

PLANNING APPLICATION: 16/00620/APP

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

THE PROPOSAL

- Application for planning permission (as amended) for residential development and associated infrastructure on land at Barhill Road, Buckie.
- 112 new built dwellings (houses and flats) are to be provided with 84 private and 28 affordable units of accommodation.
- The 84 private dwellings comprise a mix of 34 detached units, 34 semi-detached units and 16 flats. Of these 8 will be accessible ground floor flats (Auldern apartments). A further 9th accessible housing unit is required via recommended condition.
- The 68 private detached and semi-detached dwellings are a mixture of 10 different house types.
- The private dwellings include one bungalow (Logie on plots 31, 61, 68, 70, 77, 78, 91, 94), ten 1¾ storey dwellings, Huntly (detached on plots 51, 57, 65, 66, 92, 93 and semi-detached on plots 83, 84), Nairn (detached on plots 56, 67, 75, 76 and semi-detached on plots 28, 29, 58, 59, 62, 63), Crail (detached on plot 30, 64), Kintore (detached on plots, 1, 4, 7, 8, 13, 16, 19, 22), Culbin (detached on plots 11, 12, 25, 52, 53, 60), Dallachy (semi-detached on plots 2, 3, 9, 10, 17, 18, 23, 24, 54, 55, 81, 82) and Ardmore (semi-detached on plots 5, 6, 14, 15, 20, 21, 26, 27, 71-74, 79, 80).
- All private dwellings have an option to add a sun lounge onto their rear elevation, to be finished in materials to match the house.
- 16 private flats are proposed within 4 two storey blocks (Auldearn, plots 95 - 112); each with four 2 bedroom flats, located to the north-east of the site. Each flat block is identical in design and the external finishes match the remainder of the development. The ground floor of the 4 storey blocks are identified as the 8 of the 9 accessible units required within the development.
- The 28 affordable dwellings comprise 2 detached units, 18 semi-detached dwellings and 8 flats. The detached and semi-detached affordable dwellings are a mixture of 5 different house types.
- The affordable dwellings include two bungalows (Y (plot 69) & C (plots 85, 86) Type) and a two storey dwellings (FX (plot 46), D (plots 42, 43, 49, 50, 87, 88) & F (plots 40, 41, 44, 45, 47, 48, 89, 90, 107, 108) Type). 8 affordable flats are proposed within 2 two storey blocks (A (plots 32 - 39) Type). The two flat blocks are identical in design and the external finishes match the remainder of the development.
- Proposed external finishes for private and affordable dwellings include concrete smooth grey roof tiles and wet dash smooth white k-rend with Scottish larch natural cladding.
- For all flatted dwellings, grouped (communal) parking arrangements are proposed, located either to the front or side of their elevations.

- For all houses, parking is "in plot" some with integral garage arrangements and/or 2 or 3 spaces, generally located to the front or side of their elevations.
- Two vehicular accesses are proposed to the site from Barhill Road, located on the adjoining south west boundary.
- Two 12m wide "future connections" are included to safeguard access links to undeveloped farmland to the south of the site.
- Provision is made for foot and cycle path connections within the site and the wider area, including two pedestrian paths linking the development with the farm track that runs along the northern boundary between plot 11 & 12 and plot 31 and the existing dwellings Mill of Buckie Cottages. The foot and cycle path connections also lead onto the existing footpath/cycle path on Barhill Road.
- Land is safeguarded for the future upgrade of the southernmost junction for a roundabout.
- 23% of the site is open space. Green space areas of varying size are included. Smaller 'green' space areas include some verges along some road frontages, or as "left over" areas at the end of streets where land is not incorporated into the adjoining house plots. There are two larger areas of green space including a play area to the north east of the site and woodland area with an informal foot path to the south of the site. On the furthest easterly point of the plot there is an area that integrates a SUDs area into the development.
- Front garden boundary treatments are a mixture of low level hedges and fences. Rear gardens are enclosed with timber fences.
- The dwellings along Barhill Road are outward facing providing a key frontage.
- Street lighting will be provided on all pedestrian routes and open spaces. All of the proposed new access roads connecting to existing will also have street lighting.
- Public water supply and foul (waste water) drainage connections are proposed.

THE SITE

- The site is approx. 5.84ha located to the south-west of Buckie and directly east of Barhill Road.
- The site is currently used for agricultural purposes.
- The west of the site is bounded by Barhill Road.
- The north of the site is bound by an existing farm track. The track itself is bound on its north boundary by the recent Letterfourie housing development. Two semi-detached cottages are also located along the north-east boundary.
- The site is bound to the east and south by farmland, with farm buildings located farther to the east beyond the Burn of Buckie.
- The site generally slopes downwards from south to north.
- The site is designated for residential development (Buckie R11) with an indicative site capacity of 105 housing units (Moray Local Plan (MLDP) 2015 refers).
- Land to the south and west of the site (farmland) form part of the Buckie "Countryside around Town" designation.

HISTORY

15/01821/PAN - Proposal of Application (PAN) for residential development and associated infrastructure at R11 Barhill Road, Buckie - response (17th November 2015) confirms requirements for consultation with the local community.

Following consideration of this PAN, the Council's Planning & Regulatory Services Committee on 1st December 2015 that (a) the current pressure on the zoned school (Cluny Primary School) roll in the area; (b) consideration be given to improving the quality of Barhill Road and the junction onto the A98; (c) consideration be given to using the money available from the Tesco Retail Impact Assessment for screening; and (d) consideration be given to a third access from Highfield Road to the site.

POLICY - SEE APPENDIX

ADVERTISEMENTS

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

CONSULTATIONS

Planning & Development - Amendments sought to ensure fuller compliance with quality audit aims. Various revisions sought to bring fuller compliance with place making policy.

Moray Flood Risk Management - Input into surface water drainage arrangements, and following further submissions, no objection.

SEPA - No objections subject to conditions and advisory informatives.

Developer Obligations Unit - Contributions sought on open space provision.

Moray Access Manager - No objection subject to a condition stating that Core path BK09 requires to be improved to function as an active travel link to the primary and secondary schools and towards Buckie Town Centre. *Officer note – the off-site works to improve cycle and pedestrian links to the north are within a separate development site, currently being completed. These include links to the north through the site. Therefore no condition is attached to this recommendation for R11 in relation to core path BK09. The submitted layout includes a pedestrian/cycle link to the north east towards BK09 and the Letterfourie development.*

Aberdeenshire Council Archaeology - No objection subject to a condition regarding the developer securing the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted and agreed by the Aberdeenshire Council Archaeology Service, and approved by the Planning Authority.

Scottish Water - No response at time of report.

Environmental Health - No objections.

Contaminated Land - No objections.

Transportation Manager - Approve subject to conditions and informatives.

Housing Strategy and Development Manager - Participated in the Quality Audit process and fed into amendments now under consideration. They confirm that the number of affordable and accessible (subject to conditions) is adequate.

OBJECTIONS-REPRESENTATIONS

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

- a) 5 representations received (based upon the original proposals) with a further 4 representations from 4 of the previous responders following a further period of neighbour notification.
- Mr Kevin Grieve, 8 Traynor Place, Buckie, AB56 1FW
 - Mr and Mrs Raymond A and Shirley A Bruce, 6 Traynor Place, Buckie, AB56 1FW (2 representations)
 - Mr Phil Williams, 1 Mill of Buckie Cottages, Buckie, AB56 5AA (2 representations)
 - Mr Murray Drummond, 47 Ewing Crescent, Buckie, AB56 1FX (2 representations)
 - Mr Stephen Coen, 4 Traynor Place, Buckie, AB56 1FW

Two neighbour notification periods were run during the consideration of the application and all representations have been considered and are summarised below, with no assumption that previous objections/representations have been withdrawn (several representations specifically state that the further amendments have not addressed their original concerns which remain). Where issues raised are common to all representation or have been re-stated, the below summary will not reiterate/repeat issues clearly stated at least once. All objections/representations have been read and where material, given the appropriate consideration prior to the recommendation now reached.

Headings of objection reasons selected by objectors from objection/representation weblink:

- Contrary to Local Plan
- Dust
- Height of proposed development
- Lack of landscaping
- Noise
- Reduction in natural light
- Loss of privacy (being overlooked)
- Over-development of the site
- Views affected

The grounds for objection/representation are summarised as follows.

The main points of the representations are:

Traffic/Footpath/ Cycle path issues

Issue: Paragraph 4.7 of the planning statement states that the development will *'include the provision of footpaths, cycle ways and public spaces'*.

There is only one *'public space'* noted in Springfield's proposed development map as well as no specifically identified *'footpaths'* at all before moving on to a huge inconsistency which permeates the entire application, that of cycle paths.

Comment (PO): Beyond the identified playpark, there will be other less formal open space within the site accessible to the public. Notably the wooded area at the south-west corner of the site (which will contain an informal footpath) will be accessible to the public. The submitted plans do show cycle paths connecting the development to the town to the north, wide footpaths throughout the development and informal path through the structural planting area to the south. Varying descriptions of the track do not constitute a significant inconsistency or jeopardise the assessment of the proposals.

Issue: It is ludicrous to try and claim that the farm track which runs to the north of the proposed site is *'deemed a primary pedestrian/cycle route'* as described in the Key Design Principles map of the LDP. Clarification is required on exactly who deemed it as such and then ask, if it is such a primary route then 1) why are there no signs describing it as such, 2) why is it in such a bad state of disrepair if it is used so much? and 3) how can it be a primary cycle path if, at the end of the track (according to the LDP map) it simply becomes an *'informal path'*? Are cyclists just expected to dismount when they reach that point on the farm track?

Comment (PO): This statement appears to be a criticism of the Moray Local Development Plan and the Moray Council Core Paths Adopted Plan 2011 rather than relate to the current proposal. The track has been designated as a 'core path' within the adopted Moray Core Paths Adopted Plan 2011 as part of wider path network around Buckie and involved considerable public consultation at the time of its formulation. Such cycle path ways can exist within and out with public ownership and to varying standards.

Issue: If the Council deems this route to be so important to the transport/pedestrian linkage of the surrounding area, why have they allowed it to become so uneven and so dangerous. If one went out for a walk one night and twisted their ankle in one of the many dips and troughs which litter the track, whom would they approach to seek redress for the accident? The Council?

Comment (PO): This is a privately owned track, and it is not a prerequisite of designation as a cycle footpath/core path to be under Council maintenance or ownership. Many core paths in Moray are under private ownership. The speculative issue of falling on an uneven path and seeking to apportion blame is not a material planning consideration pertinent to the proposed housing development.

Issue: The farm track only seems to transform into a cycle path when it suits both the Council and Springfield. Indeed, the only time Springfield describe it as such in their own documentation is on the Road Hierarchy Map which classifies it as an 'existing cycle path'. In all other documentation relating to it, it is called either a 'farm track' or simply a 'track' no less than thirteen times (to break that down, that is 8 times in the Flood Risk Assessment, twice in paragraph 4.5 of their own Planning Statement and three times in the Exhibition - Feedback and Issues section of the Pre-Application Consultation Report - (Sections 6.3. and 7.3).)

Comment (PO): The status of track as a core path within the adopted Moray Core Path Plan 2011 predates the current proposal and Moray Local Development Plan 2015 by a number of years. Reference to the core path also as farm track or track in other submitted documents is irrelevant and serves no ulterior purpose as is implied.

Issue: Springfield state that *'the farm track is out with the site's boundaries, is not under Springfield's control and is not part of the planning application.'* If it was part of the planning application for the Springfield development opposite R11, because Springfield were not very shy about using it when they were building that development? In fact, they were quite often to be found blocking the track with their diggers and heavy machinery, often forcing the few cyclists and pedestrians who did use this so-called 'primary route' to walk up on the sides of the track which was extremely unsafe. This seems to be a rather inconsiderate thing to do, considering this farm track is apparently such an important pedestrian/cycling route? If this ill-thought out development does somehow get approved, Springfield will not be using the farm track when they build any of the houses bordering it?

Comment (PO): The use of the track for construction purposes for a separate previous development is not material to the current proposed development, for which a construction traffic management plan will be required and assessed by the Council as Roads Authority. Several speculative comments are made about the future use of the track by the developer should planning permission be obtained, which are not relevant to the current planning application. The use of the private track by the developer would also presumably be the subject of discussion between them and the landowner.

Issue: In the 'Search' document which was received when the objectors property was purchased, the neighbouring farm track was classed as 'Lost' rather than identified as a 'primary pedestrian/cycle route'.

Comments (PO): The document referred to, and its accuracy, have no bearing upon the current planning application. The status of the track as a core path is well publicised and was the subject of public consultation.

Issue: The siting of the 'proposed cycle path' which leads onto the farm track and will run along the western border of an objector's property. The resident would have a massive problem with this.

Comment (PO): The presence of path adjacent to the objector's property within the designated housing development site is not considered to warrant refusal of the planning application.

Issue: The nearest footpath to one of the objector's property runs very close to one of its sheds.

Comment (PO): The presence of path adjacent to the objector's property within the designated housing development site is not considered to warrant refusal of the planning application.

Issue: According to the Road Hierarchy map, there will be no footpaths on the proposed development. It notes the existing footpath running down Barhill Road but no footpaths on the actual site. However, it is assumed that there is a pavement outside each house represented by the white lines bordered by two thin black lines which internally circle the development. But, if that is the case, then that means the proposed cycle path which will run along the back of the objector's property (and completely take away the privacy of the residents) is going to be on a pavement. The proposal therefore contravenes rule 64 of the Highway Code which states *'You must not cycle on a pavement.'*

Comment (PO): The plans have always clearly indicated the presence of pavements throughout the development. Current Scottish highways legislation and guidance does allow for combined footpaths so long as they are to an appropriate standard and width.

Issue: The Road Hierarchy Map quotes the road width as being 5.5metres. Transport regulations state that a cycle path has to be a minimum of 1.5metres wide, meaning that the road width would be diminished to 4metres. That cannot be the case as it would mean standard cars would not be able to pass each other.

Comment (PO): This interpretation of the plans is incorrect, with all roadways, footpath/cycle ways and pavements required to the correct width and to an adoptable standard.

Issue: As the proposal stands, when the dustbin lorries come to collect the development's rubbish, they will cause the roads of the development to grind to a halt as no-one will be able to pass them without violating the proposed cycle lane.

Comment (PO): This interpretation of the plans is incorrect, with all roadways, footpath/cycle ways and pavements required to the correct width and to an adoptable standard.

Issue: If Springfield wishes to proceed with this development, they will have to completely redesign it in order to not break the transport law regarding both cycle lane and road width.

Comment (PO): The Transportation Section of the Council have not objected to proposals subject to the conditions recommended. The road and footpath network are designed to the correct widths.

Issue: Springfield propose to join this ridiculously sited cycle path to one which is, apparently, already in existence and which runs into the development on the other side of the farm track. There aren't any houses built on this section of the other development yet, let alone any roads infrastructure, so I really don't see how they can call this 'existing'.

Comment (PO): The other development is presumably the eastern end of the R7 Barhill Road East designation to the north of the site, which was consented a number of years ago is currently under consideration. It is acknowledged that this comment came from the original submission in May 2016 likely prior to works commencing at this end of neighbouring development.

Issue: Heavy construction traffic using the farm track, including a recently constructed passing place perilously close to the boundary fence on Traynor Place and overlooking our property. Incidentally objectors were not consulted about this passing place and have serious safety concerns about its close proximity, particularly with the heavy construction vehicles and trucks that use it.

Comment (PO) As the track is an unadopted private carriageway the Council would have no say with regards to passing places the landowner may install. This issue is separate to the proposed housing development and for which a Construction Traffic Management Plan would be required

Departure from local development plan

Issue: The application is in clear contravention of the LDP. There are many aspects of Springfield's own documentation which are contrary to the LDP, inconsistent, factually incorrect and just plain wrong.

Comment (PO): There are several minor departure issues relating to the design principles map that are addressed in length in the observations section below. Some of the issues stated as incorrect in the applicants submissions are subject to the objectors own interpretation, and not necessarily how the Council officers would interpret policy.

Issue: The proposal contravenes the finalised LDP, both in the broad sense of the plan as a whole and also in the specifics of what proposed development will be allowed to take place on the site as designated in R11.

Comment (PO): This representation is incorrect where it refers to a broad contravention, where the proposal relates to a housing development upon designated housing land within the adopted Moray Local Development Plan 2015.

Issue: Page 26 of the LDP states that backland development will only be acceptable if it meets certain conditions including *'if the house style complements the character of the area and the scale and architecture of the parent and neighbouring properties'* and *'the built up area of the application site should avoid overlooking and maintain the amenity of the parent and surrounding properties'*.

This development contravenes both of these conditions. An objectors property, which is one of only two existing properties on the development site and therefore, it is assumed, the so-called 'parent' property referred to above, is a three-bedroom two-storey semi-detached farm cottage with grey brick walls and black-slatted roof, which none of the proposed new properties will remotely resemble. The second condition would also be contravened as a total of seven first floor windows (from the properties overlooking the play area) would be afforded a clear, uninterrupted view into my conservatory and one of the first floor bedrooms of my property.

Comment (PO): The objector's property is not within the development site, nor within the R11 designation. The current application would not qualify for consideration under Policy H3 Sub division for House Plots on page 26 of the MLDP as this relates to a different type of development.

Issue: The active frontage has not been included and has been replaced by housing. The active frontage is required to avoid enclosing the existing track, increasing the potential for crime (*it is assumed that the objector means to prevent increasing the potential for crime*) and placing houses (*it is assumed that the objector has missed out the text 'further away'*) which affect the privacy of existing houses to the north. The active frontage is essential in protecting the residents of the existing housing along the northern boundary.

Comment (PO): This issue is discussed more fully in the observations section below. In relation to the issue raised, an active frontage would itself still contain houses, but would have likely affected their orientation, rather than position or presence. It is acknowledged that had an active frontage been present onto the track to the north, this would have improved passive surveillance of the track but other issues have influenced the decision not have an active frontage onto track. It is noted that the properties to the north have no frontage onto the track, and are bound by garden fences. It is also speculative to imply that an active frontage is essential for security where no significant problem exists.

Issue: The justification section of why 'backland development' is so rigorously monitored states *'Backland development can cause a significant loss of amenity to existing properties including loss of privacy, loss of daylight, visual intrusion by a building and noise disturbance'*. All of these concerns will affect the property of one of objectors, if this proposed application goes ahead, in direct contravention of the LDP. They will lose their privacy plus have visual intrusion by a building as mentioned above and we will also lose some measure of daylight, due to the properties to the north-west of the play area.

This is the case because the existing properties on the development on the other side of the track are already taking away a small measure of daylight and they have not even rounded the bend in the track yet.

Comment (PO): The proposal is not backland development, and is not therefore considered under Policy H3 Sub division for House Plots on page 26 of the MLDP as this relates to a different type of development. The issues of privacy and daylight are addressed under different policies although it is noted that the property in question is not to be adjoined directly by new housing, with intervening path, roadways and open space providing adequate separation from the proposed properties to the objector's property.

Issue: The Key Frontage has been defined as a narrower width than identified in the Settlement Plan, reducing screening for the development.

Comment (PO): The annotations on the design principles map should not be taken as the literal position and size of any design feature. The key frontage proposed onto Barhill Road does accord and fulfil the necessary elements of the design feature sought.

Issue: With regards to the play area, on Page 40, the LDP states that '*Residential sites of 51-200 units (must have) minimum 20% open space*'. The plans of the site, the proposed 'play area' is the only area of 'open space' visible and in no way comes close to the LDP's requirement.

Assumption is given that Springfield will attempt to justify this by saying that the area to the south-east of the site where they hope to plant the main concentration of trees is classed as 'open space' as well as the drainage area in the north-eastern corner.

In their own planning statement (section 4.5.) they make a distinct separation between the two, stating that 'Extensive areas of landscaping and open space are proposed throughout the site'. Which is it? Is it open space or is it landscaping?

Fail to see how that can be included in the equation as an area full of trees is not 'open space' in any sense of the phrase and the drainage area will, presumably be fenced off from anyone trespassing on it. Springfield need to re-design their plans in order to meet the LDP's requirement because, for them to say there is 23% open space incorporated in the design is, frankly, laughable.

Comment (PO): Policy E5 Open Space of the Moray Local Development Plan does allow for the consideration of landscaped areas and other green areas as well as formal play areas to be included in the calculation of open space provision. The proposed development does provide adequate green space, and in particular there has been open space, landscaping playpark and surface water detention basin positioned around the closest neighbouring properties at Mill of Buckie Cottages.

Issue: The application is a blatant contravention of Policy H7 - New Housing in the Open Countryside of the LDP.

Awareness does exist that this policy is usually used with regards to single housing proposals. However, as there is a warning on the Moray Council's own afore-mentioned Key Design Principles Map that '*Buildings should be set to the north of the site, away from the upper slopes and avoid breaching the skyline as viewed from the A98*', the Moray Council themselves have made it an issue that concerns multi-property developments and this why it is included in the objection.

Aside from this it is wondered why the Council have included this stipulation as it obviously didn't apply to the massive house with the rotunda, which is clearly visible from the A98 as you go through Arradoul.

Comment (PO): The application site lies within the settlement boundary of Buckie as a designated house site and would not therefore be considered under policy H7. Presumed reference to an existing rural property further south on Barhill Road is not comparable to

the existing proposed development and was approved under a different local development plan some years ago.

Issue: The definition of a 'rural area' as stated on Page 13 of the 'Housing In The Countryside' Supplementary guidance document, states that '*A rural area can be characterized by small clusters of buildings OR individual houses dispersed throughout the countryside*' which is a perfect description of the objectors property.

Comment (PO): The property in question falls within the settlement boundary of Buckie as designated within the Buckie Settlement Statement of the adopted MLDP. It cannot therefore also be designated as a rural area.

Issue: Moray Council has changed the parameters of Policy H7. Therefore, if they state that the development cannot breach the skyline as viewed from the A98 then it also follows that they cannot breach the skyline from the rear of the objector's property, something which this development will do utterly and completely.

Comment (PO): The prevalence of the site from the A98 which is a heavily trafficked road and the main approach to Buckie justifies substantive landscape mitigation. It would not be pragmatic to afford the same requirement to all individual properties surrounding a housing designation. Other policies consider the individual impact on properties surrounding a site. The objector's property lies within the defined settlement boundary of Buckie and is therefore not subject to consideration under policy H7.

Issue: Page 15 of the Supplementary Guidance states that examples of '*obtrusive development*' include being '*on a skyline*'. It then goes on to state, on Page 32, that '*Obtrusive development (i.e. on a skyline...) will not be acceptable*' thus rendering this entire planning application in clear breach of the Moray Council's own LDP, as it will completely remove the unbroken skyline as viewed from the rear of my property.

Comment (PO): Both the application site and the objector's property fall within the settlement boundary of Buckie, and therefore the guidance referred to would not apply. Also the guidance relating to the siting of rural housing is not applicable to a major housing development within a defined settlement boundary.

Issue: Springfield assumes they know better than the Council's own LDP and state that '*The active frontage as prescribed by the LDP for houses to face the farm track to the north of the site is considered to be unwarranted and has been discounted within our proposals. The poor condition of the track, related poor outlook, overlooking of the rear of properties to the North and (and here it is suspected that the real reason for Springfield's decision to take it upon themselves to contradict the Council's plans) potential impact on sales arising from this has led to this being redesigned...*'

Springfield have openly flouted two of the main 'Key Design Principles' as outlined in the LDP so, again, why is this application even being considered when Springfield seem so intent on playing fast and loose with the rules and regulations which they are supposed to adhere to?

Comment (PO): Officers have made a separate assessment of design principles complied with and of those not included, and these are detailed in the observations section below. Noting the representation and the location of the property making this specific representation about the design principles, no detrimental impact will arise from the absence of active frontage.

The issues of overlooking raised by several representations from properties to the north are reduced by the proposal to orientate the properties southward and have the private garden space to the rear. The Council note and agree elsewhere in this report that that

the impact on sales values would not constitute a material planning grounds to overlook the design principle in question.

Issue: The 'Application For Planning Permission' document, in the 'Residential Units including Conversion' section, as referred to above, states the total units as being 112, not 105.

Comment (PO): The Moray Local Development Plan 2015 policy H1 states that the housing capacity figures are indicative and where a proposed density complies with policies PP2, PP3 and IMP1 a higher density may be acceptable. The layout as proposed is of an acceptable density.

Landscaping

Issue: Springfield has failed to follow the rules of the LDP and '*soften the edge of the built-up area through the promotion of advanced planting*'.

On page 18 of the LDP's Action Plan, it states unequivocally and categorically that the only constraint to this development is 'Advance planting' and that the action required to get past this constraint is '*Planting prior to applying for planning permission*'. This is stated in black and white in the Council's own documentation so why is this planning application even being considered at all at this time because, at the time of writing, Springfield have made no attempt at all to meet this key criteria?

Comment (PO): The action plan has to be read in conjunction with relevant policies and specific designations of the MLDP. The absence of Advance Planting is regrettable and will result in the development taking longer to provide adequate containment. This matter is discussed on the observations section of the report. As too why the application is being considered is due to a legal obligation of the Council as Planning Authority to consider any planning application lodged, irrespective of whether or not it constitutes a departure (acceptable or otherwise).

Issue: Page 107 of the LDP states that '*Design principles for the site have been prepared and are set out in an accompanying map*'. On measuring the greenspace areas on the LDP and the Springfield plan, it is clear that Springfield have shrunk the proposed green space contrary to the LDP map.

Comment (PO): The annotations on the design principles map should not be taken as the literal position and size of any design feature. The extent of structural planting on the southern corner of the site is considered acceptable.

Issue: At least 12 properties are to be placed where the settlement plan requires extensive advanced woodland, no detail is provided within the submission as to when the woodland will be planted and how long it will be left to establish before building starts which has been clearly stated in the settlement statement.

Comment (PO): The annotations on the design principles map should not be taken as the literal position and size of any design feature. The extent of structural planting on the southern corner of the site is considered acceptable. Specification for planting has been lodged and the supporting documents did stipulate the intent to carry out the structural planting prior to any other works.

Issue: The developer has consistently reduced and removed key areas identified and stipulated in the settlement statement for Buckie in relation to the site.

Comment (PO): The areas indicated for structural and feature planting have been provided in accordance with the settlement statement for Buckie, and as before the

annotations on the design principles map, should not be taken as the literal position and size of any design or planting element sought.

Issue: On the LDP map, it states that '*Extensive advanced woodland planting is required (not simply screen planting)*' with the map showing a distinct barrier of trees to be planted along the western edge of the development.

However, again in Springfield's map, it is clear that they intend to do no such thing and merely scatter trees and bushes about haphazardly in the hugely diminished area they have set aside for green space, in a way that clearly does not constitute a '*robust edge*' to the settlement as demanded by the LDP.

Comment (PO): Further more detailed landscaping plans have been submitted upon request to ensure that the structural planting is defined and substantive.

Issue: In paragraph 4.5 of Springfield's planning statement there are several other sentences/statements contained within it which contradict other sections of the application.

For example, Springfield claim they wish to create a '*strong streetscene with extensive planting*'. On the accompanying map, there are a grand total of 13 trees for 112 houses. That means this 'extensive' planting is one tree for every eight houses. I ask you, can that in any way be classed as extensive.

Comment (PO): This statement excludes the area of feature, structural and other planting and which are relevant to the assessment of the development layout.

Issue - It is noted that while extension planting is proposed elsewhere in the site, none of this screens the new development from the existing housing development to the north. More effort is being made to screen Barhill Road than to protect the privacy of the existing Letterfourie development to the north.

Comment (PO): The landscaping requirement identified for the western and southern sides of the site relate to wider visual containment and feature planting of the outskirts of Buckie as approached from the south. Given the residential nature of both the proposed development and the neighbouring existing housing development, it is not necessary to screen them from other. In terms of privacy, the separation distance between existing houses and the proposed houses will be approximately 25m along there the length of the norther side of the development site which is acceptable and comparable to other built localities.

Impact on neighbouring amenity (non-transport related)

Issue: Why do Springfield feel it is inappropriate to 'overlook' the properties in their other development but do not seem to care that this development will obviously 'overlook' another property to the east?

Comment (PO): The submitted layout has been design so as to minimise overlooking of neighbouring property to the east, and any buildings facing toward are an acceptable distance away. It is unreasonable for the objector, occupying a property bound on two sides by a housing designation site to expect the same level of privacy as occurs at present. The R11 housing designation went through public consultation as it was being designated, and was subsequently adopted as part of the Moray Local Development Plan 2015.

Issue: It also seems strange, given Springfield's concern for these other houses, they have chosen to site the 'play area', which will rather obviously attract all the children from

this and quite probably the other developments, to it, no more than ten metres away from the only two existing properties bordering the site?

This completely thoughtless and insensitive placing means that the noise around the objector's property will undoubtedly increase, the security of the property will be hugely compromised and it will lose any semblance of privacy that exists, especially considering the siting of the proposed cycle path running right down the western border of the property.

Comment (PO): The position of the playpark close to existing and amid proposed housing is acceptable and is a typical feature in any built environment. It is speculative to presume that the presence of a playpark would compromise security and is without basis. The position of the playpark and open space has added distance between the objector's property and some of the proposed dwelling units.

Height of Proposal along Northern Boundary

Issue: A two storey (Kintore house type) dwelling is proposed behind the objector's property to the north, which could result in a reduction of natural light into property. Will the proposal block sun light to the adjacent properties on the northern boundary?

Comment (PO): The designated site siting south of and slightly above properties to the north will always have resulted in the loss of some direct sunlight to properties to the north. There is however not specific right to direct sunlight subject to there being sufficient daylight. While the proposed house type is two storeys, there is a distance between the existing houses to the north and the rear elevation of the proposed houses is approximately 25m - 30m and benefits from the further separation afforded by the verges and access tracks.

Issue: The objector's property will suffer noise disturbance, firstly when the properties themselves are being constructed and also by the fact that the 'play area' has been earmarked for an area less than ten metres away from our property (assuming the scale of the map is accurate).

Comment (PO): With the designation of the current field for residential development within the MLDP an increase in noise to neighbouring properties is inevitable but beyond the construction period, the noise levels from properties and the playpark should be comparable to any other built up residential area.

Issue: Proposed dwelling is on land which is 2m higher than the level of one of the objector's properties on Traynor Place with the height of the dwelling being 8.4m and the width being 12.8. The house will tower over the objector's property causing overlooking due to a lack of privacy.

Comment (PO): It is acknowledged that the R11 designated site sits higher than the adjoining residential development to the north. With the designation of the land for housing it is inevitable that the established properties on lower land will experience some loss of privacy, where they currently experience no overlooking from the field. Whilst the proposed house would be two storey, its position approximately 30m north of 4 Traynor Place provide sufficient separation.

Issue: Bungalows such as the Logie house type would be better placed along the northern boundary and this would not cause the problems with overlooking and the reduction of natural light to Traynor Place.

Comment (PO): This point is valid, but in assessing the development as applied for an assessment of whether the proposed two story houses are acceptable must be made. Given the distances between the existing and the proposed houses, even with the

difference in levels, sufficient space is maintained to avoid a detrimental loss of natural light.

Issue: An objector's property on Traynor Place sits on lower elevation than the proposed site; the proposal would cause unreasonable overshadowing and overlooking. The proximity combined with the high elevation of these new dwellings is of great concern.

Comment (PO): It is acknowledged that the R11 designated site sits higher than the adjoining residential development to the north. Given the distances between the existing and the proposed houses, even with the difference in levels, sufficient space is maintained to avoid a detrimental loss of natural light.

Issue: Due to the elevated position of the proposal above Traynor Place, gardens and houses would be severely overlooked resulting in a serious invasion of privacy. The windows of some of the proposed dwellings would look directly down onto gardens and property.

Comment (PO): It is noted that whilst this property is closer than others to the track and the proposed site the space afforded at the north east corner of the proposed site will allow for a distance in excess of 30m between any new houses and Traynor Place. Furthermore it is noted that only the ground floor conservatory windows face south toward the site and none of the proposed house are orientated toward this property.

Issue: Proposed development will have serious impact on the enjoyment of property on Traynor Place.

Comment (PO): It is noted that whilst this property is closer than others to the track and the proposed site the space afforded at the north east corner of the proposed site will allow for a distance in excess of 30m between any new houses and Traynor Place. As the site is designated for housing the principle of housing north of the objector's property is already generally established.

Issue: Property on Traynor Place would be afforded less natural light, as sunlight and daylight would be blocked out due to the height and elevation of the proposal.

Comment (PO): It is noted that whilst this property is closer than others to the track and the proposed site the space afforded at the north east corner of the proposed site will allow for a distance in excess of 30m between any new houses and Traynor Place. This is sufficient to ensure an acceptable level of natural light to be received at the property.

Issue: Due to the height of the development behind the existing properties to the north not only is the active frontage essential but the proposed dwellings should be positioned, detailed or at a lower level to reduce or avoid constant overlooking of the existing properties which were purchased before this area was added to the settlement statement.

Comment (PO): Provision of an active frontage on the north side of the development site would have resulted in the proposed house been orientated north, take pedestrian access from the north and be enclosed by low fencing. The current proposal would see private rear gardens and 1.8m fencing along the northern boundary of the site, screening the ground floors and gardens to a greater extent from the properties across the track on lower lying land. An active frontage would not have resulted in greater segregation of the proposed development from the housing to the north.

Drainage and Flooding

Issue: The garden at one of the properties on Traynor Place is like a swamp, will building the development fix or make it worse? Springfield (the developer of Traynor

Place and the proposal) have stated to residents of the existing development that there is a drainage system at the rear of their properties to stop water from the field - it is not working. Very concerned about this.

Comment (PO): The proposed surface water drainage arrangements have been subject to consideration by both SEPA and the Moray Councils own Flood Risk Management Team. These have been modified during the course of the application to reflect feedback given, and both SEPA and Flood Risk Management Team are now satisfied with the proposals being proposed. These will address surface water from the proposed site, but previous flood or drainage issues raised on neighbouring land would not necessarily constitute grounds to refuse the current planning application. The approved drainage scheme will take account of properties and other closest to the scheme, where necessary.

Issue: Springfield and EnviroCentre (the company who undertook the Flood Risk Assessment) would have you believe; this development does affect the objectors property and does put it at risk of flooding, should this development go ahead.

Comment (PO): The proposed surface water drainage arrangements have been subject to consideration by both SEPA and the Moray Councils own Flood Risk Management Team. These have been modified during the course of the application to reflect feedback given, and both SEPA and Flood Risk Management Team are now satisfied with the proposals being proposed. These will address surface water from the proposed site, but previous flood or drainage issues raised on neighbouring land would not necessarily constitute grounds to refuse the current planning application. The approved drainage scheme will take account of properties and other closest to the scheme, where necessary.

Issue: There are two contradictions which are repeated in Springfield's documents, that given the amount of properties they are proposing to build on the development site and the size of the site itself.

Page 107 of the Local Development Plan clearly states the size of the development area as being 5.51 hectares and being '*capable of accommodating UP TO 105 houses*'.

Springfield's documents state that they plan to build 112 houses on the site (and even circa 125 houses being mentioned in the Flood Risk Assessment!) and also that the site is 5.81 hectares. What is the site area? 5.51ha or 5.81ha?

Comment (PO): The site is 5.51Ha and is proposed to contain 112 housing units. Such contradictions are clarified on the submitted plans.

Issue: The FRA states that '*the site is within an area of known risk of flooding*'. Well, according to the home report received for one of the objectors properties, this area has not flooded for at least twenty-five years and there has been some pretty heavy rainfall over the course of that period of time. Springfield then go on to tick the 'No' box in the question as to whether they '*think the proposal may increase the flood risk elsewhere?*' this is wrong.

Comment (PO): Moray Council required a flood risk assessment to be carried out and rely upon the flood information data it holds or as publishes by SEPA. The home report has no status as a material consideration.

Issue: The FRA which has been commissioned for this development is riddled with contradictions and errors and puts the objector's property at great risk of flooding, despite claiming that it does not think the development will do this.

Comments (PO): The proposed surface water drainage arrangements have been subject to consideration by both SEPA and the Moray Councils own Flood Risk Management Team. These have been modified during the course of the application to reflect feedback given, and both SEPA and Flood Risk Management Team are now satisfied with the

proposals being proposed. These will address surface water from the proposed site, but previous flood or drainage issues raised on neighbouring land would not necessarily constitute grounds to refuse the current planning application. The approved drainage scheme will take account of properties and other closest the scheme, where necessary.

Issue: One objector's property is in the north-east section of the proposed development site. Therefore, you can imagine my concern regarding the following items mentioned in the Flood Risk Assessment. It mentions that the overland flow of water goes to the north and/or north-east - in other words, the exact area of the field upon which their property stands - no less than five times. Where is this water going to go? The unlikelihood of flooding on-site is mentioned nine times but only mentions the surrounding area three times.

Comment (PO): The proposed surface water drainage arrangements have been subject to consideration by both SEPA and the Moray Councils own Flood Risk Management Team. These have been modified during the course of the application to reflect feedback given, and both SEPA and Flood Risk Management Team are now satisfied with the proposals being proposed. These will address surface water from the proposed site, but previous flood or drainage issues raised on neighbouring land would not necessarily constitute grounds to refuse the current planning application. The approved drainage scheme will take account of properties and other closest the scheme, where necessary.

Issue: The FRA does mention drainage arrangements being put in place to cope with any overland flow but this then throws up another issue, details follow. An email was sent on 8th February to The Moray Flood Team regarding (from the resident of 1 Mill of Buckie Cottages)

- A digger in the field, behind 1 Mill of Buckie Cottages, digging holes, it is believed, to test water levels.
- Since the holes were dug there have been two periods of rainfall and both times the drain in the garden of 1 Mill of Buckie Cottages has backed up (on the first occasion water was actually coming out of the drain down the driveway).
- This drain was fine until the holes were dug and the septic tank was emptied less than a month ago.
- Confirmation was required as to if the Council were the ones digging in the field and what was going on.
- It is believed that recent drainage issues are as a result of the holes being dug.

The council replied stating that they had not undertaken the work.

The FRA shows that EnviroCentre had undertaken the Assessment on 25th January 2016 exactly two weeks before the email was sent. The drain at the objector's property is still extremely backed up and water from the kitchen sink sometimes takes an age to drain away.

Comment (PO): The proposed surface water drainage arrangements have been subject to consideration by both SEPA and the Moray Councils own Flood Risk Management Team. These have been modified during the course of the application to reflect feedback given, and both SEPA and Flood Risk Management Team are now satisfied with the proposals being proposed. These will address surface water from the proposed site, but previous flood or drainage issues raised on neighbouring land would not necessarily constitute grounds to refuse the current planning application. The approved drainage scheme will take account of properties and other closest the scheme, where necessary. Separate concerns about current flooding in relation to the objector's property should be raised with the relevant landowner.

Issue: The 'unnamed watercourse' which EnviroCentre mention, its level is such that it is overlapping the end of the pipe which the water from the septic tank discharges into, which is why the drains at the objectors property are backing up. What is going to happen when the 'overland flow' from the development starts discharging into the 'unnamed watercourse'? The objector's property Cottages will flood.

Comment (PO): The proposed drainage scheme including surface water detention basin should assist in regulating the flow and discharge of water from the development to any nearby watercourse. Some of the issues regarding foul drainage are specific to the objector's property and would require to be addressed independently of the current proposal.

Issue: Throughout the FRA, EnviroCentre mention things that could affect the flood risk, such as '*vegetation on the channel banks and litter/debris adjacent to the watercourse could slow flow under storm conditions*', '*Potential for drainage system flooding within the site and local vicinity*', there's no potential about it - it will. '*Potential for overland flows to travel through the site*', - which will flow downhill to the north and north-east as acknowledged by EnviroCentre themselves further on in their assessment. '*It is likely that flood flows in the watercourse would be restricted by the culvert underneath the track to the north of the site resulting in water levels surcharging upstream of the culvert. There is also a risk that the culvert could become blocked by debris with waters spilling onto the track. In the event that water was able to overcome the banks of the watercourse, it is likely that the lowest lying areas within the north-eastern section of the site will become inundated. However, flood levels are not expected to increase significantly above the track level assuming that flows are able to freely flow across the track towards the north.*' - do not want to base the chances of the objector's property flooding on an assumption. '*Due to the gradient of the existing terrain, overland flow within the site is likely with waters discharging downhill towards the north and north-east.*' - The area where the objectors property is.

'Post-development, the introduction of impermeable surfaces may allow for the accumulation of waters via overland flow.' - Post-development, are they saying, they will make arrangements to sort out any overland flooding after the houses are built?

Comments (PO): Both SEPA and Moray Council Flood Risk Management Team have considered post development flow rates and the effect of impermeable surfaces. The drainage proposals have been designed to account for the collection and dispersal of surface water.

Issue: The FRA states '*Drainage arrangements will therefore be designed to cope with any overland flow generated*' - Yes, to remove water from the site and damn everyone else.

'Further measures to prevent housing from overland flooding include adequate drainage to control surface water falling on the site, ensuring adequate drainage around the perimeter of the housing, and land re-profiling/landscaping to direct surface water flow from entering the site.' Where is all this water going to go if not on the site?

'Given the general topography of the site and nature of the hydrologically responsive soils, any groundwater at the surface would be expected to drain away to the north and north-east'- the area where the objector's property is located.

'The inclusion of an adequately designed drainage system will prevent any groundwater flooding of the development area.' Where is all this water going to go if not on the site?

Comment (PO): Both SEPA and Moray Council Flood Risk Management Team have considered post development flow rates and the effect of impermeable surfaces. The drainage proposals have been designed to account for the collection and dispersal of surface water. The reference to water draining away to the north end of the site should be

read within the context that the SUDs detention basin is located there, and with a regulated discharge to the nearby watercourse.

Issue: The FRA concludes despite the issues stated above that *'the site is unlikely to be significantly affected by flooding from overland, drainage or groundwater sources'* EnviroCentre use equivocal language (something they do throughout the report), this statement is probably correct because all the water from the site will end up in the objectors property.

Comment (PO): It is speculative to presume that flooding will worsen where a detailed scheme has met with the approval of SEPA and Moray Flood Risk Management.

Issue: There are also some factual errors in the FRA which begs the question, if EnviroCentre can get basic things like that wrong, how can they be trusted to produce a trustworthy assessment of such a complex issue?

- According to EnviroCentre, the development is *'ca. 125 residential properties'* rather than LDP's 105 or Springfield's 112.
- According to EnviroCentre, there is *'a property located in the north-west of the proposed development'* unless this means the telegraph pole, in which case, it seems a strange use of language as they then use the word 'property' or 'properties' to relate to buildings both previously and further on in the document.
- In the accompanying Site photographs (Appendix B), plates 14 and 15 talk of the existing 'property' when it is, in fact, two properties in the plural.
- Plates 7 and 10 claim to be looking 'north' but are clearly at completely different angles and, if you look at Springfield's site map, are actually looking north-west. (Could this be because if, in Plate 7, the cameraman was actually looking north, it would show exactly how steep the slope down to where the objectors property actually is?)

Comment (PO): The points raised are minor and would not have hindered proper assessment of the proposals by SEPA and Moray Flood Risk Management who are familiar with the site and the wider locality.

Issue: It is noted in the FRA that apart from a very small section of 1 Mill of Buckie Cottages being shown in Plate 7, all the plates in the appendix (apart from plates 14 and 15) seem to have been taken in such a way as to either exclude the existing properties completely or to try and mask the steepness of the slope which the water will undoubtedly flow down towards the north and north-east of the site area. (6.3 metres at its largest extent, according to the Archaeological Trial Trench Evaluation, as commissioned by Springfield themselves).

Comment (PO): The points raised are minor and would not have hindered proper assessment of the proposals by SEPA and Moray Flood Risk Management who are familiar with the site and the wider locality.

Impact on wildlife and loss of countryside

Pollution

Issue: Developer has provided no details of how it will limit noise and dust to acceptable levels. Building is still ongoing on the nearby R7 site which is causing considerable dust nuisance to neighbours including excessive dust on windows daily with increased cleaning required.

Comment (PO): A condition was considered relating to dust management, however with the early provision of structural and feature planting along the south and west edges of the site, it is not considered necessary to set out further controls on dust. Environmental Health has raised no objection to proposals and the construction period toward the area near the objector's property will be for a limited period.

Other grounds for objection

Issue: View will be affected adversely by the development from all directions for one objector and vies to the south form other objectors to the north.

Comment (PO): Loss of view is not a material planning consideration.

Issue: For considerable time there are undeveloped areas which are set out in the previous settlement statement in Buckie which given that established woodland is required for this site (R11) do not see how this development can be in the interest of the Buckie community compared to development of significant areas R5 and R6 which are already set between housing rather than extending out with.

Comment (PO): The presence of other designated sites within the MLDP does not present applications coming forward for the R11 designation.

Issue: There are still plenty of brownfield sites around Buckie dating from the previous plan which have not been built on yet and should be developed before this application is even considered.

Comment (PO): The site is designation for housing within the current MLDP and the presence of other potential brownfield sites would not prevent applications coming forward for the R11 housing designation.

Issue: 21 days is far too short a time to be able to look through all the accompanying documentation concerning this application.

Comment (PO): The period for neighbour notification is stipulated nationally by the Scottish Government and applies to the planning process nationally.

Issue: The law states that for both elected members sitting on a planning committee or as part of the full council and officers dealing with delegated planning applications, all decisions must be made in accordance with the development plan unless material considerations indicate otherwise. This is a legal requirement under Scottish Government guidelines and rules set out for planning decisions. Guidance suggests major developments are expected to be decided in four months. The objector sees no reason why this has not already been refused within that timescale. Any documents which were still awaited clearly can have no effect to change that refusal decision which can be simply stated that the Application does not meet the requirements of the Local Development Plan. It is not as if those requirements are poorly defined. The Scottish Government states in their published "A Guide to the Planning System in Scotland" on page 13 "In all cases the council must make decisions in line with the development plan unless 'material considerations' justify going against the plan." I highlight the "must". The document then on page 14 gives guidance on what those material considerations are, "A material consideration is a planning issue which is relevant to the application and can include national policy, comments by the public and by organisations the council has consulted, the design of the proposed development, and the effect of the plan on the environment. There have been no national policy changes which are material to how this this application does not meet the Local Development Plan.

Comment (PO): The duration of the planning application reflects attempts to address various outstanding matters, and this does not in itself constitute a material planning

objection. The extent to which the proposal does not does accord with the development plan is addressed below in the observations section. This also addresses the extent to which the departures noted may or may not be acceptable or material.

Issue: The design is for a normal and similar housing development to neighbouring developments with nothing to give material consideration to go against the Local Development Plan. While the developer states in the submissions that the impact on the environment will be minimal the application and supporting documents clearly show that the environmental requirements in the Local Development Plan will not be met. Thus there are no material consideration to go against the Local Development Plan which means that there can only be a Refusal of this Application.

Comment (PO): The objector fails to attach appropriate weight or assess the extent to which the departure issues would detrimentally affect the locality or residential properties. It is unclear what environmental impacts would occur from the proposal being considered and subject to the conditions recommended the proposed development would constitute an acceptable development.

OBSERVATIONS

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

For this major application, the Pre-application Consultation report (PAC) indicates the extent of the applicant's engagement with the local community in accordance with the Proposal of Application Notice (PAN) (15/01821/PAC). According to the PAC, 8 members of the public attended a consultation exhibition. No feedback forms were returned at the exhibition. The PAC indicates that the overall tone of the feedback was very positive and included expressions of interest for purchasing homes on the site. A number of small issues were also raised about the adequacy of the local schools capacity, what will be happening to the farm track to the north of the site and the farm track being used as a shortcut. The PAC considers these issues have been addressed and can be progressed as part of the application.

The PAC notes that the adequacy of the school capacity will be considered through the developer contributions during the planning application. With regards to the farm track it is out with the site boundaries, it is not under the Springfield's control and is not part of the planning application.

The Pre-application Consultation (15/01821/PAC) was discussed by members on the 1 December 2015 at the Council's Planning and Regulatory Services Committee.

Supporting documents were submitted by the applicant as part of the planning application submission and these include pre-Application Consultation (PAC) Report, Planning Statement (PS), Drainage Impact Assessment (DA), Transport Assessment (TA), Design & Access Statement (DAS), Design Statement Checklist and Audit, Sustainability Statement, Flood Risk Assessment (FRA), Accessible Housing Compliance Statement, Archaeological Written Statement of Investigation and the Landscape Scheme and landscape management scheme etc.

The Planning Statement (PS) submitted with the application responds to the views/issues raised by members at Committee. Please see below:-

- The adequacy of the school capacity will be considered through the Developer Contributions process during the planning application.
- The applicant has carried out improvements to Barhill Road and the junction onto the A98 in connection with previous/ongoing developments at R7 Barhill Road (E) and R8 Barhill Road (W).
- A third access to the site from Highfield Road is not identified as a requirement in the Local Development Plan and would involve significant third party land not in the applicant's control.
- If there is the potential to use money from the Tesco contribution towards the landscaping proposals for the site then this is something which can be considered during the planning application process, however it is not known whether this could be considered to be relevant to the site.

The PS considers the proposal against development plan policy and relevant material considerations. As material considerations, the PS notes that Scottish Planning Policy (SPP) promotes delivery of identified housing land supply sites, enabling a range of attractive, well-designed, energy efficient new homes. Having been developed with Designing Streets and the Council's supplementary planning guidance in mind, the PS considers that the proposal aims to fulfil these requirements.

Barhill Road (South) (H1, IMP1 and Buckie R11) and departure issues

This is a large new designation with an indicative capacity of 105 houses. This development is on the southern edge of Buckie and offers the opportunity to enhance the settlement boundary through the provision of substantial advance planting (see section below) to create a robust edge to this settlement extension. A significant area of the site has been identified for structural planting to achieve this. Design principles for the site have been prepared and are set out in an accompanying map to the settlement statement for Buckie. The proposal was initially advertised as a departure from the MLDP as the proposal did not incorporate all the design principles set out in the settlement statement. These are more fully examined below.

A Flood Risk Assessment will be required to support any proposal and this may impact on the developable area of the site. A SUDS and a construction phase water management plan will also be required. This information was submitted under cover of the Drainage Assessment and Flood Risk Assessment submitted. These have been assessed by SEPA and the Moray Flood Risk Management team leading to submission of further information and amendments to ensure the surface water proposals for the site were fit for purpose.

A Transport Assessment (TA) was required to support any planning application. This included safeguarding land for a future roundabout off Barhill Road and a plan submitted along with the TA has been considered.

Opportunities for expanding Buckie are limited by the lack of strategic planting required to establish a context and setting for new development. Sites R10 and R11 are sites being taken forward in this plan and require extensive structural landscaping to provide strategic containment for the town. These sites are considered to have limited scope for development without established landscaping and therefore this must be provided in advance of development commencing on site. Design principles with accompanying

maps have been produced that show the level of planting required. Requirements will be placed on planning consents stating that no development shall commence until planting is established to a level sufficient to provide adequate containment (Ideally developers should be seeking to undertake planting prior to applying for planning permission using well established native species to create the required enclosure).

In general terms the layout is acceptable following various amendments to the layout, landscaping and roads/path network. It is noted that many of the representations received from neighbouring properties from the north and east are aggrieved at the prospect of any houses sitting in the field on slightly higher ground. With the designation of the land for housing the broad principle of housing upon this area is established.

The proposal was initially advertised as a departure given the design departs from some elements of the R11 designation and associated key design principles plan. Namely the absence of the active frontage along the northern side of the development onto the Mill of Buckie and the absence of advance planting on site prior to submission of the application.

Active Frontage departure issue

The proposed layout does not provide an active frontage onto track to the north of the development as it is noted that the applicants in their Planning Statement refer this active being omitted on the basis that it was unwarranted, the poor condition of the track it would front onto, related poor outlook and would result in overlooking of the rear of properties to the north. While no pre-application discussion took place with Moray Council on this issue, there is merit in the points stated. They also referred to north facing houses impacting upon sales, but this issue would not be material planning consideration.

Page 285 of the Moray Local Development Plan states that the design principles identified for each designation should be observed when designing a layout and should be taken into account at an early stage in the process of site design. This does not exclude or prevent modification of the principles if other factors come to light when a definitive design is proposed. In assessing the grounds for accepting the omission of the active frontage, the following points in favour of layout as proposed were considered.

- The unsurfaced track, which does not form part of the development site and is bound to the north by rear garden fences and enclosed rear gardens, would be difficult to transform into a functional active frontage, with meaningful inclusion and enhancement of the north frontage. The difference in levels between the site and the north facing properties to the north would not have connected site tangibly to the residences to the north as would have been intended by an active frontage. On some sections of the track there would be a height difference of approximately 2m between the garden of the proposed development and the rear gardens of the existing gardens to the north. This proposal does not include enhancement of the rough verge on the north side of the track outside the site, thereby diminishing the amenity and outlook of the proposed front elevations on the south side of the track.
- Several representations from properties to the north express concern about being overlooked by the new housing which would sit on slightly higher land. While the distance between the new and existing housing is sufficient, the overlooking that would occur would be exacerbated had proposed house been orientated north, take pedestrian access from the north and be enclosed by low fencing. The current proposal would see private rear gardens and 1.8m fencing along the northern

boundary of the site, screening the ground floors and gardens to a greater extent from the properties across the track on lower lying land.

- The orientation of houses northward would see the primary elevation losing out on solar gain, which is another key design principle for the site. It would be advantageous to have the larger windows for sitting rooms, porches etc. facing south.
- The track does currently benefit from some passive surveillance from the upper floor windows of the properties to the north, even if little passive surveillance would be introduced by the proposed properties to the north.
- The active frontage would front onto a private unsurfaced track with no existing pavements, which whilst a core path and access serving a small number of residences and agricultural holdings, is lightly trafficked and would bring little benefit to other residents in the area, and itself would feel disjointed from other development on Barhill Road.
- The proposed houses on plots 1-11 are already orientated westward toward Barhill Road. Had plots 12 to 31 along the northern side of the site also orientated outward from the site, it may have been difficult to achieve a layout internally that achieved an adequate degree of place, inclusiveness and identity.

The design disadvantages of not including the active frontage on the north side of the development site are

- The track would effectively be bound to the north and south by high, secure rear garden fences, making it less appealing and secluded, with limited ground floor passive surveillance from the new houses. The track, as a core path, would have become more desirable to some pedestrians where an increased sense of overlooking and passive surveillance existed.
- Any of the plots on the north side of the development opting to have the rear sun lounge would not benefit from passive solar gain, due to their presence on the north side of the new houses.
- Any sense of connectivity between the proposed housing development and the existing built settlement to the north would now be limited to the paths or roadways to the north east and north-west corners of the site.

On balance the design advantages of omitting the active frontage generally outweigh the disadvantages, and beyond the issue of passive surveillance that might benefit the wide locality, the change would not harm or detract from the amenity of any neighbouring residences. Had the condition and character of the track, topography or orientation of houses to the north differed, the above assessment may well have made the inclusion of the active frontage a necessity. On this basis this specific departure is not considered to be material, where key design principles should not be immune from modification where a fuller assessment of a site layout design rationalises their omission or modification.

Advance planting departure issue

The Buckie Settlement Statement states for R11 Barhill Road South that advance planting should ideally be undertaken prior to applying for planning permission. Failing that, post consent the planting must be undertaken in advance of the development commencing on site and furthermore that development must not occur until the landscaping is established to a sufficient level to provide adequate containment (page 107 of the MLDP).

The applicant has not undertaken the structural planting in advance of the planning application being lodged, despite identifying upon the planning application form that they

own the site at the point of application in April 2016. No explanation is given in the Planning Statement as to why advance planting has not been undertaken. The designation in stating that advance planting prior to application "ideally" "should" occur recognises that this may not be always possible, and sets out the scenario for how advance planting should be delivered post consent if not provided in advance of the application being lodged. The application whilst advertised initially as a departure from the designation due the absence of advance planting on the site, would not constitute a departure if the necessary structure and feature planting was timeously provided.

The applicants have proposed to carry out the structural planting feature tree planting on the south and west sides of the site (approximately 1 hectare of planting) in the first planting season after obtaining planning permission, and a condition further seeks to ensure the commitment is met prior to any other works commencing on site and in accordance with the submitted planting schedule.

It is noted that the advance planting statement within the plan seeks the planting to be suitably established to provide a sufficient level of adequate containment before development may occur. Consideration was given to how quickly this might be realised or the merit and practicality of pursuing the introduction of larger planting 'standards' than are currently proposed. The exposed nature of the site to the south-west prevalent wind direction means that even native species (as proposed) will stand the best chance of establishing themselves if planted as smaller standard and can grow adaptively to their environment. This means that the proposed structure and feature planting with smaller standards being planted at heights varying from 20cm up to 2.5m is suitable and appropriate for this location. It may take some time therefore to achieve adequate containment sought in the designation but it is not considered that this matter would constitute a material departure from policy where the planting is being provided as soon as possible post consent.

The condition recommended requiring the landscaping to be carried out before any other works are carried out, is considered to be acceptable and meet the aims of the policy and designation. Given the location of the advanced and feature planting is not required for the purposes of screening any specific properties to the west or south the timing of the planting would not harm the amenity of any existing properties. The absence of advance planting prior to submission of the planning application is regrettable, but does not constitute a material departure in this instance or warrant refusal of the proposal.

In summary with the exceptions of the deviations from the indicative key design principles, the submitted proposal complies with the requirements of the policy H1, IMP1 and designation R11.

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

During formal consideration of the application, discussions with the applicant have sought to promote an acceptable form of development in terms of good design and place-making principles as advocated by policy PP3 and the related Supplementary Planning Guidance (SPG). As a material consideration, a quality audit (QA) process, covering both design and site layout issues, has been agreed to assess the conformity of residential development with Policy PP3 place-making and Urban Design SPG principles.

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 again for the amended plan lodged at the end of September 2016 in October/November. Some further minor amendments were submitted and noted, the amended proposals include some limited and small-scale layout changes made to the previous site layout details (for example adjustment of footpaths at the north-west corner of the site) which do not necessarily change or detract from the conclusions reached in the earlier QAs.

Some ambers remain where for example there are a number of car parking spaces in front of some of the apartments which would maintain an on street car presence that is only partially broken up with individual tree planting. The east end of the site falls just out with the recommended 400m distance from the nearest bus stop, but the Public Transport Unit and Transportation Manager have not considered the matter a significant issue worthy of amendment or refusal. The applicants have also submitted an indicative plan showing how space for an additional bus stop and roundabout has been safeguarded to the south-west corner of the site on Barhill Road.

In summary, the amended design and site layout details improve upon the original submission. Generally, the amended proposals have incorporated some but not all of the mitigation improvements highlighted in the QAs, and maintain and/or sometimes improve upon the proposal's compliance with place-making principles. In not being considered to adversely detract from the character, appearance and amenity of the development and the surrounding area, the amended proposal is acceptable and satisfies relevant planning policy and supplementary guidance including Policy PP3, H1 and IMP1.

The proposal is also considered to be compliant with Policy PP2. The submitted 'Sustainability Checklist' considers that, in terms of site layout and design including renewables, a number of passive low energy design measures are incorporated. These are regarded as being of potentially greater value and are more user-friendly than technologically driven techniques. Together with a number of resource efficiencies, the proposal will adopt sustainable surface water management and flooding principles, and in terms of climate change adaptation, the submitted 'checklist' confirms that all house types are designed to offer adaptable/flexible living spaces within the site and to create an inclusive environment and community spirit catering for the needs of all people whilst also being compliant with accessible and Building Standards requirements.

The style and finishes of houses and flats are suitably varied and comparable in style to other properties constructed to the north within the R7 Barhill Road East development (also known as the Letterfourie development). The presence of low hedge planting and small landscaped amenity areas within the development will provide a softer and welcoming development. The substantive planting along the western and south edge the site, will in time soften and contain the south-west edge of Buckie as approached from the south. The proposed small playpark would benefit from passive surveillance being

located between the private and affordable housing. Its location at the east end of the development will see it located where traffic is lightest and where traffic calming tables are in place. Conditions are recommended regarding its maintenance and the timing of provision of the playpark and landscaping.

Affordable Housing (H8, PP3, IMP1)

Policy H8 and associated supplementary guidance require affordable housing to be provided on-site within the development, in this case 28 units. Following consultation, the Housing Strategy & Development Manager has confirmed that the proposed 28 affordable housing units now included in the amended proposal would meet the requirements of policy H8. The mix is as described above and reflects an appropriate mix of unit types as defined by the Housing Manager. Some minor amendments to the overall layout including affecting the layout at the affordable units were required in order to satisfy the placemaking and quality audit review for the whole development.

A condition is recommended to ensure appropriate control and scrutiny is given to the delivery of the affordable units in accordance with policy H8.

Housing Mix / Accessible Housing (H9)

Policy H9 and associated supplementary planning guidance require accessible housing to be provided within the development. In this case, after taking account of affordable housing requirements (28 dwellings), 10% of the remaining 84 (private) houses should be provided as accessible housing: in this case a rounded up figure of 9 units are required. As the application was submitted identifying only 8 accessible units the applicants have agreed to a condition recommended adapting one of the other private 84 housing units into an accessible unit also.

Upon this basis, subject to the condition recommended the proposal would accord with policy H8.

Transportation (Buckie designation R11, T1, T2, T5, T7, PP3, IMP1, IMP2, IMP3)

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

The internal layout of the site is an informal grid structure within a loop. Provision has been made to allow for future connection to the south-east of the site and land needs to be reserved for a possible future roundabout should there be future development on land to the west of Barhill Road.

Additional cycle path provision is required to the north of the site adjacent to Barhill Road to connect it to the neighbouring development and beyond. The existing track is shared by vehicular traffic and in poor condition therefore the new cycle path linking the development to the existing cycle path network to the north will be desirable and will provide a suitable connection. This path should be provided within the site boundary. Transportation arrangements are important in place-making (movement) considerations. Subject to conditions as recommended, the proposed road, foot and cycle arrangements are acceptable and satisfy planning policy. In addition, they contribute to defining the street hierarchy and connectivity, both within the site and to the wider area, including access to facilities and public transport.

The amended details do not fundamentally alter the footpath and cycle connections included in the original layout except to include an additional section of foot/cycle path along the northern side of Plot 11, located at the north-west corner of the site at Barhill Road. Off-site works are required to widen the pavement north of the site, adjacent to the Letterfourie Housing development

Water, Drainage and Flooding (EP5, EP6, EP7, EP10, IMP1) **Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)**

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, together with consideration to be given to the impact of construction phase run-off.

The DA confirms that the development will be served by separate foul and surface water drainage systems, the latter to incorporate SUDs and be designed in accordance with sustainable development principles, thereby reflecting the requirements of policy EP5. Following consultation, SEPA and Moray Flood Risk Management (MFRM) has not objected to the development which was subject to further investigation and modification of drainage arrangements subject to a condition requiring an environmental Construction Method Statement to further demonstrate the measures that will be in place to protect the water environment. A detention basin at the east end of the site is proposed and specific consideration to the flow of surface water throughout the site was given due to the fact that some areas of the site will be on a gradient. SEPA have requested conditions ensuring the SUDS detention basin sits above known flood levels and also that an environmental construction environmental management plan be provided.

Control of Development in Flood Risk Areas

A Flood Risk Assessment FRA was required and is identified within the R11 designation statement for this site. This is also required under policy EP7 Control of Development in Flood Risk Areas.

This FRA was considered by both SEPA and the Moray Flood Risk Management Team, who have raised no objection. SEPA have however sought a condition ensuring the SUDs detention basin be located above known flood levels. This followed several discussions and amendments to ensure that the drainage information dealt suitably with surface water that may have contributed to flooding on the lower levels of the site.

Foul (waste water) Drainage

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

Impact Upon Cultural Heritage (BE1, IMP1)

There are no built heritage assets near the site, but given the presence of archaeology upon the site, consultation was carried out with the Aberdeenshire Archaeological Service who has not objected subject to a condition requiring a programme of archaeological works, to assess and safeguard any archaeological assets.

Impact on Natural Heritage (E3, IMP1)

There are no international, national or local environmental designations covering the site. The eastern corner of the site is lower lying and close to the Burn of Buckie resulted in SEPA seeking an assessment of Groundwater dependent terrestrial ecosystems (GWDTE). The ecology assessment and further investigation undertaken has subsequently satisfied SEPA who have removed their objection with regards to terrestrial ecosystems.

Pollution Impacts (EP8, EP9, EP12, IMP1)

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

No specific pollution impacts are anticipated, and the recommended conditions covering Construction traffic methodology and the Environmental Construction Method Statement covering the water environmental will afford suitable protection during the construction phase when pollution is most likely to occur.

Developer Impact Assessments (IMP2)

Following consideration, the Environmental Health Manager has not objected to the proposal in terms of adverse pollution impacts, whether in amenity or nuisance terms regarding noise, disturbance or dust etc. No mitigation measures, for example restriction on construction working times etc. are required/proposed in relation to the impact of on-site construction activity upon any nearby neighbouring property, whether within or adjoining the site.

The early implementation of the structural and feature planting on the west side of the site will assist with dust mitigation and prevent the need to for a specific mitigation covering the issue.

Developer Obligations (IMP3)

Developer contributions were sought following consultation with the Developer Obligations Unit of Aberdeenshire Council. A contribution has been sought in relation to open space provision, and some off site works are required to connect the site to other cycle paths to the north on Barhill Road. Consideration of school capacity is undertaken as part of the developer obligations process, this relies upon the school capacity forecasts which are produced annually. The school capacity forecasts for Cluny Primary School which serves this catchment area does not trigger a need for contributions as it is below the 90% functional capacity.

Conclusion

On the basis of the above, and subject to the conditions recommended the proposal is acceptable, with the variance from several of the designation design principles not raising any material departure on the basis of the above considerations. Approval is recommended.

REASON(S) FOR DECISION

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

The development accords with the Moray Local Development Plan 2015 beyond the deviations from the indicative key design principles from Buckie R11 housing designation for which, material considerations do not give rise to or justify refusal.

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APPENDIX

POLICY

Adopted Moray Local Development Plan 2015

Primary Policy PP1: Sustainable Economic Growth

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

Primary Policy PP2: Climate Change

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

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

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

Primary Policy PP3: Placemaking

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

Developments should;

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

Policy H1: Housing Land

Designated sites

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

Windfall sites within settlements

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

- a) The proposal does not adversely impact upon the surrounding environment, and
- b) Adequate servicing and infrastructure is available, or can be made available
- c) The site is not designated for an alternative use

d) The requirements of policies PP2, PP3 and IMP1 are met.

Housing Density

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

Policy 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.

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

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

Policy E9: Settlement Boundaries

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

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

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

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

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

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

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

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

Policy EP6: Waterbodies

Proposals must be designed to avoid adverse impacts upon water environment and should seek opportunities for restoration. The Council will only approve proposals impacting on water features where the applicant provides a satisfactory report that demonstrates that any impact (including cumulative) on water quality, water quantity, physical form (morphology), river hydrology, sediment transport and erosion, nature conservation, fisheries, recreational, landscape, amenity, and economic and social impact can be adequately mitigated.

The report should consider existing and potential impacts up and downstream of the development particularly in respect of potential flooding. The Council operates a presumption against the culverting of watercourses and any unnecessary engineering works in the water environment.

A buffer strip of at least 6m between any new development and all water features is required. These should be designed to link with blue and green networks and can contribute to open space requirements. Developers may be required to make improvements to the water environment as part of the development.

Policy EP7: Control of Development in Flood Risk Areas

New development should not take place if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere. Proposals for development in areas considered to be at risk from flooding will only be permitted

where a flood risk assessment to comply with the recommendations of National Guidance and to the satisfaction of both the Scottish Environment Protection Agency and the Council is provided by the applicant. This assessment must demonstrate that any risk from flooding can be satisfactorily mitigated without increasing flood risk elsewhere. Due to continuing changes in climatic patterns, the precautionary principle will apply when reviewing any application for an area at risk from inundation by floodwater.

The following limitations on development will also be applied to take account of the degree of flooding as defined in Scottish Planning Policy;

- a) In areas of little to no risk (less than 0.1%) there will be no general constraint to development.
- b) Areas of low to medium risk (0.1% to 0.5%) will be considered suitable for most development. A flood risk assessment may be required at the upper end of the probability range (i.e. close to 0.5%), and for essential civil infrastructure and most vulnerable uses. Water resistant materials and construction may be required. Areas within this risk category will generally not be suitable for civil infrastructure. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during extreme flooding events.
- c) Areas of medium to high risk (0.5% or above) may be suitable for:
 - Residential, institutional, commercial and industrial development within built up areas provided flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood management plan;
 - Essential infrastructure within built up areas, designed and constructed to remain operational during floods and not impede water flow;
 - Some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place and
 - Job related accommodation e.g. for caretakers or operational staff.

Areas within these risk categories will generally not be suitable:

- Civil infrastructure and most vulnerable uses;
- Additional development in undeveloped and sparsely developed areas, unless a location is essential for operational reasons, e.g. for navigation and water based recreation, agriculture, transport or utilities infrastructure (which should be designed to be operational during floods and not impede water flow), and
- An alternative, lower risk location is not available and
- New caravan and camping sites.

Where development is permitted, measures to protect against or manage flood risk will be required and any loss of flood storage capacity mitigated to achieve a neutral or better

outcome. Water resistant materials and construction should be used where appropriate. Elevated buildings on structures such as stilts are unlikely to be acceptable.

Policy EP8: Pollution

Planning applications for developments that may cause significant pollution in terms of noise (including RAF aircraft noise), air, water and light emissions will only be approved where a detailed assessment report on the levels, character and transmission of the potential pollution is provided by the applicant. The assessment should also demonstrate how the pollution can be appropriately mitigated. Where the Council applies conditions to the consent to deal with pollution matters these may include subsequent independent monitoring of pollution levels.

Policy EP9: Contaminated Land

Development proposals on potentially contaminated land will be approved provided that:

- a) The applicant can demonstrate through site investigations and risk assessment, that the site is in a condition suitable for the proposed development and is not causing significant pollution of the environment; and
- b) Where necessary, effective remediation measures are agreed to ensure the site is made suitable for the new use and to ensure appropriate disposal and/or treatment of any hazardous material.

The Council recommends early contact with the Environmental Health Section, which can advise what level of information will need to be supplied.

Policy EP10: Foul Drainage

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

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

All development within or close to settlements (as identified in the Local Development Plan) of less than 2000 population equivalent will require to connect to public sewerage system except where a compelling case is made otherwise. Factors to be considered in such a case will include size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage

problems within the area. Where a compelling case is made, a private system may be acceptable provided it does not pose or add risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or amenity of the general area. Consultation with Scottish Environment Protection Agency will be undertaken in these cases.

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

Policy EP12: Air Quality

Development proposals, which, individually or cumulatively, may adversely affect the air quality in an area to a level which could cause harm to human health and wellbeing or the natural environment must be accompanied by appropriate provisions (deemed satisfactory to the Council and Scottish Environment Protection Agency as appropriate) which demonstrate how such impacts will be mitigated.

Some existing land uses may have a localised detrimental effect on air quality, any proposals to locate development in the vicinity of uses and therefore introduce receptors to these areas (e.g. housing adjacent to busy roads) must consider whether this would result in conflict with the existing land use. Proposals which would result in an unacceptable conflict with existing land use and air quality will not be approved.

Policy T1: Transport Infrastructure Improvements

The Council will promote the improvement of road, rail, air and sea routes in Moray and priority will be given to:

- a) dualling the A96 Aberdeen to Inverness route with early delivery of bypasses for settlements prioritised.
- b) improving the A95 (Keith to Grantown) route.
- c) Improving A941 (Lossiemouth to Elgin to Craigellachie) and A98 (Fochabers to Cullen) routes. Proposals must avoid or address any adverse effect on the integrity of Loch Spynie SPA or the River Spey SAC including hydrological and water quality impacts on habitat or disturbance to species.
- d) improving the Aberdeen to Inverness railway for passengers and freight by providing route and service enhancement.
- e) improving harbour facilities for freight and leisure including the diversification of the commercial harbour at Buckie for offshore renewables. Harbour improvement works must avoid or address any adverse effect on the integrity of the Moray Firth Special Area of Conservation through noise or vibration disturbance to bottlenose dolphins, cumulative increase in vessel movements, or through dredging and disposal operations.

- f) improving access to air facilities, at Aberdeen and Inverness, in particular through public transport, and the establishment of a railway station at Dalcross.
- g) improving the transport network within Elgin where there is evidence of positive economic benefits including release of sites designated in the local development plan.

Proposals that compromise the implementation of these priorities will not be acceptable.

Policy T2: Provision of Access

The Council will require that new development proposals are designed to provide the highest level of access for end users including residents, visitors, and deliveries appropriate to the type of development and location. Development must meet the following criteria:

- Proposals must maximise connections and routes for pedestrian and cyclists, including links to active travel and core path routes, to reduce travel demands and provide a safe and realistic choice of access.
- Provide access to public transport services and bus stop infrastructure where appropriate.
- Provide appropriate vehicle connections to the development, including appropriate number and type of junctions.
- Provide safe entry and exit from the development for all road users including ensuring appropriate visibility for vehicles at junctions and bends.
- Provide appropriate mitigation/modification to existing transport networks where required to address the impacts of new development on the safety and efficiency of the transport network. This may include but would not be limited to, the following measures, passing places, road widening, junction enhancement, bus stop infrastructure and drainage infrastructure. A number of potential road improvements have been identified in association with the development of sites the most significant of these have been shown on the Settlement Map as TSPs.
- Proposals must avoid or mitigate against any unacceptable adverse landscape or environmental impacts.

Developers should give consideration to aspirational core paths (under Policy 2 of the Core Paths Plan) and active travel audits when preparing proposals.

New development proposals should enhance permeability and connectivity, and ensure that opportunities for sustainable and active travel are protected and improved.

The practicality of use of public transport in more remote rural areas will be taken into account however applicants should consider innovative solutions for access to public transport.

When considered appropriate by the planning authority developers will be asked to submit a Transport Assessment and Travel Plan.

Significant travel generating proposals will only be supported where:

- Direct links to walking and cycling networks are available;
- Access to public transport networks would involve walking no more than 400m;
- It would not have a detrimental effect on the capacity of the strategic road and/or rail network; and
- A Transport Assessment identifies satisfactory mechanisms for meeting sustainable transport requirements and no detrimental impact to the performance of the overall network.

Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.

Policy T5: Parking Standards

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

Policy 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.

R11: Barhill Road (S)

This is a large new designation that is capable of accommodating up to 105 houses. This development is on the edge of Buckie and offers the opportunity to enhance the settlement boundary through the provision of substantial advance planting (see section below) to create a robust edge to this settlement extension. A significant area of the site has been identified for structural planting to achieve this. Design principles for the site have been prepared and are set out in an accompanying map.

A Flood Risk Assessment will be required to support any proposal and this may impact on the developable area of the site. A SUDS and a construction phase water management plan will also be required.

A Transport Assessment will be required to support any planning application. Safeguarding of land for a future roundabout will be required in association with an access junction to the site off Barhill Road.