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**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON  
18 SEPTEMBER 2018**

**SUBJECT: 18/00978/PAN – PROPOSAL OF APPLICATION NOTICE  
RESIDENTIAL DEVELOPMENT CONSISTING OF 90 NO PRIVATE  
AND AFFORDABLE DWELLINGS INCLUDING ACCESS  
LANDSCAPE AND DRAINAGE (SUDS) AT PITGAVENY ROAD  
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 (received) on 12 July 2018 by Robertson Homes Limited & Hanover Housing Ass.
- 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 residential development, to comprise 90 private and affordable dwellings together with access, landscaping and drainage infrastructure. The PAN includes a Location Plan (**Appendix 1**) which defines the extent of the proposed development site. No house design and site layout arrangements etc. for the development are included.
- 3.5 As defined, the site is located along the eastern edge but within the settlement boundary of Elgin (Proposals Map, Elgin settlement statement, Moray Local Development Plan (MLDP) 2015 refers). The irregular shaped site straddles the southern part of Pitgaveny Road including land on its eastern side but bounded by Calcots Road to the south. The remaining larger part of the site, on the western side of the road, is bounded to the west by existing residential development at Lesmurdie House and off Chandlers Rise, and to the north the site is bounded by existing trees and an existing field track. An overhead transmission line, trending north west – south east, crosses through the site.
- 3.6 As defined, the site is the subject of a site specific designation within the MLDP 2015 as Elgin R14, Lesmurdie Fields (**Appendix 2**). The proposed amount of development (90 dwellings) would exceed the stated indicative capacity of the designation, which is 70 houses. However, Policy H1 advises that capacity

- figures are indicative and actual proposed capacity will be considered against the characteristics of the site and conformity with Policies PP3 (Placemaking), H8 (Affordable Housing) and IMP1 (Development Requirements). In practice, a number of relevant and/or related policies and other material considerations will also apply and inform the development, including its formal determination.
- 3.7 In terms of the Elgin Proposals Map, land in the southern and western parts of the site/the designation, on both sides of Pitgaveny Road, are identified as suitable for housing and thereafter, progressing north eastwards across the site, the areas of housing would be bordered by public open space and then new woodland structure planting. The latter are identified as part of the site-specific requirements for the Elgin R14 designation.
- 3.8 Indeed, from **Appendix 2**, the site-specific matters which require to be addressed, as part of any development on the site, include reference to advance planting, open space (including linked spaces below the power lines), flooding and drainage (including measures to ensure no adverse effect upon the integrity of Loch Spynie Special Protection Area), proximity to watercourse, habitat surveys, transportation and design principles. The latter need to ensure that any transportation improvements required/ proposed for Elgin, R14 do not compromise delivery of the longer term growth area planned to the north i.e. Elgin LONG 1 North East and that design and layout principles for Elgin R14 integrate with both the existing urban area and the future north east expansion area (to be subject to a masterplan which has yet to be prepared).
- 3.9 Planning permission is required for this proposal. Relevant to the current Hierarchy Regulations and based upon a development comprising 50 or more dwellings, the proposal would comprise 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 applicants have 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.
- 3.10 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 applicants propose to consult with, and have already served a copy of the PAN upon, Elgin Community Council and Innes Community Council. Whilst no other parties require to be notified or consulted on the PAN, the applicants have been advised that a copy of the PAN should be served upon the Elgin North Area Forum in the event that this Forum becomes operational by the time of submission of any formal application for the development as proposed. (This is consistent with other PANs proposing development on the northern side of Elgin). The applicants have been advised that if any or both of the Community Councils (and the Forum) invite them to attend their meetings to discuss the proposal then they should agree to any such request.

- 3.11 The PAN advises that a public consultation event will be held however no details have been provided about the exact format, date, time and venue for that event. Accordingly, the applicants have been advised that the confirmation given about their proposed engagement with the local community is subject to the applicants submitting further details for their event to the Council, as Planning Authority prior to advertising and hosting the public event, to ensure that the event arrangements are appropriate.
- 3.12 The event 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 residential development consisting of 90 private and affordable houses and associated infrastructure (access, drainage and landscaping). 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

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