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**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON  
26 MARCH 2019**

**SUBJECT: 19/00105/PAN - PROPOSAL OF APPLICATION NOTICE  
AFFORDABLE HOUSING, LANDSCAPING AND ASSOCIATED  
INFRASTRUCTURE AT BAIN AVENUE, ELGIN**

**BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT,  
PLANNING AND INFRASTRUCTURE)**

**1. REASON FOR REPORT**

- 1.1 To inform the Committee that a Proposal of Application Notice (PAN) was submitted on 31 January 2019 by Springfield Properties PLC.
- 1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to exercising the statutory functions of the Council as a Planning Authority.

**2. RECOMMENDATION**

**2.1 It is recommended that:**

- (i) in noting the terms of this report, the Committee advise upon any provisional views/relevant issues that Members of this Committee (or any other Member(s) of the Council) wish to raise about the proposed development so that these matters can be recorded and thereafter fed back to the prospective applicant in order to inform the development of their proposed formal application for planning permission; and
- (ii) the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

**3. BACKGROUND**

- 3.1 Scottish Government has published guidance which encourages elected members to highlight any issues with a proposed development at the pre-

application stage which they would wish to see taken into account within any formal application for planning permission.

- 3.2 Following consideration by this Committee on 11 November 2014 it was agreed that any PAN received after this date would be reported to Committee to give Members of the Committee, and the Council, the opportunity to identify any key issues/provisional views about the proposed development and that these matters be reported back to the applicant (paragraph 4 of the Minute refers).
- 3.3 This current report is not about the merits of the proposed development but rather, based on local knowledge of local issues and wider concerns, etc. Members are invited to identify any matters relevant to the proposal. These will be reported back to the prospective applicant for their information and attention, and to inform the development of the proposed application. It is also proposed that, for information, Members' comments be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.
- 3.4 As described, this PAN relates to a proposal for affordable housing, landscaping and associated infrastructure on parkland at Bain Avenue, Elgin. The PAN includes a Location Plan (**Appendix 1**) which defines the extent of the proposed development site. No house designs or site layout arrangements have been provided at this stage nor any details of numbers of units.
- 3.5 The site extends to approximately 2.1 hectares and currently comprises an area of grass, including a children's playpark and SUDS detention basin, set within a residential area on the southeastern periphery of Elgin. The roughly triangular shaped site is flat and is bounded by housing to the west/northwest and roads to the other two sides.
- 3.6 The site is located on land currently designated as open space within the Moray Local Development Plan 2015, namely ENV3 Amenity Greenspace and ENV4 Playspace for Children and Teenagers. The site is subject to similar open space designations ENV2 Amenity Green Space and ENV3 Playspace for Children and Teenagers in the Moray Local Development Plan 2020 Proposed Plan, which has been the subject of a public consultation exercise between 7 January to 15 March 2019.
- 3.7 Relevant to the current Hierarchy Regulations and for residential development on a site which exceeds 2 hectares, the proposal would be a major development for planning purposes. As such, the proposal would be subject to PAN and pre-application consultation with the local community procedures. The applicant's agent has also been advised of the Council's pre-application advice service to assist in identifying key issues and information that would be expected to accompany any formal application.
- 3.8 A formal response has been issued to the applicant's agent to confirm that the proposed arrangements for engaging with the local community are sufficient. The applicant's agent has served a copy of the PAN on Elgin Community

Council and local ward Members. The agent has been advised that no additional parties require to be notified with a copy of the PAN.

- 3.9 The agent has advised that a public consultation event in the form of a staffed public exhibition is to be held at the New Elgin and Ashgrove Public Hall, Elgin on Thursday 7 March 2019. For validation purposes for a major application, the applicant is required to submit a pre-application consultation report setting out the steps taken to consult with the local community together with details of comments made on the proposal and how the applicant has responded to all comments made on the proposal in the development of the application.

#### **4. SUMMARY OF IMPLICATIONS**

**(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

Identifying key issues at an early stage to assist with front loading major planning applications is a vital aspect of supporting and facilitating the Council's priority for economic development in Moray.

**(b) Policy and Legal**

Scottish Government guidance on the role of councillors in pre-application procedures affords elected members the opportunity to offer general provisional views on forthcoming developments which are the subject of a PAN where the details of the development have yet to be finalised.

**(c) Financial implications**

None.

**(d) Risk Implications**

None.

**(e) Staffing Implications**

None.

**(f) Property**

None.

**(g) Equalities/Socio Economic Impact**

None.

**(h) Consultations**

The Corporate Director (Economic Development Planning & Infrastructure), the Head of Development Services, Legal Services Manager, Manager (Development Management), the Equal Opportunities Officer, Gary Templeton (Principal Planning Officer), and Lissa Rowan (Committee Services Officer) have been consulted, and comments received have been incorporated into the report.

Members of Moray Council who are not on the Planning & Regulatory Services Committee have also been consulted and any views received on the proposal will be made known at the meeting.

## **5. CONCLUSION**

- 5.1 The Council has received a PAN intimating the intention that a formal application for planning permission will be submitted for a major development proposal, in this case for permission for affordable housing, landscaping and associated infrastructure at Bain Avenue, Elgin. The Committee (and any other Member(s) of the Council) are asked to identify any provisional views/relevant issues which they would wish to see taken into account and inform the development of the proposal.**

Author of Report: Craig Wilson, Planning Officer

Background Papers:

Ref: 19/00105/PAN