but in accordance with alternative phasing, design and site layout arrangements, etc as

now shown on the submitted (amended) drawings including EL44_SL_05 Rev J (Overall Site Plan showing Character Areas Locations) and EL44_SL_09 Rev L (Site Layout showing Proposed Phasing within Phase 1).

For Section 42 applications, the consideration is about the conditions to be attached to any resultant new permission. From Circular 3/2018 (Development Management Regulations), if the decision does not alter or effect the previous permission and/or it should be granted subject to the same conditions as before then the application should be refused. However, if permission should be granted subject to different or no conditions these should be attached to the new permission along with conditions from the previous permission where it is intended that these should apply. Where appropriate, the Council, as Planning Authority should also ensure that the permission is granted subject to the conclusion of any appropriate planning obligation. In this case a modification of the existing agreement relating to the current permission is required and is subject to consideration (application 18/01603/S75 refers).

The decision on a Section 42 application does not alter or effect the previous permission or conditions (which remain unaltered and are not varied), and although this Section 42 application, is in terms of development type, a major proposal it does not require to be subject to pre-application consultation procedures. The Regulations advise that the duration of the new permission should be as specified in Section 58 (or 59) of the Act although it is possible to direct and apply an alternative time-period. In this case no change to the (Section 58) 3-year period for the duration of the permission is sought or proposed.

Application as amended

Following its receipt and in response to consultation responses and after discussion, further amended drawings and additional information has been provided, for example to increase the number of affordable homes across the Phase 1 area from 217 to 218 dwellings (as required by Condition 11 of the current permission) and amended transport and drainage details. The extent of the amendments/revisions are limited and not considered to warrant further notification and advertisement procedures but, as noted, further consultation has been undertaken where required. The application is being determined based on the latest amended details.

The proposal also provides information which seeks to address conditions attached to the current permission, with the latter referring mainly to the western (Crescent North and South Glassgreen) part of the Phase 1 development area. Where possible, these have been considered, but some information remains subject to consultation at the time of this report.

Within the current permission, a number of “suspensive” conditions were applied requiring further information to be submitted/approved prior to development commencing (or another timescale as stated). Some of those conditions have already been discharged either in part or in whole, and within the current application information may be provided which now addresses (other) conditions attached to the current permission.

This latest (Section 42) application does not seek to further vary or remove conditions other than Condition 1 as identified, hence whilst those conditions can be re-attached to any new permission granted for this latest application, they can be “adjusted” to take account of the submitted information. For example, instead of conditions referring to all areas of residential development (Crescent North, South Glassgreen, Village Garden,

Village Core, Meadows North and Meadows East) if the subject information provided is acceptable for Crescent North and South Glassgreen, then the condition can be amended to only relate to other residential areas where the subject information still requires to be submitted.

The relationship of information received before and during consideration of this current application, including implications to re-iterate or amend conditions applied to the current permission is set out in **Appendix 3**.

Supporting Statement (SS)

The SS describes the procedure for determining Section 42 applications and confirms that the current permission has not lapsed, it is not incapable of being implemented, and the only issue before the Council, as Planning Authority is that of the conditions to be attached to the development. The SS identifies the background to the proposal by reference to the Masterplan and the current permission for Phase 1, along with more recent applications for the indoor tennis courts and Linkwood Primary School (see History).

The SS confirms the applicant's intention to commence delivery of homes in the western part of Phase 1A (80 homes as per the current permission including 16 affordable houses) however, according to the SS, Moray Council now wishes to see 50 affordable homes delivered in this area and requires works to commence on these homes early in 2019. The SS acknowledges that these cannot be accommodated within Phase 1A limit of 295 dwellings under the current permission except by a rebalance of development within other subsequent (sub)phases of the development as approved, in order to maintain both Phase 1A at 295 dwellings and the overall total of 870 dwellings for Phase 1.

The SS also highlights a required revision to the development due to the actual (surveyed) line of the safeguarded pipeline to the south of Village Garden to the west of Linkwood Road. This necessitates a reduction of 18 homes to accommodate the revised pipeline route and meet HSE safeguarding distance requirements. From the SS, the proposal here is to reintroduce these dwellings within Phase 1B and Phase 1C areas of the development (to the east of Linkwood Road), hence the revised phasing arrangements.

The SS notes the opportunity being taken to provide information to satisfy conditions of the current permission to reduce the number that need to be repeated on any new permission, and it highlights where information is included to address those conditions (of the current permission).

Taking these matters together and to accommodate the revised phasing and associated remix and design and site layout alterations, the SS concludes that Condition 1 of the current permission requires to be different i.e. varied, hence the current proposal. It also confirms, that the MLDP 2015 is still in effect, the policies under which the current permission was determined remain relevant in the context of the current proposal along with the approved Masterplan, and it highlights the pre-application comments provided by the Council's Planning & Development Section that the proposed changes *are "fairly minimal and do not have any significant impacts in terms of the approved Elgin South Masterplan"*.

According to the SS, minor alterations are now proposed to the distribution of homes within Phase 1, the adjustment will allow early delivery of additional affordable homes and allow the up-dated line of the pipeline route to be accommodated and it requests that the application be approved subject to conditions as necessary.

Application 16/01244/APP [the current permission]

From History, a Phase 1 development on land at Elgin South was granted for 870 dwellings (a mix of private (including accessible) and affordable accommodation, two sites for primary schools and a Moray Sports Centre.

With no material considerations to indicate otherwise and after a pre-determination hearing, this Phase 1 development was considered acceptable as a significant departure from the MLDP 2015. In relation to Policy H2 (**Appendix 1**) both the Centre and the Linkwood Primary School site were supported under a key objective trigger under Policy H2, being located in an area where the Council had already agreed to release land at Elgin South. It was also considered that without prejudice, the release of the school site at Glassgreen could be similarly supported if so required in the future. However, it was accepted that the proposed locations and total number of dwellings (870), including those in the western part of the site (an area intended to be delivered as a final phase of the Elgin South development area) could not be supported for release nor meet housing land requirements under Policy H2.

The stated reasons for the decision to accept application 16/01244/APP as a significant departure were as follows:

- a masterplan has been approved which has been prepared collaboratively and has been through a quality audit process and complies with the Primary Policy on Placemaking (PP3);
- the release of Phase 1A and the remaining long designation which forms part of the application through a control mechanism will deliver development without compromising delivery of a master-planned approach and where appropriate access, infrastructure and landscape setting can be secured;
- the proposal in terms of its design, site layout and servicing arrangements is considered acceptable;
- it is considered to be compliant with place-making principles;
- it will not have an unacceptable or significant adverse effect upon the surrounding (natural and built) environment;
- both affordable and open market housing will be delivered on this site;
- sites allocated at R11 Findrassie (partly for five years) and other sites in Elgin such as Bilbohall have not delivered housing on the ground despite being allocated sites whereas this developer has brought forward four other allocated sites in Elgin;
- the associated economic benefits with the related development proposals will help to secure Elgin's future sustainable economic growth as the primary centre of Moray, acting as a catalyst for further investment complying with MLDP 2015 Policy PP1;
- the "quick and responsive" delivery of housing on the ground in response to the Scottish Government's national housing targets and Moray's aspirations to contribute to the wider agenda;
- the timing of the application relative to the Planning Review and the preparation of the next MLDP 2020 where Phase 1 is likely to be brought forward as the direction of growth for Elgin; and
- departure issues aside and in all other respects, overall and subject to conditions and agreement where required, the amended design and site layout arrangements for Phase 1 were considered acceptable, would accord with policy and respect the Masterplan and could be achieved without significant or unacceptable adverse effects on the surrounding natural and built environment. There were no material considerations that indicate otherwise.

Since the granting of permission for application 16/01244/APP the following can also be noted:

- development has commenced within Phase 1 with construction of the Centre now underway after the discharge of relevant pre-commencement conditions which required further details for the Centre. The confirmed discharge is solely in relation to the Centre building alone (and not to other elements or aspects of the Centre (external facilities) or other parts of Phase 1 where the same condition(s) apply and remain to be satisfied). A non-material variation was accepted to reduce the size (footprint) of the Centre building, and the initial phase of that Centre is upon the Centre building itself (along with associated transport and drainage infrastructure), whilst the external sports and recreational facilities will be provided later;
- as an alternative to an outdoor 6-court tennis area, a 4-court indoor tennis centre has been approved;
- following approval of the site for the primary school at Linkwood, a (detailed) permission for the design and site layout arrangements for the proposed Linkwood Primary School has been approved. Work is on-going to discharge “suspensive” pre-commencement conditions applied to that separate permission prior to development starting in early 2019;
- other conditions attached to the current permission have been considered and/or confirmed as discharged for all or part of the Phase 1 area, for example, Condition 21 regarding advance (structure) planting but only for the western and not the eastern part of the Phase 1 development; Condition 24 regarding archaeological investigation within parts of the Phase 1 area; Condition 26 regarding district heating network for the whole Phase 1 area after a feasibility study confirmed that delivery of such a network would not be feasible; and Conditions 36, 37 and 59 in relation to access and transportation improvements required/proposed along Linkwood Road;
- development plan policy has not changed, the approved MLDP 2015 remains in force and this latest application requires to be determined in accordance with this development plan unless material considerations indicate otherwise;
- the approved Elgin South Masterplan remains as a material consideration in the determination of applications at Elgin South; and
- at the time of this report, the MLDP 2020 is not yet a material consideration in the determination of this latest application, however it can be noted that the Elgin South area will no longer be subject to a LONG designation and the land areas, the subject of the current permission are being incorporated into site-specific residential designations where are expected to be delivered during the life-time of that Plan. The provisions of the Masterplan will also be integrated into the MLDP 2020.

Schedule 2 development (Environmental Impact Regulations (EIA) 2017)

Under the previous EIA Regulations 2011, as a schedule 2 development (for an urban development project exceeding 0.5ha), it was concluded that no significant environmental effects were likely to occur and therefore a Phase 1 development on Elgin South would not be an EIA development (15/02250/SCN). Under the current 2017 Regulations, the Phase 1 development would similarly be regarded as a schedule 2 development but as with the current permission this latest application would not be an EIA development nor subject to EIA procedures. Notwithstanding the change in Regulations, the development within this latest application and the current permission is consistent with that assessed previously.

The Regulations do not specifically provide for a proposal to vary the conditions of and earlier development but in context, this latest application does not promote new, or

additional, development nor does it alter the overall parameters of the development granted under the current permission in terms the locations and number of elements contained within the development. It will involve relatively small-scale and limited but not significant changes in environmental effects arising from changes in phasing, design and site layout arrangements. In addition, it will not introduce new or additional environmental effects, significant or otherwise, beyond those previously assessed. On this basis, the previous EIA assessment remains valid.

Moray Local Development Plan 2015

Although the focus of this latest application is upon the condition to be varied, the proposal remains subject to the MLDP 2015. As with the current permission and because of the nature and limited extent of change now being introduced, this latest application can also be regarded as being acceptable as a significant departure from planning policy relative to Policy H2, etc. This is due to the nature and limited extent of changes now being introduced. These remain within the scope to the current permission and a re-examination of the latest application would neither over-ride nor under-mine the terms upon which the current permission was granted. For this reason and with the prime focus of the current proposal being upon the conditions of the current permission, the current application was not advertised as a departure from the development plan.

Departure issues aside, and in all other respects but subject to conditions and agreement where required, the alternative phasing, design and site layout arrangements for this Phase 1 development remain acceptable, accord with planning policy and respect the Masterplan, and can be achieved without significant or unacceptable adverse effects upon the surrounding natural and built environment and there are no material considerations that indicate otherwise.

In consideration of these matters and relative to policy indicated in **Appendix 1**:

- the amendments including phasing revisions, do not result in an expansion of the overall Phase 1 area as already approved but rather they are contained within the approved Phase 1 area, as defined within the current permission;
- the change in housing mix results in relatively limited and small-scale but not significant internal changes within each character area, including substitution of one already approved house type for another, and often located/sited over the footprint of earlier approved house type. A limited and small-scale change or adjustment in the plot boundaries and site layout arrangements occur as a result. The greatest change occurs within Village Garden, where the amount of development is reduced, and the layout has been revised to accommodate the revised position of the safeguarded gas pipeline. Within Village Core where the density is increased slightly after additional housing is introduced.
- owing to the limited extent of alteration, the changes in housing mix, design and site layout do not significantly amend the consideration of place-making principles undertaken for the current permission. The changes do affect (increase) the provision of parking spaces, from between 3 and 25 additional spaces within Crescent North and South Glassgreen and Village Core respectively, yet there will be 32 fewer spaces within Village Garden. Taking account of the previously approved layout, the extent of changes now proposed, the locations of parking within character areas and from the previously accepted arrangements that parking is only one element in place-making and the development layouts within the current permission were nevertheless all considered to be acceptable and complaint in place-making terms (despite the quality audit identifying parking as “red”), the same considerations can be applied to the current application;

- in terms of affordable housing, 218 (not 217) dwellings are now proposed to satisfy Policy H8 (and condition 11 of the current permission). The distribution of such accommodation across all character areas, except with Crescent North is acceptable and unchanged from that included in the current permission however, all 50 affordable dwellings will now be delivered within Phase 1A rather than being split between Phase 1A and 1D. Following consultation but subject to longer-term delivery details being agreed, the Housing & Property Manager has confirmed that the mix of accommodation within South Glassgreen and Village Garden is acceptable, but the mix will require to be reviewed before development is progressed within other character areas;
- in terms of accessible housing, Policy H9 requires (for the current permission and this latest development) 66 accessible dwellings, to include 33 single-storey units of accommodation. This requirement is met, with accommodation provided in a similar distribution (in location, number and mix of accommodation) to that proposed/approved in the current permission but now, 93 instead of 92 accessible units are identified, and of which 92 of the 93 units are provided in single-storey format, whether as bungalows and/or ground floor flat/apartment accommodation;
- in terms of open space and landscaping, and with the proposed changes in phasing, house design and site layout arrangements occurring internally within the earlier approved house building area, the arrangements for open space are largely unaltered from the current permission although, as before, the extent of provision varies within and between character area. Drawing EL44_SL_08 L confirms that communal open space/landscaping is 44% of the application site excluding the Centre. This level of provision would satisfy Policy E5 but, as with the current permission, there is no calculation to demonstrate that 20% coverage is achieved for each character area;
- The 44% calculation is unchanged from the current permission but it would be reduced, by a small amount, if account is taken of a proposed SUDs basin (for Village Garden) located within a previously approved formal park area within Village Core (adjacent to Linkwood Road). This SUDs feature was included in an addendum of Drainage Assessment submitted in relation to the current permission (to discharge drainage details for the Centre) and it is also shown in drawings for Linkwood Road accepted as part of the discharge of Condition 36 of that current permission. A suggested alternative to replace the basin by a series of swales along Linkwood Road is no longer an option owing to existing services and already approved/proposed details for landscaping along the road. Although the potential loss of park area is regretted, particularly in the context of limited open space provision within the otherwise high density Village Core character area, it is recommended that whilst the detailed drainage design for Village Garden has yet to be agreed and if the surface water infrastructure cannot be relocated elsewhere then any such drainage provision with the park setting should be designed so as to minimise the recreational, amenity and bio-diversity value of that site as an open space/landscaped park area for Village Core (as approved as part of formal decision notice 16/01244/APP), thereby assisting Policy E5 requirements;
- As part of open space/landscape requirements, the current permission and current application include advance (structural) and other planting proposed beyond the built-up areas of each character areas including those in the western and eastern parts of the development. Landscape scheme details including timescale and maintenance arrangements are also included, in particular for Crescent North and South Glassgreen and these are considered acceptable in policy terms;
- in transportation terms, the submission details are acceptable subject to conditions included in the current permission, including the 295-dwelling "limit" to Phase 1A, to safeguard the impact on the trunk road. Conditions area also recommended regarding

internal public transport, road and parking, foot and cycle path requirements for each character area (where not already included in the submission) to ensure compliance with relevant policy;

- Information has already been provided/accepted to address and delivery within required timescales transport related improvements for Linkwood Road (Condition 36 and 59 of the current permission), for the Centre and separately for Linkwood Primary School. Some transport information is being considered for Crescent North and South Glassgreen but for other areas the information including road layouts etc has not changed since the current permission, hence the need to re-iterate the conditions attached to the current permission;
- As part of the submitted information, the contractor parking and construction compound arrangements for South Glassgreen only are not acceptable because these will encroach into the advance planting areas already agreed to be planted in the same location(s) by March 2019 and revised arrangements will be required;
- in drainage terms, proposed foul and surface water drainage details involving public connections and on-site dispersal will, in principle, continue to satisfy Policy EP10 and EP5. Detailed arrangements have been and are being addressed separately for the Centre and Linkwood Primary School respectively. Information to develop the proposed drainage strategy for Crescent North and South Glassgreen remain subject to on-going consideration but again for other areas, no further details have been provided. Previous arrangements to integrate drainage from Linkwood Primary School and Village Garden within the Centre are no longer being pursued and such elements now require to develop their own (amended) strategy and detailed disposal arrangements;
- as with the current permission, the current application is again considered to be acceptable rather than adversely impact on cultural heritage and nature conservation interests and planning policy subject to conditions where recommended. Archaeological information for the western part of the site and the Centre and Linkwood Primary School has already been accepted; and
- as with the current permission, the current application is again considered to be acceptable and not result in adverse pollution (contaminated land, air quality, pollution prevention and noise) impacts subject to conditions as recommended under the current permission. Information to address pollution matters is being considered for Crescent North and South Glassgreen but no similar information to address these matters within other character areas has been included in this current application. Measures to address pollution have been addressed separately for the Centre and Linkwood Primary School.

Supplementary planning guidance: Elgin South Masterplan

Although the focus of this latest application is upon the condition to be varied, the Phase 1 development is located within, and is subject to the provisions of, the Masterplan, as approved in May 2017. As a material consideration, the Masterplan is to be given significant weight in the determination of all applications within Elgin South.

As prepared, the Masterplan vision is to create a sustainable neighbourhood south of Elgin promoting core themes of healthy living, sustainability, contribution to climate change, and identity and character, the latter includes development of 3 villages each of their own character and within each village, different character areas are identified to compliment and reinforce each village form).

The Masterplan sets out the planning policy context and design development framework based upon different principles for each village and character area together with account

of access and circulation, landscaping and open space, and other considerations. Generally, and subject to conditions where recommended, the current permission was considered to comply with the Masterplan.

In the context of this latest application, the proposed Phase 1 development is again considered to accord with Masterplan principles not least in view of it's similarities in the location and nature of development and the limited extent of change occurring between the current permission and the current application. Following consultation on the proposed variation to the Phase 1 development, whether during the pre-application stage and/or now prior to determination, the extent or degree and effect of the resultant changes in Phase 1 upon the terms and provisions of the approved Masterplan are minimal not significant.

APPLICATION TO VARY CONDITION 1

adjust Phase 1A boundary

From Table 2 and **Appendix 2**, Phase 1A comprises development within Crescent North, South Glassgreen, Village Garden and Meadows North character areas. A total of 295 dwellings are permitted in accordance with Condition 23 of the current permission, to safeguard the impact of the Phase 1 Elgin South development upon the trunk road.

With the proposed variation, the 295-dwelling total for Phase 1A will be maintained by a rebalance in the distribution and delivery of that accommodation will change. In this case, the total number of dwellings within the western part of the approved area (at Crescent North and South Glassgreen) will increase by 34 units from 80 to 114 dwellings. This change occurs solely within South Glassgreen where all 50 affordable houses to be provided within this character area will now be delivered within earliest (sub)phase of the Phase 1 Elgin South development i.e. within Phase 1A rather than being delivered or split between Phase 1A (16 units) and Phase 1D (34 units) as approved under the current permission.

The increase in delivery of 34 units within the western part of Phase 1 will be 'compensated' by altering or rebalancing the phased delivery of dwellings elsewhere with the development. For example, Phase 1D at South Glassgreen will be reduced from 115 to 80 dwellings and within Meadows North some dwelling were to be delivered as part of Phase 1B and now an additional 16 dwellings will be re-assigned to Phase 1C. In addition, development within Village Garden is being reduced from 84 to 66 dwellings (to safeguard the proximity of accommodation relative to the alignment of a notifiable pipeline located to the south of that character area, see below) and those dwellings are re-assigned elsewhere, to locations within Village Core and Meadow East thus resulting in a (limited) increased number of dwellings within Phase 1B and 1C.

The proposed revised Phase 1A will allow further and early delivery of dwellings including an increased number of affordable dwellings in the western (Crescent North and South Glassgreen) part of the Phase 1 development area. This is acceptable noting that:

- the total number of dwellings across the Elgin South Phase 1 development area is maintained at 870 dwellings and not increased;
- the 295-dwelling requirement for Phase 1A (under Condition 23 of the current permission) is maintained albeit the phased distribution of housing elsewhere and across the Phase 1 Elgin South area is altered, for example the number of dwellings in Phase 1B and 1C are increased but reduced in Phase 1D;
- the current permission provides for 50 affordable dwellings on South Glassgreen. The proposed variation does not increase this number of (affordable) dwellings on South

Glassgreen but rather with the amended and phased delivery arrangements, all affordable dwellings scheduled for delivery in South Glassgreen will now be delivered as a single entity within the earliest proposed (sub)phase of the Phase 1 development;

- when compared with the earlier permission, the now proposed and revised mix of (affordable) accommodation is acceptable to the Housing & Property Manager. The area required for the 50 dwellings is larger than before but still contained within the earlier approved character area and located over the land area previously identified for affordable housing. The extended area and footprint of the revised house designs result in limited not significant changes in the plot boundary/site layout arrangements;
- from the current permission, all 870 dwellings, including the 64 (private) dwellings on Crescent North and 151 (50 affordable and 81 private) dwellings on South Glassgreen were accepted as a significant departure from the adopted development plan (MLDP 2015) including Policy H2 as development on which had not previously been agreed for release. Notwithstanding the revised phasing, to allow further development including increased affordable housing within the western part of the site within the earliest phase of the development, the proposed variation remains consistent and neither undermines nor over-rides the basis upon which the release of this western area was accepted within the current permission;
- as part of the significant departure from the MLDP 2015, it was accepted that early delivery of accommodation can occur within Crescent North and South Glassgreen. This is notwithstanding that this part of Elgin South was intended to be a final phase of the Elgin South development (Elgin LONG 2 South designation and Masterplan refer) in order to allow for the early establishment of robust structure planting before development should then take place. Here, advance (structure) planting details have been agreed (for the western part of Elgin South only) under Condition 21 of the current permission, with planting to be undertaken during the current planting season. The current permission also allows 80 of the now proposed 114 dwellings to be delivered within Phase 1A. This additional increase in the number dwellings can be accommodated without alteration of, or interference within, the agreed advance planting arrangements which will enclose the northern edge of Phase 1 and both character areas as identified;
- the delivery of the 50 units of affordable accommodation could, in regard to Policy H2, also be interpreted as meeting objectives within the current Local Outcomes Improvement Plan; and
- although not a material planning consideration, the Council has already acquired the land area required for the 50 affordable dwellings at South Glassgreen and, without prejudice, negotiations to conclude a contract to deliver the affordable accommodation are on-going.

revised mix of housing and site layout within Crescent North and South Glassgreen

From **Appendix 2** changes are proposed to the mix of house types within Crescent North and South Glassgreen. This has implications upon the site layout arrangements when compared with the current permission.

Within Crescent North, all dwellings are private dwellings, including accessible but no affordable housing will be provided. This arrangement was agreed as part of the current permission. Whilst the total numbers and balance of accommodation, whether single and/or 2-storey detached and semi-detached houses and flat/apartments are all unchanged from the current permission, changes in house design occur, for example the introduction of 'new' house types i.e. the Lauder (previously approved elsewhere in the current permission but not on Crescent North) and Braemar (not previously approved on Phase 1 but approved on other sites promoted by the applicant). The introduction of both

house types is acceptable and in keeping with the style, scale and material finishes of development already granted elsewhere across Elgin South.

With changes in house type (including new house types and/or by substitution of one approved house type for another approved house type), the footprint (size) for each dwelling and their siting within their respective plots is adjusted in a limited manner so that this does not result in any substantive or significant change in the overall character, appearance and layout for development within this character area. Overall, the revised details for Crescent North are acceptable.

For Plots 1 – 4, the siting of the apartment building and parking arrangement have been 'handed' to avoid the building being located within the required stand-off distance relative to a water main located along Birnie Road. (The approved layout at The Range to the north has similarly had to be adjusted). Within Crescent North, the central open space is retained. Information regarding the site access off Birnie Road is subject to consideration and small-scale amendments in the internal road layout will be required for transportation purposes. For the amount of development proposed, an emergency access has been introduced onto Birnie Road instead of the vehicular connection onto an existing track to the north as proposed within the current permission. For this latest submission, a SUDs basin was initially proposed along Birnie Road but now, with a revised drainage strategy based on infiltration, this area will now revert to a landscaped open space area as approved under the current permission, although swales will be added into this area which faces Birnie Road.

Within South Glassgreen, the site and area for the primary school, overall road layout details including access (vehicle, foot and cycle) to/from the A941 to the east and the existing development to the north together with the balance of affordable and private accommodation are all unchanged, however the area within the site required for affordable housing has increased. Changes in the mix of accommodation occur, including a revised mix of affordable house types already agreed with the Housing & Property Manager). These changes are acceptable and in keeping with the style, scale and material finishes of development already granted elsewhere across Elgin South.

Again, with changes in house type, the footprint (size) for each house and their siting within each plot may be adjusted in a limited manner so that this does not result in a substantive or significant change in the overall character, appearance and layout for development within this character area. Overall, the revised details for South Glassgreen are acceptable.

Located between the built-up area and advance structure planting areas to the north, and in accordance with the drainage strategy for this character area, a (foul) pumping station and SUDs basin will be located in open space/landscaped area between the built-up area and the advance (structure) planting areas. The detailed design of the drainage arrangements is currently subject to consultation, and revision to the internal road layout and off-site connections are required from both the current permission and current application.

This latest application includes details for a construction compound and car parking areas within the areas of advance (structure) planting to the north of Crescent North and South Glassgreen and adjacent to an existing track. The applicant has been advised that such construction arrangements would not be acceptable (under Conditions 21, and 52 and 53 of the current permission) and an alternative location is to be investigated.

revised layout and reduction in number of houses at Village Garden

From Appendix 2, 84 dwellings (25 affordable and 49 private) were approved within Village Garden under the current permission. As now proposed, the level of development in this character area will be reduced by 18 units to 66 dwellings (25 affordable and 41 private).

This change follows from further investigation and survey undertaken by the applicant and gas supplier wherein a section of a (notifiable) high-pressure gas pipeline is now located further north than previously indicated. The pipeline and its proximity to development requires to be safeguarded, necessitating a change (reduction) in the area available for development and the location of development in proximity to the pipeline, and the re-alignment of the road extending west from Linkwood Road along the southern frontage of Village Garden. (The alignment of the pipeline further west relative to the southern frontage to Linkwood Primary School is not affected).

To safeguard the pipeline, and after consultation, the revised changes included in the current application are acceptable to both the Health & Safety Executive and the gas supplier, SGN. Although the agreed location of the access onto Linkwood Road is retained, the alignment of the access road (which will serve Village Garden, the primary school and land beyond Phase 1) is moved further north from its earlier approved route, and the size of the available Village Garden character area is reduced. This results in the loss of 16 houses within the southern part of the area (although these will be re-distributed elsewhere within the Phase 1 development area).

Within Village Garden, the mix of dwellings is revised but at 25 units, the total number of affordable homes and their location in the western half of the character area remain unchanged from the current permission. The (revised) location and mix of affordable housing has already been agreed with the Housing & Property Manager. The designs for the revised mix and reduced number of private dwellings proposed for the site have all previously been approved as part of the current permission. Overall, the housing mix details are acceptable and in keeping with the style, scale and material finishes of development already granted elsewhere across Elgin South.

The change in site layout within Village Garden is more substantive relative to the current permission as a result of the implications arising from the “existing” alignment of the pipeline, including a reduced site area and the loss of land within and along its southern frontage. The previously proposed southern frontage of property along the access road has effectively been re-set further north, with the mix of property also revised but retaining the 3-storey corner apartment/neighbourhood use building at the site access off Linkwood Road. Compared with the current permission, the earlier approved, mainly apartment, buildings located immediately behind that southern frontage have been omitted. The internal road layout has also been revised although the road layout and disposition of properties in the northern half of the site remains similar to that approved earlier.

Although the changes in Village Garden are a more extensive, substantive change when compared to the current permission and changes proposed elsewhere within the current application, the overall degree of change which revises the mix, number and siting of dwellings in Village Garden remains limited and is not significant. Dwellings will still be located over some of the footprint/siting of previously approved dwellings (mainly in the northern part of the site). Although small-scale alteration of the proposed internal road

layout is required, the now-proposed design and site layout details for Village Garden are compliant with place-making principles and acceptable.

Land to the south beyond the revised road position and over the pipeline will continue to be used for open space/landscaping including meadows and gardens. Further information including planting specifications for this area have yet to be provided, as required by the current permission.

The original arrangements to integrate foul and surface water drainage infrastructure from Village Garden and Linkwood Primary School with the Centre and beyond is no longer being promoted, meaning separate drainage arrangements require to be progressed for each element, as indicated in an addendum to the Drainage Assessment which also indicates SUDs arrangements for Village Garden discharging to a SUDs basin in part of a park area within Village Core. As noted earlier, a detailed drainage design to satisfy Policy EP5 has yet to be provided and this will also require to satisfy Policy E5 and safeguard open space/landscape requirements for Village Core.

revised numbers and mix of accommodation within Village Core and Meadows East

From **Appendix 2**, changes in the location, number and mix of accommodation are proposed within Village Core and Meadows East to offset the loss of 18 units from within Village Garden. In this case, an additional 12 and 6 dwellings will be incorporated into Village Core and Meadows East respectively. These changes affect (increase) the number of dwellings within Phase 1B and 1C but with the rebalance in phasing across the Elgin South Phase 1 area, the overall total number of dwellings will not exceed 870.

In Village Core, the high-density development expected within the Masterplan is reflected in the already approved site layout arrangements. With the changes as described, the overall density will increase but in a limited manner when 12 additional dwellings integrated into the site layout.

Here, the resultant changes in mix and number of houses will all be accommodated within the earlier approved layout, again without encroachment or alteration of the internal road layout and open space/landscaping arrangements etc included in the current permission. The changes are accommodated with new properties, all to designs already approved elsewhere within Elgin South, largely being sited over the footprint of properties which they will replace. In some cases, approved terraced blocks of 3 or 4 dwellings may be expanded to 4 or 6 units over the same or similar footprint area following use of a different house type. These changes are dispersed throughout the development and with additional parking being located to the rear rather than in front of principal street frontages. These arrangements remain consistent with place-making principles adopted for the current permission. Overall, the changes are acceptable and have a limited not significant change in the character and appearance of the development.

No further information is provided within this latest application for Village Core to address specific conditions about the design and site layout arrangements as applied to the earlier permission including transport and drainage matters including the potential for loss of part of an approved park to accommodate a SUDs feature (for Village Garden).

In Meadows East, the mix of accommodation including the location and number of affordable dwellings (immediately to the south east of the 'main street' within Village Core) is largely unchanged from the current permission, however the resultant increase of 6 dwellings is achieved by replacing two areas, each with two detached dwellings and a pair

of semi-detached dwellings by three, 2-storey apartment blocks, each with four flats. These (Auldearn) apartments, a design already approved under the current permission and found elsewhere across the Elgin South development, are located over the footprint of the properties which they will replace so the resultant change in site layout/plot boundary arrangements are limited not significant. As such, there is very little change in the overall character and appearance of this character area and the changes as described are acceptable.

The applicant's submissions indicate an additional 5 parking spaces will be provided within Meadow East but given the amount and location of this parking, this would not detract from Policy PP3 place-making considerations. No further information is provided within this latest application for Meadows East to address specific conditions about the design and site layout arrangements as applied to the earlier permission including transport and drainage matters.

For Meadow North, the overall mix, number and design of dwellings and site layout arrangements all remain unchanged and are not affected by this current application hence no (revised) details for this character area are included. As noted, a change in the phased delivery of accommodation in this character area occur and whilst 12 units will still be provided within Phase 1B, as per the current permission, the only visible change of this amended phasing is that the delivery of 16 units (located towards the north eastern corner of this character area) will not be built during Phase 1A but built later during Phase 1C. In part, this will offset the rebalance of accommodation now being proposed elsewhere in Phase 1A. The bulk of accommodation will still be delivered within Phase 1A including the affordable homes component of the development 16 dwellings) will now be re-assigned from Phase 1A to Phase 1C.

impact on developer obligations

Policy IMP3 together with associated Supplementary Guidance: Development Obligations seeks contributions (obligations) where development has a measured adverse or negative impact upon existing infrastructure, community facilities or amenity.

The current permission is subject to a legal agreement regarding developer obligation requirements towards primary and secondary education and healthcare facilities, all to be provided in accordance with an agreed schedule of payments related to house completions; alternative arrangements including timescales to provide sports pitches at the Centre; and for both the proposed Linkwood and Glassgreen Primary School sites, there are requirements to transfer of ownership of each required site to Moray Council and provide, for Linkwood Primary School, a 'serviced' site (as defined within the agreement). The latter arrangements are also required within specified time periods related to the commencement of development as approved under application 16/01244/APP.

Following consultation, no further developer obligations (financial contributions) are identified as the 870 dwelling total is not altered as part of this proposed variation. As such the proposal does not conflict with Policy IMP3.

However, given that the existing obligation requirements are specific to the current permission it is necessary that the formal agreement be modified so that the terms of the obligations apply to the development whether pursuant to the current permission (16/01244/APP) or this latest application (18/01209/APP).

Without prejudice to the outcome of this application and after discussion with the

applicant, an application to formally modify the existing agreement has been submitted and is currently receiving the Council's attention (under delegated powers) (application 18/01603/S75 refers). The terms of the modification seek to apply the Phase 1 developer obligation requirements to development occurring under the current permission and/or this current application, and it also includes a plan to redefine Phase 1D at South Glassgreen. A number of minor revision within the style of the (modified) agreement, none of which impact upon the purpose and function of the agreement.

Without prejudice, but in the event of being minded to grant permission for this current application, it is recommended that the modified agreement be agreed and formally acknowledged for formal recording within the Register of Sasines prior to issue of any formal decision notice for application 18/01209/APP.

Conclusion and recommendation

Planning permission has already been granted for a Phase 1 development at Elgin South to include 870 dwellings, neighbourhood uses, sites for two primary schools and a Moray Sports Centre subject to planning conditions and a legal agreement regarding planning obligations

By seeking to vary a condition of that development, this application seeks to maintain the overall parameters and provisions of the current permission whilst promoting a revised form of development including amended phasing design and site layout arrangements. Whilst maintaining the provision for 870 dwellings overall, and for 295 dwellings within Phase 1A, the proposed adjustment in the locations of development within Phase 1A will facilitate early but increased delivery of housing in the western part of the site within the Crescent North and South Glassgreen character areas, including delivery of 50 affordable dwellings. The location and number of dwellings within successive phases of the development will be rebalanced, in part also addressing requirements to safeguard development in proximity to a high-pressure gas pipeline. The latter will result in a loss of housing from Village Garden but this will be re-located into Village Core and Meadows East character areas. The latest application also includes revisions to the mix of housing including amended design and site layout arrangements. The proposed variation does not impact upon the arrangements to deliver the Moray Sports Centre and the two sites for primary schools.

The proposed variation of Condition 1 of application 16/01244/APP is considered acceptable and remains acceptable, in accordance with the terms and conditions of the current permission and as a significant departure from the development plan. It will result in limited but not significant changes in the overall character and appearance of the Phase 1 development approved within Elgin South when compared with application 16/01244/APP.

Subject to conditions as recommended and modification of the existing agreement regarding developer obligations, the development as now proposed is acceptable, accords with planning policy and respects the Elgin South Masterplan, and can be achieved without unacceptable or significant adverse natural and build environmental impacts and there are no material considerations that indicate otherwise.

Approval of the application to vary Condition 1 of application 16/01244/APP is recommended.

REASON(S) FOR DECISION

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

Planning permission has already been granted for a Phase 1 development at Elgin South to include 870 dwellings, neighbourhood uses, sites for two primary schools and a Moray Sports Centre subject to planning conditions and a legal agreement regarding planning obligations

By seeking to vary a condition of that development, this application seeks to maintain the overall parameters and provisions of the current permission whilst promoting a revised form of development including amended phasing design and site layout arrangements. Whilst maintaining the provision for 870 dwellings overall, and for 295 dwellings within Phase 1A, the proposed adjustment in the locations of development within Phase 1A will facilitate early but increased delivery of housing in the western part of the site within the Crescent North and South Glassgreen character areas, including delivery of 50 affordable dwellings. The location and number of dwellings within successive phases of the development will be rebalanced, in part also addressing requirements to safeguard development in proximity to a high-pressure gas pipeline. The latter will result in a loss of housing from Village Garden but this will be re-located into Village Core and Meadows East character areas. The latest application also includes revisions to the mix of housing including amended design and site layout arrangements. The proposed variation does not impact upon the arrangements to deliver the Moray Sports Centre and the two sites for primary schools.

The proposed variation of Condition 1 of application 16/01244/APP is considered acceptable and remains acceptable, in accordance with the terms and conditions of the current permission and as a significant departure from the development plan. It will result in limited but not significant changes in the overall character and appearance of the Phase 1 development approved within Elgin South when compared with application 16/01244/APP.

Subject to conditions as recommended and modification of the existing agreement regarding developer obligations, the development as now proposed is acceptable, accords with planning policy and respects the Elgin South Masterplan, and can be achieved without unacceptable or significant adverse natural and build environmental impacts and there are no material considerations that indicate otherwise.

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APPENDIX 1

POLICY

Adopted Moray Local Development Plan 2015

LONG 2: South

- The developer/landowner must prepare a landscape and planting strategy. This must be agreed with the Council beforehand and include details of species, densities, distribution and sizes of new planting. The planting must be established before development commences. It should take into account the mitigation measures detailed in the Carol Anderson Landscape Associates' Report October 2013. The strategy should also address habitat creation, and how the development has been informed by a species survey.
- The more open area to the west of the A941 should be shown as a final phase within the masterplan to allow for the establishment of robust structure planting.
- Proposals should be supported by a flood risk assessment (FRA) the outcome which may affect the developable area of the site. Water resilient measures should be considered as part of this;
- A buffer strip of at least 6 metres between the watercourse and development is required; and
- A walkover and photographic survey of habitats is required to assess the presence of wetlands and to identify any consequent requirement to address/mitigate the impact on groundwater dependent terrestrial ecosystems.

Primary Policy PP1: Sustainable Economic Growth

The Local Development Plan identifies employment land designations to support requirements identified in the Moray Economic Strategy. Development proposals which support the Strategy and will contribute towards the delivery of sustainable economic growth and the transition of Moray towards a low carbon economy will be supported where the quality of the natural and built environment is safeguarded and the relevant policies and site requirements are met.

Primary Policy PP2: Climate Change

In order to contribute to reducing greenhouse gas emissions, developments of 10 or more houses and buildings in excess of 500 sq m should address the following:

- Be in sustainable locations that make efficient use of land and infrastructure
- Optimise accessibility to active travel options and public transport
- Create quality open spaces, landscaped areas and green wedges that are well connected

- Utilise sustainable construction techniques and materials and encourage energy efficiency through the orientation and design of buildings
- Where practical, install low and zero carbon generating technologies
- Prevent further development that would be at risk of flooding or coastal erosion
- Where practical, meet heat and energy requirements through decentralised and local renewable or low carbon sources of heat and power
- Minimise disturbance to carbon rich soils and, in cases where it is agreed that trees can be felled, to incorporate compensatory tree planting.

Proposals must be supported by a Sustainability Statement that sets out how the above objectives have been addressed within the development. This policy is supported by supplementary guidance on climate change.

Primary Policy PP3: Placemaking

All residential and commercial (business, industrial and retail) developments must incorporate the key principles of Designing Streets, Creating Places and the Council's supplementary guidance on Urban Design.

Developments should;

- create places with character, identity and a sense of arrival
- create safe and pleasant places, which have been designed to reduce the fear of crime and anti social behaviour
- be well connected, walkable neighbourhoods which are easy to move around and designed to encourage social interaction and healthier lifestyles
- include buildings and open spaces of high standards of design which incorporate sustainable design and construction principles
- have streets which are designed to consider pedestrians first and motor vehicles last and minimise the visual impact of parked cars on the street scene.
- ensure buildings front onto streets with public fronts and private backs and have clearly defined public and private space
- maintain and enhance the natural landscape features and distinctive character of the area and provide new green spaces which connect to green and blue networks and promote biodiversity
- The Council will work with developers and local communities to prepare masterplans, key design principles and other site specific planning guidance as indicated in the settlement designations.

Policy H1: Housing Land

Designated sites

Land has been designated to meet the strategic housing land requirements 2013-2025 in the settlement statements as set out in Table 1. Proposals for development on all designated housing sites must include or be supported by information regarding the comprehensive layout and development of the whole site. This allows consideration of all servicing, infrastructure and landscaping provision to be taken into account at the outset. It will also allow an assessment of any contribution or affordable housing needs to be made. Proposals must comply with the site development requirements within the settlement plans and policies and the Council's policy on Place- making and Supplementary Guidance, "People and Places".

Windfall sites within settlements

New housing on land not designated for residential development within settlement boundaries will be acceptable if;

- a) The proposal does not adversely impact upon the surrounding environment, and
- b) Adequate servicing and infrastructure is available, or can be made available
- c) The site is not designated for an alternative use
- d) The requirements of policies PP2, PP3 and IMP1 are met.

Housing Density

Capacity figures indicated within site designations are indicative and proposed capacities will be considered against the characteristics of the site, conformity with policies PP3, H8 and IMP1.

Policy H2: Long Term Housing Designations (LONG)

Long term designations are identified to set out the direction of growth and to assist in the forward planning of infrastructure and landscape enhancement/mitigation. These sites are not relied upon to meet the current housing land requirement up to 2025. The detail of these designations will be reviewed through the next local development plan. Earlier release of these areas, or sites within them, will only be considered where:

A shortfall in the 5 year effective land supply is identified in the annual Housing Land Audit which cannot be met by:

- 1) Windfall provision assuming previous trends.
- 2) Constrained sites which are likely to become available for development to meet the shortfall in the relevant timeframe.

In these circumstances an appropriate release of LONG term land may be recommended where:

This can be achieved without compromising delivery of a master-planned approach and where appropriate access, infrastructure and landscape setting can be secured.

The site is demonstrated to be effective within the next five years.

Note: *Supplementary or other guidance will be prepared to address the detailed implementation and approach to LONG sites and the conditions which will apply to early/partial release and/or progression through the next local development plan.*

Policy H8: Affordable Housing

Proposals for new housing developments of 4 or more units (including conversions) must provide 25% of the total units as affordable housing.

A higher percentage contribution may be appropriate 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.

Supplementary or other guidance will provide further details of this policy including the proportion of provision, the specification of wheelchair accessible housing and the exceptions that may apply.

Policy H9: Housing Mix/Accessible Housing

Proposals for multiple houses must meet the needs of smaller households, older people and other needs (e.g. extra care housing) identified in the Council's Housing Need and Demand Assessment.

All new residential developments must provide a range of housing of different types and sizes which should reflect the requirements of the Local Housing Strategy. Different house types should be well integrated, ensuring that the siting and design is appropriate to the location and does not conflict with the character of the local area.

Housing proposals of 10 or more units will be required to provide a proportion of wheelchair accessible housing. Flexibility may apply on less accessible sites and/or where an alternative acceptable housing mix is proposed.

Off site provision may be acceptable where sites do not have good access to local services and facilities and are not considered appropriate for housing for older people.

Supplementary or other guidance will provide further details of this policy including the proportion of provision, the specification of wheelchair accessible housing and the exceptions that may apply.

Policy E1: Natura 2000 Sites and National Nature Conservation Sites

Natura 2000 designations

Development likely to have a significant effect on a Natura 2000 site which is not directly connected with or necessary to its conservation management 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 Natura site may be approved where;

- a) there are no alternative solutions; and
- b) there are imperative reasons of over-riding public interest including those of a social or economic nature, and
- c) if compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

For Natura 2000 sites hosting a priority habitat or species (as defined in Article 1 of the Habitats Directive), prior consultation with the European Commission via Scottish Ministers is required unless either the imperative reasons of overriding public interest relate to human health, public safety or beneficial consequences of primary importance to the environment.

National designations

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

- a) the objectives of designation and the overall integrity of the area will not be compromised; or
- b) 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.

Policy E2: Local Nature Conservation Sites and Biodiversity

Development likely to have a significant adverse effect on Local Nature Reserves, native woodlands identified in the Native Woodland Survey of Scotland, raised peat bog, wetlands, protected species, wildlife sites or other valuable local habitat or conflict with the objectives of Local Biodiversity Action Plans will be refused unless it can be demonstrated that;

- a) local public benefits clearly outweigh the nature conservation value of the site, and
- b) there is a specific locational requirement for the development

Where there is evidence to suggest that a habitat or species of importance exists on the site, the developer will be required at his own expense to undertake a survey of the site's natural environment.

Where development is permitted which could adversely affect any of the above habitats or species the developer must put in place acceptable mitigation measures to conserve and enhance the site's residual conservation interest.

Development proposals should protect and where appropriate, create natural and semi natural habitats for their ecological, recreational and natural habitat values. Developers will be required to demonstrate that they have considered potential improvements in habitat in the design of the development and sought to include links with green and blue networks wherever possible.

Policy E3: Protected Species

Proposals which would have an adverse effect on a European protected species will not be approved unless;

- there is no satisfactory alternative; and
- the development is required to preserve public health or public safety, or for other reasons of overriding public interest, including those of a social or economic nature, and beneficial consequences of primary importance for the environment; and the development will not be detrimental to the maintenance of the population of species concerned at a favourable conservation status of the species concerned.

Proposals which would have an adverse effect on a nationally protected species of bird will not be approved unless;

- There is no other satisfactory solution
- The development is necessary to preserve public health or public safety
- The development will not be detrimental to the conservation status of the species concerned.

Proposals which would have an adverse effect on badgers or their setts must be accompanied by a Badger Protection Plan to avoid, minimise or compensate for impacts. A licence from Scottish Natural Heritage may be required as well as planning permission. Where a protected species may be affected a species survey should be prepared to accompany the application to demonstrate how any offence under the relevant legislation will be avoided.

Policy E4: Trees and Development

The Council will serve Tree Preservation Orders (TPO's) on potentially vulnerable trees which are of significant amenity value to the community as a whole, 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 protection should be replaced, unless otherwise agreed with the Council.

Woodland removal will only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The Council may attach conditions on planning consents ensuring that existing trees and hedges are retained or replaced.

Development proposals will be required to meet the requirements set out in the Council's Trees and Development Supplementary Guidance. This includes carrying out a tree survey to identify trees on site and those to be protected. A safeguarding distance should be retained between mature trees and proposed developments.

When imposing planting or landscaping conditions, native species should be used and the Council will seek to promote green corridors.

Proposals affecting woodland will be considered against Policy ER2.

Policy E5: Open Spaces

Safeguarding Open Spaces

Development which would cause the loss of, or adversely impact on, areas identified under the ENV designation in settlement statements and the amenity land designation in rural groupings will be refused unless;

- The proposal is for a public use that clearly outweighs the value of the open space or the proposed development is ancillary to the principal use and will enhance use of the site for sport and recreation; and
- The development is sited and designed to minimise adverse impacts on the recreational, amenity and biodiversity value of the site; and
- There is a clear excess of the type of ENV designation within easy access in the wider area and loss of the open space will not negatively impact upon the overall quality and quantity of open space provision, or
- Alternative provision of equal or greater benefit will be made available and is easily accessible for users of the developed space.

Provision of new Open Spaces

Quantity

New green spaces should be provided to the following standards;

- Residential sites less than 10 units - landscaping to be determined under the terms of policies PP3 and IMP1 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 including allotments, formal parks and playspaces within residential sites.

Quality

New green spaces should be;

- Overlooked by buildings with active frontages
- Well positioned, multi functional and easily accessible
- Well connected to adjacent green and blue corridors, public transport and neighbourhood facilities
- Safe, inclusive and welcoming
- Well maintained and performing an identified function
- Support the principles of Placemaking policy PP3.

Allotments

Proposals for allotments on existing open spaces will be supported where they do not adversely affect the primary function of the space or undermine the amenity value of the area and where a specific locational requirement has been identified by the Council. Consideration will include related aspects such as access and car parking and not just the allotment area itself.

Policy E9: Settlement Boundaries

Settlement boundaries are drawn around each of the towns, villages and rural communities representing the limit to which these settlements can expand during the Local Development Plan period. Development proposals immediately outwith the boundaries of these settlements will not be acceptable, unless the proposal is a designated "LONG" term development site which is being released for development under the terms of Policy H2.

(In accordance with policy H11, for proposals involving Gypsy/Traveller sites, a distance of 1km will be applied as being "immediately outwith".)

Policy E10: Countryside Around Towns

Development proposals within the Countryside Around Towns (CAT's) areas identified around Elgin, Forres, Buckie, Keith and Lossiemouth will be refused unless they:

- a) involve the rehabilitation, conversion, limited extension, replacement or change of use of existing buildings, or
- b) are necessary for the purposes of agriculture, forestry, low intensity recreational or tourism use or specifically allowed under the terms of other Local Development Plan policies or settlement statements within these areas (excluding houses in all these cases), or
- c) are a designated "LONG" term housing allocation, released for development under the terms of Policy H2.

Policy BE1: Scheduled Monuments and National Designations

National Designations

Development Proposals will be refused where they will adversely affect Scheduled Monuments and nationally important archaeological sites or their settings unless the developer proves that any significant adverse effect on the qualities for which the site has been designated are clearly outweighed by social or economic benefits of national importance.

Local Designations

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

- a) Local public benefits clearly outweigh the archaeological value of the site, and
- b) There is no suitable alternative site for the development, and
- c) Any adverse effects can be satisfactorily mitigated at the developers expense

Where in exceptional circumstances, the primary aim of preservation of archaeological features in situ does not prove feasible, the Council shall require the excavation and researching of a site at the developers expense.

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

Policy BE2: Listed Buildings

The Council will encourage the protection, maintenance, enhancement and active use of listed buildings.

Development proposals will be refused where they would have a detrimental effect on the character, integrity or setting of the listed building. Alterations and extensions to listed buildings or new developments within their curtilage must be of the highest quality, and respect the original structure in terms of setting, scale, materials and design.

Enabling development may be acceptable where it can be shown to be the only means of retaining a listed building(s). The resulting development should be of a high design quality protecting the listed building(s) and their setting and be the minimum necessary to enable its conservation and re-use.

No listed building should be demolished unless it can be clearly demonstrated that every effort has been made to retain it. Where demolition of a listed building is proposed it must be shown that;

- a) The building is not of special interest; or
- b) The building is incapable of repair; or

- c) The demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or
- d) The repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable price.

New development should be of a comparable quality and design to retain and enhance special interest, character and setting of the listed building(s).

Buildings which are allowed to fall into a state of disrepair may be placed on the Buildings at Risk Register and remedial works to buildings in disrepair may be enforced in the public interest.

Proposals should be in accordance with guidance set out in the Scottish Historic Environment Policy (SHEP) and the Managing Change in the Historic Environment guidance note series.

Policy EP2: Recycling Facilities

Proposals for new development must ensure the provision of adequate space within layouts for well designed waste storage, recycling and collection systems to maximise waste reduction and the separation of materials at source. The scheme should be designed in consultation with the Council's Waste Manager.

For major applications a site waste management plan may be required to ensure that waste minimisation is achieved during the construction phase.

Policy EP5: Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)

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

Specific arrangements should be made to avoid the issue of permanent SUD features becoming silted-up with construction phase runoff. Care must be taken to avoid the introduction of invasive non-native species during the construction of all SUD features.

Applicants must agree provisions for long term maintenance of the SUDS scheme to the satisfaction of the Council in consultation with SEPA and Scottish Water as appropriate.

A Drainage Assessment (DA) will be required for developments of 10 houses or more, industrial uses, and non-residential proposals of 500 sq metres and above.

The Council's Flood Team will prepare Supplementary Guidance on surface water drainage and flooding.

Policy EP6: Waterbodies

Proposals must be designed to avoid adverse impacts upon water environment and should seek opportunities for restoration. The Council will only approve proposals impacting on water features where the applicant provides a satisfactory report that demonstrates that any impact (including cumulative) on water quality, water quantity, physical form (morphology), river hydrology, sediment transport and erosion, nature conservation, fisheries, recreational, landscape, amenity, and economic and social impact can be adequately mitigated.

The report should 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 6m between any new development and all water features is required. These should be designed to link with blue and green networks and can contribute to open space requirements. Developers may be required to make improvements to the water environment as part of the development.

Policy EP7: Control of Development in Flood Risk Areas

New development should not take place if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere. 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 National Guidance and to the satisfaction of both the Scottish Environment Protection Agency and the Council is provided by the applicant. This assessment must demonstrate that any risk from flooding can be satisfactorily mitigated without increasing flood risk elsewhere. 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.

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 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 extreme 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 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
- Job related accommodation e.g. for caretakers or operational staff.

Areas within these risk categories will generally not be suitable:

- 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 flow), and
- An alternative, lower risk location is not available and
- 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 should be used where appropriate. Elevated buildings on structures such as stilts are unlikely to be acceptable.

Policy EP8: Pollution

Planning applications for developments that may cause significant pollution in terms of noise (including RAF aircraft noise), air, water and light emissions will only be approved where a detailed assessment report on the levels, character and transmission of the potential pollution is provided by the applicant. The assessment should also demonstrate how the pollution can be appropriately mitigated. Where the Council applies conditions to the consent to deal with pollution matters these may include subsequent independent monitoring of pollution levels.

Policy EP9: Contaminated Land

Development proposals on potentially contaminated land will be approved provided that:

- a) 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
- b) 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.

The Council recommends early contact with the Environmental Health Section, which can advise what level of information will need to be supplied.

Policy EP10: Foul Drainage

All development within or close to settlements (as defined in the Local Development Plan) of more than 2,000 population equivalent will require to connect to the public sewerage system unless connection to the public sewer 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 specifically allocated within its current Quality Standards Investment Programme and the following requirements apply:

- Systems shall not have an adverse impact 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 identified in the Local Development Plan) of less than 2000 population equivalent will require to connect to public sewerage system 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 risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or amenity of the general area. Consultation with Scottish Environment Protection Agency will be undertaken in these cases.

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 (Scotland) Regulations 2004) should be explored prior to considering a discharge to surface waters.

Policy EP11: Hazardous Sites

The Council will have regard to the presence of major hazard sites, and apply the PADHI (Planning Advice for Development near Hazardous Installations) methodology for planning applications within the consultation distances around these sites. Formal consultations with the Health and Safety Executive and also the Scottish Environment Protection Agency (SEPA) will take place as appropriate.

Policy EP12: Air Quality

Development proposals, which, individually or cumulatively, may adversely affect the air quality in an area to a level which could cause harm to human health and wellbeing or the natural environment must be accompanied by appropriate provisions (deemed satisfactory

to the Council and Scottish Environment Protection Agency as appropriate) which demonstrate how such impacts will be mitigated.

Some existing land uses may have a localised detrimental effect on air quality, any proposals to locate development in the vicinity of uses and therefore introduce receptors to these areas (e.g. housing adjacent to busy roads) must consider whether this would result in conflict with the existing land use. Proposals which would result in an unacceptable conflict with existing land use and air quality will not be approved.

Policy ER2: Development in Woodlands

All woodlands

Development which involves the loss of woodlands will be refused where the development would result in unacceptable adverse effects on the amenity, landscape, biodiversity, economic or recreational value of the woodland or prejudice the management of the forest. Woodland removal will only be supported where it can be demonstrated that the impact on the woodland is clearly outweighed by social or economic benefits of national, regional and local importance, and if a programme of proportionate compensatory planting has been agreed with the Planning Authority.

Protected Woodlands

Woodland removal within native woodlands, ancient semi natural and woodlands within sites protected under the terms of policies E1 and E2 will not be supported.

Tree surveys and new planting

Development proposals must take account of the Council's Trees and Development supplementary guidance. The Council will require the provision of compensatory planting to mitigate the effects of woodland removal.

Where appropriate the Council will seek opportunities to create new woodland and plant native trees in new development proposals. If a development would result in the severing or impairment of connectivity between important woodland habitats, mitigation measures should be identified and implemented to support the wider green network.

Policy ER5: Agriculture

The Council will support the agricultural sector by:

- a) Presuming against irreversible development on prime agricultural land (classes 1,2 and 3.1) unless the site is required for settlement expansion and there is no other suitable alternative.
- b) Supporting farm diversification proposals in principle and supporting business proposals which are intended to provide additional income/ employment on farms.

Proposals for agricultural buildings with a locational requirement will be subject to visual, landscape and amenity considerations and considered against the relevant environmental policies.

Policy ER6: Soil Resources

Where peat and other carbon rich soils are present disturbance to them may lead to the release of carbon dioxide contributing to the greenhouse gas emissions. Developers should assess the likely effects associated with any development work and aim to mitigate any adverse impacts arising.

For major developments, minerals and large scale (over 20MW) renewable energy proposals, development will only be permitted where it has been demonstrated that unnecessary disturbance of soils, peat and any associated vegetation is avoided. Evidence of the adoption of best practice in the movement, storage, management and reinstatement of soils must be submitted along with any relevant planning application, including if necessary measures to prevent the spread of invasive non-native species.

Major developments, minerals and large scale renewable energy proposals on undisturbed areas of deep peat (defined as 1.0m or more) will only be permitted for these uses where:

- a) the economic, social and/or environmental benefits of the proposal outweigh any potential detrimental effect on the environment (in particular with regard to the release of carbon dioxide into the atmosphere); and
- b) it has been clearly demonstrated that there is no viable alternative.

Where development on undisturbed peat is deemed acceptable, a peat depth survey must be submitted which demonstrates that the areas of deepest peat have been avoided. Where required, a peat management plan must also be submitted which demonstrates that unnecessary disturbance, degradation or erosion of peat is avoided.

Large scale commercial peat extraction will not be permitted.

Policy T1: Transport Infrastructure Improvements

The Council will promote the improvement of road, rail, air and sea routes in Moray and priority will be given to:

- a) dualling the A96 Aberdeen to Inverness route with early delivery of bypasses for settlements prioritised.
- b) improving the A95 (Keith to Grantown) route.
- c) Improving A941 (Lossiemouth to Elgin to Craigellachie) and A98 (Fochabers to Cullen) routes. Proposals must avoid or address any adverse effect on the integrity of Loch Spynie SPA or the River Spey SAC including hydrological and water quality impacts on habitat or disturbance to species.
- d) improving the Aberdeen to Inverness railway for passengers and freight by providing route and service enhancement.
- e) improving harbour facilities for freight and leisure including the diversification of the commercial harbour at Buckie for offshore renewables. Harbour improvement works must avoid or address any adverse effect on the integrity of the Moray Firth Special

Area of Conservation through noise or vibration disturbance to bottlenose dolphins, cumulative increase in vessel movements, or through dredging and disposal operations.

- f) improving access to air facilities, at Aberdeen and Inverness, in particular through public transport, and the establishment of a railway station at Dalcross.
- g) improving the transport network within Elgin where there is evidence of positive economic benefits including release of sites designated in the local development plan.

Proposals that compromise the implementation of these priorities will not be acceptable.

Policy T2: Provision of Access

The Council will require that new development proposals are designed to provide the highest level of access for end users including residents, visitors, and deliveries appropriate to the type of development and location. Development must meet the following criteria:

- Proposals must maximise connections and routes for pedestrian and cyclists, including links to active travel and core path routes, to reduce travel demands and provide a safe and realistic choice of access.
- Provide access to public transport services and bus stop infrastructure where appropriate.
- Provide appropriate vehicle connections to the development, including appropriate number and type of junctions.
- Provide safe entry and exit from the development for all road users including ensuring appropriate visibility for vehicles at junctions and bends.
- Provide appropriate mitigation/modification to existing transport networks where required to address the impacts of new development on the safety and efficiency of the transport network. This may include but would not be limited to, the following measures, passing places, road widening, junction enhancement, bus stop infrastructure and drainage infrastructure. A number of potential road improvements have been identified in association with the development of sites the most significant of these have been shown on the Settlement Map as TSPs.
- Proposals must avoid or mitigate against any unacceptable adverse landscape or environmental impacts.

Developers should give consideration to aspirational core paths (under Policy 2 of the Core Paths Plan) and active travel audits when preparing proposals.

New development proposals should enhance permeability and connectivity, and ensure that opportunities for sustainable and active travel are protected and improved.

The practicality of use of public transport in more remote rural areas will be taken into account however applicants should consider innovative solutions for access to public transport.

When considered appropriate by the planning authority developers will be asked to submit a Transport Assessment and Travel Plan.

Significant travel generating proposals will only be supported where:

- Direct links to walking and cycling networks are available;
- Access to public transport networks would involve walking no more than 400m;
- It would not have a detrimental effect on the capacity of the strategic road and/or rail network; and
- A Transport Assessment identifies satisfactory mechanisms for meeting sustainable transport requirements and no detrimental impact to the performance of the overall network.

Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.

Policy T5: Parking Standards

Proposals for development must conform with the Council's current policy on parking standards.

Policy T6: Traffic Management

There is a presumption against new accesses onto a trunk road, and Transport Scotland will consider the case for such junctions where nationally significant economic growth or regeneration benefits can be demonstrated.

There will also be a presumption against new direct access onto other main/key routes (the A941 and A98) except where required to support the provisions of the development plan. Moray Council will consider the case for such junctions where significant regional economic growth benefits can be demonstrated. Consideration will be given to the traffic impact, appropriate road design and traffic management requirements.

Policy T7: Safeguarding & Promotion of Walking, Cycling, & Equestrian Networks

The Council will promote the improvement of the walking, cycling, and equestrian networks within Moray. Priority will be given to the paths network including Core Paths and the wider Moray Paths Network. There are several long distance routes that cross Moray including the Speyside Way, Dava Way, Moray Coastal Trail and Aberdeen to Inverness National Cycle Route.

Development proposals that would have an unacceptable impact on access rights, core paths, rights of way, long distance routes and other access routes that cannot be adequately mitigated will not be permitted. Where a proposal will affect any of these, proposals must:

- incorporate the route within the site layout and the routes amenity value must be maintained or enhanced; or
- provide alternative access that is no less attractive and is safe and convenient for the public to use.

Policy R2: Out of Centre Development of Retail, Commercial and Leisure Proposals

Outwith town centres retail development proposals (including extensions) and other uses generating significant footfall such as leisure or public buildings, must:

- a) comply with the sequential approach which requires that locations for new development be considered in the following order of preference:
 - Principal and Other Town Centre Sites;
 - Edge of Town Centre Sites;
 - Other Commercial Centres identified within the Table 1 "Retail Centres and Roles";
 - Derelict or vacant land in out of centre locations that are or can be made easily accessible by pedestrians and a choice of modes of transport;
 - Out of centre sites in locations which are, or can be made, easily accessible by pedestrians and a choice of modes of transport;
- b) demonstrate that there is no unacceptable individual or cumulative impact on the vitality and viability of the identified network of town centres, this being demonstrated where appropriate, by a Retail Impact Assessment,
- c) meet any requirements for linking development to existing infrastructure including roads access, parking, as demonstrated by a Transport Assessment, sewerage, water run-off and Sustainable Urban Drainage Systems (SUDS),
- d) provide specific opportunities for access by public transport, pedestrians, cyclists and the disabled, and
- e) contribute positively to the built environment of the area by having a high standard of design.

Proposals outwith settlement boundaries will not be acceptable, with the exception of specialist retailing associated with tourism which should be considered against Policy R3 and roadside facilities which should be considered against Policy T3. Small shops intended to meet the convenience needs of a local neighbourhood should be considered against Policy R3.

Policy R3: Neighbourhood & Local Shops, Ancillary Retailing, & Recreation or Tourist Related Retailing

Proposals for Neighbourhood and Local Shops, Ancillary Retailing, and Recreation or Tourist Related Retailing will generally be acceptable in the following circumstances:

- a) small shops which are intended to primarily serve the convenience needs of a local neighbourhood within a settlement boundary
- b) ancillary retail operations to an industrial or commercial business. In this case ancillary is defined as up to 10% of total gross floorspace of the business, and up to 1000 square metres gross total of retail floorspace, where the retail operation is directly linked to the industrial or commercial production and where the goods are produced on the same premises.
- c) farms or farm buildings for the retailing of farm produce, or,
- d) specialist retailing associated with an existing or proposed recreation or tourist development and where the scale and function of the proposal is appropriate to the character of the area.

These types of retailing are exempt from the sequential assessment requirement but may, when requested by the Planning Authority, be required to demonstrate that they will not have an adverse effect on the vitality and viability of the identified network of centres.

In all cases, satisfactory provision must be made to ensure that the environment is not compromised and that there is appropriate access and parking, and other service provision.

Policy IMP1: Developer Requirements

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It should comply with the following criteria

- a) The scale, density and character must be appropriate to the surrounding area.
- b) The development must be integrated into the surrounding landscape
- c) Road, cycling, footpath and public transport must be provided at a level appropriate to the development. Core paths; long distance footpaths; national cycle routes must not be adversely affected.
- d) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water.
- e) Where of an appropriate scale, developments should demonstrate how they will incorporate renewable energy systems, and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria.
- f) Make provision for additional areas of open space within developments.
- g) Details of arrangements for the long term maintenance of landscape areas and amenity open spaces must be provided along with Planning applications.
- h) Conservation and where possible enhancement of natural and built environmental resources must be achieved, including details of any impacts arising from the disturbance of carbon rich soil.

- i) Avoid areas at risk of flooding, and where necessary carry out flood management measures.
- j) Address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- k) Address and sufficiently mitigate any contaminated land issues
- l) Does not sterilise significant workable reserves of minerals or prime quality agricultural land.
- m) Make acceptable arrangements for waste management.

Policy IMP2: Development Impact Assessments

The Council will require applicants to provide impact assessments in association with planning applications in the following circumstances:

- a) An Environmental Assessment (EA) will be required for developments that are likely to have significant environmental effects under the terms of the regulations.
- b) A Transport Assessment (TA) will be sought where a change of use or new development is likely to generate a significant increase in the number of trips being made. TAs should identify any potential cumulative effects which would need to be addressed. Transport Assessments should assess the effects the development will have on roads and railway infrastructure including stations and any crossings. Transport Scotland (Trunk Roads) and Network Rail (Railway) should be consulted on the scoping of Transport Assessments. Moray Council's Transportation Service can assist in providing a screening opinion on whether a TA will be sought.
- c) In order to demonstrate that an out of centre retail proposal will have no unacceptable individual or cumulative impact on the vitality and viability of the identified network of town centres, a Retail Impact Assessment will be sought where appropriate. This may also apply to neighbourhood shops, ancillary retailing and recreation/tourism retailing.
- d) Where appropriate, applicants may be asked to carry out other assessments (e.g. noise; air quality; flood risk; drainage; bat; badger; other species and habitats) in order to confirm the compatibility of the proposal.

Policy IMP3: Developer Obligations

Contributions will be sought from developers in cases where, in the Council's view, a development would have a measurable adverse or negative impact upon existing infrastructure, community facilities or amenity, and such contributions would have to be appropriate to reduce, eliminate or compensate for that impact.

Where the necessary contributions can be secured satisfactorily by means of planning conditions attached to a planning permission, this should be done, and only where this cannot be achieved, for whatever reason, the required contributions should be secured through a planning agreement.

The Council will prepare supplementary guidance to explain how the approach will be implemented in accordance with Circular 3/2012 on Planning Obligations. This will detail the necessary facilities and infrastructure and the scale of contributions likely to be required.

In terms of affordable housing, developments of 4 or more units will be expected to make a 25% contribution, as outlined in policy H8.

APPENDIX 2

TABLE 1: RESIDENTIAL AND NON-RESIDENTIAL USES WITHIN PHASE 1 DEVELOPMENT

	Area of Development															
	Crescent North		South Glassgreen		Village Garden		Village Core		Meadows North		Meadows East		Central Park		TOTAL	
RESIDENTIAL																
	2016 ¹	2018 ²	2016 ¹	2018 ²	2016 ¹	2018 ²	2016 ¹	2018 ²	2016 ¹	2018 ²	2016 ¹	2018 ²	2016	2018	2016 ¹	2018 ²
Affordable	0	0	50	50	25	25	50	51	35	35	57	57			217	218
Private*	64	64	81	81	59	41	174	185	108	108	167	173			653	652
Accessible	13	13	26	27	6	6	19	19	11	11	17	17			92	93
TOTAL RESIDENTIAL	64	64	131	131	84	66	224	236	143	143	224	240			870	870
NON-RESIDENTIAL																
Class 1**			2	2	1	1	11	11							14	14
Class 2**							9	9							9	9
Class 3**			1				4	4							5	5
Class 4**							4 (B)	4 (B)							4	4
Class 10**			1	1			1 (A)	1 (A)							2	2
TOTAL NON-RESIDENTIAL			4	4	1	1	29	29							34	34
Primary School ***			X	X									X	X		
Moray Sports Centre													X	X		

Notes:

2016¹ = application 16/01244/APP

2018² = application 18/01209/APP

* = includes accessible housing

** = see Town & Country Planning (Use Classes) (Scotland) Order 1997, as amended for interpretation of use

*** = assumes Class 8* use

A, B = Type A and Type B building, see applications 16/01244/APP and 18/01209/APP for details

TABLE 2: Housing Allocation by House Type and Area of Phased Development

[illegible]

PHASE 1B									
Meadows North (part)	<i>Single-storey</i>	0	0	0		0	0		
	<i>Houses detached</i>	0	0	0	0	0	0		
	<i>Houses semi-detached</i>	0	0	0	0	0	0		
	<i>Houses terraced</i>	0	0	0	0	0	0		
	<i>Flats/apartments</i>	4	4	8	8	2	1		
		4	4	8	8	2	1	12	12
Village Core	<i>Single-storey</i>	1	1	0	0	0	0		
	<i>Houses detached</i>	0	0	25	24	1	1		
	<i>Houses semi-detached</i>	14	14	16	58	0	0		
	<i>Houses terraced</i>	16	13	36	6	0	0		
	<i>Flats/apartments</i>	19	23	97	97	18	18		
		50	51	174	185	19	19	224	236
Meadows East (part)	<i>Single-storey</i>	0	0	0	0	0	0		
	<i>Houses detached</i>	0	0	0	0	0	0		
	<i>Houses semi-detached</i>	0	0	0	0	0	0		
	<i>Houses terraced</i>	0	0	0	0	0	0		
	<i>Flats/apartments</i>	0	0	12	12	2	2		
		0	0	12	12	2	2	12	12
TOTAL (Phase 1B)		54	55	194	205	23	22	248	260
PHASE 1C									
Meadows East (part)	<i>Single-storey</i>	25	25	10	10	7	7		
	<i>Houses detached</i>	0	0	77	73	0	0		
	<i>Houses semi-detached</i>	14	14	34	32	0	0		
	<i>Houses terraced</i>	0	0	6	6	0	0		
	<i>Flats/apartments</i>	18	18	28	40	8	8		
		57	57	155	161	15	15	212	218
Meadows North (part)	<i>Single-storey</i>		0		2		2		
	<i>Houses detached</i>		0		6		0		
	<i>Houses semi-detached</i>		0		4		0		
	<i>Houses terraced</i>		0		0				
	<i>Flats/apartments</i>		0		4		1		
			0		16		3	0	16
TOTAL (Phase 1C)		57	57	155	177	15	18	212	234

Phase 1D									
South Glassgreen (part)	<i>Single-storey</i>	13	0	9	9	9	8		
	<i>Houses detached</i>	0	0	5	5	0	0		
	<i>Houses semi-detached</i>	10	0	14	10	0	0		
	<i>Houses terraced</i>	3	0	13	13	0	0		
	<i>Flats/apartments</i>	8	0	40	44	17	19		
		34	0	81	81	26	27	115	81
TOTAL (Phase 1D)		34	0	81	81	26	27	115	81
TOTAL ALL PHASE 1									
All Areas	<i>Single-storey</i>	62	63	33	33	28	27	95	96
	<i>Houses detached</i>	0	3	210	206	1	1	211	209
	<i>Houses semi-detached</i>	59	58	102	130	0	0	161	188
	<i>Houses terraced</i>	19	13	66	41	0	0	85	54
	<i>Flats/apartments</i>	77	81	242	242	63	65	319	323
TOTAL (Phase 1)		217	218	653	652	92	93	870	870

Note:

*includes accessible housing

APPENDIX 3

Proposed alterations to conditions of 16/01244/APP for 18/01209/APP

Condition of application 16/01244/APP	Topic	Incorporate within application 18/01209/APP (in full or amended)?	Comment
1	Overall parameters for development	Y	update drawing reference and confirm housing and Centre design details from current permission
2	Development beyond Phase 1A	Y	Update drawing reference
3	Use Classes for schools and Centre	Y	Update drawing reference, refer back to terms of current permission
4	Use Classes for neighbourhood uses	Y	re-state
5	Details for Centre	Y	Details for (revised (reduced)) Centre building only already discharged. Re-state but apply only to future development (re-enlarged Centre building and/or external facilities Delete charging points – details already discharged
6	Lighting for Centre	Y	Details for (revised (reduced)) Centre building only already discharged. Re-state but apply only to future development (re-enlarged Centre building and/or external facilities
7	Foul drainage for Centre	Y	Details for (revised (reduced)) Centre building only already discharged. Re-state but

			apply only to future development (re-enlarged Centre building and/or external facilities)
8	Surface water (including construction surface water) drainage for Centre	Y	Details for (revised (reduced)) Centre building only already discharged. Re-state but apply only to future development (re-enlarged Centre building and/or external facilities)
9	Landscaping for Centre	Y	Details for (revised (reduced)) Centre building only already discharged. Re-state but apply only to future development (re-enlarged Centre building and/or external facilities)
10	Landscape Obligations for Centre	Y	On-going obligation applies to already approved and additional scheme details
11	Affordable Housing – all areas	Y	Details confirm 218 dwellings. Amend to require details for delivery and timescale arrangements as before - no details here but negotiations over contract for SG
12	Affordable Housing	Y	Amend to confirm details for SG and VG as acceptable (by Housing) but re-apply requirement for revised mix for VC, ME and MN – yet to be agreed
13	Accessible Housing	Y	Re-state but up-date details to refer to 93 accessible dwellings
14	Details for residential development in all character areas	Y	Details included about material finishes to buildings and surfaces, bin stores (design and

			location) boundary treatment and air pump specifications but play equipment is illustrative – amend condition to refer to details not yet provided including a composite schedule of finishes for VC, ME and MN
15	Foul drainage for all residential development areas	Y	Details for CN and SG subject to consultation although technical approval from Scottish Water for SG (and CN awaited?) Re-state existing until outcome of consultation – potential discharge for CN and SG ahead of other areas
16	Surface water (including construction surface water) drainage for all residential development areas	Y	Addendum strategy for drainage introduced during discharge of Centre details including revised details for VG (and other elements) Details for CN and SG subject to consultation Re-state existing until outcome of consultation – potential discharge for CN and SG ahead of other areas
17	Water course and flood levels – all development	Y	Details for Centre (and equivalent for Linkwood PS) discharged so re-apply to residential areas only. Details of FFL included for CN and SG but subject to consultation - potential discharge for CN and SG ahead of other areas
18	Construction Environmental Management Plan – all development	Y	Details for Centre (and equivalent for Linkwood PS) discharged so re-apply to residential areas

			only. CEMP details for CN and SG but subject to consultation - potential discharge for CN and SG ahead of other areas
19	Per-construction surveys – all development	Y	Details for Centre (and equivalent for Linkwood PS) discharged, and for CN and SG (yet to be confirmed) – re-apply to remaining residential areas only
20	Landscaping details – all (residential) development areas (not Centre)	Y	For all character areas (including CN and SG) details included to address most requirements of original condition including retain/remove, protect and maintain etc - amend to apply to aspects not included including the meadow and planting south of VG and the School, etc
21	Advance (structure) planting	Y	Details discharged for western part so amend condition to confirm those details and re-state existing condition requirements to apply to areas adjoining MN and ME
22	Landscape Obligations for all development (not Centre)	Y	On-going obligation applies to details to be accepted and any additional scheme details
23	Phase 1A limit to development – 295 dwellings, etc	Y	Re-state but up-date drawing to reflect amended Phase 1A/1D boundary in SG
24	Archaeology – all development	Y	Details discharged for Centre and western area (and equivalent for Linkwood PS). Amend condition to confirm

			agreed details (for CN and SG) and re-apply to VG, VC, ME, MN
25	Public Access Plan	Y	Discharged for Centre building only. Plan details subject to consultation included details for CN and SG - - potential discharge for CN and SG ahead of other areas
26	District Heating	No	Condition discharged – not viable for Phase 1. Omit condition
27	Environmental Improvement of Linkwood Burn	Y	Dis-applied to Centre. Amend to apply to ME and MN only
28	Construction Hours – all development	Y	On-going obligation for all elements of development regardless of location
29	Construction NIA	Y	Discharged for Centre building only. Re-apply to all residential areas – no details included in submission
30	Noise from Class 3 and 10 uses	Y	Uses integrated into built design and no details in current application
31	Air source pumps – all residential areas	Y	Details of pumps included – reword condition for development to accord with the submitted details
32	Noise implications of gas station – VC only	Y	Re-apply – no details included
33	Noise level mitigation along Linkwood Road	Y	Re-apply but clarify that applies to VG, VC and MN which border Linkwood Road – no details included
34	Noise from Class 1, 2, or 4 uses	Y	Uses integrated into built design and no details in current application
35	Public transport- all development	Y	Discharge for Centre building only – details for CN and SG subject to consultation but no

			details for other areas - potential discharge for CN and SG ahead of other areas
36	Pedestrian and cycle crossing over Linkwood Burn – for Centre, school and dwellings accessed from Linkwood Road	Y	Details discharged as part of application 16/01244/APP – re-word condition to re-iterate delivery in accordance with agreed details and timescales
37	Alternative access arrangements – development off Linkwood Road	Y	Details discharged as part of application 16/01244/APP – re-word condition to re-iterate arrangements to be provided in accordance with agreed details
38	Alternative access for development using Linkwood Road	Y	but re-state obligation about alternative access route
39	Replacement vehicle crossing over Burn and pedestrian/cycle to Reiket Lane	Y	Does not apply to Centre but re-state to re-iterate timescale for delivery
40	Travel Pack – all development	Y	Re-state –details yet to be provided Including those for Centre. No details included
41	Travel Information Pack – all development	Y	Re-state –details yet to be provided Including those for Centre. No details included
42	Development accessed to A941	Y	In light of details included in application, amend to apply to development outwith Phase 1A (i.e. enables SG (50 affordable) but not Phase 1G
43	Road connection from SG to north – before 51 st dwelling commencing	Y	Re-state timescale for connection
44	Development accessed from Birnie Road – details	Y	Details subject to consultation
45	Road connection from CN	Y	Re-state timescale for

	to north – before 51 st dwelling commencing		connection but revise to reflect details are no longer vehicle but pedestrian/cycle only and add requirement for emergency access to/from Birnie Road. Details subject to consultation
46	Internal road details – CN	Y	Amend to require details for connection to north and cycle path adjacent to Birnie Road and ADD timescale for delivery. Details subject to consultation
47	Internal road details – MN	Y	Re-state but update drawings – no details included to address
48	Internal road details – VC	Y	Re-state but update drawings – no details included to address
49	Internal road details – ME	Y	Re-state but update drawings – no details included to address
50	Internal road details – VG	Y	Amended requirements based on amended layout for reduced development in VG
51	Internal road details – SG	Y	Re-state but update drawings – no details included to address Details subject to consultation
52	Construction Traffic Management Plan – all development	Y	Discharge for Centre building only. Re-apply for all other area but details for SG only subject to consultation, although location of compound etc not acceptable given encroachment in advance structure planting areas. Details also related to construction access

			condition (53)
53	Construction access(es) – all development	Y	Discharge for Centre building only. Re-apply for all other area but details for SG only subject to consultation. Details also part of construction traffic management plan condition (52)
54	Height of boundary fences – all development	Y	On-going obligation
55	Height of features in visibility areas – all development	Y	On-going obligation
56	Parking specifications – all development	Y	On-going obligation
57	Driveway lengths – all residential development	Y	On-going obligation
58	Driveway surface – all residential development	Y	On-going obligation
59	Road improvements – all development accessed from Linkwood Road, including road, pedestrian and cycle paths from Linkwood bridge to southernmost access, and accessed to/from development on Linkwood Road	Y	Details discharged as part of application 16/01244/APP – re-word condition to re-iterate delivery in accordance with agreed details and timescales