

PLANNING APPLICATION: 07/00426/FUL

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

- Detailed planning application for the erection of 149 residential units (117 houses and 32 flats).
- Houses are a mixture of detached, semi-detached and short terraces, and all have a roof ridge line of around 8 metres. They are all of 1½ to 2 storey design.
- The flats are in blocks of four, and have the appearance of dwellinghouses, although they have a roof ridge line of around 9 metres. They have the same design theme as the houses.
- Material finishes are noted as smooth grey tiles for the roofs of all properties, with varied finishes for the walls. Detail of the latter is sought prior to the commencement of development.
- Sole vehicular access to the site from a new junction and roundabout to be formed on Barhill Road.
- New footpath and cycle lane to be formed and linking through to Braeview Road to the north.
- Areas of landscaping proposed around the periphery of the site, with smaller areas throughout the scheme. Large play and amenity area indicated to the western end of the scheme close to the new junction onto Barhill Road.
- Public mains drainage proposed.
- Public water supply proposed.
- Disposal of surface water by means of SUDs.

The Site

- The site extends to around 7.18 hectares (17.7 acres) in area, and is presently unused agricultural ground.
- To the north the site is bounded by existing residential development on Letterfourie Gardens and Braeview Road. Timber and post and wire fences form the boundary between the two.
- To the east the site is bounded by agricultural land.
- To the south the site is bounded by further agricultural land with a minor road serving the properties at Mill of Buckie between the two fields. A post and wire fence forms the boundary in between.
- To the west the site is bounded by Barhill Road, with agricultural land beyond. A post and wire fence forms the boundary between the site and the road.
- Overall the ground area covered by the site exhibits a gentle slope to the north-west.

Policy / Objections-Representations / Consultations - See Appendix

History

None.

Advertisement

Advertised as a departure to the development plan.

Observations

Housing Development in the Countryside (Policy 1, L/ENV10, L/ENV11, L/HC3, L/HC4, L/IMP2, E9, E10, H8)

These policies refer to the development of new housing in the countryside, and the relation between this and the existing settlement boundary as defined in the Local Plan.

In the present Local Plan, the application site lies outwith the settlement boundary for Buckie, and within the designated Countryside Around Towns (CAT) area. As such it is a departure from the present development plan and has been advertised as such. Notwithstanding this, the site is designated for development in the Emerging Local Plan which is nearing adoption where it is designated as 'R8' and with a suggested capacity of no more than 150 units. In the Report into Objections to the Finalised Local Plan recently published, the Reporter accepts the inclusion of the site and recommends changes to the wording of the text relating to provision of a roundabout only.

On the basis that the application conforms with the emergent plan, it is considered to be an acceptable departure to the current Local Plan.

In terms of Policies L/HC3 and 4 (and the new plan policy H8), the site is presently in the countryside, so these policies still apply. However, given that the site is allocated for residential development in the new Local Plan, the site will be within the settlement boundary for Buckie and these policies will no longer be pertinent. It will thus be appropriate to consider the application in terms of policies for development within settlements.

Housing Development within Settlements (L/H3, L/IMP1, H1, IMP1)

These policies are intended to guide new residential development within established settlements. As described above, the application site is outwith the present settlement boundary for Buckie, although its inclusion has been supported in the Inquiry Reporter's findings.

The receipt of satisfactory consultation responses supports the view of this Service that the design and layout of the scheme, together with the details of individual house designs and the materials indicated are both appropriate and acceptable for a residential development on this site, and within the defined settlement of Buckie. Accordingly it is considered that the proposals are in compliance with these policies.

Access and Parking (Policy 1, L/T4, L/T7, T2, T5)

The aim of these policies is to ensure that all new development is provided with a safe access for pedestrian and vehicular traffic, and that an adequate and appropriate level of parking is provided to service the scheme.

At the time of writing, the full response from the Transportation Manager detailing all necessary conditions for approval of the application is still awaited, although in a detailed response to the

Transport Assessment it is indicated that the overall development is acceptable in roads terms, subject to agreement with the developer on the provision of road improvements and the formation of a roundabout on Barhill Road. It is suggested that further detailed conditions relating to road safety will be recommended. With the support of the Transportation Manager, the application will be in compliance with Development Plan policies for access and parking.

Affordable Housing (L/H7, L/H8, H9)

Development Plan policies require that for all new housing developments in excess of 10 no housing units, there shall be an element of affordable housing required. Beyond the threshold level of 20 houses, this requirement becomes 20% of any given scheme, and the proposal currently before the Council for determination therefore falls into this category.

The Housing Manager has indicated that the affordable housing requirement for this site is 20%, which equates to 30 units. As these are not specifically identified on the application plans, it is recommended that a condition of planning consent be applied to ensure that this is achieved. This assumed, the development will comply with the policies noted.

Drainage (Policy 2, L/ENV24, EP5)

These policies require that all new development shall wherever possible utilise Sustainable Urban Drainage Systems (SUDS) for the disposal of surface water. A scheme has been put forward for this development, and in response to consultation on the matter, SEPA have indicated that they have no objection to the scheme. The proposal is thus in compliance with policy.

Developer Contributions (Policy 1, L/F1, IMP3)

The aim of these policies is to ensure that for all new development which has an impact on the levels and delivery of local and/or public services, mitigating measures may be taken or provided by the developer to off-set any impact. In this instance, no need for developer contributions has been identified, aside from the need to provide an element of affordable housing, and this is addressed above in the appropriate section of this report. In the absence of any identified adverse impact on local service provision, this development is considered to comply with these policies.

Building Design (L/IMP3, L/IMP4, IMP1)

As described at the beginning of this report, all of the house (and flat) designs as applied for are of 1½ to 2 storey design finished with roofs in smooth grey tiles. Roof ridge lines for the houses are around 8 metres above ground levels and 9 metres for the flats. The overall design of the houses is considered acceptable for an urban location, as these are of contemporary design, but nevertheless incorporate traditional elements to their appearance in the use of 45 degree pitched roofs, vertical emphasis to windows, and gabled dormer windows at first floor level.

Author/Contact Officer: Jim Martin
Principal Planning Officer

Ext: 01343 563399

Signature (Alan Short, Development Control Manager)

R A STEWART
DIRECTOR OF ENVIRONMENTAL SERVICES

APPENDIX

POLICY

Moray Structure Plan 2007 and/or Moray Local Plan 2000

Policy 1: Development and Community

The policy set out below identifies the strategic community development requirements for the delivery of the structure plan strategy-

The Moray Structure Plan Strategy will be supported by:

- c) the identification within the local plan of the housing allowances set out within Schedule 2.
- d) the provision of affordable housing in association with new housing development where a demand is identified in the Local Housing Strategy.
- g) promotion of the strategic transport links as set out in Proposal 2.
- i) the inclusion within Local Plans of a policy requiring appropriate developer contributions towards healthcare and other community facilities.

Policy 2: Environment and Resources

The Moray Structure Plan Strategy will be supported by: -

- a) protecting international, national and local nature conservation and scenic designations from inappropriate development;
- b) protecting the wider natural environment and local biodiversity from inappropriate development and promote opportunities for environmental enhancement and restoration where possible.
- e) the encouragement of low impact, well-designed development in the countryside to support local communities and rural businesses.
- i) promoting sustainable urban drainage systems(SUDS) in all new developments.

Policy L/H3: Servicing and Layout of new Housing Developments

(i) Layout

New residential areas must be designed to accommodate provision for cycling and walkways. Road layouts should reflect considerations of road safety, avoiding long straight stretches, adopting curves and bends with unobstructed sightlines and where appropriate (i.e. adjacent to play areas, schools and public halls) raised surfaces should be introduced to reduce traffic speed. Emergency vehicle access must be provided, and if public transport is to service the site, roads must be designed accordingly. In general, houses in new housing developments which require to be served by new or improved made-up public roads should not be occupied until the road is

completed to a standard which satisfies the Council. Proposals must also comply with policies L/T4 (Road Access), L/T7 (Parking Standards), L/T9 (Mitigation) and L/T10 (Cycling) in Chapter 4.

(ii) Drainage

New housing developments must comply with the requirements of NOSWA and SEPA for connection to the public sewerage systems and the standards of disposal of waste water (see policy L/ENV24 Surface Water Drainage: Sustainable Urban Drainage System in Chapter 2).

(iii) Landscaping

New housing developments must provide landscaping in accordance with the site description to provide screening, enclosure, shelter, and acoustic barriers and to enhance the overall visual/environmental impact of the development. Details of maintenance arrangements will be required - see policy L/IMP4 'Maintenance of Landscaped and Amenity Areas' in Chapter 8.

(iv) Recreational Space and Community Provision

Housing developments which impact upon the capacities of existing community facilities such as children's play areas, recreational space, or other community services provided by the authority may be subject to Policies L/F1 (Developer Contributions) or L/F2 (Commuted Payments) in order to redress any negative impacts by upgrading existing facilities or through the provision of additional facilities. Recreational space (with equipped children's play areas if necessary) will be required to serve new developments of family sized houses. Guidelines for the provision of recreational space for all types of housing will be prepared by the Council. Redevelopment proposals for existing facilities will be guided by Policy L/CF3.

L/HC3: New Houses in the Open Countryside

The Council will require applications to respect the traditional pattern of settlement in the countryside.

The settlement pattern is defined as 'the disposition, function, and visual appearance of land and buildings in the general locality of the proposed development'. The Council shall make an assessment of each individual application and a new house shall be judged to respect the traditional settlement pattern if:-

- i) it is positioned sensitively along with a group of buildings such as a farm steading, or;
- ii) it adopts the spacing of a dispersed pattern of settlement and has integrated sensitively with the existing land forms so as to blend unobtrusively with its surroundings, and;
- iii) it avoids contributing to a build-up of residential development in any particular locality so as to cause a change in the character of that area from one of an existing rural cluster to one of a suburban style grouping of buildings, or a ribbon development clearly unrelated to the traditional pattern of settlement in that area.

Some locations will not be appropriate for new houses because of their prominent impact on the landscape and the inability to achieve appropriate landscaping. The Council will not normally approve houses which are located in the centre of a field, on a prominent hillside overlooking a main road or tourist route (i.e. the main A class and Trunk Roads and recognised tourist trails) or occupying skyline, top of slope/ridge locations.

For a new house to be acceptable in the open countryside, it must use existing trees, buildings, slopes or other natural features to provide a back drop.

In North and West Moray, all proposed boundaries must be long established features on the ground (e.g. such as an old fence line, dry stone dyke, a roadway, a hedgerow at minimum height of one metre, watercourse, a mature woodland or group of mature trees or neighbouring buildings), and it must enclose an area not exceeding 1400m² (i.e. a third of an acre). Recently created fencelines will not normally be accepted as established boundaries. The proposed site must also have a minimum 25% of its area retained in an existing tree, shrub or hedgerow cover.

In South and East Moray, only 50% of the site boundaries must be established on the ground, so long as the site is capable of establishing additional boundaries which separate the site naturally from the surrounding ground. The remaining boundaries of the site can be formed by natural stone dykes, planting of indigenous hedgerows or groups of trees, by careful mounding of site material to enclose the site. New boundaries should follow the natural form of the land and be designed so as to integrate the proposal within its rural setting (straight lines may not always be appropriate for new boundaries).

L/HC4: Multiple House Applications in the Countryside

The Council will not normally approve multiple house applications (i.e. more than two houses) in the open countryside unless they form part of a development which involves the re-use or replacement of existing buildings.

Multiple house applications will be encouraged in the Rural Communities.

Policy L/ENV10: 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 Plan period. Development proposals immediately outwith the boundaries of these settlements will not normally be acceptable.

Countryside Around Towns (CAT's) have been designated within undeveloped countryside areas around Elgin, Forres, Buckie, Lossiemouth and Keith to preserve the distinction with the built up environment and to protect their special character.

Development in the countryside policies will be applied with greater restrictions within the CAT's. These are shown on the Proposals Map.

Policy L/ENV11: Countryside Around Towns (CAT)

There is a presumption against development within the CAT areas identified around Elgin, Forres, Buckie, Keith and Lossiemouth, unless it involves the rehabilitation, conversion, limited extension or change of use of existing buildings.

New business enterprises, unless directly related to low intensity recreational uses or specifically allowed under the terms of other Local Plan policies within these areas (e.g. for mineral extraction), will not normally be appropriate.

Policy L/ENV24: Surface Water Drainage: Sustainable Urban Drainage System

In consultation with SEPA, NOSWA and the Council's Road Service, Sustainable Urban Drainage Systems (SUDs) will be sought on all development sites as identified in the settlement plans and on all 'windfall' sites (i.e. redevelopments and undesignated sites) accommodating in excess of 10 residential units or measuring in excess of 2,000 sq. m of non-residential development land.

Settlement statements and development briefs shall identify sites where an explicit surface water management plan requires to be submitted and approved as part of the planning application.

Where SUDs are proposed applicants must specify provisions for long term maintenance to the satisfaction of the Council and the regulatory authorities.

Policy L/H7: Affordable Housing Provision

Proposals submitted for housing (on designated or undesignated sites) which are above the threshold for consideration of developer contributions as described in Policy L/F1 (i.e. 10 houses or more) will be assessed for an 'affordable housing' element. The proportion of a site which the Council will expect to be used to satisfy local affordable housing needs will be commensurate with the site size and the specific extent and nature of the local needs for affordable housing.

The Council will endeavour to provide affordable housing so that the benefits are passed on to serve the community in future years. The range of mechanisms under which this will be achieved may include but not be limited to:-

- i) that part of the site or development proposed for affordable housing use being transferred to the Council, Scottish Homes or a similar management body;
- ii) through the use of planning agreements and conditions; and
- iii) a partnership, joint venture and or other innovative arrangement between developers and the Housing Authority.

The Council's Community Services Department, is to produce detailed guidance on the implementation of these mechanisms.

Policy L/H8: Special Needs Housing

Sites which are particularly convenient to appropriate community facilities, will be promoted for special needs housing. Permission for general needs housing will only be granted on such sites following assessment for specialist needs by Community Services and Scottish Homes. Elsewhere specialist housing uses (for the disabled, elderly, single persons etc.) will generally be acceptable on designated sites, where a mix of tenure will often be encouraged.

Policy L/T4: Provision of Road Access

The Council will require that a suitable and safe access from the public highway is provided.

(i) Design of Road Access

Since the formation of a new access by unmade track or surfaced private road (particularly in rural areas) can often result in a scar on the landscape (e.g. if it dissects an agricultural field, involves extensive tree felling or traverses a hillside), then unless a proposed new access is carefully designed within the landscape the proposal will be unacceptable.

(ii) Road Access Standards

Where access to the site is by unmade/private track the Council may require it to be surfaced to a specified standard. If the access is of significant length and may serve more than one development site, some widening and the provision of passing places may additionally be imposed as a condition of any consent.

Policy L/T7: Parking Standards

Proposals for different forms of development must comply with the Council's 'Car Parking Standards' (available from the Council's Roads Service).

Where development (including housing) within the defined town centre cannot reasonably supply parking on site, (or where it is appropriate not to include parking), the developer will require to comply with the Council's system for 'commuted payments' for parking. Housing development in town centres which need not provide residential parking on site, must make provision for vehicular access for deliveries and emergencies.

In housing developments of over 30 houses, provision must be made for communal off-street parking, in addition to in-curtilage in order to permit the parking of large commercial vehicles away from road frontages.

Policy L/F1: Developer Contributions

Where a development proposal is considered to have a measurable and potentially negative impact on the infrastructure, community facilities or amenities related to that development, the Council will seek an agreement with the developer that he redress the elements of impact by funding the provision of, or contributing towards, such mitigating works as are reasonably necessary to enable the development to proceed.

If this cannot be achieved by conditions of consent, then agreements must be concluded before a consent is granted.

Policy L/IMP1: Development in Built-up Areas

In areas covered by this policy, (i.e. all land within settlement boundaries and rural communities), the Council will, in considering applications for planning permission, try to ensure that proposals for development do not harm the general character of the surrounding area. Applications will therefore take account of the main uses of land and buildings in the vicinity, the mix of such uses and the architectural quality of the area. The main concern of the Council is to ensure that development proposals should neither conflict with nor detract from the character, amenity and design of an area. This policy will not preclude appropriate new development and is not intended solely to maintain the status quo.

In interpreting and clarifying this policy, the Council will take into account the guidelines on Character, Amenity and Design.

Policy L/IMP2: Development in Rural Areas

The Council will seek to ensure that all proposals for development in the rural area (i.e. all areas in Moray outwith town settlement and rural community boundaries) are compatible in terms of character, amenity and design, integrate sensitively into the environment and, where possible, located within easy walking range of public transport (this latter requirement will particularly apply to large scale developments). The Council will, therefore, pay special regard to matters such as traffic and landscape impact, accessibility, loss of productive or biodiverse land, siting, scale, colour and energy conservation. The Council will consult relevant organisations such as Scottish Natural Heritage, the Scottish Environmental Protection Agency etc. on significant development proposals and 'The Moray Landscape Character Assessment' report as prepared by Scottish Natural Heritage will be utilised to inform decisions on siting and locating within the landscape.

Policy L/IMP3: New Building Design

(i) Design Principles

All building development must be designed to respond adequately to the locality. Applications must meet the following requirements:-

- a) appropriate location in landscape or townscape
- b) careful placement on a site, particularly in relation to character, amenity and energy conservation
- c) appropriate size and form in relation to existing buildings, sky line and landform
- d) appropriate density, layout and orientation in relation to character, amenity, privacy of neighbouring properties and energy conservation
- e) sensitive use of materials and colours in relation to existing setting and environmental impact

Standardised solutions to building design are not encouraged and will not be acceptable unless existing context (the design and character of the existing surroundings) suggests otherwise. Design solutions which seriously compromise the amenity and character of the area will not be permitted.

Highly innovative, experimental solutions will be encouraged but may not be suitable in every situation. In certain circumstances, the Council may request written design statements explaining various aspects of design solution e.g. explaining why a particular approach has been taken, and expect applications to show new buildings in their wider relationship with surrounding properties and the site (plans and elevations/perspective/ photomontages showing adjacent buildings, trees, landform etc)

(iii) High Profile/Landmark Sites

Where a building is either high profile or will have high impact within the townscape or open countryside, i.e. along the A class road network and high street frontages, within defined town centres, and at major visitor attractions and prominent rural locations, The Council will expect high quality solutions and may consult with bodies such as The Royal Fine Arts Commission,

the Royal Institute of Architects in Scotland, the Scottish Civic Trust, Historic Scotland and the Association for the Protection of Rural Scotland, to assist with the assessment of the design impact.

On sites considered to be high profile, the Council will encourage applicants and landowners to sponsor design competitions prior to the submission of a planning application under the rules and procedures as advised by the RIAS Competitions Unit.

(iv) Materials

The Council will particularly encourage the use of materials which are sustainable. The use of salvaged or recycled material is encouraged in most circumstances subject to local situation and there is a strong expectation that traditional materials will be used on heritage structures. The Council will discourage the over use of high energy materials (i.e. those which require high energy levels to make and dispose) where alternatives can be used and is also concerned about the potential long term affects of using Tropical Hardwoods, from non-managed sources.

Policy L/IMP4: Maintenance of Landscaped and Amenity Areas

Applicants must demonstrate that satisfactory arrangements have been made to secure the maintenance of all landscaped and amenity space in perpetuity. Such arrangements must be put in place prior to any planning consent being issued. These arrangements shall be to the satisfaction of the Council and limited to:-

- i) a Section 75 Agreement (under the terms of the Town & Country Planning (Scotland) Act 1997) with a Bond in perpetuity, or
- ii) an Agreement leading to adoption by the Council (normally involving a capital sum equal to 1 year's maintenance x 20 with transfer of title), or
- iii) an Agreement to transfer title and responsibility for the provision and maintenance of the amenity and landscaped spaces to a maintenance company such as the Scottish Greenbelt Company or such other similar company constituted to secure maintenance in perpetuity, as is acceptable to the Council.

Emerging Moray Local Plan 2008 - Material Consideration

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 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.

Policy E10: Countryside Around Towns

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

- a. involves the rehabilitation, conversion, limited extension, replacement or change of use of existing buildings, or

- b. is necessary for the purposes of agriculture, forestry, low intensity recreational use or specifically allowed under the terms of other Local Plan policies within these areas, or
- c. is a designated "LONG" term housing allocation, released for development under the terms of policy H2.

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

Surface water from development should be dealt with in a sustainable manner that avoids flooding and pollution and promotes habitat enhancement and amenity. All sites should be drained by a SUDS system or equivalent. A Drainage Assessment will be required for developments of 10 houses, or greater than 100 sq metres for non residential proposals. Applicants must agree provisions for long term maintenance to the satisfaction of the Council, SEPA and Scottish Water.

H8: New Housing in the Open Countryside

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

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

a. Siting

It does not extend “ribbon” development;

It would not create or contribute to a cluster of dwellings that would be detrimental the character of an area;

It is not prominent (such as on a skyline; in the central area of a field; has no backdrop; is not in an elevated or open setting).

At least 50 % of the site boundaries are long established, and are capable of distinguishing the site from surrounding land (for example dykes, hedgerows, watercourses, woodlands, fences and roadways).

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

b. Design

A maximum ridge height of 7 metres (measured from finished floor level);

A roof pitch between 40° and 55°;

A gable width of no more than 2.5 times the height of the wall from ground to eaves level. (See Diagram 2);

Uniform external finishes and materials including slate or dark ‘slate effect’ roof tiles;

A vertical emphasis and uniformity to all windows;

Proposals must be accompanied by a plan showing 25% of the plot area to be planted with native species trees, of at least 5ft standards.

New proposed boundary treatments should be sympathetic to the local rural character (for example beech hedging, post and wire fencing, natural stone dykes).

Exceptions to the above design requirements will only to be justified on the basis of innovative designs that respond to the setting of the house. Advice on maximising energy efficiency on-site is contained in the Housing in the Countryside SPG.

H9: Affordable and Special Needs Housing

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

T2: Provision of Road Access

The Council will require that a suitable and safe road access from the public highway is provided to serve new development and where appropriate any necessary modifications to the existing road network to mitigate the impact of development traffic, and the provision of appropriate facilities for public transport, cycling, and pedestrians. Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.

SPP17 details that there is a presumption against new accesses onto a trunk road and that the Scottish Executive will consider the case for such justifications, where nationally significant growth or regeneration benefits can be demonstrated.

T5: Parking Standards

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

IMP1: Development Requirements

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It must meet 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. adequate roads, public transport, and cycling and footpath provision must be available, at a level appropriate to the development,
- d. adequate water, drainage and power provision must be made,
- e. sustainable urban drainage systems should be used where appropriate, in all new developments
- f. there must be adequate availability of social, educational, healthcare and community facilities,
- g. the development should, where appropriate, demonstrate how it will incorporate renewable energy systems and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria,
- h. provision for the long term maintenance of public landscape and amenity areas must be made,
- i. conservation of natural and built environment resources must be demonstrated,
- j. appropriate provision to deal with flood related issues must be made, including the possibility of coastal flooding from rising sea levels and coastal erosion,
- k. pollution, including ground water must be avoided,
- l. appropriate provision to deal with contamination issues must be made, and
- m. the development must not sterilise significant workable reserves of minerals, prime quality agricultural land, or preferred areas for forestry planting.
- n. where appropriate, arrangements for waste management should be provided.

OBJECTIONS-REPRESENTATIONS

Letter of objection/representation received from: -

- Mr John Brady, Briar Bank, Mill of Buckie, AB56 5AA

The main grounds of objection to the scheme are:

- **Impact on privacy and amenity:** It is stated that the new development so close to the objector's property will adversely impact upon the quality of life and the privacy currently enjoyed there.

Comment: Only the rear garden of one plot (26) will immediately adjoin the boundary of the existing house at Briar Bank. Although the new house itself will only be around 3 metres from the boundary with Briar Bank, that latter house is situated well to the east

within its own plot, and so the actual distance between the two houses will be around 28 metres. Of 1½ to 2 storey design and with a ridge height of 8 metres, it is inevitable that there will be some overlooking of the neighbouring garden from the upper floor windows, but this is not considered sufficient to warrant a recommendation of refusal, or alteration to the plans.

- **Traffic Safety:** Concern is expressed about the amount of additional traffic that the development will generate, and particular reference is made to traffic accelerating away from the new roundabout south toward the main A98 road.
Comment: This application has been the subject of consultation with the Transportation Manager, and although the final response to this is awaited, indications are that the design of the roadways and improvements proposed to the surrounding road infrastructure are satisfactory, and indeed may lead to an improvement to road safety. This has included consideration of a Transport Assessment provided by the developer and considered by the Transportation Manager.
- **Access to property:** It is claimed that the development, and in particular the development of plot no 26 will affect the ability of the objector to maintain his garage, which is on the boundary of the new site. An informal right of access is alleged which may be lost in the event that development is to proceed as sought.
Comment: This is a legal matter between the parties concerned and is not a matter which may be considered in the determination of this application.

CONSULTATIONS

Environmental Health Manager, Development Services - No objections.

Environmental Protection Manager, Direct Services - No objections.

SEPA - No objections.

Scottish Water - No objections.

Housing Manager - The affordable housing requirement for this site would be 20% of the proposed total of 149; i.e. 30 units.

Scottish Natural Heritage - No objection to the scheme, but recommends that the site is checked for badger setts.

Grampian Police - No objections, although comments are made with regard to various aspects of the scheme. It is suggested that a copy of the comments be passed onto the applicants for incorporation in the scheme where feasible.

Transportation Manager, Direct Services - Although the final comments of the Transportation Manager are still awaited at the time of writing, initial comments indicated that the scheme is acceptable, subject to improvements to road infrastructure outwith the site, and to standard conditions relating to accesses and parking within the site serving individual properties.