



MORAY LOCAL REVIEW BODY

24 FEBRUARY 2022

SUMMARY OF INFORMATION FOR CASE No LR267

Planning Application 21/01206/APP – Erection of 2no Self-Catering Apartments (East Wing) at Norland, Stotfield Road, Lossiemouth

Ward 5 – Heldon and Laich

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 29 September 2021 on the grounds that:

The design and siting of the proposal is considered to represent overdevelopment, whilst also having an adverse impact on the character and amenity of the surrounding area which is designated as a Special Landscape Area in the Moray Local Development Plan 2020 (MLDP). On this basis, the proposal fails to comply with MLDP policies DP1 - Development Principles, DP8 - Tourism Facilities and Accommodation and EP3 - Special Landscape Areas and Landscape Character.

Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

The Notice of the Review, Grounds for Review and any supporting documents submitted by the Applicant are attached as **Appendix 2**.

Further Representations received in response to the Notice of Review are attached as **Appendix 3**.

No representation was received from the Applicant in response to the Further Representations.

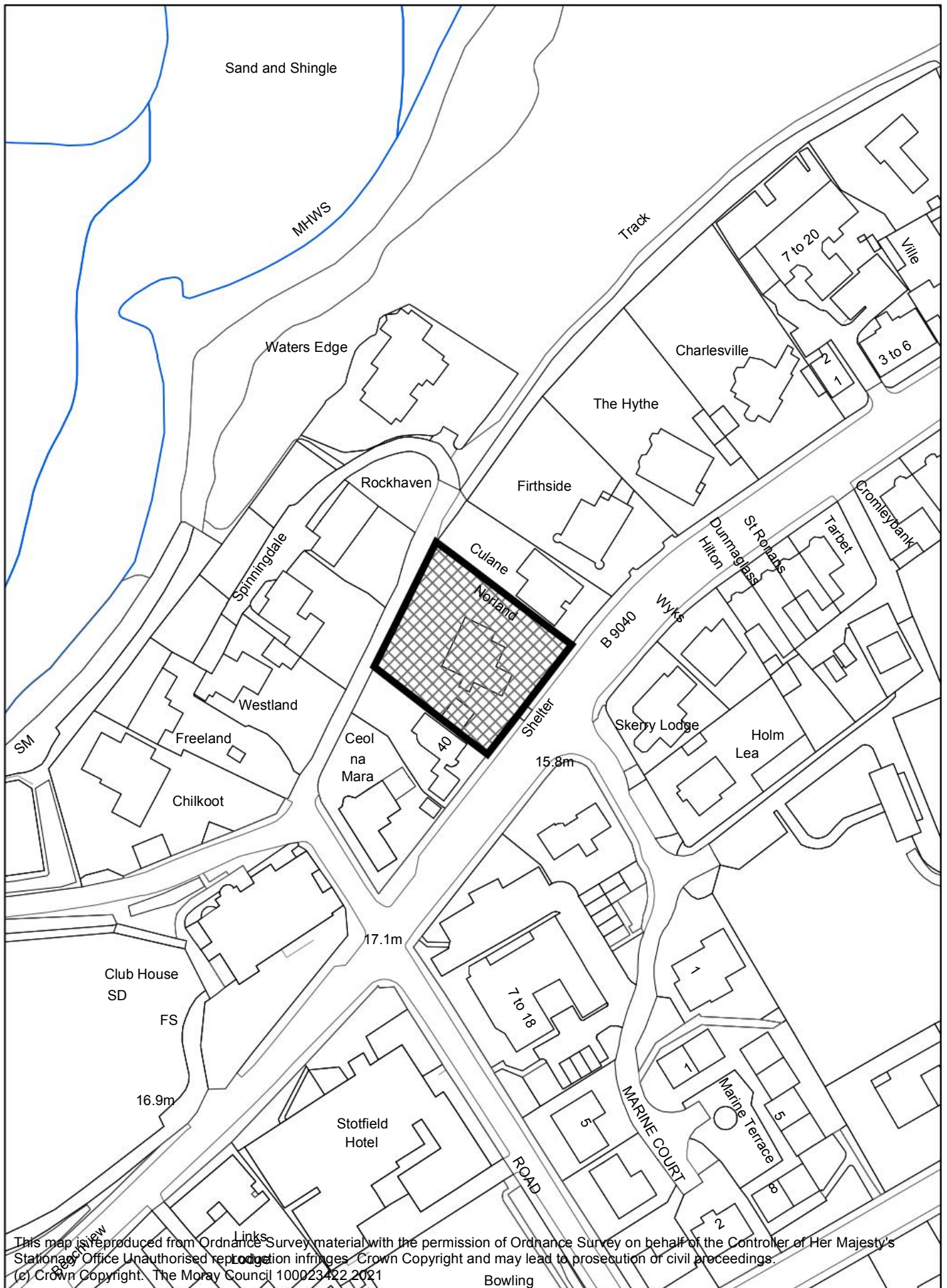


APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



Location plan for Planning Application Reference Number : 21/01206/APP





The Moray Council Council Office High Street Elgin IV30 1BX Tel: 0300 1234561 Email: development.control@moray.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100246380-005

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- ☐ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Reapplication of Previously Withdrawn App Ref: 20/01722/APP - Apartment Development (East Wing)

Is this a temporary permission? * ☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * ☐ Yes ☒ No

Has the work already been started and/or completed? *

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	CM Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Craig	Building Name:	St Brendans
Last Name: *	Mackay	Building Number:	69
Telephone Number: *	01343540020	Address 1 (Street): *	South Guildry Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Elgin
Fax Number:		Country: *	United Kingdom
		Postcode: *	IV30 1QN
Email Address: *	office@cmdesign.biz		

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Norland
First Name: *	B	Building Number:	
Last Name: *	Harris	Address 1 (Street): *	Stotfield Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Lossiemouth
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	IV31 6QP
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Moray Council

Full postal address of the site (including postcode where available):

Address 1:

NORLAND

Address 2:

STOTFIELD ROAD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

LOSSIEMOUTH

Post Code:

IV31 6QP

Please identify/describe the location of the site or sites

Northing

871003

Easting

323005

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Previous Withdrawn App Ref: 20/01722/APP

Title:

Mr

Other title:

First Name:

Andrew

Last Name:

Miller

Correspondence Reference
Number:

20/01722/APP

Date (dd/mm/yyyy):

01/06/2021

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

1319.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Domestic Dwelling and Bed & Breakfast

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

☒ Yes ☐ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

3

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

10

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

☒ Yes ☐ No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

☒ Yes – connecting to public drainage network
☐ No – proposing to make private drainage arrangements
☐ Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

☒ Yes ☐ No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No, using a private water supply</p> <p><input type="radio"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>	
<h2>Assessment of Flood Risk</h2> <p>Is the site within an area of known risk of flooding? * <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Don't Know</p>	
<h2>Trees</h2> <p>Are there any trees on or adjacent to the application site? * <input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>	
<h2>Waste Storage and Collection</h2> <p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>If Yes or No, please provide further details: * (Max 500 characters)</p> <div style="border: 1px solid black; padding: 5px; min-height: 50px;"> <p>Please see plans</p> </div>	
<h2>Residential Units Including Conversion</h2> <p>Does your proposal include new or additional houses and/or flats? * <input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>How many units do you propose in total? * <input type="text" value="2"/></p> <p>Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.</p>	
<h2>All Types of Non Housing Development – Proposed New Floorspace</h2> <p>Does your proposal alter or create non-residential floorspace? * <input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
<h2>Schedule 3 Development</h2> <p>Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) * <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Don't Know</p> <p>If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.</p> <p>If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.</p>	

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * ☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * ☒ Yes ☐ No

Is any of the land part of an agricultural holding? * ☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Craig Mackay

On behalf of: Mr B Harris

Date: 02/08/2021

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☐ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☐ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☐ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☐ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☐ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☐ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☐ Site Layout Plan or Block plan.

☐ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *	≤	Yes	T	N/A
A Design Statement or Design and Access Statement. *	≤	Yes	T	N/A
A Flood Risk Assessment. *	≤	Yes	T	N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	≤	Yes	T	N/A
Drainage/SUDS layout. *	≤	Yes	T	N/A
A Transport Assessment or Travel Plan	≤	Yes	T	N/A
Contaminated Land Assessment. *	≤	Yes	T	N/A
Habitat Survey. *	≤	Yes	T	N/A
A Processing Agreement. *	≤	Yes	T	N/A

Other Statements (please specify). (Max 500 characters)

Drainage Statement & Supporting Statement

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Craig Mackay

Declaration Date: 03/08/2021

APPROVED EXTENSION REF: 19/01452/APP

EXISTING HOUSE

PROPOSED APARTMENT 3 & 4

Slate roof to match existing

Red brick to match existing

Kicker stone to match existing

Julier Balcony to client choice

Natural sandstone to match existing

White upper windows and door to match existing

REAR ELEVATION 1:100

BOUNDARY LINE

1118

1338

BOUNDARY LINE

NEW TERRACE

KITCHEN/LOUNGE

BEDROOM 1

BATHROOM

HALL

LOBBY FLAT 4

LANDING

UPPER HALLWAY

SITTING ROOM

BEDROOM 3

BEDROOM 4

BEDROOM 1

BEDROOM 2

WC

OUTLINE OF APPROVED WEST WING EXTENSION
REF: 19/01452/APP

FIRST FLOOR PLAN 1:100

EXTERNAL FLOOR AREA 12.00

FIRST FLOOR PLAN 1:100
EXTERNAL FLOOR AREA - 63m²

The plan shows a complex layout with several rooms and extensions. Key areas include:

- Existing Building (Solid Grey):** Includes a Kitchen/Dining area, a large Sitting room, a Lower Hallway, a Boiler room, a Plant/Store room, and a Laundry room.
- Approved West Wing Extension (Blue Dashed Line):** Located at the top of the plan, showing a new wing structure.
- Approved Soakaway Extension (Blue Dashed Line):** Located at the bottom left, showing a new soakaway structure.
- Internal Extensions (Pink):** A new store, a lobby, and a landing area.
- Bedroom 1 (Blue):** Located on the right side of the plan.
- Bedroom 2 (Blue):** Located on the left side of the plan.
- Kitchen/Dining (Blue):** A new kitchen and dining area located between the bedrooms.
- Living Area (Blue):** A new lounge and sitting area located between the bedrooms.
- En Suite (Blue):** Two en suite bathrooms, one for each bedroom.
- Staircase (Blue):** A new staircase located between the bedrooms.
- Other Features:** A tarmac area, a new terrace, and a boundary line.

Labels on the plan include: TARMAC, NEW STORE, LOBBY, LANDING, EN SUITE, BEDROOM 1, BEDROOM 2, KITCHEN/DINING, LOUNGE, SITTING room, LOWER HALLWAY, BOILER room, PLANT/STORE, LAUNDRY room, and BOUNDARY LINE.

GROUND FLOOR PLAN 1:100
EXTERNAL FLOOR AREA - 911m²

APPROVED REF: 19/01452/APP

APPROVED EXTENSION REF: 19/01452/APP

EXISTING BUILDING

PROPOSED APARTMENT 3 & 4

Ridge Level
+ 6.550

Eaves Level
+ 2.510

First Floor Level
+ 3.240

Ground Floor Level
+ 0.150

FRONT ELEVATION 1:100

Ridge Level
+ 6.350

Eaves Level
+ 5.350

First Floor Level
+ 3.240

Ground Floor Level
+ 1.750

EAST ELEVATION 1:100

Ridge Level
+ 6.350

Eaves Level
+ 5.350

First Floor Level
+ 3.240

Ground Floor Level
+ 1.750

[illegible]

LOCATION PLAN 1:1500	
HEAD OFFICE - MOIRA 15000 Highway 10, South Gullyway Street, Eglon, W30 1GN 01343 540020	OSSEMOUTH OFFICE 15000 Highway 10, South Gullyway Street, Eglon, W30 4BX 01343 810175 DEVON OFFICE 101372 345566
HIGHLANDS 15000 Highway 10, Naim, Highlands, W17 4EJ 01647 300230	mm 0781 3872818 e cmsdesign.biz e office@cmsdesign.biz
MR B HARRIS	
EXISTING GUEST HOUSE EXTENSION TO FORM 2 SELF CATERING APARTMENTS AND ADDITIONAL PARKING	
PLANNING PROPOSALS (EAST WING) GROUND FLOOR PLANS & ELEVATIONS	
Date: 9.12.20 Amendments:	Rev: B
23.3.21 Layout changes	C
09.7.21 General amends	D
Drawn By: B MACLAY	Checked By:
Date: 09.7.21	
180048.HARRIS.09PPD D	

SITE & PARKING PLAN

1 : 200

* DATUM = 15.88' MIDDLE OF ROAD

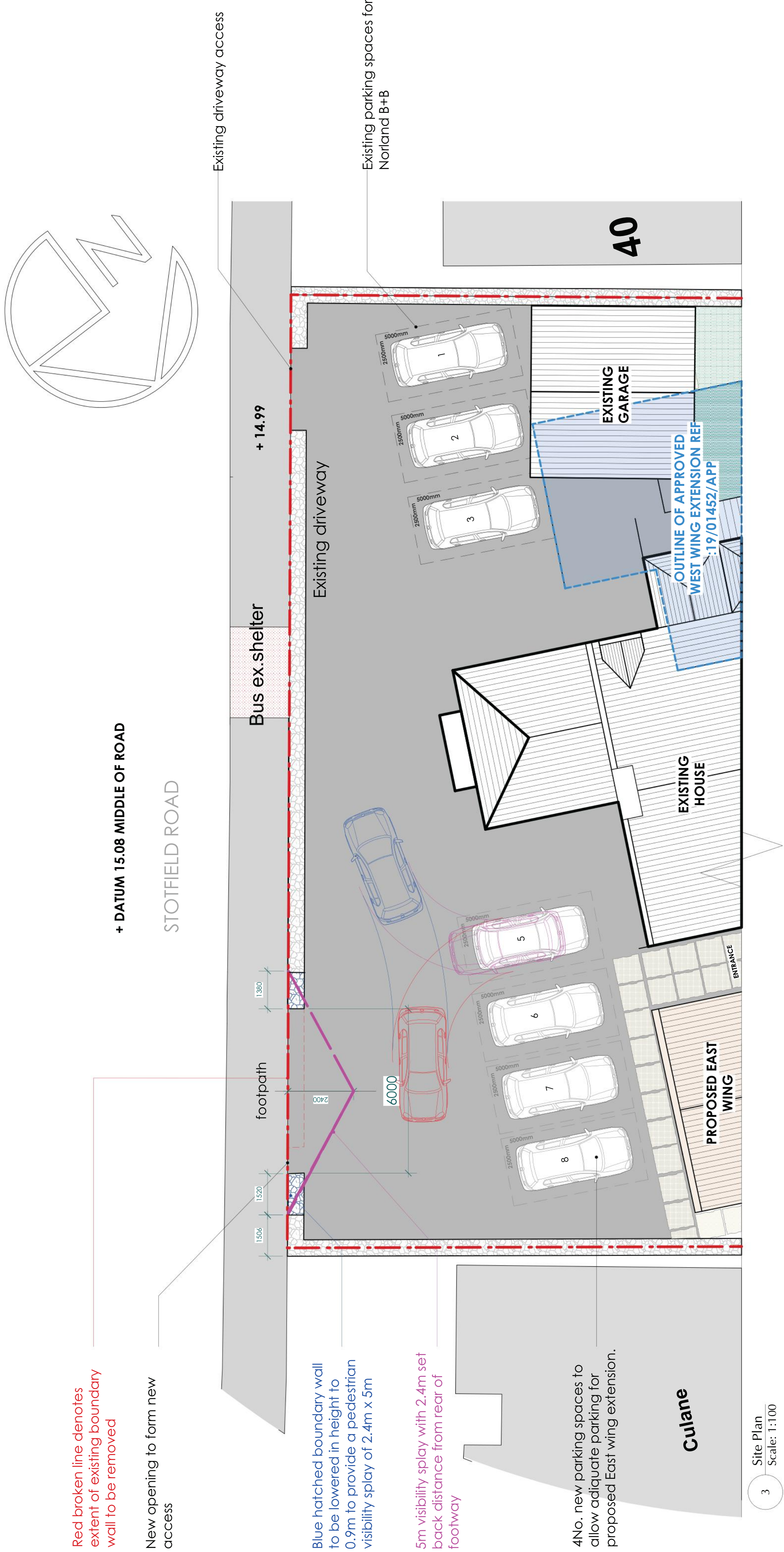
STOILFIELD ROAD

23.3.21	LAYOUT CHANGES	C
09.7.21	GENERAL AMENDS	D

Drawn By: B MACKEY Date: 09.7.21 Checked By: Date:

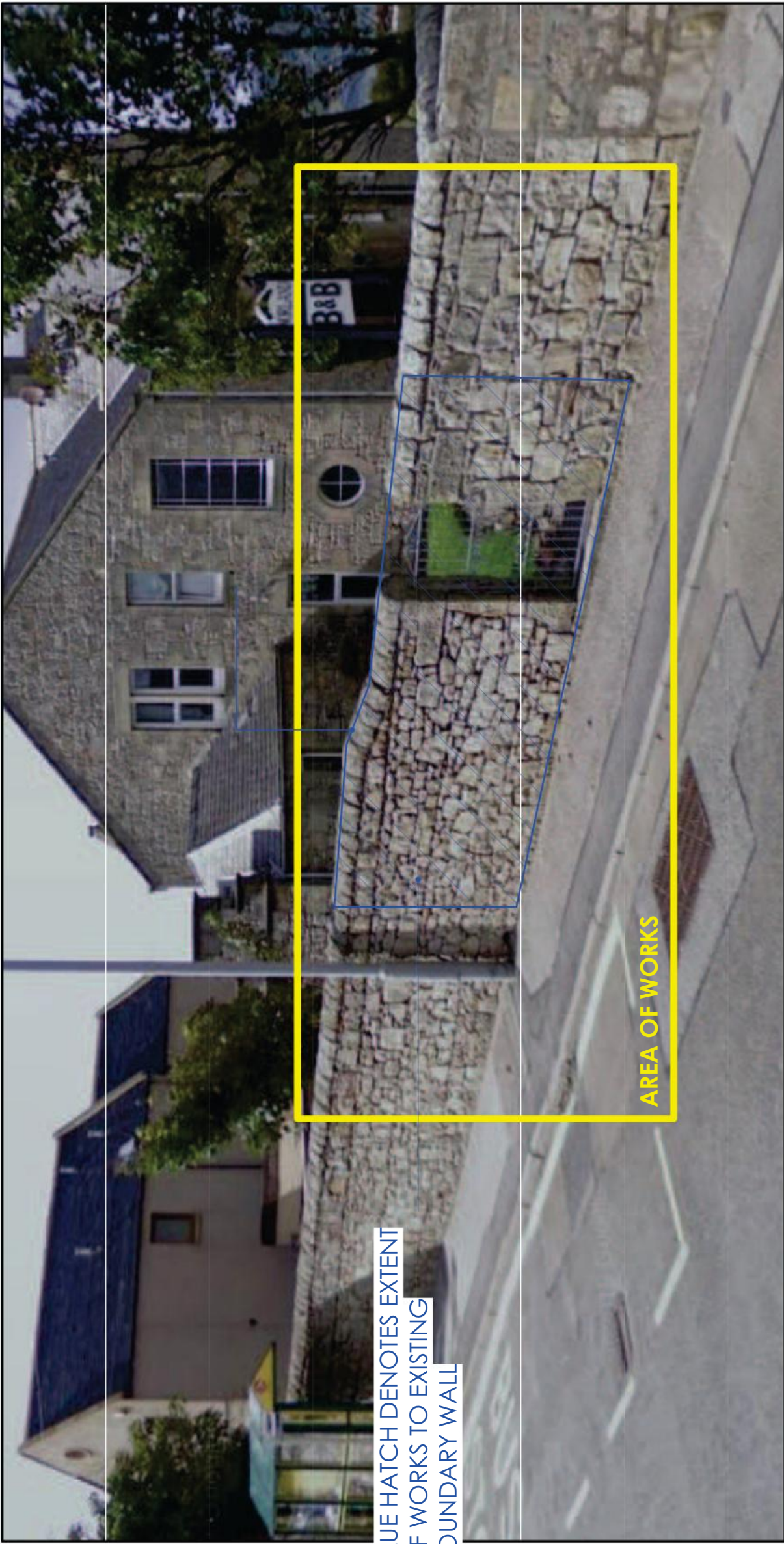
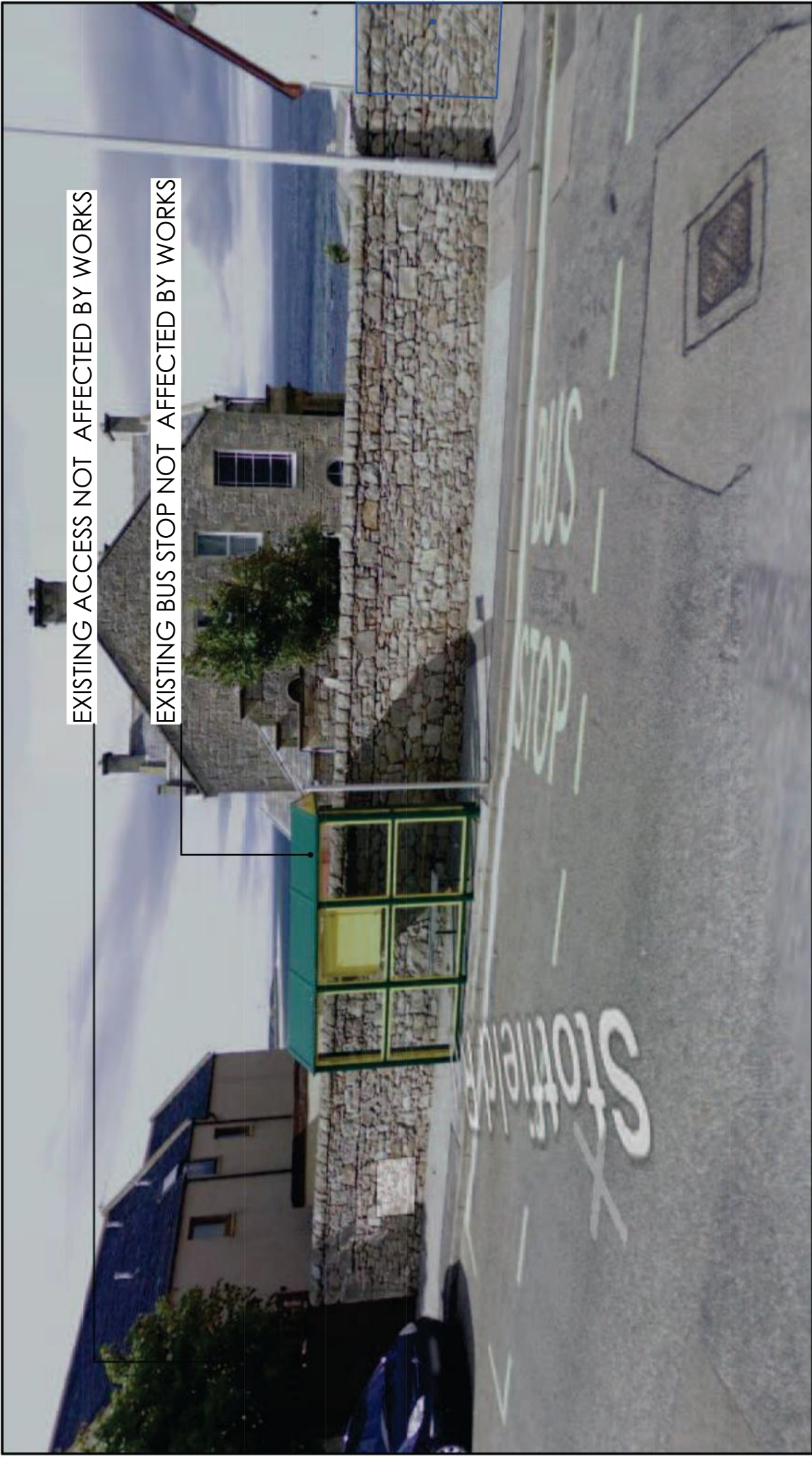
180048.HARRIS.09PP.D

+ DATUM 15.08 MIDDLE OF ROAD



PARKING SCHEDULE

- Existing house :
3 spaces as existing
- Proposed West wing - Planning Ref - 19/01452/APP
6 spaces shown on North of property
- Proposed East Wing :
4 spaces shown on south of property



MR B HARRIS

EXTENSION TO FORM 2 SELF CATERING APARTMENTS FOR USE IN GUEST HOUSE AND ADDITIONAL PARKING

PLANNING PROPOSALS (EAST WING)
VISIBILITY SPLAY

Date: Amendments: Rev:

Gary Mackintosh
Email: gmsurveys@gmail.com
Tel: 07557431702

gmsurveys

Surveys, Setting-Out Civil Engineering Design

Drainage Assessment

STOTFIELD ROAD, LOSSIEMOUTH

Gary Mackintosh Bsc
gmsurveys@gmail.com

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Client:

Mr B Harris

Site Address:

Norland
Stotfield Road
Lossiemouth

Planning Reference:

19/01452/APP

Date:

10th November 2019

Job Number:

0792

Company Information:

Assessment completed by:

Gary Mackintosh Bsc

GMCSurveys

34 Castle Street

Forres

Moray

IV36 1PW

Email: gmcsurveys@gmail.com

Telephone: 07557431702

Introduction

Norland is located to the north of Stotfield Road, Lossiemouth. Following the approval to erect 2No self - catering units as an extension to the west of the existing building, it is proposed to erect a matching extension to the east wing of the existing building . To accompany the proposed units, parking is also proposed to the north west of the existing building.

To meet the needs of the local Planning Authority, a Drainage Assessment is required in accordance with policy EP5 of The Moray Local Plan.

Existing Site:

A walkover survey of the site has been carried out which has a medium gradient falling from Stotfield Road to the south east, to St Gerardine Road to the north west. There is an existing garage to the south east of the main property which is to be demolished to make way for the proposed parking. The existing tarred driveway leading from Stotfield road is to be maintained providing 4 parking spaces. The west area of the site is currently garden grounds.

The overall site area is approximately 1,342m².

The SEPA Flood Maps have been consulted which indicate that the site is not at risk of any fluvial or pluvial flooding up to and including a 1:200year event.

The existing roof area is managed within a surface water system which could not be identified during the site visit however it is considered that the existing surface water infrastructure will remain in situ.

The foul water from the existing property discharges to the public sewer.

Ground Conditions:

Trial pits were excavated on 4th November 2019 in order to assess the existing ground conditions and their suitability for the use of sub surface soakaways as a method of surface water management.

The trial pits were excavated to a depth of 1800mmbgl providing existing soils of 150 – 200mm Topsoil overlying light brown fine to medium fine slightly gravelly Sands with some cobbles overlying dark brown medium Sandy Gravels proved to the depth of the excavations. The gravels were sub rounded in shape.

Infiltration testing was carried out in full accordance with BRE digest 365. The results can be found in the table below.

Infiltration Test	Pit Dimensions (w/l)	Test Zone (mbgl)	Infiltration Rate (m/s)
INF01	1.0m x 1.2m	1.0 – 1.5	3.33×10^{-5}
INF02	0.8m x 1.2m	1.1 – 1.8	4.73×10^{-5}

Local Water Courses:

There are no existing water courses within the surrounding area of the site.

The Coastline is approximately 95m north west of the site at its nearest location.

Existing Foul and Surface Water Runoff:

The site area may be considered to produce 0.46l/s runoff during a two year return period storm event (runoff calculations are included in Appendix B).

The existing foul drainage discharges to the public sewer within St Gerardines Road.

The Proposed Site

The site plan is shown in APPENDIX A.

The proposals are for 2 new self – units to be erected as an extension to the south side of the existing building.

The site is to be made of the following impermeable areas:

195m² – Existing Roof Area (Existing surface water system to be maintained)

200m² – New extension Roof Area

160m² – Existing Driveway (Existing surface water system to be maintained)

145m² – Proposed Parking Access Area to West

Drainage Strategy

Foul Drainage

In accordance with good practice the development will require to be served by a separate foul and surface water system and incorporate SUDS facilities.

The existing Foul Drainage is to be maintained within the site therefore if it is proposed to connect the additional accommodation to the existing discharge. Approval will be required from Scottish Water prior to the additional loads being added to the system.

Storm Drainage

The existing surface water drainage system is to be maintained.

Due to the site being restricted in terms of space to accommodate multiple drainage structures, it is proposed to install a single new soakaway to manage the runoff from the final new roof area and the new parking area. As this represents a reasonable percentage of the overall site area it is recommended that the soakaway be sized to manage flows up to and including a 1:200 year event.

Please see calculations within Appendix C detailing the suitability and requirement of a surface water soakaway with dimensions of 13.0m x 2.0m x 1.5m below the invert of the inlet based on a contributing area of 330m² up to and including a 1:200year event with 35% allowance for climate change.

It is therefore proposed that the parking bays be formed in permeable pavements with an aqua channel or gullies to the site entrance to manage surface water flows within the access and parking areas. The runoff from the new roof areas is to be conveyed to the soakaway using standard pvc piping.

The proposed indicative drainage arrangements are shown within Appendix A.

Conclusion

The proposals are to erect an additional extension to the east of existing property, Norland, Stotfield Road, Lossiemouth, over and above the previously approved works.

The existing foul and surface water drainage is to remain in situ with the foul water discharge from the new self – catering units making a direct connection to the existing system.

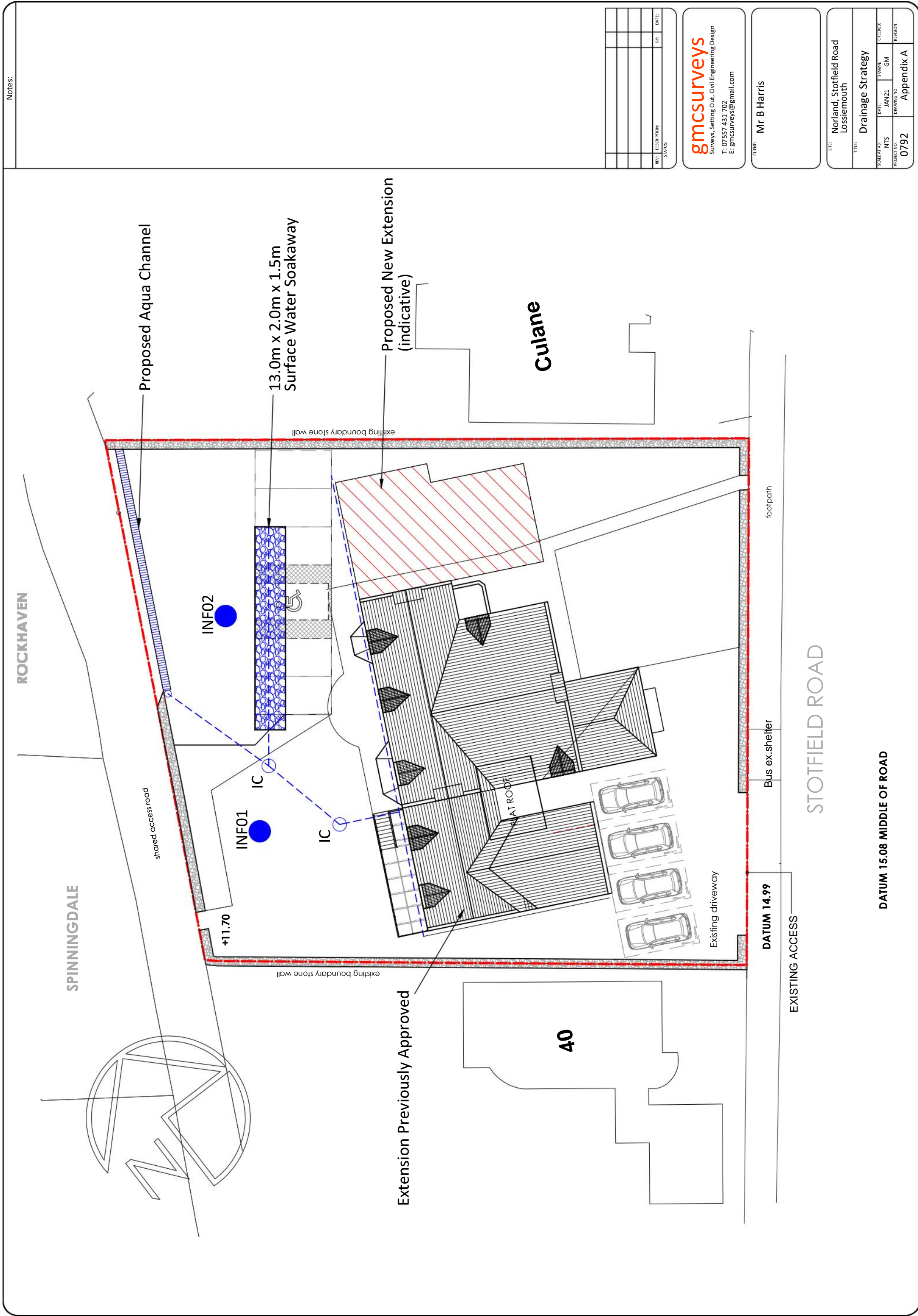
The surface water runoff from the new roof, parking and access areas is to be managed within a proposed soakaway to be located beneath the new parking bays. The soakaway is to be sized to manage surface water flows from both new roof areas and parking area up to and including a 1:200year event with 35% allowance for climate change.

References

1. Scottish Planning Policy 7: Planning and Flooding. Scottish Executive, Feb 2004.
2. Planning Advice Note 61: Planning and Sustainable Drainage Systems. Scottish Executive, July 2001.
3. CIRIA C521 Sustainable Urban Drainage Systems, Design Manual for Scotland and Northern Ireland, 2000.
4. CIRIA C697 Sustainable Urban Drainage Systems, Design Manual for Scotland and Northern Ireland 2007.
5. Building Research Establishment. BRE Digest 365 – Soakaway Design, 1991.
6. CIRIA, Report 156, Infiltration Drainage – Manual of Good Practice, 1996.
7. WRc plc Sewers for Scotland – A Policy, Design and Construction Guide for Developers in Scotland, 2001.

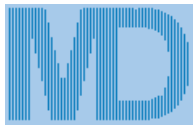
APPENDIX A

Drainage Strategy/Site Layout



APPENDIX B

Greenfield Runoff Estimation



MasterDrain
SW 11.0

gmcsurveys
Surveys, Setting Out Civil Engineering Design

Shireen Villa, 34 Castle Street
Forres IV36 1FN
email: gmcsurveys@gmail.com
Mobile: 07557 431 702

Job No. 0595		
Sheet no. 1		
Date 26/11/19		
By GM	Checked	Approved

Project **Norland, Stotfield Road, Elgin**
Title **Greenfield Runoff Estimation**

Hydrological Data:-

FSR Hydrology:-

Location = LOSSIEMOUTH	Grid reference = NJ2370
M5-60 (mm) = 12	r = 0.26
Soil runoff = 0.40	SAAR (mm/yr) = 700
WRAP = 3	Area = Scotland & N. Ireland
Hydrological area = 1	Hydrological zone = 2

Soil classification for WRAP type 3

- i) Relatively impermeable soils in boulder and sedimentary clays, and in alluvium, especially in eastern England;
- ii) Permeable soils with shallow ground water in low-lying areas;
- iii) Mixed areas of permeable and impermeable soils, in approximately equal proportions.

Design data:-

Area = 0.00134 Km² - 0.134 Ha - 1340 m²

Calculation method:-

Runoff is calculated from:-

$$Q_{\text{BAR(rural)}} = 0.00108 \text{ AREA}^{0.89} \cdot \text{SAAR}^{1.17} \cdot \text{SOIL}^{2.17}$$

where

AREA = Site area in Km²
SAAR = Standard Average Annual Rainfall (mm/yr)
SOIL = Soil value derived from Winter Rainfall Acceptance Potential
 $Q_{\text{BAR(rural)}}$ = Runoff (cumecs)

$Q_{\text{BAR(rural)}}$ is then multiplied by a growth factor - GC(T) - for different storm return periods derived from EA publication W5-074/A.

Calculated data:-

For areas less than 50Ha, a modified calculation which multiplies the 50Ha runoff value by the ratio of the site area to 50Ha is used
Reducing factor used for these calculations is 0.003

Mean Annual Peak Flow $Q_{\text{BAR(rural)}}$ = 0.46 l/s



MasterDrain
SW 11.0

gmcsurveys
Surveys. Setting Out Civil Engineering Design

Shireen Villa, 34 Castle Street
Forres IV36 1FN
email: gmcsurveys@gmail.com
Mobile: 07557 431 702

Job No. 0595		
Sheet no. 2		
Date 26/11/19		
By GM	Checked	Approved

Project **Norland, Stotfield Road, Elgin**
Title **Greenfield Runoff Estimation**

Values for $Q_{BAR(rural)}$

Ret. per.	m ³ /hr	l/s	l/s/ha	Ret. per.	m ³ /hr	l/s	l/s/ha
1yr	1.395	0.388	2.892	100yr+20%	4.924	1.368	10.207
2yr	1.477	0.410	3.062	100yr+30%	5.334	1.482	11.057
5yr	2.019	0.561	4.185	100yr+40%	5.744	1.596	11.908
10yr	2.380	0.661	4.933	200yr	4.596	1.277	9.526
30yr	3.004	0.834	6.226	200yr + 30%	5.974	1.660	12.384
50yr	3.479	0.967	7.213	500yr	5.334	1.482	11.057
100yr	4.103	1.140	8.506	1000yr	5.958	1.655	12.350

Growth factors -

1yr	2yr	5yr	10yr	30yr	50yr	100yr	200yr	500yr	1000yr
0.85	0.90	1.23	1.45	1.83	2.12	2.50	2.80	3.25	3.63

The above is based on the Institute of Hydrology Report 124
to which you are referred for further details (see Sect 7).
Note that the 200 and above year growth curves were taken from W5-074.

APPENDIX C

Drainage Calculations



MasterDrain
SW 16.53

gmcsurveys
Surveys, Setting Out Civil Engineering Design

Shireen Villa, 34 Castle Street
Forres IV36 1FN
email: gmcsurveys@gmail.com
Mobile: 07557 431 702

Job No.	0792		
Sheet no.	1		
Date	11/01/21		
By	GM	Checked	Approved
Title			

Project **Norland, Stotfield Road, Lossiemouth**

Title **Surface Water Soakaway - Full Contributing area**

Rectangular pit design data:-

Pit length	= 13 m	Pit width	= 2 m
Depth below invert	= 1.5 m	Percentage voids	= 30.0%
Imperm. area	= 330 m ²	Infilt. factor	= 0.000033 m/s
Return period	= 200 yrs	Climate change	= 35%

Calculations :-

Surface area of soakaway to 50% storage depth (not inc. base):-

$$a_{s50} = 2 \times (\text{length} + \text{width}) \times \text{depth}/2 = 22.5 \text{ m}^2$$

Outflow factor : $O = a_{s50} \times \text{Infiltration rate} = 0.0007425 \text{ m/s}$

Soakaway storage volume : $S_{\text{actual}} = \text{length} \times \text{width} \times \text{depth} \times \% \text{voids}/100 = 11.7 \text{ m}^3$

Duration	Rainfall mm/hr	Inflow m ³	Depth (hmax) m	Outflow m ³	Storage m ³
5 mins	119.2	3.3	0.39	0.22	3.04
10 mins	93.0	5.1	0.60	0.44	4.65
15 mins	77.9	6.4	0.74	0.67	5.76
30 mins	55.3	9.1	1.00	1.34	7.78
1 hrs	37.5	12.4	1.24	2.67	9.70
2 hrs	24.2	16.0	1.36	5.35	10.64
4 hrs	15.3	20.1	1.21	10.69	9.44
6 hrs	11.6	22.9	0.88	16.04	6.85
10 hrs	8.1	26.8	0.01	26.73	0.04
24 hrs	4.4	34.7	0.00	64.15	0.00

Actual volume : $S_{\text{actual}} = 11.700 \text{ m}^3$

Required volume : $S_{\text{reqd.}} = 10.640 \text{ m}^3$

Soakaway volume storage OK.

Minimum required a_{s50} : 20.46 m²

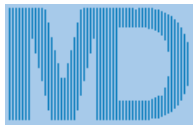
Actual a_{s50} : 22.50 m²

Minimum depth required: 1.36 m

Time to maximum 2 hrs

Emptying time to 50% volume = $t_{s50} = S_{\text{reqd}} \times 0.5 / (a_{s50} \times \text{Infiltration rate}) = 01:59 \text{ (hr:min)}$

Soakaway emptying time is OK.



MasterDrain
SW 16.53

gmcsurveys
Surveys, Setting Out Civil Engineering Design

Shireen Villa, 34 Castle Street
Forres IV36 1FN
email: gmcsurveys@gmail.com
Mobile: 07557 431 702

Job No. 0792		
Sheet no. 2		
Date 11/01/21		
By GM	Checked	Approved

Project **Norland, Stotfield Road, Lossiemouth**
Title **Surface Water Soakaway - Full Contributing area**

Location hydrological data (FSR):-

Location	= LOSSIEMOUTH	Grid reference	= NJ2370
M5-60 (mm)	= 12	r	= 0.26
Soil index	= 0.40	SAAR (mm/yr)	= 700
WRAP	= 3	Area	= Scotland and N. Ireland

Soil classification for WRAP type 3

- i) Relatively impermeable soils in boulder and sedimentary clays, and in alluvium, especially in eastern England;
- ii) Permeable soils with shallow ground water in low-lying areas;
- iii) Mixed areas of permeable and impermeable soils, in approximately equal proportions.

N.B. The rainfall rates are calculated using the location specific values above in accordance with the Wallingford procedure.

APPENDIX D

Indicative Drainage Details

DRAINAGE STATEMENT

PROPOSED SELF CATERING APARTMENT DEVELOPMENT (EAST WING) AT NORLAND, STOTFIELD ROAD, LOSSIEMOUTH, IV31 6QP

INTRODUCTION:

This Drainage Statement has been prepared by CM Design Architectural & Planning Consultants in response to recent changes in Moray Council Policy, which seek to steer development away from areas at risk of flooding and to ensure that any new development does not impact upon flooding issues in Moray.

Scottish Planning Policy (SPP) requires Planning Authorities to take into account flood risk when considering new development. This Drainage Statement confirms there to be no flood risk issues on the application site whatsoever.

Supplementary Guidance on this matter has been produced by Moray Council and accepted as a "material consideration" by the Planning and Regulatory Services Committee and will be formally adopted shortly.

SITE DESCRIPTION:

The proposed site is situated at **Norland, Stotfield Road, Lossiemouth, IV31 6QP**. The site equates to 1319m².

The SEPA Flood Maps have been consulted which indicate that there is **no risk of flooding**.

The proposed development relates to the need for an extension to the main building (east wing) to form additional self-catering accommodation.

SITE CONDITIONS:

The site is believed to have good infiltration rates based on a walkover survey and previous planning approval and conducive to implementing the use of a soakaway.

DRAINAGE DESIGN:

The additional roof water from the new extension will be directed to the new surface water soakaway system to be designed by a qualified engineer (report to follow) and as indicated on the proposal drawings.

We trust this Drainage Statement alleviates any flooding concerns in the meantime.

Head Office - Moray

69 St Brendans
South Guildry Street
Elgin
Moray
IV30 1QN

t 01343 540020
e office@cmdesign.biz
w cmdesign.biz

Highland Office

4 Bridge Street
Nairn
Highlands
IV12 4EJ

t 01667 300230

Lossiemouth Office

Ellel, James Street
Lossiemouth
Moray
IV31 6BX

t 01343 612305

Devon Office

The Generator Quay House
The Gallery, Kings Wharf
Exeter
EX2 4AN

t 01392 345566

Consultee Comments for Planning Application 21/01206/APP

Application Summary

Application Number: 21/01206/APP

Address: Norland Stotfield Road Lossiemouth Moray IV31 6QP

Proposal: Erection of 2no self-catering apartments (east wing) at

Case Officer: Andrew Miller

Consultee Details

Name: Mr EH Consultations

Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX

Email: Not Available

On Behalf Of: Environmental Health C12

Comments

No objections

Adrian Muscutt, CLO

From: Andrew Miller
Sent: Tue, 7 Sep 2021 08:17:35 +0100
To: Planning Consultation
Subject: FW: 21/01206/APP Erection of 2no self-catering apartments (east wing) at Norland, Stotfield Road, Lossiemouth, IV31 6QP

Can this be uploaded to DMS please?

Thanks

Andrew

From: DeveloperObligations <DeveloperObligations@moray.gov.uk>
Sent: 17 August 2021 15:07
To: Andrew Miller <Andrew.Miller@moray.gov.uk>
Cc: DC-General Enquiries <development.control@moray.gov.uk>
Subject: 21/01206/APP Erection of 2no self-catering apartments (east wing) at Norland, Stotfield Road, Lossiemouth, IV31 6QP

Hi,

Developer obligations are not being sought for the above planning application as given the nature and scale of the proposed development; it will not have a detrimental impact on local infrastructure that requires mitigation through developer obligations.

Thanks
Rebecca

Rebecca Morrison | Infrastructure Growth/Obligations Officer (Strategic Planning and Development) | Economic Growth and Development
Rebecca.morrison@moray.gov.uk | [website](#) | [facebook](#) | [moray council planning facebook](#) | [twitter](#) | [newsdesk](#)

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	20th August 2021
Planning Authority Reference	21/01206/APP
Nature of Proposal (Description)	Erection of 2no self-catering apartments (east wing) at
Site	Norland Stotfield Road Lossiemouth Moray IV31 6QP
Site Postcode	N/A
Site Gazetteer UPRN	000133003606
Proposal Location Easting	323005
Proposal Location Northing	871003
Area of application site (M²)	1319
Additional Comment	RAF Lossiemouth Noise Zone 63dBA Category B
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QXAWP8BGH2300
Previous Application	20/01722/APP 19/01452/APP 13/00961/APP
Date of Consultation	6th August 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Mr B Harris
Applicant Organisation Name	
Applicant Address	Norland Stotfield Road Lossiemouth Moray IV31 6QP
Agent Name	C M Design
Agent Organisation Name	
Agent Address	St Brendans 69 South Guildry Street Elgin Moray IV30 1QN
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Andrew Miller

Case Officer Phone number	01343 563274
Case Officer email address	andrew.miller@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

Data Protection - Moray Council is the data controller for this process. Information collected about you on this form will be used to process your Planning Application, and the Council has a duty to process your information fairly. Information we hold must be accurate, up to date, is kept only for as long as is necessary and is otherwise shared only where we are legally obliged to do so. You have a legal right to obtain details of the information that we hold about you.

For full terms please visit http://www.moray.gov.uk/moray_standard/page_121513.html

For full Data Protection policy, information and rights please see http://www.moray.gov.uk/moray_standard/page_119859.html

You can contact our Data Protection Officer at info@moray.gov.uk or 01343 562633 for more information.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Environmental Health Manager

Planning Application Ref. No: 21/01206/APP

Erection of 2no self-catering apartments (east wing) at Norland Stotfield Road Lossiemouth Moray for Mr B Harris

I have the following comments to make on the application:-

- | | Please |
|---------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below | x
<input type="checkbox"/> |
| (b) I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal | <input type="checkbox"/> |
| (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below | x |
| (d) Further information is required in order to consider the application as set out below | <input type="checkbox"/> |

Reason(s) for objection

Condition(s)

Further comment(s) to be passed to applicant

Informative/possible condition:

This Section has reviewed the proposals and notes the development is within the 63 to 66dBA noise contours for RAF Lossiemouth. Permanent residential development would require a Noise Impact Assessment to proceed, however, on the basis of this being self-catering holiday apartments and not a permanent residence, the NIA requirement is not sought. This Section has no objection if the planning officer requires a suitably wording to cover these comments or is instead content that within the definition of the proposal that a full time residential development is not occurring and can be covered by other conditions within any possible consent.

Further information required to consider the application

Contact: James Harris
email address:
Consultee:

Date...20/8/21.....
Phone No

Return response to	consultation.planning@moray.gov.uk
---------------------------	-------------------------------------------

Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://publicaccess.moray.gov.uk/eplanning/> (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.

From: The Moray Council, Flood Risk Management
Planning Application Ref. No: 21/01206/APP

Please

X

- ☐

☐☐

Date 17/08/2021

Phone No 07815 647384

Consultee: The Moray Council, Flood Risk Management

Monday, 09 August 2021



Local Planner
Development Services
Moray Council
Elgin
IV30 1BX

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Norland, Stotfield Road, Lossiemouth, IV31 6QP
Planning Ref: 21/01206/APP
Our Ref: DSCAS-0046060-ZQR
Proposal: Erection of 2no self-catering apartments (east wing) at

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in BADENTINAN Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

- ▶ There is currently sufficient capacity for a foul only connection in the MORAY WEST PFI Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.
-

Asset Impact Assessment

According to our records, the development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) to apply for a diversion.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.

- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
 - ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
 - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non Dom Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email

TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).

- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Pamela Strachan

Development Operations Analyst

Tel: 0800 389 0379

developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	20th August 2021
Planning Authority Reference	21/01206/APP
Nature of Proposal (Description)	Erection of 2no self-catering apartments (east wing) at
Site	Norland Stotfield Road Lossiemouth Moray IV31 6QP
Site Postcode	N/A
Site Gazetteer UPRN	000133003606
Proposal Location Easting	323005
Proposal Location Northing	871003
Area of application site (M²)	1319
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QXAWP8BGH2300
Previous Application	20/01722/APP 19/01452/APP 13/00961/APP
Date of Consultation	6th August 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Mr B Harris
Applicant Organisation Name	
Applicant Address	Norland Stotfield Road Lossiemouth Moray IV31 6QP
Agent Name	C M Design
Agent Organisation Name	
Agent Address	St Brendans 69 South Guildry Street Elgin Moray IV30 1QN
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Andrew Miller
Case Officer Phone number	01343 563274

Case Officer email address	andrew.miller@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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For full terms please visit http://www.moray.gov.uk/moray_standard/page_121513.html

For full Data Protection policy, information and rights please see http://www.moray.gov.uk/moray_standard/page_119859.html

You can contact our Data Protection Officer at info@moray.gov.uk or 01343 562633 for more information.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 21/01206/APP

Erection of 2no self-catering apartments (east wing) at Norland Stotfield Road Lossiemouth Moray for Mr B Harris

I have the following comments to make on the application:-

Please

- | | | |
|-----|-----------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| (a) | I OBJECT to the application for the reason(s) as stated below | <input type="checkbox"/> |
| (b) | I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal | <input type="checkbox"/> |
| (c) | I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below | <input checked="" type="checkbox"/> |
| (d) | Further information is required in order to consider the application as set out below | <input type="checkbox"/> |

This proposal is for the erection of 2no two bed self-catering holiday apartments, and includes the formation of a new access onto the Public Road. The new access is located within an area subject to a high volume of vehicular and pedestrian activity and is also located in close proximity to an existing bus stop. The following conditions would apply:

1. No works shall commence on site until a Construction Traffic Management Plan has been submitted to and approved in writing by the Council as Planning Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include as a minimum the following information:
 - duration of works;
 - construction programme;
 - parking provision, loading and unloading areas for construction traffic;
 - full details of temporary arrangements to safeguard pedestrian movements during the construction period;
 - details of any pedestrian route closures or diversions;
 - measures to be put in place to prevent material being deposited on the public road;
 - traffic management measures to be put in place during works including any specific instructions to drivers.

Thereafter, the development works shall proceed in accordance with the approved details, unless otherwise approved in writing by the Planning Authority in consultation with the Roads Authority.

Reason: To ensure an acceptable form of development in terms of the arrangements to manage traffic during construction works at the site.

2. No development shall commence on the construction of the apartments until a pedestrian visibility splay 2.4m x 5.0m has been provided in both directions at the new access onto the B9040 Stotfield Road (taken from the back of the footway); and thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.9m above the level of the carriageway, in accordance with submitted drawing 180048.HARRIS.015PP. This will require the lowering a short section of boundary wall either side of the new access.

Reason: To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit, in the interests of road safety for the proposed development and other road users.

3. Notwithstanding the submitted details no development shall commence on the construction of the apartments until the new access has been provided. The width of the new vehicular access shall be 6.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. Drop kerbs shall be provided across the access to the Moray Council specification including provision of backing kerbs installed along the rear of the existing footway (across the full width of the new access to delineate and protect the edge of the footway following the removal of the existing boundary wall). A road opening permit must be obtained from the Roads Authority before carrying out this work.

Reason: To ensure acceptable infrastructure at the development access

4. Notwithstanding the submitted details 13no car parking spaces shall be provided within the (overall) site prior to the first occupation of the first self-catering apartment. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority

Reason: To ensure the permanent availability of the level of parking necessary for residents/visitors/others in the interests of an acceptable development and road safety.

5. A turning area shall be retained within the curtilage of the site to enable vehicles to enter and exit in a forward gear.

Reason: To ensure the provision for vehicles to enter/exit in a forward gear in the interests of the safety and free flow of traffic on the public road

6. No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.

Reason: To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the new access

Further comment(s) to be passed to applicant

Planning consent does not carry with it the right to carry out works within the public road boundary.

Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 56 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road. Advice on these matters can be obtained by emailing roadspermits@moray.gov.uk

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

A street lighting column is located in close proximity to a proposed new access, and may require to be relocated. The developer should contact the Roads Authority Street Lighting Section at Ashgrove Depot, Elgin – Tel (01343) 557300, Ext 7327 to discuss the proposals. If required, the street lighting column shall be repositioned at the expense of the developer.

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

The developer should note that Beechbrae Lane to the rear is a private road, which is not adopted by the Roads Authority.

The applicant shall free and relieve the Roads Authority from any claims arising out of their operations on the road or extension to the road.

Contact: AG
email address: transport.develop@moay.gov.uk
Consultee: TRANSPORTATION

Date: 19 August 2021

Return response to	consultation.planning@moray.gov.uk
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://publicaccess.moray.gov.uk/eplanning/> (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.



Ministry of Defence

Mr Andrew Miller
The Moray Council
Planning Department
Council Offices
High Street
Moray
IV30 1BX

Defence Infrastructure Organisation

Jill Roberts

Ministry of Defence
Safeguarding Department
St George's House
DIO Headquarters
DMS Whittington
Lichfield
Staffordshire
WS14 9PY

Tel: 0792905 6607

E-mail: Jillian.roberts156@mod.gov.uk

25 August 2021

Your reference: 21/01206/APP

Our reference: DIO10046859

Dear Andrew

MOD Safeguarding

Proposal: Erection of 2no self-catering apartment development. Bed & Breakfast facility. Height of highest point 9.4 metres

Location: Norland, Stotfield Road, Lossiemouth, Moray

Grid Ref: 323005,871003

Thank you for consulting the Ministry of Defence (MOD) on the above proposed development which was received by this office on 6 August 2021. I can confirm the MOD has no safeguarding objections to this proposal.

I trust this is clear however should you have any questions please do not hesitate to contact me.

Yours sincerely



Jill Roberts
DIO safeguarding

Comments for Planning Application 21/01206/APP

Application Summary

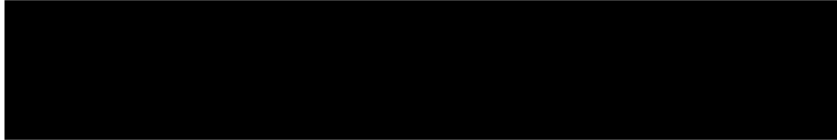
Application Number: 21/01206/APP

Address: Norland Stotfield Road Lossiemouth Moray IV31 6QP

Proposal: Erection of 2no self-catering apartments (east wing) at

Case Officer: Andrew Miller

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Activity at unsociable hours/behaviour
- Contrary to Local Plan
- Height of proposed development
- Noise
- Over-development of site
- Parking
- Poor design
- Road access
- Traffic

Comment: This development is too big. There are already issues associated with the B&B as it stands. They always park on the bus stop, no one ever drives in a forward gear onto the road, they always reverse out which has on several occasions almost caused an accident and it's a hazard to people walking. I don't see how providing 13 spaces to park is actually correct. Where are these spaces? It's always congested on Stotfield road so allowing this development will cause more issues.

Why is this planning application not saying that this extension will be in keeping with the existing dwelling. Allowing an all glass construction will not look right.

This is total over development and will cause untold issues with more cars reversing onto Stotfield road. How do they get away with parking on the bus stop on a daily basis? If I did that for 5 mins I would get a ticket no doubt!

Comments for Planning Application 21/01206/APP

Application Summary

Application Number: 21/01206/APP

Address: Norland Stotfield Road Lossiemouth Moray IV31 6QP

Proposal: Erection of 2no self-catering apartments (east wing) at

Case Officer: Andrew Miller

Customer Details

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Road safety

Comment: Dear sir,

The reason for my objection is that the lane which serves the proposed new properties is far too narrow to take anymore traffic. Access to the lane is already on a dangerous corner. There are many tourists and walkers that regularly use the lane. There is barely enough room for a car to pass walkers, children and dogs who have to back themselves against the wall in order for any car to get past. This lane is getting busier and busier with walkers and to add extra cars not to mention extra family and friends who will visit the proposed new properties will make this whole area very dangerous.

I would like to add that I have no problem with the properties being built. My only objection is that this lane will not be able to cope with all the extra traffic. Could access be taken off Stotfield Road?

Comments for Planning Application 21/01206/APP

Application Summary

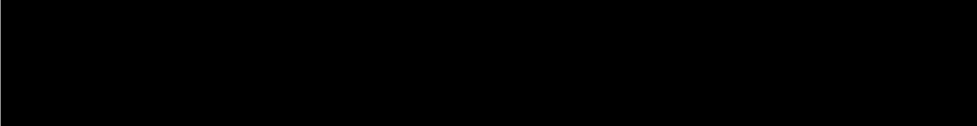
Application Number: 21/01206/APP

Address: Norland Stotfield Road Lossiemouth Moray IV31 6QP

Proposal: Erection of 2no self-catering apartments (east wing) at

Case Officer: Andrew Miller

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Over-development of site
- Parking
- Road access
- Road safety
- Traffic

Comment: This is my third comment on this proposed development, and my objections remain the same:

Access to the site is via the private lane which is used by many people...of all ages ...walking with dogs, children, older relatives in wheelchairs, cyclists, as they take a recreational route to or from the beach, play area or their home.

The lane is also used by traffic to the properties whose only access is via the lane, and by delivery vans and trucks serving the properties.

It is impossible for a car and person/people to safely pass each other without the car waiting for the pedestrian/s or cyclist to stop, literally stand against the wall or fence to let the other progress.

It is unsafe even now; it would be a nightmare accident zone were there any additional traffic.

It is unthinkable and extremely worrying to think of construction traffic using the lane to access the proposed site..in addition to the extra resident parking once completed.

The addition of four flats (and further proposed flats within the main house) is blatant overdevelopment of a residential site.

These major traffic safety issues must be taken seriously otherwise it will be a true danger area affecting the community.

Comments for Planning Application 21/01206/APP

Application Summary

Application Number: 21/01206/APP

Address: Norland Stotfield Road Lossiemouth Moray IV31 6QP

Proposal: Erection of 2no self-catering apartments (east wing) at

Case Officer: Andrew Miller

Customer Details

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Loss of privacy (being overlooked)
- Over-development of site
- Parking
- Road access
- Road safety
- Traffic

Comment: This is an extensive over development of this site to the East and West of the original dwelling that, if approved, will cause major loss of privacy to the homes on Beach Brae with 4 balconies overlooking their privacy.

Parking, road access and safety are also issues that could cause danger and concern to pedestrians and drivers on Stotfield Road and Beach Brae.

Beach Brae is mainly used by families accessing the beach and the application shows a new vehicle access on to Stotfield Road for 8 vehicles, immediately adjacent to a bus stop on a very busy thoroughfare, contrary to Road Traffic regulations.

I have no objection to the proposed building of the East Wing apartments at Norland. However, I strongly object to the access to this building being through the recent opening at the rear.

The lane, known as Beach Brae, and is in daily use as part of the Moray Coastal pathway. Many walkers and cyclists follow it daily. Some will not be aware of the unforeseen dangers of potential excess traffic.

It is also a private road, upkeep of which is at the expense of all home owners in Beach Brae.

The lane is single track, with no passing places existing at the point of entry of to the propose extension.

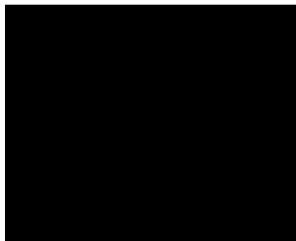
The road leading to Beach Brae is the entrance to the West Beach car park, and at the point of entry to the lane, there is a blind spot for any vehicle in both directions, due to the sharp turn of the road into the car park and into the lane.

Said car park is used constantly by both holidaymakers and golfers, so is very busy. Anyone new to the area will not know to slow virtually to a stop before turning into the lane.

We have already had severe damage to our boundary fence, caused by someone ignorant of this problem, skidding into it-taking the corner too fast or not taking into consideration the conditions and difficulty of the turning.

The road to the car park also has to be constantly repaired because of the said traffic, causing pot holes to appear regularly.

Yours,



Comments for Planning Application 21/01206/APP

Application Summary

Application Number: 21/01206/APP

Address: Norland Stotfield Road Lossiemouth Moray IV31 6QP

Proposal: Erection of 2no self-catering apartments (east wing) at

Case Officer: Andrew Miller

Customer Details

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Inadequate plans
- Over-development of site
- Parking

Comment: Planning application - Erection of 2no. self catering apartments (east wing) at Norland, Stotfield Road Lossiemouth ref 21/01206/APP

Representation on behalf of

It is wished to object to the above application on the following grounds:

1. Building use

The drwg no.180048.HARRIS.015PP refers within the parking schedule and plan to 'existing house'. The existing property has 4 bedrooms advertised for bnb, suggesting that the application should be considered under Class 7, with 'Class 9 - Houses' only allowing use as a house within that Class as a bnb or guesthouse with a maximum of 2 bedrooms.

2. Accuracy of information

There is a discrepancy between drwg no.180048.HARRIS.015PP and drwg no.09PP D affecting space available for parking and turning to exit in a forward gear. The single storey part of the proposed East Wing (to the south), has been omitted from drwg no.015PP.

There is also no scale bar shown to allow sizes to be reviewed.

It is therefore very difficult to assess the proposals. As such it is suggested that this needs to be referred to the applicant and proposals re-notified to allow accurate assessment.

It is noted in the consultation comments from Transportation that the parking and manoeuvring requires entry and exit in a forward gear and that drwg no 015PP is the plan provided to verify this requirement. It is assumed that Transportation will be re-notified.

3. Parking.

It is understood that 13 parking places as required as a condition for East Wing to be approved. Should this also have minimum disabled parking added if Class 7?

The manoeuvring of the parking space to the south west corner seems particularly tight for exiting in a forward gear.

Should there not also be disabled parking provision to the south of the guesthouse where there is level access to the ground floor of the original dwelling and the proposed east wing.

4. Scale of development

The West Wing as approved is already a significant extension, though has been designed to be relatively sympathetic to the existing scale, detailing and appearance of the original dwelling. That cannot be said of the East Wing however where the design is contemporary with large glazed areas which are a dominant feature and out of character.

If the East wing is approved and built along with the West Wing, the two extensions will be of a combined scale which will have an overpowering impact and not be subservient to the original dwelling.

This is seen as over development of the site, taken together with the extent of parking required, three vehicular accesses and lack of distancing between extended Norland and neighbouring properties.

The north elevation is also in a prominent location viewed from the ENV6 designation to the foreshore.

It is requested that these concerns are taken into account when determining.

Comments for Planning Application 21/01206/APP

Application Summary

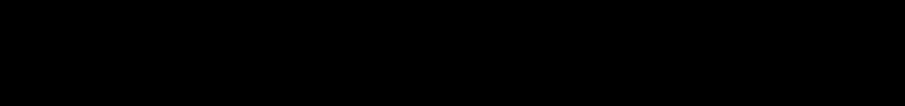
Application Number: 21/01206/APP

Address: Norland Stotfield Road Lossiemouth Moray IV31 6QP

Proposal: Erection of 2no self-catering apartments (east wing) at

Case Officer: Andrew Miller

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inadequate plans
- Loss of privacy (being overlooked)
- Over-development of site
- Parking
- Reduction of natural light
- Road access

Comment: Objections to the planning department for the proposed (further) development of Norland B&B.

1. Parking and Access: Attention is drawn to paragraph 1 ACCESS in Supporting Statement - 1318026 regarding the previous application on lowering the shared wall to achieve the required visibility - a condition for the previous planning application to be accepted. The agreement between neighbours was explicitly understood by both parties that this was on condition that there would be no further development of the site. Given that this application for further development arrived within weeks of the work on lowering the wall being completed, and no work has been carried out on the site with respect to the previous application, it is felt that this agreement has not been honoured.

2. Over-development of the Site. Currently there is planning permission to build on the West Side of the B&B. The building work has failed to be started in the years since the initial planning application was submitted. To now apply for a development on the East Side would make the property not so much a B&B but clearly closer to a Hotel development and will bring with it an increase in traffic and people with all the issues associated with a hotel style establishment. There are many hotels in the area already, none of which are at capacity, so the need for yet more

holiday accommodation is questioned.

3. Inadequate Plans - the plans submitted on this application do not give any distance measurement between the boundaries of the proposed development and the residential property Culane on the East side. It cannot be accurately judged how close to Culane's boundary the proposed development will be.

4. Loss of Privacy / Loss of light. The proposed development towers over the kitchen and outside patio area of the residential property 'Culane' to the east. There would be loss of natural light in the afternoon and evening making this area practically unusable. Given that the plans submitted do not give an accurate scale we can only assume that this would be the case.

MANAGER

DEVELOPMENT MANAGEMENT
BUILDING STANDARDS

20 AUG 2021

22/08/2021

Dw Radley & Gribble

PLANNING APPLIC-

ATIONS 21/01191/2402 + 21/01192
APP + 21/01187/21/01190/206/
APP
AD1

Phenox Emswore
THAT ALL WINDMILLS FROM A
FARM ON FENCY SITE IS
PROTECTED SO FAR AS POSSIBLE
II

NORTHWIND SCOT PRO10
CANNIFORD WIND FARM
RUTHERFORD HILL WIND
FARM. WIND A PORTAC
ADDRESS FOR FARM OLSON
RENEWABLE: KNOWN

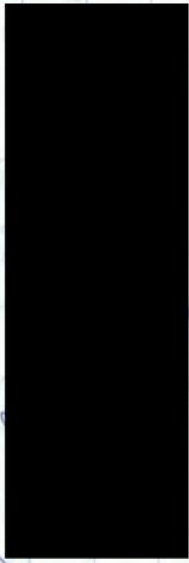
II

There will be no consequences
between myself
and the person who

ISOS 80A 08

Wino Tabor, A
Sicilian, Dancer
to Wino's Room and
Fawn Wilson (Fawn + Wino)
honor!

For money



Wino Tabor
Fawn Wilson
honor!

Comments for Planning Application 21/01206/APP

Application Summary

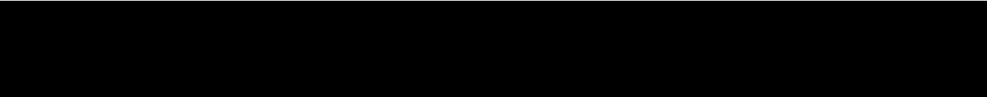
Application Number: 21/01206/APP

Address: Norland Stotfield Road Lossiemouth Moray IV31 6QP

Proposal: Erection of 2no self-catering apartments (east wing) at

Case Officer: Andrew Miller

Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Inadequate plans
- Road safety
- Traffic
- View affected

Comment: The proposed extension to Norland is excessive and not keeping with the local area. Modern and oversized.

This will increase traffic and an unsafe entrance / exit next to a bus stop readily used by families.

REPORT OF HANDLING

Ref No:	21/01206/APP	Officer:	Andrew Miller
Proposal Description/ Address	Erection of 2no self-catering apartments (east wing) at Norland Stotfield Road Lossiemouth Moray		
Date:	29.09.2021	Typist Initials:	LMC

RECOMMENDATION

Approve, without or with condition(s) listed below		Y
Refuse, subject to reason(s) listed below		N
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
Environmental Health Manager	20/08/21	Note that site falls within noise contours from RAF Lossiemouth, but as proposal is for holiday accommodation, no NIA is required. Request condition is placed to ensure premises do not become a place of permanent residence.
Contaminated Land	12/08/21	No objections.
Planning And Development Obligations	17/08/21	No obligations sought.
Transportation Manager	19/08/21	No objections subject to conditions requiring: <ul style="list-style-type: none">• Construction Traffic Management Plan• Provision of visibility splay onto B9040 Stotfield Road• Upgraded vehicular access.• Provision and retention of 13 parking spaces. Informative notes also provided.
Moray Flood Risk Management	17/08/21	No objections.
Scottish Water	09/08/21	No objections – sufficient capacity at Badentinan Water Treatment Works and Moray West Waste Water Treatment Works.

MOD Safeguarding - Statutory	25/08/21	Note that site falls within noise contours from RAF Lossiemouth, but as proposal is for holiday accommodation, no NIA is required. Request condition is placed to ensure premises do not become a place of permanent residence.
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DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
PP3 Infrastructure and Services	N	
DP1 Development Principles	Y	
DP8 Tourism Facilities and Accommodation	Y	
EP3 Special Landscape Areas	Y	
EP12 Management and Enhancement Water	N	
EP13 Foul Drainage	N	
EP15 MOD Safeguarding	N	

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received: NINE		
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: Impact of proposal on flora and fauna.</p> <p>Comments (PO): The proposed development is not considered to result in a significant adverse impact on flora and fauna that would require further investigation or warrant refusal of the application.</p>		
<p>Issue: The submitted plans refer to existing building as house, but property is advertised as having 4 rooms to let. This means it should be considered under class 9 houses.</p> <p>Comments (PO): The application has been evaluated based on the proposed use, and on the basis Norland is in use as a B&B.</p>		
<p>Issue: Discrepancies in plan omitting southern wing of proposed extension in drawing showing visibility splay.</p> <p>Comments (PO): This discrepancy is noted, though it is not considered that there has been any detriment to the notification process. The Transportation Manager notes there is an additional space over and above the parking standards in place, therefore the proposed layout offers sufficient space for the 13 parking spaces required.</p>		
Issue: No scale bar therefore unable to give full and accurate evaluation. Re-notification required.		

<p>Comments (PO): A scale bar is not required, as there are marked measurements and a scale on the plans submitted, this is sufficient to enable measurement and interpretation of the plans.</p>
<p>Issue: No disabled parking shown on plans.</p> <p>Comments (PO): A disabled parking space is shown on the site plan in the northern area of parking (accessed from Beach Brae Lane). The Transportation Manager has raised no objections to the application.</p>
<p>Issue: Overdevelopment of site - west wing (approved) is significant but designed to be sympathetic to existing building. If this proposal is approved, development of both wings will have a significant scale and overpowering impact on the original building. Alongside the parking and access requirements, this results in overdevelopment of the site.</p> <p>Comments (PO): These points are noted, see observations below in relation to overdevelopment.</p>
<p>Issue: Loss of privacy of houses on Beach Brae from proposed balconies.</p> <p>Comments (PO): There is sufficient separation between the proposal and the houses to the north and therefore no significant loss of privacy/increase in overlooking that would warrant refusal of the application on this basis.</p>
<p>Issue: Adverse impact on road safety due to number of pedestrians and cyclists using Stotfield Road and Beach Brae, as well as impact on bus stop and public transport users. Beach Brae Lane is single track with no passing places, poor visibility and unsuitable for additional traffic. Current B&B operation causes illegal parking in bus stop and dangerous reversing manoeuvres on to Stotfield Road.</p> <p>Comments (PO): The proposed upgrades to the access arrangements along with parking provision is considered to be suitable to serve the proposed development, with the Transportation Manager raising objections to the application.</p>
<p>Issue: Beach Brae Lane is a private un-adopted road.</p> <p>Comments (PO): This is not a material consideration to this application.</p>
<p>Issue: Lowering of shared wall for previous application for west wing was on the basis there would be no further development on the site (between neighbours). This application arrived within weeks of the wall being lowered.</p> <p>Comments (PO): This is a private matter between the respective parties and not a material issue to be considered as part of this application.</p>
<p>Issue: Inadequate plans do not show any measurements/distance between the proposed development and the boundary of the residential property to the east - how can it be accurately judged how close to the boundary the proposal is?</p> <p>Comments (PO): The plans provided show measurements between the boundary wall and the proposed extension.</p>
<p>Issue: Loss of privacy and loss of light of house to east, in particular patio and kitchen. Unable to tell from plans but it is assumed there will be an impact.</p> <p>Comments (PO): It is not considered there will be an adverse impact on privacy, particularly as the terrace and balcony will look onto the neighbouring driveway, however the impact of the proposal in</p>

terms of sunlight is an issue and considered under observations below.

Issue: Need for additional holiday accommodation in area questionable given hotels are not at capacity.

Comments (PO): This not material to the determination of this application.

Issue: Comments in respect of wind turbines not related to this application.

Comments (PO): This is not material to the determination of this application.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

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:

Site

A 3 storey detached stone and slate house in use as a bed and breakfast. Access is taken from Stotfield Road to the south, though work has commenced on an opening to the north to form an access from Beach Brae Lane (as consented under application 19/01542/APP). Planning permission is in place under application 19/01542/APP for the erection of a two storey extension on the western side of the building to form two self-catering apartments.

Proposal

Planning permission is sought for the erection of a two storey extension on the eastern side of the building to form 2 self-catering apartments. The extension would sit back from the northern elevation and have a gabled roof arrangement, with gables facing north and south. The northern gable would have glazing on both levels, offering openings to a terrace at ground floor and balcony at first floor. It would be finished in sandstone and slate to match the existing building. A new access would be formed from Stotfield Road. Surface water would drain to the parking area to the north (as consented under 19/01542/APP), whilst foul water would discharge to the public sewer.

Tourism Development (DP8)

Policy DP8 is supportive of tourism development in principle, supporting proposals that contribute to Moray's tourism industry. This is in recognition that tourism plays an important part in the Moray economy and is identified as a target sector in the Moray Economic Strategy. However proposals for tourism development must demonstrate a locational need for a specific site, whilst also ensuring compliance with all relevant policies of the MLDP.

The Supporting Statement provided with the application identifies that the proposal represents a cohesive approach to further the established business at Norland, meeting a need for further tourism accommodation and recognising the role tourism plays in the local economy. This is considered suitable locational justification in respect of the requirement of policy DP8. However, the following evaluation with regard to other policy requirements of the MLDP must be considered in relation to policy DP8.

Siting and Design (DP1, DP8)

The proposal sees gable ends of the proposed extension occupying the prominent northern elevation as well as the southern elevation, with a smaller single storey wing to the south fronting to Stotfield Road. There would also be an increase in footprint, with the extension occupying what is currently garden ground and driveway. The consented (and yet to be constructed) extension to the western side of the house also must be considered.

The existing building and consented extension represent a suitable form of development that can be accommodated without detriment to the character of the existing house, nor that of the surrounding area. With this in mind, the proposed extension in addition to that already consented results in a significant increase in built form on the site, and the original building would become overwhelmed by new development. The resultant footprint of the potential building, coupled with servicing requirements (parking/access) would result in overdevelopment of the site, with a small area of garden ground remaining. This is out of keeping with the character of the surrounding area, whereby the large traditional houses along the northern side of Stotfield Road are set in generous garden grounds. It is acknowledged the neighbouring house to the east has been formed by a curtilage split, however the parent property (Firthside) retains a suitable area of garden ground for its relatively large scale.

The consented extension under 19/01542/APP continues the design arrangement of the existing building, however the extension proposed here is much different. The existing building has a symmetry which the consented extension respects and continues to follow the pattern of pitched gable half dormer windows (i.e. built through the wall head). The proposed extension makes no reference to this character. Whilst different design is not necessarily unsuitable and can complement an existing building, the use of the gable arrangement on the north elevation would look at odds with the existing building. This gives the appearance of the proposed extension being a separate building being squeezed in between the existing building and the neighbouring house to the east (Culane).

Material finishes would match the existing house which is suitable, however this does not overcome the design issues outlined above.

Amenity must also be considered, with policy DP1 presuming against development that adversely impacts on privacy and daylight, or has an overbearing presence. In respect of privacy, the proposal is orientated as such that it avoids any direct overlooking of the house to the east, and whilst there will be some overlooking of the houses to the north (on Beach Brae Lane), this overlooking is not considered to be significant due to suitable separation, along with the long established properties on Stotfield Road inevitably having some degree of overlooking due to their elevated position.

With regard to daylight, the impact of the extension on the neighbouring dwelling (Culane) to the east must be considered. This house has a small raised terrace area adjacent to the mutual boundary with the application site. The position of the extension south west of the terrace area gives rise to it having an adverse impact in terms of overshadowing. In assessing this, the BRE Information Paper on 'Site Layout Planning for Daylight' contains criteria which can be applied. As the extension sits south west of the affected terrace, a height of 2 metres is taken on the mutual boundary, after which a 45 degree line towards the development is applied. Any part of the development that breaches this line is likely to have create a shadow. Although there is limited information with the application and the method has to be applied sensibly with due regard for context, it is likely there will be overshadowing of the neighbouring terrace that will be detrimental to the amenity of the neighbouring house. The general presence of the extension will also have an unacceptable overbearing impact on the terrace area.

Taking account of the above considerations, the proposal is considered to adversely impact on the character and amenity of the surrounding area, failing to comply with policy DP1 as well as policy DP8.

Special Landscape Area

The site is located in the Burghead to Lossiemouth Coast Special Landscape Area as zoned in the MLDP. Within settlements, associated policy EP3 requires compliance with policies PP3 and DP1. With regard to the foregoing evaluation under Siting and Design, the proposal fails to comply with policy DP1 and subsequently policy EP3.

Parking and Access

Policy PP3 requires all new development to be served by infrastructure and services as detailed in the policy. With respect to the transport network, proposals must mitigate/modify their impact on the existing transport network, whilst also ensuring suitable provision for parking and access. In this case the Transportation Manager has not objected to the application, but this is on the basis the suitable access and parking provision is provided in accordance with the submitted plans as well as EV charging and the provision of a Construction Traffic Management Plan. Subject to these conditions the proposal complies with policy PP3.

Drainage

Policy EP12 requires all new development to be served by suitable surface water drainage, designed in accordance with the Supplementary Guidance on Flood Risk and Drainage Impact Assessment in New Developments. A Drainage Statement provided with the application demonstrates that the surface water soakaway arrangement is suitable for the proposal and ground conditions on site, with Moray Flood Risk Management raising no objections to the proposal. Accordingly there is no conflict with policy EP12.

Policy EP13 requires all new development within settlements with a population of 2000 or more to connect to the public sewers for discharge of foul drainage. In this case the proposal would connect to the public sewers and Scottish Water have not objected. The proposal therefore complies with policy EP13.

Noise

Noise from aircraft operating at nearby RAF Lossiemouth requires new residential developments to implement measures to ensure occupants are protected from adverse noise levels. On the basis the proposal is for tourist accommodation, Environmental Health have not required a Noise Impact Assessment to be undertaken. However they have requested that any approval be conditioned to ensure the apartments do not become places of permanent residence.

Ministry of Defence

The site falls in an area of safeguarding requiring consultation with the MoD to ensure any development or change of use does not adversely impact on operation of aircraft at RAF Lossiemouth. Policy EP15 states that development must not adversely impact upon MoD operations. The MoD have raised no safeguarding objection to this application, and on this basis the proposal complies with policy EP15.

Developer Obligations

Developer obligations are not sought for this application, but any approval must be conditioned to ensure either unit does not become a place of permanent residence. Removal of this condition to allow use of one or both units to be used as a place of permanent residence would require a further grant of planning consent, at which point developer obligations can be reassessed.

Conclusion and Recommendation

The design and siting of the proposal is considered to represent overdevelopment, whilst also having an adverse impact on the character and amenity of the surrounding area. On this basis, the proposal fails to comply with policies DP1, DP8 and EP3 and refusal is therefore recommended.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY				
Reference No.	Description			
20/01722/APP	Erection of 2no self catering apartments (east wing) at Norland Stotfield Road Lossiemouth Moray IV31 6QP			
	Decision	Withdrawn	Date Of Decision	01/06/21
19/01452/APP	Erection of 2no self catering apartments at Norland Stotfield Road Lossiemouth Moray IV31 6QP			
	Decision	Permitted	Date Of Decision	20/12/19
13/00961/APP	Extension to form 2 self catering flats for use in guest house additional parking and erection of garage at Norland Stotfield Road Lossiemouth Moray IV31 6QP			
	Decision	Permitted	Date Of Decision	28/10/13

ADVERT			
Advert Fee paid?	No		
Local Newspaper	Reason for Advert	Date of expiry	
PINS	No Premises	02/09/21	
Northern Scot	No Premises	02/09/21	

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:	Supporting Statement	
Main Issues:	Detail on background, design, access and economic/tourism benefit of proposal.	

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)			

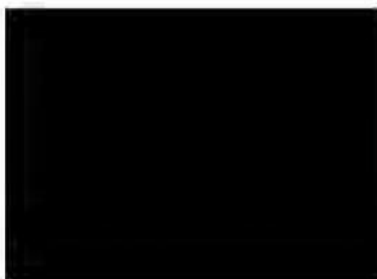


**MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

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:-

**Erection of 2no self-catering apartments (east wing) at Norland Stotfield Road
Lossiemouth Moray**

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

Date of Notice: **29 September 2021**



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 design and siting of the proposal is considered to represent overdevelopment, whilst also having an adverse impact on the character and amenity of the surrounding area which is designated as a Special Landscape Area in the Moray Local Development Plan 2020 (MLDP). On this basis, the proposal fails to comply with MLDP policies DP1 - Development Principles, DP8 - Tourism Facilities and Accommodation and EP3 - Special Landscape Areas and Landscape Character.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
180048.HARRIS.09PP	D	Elevations floor plan site and location plan
180048.HARRIS.01SP		Visibility splay

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.



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 0300 1234561 Email: development.control@moray.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100509900-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	CM Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Craig	Building Name:	St Brendans
Last Name: *	Mackay	Building Number:	69
Telephone Number: *	01343540020	Address 1 (Street): *	South Guildry Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Elgin
Fax Number:		Country: *	United Kingdom
		Postcode: *	IV30 1QN
Email Address: *	office@cmdesign.biz		

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="Norland"/>
First Name: *	<input type="text" value="B"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Harris"/>	Address 1 (Street): * <input type="text" value="Stotfield Road"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Lossiemouth"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value=""/>	Postcode: * <input type="text" value="IV31 6QP"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value=""/>	

Site Address Details

Planning Authority:	<input type="text" value="Moray Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="NORLAND"/>
Address 2:	<input type="text" value="STOTFIELD ROAD"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="LOSSIEMOUTH"/>
Post Code:	<input type="text" value="IV31 6QP"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="871003"/>	Easting	<input type="text" value="323005"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of 2no Self-Catering Apartments (East Wing)

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to appeal documents attached.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Statement of Case. 180048.HARRIS.09PP D. 180048.HARRIS.15PP. Handling Report. Notice of Refusal.

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/01206/APP

What date was the application submitted to the planning authority? *

03/08/2021

What date was the decision issued by the planning authority? *

29/09/2021

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Craig Mackay

Declaration Date: 01/12/2021

STATEMENT OF APPEAL

Erection of 2no Self Catering Apartments (East Wing) at Norland,
Stotfield Road, Lossiemouth



Nov 2021

St. Brendans
South Guildry Street
Elgin
Moray
IV30 1QN
t. 01343 540020
w. cmdesign.biz

4 Bridge Street
Nairn
Highland
IV12 4EJ

t. 01667 300230
w. cmdesign.biz

planningconsultancy • architecturaldesign • projectmanagement



planningconsultancy • architecturaldesign • projectmanagement

St. Brendans
South Guildry Street
Elgin
Moray
IV30 1QN

t. 01343 540020 f. 01343 556470
e. office@cmdesign.biz

Our Reference:	180048.HARRIS
Local Authority:	Moray Council
Planning Application Ref:	21/01206/APP
Application Proposal:	Erection of 2no Self Catering Apartments (East Wing)
Site Address:	Norland, Stotfield Road, Lossiemouth
Appellants:	Mr B Harris
Date Application Validated:	4 th August 2021
Council Decision Notice Date:	29 th September 2021
Reason for Refusal:1	<i>“The siting and design of the proposal is considered to represent overdevelopment, whilst also having an adverse impact on the character and amenity of the surrounding area which is designated as a Special Landscape Area in the Moray Local Development Plan 2020 (MLDP). On this basis, the proposal fails to comply with the MLDP policies DP1 – Development Principle, DP8 – Tourism Facilities and Accommodation and EP3 – Special Landscape Areas and Landscape Character.”</i>
Application Drawings & Supporting Documents:	DOC001 - CMD Drawing – 180048.HARRIS.09PP (D) DOC002 - CMD Drawing – 180048.HARRIS.15PP DOC003 – Handling Report DOC004 – Decision Notice
Contents:	1. Introduction – Page 2 2. Background – Page 5 3. Statement of Case – Page 6 4. Reasons for Refusal – Page 7 5. Conclusion – Page 9

Introduction

- 1.1. The following Statement of Case, submitted by **CM Design, Town Planning & Architectural Consultants**, has been prepared to support a Local Review Board submission relating to -

Developing an existing seaside Guest House to provide additional self-catering apartments

- 1.2. This proposal seeks to compliment a **recently approved WEST WING** development of 2no self-catering apartments with a similar **EAST WING** development which provides balance to the host building and “rounds off” the development potential of a key tourist property in the town.
- 1.3. Several **material considerations exist** in this case that provide justification for positive consideration, under Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997
- 1.4. This application represents a long journey of design revisions, since an initial application and design was submitted in 2020 (Ref no 20/01722/APP). That application sought to simply mirror the approved West Wing application but in doing so, was deemed to interfere with neighbouring sea views.



Figure 2 - INITIAL APPLICATION



Figure 1 - REVISED APPLICATION

- 1.5. This revised application continues to offer a further 2no self-catering apartments but with a significantly revised form to the approved West Wing design which sought to respond to the concerns of the Planning Case Officer and allowing the neighbouring property to the East to continue to enjoy an existing measure of see view.
- 1.6. The appellant contends that this revised design now represents **no impact upon neighbours** and serves to “round off” a cohesive development of Norland as a significant provider of self-catering accommodation in the town.
- 1.7. The appellant’s family have operated a successful and highly rated guest house at the application site for decades and have already secured Planning Approval for a West Wing extension in 2019 for 2 self-catering apartments
- 1.8. The nature of tourism and the preferences of those coming to Moray have increasingly favoured private self-catering accommodation and custom of this kind has been increasingly lost to rural providers elsewhere and often provided by low cost “pod” developments that now pepper the countryside
- 1.9. The appellant seeks to provide additional **high-quality** seaside accommodation which reflects the existing high standard of executive tourism providers on Stotfield Road such as
 - Stotfield Hotel
 - Halliman House
 - The Golf View Hotel
 - The Golf View Apartments
 - Poseidon’s Inn Apartments
 - Tighnabruach Annexe
 - Links Lodge B&B
 - Links Lodge Apartments
- 1.10. The existing property at Norland is significant in proportion and occupies a site which might only be considered suitable for commercial use.



- 1.11. The need to develop the house and site as a cohesive and efficient holiday destination is critical to the long-term upkeep of the building and its contribution to the local tourism economy.
- 1.12. It should be noted that no objections remain from Statutory Consultees or the Transportation Department who are satisfied with parking, access and egress arrangements for the entire development including the proposals.

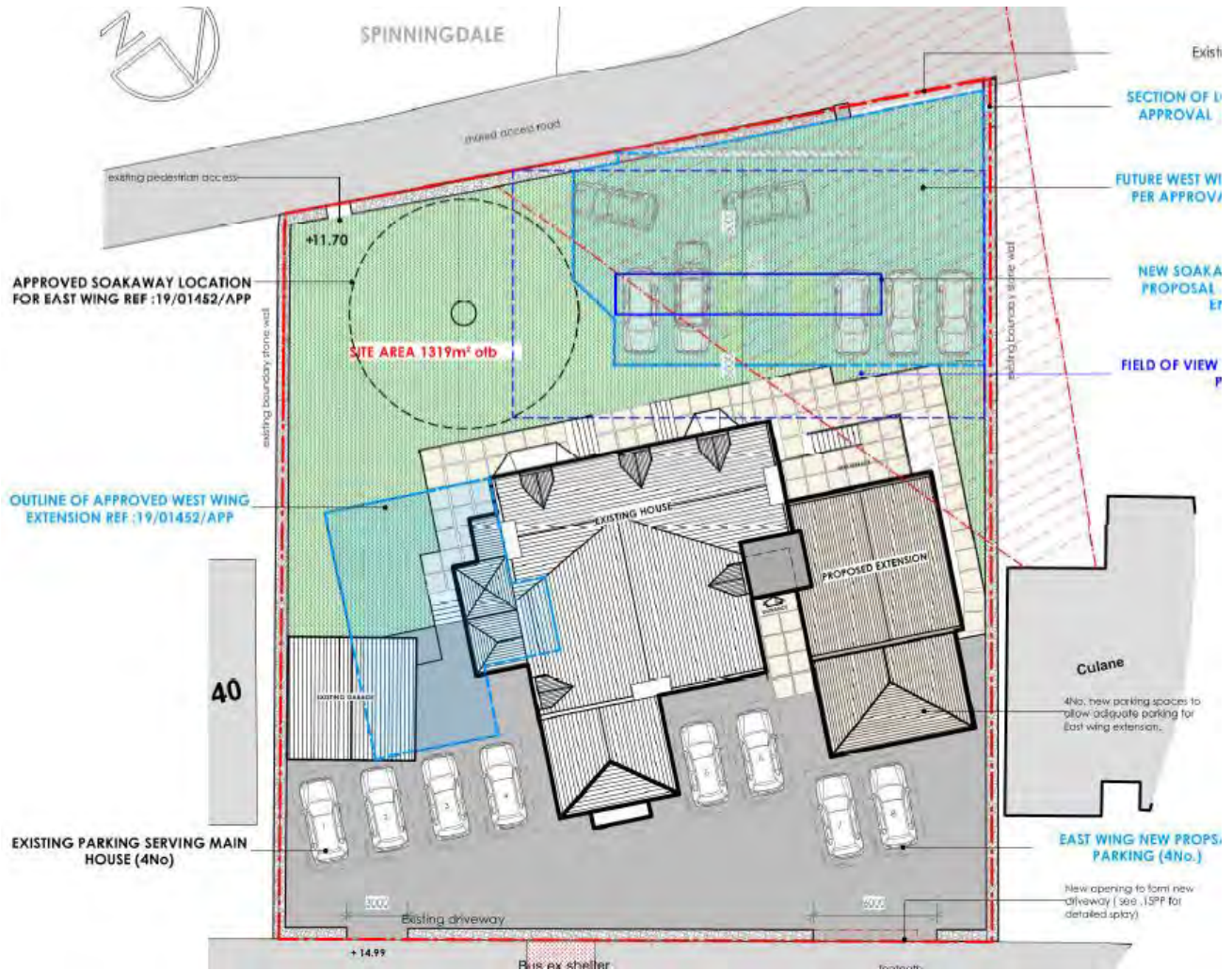


Figure 3 - REVISED SITE PLAN SHOWING NEIGHBOURS VISIBILITY PROTECTED



2. Background

- 2.1. Norland is an existing Guest House with an outstanding location overlooking the Moray Firth.
- 2.2. The appellant lives on the premises and offers 3 guest bedrooms (6 beds) for short term holiday and tourist use.
- 2.3. The business is successful, highly rated by clients and deserving of further development to capture the increasing demand for self-catering facilities to complement its Bed & Breakfast provision.
- 2.4. The grounds of Norland extend to 1342m² and the existing building extends to circa 205m². This equates to 15% of the site
- 2.5. The **previously approved West Wing** enjoys a moderate footprint of 100m² and the proposed east wing seeks to take up a further 100m² of currently un-used garden ground which is generally in shade all year round.
- 2.6. The hopes for this final East Wing development would leave 70% of the original site undeveloped and this would be considered to be more than acceptable for this location and leaving more amenity ground than many of the other sizeable houses enjoy along Stotfield Road.
- 2.7. The need for additional self-catering apartments of this nature is a response to the increasing demand for serviced accommodation and an opportunity to present an element of symmetry to the seaward elevation.
- 2.8. The existing Bed & Breakfast business at Norland continues to be successful but needs to respond to the continual loss of self-catering custom to more rural locations around Moray.



3. Statement of Case

- 3.1. Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires applications to be determined in accordance with the Development Plan unless **material considerations** indicate otherwise.
- 3.2. As stated earlier in this Statement there are significant **material considerations** to be aware of in this case and are repeated here for the sake of clarity.
 - There is an economic need for more self-catering accommodation in the town and especially where existing guest house business exist.
 - The development of the East Wing would balance and “round off” the current approval for a substantial West Wing.
 - The South elevation (from the roadside) is very utilitarian in form and offers very little in terms of amenity or aesthetic worth.
 - There is no impact on the streetscape or neighbouring properties.
- 3.3. Large traditional Scottish homes such as Norland require great care and continual investment from owners. Our Scottish Heritage is maintained at great expense to owners who often look to commercial use to ensure that the financial implications of upkeep can be met.
- 3.4. Norland is a north facing, traditional and substantial guest house which takes a battering from the Moray Firth and has been painstakingly maintained by the appellant for decades.
- 3.5. It is a very attractive building from the North (seaward) and perhaps more utilitarian to the south (from Stotfield Road)
- 3.6. The approval of a previous consent for a west wing extension demonstrates how acceptable the building is in terms of further development and it was a surprise that various forms of balancing development to the East Wing were not found to be acceptable.
- 3.7. It is understood that the boundary geometry on the east flank is not so forgiving as the offered on the west side but it is clear that there is more than enough land to accommodate an extension on this wing.
- 3.8. Early concerns from the Planning Case Officer with regard to scale and loss of view to a neighbour to the east were addressed by a wholesale design review that brought the proposed extension further southward to avoid the sight lines of the neighbouring property.
- 3.9. The south elevation will be served well by these proposals in balancing and reflecting the nature of the approved West Wing and bringing interest and symmetry to the building from both sides.
- 3.10. Lastly the proposals are essential in arresting the loss of revenue brought about by the increased demand for self-catering accommodation and loss of this nature of business to the town.

4. Reasons for Refusal – Policy Compliance

4.1. It should be continually noted that a similar extension was approved on the West Wing in ***

4.2. The detail of the reason for refusal are examined as follows.

*“The siting and design of the proposal is considered to represent overdevelopment, whilst also having an adverse impact on the character and amenity of the surrounding area which is designated as a Special Landscape Area in the Moray Local Development Plan 2020 (MLDP). On this basis, the proposal fails to comply with the MLDP policies **DP1** – Development Principle, **DP8** – Tourism Facilities and Accommodation and **EP3** – Special Landscape Areas and Landscape Character.”*

4.3. **Policy DP1 DEVELOPMENT1** - “impact on the character and amenity of the surrounding area which is designated as a Special Landscape Area ”

4.3.1. Notwithstanding the principle of an extension of this scale and nature being approved previously for the West Wing, the appellant would contend that the proposals would present elements of additional architectural interest to both elevations and framing the original building well – especially to the north (seaward) elevation.

4.3.2. It would be considered a “stretch” to suggest that these proposals would in any way impact upon the “Character and Amenity” of this particular location. The Character of the area does comprise of a range of traditional houses or businesses that have been extended or adapted over the years.

4.3.3. The new East wing will provide balance and symmetry to the existing approved west wing and will serve to enhance the nature and prominence of the existing host building at its centre.

4.3.4. In terms of the **wider area**, there are a mixture of styles of extension to traditional properties and in some cases, unsightly replacements of existing buildings peppering the streetscape on Stotfield Road.



Figure 4 - EXAMPLES OF OTHER SELF-CATERING ACCOMMODATION ON STOTFIELD ROAD



Figure 5 - MORE EXAMPLES OF SELF-CATERING ACCOMMODATION ON STOTFIELD ROAD

- 4.3.5. In terms of “Amenity” – there is no loss in any way. Sea views for the immediately adjacent neighbour have been protected and finishes chosen to present interest to the streetscape rather than detract from it. Sub-paragraph 9e) of this Policy calls for care in terms of impact upon neighbouring properties and the history of this application demonstrates a willingness to respond to and address concerns in this regard.
- 4.3.6. The House is currently accessed from the south elevation on Stotfield Road. This elevation presents a completely contrasting and very utilitarian view. This elevation hosts what would have been the staff quarters, kitchens, coach house in years gone by and offers no form of symmetry or cohesive appeal.

4.4. Policy DP8 - TOURISM FACILITIES & ACCOMMODATION

- 4.4.1. As declared in the Justification notes of this particular policy – “*Tourism is declared as most important target sector of the Moray Economy Strategy, providing jobs*”. This proposal does indeed serve to guarantee continued service to the tourism economy, continued employment and continued revenue for a key tourist town.
- 4.4.2. This policy also requires proposals to demonstrate a **locational need**. Stotfield Road is already a popular stretch of road for guest houses, recreational business and serviced accommodation
- 4.4.3. The appellant “needs” in this location, to develop the existing business and to ensure the longevity of the business in the face of changing markets

Policy EP3 – SPECIAL LANDSCAPE AREAS AND LANDSCAPE CHARACTER

- 4.4.4. This policy suggest that “development will only be permitted where they do not prejudice the special qualities of the designated area”
- 4.4.5. In terms of urban development within a settlement boundary, the policy encourages and allows development where compliance can be proven against previous policies such as DP1 and DP3
- 4.4.6. Whilst the north flank of this property enjoys a protected and attractive shoreline it is argued that this development will not impact the character of the area and will present an interesting and cohesive development to those enjoying the wide-open spaces around the site.

5. Conclusion

5.1. This Statement of case has established the following:

- That material considerations exist that can assist in a positive consideration of this case.
- That neighbour's seaward views have been protected.
- That the proposals can be considered to comply with the terms of Policies DP1, DP3 and EP8 in terms of impact, character and scale – especially given the nature of other properties nearby and the character of the existing building.
- That there is an economic and locational need for this development, to ensure the longevity of the existing guest house business and its contribution to the wider tourism economy.
- That the development “rounds off” the approved west wing development in a sensitive and acceptable manner and in a way that celebrates and enhances the presence and scale of the host building.

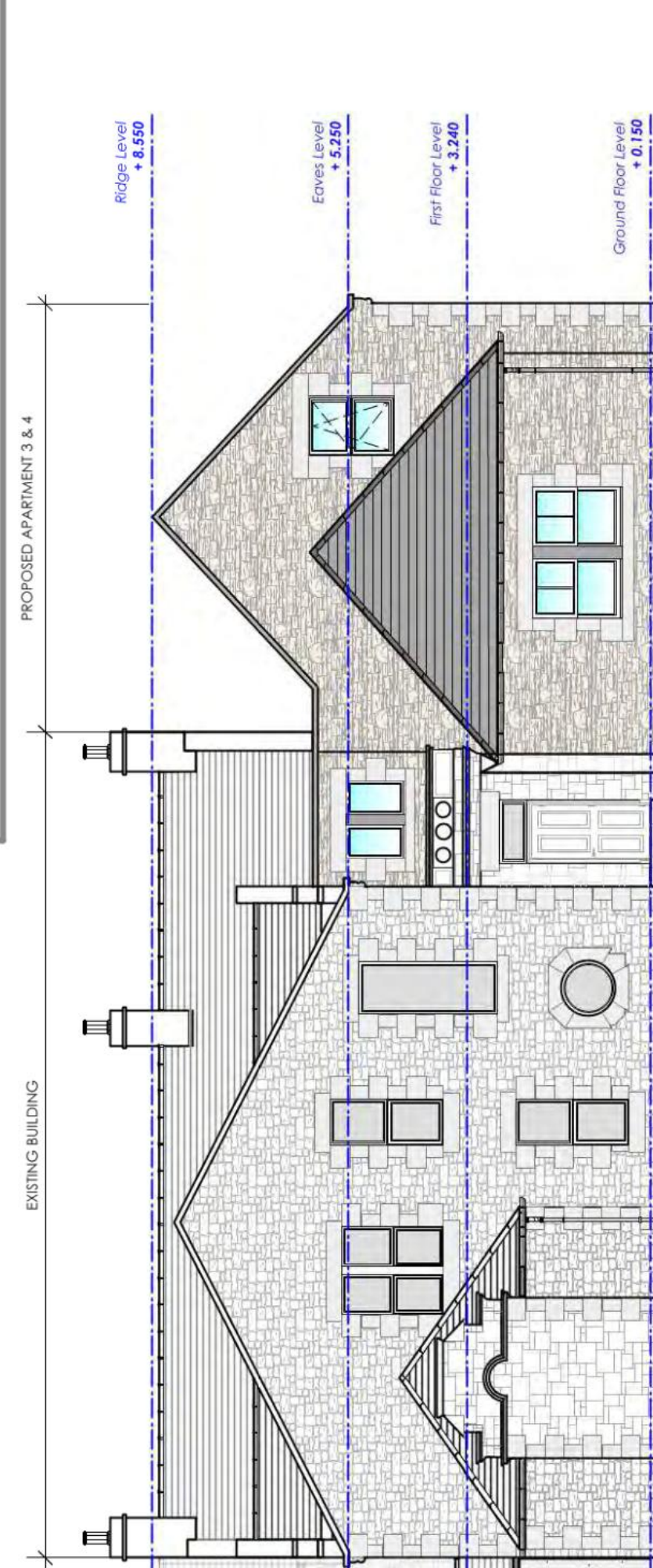
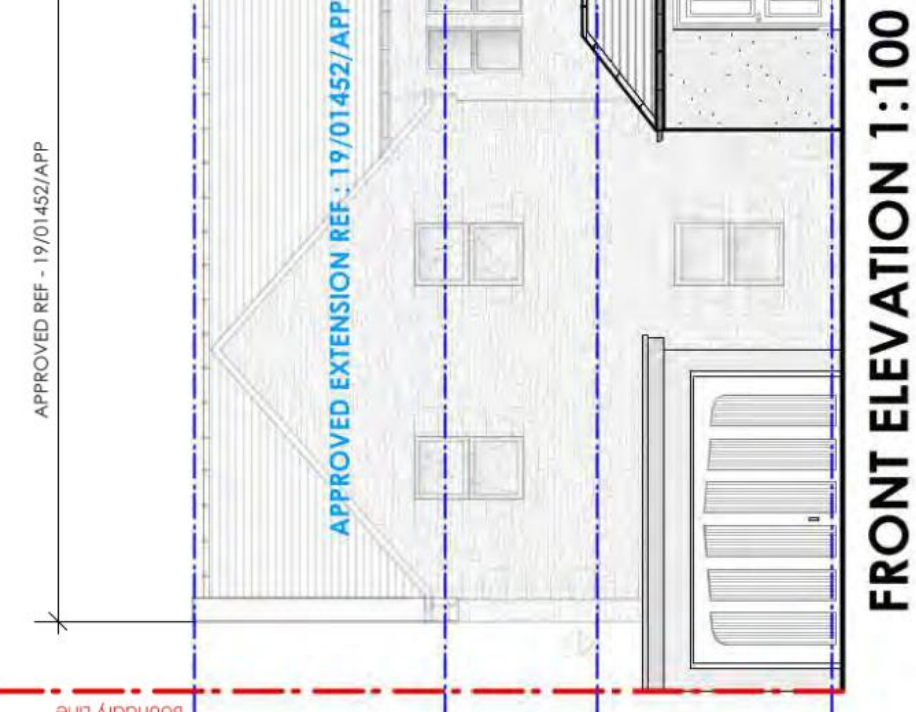
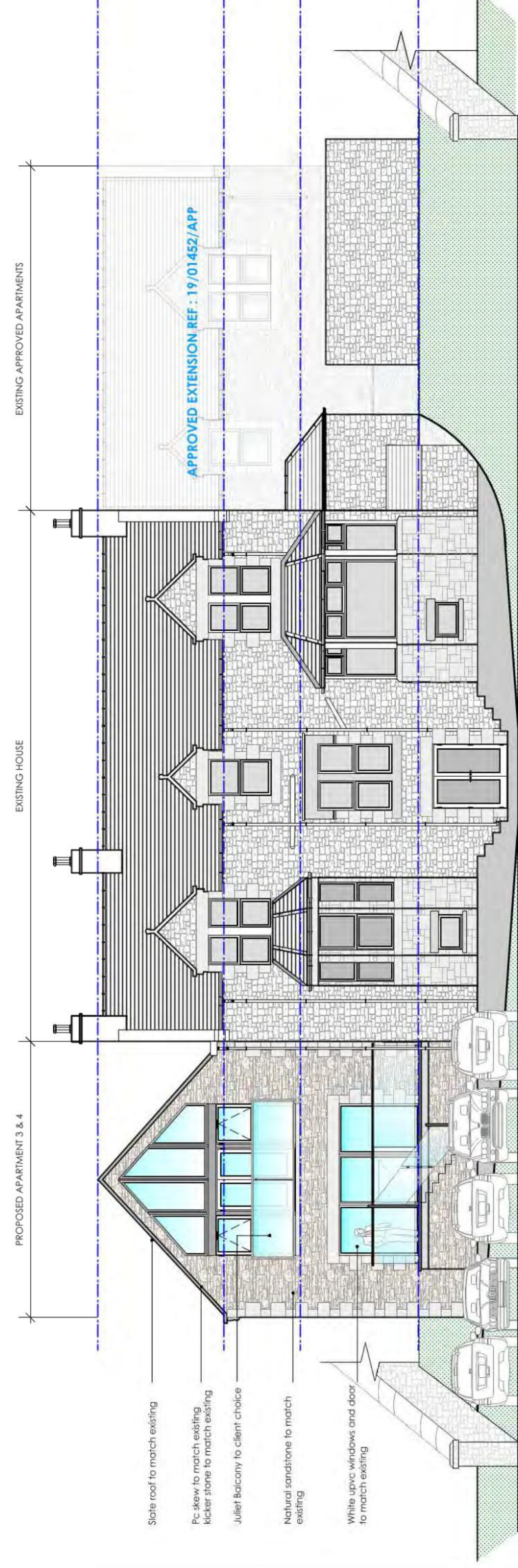
5.2. The appellant has demonstrated a willingness to adapt the design of the east wing to address concerns expressed in a previous application.

5.3. This extension could be accommodated into the streetscape and landscape without loss of amenity or character and, in fact, introduce a measure of architectural interest.

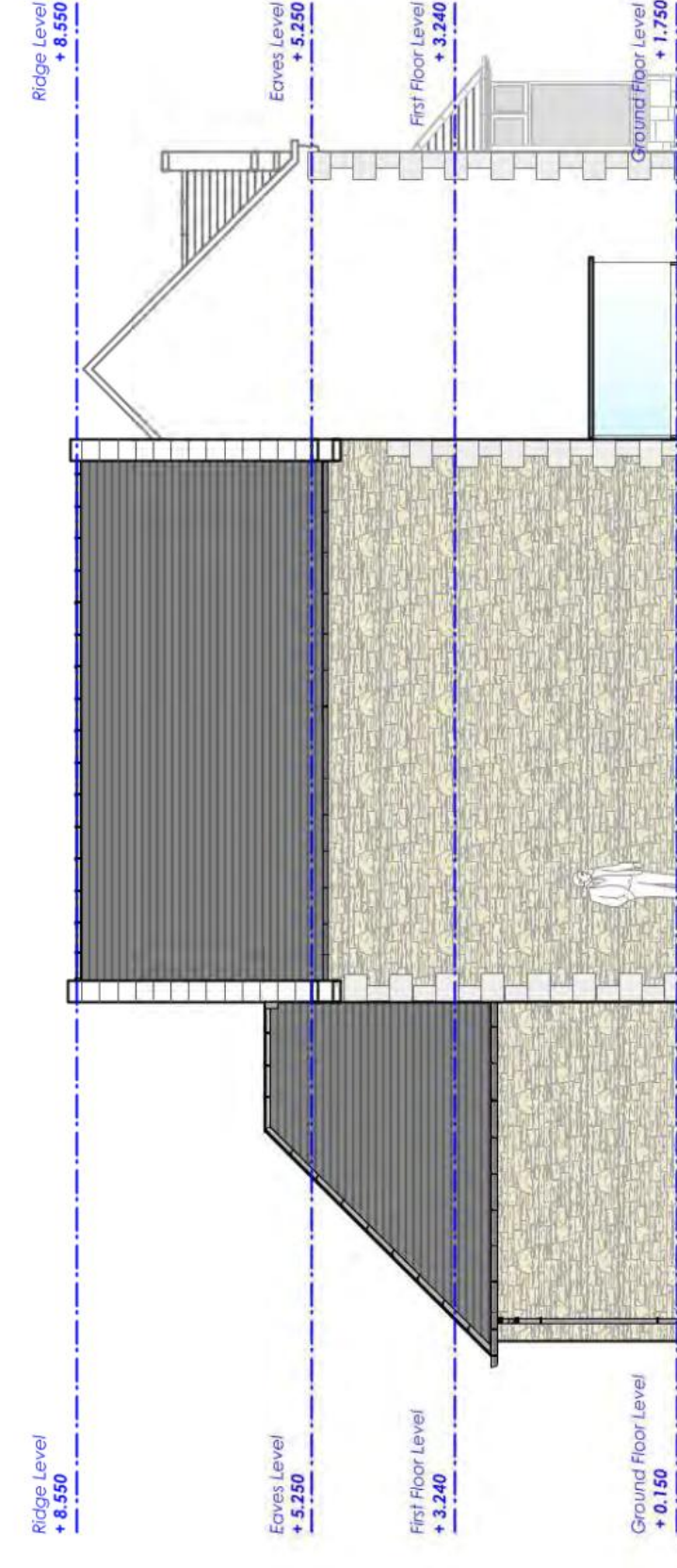
5.4. The appellant respectfully requests that detail of this case be fully considered and the Appeal to approve this application be upheld.



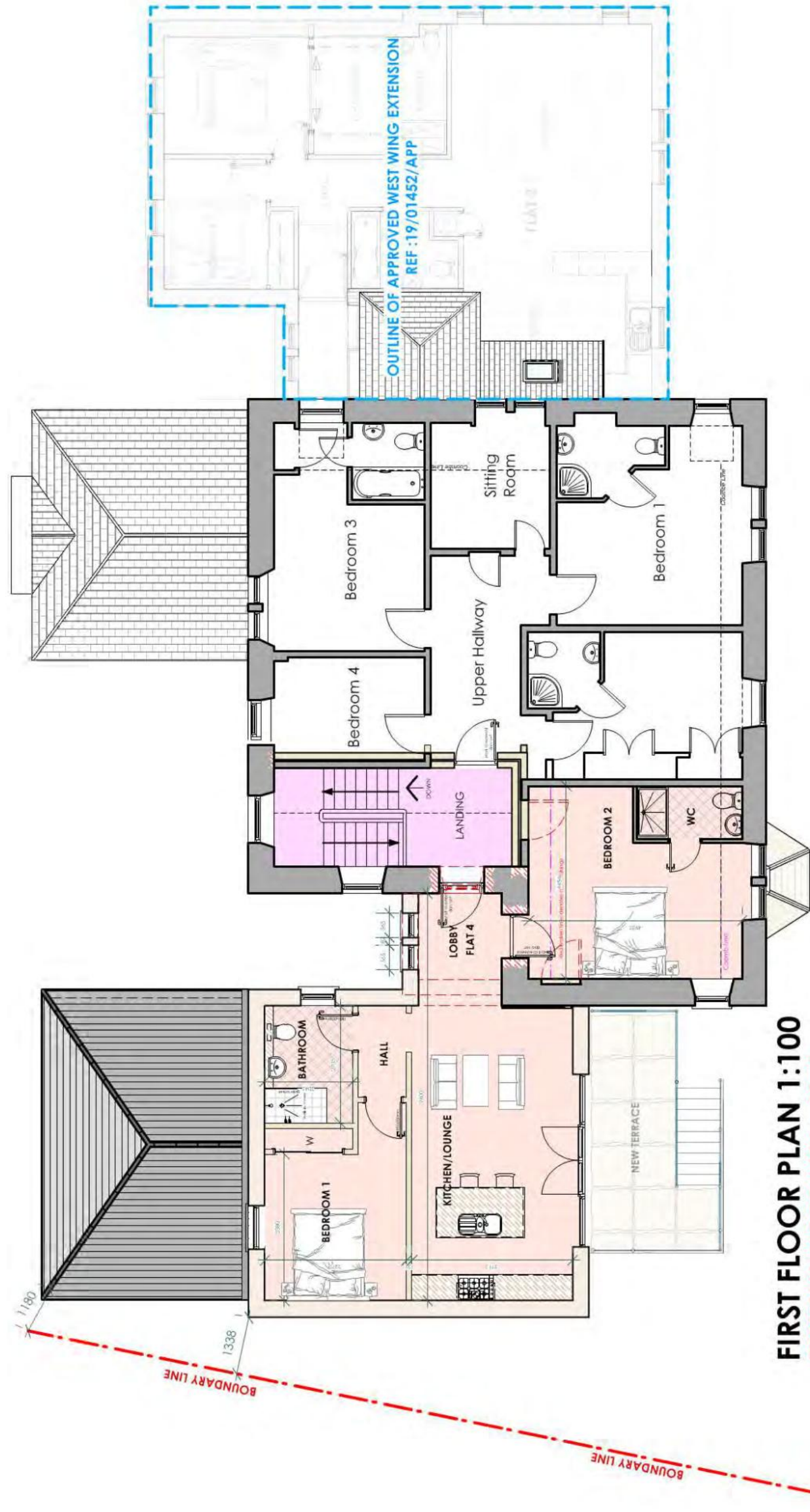
DO NOT SCALE OFF DRAWINGS. ALL SITES ARE TO BE CHECKED/CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS. ORDERING OF MATERIALS, NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED. CONTRACTORS ACCEPT RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED DRAWINGS.
CONTRACTOR/CIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION



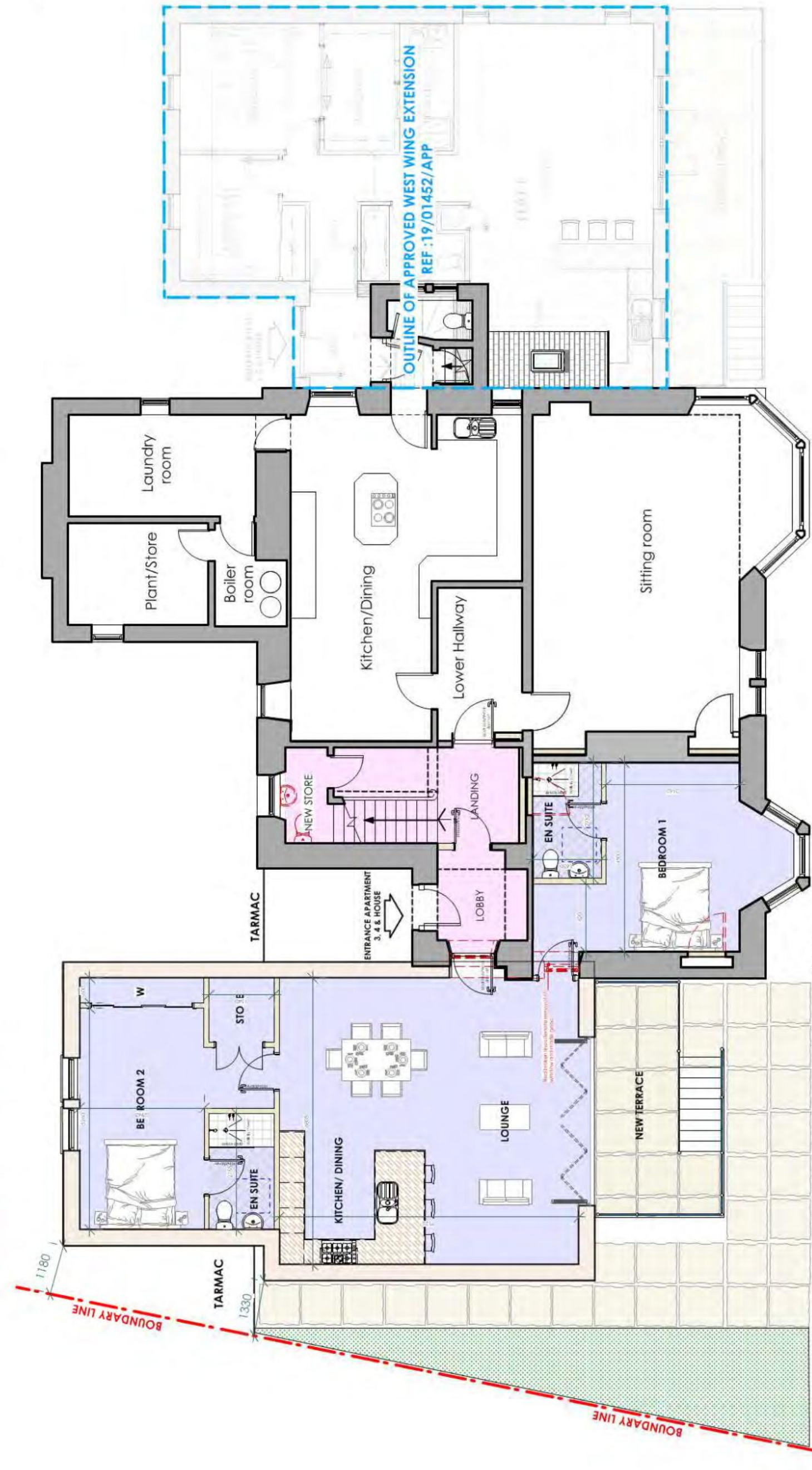
REAR ELEVATION 1:100



EAST ELEVATION 1:100



FIRST FLOOR PLAN 1:100
EXTERNAL FLOOR AREA - 63m²



GROUND FLOOR PLAN 1:100
EXTERNAL FLOOR AREA - 91m²



SITE & PARKING PLAN
1 : 200

+ DATUM 15.0M MIDDLE OF ROAD



LOCATION PLAN 1:1500

cm design architectural consultants

HEAD OFFICE - MOYAT
10000, of South Gully Street, Egham,
WIMBORNE, Dorset, BH20 4AB
101343 540020

HIGHLANDS
10000, of Main, Highlands, IV12 4EJ
101669 300230
m 0791 3072818 w cmdesign.biz e office@cmdesign.biz

LOSSEMOOR OFFICE
10000, of South Gully Street, Egham,
WIMBORNE, Dorset, BH20 4AB
101343 540020

DEVON OFFICE
10000, of Main, Highlands, IV12 4EJ
101372 345546
m 0791 3072818 w cmdesign.biz e office@cmdesign.biz

MR B HARRIS

EXISTING GUEST HOUSE EXTENSION TO FORM 2 SELF CATERING APARTMENTS AND ADDITIONAL PARKING

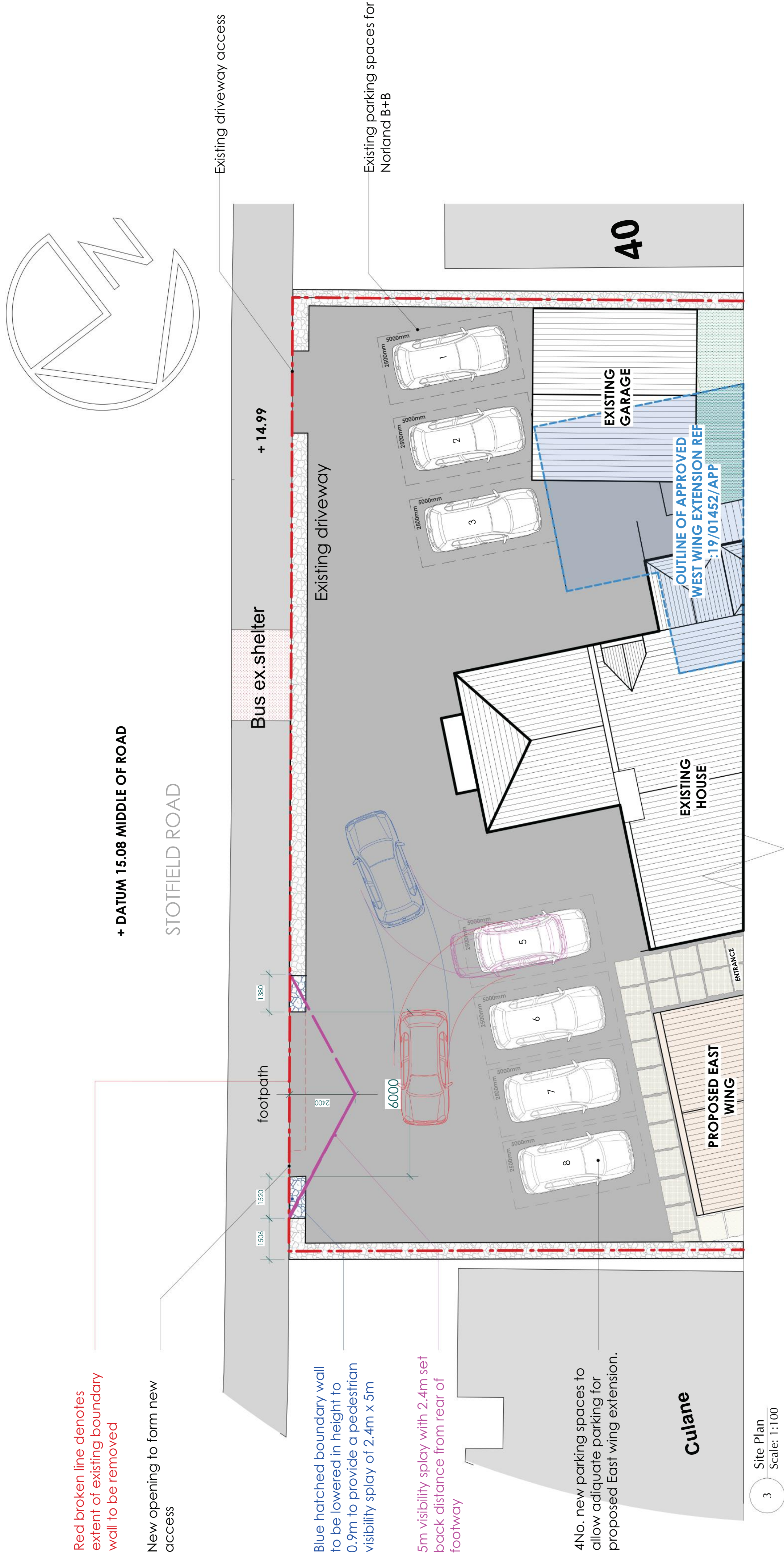
PLANNING PROPOSALS (EAST WING)
GROUND FLOOR PLANS & ELEVATIONS

Date: 9/12/20
Amendments: 23/3/21
General changes
09/7/21
General amendments

Drawn By: B MACKAY
Date: 09/7/21
Checked By: B MACKAY

Rev: B
C
D

Date: 180048.HARRIS.09PP D



PARKING SCHEDULE

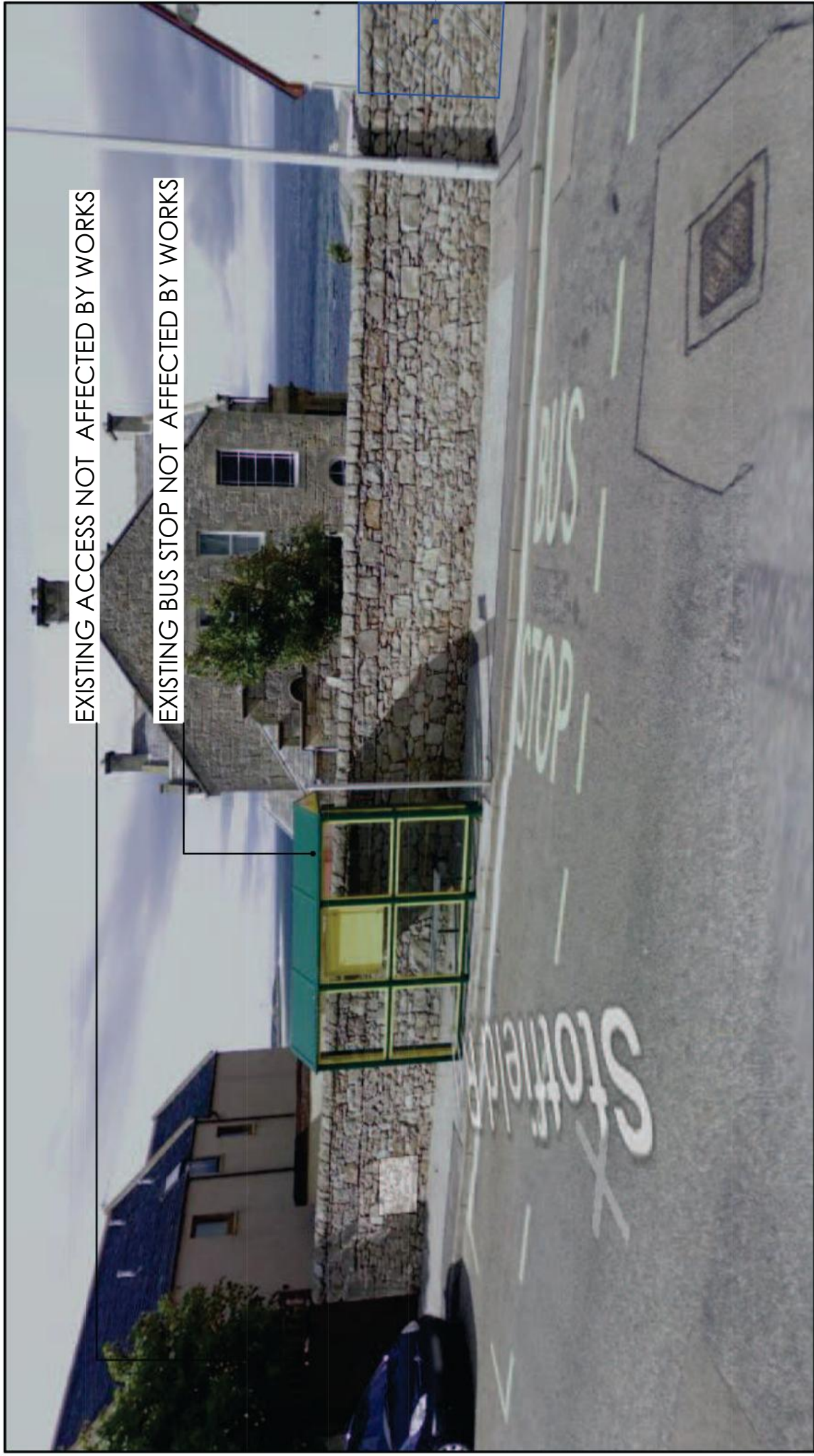
Existing house :
3 spaces as existing

**Proposed West wing - Planning Ref -
19/01452/APP**

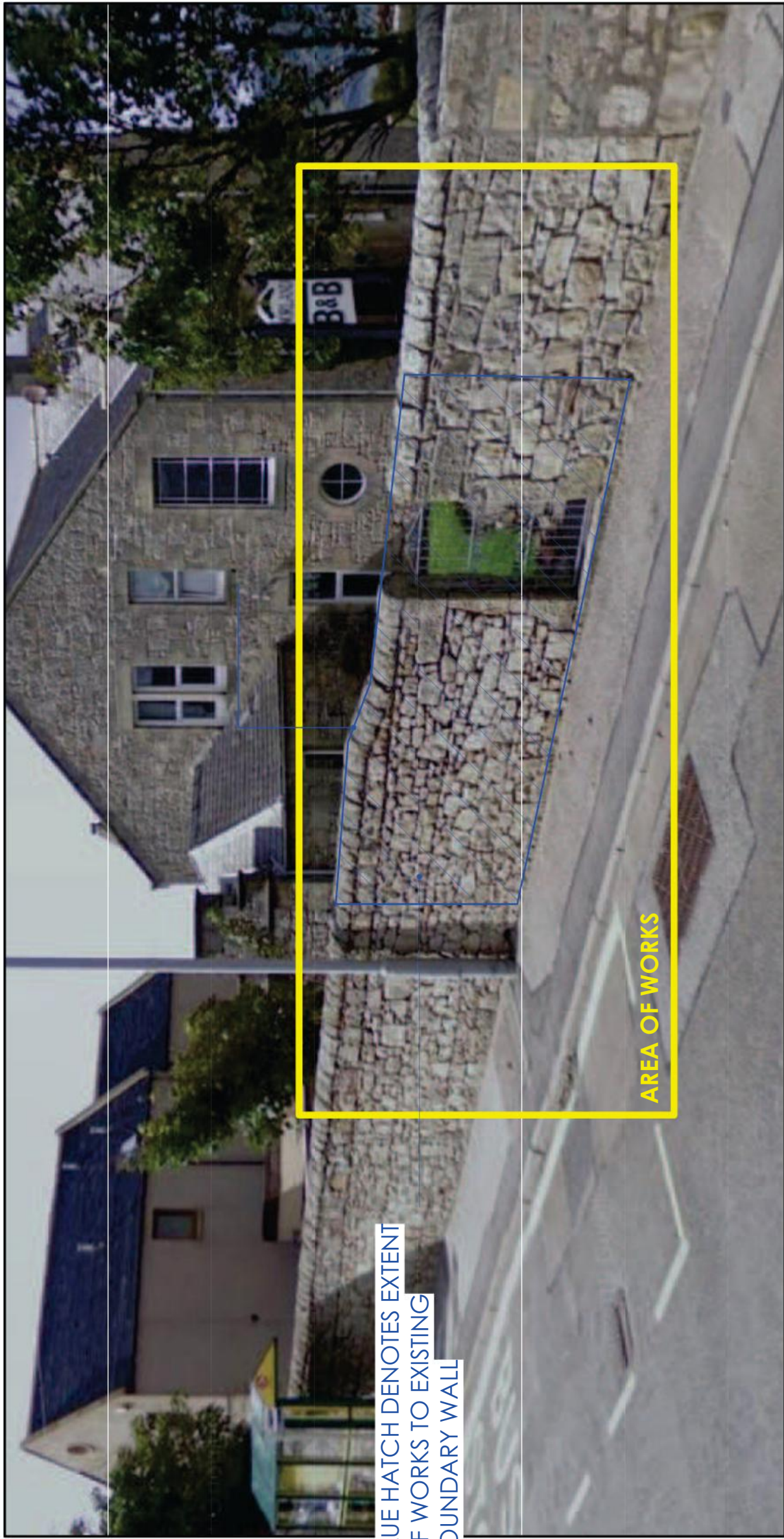
6 spaces shown on North of property

Proposed East Wing :

4 spaces shown on south of property



PICTURES ON SITE



REPORT OF HANDLING

Ref No:	21/01206/APP	Officer:	Andrew Miller
Proposal Description/ Address	Erection of 2no self-catering apartments (east wing) at Norland Stotfield Road Lossiemouth Moray		
Date:	29.09.2021	Typist Initials:	LMC

RECOMMENDATION

Approve, without or with condition(s) listed below		Y
Refuse, subject to reason(s) listed below		N
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
Environmental Health Manager	20/08/21	Note that site falls within noise contours from RAF Lossiemouth, but as proposal is for holiday accommodation, no NIA is required. Request condition is placed to ensure premises do not become a place of permanent residence.
Contaminated Land	12/08/21	No objections.
Planning And Development Obligations	17/08/21	No obligations sought.
Transportation Manager	19/08/21	No objections subject to conditions requiring: <ul style="list-style-type: none">• Construction Traffic Management Plan• Provision of visibility splay onto B9040 Stotfield Road• Upgraded vehicular access.• Provision and retention of 13 parking spaces. Informative notes also provided.
Moray Flood Risk Management	17/08/21	No objections.
Scottish Water	09/08/21	No objections – sufficient capacity at Badentinan Water Treatment Works and Moray West Waste Water Treatment Works.

MOD Safeguarding - Statutory	25/08/21	Note that site falls within noise contours from RAF Lossiemouth, but as proposal is for holiday accommodation, no NIA is required. Request condition is placed to ensure premises do not become a place of permanent residence.
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DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
PP3 Infrastructure and Services	N	
DP1 Development Principles	Y	
DP8 Tourism Facilities and Accommodation	Y	
EP3 Special Landscape Areas	Y	
EP12 Management and Enhancement Water	N	
EP13 Foul Drainage	N	
EP15 MOD Safeguarding	N	

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received: NINE		
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: Impact of proposal on flora and fauna.</p> <p>Comments (PO): The proposed development is not considered to result in a significant adverse impact on flora and fauna that would require further investigation or warrant refusal of the application.</p>		
<p>Issue: The submitted plans refer to existing building as house, but property is advertised as having 4 rooms to let. This means it should be considered under class 9 houses.</p> <p>Comments (PO): The application has been evaluated based on the proposed use, and on the basis Norland is in use as a B&B.</p>		
<p>Issue: Discrepancies in plan omitting southern wing of proposed extension in drawing showing visibility splay.</p> <p>Comments (PO): This discrepancy is noted, though it is not considered that there has been any detriment to the notification process. The Transportation Manager notes there is an additional space over and above the parking standards in place, therefore the proposed layout offers sufficient space for the 13 parking spaces required.</p>		
Issue: No scale bar therefore unable to give full and accurate evaluation. Re-notification required.		

<p>Comments (PO): A scale bar is not required, as there are marked measurements and a scale on the plans submitted, this is sufficient to enable measurement and interpretation of the plans.</p>
<p>Issue: No disabled parking shown on plans.</p> <p>Comments (PO): A disabled parking space is shown on the site plan in the northern area of parking (accessed from Beach Brae Lane). The Transportation Manager has raised no objections to the application.</p>
<p>Issue: Overdevelopment of site - west wing (approved) is significant but designed to be sympathetic to existing building. If this proposal is approved, development of both wings will have a significant scale and overpowering impact on the original building. Alongside the parking and access requirements, this results in overdevelopment of the site.</p> <p>Comments (PO): These points are noted, see observations below in relation to overdevelopment.</p>
<p>Issue: Loss of privacy of houses on Beach Brae from proposed balconies.</p> <p>Comments (PO): There is sufficient separation between the proposal and the houses to the north and therefore no significant loss of privacy/increase in overlooking that would warrant refusal of the application on this basis.</p>
<p>Issue: Adverse impact on road safety due to number of pedestrians and cyclists using Stotfield Road and Beach Brae, as well as impact on bus stop and public transport users. Beach Brae Lane is single track with no passing places, poor visibility and unsuitable for additional traffic. Current B&B operation causes illegal parking in bus stop and dangerous reversing manoeuvres on to Stotfield Road.</p> <p>Comments (PO): The proposed upgrades to the access arrangements along with parking provision is considered to be suitable to serve the proposed development, with the Transportation Manager raising objections to the application.</p>
<p>Issue: Beach Brae Lane is a private un-adopted road.</p> <p>Comments (PO): This is not a material consideration to this application.</p>
<p>Issue: Lowering of shared wall for previous application for west wing was on the basis there would be no further development on the site (between neighbours). This application arrived within weeks of the wall being lowered.</p> <p>Comments (PO): This is a private matter between the respective parties and not a material issue to be considered as part of this application.</p>
<p>Issue: Inadequate plans do not show any measurements/distance between the proposed development and the boundary of the residential property to the east - how can it be accurately judged how close to the boundary the proposal is?</p> <p>Comments (PO): The plans provided show measurements between the boundary wall and the proposed extension.</p>
<p>Issue: Loss of privacy and loss of light of house to east, in particular patio and kitchen. Unable to tell from plans but it is assumed there will be an impact.</p> <p>Comments (PO): It is not considered there will be an adverse impact on privacy, particularly as the terrace and balcony will look onto the neighbouring driveway, however the impact of the proposal in</p>

terms of sunlight is an issue and considered under observations below.

Issue: Need for additional holiday accommodation in area questionable given hotels are not at capacity.

Comments (PO): This not material to the determination of this application.

Issue: Comments in respect of wind turbines not related to this application.

Comments (PO): This is not material to the determination of this application.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

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:

Site

A 3 storey detached stone and slate house in use as a bed and breakfast. Access is taken from Stotfield Road to the south, though work has commenced on an opening to the north to form an access from Beach Brae Lane (as consented under application 19/01542/APP). Planning permission is in place under application 19/01542/APP for the erection of a two storey extension on the western side of the building to form two self-catering apartments.

Proposal

Planning permission is sought for the erection of a two storey extension on the eastern side of the building to form 2 self-catering apartments. The extension would sit back from the northern elevation and have a gabled roof arrangement, with gables facing north and south. The northern gable would have glazing on both levels, offering openings to a terrace at ground floor and balcony at first floor. It would be finished in sandstone and slate to match the existing building. A new access would be formed from Stotfield Road. Surface water would drain to the parking area to the north (as consented under 19/01542/APP), whilst foul water would discharge to the public sewer.

Tourism Development (DP8)

Policy DP8 is supportive of tourism development in principle, supporting proposals that contribute to Moray's tourism industry. This is in recognition that tourism plays an important part in the Moray economy and is identified as a target sector in the Moray Economic Strategy. However proposals for tourism development must demonstrate a locational need for a specific site, whilst also ensuring compliance with all relevant policies of the MLDP.

The Supporting Statement provided with the application identifies that the proposal represents a cohesive approach to further the established business at Norland, meeting a need for further tourism accommodation and recognising the role tourism plays in the local economy. This is considered suitable locational justification in respect of the requirement of policy DP8. However, the following evaluation with regard to other policy requirements of the MLDP must be considered in relation to policy DP8.

Siting and Design (DP1, DP8)

The proposal sees gable ends of the proposed extension occupying the prominent northern elevation as well as the southern elevation, with a smaller single storey wing to the south fronting to Stotfield Road. There would also be an increase in footprint, with the extension occupying what is currently garden ground and driveway. The consented (and yet to be constructed) extension to the western side of the house also must be considered.

The existing building and consented extension represent a suitable form of development that can be accommodated without detriment to the character of the existing house, nor that of the surrounding area. With this in mind, the proposed extension in addition to that already consented results in a significant increase in built form on the site, and the original building would become overwhelmed by new development. The resultant footprint of the potential building, coupled with servicing requirements (parking/access) would result in overdevelopment of the site, with a small area of garden ground remaining. This is out of keeping with the character of the surrounding area, whereby the large traditional houses along the northern side of Stotfield Road are set in generous garden grounds. It is acknowledged the neighbouring house to the east has been formed by a curtilage split, however the parent property (Firthside) retains a suitable area of garden ground for its relatively large scale.

The consented extension under 19/01542/APP continues the design arrangement of the existing building, however the extension proposed here is much different. The existing building has a symmetry which the consented extension respects and continues to follow the pattern of pitched gable half dormer windows (i.e. built through the wall head). The proposed extension makes no reference to this character. Whilst different design is not necessarily unsuitable and can complement an existing building, the use of the gable arrangement on the north elevation would look at odds with the existing building. This gives the appearance of the proposed extension being a separate building being squeezed in between the existing building and the neighbouring house to the east (Culane).

Material finishes would match the existing house which is suitable, however this does not overcome the design issues outlined above.

Amenity must also be considered, with policy DP1 presuming against development that adversely impacts on privacy and daylight, or has an overbearing presence. In respect of privacy, the proposal is orientated as such that it avoids any direct overlooking of the house to the east, and whilst there will be some overlooking of the houses to the north (on Beach Brae Lane), this overlooking is not considered to be significant due to suitable separation, along with the long established properties on Stotfield Road inevitably having some degree of overlooking due to their elevated position.

With regard to daylight, the impact of the extension on the neighbouring dwelling (Culane) to the east must be considered. This house has a small raised terrace area adjacent to the mutual boundary with the application site. The position of the extension south west of the terrace area gives rise to it having an adverse impact in terms of overshadowing. In assessing this, the BRE Information Paper on 'Site Layout Planning for Daylight' contains criteria which can be applied. As the extension sits south west of the affected terrace, a height of 2 metres is taken on the mutual boundary, after which a 45 degree line towards the development is applied. Any part of the development that breaches this line is likely to have create a shadow. Although there is limited information with the application and the method has to be applied sensibly with due regard for context, it is likely there will be overshadowing of the neighbouring terrace that will be detrimental to the amenity of the neighbouring house. The general presence of the extension will also have an unacceptable overbearing impact on the terrace area.

Taking account of the above considerations, the proposal is considered to adversely impact on the character and amenity of the surrounding area, failing to comply with policy DP1 as well as policy DP8.

Special Landscape Area

The site is located in the Burghead to Lossiemouth Coast Special Landscape Area as zoned in the MLDP. Within settlements, associated policy EP3 requires compliance with policies PP3 and DP1. With regard to the foregoing evaluation under Siting and Design, the proposal fails to comply with policy DP1 and subsequently policy EP3.

Parking and Access

Policy PP3 requires all new development to be served by infrastructure and services as detailed in the policy. With respect to the transport network, proposals must mitigate/modify their impact on the existing transport network, whilst also ensuring suitable provision for parking and access. In this case the Transportation Manager has not objected to the application, but this is on the basis the suitable access and parking provision is provided in accordance with the submitted plans as well as EV charging and the provision of a Construction Traffic Management Plan. Subject to these conditions the proposal complies with policy PP3.

Drainage

Policy EP12 requires all new development to be served by suitable surface water drainage, designed in accordance with the Supplementary Guidance on Flood Risk and Drainage Impact Assessment in New Developments. A Drainage Statement provided with the application demonstrates that the surface water soakaway arrangement is suitable for the proposal and ground conditions on site, with Moray Flood Risk Management raising no objections to the proposal. Accordingly there is no conflict with policy EP12.

Policy EP13 requires all new development within settlements with a population of 2000 or more to connect to the public sewers for discharge of foul drainage. In this case the proposal would connect to the public sewers and Scottish Water have not objected. The proposal therefore complies with policy EP13.

Noise

Noise from aircraft operating at nearby RAF Lossiemouth requires new residential developments to implement measures to ensure occupants are protected from adverse noise levels. On the basis the proposal is for tourist accommodation, Environmental Health have not required a Noise Impact Assessment to be undertaken. However they have requested that any approval be conditioned to ensure the apartments do not become places of permanent residence.

Ministry of Defence

The site falls in an area of safeguarding requiring consultation with the MoD to ensure any development or change of use does not adversely impact on operation of aircraft at RAF Lossiemouth. Policy EP15 states that development must not adversely impact upon MoD operations. The MoD have raised no safeguarding objection to this application, and on this basis the proposal complies with policy EP15.

Developer Obligations

Developer obligations are not sought for this application, but any approval must be conditioned to ensure either unit does not become a place of permanent residence. Removal of this condition to allow use of one or both units to be used as a place of permanent residence would require a further grant of planning consent, at which point developer obligations can be reassessed.

Conclusion and Recommendation

The design and siting of the proposal is considered to represent overdevelopment, whilst also having an adverse impact on the character and amenity of the surrounding area. On this basis, the proposal fails to comply with policies DP1, DP8 and EP3 and refusal is therefore recommended.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY				
Reference No.	Description			
20/01722/APP	Erection of 2no self catering apartments (east wing) at Norland Stotfield Road Lossiemouth Moray IV31 6QP			
	Decision	Withdrawn	Date Of Decision	01/06/21
19/01452/APP	Erection of 2no self catering apartments at Norland Stotfield Road Lossiemouth Moray IV31 6QP			
	Decision	Permitted	Date Of Decision	20/12/19
13/00961/APP	Extension to form 2 self catering flats for use in guest house additional parking and erection of garage at Norland Stotfield Road Lossiemouth Moray IV31 6QP			
	Decision	Permitted	Date Of Decision	28/10/13

ADVERT			
Advert Fee paid?	No		
Local Newspaper	Reason for Advert	Date of expiry	
PINS	No Premises	02/09/21	
Northern Scot	No Premises	02/09/21	

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:	Supporting Statement	
Main Issues:	Detail on background, design, access and economic/tourism benefit of proposal.	

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)			

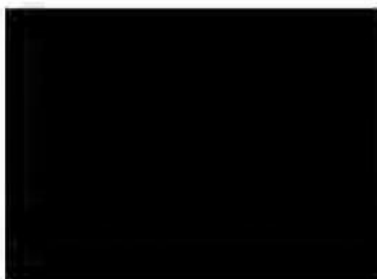


**MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

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:-

**Erection of 2no self-catering apartments (east wing) at Norland Stotfield Road
Lossiemouth Moray**

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

Date of Notice: **29 September 2021**



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 design and siting of the proposal is considered to represent overdevelopment, whilst also having an adverse impact on the character and amenity of the surrounding area which is designated as a Special Landscape Area in the Moray Local Development Plan 2020 (MLDP). On this basis, the proposal fails to comply with MLDP policies DP1 - Development Principles, DP8 - Tourism Facilities and Accommodation and EP3 - Special Landscape Areas and Landscape Character.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
180048.HARRIS.09PP	D	Elevations floor plan site and location plan
180048.HARRIS.01SP		Visibility splay

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.



APPENDIX 3

FURTHER REPRESENTATIONS FROM INTERESTED PARTIES

Lissa Rowan

From: [REDACTED]
Sent: 27 January 2022 10:41
To: Lissa Rowan; [REDACTED]
Subject: RE: Notice of Review: Planning Application 21/01206/APP

Warning. This email contains web links and originates from outside of the Moray Council network.

You should only click on these links if you are certain that the email is genuine and the content is safe.

Dear Mrs Rowan,

Please find my concerns regarding the Norland proposals:-

27th January 2022

I now feel that the whole project both west and east proposals would be an over development of the existing property site and would impact on the ambiance of the area.

The aesthetics of the existing building would be severely compromised with the proposed add on's and would degrade the property from its original architectural perspective and characteristics.

There are numerous hotel and holiday let properties both large and small serving the west side of town adequately (which is the less commercialised side of the Lossiemouth).

The extra traffic generated by these proposals could cause severe safety issues and possibly blind spots especially with a bus stop being in the middle of two proposed access/departure points. That said I do not believe that Beach Brae lane should be used to access the property as this could cause safety issues for pedestrians - cyclist and pram pushers alike as it is only a narrow lane without pavements, suitable only for existing households and the traffic they generate.

[REDACTED]

Sent from my Galaxy

----- Original message -----

From: Lissa Rowan <Lissa.Rowan@moray.gov.uk>
Date: 13/01/2022 17:05 (GMT+01:00)
To:
Subject: Notice of Review: Planning Application 21/01206/APP

Good afternoon

Please find attached correspondence in relation to the above Notice of Review.

Kind regards

Lissa

Lissa Rowan | Committee Services Officer | Governance, Strategy and Performance Services

lissa.rowan@moray.gov.uk | [website](#) | [facebook](#) | [twitter](#) | [instagram](#) | [news](#)
01343 563015 | 07765 741754



Objection to Planning Appeal – Erection of 2no. self catering apartments (east wing) at Norland, Stotfield Road, Lossiemouth ref 21/01206/APP.

Representation on behalf of [REDACTED]

A letter of objection to application 21/01206/APP was previously submitted on behalf of [REDACTED]. The grounds within that objection remain unaltered. That letter is provided as an addendum to this objection.

See below our comments relating to the statement of appeal.

1 Introduction

- 1.2 The east wing (extension), is not thought to provide balance or rounding off of the development, but rather an over-powering of the original dwelling, with the resulting development being of a scale, density and character inappropriate to the surrounding area (DPI).
- 1.2 In relation to being a key tourist property in the town, it would be only one of over 100 self-catering properties in Lossiemouth.
- 1.4 The revised design has not prevented loss of views from all neighbours, and is of similar massing to the initial application. It is understood that the change had more to do with lack of daylighting.
- 1.6 [REDACTED] strongly object to the suggestion that there is no impact upon neighbours. The neighbours Culane immediately to the east of the proposed development would be most affected.
- 1.8 This is neither accurate nor relevant.
- 1.9 This is comparing with larger properties. The basis of building use is questioned in our previous letter of objection.
- 1.10 This cannot be accepted. The original property was a dwelling. It does not need to be converted as proposed due to its location.
- 1.12 The provisional letter of objection highlights issues in relation to Accuracy of Information and Parking. It is not known if these matters have been reviewed further by Transportation.

2. Background

- 2.6 The area to the south left for car parking is very tight and there would appear to be inadequate space for vehicle manoeuvring. Figure 3 plan does not accord with drawing no. 015PP, also submitted with the original application. This may have misled Transportation.
- 2.7 The additional extension would not improve the massing. The combined impact would be unsympathetic to the original dwelling.
- 2.8 As 1.8.

3. Statement of Case

- 3.2
 - (a) Economic need would not justify development which would damage the assets of the area by inappropriate or unsympathetic development (DP8 and EP3).
 - (b) The additional extension would be over development (DD1).
 - (c) A change to the south elevation does not justify the scale density and character being inappropriate for the area (DP1).
 - (d) There is significant impact both from Stotfield Road, (south elevation), and particularly when viewed from the shore (north elevation) affecting the Special Landscape Area (EP3). The building has a prominent location when viewed from the shore.
- 3.5 It is an attractive building currently from the north but the scale and character would be completely changed by the proposed extensions.
- 3.7 As 2.6.
- 3.8 This is contradicted by dwg no 015PP.
- 3.9 The combined extensions would overpower the existing dwelling.
- 3.10 As 1.2

4. Reasons for refusal – Policy Compliance

- 4.1 Over development could be caused by the additional extension.
- 4.3.1 As 4.1.
- 4.3.2 The character of the area, particularly to the east of the Moray Clubhouse is of private dwellings not businesses.
- 4.3.3 As 4.1.
- 4.3.4 The example is new built, not an existing traditional dwelling.
- 4.3.5 Amenity would be affected by a business of this scale with traffic movement, increased commercial use and outlook onto neighbouring properties.
- 4.4.1-3 The Special Landscape Area would be damaged by the inappropriate and unsympathetic development.
- 4.4.5 Policy EP3 is not compliant as DP1 is also non-compliant. The proposed development has a prominent setting from the north which would be damaged.

In summary, there is clear non-compliance with policies DP1, DP8 and EP3. These departures are not outweighed by any material considerations.

It is therefore requested that the appeal should not be upheld.

Addendum:

Planning application – Erection of 2no. self catering apartments (east wing) at Norland, Stotfield Road
Lossiemouth ref 21/01206/APP

Representation on behalf of [REDACTED]

It is wished to object to the above application on the following grounds:

1. Building use

The drwg no.180048.HARRIS.015PP refers within the parking schedule and plan to 'existing house'. The existing property has 4 bedrooms advertised for bnb, suggesting that the application should be **considered under Class 7, with 'Class 9 – Houses' only allowing use as a house within that Class as a bnb or guesthouse with a maximum of 2 bedrooms.**

2. Accuracy of information

There is a discrepancy between drwg no.180048.HARRIS.015PP and drwg no.09PP D affecting space available for parking and turning to exit in a forward gear. The single storey part of the proposed East Wing (to the south), has been omitted from drwg no.015PP.

There is also no scale bar shown to allow sizes to be reviewed.

It is therefore very difficult to assess the proposals, and as such it is suggested that this needs to be referred to the applicant and proposals re-notified to allow accurate assessment.

It is noted in the consultation comments from Transportation that the parking and manoeuvring requires entry and exit in a forward gear and that drwg no 015PP is the plan provided to verify this requirement. This needs review.

3. Parking.

It is understood that 13 parking places as required as a condition for East Wing to be approved. Should this also have minimum disabled parking added if Class 7?

The manoeuvring of the parking space to the south west corner seems particularly tight for exiting in a forward gear.

4. Scale of development

The West Wing as approved is already a significant extension, though has been designed to be relatively sympathetic to the existing scale, detailing and appearance of the original dwelling. That cannot be said of the East Wing however where the design is contemporary with large glazed areas which are a dominant feature and out of character.

If the East wing is approved and built along with the West Wing, the two extensions will be of a combined scale which will have an overpowering impact and not be subservient to the original dwelling.

This is seen as over development of the site, taken together with the extent of parking required, three vehicular accesses and lack of distancing between extended Norland and neighbouring properties.

The north elevation is also in a prominent location viewed from the ENV6 designation to the foreshore.

It is requested that these concerns are taken into account when determining.