

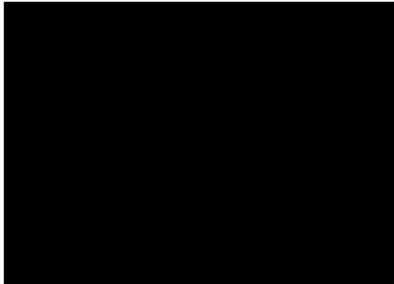


**MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

**[Heldon And Laich]
Application for Planning Permission**

TO

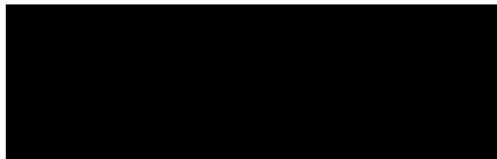


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Demolish existing house and erect new dwellinghouse at 3 Town Hall Lane
Lossiemouth Moray IV31 6DF**

and for the reason(s) set out in the attached schedule.

Date of Notice: **4 March 2022**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

Economy, Environment and Finance
Moray Council
Council Office
High Street
ELGIN
Moray
IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

By this Notice, Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

The proposal is contrary to the provisions of the Moray Local Development Plan 2020 because:

- a) The large split level contemporary design proposed on this elevated prominent cliff top location would have an excessive over dominant impact on the site and its surrounds. The overall design, form, appearance and finish of the dwelling would be at odds with the more traditional existing established character at this locality resulting in a design which is out of character and incongruous to the site and its surrounds. The proposal is therefore fails to reflect the traditional settlement character as required by Policy EP3 (i) b) and DP1 (i).
- b) The design moves the footprint of the dwelling closer to the existing houses to the north therefore taking account of the extensive glazing and large outdoor terrace/balcony areas the design is also considered to result in unacceptable overlooking and privacy impacts for these existing neighbouring residential properties to the north of the site. The proposal therefore also fails to comply with the amenity considerations set out in policy DP1 (i) part (e).

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

The following plans and drawings form part of the decision:-

Reference	Version	Title
210046.STENNET.05PP	B	First floor plan
210046.STENNET.04PP	B	Elevations and ground floor plan
210046.STENNET.03PP	B	Lower ground floor plan
210046.STENNET.06PP		Carport details and vehicle turning circles

NOTICE OF APPEAL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is

also available and can be submitted online or downloaded from
www.eplanning.scotland.gov.uk

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

REPORT OF HANDLING

Ref No:	21/01277/APP	Officer:	Shona Strachan
Proposal Description/ Address	Demolish existing house and erect new dwellinghouse at 3 Town Hall Lane Lossiemouth Moray IV31 6DF		
Date:	01.03.2022	Typist Initials:	LMC

RECOMMENDATION

Approve, without or with condition(s) listed below	N	
Refuse, subject to reason(s) listed below	Y	
Legal Agreement required e.g. S,75	N	
Notification to Scottish Ministers/Historic Scotland	N	
Hearing requirements	Departure	N
	Pre-determination	N

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Planning And Development Obligations	03/09/21	No objection
Aberdeenshire Council Archaeology Service	14/09/21	No objection
Moray Flood Risk Management	20/12/21	No objection with condition
Environmental Health Manager	06/09/21	No objection
Contaminated Land	01/09/21	No objection
Transportation Manager	08/12/21	No objection subject to conditions and informatives
Scottish Water	01/09/21	No objection subject to pre-Development Enquiry.

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP3 Infrastructure and Services	N	
DP1 Development Principles	Y	
DP2 Housing	N	
EP3 Special Landscape Areas	Y	
EP12 Management and Enhancement Water	N	
EP13 Foul Drainage	N	

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received: ONE		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
<p>Issue: Comments submitted on multiple applications on the need to protect wildlife, flora and fauna.</p> <p>Comments (PO): The site is an existing established house, the characteristics of the house are such i.e. habited intact modern dwelling in an urban setting that the proposal is not considered to compromise wildlife, flora and fauna.</p> <p>Informative advice could be added to any permission granted to remind the developer of their obligations should bats be encountered during any demolition works.</p>		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Legislative Framework

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

Proposal

Planning permission is sought to demolish existing house and erect new dwellinghouse at 3 Town Hall Lane Lossiemouth.

As advised in the Design Statement, the applicant wishes to remove the existing dwelling from the site and redevelop the site to accommodate a large split level contemporary dwelling because the applicant considers that works needed to sustain and upgrade the existing dwelling are not commensurate to the value of the existing house.

The proposed 4 bedroom house would have a split level design with a "front" two storey western elevation (approx. 6.0m in height) onto Town Hall Lane and a "rear" three storey eastern elevation (approx. 8.65m in height) onto Pitgaveney Street. The dwelling would be topped with shallow monopitched roof with sedum living roof at lower levels integrated into the design. The rear elevation would have an intersecting design which is stepped into the site. The rear elevation incorporates associated outdoor space for each of the three levels which includes "lower ground floor" patios and elevated balcony and terraced areas at "ground floor" and "first floor" levels enclosed by glazed panels. A high level of contemporary feature glazing is deployed throughout the design. The proposed material finishes include standing seam grey zinc roof and a sedum living roof at lower levels and a combination of smooth off white render and cedar cladding for the walls.

The proposed dwelling would make use of the existing public mains foul drainage connection and rainwater harvesting would be used to manage surface water drainage and to provide grey water for garden and toilet flushing etc. The existing site access onto Town Hall Lane would be used/upgraded as part of the proposal and onsite parking would be enclosed by a flat roofed 3 car Carport.

Site Characteristics

The site has a prominent, elevated and sloping cliff top location. The site is adjacent to, and, elevated above busy commercial streets within the town. The existing neighbouring residential property to the south occupies a similar position and was fairly recently redeveloped under application 15/02071/APP for the demolition of a traditional dwelling and erection of a new dwelling. The neighbouring residential properties to the north sit below the site. The Town Hall is located to the west of the site. The public War Memorial which is set against the rocky base of the cliff is located adjacent to, and, below the east of the site.

Given the site's elevated prominent location, there are multiple public vantage points onto the site including many longer range views to the site; notable views to the site include the public open space associated with the "Old Station Park and Promenade" which is located to the east of the site, the harbour to the north east of the site and the East Beach to the south east of the site.

The built form at this locality is somewhat mixed and reflects the range of uses present. However, the clear presence of traditional buildings is readily apparent and the strong presence of natural slate roofs is a notable feature of the established character; it is noteworthy that the more modern buildings at this location have slate roofs which help to integrate them as part of the established character and this includes the existing dwelling which has a low key impact on its site and surrounds.

The site is located in the Burghead to Lossiemouth Coast Special Landscape Area as designated by the MLDP 2020.

Policy Assessment

Siting, Design and impact of the development on the surrounding area

Policy DP1(i) requires development to be of a scale, density and character which is appropriate to the surrounding area, contributing to the sense of place of the locality. Policy DP1(i) also advises that development must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.

Policy EP3 (i) b) requires development in urban areas to reflect the traditional settlement character in terms of siting and design and conform with Policy DP1 (and all other relevant policy requirements).

Whilst there are there are no policies within the MLDP 2020 which prevent the redevelopment of existing dwelling sites, all proposals must be a of a design and character which is appropriate to the site and its surrounds.

In this case, the large split level contemporary design proposed on this elevated prominent cliff top location would have an excessive over dominant impact on the site and its surrounds. The overall design, form, appearance and finish of the dwelling which includes features such as the large monopitched roof, extensive use of contemporary glazing and large balcony/terraced areas would be at odds with the more traditional character and appearance of the locality resulting in a design which is out of character and incongruous to the site and its surrounds. The incongruous impact of the large contemporary design proposed would be particularly acute at this location given the elevation and prominence of the site which has multiple long range public views to the site meaning that the resultant change in character as a result of the development would be significant and readily apparent in the wider context. With this in mind the proposed large contemporary design on this elevated and prominent site would be at odds and incongruous to the overall character and appearance of the site and surrounds and would have a significant impact on the existing established character of the locality. The proposal is therefore fails to reflect the traditional settlement character as required by Policy EP3 (i) b) and DP1 (i).

Amenity Considerations (DP1 (i) part (e))

The design moves the footprint of the dwelling closer to the existing houses to the north therefore taking account of the extensive glazing and large outdoor terrace/balcony areas the design is also considered to result in unacceptable overlooking and privacy impacts for these existing neighbouring residential properties to the north of the site. The proposal therefore also fails to comply with the amenity considerations set out in policy DP1 (i) part (e).

Water and Drainage (DP1 (iii), EP12 and EP13)

As detailed in the submitted drainage assessment, the proposed dwelling would make use of the existing public mains foul drainage connection and rainwater harvesting would be used to manage surface water drainage and to provide grey water for garden and toilet flushing etc. Scottish Water and Moray Flood Risk Management have raised no objection to the arrangement but Moray Flood Risk Management would seek a condition/informative to ensure that Scottish Water can accept surface water overflow into their system.

However, this matter is separate from and does not override the policy objection to the proposal based on its inappropriate design.

Access and Parking (DP1 (iii))

Subject to conditions and informatives to upgrade the existing access and ensure acceptable on-site parking and turning, Transportation has raised no objection to the proposal as the development is considered a like for like replacement under transportation requirements.

However, this matter is separate from and does not override the policy objection to the proposal based on its inappropriate design.

Developer Obligations and Affordable Housing (PP3 and DP2)

The assessment undertaken by Developer Obligations has identified that no Developer Obligation or Affordable Housing contribution is required for the proposal as the development is for a replacement dwelling. The proposal would therefore be acceptable under Policy PP3 and DP2. However, this matter is separate from and does not override the policy objection to the proposal based on its inappropriate design.

Conclusion and Recommendation

The large, split level contemporary design proposed on this elevated prominent cliff top location would have an excessive over dominant impact on the site and its surrounds. The design proposed would be incongruous in this elevated prominent location and would have a significant impact on the existing established character. The design proposed would also result in unacceptable amenity impacts for the existing neighbouring residential properties to the north of the site. The proposal is therefore refused.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description		
19/01505/APP	Alter and extend dwellinghouse at 3 Town Hall Lane Lossiemouth Moray IV31 6DF		
	Decision	Permitted	Date Of Decision

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	Departure from development plan	30/09/21
PINS	Departure from development plan	30/09/21

DEVELOPER CONTRIBUTIONS (PGU)	
Status	NONE SOUGHT

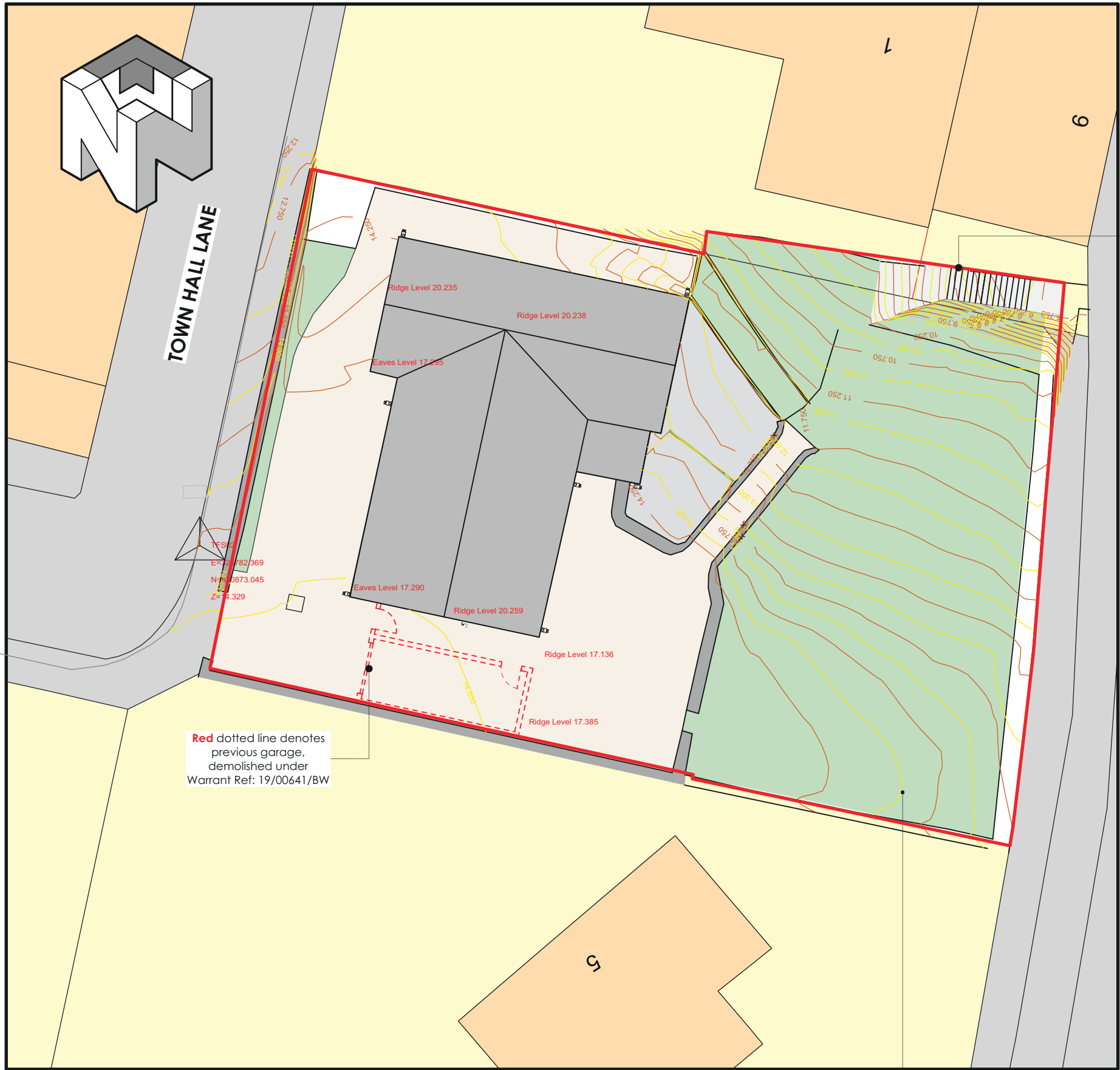
DOCUMENTS, ASSESSMENTS etc. * * Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Site Investigation and Drainage Assessment	
Main Issues:	Details onsite drainage. Foul drainage will make use of the existing connection to the public drainage network and the installation of Rainwater Harvesting for Surface Water.	
Document Name:	Design Statement	
Main Issues:	Sets out comments in support of the application with comments centred on siting and design aspects seeking to demonstrate how the design is appropriate to the site and its surrounds. The agent's interpretation of how the proposal complies with local planning policy is also provided.	

S.75 AGREEMENT		
Application subject to S.75 Agreement		NO
Summary of terms of agreement:		
Location where terms or summary of terms can be inspected:		

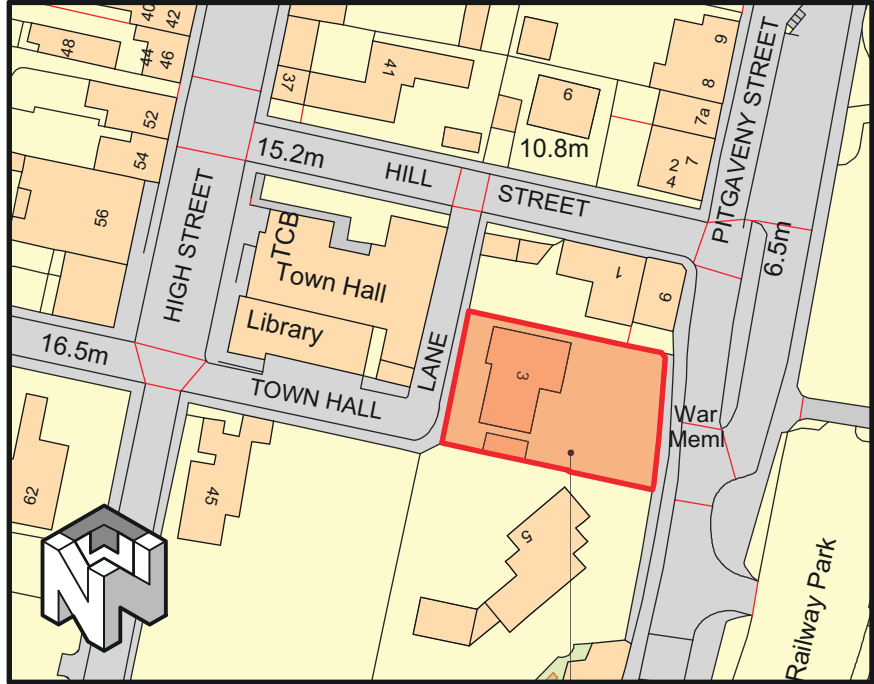
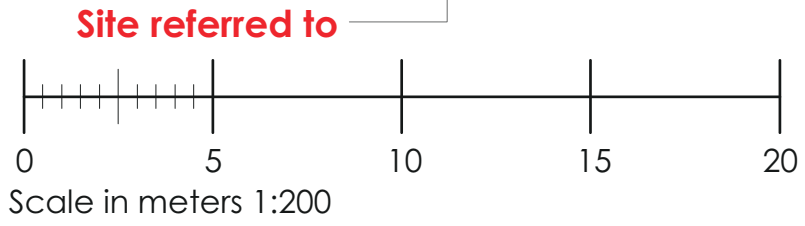
DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)			
Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			

DO NOT SCALE OFF DRAWINGS. ALL SIZES ARE TO BE CHECKED CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS/ORDERING OF MATERIALS. NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED CONTRACTORS RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED DRAWINGS

CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION

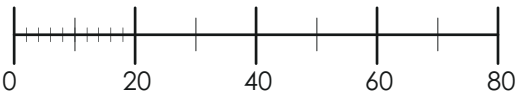


SITE PLAN 1:200
Site area approx. 772sqm



Site referred to

LOCATION PLAN 1:1250



Scale in meters 1:1250



Oikos Architectural Ltd Registered in Scotland No. 272963

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DEVON OFFICE
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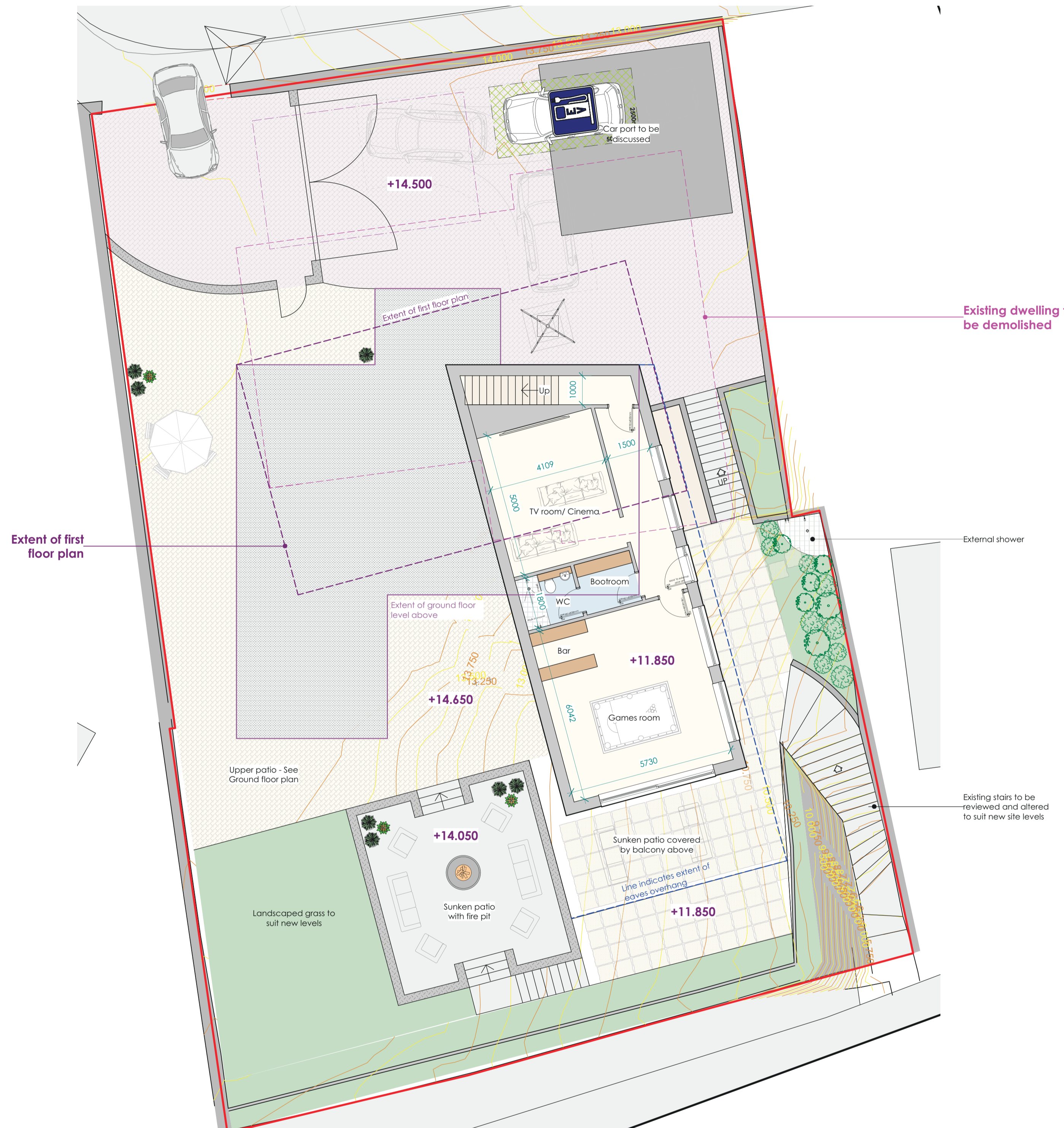
Mr & Mrs Stennett

Demolish existing House and Erect new 4 bed dwelling at 3 Town Hall Lane, Lossiemouth

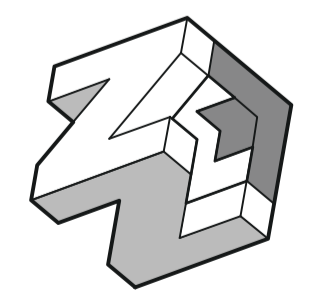
SURVEY DRAWING
SITE AND LOCATION PLANS

Date:	Amendments:	Rev:
Drawn By:	Date:	Checked By:
A. CARSWELL	08.03.19	

210046.STENNETT.06SV



LOWER GROUND FLOOR/ SITE LAYOUT
 (Scale 1:100)
 Lower Floor area: 84sqm
 Ground Floor area: 128sqm
 First Floor area: 92sqm
 Total Floor area: 304sqm

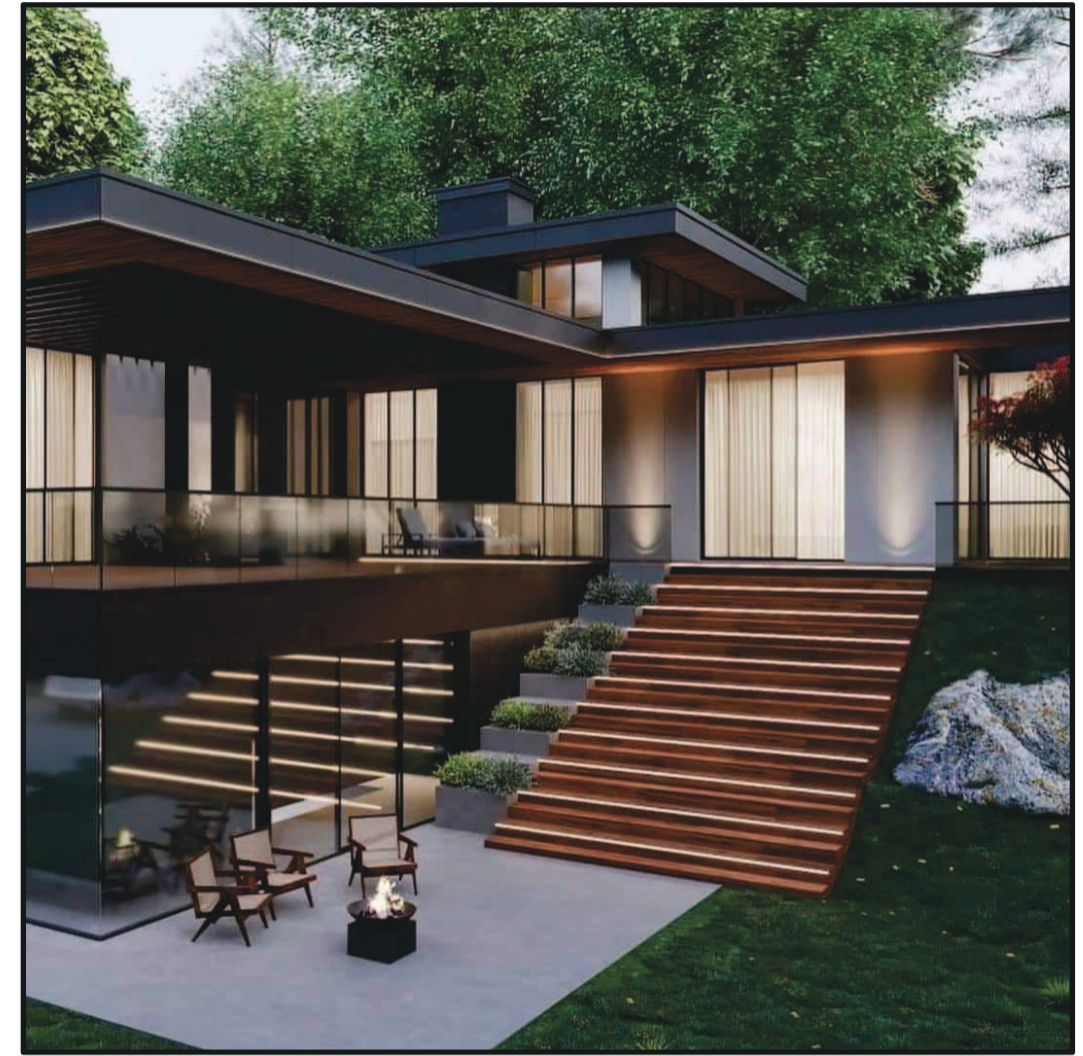


Glazed screens to provide inside/ outside seating area



Balcony/ decking area/ covered seating area

Cedar linings to underside of soffit



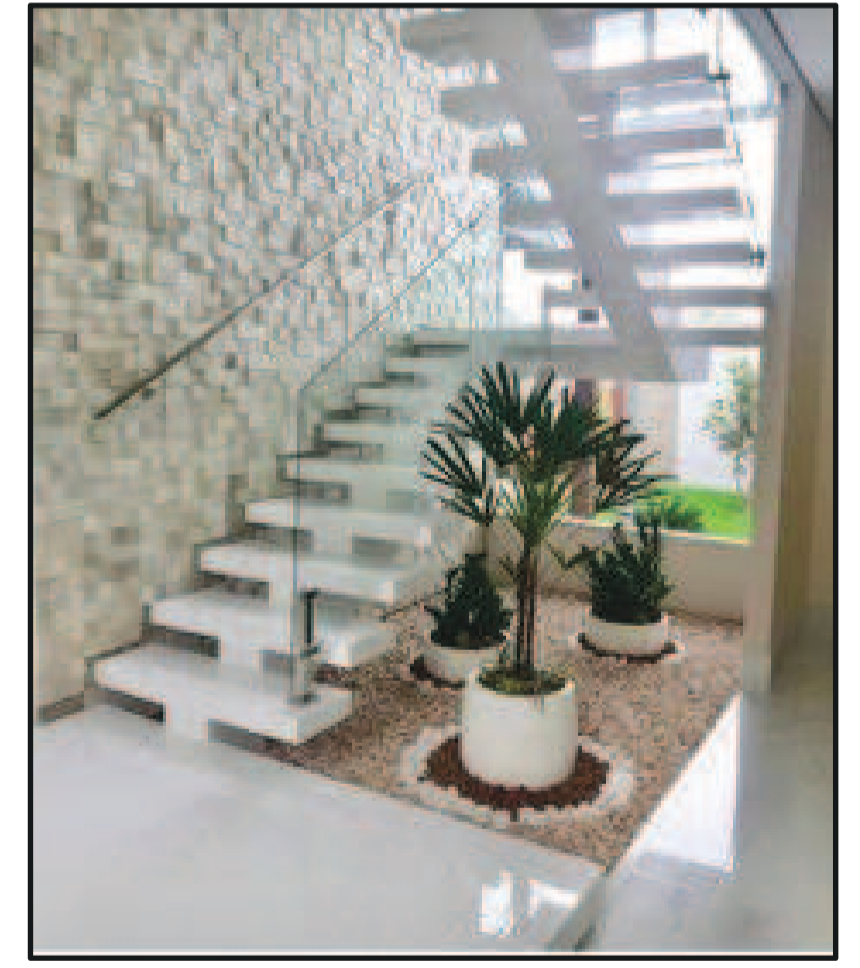
Sunken patio and seating area



Exterior shower as noted on plan

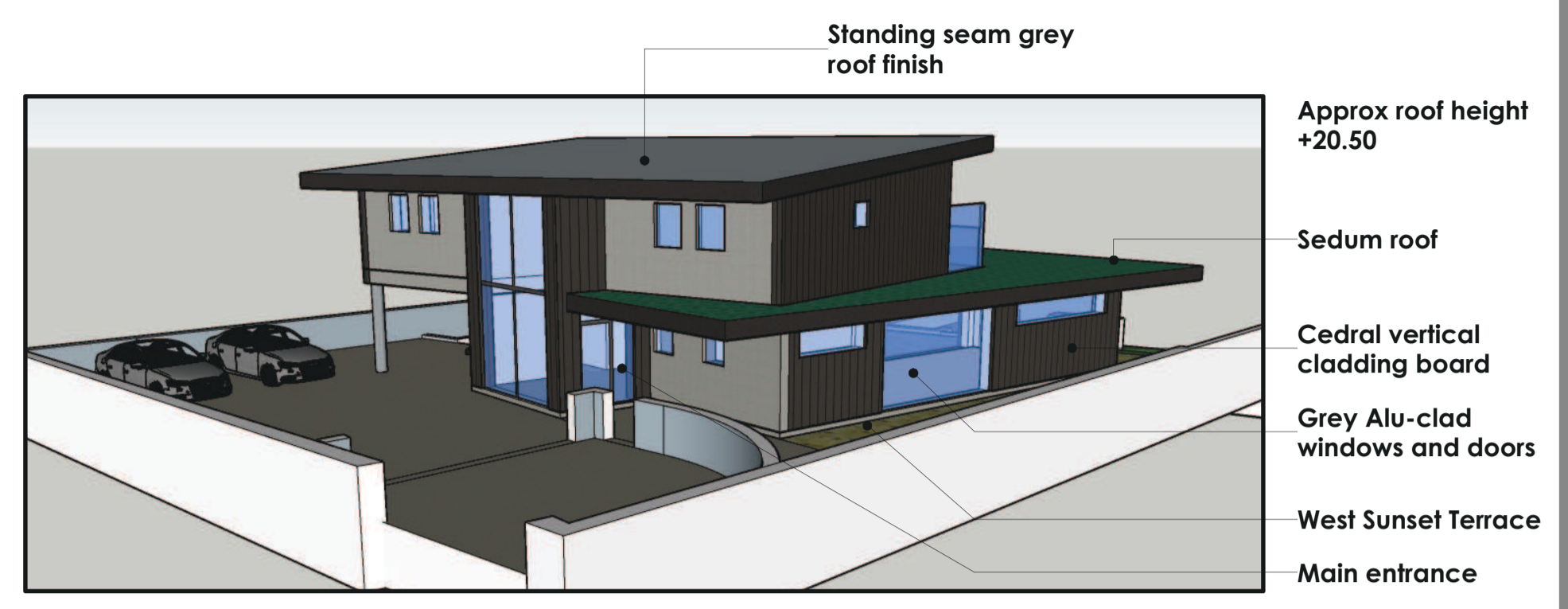
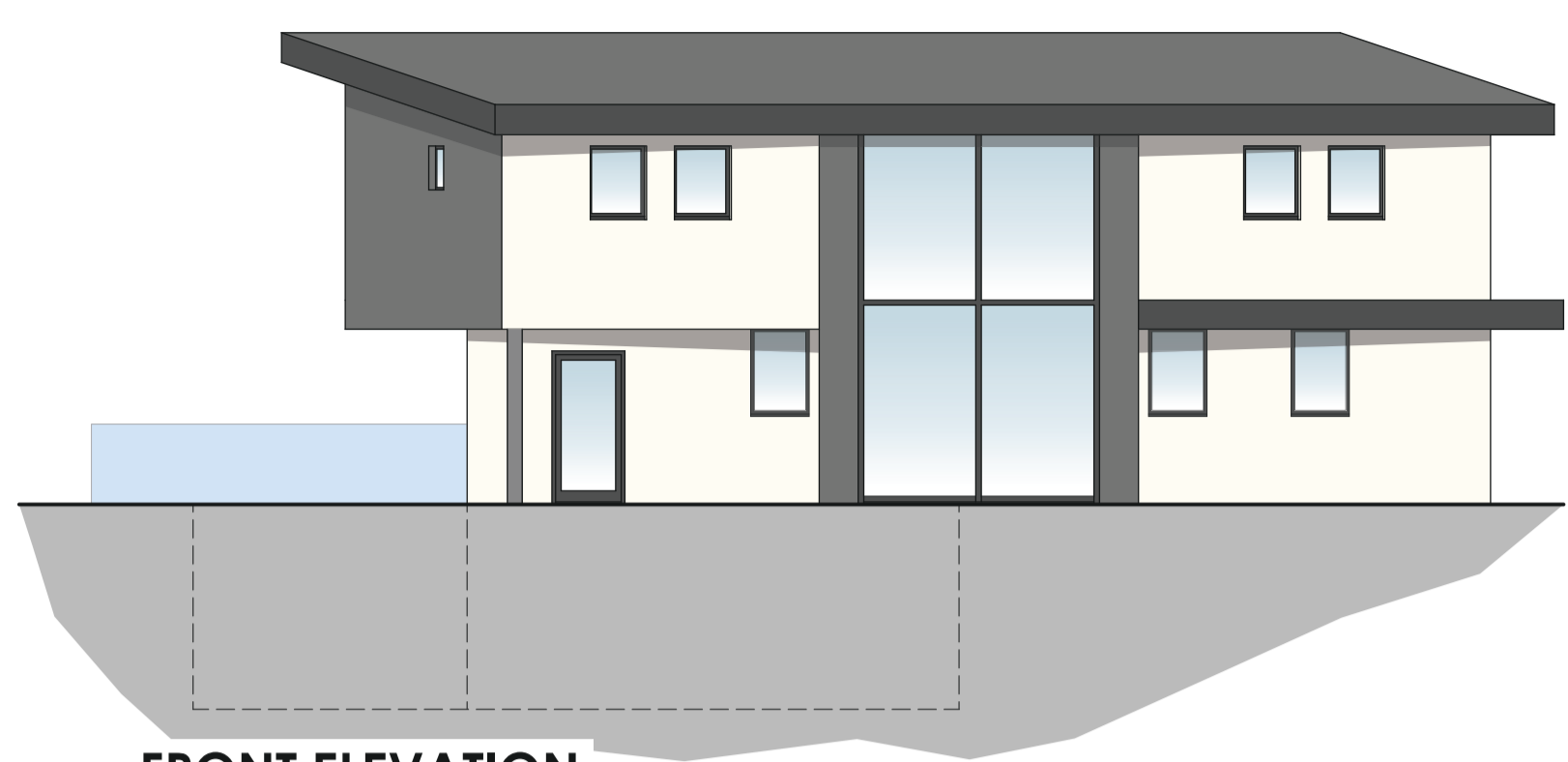
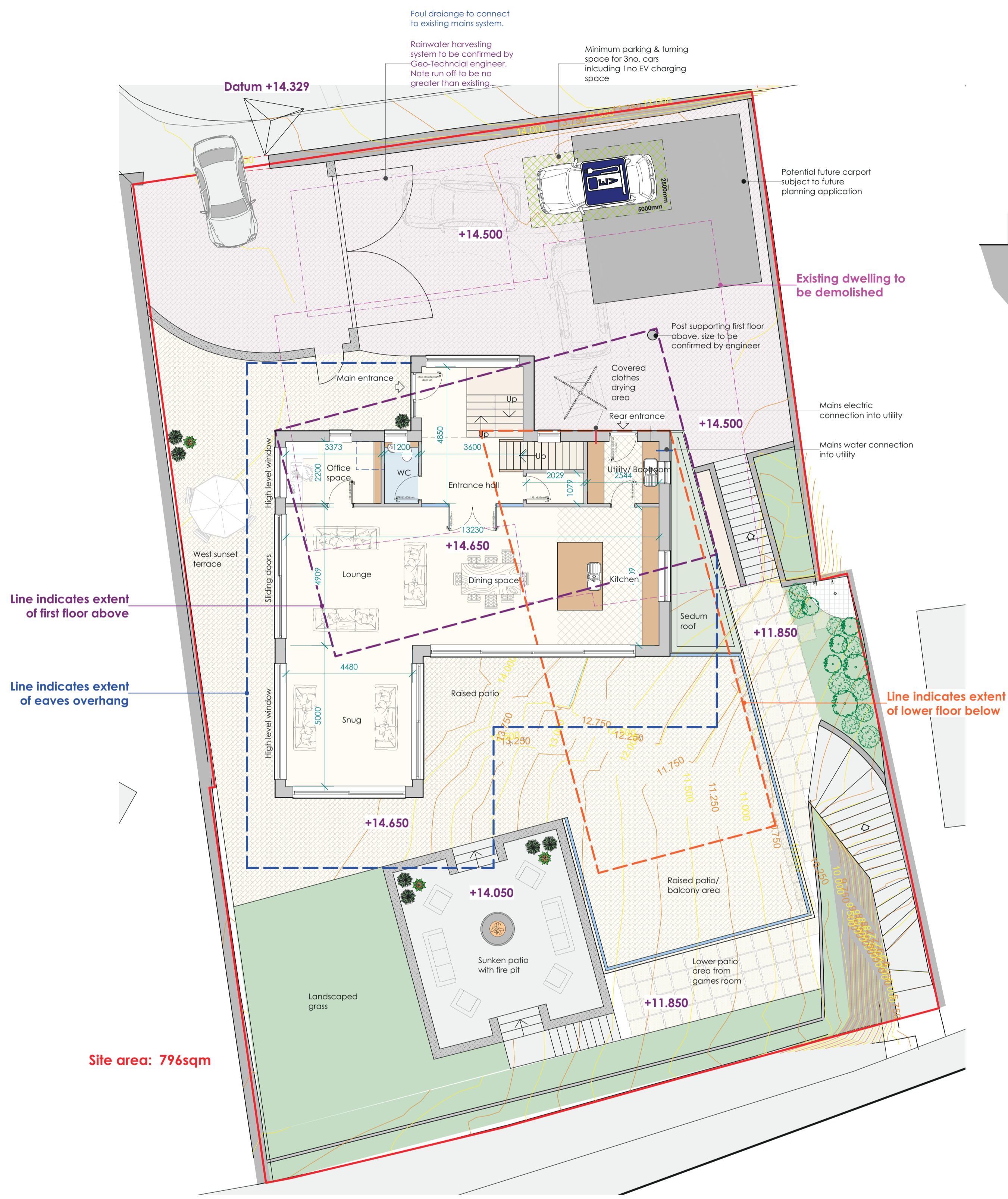


Cinema room

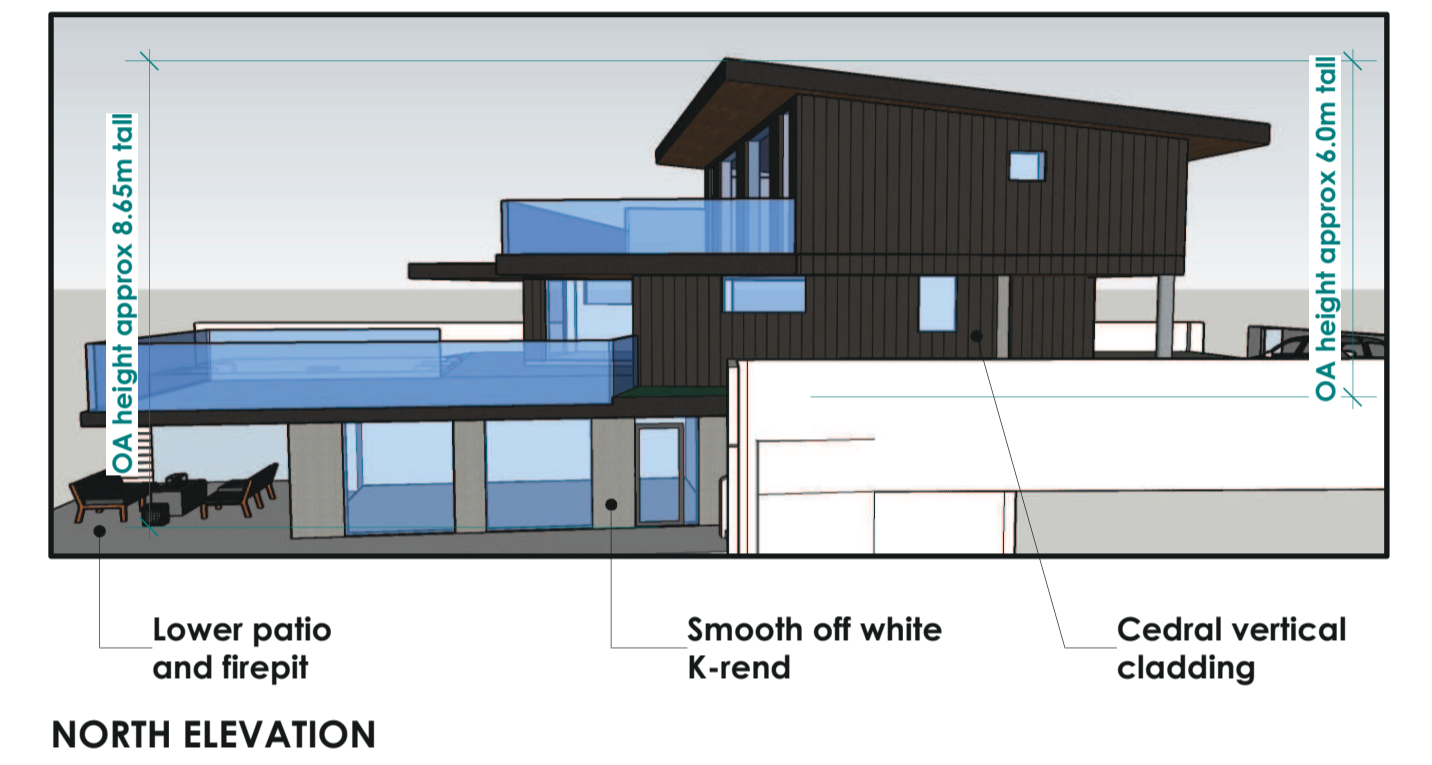
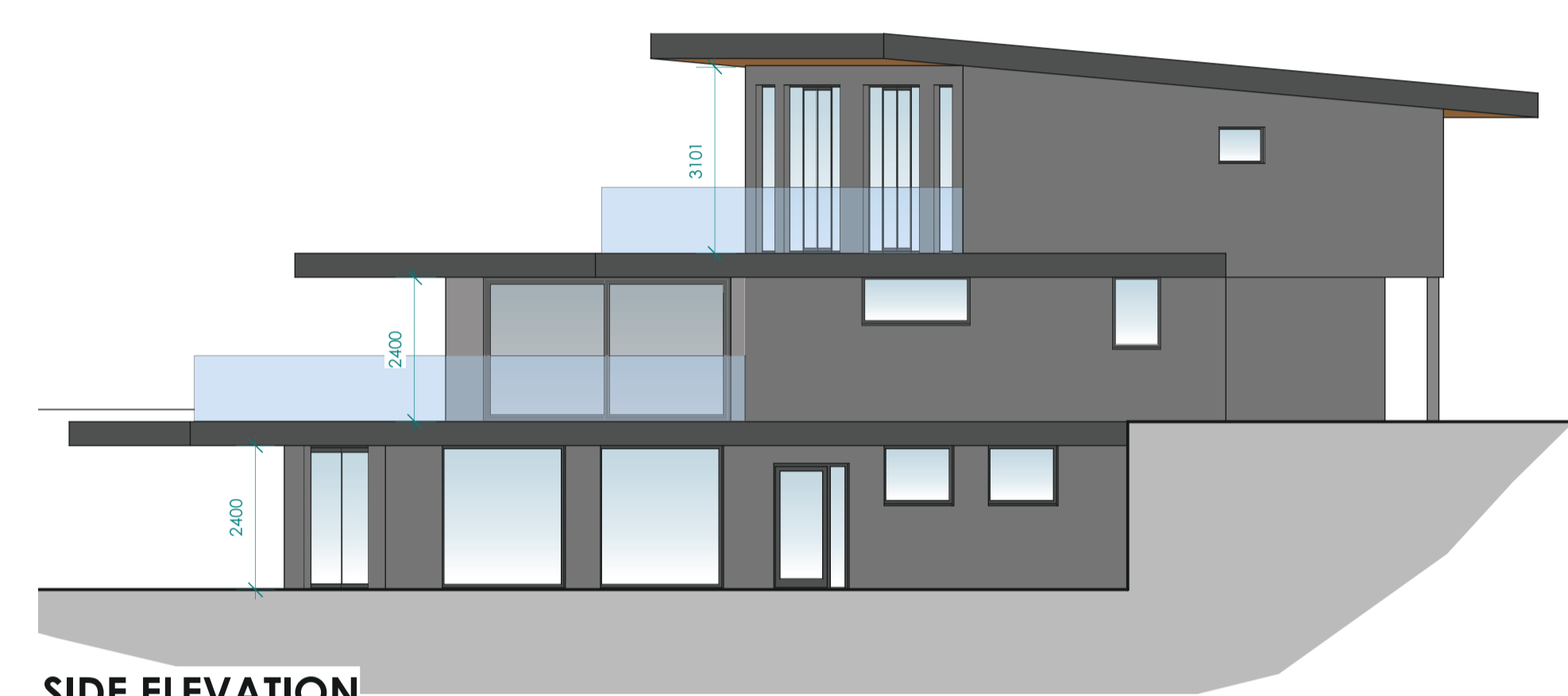


Stair concept

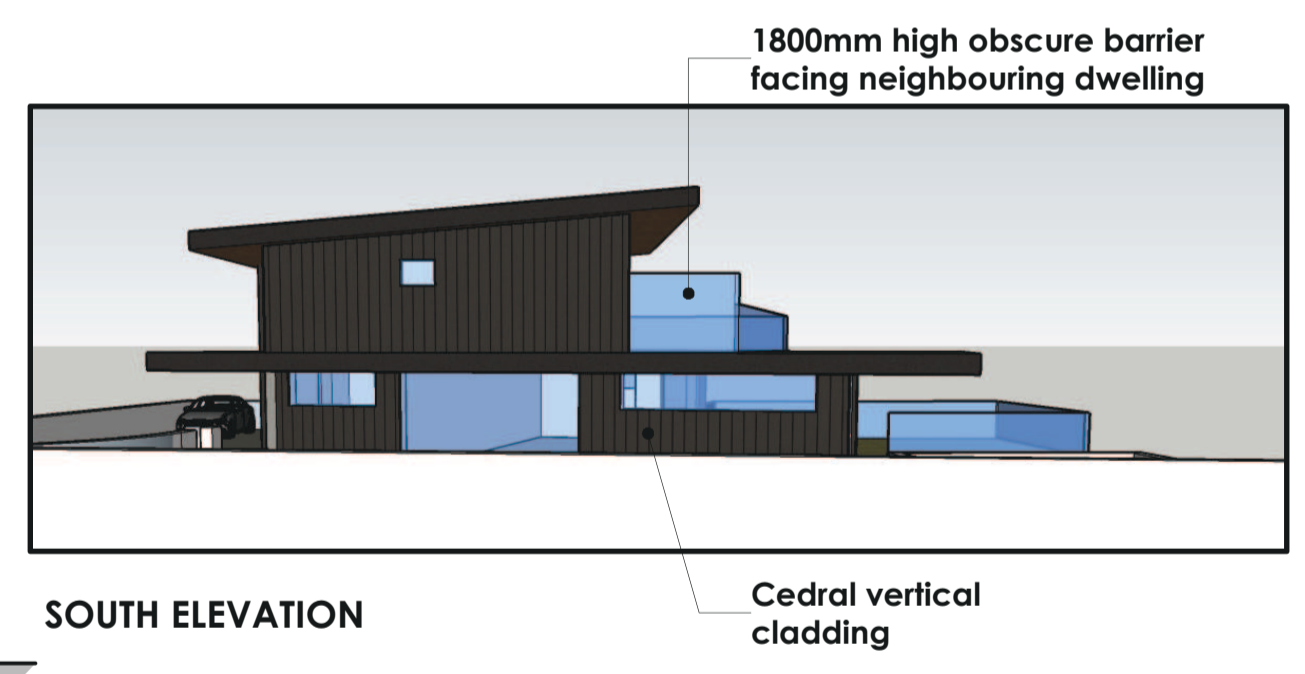
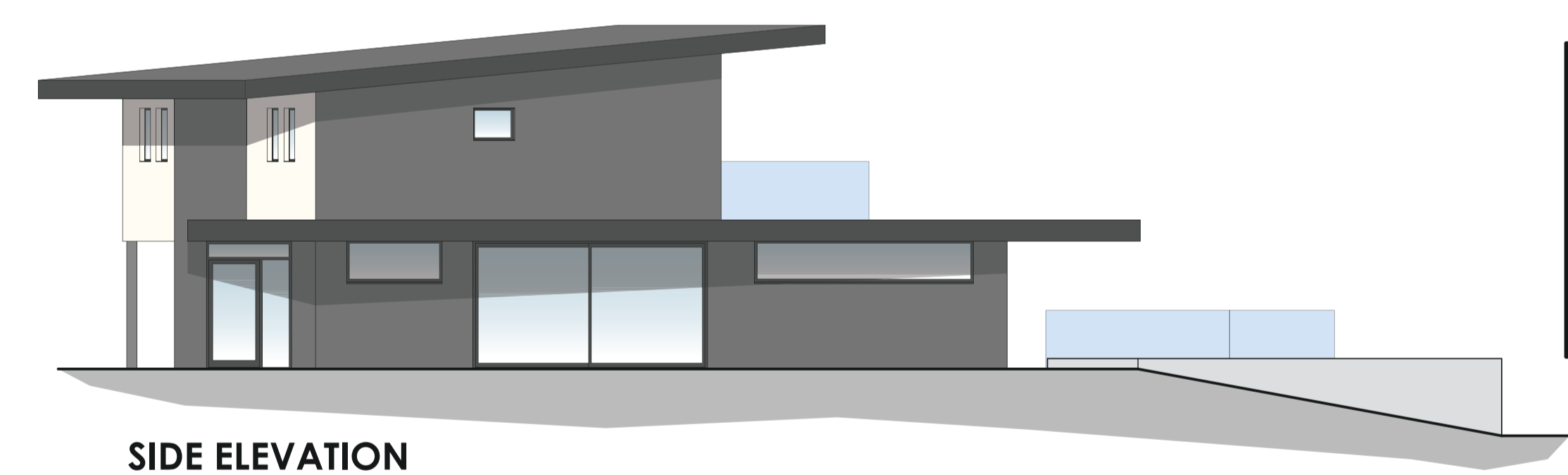
	HEAD OFFICE - MORAY St Brendans, 69 South Gullydy Street, Elgin, IV30 1QN T 01343 540020 HIGHLANDS 4 Bridge Street, Nairn, Highlands, IV12 4EJ T 01667 300230 M 0781 3872818 W cmdesign.biz E office@cmdesign.biz	LOSSIEMOUTH OFFICE Elie, James Street, Moray, IV30 6BX T 01343 810175 DEVON OFFICE T 01392 345566
	Mrs E. Stennett Demolish Existing House and Erect New 4 Bed Dwelling at 3 Town Hall Lane, Lossiemouth PLANNING PROPOSALS LOWER GROUND FLOOR PLAN	
Date: 24.08.21	Amendments: Elevations updated	Rev: A
Drawn By: A. CARSWELL	Date: 14.07.21	Checked By: Date:
210046.STENNETT.03PP A		



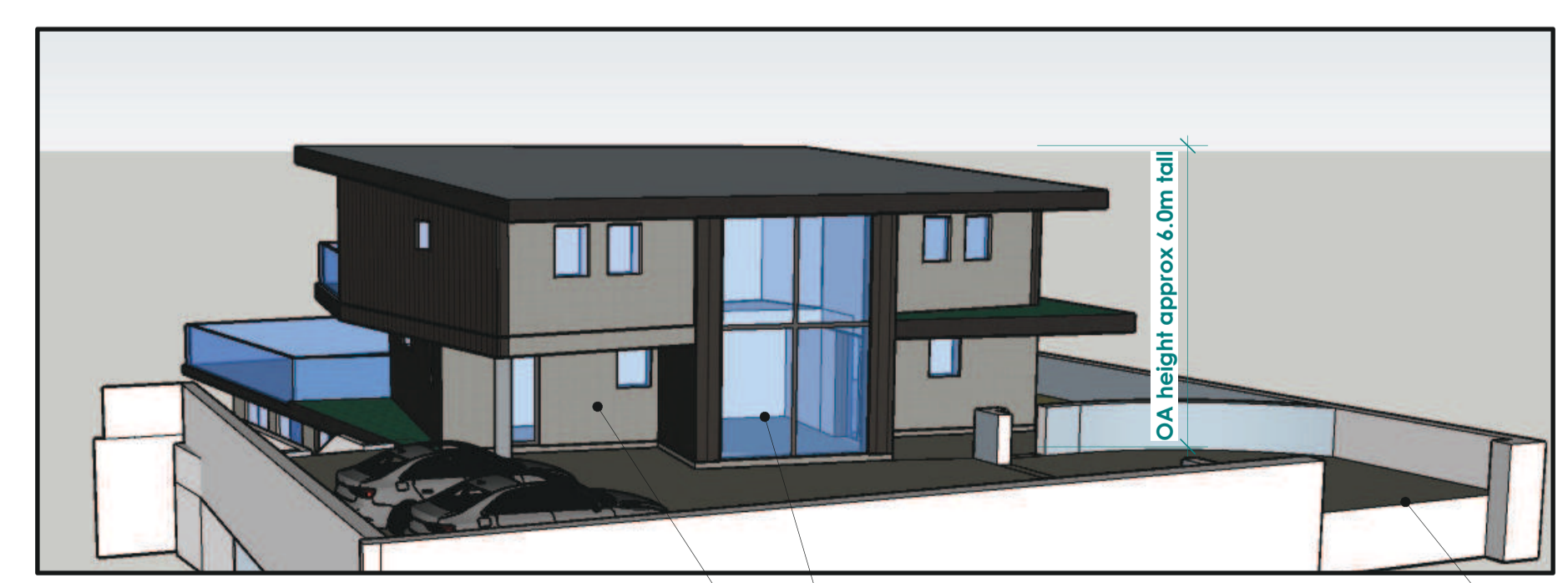
FRONT ELEVATION (Scale 1:100)



SIDE ELEVATION (Scale 1:100)



SIDE ELEVATION (Scale 1:100)

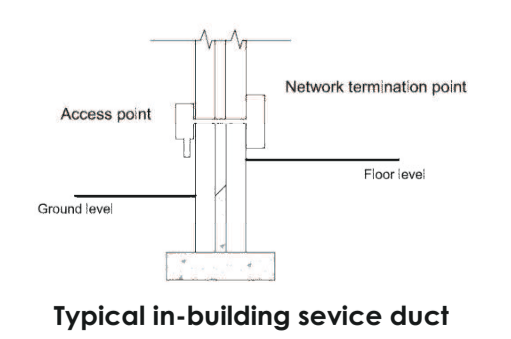


Existing driveway altered to suit new vehicular entrance



GROUND FLOOR/ SITE LAYOUT (Scale 1:100)

Lower Floor area: 84sqm
 Ground Floor area: 128sqm
 First Floor area: 92sqm
 Total Floor area: 304sqm



cmdesign
 architectural consultants

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 DEVON OFFICE
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Mrs E. Stennett

Demolish Existing House and Erect New 4 Bed Dwelling at 3 Town Hall Lane, Lossiemouth

PLANNING PROPOSALS
GROUND FLOOR PLAN

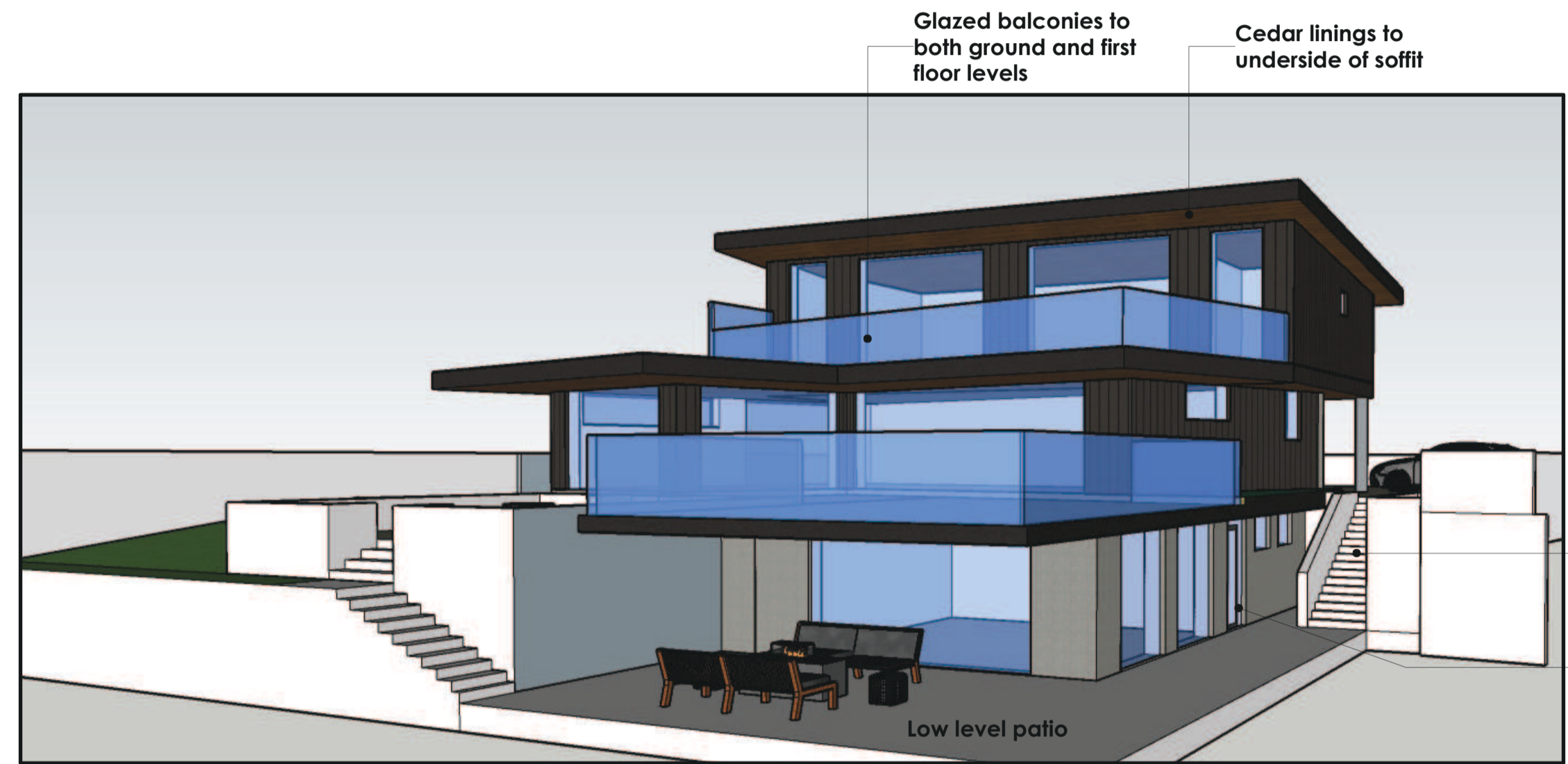
Date: 24.08.21
 Amendments: Elevations updated
 Rev: A

Drawn By: A. CARSWELL
 Date: 14.07.21
 Checked By:
 Date:

210046.STENNETT.04PP A



REAR ELEVATION
(Scale 1:100)



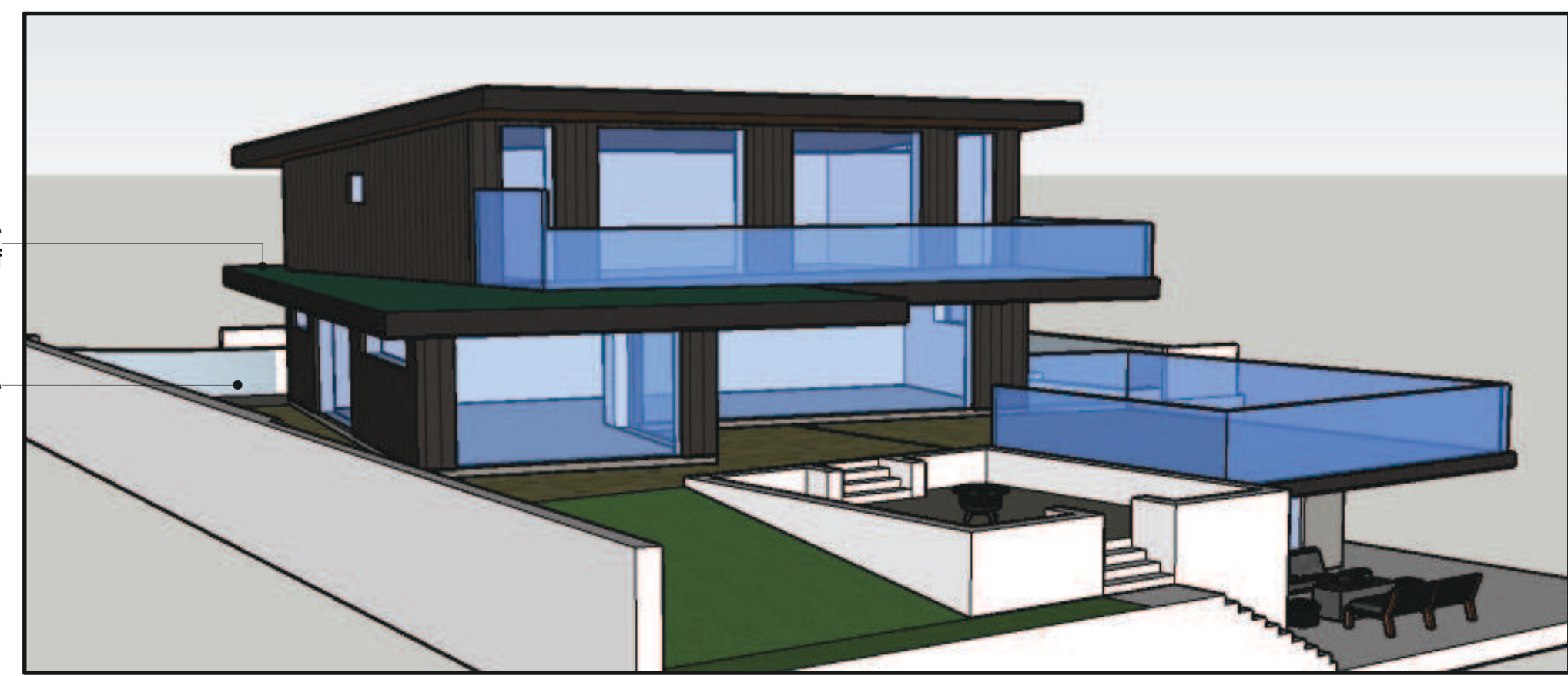
Glazed balconies to both ground and first floor levels
 Cedar linings to underside of soffit

Access to entrance level/ driveway
 Low level access to games room/ cinema room
 Existing stepped access from Pitgaveny street - omitted for clarity

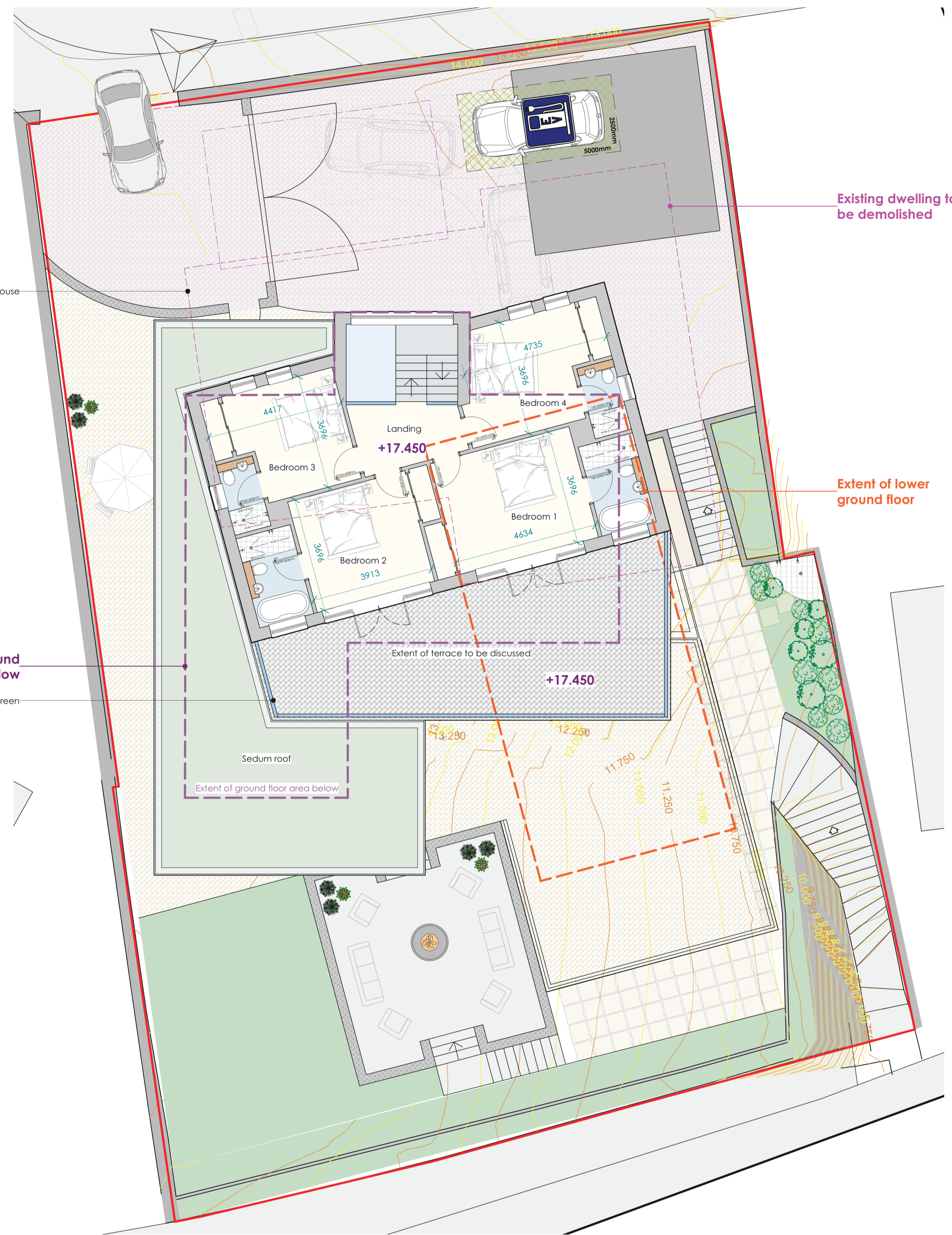


Garden to be relandscaped to suit levels and lawn laid
 Sunken garden/patio area

Glazed balustrades designed to optimise the view available



Low maintenance sedum roof
 Sunset Terrace



FIRST FLOOR / SITE LAYOUT
(Scale 1:100)

Lower Floor area: 84sqm
 Ground Floor area: 128sqm
 First Floor area: 92sqm
 Total Floor area: 304sqm



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	Mrs E. Stennett Demolish Existing House and Erect New 4 Bed Dwelling at 3 Town Hall Lane, Lossiemouth PLANNING PROPOSALS FIRST FLOOR PLAN	
Date: 24.08.21 Drawn By: A. CARSWELL	Amendments: Elevations updated Date: 14.07.21 Checked By:	Rev: A
210046.STENNETT.05PP A		