

PLANNING APPLICATION: 15/02032/APP

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

THE PROPOSAL

- Application for planning permission (as amended) for residential development and associated infrastructure on land at Linkwood Farm.
- 106 new build dwellings (houses and flats) to be provided with 79 private and 27 affordable units of accommodation.
- 2 existing, single-storey, semi-detached houses located within the site to be retained and incorporated into the development.
- 79 (private) dwellings comprise a mix of 64 houses, 12 flats and 3 houses.
- Existing 19th century stone/slate section of Linkwood Steading to be retained/converted into 3, three-bedroom dwellings with upper floor accommodation located within the roof space and served by roof lights, existing stone/slate façade, including the clock tower, to be retained and repaired including glazing to replace blockwork within existing arched openings across the façade of the building (facing Linkwood Road). Later additions, at side and rear of the Steading and other farm buildings/structures within the site to be removed.
- 12 (private) flats are proposed within 3, two-storey blocks, each with four 2-bedroom flats (Plots 50-61) and located towards the south-eastern corner of the site. Each flat block (Auldearn) is identical in design and external finishes to match the remainder of the development.
- 64 (private) houses are provided from 7 different house types using a mix of detached and semi-detached forms, all of similar scale or height. One house type (Dallachy) is also used to provide two short terrace blocks, each with 3 houses (Plots 21-23, 31-33). 6 houses types appear as two-storey to their rear but with their asymmetric roof design the use of dormers and/or small projecting gable feature details on their front (principal) elevations suggest a 1½-storey style or form. The L-shaped Culbin house is of similar scale but with upper floor accommodation served by dormers (to front and side elevations) or windows in its front and rear gables.
- Excluding the converted steading, flat and the mid-terrace units, all private houses have an option to add a sun lounge onto their rear elevation, to be finished in materials to match the house.
- 27 affordable houses include a mix with 5 single-storey properties (using 2 different house types, one is semi-detached (Y-type) and the other is provided as two semi-detached and one detached houses, each with an attached car port (Plots 64-68, C-type), 14 two-storey houses (all semi-detached using 3 different house types), and 8 flats, (all located within two, 2-storey blocks, each with 4 flats and identical in design).
- 16 affordable houses are grouped around a cul-de-sac located towards the north-western corner of the site (Plots 91-106) and 11 affordable houses are located towards the eastern end of the site with 4 units (Plots 71-74) located to the north-

west and 3 units (Plots 68-70) and 4 units (Plots 64-67) located to the south of a proposed "open space" area.

- Proposed external finishes for all new build private and affordable houses include grey concrete roof tiles and white wet dash render and/or larch clad walls, all set on a smooth concrete basecourse.
- 8 accessible houses to be provided i.e. the 6 ground floor apartments (Auldearn, Plots 50-61) and 2, three-bedroom, two-storey houses (Crossley, Plots 75, 88).
- For all flatted accommodation, grouped (communal) parking arrangements are proposed, generally located either to the front or side of their front elevations.
- For all houses, parking is "in-plot" some with (integral) garage arrangements and/or 2 or 3 spaces, generally located to the front or side of each property.
- For the converted steading, a 5-space parking area is located to the west of the steading (for Plots 16 and 17) and a separate "in plot" parking area for Plot 18.
- A single vehicle access is proposed onto Linkwood Road, located approx. midway along the site frontage.
- An emergency access arrangement (using a proposed cycle path) is proposed onto Linkwood Road, located to the east of the proposed single vehicle access.
- The site layout incorporates a separate 'right of way' access off Linkwood Road to an existing store (located outwith the site), and re-alignment of an existing (private) road leading to the property, Millburn (located outwith the site). An "area subject to future residential planning application" is also identified but located outwith the site to the north of Linkwood House.
- Two 10m wide "future connections" are included to safeguard access links to land beyond the Linkwood Burn to the east, and to Maggot Wood to the west.
- Together with the internal double loop road layout serving the development off the single access onto Linkwood Road, provision is made for foot and cycle path connections both within the site and to the wider area, including a pedestrian path in the north-western corner between Plots 97 and 100, and a foot/cycle path located towards the north-eastern corner between Plot 71 and 70. Both connect onto an existing foot/cycle path located along the northern boundary of the site. An additional foot/cycle path link is included to/from the site onto Linkwood Road towards the south-western corner of the site
- 15m wide "reservation strip" included along the Linkwood Road site frontage, for future transport improvements required/proposed along Linkwood Road.
- Excluding individual gardens to house plots, green space areas of varying size are included. Smaller 'green' space areas include some verges along some road frontages, or as "left over" areas at the end of streets where land is not incorporated into the adjoining house plots. Larger 'green' areas include the embankment slope extending along the northern boundary of the site, and an area incorporating a SUDs pond and pumping station.
- The largest open space area extends along Linkwood Road located between the new build development and the 15m "reservation strip", including a "village-green" space located immediately in front of the converted steading. This landscape area has an average depth of 23.6m, excluding the "reservation strip".
- The areas of greenspace, excluding and including the "reservation strip", cover approx. 20.29% and 22.89% of the total site area respectively.
- No play area is included (or required) within the site.
- 0.7m high stone walls will define the edge of the landscape area along Linkwood Road and the front boundaries of Plots 1-3 and 23-26 which face onto Linkwood Road. Elsewhere, individual plots to be defined by low walls, hedging and/or 0.45m high trip fencing (to front garden areas) and 1.8m high timber screen fencing (to

side/rear garden areas). In some areas due to site levels, retaining and/or step walls (between 0.3 - 0.75/1m high) are proposed.

- In addition to turfing (within plots) and grass seeding (within open space areas), hedging is proposed to enclose some parking areas. Tree/shrub planting is also proposed, including feature trees within the landscape strip along Linkwood Road, planting within some (smaller) open space areas and additional planting along the northern and eastern boundary.
- A landscape scheme has been provided with planting specifications (species and sizes, etc.) and a schedule for landscaping indicates the maintenance regime for all planting, with a contractor appointed to maintain landscaping.
- Public water supply and foul (waste water) drainage connections are proposed including an underground pumping station located within a "green space" area along the eastern boundary.
- Surface water drainage arrangements include "in plot" soakaways, roads drainage and a SUDs basin, the latter located beside the pumping station.
- Supporting documents with application include a Pre-application consultation report (PAC), Design and Access Statement (DAS), Planning Statement (PS), Drainage Assessment (DA), Flood Risk Assessment (FRA), Noise Impact Assessment (NIA), Transport Assessment (TA) and Addendum Transport Assessment (ATA); archaeological evaluation and historic building recording written scheme of investigation; ground investigation report with Stage 1 Contaminated Land Study and remediation plan, Preliminary Ecological Appraisal and Summer Bat Survey, and Design and Sustainability Statements, etc.

THE SITE

- Approx. 4.8ha site located to the south-east of Elgin which includes land and buildings at Linkwood Farm.
- Existing steading complex comprises a series of cattle court sheds and other structures both separate from and/or added onto the side and rear of an existing 19th century stone/slate section of the Steading.
- The land surrounding the Steading is undulating and used for grazing.
- Within the site, to the north-west of the Steading, are two single-storey houses, to be retained and incorporated into the site layout.
- To the east, the site is bounded by the tree-lined Linkwood Burn and agricultural land beyond.
- Located beyond south-east corner are two existing properties, Millburn (accessed through the site), and Linkwood House (Category C listed building).
- To the north is the existing large residential development area at Linkwood.
- To the west/north-west is the property, The Beeches and Maggot Wood with the latter subject to the Reiket Lane Tree Preservation Order (as revised).
- To the south/south-west, the site is bounded by Linkwood Road with existing residential development within the grounds of Dunkinty House, Linkwood Distillery and Linkwood Distillery House all on the opposite side of the road.
- Generally, the site slopes from north-west to south-east, from approx. 25mAOD to 13mAOD.
- Located along the northern boundary an embankment slope, reducing in height from west to east, separates the site from an existing foot/cycle path (core path, EG59) and the rear gardens of property on Millbuie Street and Bain Avenue.

- The western part of the site is designated for residential development as Elgin R10 Linkwood Steading with an indicative site capacity of 85 units (Moray Local Development Plan (MLDP) 2015 refers). The eastern half of the site is "white land" and not specifically designated for development.
- Land to the east and south of the site beyond the Linkwood Burn and Linkwood Distillery form part of the Elgin "Countryside Around Towns" designation and part of the longer-term Elgin LONG2 designation.

HISTORY

4 December 2015 - Screening Opinion adopted under the current Environmental Impact Assessment Regulations 2011 (EIA) for this development where, after taking account of the characteristics and location of the development, and the characteristics of the potential impact associated with this development, the proposal, as a 'Schedule 2 development', would not be likely to result in significant environmental effects, hence formal EIA procedures are not required.

15/01231/PE - Residential development and associated infrastructure at R10 Linkwood Steading Linkwood Road Elgin - following a pre-application meeting, the response (13 October 2013) provides initial feedback on the proposal, including comments from consultees, information requirements expected to accompany any formal application for planning permission and recommendations for further pre-application consultation with consultees.

15/01259/PAN - Proposal of Application Notice (PAN) for residential development and associated infrastructure at R10 Linkwood Steading Linkwood Road Elgin - response (14 July 2015) confirms requirements for consultation with the local community.

Following consideration of this PAN, the Council's Planning & Regulatory Services Committee advised (on 11 August 2015) that (a) the proposal should promote the integration of affordable housing, of at least 25%, within the development; (b) the proposal should promote good connectivity between the proposal and neighbouring developments; (c) maps submitted with the application should be up to date, showing development completed in the area surrounding the proposal; and (d) the applicant should note the current pressure of school roles in the area.

For the Elgin LONG 2 site to the south:

16/00053/PAN - Proposal of Application Notice (PAN) for proposed (Phase 1) 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, sports centre (with provision for indoor and outdoor sports and recreation), two primary school sites, associated infrastructure (transport, drainage and open space) and landscaping at Elgin South MLDP2015 Long 2 Elgin - response (2 February 2016) confirms requirements for consultation with the local community.

Following consideration of this PAN, the Council's Planning & Regulatory Services Committee advised (on 23 February 2016) that with all traffic required to use Thornhill Road, Reiket Lane and Linkwood Road, consideration should be given to provide an

access from the A941 road early within the development to address existing traffic pressures including congestion within the Elgin road network.

POLICY - SEE APPENDIX 1

ADVERTISEMENTS

- Advertised as a departure from the development plan
- Advertised for neighbour notification purposes

CONSULTATIONS

Planning & Development - No objections. Based upon the revised Quality Audit (QA) (February 2016), the proposals are considered to comply with policy PP2, PP3, and E5 and the Urban Design Supplementary Guidance albeit subject to a landscape plan with details of species, etc and a firm connection to Maggot Wood recommended as further mitigation. [NOTE: these details are included within the amended proposals.]

The development is located on site Elgin R10 and on land to the east which is not designated but located within the Elgin settlement boundary. Whilst the principle of housing is appropriate and compatible with adjacent uses, development on this "windfall" part of the site will only be acceptable where it fully meets Policy H1 and satisfies Policy PP1, PP2, and PP3. The site forms a key gateway into the longer-term expansion area for Elgin (LONG 2). The design of the development must be of a high standard to reflect its situation and applying Policy PP3 place-making principles is pertinent to achieving this. The application details differ from the pre-application discussions and previous sketch layouts including those identified within the DAS.

Building Standards - Building warrant required.

Environmental Health - No objections following review of the noise impact assessment. [NOTE: The assessment concludes that sound levels from the Distillery would not exceed relevant BS8233: 2014 and BS:4142: 2014 standards, therefore sound (from the Distillery) will not disturb residents of the new houses.]

Environmental Health Contaminated Land - No objection subject to the assessment of the suitability of the site for the proposed use being completed and remediation works being implemented in accordance with the submitted Ground Investigation Report (Rev B), to safeguard the health and safety of the occupants of the properties, building structures and the local environment from the effects of harmful ground contamination.

Environmental Protection/Moray Access Manager - No objection subject to a condition requiring further details about the Public Access Plan (PAP) including supporting text to explain its rationale and the programme for its implementation. The development shows linkage to core path EG59 which directly links to EG45 but no details are provided about a cycle path along Linkwood Road (connecting to EG45 Reiket Lane/Thornhill Road), and a connection to EG46 at Linkwood Distillery. The latter may be problematic due to the narrow width of Linkwood Road down to the Distillery.

Transportation Manager - No objection subject to informatives and conditions as recommended including details for revised layout details to address road safety issues (as specified) and any construction access; arrangements to maintain and manage roads SUDs; specifications for visibility splay at all internal junctions, parking standards and driveway lengths; safeguarding of 15m wide "reservation strip" along Linkwood Road and 10m "future connections" to adjoining land (as specified); and for road improvements (widening of Linkwood Road to 6m and 3m cycle path between site and Reiket Lane) to be provided prior to commencement of 50th unit, etc.

The TA and ATA have not fully considered the condition or suitability of Linkwood Road to accommodate the additional development trips made by car and active travel modes, hence the required delivery of necessary improvements as specified.

In the TA/ATA, queue length information has not been provided for observed junction surveys. The junction modelling has not been calibrated against queue lengths, thus the impact can only be considered on a relative basis. The results are not representative of any existing queuing/delays or likely future impacts but they demonstrate that the development will have a negative impact in relative terms on delays and queue lengths at the A941/Edgar Road roundabout, with an increase in queuing as a result of additional development traffic indicated on the New Elgin Road approach from the north (over the railway bridge) which is a critical link at the A941/Edgar Road roundabout. Traffic queuing on this approach would have an adverse effect on the operation of the wider road network should it extend as far north as the Laichmoray roundabout. The testing in the TA/ATA does not indicate queuing to that extent because the junction modelling has not been calibrated against observed queueing. With each additional development within Elgin likely to generate traffic which would use this part of the road network, the cumulative effect of development should not be dismissed.

Whilst there is no committed roads improvement scheme which would provide additional capacity at the A941/Edgar Road roundabout or result in re-distribution of traffic to alternative routes, an indicative improvement scheme has been identified for this roundabout. As improvement at this junction would not be solely attributable to the proposed development, a proportional financial contribution is sought towards the provision of mitigation measures at this key constraint on the road network. The viability assessment for the proposed development does not (at the time of the response) include the transportation contribution sought. [NOTE: this contribution has now been included in negotiations over developer contributions.]

Housing Strategy and Development Manager - No objections. At 25%, Policy H8 requires 27 of the 106 units to be provided for affordable housing. A condition is recommended regarding the arrangements for delivery of this accommodation. The agreed housing mix is reflected in the revised drawings and the proposals included on that drawing are acceptable. [NOTE: these comments also apply to the amended drawings.]

Policy H9 requires the 10% of private sector units to be built to wheelchair accessible standards, hence 8 of the 79 private units must comply with accessibility criteria. The proposal is acceptable based upon the amended proposals to use the Crossley house type and ground floor apartments of the Auldearn flats, and the revised Accessible Housing Compliance Statement.

Aberdeenshire Archaeology Services - No objection subject to a condition requiring a Level 2 archaeological standing building survey of the extant structures prior to development commencing. The scheme of investigation refers to trial trenching but this work was not requested and is not necessary.

Moray Flood Risk Management - No objections subject to condition requiring a construction phase surface water management plan, to ensure construction activities do not increase the risk of flooding to surrounding properties. Following completion of the development, as-built drawings of SuDS features to be submitted to comply with the Flood Risk Management (Scotland) Act 2009.

Scottish Water - No response at time of report.

Scottish Environment Protection Agency - No objection subject to conditions requiring no development to take place within the functional flood plain (as defined) and submission of a Construction and Environmental Management Plan (CEMP) (and if conditions not applied then treat response as an objection).

It does not appear that works are proposed in or adjacent to the water environment and a 6m (min) buffer is to be maintained adjacent to the Linkwood Burn. Part of the site is at "medium to high" risk of flooding. As the estimated 1 in 200 year flood level is 13mAOD, no development should take place within the functional flood plain, as identified in the applicant's FRA, which also recommends that finished floor levels of property be set at 13.9m, a 900mm freeboard which is more than the 600mm usually recommended by SEPA (and for plots 66/67 and 68/69 with finished levels of 15.3mAOD this is a generous freeboard of over 2m above the peak flood level). [NOTE: In terms of existing site levels, midway along the eastern boundary the land is approx. 13mAOD but rises up towards the north and south-eastern corners of the site and generally, the levels also rise westwards across the site. The existing ground level is approx. 14m towards the corner of Plot 65, 15.34m within Plot 65 to the west, and 15.37m in the north-eastern corner of the site. With finished floor levels of 15.3m, 15.75m and 15.45m for the respective houses, all are above the recommended finished level and outwith the flood plain, and the differences in freeboard included for plots in the south-eastern corner may not be as generous as SEPA indicate. For the amended proposals, the applicant has confirmed that all parts of the development (house plots, SUDs basin and pumping station) are outwith the area likely to flood and any land raising occurs outwith the floodplain.]

The surface water drainage proposals are acceptable to SEPA based on the original proposals. [NOTE: The response does refer to SEPA not objecting to a small section of filter drain, to the south of Plot 70 which would not drain to the detention basin but this would not apply to the amended proposals including the relocation of Plot 70.]

To minimise impacts of the development on the environment, the CEMP should address all pollution prevention and environmental management issues and incorporate mitigation measures for all elements potentially capable of giving rise to pollution.

In line with SPP 2014, it is recommended that consideration be given to provide a district heating network to meet heat demand for the proposed development, through on-site generation or co-location with a heat source.

Scottish Natural Heritage - No objections. The bat survey confirms the use of buildings by roosting bats, and bats foraging around the site. As a European protected species, the Council must consider the impact upon bats prior to determining the application. Where minded to approve, the Council must satisfy itself whether the licensing "tests" are likely to be met, without which the applicant would be unable to make practical use of any permission or commit an offence. A licence will be required from SNH before any demolition can proceed but it is likely that the licensing tests would be met.

The applicant should check for the presence of any breeding birds which may be affected by works and ensure that there is no disturbance to breeding birds. The line of trees along the Burn and the north west boundary should be retained to provide wildlife habitat.

The application is supported by a site landscaping drawing (for the original proposal as submitted) identifying the locations/positions of avenue and public realm trees, amenity areas of grass and low shrub beds, etc. but without details (specifications) about planting species and mix of trees, shrubs, grassland or wildflowers, etc. The separate landscape scheme management plan refers to the maintenance regime for varying types of planting but it is not clear how the landscaping drawing and management plan relate to each other. A greater level of detail about landscaping is required. The application does not address issues raised by SNH about adopting a longer term vision for the site and developing an urban tree resource with an appropriate species mix and a range of species to secure greater bio-diversity value.

Aberdeenshire Council, Developer Obligations Unit (DOU) - Following assessment, obligations are identified in relation to primary and secondary education, based upon proposals being progressed by the Council to address current or forecasted capacity issues. No contributions are required for community halls or sports and recreation, there being no proposals for additional provision being progressed by the Council in Elgin. (The proposal for a regional sports facility is a private project). A contribution is sought also in terms of the development having a cumulative impact upon the A941/Edgar Road junction.

Following re-assessment regarding viability and exceptional circumstances of the development site involving the District Valuer, it is deemed reasonable to reduce the overall required contribution. The obligation can be undertaken as an upfront payment prior to issue of any planning consent or in 5 tranches in arrears (i.e. c.20 completed units) by entering into a Section 75 agreement. [NOTE: the applicant has agreed the level of contribution and a staged payment arrangement is to be adopted.]

Scottish Gas Networks - Records indicate a low/medium/intermediate pressure gas main near the site. No mechanical excavations should take place above or within 0.5m of a low/medium pressure system, or above or within 3.0m of an intermediate pressure system. Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used and, where required, the applicant should establish the position using hand dug trial holes. [NOTE: Details of location of gas apparatus and gas safety advice booklet etc. have been forwarded to applicant. The amended plans indicate an existing gas pipeline within the site and located along the eastern boundary.]

Elgin Community Council - No objection but concerns are raised about the capacity of the existing road network to accommodate this development. The TA addresses the impact of this development and committed development. It does not address the cumulative impact of reasonably adjacent developments currently in planning i.e. applications 15/02020/APP (Elgin R9 Driving range), 15/02032/APP (the current application) and to a lesser extent, application 15/02056/APP (17 units at Duncanshill). Confirmation is requested that the cumulative impact of adjacent developments on the existing road network is addressed in this case. [NOTE: The TA and ATA do not include the cumulative impact of the identified "live" cases. The scope of the assessment considers only the specific impact of this current application upon the surrounding road network taking account of "committed development" as defined and agreed in consultation with the Transportation Manager].

The applicant should consider a more sensitive integration (not segregation) of social and affordable housing within the wider scheme. The segregation of social and affordable housing has a detrimental social impact on communities. There are areas of Elgin where this is happening and Elgin Community Council is happy to engage further on this matter.

OBJECTIONS-REPRESENTATIONS

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

a) 3 representations received (based upon the original proposals) from

- Mr W Hutcheson 19 Millbuie Street Elgin IV30 6GE
- Mr Ian G H Williams Linkwood Distillery House Linkwood Elgin IV30 8RD
- Mr E Atkinson Dunkinty Lodge Dunkinty Elgin IV30 8RD

The main points of the representations are:

Issue: Demolition of existing farm buildings

- As a working farm, has consideration been given to the dispersal of vermin such as rats into the surrounding area during demolition, the removal of asbestos in close proximity to existing homes, and a bat survey (as bats are a protected species and are in abundance)?

Comments (PO): Measures to manage and/or control the dispersal of vermin and removal of any asbestos will require to be addressed under separate (non-planning) legislation. Any effects of the latter will also require to be addressed in the required/proposed contamination assessment for the site. The bat survey (confidential) undertaken confirms the presence of bat species on the site and identifies measures to mitigate the impact upon such protected species including the need for a licence to disturb bats and to provide bat boxes in alternative locations.

Issue: Impact of surrounding property

- The raised existing ground level located behind house acts as a natural barrier against northerly winds but, if removed, this will have adverse effect on property.
- The green space between the cycle path and the proposed location for plots 77-81 appears to cut in at an angle, appearing to create more space for gardens but removing the natural protection.

- What will be the difference in finished floor level between existing and proposed new houses? Being south facing, existing property would be overshadowed, afforded less natural light and the proposal would be visually overbearing and the proposed building designs will overlook property causing a loss of privacy.
- Applicant should be encouraged to resubmit a building design less intrusive on neighbouring properties.

Comments (PO): The 'natural barrier' is assumed to refer to the embankment slope which separates the site from existing housing to the north (on Millbuie Street) with a foot/cycle way located at the base of the slope. There are no proposals to remove the foot/cycle way or the embankment. The latter is identified as part of the open space provision for the development and additional planting thereon is proposed. A footpath will be formed up/down the slope at an appropriate gradient but this will not result in the loss of this embankment/natural barrier.

The finished floor levels of the objector's property and the nearest new build property to the south are 15.5mAOD and 19.025/18.35mAOD with intervening retaining/step wall (Plots 79/78) respectively. Differences in level (elevation) between existing and proposed property are greater to the west but reduced to the east. Although new build property will be elevated and visible to property to the north, the new build property is set back within the development site, in this case approx. 7-9m from the edge of the embankment/the proposed 1.8m high rear boundary fence. Taking account of differences in elevation (level), orientation of property, intervening distance (with approx. 25m back-to-back distance between existing and proposed property) and vegetation/fencing arrangements, etc. no significant adverse amenity impacts are considered to result including privacy, overlooking and lighting effects.

Issue: Proposal not in keeping with surrounding area

- The new development will stand out. It is not in keeping with properties opposite, including those within the Dunkinty development, which are bungalows or 'storey and a half' properties.
- Two existing properties within the development are bungalows yet this proposal is for conventional 2-storey properties.
- The site is relatively high and the new 2-storey buildings will sit well above and "tower over" the existing Linkwood development to the north.
- The developer should consider changing the development so that bungalow properties border Linkwood Road and Dunkinty, and the Linkwood development.
- Many existing properties, residents and users of Linkwood Road currently enjoy excellent and uninterrupted views over/towards the landmark property and the beautiful structure, Linkwood Steading. 2-storey properties along Linkwood Road will eliminate these views.
- The square of land being kept free from development in front of the Steading only protects the view from Linkwood Road when standing directly in front of the steading. Any view, from a wider angle, will be completely eliminated by the presence and siting of two storey properties.
- The properties are badly designed and appear as a selection of properties that the developer currently offers elsewhere. The beautiful existing Linkwood Steading, the fantastic location and existing residents and neighbours deserve better designed properties unique to the proposed development.

Comments (PO): In planning terms there is no right to a view. Depending on orientation of view (and individual interpretation), the proposals may be read as 1½ or 2-storey. The property designs reflect those already built/approved on other sites developed elsewhere by the applicant. The style, scale and material finishes of the proposed development seek

to compliment, and are in keeping with those on Linkwood to the north (also developed by the applicant). The PAC advises that, based on a viability assessment, it is not possible to provide bungalows on the site (other than those required for affordable housing purposes). Although the new houses will be on ground elevated about the existing Linkwood development, the extent of the impact to which the proposals "tower" above that development (and appear as intrusive or dominant) may vary west - east across the site but the proposals are not regarded as being so overtly intrusive or dominant as to warrant rejection of the proposal.

In place-making terms (Policy PP3 refers), issues about character and identity are addressed not by incorporating local architectural details into the proposed house designs but by introducing additional planting (trees and hedging) and use of stone walls to property fronting onto Linkwood Road, to reflect the existing character of the area. Together with the amended landscaping details, the revised/amended proposals have altered the number and size of properties along the same frontage, effectively opening up the development and enhancing the vista towards the steading (from a 50m to 140/201m field of view) whilst travelling along Linkwood Road.

Issue: Risk of Flooding

- As a neighbouring property, there have been issues with flooding in the past and as the site is elevated, this will increase the likelihood of flooding re-occurring.

Comments (PO): The FRA confirms that the development is unlikely to exacerbate the risk of flooding to the development itself or to elsewhere. The DA indicates that the proposed surface water drainage arrangements will not exacerbate the risk of (surface water) flooding to property both within and outwith the site. SEPA and MFRM have not objected to the development on flood risk grounds.

Issue: Increased traffic on Linkwood Road and Road Safety

- Linkwood Road is not safe. The development would only add to increased traffic volumes and traffic speeds within the 30mph limit on Linkwood Road.
- Increased level of danger on the road, especially at the corner by the entrance to The Beeches where the existing narrowing, the so-called "traffic calming" measure at this blind corner, amounts to a single width carriageway and defies good common sense. There have been several "narrow escapes" where a speeding vehicle has suddenly appeared whilst negotiating this hazard. This danger should be removed or, better still, the road should be re-aligned such that a clear view in both directions is provided.
- The traffic calming measures in place on Linkwood Road do nothing to slow vehicles down, especially vehicles approaching towards Elgin. The removal of the Linkwood Distillery building to the south east has opened up the corner and turned the road into a race track.
- The existing traffic calming measures are not safe and are almost completely blind when approaching from Elgin, being located in a very dark area with over-hanging trees. Over the last three years there have been several accidents and near misses. The proposal development will only bring more traffic, not less.
- The plan is for vehicles entering and leaving the new development to do so 'outwith' the current traffic calming measures and right into the stream of fast approaching vehicles.

Comments (PO): As submitted, the applicant proposes no alteration to Linkwood Road. The TA/ATA considers that the development seeks to maintain the existing vehicle access arrangements: the existing carriageway with "build out" features is suitable in terms of road capacity and function as they help to define the residential (and rural) character of

the area, and control (reduce) vehicle speeds. According to the ATA, if widened and upgraded (as required) this would compromise the residential character and nature of the new site frontage. Both the site access and the Linkwood Road/Reiket Lane junctions are predicted to operate within capacity based upon the predicted traffic generated by the development on the local road network.

Along the length of Linkwood Road frontage of the site, the Transportation Manager requires a 15m "reservation strip" to be safeguarded, to accommodate future transport improvements on Linkwood Road, for example as part of any Elgin LONG2 development, hence a change in character is likely to occur anyway. As part of developing this site, the development plan as adopted requires a new site access and improvement of Linkwood Road including a cycle/footpath link between the site and Reiket Lane (Elgin R10 and TSP37 refer). The Transportation Manager has recommended conditions which reflect these requirements although the required road widening does not necessarily mean that the 'build out' details will be removed.

Issue: Location of Low Cost/Social Housing

- The low cost/social housing appears located in one area of the development, thus occupiers run the risk of being 'ghettoised'. The low cost/social housing should be spread/distributed evenly amongst the development. The proposals miss a great opportunity to build a modern inclusive development.

Comments (PO): Affordable housing is proposed within two, not one, areas of the site. The largest grouping (16 units) is located around a cul-de-sac in the northern corner of the site and a smaller grouping (11 units) is located towards the south and north-eastern corners of the site and separated by an open space containing a SUDs basin. Both groupings are connected to the remainder of the development and in turn, to the wider area by the proposed network of roads, cycle and footpaths although the grouping in the south-eastern corner is furthest away from existing facilities and amenities on Thornhill Road. That said, the Housing Strategy and Development Manager has not objected to the proposed locations and/or extent of integration of affordable housing within this site.

Issue: Future of Green Space

- Delighted to see the plans maintaining an exclusion zone along Linkwood Road but what assurances are there that this green space and 'village green' area will remain undeveloped in the future? The developer has a habit of leaving green spaces within their developments, only to return several years later and fill in these spaces. The Council should consider putting something in place to prevent this happening, for example for these green spaces to be placed in Trust with restrictions put in place to prevent future development?

Comments (PO): The proposed landscape area/green space (to an average 20m depth) along Linkwood Road satisfies open space requirements for the development (Elgin R10 and Policy E5 refer). This space would be expected to remain as such for the duration of the development, to contribute to the character and identity of the development located in an area likely to become a gateway into Elgin as the town expands to the south. Although a 15m "reservation strip" is required along the Linkwood Road frontage of the site, the landscape area will still be provided (to an average 20m depth) between the reserved "strip" (once developed) and the new build houses (Plots 1-5 and 23-26) which are closest to, and face towards, Linkwood Road and frame the view of the green space in front of Linkwood Steading.

Without prejudice, proposals to use and/or re-developed open space areas for alternative purposes or uses would likely require planning permission and require to be considered

on their individual merits. Similar frontage landscape areas occur, for example along Thornhill Road/Reiket Lane but these are not held "in Trust".

Issue: Landscaping

- The plans as submitted are poor with little or no description of what is proposed. The Council should ask for clear proposals for the landscaping of the exclusion zone and village green area, to incorporate the planting of beech hedges and trees and make sure that the landscaping is done to a standard consistent with the existing Dunkinty development?

Comments (PO): As originally submitted, the drawings identified the position(s) of planting but without specification of planting species and size, etc. These details were also unrelated to the maintenance regime information included in the application. The amended plans now address the lack of specification about planting species, etc. and the details are acceptable including the provision of hedging and feature planting within the landscape strip along Linkwood Road.

Issue: Access to Maggot Wood

- The plan makes reference to roads/access in the north west of the development which appears to head towards Maggot Wood, a local landmark which contains numerous mature trees and a healthy red squirrel population. It would be a shame if the development is allowed to be part of some larger plan to develop the Maggot Wood and the currently under-developed land beyond to the north.

Comments (PO): Place-making principles (see Policy PP3) require provision for future connections from a site to the surrounding area. A footpath link into Maggot Wood is required (Elgin R10 refers). The amended proposals now confirm the required footpath link to the site boundary although the path does not extend in to the woodland area nor connect with any path within it. This footpath is also included adjacent to a 10m wide future connection which extends westwards into Maggot Wood. The purpose of the connection is intended solely to safeguard or reserve land in the event of any future requirement/proposal to develop land beyond the current site: it does not mean that development will occur.

Maggot Wood is considered to contribute to the amenity of the area, and subject to a Tree Preservation Order (as amended) (TPO). The impact of any future development upon the TPO would require to be taken into account as part of any formal proposal to develop the woodland. As amended, the current proposal does not encroach into the woodland thereby safeguarding its appearance and character.

Issue: Provision for low energy/renewables

- As a high quality site, the proposal appears to fall short in terms of any low energy/renewables proposals. Consideration should be given to requiring the proposed properties to include some form of renewable heat source, such as PV panels, ground source heat pumps etc.?

Comments (PO): Planning policy, including Elgin R10, does not require development to incorporate low energy/renewable technologies and here, no specific measures are included but this would not preclude proposals being advanced in the future to accommodate such technology or consideration of their impact thereafter. During pre-application consultation, no specific requirements to incorporate renewable technologies were identified nor did SEPA identify/recommend requirements to provide a district heating system. There are no proposals to include such a facility within the site (and to do so would likely necessitate further alteration of the site layout), and there is no existing facility available nearby which could be utilised/accessed.

The Sustainability Statement and PS indicate that the homes will be designed to exceed current Building Standards through use of additional insulation in floors, walls and roofs, use of triple glazing in windows and have good air tightness, and have enhanced day lighting using large windows and natural ventilation. These measures are considered (by the applicant) as having potentially greater value and are more friendly than technology-driven techniques. The proposal is considered compliant with Policy PP2 (see below).

Issue: Loss of Property Value and Disruption during construction

- Negative loss on property value and disruption during the construction phase
(although aware that these points are not taken into account)

Comments (PO): Loss of view is not a material planning consideration. Disturbance and disruption effects arising from construction activity are somewhat inevitable consequence of development but can be managed during the construction period, for example through adoption of 'best practice' and adherence to other (non-planning) legislation and standards for working on construction sites. The Environmental Health Manager has not objected to the development in terms of adverse construction impacts upon neighbouring property, nor recommended restricting construction working hours, etc.

OBSERVATIONS

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

For this major application, the Pre-Application Consultation report (PAC) indicates the extent of the applicant's engagement with the local community in accordance with the Proposal of Application Notice (15/01259/PAN). From the PAC, the consultation exhibition was well-attended, attracting 25 people with 5 feedback forms returned. Aside from expressions of interest to purchase homes, the PAC regards the feedback received as positive with only a small number of issues of concern raised about Linkwood House (retention of wall and potential overlooking); Linkwood Road (traffic calming, road alignment, adequacy of the route, traffic speeds, and foot and cycle linkages); and layout and mix of the development (proximity to road and need for bungalows). The PAC indicates that these matters have been addressed within the application (but without saying how these matters were addressed). The PAC advises that bungalows are available elsewhere (for example at Duncanshill) and the applicant's commercial appraisal does not allow for bungalows to be viable for mainstream market delivery but some bungalows are provided as part of the affordable housing mix on the site.

The PAC and Planning Statement (PS) do not specifically respond to the Committee's views on the PAN: the PS repeats the Committee's comment about school rolls rather than say how this has been taken into account and/or informed the development. The impact on education facilities is part of a developer contribution for this site (see below).

The PS considers the proposal against development plan policy and relevant material considerations. In terms of the former, it does not consider all of the policies identified in this report (Appendix 1), or those advised in the pre-application response, 15/01231/PE. As material considerations, the PS notes that Scottish Planning Policy (SPP) promotes delivery of identified housing land supply sites, enabling a range of attractive, well-designed, energy efficient new homes. Having been developed with Designing Streets and the Council's supplementary planning guidance in mind, the PS considers that the proposal aims to fulfil these requirements.

In broad terms, the PS considers that the proposal aims to create a modern high quality and well-landscaped development responsive to its context and outward looking in its relationship to its surroundings. It is noted that, as a central feature, the Steading is retained within a well-connected layout with a series of streets allowing maximum accessibility and permeability; the 20m landscape strip along Linkwood Road creates a centrally-located "village green" type of open space; the strong linear streetscape frontage provides a functional, sensitive and sympathetic setting to the converted steading; and the layout reflects the character of the surrounding area.

According to the PS, the proposal has adopted principles of good design and layout to afford good levels of connectivity, permeability and accessibility, encouraging a shift towards active travel and reducing the dominance of the car. Additionally, appropriate levels of open space and landscaping are included and the high quality design and use of contemporary materials give an overall distinctive sense of place and character and amenity. Furthermore, the proposal is considered to provide for the sensitive

redevelopment of the site, retaining the 19th century steading and safeguarding its setting, it does not impact upon Maggot Wood and it ensures this gateway site is enhanced, whilst protecting important future linkages to Elgin South. The PS concludes that the proposal accords with development plan policy and material considerations and requests that the application be approved as it will deliver much-needed new housing for the area.

The Design and Access Statement (DAS) outlines design principles and concepts for the development taking account of existing site characteristics and historic buildings and features including Linkwood Steading. The site analysis examines buildings, movement and green space issues together with consideration of affordable and accessible housing and site layout and external materials etc. The DAS is largely photograph, sketch and plan/drawing based with limited or, in some cases, no supporting text to explain the design approach adopted, for example in relation to the Public Access Plan.

Changes made to application since original submission.

With two exceptions, the PS and DAS and other supporting documents are based upon the original submission (November 2015). These have not been up-dated or revised to reflect subsequent changes made to the proposal, the majority of which are site layout rather than design (including house type) changes.

In February 2016, the proposal was revised in part to address the required mix of affordable housing, resulting in revised site layout details and reallocation of house types within the site including relocation of all single-storey affordable houses towards the south-eastern corner of the site. Other site layout changes were made in response to an original Quality Audit (QA) (January 2016) (see below), result in a reduced number and revised mix of (private) houses facing Linkwood Road; enhancement of the vista towards the retained Steading; introduction of an additional footpath connection onto Linkwood Road; layout revisions to reduce the visual dominance of car parking in front of property; and introduction of proposed planting and stone wall details to address landscaping/open space issues, etc.

In early May 2016, an Addendum Transport Assessment was submitted in response to address queries including committed developments raised earlier by the Transportation Manager. At the end of May 2016, a revised Accessible Housing Compliance Statement was submitted to reflect the introduction of a new (accessible) house type (Crossley) instead of using (two, two-storey) units within the converted Steading.

Amended proposals were submitted in early June 2016, to include the new house type together with an amended landscape plan (with planting specifications), a footpath link to Maggot Wood and, after several iterations, further amended site layout details to address road safety concerns identified by the Transportation Manager. As part of the amended proposals, the site layout and location details for Plots 68-70 and the SUDs and pumping station areas have been revised, in part to reflect an existing gas pipeline located along the eastern boundary.

Overall, and except for the 'swap' in location of the affordable plot 68-70 and the SUDs/pumping station areas, the various changes made since the original proposals are limited in scale and extent (but have been influential in seeking to improve upon the quality of the development in place-making terms), often with adjustment to areas within the internal part of the site rather than on it's periphery. The resultant changes have not been considered to warrant further notification and advertisement procedures. As such,

the application is being determined on the basis of the latest amended site layout details, including site layout drawing EL43_SL_PL_01 Rev F.

At the time of receipt of the (original) submission the proposal was regarded as a departure from the development plan where, for example, details required by the Elgin R10 designation were not included (for example, the cycleway required along Linkwood Road) and/or after an initial appraisal the submitted details were considered unlikely to satisfy place-making principles. However, after detailed consideration and for reason(s) indicated below and subject to conditions as recommended, the amended proposal is no longer considered to represent a departure from the development plan.

Development on Elgin R10 and adjoining "white land" (Elgin H10, TSP37, H1)

From the MLDP 2015, the western part of the site is subject to the site-specific residential designation Elgin R10, Linkwood Steading wherein development is expected to address/incorporate a number of requirements (see below).

Whilst located within the Elgin settlement boundary, the eastern part of the site is not specifically designated and shown as "white land" although it was designated for residential development within the previous plan (as part of the existing Linkwood housing area to the north). Relative to Policy H1, the proposed residential use for this eastern part of the site would, as a "windfall site", be in keeping with its surroundings and the site is not designated for any alternative use. Policy H1 also requires account of the impact of any proposal on its surroundings, the adequacy/availability of servicing and infrastructure, and the need to meet Policy P2, PP3 and IMP1. These matters are also expected to be addressed within any development on the Elgin R10 part of the site along with consideration of open space/landscaping, affordable housing and the need for the proposal to be supported by a comprehensive layout and information for development of the whole site. .

For the Elgin R10 part of the site, an indicative site capacity of 85 units is stated, however Policy H1 indicates that the proposed (actual) capacity must be considered against site characteristics and conformity with various policy matters including those identified above. With 106 dwellings (86 houses and 20 flats) across the whole site, it is estimated that approx. 85 units are located within the Elgin R10 part of the site. Based upon further assessment (see below), there are no matters which would suggest that the proposed number of houses relative to the total site area for the development results in an over-provision or over-development of the site.

With one exception, the proposal incorporates and satisfies the site-specific requirements for the Elgin R10 designation including the requirement to retain/convert the existing 19th century part of Linkwood Steading and the requirement to undertake a building survey prior to commencement is recommended/required by Aberdeenshire Archaeology Services. Additionally, a bat survey with mitigation measures has been undertaken and in terms of impact on Maggot Wood, the PS confirms that no trees require to be removed and additional planting within the site is proposed to complement and enhance this adjoining woodland which is subject to the Reiket Lane Tree Preservation Order (TPO). (The Order has been modified and no longer extends into the Elgin R10 site). The amended proposals also include the required link from the site to the boundary of Maggot Wood.

The proposal includes the requirement for landscaping along the Linkwood Road in terms of providing an open space area in excess of the required average 20m depth irrespective

of whether account is taken of the 15m "reservation strip" proposed along the Linkwood Road frontage of the site. (The latter is not a specific requirement of the Elgin R10 designation but a requirement of the Transportation Manager to safeguard future transport improvements along Linkwood Road associated with the longer-term development of Elgin including the Elgin LONG2 designation to the south). The open space area will also incorporate feature planting to enhance the development and the area.

Two connections, not one as required, are proposed onto the existing foot/cycle path route (a core path) located behind Bain Road/Millbuie Street to the north of the site. Notwithstanding differences in interpretation of its content, the submitted TA and ATA include the required assessment of the impact of the development on the capacity of existing junctions within the surrounding road network including the site access (TSP37) and Edgar Road/New Elgin Road (TSP31) as required, and three other junctions.

The one exception to meeting the requirements of the Elgin R10 designation is that the requirement for a foot/cycle way along Linkwood Road between the site and Reiket Lane. Although the PS considers it will improve the situation, no link is included on the drawings or in the PAP. However, the Transportation Manager has recommended, by condition, that improvements occur along Linkwood Road including road widening and provision of the required foot/cycle way: this will satisfy the requirement of the Elgin R10 designation (and for Elgin TSP37), and thereby address any departure from the development plan that would otherwise occur.

Affordable Housing (H8, PP3, IMP1)

Policy H8 and associated supplementary guidance require affordable housing to be provided on-site within the development, in this case 27 units.

Following consultation, the Housing Strategy & Development Manager has confirmed that the proposed 27 affordable housing units of accommodation included in the (amended) proposal would meet the requirement of policy H8. In the amended plans, the (revised) mix of accommodation now accords with the previously agreed mix of affordable housing identified as required for this site. The house and flat designs are acceptable and although differing in appearance from the private houses they add variety in terms of style and scale of accommodation and are linked through uniformity of material finishes. No details about the arrangements for the delivery of this accommodation are included: a condition is recommended to address this matter.

In layout terms and notwithstanding representations, consultations and views of this Committee expressed about the need to integrate such accommodation within the development, neither the Housing Strategy & Development Manager nor the QAs regard the two groupings of affordable housing at opposite ends of the site as being unacceptable or not achieving objectives for integration whether in terms of their actual location and/or connectivity to the remainder of the development, or to the wider area.

The revised details have, in part, sought to address original place-making concerns about the orientation of property, footpaths and visually prominent frontage car parking arrangements notably for the northern grouping. Whilst the impact of parking has been reduced, parking may continue to dominate the layout and no continuous footpath is provided around the cul-de-sac serving Plots 91-106, the Housing Strategy & Development Manager has not objected to these site layout details and the revised QA regards the details as submitted as being compliant with Policy PP3.

The mix of affordable houses includes five single-storey properties, the only properties of that scale to be provided within the development and the conclusions of the revised QA does not regard the development as being unacceptable, in terms of the limited provision of single-storey properties. Taking into site levels etc., the location of four of these properties towards the south-eastern corner of the site (Plot 64-68) lessens the impact and presence of the development upon the existing neighbouring property, Millburn (which is also single-storey).

Overall, and subject to details about delivery of the accommodation, the design and layout arrangements for the 27 affordable housing units are considered acceptable and satisfy relevant planning policy and guidance.

Accessible Housing (H9)

Policy H9 and associated supplementary planning guidance require accessible housing to be provided within the development. In this case, after taking account of affordable housing requirements (27 dwellings), 10% of the remaining 79 (private) houses should be provided as accessible housing: in this case 8 units are required.

From the amended proposals, 8 accessible houses are proposed i.e. the two detached 2-storey Crossley houses (Plot 75 and 88) and the ground floor apartments of the Auldearn flats (Plots 50-61). The revised Accessible Housing Compliance Statement indicates that all eight units are designed in accordance with the Council's relevant supplementary guidance and "Housing for Varying Needs" guidance, and provide barrier-free accessible housing suitable for people with physical disability or mobility impairment and are fully wheelchair accessible. The Statement describes how these 8 units are 'accessible' in both external and internal space terms. With accommodation being located on principal roads within the site, having barrier-free entrance doors and having an internally layout that is capable of adaptation to meet the needs of occupants. The internal layout of the 2-storey Crossley house type is capable of adaption to allow installation of a wheelchair lift to enable access between the ground and upper floor levels.

Following consultation, the Housing Strategy & Development Manager has confirmed that together with the revised compliance statement, the type, number, location, design and layout of the identified accessible housing accommodation is acceptable. The amended proposals are considered to satisfy relevant policy and guidance.

Place-making: Design and Site Layout (PP3, PP2, H8, H9, IMP1)

Both prior to and during formal consideration of the application, discussions with the applicant have sought to promote an acceptable form of development in terms of good design and place-making principles as advocated by policy PP3 and the SPG. As a material consideration, a quality audit (QA) process, covering both design and site layout issues, has been agreed to assess the conformity of residential development with Policy PP3 place-making and Urban Design SPG principles (paragraph 5 of Minute, Planning & Regulatory Services Committee 1 December 2015 refers).

The QA approach examines 12 criteria considered to contribute to place-making principles i.e. connections, public transport, safer environment, car parking, legibility/street hierarchy, character and identity, housing mix, access to facilities and amenities, natural features, open space, biodiversity, and landscaping. The QA adopts a "traffic light" approach to assess the criteria where

- "red" means 'significant place-making issues where mitigation is required and if not addressed refusal would be recommended';

- "amber" means 'design principles within PP3 and the Urban Design Guide have been met, however further quality improvements could be made'; and
- "green" means 'PP3 principles and Urban Design Supplementary Guidance are fully met'.

QAs were undertaken on both the original (November 2015) and revised (February 2016) details but not for the amended (June 2016) proposals, noting here that the latter may include various, often limited or small-scale layout changes that do not necessarily detract from or alter the conclusions of the revised QA, for example adjustment of street widths or the small loss to green space when replacing a verge by a footpath across the frontage of Plots 54-55, or increasing, by 1m, the width of the path to provide a cycleway across the northern edge of the green space in front of Linkwood Steading. The re-location (swap) in arrangements for Plot 68-70 and SUDS is a more noticeable change but does not substantially alter the earlier assessment and although green space is reduced, the 20% required by policy E5 is still maintained. Other changes achieve quality improvements sought in the revised QA including the required firm pedestrian connection to Maggot Wood and the provision of acceptable landscaping details.

Notwithstanding any differences when comparing the actual amended layout details as now submitted with those considered at the pre-application stage (or included in the DAS), the revised/amended proposals appear as an improvement over the original submission. From the summary table below and comparison of the "traffic light" assessment of place-making criteria as examined in each QA, the revised proposals are not unacceptable (red) and even where additional mitigation(s) were highlighted, as a means to enhance the quality of the development, the revised proposals were nevertheless regarded as compliant with Policy PP3 and associated guidance. In terms of place-making principles, the amended proposals do not substantively alter the earlier revised QA and can similarly be regarded as being compliant with relevant planning policy and guidance. In some cases, the adoption of previously suggested mitigations, including landscaping, have enhanced the quality of the development.

	Original QA (January 2016) criteria	Revised QA (February 2016) criteria
Red	5	
Amber	6	10
Green	1	2

In design terms, a mix of private and affordable house designs are proposed, the latter were revised to accord with the previously identified mix of accommodation required to meet housing needs. Except for the three single-storey affordable house units, all other new build house designs are approx. 1½ or 2-storey and comparable in terms of their scale. Individual house designs may vary within and between the private and affordable houses, adding variety and interest to the development, but all are linked by uniformity in external material finishes and colours.

The private house designs are acceptable. These include designs already approved/built on other sites developed by the applicant for example, at Duncansfield (off the A941 to the west). The design of the converted 19th century part of Linkwood Steading is acceptable and sympathetic to the character and appearance of this part of the original steading, removing more modern additions but retaining the clock tower and replacing blockwork by glazing within arched openings across the main façade fronting onto Linkwood Road. The

designs, location and mix of the 8 accessible and 27 affordable homes are also acceptable.

In the QA process, 'housing mix' was originally regarded as unacceptable (red) because the required mix of affordable housing had not been provided. However, with the required mix as now provided, the revised/amended proposal is now compliant with this Policy PP3 principle.

Although the revised QA does suggest further improvement to the affordable accommodation layout in the northern corner of the site, the Housing Strategy & Development Manager has not objected to the revised details as submitted which retain some frontage parking (albeit less than the original layout). The revised QA does not regard the revised details to be non-compliant with place-making principles or unacceptable owing to the limited number of single-storey property within the development, in this case only 5 single-storey (affordable) houses are proposed. The PAC advises that introducing single-storey (private) accommodation would not achieve commercial viability for the site.

The original proposal was also considered as unacceptable (red) in terms of 'character and identity' and 'natural features' whereas the revised proposals are now considered to be compliant (amber). From the revised QA, it has not been possible to introduce local characteristic details into the house designs, for example by adding architectural details and features into certain properties within the development including those along Linkwood Road to enhance their appearance or reflect the character of the steading and/or its surroundings.

However, this is addressed by the revised/amended proposals in other ways, for example by introducing stone walls, increasing (feature) planting within the landscape strip along Linkwood Road, and reducing the number and changing the house types used along that frontage. The former enhance the overall character of the development to reflect existing local features which contribute to the rural character of Linkwood Road. The latter has opened up the development by improving upon views/the vista of the steading when travelling along Linkwood Road from approx. 50m to a 140 - 200m field of view. The original layout had a larger number of large detached properties (increased in number from pre-application discussions and sketch details in the DAS) which largely obscured views of the steading except from the open space area directly in front of the building.

In terms of movement principles, this 106-dwelling development is accessed off a single access off Linkwood Road using an internal double loop road arrangement, with an emergency access using a cycle path link also onto Linkwood Road. Internally, in terms of 'legibility/street hierarchy' and 'safe environment' criteria, the street layout includes a variety of street widths intended to influence (reduce) vehicle speeds. Suggestions to introduce further variation in street geometry, building lines and use various surfacing materials and colours (to further reduce speeds, add further variety and differentiation within the street scene, and promote and enhance a safe and pedestrian friendly environment) have not been adopted. The revised QA nevertheless regards the revised layout as compliant with Policy PP3. Some changes in street width etc. have occurred in the amended plans but overall, the proposal remains compliant with this place-making principle.

Generally, in terms of 'connections', the site is well-connected internally in terms of road, foot and cycle links with limited use of cul-de-sacs, and overall it complies with place-

making principles. Contrary to the DAS cul-de-sacs have not been removed from the layout: the original, revised and amended details all include one road cul-de-sac serving the northern group of affordable housing (Plots 91-104), although a footway leads off the road end to the existing foot/cycle way (a core path, EG59) to the north. As revised/amended, the cycle/foot way added into the south-western corner now extends through the site from Linkwood Road and connects onto the same core path in the north-eastern corner of the site (between Plots 68-70 and 71). Provision is also made to safeguard 10m wide "future connections" into land to the east beyond the Linkwood Burn, and to Maggot Wood to the west. The amended details now include the footpath connection to Maggot Wood (Elgin R10 designation and Moray Access Manager refer). A 15m "reservation strip" is included to safeguard future transport improvements required along the Linkwood Road site frontage.

The proposal is considered fully compliant with Policy PP3 place-making principles about 'public transport' (green) and 'access to facilities and amenities' (green). This is notwithstanding that no bus stops are included within the development nor located on Linkwood Road, no "facilities" are planned within the development, and no play area is required/proposed but based upon consideration that the nearest bus stops and community facilities are located on Thornhill Road approx. 500 - 575m distant (approx. 5 - 10 minutes walking distance), and the nearest play facility is approx. 400m distant on the Linkwood development to the north.

The original QA deemed the original layout as unacceptable (red) because the majority of 'parking', whether in plot or communal, was located to the front of property, thus visually and physically dominating the street scene, minimising the available front garden area, reducing natural surveillance and generally contributing to a less 'safe environment', etc. Additionally, some spaces were remote or distant from (accessible) property, some frontage parking was grouped as a series of side-by-side wide driveways and hardstandings, and rather than mitigate the impact, the (limited) landscaping arrangements were inadequate including use of grass verges which do little to soften the presence of parked vehicles on the street.

Together with changes made to the house type allocation and site layout, the revised QA highlights the improvement made in terms of parking now located closer to housing, more spaces located to the side or rear of property and the introduction and use of planting (trees and hedges) to break up, screen and/or reduce the visual dominance of off-street parking, including the parking bays for the Steading that would otherwise have been immediately visible when entering the site. Although considering the revised layout as being compliant with place-making principles, the revised QA recommended the need for landscaping details to be provided to ensure the planting arrangements are appropriate: the amended proposals have addressed this and the planting details are considered acceptable.

In terms of 'open space' principles and for the amended proposals, the 20% open space requirement of Policy E5 is achieved irrespective of whether the 15m "reservation strip" along the Linkwood Road site frontage is taken into account. This open space requirement is largely achieved by the landscape strip (to average 20m depth) along the same frontage although other, smaller, green space areas are identified within the site. Within the amended plans, the SUDs basin included within the amended open space area along the eastern boundary is, in terms of quality of space, unlikely to be accessible. With that area now excluded from the open space calculations, the applicant has confirmed that although the extent is reduced, the 20% requirement is still achieved (but only just).

The original QA regarded the 'open space' place-making criterion as unacceptable (red) because the layout included a number of residual "left over" areas including those adjacent to communal parking areas or at ends of streets which were not incorporated into the adjoining house plots, or had no function, or lacked surveillance or were likely to become unkempt, etc.

The amended proposals have addressed this by re-aligning plot boundaries and introducing planting into the "left over" area together with increased use of hedgerows (to varying heights) and trees using a variety of species (as defined) and to varying 'standards' including feature trees, shrub planting and a standing stone feature within the landscape area fronting onto Linkwood Road. Additional planting is also proposed along the northern and eastern boundary. These plantings also assist in defining plot frontages, act as a screen to reduce the dominance of parking (including the spaces adjacent to the steading when viewed from the access), and generally "soften" the streetscape and appearance of the development, and afford potential to enhance 'biodiversity'. Having incorporated mitigations suggested in the revised QA to further enhance the character, appearance and quality of the development, the landscaping and open space arrangements remain compliant with place-making principles outlined in Policy PP3.

In terms of 'natural features' the original QA regarded the proposal as unacceptable (red) with limited attention given to the site and surrounding features, including limited use of Linkwood Steading as a focal point or take account of the existing mature woodland, beech hedges and stonewalls which contribute to the existing character of the surrounding area. However, as already noted, the proposals now incorporate such features and improves upon the vista towards the Steading, hence the proposals would now be regarded as compliant with this place-making principle.

Although a footpath is now included and taken to the site boundary with Maggot Wood, the proposal does not encroach into the wood itself. As such, it is not considered to prejudice the woodland which is subject to a (revised) Reiket Lane Tree Preservation Order, thereby also satisfying a requirement of the Elgin R10 designation. The proposal also does not encroach or affect the existing trees along Linkwood Burn. Retention of both of these woodland areas is recommended in the ecological appraisal for the site as they offer the greatest potential for, and serve as corridors to, wildlife. The landscape drawings propose further planting along the northern and eastern boundary of the site.

The original proposal was regarded as unacceptable (red) in 'landscaping' terms, in terms of the limited extent of planting included and also because the maintenance schedule for planting was unrelated to the original landscape drawing by identifying locations for planting but without specifying planting details (species and size, etc) in order to consider the quality of planting, including its contribution to 'bio-diversity'. As noted, the amended proposals now include a detailed landscape plan with specifications and additional planting to enhance the development, thereby representing an overall improvement in the landscaping information provided and compliance with place-making principles. Although the landscape plan and specifications is a "hand written" copy, the details are acceptable and a formal landscape drawing is to be submitted.

In summary, the amended design and site layout details improve upon the original submission. The amended proposals have incorporated mitigation improvements highlighted in the QAs and maintain and/or improve upon the proposal's compliance with place-making principles. In not being considered to adversely detract from the character,

appearance and amenity of the development or the surrounding area, the proposal is acceptable and satisfies relevant planning policy and supplementary guidance including Policy PP3, H1 and IMP1.

Additionally, in terms of the design and layout arrangements and taking into account the relationship between property including orientation, scale, siting, difference in levels, intervening distance and boundary treatment, etc. no unacceptable or significant adverse amenity effects including privacy, overlooking, sun/day lighting, etc. are considered to occur both between new build property within the development itself and/or between the proposed development and existing development including those within the site (where two single-storey cottages will be surrounded by 1½ - 2-storey property) or to other existing property to the west, north and south-east. In the absence of any identified unacceptable adverse amenity effects upon the surrounding environment, the proposals are considered to comply with policy H1 and IMP1.

In terms of policy PP2, the Sustainability Checklist, as provided by the applicant for the original proposal was considered acceptable except in relation to open space and landscaping issue identified in the original QA. However, with these matters now addressed in the revised/amended details, the proposal is now compliant with Policy PP2.

Transportation (Elgin R10, TSP37, TSP31, T2, T5, PP3, IMP1, IMP2, IMP3)

Policy T2 includes requirements for development to provide a safe and suitable access, maximise pedestrian, cycle and public transport connections and routes, and identify improvements to mitigate the impact of a development on existing transportation infrastructure, including potential improvements identified as "TSPs" on settlement maps. Policy T5 requires parking to be provided in accordance with the Council's approved standards. Policy T7 seeks to promote and enhance walking and cycling connections and proposals must not adversely affect core paths. Policy IMP1 requires transport infrastructure to be provided at a level appropriate to the development. A TA is required where a significant increase in trips generated by a development is likely to occur (Policy IMP2). Where proposals have a measurable adverse or negative impact on existing infrastructure, a developer contribution can be sought (Policy IMP3).

Transportation arrangements are important in place-making (movement) considerations. Subject to conditions as recommended, the proposed road, foot and cycle arrangements which contribute to defining the street hierarchy and connectivity both within the site and to the wider area, including access to facilities and public transport, are acceptable and satisfy planning policy. The amended plans have addressed several issues identified previously by the Transportation Manager including specific site layout details (to address road safety concerns), re-arrangement of the layout to provide a continuous foot/cycle connection through the site, amending the access to Plots 68-70, and the need to avoid the SUDs/pumping station encroaching into the 10m wide future connection to the east.

Based on the original proposal, the Public Access Plan (PAP) in the DAS pre-dates the addition of the foot/cycle link onto Linkwood Road and does not include the (Elgin R10 designation) required foot/cycle link on Linkwood Road between the site and Reiket Lane. The Moray Access Manager has recommended a condition to address the lack of supporting text to explain the rationale for all connections and time-scales for their delivery. Although identifying requirements for connections to Maggot Wood and to core path EG59 to the north, these are now included in the amended plans. The required connection to Reiket Lane (EG45) is addressed through the Transportation Manager's recommended condition to widen Linkwood Road to include a 3m cycle/footpath. It is

recommended that any additional connection to EG46 to the south should be addressed as part of the future transport improvements envisaged along Linkwood Road.

Reflecting Policy IMP2 and IMP3, a TA and an ATA, have been submitted. As required by the Elgin R10 designation and/or policy T2, both assessments consider the impact of the development on the new access junction to the development (TSP37) and the Edgar Road/New Elgin Road junction (TSP31), and at three other junctions. In terms of the likely impact of trips associated with the development (in addition to existing traffic and other committed developments), the TA/ATA concludes that all of the junctions examined, including TSP31 and TSP37, will operate within capacity and as the proposal will have negligible impact upon the operation of the local road network, no off-site improvements are required/proposed to mitigate the impact of the development.

In relation to Linkwood Road, the TA/ATA considers that the development will maintain and, where possible, improve pedestrian, cycle and public transport linkages to access facilities within the site or available in the wider area. However, to retain its existing function, the TA/ATA 'feels' that the existing Linkwood Road access arrangements (including the build-out features) should be maintained to provide continuity and not comprise the residential nature of the new site frontage and character of the area.

The Transportation Manager does not share this conclusion, hence the condition recommended to reflect the adopted Elgin R10 and TSP37 designation requirements for improvement of Linkwood Road including the road widening (which may still allow for the existing build-out features within the road to be retained) and a cycle path. Arguably, a change in character and function of Linkwood Road is inevitable whether as a result of this development or where Linkwood Road is used to access the Elgin LONG2 designation to the south including any transport improvements implemented within the "reservation strip" across the frontage of the site.

The Transportation Manager does not agree with the methodology used in the junction analysis including calibration of the modelling undertaken to determine queue lengths at the A941 Edgar Road/New Elgin Road roundabout junction (TSP31). Whilst not regarded as representative of actual observations or likely predicted future observed queue lengths, the Transportation Manager considers the TA/ATA to demonstrate that the proposal will have a negative impact in the operation and performance of this junction in terms of delays and queue lengths. To address the impact of traffic from this development through the TSP31 junction, a proportionate financial contribution was considered as part of the assessment for "developer contributions" (see below) but after negotiations and consideration of viability matters the agreed contribution will be used to address primary education rather than transport-related impacts.

In light of the above matters and subject to conditions as recommended, the transportation and access aspects of the development are considered acceptable and the proposal is regarded as satisfying relevant planning policy and guidance.

Water, Drainage and Flooding (EP10, EP5, EP7, ER6, IMP1)

Water Supply

The proposal will use the public mains water supply. In the absence of any response from Scottish Water, further separate discussion will be required with them about the capacity available within the existing public supply network, the arrangements for connection to the public system, and any works required to up-grade the existing water mains infrastructure.

Foul (waste water) drainage

Policy EP10 requires a public connection for development located within settlements. In the absence of any response from Scottish Water, further separate discussion will be required with them about the capacity available within the existing public drainage network, the arrangements for a connection to the public system, and any works required to up-grade the existing mains drainage infrastructure.

The Drainage Assessment (DA) indicates that discussions with Scottish Water are underway, with public connections proposed. The foul drainage system will have a gravity flow from all parts of the site to the (underground) pumping station located along the eastern boundary of the site before being pumped into the existing foul drainage infrastructure serving the adjacent Linkwood development to the north. According to the DA, that existing system has yet to be adopted by Scottish Water but it is expected that the system, and this proposed extension to it, will be adopted following completion of the development. In principle, the proposed (foul) drainage arrangements are acceptable and would satisfy policy EP10.

Surface Water Drainage

From the DA, separate foul and surface water drainage systems are proposed. The latter will incorporate SUDs facilities and be designed in accordance with the principles of sustainable development thereby satisfying, at least in principle, the requirements of policy EP5.

From the DA, the detailed arrangements propose to manage surface water in a sustainable manner with independent systems for disposal of roof, driveway and road drainage. The roof and driveway drainage will be cleansed using privately maintained filter trenches within each plot before discharging into the main surface water drainage system. Surface water from roads, parking and footpaths will drain to filter trenches located adjacent to the footways or within road verges before discharging into the main surface water site drainage system.

Two areas for surface water attenuation are identified: firstly, a storm cell for storage located under the open space area in front of Linkwood Steading with a hydrobrake installed to restrict surface water flows, and secondly, a SUDs detention basin with a greater volume of storage located along the eastern boundary, also with a hydrobrake installed to control the rate of discharge via an outfall to the Linkwood Burn. The system is designed to limit and match the post-development run-off to that of the pre-development rate and ensure that the 1 in 200 year storm event and associated overland flows are managed so as not to cause or exacerbate flooding elsewhere.

Following consultation, SEPA and Moray Flood Risk Management (MFRM) have not objected to the development, whether in terms of the principle of the details including calculations to support the SUDs design. The majority of the drainage features are below ground level except for the detention basin and, where required, any above ground kiosk (or similar) for the pumping station. MFRM has recommended a condition requiring a construction surface water management plan to identify all temporary measures to be put in place to address and treat run-off and contamination during the construction phase, a matter already highlighted in the DA and these temporary measures will be removed upon completion of site works.

To reflect the change in location and size of the SUDs basin in the amended plans, a condition is recommended about its (revised) design (which would be expected to meet

relevant standards for adoption by others). Subject to the drainage principles outlined and design details for the management and disposal of surface water, the proposal is considered acceptable and would satisfy relevant planning policy.

Flooding

Policy EP7 requires that development should demonstrate that it will not exacerbate the risk of flooding whether to the development itself, or to elsewhere.

Part of this site is at risk of flooding from the Linkwood Burn (SEPA's indicative flood maps refer). Based upon modelling, the submitted Flood Risk Assessment (FRA) confirms that a small area along the eastern boundary of the site, in the immediate vicinity of Linkwood Burn, is located within the 1 in 200 year flood plain. However, the FRA notes that access to the site is outwith the predicted flood plain and owing to differences in level, there are no significant risks of flooding from any external source, for example from the reservoir at Linkwood Distillery or surface water flows along Linkwood Road. The proposed surface water management arrangements for the site will also reduce the risk of flooding from the development to elsewhere.

Reflecting SPP principles the FRA recommends that no development be located within the 1 in 200 floodplain of the watercourse, Linkwood Burn (as defined in the FRA) i.e. not below 13m AOD or 13.1m AOD allowing for climate change. The FRA confirms that the development is located outwith the floodplain and that finished floor levels for property should be set no lower than 13.9m AOD. Additionally, as good practice, the FRA recommends that finished ground levels should slope away from buildings and be finished so as not to allow ponding of surface water within the site which could increase flood risk.

Following consultation (on the original proposals), SEPA and MRFM have not objected to the development in terms of the risk of flooding. The former recommends conditions that development should not encroach into the flood plain area as defined in the FRA and notes that the 'freeboard' allowance (even taking account of climate change) is much more generous than that normally advised by SEPA (0.6m as opposed to 0.9m as proposed here).

For the amended proposals, the applicant has confirmed, for the revisions made along the eastern boundary, that no part of the development (house plots, SUDs basis and pumping station) is located with the identified flood plain area and no land raising (within the flood plain) is involved to accommodate the identified elements of the development. A condition is recommended to address the make-up of the ground in the vicinity of the eastern boundary.

Overall, the site/development is not likely to be at significant risk of flooding nor exacerbate the risk of flooding to elsewhere. Subject to conditions as recommended, the proposal is considered to be acceptable and satisfy relevant planning policy and guidance.

From the site layout details and the PS, no development works are within 6m of Linkwood Burn, thus satisfying policy EP6.

Impact upon cultural heritage (BE1, BE2, IMP1)

Policies BE1 and BE2 require development not to adversely affect local and national archaeological sites and listed buildings, including their setting.

The site is not subject to any site-specific cultural heritage designation other than archaeological interests. The submitted archaeological written scheme of investigation has not heeded pre-application advice that no archaeological evaluation or watching brief was required for this development, based on a lack of archaeological features uncovered during an earlier evaluation in 2004 on land to the north. Aberdeenshire Archaeology Services has confirmed that such investigation is unnecessary and recommends that a building survey of the existing steading be carried out before development commences. This survey is also a requirement of development occurring on the Elgin R10 designation.

Cultural heritage interests are located in the surrounding vicinity, notably the Category C Listed Building, Linkwood House to the south-east. Any impacts upon this listed building are not direct but indirect, principally in terms of setting. From consideration of the design and layout of the development including orientation of property, the absence of windows within new build property which sit gable end onto the boundary of the listed building, retention of existing boundary walls, proposed boundary treatments, and intervening topography and vegetation, etc. the proposed development is not considered to adversely impinge upon the setting of this listed building or its outlook (which is principally to the south-east).

Overall, and subject to undertaking the required building survey, the proposals accord with planning policy and are not considered to have any unacceptable or significant adverse effects upon cultural heritage interests.

Linkwood Steading is not a listed building, however the central, 19th century stone/slate section of the building with clock tower above is of some local architectural merit. Whilst there are no objections to the removal of the more modern additions from the original structure, the 19th century section of the building including its main façade (as viewed from Linkwood Road) will be being retained/converted into residential use (Elgin R10 designation refers), in this case into 3 houses. Existing openings therein will be retained/re-used, with glazing to replace the existing blockwork infills to the curved openings within its main façade. A limited number of new openings will also be introduced but in keeping with the appearance, character and design of the buildings. Overall, the proposed conversion of the building is acceptable and sympathetic to the existing structure.

Impact on natural heritage (E1, E2, E3, IMP1)

Policies E1, E2 and E3 all seek to protect and avoid adverse impacts occurring upon designated nature conservation sites and protected habitats and species, and require identification of measures to mitigate any adverse impacts of the development upon sites, habitats or species.

The site is not the subject of any site-specific nature conservation designation. The submitted ecology appraisal (which is not a specialist vegetation survey) considers the existing largely semi-improved natural grassland cover over much of the site to be of limited ecological or conservation value. The appraisal recommends that the Steading buildings and trees/bushes be checked for bird nests prior to their removal/ demolition, and trees along the eastern (Linkwood Burn), northern and western boundaries should be kept as they afford corridors for wildlife and potential to support feeding for various species. SNH endorse these recommendations. The existing trees along the identified boundaries are located outwith the site as defined but will be supplemented by additional planting within the site. The PS confirms that no trees within Maggot Wood will be removed.

The Summer Bat Survey confirms the presence of two bat (common pipistrelle and brown long ear) species on the site. The proposals to retain/convert and demolish different parts of the existing Steading will impact upon the identified bat species. Although SNH has not objected to the development, a licence to disturb the protected bat species is required before demolition and conversion works commence and SNH consider that the conditions or "tests" for a licence would likely be met. However, SNH recommend that, where minded to approve the development, the Council should first satisfy itself that the licensing tests are likely to be met: Appendix 2 concludes that the tests would be satisfied.

A number of mitigation measures are identified to ensure that bats are not harmed during the development including further pre-commencement inspections to confirm the presence of bats; further emergence surveys to determine any changes in circumstance; works around the bat roost to be undertaken by hand, ideally with a licenced bat worker in attendance; and the provision of 8 bat boxes (6 boxes for one species and 2 for the other species) to an approved design be placed on nearby trees or buildings, and/or within suitable areas of Maggot Wood, to provide alternative roosting sites.

In light of the above matters and subject to conditions where recommended, the proposal would not have unacceptable or significant adverse effects on nature conservation interests, in particular protected species and accord with relevant planning policy.

Pollution impacts (EP8, EP9, IMP1)

Policy EP8 requires investigation and appropriate mitigation where significant pollution (from noise, etc.) may be caused by a development. Policy EP9 requires investigation and effective remediation of any potential contaminated land on which the development is located. Policy IMP1 requires proposals to address any potential risks of pollution in accordance with recognised pollution prevention and environmental control measures

Following consideration, the Environmental Health Manger has not objected to the development in terms of adverse amenity or nuisance effects, after consideration of a noise impact assessment where noise and disturbance effects from Distillery operations would not adversely impact the development. No mitigation measures, for example restriction on construction working times etc. are required/proposed in relation to on-site construction activity upon any nearby neighbouring property within or adjoining the site.

The Screening Opinion adopted for this development concluded that with commitment to, and adoption of, appropriate site working practices, including attention to 'best practice' measures and adherence to other legislation and standards, significant (residual) pollution effects including noise and dust etc. were unlikely to occur but if such impacts were to occur then they could be managed and addressed by other legislation. In the absence of any unacceptable or significant adverse pollution effects being identified, the proposal is considered acceptable and accords with Policy EP8.

Following consideration of the supporting ground investigation report and to address any outstanding contaminated land issues associated with any previous or current use of the site, the Council's Contaminated Land Section has recommended a condition requiring further investigation and appropriate remediation thereafter, to ensure the development complies with policy EP9.

To address and minimise impacts of the development upon the environment, SEPA has recommended the preparation and implementation of a site-specific Construction and Environmental Management Plan (CEMP) to systematically identify and address all potential pollution risks and aspects of the site and the development that might adversely impact on the environment together with identification of all required pollution prevention and mitigation measures to be adopted/implemented. The CEMP can be used to manage construction impacts for example waste, shortage of fuel and chemicals, as well as construction SUDs, noise and dust etc.

In light of the above considerations and subject to conditions were recommended, the proposal would not have any unacceptable or significant adverse pollution, including contaminated land impacts, and accord with relevant planning policy.

Developer contributions (IMP3)

Policy IMP3 seeks contributions where development has a measurable adverse or negative impact upon existing infrastructure, community facilities or amenity. At present, supplementary planning guidance is being prepared but is neither finalised nor agreed for use when considering development proposals. In developing planning obligations, Circular 3/2012 advises that consideration should be given to the economic viability of proposals, and that concluding planning obligations should not delay the benefits of appropriately planned development that is generally in accordance with policy nor add significant costs for developers and infrastructure providers (paragraph 2).

In this case, and to mitigate identified impacts associated with the development, Aberdeenshire Council's Developer Obligations Unit (DOU) identified requirements for contributions towards primary and secondary education facilities (based on proposals being progressed by this Council). Separately, the Transportation Manager identified a proportionate contribution taking account of the cumulative impact of development traffic upon the A941/Edgar Road/Linkwood Road roundabout junction (Elgin TSP31).

All three contributions as identified were the subject of discussion and negotiation with the applicant. The latter also undertook an appraisal which noted that land acquisition and the Elgin R10 and other planning policy requirements (for example, provision for open space, the landscape corridor, accessible housing and conversion of the existing Steading), all contribute to particular costs associated with developing the site and impact upon the viability of the development.

Following negotiations with the applicant, involvement of the District Valuer, and after a re-assessment regarding viability and exceptional circumstances of the site, the DOU has advised that it is deemed reasonable to reduce the required level of contribution. This revised and agreed amount of contribution represents approx. 34.5% of the total obligation amount as originally requested. The agreed contribution, to be used solely towards the provision of primary education will be payable in five instalments (or tranches) related to house completions across the site. The contribution arrangements will require to be subject to a legal agreement to be completed prior to issue of any grant of planning permission.

Conclusion and Recommendation

106 new houses - a mix of private and affordable housing accommodation - are proposed at Linkwood Farm Steading. The western part of the site is designated for residential development (Elgin R10) and whilst the eastern part of the site is not specifically designated for development it is within the settlement boundary for Elgin and residential

use thereon is appropriate and acceptable. The development will be accessed from a single vehicular access off Linkwood Road, and pedestrian and cycle links are proposed within the development and to/from the wider area. A 15m wide "reservation strip" is proposed along Linkwood Road (to facilitate future transport improvements to access land to the south) behind which the proposed landscape strip, to an average depth of approx. 20m wide together with the retention/conversion of part of the existing Linkwood Steading will contribute to the setting of the development as viewed from Linkwood Road.

Subject to conditions as recommended, the proposal is considered to accord with the development plan, the design, site layout and servicing arrangements are considered acceptable, the proposal is considered compliant with place-making principles, it will not have an unacceptable or significant adverse effect upon the surrounding (natural and built) environment and there are no material considerations that indicate otherwise.

It is recommended that planning permission be granted for the proposal as amended.

REASON(S) FOR DECISION

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

106 new houses - a mix of private and affordable housing accommodation - are proposed at Linkwood Farm Steading. The western part of the site is designated for residential development (Elgin R10) and whilst the eastern part of the site is not specifically designated for development it is within the settlement boundary for Elgin and residential use thereon is appropriate and acceptable. The development will be accessed from a single vehicular access off Linkwood Road, and pedestrian and cycle links are proposed within the development and to/from the wider area. A 15m wide "reservation strip" is proposed along Linkwood Road (to facilitate future transport improvements to access land to the south) behind which the proposed landscape strip, to an average depth of approx. 20m wide together with the retention/conversion of part of the existing Linkwood Steading will contribute to the setting of the development as viewed from Linkwood Road.

Subject to conditions as recommended, the proposal is considered to accord with the development plan, the design, site layout and servicing arrangements are considered acceptable, the proposal is considered compliant with place-making principles, it will not have an unacceptable or significant adverse effect upon the surrounding (natural and built) environment and there are no material considerations that indicate otherwise.

**Author/Contact
Officer:**

Angus Burnie
Principal Planning Officer

Ext: 01343 563242

**Beverly Smith
Manager (Development Management)**

APPENDIX 1

POLICY

Adopted Moray Local Development Plan 2015

R10: Linkwood Steading Site

The site extends to 3.49 hectares and has capacity for 85 houses. Sustainable re-use of the existing 19th Century buildings is required and the main facade should be retained. A building survey should be undertaken prior to redevelopment. A bat survey report and mitigation plan must be submitted with proposals. Early consideration should be given to the impact of proposals on the Reiket Park Tree Preservation Order (TPO) which affects the north western part of the site. Existing woodland should be maintained and enhanced within proposals. Development must include landscaping to an average depth of 20m along the boundary to Linkwood Road, this should include paths linking through to Maggot Wood.

A Transport Assessment must be submitted with proposals to assess the impact of development and identify any mitigation required to the road network. New/improved access onto Linkwood Road must be provided. The impact on junction TSP31 must be considered and a contribution to any necessary mitigation addressed. A cycleway and footway link must be provided on Linkwood Road to Reiket Lane and a link should be provided to the cycle way to the back of Bain Road. (See TSP 37).

TSP31: Edgar Road/New Elgin Road

Appraisal of this junction based on the development that has been given consent already shows insufficient traffic capacity at this junction. It should be noted that scope for additional capacity improvement at this location is limited due to land constraints adjacent to the junction. Junction improvement will be essential for designated sites in the immediate vicinity of the junction (OPP1 and OPP5). Junction improvement will also be required for any other sites being developed in Elgin (north and south of the railway line) which would impact on this junction. The process for identifying the impact and the level of mitigation is through the submission and approval of a Transport Assessment acceptable to the Council. Developers are urged to contact Transportation at the earliest opportunity to clarify the scoping matters for a Transport Assessment.

TSP37: Linkwood Road

A new access on to Linkwood Road and improvements between Reiket Lane and R10 will be required in association with the development of site R10.

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 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 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 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 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 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 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 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.

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 affects 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.

APPENDIX 2

EC Directive 92/43/EEC: The Conservation of Natural Habitats and of Wild Flora and Fauna (“The Habitats Directive”)

Conservation (Natural Habitats, &c.) Regulations 1994 (“The Habitats Regulations”)

Background

Under Regulation 44 of the Habitats Regulations certain activities which normally constitute an offence against European Protected Species (EPS) can be carried out legally under a licence from Scottish Natural Heritage (SNH).

Decisions made by SNH, as the licensing authority, must be fully compliant with the Habitats Regulations and the EC Directive. However, it is essential that planning permission is not granted without the Council, as Planning Authority having first satisfied itself that the proposed development will not impact adversely on any European Protected Species on the site, and that the “tests” necessary for any eventual grant of a licence are likely to be met. To do otherwise would be to risk breaching the requirements of the Directive/Regulations, and present a real danger that the developer of the site would be unable to make practical use of the planning permission which had been granted because no Regulation 44 licence would be forthcoming: a situation which is in the interests of no-one.

Before any licence can be issued (and planning permission can be granted) three “tests” must be satisfied as set out below

Consideration of requirement for a licence

Bats are a European Protected Species. In this case, a licence is required following site investigations: the applicant’s summer bat survey report (August 2015) confirms that during conversion to living accommodation, and with repairs likely to the roof of the front part of the steading (to be retained), a *common pipistrelle* bat roost is likely to be modified/destroyed, and with demolition of the remainder of the steading, a *brown long eared* bat roost will also be destroyed. According to the survey, the existing steading structure is in a poor state of repair with props holding up the roof. If left in this condition, it is likely that this part of the building will fall away destroying the roost. Site works are likely to be undertaken at a time when the steading is likely to be occupied by both bat species, hence the requirement for a licence.

Consideration of “tests”

(1) that the activity proposed must fall within one of the licensable purposes listed in Regulation 44

This proposal would satisfy a purpose identified under Regulation 44 (2) i.e. “(e) ... *for preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment* ... [and] ... “(f) ... *for preventing serious damage to livestock ... or any other form of property*”.

Apart from any potential social, economic and other benefits derived from the delivery of housing and part of the site being specifically identified for housing, including a requirement to retain/convert the frontage of the (old) steading (Elgin R10 designation, Moray Local Development Plan 2015 refers), the applicant’s bat survey suggests that much of the existing steading structure is in imminent risk of structural failure and

therefore likely to result in damage to any existing roost. In addition, the proposed conversion works to the retained section of steading will likely disturb and destroy any existing roost. The risk of collapse of the building raises concerns for the health and safety of both livestock and persons accessing the buildings.

(2) that there is no satisfactory alternative

The applicant's consultant advises that there is no satisfactory alternative to preserve the existing roosts within the areas of the steading to be demolished and make way for new build housing. The existing buildings are in poor structural condition and unlikely to withstand conversion, were they to be retained. Repairs to the roof and interior of this part of the steading to be retained will likely disturb roosts.

The survey work as undertaken considers the number of bats in each roost is low, the species affected are not uncommon, and relevant Bat Mitigation Guidance (2004) indicates there should be no timing or monitoring restrictions. Mitigation measures are identified which, if implemented, are intended to have minimal impact on bat species including further pre-commencement inspection of the roofs and buildings to determine whether bats are present or conditions have changed, provision of bat boxes located near existing roosts to provide alternative roosts, removal of roofs around roosts by hand where safe to do so (preferably in the presence of, or in accordance with advice provided by, a licensed bat worker), a further emergence bat survey (dependent on timing of works), and provision of permanent bat boxes within Maggot Wood. The identified mitigation measures seek to reduce the impact on the identified protected bat species.

Alternative options have been considered but discounted including normally accepted mitigation measures, for example, for common pipistrelles, using raised slates on the roof of the retained section of steading as close as possible to the original roost (on a like-for-like basis), and, for brown long ear, incorporating a bat loft into the converted steading. This proposal is to build new houses all around the retained section of steading, thus the proposal is likely to create an area of "bat desert" between the building and suitable foraging and feeding habitats (as bat species, including long brown ear, tend to avoid crossing areas that are well lit and away from trees). Bats were observed flying over to the nearby Maggot Wood which affords a good feeding and foraging habitat, and placing bat boxes in this woodland would be more likely to be taken up by bats than providing alternative roost areas within the development site including the converted steading area.

(3) that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range

As advised by SNH and the applicant's consultant, a small or low number of bats and species are involved. Both species of bat – common pipistrelle and brown long eared – are not uncommon. In this case, SNH advise that the loss of the two roosts used by a small number of non-breeding bats is unlikely to be detrimental to the maintenance of either species at a favourable conservation status in their natural range. Furthermore, mitigation is proposed including alternative roosting sites to further mitigate (reduce or avoid) any unacceptable or significant adverse impact on the affected bat species. The appropriateness of the identified mitigation measures will also require to be considered further by SNH as part of the separate licence application required to disturb bats.

Conclusion

Except for the 19th century section of Linkwood Steading (to be retained/converted), the remainder of the existing steading complex at Linkwood Farm will be demolished to provide a new build housing development. The proposal will affect (remove) a small number of bat roosts used by two bat species which are not uncommon and the loss of roosts is unlikely to detract from their conservation status. Based upon the available information including the submitted survey, an assessment of the impact of the development on bats and identification of the proposed mitigation and compensation measures, it is likely that the relevant “tests” for a licence would be met and a licence for demolition of the existing steading would be forthcoming.

Without prejudice but should the pre-commencement survey work near the time of demolition indicate a change in use of the building by bats, it will be necessary to re-appraise and reconsider whether the “tests” for a licence are likely to be met.