

PLANNING APPLICATION: 16/01663/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 for 22 affordable dwellings and associated infrastructure on land at Forsyth Street, Hopeman.
- The dwellings comprise of a mix of 3 different house types including 8 flats and 14 houses.
- The flats consist of 8 one bedroom dwellings (A-Type design (plots 11 to 18)) with four flats within 2 two-storey buildings.
- The houses include 8 single storey two bedroom dwellings (CS-Type design (plots 3, 4, 7, 8, 9, 10, 21 & 22)) and 6 two-storey three bedroom dwellings (D-Type design (plots 1, 2, 5, 6, 19 & 20)).
- Proposed external finishes include concrete smooth grey roof tiles, white render, natural timber cladding with grey frame windows.
- For all flatted dwellings parking is proposed to the side or rear of their elevations.
- For all houses, parking is "in plot" with two spaces being provided, generally located to the side or rear elevations.
- Two vehicular accesses are proposed to the site from Forsyth Street, located on the north boundary.
- Every dwelling has its own garden with the flatted accommodation sharing a communal area.
- Three green areas of varying sizes are included, predominantly to the east and west of the development. Further small areas of landscaping are proposed in addition to this.

THE SITE

- The application site is approximately 0.8ha in size and is located to the south of Hopeman outwith the settlement boundary.
- The site is currently open grazing agricultural land.
- The site is bound by Forsyth Street (main road through Hopeman) to the north, beyond which lies the village which consists of a mixture of traditional and modern housing.
- To the south of the site lies farmland gradually rising from north to south, with a few farm buildings on the upper slopes.
- The Hopeman Bowling Club and a one and half storey dwelling are situated to the east of the site.
- Two dwellings are located on the western boundary in the form of a bungalow and a large three-storey stone and slate Victorian villa.

HISTORY

No planning history specifically for this site but on nearby ground.

17/00894/APP - Installation of drainage arrangements on land to south of Hopeman, Moray. This application is related to the proposal subject of this report where it addresses and seeks to mitigate surface water flood issues at the application site and elsewhere on the south side of Hopeman. Both these applications are to be considered at the same Committee.

As the site is not accepted for designation within the adopted Moray Local Development Plan 2015, a detailed history explaining the previous local plan and the current local development plan preparation process is set out below:

Moray Local Plan 2008

As the settlement statement plan for Hopeman was being drafted Springfield Properties objected to the Finalised Plan, seeking inclusion of a significant extension of the village to the south including this site. The Council had proposed to include the site at Manse Road, until a landfill gas problem emerged which meant that the Manse Road site could not be designated at that time. To provide a supply of housing land during the lifetime of the Moray Local Plan 2008, the Council proposed a small development of 12 houses on the site which is subject to the current proposal, which resulted in significant objections from the wider public.

The Reporter disagreed with allocating development of any size to the south of the B9040 stating that, "One of Hopeman's distinguishing characteristics is that, broadly speaking, the B9040 road forms an effective southern boundary. This principle has been reinforced by local plans allocating new housing development exclusively on sites to the north of this road. This has safeguarded this characteristic feature of the village and its setting, with its generally open rural outlook to the south of the B9040 road." The reporter further stated that it was evident from the representations made by all the objectors that this is an attractive feature of Hopeman which is valued locally and is worthy of protection from inappropriate new development to the south of the B9040 road which would damage the character and setting of the village. The reporter also stated that he was persuaded by the arguments presented by the Council, that on balance; growth to the west of Hopeman would be preferable to an extension southwards.

The Reporter considered the allocation of the 12 houses proposed "would demonstrate acceptance of a limited breaching of the B9040 road and trigger longer term risks associated with that "precedent". The Reporter concluded that there should be no allocation made to the south of the B9040 and that the short term benefits of providing 12 units was outweighed by the precedent this would set and the associated risks. This also had the benefit of retaining the B9040 as an effective southern boundary which would retain one of Hopeman's most distinctive and attractive characteristics.

Moray Local Development Plan 2015

At Proposed Plan stage, the Council did not support a bid from Springfield Properties for development south of the B9040 and, following the recommendations of the Reporter for the Moray Local Plan 2008, the Council proposed designation of R1 and LONG on the western edge of the village, as all constraints had been addressed.

Springfield Properties objected seeking designation of a site for 12 houses. However, the Reporter concluded that with the designation of site R1 and the LONG site, with a combined capacity of over 50 houses, there is a generous supply of housing land to meet demand in this third tier settlement during the timeframe of the proposed plan and beyond. Although the reduced site to the south of the B9040 could be considered a small infill site between the existing frontages development on Forsyth Street, there is no over-riding reason to designate additional land for housing development in Hopeman. Notwithstanding the presence of a relatively small number of houses on the south side of the B9040, this road provides an effective southern boundary to the settlement, which should not be breached by unnecessary development.

Site R1 and LONG are identified in the Council's Housing Land Audit, with site R1 having a capacity of 25 units and classed as "effective" within the plan period.

POLICY - SEE APPENDIX 1

ADVERTISEMENTS

- Advertised as a departure from the Moray Local Development Plan 2015 and for neighbour notification purposes.

CONSULTATIONS

Moray Flood Risk Management - A Flood Risk Assessment along with suitable mitigation measures to address the existing flood risk was required. It was noted that a filter drain was included in the proposal and a detailed design of this was requested, however this was not deemed to be sufficient.

In June 2017, a related planning application for a drainage scheme (flood protection measures) reference 17/00894/APP was submitted to address the flooding issues for this application. The drainage scheme was deemed acceptable in terms of addressing the flooding issues for 16/01663/APP subject to the constructed condition requiring provisions prior to the housing development commencing. A construction phase surface water management plan would also be required if development were to proceed and this could be covered by a planning condition.

Scottish Environmental Protection Agency - No objection. Advice is provided for the applicant on Flood risk.

Developer Obligations - A contribution of £17,603.39 towards Healthcare provision is required.

Housing Strategy and Development Manager, Housing - No objections.

Aberdeenshire Archaeology - No Objections.

Environmental Health - No Objections.

Contaminated Land - No Objections.

Transportation - Objected to the original proposal due to various road safety matters. After receiving amended plans addressing such matters as ensuring adequate visibility splays the objection was removed subject to conditions and informatives.

Development Plans - Object on the grounds of the proposal being contrary to policies H7 (New Housing in Open Countryside), IMP1 (Developer Requirements), PP3 (Placemaking) and E9 (Settlement Boundaries). Consultation highlighted that this site was the subject of previous consideration for inclusion as a designated site within the Moray Local Development Plan. It was rejected in favour of the current R1 designation within the settlement statement. The proposal would be at odds with the Hopeman Settlement Statement which states as one of its objectives to safeguard the village character which is inclusive of its open character to the south.

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).

254 objections/representations received and 4 representations of support. These have been received from:

Mr Robert Lyall - Ardmhuire Forsyth Street Hopeman Elgin Moray IV30 5SY

Mr D Ball - 5 Sea Park Hopeman Elgin Moray IV30 5RY

Mrs P Bray - 10 Lodge View Hopeman Elgin Moray IV30 5TS

Mr J Burke - 17 Sea Park Hopeman Elgin Moray IV30 5RY

Mr R Cavaye - 57 Forsyth Street Hopeman Elgin Moray IV30 5SY

Mrs M Conti - 10 New Street Hopeman Elgin Moray IV30 5SG

Mrs K Cook - 19 Cooper Street Hopeman Elgin Moray IV30 5SB

Mr R Cook - 19 Cooper Street Hopeman Elgin Moray IV30 5SB

Mr Iain Douglas - 12 Russell Drive Bearsdan Glasgow G61 3BD

Mrs P Douglas - 12 Russell Drive Bearsdan Glasgow G61 3BD

Mr S Dubber - 19 Thom Street Hopeman Elgin Moray IV30 5SS

Mr C Hobson - Torview Plewlands Duffus Elgin Moray IV30 5QU

Mrs J Hobson - Plot 1 Sunrise Inverugie Road Hopeman IV30 5SX

Mr K MacDonald - 13 Millfield Drive Hopeman Elgin Moray IV30 5TN

J MacKay - 17 Park Street Hopeman Elgin Moray IV30 5SE

Mr Alex Govier - Craiglynn Forsyth Street Hopeman Elgin Moray IV30 5SY

Mr Adam Govier - Craiglynn Forsyth Street Hopeman Elgin IV30 5SY

Mr & Mrs J Bruce - 15 Manse Road Hopeman Elgin Moray IV30 5TA

M Jack - 4 East Road Hopeman Elgin Moray IV30 5SU

Mrs V McPherson - 27 Thom Street Hopeman Elgin Moray IV30 5SS

Miss Maureen Main - 6 Park Street Hopeman Elgin Moray IV30 5SE

Mrs Marina Huyton - Phayrelands Hopeman Elgin Moray IV30 5XZ

Miss Aspen Gillies - Shackleton House Forsyth Street Hopeman Elgin Moray IV30 5SY

Mr Kenneth MacFadyen - 1 Harbour Street Hopeman Elgin Moray IV30 5SJ

Miss Jennifer Lyall - Ardmhuire Forsyth Street Hopeman Elgin Moray IV30 5SY

Mr Zande Craib - Flat 3 Weddershill Court Hopeman Elgin Moray IV30 5RS

Mrs Linda Gillies - 53 Thom Street Hopeman Elgin Moray IV30 5TB

Mr And Mrs Mitchell - Thirtyone Cummingston Elgin Moray IV30 5XY

Ms K Watt - 14 Lodge View Hopeman Elgin Moray IV30 5TS

Mrs V Watt - 14 Lodge View Hopeman Elgin Moray IV30 5TS

Mrs Wilkins - Camus Forsyth Street Hopeman Elgin Moray IV30 5SY

Mr Stuart Huyton - Phayrelands Hopeman Elgin Moray IV30 5XZ

Miss Gianna Gillies - Shackleton House Forsyth Street Hopeman Elgin Moray IV30 5SY

Miss Blae Gillies - Shackleton House Forsyth Street Hopeman Elgin Moray IV30 5SY

Mr Robert Smith - The Grange 25 Nicol Street Elgin Moray IV30 6BU

Mrs Sarah Carroll - 8 New Street Hopeman Elgin Moray IV30 5SG

Mr Andrew Christison - 5 Lower Backlands Cottages Forsyth Street Hopeman Elgin Moray IV30 5JQ

Mr Darren MacDonald - 16 East Road Hopeman Elgin Moray IV30 5SU

Mr David McIntosh - 10 Mid Street Hopeman Elgin Moray IV30 5TF

Mr Christopher McCann - 2 High Street St. Combs FRASERBURGH AB43 8YR

Lord Gerald McAllister - 7 Sea Park Hopeman Elgin Moray IV30 5RY

Dr E McCallum - address not given

Ms Jacqueline Govier - 7 Duff Street Hopeman Elgin Moray IV30 5RZ

Mr James McColm - 25 Lodge View Hopeman Elgin Moray IV30 5TS

Mrs Diane Mollins - Moravia 4 Dunbar Street Hopeman Elgin Moray IV30 5TD

Mrs Elizabeth Fullerton - McCraw Brae Duff Street Hopeman Elgin IV30 5RZ

Mrs Isabel Payne - 18 East Road Hopeman Elgin Moray IV30 5SU

Ms Janet Trythall - Seaview Cove sea Duffus Elgin Moray IV30 5QS

Hopeman Flood Action Group - C/o A. Charlesworth The Schoolhouse Inverugie Road Hopeman IV30 5SX

J. S. Povoas And A. Charlesworth - The Schoolhouse Inverugie Road Hopeman Elgin Moray IV30 5SX

Dr Carey H. Nash - 54 Harbour Street Hopeman Elgin Moray IV30 5RU

Mr Mark Nash - 54 Harbour Street Hopeman Elgin Moray IV30 5RU

Mr Hugh Macphee - Lyndhurst 59 Forsyth Street Hopeman Elgin Moray IV30 5SY

Mrs Justine East - 11 New Street Hopeman Elgin Moray IV30 5SG

Mr Andrew Main - 8 Golf Crescent Hopeman Elgin Moray IV30 5TL

Mrs Kate Gordon-Rogers - 4 Milne Lane Duffus Elgin Moray IV30 5WD

Mrs Jacqui Robertson - 11 Weddershill Court Hopeman Elgin Moray IV30 5RS

Miss Ellen Sutherland - 55A Thom Street Hopeman Elgin Moray IV30 5TB

Miss Katie Watt - 14 Lodge View Hopeman Elgin Moray IV30 5TS

Mr Neil McPherson - 42 Whitehall Place Aberdeen AB42 2PB

Mr Andrew Mackenzie - 22 Primrosehill Gardens Aberdeen AB24 4EQ

Mrs Angela Small - 7 Dunbar Street Hopeman Elgin Moray IV30 5TD

Mr Graeme Fullerton - McCraw Brae Duff Street Hopeman Elgin Moray IV30 5RZ

Mrs Rebecca Dewis - 13 Park Street Hopeman Elgin Moray IV30 5SE

Ms Kathleen Mitchell - 14 Duffus Heights Elgin Moray IV30 5PA

Mr John Grant - 17 Cooper Street Hopeman Elgin Moray IV30 5SB

Mr Anthony Price - 21 Cooper Street Hopeman Elgin Moray IV30 5SB

Mr Nathan Gunter - Penwood 1 Havers Place Hopeman Elgin Moray IV30 5SR

Mr Colin McAllister - 11 Golf Road Hopeman Elgin Moray IV30 5TE

Mrs Jessica Robertson - 1 Weddershill Court Hopeman Elgin Moray IV30 5RS

Mr Paul Craib - Weddershill Forsyth Street Hopeman IV30 5SY

Mrs Janice Craib - Weddershill Forsyth Street Hopeman Elgin Moray IV30 5SY

Mr Ian Main - 10 Park Street Hopeman Elgin Moray IV30 5SE

Mrs Kelly Erker - 23 Sellar Street Burghead Elgin Moray IV30 5UL

Mr Alexander Craib - Flat 3 Weddershill Court Hopeman IV30 5SY

Mr Jeff Povoas - The Schoolhouse Inverugie Road Hopeman Elgin Moray IV30 5SX

Mrs Debbie Booth - 24 East Road Hopeman Moray IV30 5SU

Mr Alistair Omand - 10 Bakers Lane Hopeman Elgin Moray IV30 5TP

Mrs Melinda McGiff - 20 School Road Hopeman Elgin Moray IV30 5SP

Miss Mhairi Galloway - Glenmore 1 Thom Street Hopeman Elgin Moray IV30 5SS

Mr Paul Gray - 52 Harbour Street Hopeman Elgin Moray IV30 5RU

Mrs Alix Dewhirst - 28 Duff Street Hopeman Elgin Moray IV30 5RZ

Mr Edd Fiske - 22 Farquhar Street Hopeman Elgin Moray IV30 5SN

Mr Martin Wheeler - Cairnmhor 2 School Road Hopeman Elgin Moray IV30 5SP

Miss Gillian Campbell - 10 Cooper Street Hopeman Elgin Moray IV30 5SB

Mrs Janice Anderson - Viewfield Inverugie Road Hopeman Elgin Moray IV30 5SX

Mr Norman Millar - 12 Golf Road Hopeman Elgin Moray IV30 5TE

Mrs Lara Beach - Gowanbank 9 Coal Row Hopeman Elgin Moray IV30 5TJ

Mrs Sally Chewter - 14 New Street Hopeman Elgin Moray IV30 5SG

Mr Roy Cook - 19 Cooper Street Hopeman Elgin Moray IV30 5SB

Dr Jennifer McClay - 9 Farquhar Street Hopeman Elgin Moray IV30 5SN

Mr Dean Jamieson - 17 Duff Street Hopeman Elgin Moray IV30 5RZ

Mr Michael Ralph - Venesta 9 Golf Crescent Hopeman Elgin Moray IV30 5TL

Mrs Joanne Hobson - Torview Plewlands Duffus Elgin Moray IV30 5QU

Mrs Sarah Chewter - 14 New Street Hopeman Elgin Moray IV30 5SG

Mr Chris Hobson - Torview Plewlands Duffus Elgin Moray IV30 5QU

Miss Emma Mcpherson - 22 School Road Hopeman Elgin Moray IV30 5SP

Mrs Nicola Burnel - 13 Sea Park Hopeman Elgin Moray IV30 5RY

Mr Grant MacLean - 1 Cameron Terrace Hopeman Elgin Moray IV30 5SW

Mrs Mary MacDonald - 13 Millfield Drive Hopeman Elgin Moray IV30 5TN

Mr Ryan Main - 17 Meadow Gardens Hopeman Elgin Moray IV30 5PN

Mrs Janice Galloway - Glenmore 1 Thom Street Hopeman Elgin Moray IV30 5SS

Mr Steven McPherson - 4 Meadow Gardens Hopeman Elgin Moray IV30 5PN

Mr David Erker - 23 Sellar Street Burghead Elgin Moray Moray IV30 5UL

Miss Ann Kelman - 2A Cooper Street Hopeman Elgin Moray IV30 5SD

Mr John Elkin - 15 Dunbar Street Hopeman Elgin Moray IV30 5TD

Ms Louise Whitten - Kishmuls Cottage 13 Mcpherson Street Hopeman Elgin Moray IV30 5TG

Mr Iain Campbell - 5 Cameron Terrace Hopeman Elgin Moray IV30 5SW

Mr Ian Tuff - Mailbox R127 BFPO2 BF13AA

Mrs M Hall - 3 Manse Road Hopeman Elgin Moray IV30 5TA

Miss Jacqueline Smith - 79 Springfield Road Elgin Moray Moray IV30 6BZ

Miss Fiona McPherson - 25 Farquhar Street Hopeman Elgin Moray Moray IV30 5SN

Mrs Hazel Lornie - 4 Beach Terrace Hopeman Elgin Moray Moray IV30 5RX

Mrs Jude MacKay - 17 Park Street Hopeman Elgin Moray Moray IV30 5SE

Mr Alister Bews - Kilbreck 5 Golf Crescent Hopeman Elgin Moray IV30 5TL

Mrs Mary McClatchey - 22 Cooper Street Hopeman Elgin Moray IV30 5SB

Mr John Herriott - 29 Brodie Drive Elgin Moray IV30 4LS

Miss Anna Gray - 31 Farquhar Street Hopeman Elgin Moray IV30 5SN

Mrs Jeanette Mckee - Cala Dor 35 Forsyth Street Hopeman Elgin Moray IV30 5ST

Mr Mark Henderson - 23 Cooper Street Hopeman Elgin Moray IV30 5SB

Mrs Sandie Campbell - The Whins School Road Hopeman Elgin Moray IV30 5SP

Mrs Kim Yeaman - 21 Manse Road Hopeman Elgin Moray IV30 5TA

Mr Lee Mileham - Address not given

Mrs Karen Hubbard - 20 Harbour Street Hopeman Elgin Moray IV30 5RU

Mr Mark Stewart - 16 Millcraig Mews Winchburgh EH52 6WG

Mrs Claire Young - Westlea Forsyth Street Hopeman IV30 5SD

Ms Hannah Nash - 54 Harbour Street Hopeman Elgin Moray IV30 5RU

Miss Georgie Raine - 1 Harbour Street Hopeman Elgin Moray IV30 5SJ

Mrs Laura Bremner - 7 New Street Hopeman Elgin Moray IV30 5SG

Mrs Susan Simpson - 29 Golf Crescent Hopeman Elgin Moray IV30 5TL

Mr Peter Surtees - 12 Primrose Lane Sleaford NG34 8DZ

Mr Robert MacKiggan - 10 Golf Crescent Hopeman Elgin Moray IV30 5TL

Mrs Frances Dunn - 13 Land Street Elgin Moray IV30 6BL

Mrs Jennifer McLean - Bon Ami 15 Harbour Street Hopeman Elgin Moray IV30 5SJ

Ms Pam Jeanes - 33 Golf Crescent Hopeman Elgin Moray IV30 5TL

Miss Melanie Main - 6 Golf Crescent Hopeman Elgin Moray IV30 5TL

Mr Douglas Campbell - Ischia Forsyth Street Hopeman Elgin Moray IV30 5SY

Mr Wilkins - Camus Forsyth Street Hopeman Elgin Moray IV30 5SY

Ms Elizabeth Cavaye - 57 Forsyth Street Hopeman Elgin Moray IV30 5SY

Mrs Juliet Govier - Craiglynn Forsyth Street Hopeman Elgin Moray IV30 5SY

Ms Elaine Macphee - Lyndhurst 59 Forsyth Street Hopeman Elgin Moray IV30 5SY

Ms Margaret Young - 59A Forsyth Street Hopeman Elgin Moray IV30 5SY

Mrs Carmen Gillies - Shackleton House Forsyth Street Hopeman Elgin Moray IV30 5SY

Mr Neil Robertson - 1 Weddershill Court Hopeman Elgin Moray IV30 5RS

Mr David Craib - Weddershill Forsyth Street Hopeman Elgin Moray IV30 5SY

Mrs Tricia McPherson - 43 Fogwatt Lane Elgin Moray IV30 6GG

Mrs Catriona Young - 8 Kingsway Aberdeen AB21 9BP

Miss Abbie Duncan - 1 Lodge Road Hopeman Elgin Moray IV30 5PJ

Mr Andre Govier - Craiglynn Forsyth Street Hopeman Elgin Moray IV30 5SY

Mrs Lynne Duncan - 1 Lodge Road Hopeman Elgin Moray IV30 5PJ

Mr Jack McLean - Bon Ami 15 Harbour Street Hopeman Elgin Moray IV30 5SJ

Mr David Balls - 1 Oak Drive Brampton PE28 4FA

Miss Bethannay Grey - 3 Mcpherson Street Hopeman Elgin Moray IV30 5TG

Mrs Kirsty Deans - Balmellie Inverugie Road Hopeman Elgin Moray IV30 5SX

Mrs Rhona Grant - 17 Cooper Street Hopeman Elgin Moray IV30 5SB

Mr Colin Yeaman - 21 Manse Road Hopeman Elgin Moray IV30 5TA

Ms Karen Davidson - 22 Farquhar Street Hopeman Elgin Moray IV30 5SN

Mr David More - 6 Lodge View Hopeman Elgin Moray IV30 5TS

Mrs Dianna Jenkins - 14 Meadow View Hopeman Elgin Moray IV30 5PL

Mr David Beach - Gowanbank 9 Coal Row Hopeman Elgin Moray IV30 5TJ

Mr Paul O'Flaherty - 24 East Road Hopeman Elgin Moray IV30 5SU

Mr Colin Conti - 10 New Street Hopeman Elgin Moray IV30 5SG

Mrs Grace Macdonald - 16 East Road Hopeman Elgin Moray IV30 5SU

Mrs Gracia Elkin - 15 Dunbar Street Hopeman Elgin Moray IV30 5TD

Mrs Margaret Innes - 3 Lodge Road Hopeman Elgin Moray IV30 5PJ

Mrs Carol Wiseman - 4 Ladysmith Drive East Kilbride Glasgow G75 9PF

Mr Nigel Gunter - Penwood 1 Havers Place Hopeman Elgin Moray IV30 5SR

Mr John Burke - 17 Sea Park Hopeman Elgin Moray IV30 5RY

Mr Mark East - 11 New Street Hopeman Elgin Moray IV30 5SG

Mr Stuart Heron - Hillcrest 63 Farquhar Street Hopeman Elgin Moray IV30 5SL

Mr Colin McGrath - 16 Meadow View Hopeman Elgin Moray IV30 5PL

Mr William McIntosh - 14 East Road Hopeman Elgin Moray IV30 5SU

Mrs Tanya Young - 38 Cooper Street Hopeman Elgin Moray IV30 5SB

Mr David Small - 7 Dunbar Street Hopeman Elgin Moray IV30 5TD

Mr Cameron Dixon - 53 Forsyth Street Hopeman Elgin Moray IV30 5SY

Mrs Annette Newell - 41 Inchbrakie Drive Crieff PH7 3SS

Miss Stacey Grant - 62 Wicklow Street Middlesbrough TS1 4RQ

Mr Andrew McGregor - 1 Moray Street Hopeman Elgin Moray IV30 5SA

Miss Gillian Stewart - 14 Cooper Street Hopeman Elgin Moray IV30 5SB

Mr Colin Taylor - 37 Newlands Crescent Aberdeen AB10 6LG

Mr Peter Rennie - 9 Dunbar Street Hopeman Elgin Moray IV30 5TD

Mr Ivor MacKenzie - Burnsound 27 Lodge Road Hopeman Elgin Moray IV30 5PJ

Mr J Bruce - 19 Moray Street Hopeman Elgin Moray IV30 5SA

Mrs Carol Tuff - Woodside Inverugie Road Hopeman Elgin Moray IV30 5SX

Mrs Joanna Baughan - 41A Thom Street Hopeman Elgin Moray IV30 5TB

Mrs Alwyn Riddoch - Rosealan 2A Millfield Drive Hopeman Elgin Moray IV30 5TN

I MacPherson - 65 Harbour Street Hopeman Elgin Moray IV30 5RU

Mr Peter Hill Thoms - Ardglass 51 Forsyth Street Hopeman Elgin Moray IV30 5SY

Mrs Kayleigh McGregor - 1 Moray Street Hopeman Elgin Moray IV30 5SA

Mr Duncan Anderson - Viewfield Inverugie Road Hopeman Elgin Moray IV30 5SX

Mr Steven Grant - 18 Lodge View Hopeman Elgin Moray IV30 5TS

Mr Calum MacDougall - 2 Meadowhillock Roseisle Elgin Moray IV30 5YD

Mr Brian Burnel - 13 Sea Park Hopeman Elgin Moray IV30 5RY

Mrs Thurza Fraser - 5 Gordon Street Hopeman Elgin Moray IV30 5SF

Mrs Janice Harvey - Lyndoch 8 Farquhar Street Hopeman Elgin Moray IV30 5SN

Miss Margaret More - Flat 3 Weddershill Court Hopeman Elgin Moray IV30 5RS

Dr Gerald Main - 639 Tomby Court Kelowna BC Canada V1W 2K9

Mr David Young - 17 Cameron Road Elgin Moray IV30 4JR

Mrs Morag Campbell - 5 Cameron Terrace Hopeman Elgin Moray IV30 5SW

Mrs Laura Jamieson - 17 Duff Street Hopeman Elgin Moray IV30 5RZ

Mrs Gillian Sutherland - 55A Thom Street Hopeman Elgin Moray IV30 5TB

Mr Christopher Grant - 1 Dove Avenue Elgin Moray IV30 6LG

Ms Laura Munro - 5 Mid Street Hopeman Elgin Moray IV30 5TF

Mrs Vicky Findlay - 43 Evelyn Terrace Perth PH2 0BS

Mr Edward Fennell - 42 Newlands Drive Portlethen AB12 4LX

Mr Robert Harvey - Lyndoch 8 Farquhar Street Hopeman Elgin Moray IV30 5SN

Mr Scott Sutherland - 9 Moray Street Hopeman Elgin Moray IV30 5SA

Mrs Fiona Clark - 20 Brebner Terrace Northfield Aberdeen AB16 7HL

Mr Richard Cavaye - 57 Forsyth Street Hopeman Elgin Moray IV30 5SY

Mrs Heather Fiske - Seascope Inverugie Road Hopeman Elgin Moray IV30 5SX

Dr Campbell Pert - 5 Lemanfield Crescent Garmouth Fochabers Moray IV32 7LS

Mr Stephen Gibson - 30 Donmouth Court Aberdeen AB23 8FY

Mr David Mortimer - 61 Forsyth Street Hopeman Elgin Moray IV30 5SY

Mrs Nicola Jackson - 10 Havers Place Hopeman Elgin Moray IV30 5SR

Miss Lucy Morrison - 11 Moray Street Hopeman Elgin Moray IV30 5SA

Mrs Cath Lyall - Ardmhuire Forsyth Street Hopeman Elgin Moray IV30 5SY

Mr Andrew Lyall - Ardmhuire Forsyth Street Hopeman Elgin Moray IV30 5SY

Mr Sean Toner - 14 Meadow Gardens Hopeman Elgin Moray IV30 5PN

Mrs Cath Brown - 15 Thom Street Hopeman Elgin Moray IV30 5SS

Mr James McPherson - Ardent House 43 Forsyth Street Hopeman IV30 5SY

Mrs Hazel McPherson - 47 Thom Street Hopeman Elgin Moray IV30 5TB

Mrs Ruth Scott - The Beach House Harbour Street Hopeman Elgin Moray IV30 5RU

Mr James McGiff - 20 School Road Hopeman Elgin Moray IV30 5SP

Mr Christopher Baber - 15 Meadow View Hopeman Elgin Moray IV30 5PL

Mrs Margaret More - 23 Dunbar Street Hopeman Elgin Moray IV30 5TD

Mrs Jacqueline O'Neill - Braemar Cooper Street Hopeman Elgin Moray IV30 5SD

Mr Christopher O'Neill - Braemar Cooper Street Hopeman Elgin Moray IV30 5SD

Mr And Mrs Paul And Janice Craib - Weddershill Forsyth Street Hopeman IV30 5SY

Miss Joanne McLeod - 2/2 9 Strathyre Street Glasgow G41 3LL

Mrs Rona Hunt - 11 Meadow View Hopeman Elgin Moray IV30 5PL

Mr Paul Rudland - 6 Meadow Gardens Hopeman Elgin Moray IV30 5PN

Mr David MacKay - 11 Mcpherson Street Hopeman Elgin Moray IV30 5TG

Mrs Lorna Beattie - 6 Bakers Lane Hopeman Elgin Moray IV30 5TP

Mr William Craig McIntosh - 14 East Road Hopeman Elgin Moray IV30 5SU

Mr Fraser Hayter - Balnamoon Pluscarden Road Elgin Moray IV30 1SU

Mrs Hilary Gray - 52 Harbour Street Hopeman Elgin Moray IV30 5RU

Mrs Lorna Main - 8 Golf Crescent Hopeman Elgin Moray IV30 5TL

Mrs Alison Laurenson - Glenvilla Grunnasound Bridge End SHETLAND ZE2 9LD

Mr David Morrison - 7 Thom Street Hopeman Elgin Moray IV30 5SS

Mr Gordon Davidson - 1 Lodge View Hopeman Elgin Moray IV30 5TS

Mr John Clark - 13 - 15 New Street Hopeman Elgin Moray IV30 5SG

Mrs Lucy Mackenzie - Inverugie Hopeman Elgin Moray IV30 5YB

Mr Ian Allan - 88 Wester Newlands Drive Reddingmuirhead FALKIRK FK2 0ZX

Mr John Duncan - Elmhurst 3 Millfield Drive Hopeman Elgin Moray IV30 5TN

Ms Marion Bateman - 39 Forsyth Street Hopeman Elgin Moray IV30 5SY

Mrs Mandy Tough - 20 Lodge View Hopeman Elgin Moray IV30 5TS

Mrs Amelia Burke - 17 Sea Park Hopeman Elgin Moray IV30 5RY

Mrs Louise Mackie - 25 Duff Street Hopeman Elgin Moray IV30 5RZ

Mr Barry Scott - The Beach House Harbour Street Hopeman Elgin Moray IV30 5RU

Mrs Melanie House - 22 Harbour Street Hopeman Elgin Moray IV30 5RU

Mr Kris Oneill - 3 Cormacks Court King Street Lossiemouth Moray IV31 6PE

Mrs Michelle McPherson - 24 Lodge View Hopeman Elgin Moray IV30 5TS

Mrs Liz Shaw - Mid Bank Steading Roseisle Elgin Moray IV30 5YD

Mrs Mairi McCallum - 87 Farquhar Street Hopeman Elgin Moray IV30 5SL

Mrs Rhona Boyd - The Finches Bridge of Earn Perth PH2 9EZ

Hopeman Bowling Club - Forsyth Street Hopeman Elgin Moray IV30 SY

Mrs Jenni Middlecote - 5 Havers Place Hopeman Elgin Moray IV30 5SR

Hopeman Community Association - C/o Mr Dave Bell (Chairman) 5 Sea Park Hopeman Elgin Moray IV30 5RY

Several neighbour notification periods have been run during the consideration of the application, and all representations have been considered and summarised below, with no assumption that previous representations superseded have been withdrawn. All objections/representations have been read and where material, given the appropriate consideration prior to the recommendation being finalised. The material grounds for objection/representation are as summarised below, and the main immaterial issues raised have been commented upon also.

The grounds for objection/representations have been generally grouped into the topic heading below to aid reference.

Siting and Design - Policies IMP1 and PP3

- The development significantly increases the number of houses on Forsyth Street.
- The proposal does not reflect the existing settlement pattern, nor does it reflect the style and character of traditional housing along Forsyth St.
- The finishes of these properties is not sympathetic to the heritage of a fishing village.
- Limited landscaping to the frontage of the proposal which would be unsympathetic development.
- The development will be poor quality and detrimental to the neighbourhood.
- The development would dominate and overpower the existing charm of the village.
- The proposal is inappropriate in such a rural unspoilt location.
- The proposal would create the start of an urban 'housing corridor'.
- The huge Springfield developments in Elgin and in Forres both resemble a ghetto of characterless boxes and will not sit comfortably within the area.
- The village is already expanding at an appropriate rate and speed.

- No need for more housing in the village, it will ruin it.
- The developer describes the proposed 0.84 ha site as "infill" but, by its very nature, infilling of the site with houses and flats, and related infrastructure, at a very high density, would destroy the open rural outlook to the south that the council seeks to preserve.
- Nothing is wrong with Hopeman the way it is - build more houses in Elgin and Forres where it won't affect the community like it would Hopeman residents.
- Taking Hopeman out of its Village status and completely ruining the area with a development that the majority of Hopeman residents do not want and do not need.
- The style of the 22 houses - whitewashed with wood panelling is completely out of character with the rest of Hopeman.
- There has been no attempt by the developer to blend into the existing village but simply construct a development which is more suited to a modern town site.
- Proposal would appear as an isolated settlement.
- The community and Scottish heritage of the small villages will be further eroded.
- Do not need any more faceless buildings in Scotland, let alone Hopeman.
- The proposed development does in fact look like every other development that the applicant has built. They seem to have a 'one size fits all' approach and want every community in Moray to 'benefit' from their 'modern aesthetic character that aids placemaking'.
- If one was to consider the new schemes in 'New' Elgin and Forres as an example, any future character of the village would be seriously jeopardised.
- The houses in the proposal bear no resemblance to the traditional stone built, detached houses that are currently found in this area of the village.
- No effort has been made in the design of the houses to make them suit the location.
- The new houses in Burghead have ruined the character and Hopeman already has more than its fair share of 'scheme' housing.
- It would impair the landscape and its setting with the loss of agricultural land and the destroying of traditional village field patterns.
- Not against adding new housing stock to the village, the need is recognised for affordable housing in the village - however the development needs to fit in with the character of the village and should be on the north side of Forsyth Street to enable the village to maintain its feel and boundaries.
- Restrictions were put on the height of a neighbouring development (attic conversion) as it had to keep within the style/restrictions of the village. This development is above the height that the neighbouring property was permitted.
- Proposal will remove valuable green space.
- Concern regarding the ethics of the Company and the quality of the housing and lack of concern for residents and the communities' quality of life, as evidence by the sprawling estate in McMillan Avenue of Elgin. Promises were made of improved facilities but not forthcoming and where workmanship was faulty and garden and communal area fortified in the desire to squash in more houses for better profits to the company.
- Springfield housing estates are hideous, the properties are in very poor repair, they look dated, nasty and run down - do not want to see this in Hopeman.
- The appearance of 22 new houses to the south of the B9040 road would be materially detrimental to the existing character and setting of the village.

Comment (PO):

The siting and design of the proposal is a departure from policies H7, IMP1 and PP3 for the reasons detailed in the observations section. Many of the concerns about the impact upon the character of the village, are reflected in the recommendation.

Several of the comments above are critical of the design and materials of the proposed dwellings, where it would be unrealistic and unnecessary to expect new housing development to replicate exactly the design and materials of older building in the vicinity; especially where the site has no specific Conservation Area status. New housing throughout Moray will differ in appearance and character from the older housing stock, but this does not make newer housing inherently detrimental to the character of settlements.

Contrary to several of the comments, there is a confirmed need for a range of housing within Moray and specifically within the Hopeman area (as identified by the Housing Need and Demand Assessment) where requests for housing are made to the Council.

Regarding the loss of green space, the impact of the proposal on the countryside south of Forsyth Street is contained within the Observations Section of this report. In terms of its value however it is acknowledged that it takes the form of agricultural land rather than maintained amenity land.

New Housing in Open Countryside - Policy H7

- The houses applied for do not fit with the surrounding houses; they detract from the character and setting.
- Springfield deem the site as "in fill", the site contains suburban features such as flats, a small cul de sac and buildings which do not display traditional features.
- The area adds to the openness of Hopeman, it allows for the original pattern of settlement for Hopeman to remain north of Forsyth St which has been agreed in the Local Development Plan (Manse Road).
- The character and openness of Hopeman must be maintained South of Forsyth Street. This was supported by the reporter during the examination of the Moray Local Plan which was rejected for 12 houses previously. The reporter agreed with the Council not to allocate the site as it would result in a breaching of the B9040 road, and trigger longer term risks associated with that precedent.
- This development would result in a loss of character and openness to Hopeman.

Comment (PO):

The proposal is a departure from policy H7 as detailed in the observation section. This site is not an acceptable infill site.

Settlement Boundaries - Policy E9

- The proposal is immediately out with the southern settlement boundary of Hopeman and is therefore a departure from policy E9.
- Will lose existing village character.
- Forsyth Street acts as an effective settlement boundary and protects the site, which has become an attractive characteristic of the village, from development and should not be breached by unnecessary development as per the Reporters conclusion during the Local Plan 2008 and MLPD 2015 examinations.
- Springfield are ignoring the advice given by the reporter in 2008.

- As this proposal is the first or last thing people will see on entry/exit from the village it must be in character and historical style if it is to have any chance of being allowed to proceed.
- Significant impact on the look of the village and the way it is viewed by the public/tourists.

Comment (PO):

The proposal is a departure from policy E9 as detailed in the observation section.

Moray Local Development Plan 2015

- Land for further development in Hopeman has already been identified in the current Local Development Plan.
- The reporter in his report of 2015 repeatedly states the village boundary should be the road without development to the south - cannot see the grounds to ignore this advice.
- Planning application is in clear breach of the Local Development Plan.
- When Springfield sought inclusion on the site in the local plan during the DPEA's examination, they suggested that the site had capacity for 12 houses.
- DPEA stated on a number of occasions that development to the south of Hopeman should be resisted, the reporter was persuaded by arguments presented by the Council that, on balance, growth to the west of Hopeman would be preferable.
- Against Local Plan as a greenfield site.
- In the public enquiry, the council stated that Hopeman had had significant growth over the last 15 years and it was intended to limit growth here over the new local plan period, to preserve its character. R1 is that slowdown in growth to an acceptable level, 16/01663/APP is an acceleration of growth again and would ultimately destroy the character of Hopeman.

Comment (PO):

The proposal site is out with Hopeman's settlements boundary and is not allocated in the current local plan. Land further to the west of Hopeman has been designated for housing which allows for the growth of the village. The local development plan background has been referred to in the history section of this report and gives the background as to why this land is not an allocated site.

Further Development in Hopeman or elsewhere

- An increase in houses on the south side will potentially lead to further development; in turn losing the community feel to Hopeman seriously altering the character and nature of the village.
- Once large companies come in, Hopeman will become a large town with very little amenities, you just need to see what has happened in our surrounding areas Elgin, Forres, Buckie etc. There is no stopping once they start.
- There are already plans being proposed for the west of Hopeman, another development to the south of Forsyth Street is not necessary at this time.
- The proposal is two fields away (owned by Springfield) from two other large 'ad hoc' houses making them a potential prime development location.
- Springfield's long term intention is to develop the fields to the south of Hopeman driven by the need to make profit not the need of the community.
- If this development goes ahead it will be the first phase of Springfield's plan for a 'New Hopeman' as they call it.

- Precedent setting if these houses are allowed, further applications up the slope to the large individual houses already appearing on the prominent ridge, with creeping development towards the 200-odd houses already refused as inappropriate.
- A previous submission for developing the south side of Hopeman was rejected at all levels locally and finally by a reporter from Edinburgh.
- If approved would set a precedent and destroy the reason why 1,700 people live in Hopeman.
- Not concerned about the 22 houses just the precedent it would set.
- 22 houses would soon become 600.
- Firm belief that this is the beginning of a sustained campaign to extend the building further and any development, no matter how small, would be seen as setting a precedent.
- Springfield owns a large amount of land past the Southern boundary of Hopeman and it is clear that they wish to use all this land for their proposed housing development.
- No need for a small scale development to require two access roads from the B9040, the inclusion of two entrances only leads to further speculation that this is a first attempt at reviving a previous plan by Springfield.
- The View from the Bowling Clubhouse would be adversely affected by the development of the south side we are under no illusion that if this planning application is successful it will lead to further development within this area and we would be additionally concerned as to security of our properties adjacent to the development.
- Would like to see the infill site as sheltered housing complex with a 24hr warden, which is desperately needed in Hopeman.
- There are plans for increased housing to Burghead - where are all these people going to find employment, schools, medical facilities and transport, all of which are already stretched.
- Hopeman has seen its fair share of development over the past 20 years due to a succession of new housing developments, this has well exceeded the effective supply of houses allocated in previous local development plans, including affordable houses.
- Developer still refers to it as 'New Hopeman', indicating their long-term insidious ambitions.
- There are other areas in Moray that can be developed for this style/type of housing to meet local needs.
- With 2,600 houses going up on the south side of Elgin by Springfield, no reason why anymore should be built in Hopeman.
- Build these houses elsewhere, the back of Elgin, Forres, Nairn or why not let them build in back of Keith.
- The way forward is for some holiday chalets rather than family homes.

Comment (PO):

The previous attempts to introduce housing to the south side of B9040 have been unsuccessful at the local development plan formulation stage for similar reasons for those cited above.

The current application must be assessed on its individual merits and under the current local development plan, for which no designation exists at this location. Speculation about further expansion southwards of Hopeman is not material to the current application and such proposals would be separately assessed under separate planning applications.

Various representations suggest alternative locations for housing, and indeed alternatives to housing. The planning system obligates the Council as Planning Authority to determine the applications submitted, so suggestions of alternative locations etc. are again immaterial to the planning assessment of the current application.

There are two housing designations within the Moray Local Plan 2015 to allow for the growth of Hopeman, R1 and LONG, these are located to the west of the village. The current application must however still be assessed on its merits.

Road Safety

Pedestrians

- Crossing the road at Forsyth Street is already difficult and there are too many cars.
- Detrimental to the road safety of road users and would increase the chance of a fatal accident.
- B9040 is a very busy dangerous road with school buses dropping and collecting children.
- Pedestrians would have poor visibility due to a proposed pathway which does not fit in well with existing properties.
- The pavement which is along the front of properties appears to impede onto Forsyth Street in an area where the road is at narrowest point between entrance and exit of Hopeman, this is a hazard.
- None of these houses will have the safe transit to and from bus stops with a continuous path, to access both adjacent bus stops you would have to walk on road, which already experiences fast traffic.
- Unsafe for children to cross over Forsyth Street.
- The traffic flow issues are added to as there are no footpaths for existing south Forsyth Street properties, the addition of new properties will increase the pedestrian traffic and provide additional risk to pedestrians and danger of accidents. Any added footpaths must ensure they are linked with existing south Forsyth Street properties with suitable traffic flow and crossings to minimise risk, not as shown in the current plan.
- Having a footpath on southern side of the B9040 at the new development, which only highlights that none exists on the rest of the southern side of the B9040, only exacerbates the issue of the southern boundary of development, as well as introducing a further potential risk to pedestrians.
- There is no pedestrian access along the south side of Forsyth Street to the east of the development. The existing house on the east of the proposed development has its garden wall on the verge of the road. Therefore 22 house/flat residents would have to cross a busy road to get to the village side. This would also be in the immediate area of the two access roads into the proposed development. This would surely be a traffic safety issue.
- The proposer states a footway to their development. This is not in keeping with the aesthetics of the village and will have poor relationship with adjoining properties. Existing properties without footpaths protrude beyond the proposed footpath creating a hazard and making it difficult for traffic coming from the west to see pedestrians and likewise for the pedestrian, causing danger and possible confusion.

- A pavement has been planned however no method of crossing the road is in the plans. The road is busy and dangerous to cross and suffers from speeding. Further development will heighten this issue with potential pedestrian casualties.
- None of these houses will have the safe transit to and from bus stops with a continuous path, to access both adjacent bus stops you would have to walk on road.
- Traffic on a number of occasions on Forsyth Street has failed to stop to allow school children to cross - increased traffic would exacerbate this.

Existing Congestion

- Freedom of movement is infringed by the size of the vehicles and the increase in traffic has made it unsafe for pedestrians, pets and domestic traffic on Inverugie Road.
- The streets in Hopeman are already overcrowded.
- Harbour Street is a congested residential street and the main shopping street. Parking on Harbour Street is limited. Cars coming into the village go to the shops and the beach. The lower part of the Harbour Street is the only access to the harbour and the beach, parking is already difficult. It is already difficult to drive up and down Harbour Street to get in and out of the village, particularly in the summer when the population is increased by tourists.
- Traffic on Forsyth Street is very much worsened when there is a funeral in the local church when the streets in the village are full and Forsyth Street is parked all down one side along both access roads into this development.
- Traffic problems peak on Forsyth Street if there are any works going on i.e. Telecoms, Scottish Water causing even more difficulties entering and leaving driveways. Driveways are often blocked by works vehicles.
- B9040 is reduced in width at the west end of village, large lorries, buses and farm vehicles already struggle to pass through, from the plans this will be further reduced with a footway that appears to lie within the boundary of the proposal.
- Providing footpaths along the frontage of the proposed site does not consider the safety of current house owners along Forsyth Street who will be dealing with increased traffic due to the proposal.
- The coastal road between Lossiemouth and Hopeman is already difficult to travel along and access on to it from new housing will increase difficulties.
- Farquhar Road is struggling to meet the current requirements for the village, especially with the increased traffic flow between Kinloss Barracks and RAF Lossiemouth. There is no indication in the plan if this road is going to be improved.
- Hopeman was formed over 200 years ago, horse and cart was the mode of transport, the streets are still the same width today.

Increase in Vehicles

- The increase in vehicles through Hopeman is a major concern.
- Speeding and congestion due to parked cars is an issue on Forsyth Street.
- There are school bus pickup points and a bus stop at the proposed build location.
- There is already an increased volume of traffic though the village, this proposal will just add to it.
- There are little or no opportunities for work in Hopeman and there is no secondary school so all the new households will require to commute for work and secondary schools and the roads into and out of Elgin on to the A96 are not suitable for increased traffic.
- The proposal could create a potential 42 additional cars.

- Village cannot cope with increased traffic flow.
- There is no scope to widen Harbour Street, nor create alternative routes within the village to the coastline.
- There is no work in Hopeman so all the traffic from these houses is going to add to the congestion as it travels towards Elgin or Forres.
- B9040 as such should remain as boundary unless a further ring road is constructed.
- There was a campaign to slow traffic down recently.
- The village would not have increased yellow lines in Harbour Street.
- The expanding caravan park of Hopeman is already going to bring in more traffic problems to the streets of Hopeman with larger mobile homes and cars towing caravans.
- Extension of caravan park could add at least a further 25 cars to the locality.
- Speed reduction measures are needed.
- Additional traffic caused by the proposal and extension to caravan park will be a safety hazard for the elderly and young.
- The TA1 form submitted by the applicant suggests that there will be no vehicle movements from the development on a Saturday. What does the developer think these 22 households are going to be doing? Equally, on a weekday morning they are only suggesting eight vehicles will drive into the development and fourteen out. In the afternoon they propose a reversal - fourteen in and eight out. In a development with thirty six parking spaces, suggesting that there will be no vehicle movements on a Saturday and only twenty two on a weekday is absolute nonsense. What about the trips to school, paper shop, chippy, doctors, church, beach, harbour, friends, deliveries, refuse vehicles.etc. etc.
- Are traffic calming measures and speed limit lowering proposed due to the increased traffic?

Access

- Contrary to the Moray Local Plan policy T2 and IMP1.
- Increase in vehicle access onto Forsyth Street where visibility is severely restricted, there should be no new accesses onto Forsyth Street.
- Two extra road junctions onto an already busy road, with restricted visibility, at its narrowest point will lead to further hazards on Forsyth Street especially for cyclists and be detrimental to road users
- Access is attached to neighbouring southerly wall - object if this will cause damage to it.
- Junctions - are poorly placed, the one opposite the existing Weddershill farm junction will cause an accident.
- Access roads in the development do not need to be nearly 6 metres wide, these are actually access roads for the original development (700 houses).
- Neighbouring properties already find it difficult to reverse into narrow driveways, adding two more accesses onto Forsyth Street and additional traffic will make it worse.
- There could be access to the site from Inverugie Road.

Parking

- Concerns regarding parking on the B9040, the roads at present are unable to cope with traffic and parking on every street in the village.
- Most homeowners now have 2 plus cars at their door.
- Will add to on street parking.

- Some houses on Forsyth Street do not have garages so park on the street, as do commercial vehicles.
- All houses have their frontage onto Forsyth Street, the inclusion of front access to the proposed pavement, will undoubtedly encourage on street parking, on a sea of road which is already problematic.
- It is a concern the design of the parking spaces within the proposed development as this shows six of the spaces having direct access onto Forsyth Street. This is six additional spaces with cars reversing out into the current traffic chaos before the effects of two additional junctions are considered. May suggest why the figures for vehicle movements provided in their TA1 Form are ridiculously low.
- One should be allowed to park on the road outside their house - the proposal will prevent this for some neighbouring residents.
- It is currently challenging to drive through the village due to cars parked on the road.

Comment (PO):

The Transportation Manager has considered all these issues as part of the application but does not object to the proposal on road safety, traffic congestion or parking grounds subject to conditions and informatives being attached to the planning consent if permitted. The provision and availability of on-site parking for this development, in accordance with current parking standards, is not anticipated to materially add to the situation currently prevailing.

It is speculative to assume that development of the scale proposed for 22 housing units, with adequate off street parking and access visibility splays would create road safety concerns.

The road widths proposed within the development are not a precursor to larger development, and are proposed at a width necessary for 22 house units.

Comments about parking issues throughout the village are noted, but in terms of new development, they are only required to ensure current parking standards are met. Comments about existing or increased on-street parking on Forsyth Street are more relevant, but again the proposal would have to provide sufficient off street parking.

Previous Flooding

- The landowner, Scottish Water and The Moray Council have done nothing to rectify the flooding problem.
- People who have already been flooded in Hopeman must be really worried.
- Harbour Street has been like a river in the past due to flooding.
- The flooding is partly caused by climate change.
- SEPA identifies that the 14 kilometres between Hopeman and Lossiemouth, which include Hopeman, as being a vulnerable area in terms of flooding. SEPA reports that the annual average damages as a result of flooding are £120,000 with the majority caused by surface water flooding. The addition of the 22 houses would make this worse.
- Surface water is present on Forsyth Street even in heavy rain.
- The Bowling club has been flooded and in horticultural terms our green is still recovering. This is due to the large amount of silt, which included animal (pig) excrement, which was deposited on the bowling green surface. It is our view that the amount of water which was trapped on the green prevented further damage to

lower lying areas of the village and we may have to consider blocking off the ingress of water in future flooding to prevent damage. In the worst period of flooding the water was only inches away from causing damage to our buildings.

Comment (PO):

The surface flooding water issues are known, and as the site is susceptible to flooding also, the applicant was required to address the issue. This has led to the submission of a separate planning application for drainage infrastructure south of the proposed site. The applicants has chosen to submit a scheme that addresses surface water issues over a larger area than just the field relevant to the current proposal, but this separate proposal, if approved, would address the flood issue for the proposed site.

The wider flooding issues in Hopeman are being considered separately to the current planning application process.

The addition of the proposed houses, would not make the flood situation worse, where they would only be developed once suitable mitigation was in place.

Existing Flooding Issues

- Hopeman has been designated as a flood risk area and a recent application for one house was refused on these grounds.
- In the last 3 out of 8 years neighbouring houses have had their drains fill up with sewage due to heavy rain fall. The system can't cope with the flow, more houses only add extra strain to the system.
- No action has been taken by Moray Council to alleviate flood risk.
- SEPA state that Hopeman is at high risk for flooding.
- The water table appears to have become quite volatile, several years ago a neighbouring property experienced no electricity one morning; this was due to water that had gathered outside their gate underneath the road.
- The proposal is on a site that is frequently covered in water.
- Due to there not being suitable flood defences in place, many Hopeman residents are unable to obtain any form of home and contents insurance or have very high premiums with excess of amounts of up to £10,000.

Comment (PO):

The wider flooding issues in Hopeman are being considered separately to the current planning application process and Moray Flood Alleviation team have designed a suitable flood prevention scheme, and are progressing the matter separately.

The current proposal for 22 dwellings is being assessed in tandem with a separate planning application for a surface drainage scheme and flood mitigations measures that would improve the surface water flooding issue over a wide area to the south of the village, in addition to the proposed site itself.

Inadequate Existing Drainage

- Hopeman has flooded enough times recently and more houses would have a negative effect on drainage.
- No development should be allowed until the flooding issue is resolved.
- Sewage and piping system is unable to cope and many homes flooded due to an irresponsible landowner who is unwilling to admit there is a huge issue regarding field opposite.

- In May there was flooding caused by excess rainwater, and the drains being unable to cope with flow, surely the drainage needs fixed before any further development.
- Witnessed what a heavy shower of rain can do to the drainage of Hopeman, it is unable to cope with any additional water into this over used system already.
- Neighbouring properties find their toilets back up whenever there is heavy rain due to the amount of water that is in the drainage system, the proposal could exacerbate this.
- Hopeman has been subjected to catastrophic flooding and it has been acknowledged by Council Officers that the drainage infrastructure in the village is already at capacity.
- With this development adding into the existing drainage, it will cause additional flood and sewage issues.
- The landowner recently put in a field drainage system, however this was not a flood defence based on a 1-2 year event basis.
- Council commissioned a professional survey with recommendations based on a 100-200 year event basis and the required defences are far more effective than a simple French Drain.
- Macpherson Street has experienced countless times where there has been an insignificant amount of rain absolute chaos with regards to drains not only being backed up but free flowing from back gardens and even a fountain in the middle of the street.
- With an overly burdened infrastructure it is feared that more problems may occur. An overly burdened sewage infrastructure also gives concern as neighbouring properties have had to call out Scottish Water several times to clear blocked sewage from their houses to the road.
- Inadequacy of the landowner installed drain was highlighted earlier in year when a heavy down pour (although not excessive) resulted in water flowing around the south side of the village and flooding the main road at the east end.

Comment (PO):

The addition of the proposed houses, would not make the flood situation worse, where they would only be developed with suitable mitigation in place.

It is noted that Scottish Water have not responded (or objected) to the proposed development in terms of sewerage capacity.

Flood water from the south, and surface water from the site itself is to be directed south then eastward into the proposed drainage scheme, which would ultimately connect to the proposed outfall and ditch at the eastern end of the village. The proposed housing if developed in association with the separate drainage scheme would not worsen flooding in the village to the north and this has been accepted by consultees such as SEPA.

Flood Scheme

- Hopeman is still not any way forward with flood prevention.
- Hopeman has no current flood defence in operation.
- New development must be delayed until such times that Hopeman receives an adequate flood alleviation scheme.

Comment (PO):

The absence of a flood scheme in place has led to the applicant proposing their own mitigation for the proposed housing development. Without this the housing application

would be identified as a departure from the relevant flood policy of the Moray Local Development Plan.

Flood Risk for Hopeman

- Development is contrary to policy IMP1 where developers must avoid areas at risk of flooding and where necessary flood management measures have been implemented.
- The site plans to protect itself along the southern boundary by quote from the application "A filter trench will be incorporated in the drainage design for the purpose of preventing overland flows from adjacent fields to the south from affecting the development." this will turn the natural drainage of the existing land into a greater problem for the other existing households within Hopeman.

Comment (PO):

The proposal was initially advertised a departure from MLDP policy EP7 Control of development in flood risk areas. Since then a separate planning application, proposing appropriate flood mitigation works has been lodged. If developed this would mitigate flood risk for the proposed site.

Proposal could cause additional Flooding

- These houses being on farmland will affect any natural drainage.
- Developing on a flood site is unwise - the fields are required as a natural soakaway.
- It has generally been accepted locally that the pig farming taking place on the fields south of the village has caused a flat pan under the topsoil. The consequence of this is that instead of the water being absorbed into the ground, it has run off, over the compacted sub soil. The water had then run downwards over the main road and flooded parts of the village.
- The bad floods a couple of years back in the south of England had similar problems where housing estates were placed inappropriately and the areas taken up by the solid structures of the houses and the ground works themselves stopped water being absorbed into the soil and surface water collected in abundance causing considerable flooding.
- The proposal will remove a large area of natural drainage and place a huge burden on the existing drainage, resulting in flooding further downstream.
- If this application were approved the council must request a contractual liability be accepted by the builder for any flooding damage costs incurred by existing Forsyth Street residents. It has been stated by the builder that there is no risk of drainage issues or flooding occurring. Copies of this contractual liability must be provided to Forsyth Street residents for their insurance purposes.
- It has generally been accepted locally that the pig farming taking place on the fields south of the village has caused a flat pan under the topsoil. The consequence of this is that instead of the water being absorbed into the ground, it has run off, over the compacted sub soil. The water had then run downwards over the main road and flooded parts of the village.

Comment (PO):

Without commenting on the responsibility or the causes of flooding, it is acknowledged that surface water flooding takes place on the south side of Hopeman, and that for the current application, flood risk requires to be addressed. The proposal was initially advertised a departure from MLDP policy EP7 Control of development in flood risk areas. Since then a separate planning application, proposing appropriate flood mitigation works has been lodged. If developed this would mitigate flood risk for the proposed site.

Infrastructure

- Extra housing will put further strain on existing infrastructure, including roads, parking, schooling, healthcare, social services, public transport, shops, public houses, churches, village hall etc. which are already stretched.
- The Doctors have full waiting lists and the school is at capacity. Children would suffer if the school had to take on extra pupils.
- The Primary School in Hopeman and certainly the High School in Lossiemouth will also be pushed past their limitations causing, no doubt, excessive class sizes which in turn will have an impact on the learning ability of the children.
- Hopeman Primary School is a fantastic school, with location and size playing no small part in this. Further composite classes, or alternatively building a super campus for Hopeman and Burghead, would destroy the essence of what is valuable in Hopeman Primary School and it has excellent relationships with the local community.
- Additional pressures to recruit teachers.
- The level of investment locally never matches the fervent development of housing.
- As Moray council has no spare funds where will the funding for the doctors surgery, new school etc. come from?
- Entering a changing world with reduced financial support for health and social care services with an aging population. Hopeman would increase in population and decrease as an effective community resource.

Comment (PO):

The development of 22 housing units would not result in unacceptable pressure on schools, and the local primary school would have sufficient capacity. There is however a contribution sought for local health care facilities which would be payable if development was to occur.

Moray Councils Flood Scheme

- Hopeman is waiting on flood alleviation measures that have been agreed with The Moray Council.
- The flood alleviation scheme proposed by the council (which still requires funding) has been based on the current environment and housing stock and does not allow for further expansion of properties within the area. If this proposal was to be allowed, additional funds would be required in order for the site to be re-surveyed and the prevention scheme re-designed.

Comment (PO):

The status of the flood alleviation scheme designed by the council, and its funding, are matters separate to the consideration of this planning application, and for the associated application 17/00894/APP for the drainage works.

In June 2017 an application for planning permission for the installation of drainage arrangements on land to the south of Hopeman, to manage the volume of runoff generated in a 1 in 200 year flood event plus an additional 20% to allow for future climate change was submitted by Springfield Properties. This proposal has been assessed by both Moray Council Flood Risk Management team and SEPA and the report is being considered at the same time as the current application.

The proposed scheme is designed to improve the drainage arrangements which run along Forsyth Street/East Road, and deal with runoff from the fields to the south of Hopeman

and release the flows into the current receiving ditch downstream of the site. The Moray Flood Risk Team and SEPA are in support of the proposal for the installation of drainage arrangements.

Affordable Housing

- The inclusion of high density affordable housing within a village is not advantageous to the village and may inadvertently stigmatise residents of the new accommodation.
- Affordable housing should be dispersed with regular housing to prevent stigmatising the affordable housing residents, as they will contribute to community cohesion.
- There is an unmet demand for additional affordable housing in Moray as a whole, the demand in Hopeman could be met by the approved housing land to the west of the village and Burghead.
- The proposal for affordable housing may be an attempt to gain a foothold for further development on the south side of Hopeman.
- Hopeman is not the place for affordable housing.
- Question the merit in providing affordable housing in this location. Although on a bus route, Hopeman is only linked to Burghead & Duffus, otherwise it means a trip into Elgin and a second trip to the likes of Lossiemouth. There is little or no industry to provide any employment within Hopeman, Burghead or Duffus to warrant 22 affordable houses. The cost of the bus fare into Elgin for work would make living in these houses far from affordable.
- 'Affordable Housing' by the definition will not actually benefit any of the local community - many of the locals do not fit in to the eligibility categories for this type of housing. Therefore I think it is a smokescreen to allow for expensive luxury housing to be built, which will again be detrimental to the community of Hopeman.

Comment (PO):

The Council's Housing Need and Demand Assessment identify a substantial requirement for affordable housing. The proposal meets the requirements of policy H8: Affordable Housing.

Scottish Planning Policy states that "affordable housing is defined broadly as housing of a reasonable quality that is affordable to people on modest incomes", therefore affordable housing can come in different forms i.e. affordable rent (social rented accommodation) or low cost home ownership (shared ownership/equity).

Some matters raised are not material planning considerations and are speculative in terms of what the applicants may seek to develop elsewhere.

There is demand for affordable housing in the locality as evidenced by the Housing Need and Demand Assessment and requests for accommodation to the Council for the Hopeman area.

Views

- The site provides beautiful views of the open countryside to the South which is a distinctive visual characteristic of the settlement.
- Proposal would spoil view the lovely views looking up to the woods.
- A neighbouring housebound resident, has a view of the field proposed for planning and the view is going to be completely gone forcing him to have nothing at all

outside to look at. Having a small view of the said field makes a big difference to his life. This proposed housing scheme will completely ruin it.

Comment (PO):

Loss of private views is not a material planning consideration.

Wildlife

- The nearby woods on the hill have an abundance of wildlife including birds, animals and rodents and wild flowers plants and trees. Any development lying so close to these woods would impact on the wildlife etc. there and possibly some would no longer thrive there.

Comment (PO):

The proposal would have no significant adverse effect on the wildlife living in the nearby woodland on the hill. The land has previously been agricultural which will have diminished its worth as habitat.

Nearby Trees

- The people of Hopeman have spent a lot of time enjoying the woodland. It is so peaceful and tranquil. It is a lovely green belt area and should remain so.

Comment (PO):

The nearby trees would not be affected by the proposal, they are approx. 700 metres away.

Nearby Landfill Site

- There was a landfill site at the top of Inverugie Road, is it safe to have a nearby development?

Comment (PO):

The proposed site is not near the Inverugie Road landfill site, and the Contaminated Land Officer, Environmental Health has not raised the matter in their consultation response.

Pollution

- Increase in pollution.
- Plot 3, 4, 5 and 6 have been allocated space for up to two cars each. As these plots are at a higher level all car lights and noise will be directly into a neighbouring property. Object to having car lights and exhaust fumes being emitted into rear neighbouring gardens when there are children in there.
- Noise pollution would increase to unacceptable levels permanently and during construction for the current Forsyth Street residents.

Comment (PO):

The increase in the numbers of traffic that would be generated if development were to occur would not result in any substantive or detrimental increase in air pollution. Car lights temporarily illuminating gardens would not be valid grounds for objection, and generally children are less likely to be playing outdoors in the hours of darkness.

Tourism

- Moray is heavily reliant on tourism and to destroy one of the few remaining villages with character left is outrageous.

- Moray Council promotes this area for its tourism and scenery. This would turn what is a holiday destination village into an urban sprawl.

Comment (PO):

The addition of the proposal to Hopeman is unlikely to have any negative effect on tourism, although the detrimental effect on the character of the south side of the village is reflected in the current recommendation. 22 new housing units would not constitute urban sprawl.

Construction

- Road access is from a busy B Road (Forsyth Street) and the increase in HGV traffic during the construction period and the resultant domestic traffic will impact adversely on safety in the village. During the construction period, presumably over a number of years, the noise will impinge heavily on this otherwise peaceful village and the dust generated will ruin the clean coastal air.
- Bowling Club have recently spent several thousand pounds resurfacing our car park which is adjacent to the proposed development and we have a concern about misuse and damage to our car park during and after construction work.

Comment (PO):

As with any new build or re-development on a site, construction impacts including disturbance and disruption are somewhat inevitable but likely to be intermittent, occur over a short-term period and are temporary in duration. Attention to the on-site management of construction activity, including 'best practice' and adherence to requirements of other legislation can also address and mitigate the impact of such effects to ensure that any residual impacts, if any, are not significant.

Existing Community

- Hopeman is a thriving village which supports itself and too many houses added to the village would make the village too crowded and remove the community spirit.
- The amazing community spirit of Hopeman needs preserved.
- Hopeman is a small community which offers a safe and inviting place for children.
- Existing community should be allowed to seek compensation for the overall change in feel additional housing to the village would bring.

Comment (PO):

These matters are not material planning considerations. It is speculative to suggest that an additional 22 houses in a settlement of 700 households would somehow change its community spirit.

Neighbouring Amenity

- Low lying neighbouring property will lose all natural light.
- Neighbouring properties will be overlooked by proposal.

Comment (PO):

The proposal is of a far enough distance not to cause a loss of natural light or privacy to neighbouring properties.

Plans Incorrect

- The plan shows Weddershill with a drive fronting onto Forsyth Street, this is not true.

- Plans are incorrect for Weddershill Farm, this area is now residential dwellings.
- Neighbouring property has a glass ended extension which is not shown.

Comment (PO):

The accuracy of plans in relation to surrounding properties is immaterial, so long as the plans of the proposal are accurate. The planning officer has visited the location and seen the surrounding properties.

Consultation

- The timescale for comments to be submitted was insufficient to allow the Hopeman Association to meet and discuss. The association's constitution states that a 3 week notice period must be given prior to any Extraordinary General Meeting taking place.
- The whole village should be neighbour notified and informed of any changes to the application.
- No community engagement prior to application being submitted.
- The timing of the re-notification is appalling; there is a distinct feeling that it was timed to coincide with the local elections. As a result, there is very little time for new councillors to be brought up to speed and for constituents, contacting them is not yet possible through official means and with such a short time scale to respond, this really is unacceptable.

Comment (PO):

Notification procedures were carried out correctly in line with the requirements set out by the Scottish Government in the Development Management Regulations. The fact that so many representations were received is evidence that those making representation were given the opportunity to do so.

The applicant is not required to carry out community engagement as would be the case for larger, statutory 'major' applications.

Re-notification was carried out when amended plans were received by the applicant, the timing of this had no bearing on the local elections.

Other

- With the likelihood of Scotland leaving the EU and the anticipated drop in the number of people taking advantage of free movement, has the Council considered that the rate of building in Moray may need reviewed downwards.
- Could affect house prices.
- Proposal would cause an increase in crime rates.
- The councillors we have voted to look after our interests should support the public fully.
- Concerned about the maintenance of the landscaped areas within the development and who would manage and maintain these areas in the long term.

Comment (PO):

The implications of Scotland leaving the EU are not a material planning consideration.

The effect on house prices due to development is not a material planning consideration.

It is speculative to state that the proposal could result in an increase crime rates.

If the proposal were to be permitted a condition regarding the maintenance of the landscaped areas would be attached to the planning consent.

Representations made in support for proposal

- This would be fantastic. With the 22 possibly turning into 690 houses.
- This is just what Hopeman needs. A larger community which will support the local businesses.
- House prices in Hopeman are excessive, locals are not always able to afford to purchase houses here and have had to leave. Those that do fall within the realms of a first time buyer usually need a large amount of work which make living unrealistic when you've already taken out a substantial mortgage to fund the purchase.
- Need to consider that currently their children and grandchildren will not be able to buy in Hopeman with the current property available without considerable debt to themselves or their parents. A controlled introduction of new builds along with the correct infrastructure to support it will help Hopeman thrive, inject some much needed money into the village economy and give it a new lease of life. It's about time the residents of Hopeman realise that the village is not "theirs" and that change will happen eventually.

Comment (PO):

This proposal would not automatically bring about an increase in other housing development in the village.

OBSERVATIONS

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

The main planning issues are considered below:

Settlement Boundaries (E9)

Policy E9 states that settlement boundaries are drawn each of the towns, villages and rural communities representing the limit to which these settlements can expand during the Local Development Plan period. Unless, a proposal is within a designated "LONG" term development site which is being released for development under the terms of policy H2, development proposals immediately out with the boundaries will not be acceptable. These boundaries are intended to make a clear distinction between the built up settlements and the open countryside.

In terms of background the application site was promoted for inclusion in the respective Local Plan 2008 and MLDP 2015 at the formulation stage, but was ultimately not supported or designated. Both examinations concluded that although it could be deemed an "infill" site, there is a generous amount of designated housing supply available in Hopeman (R1 Manse Road). It was also concluded that although there is the presence of a small number of houses to the south side of Forsyth Street, the road forms an effective southern boundary to the settlement and is one of Hopeman's distinguishing characteristics which should not be breached by unnecessary development. It was concluded that growth to the west of Hopeman would be preferable and that no allocation

should be made on this site as it would demonstrate an acceptance of a limited breaching of Forsyth Street and trigger longer term risks associated with "precedent".

The site has become a characteristic feature of the village and its setting and provides a rural outlook to the south from the road.

Site R1 Manse Road has been identified to meet housing land requirements within the Local Development Plan period and has a capacity of 25 houses. Previous development rates in Hopeman are low and the R1 and LONG designation provide a generous long term supply of land for housing.

As there have been no changes in circumstances since the examination of the current adopted MLDP, the principle of development to the south of Forsyth Street cannot be justified and is not supported. The application is therefore contrary to Policy E9. Other material considerations are considered below.

Siting and Design (H7, IMP1 and PP3)

The proposal is outwith the defined settlement boundary, it is therefore required to be assessed against Policy H7: New Housing in the Open Countryside. Policy H7 contains the necessary siting and design criteria for assessing new housing proposals in the countryside. This aims to allow new housing in the open countryside provided it can be easily absorbed into the landscape, and for new development to be low impact and to reflect the character of the surrounding area. Proposals must not contribute to a build-up of development where the number of houses has the effect of changing the rural character of the area. It also states that proposals must reflect the traditional pattern of settlement in the locality. Policy H7 is primarily aimed at assessing proposals for single houses in the countryside. Policy IMP1: Developer Requirements requires new development proposals to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area and to be comply with set criterion (detailed within policy). These include amongst others the requirement for new development to be of a scale and character appropriate to its setting and for development to integrate into the landscape. Policy PP3: Placemaking aims to create places with character and identity.

The application proposes 22 units which is a significant addition to the southern edge of Hopeman. The applicant states in their Planning Statement that Policy H7 allows for suitable development that is categorised as "infill". They state that the proposal would be unobtrusive and sympathetic to the village and its setting without compromising the openness of its countryside setting. The site is deemed to add to the character and openness of Hopeman which was a view that was supported during the examination of the MLDP when the Reporter dismissed a bid for 12 houses on this site even though it could be deemed as "infill". The proposal would not be easily absorbed into the landscape as it would take away the openness that the site currently provides. The proposal fails to reflect the existing settlement pattern and buildings of Forsyth Street in terms of number of dwellings to the south of the road. The site layout also contains suburban features such as flats, a small cul de sac and buildings that do not display traditional features and is therefore contrary to Policy H7.

The application proposes a significant increase to the number of houses south of Forsyth Street. Although the site could be considered to be an "infill" site, the scale and density of the proposal would not reflect the existing settlement pattern on the south side of Forsyth Street (as was also concluded by two separate local plan/local development plan

examinations). The site is in a prominent location and provides open views of the countryside to the south which is a distinctive visual characteristic of the settlement.

There are currently a small number of long established existing houses to the south of Forsyth Street (predominantly stone and slate). With the exception of a few properties on Inverugie Road, the existing properties to the immediate north and south of Forsyth Street all front onto it. The original plans show plots 7 - 10 front Forsyth Street which reflects the existing settlement pattern, plots 1 and 22 do not. These plots present blank gables onto the street and does not reflect the traditional form of Forsyth Street.

As part of the assessment of the site under policy PP3 Placemaking, the application underwent discussions with the applicant to promote an acceptable form of development in terms of good design and place-making principles as advocated by policy PP3 and the related Supplementary Planning Guidance (SPG). As a material consideration, a quality audit (QA) process, covering both design and site layout issues, has been submitted, assessed and amendments lodged.

The revised plans show that Plots 1, 2, 21 & 22 have been rotated to front the street to no longer present blank gables. The plans also show that one of the two storey blocks fronting Forsyth Street has been repositioned with a one storey block to better reflect the existing character of Forsyth Street. These changes would improve the proposed developments appearance onto Forsyth Street, but the proposal is still contrary to policies IMP1 and PP3 where a development of this style and density remains at odds with the character and appearance this part of the village.

Fundamentally, even with minor amendments the design and layout of the proposal does not reflect the settlement pattern and character of this side of the village the proposals fall short of meeting the various requirements of the Quality Audit process. This is within the context also that the open rural open views of the countryside to the south, which is an attractive and distinctive characteristic of the village as was highlighted by the Reporter during the examinations for the MLDP 2015. For reference and as a material consideration the final quality audit is appended to the report (Appendix 1). This illustrates that because of issues raised above, the quality audit still retains several 'red' markers against elements of the quality audit process under the headings of Character and Identity, Natural Features, Open Space, Biodiversity, and Landscaping.

The proposal also remains at odds with Policy H7, for which a suburban layout as applied for, fails to comply with the rural housing design and layout expected of development proposals located outwith settlement boundaries.

The proposal would be detrimental to the overall character and identity of Forsyth Street and Hopeman which is contrary to H7, PP3 and IMP1.

Climate Change (PP2)

The Climate Change (Scotland) Act 2009 introduced ambitious targets to reduce Scotland's greenhouse gas emissions by at least 80% by 2050 with an interim target of a 42% reduction by 2020. Proposal PP2 requires that developments of 10 or more houses must address various objectives with regards to reducing greenhouse gas emissions. Proposals must be supported by a Sustainability Statement in the form of a Sustainability Checklist which sets out how required objectives have been addressed within the development. Developers are required through this document to demonstrate how their

development has been designed to reduce greenhouse gas emissions and adapt to the impacts of climate change.

The applicant submitted a Sustainability Statement and it shows that effort has been made to address climate change within the proposal. The checklist submitted has used the sustainability statement template that is provided in the Moray Council's Supplementary Guidance Climate Change.

The checklist is split into 7 sections, Site layout and Design, Renewables, Green Infrastructure, Active Travel, Resource Efficiency, Climate Change Adaptation and Surface Water Management Flooding. Within each section evidence has been provided detailing how the development complies with policy PP2. Various measures including, most large glazed areas on dwellings being south and west facing to maximise solar gain, the dwellings have been designed to take best advantage of passive solar gain, air-source heat pumps fitted to each dwelling, air tightness levels being less than the target needed, green space being provided within the development, amongst others are included within the development and as such it complies with policy PP2.

Open Space (E5)

Policy E5 states that Open Space must serve a function and be positioned so that it is safe and easily accessible.

The site layout proposes three areas of open space. While open space is welcomed in the development and meets the required 15% coverage, it fails to provide the necessary quality to satisfy the quality requirements of both Policy E5 and PP3, where wider concerns of the open space in the locality remain. The proposal is therefore contrary to policy E5 in terms of its quality.

Access and Parking (T2 and T5)

Policy T2: Provision of Access requires 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. Policy T5: parking standards states that proposal for development must conform with the Council's current policy on parking standards.

Transportation objected to the original proposal for the following reasons - the proposed development, if permitted, would involve the formation of two new vehicular accesses onto the B9040 Forsyth Street where visibility is severely restricted by adjacent walls and would be likely to give rise to conditions detrimental to the road safety of road users. This is contrary to Moray Local Development Plan policies T2 Provision of Access and IMP1 Development Requirements. In addition the proposal did not incorporate adequate on-site vehicular parking and manoeuvring facilities to the Moray Council Parking Standards. The original proposal, if permitted, would therefore be likely to lead to an undesirable increase in on-street parking to the detriment of road safety contrary to Moray Local Development Plan policy T5 Parking Standards.

Amended plans were submitted (drawing no.HC03_MC22_PL-03 Rev A) which show a revised layout for the proposed housing, and these address the concerns raised by the Transportation Manager.

The proposed development is for 22 affordable houses and flats, which would generate up to 22 vehicle trips during the AM and PM peak period (based on Moray Council agreed trip

generation rates). The proposed new accesses of Forsyth Street enable the formation of a 'loop' road to provide a connected development which could be readily accessed by service vehicles. The proposed visibility splays at each of the accesses, 2.4m x 43m in both directions, is in accordance with Designing Streets.

It is noted that objections to this development have raised traffic speeds on the B9040 Forsyth Street as a concern. Development in Hopeman is generally on the northern side of Forsyth Street. Drivers are more likely to respect speed limits, and be influenced when deciding on an appropriate speed, where they can see there are potential hazards. Continuous development on both sides of the road could therefore influence drivers to lower their speed on the section of the B9040 Forsyth Street in the vicinity of the proposed development.

Transportation as a result of the amended plans no longer objects to the proposal subject to conditions and informatives being imposed.

Affordable Housing (H8)

The Council's Housing Need and Demand Assessment identify a substantial requirement for affordable housing. Proposal for new housing developments must provide 25% of the total units as affordable housing, so the proposal meets this minimum requirement. The applicants planning statement gives a justification for both need for the level of affordable housing proposed, and how this justifies with wider departure from the settlement boundary and other policies.

The proposal is for the provision of 100% (22 affordable housing units) therefore it satisfies the minimum requirements of policy H8. Material weight is attached to the benefit the provision of affordable housing would have in the village in terms of meeting social housing need, and its noted the Housing Strategy and Development Manager has not objected to the proposal. A condition of any approval would need to be imposed to ensure that the Housing Strategy & Development Manager was satisfied with the affordable housing delivery arrangements. The Council is aware of specific demand for accommodation in the Hopeman area that could be met by such a development. However, the provision of this low level of affordable housing is not considered to be sufficiently material to override the principle objection of the development on this site detailed above.

Flood Risk (EP7)

The aim of policy EP7: Control of Development within Flood Risk Areas is to primarily direct development away from areas at risk from flooding in the first instance, and ensure that potential risk from flooding is adequately considered in terms of planning applications. It also stated that 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.

The proposal site is at risk from surface water flooding. Also surface water flow paths through the site have been identified. The site lies out with the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, parts of the site lie within the medium risk probability extent of the surface water hazard map, published as part of the flood maps for Scotland. The SEPA Flood Maps have been produced for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to

be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland.

In August 2014 there was street and property level flooding in Hopeman due to heavy rainfall and high volumes of surface water runoff from the fields to the south.

The Moray Council Flood Risk Management team required further information to be submitted in the form of a Flood Risk Assessment along with suitable mitigation measures to address the existing flood risk.

In June 2017 an application was lodged by the same applicant for the installation of drainage arrangements on land to the south of Hopeman, to manage the volume of runoff generated in a 1 in 200 year flood event plus an additional 20% to allow for future climate change.

The proposed scheme is designed to improve the drainage arrangements which run along Forsyth Street/East Road, and deal with runoff from the fields to the south of Hopeman and release the flows into the current receiving ditch downstream of the site.

The proposed scheme will include the following key elements:

- An attenuation basin (37m x 300m, 1.5m deep) to be located in the northern eastern portion of the field;
- A swale, stretching from the western field boundary to the attenuation basin to provide additional conveyance capacity; and
- A shallow landscaped bund (500mm high) is also to be installed along the northern boundary and southwards, along the eastern boundaries of both the western and eastern fields, as an additional level of protection to prevent further overland flows draining northwards or over the surrounding access roads;

The Moray Flood Risk Management team state based on the design information provided the proposed flood mitigation is unlikely to increase flood risk elsewhere and acknowledge that these works would effectively remedy the surface water flood issue for the site. The ongoing operation and maintenance of these flood mitigation measures would be the responsibility of the applicant/landowner. Therefore they have no objection to the proposal on flood risk grounds. Similarly SEPA have also been consulted and whilst they have left the matter of surface water flooding primarily to the Council to consider, they do not object to the current application, and nor do they object to the proposed drainage arrangements proposed under 17/00894/APP.

It should be noted that planning application 16/01663/APP should not be constructed until such time as the flood mitigation measures are fully constructed and operational outwith the site.

The proposal therefore complies with policy EP7 (if developed in association with drainage scheme proposed under the separate application 17/00894/APP). If that application were to be refused, then this proposal would fail to comply with policy EP7 where surface water flooding issues remained. A condition would be required in the event of approval that planning application 16/01663/APP should not be constructed until such time as the flood mitigation measures are fully constructed and operational outwith the site as approved under reference 17/00894/FUL.

Water and Drainage (EP5 and EP10)

Policy EP5: Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS) requires that surface water from development should be dealt with in a sustainable

manner. It is now proposed to connect the surface water drainage into the drainage proposal (and surface water flooding remediation) that is the subject of a separate but associated planning application. If this proposal were to be permitted, prior to any works commencing, application 17/00894/APP (Installation of Drainage Scheme to the land South of Hopeman), would be required to be operational. As a result of this the housing proposal would comply with policy EP5 (again, this would be dependent upon approval and commencement of drainage scheme considered under application 17/00894/APP) and would require to be the subject of a suitable suspensive planning condition.

In relation to EP10: Foul Drainage, connection the public drainage network is proposed.

Connection to the public water supply is proposed. Scottish Water were consulted on the proposal. No response had been received at the time of writing this report.

Developer Obligations (IMP3)

As from 14 October 2016, the Council has adopted Supplementary Guidance on developer obligations as a material consideration in the determination of planning applications.

The proposal has been subject to an assessment for developer obligations. If planning permission were to be granted a contribution would be required to be paid towards healthcare prior to consent being issued (a sum of £17,603.69 is required). The applicant has confirmed their agreement to this payment.

Conclusion and Recommendation

On the basis of the above assessment and for the reasons stated it is considered that the proposals are contrary to policies E9: Settlement Boundaries, IMP1: Development Requirements, PP3: Placemaking, H7: New Housing in Open Countryside, E5 Open Spaces. This is taking into consideration the benefits that the provision of the affordable housing would have, but which do not outweigh the other departure matters discussed elsewhere in the Observations Section. The proposal has not been identified as a departure from EP5 or EP7 relating to drainage and flooding on the basis that a solution to these issues has been proposed, albeit under a separate associated application (subject to application 17/00894/APP being approved and the recommended conditions being imposed).

Recommendation:

It is recommended for refusal.

Author/Contact

Emma Mitchell

Ext: 01343 563326

Officer:

Planning Officer

Beverly Smith
Manager (Development Management)

APPENDIX

POLICY

Adopted Moray Local Development Plan 2015

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 H7: New Housing in the Open Countryside

This policy assumes in favour of an application for a new house in the open countryside provided all of the following requirements are met:

Siting

- a) It reflects the traditional pattern of settlement in the locality and is sensitively integrated with the surrounding landform using natural backdrops, particularly where the site is clearly visible in the landscape. Obtrusive development (i.e. on a skyline, artificially elevated ground or in open settings such as the central area of a field) will not be acceptable;
- b) It does not detract from the character or setting of existing buildings or their surrounding area when added to an existing grouping or create inappropriate ribbon development;
- c) It does not contribute to a build-up of development where the number of houses has the effect of changing the rural character of the area. Particular attention will be given to proposals in the open countryside where there has been a significant growth in the number of new house applications; and,
- d) At least 50% of the site boundaries are long established and are capable of distinguishing the site from surrounding land (e.g. dykes, hedgerows, fences, watercourses, woodlands, tracks and roadways).

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

Design

- i) A roof pitch between 40-55 degrees;
- ii) A gable width of no more than 2.5 times the height of the wall from ground to eaves level (see diagram 2);
- iii) Uniform external finishes and materials including slate or dark 'slate effect' roof tiles;
- iv) A vertical emphasis and uniformity to all windows and doors;
- v) Boundary demarcation that reflects the established character or style (e.g. dry stone dykes, hedges) in the locality;

- vi) Proposals must be accompanied by a landscaping plan showing an appropriate proportion of the plot, generally 25%, to be planted with native tree species at least 1.5 metres in height.

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

Proposals which involve the loss of woodland will be assessed against policy ER3 and must take account of the Council's Supplementary Guidance on Trees and Development.

Supplementary Guidance 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.

Proposals for holiday homes in the open countryside will be assessed against this policy.

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 Supplementary Guidance.

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 E9: Settlement Boundaries

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

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

Policy EP2: Recycling Facilities

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

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

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

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

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

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

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

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

Policy 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 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 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 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 IMP1: Developer Requirements

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

- a) The scale, density and character must be appropriate to the surrounding area.
- b) The development must be integrated into the surrounding landscape
- c) Road, cycling, footpath and public transport must be provided at a level appropriate to the development. Core paths; long distance footpaths; national cycle routes must not be adversely affected.
- d) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water.
- e) Where of an appropriate scale, developments should demonstrate how they will incorporate renewable energy systems, and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria.
- f) Make provision for additional areas of open space within developments.
- g) Details of arrangements for the long term maintenance of landscape areas and amenity open spaces must be provided along with Planning applications.
- h) Conservation and where possible enhancement of natural and built environmental resources must be achieved, including details of any impacts arising from the disturbance of carbon rich soil.
- i) Avoid areas at risk of flooding, and where necessary carry out flood management measures.
- j) Address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- k) Address and sufficiently mitigate any contaminated land issues
- l) Does not sterilise significant workable reserves of minerals or prime quality agricultural land.
- m) Make acceptable arrangements for waste management.

Policy IMP2: Development Impact Assessments

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

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

Policy IMP3: Developer Obligations

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

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

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

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

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.