THE PROPOSAL

- These applications seek planning permission and listed building consent to extend Gollachy Icehouse to form a coffee shop and well-being centre with manageress flat and associated access, parking and turning areas.
- The café/flat extension is a two storey building measuring approximately 22.8m by 7.2m by 6.5 m at its highest point, with a curved roof design and external decked area overlooking the coast to the north. The cafe could seat up to 36 people.
- The existing ice house which lies approximately 5.7m to the west of the proposed café/flat will be linked to it via a new glazed linked space doubling up as a yoga space. The icehouse, currently blocked up, will be opened up and altered internally to create a new meditation space for patrons of the café/yoga venture.
- It is proposed that the site be served via public water supply and foul drainage and surface water disposed via SUDs system within the site.
- A temporary residential caravan is proposed to be sited for the duration of the construction phase for the applicant.

THE SITE

- The site presently consists of an informal car parking area which is used as viewing area for the Moray Coast immediately to the north.
- The site is located approximately 280m east of Portgordon. To the south of the site is the public road and existing house beyond, with open coastal land to both the east and west.
- The site lies within the Coastal Protection Zone as designated within the Local Development Plan.
- An interpretive board is currently provided adjacent to the car park to inform visitors about the seals.
- The Speyside Way core path runs through the north of the site (gravel path) and the Moray Coastal Trail follows the route of the road side pavement along the south edge of the site.
- The B listed ice house lies to the west of the site and comprises a stone built building with pended grass roof measuring approx. 13m by 11m. There is a ramp to the west which leads from the road to the roof of the icehouse which would have previously given access to the ice chute which has now been blocked up.
- The ice house has 2.3m thick walls with 7 steps leading down from the access door in the east elevation to an initial cool chamber which then gives access to the larger ice store.
• A post and wire fence has been erected surrounding the structure to prevent access.

HISTORY

13/01730/PPP - Planning permission in principle for the erection of a café and associated access, parking and turning areas and the opening up of the existing B listed ice house to allow public access as a visitor attraction. Application was approved following a departure hearing on 11th March 2014 and decision issued on 21st March 2014.

POLICY - SEE APPENDIX 1

ADVERTISEMENTS

• The application has been advertised under neighbour notification procedures, as a Listed Building Consent application and as a departure to the development plan.

CONSULTATIONS

Historic Environment Scotland - Although we are not opposed to the principle of adding a new extension to this former ice-house our view is that the current proposal would detract from the character and setting of the listed structure.

Our view is that a simpler, single-storey structure would better respect the character and setting of the historic ice house. Much of the scale and complexity of the extension design seems to be derived from the inclusion of a manager's flat and therefore opportunities might be sought to locate the residential aspect of the scheme elsewhere.

Regional Archaeologist - As the application occupies a shoreline location and affects the archaeology site NJ46SW0110, a category B-listed former icehouse dating to the 19th Century, a Level 1 Standing Buildings Survey Condition has been suggested.

Contaminated Land - No objection or comment.

Environmental Health - Has not objected to the proposed development.

Moray Flood Risk Management - No objection and is satisfied that the amended plan submitted by the agent covers issues relating to drainage on the site.

Scottish Water - Has not objected to the proposed development.

Transportation - The Transportation section has assessed the development and following submission of various amended plans addressing parking and visibility splays, they do not object subject to conditions and informatives.

Development Plans - While the principle for a café has been established in this location, there is no previous residential use on this site. The CPZ policy does not cater for new
residential development and the reasons provided by the applicant are not catered for in this policy to justify an exception.

The applicant has provided supporting information to justify the necessity for the residential element to make the proposal viable. While this could potentially be used to support the locational need (as per criteria c) of Policy ED8, any proposal within this location must be compatible with the relevant criteria and objectives of Policies IMP1, E8, ED8 and BE2 to protect the natural and built environment. The application fails to satisfy these criteria and policy objectives as the design of the proposal would have a negative impact on the setting of the listed building and the wider foreshore area.

**Scottish Natural Heritage** - Note that no signs of bats were found at the ice house and that the overall potential to support bats is negligible/low. We also note the recommendations made by the surveyor. We have no comments to make on either the bat survey report or in relation to seals.

**Developer Obligations** - Contribution sought towards healthcare. The applicant has confirmed they would be willing to make the payment.

**Moray Access Manager** - Support proposal subject to details being supplied of what materials and path formation will be used for the Speyside Way (Core Path) enhancement.

**Scottish Environmental Protection Agency** - no objection, advice only to be passed to the applicant.

**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).

7 letters of objection have been received (denoted by Obj after address).

48 letters of support submitted on behalf of application were received.

Ms Selena Garden, seg70@outlook.com (Obj)
Mr Kevan Findlay, 117 Hammerman Drive, Aberdeen, AB24 4SF
Ms Clair Slater, 13 West High Street, Portgordon, Buckie, AB56 5QS
Mrs Elaine Wilson, 14 Lennox Place, Portgordon, Buckie, AB56 5RY
Mr Douglas Wilson, 14 Lennox Place, Portgordon, Buckie, AB56 5RY
Mrs Christine Fairbaim, 22 Richmond Terrace, Portgordon, Buckie, AB56 5RA
Miss Denise Robson, 25 Gordon Street, Portgordon, Buckie, AB56 5QR. (Obj)
Mrs Chrissie Innes 7 Cooper Street, Buckie, Moray, AB56 1DE
Mrs Gillian Innes, 9 Cathcart Grove, Buckie, AB56 1LA
The Architectural Heritage Society Of Scotland, AHSS North East Group, Dr W A Broden, 20 Castle Street, Aberdeen, AB11 5BQ. (Obj)
Mrs Christine Stuart, 16 Tannachy Terrace, Portgordon, Buckie, AB56 5PF
Mr J.L. Watt, 3 Garden Lane, Portgordon, Buckie, AB56 5SF
Mrs Agnes Parkes, 7 Sutherland Street, Buckie, AB56 1RA
Mrs Christine Bracken, 57 Crown Terrace, Portgordon, Buckie, AB56 5RJ
Mrs Linda Evans, 54 Commercial Road, Ellon, AB41 9BD
Mr Andy Logan, 11 Duke Street, Portgordon, Buckie, AB56 5RH
Mr Jake Burrows, Hillview, 2 Garden Lane, Portgordon, Buckie, AB56 5SF
Mrs Jeanette Smart, 22 Lairds Park, Hatton of Fintray, AB21 0XY
Mrs Jackie Clark, 34 Archibald Grove, Buckie, AB56 1NG
Mrs Maxine Innes, 7 Cooper Street, Buckie, AB56 1DE
Miss Margaret Johnson, 6 Crown Terrace, Portgordon, Buckie, AB56 5RJ
Ms Donna Innes, 1 Garden Lane, Portgordon, Buckie, AB56 5SF
Ms Liz Knight, Rose Cottage, Dallas, Forres, IV36 2SA
Lennox Community Council, Per Mrs M Burrows, 2 Garden Lane, Portgordon
Miss Fiona McLean, Kirklands, Buckie, AB56 5HR
Mrs Susan Blake, Station Road, Portgordon, Buckie, AB56 5RE
Mr Dave Stewart, Kelvin Grove, 7 Castle Street, Findochty, Buckie, AB56 4RF
Mrs Eileen Flett, Maple Lodge, Stromeferry, Ross Shire, IV53 8UP
Mr Daniel Fairbairn, 22 Richmond Terrace, Portgordon, Buckie, AB56 5RA
Mr Peter Horton, Sunnybrae, Slackend, Portgordon, Buckie, AB56 5BS
Mr Scott Sliter, Blanerne, Stewart Street, Portgordon, Buckie, AB56 5QT
Miss Fiona Herd, 8 Earls View, Portgordon, Buckie, AB56 5RL
Mrs Veronica Thow, Cul-Na-Mara, 25 Richmond Place, Portgordon, Buckie, AB56 5QX
Mr William Aitken, Craiglynn, 2 Elsley Place, Buckie, AB56 1BY
Mrs Aylsa Kennedy, Louvain, 14 Maisonieu Place, Elgin, IV30 1RD (Obj)
Mrs Moira Morrison, Monair, 83 High Street, Fochabers, IV32 7DH
Mrs Sandra Shewan, Wharekoa, 18 Richmond Terrace, Portgordon, Buckie, AB56 5RA
Mr Paul Hay, 1 Reid Terrace, Portgordon, Buckie, AB56 5RB
Miss Samantha Ketteringham, 7 Bermondsey Mews, Otley, LS21 1SN
Mrs Brenda Carnegie, 1 Craighead, Mulben, Keith, AB55 6XR
Mrs Janice Legge, 10 Richmond Terrace, Portgordon, Buckie, AB56 5RA
Mr Jeremy Burrows, 2 Garden Lane, Portgordon, Buckie, AB56 5SF
Mrs Debbie Easton, 1 Tannachy Road, Portgordon, Buckie, AB56 5PG
Mr Adam Chisholm, 1 Craigmin Cottages, Drybridge, Buckie, AB56 5JL
Miss Susan McLennan, 8 West High Street, Portgordon, Buckie, AB56 5QS
Mrs Rhonda McIntosh, 2 Earl Street, Portgordon, Buckie, AB56 5SE
Mr James MacKenzie, 28 Gordon Street, Portgordon, Buckie, AB56 5QR (Obj x 2)
Mrs Maureen Burrows, 2 Garden Lane, Portgordon, Buckie, AB56 5SF
Mr Allan Cowie, 16 Crown Street, Portgordon, Buckie, AB56 5RD
Miss Donna Stewart, 30 Crown Street, Portgordon, Buckie, AB56 5RD
Mrs Pearl Murray, 6A Smirack Road, Buckie, AB56 1GH
Mr Dietmar Schulz, 42 Gordon Street, Portgordon, Buckie, AB56 5QR (Obj)
Mr Shaun Mcintosh, 9 Richmond Terrace, Portgordon, Buckie, AB56 5RA

The representations were received between the Listed Building Consent application and the Planning application, or relate to both applications. For the avoidance of doubt they are all summarised below, for this report which addresses both applications.

The main points of the representation against the development are:

The Moray Council e-planning system allows those making representation online to select matters of concern from a list of options. Those making representation against the proposal selected the following comments in addition to the other specific matters raised below:

- Affecting natural environment
• Contrary to Local Plan
• Litter
• Noise
• Over-development of site
• Parking
• Precedent
• Road access
• Road safety
• Smell
• Traffic

**Issue:** Contrary to T1 local development plan—the route of the Speyside Way Long Distance Footpath.

**Comment (PO):** The Moray Access Manager has been consulted and has not objected to the proposed development. If the applications were to be approved, appropriate conditions to safeguard the route during and post construction would be appropriate.

**Issue:** Contrary to T5 Parking Standards. Application does not include parking for flat or yoga and Pilates areas in centre and only focuses on cafe. Add this to those visitors not using the centre/cafe and only using the car park to watch the seals. There will be an overspill of cars onto the 60mph road and will result in cars parking on the pavement. There are already issues with parking on the roadside and this is likely to worsen if the cafe is built.

**Comment (PO):** The Transportation Manager has been consulted on this application and following amendment of the layout plan, now agrees that the proposal does provide sufficient on-site parking and has recommended approval subject to various conditions. The proposals as amended would also ensure the necessary visibility splays were provided, outwit the required parking areas.

**Issue:** It is clear to see coastal erosion less than 10 metres from the ice house sustained since the flooding report. SEPA continue to assess this area as a medium flood risk on their interactive map.

**Comment (PO):** SEPA were previously consulted and it was identified that due to the elevated nature of the site the proposed building would not be at risk of a 1 in 200 year coastal flood event and is not at risk of coastal erosion. They have not objected to the application, and similarly noted the building would sit above known coastal flood levels.

**Issue:** Contrary to E8 Coastal Protection Zone.

**Comment (PO):** Following consultation with the Development Plan team it has been confirmed that the development does not comply with Policy E8 on the basis that the proposal is not considered an exception, there is no existing use, and the extension to the existing building, in design terms, is not considered appropriate for a listed building (by virtue of its scale, form and massing in relation to the principal heritage interest of the site).

**Issue:** The design is not at all sympathetic to the surroundings; it’s too big and dwarfs the ice house. There must be a better way to do it. I think that the ice house should left alone because it is a grade A listed building and doing what is planned will have an adverse impact on the listed building.
Comment (PO): The extension in its current form is considered to have a detrimental impact on the special architectural and historic interest, and therefore character, of the Category B listed building by virtue of its design, in particular its scale, form and massing.

Issue: I object to this development on the grounds that it will result in over development of an Area.
Comment (PO): In an area largely devoid of buildings this proposal does not represent over development.

Issue: There are already problems with parking, litter and noise caused by people watching the seals. With a cafe and even more visitors these problems will get bigger. The seals were more and more disturbed by more and more people.
Comment (PO): SNH have been consulted in relation to this issue but have not raised any concerns with proposed developments impact on the local seal population.

A number of comments have been received in support of the application.

A summary of the supporting comments points are:

- This is a great opportunity not only for Portgordon but the surrounding area and of course for the Speyside Way. This would be a great attractor and accommodator of tourism, now and in the future. Portgordon needs such investment.
- Not only will this development provide facilities and amenities to the growing number of tourists arriving each year, it will also deliver work and job opportunities closer to home. It would be a positive attraction.
- The facilities would be used by and benefit the local population, encouraging people to live in Portgordon, and secure local facilities such as schools.
- The proposal was previously approved and should be again.
- The development would improve and enhance the area and is a great design.
- The development would improve the access into the area and improve turning facilities compared to the current parking area.
- In terms of the nearby seals, visitors already regularly visit this location and go down to the shore. The proposal will not harm wildlife and would enhance the seal viewing area.
- Another similar café at Strathlene Buckie has been successful and good and this proposal could be likewise.
- "This pioneering beacon of progression and fraternity has its foundations comprised of ingenuity, passion, and enlightened ambition. Parochial whinging from the querulous choirs of schoolmarms and all of its amateurish homespun endeavours be damned. This monument will stand as symbol of brotherhood, as an arena to the once voiceless who hath been for so long smothered by the doings of malevolent."

Comment (PO): While the principle for a café has been established in this location, there is no previous residential use on this site which conflicts with development plan policies in relation to development within the Coastal Protection Zone. The economic benefits of such a development are noted, but must be considered in conjunction with the landscape and heritage matters. See observations section.
**OBSERVATIONS**

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

In accordance with section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 applications must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

**Policy considerations**

This report covers both the planning application and listed building consent applications for the proposed café/flat extension to Gollachy Ice House.

**Impact of the proposed development on the Coastal Protection Zone (CPZ) (E8 & IMP1)**

The site lies in an area designated within the Local Plan as a Coastal Protection Zone, where policy E8 stipulates that proposals must not prejudice the objectives of the CPZ or the Water Framework Directive unless it meets one of the stated exceptions.

The development does not comply with Policy E8 on the basis that the proposal is not considered to be an exception as provided for within the policy (such as low intensity recreation, replacement building or related to agriculture). There is no existing use, and the extension to the existing building, in design terms, is not considered appropriate nor would it preserve the open coastal character in this location (by virtue of its scale, form and massing in relation to the principal heritage interest of the site). The icehouse being long established and modest in appearance does not set the precedence in this location for a larger two storey structure such that the CPZ would remain unaltered by its introduction.

Whilst the principle for a café has been established in this location, there is no history of previous residential use on this site. The applicant has submitted a business case in support of the proposed development citing that the residential need is based on security and financial reasons and need for overnight surveillance. As detailed above the site has no history of residential use and the proposed residential use and business case in support of this use does not fit any of the policy exceptions. The proposal is therefore a departure from development plan Policy E8.

**Impact of the proposed development on the listed building (BE2, ED7 & ED8)**

The applicants have submitted a Design and Access statement which outlines that "the proposal is to provide a new business opportunity; create employment; protect a Category B Listed Building and make it publicly accessible."

The main aim of the listed building consent procedure is to ensure that any proposed new development should preserve the character and special historic interest of the listed building. It should ensure that any new development protects key views of the listed building and that the works are ultimately reversible and without detriment to the listed building.
Gollachy Ice house is an early 19th century rectangular rubble ice house with long elevations and an off centre entrance on its east approach. It has a piended turf roof with blocked up chute. A ramp (grassed) from the west leads from the road to the ice house roof. Internally steps descend from the door to the ante-room (cool chamber); a further doorway leads to a larger chambered vaulted ice house. It is an unusual ice house in that it is sited on the shore and excavated rather than built into the side of hill. The building is Category B listed, essentially a building of national importance.

The proposed extension, in its current form, will have a detrimental impact on the special architectural and historic interest, and therefore character, of the listed building by virtue of its design, in particular its scale, form and massing. The references to the sea (form of building) are noted but when considering a modern intervention, and indeed any extension to a listed building, the extension should not draw attention to itself. It should be subservient and allow the viewer to understand the evolution of the building and understand what the principal historic interest is. Historic Environment Scotland, whilst not objecting to the principal of development, has also objected to the design of the proposed extension on this basis.

In the applicants design statement they acknowledged that the site itself once contained a small grouping of buildings linked to the operation of the ice house. Had this opportunity been explored, and traditional single storey structures were to form the basis of development at this site, it could perhaps have been supported in design terms at least. The opportunity to amend the design to reflect this option was turned down by the applicant.

The aim of policy ED8 is to support tourist related visitor attractions, the introduction of a café could be supported by this element of the policy and the business case submitted in support of the proposed development could satisfy the locational need however the proposal fails by virtue of its detrimental impact on the built heritage interest in this instance. Some weight has been attached to the economic benefits such a development would bring to the location (as raised in many of the supporting comments) but policy ED7 Rural Business Proposals and ED8 Tourist Facilities and Accommodation do also require development to be sympathetic to the built and natural environment (heritage and coastal landscape considerations in this case).

The proposed extension does not represent an appropriate form of development for this coastal and historic location which would satisfy the design and siting requirements of the above provisions.

Re-use & Replacement of Existing Buildings in the Countryside and Residential Caravans (H6 & H10)

Although re-using an existing building in the countryside the proposal is not strictly a residential conversion. This is a mixed use development with a residential element incorporated which, due to its scale, form and massing and the negative impact that it has on the associated listed building is considered to be unacceptable. It is also located within the CPZ, an area of coastal land that specifically precludes new residential development. The proposal was initially advertised as a departure from policy H6, without these issues present the proposal may have been capable of satisfying the requirements of the policy.

It is proposed to site a residential caravan on the site during the construction phase. If approved a condition would normally be applied that this is removed within 18 -24 months.
of the date of completion. Temporary provision of a caravan during construction works would have been acceptable under policy H10 Residential Caravans and Sites.

Impact on natural environment (E2 and IMP1)
There are no natural environmental designations covering the site or surrounding area. Seals use the coastline immediately to the north as a haul out site but this is not a national designated haul site but is worthy of consideration against Policy E2 Local Nature Conservation and Biodiversity given the proximity of the seals.

Seals at present are already used to a high level of human interaction as a result of the existing visitor site, traffic and residential property and are therefore less likely to be frightened by an intensification of activity on the site. At present access to viewing the seals is unsupervised; however, having a café brings a higher level of supervision which is likely to put off any members of the public wishing to cause the seals distress (e.g. dogs off leads).

With regard to other potential natural environmental interests, the applicant has submitted a bat survey, of existing ice house, which concluded that there are no bats utilising the building.

SNH have been consulted in relation to all potential aspects of the development affecting the natural environment and have not objected. Although the proposal is potentially capable of satisfying policy criteria in relation to the natural environment, this aspect does not override the main policy objection concerning the incompatibility in terms of impact on the listed building and CPZ which specifically precludes residential development.

The proposal does not therefore depart from E2 or the relevant provisions of Policy IMP1.

Flood risk, coastal erosion (EP7, E8 and IMP1)
Following consultation with Moray Flood risk Management it has been identified that the café/flat will be substantially elevated above the 1 in 200 year coastal flood level and the site is not at risk from coastal erosion. The drainage arrangements for the site, as amended, are considered to be acceptable. The surface water drainage arrangement for the site would be considered more fully under any Building Warrant if the development progressed.

Access and parking (T2 and T5)
The Transportation section has assessed the development and amended details, inclusive of detailed consideration of the type and level of use of the development.

It is noted that the indicative layout of proposed cafe would have 36 seats. The twelve parking spaces would be required to meet the standards for this use (1 space for every 3 seats). Two parking spaces would be required for the proposed dwelling (it is assumed that the spaces shown to the south of the cafe building are allocated for the proposed dwelling). To access these spaces the temporary caravan would need to be removed.

The applicant has submitted an amended plan which now proposes an acceptable level of parking, all contained out with the required visibility splay from the access onto the public road, ensuring compliance with Policy T2 Provision of Access.

The Moray Council has no specific parking standards for a 'wellbeing centre'. The closest use within the same use class would be a conference centre which has a parking rate of 1
space for every 3 seats (or attendees). Furthermore it is noted that at least in the early years of the development the intention is to operate the proposed yoga space out with the opening hours of the proposed café. Transportation remain concerned that there would be no practical means of ensuring that the café did not operate whilst the ‘wellbeing centre’ operated or vice-versa and that any planning condition applied in an attempt to limit the uses would not be enforceable. Bearing this concern in mind, the applicant had submitted a revised parking plan increasing the amount of proposed parking to a level where the above concern no longer remains.

For the avoidance of doubt the Speyside Way will be unaffected by the proposals and continued access both during and after construction will be enabled by the developer along the existing path which runs to the north of the site. A condition ensuring this retention of access along the Speyside Way (and Moray Coastal Path along the pavement next to the road) would have been proposed had the recommendation differed.

**Drainage and Water (EP5, EP10 and IMP1)**
Connections to the public water and foul drainage networks and proposed surface water drainage measures satisfy the requirements of policy EP10, EP5 and IMP1.

Scottish Water has provided comments following consultation on the application; it recommends that as the nearest water connection point is some 300m away, over third party land, the applicant may want to explore private water supply options. As such a connection (albeit costly and involving third party land) is achievable and would not constitute grounds for refusal.

**Conclusions and Recommendation:**
Although there is an extant consent for a new café on the site the development at least proposed a single storey building, which had little impact key views of the listed building or its setting. The inclusion of a manageress's flat above the café has increased the bulk of the building to the point where it is no longer subservient to the principal interest of the site, impacts on key views of the listed building and becomes the dominant visible structure in the foreshore area. The residential element also fails to comply with other policies, notably the CPZ where residential use is precluded. The parking provisions and arrangements also fall short of the standards required.

**Author/Contact**

| Officer: | Craig Wilson |
| Ext: | 01343 563565 |

**Head of Development Services**
APPENDIX

POLICY

Adopted Moray Local Development Plan 2015

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.
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 ED7: Rural Business Proposals

New business developments, or extensions to existing industrial/economic activities in the countryside, will be permitted if they meet all of the following criteria:

a) There is a locational justification for the site concerned, particularly if there is serviced industrial land available in a nearby settlement.

b) There is capacity in the local infrastructure to accommodate the proposals, particularly road access, or that mitigation measures can be achieved.

c) Account is taken of environmental considerations, including the impact on natural and built heritage designations, with appropriate protection for the natural environment; the use of enhanced opportunities for natural heritage integration into adjoining land.
d) There is careful control over siting, design, landscape and visual impact, and emissions. In view of the rural location, standard industrial estate/urban designs may not be appropriate.

Proposals involving the rehabilitation of existing properties (e.g. farm steadings) to provide business premises will be encouraged, provided road access and parking arrangements are acceptable.

Where noise emissions or any other aspect is considered to be incompatible with surrounding uses, there will be a presumption to refuse.

Outright retail activities will be considered against retail policies, and impacts on established shopping areas, but ancillary retailing (e.g. farm shop) will generally be acceptable.

**Policy ED8: Tourism Facilities and Accommodation**

The Council will generally support proposals which contribute towards Moray's role as a tourist area. All proposals will require to

a) Be compatible with policies to protect and enhance the built and natural environment

b) Provide adequate infrastructure arrangements (e.g. roads, parking, water, drainage), and

c) Demonstrate a locational need for a specific site.

Developments built as holiday accommodation (e.g. caravans or chalets) should be retained for that purpose and not become permanent residences. Conditions will be applied to planning consents to control this aspect.

For caravans or chalets in countryside areas, visual impact and access arrangements will be important considerations. Proposals must demonstrate what landscaping measures will be put in place to assist in integrating the site into its rural setting, in addition to providing for on-site amenity within the layout. Rigid, formal arrangements should be avoided, with stances/pitches separated to provide discrete, screened locations.

Provision within sites for touring caravans and tents will be encouraged.

**Policy H6: Re-use & Replacement of Existing Buildings in the Countryside**

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

a) There is clear physical evidence of a previous building, using the equivalent of level 2, where the full extent of the building is clearly established; and,

b) The proposed house(s) sits on at least part of the footprint of the previous building(s). The number of houses shall not exceed the conversion potential of the original building (e.g. if the building could be split into 3 units, no more than 3 replacement dwellings will be permitted).
Where new build is proposed along with a re-use or rehabilitation scheme, it must:

i) Comprise only a limited number of new build units not exceeding the number of converted or replacement dwellings;

ii) No more than 50% of new build units can be built before the conversion is complete;

iii) Be contained within the curtilage of the existing building site and must not extend into previously undeveloped land;

iv) Create a cohesive grouping through built form, layout and landscape features that reflects the character of the existing buildings and surrounding area;

v) Comply with the design requirements of policy H7 (New Housing in the Open Countryside); and,

vi) Incorporate stonework and salvaged material, wherever practicable.

Variations to i) and ii) above will only be considered where evidence is submitted which demonstrates, to the satisfaction of the Council, that application of an alternative limit or threshold would enable the re-use or rehabilitation scheme.

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

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

Buildings that are robust and long-established, such as stone built steadings, stores and cattle sheds, may form part of a reuse or rehabilitation scheme. The replacement of temporary structures such as wooden or corrugated-iron sheds or stores, stables and cattle sheds will not be considered eligible under this category.

Supplementary Guidance (SG) has been produced in order to provide further advice on the interpretation of this policy, and will be used in the process of determining planning applications.

Other considerations such as noise contours, developer contributions and energy efficiency will be taken into account in the determination of a planning application, and advice on these matters can be viewed in the aforementioned SG.

**Policy H10: Residential Caravans and Sites**

The Council will not permit caravans to become permanent residences, except

a) In emergency situations requiring urgent re-housing for a temporary period, or

b) Where a temporary consent is required in relation to the construction of a house for which planning consent has been granted
Proposals to redevelop residential caravan sites at Kinloss and Ashgrove, Elgin to provide new housing sites will be acceptable in principle (see also settlement statements), although a reduced density may be appropriate. At Mundole, any proposals to redevelop the residential caravan site should be subject of a Masterplan, and retain holiday/tourist accommodation as the primary use of the site.

An exception to this policy will be made for proposals for Gypsy/Traveller caravans/sites where the historical, traditional use of caravans as residences will be recognised.

**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 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.


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 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 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 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 E8: Coastal Protection Zone**

Development proposals within the Coastal Protection Zone (CPZ), as identified on the proposals map, must not prejudice the objectives of the CPZ or the Water Framework Directive and will be refused except:

a) where there is an existing use,

b) it is an appropriate extension or change of use to existing buildings, or replacement of existing buildings,

c) for low intensity recreational or tourist use e.g. golf courses, driving ranges, sports fields

d) for uses directly related to agriculture, forestry and fishing.

Proposals must not prejudice the objectives of the CPZ or adversely affect the ecological, geomorphological or landscape importance of the area.
Development will not be permitted on any parts of the coast that are identified as being at risk of flooding or erosion.

**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.