



Residential Development

Introduction

Local Development Plans contain residential development policies and housing land allocations for the following reasons;

- To provide a range of housing opportunities that meets the requirement for a continuing 5-year effective land supply.
- To promote the development of housing on brownfield land to reduce the need to use greenfield land.
- To accommodate low impact housing development in the countryside.
- To promote the provision of affordable housing and house styles and developments to reflect the ageing population.
- To set standards related to the development of new housing which help to maintain the quality of the area's natural and built environment.
- To improve Placemaking and create attractive locations in which to live

This approach helps to provide housing to meet Moray's needs and demands and support the future economic growth of the area. It will also help to reduce the impact of housing development on the environment.

Context

Scottish Planning Policy (SPP) requires Local Development Plans to identify a generous supply of land, set out the housing supply target and housing land requirement for each housing market area up to year 10 from the year of adoption of the Plan. Plans should allocate a range of sites which are effective or capable of becoming effective in the plan period and provide a minimum 5 year effective land supply at all times.

The SPP also encourages Plans to provide an indication of the possible scale and location of the housing land requirement beyond year 10 and up to year 20 and clearly set out the scale and distribution of the affordable housing requirement for the area. Policies H1 and H2 seek to achieve this and the housing land supply is monitored through an annual audit with an agreed process for releasing LONG term sites, if agreed “triggers” are met.

In the interests of sustainable development and reducing the need to travel, most new development should be guided to locations within or adjacent to settlements, but the Plan also sets out circumstances where new housing in the countryside will be acceptable.

The strategic housing land requirements have been calculated based upon the Council’s Housing Need and Demand Assessment 2011. This provides baseline figures to which elements of flexibility have been added to provide strategic housing land requirements for the five Local Housing Market Areas (LHMA’s) within the Plan area. Capacity studies have been undertaken to identify the amount of housing land to be released in each settlement. Full details of the housing land requirements, capacity study and settlement hierarchy are provided in the Housing Land Background Paper.

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.

Justification:

The Council through its housing needs and demand assessment has identified a housing land target of 6456 units. This is based on an average need of 538 units per annum over the period 2013-2025. Table 1 on page 22 shows how this is to be met through sites already in the land supply and through new sites as identified in the relevant settlement statements. A five year effective supply of housing land to meet this requirement will be maintained at all times. This will be monitored and updated annually through the housing land audit. If the audit identifies a shortfall in the five year effective housing land supply, the Council will consider earlier release of "LONG" sites in accordance with Policy H2

Local Housing Market area	Settlement	5 year effective supply	Longer Term Effective supply	Constrained supply	Average Completion Rates (2005-2012)	Additional Housing Allocation
Buckie	Buckie	332	265	285	30	255
	Cullen	21	15	55	1.1	55
	Findochty	15	20	20	0.1	0
	Portgordon	7	34	20	1.1	35
	Portknockie	15	35	0	0	0
LHMA Total						345
Elgin	Burghead	36	25	12	13.6	20**
	Cummingston	3	0	0	0	0
	Duffus	0	0	0	0	0
	Elgin	503	367	1580	151	1290+LONG
	Fochabers	50	0	50	0.1	80+LONG
	Garmouth/ Kingston	8	0	0	0	10
	Hopeman	0	0	0	0.1	25+LONG
	Lhanbryde	30	35	0	10	0
	Lossiemouth	143	222	0	12.2	0
	Mosstodloch Urquhart	40 0	19 0	0 20	0 0	60 10+LONG
LHMA Total						1495+ LONG
Forres	Alves	0	0	0	2	0+ LONG
	Dallas	5	0	9	0	0
	Dyke	12	0	0	0	0*
	Findhorn	40	11	0	1.6	5
	Forres	369	451	411	44.7	360+LONG
	Kinloss	23	9	18	0.8	0
	Rafford	10	0	0	0	0
LHMA Total						365+LONG
Keith	Keith	93	124	301	12.2	180+ LONG***
	Newmill	4	6	0	0	0
	Rothiemay	13	4	0	0	10
LHMA Total						190+LONG
Speyside	Aberlour	25	7	90	1.3	90+LONG
	Archiestown	3	4	0	0.6	20
	Craigellachie	17	0	5	1.3	20
	Dufftown	35	21	0	3	75
	Rothies	10	0	80	1	40
LHMA Total						245+LONG

Table 1

- * new small designations of less than 5 houses are identified in the settlement plans for Dyke.
- ** Burghead- also a requirement to identify land for 40 units as site R4 identified in MLP2008 has been deleted as a housing land designation.
- *** Keith- also a requirement to identify further land for 20 units as site R12 identified in MLP2008 has been deleted as a housing land designation.

Long term designations are identified to set out the direction of growth and to assist in the forward planning of infrastructure and landscape enhancement/mitigation. These sites are not relied upon to meet the current housing land requirement up to 2025. The detail of these designations will be reviewed through the next local development plan. Earlier release of these areas, or sites within them, will only be considered where:

A shortfall in the 5 year effective land supply is identified in the annual Housing Land Audit which cannot be met by:

- 1) windfall provision assuming previous trends
- 2) Constrained sites which are likely to become available for development to meet the shortfall in the relevant timeframe.

In these circumstances an appropriate release of LONG term land may be recommended where:

This can be achieved without compromising delivery of a master-planned approach and where appropriate access, infrastructure and landscape setting can be secured.

The site is demonstrated to be effective within the next five years.

Note: *Supplementary or other guidance will be prepared to address the detailed implementation and approach to LONG sites and the conditions which will apply to early/partial release and/or progression through the next local development plan.*

Justification:

LONG term sites have been identified to provide a strategic view of the future direction of some settlements and allow for infrastructure and landscaping enhancement/ mitigation measures to be progressed. These sites are embargoed from development during the period of the Local Development Plan, unless the Council is convinced that their early release is justified. This will be assessed annually against the agreed triggers set out in the Housing Land Audit.



Policy H3**Sub division for House Plots**

Proposals for the subdivision for housing plots in those settlements and rural groupings where there is no specific embargo will be acceptable if the plot subdivision is less than 50% of the original plot, if the site provided is at least 400 square metres excluding access, if the house style complements the character of the area and the scale and architecture of the parent and neighbouring properties. The built up area of the application site should avoid overlooking and maintain the amenity of the parent and surrounding properties.

Acceptable provision must be made for on-plot parking for both the new and parent properties.

Backland development will be acceptable where it meets these conditions but proposals for tandem development will only be permitted in exceptional circumstances because of the impact upon the amenity of the parent property.

Specific embargoes on sub-division exist at Craigellachie, Dallas, Kingston and Urquhart. In Newmill sub division is encouraged as a way of promoting development and tidying up derelict land.

Justification:

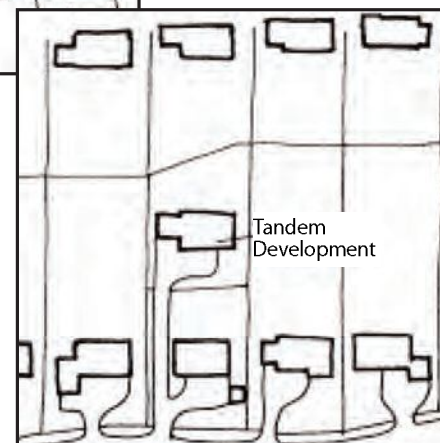
Plot subdivision needs to be controlled to ensure the impacts of over development do not adversely effect the character of an area.

Backland development is defined as development on land that lies to the rear of an existing property that often fronts a road. Backland development can cause a significant loss of amenity to existing properties including loss of privacy, loss of daylight, overlooking, visual intrusion by a building, noise disturbance, reduced space and loss of landscaping.

Tandem development is a form of backland development where a new house is proposed immediately behind an existing house and served by the same access. This is generally unacceptable because of the impact on the amenity of the dwelling at the front of the site.



Backland and Tandem Development



Policy H4**House Alterations and Extensions**

House alterations and extensions will normally be approved if the appearance of the house and the surrounding area is not adversely affected in terms of style, scale, proportions or materials.

Pitched roofs will be preferred to flat roofs, pitched dormers to box dormers. Existing stone walls should be retained as far as possible.

Justification:

The policy discourages badly designed extensions and alterations. This is intended to safeguard the character and amenity of established residential areas.

Policy H5**Development Within Rural Groupings**

This policy will apply to all groupings identified and contained in the Rural Groupings Supplementary Guidance.

New Housing within designated Rural Groupings will be acceptable in principle, provided standard technical and infrastructure requirements have been met (road access; drainage etc). The scale and design of proposals must fit the character of the area, and should not adversely impact on environmental amenity.

Potential sites have been identified in some locations. Areas of land which contribute to the environmental setting and character (eg trees; woodland; area of open space) have been identified as “amenity land”, and proposals which adversely affect the amenity value of such sites, will not be approved.

During the currency of the Local Development Plan, the Council will carry out a full Review of these designations and produce Supplementary Planning Guidance that will consider matters such as revised boundaries; sites with development potential; removal of existing designations or the addition of new groupings. This will be subject of consultation, and on completion, will be adopted as a formal part of the Plan.

Justification

The Plan seeks to maintain and encourage the growth of population levels within rural areas, with a preference for expanding/building alongside existing groupings as a means of reducing the pressure for housing in open countryside. The identification of sites with potential for development will also help in the provision of a generous supply of housing land, as required by Scottish Planning Policy.

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

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

- a) There is clear physical evidence of a previous building, using the equivalent of level 2, where the full extent of the building is clearly established; and,
- b) The proposed house(s) sits on at least part of the footprint of the previous building(s). The number of houses shall not exceed the conversion potential of the original building (e.g. if the building could be split into 3 units, no more than 3 replacement dwellings will be permitted).

Where new build is proposed along with a re-use or rehabilitation scheme, it must:

- i) Comprise only a limited number of new build units not exceeding the number of converted or replacement dwellings;
- ii) No more than 50% of new build units can be built before the conversion is complete;
- iii) Be contained within the curtilage of the existing building site and must not extend into previously undeveloped land;
- iv) Create a cohesive grouping through built form, layout and landscape features that reflects the character of the existing buildings and surrounding area;
- v) Comply with the design requirements of policy H7 (New Housing in the Open Countryside); and,
- vi) Incorporate stonework and salvaged material, wherever practicable.

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

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

Justification

The encouragement of housing development in appropriate locations in the countryside is an important plan objective. This will assist in the retention of population in this predominantly rural area.

Potential impact of new housing on the wider countryside will be reduced by the re-use of sites where development has previously taken place. The retention of local vernacular buildings and buildings with architectural merit will assist in maintaining the character and appearance of the area. New development in the countryside must reflect the character of the surrounding area to minimise impact. All new dwellings will have to comply with the design requirements of policy H7, in order to avoid suburban layouts and architecture which are alien to the rural environment and to minimise any impact on the surrounding countryside.

Diagram 1**Level 1**

RUBBLE PILE
Building form not known

Level 2

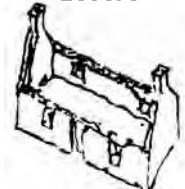
PLAN FORM COMPLETE
Extent of building clearly known

Level 3

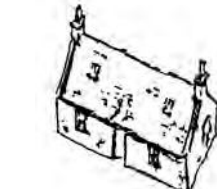
GABLE ONLY
Extent of use of building not known

Level 4

WINDOW SILL HEIGHT
Full extent and use of building not known

Level 5

COMPLETE SHELL
Former use evident

Level 6

RUINOUS STATE
Former use and extent shown

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

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

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

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

Policy H7 New Housing in the Open Countryside

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

Siting

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

Justification

The Plan aims to allow housing in the open countryside that can be easily absorbed into the landscape. New development should be low impact and reflect the character of the surrounding area in terms of the traditional pattern of settlement and the scale and design of housing. The introduction of suburban layouts and house styles and the incremental build up of new houses have the potential to alter the rural character and detrimentally impact on the area's high quality rural environment.

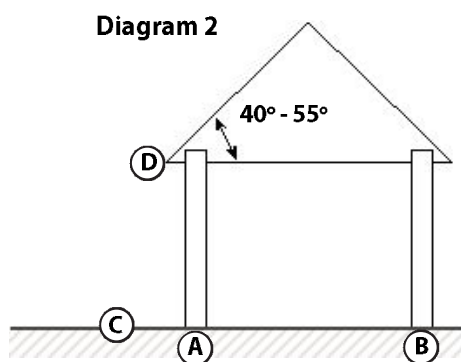
Proposals that add to an existing grouping, such as an established re-use or rehabilitation scheme, will be more satisfactorily integrated where they connect through built form, layout and landscape features. Development that adds to an existing suburban layout should be avoided. Infill development along a road or landscape feature may be appropriate where this does not detract from the character or setting of existing houses.

Innovative modern design and energy efficiency measures are encouraged to promote sustainable development.

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

Design

- i) A roof pitch between 40-55 degrees;
- ii) A gable width of no more than 2.5 times the height of the wall from ground to eaves level (see diagram 2);
- iii) Uniform external finishes and materials including slate or dark 'slate effect' roof tiles;
- iv) A vertical emphasis and uniformity to all windows and doors;
- v) Boundary demarcation that reflects the established character or style (e.g. dry stone dykes, hedges) in the locality;
- vi) Proposals must be accompanied by a landscaping plan showing an appropriate proportion of the plot, generally 25%, to be planted with native tree species at least 1.5 metres in height.



Ground Level:

A fixed point measured 100mm below the finished floor level of a house with a solid ground floor;

or 300mm below finished floor level of a suspended ground floor

Eaves:

The point where the front face of the external wall intersects with the uppermost point of the roof line

The width of the gable as measured from A to B should not be greater than 2.5 times the height of the ground to eaves measurement C to D.

Pitch on roof to be 40° - 55°

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

Proposals which involve the loss of woodland will be assessed against policy ER2 and must take account of the Council's Supplementary Guidance on Trees and Development.

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

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

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

Policy H8**Affordable Housing**

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

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

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

Justification:

The Council's Housing Need and Demand Assessment identifies a substantial requirement for affordable housing. Developers should contact the Council's Housing service early in the design process to discuss the affordable housing contribution.

Policy H9**Housing Mix/ Accessible Housing**

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

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

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

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

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

Justification

The changing demographics in household size and population age mean that there will be a significantly higher demand for smaller houses and for houses for an ageing population. Changing health care arrangements will result in people living longer in their homes and an increase in downsizing to smaller properties, with living accommodation on the ground floor.

Revisions to the Scottish Building Regulations in 2007 introduced significant changes to the functional standards and supporting guidance on accessibility of buildings, which includes advice on spaces and facilities to make homes more accessible.

This requirement is additional to the requirements for affordable housing set out in Policy H8.

Policy H10**Residential Caravans and Sites**

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

- a) In emergency situations requiring urgent re-housing for a temporary period, or
- b) Where a temporary consent is required in relation to the construction of a house for which planning consent has been granted

Proposals to redevelop residential caravan sites at Kinloss and Ashgrove, Elgin to provide new housing sites will be acceptable in principle (see also settlement statements), although a reduced density may be appropriate. At Mundole, any proposals to redevelop the residential caravan site should be subject of a Masterplan, and retain holiday/tourist accommodation as the primary use of the site.

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

Justification

Despite improvements in construction and design, caravans (and park homes/chalets which are still classed as "caravans") are not regarded as providing suitable full time living accommodation.

There continues to be a large number of caravans in Moray in residential use, and it is an objective to reduce the dependency on this for low cost housing. The policy therefore places an embargo on the creation of any new sites, and also encourages the redevelopment of existing residential sites for housing developments.

Holiday use of caravans is an important element in the Tourism offer in Moray, and thus in the case of Mundole, the Council would wish to see the established use/consent for holiday caravans continued. The site does have opportunities offered by the landscape setting and recreation potential from the woodlands and River Findhorn nearby. There is scope for some infill/replacement development within the defined boundary of the Mundole rural grouping. All new proposals should form part of an overall Masterplan which takes account of and addresses local constraints such as contamination and flooding.

Proposals for Gypsy/Traveller sites, whether halting or permanent, from both public and private sectors will be favourably considered where

- a) There is an identified need and an accepted shortfall in provision
- b) The site does not detract from the character and appearance of the area, and is capable of being satisfactorily integrated into the landscape
- c) If located in the Countryside, the proposal is located a minimum of 1 kilometre from a settlement boundary
- d) There is no detrimental impact on the amenity of existing residents in the area through noise; road traffic movements; other disturbances
- e) The technical requirements for the development can be satisfactorily met (road access; drainage; water supply; waste collection; free from flood risk or contaminated land etc).
- f) Where a countryside location is proposed, on site tree planting and appropriate boundary treatment is provided, as would be the case for conventional houses.
- g) Any natural and cultural heritage interests are safeguarded.

Gypsy/Traveller site proposals in countryside areas will be regarded as a form of “housing in the countryside”, and will also be subject to the relevant aspects of policy H7.

Locations within Countryside Around Towns; Coastal Protection Zones; Areas of Great Landscape Value; immediately outside settlement boundaries; are likely to give greatest conflict with existing policies and established planning principles.

Justification

The Council’s Housing Need and Demand Assessment identifies the need for Gypsy/Traveller’s sites. Gypsy/Travellers are a recognised ethnic group, which gives them rights under Human Rights legislation, that require to be taken into account by the Planning system. There are two different categories of site that are likely to be required

- Halting sites, where travellers in transit might stop for a number of days/weeks
- Permanent sites, which are smaller in scale and used (often by family/extended family groups) as a base for permanent dwellings/buildings whilst travellers are on the road.

This could result in proposals which would be in conflict with some planning policies, although these have been drafted with the “settled community” and bricks and mortar houses in mind. It will be necessary, to take into account the legislative rights of Gypsy/Travellers under the Human Rights Act and for this to be used as a material consideration to justify a departure from the conventional application of these policies.

For the purposes of this policy, the “appropriate distance” from settlement boundaries in policy E9, shall be 1 kilometre.

