

## PLANNING APPLICATION: 16/00743/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*

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### **THE PROPOSAL**

- Application for planning permission (as amended) for residential development and associated infrastructure on part of land at Forres R3 Ferrylea Forres.
- 120 new build dwellings (houses and flats) are proposed with 100 private and 20 affordable units of accommodation.
- The 100 (private) dwellings comprise 96 houses and 4 flats i.e. Plots 1-100 located on the larger part of the site area proposed for development.
- 4 flats (2-bedroom, Auldearn) are provided within a single 2-storey block located towards the north-western corner of the site (Plots 14/15-16/17).
- 96 (private) houses are provided using 9 different house types, a mix of detached and semi-detached properties, all similar in scale or height (most between approx. 8 - 8.5m high) with 54 semi-detached properties using five different house types (Ardmore, Crossley, Dallachy, Huntly, Nairn) and 42 detached houses using six different house types (Crail, Cromarty, Culbin, Huntly, Lauder, Nairn). Eight house types appear as 2-storey to their rear but with an asymmetric roof design, dormers and/or roof lights and small projecting gable details, their front elevations suggest a 1½-storey style or form. The Culbin house type is approx. 7.5m high and L-shaped with upper floor accommodation served by dormers (to front and side elevations) or windows in its front and rear gables.
- Excluding the Dallachy house type (18 plots), all other private house types have an option to add a sun lounge onto their rear elevation.
- The 20 affordable dwellings comprise 8 houses and 12 flats i.e. Plots 101-120 located on the smaller part of the site area proposed for development. 4 different house designs are used to provide a mix of semi-detached and flatted forms of accommodation i.e. 2 semi-detached single-storey properties with an attached car port (C-type, Plots 101 and 102); four semi-detached single-storey houses (C(s) type, Plots 103-106); two 2-storey houses (F type, Plots 119 and 120); and 12 flats located within three 2-storey blocks, each with 4 flats and identical in design (A type, Plots 107-118). The single-storey and 2-storey properties are approx. 5.5m and 8m high respectively.
- 10 accessible houses are proposed i.e. 2 ground floor apartments (Auldearn, Plots 14/15-16/17) and 8 two-storey semi-detached houses (Crossley, Plots 11/12, 37/38, 54/55, 65/66).
- Proposed external finishes for all new houses and flats include grey concrete roof tiles and white wet dash render and/or larch clad walls, all set on a smooth concrete basecourse.
- For all flatted accommodation, grouped (communal) parking arrangements are proposed to the north and side of the Auldearn flats, or on the opposite side of the road from the (F-type) affordable houses.
- For all houses, parking is "in-plot" with 2 or 3 spaces, generally located to the front or side of each property.

- Access to the 20 affordable house area is from Macrae Road, crossing over Balnaferry Farm Lane.
- Access to the 100 private house area is taken from Grantown Road through the existing Ferrylea development, with the existing road, Falconer Avenue extended eastwards to form the main (primary) road through the larger area which connects to a new (second) access to the site from Mannachie Road. Along this new section of road, two bus stops are proposed, one eastbound and one westbound at the eastern and western ends of the extended road respectively. Traffic calming within the road is also proposed.
- Footpath and cycle connections are proposed both within the site and to/from the surrounding area i.e. onto Grantown Road and Mannachie Road.
- Two and four "future road links" (with provision for foot and cycle paths) are identified to afford access to adjoining land areas to the north and south of the larger area. The adjoining areas are identified as "future planning phase to be applied for in separate applications".
- Excluding garden areas within individual house plots, areas of green space (of variable sizes) include a small linear area along Balnaferry Farm Lane/the southern boundary of the affordable housing area, and a longer linear area intended to form a tree-lined avenue along both sides of the primary road.
- Larger areas of open space are also proposed, for example along the western boundary of the larger area of the site; along the eastern boundary between the proposed houses and Mannachie Road; around an existing pond (to be retained) towards the south-eastern corner of the site; and a "village green" space surrounded by roads and property and located close to, but approx. mid-way along, the southern boundary.
- The areas of open (green) space cover approx. 20% and 25% of the site areas proposed for private and affordable housing respectively.
- No play area is included (or required) within the site.
- Individual plots to be defined by low hedging and/or 0.45m high trip fencing (to front garden areas) and 1.8m high timber screen fencing (to side/rear garden areas).
- In addition to turfing (within plots) and grass seeding (within open space amenity areas), tree, shrub and hedge planting are proposed including "avenue and public realm" planting along the primary road and woodland trees within the open space areas along the western and eastern boundaries of the larger area within the site. Planting will be undertaken in accordance with a landscape scheme which includes detailed planting specifications (species and sizes, etc.) and a schedule identifying the maintenance regime for all planting.
- Public mains water supply and foul (waste water) drainage connections are proposed for both the smaller and larger areas of development.
- For the affordable house area, foul drainage will connect (by gravity) into an existing foul drain located in the eastern verge of Grantown Road and the surface water arrangements rely on infiltration to drain storm water and assume soakaways within each house plot.
- For the private house area, foul water will discharge into an existing sewer located in the western verge of Grantown Road with flows connecting into a northern 'stub' (41 units by pumping) or western 'stub' within Falconer Avenue (59 units by gravity), both provided as part of the existing Ferrylea development. The pipe diameter within part of the existing development will be up-sized to provide sufficient capacity. The surface water strategy (as revised) proposes separate systems for dispersal of roof and roads drainage, cut-off drains for overland flows, local infiltration including private soakaways within each house plot (subject to

further testing), and double pipe filter trenches located adjacent to roads. Within an area of insufficient permeability within the larger site (and the adjoining land to the south) and subject to further infiltration testing and detailed design, drainage will be directed to an eastern infiltration element (with geo-cellular storage or similar) located at eastern end of the site and on north side of the primary road, and a western infiltration element (below ground geo-cellular storage with an above ground basin or similar) located along the western boundary of the site and within the open space area to the south of the primary road.

- Supporting documents submitted with application (in May 2016 unless otherwise indicated) include a Pre-application consultation report (PAC), Design and Access Statement (DAS), Planning Statement (PS), Design and Sustainability Statements/Checklists and Audit, Transport Assessment (TA) (June 2016) and Transport Assessment - Addendum (ATA) (September 2016), Drainage Assessment (DA) (revised October 2016) and SUDS Design Statement (October 2016).
- Together with drawings to confirm the finished floor level for each property/plot, cross and long section details (revised October 2016) identify finished and original ground levels and the extent of cut and fill works within the site. In some sections, the proposed ground level is shown to taper back to the original ground level by extending into areas not included within the application site as defined but over adjoining land within the applicant's ownership (on which landscaping is proposed).

## **THE SITE**

- Approx. 5.67ha site located towards the south of Forres.
- The site comprises two separate areas i.e. a smaller area, approx. 0.84ha and a larger area, approx. 4.83ha.
- The smaller area, for 20 affordable houses, is bounded to the south by Balnaferry Farm Lane, beyond which the existing residential development (affordable housing) on Macrae Court and Darwin Drive etc. forms part of the existing (Phase 1) Ferrylea development (Knockomie Braes).
- To the east, the smaller area is bounded by 5 existing (older) properties accessed off Balnaferry Farm Lane (Ferrylea, Balnaferry House Cottages and Blackthorn Cottages). To the west is Grantown Road, and to the north the site is bounded by a tree-lined lane leading to Balnaferry House beyond which are properties on the existing Knockomie Gardens development.
- Generally, levels fall from south to north, and east to west, across the smaller area.
- The larger area, for 100 private houses, is located on higher ground above, and to the east of, the existing developments at Ferrylea and Balnaferry.
- To the east, the larger area is bounded by Mannachie Road whilst the northern and southern boundaries are currently undefined.
- This larger area forms the central part of a much larger field area which extends southwards towards "West Park Croft" and northwards towards existing development on Mannachie Braes. The site/field was formerly farmland but is now uncultivated mixed grassland. Along its western side, the land is being used as a construction compound area associated with the Phase 1 Ferrylea development.
- Generally, across this undulating larger area, the land rises from west-east across the site, with land along Mannachie Road reducing in height from north-south and reducing from south-north along the western boundary. There are several mounds located throughout the larger field area, the largest located towards the northern

boundary of the field (beyond the larger area where soil has been stockpiled for use within the Ferrylea site), and several depressions including an existing natural pond located within but towards the south-eastern corner of the site.

- The site (both areas) forms part of a large residential designation, Forres R3 Ferrylea as defined in the Moray Local Development Plan 2015. Phase 1 is accessed off Grantown Road. Falconer Avenue is the main primary road through the development of which are several local streets including Macrae Court, etc.

## **HISTORY**

**15/01861/PAN** - Proposal of Application Notice for residential development (120 dwellinghouses) and associated infrastructure within part of balance of land at R3 Ferrylea Forres Moray - response (8 December 2015) confirms the requirements for consultation with the local community.

Following consideration of the PAN by the Council's Planning & Regulatory Services Committee (on 1 December 2015) and in terms of matter(s) that should be drawn to the applicant's attention and taken into account in the development of the application, the Committee advised that (a) consideration to be given to improving the cycle path and footpath linkage to the play area and local schools from the development site on Grantown Road; and (b) consideration to be given to the proposed road from Grantown Road to Mannachie Road through the site being less straight.

**15/01246/PAN** - Proposal of Application Notice for residential development (100 dwellinghouses) and associated infrastructure on land at R3 Ferrylea Forres Moray.

*For Ferrylea Phase 1:*

**15/01923/APP** - Erect 10 dwellinghouses (reconfigure part of the site granted under 12/01110/APP increasing the number from 5 to 10) at area of Phase 1E Knockomie Braes R3 Forres - approved 24 February 2016.

**12/01110/APP** - Full application for Phase 1 of development comprising 129 houses and community facilities (dental practice and retail units) with roads, transport links and structural landscaping for balance of site serving a total of up to 380 houses overall (including Phase 1) all based on masterplan for site as a whole at site R3 Forres - approved 12 March 2013 subject to conditions and prior completion of a legal (Section 75) agreement regarding the arrangements for financial contributions towards community facilities and transportation infrastructure associated with the development. [NOTE: For the area beyond Phase 1, as identified on Masterplan drawing F\_L\_05 Rev D, the permission requires plot design/layout details to be subject to a separate detailed planning application and although Condition 5 required submission of a landscape scheme for the area beyond Phase 1, no landscape details were submitted].

**12/00085/PE** - Masterplan (residential and mixed uses) at R3 Ferrylea - following a pre-application meeting, the response (2 April 2012) provides initial feedback on the proposal, including comments from consultees, information expected to accompany any formal application, and recommendations for further pre-application consultation with consultees.

**10/00048/PAN** - Proposal of Application Notice for housing development including community facilities at Ferrylea Forres - response (4 February 2010) confirms the requirements for consultation with the local community.

## **POLICY - SEE APPENDIX 1**

### **ADVERTISEMENTS**

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

### **CONSULTATIONS**

**Building Standards Manager** - Building Warrant required.

**Planning & Development** - In terms of Policy PP3, the revised drawings address the dominance of car parking on the primary route through the development with fewer plots having frontage parking and additional landscaping (hedging and tree planting) added, with the latter considered acceptable provided semi-mature trees are included. Additional hedging has been provided to reduce the impact of car parking at the front of properties elsewhere within the development however, car parking at the front of houses still features extensively throughout the remainder of the development and there are still areas where side-by-side parking should be broken up with additional planting (e.g. plots 10-13, 85-88). Thus, whilst car parking remains 'red' within the 'Quality Audit', parking is only one aspect of the development and based upon other elements being deemed satisfactory, overall the development is considered acceptable and approval is recommended.

In relation to the Forres R3 Ferrylea designation, the proposal meets the principles established within the masterplan with additional landscaping provided to supplement the originally proposed tree cover in several green spaces and assist in providing the containment required of structure planting. In terms of Policy E5 and IMP1 Developer Requirements, the site has been increased in size to achieve the 20% open space requirement and the development now integrates sensitively into the surrounding area. As the Sustainability Statement is acceptable, the proposal complies with Policy PP2.

**Housing & Property Manager** - No objections subject to a condition requiring the arrangements for delivery of the affordable housing prior to starting on site. Policy H8 requires 25% of units to be provided for affordable housing. The proposed 20-unit affordable housing mix is acceptable and these 20 units, plus the 67 units previously delivered (on Phase 1), would meet the affordable housing requirements for Forres R3 to date.

Policy H9 requires 10% of private sector units to be built to wheelchair accessible standards. The 10 private sector units, in this case, two ground floor flats (Auldearn) and eight 2-storey houses (Crossley) must comply with the accessibility criteria and to ensure compliance with supplementary guidance, parking should be within 15m of the front door of the proposed Auldearn flats.

**Environmental Health Manager** - No objection.

**Environmental Health Contaminated Land** - No objection.

**Transportation Manager** - No objection subject to conditions and informatives, including no part of 100-house area to commence until the link to Mannachie Road is provided and Mannachie Road is widened to 6m (min) (to Mannachie Braes) and a 3m wide cycle path is provided (to Grovita Gardens) plus crossings and connections to core paths FR20 and FR22; not more than 50 plots within the 100-house area to take access to Mannachie Road until link between Grantown Road and Mannachie Road is provided; provision for site access visibility splay and evidence to confirm new speed limit on Mannachie Road; internal layout details of traffic calming measures, foot/cycle paths including transitions and visibility splay requirements at internal junctions; specifications for parking standards, height of boundaries, driveway lengths and surfacing materials; submission of Construction Traffic Management Plan, roads drainage arrangements and any site construction access; and footpath along Grantown Road to be provided by commencement of 5th house, etc.

Off-site network improvements are required to ensure the proposed development will provide for pedestrians, cyclists, public transport and the road network. The proposed road arrangements for the affordable units accessed from Macrae Court would not be acceptable for adoption owing to the lack of footways/service strips, turning areas and visibility splays.

The TA suggestion to extend the 30mph limit on Mannachie Road out beyond the current built-up edge of Forres to the proposed site access would not be self-enforcing due to the lack of frontage development and rural nature of the landscape on either side of the road with an Order required to promote a change to the existing speed limit.

Whilst the proposals include provision for bus stop infrastructure, diversion of existing bus services to this development cannot be guaranteed. Given the limited accessibility of the site to local shops, services and schools within acceptable threshold criteria, public transport is key to achieving accessibility and encouraging travel by modes other than private car. A developer obligation is recommended to provide a public transport service, to be delivered for a minimum period of not less than 2 years with details of bus stop infrastructure, bus route and timetabling to be agreed, and the link road, bus stop infrastructure and bus service operational before commencement of 40th house plot.

**Moray Access Manager** - The radial cycle route (an 'Aspirational' Core Path) shown alongside the main access road on the masterplan meets the Forres R3 requirement. To ensure better connectivity from the site to the core paths network, the 3m cycle path should be re-aligned across the eastern landscaped area to link directly to core path, FR20 across Mannachie Road with a safe crossing point provided for cyclists.

For integration of the site with the existing Core Paths network and to maximise safe off-road active travel opportunities northwards, a new 3m wide sealed surface cycle track (lit at night) should be provided and connect to core path FR23. To accord with the masterplan, it should initially link from the main access road along the footway of the new estate road at the north-western end of Phase 2, and show how it will link northwards through later phases.

As requested for Phase 1, a developer contribution is sought towards improving the existing core paths network of Forres as increased footfall from this new development will impact on the existing Core Paths network.

**Moray Flood Risk Management** - No objections subject to conditions regarding the provision of a drawing showing overland flow routes for exceedance events and a construction phase surface water management plan.

As revised, the DA strategy remains broadly the same as the original Assessment although some SUDs infiltration ponds/devices have been moved. The remaining area of the R3 site [Phase 2C in the DA] will need suitable drainage especially in the northwest corner because the natural topography generally falls in that direction. Whilst the drainage for the remaining area will be dealt with separately in any future application, the natural fall in topography should be considered when overland flow routes are designed for the current larger area because the overall drainage scheme relies on exceedance flow from the existing pond and the "east infiltration tank" flowing toward the "west infiltration tank" (Section 4.7 of DA refers). The required details should show how these overland flow routes would be managed within the current application site and no overland flow should be directed toward the future phases (or any existing properties).

**Scottish Environment Protection Agency** - Following review of additional information, objection withdrawn subject to the conditions requiring details of surface water drainage proposals for the site, to include the maintenance of the pond, to be designed and constructed in accordance with the revised Drainage Assessment and SUDs Design Statement; and a Construction Environment Management Plan, to include details of the management of surface water run-off during the construction phase, protection of buffer strips and management of materials on site in order to prevent potential pollution of the environment during the construction phase of development and sustainably manage materials and waste on site during construction.

In terms of regulatory requirements, additional authorisations/exemptions/permits may be required for any proposed engineering works within the water environment, the management of surplus peat or soils, and for any proposed crushing or screening activity.

**Aberdeenshire Archaeology Services** - No objection subject to implementation of a programme of archaeological works, in accordance with a written scheme of investigation, to safeguard and allow recording and recovery of archaeological resources, to include archaeological excavation and trial trenching evaluation within areas of the site (as defined). The application occupies an area subject to archaeological mitigation (in 2010 and 2013) and this 'follow-on' phase of mitigation is in order to properly record the archaeology in this area. The area required for trial trenching has not previously been subject to mitigation.

**Forres Community Council** - No objections.

**Scottish & Southern Energy** - No objections but for work in the vicinity of overhead lines refer to Health and Safety Guidance Note G56 and Health & Safety Guidance note HS(G) 47, for work in vicinity of underground lines.

**Scotia Gas Network** - Objection withdrawn on condition that Scotia Gas is involved through all stages of construction, from the initial ground works to site completion, as they could affect a high pressure pipeline including excavations, stockpiling of material, vehicles crossing over the pipeline, drilling, piling and the siting of temporary structures or cabins and containers etc. If the extent or design of the permission is amended, then further consultation may be required. [NOTE: Details about the requirement to consult with the local engineer were forwarded to the applicant together with details of known

apparatus pipeline routes within the area and a gas safety advice booklet drawing attention to current safety regulations and requirements for safe digging practices, observing HSG47 "Avoiding Danger from Underground Services", to verify and establish actual position of all apparatus on site before any mechanical plant is used. The pipeline is legally protected by a Deed of Servitude which restricts building and other works within the servitude area].

**Health & Safety Executive** - The development site does not lie within the consultation distance of a major hazard or major accident hazard pipeline, therefore HSE does not need to be consulted.

**Aberdeenshire Council, Developer Obligations Unit (DOU)** - Following assessment, (financial) obligations identified in relation to secondary education (to address impact upon school roll); sports and recreation (a proportionate contribution towards a 3G pitch and ancillary facilities); open space (a contribution towards additional play equipment at Mannachie Park); core path infrastructure (a contribution towards a 115m length of path to connect the new north cycle route from the development site to Core Path FR23 across Mannachie Park). A contribution towards provision of public transport (bus stop infrastructure and bus service) through the site was also identified.

**Scottish Water** - No response at time of report.

## **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).

9 representations received from:

- Patricia Figueiredo, 27 Macrae Court Forres
- Mr M Fellows, 68 Knockomie Gardens Forres
- Mr & Mrs C J Taylor, 71 Knockomie Gardens Forres
- Mr Stephen Hull, 14 Mannachie Rise Forres
- Ms Pamela Machin, 8 Ferryhill Forres
- Mr Stuart Dickson, 73 Knockomie Gardens Forres
- Mrs Moira Macleman, Tanera Grantown Road Forres
- Ms Diane Box, 17 Falconer Avenue Forres
- Mr William Rutherford, Ferrylea Balnaferry Lane Forres

The main points of the representations are:

- Contrary to local plan.

**Comment (PO):** When submitting representations online, comments can be selected from a pre-defined list. Further comment may or may not be made on the selected issue and here, the basis of how and why this proposal is contrary to the local plan is not explained. In this case the sole departure issue, regarding the level of provision of affordable housing has been addressed and can be supported (see below).

## **Impact on Amenity**

- Macrae Court will overlook this 120-house development.



- the proposal constitutes, and leads to, a gross over-development of the site.
- as the land rises across the site, the proposed property will be higher than existing property.
- the 2-storey flats, with first floor windows, will overlook existing property resulting in a loss of privacy to existing property.
- the design of the development does not afford adequate privacy for the occupants of the new buildings or adjacent residential properties, particularly regarding their right to the quiet enjoyment of garden amenities.
- the mass, bulk and proximity of the rear, and end, elevations of the proposed property present an overbearing and intrusive element to the rear of the adjacent existing property.
- development will overshadow property and given the existing south facing property, there will be a loss of natural sunlight especially during the winter months.
- this unnecessary large area of development will have a significant adverse impact on the noise levels and privacy of people living in an established adjacent residential area and have a serious impact on their existing standards of living.
- the government-assisted 2-storey properties would overlook the private areas of property in Knockomie Gardens.

**Comment (PO):** Several representations express concern about the relationship between the affordable housing accommodation on the smaller area of the site and existing property on Knockomie Gardens to the north. Relative to one objector's (single-storey) property, two pairs of single-storey properties (Cs-type) properties are located to the south, both approx. 5.5m high and with bedroom accommodation on their rear (north facing) elevation. Due south of another objector's (1½-storey with rear single-storey conservatory) property are pairs of 2-storey flats (A-type), approx. 8m high and with ground and first floor kitchen and bedroom accommodation on their rear (north facing) elevation.

From the submitted section information, ground levels generally rise from west-east across the site, and the proposed properties generally have a finished floor level (FFL) of approx. 0.5m above existing ground level. The identified proposed properties have a FFL of 0.35m and 0.9m above the respective FFLs of the objectors' properties. All proposed properties are set back approx. 9m from the 1.8m high fencing proposed along the north boundary of the smaller area, with a lane (leading to Balnaferry House) approx. 7m wide (min.) located between the northern boundary of the smaller area and the tree/1.8m high fence lined boundary to properties on Knockomie Gardens to the north, resulting in 'back-to-back' distances between the new and existing properties of 18m and 28m. Views (and outlook) to/from the existing and proposed properties would be interrupted by existing and proposed boundary treatments and by the mature trees intermittently spaced and located along the land beyond the northern boundary of the smaller area. Although the latter are outwith the site their canopy and spread overhang into the site. There are no proposals within this application to indicate that the existing trees would not be retained.

Taking into account differences in FFL, scale or height (actual and relative), outlook, orientation and position, nature of accommodation served by windows (all floors) in both existing and proposed property, boundary treatment, intervening vegetation and back-to-back distances between the proposed and existing developments, no unacceptable or significant adverse amenity impacts including privacy, overlooking and day and sun lighting, etc. are considered to occur to the existing Knockomie Gardens properties from the proposed development, and vice versa.

Based on similar considerations, development on the larger (100-house) area is also not considered to have an adverse impact on the amenity of existing property to the west, including those at a lower elevation on Ferrylea and adjacent to Balnaferry House. The existing landform over this larger area is naturally elevated above these existing developments to the west. Relative to the western boundary of the site, levels near the proposed Auldearn flats (Plots 14/15-16/17) and Plots 1-4 are set approx. 2.5 - 3m above that boundary, and sited approx. 50m and 21m to the east respectively. Generally, the new properties will be set approx. 0.5m above the original ground level, or approx. 1m above in case of the Auldearn flats (related to future road design and levels once further development is proposed on land to the north). The endmost existing property on Darwin Drive and property at Balnaferry have a FFL of approx. 5m and 3m below the western boundary of the (larger) site, suggesting that any outlook from the new development would be over the existing property. Additionally, any views/outlook between property would be interrupted by a 10m wide planted area proposed between the western boundary and the local access serving Plots 1-4, which widens to approx. 30m between the western boundary and the Auldearn flats (although much of the latter is not located within the current application site).

Additionally, in design and layout terms, the proposal (both larger and smaller areas) is not considered to result in an over-development of the (smaller) site. No unacceptable or significant adverse impacts including noise are anticipated or identified and the Environmental Health Manager has not objected to the proposal on these terms.

#### **Provision of single-storey property**

- Can Ferrylea have single-storey properties or can they be re-aligned to still create harmony?

**Comment (PO):** Single-storey properties are located within the existing (Phase 1) Ferrylea development and in this application, 6 single-storey (affordable house) properties are proposed. Following consideration, there are no objections to the proposed mix and scale of property included in this application and the design and site layout arrangements are also considered to be acceptable. In these terms, there is no need for the development to be re-aligned to still create harmony.

#### **Impact on built environment**

- the proposed development would not be beneficial in environmental and landscape terms but lead to the loss of valuable green space.
- lack of up-grading of infrastructure in the surrounding area, specifically the extra burden placed on an already highly stressed, noisy and polluted main highway (A940) adjacent to the development.
- there must be a green swath of approx. 5 - 20 feet to allow better, free and unconfined views to the large roundabout which is not located centrally onto Grantown Road.

**Comment (PO):** Neither the TA nor the Transportation Manager propose or require any improvement of the A940 road. The Transportation Manager has not objected to the development in terms of the proposed traffic effects on the capacity and alignment of Grantown Road however, a foot/cycle path is to be provided between the site and the existing roundabout on Grantown Road together with a new site access onto Mannachie Road, also to be up-graded (widened) and include a foot/cycle path extending north from the site access towards Mannachie Braes and Grovita Gardens respectively.

Neither the larger or smaller areas proposed for development are formally designated as open space in the development plan or the masterplan (which provide for housing on both

areas) nor reserved as such within the terms of the permission granted under application 12/01110/APP, whether for Phase 1 or the remainder of the Forres R3 designation. The proposal will result in a loss of prime quality (Class 2) farmland, however such loss has previously been accepted through identification of the Forres R3 designation for residential not open space purposes within both the previous and current local development plan. Matters suggesting that views from existing property be preserved are not a material planning consideration.

### **Sporadic development**

- the application constitutes sporadic development.
- with purchase of property 20 years ago, this was a green area. Although accepting that development would ensue, previously assured that any development would be done tastefully and in keeping with the objector's own property but now there are housing estates throughout this green area. The only remaining green area is this site and without it, the remaining greenery in this area will be on private land.
- Ferrylea, once with grazing views to Altyre Estate, is now nearly all surrounded by Council housing and by just one company.

**Comment (PO):** The site, including the smaller 20-affordable house area, is designated for housing not for open space. Rather than sporadic development, the proposal forms part of a larger-scale residential designation which has been planned for in the development plan for the south of Forres. Developments within the adjoining Balnaferry area may have involved one company but this is not a material planning consideration. The surrounding developments are not limited to "Council housing".

### **Access**

- seek confirmation that unmade access road to rear of property will not be used by the builder's traffic and that subsequent development will not have access to that road in the future.
- the road connecting Mannachie Road with Grantown Road will become a route to be used by "joyriders". At the open evening, re-assured that the road would be designed/constructed to reduce the likelihood of this happening, in particular that it would have several bends rather than being a straight road. In the current application, it appears to have been straightened - why? What methods have been put in place to slow traffic on this road?
- to reduce the risk of accidents, Grantown Road should be widened ideally on the Knockomie Meadows side perhaps for 50 yards to avoid having to drive over the verge to avoid collisions.

**Comment (PO):** There are no proposals or requirements to widen Grantown Road. Comparing the details within the masterplan, the DAS and PAC against the amended application details, the alignment of the primary road extending from Falconer Avenue through the larger area to/from Mannachie Road is straighter however, instead of using road design (alignment) to influence traffic speeds, traffic calming features are to be introduced within the road. Conditions are recommended requiring details of the traffic calming features and a construction traffic management plan, the latter to include details about the routes to be used by construction traffic to access the development.

### **Traffic and construction impacts**

- this development will cause a serious amount and extra volume of traffic and people moving into the site which would be very difficult and unacceptable. When developing this property, Macrae Court will be opened up so that the traffic volumes going up and down it will be enormous, as is already the case. Everyone entering

this residential area seems to think the only way to their homes is to drive at an unsafe speed along Macrae Court.

- a lot of young children play on Macrae Court as they have nowhere else to play. Cars use it all the time and what will this increase in traffic do to this quiet neighbourhood? There are quite a few elderly residents living here and on moving here, there was never any mention of the road at the end of our properties being opened up to allow for the construction of 120 residential homes.
- Grantown Road (A940) has not been significantly up-graded to cope with additional properties. The additional traffic will have an adverse effect and place additional burdens on an already stressed highway.
- this unnecessary large area of development will have a significant adverse impact on traffic levels and use of facilities in Forres, and traffic noise will impact on the privacy of people living in already established adjacent residential areas.
- the existing development has highlighted road safety issues including pedestrians walking to and from Forres, often unaccompanied children, with no recognised walkways constructed. This development will only increase these problems.
- no direct objection to building of properties but concern about the daily volume of small to very large and heavy work vehicles going past existing property, which is frustrating in terms of noise and mess. Residents' views seem to have been overlooked.
- why can the deliveries not be made from the road at back of field away from this estate? When heavy vehicles go past the house, the TV signal goes due to vibration. On some days, this happens every 20mins when earth is being transferred from one site to another. The dust on windows is bad and vents have to be shut at the front of the house as the sand and dirt comes in every day.
- recently, the unsociable hours have stopped and men are not starting till 7.30am, which is good but why do they have to park near houses when there is plenty of space further into the site? It can be quite intimidating when vehicles start and sit warming up early in a morning, and look into the houses.
- whilst a success in design and choice, the applicant/developer has created potential traffic problems for Grantown Road and for Mannachie Road.
- object to the amount of noise generated during the building process including the constant, high pitched, "beep, beep, beep" from the large equipment used. This can go on all day, starting at 8am. Health and safety is important but there are quieter alternatives available that do not create quite so much noise.
- this development will cause further disruption due to noise, pollution, air pollution and the last 15 years have consisted of on-going development and disturbance.
- the Council should consider its powers to enforce/control hours of operation and other restrictions to make the duration of the works more bearable.
- as the site is restricted, how and where can construction vehicles and staff gain access to the site for unloading and parking without causing a highway hazard or inconveniencing property?

**Comment (PO):** Details about what may (or may not) have been said at the time of occupying property is not a basis to reject the proposal. Rather than 120 houses, 20 affordable houses will be accessed via Macrae Court. Falconer Avenue is the main access in/out of the Ferrylea development onto Grantown Road and this street will be extended eastwards to become the primary road through the larger 100-house area which will also be accessed from Mannachie Road. It is not uncommon for new development to be accessed through an existing development and here, an additional alternative access from Mannachie Road will be provided. The Transportation Manager has not objected to the traffic impacts of the proposed development including construction traffic upon the

existing or proposed road networks within and around Ferrylea in road safety terms. Whilst no up-grade of Grantown Road is required/proposed, a new section of footpath from the site northwards to the existing roundabout is required, and separately, up-grading of Mannachie Road is also required/proposed.

Potential amenity (and nuisance) effects from construction activity including disruption and disturbance impacts can be managed/mitigated, for example through the construction traffic management plan and/or by adoption of other 'best practice' measures etc. as acknowledged in the applicant's PAC. Construction behaviour cannot be wholly regulated by the planning process. The Environmental Health Manager has not objected to the development nor recommended measures to mitigate construction impacts on existing property, in terms of restricting/regulating construction behaviour including construction hours of working, noise and dust levels etc. Other legislation is available to address potential pollution, including nuisance, issues once any such adverse effect is identified as occurring. From application 12/01110/APP, no planning restrictions (conditions) were applied to address construction impacts associated with the Phase 1 development.

### **Litter**

- more houses mean more workmen at site office and canteen, yet forever having to pick up bakery and crisp packets from the front garden, etc. Can this also be taken into consideration?

**Comment (PO):** Where litter is considered to result in a nuisance this can be addressed through other (environmental health) legislation. As such, litter would not be regarded as a material consideration and such public behaviour cannot be regulated through the planning process.

### **Drainage**

- previous plan had drainage network and soakaway in the area bordering Knockomie Gardens but it is now proposed to build on this miniature flood plain. What flood prevention measures will be employed in this area?
- the pathetic soakaway in front of Knockomie Gardens fills up during heavy rain, so won't these extra houses make it worse?
- Forres residents regularly suffer the misery of flooding. It remains to be seen if the flood prevention scheme works, so why not give it a chance? This small area of land should be left as proposed in the earlier plan.
- no adequate drainage is in place for the site. The proposed soakaways will not be able to cope efficiently with all of the water during heavy rain. Once houses are built, it is highly likely that some residents will pave their gardens, as happens frequently in other areas, which could lead to an increase of surface water that has nowhere to go.
- a few years ago, when some surface vegetation was removed from the field before construction began, the heavy rain created a stream that ran down and flooded the garden of a property in the Knockomie estate, almost rising into the house.
- as well as placing an unacceptable strain on the local drainage system, drainage from the development would have a detrimental effect on the ground stability of property.
- will neighbours be awarded compensation if flooding occurs after building?

**Comment (PO):** Several representations refer to the smaller area proposed for development. From the DA and SEPA's indicative flood maps, the site is not within an area liable to flooding (fluvial and coastal) and any risk from surface water flooding will be addressed by the installation of a formal drainage system, including the required on-site

provision of SUDs. Relevant consultees have not objected to the proposal as exacerbating the risk of flooding whether to the development itself or elsewhere.

Compensation is a separate matter outwith the scope of this current planning application. The development will connect to existing public drainage infrastructure: any strain on the local public drainage system infrastructure will require to be assessed and mitigated by the applicant, in consultation with Scottish Water. Subject to further detailed design arrangements being submitted/approved, relevant consultees have not objected to the proposed surface water drainage arrangements, including its effect on ground stability. The DA indicates that ground conditions will need to be considered and managed when designing and constructing the surface water drainage arrangements.

### **Landscaping**

- re-assurance sought that planting, which is supposed to screen and create borders around the edge of the development, will happen soon enough and be of sufficient density to be effective rather than just 'token' trees dotted around the development once completed.
- previously assured that the development across from us would be hidden from view by mature broad leaved trees yet, 10 plus years later, it is still in view.
- the lack of trees is the same for all four Springfield developments in Forres as the space between house and gardens is too confined for trees.

**Comment (PO):** The amended application includes a landscape plan with planting specifications and except for plot boundary hedging, planting is primarily outwith house plots, for example along the primary road (to reflect a tree-lined avenue envisaged by the masterplan) and on other areas of open (green) space, including those both within and along the western and eastern boundaries of the larger area. The latter reflect the structural planting arrangements envisaged in the masterplan for the Ferrylea site as a whole. Whilst the planting details are satisfactory and compliant with place-making principles, the time-scale(s) for undertaking planting remain to be agreed (by condition).

To be effective, (structure) planting along the western and eastern boundaries should be established at an early stage in the development, and thereafter protected and maintained, and be allowed to mature to reflect the requirements and aims of the Forres R3 designation and the masterplan, for planting to assimilate and enclose the development. No landscaping is proposed along the northern and southern boundaries of the larger area: the land beyond these boundaries is to be developed as a subsequent phase at Ferrylea and the landscaping requirements will be developed at that time. Within the development, an "early" start to the establishment of landscaping along the primary road is proposed in terms of proposals to plant semi-mature and heavy standard trees.

### **Alternative use**

- local understanding is that this 2- 3 acre Ferrylea site would be for a park or woodland for the benefit the residents of Knockomie Brae given their small gardens and overall lack of immediate greenery.

**Comment (PO):** The larger and smaller areas within this application are designated for housing and not as a park or for woodland. Irrespective of such alternative uses being suggested, the Council is required to determine the application as submitted, in this case for housing and associated infrastructure on both identified areas. Although the smaller area may not have been proposed for development within the previous Phase 1 application (12/01110/APP) this does not mean that it would not be developed.

### **At time of purchase of property**

- in 1995, assured that any development would be private and in keeping with our existing house yet this proposal does not appear to include privately owned individual houses.
- with housing development now on three sides of property, it was previously understood that the adjacent field was not to be developed for housing.

**Comment (PO):** The 'adjacent field' is taken to refer to the smaller area proposed for development, which was not included within the Phase 1 application thus perhaps giving an impression that it would not to be developed. However, to re-iterate, this part of the site is designated for housing within the development plan (Forres R3 refers) and the masterplan. Contrary to the representation, the current application includes 100 private dwellings (houses and flats) as well as 20 affordable dwellings (houses and flats), with the latter provided on the smaller area. If consideration of the proposal is limited to that smaller area, this too might give an impression that no private housing is included.

### **Impact on wildlife**

- have always understood that the site would be a green area thus conserving flora and fauna. The existing development has caused considerable disturbance to the wooded area resulting in a decrease in wildlife i.e. red squirrel, deer, and hedgehogs in this field. This development would destroy a further habitat.

**Comment (PO):** Again, both the smaller and larger areas to be developed are not designated for nature conservation purposes. No evidence is provided to demonstrate the contention about the disturbance caused to wildlife by the existing development. From the masterplan and the previous application, the site has not been shown to be of special nature conservation value in terms of the presence of special habitats and/or protected species. That said, and prior to any development commencing, any developer would nevertheless be expected to fulfil other (separate) obligations and legislative responsibilities towards protected species, for example by undertaking pre-commencement surveys to check that the site is not occupied or used by protected species and breeding birds and, where present, adopt appropriate mitigation measures so as not to adversely impact on any such habitat or species.

### **European Convention on Human Rights**

- Article 8 states that a person has to a substantive right to respect for their private family and family life and from appraisal by the courts, *Britton vs. SOS*, this includes the protection of the countryside, so 'family life' therefore encompasses not only the home but also the surroundings.
- the Council is urged to consider its responsibilities under the Human Rights Act, in particular Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land but here, the proposed development would have a dominating impact upon, and the right to the quiet enjoyment of existing property.

**Comment (PO):** Rather than state that a breach occurs, the representations provide an interpretation and/or require consideration of the provisions of Articles 1 and 8, both of which are qualified rights, meaning that a breach can be justified if it is a proportionate means to a legitimate aim.

The Council has a statutory requirement to determine planning applications in accordance with Section 25 of the 1997 Planning Act as amended (see below) and based upon their individual merits. In this case, the application site was formerly countryside but is now located within the settlement boundary of Forres and formally designated for residential purposes in the current (and former) adopted development plan for Moray including

Forres, which was subject to due statutory process including public consultation. Moreover, from consideration of this report, including account of the representations, the proposed development is considered acceptable and compliant with planning policy, including requirements to safeguard the built and natural environment. Furthermore, this proposal is not considered to result in an unacceptable or significant adverse impact upon the amenity of the surrounding area, including neighbouring property (see comments under "Impact on amenity" above). In relation to the identified legislative provisions and after consideration of planning-related matters, it is considered that the Council has been both mindful and taken due account of the implications of the development including its impact upon the surrounding locality, including neighbouring property.



## **OBSERVATIONS**

Section 25 of the 1997 Act as amended required 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 issues are considered below.

### **Pre-application Consultation Report (PAC)**

For this major application, the PAC indicates the extent of engagement with the local community in accordance with the Proposal of Application Notice (PAN) (15/01861/PAN). The PAC considers that the consultation exhibition was well-attended, attracting 25 people with the tone of the event positive and all comments received on the event have been addressed and/or progressed as part of the application.

In addressing issues about traffic impact and road safety, including construction activity disruption and disturbance effects, the PAC proposes that construction activity will be managed with 'best practice' adopted to minimise construction impacts; the TA will address traffic impact; Mannachie Road will be widened; foot and cycle paths are included both within and between the proposed and existing (Phase 1) development; and the primary road through the larger area will be designed to discourage excessive traffic speeds. An issue about the management of, and access impacts upon, the Sanquhar Woods is regarded as a separate matter.

In terms of housing density, overlooking, character and lack of quality single-storey accommodation, the PAC considers that the site layout reflects the masterplan, it is consistent with the form and layout of existing housing in the area, and provision has been made to include affordable and accessible housing. The PAC indicates that the masterplan allows for housing on the site and use for green space, or for allotments, or for kick-about pitches are neither required nor proposed within the masterplan and this current application; the proposed planting will improve bio-diversity; the extent of material currently deposited in the north west part of the designation will be affected by requirements for cut and fill whilst developing the site; and SUDs will be extensively used throughout the site with no surface water discharged from the site and "wildlife friendly" SUDS will be used, where possible.

In responding to the Committee's comments on the PAN, the PAC indicates that a section of footpath linking Ferrylea and the play park (on the south-east side of Grantown Road) has been completed; a separate roads-based application is being prepared for the final section of footpath between the site (Balnaferry Farm Lane) and the A940/Knockomie Rise/ Knockomie Gardens roundabout; and the 6m wide primary road is designed to accommodate public transport with traffic calming measures proposed to control vehicle speeds.

### **Design & Access Statement (DAS)**

The DAS outlines design principles and concepts for the development with reference to the approved masterplan layout and earlier iterations (preliminary sketches and developed layouts) used to inform and develop the site layout. The site analysis considers the road hierarchy and footpath connections, green space and building footprints, and the private, affordable and accessible housing along with proposed external materials and finishes. The DAS is largely photographic, sketch and plan/drawing based (including 3D diagrams) with limited or, in some cases, no supporting text to explain the design approach adopted.

## **Planning Statement (PS)**

The PS considers the proposal against development plan policy and relevant material considerations. With the site being allocated for housing in the development plan, the PS regards the principle of residential development on this site is established, and, as a material consideration, Scottish Planning Policy (SPP) promotes the delivery of identified housing land supply sites and enables the provision of attractive, well-designed and energy efficient new homes.

Having been developed with Designing Streets and the Council's supplementary planning guidance in mind, the PS outlines how the development on both the larger and smaller areas fulfil these provisions, noting also that the smaller (affordable housing) area adjacent to Grantown Road will benefit from proximity to public transport and access to local facilities. The PS concludes that the proposal accords with development plan policy and material considerations; and it requests that the application be approved to allow the delivery of much-needed new housing for the area.

## **Application as amended**

With two exceptions, the applicant's supporting documents are based on the original submission and have not been up-dated to reflect amended details submitted in October 2016, the majority of which relate to site layout rather than house design arrangements and to the larger area, primarily in response to an initial Quality Audit (QA) (see below) and consultee responses regarding transportation and drainage matters, etc.

Within the larger area, the changes include a small increase in size of the application site by extending the open (green) space area with planting in the north eastern corner of the site (to satisfy Policy E5 open space requirements), changes in housing mix and revised plot layout positions, notably along the northern side of the primary road and with Plot 34 re-sited further to the east); adjustment of internal road widths; additional foot/cycle path connections; additional on-site parking for some house plots (where integral garages do not meet required parking space dimensions); relocation of parking from front to side of houses; additional landscaping and changes in size of planting specifications; and revised surface water drainage arrangements to include the infiltration elements within open space/planted areas along the western and eastern boundaries.

For the smaller area, the amendments provide for an additional footpath connection to the north of Plot 102, use of bollards to preclude a second vehicle access from Darwin Drive, replacement of footpaths with hedging along Balnaferry Farm Lane and re-configured parking arrangements adjacent to Plots 119-120 (reflecting views expressed by the Housing Strategy & Development Manager).

In September 2016, an Addendum Transport Assessment (ATA) responded to the Council's comments on the TA. Separately, in part to address an objection from SEPA, a revised Drainage Assessment (October 2016) was submitted with an amended surface water drainage strategy and technical details for this 120-unit development and the remainder of the Forres R3 site (in part to address areas within the designation identified as having insufficient permeability, including part of the current site). The DA is based on 484 properties on the Forres R3 designation with 140 properties (Phase 1) and 343 properties on the remainder of the designation (including 120 units as proposed in this application).

The amended site layout details include changes in mix of house types without changing the total number of units to be provided. Many revisions involve internal and small-scale changes intended to improve upon the quality of the development in place-making terms. As such, the amended proposals have not warranted further notification and advertisement procedures although further consultation with relevant consultees has been undertaken where appropriate. The application is therefore being determined on the basis of the amended design and site layout details including drawing R3\_SL\_PL\_03 Rev C.

### **Development on Forres R3 Ferrylea (Forres R3, TSP26, TSP27, H1, H8, E5, PP3, IMP1)**

Both the smaller and larger areas within the application site form part of the Forres R3 residential designation as defined within the MLDP 2015. This current application represents a second phase of development within the Ferrylea designation. Further applications will be required to develop the remainder of the designation i.e. to the north and south of the 100-private house area included in this application. Until developed, the larger area as proposed will appear as a somewhat isolated strip of development extending west-east across the middle of a large field.

From the MLDP 2015, the first phase of the development on Forres R3 is underway with future phases to accord with the principles of a masterplan. The latter was submitted with application 12/01110/APP which granted planning permission for Phase 1 of the Ferrylea development to the west and south of the current application site i.e. for 129 houses including 67 affordable houses and community facilities together with provision for roads, transport links and strategic landscaping on the balance of the Forres R3 designation to serve up to 380 houses overall. Within Phase 1, the total number of houses was increased to 134 houses after approval of application 15/01923/APP.

The MLDP 2015 does not state any 'indicative' site capacity for the Forres R3 site. In the previous plan, 275 units were indicated but within application 12/01110/APP, up to 380 houses overall were approved, as an acceptable departure from the development plan. When the development total for the latest (second) phase (120 units) is combined with that for Phase 1 (129 increased to 134 units), the cumulative development total (249 or 254 units) does not exceed 380 units as previously approved. Thus, in terms of the number of units, the current proposal does not depart from the development plan. This issue will require review once further development is proposed on the remainder of the Forres R3 land: for example, a 484-property total, as identified in the revised DA, would exceed the "as approved" 380-unit total.

The Forres R3 Ferrylea Masterplan – which is non-statutory – was prepared by the applicant: it informed the development and determination of application 12/01110/APP but it was not approved by the Council. The masterplan sets out general principles for development on the Forres R3 designation including provision for a landscape framework; cycle pedestrian and vehicle movement; and built form and design principles, with the latter set out in detail for Phase 1 only.

Generally, the proposal reflects the provisions of the masterplan including intentions to continue the street layout and develop the smaller area for housing; the provision/extension of the primary road (or principal street) i.e. Falconer Avenue off Grantown Road through the larger area and its connection to a new (second) access formed off Mannachie Road which itself will be widened northwards towards Forres; retention of the existing pond (but not as a SUDs feature) and provision for structural planting around and within the Forres R3 site boundaries in order to integrate the development into a woodland

setting. However, relative to that envisaged in the masterplan, the density of planting to form a tree-lined avenue along the primary road is less (with fewer trees and wider spaces between trees), at approx. 10m wide, the depth of planting along the western boundary is also less extensive, and the open space/planted areas on the east and west side boundaries of the larger area will now incorporate surface water infiltration arrangements. That said, the amended details are nevertheless considered acceptable in terms of place-making considerations (see below).

For designated sites, proposals must satisfy Policy H1 requiring information to be provided for the comprehensive layout and development of the site, in order to enable consideration of servicing, infrastructure and landscaping arrangements, assessment of contributions or affordable housing etc. Additionally, proposals must comply with the development requirements to develop any site-specific designation and Policy PP3 regarding place-making principles.

In this case, no comprehensive layout giving design and site layout arrangements for the whole of the Forres R3 designation is included although from drawing R3\_SL\_PL\_03 Rev C, the proposal is given a context by being shown against parts of the adjoining Phase 1 development and other existing developments in the area. Although no house design and plot layout details are included, the development also set against the applicant's interpretation of the masterplan requirements for the provision of (structural) landscaping and road infrastructure within the remaining areas of the Forres R3 designation, thereby allowing consideration of how road/foot/cycle links within the larger area will connect into the adjoining land. Based on this information and after further assessment including consideration about the siting, design, servicing and place-making impacts of the development upon the locality (see below), the proposal is considered acceptable in terms of the identified policies.

Additionally, the (site-specific) MLDP 2015 Forres TSP26 Mannachie Road/R3 transport improvement is achieved in terms of the proposed new access to be formed onto Mannachie Road, which will also be widened to 6m and a 3m wide foot/cycle path provided from the new site access northwards towards the existing built up area of Forres. The additional Forres TSP27 improvement, regarding an additional access to Forres R3, etc. will be required/provided once further development on Forres R3 is promoted to the north of the larger area included in this application.

### **Affordable Housing (H8, PP3, IMP1)**

Policy H8 and associated supplementary guidance requires affordable housing to be provided within the development. In this case, for a 120-unit development, 30 affordable houses would be required but here, only 20 affordable houses are proposed.

Strictly speaking, this proposal departs from Policy H8 owing to the shortfall in provision of affordable housing for the current application. However, any such departure can be supported based upon the Housing Strategy & Development Manager's calculation where, relative to the total (combined) number of units being provided on Phase 1 and 2 (134+120=254) a total of 87 affordable houses (67+20) are being/will be provided instead of the 63 units that would otherwise be required.

The proposed mix of affordable housing accommodation is also acceptable including site layout and house design details, the latter having already been accepted/approved elsewhere. The affordable housing mix includes 6 single-storey properties (Plots 101-106), the only properties of that scale being provided within this phase of the

development. Whilst located on a different part of the site from the 100 private houses, all 20 affordable houses form a single group of housing located alongside, and connected to, the existing area of affordable housing within Phase 1 at Macrae Court, Darwin Drive, etc. This grouping will benefit from proximity and access to facilities and amenities within Ferrylea and the wider Forres area.

A condition is recommended to address the absence of details about the arrangement for delivery of this accommodation although, in this case, it is understood the applicant will deliver the affordable homes for and on behalf of the Council, as housing authority, an arrangement similar to that already undertaken in relation to the provision of affordable housing provision within Phase 1 at Ferrylea.

### **Accessible Housing (H9)**

Policy H9 and associated supplementary guidance requires accessible housing to be provided within the development. In this case, 10 accessible houses are required and will be provided i.e. the 2 ground floor apartments (Auldearn flats) and 8 two-storey houses (Crossley). Both accommodation types have already been accepted/approved as accessible housing elsewhere, and are designed to accord with the Council's supplementary guidance and 'Housing for Varying Needs' guidance, and provide barrier-free accessible housing suitable for people with physical disability, or mobility impairment and are fully wheelchair accessible. The internal layout of the Crossley house is capable of adaptation to allow installation of a wheelchair lift to enable access between the ground and upper floor of this accommodation. The proximity required between the parking area and access to the Auldearn flats is achieved.

Following consultation, the Housing Strategy & Development Manager has confirmed that the type, number, location, design and layout arrangements for the provision of accessible housing within the development are acceptable. Subject to the identified accommodation remaining capable of adaptation for accessible housing requirements, the proposals are considered to comply with relevant policy and supplementary guidance.

In this case, the accessible housing provision was agreed prior to adoption of the revised accessible housing guidance (from 10 October 2016) which now requires at least 50% of the accessible housing to be provided as single-storey accommodation.

### **Place-making: Design and Site Layout (PP3, PP2, H8, E4, E5, IMP1)**

In the absence of pre-application discussion with the applicant, discussions during consideration of the application have sought to promote an acceptable form of development in terms of good design and place-making principles advocated by Policy PP3 and associated Urban Design Supplementary Guidance (SPG). As a material consideration, a Quality Audit (QA) process, covering a range of both design and site layout issues has been agreed/adopted to assess the conformity of residential developments with Policy PP3 and SPG (paragraph 5 of the minute, Planning & Regulatory Services Committee, 1 December 2015 refers).

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

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

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

QAs were undertaken for the original proposal (June 2016) and the amended submission (October 2016) (and hereafter reference is made to the latter QA unless otherwise indicated). From comparison of the "traffic light" assessment of place-making criteria examined in each QA (see table below), the amended proposal maintains or improves upon the development's compliance with place-making principles and appears as a quality improvement relative to the original submission after incorporating some, but not all, of the suggested mitigations made in the original QA as a means to improve the quality of the development, including attention to landscaping and car parking. Based on the amended plans, overall the development is considered acceptable and satisfies relevant policy and guidance including Policy PP3, H1, E5 and IMP1.

|       | QA - Original Proposal<br>(June 2016)  | QA – Amended Proposal<br>(October 2016) |
|-------|--|---|
| Red   | 5<br>(car parking, natural features, open space,<br>biodiversity, landscaping) | 1<br>(car parking)                      |
| Amber | 6  | 4                                       |
| Green | 1  | 7                                       |

In terms of design place-making principles, the 'housing mix' (amber) includes private and accessible and affordable housing, the latter mix having been agreed with the Housing Strategy & Development Manager. Except for 6 single-storey affordable homes, the design of all other accommodation is approximately 1½ or 2 storeys in scale and character, and all house designs are acceptable and reflect those already approved/built elsewhere on other sites promoted by the applicant, including property on the adjoining Phase 1 development. Whilst individual designs may vary within and between the private and affordable houses, adding variety and interest to the development, they are all linked in terms of their uniformity in external materials and finishes.

The QA does not regard the limited number of single-storey houses within the development and/or the grouping of all affordable and private houses within two separate but different areas of the site as being non-complaint in terms of Policy PP3, or H8. In the QA, the housing mix remains 'amber' because of the "cumulative" approach used to calculate affordable housing provision rather than strict application of Policy H8 to this application alone.

The amended proposal is compliant with Policy PP3 in terms of 'character and identity' (green) after incorporating suggested mitigations requiring a detailed landscape plan and the introduction of additional and denser planting (number and sizes of plantings) to enhance the setting and provide a context for the development, notably within the larger area and along its eastern and western boundaries. The smaller "village green" area in the south of the larger area also adds character to the houses surrounding it. In character terms, the proposed house designs and material finishes are somewhat 'led' by the earlier

development on Phase 1, itself influenced by earlier supplementary guidance and the masterplan.

In terms of movement place-making principles, the smaller area is linked/connected with the existing Phase 1 development area but separated from it by Balnaferry Farm Lane. The larger area is linked to Phase 1 once Falconer Avenue is extended eastwards to Mannachie Road but it remains separate from the existing Phase 1 development area owing to the difference in elevation and the proposed landscaping arrangements to be provided between the respective development areas.

Generally, the proposal is compliant with Policy PP3 in terms of 'safe environment', 'connections' and 'legibility/street hierarchy' (all amber) with the development being well-defined and adopting a grid-like street pattern, although in the larger area several short cul-de-sacs (local streets) serving 2-4 houses. Not all earlier suggested mitigations have been incorporated including, for example, use of different surfacing materials and colours but overall, the grid layout and open space areas combine to create features which aid orientation within the development along with the use of streets of varying width, a mix of housing and planting, and on some corners, the choice of house design (Culbin) helps to 'turn the corner'. Traffic calming features are proposed to influence vehicle speeds.

Both the smaller and larger areas are well-connected internally in terms of roads, foot and cycle paths. Within the former, an additional footpath connection has been added to enhance direct access onto Grantown Road and a new section of footpath along Grantown Road is required between the site and the roundabout to the north. Within the latter, additional foot/cycle link connections are introduced and six 'linking streets' (road plus foot and cycle path arrangements) will serve as 'future connections' between the site and the remaining Forres R3 land. Following consultation, the Transportation and Moray Access Managers' recommendations (conditions) seek to enhance connectivity within the development and to the wider area whilst also endorsing development plan and/or masterplan requirements for the new access and widening of Mannachie Road including foot and cycle links and crossings to connect to the wider core path network.

As amended, the proposals are compliant in terms of 'access to facilities and amenities' (green) whether in terms of access to existing and proposed open space areas and community facilities within Phase 1 or via proposed connections on Grantown Road and Mannachie Road to facilities within the wider Forres area. The primary route extending west-east through the larger area site is designed as a route for 'public transport' (green) with locations for two bus stops within the larger area identified, both within 400m walking distance of the houses. The provision of public transport (bus infrastructure and bus service) will be promoted through a developer obligation agreed with the applicant.

Notwithstanding the amended proposals, the 'car parking' aspect of place-making remains 'red'. The QA notes that some improvement has been achieved with mitigation employed to reduce and/or soften the physical and visual dominance and impact of frontage parking along the primary route, for example by revising house mix, house positions and site layout arrangements and by introducing additional landscaping including trees and hedging. However, such mitigation has not been applied to the same degree elsewhere within the larger area, for example on streets off the primary road where frontage parking remains a dominant feature and although additional landscaping (including hedging) is included to mitigate the impact, this alone is not considered sufficient to redress or reduce the otherwise prominent and intrusive effect of frontage parking (and for some plots, additional parking is included because the size of the integral garage does not count as

parking space). Thus, whilst car parking remains at 'red' as the sole non-compliant Policy PP3 place-making criterion, the QA nevertheless regards this as only one element within the development and because other elements are deemed satisfactory, the overall quality improvement within the amended proposal is, in this case, considered acceptable in terms of Policy PP3.

In terms of open space place-making principles, the amended proposals are fully compliant in terms of 'open space', 'natural features', bio-diversity' and 'landscaping' (green) following provision of additional (denser) planting and/or detailed planting specifications to address concerns about the quantity and quality of the planting arrangements. The planting specification details, which include provisions for their maintenance, are acceptable and similar to those already proposed/approved within the applicant's other developments and seek to define plot frontages; screen, enclose and reduce the dominance of frontage car parking; and generally, 'soften' the streetscape and appearance of the development, in order to enhance the character and quality of the development. Whereas the amended landscape details identify a range of species which comprise "feature trees", the landscape plan does not determine the exact species to be planted in each location.

Open space areas of varying size are proposed including a small 'village green' space and larger planted areas along the eastern and western side boundaries to the larger area. Small-scale and localised but not substantive changes to the level of provision are likely to occur owing to changes in the site layout where recommended by consultees. As submitted, the site layout arrangements for the larger and smaller areas within the development each achieve the 20% open space (min.) requirement of Policy E5, to ensure that each area within the development accords with rather than departs from the development plan.

The amended plans include additional planting including hedging, for example within the open space areas along the eastern and western sides of the larger area to provide a greater density of planting and reflect structure planting aims of the masterplan to contain further development within Ferrylea. With denser planting arrangements (number and size of species) now included (see drawing R3\_SL\_PL\_14 Rev A), the QA regards the amended open space/landscaping proposals as being compliant with Policy PP3 and E5, in terms of place-making and quantity and quality of open space provision. This is notwithstanding the reduced depth of planting along the western boundary (which will now also accommodate a surface water infiltration element) and the greater spacing between the feature trees within the tree-lined "avenue" along the primary road when compared with the masterplan. The increased use of semi-mature rather than smaller-sized species will afford an earlier and more "instant" effect in landscaping terms along the primary road.

Additionally, based on the amended design and site layout details and after taking into account the relationship between properties within and outwith the development area including their orientation, scale, siting, difference in FFLs, nature of accommodation served by windows, intervening distance and boundary treatment, etc. no unacceptable or significant adverse amenity impacts including effects on privacy, overlooking and sun/day lighting etc. are considered to occur either within the development as proposed or between it and existing residential development within the surrounding area. In the absence of any identified unacceptable amenity effects upon the surrounding environment, the proposals are considered to comply with Policy H1 and IMP1.



In terms of climate change matters, the proposal complies with Policy PP2. From the submitted 'Sustainability Checklist', the site layout and design details incorporate passive low energy design measures which are regarded as being of potentially greater value and more 'user-friendly' than other technologically-driven techniques. Together with identifying various resource efficiencies, the development is to adopt sustainable surface water management and flooding principles with all house types and site layout arrangements designed to offer adaptable/flexible living spaces within the site and create an inclusive environment and community spirit, thereby catering for the needs of all people as well as being compliant with accessible and Building Standards requirements. The checklist contents and proposals are similar to checklists submitted by the applicant for other developments elsewhere

### **Transportation (Forres R3, TSP26, T2, T4 T5, T6, T7, PP3, IMP1, IMP2, IMP3)**

Planning policies for transportation interests include requirements for development to provide a safe and suitable access; provide car parking in accordance with current standards; maximise opportunities for pedestrian, cycle and public transport connections and routes; identify improvements and mitigate the impact of development upon existing transportation infrastructure. Subject to conditions and legal agreement as appropriate and recommended, the proposed transport (road, foot and cycle, public transport) arrangements are acceptable and satisfy planning policy

As considered above, transportation arrangements are considered compliant in Policy PP3 place-making (movement) terms, whether in defining the street hierarchy or ensuring connectivity and facilitating access to facilities and amenities including public transport whether within the Ferrylea site and/or the wider Forres area. Although mitigation by additional landscaping alone may not address the resultant intrusion and dominance of frontage parking on streets off the primary route, the proposed level of parking included within the development would accord with the requirements of Policy T5.

In terms of Policy IMP2, the ATA responds to various comments raised by the Transportation Manager in relation to the TA. The latter confirms that all internal roads and the 3-arm priority junction onto Mannachie Road will be constructed to adoptable standards and conform to relevant design standards. To achieve safety benefits and 'future proof' the road design, to accommodate the further build-out of Forres R3 and other (proposed) residential designations nearby, the TA advocates extending (moving) the 30mph speed limit southwards on Mannachie Road to the new site access: this is not accepted by the Transportation Manager because it would not be self-enforcing with no frontage development proposed onto Mannachie Road but to reflect the required implementation of an increased road width and provision of a street lit cycle path along Mannachie Road, an Order is recommended to promote a change the existing speed limit of the road.

The TA examines the impact of the development upon various road junctions in the wider area, including that proposed onto Mannachie Road and the existing access off Grantown Road. It concludes that the proposal will have a negligible impact on the operation of the existing road network, background traffic levels are such that each of the junctions examined operate well below their practical capacity, and with no detrimental impacts identified on the operation of the transport network, no off-site junction improvements are required/proposed to mitigate the effect of the development.

Whilst the internal road layout and site access junctions are designed to accommodate bus movement, the TA considers that development of a bus service routed through Forres

R3 is unlikely until it and the neighbouring residential designations are fully developed. However, after being recommended by the Transportation Manager, the applicant has agreed to a developer obligation to encourage and promote early provision of a public transport (bus stop infrastructure and bus service) through the site. The detailed requirements to delivery public transport (by commencement of the 40<sup>th</sup> house within the development) will be addressed through a legal agreement.

**Water, Drainage and Flooding (EP10, EP5, EP7, IMP1, IMP2)**

**Water Supply:** The proposal will use a public mains water supply. In the absence of any formal response on the application, further discussion will be required between the applicant and Scottish Water about the capacity available within the existing public supply network, arrangements to connect to the public system, and any works required to up-grade the existing water mains infrastructure.

**Foul (waste water) drainage:** Policy EP10 requires a public connection for development located within settlements. In the absence of any formal response on the application, further discussion will be required between the applicant and Scottish Water about the capacity available within the existing public drainage network, arrangements to connect to the public system, and any works required to up-grade the existing mains drainage infrastructure.

The proposed foul drainage arrangements for both smaller and larger areas (see The Proposal) provide for connections to existing public foul drainage infrastructure on Grantown Road via drainage 'stubs' already provided within Phase 1 and existing pipes will be up-sized to provide additional capacity. In principle, the proposed public foul drainage connections are acceptable and satisfy Policy EP10.

In confirming that the development will be served by separate foul and surface water drainage systems, the (revised) DA confirms that discussions with Scottish Water are underway regarding the proposed public connections including capacity available within the networks and at the treatment plant, taking into account changes within the wider area since the assessment for Phase 1 and changes in the number of properties now intended to discharge: as noted, the DA is based on a larger number of properties for the whole of the Forres R3 designation (484 properties including the 120 properties as proposed here) and a development of that size would exceed any previously identified indicative site capacity or development granted planning permission for the designation.

**Surface Water Drainage:** Policy EP5 requires surface water drainage to be dealt with in a sustainable manner using SUDs, with a DA required for developments of 10 or more houses. In principle, and subject to conditions as recommended, the arrangements for disposal of surface water are acceptable and satisfy the identified planning policy and relevant guidance.

The DA and SUDs Design Statement identify the strategy for the disposal of surface water on both the larger and smaller areas (see The Proposal) and confirm the use of infiltration based SUDs, to be designed in accordance with sustainable development principles, thereby reflecting the requirements of policy EP5, and meeting the requirements of the relevant CIRIA guidance (as required by SEPA).

Within an area of low permeability identified as occurring over part of the larger area (approx. 55 plots and road areas) and over the adjoining land to the south, the revised drainage arrangements now propose surface water from areas having insufficient

infiltration being conveyed to areas with greater permeability, hence the east infiltration tank located alongside the primary road close to the new access onto Mannachie Road and a west infiltration tank located within the open space/landscape planted area along the western boundary. The latter to be sized/sited to take overland flows from future development on land to the south. From the DA, these (revised) drainage proposals are based on preliminary investigation and design considerations with further detailed design work to be undertaken including consideration of slope instability issues and careful management of excavation works. The DA does not expect this to be prohibitive in implementing infiltration in the identified locations.

Following consultation, neither SEPA nor Moray Flood Risk Management (MFRM) object to the revised surface water arrangements subject to conditions as recommended requiring submission of detailed (finalised) design information for all SUDs, details of overland flow routes (in light of alteration of ground levels proposed within the larger area), and details to demonstrate how the disposal of surface water will be managed during the construction period to mitigate the impact of the development upon the locality including the water environment.

As regards the existing pond within the larger area, the DA confirms that it has a local catchment area and whilst water levels will be maintained (as required by SEPA) it will not be used as a SUDs feature (as identified in the masterplan). With the pond close to existing ground levels at a high location within the larger area, it would be difficult to attenuate surface water without the need to build up the banks of the pond and raise surrounding ground levels: the DA proposes to maintain existing pond levels by maximising the catchment area of the pond (approx. 25 houses) and allow it to overflow to a downstream infiltration trench tank to mitigate excess water levels. The DA proposes that a detailed design will be developed to determine the exact catchment and drainage levels. SEPA and MFRM have not objected to the pond arrangements: the former recommends that the arrangements to maintain the pond form part of their recommended condition for details of the detailed surface water drainage arrangements for the site.

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

From various information sources, including the DA and SEPA's indicative maps, the site is not identified as being at risk from river or coastal flood sources and apart from the existing pond there are no other water features on or near the site. The DA highlights that small areas/low points located within the undulating topography across the site are at risk of surface water flooding but these areas will be addressed once a formal (surface water) drainage system has been provided for the site.

Following consultation, SEPA and MFRM have not objected to the development in flooding terms. Subject to conditions as recommended including implementation of the foul and surface water arrangements for the site, the proposal would accord with Policy EP7 and not exacerbate the risk of flooding to the development itself or elsewhere.

### **Impact on natural and cultural heritage (E1, E2, E3, ER5, BE1, IMP1)**

Policies E1, E2 and E3 seek to protect and avoid adverse impacts occurring upon designated nature conservation sites and protected habitats and species. Policy BE1 requires development not to adversely affect local and national archaeological sites, including their setting. Subject to conditions as recommended and in the absence of any

unacceptable or significant adverse effects identified upon natural and cultural heritage interests the proposal would accord with planning policy.

The site is not the subject of any site-specific statutory nature conservation designation. As farmland, the land is likely to be of limited value in ecological or conservation terms, including habitats and protected species. That said, this does not preclude the applicant from undertaking pre-start surveys of both areas within the site to check for the presence or otherwise of any protected species or habitats before construction works commence on the site.

The development is located on, and involves the loss of, prime quality (Class 2) agricultural land. The loss of such quality agricultural land has already been accepted through the formal designation of the Forres R3 Ferrylea site for residential purposes within the current and previous development plan, and also the earlier permission (12/01110/APP). On this basis, consideration of the development as a departure from Policy ER5 has not been pursued.

The site is not subject to any site-specific cultural heritage designations except in relation to archaeological interests. To mitigate any adverse effect, Aberdeenshire Archaeology Services has recommended that a written scheme of archaeological works be submitted/approved to allow for investigation, recording and recovery of any archaeology from the site. In this case, a trial trenching evaluation is required within identified areas of the site which were not previously subject to investigation.

#### **Pollution impacts (EP8, EP9, IMP1)**

Policy EP8 requires investigation and appropriate mitigation where significant pollution (from noise, etc.) may be caused by a development. Policy EP9 requires investigation and effective remediation of any potential adverse contamination of land on which the development is located. Policy IMP1 requires proposals to address any potential risks of pollution in accordance with recognised pollution prevention and environmental control measures. Subject to conditions as recommended and in the absence of any identified unacceptable or significant adverse pollution impacts, the proposal would accord with relevant planning policy.

Following consideration, the Environmental Health Manager has not objected to the proposal in terms of adverse pollution impacts, including amenity or nuisance effects, arising from noise, dust, and disturbance and or disruption, etc. during construction and/or operation of the development. No mitigation measures, for example restrictions on construction working times or similar, are required/proposed to address any impact of on-site construction activity upon any nearby neighbouring property, whether within or adjoining the site. The adjoining Phase 1 Ferrylea development was similarly approved without restrictions or requirements (conditions) being placed it to address/mitigate any adverse pollution impact.

The PAC indicates that the applicant is to adopt appropriate site construction working practices, including attention to 'best practice' measures (as recommended within other legislation). Subject to the commitment to, and adoption of, such measures to manage and redress any potential impacts, any residual effects are unlikely to be significant. If such impacts were to occur these could be addressed by other legislation. The Transportation Manager has recommended a Construction Traffic Management Plan to address and manage the effects of construction traffic on the local transport network both

within the site and upon the wider area, including routes to be used by construction vehicles to gain access to both the larger and smaller areas proposed for development.

Following consideration, the Council's Contaminated Land Service has not objected to the proposal with no investigation and/or remediation required/proposed. On this basis, the proposal does not conflict with policy EP9.

To address and minimise impacts of the development and prevent potential pollution of the environment, SEPA has recommended the preparation and implementation of a site-specific Construction Environmental Management Plan (CEMP). This Plan should systematically identify and address all potential pollution risks and aspects of the site and the development that might adversely impact on the environment together with identification of all required/proposed pollution prevention and mitigation measures to be adopted/implemented. In this case, the CEMP is required to address and manage surface water run-off, materials and waste on the site during the construction phase.

### **Developer Obligations (IMP3)**

Policy IMP3 seeks contributions where development has a measurable adverse or negative impact upon existing infrastructure, community facilities or amenity. From 14 October 2016, the Council's Supplementary Guidance: Developer Obligations has been adopted for use as a material consideration in the determination of planning applications (although in this case contributions were identified prior to the adoption of this guidance). In developing planning obligations, Circular 3/2012 advises that consideration should be given to the economic viability of proposals, and that concluding planning obligations should not delay the benefits of appropriately planned development that is generally in accordance with policy nor add significant costs for developers and infrastructure providers (paragraph 2).

In this case, and to mitigate identified impacts associated with the development, Aberdeenshire Council's Developer Obligations Unit (DOU) identified requirements for contributions towards and secondary education facilities, sports and recreation, open space, core path infrastructure. Separately, the Transportation Manager identified a contribution requirement towards the provision of public transport (bus stop infrastructure and bus service).

The obligations contributions as identified were subject to discussion and negotiation with the applicant after which the applicant confirmed agreement to contribute to obligations relating to the provision of a new 3G pitch for Forres, secondary education and public transport (bus stop infrastructure and bus service). Other identified contributions have not been progressed. The agreed amount of (financial) obligation represents approx. 94.9% of the total obligations as originally identified. The terms relating to the obligations will be subject to a legal agreement to be completed prior to any issue of any planning permission with contributions payable on a staged payment basis.

### **Conclusion and Recommendation**

120 new houses - a mix of private and affordable, and accessible housing accommodation - are proposed as a further phase of development on the Forres R3 designation. The development will be accessed from Grantown Road and Mannachie Road (to be widened) with Falconer Avenue, the existing primary road through the existing (Phase 1) Ferrylea development being extended eastwards to connect between the two points of access. The proposal will also allow for access by varying transport modes (including motorised vehicles, public transport, pedestrian and cycles) both within the development and/or to

the wider area together with provision for drainage including surface water infiltration systems and landscaping, the latter in part reflecting the provisions of a masterplan for the designation.

Where proposed within the development, frontage car parking arrangements may not fully accord with place-making principles advocated within Policy PP3 but the development overall, in particular the amended detailed design site layout and servicing arrangements, is nevertheless considered to accord with relevant planning policy, and any departure from Policy H8 regarding the level of affordable house provision for this development can be supported when, in cumulative terms, the level of provision of affordable housing included in this application is considered alongside the level of such accommodation already provided within the existing (Phase 1) Ferrylea development to the west. The proposal will not have an unacceptable or significant adverse effect upon the surrounding (natural and built) environment, and there are no material considerations that indicate otherwise.

The proposal is subject to a legal agreement in relation to an agreed level of developer obligations towards provision of a new 3G pitch, secondary education and public transport (bus stop infrastructure and bus service).

## **REASON(S) FOR DECISION**

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

120 new houses - a mix of private and affordable, and accessible housing accommodation - are proposed as a further phase of development on the Forres R3 designation. The development will be accessed from Grantown Road and Mannachie Road (to be widened) with Falconer Avenue, the existing primary road through the existing (Phase 1) Ferrylea development being extended eastwards to connect between the two points of access. The proposal will also allow for access by varying transport modes (including motorised vehicles, public transport, pedestrian and cycles) both within the development and/or to the wider area together with provision for drainage including surface water infiltration systems and landscaping, the latter in part reflecting the provisions of a masterplan for the designation.

Where proposed within the development, frontage car parking arrangements may not fully accord with place-making principles advocated within Policy PP3 but the development overall, in particular the amended detailed design site layout and servicing arrangements, is nevertheless considered to accord with relevant planning policy, and any departure from Policy H8 regarding the level of affordable house provision for this development can be supported when, in cumulative terms, the level of provision of affordable housing included in this application is considered alongside the level of such accommodation already provided within the existing (Phase 1) Ferrylea development to the west. The proposal will not have an unacceptable or significant adverse effect upon the surrounding (natural and built) environment, and there are no material considerations that indicate otherwise.

The proposal is subject to a legal agreement in relation to an agreed level of developer obligations towards provision of a new 3G pitch, secondary education and public transport (bus stop infrastructure and bus service).

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## **APPENDIX**

### **POLICY**

#### **Adopted Moray Local Development Plan 2015**

##### **R3: Ferrylea**

This first phase of housing on this site is currently under construction. Future phases should be in accordance with the principles established in the approved masterplan for the whole site.

##### **TSP26: Mannachie Road/R3**

New access onto Mannachie Road (C14E) to provide access to R3.

##### **TSP27: Mannachie Road/R6/R3**

New junction on Mannachie Road (C14E) to provide access to R3 and R6. Extend footway connections from Forres, widen road and provide new foot and cycleway.

#### **Primary Policy PP1: Sustainable Economic Growth**

The Local Development Plan identifies employment land designations to support requirements identified in the Moray Economic Strategy. Development proposals which support the Strategy and will contribute towards the delivery of sustainable economic growth and the transition of Moray towards a low carbon economy will be supported where the quality of the natural and built environment is safeguarded and the relevant policies and site requirements are met.

#### **Primary Policy PP2: Climate Change**

In order to contribute to reducing greenhouse gas emissions, developments of 10 or more houses and buildings in excess of 500 sq. m should address the following:

- Be in sustainable locations that make efficient use of land and infrastructure
- Optimise accessibility to active travel options and public transport
- Create quality open spaces, landscaped areas and green wedges that are well connected
- Utilise sustainable construction techniques and materials and encourage energy efficiency through the orientation and design of buildings
- Where practical, install low and zero carbon generating technologies
- Prevent further development that would be at risk of flooding or coastal erosion
- Where practical, meet heat and energy requirements through decentralised and local renewable or low carbon sources of heat and power

- Minimise disturbance to carbon rich soils and, in cases where it is agreed that trees can be felled, to incorporate compensatory tree planting.

Proposals must be supported by a Sustainability Statement that sets out how the above objectives have been addressed within the development. This policy is supported by supplementary guidance on climate change.

### **Primary Policy PP3: Placemaking**

All residential and commercial (business, industrial and retail) developments must incorporate the key principles of Designing Streets, Creating Places and the Council's supplementary guidance on Urban Design.

Developments should;

- create places with character, identity and a sense of arrival
- create safe and pleasant places, which have been designed to reduce the fear of crime and anti-social behaviour
- be well connected, walkable neighbourhoods which are easy to move around and designed to encourage social interaction and healthier lifestyles
- include buildings and open spaces of high standards of design which incorporate sustainable design and construction principles
- have streets which are designed to consider pedestrians first and motor vehicles last and minimise the visual impact of parked cars on the street scene.
- ensure buildings front onto streets with public fronts and private backs and have clearly defined public and private space
- maintain and enhance the natural landscape features and distinctive character of the area and provide new green spaces which connect to green and blue networks and promote biodiversity
- The Council will work with developers and local communities to prepare masterplans, key design principles and other site specific planning guidance as indicated in the settlement designations.

### **Policy H1: Housing Land**

#### **Designated sites**

Land has been designated to meet the strategic housing land requirements 2013-2025 in the settlement statements as set out in Table 1. Proposals for development on all designated housing sites must include or be supported by information regarding the comprehensive layout and development of the whole site. This allows consideration of all servicing, infrastructure and landscaping provision to be taken into account at the outset. It will also allow an assessment of any contribution or affordable housing needs to be made. Proposals must comply with the site development requirements within the settlement

plans and policies and the Council's policy on Place- making and Supplementary Guidance, "People and Places".

### **Windfall sites within settlements**

New housing on land not designated for residential development within settlement boundaries will be acceptable if;

- a) The proposal does not adversely impact upon the surrounding environment, and
- b) Adequate servicing and infrastructure is available, or can be made available
- c) The site is not designated for an alternative use
- d) The requirements of policies PP2, PP3 and IMP1 are met.

### **Housing Density**

Capacity figures indicated within site designations are indicative and proposed capacities will be considered against the characteristics of the site, conformity with policies PP3, H8 and IMP1.

### **Policy H8: Affordable Housing**

Proposals for new housing developments of 4 or more units (including conversions) must provide 25% of the total units as affordable housing.

A higher percentage contribution may be appropriate subject to funding availability as informed by the Local Housing Strategy. A lesser contribution or alternative in the form of off-site provision or a commuted payment will only be considered where exceptional site development costs or other project viability issues are demonstrated.

Supplementary or other guidance will provide further details of this policy including the proportion of provision, the specification of wheelchair accessible housing and the exceptions that may apply.

### **Policy H9: Housing Mix/Accessible Housing**

Proposals for multiple houses must meet the needs of smaller households, older people and other needs (e.g. extra care housing) identified in the Council's Housing Need and Demand Assessment.

All new residential developments must provide a range of housing of different types and sizes which should reflect the requirements of the Local Housing Strategy. Different house types should be well integrated, ensuring that the siting and design is appropriate to the location and does not conflict with the character of the local area.

Housing proposals of 10 or more units will be required to provide a proportion of wheelchair accessible housing. Flexibility may apply on less accessible sites and/or where an alternative acceptable housing mix is proposed.

Off-site provision may be acceptable where sites do not have good access to local services and facilities and are not considered appropriate for housing for older people.

Supplementary or other guidance will provide further details of this policy including the proportion of provision, the specification of wheelchair accessible housing and the exceptions that may apply.

## **Policy E1: Natura 2000 Sites and National Nature Conservation Sites**

### **Natura 2000 designations**

Development likely to have a significant effect on a Natura 2000 site which is not directly connected with or necessary to its conservation management must be subject to an appropriate assessment of the implications for its conservation objectives. Proposals will only be approved where the appropriate assessment has ascertained that there will be no adverse effect on the integrity of the site.

In exceptional circumstances, proposals that could affect the integrity of a Natura site may be approved where;

- a) there are no alternative solutions; and
- b) there are imperative reasons of over-riding public interest including those of a social or economic nature, and
- c) if compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

For Natura 2000 sites hosting a priority habitat or species (as defined in Article 1 of the Habitats Directive), prior consultation with the European Commission via Scottish Ministers is required unless either the imperative reasons of overriding public interest relate to human health, public safety or beneficial consequences of primary importance to the environment.

### **National designations**

Development proposals which will affect a National Park, Site of Special Scientific Interest (SSSI) or National Nature Reserves will only be permitted where:

- a) the objectives of designation and the overall integrity of the area will not be compromised; or
- b) any significant adverse effects on the qualities for which the site has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

## **Policy E2: Local Nature Conservation Sites and Biodiversity**

Development likely to have a significant adverse effect on Local Nature Reserves, native woodlands identified in the Native Woodland Survey of Scotland, raised peat bog, wetlands, protected species, wildlife sites or other valuable local habitat or conflict with the

objectives of Local Biodiversity Action Plans will be refused unless it can be demonstrated that;

- a) local public benefits clearly outweigh the nature conservation value of the site, and
- b) there is a specific locational requirement for the development

Where there is evidence to suggest that a habitat or species of importance exists on the site, the developer will be required at his own expense to undertake a survey of the site's natural environment.

Where development is permitted which could adversely affect any of the above habitats or species the developer must put in place acceptable mitigation measures to conserve and enhance the site's residual conservation interest.

Development proposals should protect and where appropriate, create natural and semi natural habitats for their ecological, recreational and natural habitat values. Developers will be required to demonstrate that they have considered potential improvements in habitat in the design of the development and sought to include links with green and blue networks wherever possible.

### **Policy E3: Protected Species**

Proposals which would have an adverse effect on a European protected species will not be approved unless;

- there is no satisfactory alternative; and
- the development is required to preserve public health or public safety, or for other reasons of overriding public interest, including those of a social or economic nature, and beneficial consequences of primary importance for the environment; and the development will not be detrimental to the maintenance of the population of species concerned at a favourable conservation status of the species concerned.

Proposals which would have an adverse effect on a nationally protected species of bird will not be approved unless;

- There is no other satisfactory solution
- The development is necessary to preserve public health or public safety
- The development will not be detrimental to the conservation status of the species concerned.

Proposals which would have an adverse effect on badgers or their setts must be accompanied by a Badger Protection Plan to avoid, minimise or compensate for impacts. A licence from Scottish Natural Heritage may be required as well as planning permission. Where a protected species may be affected a species survey should be prepared to accompany the application to demonstrate how any offence under the relevant legislation will be avoided.

## **Policy E4: Trees and Development**

The Council will serve Tree Preservation Orders (TPO's) on potentially vulnerable trees which are of significant amenity value to the community as a whole, or trees of significant biodiversity value.

Within Conservation Areas the Council will only agree to the felling of dead, dying, or dangerous trees. Trees felled within Conservation Areas or subject to TPO protection should be replaced, unless otherwise agreed with the Council.

Woodland removal will only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The Council may attach conditions on planning consents ensuring that existing trees and hedges are retained or replaced.

Development proposals will be required to meet the requirements set out in the Council's Trees and Development Supplementary Guidance. This includes carrying out a tree survey to identify trees on site and those to be protected. A safeguarding distance should be retained between mature trees and proposed developments.

When imposing planting or landscaping conditions, native species should be used and the Council will seek to promote green corridors.

Proposals affecting woodland will be considered against Policy ER2.

## **Policy E5: Open Spaces**

### **Safeguarding Open Spaces**

Development which would cause the loss of, or adversely impact on, areas identified under the ENV designation in settlement statements and the amenity land designation in rural groupings will be refused unless;

- The proposal is for a public use that clearly outweighs the value of the open space or the proposed development is ancillary to the principal use and will enhance use of the site for sport and recreation; and
- The development is sited and designed to minimise adverse impacts on the recreational, amenity and biodiversity value of the site; and
- There is a clear excess of the type of ENV designation within easy access in the wider area and loss of the open space will not negatively impact upon the overall quality and quantity of open space provision, or
- Alternative provision of equal or greater benefit will be made available and is easily accessible for users of the developed space.

## **Provision of new Open Spaces**

### **Quantity**

New green spaces should be provided to the following standards;

- Residential sites less than 10 units - landscaping to be determined under the terms of policies PP3 and IMP1 to integrate the new development.
- Residential sites 10-50 units and new industrial sites- minimum 15% open space
- Residential sites 51-200 units- minimum 20% open space
- Residential sites 201 units and above and Business Parks- minimum 30% open space including allotments, formal parks and playspaces within residential sites.

### **Quality**

New green spaces should be;

- Overlooked by buildings with active frontages
- Well positioned, multi-functional and easily accessible
- Well connected to adjacent green and blue corridors, public transport and neighbourhood facilities
- Safe, inclusive and welcoming
- Well maintained and performing an identified function
- Support the principles of Placemaking policy PP3.

### **Allotments**

Proposals for allotments on existing open spaces will be supported where they do not adversely affect the primary function of the space or undermine the amenity value of the area and where a specific locational requirement has been identified by the Council. Consideration will include related aspects such as access and car parking and not just the allotment area itself.

## **Policy BE1: Scheduled Monuments and National Designations**

### **National Designations**

Development Proposals will be refused where they will adversely affect Scheduled Monuments and nationally important archaeological sites or their settings unless the developer proves that any significant adverse effect on the qualities for which the site has been designated are clearly outweighed by social or economic benefits of national importance.

## **Local Designations**

Development proposals which will adversely affect sites of local archaeological importance or the integrity of their settings will be refused unless it can be demonstrated that;

- a) Local public benefits clearly outweigh the archaeological value of the site, and
- b) There is no suitable alternative site for the development, and
- c) Any adverse effects can be satisfactorily mitigated at the developer's expense

Where in exceptional circumstances, the primary aim of preservation of archaeological features in situ does not prove feasible, the Council shall require the excavation and researching of a site at the developers expense.

The Council will consult Historic Scotland and the Regional Archaeologist on development proposals which may affect Scheduled Monuments and archaeological sites.

## **Policy 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 EP10: Foul Drainage**

All development within or close to settlements (as defined in the Local Development Plan) of more than 2,000 population equivalent will require to connect to the public sewerage system unless connection to the public sewer is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed investment to address this constraint has been specifically allocated within its current Quality Standards Investment Programme and the following requirements apply:

- Systems shall not have an adverse impact on the water environment;
- Systems must be designed and built to a standard which will allow adoption by Scottish Water.
- Systems must be designed such that they can be easily connected to a public sewer in the future. Typically this will mean providing a drainage line up to a likely point of connection.

All development within or close to settlements (as identified in the Local Development Plan) of less than 2000 population equivalent will require to connect to public sewerage system except where a compelling case is made otherwise. Factors to be considered in such a case will include size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage problems within the area. Where a compelling case is made, a private system may be acceptable provided it does not pose or add risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or amenity of the

general area. Consultation with Scottish Environment Protection Agency will be undertaken in these cases.

Where a private system is deemed to be acceptable (within settlements as above or small scale development in the countryside) a discharge to land (either full soakaway or raised mound soakaway) compatible with Technical Handbooks (which sets out guidance on how proposals may meet the Building (Scotland) Regulations 2004) should be explored prior to considering a discharge to surface waters.

### **Policy EP11: Hazardous Sites**

The Council will have regard to the presence of major hazard sites, and apply the PADHI (Planning Advice for Development near Hazardous Installations) methodology for planning applications within the consultation distances around these sites. Formal consultations with the Health and Safety Executive and also the Scottish Environment Protection Agency (SEPA) will take place as appropriate.

### **Policy ER5: Agriculture**

The Council will support the agricultural sector by:

- a) Presuming against irreversible development on prime agricultural land (classes 1, 2 and 3.1) unless the site is required for settlement expansion and there is no other suitable alternative.
- b) Supporting farm diversification proposals in principle and supporting business proposals which are intended to provide additional income/ employment on farms.

Proposals for agricultural buildings with a locational requirement will be subject to visual, landscape and amenity considerations and considered against the relevant environmental policies.

### **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 T4: Safeguarding Bus, Rail & Harbour Facilities**

The Council will promote the improvement of bus, rail and harbour services and facilities within Moray. Development proposals that may compromise the viability of these facilities will not be acceptable.

Where proposals have the potential to impact on the rail network this should be assessed and adverse impacts mitigated.

Diversification of commercial harbours for freight and as operations and maintenance base for offshore renewables will be encouraged. Harbours are identified within settlement statements along with the uses that will be supported.

## **Policy T5: Parking Standards**

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

## **Policy T6: Traffic Management**

There is a presumption against new accesses onto a trunk road, and Transport Scotland will consider the case for such junctions where nationally significant economic growth or regeneration benefits can be demonstrated.

There will also be a presumption against new direct access onto other main/key routes (the A941 and A98) except where required to support the provisions of the development plan. Moray Council will consider the case for such junctions where significant regional economic growth benefits can be demonstrated. Consideration will be given to the traffic impact, appropriate road design and traffic management requirements.

## **Policy T7: Safeguarding & Promotion of Walking, Cycling, & Equestrian Networks**

The Council will promote the improvement of the walking, cycling, and equestrian networks within Moray. Priority will be given to the paths network including Core Paths and the wider Moray Paths Network. There are several long distance routes that cross Moray including the Speyside Way, Dava Way, Moray Coastal Trail and Aberdeen to Inverness National Cycle Route.

Development proposals that would have an unacceptable impact on access rights, core paths, rights of way, long distance routes and other access routes that cannot be adequately mitigated will not be permitted. Where a proposal will affect any of these, proposals must:

- incorporate the route within the site layout and the routes amenity value must be maintained or enhanced; or
- provide alternative access that is no less attractive and is safe and convenient for the public to use.

## **Policy IMP1: Developer Requirements**

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

- a) The scale, density and character must be appropriate to the surrounding area.
- b) The development must be integrated into the surrounding landscape
- c) Road, cycling, footpath and public transport must be provided at a level appropriate to the development. Core paths; long distance footpaths; national cycle routes must not be adversely affected.
- d) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water.

- e) Where of an appropriate scale, developments should demonstrate how they will incorporate renewable energy systems, and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria.
- f) Make provision for additional areas of open space within developments.
- g) Details of arrangements for the long term maintenance of landscape areas and amenity open spaces must be provided along with Planning applications.
- h) Conservation and where possible enhancement of natural and built environmental resources must be achieved, including details of any impacts arising from the disturbance of carbon rich soil.
- i) Avoid areas at risk of flooding, and where necessary carry out flood management measures.
- j) Address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- k) Address and sufficiently mitigate any contaminated land issues
- l) Does not sterilise significant workable reserves of minerals or prime quality agricultural land.
- m) Make acceptable arrangements for waste management.

## **Policy IMP2: Development Impact Assessments**

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

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

- d) Where appropriate, applicants may be asked to carry out other assessments (e.g. noise; air quality; flood risk; drainage; bat; badger; other species and habitats) in order to confirm the compatibility of the proposal.

### **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.