

Agenda Item	8.3
Report No	PLS-44-22

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 21 June 2022

Report Title: 22/02240/PAN: Mr W MacLeod
Fort Reay, Sandown Farm Lane, Nairn, IV12 5NE

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: 15 new build homes, the demolition of the existing cottage, woodland improvements, landscape, access, paths and all associated, services, surface and foul drainage

Ward: 18 – Nairn and Cawdor

Recommendation

Members are asked to note the submission of the PAN and highlight any material issues they wish to be brought to the attention of the applicant before the submission of an application for planning permission.

1.0 BACKGROUND

- 1.1 This report informs the Planning Applications Committee of the submission of the attached Proposal of Application Notice (PAN).
- 1.2 The submission of the PAN accords with the provisions of the Planning etc. (Scotland) Act 2006 and was made valid on 11 May 2022. The PAN is a statutory requirement for planning applications for major or national developments and must be lodged at least 12 weeks prior to the submission of a planning application. Members are asked to note this may form the basis of a subsequent planning application. The application is classed as major development as the developed area is likely to exceed 2ha.
- 1.3 The submitted information attached includes:
- Proposal of Application Notice (Application Form)
 - Location Plan
- 1.4 Due to relaxations in COVID-19 restrictions the prospective developer proposes to hold a combination of in person face to face and virtual public events:
- Event 1: Friday 27 May 2022, 1400-2000hrs, at Nairn Community and Arts Centre;
 - Event 2: Saturday 28 May 2022, 1000-1400hrs, at Nairn Community and Arts Centre; and
 - Event 3: Tuesday 14 June 2022, 1900-2100hrs, virtual event.
- 1.5 The in person and virtual events will allow members of the public to engage in live discussion.
- 1.6 The consultation will be publicised and advertised in accordance with the appropriate statutory requirements with an advert to be placed in the Inverness Courier at least seven days ahead of the first event taking place. An invitation maildrop will also be undertaken by the applicant to all properties within 500m of the site. Details of all notified parties are contained in the PAN form and include Nairn West and Suburban Community Council, local ward Councillors, MSP and MP.
- 1.7 Any forthcoming application will be accompanied by a Pre-Application Consultation (PAC) report explaining the consultation undertaken, feedback received, and any resultant amendments made to the planning application.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The PAN provides notice of the developer's intention to submit a planning application classified as a major development. The proposed development comprises 15 houses, with the demolition of an existing cottage, undertaking woodland improvements, landscape, access, paths and all associated, services, surface and foul drainage.
- 2.2 The applicant has not sought pre-application advice through the Council's Pre-Application Advice Service for Major Developments. An informal meeting has

however taken place with the Planning Authority, and whilst no layout or full application details were provided, further pre-application engagement with the Council's Forestry Officer has been advised.

3.0 SITE DESCRIPTION

- 3.1 The PAN boundary comprises 2.7ha of predominately broadleaf woodland with areas of open ground located to the east of Sandown Farm Lane. The site is bound to the north and east by residential properties and their associated garden ground containing several areas of woodland. To the east also lies the Alton Burn which flows north towards Nairn Championship Golf Course. To the south the site is bound by Sandown Road Allotments and to the west the site adjoins Sandown Farm Lane. Within the site lies an existing residential property (Fort Reay) which is proposed to be demolished to make way for the proposed development.
- 3.2 The site has been subject of previous development interest with the southern area of open ground within the woodland having been the subject of two previously withdrawn planning applications, collectively proposing the development of 4 houses.
- 3.3 The site is not located within any natural or built heritage designation, however to the east of the site lies Tradespark Road, Willow Vale, a Swiss chalet style Category B Listed Building. The topography of the site is relatively level with the site being predominantly enclosed by woodland. Based on SEPA mapping, the north eastern area of the site is also subject to fluvial flood risk in the 1 in 200 year event plus climate change. The Site lies within the Coastal Farmlands – Moray and Nairn Landscape Character Area as identified by NatureScot but is not located within any international or regional landscape designations. The woodland resource within the site is mixed, with around half of it being mapped in the Native Woodland Survey of Scotland as native wet woodland. It is not however subject of any tree preservation orders and the applicant has verbally reported that there are non-native and invasive species present.

4.0 DEVELOPMENT PLAN

The following policies are relevant to the assessment of the proposal:

Highland Wide Local Development Plan (2012)

- 4.1 28 - Sustainable Design
29 - Design Quality and Place-making
30 - Physical Constrains
31 - Developer Contributions
32 - Affordable Housing
34 - Settlement Development Areas
51 - Trees and Development
52 - Principle of Development in Woodland
55 - Peat and Soils
56 - Travel
57 - Natural, Built and Cultural Heritage
58 - Protected Species
59 - Other Important Species

- 60 - Other Important Habitats
- 61 - Landscape
- 63 - Water Environment
- 64 - Flood Risk
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage
- 70 - Waste Management Facilities
- 72 - Pollution
- 74 - Green Networks
- 75 - Open Space
- 77 - Public Access

Inner Moray Firth Local Development Plan (2015)

- 4.2 The site is not subject of any land use allocation in the IMFLDP. The site does however fall within the defined Settlement Development Area for Nairn, whereby HwLDP Policy 34 applies. To the south and west of the site, also lies extensive allocation NA4 which comprises 34ha of land which is being promoted for the development of up to 350 homes, business and community uses. The prospective developer would therefore require to take cognisance of this adjacent allocation, the associated Sandown Development Brief, and the IMFLDP's associated specified developer requirements.

Inner Moray Firth Local Development Plan – Proposed Plan (2022)

- 4.3 The IMFLDP is currently under review. The second IMFLDP Proposed Plan was published on 25 March 2022 for public consultation and is now a material consideration for determining planning applications. The plan is prepared by considering comments submitted during its preparation, including at the previous Main Issues Report stage. The site remains within the Settlement Development Area for Nairn as defined in the Proposed Plan, with the adjacent site allocation NA4 being retained.

Highland Council Supplementary Guidance

- 4.4
- Construction Environmental Management Process for Large Scale Projects (Aug 2010)
 - Developer Contributions (Nov 2018)
 - Flood Risk and Drainage Impact Assessment (Jan 2013)
 - Green Networks (Jan 2013)
 - Highland Historic Environment Strategy (Jan 2013)
 - Highland's Statutorily Protected Species (Mar 2013)
 - Managing Waste in New Developments (Mar 2013)
 - Open Space in New Residential Developments (Jan 2013)
 - Physical Constraints (Mar 2013)
 - Public Art Strategy (Mar 2013)
 - Roads and Transport Guidelines for New Developments (May 2013)
 - Standards for Archaeological Work (Mar 2012)
 - Sustainable Design Guide (Jan 2013)
 - Trees, Woodlands and Development (Jan 2013)

Scottish Government Policy and Guidance

- 4.5
- Scottish Planning Policy (Jun 2014)
 - National Planning Framework 3, NPF3 (Jun 2014) and consultative draft NPF4 (Nov 2021)
 - Historic Environment Policy for Scotland (Apr 2019)
 - PAN 1/2011 – Planning and Noise (Mar 2011)
 - PAN 60 – Planning for Natural Heritage (Jan 2008)
 - PAN 61 – Sustainable Drainage Systems (Jul 2001)
 - PAN 68 – Design Statements (Aug 2003)
 - PAN 75 – Planning for Transport (Aug 2005)
 - PAN 77 – Designing for Safer Places (Mar 2006)

5.0 POTENTIAL MATERIAL PLANNING CONSIDERATIONS

- a) Development Plan and Other Planning Policy;
- b) Planning History;
- c) Design and Layout (including Landscape and Visual Impact);
- d) Open Space and Landscaping;
- e) Roads, Access and Parking;
- f) Impact on Infrastructure (including education);
- g) Natural Heritage (including protected species, ornithology and trees);
- h) Built and Cultural Heritage;
- i) Water Environment, Flood Risk and Drainage;
- j) Amenity Impacts (including during construction); and
- k) Any Other Material Considerations raised within representations.

6.0 CONCLUSION

- 6.1 The report presents the information submitted to date as part of the PAN. The policy considerations against which any future planning application will be considered have been summarised as well as the potential material planning considerations and key issues based on the information available to date. The list is not exhaustive and further matters may arise as and when a planning application is received and in the light of public representations and consultation responses.

7.0 IMPLICATIONS

- 7.1 Not applicable.

8.0 RECOMMENDATION

- 8.1 It is recommended the Committee notes the submission of the PAN and advises of any material issues it wishes to be brought to the applicant's attention.

Designation: Area Planning Manager – South

Author(s): Peter Wheelan

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 – Proposal of Application Notice
 Plan 2 – Location Plan

The Town and Country Planning (Scotland) Act 1997 as amended by the Planning Etc. (Scotland) Act 2006 Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

The Council will respond within 21 days of receiving the Notice. It will advise whether the proposed Pre-application Consultation is satisfactory or if additional notification and consultation above the statutory minimum is required. Please note that a planning application for this proposed development cannot be submitted less than 12 weeks from the date the Proposal of Application Notice is received by the Council and without the statutory consultation requirements having been undertaken. The planning application must be accompanied by a Pre-application consultation report.

Applicant: Address: William MacLeod c/o ABC Planning & Design (AGENT)	Agent: Andrew Bayne Address: ABC Planning & Design Hill of Morphie St Cyrus Aberdeenshire DD10 0AB
Phone: see AGENT E-mail: see AGENT	Phone: 07771 711955 E-mail: andrew@abcpad.co.uk

Address or Location of Proposed Development

[Fort Reay, Sandown Farm Lane, Nairn, IV12 5NE](#)

Description of Development

[Place/ landscape-led development comprising 15 new build homes, the demolition of the existing cottage, woodland improvements, landscape, access, paths and all associated services, surface and foul drainage.](#)

Pre-application Screening Notice

Has a Screening Opinion been issued on the need for a Proposal of Application notice by the Highland Council in respect of the proposed development?

[No](#)

Community Consultation [See checklist of Statutory minimum consultation attached]. State which other parties have received a copy of this Proposal of Application Notice.

Community Council/s Nairn West and Suburban Community Council anoble30@aol.com	Date Notice Served 11.5.22
Names/details of any other parties Councillor Laurie Fraser laurie.fraser.cllr@highland.gov.uk	Date Notice Served 11.5.22
Councillor Michael Green michael.green.cllr@highland.gov.uk	11.5.22
Councillor Barbara Jarvie barbara.jarvie.cllr@highland.gov.uk	11.5.22
Councillor Paul Oldham paul.oldham.cllr@highland.gov.uk	11.5.22
Drew Hendry MP drew.hendry.mp@parliament.uk	19.5.22
Fergus Ewing MSP Fergus.Ewing.msp@parliament.scot	19.5.22

Please give details of proposed consultation

Proposed public event Manned Public Exhibition	Venue Nairn Community & Arts Centre	Date and time 27 th May 2-8pm 28 th May 10am-2pm
Nairn West and Suburban Community Council Meeting		30 th May 7pm
Online Presentation and Q&A		14 th June 7-9pm
Newspaper Advert – name of newspaper Inverness Courier	Advert date(where known) 17 th May 2022	

Details of any other consultation methods (date, time and with whom)
Attending Nairn West and Suburban Community Council Meeting – First Meeting after exhibition.

Comments should be submitted to ABC Planning & Design by email, left at the public exhibition or posted to the address above **no later than Monday 27th June 2022.**

Signed:



Date: 11.5.22

All levels and dimensions to be checked on site prior to construction / fabrication; report discrepancies immediately. Do not scale dimensions from this drawings. This drawing is copyright protected.

Issues

Changes on Sheet



Key:
- - - Site Boundary - Area: 2.6ha

GENERAL NOTES:

- Σ All work to comply with the Building (Scotland) Regulations 2004 as amended
- Σ All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
- Σ All products to be installed per manufacturer's recommendations
- Σ All dimensions in mm & are to be verified on site
- Σ To be read in conjunction with other contract drawings, schedules & specifications.
- Σ To be read in conjunction with structural engineer's drawings.



18 WALKER STREET EDINBURGH EH3 7LP mail@studioLBA.co.uk

A3 1:2500 0 60 120m

Project Title

Fort Reay
Nairn

Drawing

Contextual Location
Plan

Drawing No.

21033 - PL(1)-001

Revision

LBA