



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
13 NOVEMBER 2018**

**SUBJECT: 18/01309/PAN - PROPOSED MIXED USE DEVELOPMENT
WITH COMMERCIAL/CRAFT UNITS COMMUNITY SPACES
AND DWELLINGS LANDSCAPE/ECOLOGICAL
ENHANCEMENT PROPOSALS AND NEW PRIVATE ROAD
TO SERVE DEVELOPMENT AT NORTH WHINS FINDHORN
FORRES**

**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 3 October 2018 by Makar (agent) on behalf of Duneland Limited.
- 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 a mixed use development with commercial/craft units, community spaces and dwellings landscape/ecological enhancement proposals and new private road to serve development proposed at North Whins, Findhorn, Forres, Moray. The PAN includes a Location Plan (**Appendix 1**) which defines the extent of the proposed development site. The PAN does not include detailed designs of any buildings to be provided but includes two "interim draft layouts". The first draft layout indicates, for example, the locations for a community facility, 3 commercial/craft units and identifies plot areas for 29 dwellings (detached (or multi-housing clusters)), and terrace form (of both 1½-storey form and also semi-detached units, potentially co-housing co-operative) together with provision for access and parking, SUDs ponds, tree planting to plot boundaries (for dune stabilisation, privacy and bio-diversity), gorse maintenance along dune ridge footpath (to maintain visual barrier). The second draft layout identifies a wildlife corridor located mainly along the southern boundary of the site.
- 3.5 The submitted interim draft layouts refer to a "Duneland Ltd Phase 2 Masterplan" as produced for and by the applicant. Whilst there has been some liaison with the Council's Planning and Development Team, the masterplan has not subject to any formal planning process or agreed as a material consideration in the determination of planning applications.
- 3.6 The site is approx. 2.79ha and bounded by existing development on Findhorn Foundation to the south, and by Cullerne Gardens, Wilkies Wood and the North Whins area to the west, east and north respectively. In terms of the

Moray Local Development Plan (MLDP) 2015) the site is located within the settlement boundary for Findhorn but it is not subject to any site –specific designation. It is located on an area of “white land” where there is an identified requirement for any development proposal to be supported by a detailed ecological study.

- 3.7 Whilst not specifically designated for residential development, Policy H1 advises that new housing development will be acceptable if it does not adversely impact upon the surrounding environment; adequate servicing and infrastructure is available; the land is not designated for any alternative use; and Policies PP2 (Climate Change), PP3 (Placemaking) and IMP1 (Developer Requirements) require to be met. In practice, a number of relevant and/or related policies and other material considerations (including Supplementary Guidance) will also apply (relative to each element of this proposed mixed-uses development) and inform the development including its formal determination. This will include consideration of the design and layout of housing and the other uses included in the development, landscaping and infrastructure associated with the development together with the impact of the development upon the built and natural environment. In accordance with Policy IMP3 and the associated Supplementary Guidance, the development will also be subject to assessment for developer obligations.
- 3.8 Planning permission is required for this proposal. Relative to the current Hierarchy Regulations and based on a site exceeding 2ha, this proposed mixed use development as defined would comprise a major development for planning purposes. As such, the proposal will be subject to PAN and pre-application consultation procedures with the local community. In terms of assisting in identifying key issues and information that would be expected to accompany any formal application, this applicant/agent has already sought and obtained pre-application advice from the Council (preliminary advice response (17/01796/PE) issued 12 February 2018 refers).
- 3.7 A formal response (to the PAN) has been issued to the applicant’s agent to confirm that the proposed arrangements for engaging with the local community are sufficient. The applicant proposes to consult with, and has already served a copy of the PAN upon Findhorn & Kinloss Community Council. In this case, no additional parties require to be notified with a copy of the PAN. As well as being invited to attend the public consultation event, the applicant/agent has been advised that if invited to attend a Community Council meeting to discuss the proposal then, they should agree to any such request.
- 3.8 The PAN advises that a public consultation event will be held between 4pm and 7pm in Findhorn Village Centre on 30 November 2018. (This consultation is separate from the two community consultation events to be held primarily for, and held within, Findhorn Foundation in October and November 2018, although it is understood that the Community Council has also been informed of these events). For PAN purposes the proposed public consultation event to be held within Findhorn Village requires to be advertised locally in advance and allow an opportunity for feedback upon the proposal. 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 (Property and Contracts), 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 that a formal application for planning permission will be submitted for a major development proposal, in this case for permission for a mixed use development at North Whins Findhorn. 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: Angus A Burnie, Principal Planning Officer

Background Papers: PAN as received including Appendix 1

Ref: 18/01309/PAN