

**REPORT TO: PLANNING & REGULATORY SERVICES COMMITTEE ON  
12 AUGUST 2008**

**SUBJECT: SITE R2 GRANTOWN ROAD FORRES: PLANNING  
APPLICATION APPEAL**

**BY: DIRECTOR OF ENVIRONMENTAL SERVICES**

**1. REASON FOR URGENCY/REPORT**

1.1 In terms of the Local Government (Access to Information) Act 1985, this report requires to be considered on the grounds of urgency in order to advise the Committee, at the earliest opportunity, of the current position in regard to a planning application appeal submitted to Scottish Ministers by Springfield Properties Plc in regard to the non-determination of planning application 07/02414/FUL relating to the erection of 46 houses and 48 flats with associated parking on Site R2, Grantown Road, Forres.

1.2 This report is submitted to Committee in terms of the Council's Administrative Scheme relating to the statutory functions of the Council as a Planning Authority.

**2. RECOMMENDATION**

2.1 **It is recommended that the Committee notes that an appeal against non-determination relative to the planning application in regard to 07/02414/FUL - Site R2, Grantown Road, Forres, has now been lodged.**

2.2 **It is recommended that Committee should agree the position that the Council should adopt at the appeal.**

2.3 **It is recommended that the Council notes and agrees the intentions of the Forres Integrated Transport Plan as a positive way to proceed when negotiating with developers.**

**3. BACKGROUND**

3.1 The planning application for 46 houses and 48 flats with associated parking on Site R2, Grantown Road, Forres was registered as valid on 5th November 2007. This is now the subject of an appeal against non-determination.

- 3.2 The Transportation Manager in particular unsuccessfully tried to achieve a satisfactory road layout to service this site and other allocated sites on Grantown Road. Other consultation responses have been satisfactory with the exception of SEPA, who object on the grounds of insufficient information on surface water drainage.
- 3.3 As matters stated, the Transportation Manager concludes that the application is not acceptable in terms of its impact on the Forres South Integrated Transport Plan, and has recommended refusal on the following grounds;
- a) It would be contrary to the principles set out in Scottish Planning Policy 17 (Planning for Transport) and Planning Advice Note 75 (Planning for Transport).
  - b) It is premature, as the process of negotiating the achievement of the Forres South integrated Transport Plan objectives is not yet fully exhausted.
  - c) It will lead to requests for concessions on the number of junctions on the A940 and consequent reduction in the junction spacing and reduced performance of the network.
- 3.4 Any refusal would also be based on the objection which has been submitted by SEPA.
- 3.5 It will also be recalled that at the meeting of the Environmental Services Committee on 16th April 2008 (Para 9 of the Minute refers) there was submitted a report by the Director of Environmental Services seeking Committee approval of a Forres South Integrated Transport Plan, details of which were set out in the Appendix to the report, in order to provide a steer for developers and enable Transportation Officers to use it as a material consideration when dealing with individual planning applications. A copy of the report and Appendix is available on request from Committee Services.
- 3.6 It was noted that two planning applications have been received from different developers for residential sites in the South of Forres. Given that other sites are allocated for significant development within the emerging Moray Local Plan for which applications have not yet been received it is considered that there is a need to ensure sustainable development in accordance with Scottish Planning Policy 17 (Planning for Transport) (SPP17). Achieving sustainable development across all of the appropriate residential sites is best achieved through an integrated transport approach.
- 3.7 It was also noted that the road layout indicated within the report was indicative and whilst it would be ideal for Transport Assessments in respect of residential developments and the new Health Centre to be considered at the same time this would be dependant on the timing of submission and consideration of the respective planning applications.

- 3.8 Following consideration of the report the Committee agreed:-
- (i) to approve the Forres South Integrated Transport Plan, as set out in Appendix 1 to the report;
  - (ii) grant delegated authority to the Transportation Manager to treat the Forres South Integrated Transport Plan as a material consideration in preparing appropriate planning consultation responses in respect of individual planning applications; and
  - (iii) that the Transportation Manager liaise with developers for sites R1, R2, R3 and R8 to achieve the objectives set out in the Forres South Integrated Transport Plan.
- 3.9 The Transportation Manager has prepared a plan showing preferred junction, road infrastructure and public transport arrangements in connection with the R2 Knockomie North development and the neighbouring sites in Forres South.
- 3.10 This latest layout is the optimum arrangement for the R1, R2 and R3 sites based on an integrated approach for all three sites. This involves a new roundabout at Junction C; a new ghost island and right turn lane at junction B; a new roundabout at junction D; A940 to be widened between junctions A and C; future public transport services to route via A, B, C and D; and existing speed limit to be relocated. A plan indicating the above is attached as Appendix 1 to this report.
- 3.11 Two new roundabouts would be acceptable, as per notes on the Appendix 1 plan.
- 3.12 Committee is asked to approve this as a basis for future negotiation.

#### **4 APPEAL TO SCOTTISH MINISTERS**

- 4.1 A copy of the appeal papers was lodged with the Council on 3rd July 2008 and the Council officially notified of the appeal by the Scottish Government's Directorate for Planning and Environmental Appeals by letter dated 9th July 2008.
- 4.2 Appeals are dealt with either by way of written submissions, informal Local Hearings or Public Local Inquiry and, in this instance, the Appellant has opted for the appeal to be determined following a Public Local Inquiry.

#### **5 CURRENT POSITION**

- 5.1 The appeal questionnaire and supporting documents are currently being prepared by the case officer for submission to Scottish Ministers.

## **6 SUMMARY OF IMPLICATIONS**

### **(a) Corporate Development Plan/Community Plan/Service Improvement Plan**

It is the current policy of the Council to accept Reporters decisions in regard to planning application appeals.

### **(b) Policy and Legal**

The Town and Country Planning (Scotland) Act, 1997 provides for determination of planning applications in accordance with the development plan unless material considerations indicate otherwise.

### **(c) Resources (Financial, Risks, Staffing and Property)**

Determination of the application is being undertaken as part of the Development Control function exercised by the Council, as planning authority.

### **(d) Consultations**

None.

## **7 CONCLUSION**

- 7.1 Preparation of the appeal statements for application reference 07/02414/FUL is on-going, and Members will be advised of the outcome in due course. Approval of the modification to the Forres South Integrated Transport Plan will allow Officers to negotiate positively with developers.

Author of Report: Jim Martin, Principal Planning Officer, Development Control

Background Papers:

Ref: