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**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON  
15 SEPTEMBER 2020**

**SUBJECT: 20/00274/PAN– PROPOSED RESIDENTIAL DEVELOPMENT  
LANDSCAPING AND ASSOCIATED INFRASTRUCTURE AT  
BURNSIDE NORTH, ELGIN SOUTH, ELGIN**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND  
FINANCE)**

**1. REASON FOR REPORT**

- 1.1 To inform the Committee that a Proposal of Application Notice (PAN) was submitted on 28 February 2020 on behalf of 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 prospective 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 This PAN relates to a proposed housing development (with associated infrastructure and landscaping) at Burnside North, Elgin South, Elgin. It is anticipated that the development will consist of around 50 units but this is still to be confirmed. A plan is appended showing the location and extent of the site (**Appendix 1**). The site extends to approximately 1.78ha. The site is bounded to the west by the A941, with existing housing to the north. There is woodland to the south and east of the site. The site is part of the Elgin Long 2 (Elgin South) designation in the Moray Local Development Plan 2020. The existing woodland is covered by the Elgin ENV5 designation. The site also lies just within the northern boundary of the area covered by the Elgin South Masterplan.
- 3.5 It is anticipated that access will be taken from the west via A941. There is also potential for archaeological remains and features to survive across the site. Parts of the site are identified as being at risk of surface water flooding. There are no other landscape, cultural or natural heritage designations affecting the site. Surface Water arrangements will be contained within the site.
- 3.6 Planning Permission is required for this proposal. All proposals for 50 or more units of housing are Major Developments under the Hierarchy of Development Regulations and as such, the proposal would be subject to PAN and pre-application consultation with the local community procedures. The applicant has already made use of the Council's pre-application advice service (20/00916/PEMAJ) which will assist in identifying key issue and information that would be expected to accompany any formal application.
- 3.7 The applicant proposes to consult with Elgin Community Council as part of their pre-application consultation procedures. No additional consultation has been recommended in this case. The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020 temporarily suspended the need to hold a public event in relation to PANs from 24 April 2020 provided that the PAN was submitted

before the end of the emergency period (including if it was submitted before the emergency period started as was the case here) and that any formal planning application following on from the PAN is lodged within 6 months of the end of the emergency period. In line with the new regulations an online public event was held between 10 & 17 August. This was advertised locally prior to opening and Elgin Community Council was made aware of the arrangements. In order to be valid a major application must be supported by a pre-application consultation report setting out the steps taken to consult with the local community, 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**  
None.
- (h) Consultations**  
Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Development Management and Building Standards Manager, the Equal Opportunities Officer, the Strategic Planning & Delivery Manager, 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 a residential development, landscaping and associated infrastructure at land at Burnside North, Elgin South, Elgin. The Committee (and any other member(s)) 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: Lisa MacDonald, Planning Officer

Background Papers:

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