

RESIDENTIAL DEVELOPMENT

Introduction

Local Plans contain residential development policies and housing land allocations for the following reasons:

- To provide a range of housing opportunities that meets the requirement for a continuing 5-year effective land supply.
- To promote the development of housing on brownfield land to reduce the need to use greenfield land.
- To accommodate low impact housing development within the countryside.
- To assist in the provision of opportunities for affordable and special needs housing, including the use of cross subsidies from private housing developments.
- To set standards related to the development of new housing which help to maintain the quality of the area's natural and built environment.

The approach to housing will therefore help to provide housing to meet the area's social and economic needs. This is crucial to the future prosperity of Moray. It will also assist in reducing the impact of this essential development on the area's environment, and make best use of infrastructure resources.

Context

Scottish Planning Policy 3 (SPP3) 'Planning for Housing' provides the national planning guidance on housing. Its main aim is to provide well-located, high quality new housing to meet the local housing market requirements. In rural areas planning authorities are required to indicate where new housing in the countryside may be appropriate. Planning Advice Note 38 (PAN38) sets out advice on the development of good practice in developing a view on housing land provision and location.

The Council has also developed a Local Housing Strategy that has its main aim to ensure that good quality, affordable housing is available to meet the needs of people living in or requiring housing in Moray.

The Plan therefore requires to ensure that there will be an adequate supply of housing land over the whole of the plan period for both the public and private sectors. The focus for new housing development will be on towns, villages and rural communities and this will enhance sustainability and energy efficiency by reducing the need for car travel and by supplying services and facilities. However, there will also be a need to encourage the retention and growth of population in the rural areas of Moray through the sensitive development of new housing opportunities.

The Local Plan includes two policies for housing land designations to ensure that sufficient housing land is available to meet the strategic housing land requirements set out in the Moray Structure Plan 2007. SPP3 requires planning authorities to provide housing land to cover the 5 year period of the plan and the following five years. To ensure a consistent, effective housing land supply, LONG term sites have been designated in the Plan. These sites are effectively embargoed from development during the period of the Local Plan unless the triggers for their release are met.

POLICY H1: HOUSING LAND ALLOCATIONS

Land allocations for housing development to provide a minimum five year supply at 2012 are identified in the settlement plans 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 will allow consideration of all servicing, infrastructure and landscaping provision to be taken into account at the outset. It will also allow an assessment of any developer contribution or affordable housing needs to be made. Proposals will also require to comply with the site development requirements within the settlement plans and policies.

JUSTIFICATION:

General

An adequate supply of land has to be allocated to ensure continued opportunities for development to assist the future stabilisation and growth of the area.

The focus for development is on the main towns of Elgin, Forres, Buckie, Keith and Lossiemouth. In addition, Aberlour and Fochabers can provide opportunities for future growth in the mid and lower Speyside. New allowances elsewhere are of a relatively minor scale and serve to provide a range and choice of sites to meet future demand. There are restrictions on development at Craigellachie, Rothiemay, Findhorn and Kinloss related to drainage capacity. In addition, small or zero allowances are provided at Alves, Archiestown, Garmouth, Dyke, Duffus, Hopeman, Urquhart and Dallas as a reflection of their traditional character that could be adversely affected by larger scale development.

As part of any new development developers require to provide infrastructure and facilities related to the impact of their development

Development should be appropriate to the area.

Housing Allocation Criteria

The housing allocation proposed for each settlement has been determined through an analysis of a range of factors, including; -

- Structure Plan housing land figures
- The settlement's role within the hierarchy
- Consistency with previous Development Plan. The Plan reviews the success of the implementation of the previous strategy for each settlement as being in accord with the community wishes established at the time of consultation/ approval.
- Population/ household trends. A review of the increase/ decrease in population levels/ household numbers. Compare with national average trend towards smaller households (approximately 1% of housing stock per annum). For sustainability purposes, each settlement would be accorded an increase in housing stock over 5 years to maintain its population levels. This is then measured against any technical constraints, amenity issues, previous development rates and consistency with the previous Development Plan.
- Market/ Development rates. An examination of the past 5-10 year's completion rates.
- Technical considerations- wastewater, transport, contamination, flooding, ground conditions, availability of services, pollution
- Amenity considerations- character edges, topography, built and natural environment/ heritage
- Effective land supply and brownfield and infill sites
- Other- land ownership, bids received, neighbouring land uses.

Supporting Studies

In addition to these criteria the Council commissioned two consultancy studies which have influenced land designations:-

- "Integration of New Developments into the Landscape" Alison Grant, May 2005. Reports on Elgin, Forres, Buckie, Lossiemouth and Keith to assess the potential effects of new development on the character of the landscape and identify opportunities for landscape enhancement. Further studies were commissioned for specific sites in a number of settlements.
- "Towns Promotion and Development Project", Donaldsons. The study provides recommendations, principally focusing on Elgin, but also for Forres, Buckie, Lossiemouth and Keith, for priorities for investment and decision making within the context of economic planning and the overall vision of growing Moray.

Housing Land Audit

The Council prepares an annual Housing Land Audit in consultation with Homes for Scotland. The Audit monitors the supply of effective housing land and considers whether the triggers to release any LONG term housing sites have been met. The Council will ensure that sufficient housing land is made available to provide a 5 year effective supply at all times during the plan period 2008-2012, in accordance with the requirements of the Moray Structure Plan 2007, SPP3 and PAN38.

Site Capacities

The site designation capacity figures are the numbers attributed as appropriate to the site for the purposes of assessing their contribution to the Housing Land Audit. They represent the maximum number which the Council will consider before "Departure" procedures come in to effect; in other words, any application over the indicated capacity will be dealt with as a Departure. However, some proposals for over the attributed numbers may be acceptable departures, and this judgement will be determined through a detailed analysis of the design and layout as submitted in the Planning Application. The final capacity will be decided by consideration of the application's compliance with the criteria used to defined the designation; e.g. landscaping requirements; access constrains; neighbouring housing densities; noise contours; floodplain limitations, etc.

CONFORMS TO:

The policy conforms to SPP3 and PAN38 on the provision of an appropriate housing land supply.

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

Policy IMP4; Action Plan;

Housing Land Audit.

Table 1: New Housing Land Allocations

Settlement	5 Year Effective Supply (2005)	Longer Term Effective Supply (2005)	Constrained Supply (2005)	Annual Development (5-Yr Average)	Proposed Additional Housing Allocation
Elgin	593	120	-	91	950
Forres	123	80	11	61	550
Buckie	95	54	95	27	350
Lossiemouth	69	2	5	41	250
Keith	121	23	9	8	170
Aberlour	17	-	-	11	60
Alves	10	-	-	-	-
Archiestown	4	-	-	1	10
Burghead	83	40	-	12	40
Craigellachie	-	-	33	1	-
Cullen	7	-	-	3	25
Cunningston	-	-	-	-	-
Dallas	6	-	-	-	-
Dufftown	47	18	-	4	20
Duffus	-	-	-	-	-
Dyke	-	-	-	1	10
Findhorn	11	-	30	6	5
Findochty	15	20	-	4	25
Fochabers	-	-	-	17	50
Garmouth	-	-	-	4	0
Hopeman	-	-	-	11	0
Kingston	-	-	-	-	-
Kinloss	6	-	196	-	25
Lhanbryde	61	-	-	4	45
Mosstodloch	15	5	-	1	30
Newmill	-	6	-	-	-
Portgordon	8	12	-	3	40
Portknockie	30	5	-	1	20
Rafford	-	-	-	-	10
Rothies	8	20	-	5	30
Rothiemay	-	-	15	-	5
Urquhart	3	3	-	1	-
Remainder of Moray	82	-	49	3	-
Total	1414	408	443		2720

POLICY H2: INDICATIVE LONG TERM HOUSING ALLOCATIONS

Indicative long term housing allocations are identified in the settlement plans for Elgin, Forbes, Buckie, Keith, Fochabers, Cullen, Rothes, Aberlour, Lhanbryde and Urquhart. They are embargoed from development during the period of the Local Plan, unless the Planning Authority is convinced that their early release is justified. The Council will evaluate the need for the early release of long term housing land, through the annual Housing Land Audit and Monitoring Report. The triggers for the early release will include a shortage of effective housing land, significant changes in development rates, infrastructure provision and structural landscaping provision.

JUSTIFICATION:

LONG term sites have been identified to provide a strategic view of the future direction of some settlements and to ensure that an effective housing land supply is provided to meet the requirements of the Structure Plan and SPP3. These sites are embargoed from development within the period of the Plan (2008-2012) unless the triggers for their release are met on a case by case basis. The 'triggers' for release of land under this policy has been agreed with Homes for Scotland and other stakeholders as part of the Housing Land Audit process. The identification of indicative long term housing allocations in the area's main towns allows the consideration of advanced works, such as infrastructure and structural landscaping. It also provides a reserve that could be brought forward if justified in terms of the supply and demand for housing within the area thereby reducing the potential for unplanned ad hoc development.

CONFORMS TO:

The policy conforms to SPP3 and PAN38 on the provision of an appropriate housing land supply.

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

Policy IMP4 Action Plan.

Housing Land Audit

POLICY H3: NEW HOUSING IN BUILT-UP AREAS

New housing within settlement boundaries will be acceptable if:

- a. it does not adversely impact on the surrounding environment, and
- b. adequate servicing and infrastructure is available, or can be made available.

JUSTIFICATION:

The development of brownfield housing meets many of the requirements of sustainability. It assists in reducing the need to release greenfield land, it helps to regenerate run down urban areas and encourages a more sustainable pattern of transportation. Infrastructure requirements such as schools, water, sewerage and roads are often already in place, although appropriate contamination assessments may need to be carried out. Susceptibility to flooding must be confirmed.

CONFORMS TO:

The policy conforms to SPP3 on the development of urban areas. PAN33 on the development of Contaminated Land.

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

Policy IMP1: Development Requirements,

Policy IMP2: Development Impact Assessments,

Policy IMP3: Developer Contributions,

Policy EP6: Control of Development in Flood Risk Areas.

POLICY H4: SUB DIVISION FOR HOUSE PLOTS

Proposals for the subdivision of housing plots in those settlements where there is no specific embargo, will be acceptable if the plot subdivision is less than 50% of the original plot; if the plot is not a backland site; and, if the site provided is at least 400 square metres excluding access. The house style must complement the character of the area as well as the scale and architecture of the parent property.

JUSTIFICATION:

Plot subdivision requires to be controlled so that the adverse impact of over-development on the character of an area is reduced. It assists the protection of neighbours from over-development. The policy also prevents the development of backland sites where there is no road frontage on the grounds of character and amenity.

CONFORMS TO:

The Policy conforms to SPP3 on the development of infill sites.

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

None.

POLICY H5: HOUSE ALTERATIONS AND EXTENSIONS

House alterations and extensions will normally be approved if the appearance of the house and the surrounding area is not adversely affected in terms of style, scale proportions or materials.

JUSTIFICATION:

The policy discourages badly designed extensions and alterations. This is intended to safeguard the character and amenity of established residential areas.

CONFORMS TO:

The policy conforms to the provisions of SPP3 on the achievement of quality in residential environments.

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

None.

POLICY H6: DEVELOPMENT WITHIN RURAL COMMUNITIES

New housing on sites in designated rural communities will be acceptable if adequate servicing and infrastructure is available, or can be made available, if its scale and design fits the character of the community and, if it does not adversely impact on an environmental amenity site.

The Council will prepare Supplementary Guidance in support of this policy, and this will be subject to consultation with stakeholders prior to adoption.

JUSTIFICATION:

The Plan seeks to maintain and encourage the growth of population levels within rural areas. This will assist in the maintenance of communities and their services and facilities. It can also assist in reducing pressure for housing development in the open countryside. New development should fit the scale and character of its community and be adequately serviced so that its impact on the surrounding area including natural heritage/biodiversity is not adverse.

CONFORMS TO:

The policy conforms to SPP3 on the development of housing in the countryside and the achievement of quality in residential environments.

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

Policy IMP1 on development Requirements.

Policy E4 on Green Spaces.

POLICY H7: RE-USE AND REPLACEMENT OF EXISTING BUILDINGS IN THE COUNTRYSIDE

The re-use or replacement of existing buildings in the countryside for housing will be acceptable if:

- a) there is clear physical evidence of a previous building, using the equivalent of level 2 as depicted in diagram 1, where the full extent of the building is clearly established; and
- b) the proposed house(s) sits on at least part of the footprint of the previous building(s). Exceptions will be made when development on the footprint is demonstrated as being unviable due to site characteristics such as flooding.

Where new build is proposed along with a re-use or rehabilitation scheme, it must

- i. comprise only a limited number of new-build units, in proportion to the original extent of building on site;
- ii. be contained within the curtilage of the existing building site and must not extend into previously undeveloped land; and
- iii. be in scale and in character with that which existed previously (e.g. a courtyard layout), and, where a rehabilitation is part of the scheme, be reflective of the original design characteristics.

In all cases, developments should incorporate stonework and salvaged material, wherever practicable.

Where complete replacement of substantially intact stone and slate buildings, such as churches, mills, farmhouses, granaries and schools, etc, is being proposed, the Council will require submission of evidence as to why conversion or renovation is not being pursued.

(N.B. Where buildings are substantially intact, there may be a requirement to identify the presence of bats and assess any potential impact on their roosts).

This policy does not apply to the replacement of temporary structures such as wooden or corrugated-iron sheds or stores (unless as part of a rehabilitation scheme).

This policy will be supplemented by Guidance, which will be the subject of separate further consultation, prior to incorporation of the Guidance into the process of determining planning applications.

The Guidance will include advice on maximising energy efficiency.

Proposals falling within the aircraft noise contours, as published by the Ministry of Defence, will be subject to consultations with MoD and consideration against policy EP7 regarding noise pollution.

JUSTIFICATION:

The encouragement of housing development in appropriate locations in the countryside is an important plan objective. This will assist in the retention of population and services in this predominantly rural area. New development in the countryside should reflect the character of the surrounding area thus minimising its impact.

Potential impact on the wider countryside will also be reduced by the re-use of sites where development has previously taken place. The retention of local vernacular buildings and buildings with architectural merit will assist in maintaining the character and appearance of the area. Replacement dwellings will still have to comply with the design requirements of policy H8, in order to avoid suburban layouts and to minimise any impact on the surrounding countryside.

Adequate servicing provision should be available to avoid any potential adverse impact on surrounding properties.

CONFORMS TO:

The policy conforms to SPP3 and SPP15 (Planning for Rural Development) in terms of housing in the countryside. It also reflects the advice within PAN72 on the siting and design of new housing in the countryside.

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

Policy IMP1 on Development Requirements.

Diagram 1: 6 Stages of building remains

Level 1



RUBBLE PILE
Building form not known

Level 2



PLAN FORM COMPLETE
Extent of building clearly known

Level 3



GABLE ONLY
Extent of use of building not known

Level 4



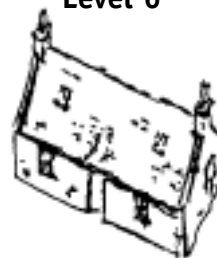
WINDOW SILL HEIGHT
Full extent and use of building not known

Level 5



COMPLETE SHELL
Former use evident

Level 6



RUINOUS STATE
Former use and extent shown

POLICY H8: NEW HOUSING IN THE OPEN COUNTRYSIDE

This policy assumes against multiple house applications (more than 2) on the basis that these are more appropriately directed to Rural Communities (H6) and applied to the Re-use and Replacement of Existing Buildings (H7).

New dwellings in the open countryside will be acceptable subject to meeting the requirements below:

a) Siting

- It does not detract from the character or setting of existing buildings , or their surrounding area, when added to an existing grouping, or linear extension
- It is not overtly prominent (such as on a skyline or on artificially elevated ground; or in open settings such as central areas of fields). Where an otherwise prominent site is offset by natural backdrops, these will normally be acceptable in terms of this criterion.
- At least 50% of the site boundaries are long established and are capable of distinguishing the site from surrounding land (for example, dykes, hedgerows, watercourses, woodlands, tracks and roadways).

If the above criteria for the setting of the new house are met, the following design requirements then apply:-

b) Design

- A roof pitch of between 40-55 degrees.
- A gable width of no more than 2.5 times the height of the wall from ground to eaves level (see diagram 2);
- Uniform external finishes and materials including slate or dark “slate effect” roof tiles;
- A vertical emphasis and uniformity to all windows;
- Proposals must be accompanied by a plan showing 25% of the plot area to be planted with native species trees, at least 1.5m in height;
- Where there is an established character, or style, of boundary demarcation in the locality (e.g. beech hedges, dry stone dykes) new boundaries must be sympathetic.

Exceptions to the above design requirements will only be justified on the basis of innovative designs that respond to the setting of the house.

This policy will be supplemented by Guidance, which will be the subject of separate further consultation, prior to incorporation of the Guidance into the process of determining planning applications.

The Guidance will include advice on maximising energy efficiency.

Proposals falling within the aircraft noise contours, as published by the Ministry of Defence, will be subject to consultations with MOD and consideration against policy EP7 regarding noise pollution.

JUSTIFICATION:

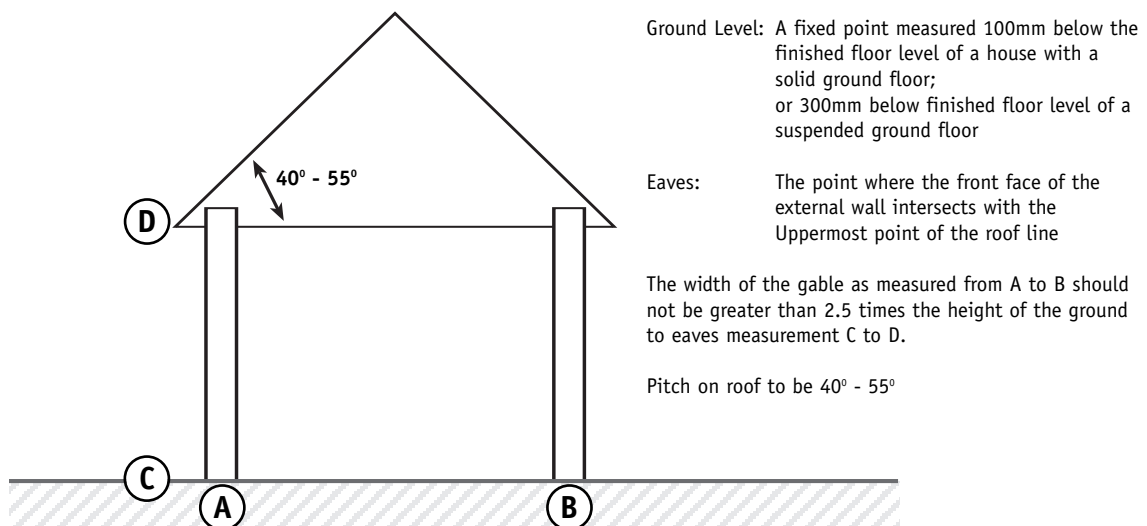
The encouragement of housing development in appropriate locations in the countryside is an important plan objective. This will assist in the retention of population and services in this predominantly rural area.

The Plan aims to allow housing in the open countryside that can be easily absorbed into the landscape. New development should be low impact and reflect the character of the surrounding area in terms of scale and design. In particular, the introduction of suburban style or ribbon development into the countryside would have an adverse effect on the area's high quality of environment.

Adequate servicing provision should be available to avoid any potential adverse impact on surrounding properties.

Innovative modern design and energy efficiency measures are encouraged to promote sustainable development.

Diagram 2



CONFORMS TO:

This policy conforms to SPP3 and SPP15 in terms of promoting development that supports the regeneration of rural areas and services, whilst seeking to reduce the impact of such development. It also reflects advice set out in PAN72 on the siting and design of new housing in the countryside.

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

Policy IMP1 on Development Requirements.

POLICY H9: AFFORDABLE AND SPECIAL NEEDS HOUSING

Proposals for new housing developments of 10 houses or more on designated or undesignated sites, will be expected to provide an “affordable housing” element. The specific contribution will be assessed at the time of the planning application, and will be informed by Moray Council’s Supplementary Guidance on Affordable Housing and the most recent Housing Needs Assessment. The preparation or revision of Supplementary Guidance will be subject of stakeholder consultation prior to adoption. There are various forms in which the affordable housing contribution can be provided (such as social rented; homestake; and others as listed in PAN74, para11). Where the developer can demonstrate that there are exceptional site development costs, the requirement for affordable housing may be reduced, to ensure the cumulative burden on the overall development does not make the development unviable. Whilst the preference will be to locate affordable housing within the site of the related development, other options may include off site contributions, or through the provision of commuted payments.

JUSTIFICATION:

The Moray Council Housing Strategy identifies a substantial requirement for affordable housing based on a housing needs assessment to identify the shortfall of affordable housing.

CONFORMS TO:

The policy conforms to SPP3 and PAN74 on affordable housing in terms of delivering affordable housing and the linkage with local housing strategies.

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

Supplementary planning guidance on affordable housing.

POLICY H10: RESIDENTIAL AND NURSING HOMES FOR THE ELDERLY AND DISABLED

Residential and nursing homes for the elderly and disabled will be acceptable within settlements if:

- a. there is satisfactory access to emergency services and public transport
- b. there are no uses within the vicinity that would adversely impact on the amenity of the proposal
- c. there is no loss of existing open space or woodland essential to the residential amenity of the area, and
- d. immediate and surrounding access is suitable for elderly and disabled people

JUSTIFICATION:

The policy seeks to provide appropriate guidance on the appropriate location for residential and nursing homes related to residential amenity, environmental impact and opportunities for active participation within the community.

CONFORMS TO:

The policy conforms to SPP3 in addressing the range of residential requirements within the Moray Area.

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

Policy IMP1 on Development Requirements.

POLICY H11: RESIDENTIAL CARAVANS AND SITES

The Council will not permit residential caravans, except

- a. in emergency situations requiring urgent re-housing for a temporary period, or
- b. where a temporary consent is required in relation to the construction of a house for which planning consent has been granted

Proposals to redevelop residential caravan sites at Kinloss and Ashgrove to provide new housing will be acceptable. Proposals to redevelop Mundole residential caravan site should be the subject of a masterplan and retain holiday accommodation as the primary use in accordance with the rural community statement.

JUSTIFICATION:

Caravans do not fit into the landscape environment. In Moray about 300 caravans continue in residential use and it is therefore a strategic objective to reduce the area's dependency on residential caravans. The policy therefore places an embargo on the creation of any new sites, and also allows the redevelopment of existing residential caravan sites for housing.

It is also recognised, however that the Council may require to respond to the needs of travelling people following further guidance from the Scottish Executive. This will be kept under review.

The Council aims to reduce the area's dependency on residential caravans for low cost housing and to retain tourist facilities. There is scope for some infill opportunities within the defined boundary of Mundole rural community. The required masterplan for Mundole should take full account of the need to address local constraints, such as contamination and flooding, as well as opportunities offered by its landscape setting and the recreation potential offered by the woodlands and River Findhorn nearby.

CONFORMS TO:

SPP3 in terms of improving the environmental quality of the area.

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

None.

POLICY H12: TRAVELLING PERSONS SITES

The Council acknowledges the needs of travelling people are taken into account, and will identify sites. These sites will be considered in the context of the applicable policies in the Plan.

JUSTIFICATION

SPP3 encourages mixed communities, and while the SPP does not encourage use of caravan sites as an alternative to meeting the need for housing, it recognises that travelling people have specific needs which should be provided for partly through the development plan.

CONFORMS TO

SPP3: Planning for Housing.

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE

None.