



MORAY LOCAL REVIEW BODY

18 AUGUST 2022

SUMMARY OF INFORMATION FOR CASE No LR274

Planning Application 21/01277/APP – Demolish existing house and erect new dwellinghouse at 3 Town Hall Lane, Lossiemouth, Moray, IV31 6DF

Ward 5 – Heldon and Laich

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 4 March 2022 on the grounds that:

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

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

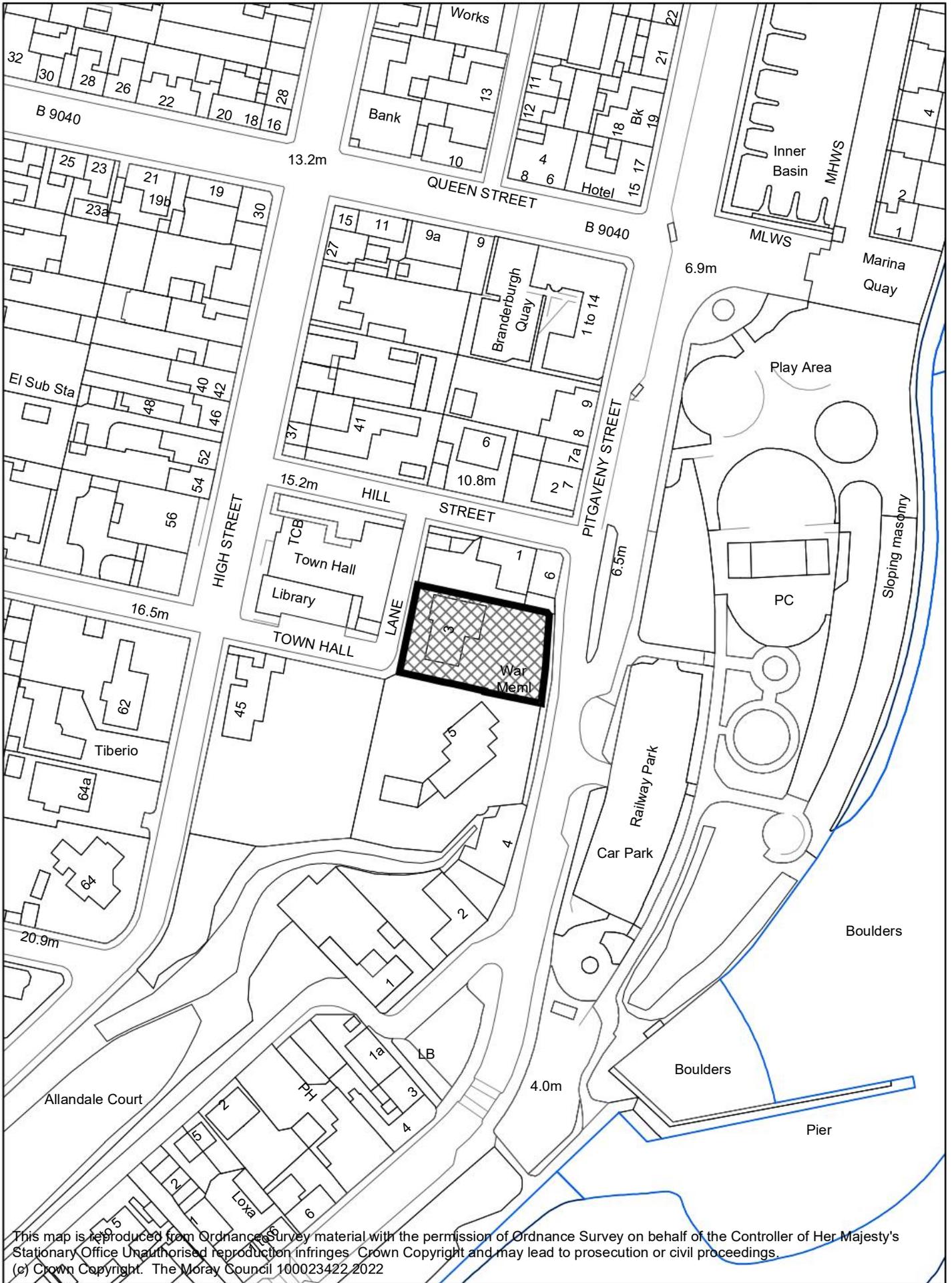
Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

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

There were no responses from interested parties.



Location plan for Planning Application Reference Number : 21/01277/APP



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APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



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 100453563-001

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.

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)

Demolish Existing House & Erect New House

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:	<input type="text" value="CM Design"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Craig"/>	Building Name:	<input type="text" value="St Brendans"/>
Last Name: *	<input type="text" value="Mackay"/>	Building Number:	<input type="text" value="69"/>
Telephone Number: *	<input type="text" value="01343540020"/>	Address 1 (Street): *	<input type="text" value="South Guildry Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Elgin"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="IV30 1QN"/>
Email Address: *	<input type="text" value="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="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Mrs"/>	Building Name:	<input type="text" value="Lux Farm"/>
First Name: *	<input type="text" value="W"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Stennett"/>	Address 1 (Street): *	<input type="text" value="Playford Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Rushmere"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Ipswich"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="England"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="IP5 1DA"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

3 TOWN HALL LANE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

LOSSIEMOUTH

Post Code:

IV31 6DF

Please identify/describe the location of the site or sites

Northing

870879

Easting

323795

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

800.00

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)

Existing Dwellinghouse

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 **T** 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? 2

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)? * 2

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? * T Yes ≤ No

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

T 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?? * ≤ Yes **T** No

(e.g. SUDS arrangements) *

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.

Are you proposing to connect to the public water supply network? *

T Yes

≤ No, using a private water supply

≤ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * ≤ Yes **T** No ≤ Don't Know

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.

Do you think your proposal may increase the flood risk elsewhere? * ≤ Yes **T** No ≤ Don't Know

Trees

Are there any trees on or adjacent to the application site? * ≤ Yes **T** No

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.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * T Yes ≤ No

If Yes or No, please provide further details: * (Max 500 characters)

Please refer to plans

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

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.

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.

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 & Mrs W Stennett

Date: 09/08/2021

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 principal 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. *	<input type="checkbox"/> Yes	<input type="checkbox"/> T	N/A
A Design Statement or Design and Access Statement. *	<input type="checkbox"/> Yes	<input type="checkbox"/> ≤	N/A
A Flood Risk Assessment. *	<input type="checkbox"/> Yes	<input type="checkbox"/> T	N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	<input type="checkbox"/> Yes	<input type="checkbox"/> T	N/A
Drainage/SUDS layout. *	<input type="checkbox"/> Yes	<input type="checkbox"/> T	N/A
A Transport Assessment or Travel Plan	<input type="checkbox"/> Yes	<input type="checkbox"/> T	N/A
Contaminated Land Assessment. *	<input type="checkbox"/> Yes	<input type="checkbox"/> T	N/A
Habitat Survey. *	<input type="checkbox"/> Yes	<input type="checkbox"/> T	N/A
A Processing Agreement. *	<input type="checkbox"/> Yes	<input type="checkbox"/> T	N/A

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

Drainage 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

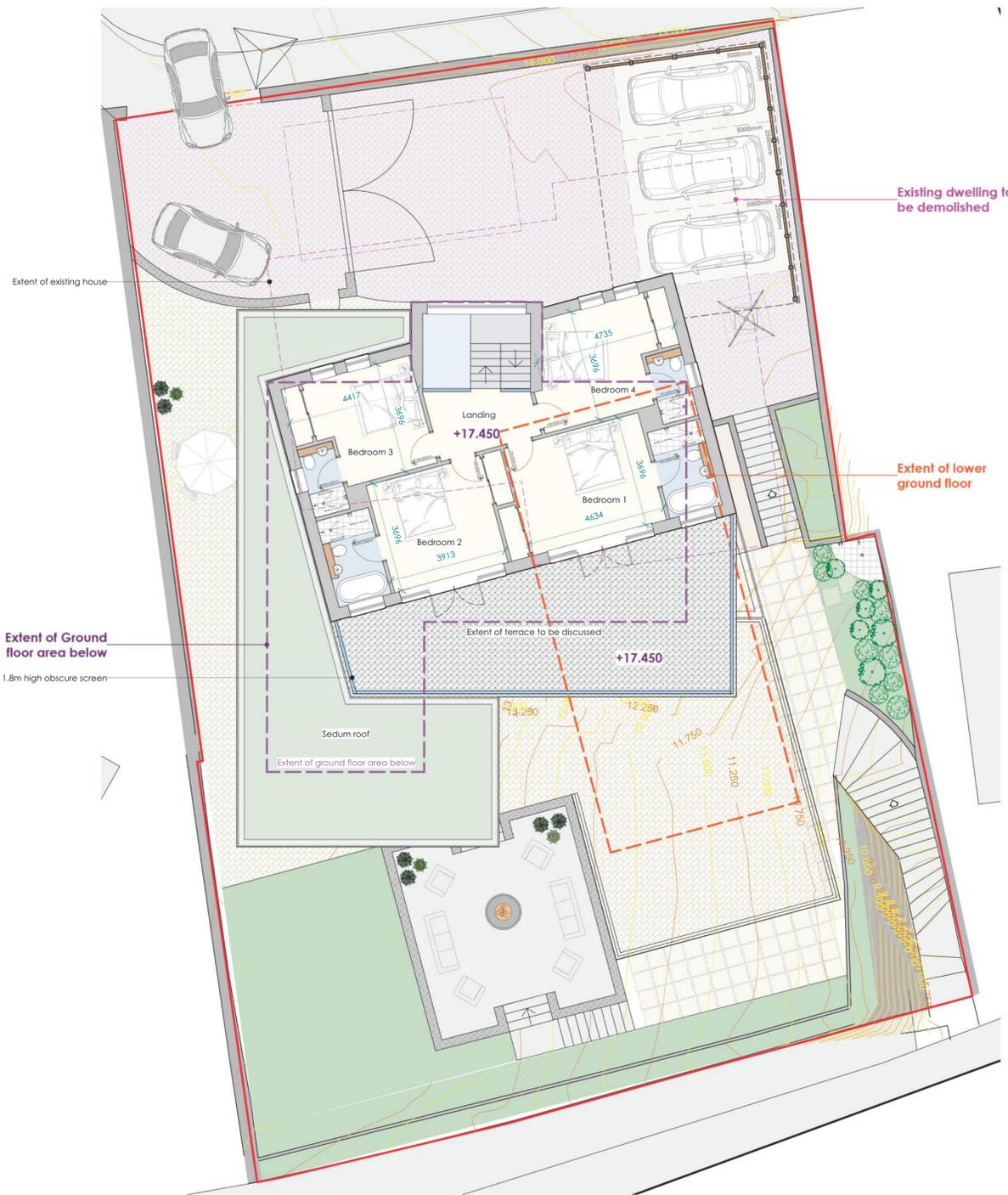
Declaration Date: 17/08/2021

Payment Details

Online payment: 130125

Payment date: 17/08/2021 17:12:11

Created: 17/08/2021 17:12



**FIRST FLOOR / SITE LAYOUT
 (Scale 1:100)**

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



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



Galzed balustrades designed to optimise the view available



Low maintenance sedum roof
 Sunset Terrace

cmdesign
 architectural consultants

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Mrs E. Stennett

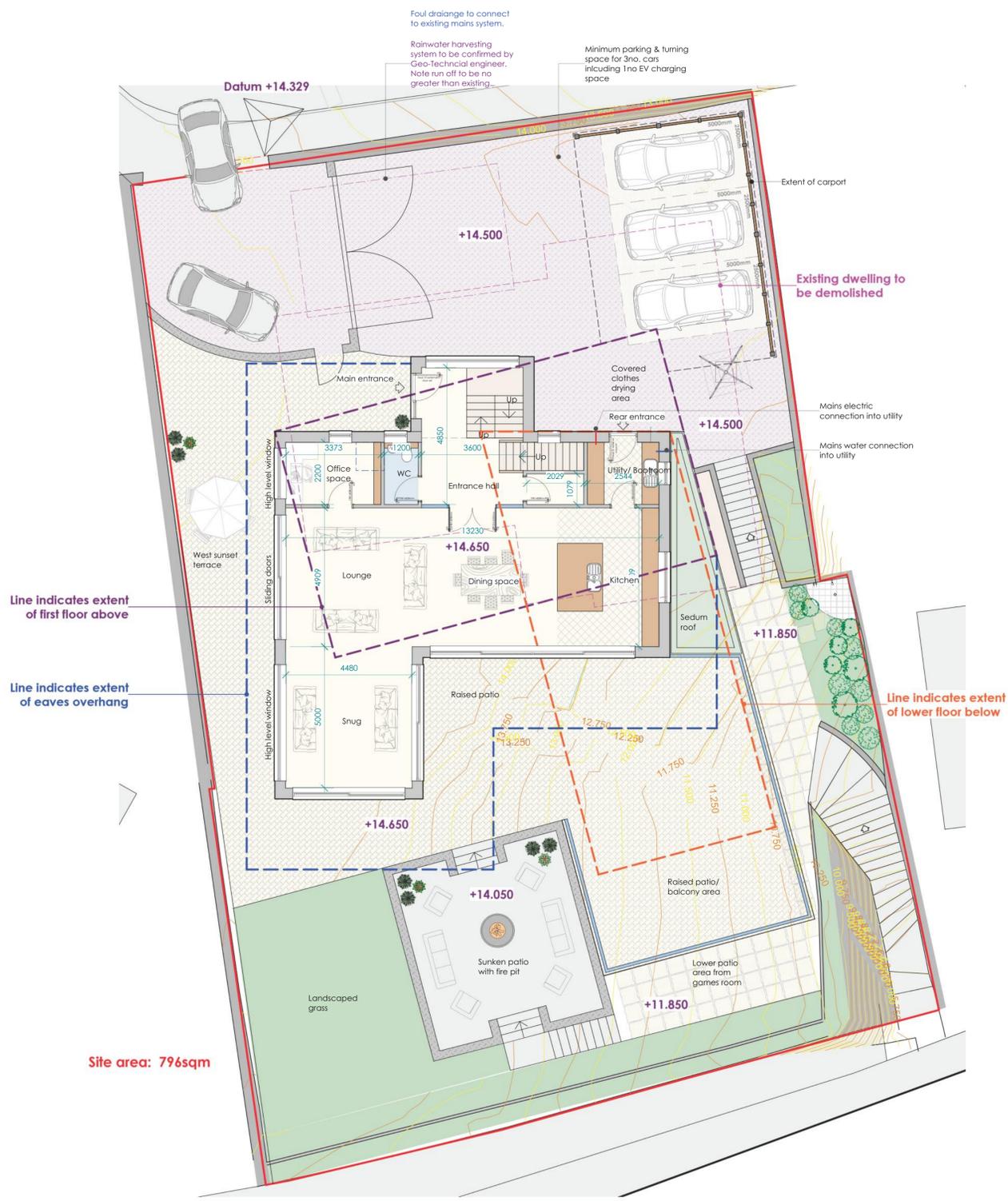
Demolish Existing House and Erect New 4 Bed Dwelling at 3 Town Hall Lane, Lossiemouth

PLANNING PROPOSALS
 FIRST FLOOR PLAN

Date:	Amendments:	Rev:
24.08.21	Elevations updated	A
24.11.21	Carport added	B

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

210046.STENNETT.05PP B



Line indicates extent of first floor above

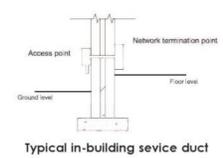
Line indicates extent of eaves overhang

Site area: 796sqm

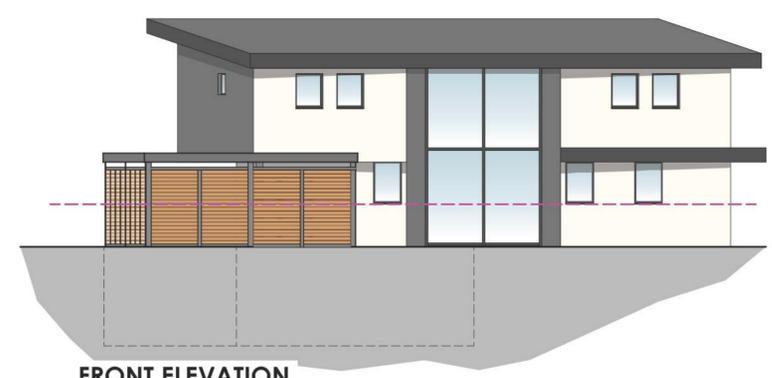


GROUND FLOOR/ SITE LAYOUT (Scale 1:100)

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

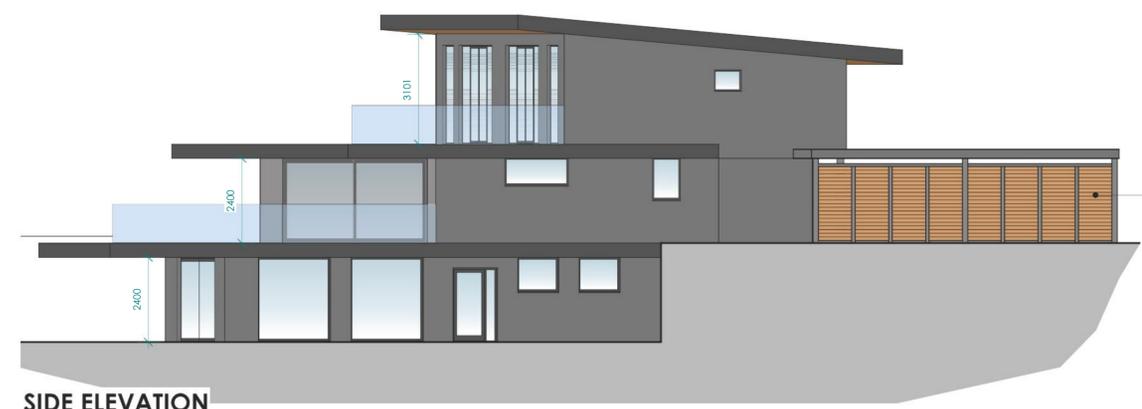


Typical in-building service duct



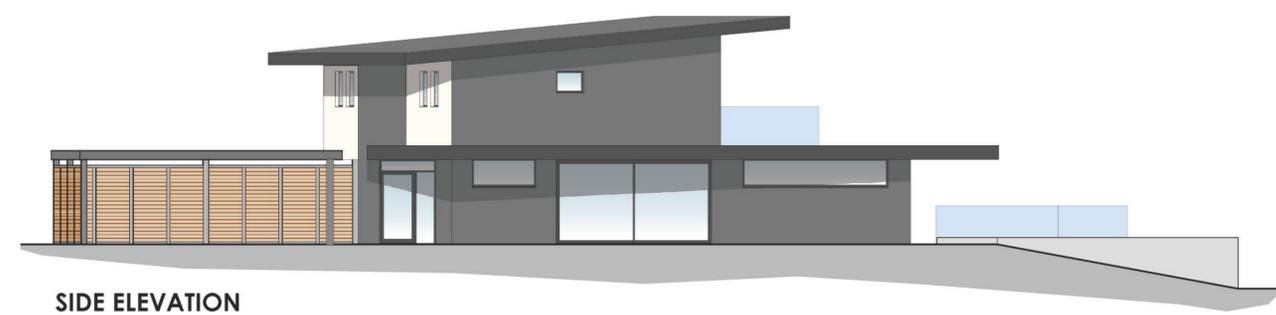
FRONT ELEVATION (Scale 1:100)

Material finishes:
Roof: Standing seam Grey Zinc roof finish
Sedum roof
Wall: Cedar vertical cladding board
Smooth off-white K-Rend
Windows & Doors: Grey Alu clad



SIDE ELEVATION (Scale 1:100)

Covered carport, powder coated aluminium clad posts with timber infill panels



SIDE ELEVATION (Scale 1:100)



REAR ELEVATION (Scale 1:100)

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architectural consultants

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F01343 810175
DEVON OFFICE
F01392 345566

Mrs E. Stennett

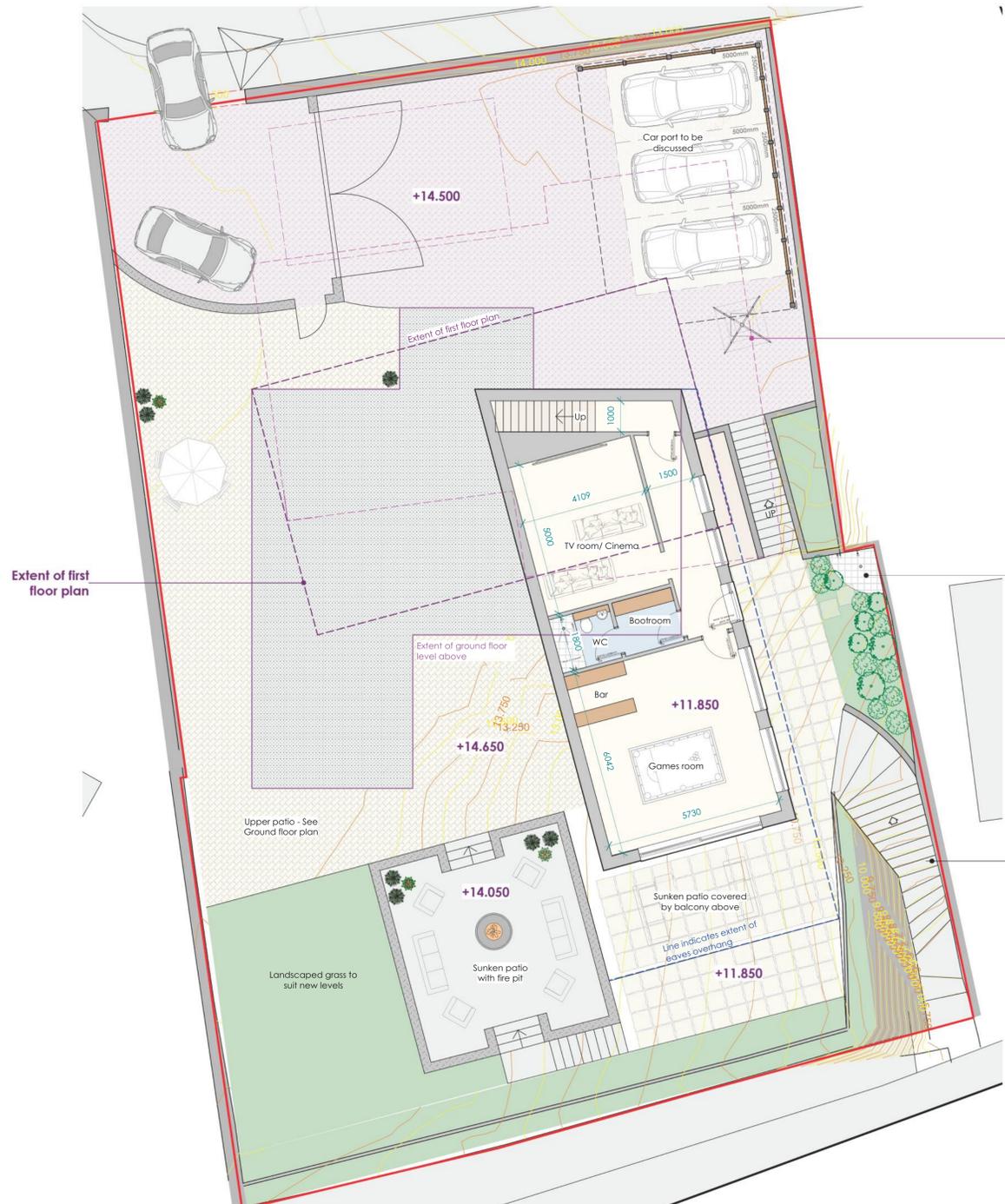
Demolish Existing House and Erect New 4 Bed Dwelling
at 3 Town Hall Lane, Lossiemouth

PLANNING PROPOSALS
GROUND FLOOR PLAN

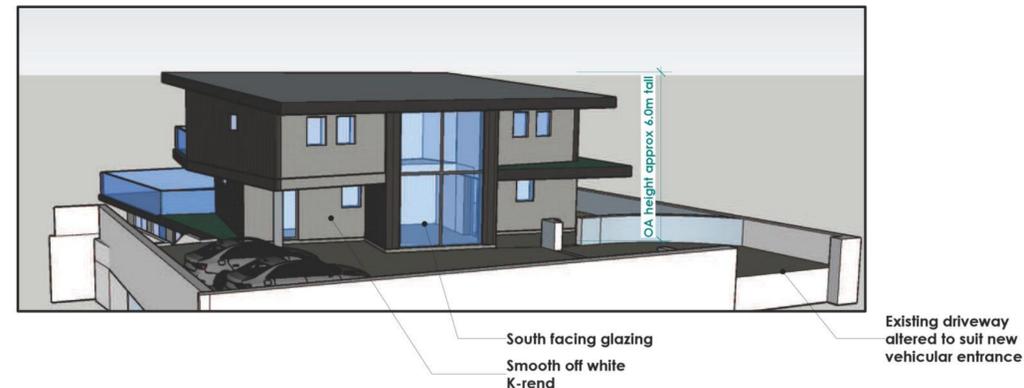
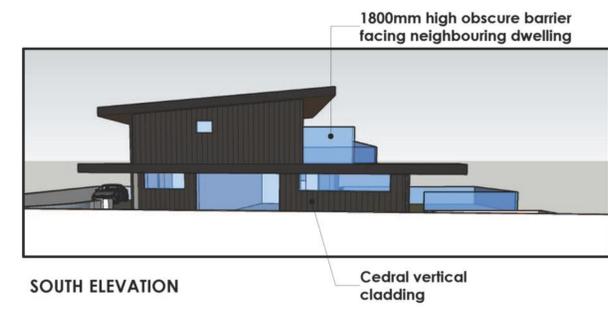
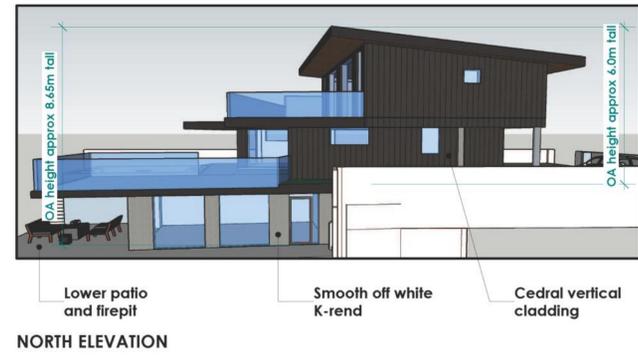
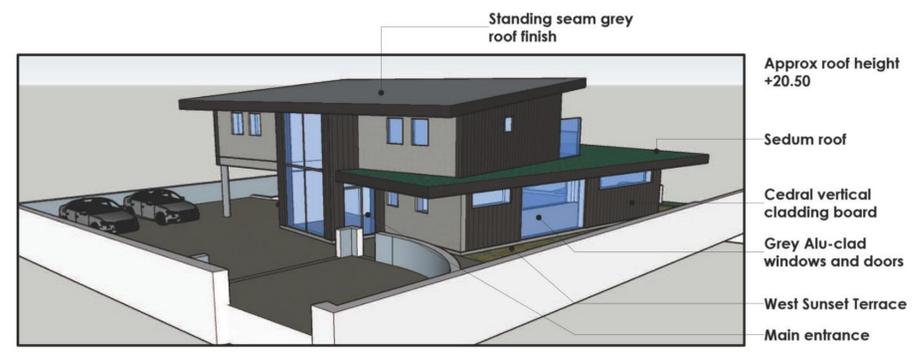
Date:	Amendments:	Rev:
24.08.21	Elevations updated	A
24.11.21	Carport added	B

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

210046.STENNETT.04PP B



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



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F01392 345566

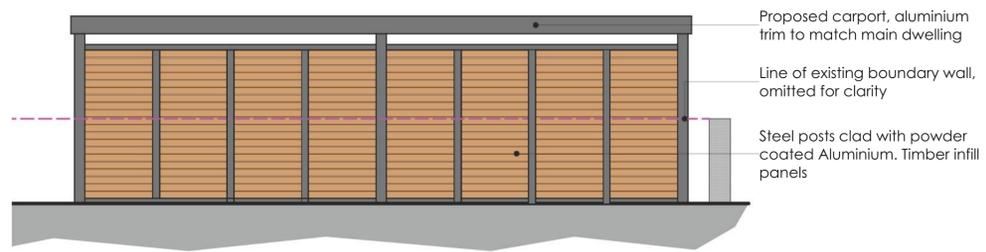
Mrs E. Stennett

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

PLANNING PROPOSALS
LOWER GROUND FLOOR PLAN

Date:	Amendments:	Rev:
24.08.21	Elevations updated	A
24.11.21	Carport added	B
Drawn By:	Date:	Checked By:
A. CARSWELL	14.07.21	

210046.STENNETT.03PP B



CARPORT ELEVATION
(Scale 1:50)



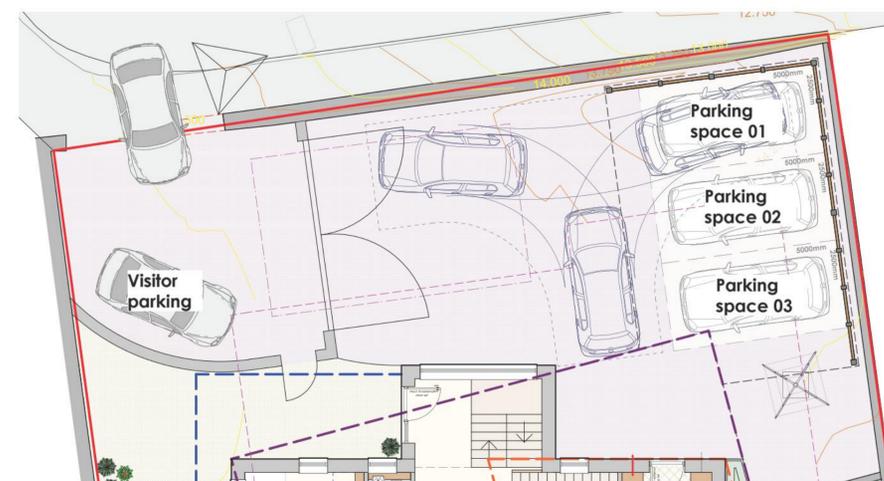
CARPORT ELEVATION
(Scale 1:50)



CARPORT ELEVATION
(Scale 1:50)



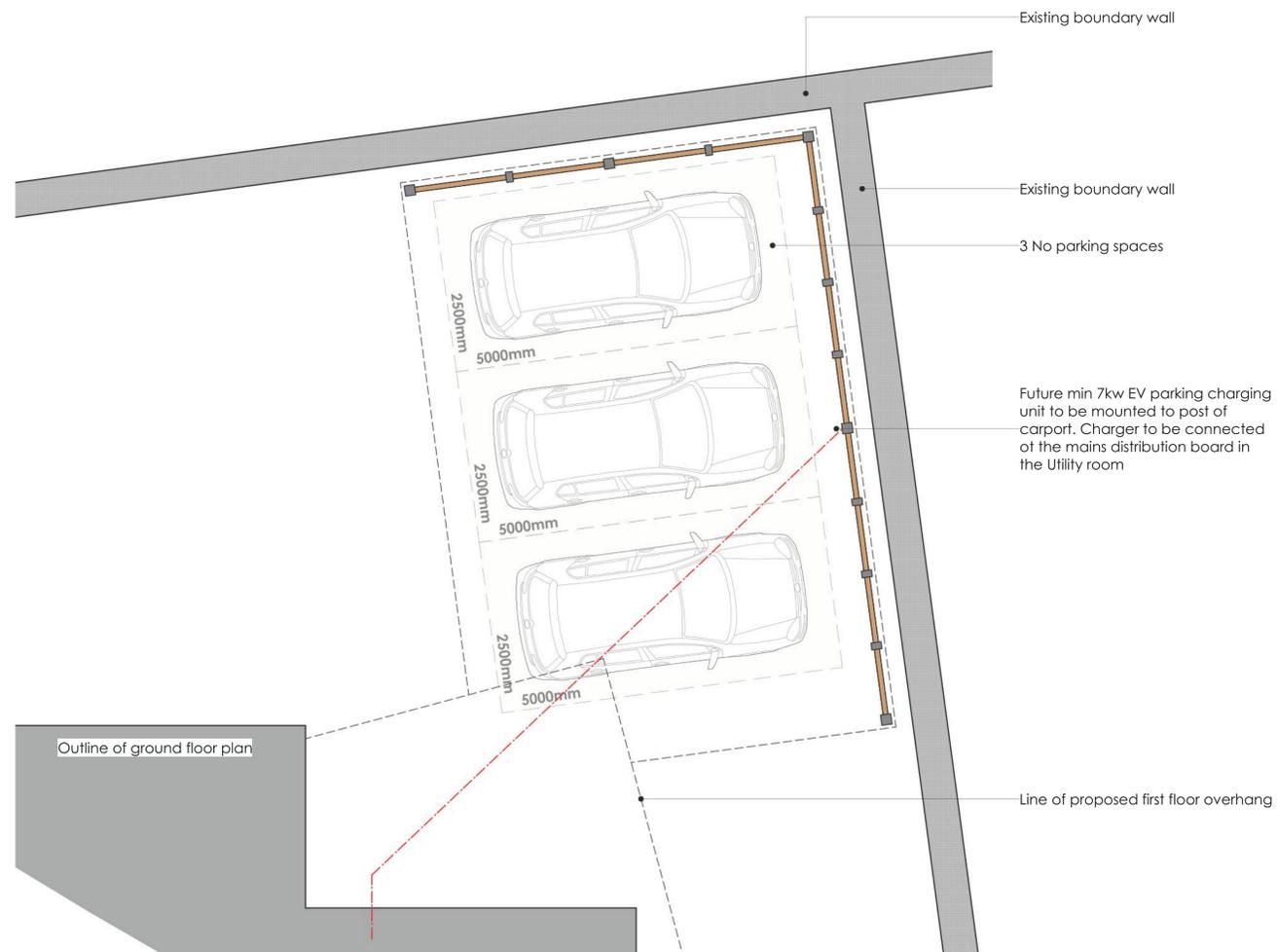
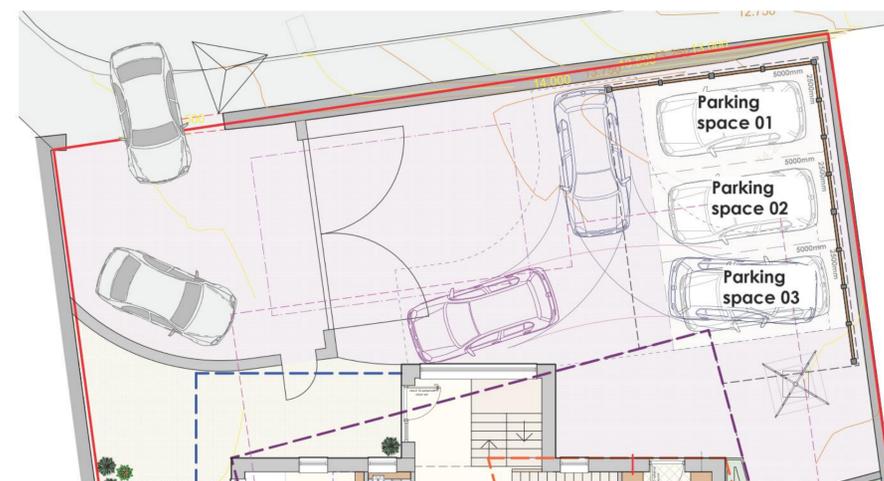
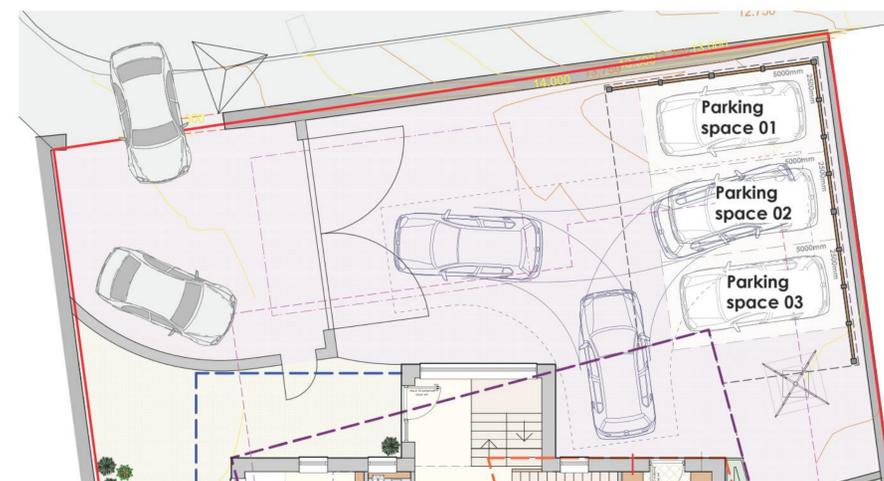
EXAMPLE IMAGE OF CARPORT
STYLE AND MATERIALS



Parking spaces 1 & 2 can easily enter and exit in a forward gear by carrying out a simple 3 point turn.

Parking space 3 will require an additional manoeuvre but can easily enter and exit in a forward gear.

The plans also allow for additional visitor parking at the entrance. There is ample space within the site to allow for visitors to easily access and turn their vehicle while all parking spaces are occupied.



CARPORT LAYOUT
(Scale 1:50)



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architectural consultants

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DEVON OFFICE
F 01392 345566

Mrs E. Stennett

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

PLANNING PROPOSALS
Carport layout & Vehicle turning circles

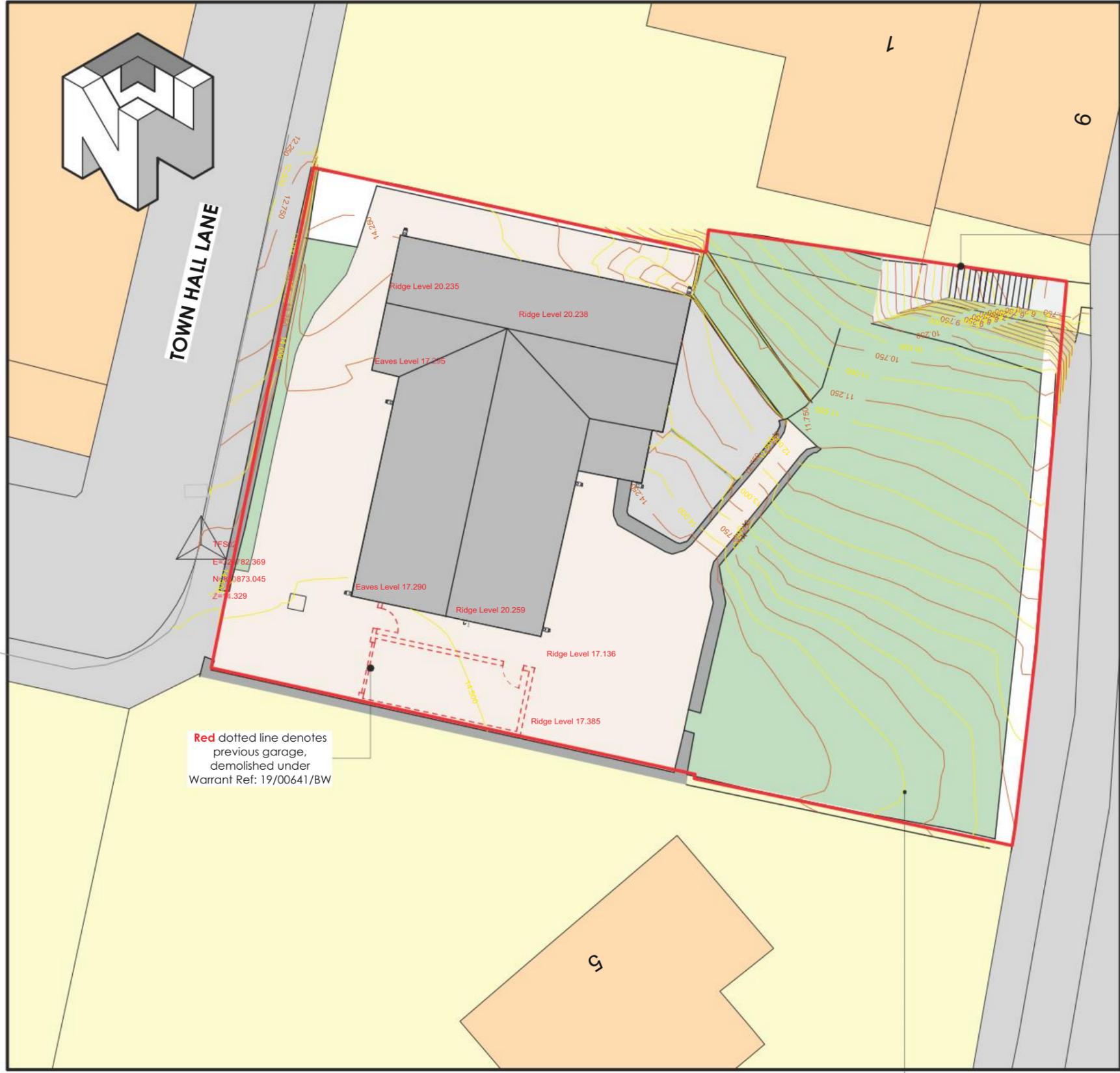
Date: Amendments: Rev:

Drawn By: A. CARSWELL Date: 24.11.21 Checked By: Date:

210046.STENNETT.06PP

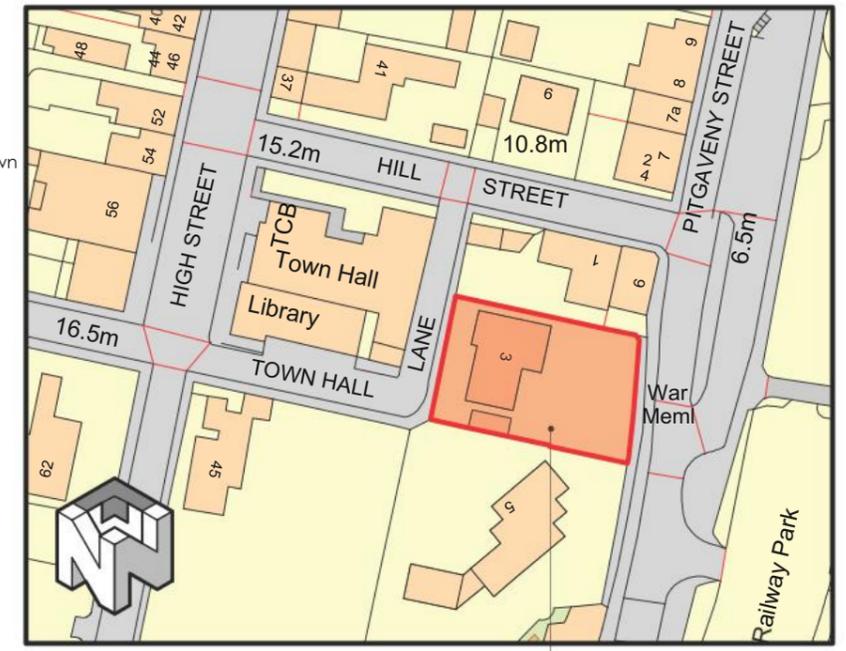
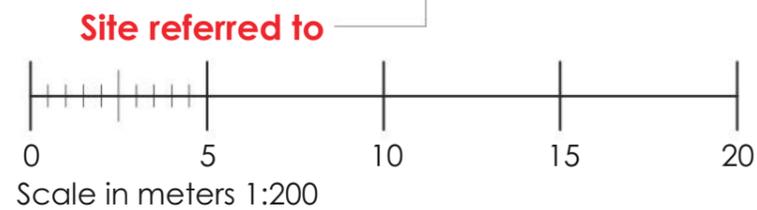
DO NOT SCALE OFF DRAWINGS. ALL SIZES ARE TO BE CHECKED CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS/ORDERING OF MATERIALS. NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED CONTRACTORS RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED DRAWINGS

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



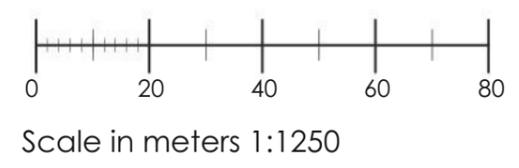
Red dotted line denotes previous garage, demolished under Warrant Ref: 19/00641/BW

SITE PLAN 1:200
Site area approx. 772sqm



Site referred to

LOCATION PLAN 1:1250



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t 01667 300230

DEVON OFFICE
t 01392 345566

m 0781 3872818 w cmdesign.biz e office@cmdesign.biz

Olkos Architectural Ltd Registered in Scotland No. 272963

Mr & Mrs Stennett

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

SURVEY DRAWING
SITE AND LOCATION PLANS

Date:	Amendments:	Rev:

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

210046.STENNETT.06SV

DESIGN STATEMENT

DEMOLISH EXISTING DWELLING AND ERECT NEW DWELLING AT No. 3 TOWN HALL LANE, LOSSIEMOUTH

Ref: 210046

1.0 INTRODUCTION:

- 1.1 This **Design Statement** has been prepared by **CM Design Architectural & Town Planning Consultants** in response to the requirements of the Moray Local Development Plan 2020
- 1.2 The Proposal relates to the replacement of a structurally unsound 70's bungalow with more contemporary and bespoke house that more suitably befits the site location and sea views.

2.0 SITE LOCATION

- 2.1 Despite occupying a cliff top location, the presence of an existing house at 3 Town Hall Lane, Lossiemouth tucked behind the large Town Hall, would perhaps be a surprise to many.
- 2.2 The Lane itself only serves two households and it is important to note that the only other house on this lane was also demolished and replaced recently.



- 2.3 The site is significantly disadvantaged by the overbearing scale of the Town Hall which overlooks the frontage. This is more than compensated by the astounding views available to the rear of the house facing East over the Moray Firth.

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2.4 It can be seen from the aerial image and the site plan below that the site enjoys a West to East aspect with lower level housing and rooftops to the north and a large newly built house next door at No5 Town Hall Lane to the south.



2.5 The site plan also demonstrates the significant drop to the north east of the site reaching the existing private path and stair that has been carved out of the cliff face between the site and No.6 Pitgaveny Street providing pedestrian access to the East.

2.6 The existing house itself is a 70's bungalow which has been discovered to have been built on poor substrata and requiring significant underpinning to make safe.



existing house viewed from garden



existing house viewed from Town Hall Lane

2.7 Planning permission and Building Warrant have already been secured for the underpinning works and wider development of the existing house but the development costs have been discovered to be non-commensurate with the value of the house.

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- 2.8 Given the screened and private nature of the site and its cliff top view over the Moray Firth it is was decided to propose a demolition of the existing building in favour of a bespoke home more befitting of the location.
- 2.9 This approach to redevelopment was recently employed next door at 5 Town Hall Lane, in which the existing Victorian property was demolished in favour of a more contemporary design.
- 2.10 The Handling Report for this neighbouring application highlighted **“the diversity of the property in the area in terms of age allows for the introduction of a more contemporary design on the site”**



Figure 1 - elevations of neighbouring approved replacement house

- 2.11 Extensive geotechnical surveys have been carried out upon the site which confirmed the suitability of a housetype that uses the natural underlying rock form in terms of layout, position and design.



pic showing overbearing nature of existing Town Hall building to the west

3.0 PROPOSALS

3.1 The proposals represent a rare opportunity to introduce an especially bespoke, brave and striking house design to the Moray architectural landscape

3.2 The site is particularly suitable for a brave design proposal such as this due to several site-specific factors, such as :

- the private location of the site
- The overbearing nature and scale of the Town Hall building to the west
- the lack of readily accessible vantage points from which the proposals can be seen
- the nature of surrounding houses in terms of topography, scale and style
- the clear value in maximizing the enjoyment of probably one of the best views over the Moray Firth available anywhere on the Moray Coast



3.3 The design ethos was led by several factors and needs such as

- Maximizing garden ground with adequate sunlight and outwith the shadow of the Town Hall building
- Forming the various floors of the building on the firm rock sub strata and without the need for imported fill.
- Maintaining pedestrian access to Pitgaveny Street and the foreshore for surfing and such like.
- Minimizing roof and ridge height
- Maximizing glazing and views to the East and solar gains from the west and south.

3.4 With there being absolutely no amenity on the western entrance to the site (Town Hall Lane) it is clear that all amenity needs to be found on the East side of the house and this design seeks to maximise this with a small grass area, adjoining fire pit and patio and a basement roof terrace situated at existing garden level

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3.5 The chosen finishes of aluminium cladding, render and cementitious boarding have been selected to withstand the harsh elements of the North East orientation and to present a simplicity that reflects the aesthetic of the new neighbouring property at No5.

3.6 The example pictures below provide an idea of the warm and resilient aesthetic being pursued here.



3.7 Any perceived issue with “overlooking” to the side elevations of any terraced or decked area can be mitigated by obscure and higher level balustrades but the nature and low level of all flanking properties not require or justify any need for mitigation in this regard.



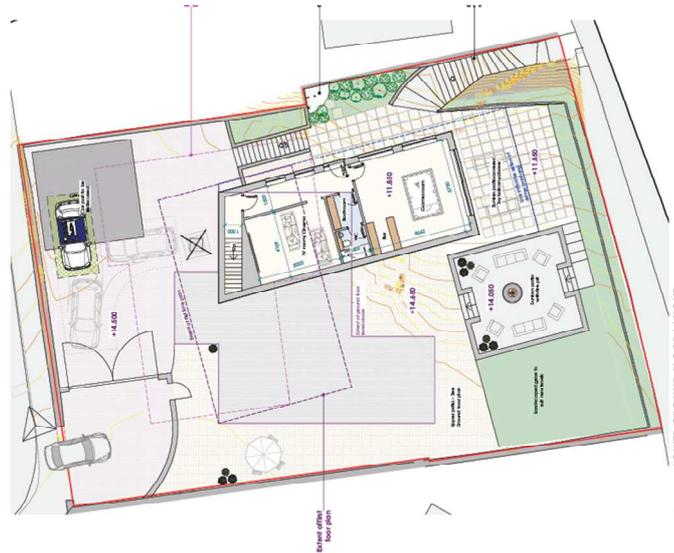
view from south east

3.8 The nature and limited of use of Town Hall Lane by the general Lossiemouth public would suggest that this new proposal would have no impact on the Streetscape in this regard.



view from Town Hall Lane

- 3.9 The proposed flat roof level remains in keeping with the existing ridge height of the of the house to be demolished and in any case, is lower than the neighbouring property at No5 Town Hall Lane and dwarfed by t4he Town Hall building itself. bedroom
- 3.10 The 3 floor levels take appropriate advantage of the site topography and geology and provide for a feature-full yet moderate 4-bedroom home.



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3.11 In terms of prominence on the streetscape, the proposed house will continue to not be visible when approaching from the south along Pitgaveny Street but will be visible incrementally from the north as shown on the pictures below



view along Pitgaveny Street from south



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- 3.12 The existing house starts to become more visible to pedestrians enjoying the gardens around the Station Park and this is where the proposed house design will present a striking and exciting addition to the streetscape as can be seen on the pics below.



- 3.13 The final pic demonstrates the change in levels between residences and the stair access to be maintained from Pitgaveny Street. This streetscape, site levels, view and sub-strata invites a creative design solution such as this.

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4 POLICY COMPLIANCE

- 4.8 Section 25 of the Town and Country Planning (Scotland) Act 2006 requires that applications be determined in accordance with the current Moray Local Development Plan unless material considerations indicate otherwise.
- 4.9 This application represents the need to replace the existing house for reasons of structural stability and thus the principle of a new house on the site is supported by Policy
- 4.10 A separate Drainage Statement has been submitted with this application that details the strategy with regard to on-site and off-site drainage measures.
- 4.11 Parking and Access matters will see an improvement by this application which includes for increased on-site parking and the ability to access and egress in a forward gear.
- 4.12 The material matters that might arise from this application would relate to the issue of design
- 4.13 It should be noted that there are no specific policies of the MLDP that prevent replacement of unlisted properties within settlements and this application should be assessed on its individual merits.
- 4.14 Policy directions in relation to house "alterations" are probably more relevant in this case and this application should be considered as contemporary and worthy of unique consideration.
- 4.15 Policy PP1 – encourages the creation of distinctive place and calls for variety of design where appropriate.



extract from Policy PP1 MLDP

- 4.16 Policy DP1 – calls set out compliance criteria relating to siting, privacy, impact, scale, character, amenity solar gain etc
- 4.17 The proposed design reflects the West – East orientation of the existing house in terms of protecting the privacy of immediate neighbours and the contemporary design ensures that the impact of the building on the streetscape is minimized whilst also providing for an eye-catching architectural feature.
- 4.18 This design and application is considered to comply with current policy in all respects.**

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DRAINAGE STATEMENT

DEMOLISH EXISTING DWELLING AND ERECT NEW DWELLING AT
No. 3 TOWN HALL LANE, LOSSIEMOUTH

Ref: 210046

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.

This statement has been prepared in line with the Supplementary Guidance produced by Moray Council dated Feb 2019.

SITE DESCRIPTION:

The proposed site is situated in an elevated position upon a cliff top at 3 Town Hall Lane Lossiemouth and equates to approximately **769sqm**.

The site hosts an existing single storey dwelling house and associated hardstandings. The existing house is to be demolished.

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

A basic site level survey has also been carried out demonstrating how the site gently slopes North & East in an elevated position.

SITE CONDITIONS:

The site is believed to have good infiltration rates based on a walkover survey and the presence of the existing property. There have been no excavation or percolation tests carried out for this proposed design at this stage. GMC have been initially consulted and a report will follow.

The neighbouring dwelling was recently demolished and also replaced with a new building and in which on-site drainage measures have been implemented without difficulty.

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Friday 28th July 2021

DRAINAGE DESIGN:

All private foul water and storm water arrangements are both dealt with robustly at the Building Warrant stage of any development.

The foul water will be connecting into the existing mains sewer. Surface water will be managed by an arrangement of on-site SUDS soakaways, porous driveway and rainwater harvesting.

GMC Surveys have been consulted in this regard and a report will be submitted in due course.

All drainage will inevitably be designed by a qualified engineer and will conform to Technical Standard handbook design and ensure that the Post-development runoff rate does not exceed the pre-development runoff rate or increase the risk of flooding risk through any discharge to a receiving watercourse.

Furthermore, any such design will be wholly dependent on the final design of the housetype on site and this is again more appropriately dealt with at Building Warrant stage.

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

Sincerely yours,

ANNA CARSWELL

ARCHITECTURAL TECHNOLOGIST

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gmsurveys

Surveys, Setting-Out Civil Engineering Design

Site Investigation & Drainage Assessment

TOWN HALL LANE

Gary Mackintosh Bsc
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Conclusion:	4
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Client:

Mr and Mrs Stennet

Site Address:

Proposed Replacement Dwelling
3 Town Hall Lane
Lossiemouth

Planning Reference:

TBC

Date:

30th November 2021

Job Number:

GMC21-071

Company Information:

Assessment completed by:

Gary Mackintosh Bsc

GMCSurveys

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Forres

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Telephone: 07557431702

Introduction:

The proposals are to erect a new modern dwelling to replace the former property at 3 Town Hall Lane, Lossiemouth together with all required infrastructure.

The SEPA Flood Maps have been consulted which indicate that the site is not at risk of fluvial or pluvial flooding during a 1:200year event. Some surface water flooding is shown within town hall lane however the topography of the area and the proposed site would suggest that the development would have no impact on any existing surface water issues.

GMC Surveys have been asked to carry out investigations in order to provide a drainage solution for the proposals.

Existing Drainage Arrangement:

The foul water from the existing property makes a direct connection to the public sewer located within Town Hall Lane. It is proposed that the foul water connection is maintained for the proposed development.

A Site investigation provided no evidence of an existing surface water soakaway therefore it is assumed that the surface water runoff from the existing roof area discharges to the public sewer via the existing connection.

Ground Conditions:

Excavations were carried out using a mechanical digger on 26th June 2019 to assess the existing ground conditions and carry out infiltration and percolation testing for the dispersal of foul and surface waters via soakaways.

The trial pits were excavated to depths of 1.5m. The pits were left open and no ground water was encountered.

The excavations provided existing ground conditions of 400mm Topsoil overlying sandy gravel with larger mixed round stone and gravel to the extent of the test pit.

Trial Pit Location can be found in Appendix A.

Infiltration testing:

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	0.8mx 1.0m	0.5 – 1.5	4.8×10^{-5}

Conclusion and Recommendations:

Based on the site investigations the ground conditions are suitable for the use of infiltration as a method of surface water management.

A review of the proposed layout for the development has been carried out. The site is to introduce many hardstanding areas with varying structure positions and levels. It is considered therefore that there is insufficient space within the site to utilise infiltration devices without causing detriment to existing and proposed structures.

Scottish Water require that any discharge from a new development must not lead to a net increase of flow volume up to a 1:30year event.

Storage and re – use of surface waters will therefore be required to ensure that there is no discharge from the development up to a 1:30year event.

Surface Water Disposal:

In keeping with good practice and CIRIA/local Council policy it is proposed to install Rainwater Harvesting as a sustainable method of surface water management for the proposed hard standings and roof area. The rainwater harvesting tank is to be used to carry out general garden maintenance and also for grey water use within the property such as W/C flushing. It is the intention that the stored waters are to be fully re used within the site and that an overflow is only to be installed to discharge during events exceeding a 1:30year event in line with Scottish Water Policy. The overflow is to make a connection to the existing site discharge to Town Hall Lane.

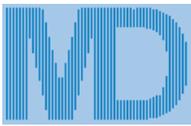
An area of the new house roof has been proposed as a Sedum or Green Roof. Whilst this may assist in the storage and management of surface water within the site, evidence is still required as to the effectiveness as a final solution. The build up of water over a period of consistent rain will still require an outfall therefore the full roof area of the property is to be considered.

Based on a 0.5l/s discharge rate and the proposed hard standing/roof area of 430m² the storage volume required for a 1:30year event with 35% allowance for climate change has been calculated as 13.40m³ or 13,400litres. The next available standard sizing would be 15,000litres or 15.0m³ providing additional storage over and above the required volume ensuring that the Scottish Water requirements can be met.

The final tank design will be a bespoke design carried out by the manufacturers to meet the requirements outlined in this report. Details of the Graff Platin 15.000litre High Water House direct have been provided to accompany this report being the recommended tank in line with the above sizing and use. The final internal/external pipework arrangement is to be established by the appointed architect during the Building Warrant Application.

The indicative/proposed tank location is shown within Appendix A.

There are additional hardstanding areas set at a lower level to the proposed tank location which should be formed in permeable paving to ensure the surface water is managed within all areas of the site.



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Job No. GMC21-071		
Sheet no. 1		
Date 30/11/21		
By GM	Checked	Approved

Project Town Hall Lane, Lossiemouth
Title Surface Water Storage Requirements

Data:-

Location = LOSSIEMOUTH Grid reference = NJ2370
M5-60 (mm) = 12 r = 0.26
Soil index = 0.40 SAAR (mm/yr) = 700
Return period = 30 WRAP = 3
UCWI = 0.0 Climate change = +35%

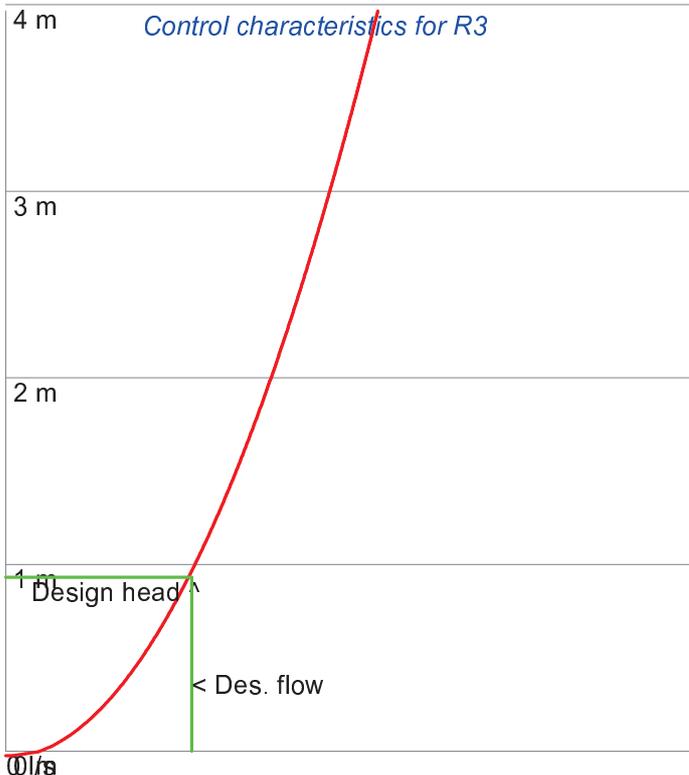
- i) Relatively impermeable soils in boulder and sedimentary clays, and in alluvium, especially in eastern England;
- ii) Permeable soils with shallow ground water in low-lying areas;
- iii) Mixed areas of permeable and impermeable soils, in approximately equal proportions.

Percentage runoff = 95.0% (manual setting)

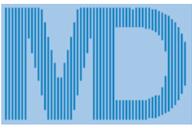
Imperv. area = 430 m² Pervious area = 0 m²
Total area = 430 m² Equiv area = 408 m² (Tot. area x % runoff).
Total runoff = 22.7 m³ Discharge rate = 0.500 l/s

Design Head = 1.0m Peak flow = 0.50 l/s
Control device = R3 Orifice diam = 19.8 mm
Max. calc. depth = 1.0 m Available depth = 0.0 m³

Pipeline storage = 0.0 m³ Available MH storage = 0.0 m³
Offline storage = 0.0 m³
Total storage = 13.4 m³ Peak input flow = 2.47 l/s



Head (m)	Flow (l/s)	Head (m)	Flow (l/s)
0.01	0.02	2.01	0.71
0.05	0.11	2.05	0.72
0.10	0.16	2.10	0.72
0.15	0.19	2.15	0.73
0.20	0.22	2.20	0.74
0.25	0.25	2.25	0.75
0.30	0.27	2.30	0.76
0.35	0.30	2.35	0.77
0.40	0.32	2.40	0.77
0.45	0.34	2.45	0.78
0.50	0.35	2.50	0.79
0.55	0.37	2.55	0.80
0.60	0.39	2.60	0.81
0.65	0.40	2.65	0.81
0.70	0.42	2.70	0.82
0.75	0.43	2.75	0.83
0.80	0.45	2.80	0.84
0.85	0.46	2.85	0.84
0.90	0.47	2.90	0.85
0.95	0.49	2.95	0.86
1.00	0.50	3.00	0.87
1.05	0.51	3.05	0.87
1.10	0.52	3.10	0.88
1.15	0.54	3.15	0.89
1.20	0.55	3.20	0.89
1.25	0.56	3.25	0.90
1.30	0.57	3.30	0.91
1.35	0.58	3.35	0.92
1.40	0.59	3.40	0.92
1.45	0.60	3.45	0.93
1.50	0.61	3.50	0.94
1.55	0.62	3.55	0.94
1.60	0.63	3.60	0.95
1.65	0.64	3.65	0.96
1.70	0.65	3.70	0.96
1.75	0.66	3.75	0.97
1.80	0.67	3.80	0.97
1.85	0.68	3.85	0.98
1.90	0.69	3.90	0.99
1.95	0.70	3.95	0.99
2.00	0.71	4.00	1.00



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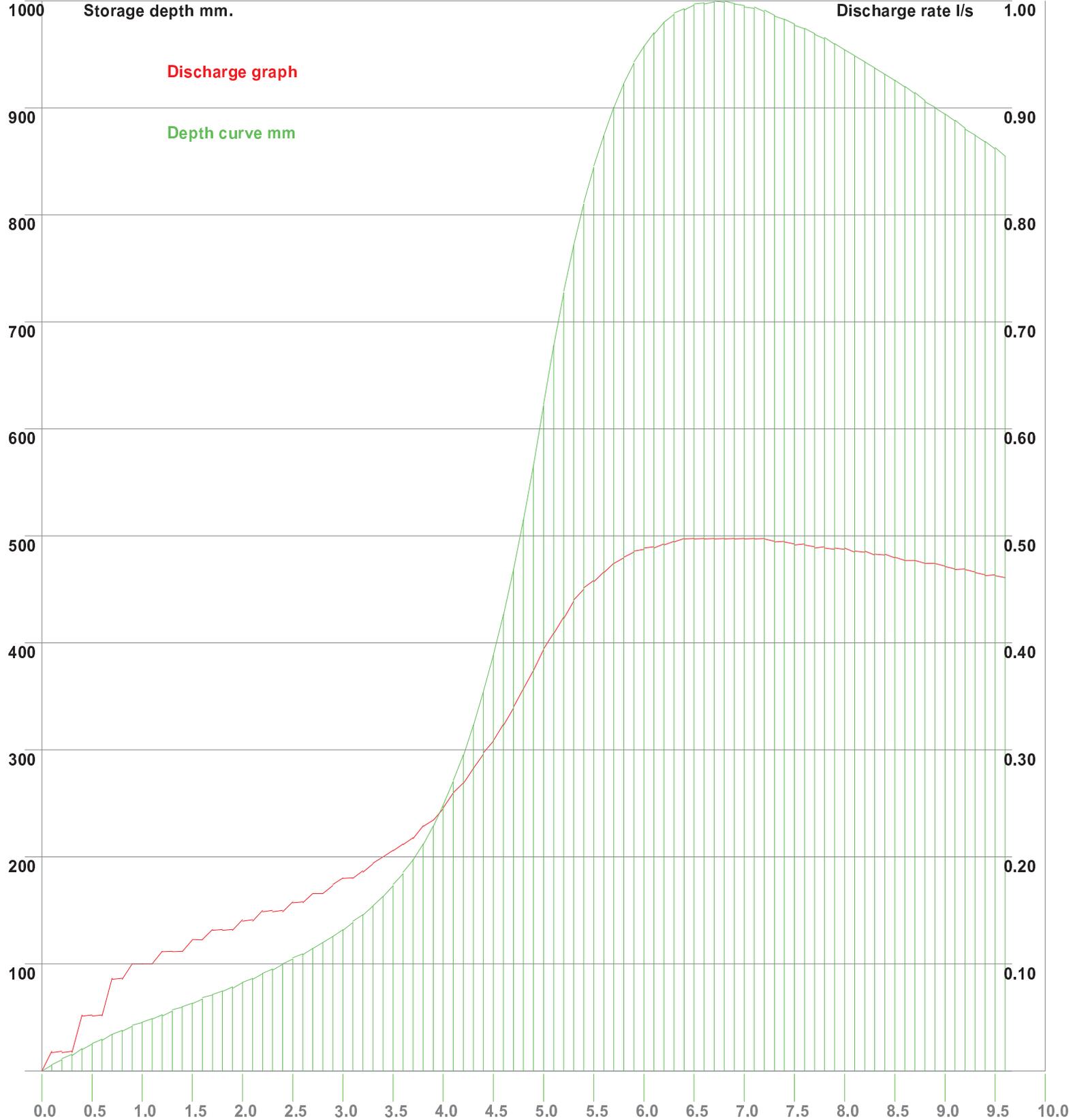
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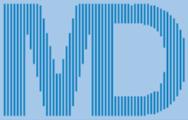
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Job No. GMC21-071		
Sheet no. 2		
Date 30/11/21		
By GM	Checked	Approved

Project **Town Hall Lane, Lossiemouth**
Title **Surface Water Storage Requirements**

Storage curves for a 10 hours storm.





Job No. GMC21-071		
Sheet no. 3		
Date 30/11/21		
By	Checked	Approved
GM		

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Project	Town Hall Lane, Lossiemouth
Title	Surface Water Storage Requirements

Incremental rainfall figures.

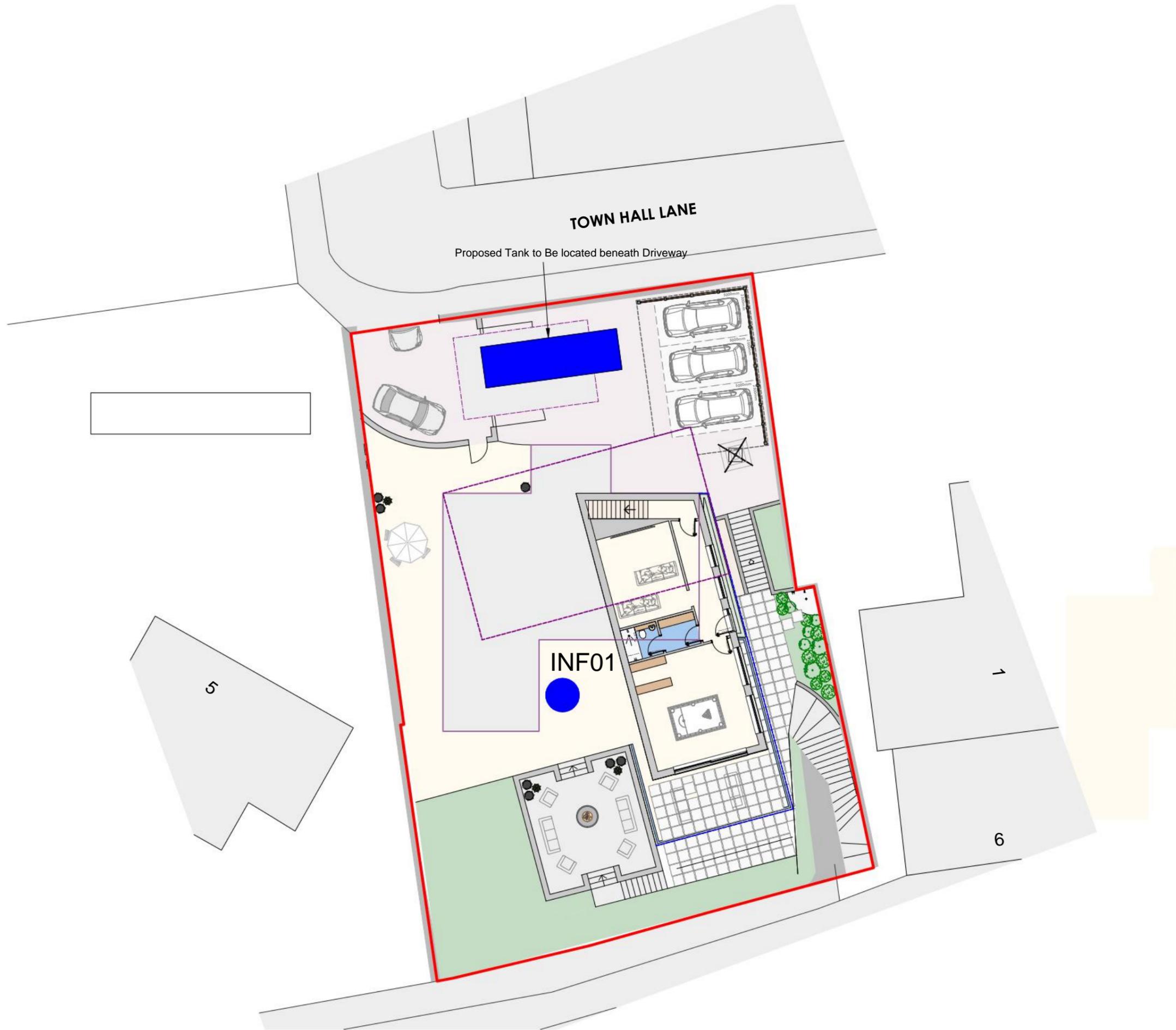
Storm Mins	Storage Depth mm	Control Flow l/s	Storm Mins	Storage Depth mm	Control Flow l/s
6.0	5.4	0.02	306.0	677.7	0.41
12.0	10.5	0.02	312.0	727.2	0.42
18.0	15.6	0.02	318.0	771.2	0.44
24.0	20.8	0.05	324.0	810.2	0.45
30.0	25.2	0.05	330.0	844.4	0.46
36.0	29.7	0.05	336.0	874.3	0.47
42.0	34.2	0.09	342.0	900.3	0.47
48.0	37.9	0.09	348.0	922.7	0.48
54.0	41.7	0.10	354.0	941.6	0.48
60.0	45.3	0.10	360.0	957.4	0.49
66.0	48.8	0.10	366.0	970.0	0.49
72.0	52.6	0.11	372.0	979.8	0.49
78.0	56.0	0.11	378.0	987.3	0.49
84.0	59.6	0.11	384.0	992.6	0.50
90.0	63.3	0.12	390.0	996.0	0.50
96.0	67.1	0.12	396.0	998.0	0.50
102.0	71.0	0.13	402.0	998.9	0.50
108.0	74.7	0.13	408.0	998.7	0.50
114.0	78.6	0.13	414.0	997.5	0.50
120.0	82.6	0.14	420.0	995.6	0.50
126.0	86.6	0.14	426.0	993.1	0.50
132.0	90.9	0.15	432.0	990.0	0.50
138.0	95.2	0.15	438.0	986.4	0.49
144.0	99.7	0.15	444.0	982.6	0.49
150.0	104.5	0.16	450.0	978.4	0.49
156.0	109.4	0.16	456.0	974.0	0.49
162.0	114.6	0.17	462.0	969.4	0.49
168.0	119.9	0.17	468.0	964.5	0.49
174.0	125.8	0.17	474.0	959.5	0.49
180.0	132.0	0.18	480.0	954.1	0.49
186.0	138.6	0.18	486.0	948.7	0.48
192.0	145.9	0.19	492.0	943.1	0.48
198.0	154.1	0.19	498.0	937.3	0.48
204.0	163.1	0.20	504.0	931.5	0.48
210.0	173.1	0.21	510.0	925.6	0.48
216.0	184.3	0.21	516.0	919.5	0.48
222.0	197.2	0.22	522.0	913.3	0.48
228.0	212.1	0.23	528.0	906.9	0.47
234.0	229.0	0.23	534.0	900.6	0.47
240.0	248.4	0.24	540.0	894.1	0.47
246.0	270.5	0.26	546.0	887.6	0.47
252.0	295.3	0.27	552.0	881.1	0.47
258.0	323.2	0.28	558.0	874.6	0.47
264.0	354.2	0.30	564.0	868.0	0.46
270.0	388.5	0.31	570.0	861.5	0.46
276.0	426.5	0.32	576.0	854.7	0.46
282.0	468.5	0.34	582.0	848.1	0.46
288.0	514.9	0.36	588.0	841.4	0.46
294.0	565.8	0.37	594.0	834.6	0.46
300.0	622.0	0.39	600.0	827.8	0.45

Using the Get Max button causes the program to step through a series of storm durations until a maximum volume is obtained.

Each duration is sampled 600 times and the results recorded. The storm durations (hrs) are:-

0.25, 0.5, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 15, 18, 20, 24, 30, 36, 42, 48, 54, 60, 66, 72, 84, 96, 120, 150, 175, 200, 250, 300, 375, 500, 750, 1000, 1250, 1500, 1570, 2000, 2500, 3000, 3500, 4000

It should be noted that the six hour storm frequently requested rarely demonstrates the worst case for storage.

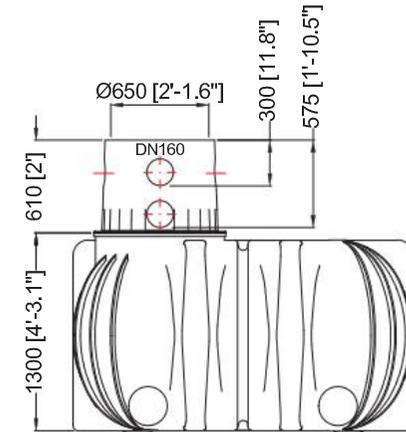
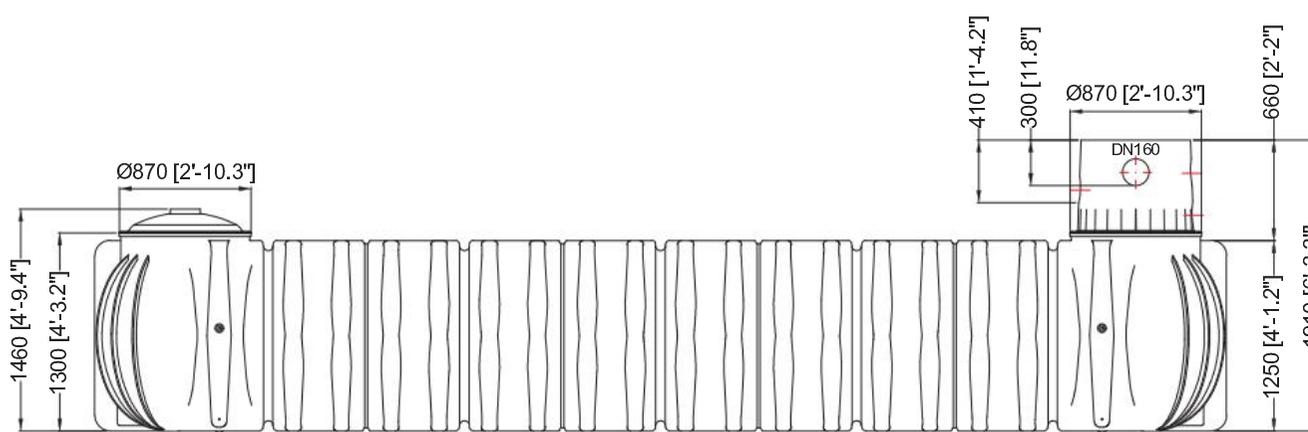
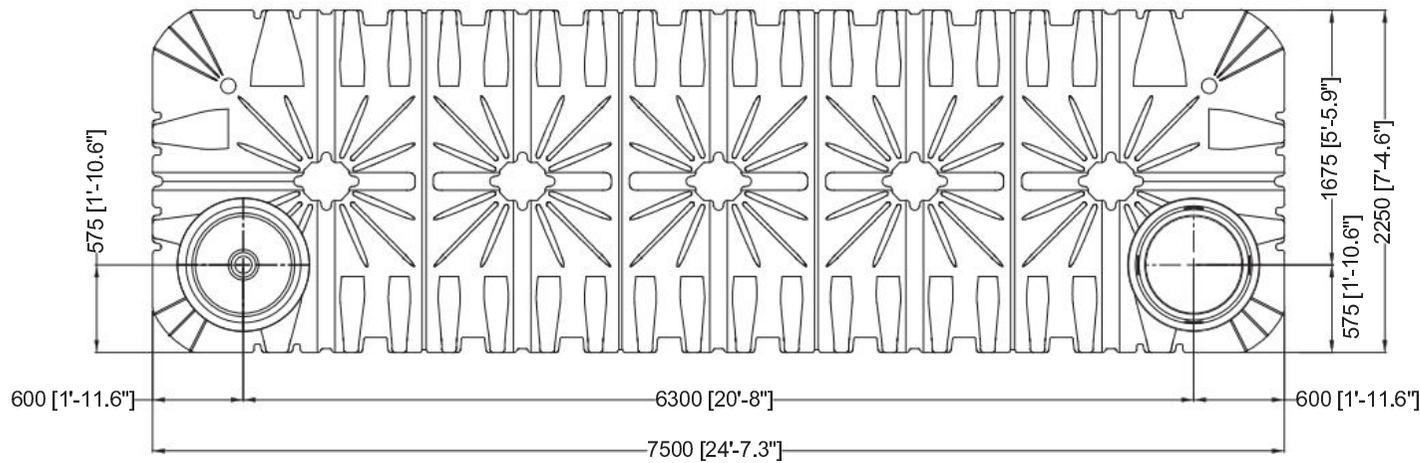


REV.	DESCRIPTION	BY:	DATE:
STATUS: ISSUE			

gmcsurveys
 Surveys, Setting Out, Civil Engineering Design
 T: 07557 431 702
 E: gmcsurveys@gmail.com

CLIENT:
 Mr and Mrs Stennet
 Town Hall Lane
 Lossiemouth

SITE: Proposed Replacement Dwelling At Above Address			
TITLE: Test Hole and Proposed Tank Location			
SCALE AT A4: NTS	DATE: NOV21	DRAWN: GM	CHECKED:
PROJECT NO: GMC21-071	DRAWING NO: Appendix A	REVISION: -	



D		GRAF Platin XL - Flachtank 15000 L / 3962,6 gal.			Artikel-Nr. product no. 390007 article no. (390823 / 371018 / 371065) articulo no.	
GB	GRAF Platin XL flat tank 15000 L / 3962,6 gal.	ES	GRAF Platin XL Depósito de poco profundidad 15000 L / 3962,6 gal.	FR	GRAF Platine XL Cuve à enterrer 15000 L / 3962,6 gal.	Otto Graf GmbH Carl-Zeiss-Str. 2-6 DE-79331 Teningen mail@graf.info www.graf.info
gezeichnet, drawn	EMU	Gewicht, weight	710 kg	revision		
Datum, date	2019.04.05	Toleranz, tolerance	+/- 3%	Maßstab, scale	M 1:50	
				Einheiten, units mm [inch] gal. = US gal.		

Louise Dunn

From: DeveloperObligations
Sent: 03 September 2021 09:46
To: Shona Strachan
Cc: DC-General Enquiries
Subject: 21/01277/APP Demolish existing house and erect new dwellinghouse at 3 Town Hall Lane, Lossiemouth, IV31 6DF

Hi,

No developer obligations are being sought due to this proposal being a replacement dwelling.

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](#)

Consultee Comments for Planning Application 21/01277/APP

Application Summary

Application Number: 21/01277/APP

Address: 3 Town Hall Lane Lossiemouth Moray IV31 6DF

Proposal: Demolish existing house and erect new dwellinghouse at

Case Officer: Shona Strachan

Consultee Details

Name: Mr CL Consultations

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

Email: Not Available

On Behalf Of: Contaminated Land

Comments

Approved unconditionally

Consultee Comments for Planning Application 21/01277/APP

Application Summary

Application Number: 21/01277/APP

Address: 3 Town Hall Lane Lossiemouth Moray IV31 6DF

Proposal: Demolish existing house and erect new dwellinghouse at

Case Officer: Shona Strachan

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

Approved unconditionally

Wednesday, 01 September 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,

3 Town Hall Lane, Lossiemouth, IV31 6DF
Planning Ref: 21/01277/APP
Our Ref: DSCAS-0047664-VBV
Proposal: Demolish existing house and erect new dwellinghouse

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 the 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 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.

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 laundrettes. 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,

Angela Allison

Development Operations Analyst

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	14th September 2021
Planning Authority Reference	21/01277/APP
Nature of Proposal (Description)	Demolish existing house and erect new dwellinghouse at
Site	3 Town Hall Lane Lossiemouth Moray IV31 6DF
Site Postcode	N/A
Site Gazetteer UPRN	000133003672
Proposal Location Easting	323795
Proposal Location Northing	870879
Area of application site (M²)	800
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QY0U1UBGHCQ00
Previous Application	19/01505/APP
Date of Consultation	31st August 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Mr & Mrs W Stennett
Applicant Organisation Name	
Applicant Address	Lux Farm Playford Road Rushmere Ipswich England IP5 1DA
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	Shona Strachan
Case Officer Phone number	01343 563303
Case Officer email address	shona.strachan@moray.gov.uk

PA Response To	consultation.planning@moray.gov.uk
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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: Transportation Manager

Planning Application Ref. No: 21/01277/APP

Demolish existing house and erect new dwellinghouse at 3 Town Hall Lane Lossiemouth Moray IV31 6DF for Mr & Mrs W Stennett

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 type="checkbox"/> |
| (d) Further information is required in order to consider the application as set out below | <input checked="" type="checkbox"/> |

This proposal is to demolish and replace an existing (occupied) dwelling. A turning area would be required within the site to ensure that vehicles could enter and exit the site in a forward gear. It is not clear from the submitted details whether there is sufficient space to facilitate a turning manoeuvre within the site. It is noted that the existing access is to be widened to 4.5m wide. A car port has also been shown as part of this application (described as "potential future car port subject to future planning application"), therefore presumably the car port does not form part of this proposal. It should be highlighted that the car port would appear to further reduce the manoeuvring space required for vehicles to turn within the site. Confirmation of the status of the car port would be required along with details showing that the turning manoeuvre could be facilitated (vehicle swept paths may be required)

Although EV charging has been identified on the drawing further details are required, namely the location of the future EV charger unit (on a post?); the specification of the infrastructure (capable of supporting a fast charger unit with minimum output 7kw); and showing the location of the consumer unit to which the EV charger would connect to, along with the cabling in between the consumer unit and future EV charger.

Further information required to consider the application

The new dwelling would be required to provide Electric Vehicle (EV) charging infrastructure, and this should be detailed on a drawing (scale 1:200) which confirms the provision of, or location where a future Electric Vehicle (EV) charging unit would be connected to an appropriate electricity supply, including details (written proposals and/ or plans) confirming the provision of the necessary cabling, ducting, and consumer units capable of supporting the future charging unit. Please see 'EV charging guidance <http://www.moray.gov.uk/downloads/file134860.pdf>

Clarification of the status of the car port is required, along with clarification that vehicles would be able to enter and exit the site in a forward gear. Note - parking will be required for three vehicles.

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

Date 03 September 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.

20 SEP 2021

MANAGIA

MANAGEMENT & BUILDING STANDARDS
DATA TODAY

As per

P/APPLICATIONS 21/00961/AMC +
21/01317/APP + 21/01081/APP + 21/01334/APP +
21/01328/APP + 21/01305/APP + 21/01277/APP +
21/00013/APP + 21/01332/APP

PHASIS ENSURE WHATEVER PROTECTION
POSSIBLE TO ALL WILDLIFE HERETOFORE
MOWS WENSLEY STORATI VOLLOS SHOWS
electre on each site

OF EQUAL IMPORTANCE FLORA &
FAUNA AMONG THE CONSIDERABLE
NUMBER OF SPECIES LISTED BY NATURAL
SCOTLAND PROTECTION IS LIKELY TO
BE ON SOME SITES WHATEVER IS
THE CASE MUST BE CONSIDERED
PRIOR TO DECISION!

NOW AUTUMN A TIME OF HIBERNATION

Yours faithfully

WIND TURBINES REMAIN A SERIOUS
HAZARD TO WILDLIFE P/F

REPORT OF HANDLING

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

RECOMMENDATION

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

CONSULTATIONS

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

DEVELOPMENT PLAN POLICY

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

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

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Legislative Framework

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

Proposal

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

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

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

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

Site Characteristics

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

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

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

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

Policy Assessment

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

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

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

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

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

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

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

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

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

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

Access and Parking (DP1 (iii))

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

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

Developer Obligations and Affordable Housing (PP3 and DP2)

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

Conclusion and Recommendation

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

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

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

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

DEVELOPER CONTRIBUTIONS (PGU)	
Status	NONE SOUGHT

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

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

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



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

REFUSAL OF PLANNING PERMISSION

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

TO



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

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

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

Date of Notice: **4 March 2022**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

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

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

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

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

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

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

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

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

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

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



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 100453563-005

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.

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="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Mrs"/>	Building Name:	<input type="text" value="Lux Farm"/>
First Name: *	<input type="text" value="W."/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Stennett"/>	Address 1 (Street): *	<input type="text" value="Playford Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Rushmere"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Ipswich"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="England"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="IP5 1DA"/>
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="3 TOWN HALL LANE"/>
Address 2:	<input type="text"/>
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 6DF"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="870879"/>	Easting	<input type="text" value="323795"/>
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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)

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

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 Statement of Case attached in Supporting Documents

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)

2022.05.20 - Planning Appeal - Statement of Case CMD DOC 001 - Moray Council Refusal Document CMD DOC 002 - Case Officer Handling Report CMD DOC 003 - 210046.STENNETT.06SV CMD DOC 004 - 210046.STENNETT.03PP A CMD DOC 005 - 210046.STENNETT.04PP A CMD DOC 006 - 210046.STENNETT.05PP A

Application Details

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

21/01277/APP

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

17/08/2021

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

04/03/2022

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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

In this case, a site review would be advised.

Please select a further procedure *

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Given the unique nature of this case, the agent and/or the applicant would appreciate the opportunity to present to the Board members.

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: 23/05/2022

LOCAL REVIEW BODY APPEAL

STATEMENT OF CASE

Demolish Existing House & Erect New House
at 3 Town Hall Lane, Lossiemouth



April 2022

Our Reference:	210046.STENNETT
Local Authority:	Moray Council
Planning Application Ref:	21/01277/APP
Application Proposal:	Demolish Existing House & Erect New House
Site Address:	3 Town Hall Lane, Lossiemouth, IV31 6DF
Appellants:	Mr & Mrs Stennett
Date Application Validated:	31 st August 2021
Council Decision Notice Date:	Friday 4 th March 2022
Reason for Refusal:1	<p><i>“The proposal is contrary to the provisions of the Moray Local Development Plan 2020 because:</i></p> <p><i>a) The large split level contemporary design proposed on this elevated prominent cliff top location would have an excessive over dominant impact on the site and its surrounds. The overall design, form, appearance and finish of the dwelling would be at odds with the more traditional existing established character at this locality resulting in a design which is out of character and incongruous to the site and its surrounds. The proposal therefore fails to reflect the traditional settlement character as required by Policy EP3 (i) b) and DP1 (i)</i></p>
Reason for Refusal:2	<p><i>a) The design moves the footprint of the dwelling closer to the existing houses to the north therefore taking account of the extensive glazing and large outdoor terrace/ balcony areas the design is also considered to result in unacceptable overlooking and privacy impacts for these existing neighbouring residential properties to the north of the site. The proposal therefore also fails to comply with the amenity considerations set out in policy DP1 (i) part (e).</i></p>

<p>Application Drawings & Supporting Documents:</p>	<ul style="list-style-type: none"> • CMD Doc 001 – Moray Council Refusal Documents • CMD Doc 002 – Case Officer Handling Report • CMD Doc 003 – 210046.STENNET.06SV Survey drawing • CMD Doc 004 – 210046.STENNET.03PP A Lower Ground floor plan • CMD Doc 005 – 210046.STENNET.04PP A Ground floor plan & 3d • CMD Doc 006 – 210046.STENNET.05PP A First floor plan & Elevations
<p>Contents:</p>	<ol style="list-style-type: none"> 1. Introduction – page 3 2. Background – page 4 3. Statement of Case – page 9 4. Policy Compliance – pages 10-15 5. Conclusion – page 16



PLANNING APPEAL - STATEMENT OF CASE – DEMOLISH EXISTING HOUSE & ERECT NEW HOUSE
AT 3 TOWN HALL LANE, LOSSIEMOUTH

1. 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 -

Demolish an existing dwelling house which has been discovered to require extensive remedial structural works and to replace it with a more modern home that honours its unique location and setting.

- 1.2. Lossiemouth is currently enjoying significant attention as its seafront enjoys a rejuvenation with the arrival of the replacement bridge to the East beach.
- 1.3. This case offers the Review Board an opportunity to welcome a significantly interesting house design **and investment** to the seafront in Lossiemouth and in an area of cliff top that deserves such attention.
- 1.4. The proposed design is deliberately contemporary and intended to be a departure from Local Plan Policy on the grounds of being “innovative” and to replace the existing 70’s style bungalow that currently occupies the site. There have been **no objections** to this application from neighbours or any other party.
- 1.5. The Planning Case officer agrees that the existing streetscape (see pic below) is **uniquely mixed** and without any cohesive housing style. Given the gargantuan nature of the imposing Town Hall building which overlooks the existing house and dominates the cliff view, the site is considered to deserve some allowances in terms of amenity and design.



- 1.6. This case represents a rare opportunity to introduce an innovative, brave and striking design to the Moray architectural landscape and to which there have been no objections.
- 1.7. This case involves a long history of redevelopment proposals which actually secured planning consent and building warrant approval in 2020. However, following the discovery of questionable foundations to the existing house, it was decided that demolition was the only option.
- 1.8. The various merits and shortcoming of the site deserve some courage in terms of design and this case involves a client with the required courage and a house design that will celebrate Lossiemouth’s unique and diverse architectural style for generations to come.
- 1.9. The appellant appeals to the members of the Review Board to consider this case under its own unique circumstances and to consider how a departure from Policy in this case would benefit the site, the town and its architectural reputation of diversity and innovation.

2. Background

- 2.1. The house to be demolished is a 70's style bungalow which is already at odds with the mixed nature of housing nearby.



- 2.2. Whilst it does enjoy a slate roof, the mixed palette of rosewood pvc windows, roughcast and Fyffestone cladding and shallow roof pitch would render the house style to be already considered “modern” but not in a way that celebrates any particular design flare.
- 2.3. The existing bungalow is completely overwhelmed and overshadowed by the existing mass of the Town Hall and its attached bio-mass plant (see pics below)



- 2.4. The lack of architectural merit and the shadow of the Town Hall building is more than augmented by the outstanding view the site offers over the East Beach and beyond – see pic below.



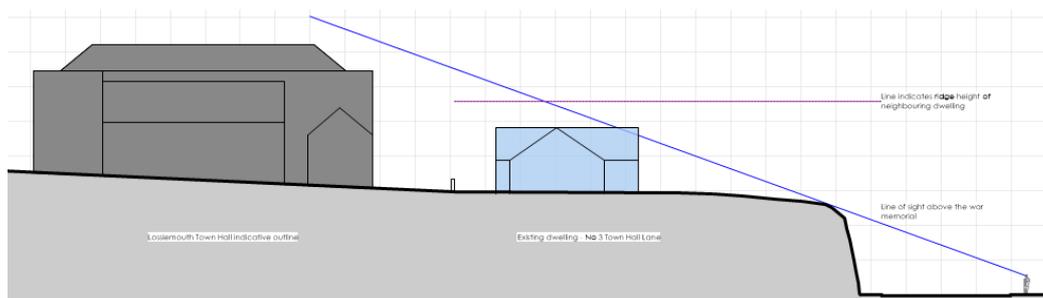
2.5. Having already secured permission for a wholesale redevelopment of the existing house (Application 19/01505APP refers) it was discovered that the existing foundations to the house were not satisfactory and the cost of remedial works were found not to be commensurate with the value of the existing house.

2.6. In exploring the potential of replacing the house the following principals were established -

- The design needed to take the fullest advantage of the views to the east to compensate for the poor entrance elevation to the West and also remove existing overlooking windows to the north
- The discreet streetscape at Town Hall lane allowed for a brave design that could not be seen from almost any roadway apart from the few private users of the lane.
- The high cliff top position provided screening of any proposal to road users and pedestrians unless standing further away at the breakwater or out at sea.
- The design needed to accommodate the significant sloping site in several directions and the historical access to the street below by an existing arrangements of steps cut through the cliff edge. (see adjacent pic of existing steps from Pitgaveny Street)



2.7. The picture below demonstrates the profile of the **existing house** and its relationship with the Town Hall building and the limited field of view of the house to those on Pitgaveny Street below.

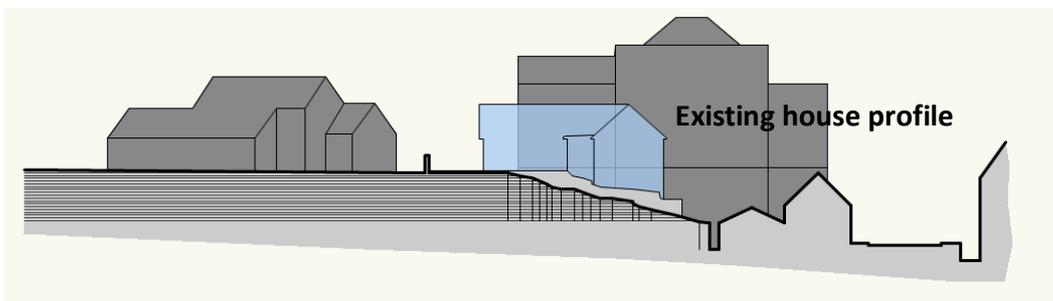


The replacement house is deliberately positioned further away from the Town Hall building to offer slightly more amenity to the entrance elevation and has been stepped down with the slope of the site to minimise the view of the new property from the street below .

- 2.8. The picture below demonstrates the profile of the **new house** and its relationship with the Town Hall building (and existing house profile shown red) and the continued limited field of view of the house to those on Pitgaveny Street below.



- 2.9. The picture below also demonstrates the relationship of the **existing house** with neighbouring houses that flank the site along the cliff top and the scale of the Town Hall building to the rear..



- 2.10. Interestingly, the new house at No 5 Town Hall Lane was also a replacement house (approved in 2015) and arguably presents a significantly more dominant impact upon the clifftop than the appellant's design will represent.

Previous house replaced



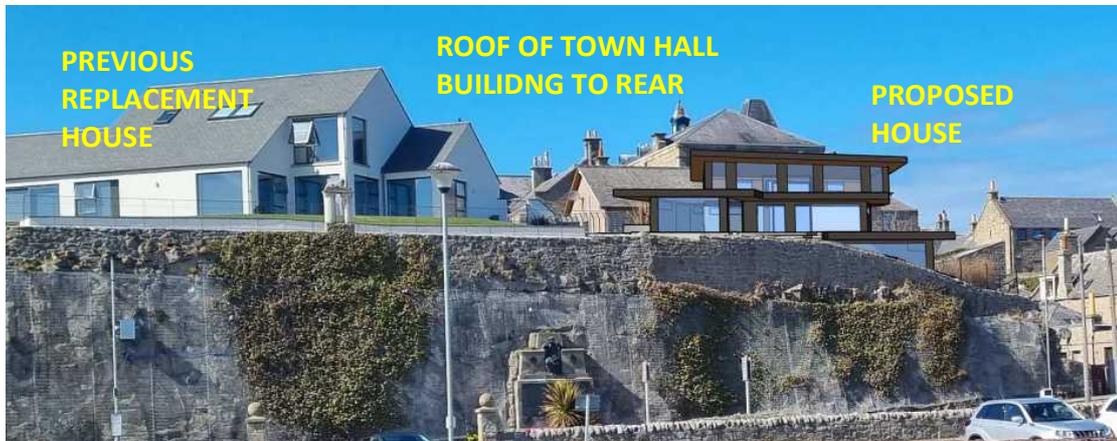
- 2.11. The existing house gable is always visible from certainly areas nearby and clearly similar portions of the new design will be equally as visible but it is argued that the new elements will bring something of worth to the streetscape and something attractive for sightseers and visitors.

- 2.12. The pictures below show the scale of redevelopment and replacement house at No5 Town Hall Lane and how this proposal relates well to the existing house profile as the cliff top location, merges into Hill Street.

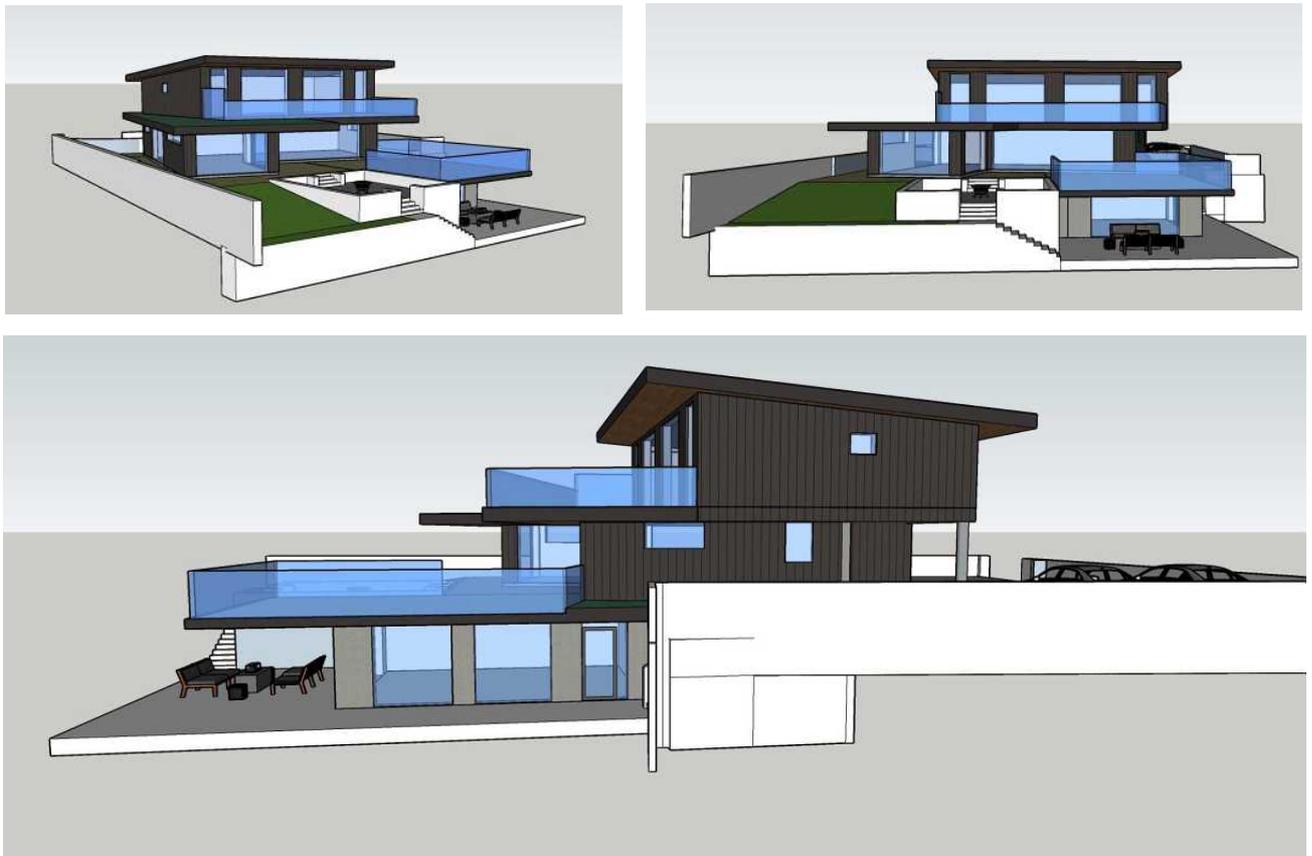


PLANNING APPEAL - STATEMENT OF CASE – DEMOLISH EXISTING HOUSE & ERECT NEW HOUSE
AT 3 TOWN HALL LANE, LOSSIEMOUTH

- 2.13. The picture below shows an example of how the new house design will integrate with the landscape and how it is suitably flanked by large properties and particularly the Town Hall building to the rear



- 2.14. The following 3D images assist to understand how the design uses the landform on site, creates more adequate parking to the entrance, avoids windows to the north and accommodates the overbearing and overshadowing nature of the Town Hall building.



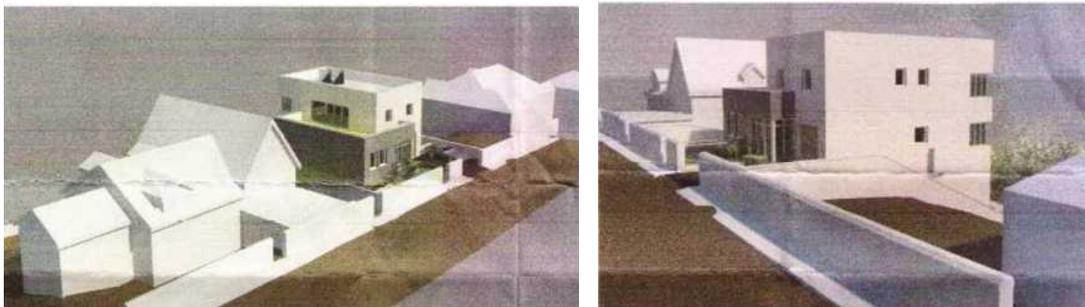
PLANNING APPEAL - STATEMENT OF CASE – DEMOLISH EXISTING HOUSE & ERECT NEW HOUSE
AT 3 TOWN HALL LANE, LOSSIEMOUTH

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. The Development of this house design was carried out with **considerable consultation** with the Planning Case Officer who was generally supportive of the innovative approach and several design changes were implemented to mitigate initial concerns regarding building height, proximity to boundaries, drainage issues and parking issues.
- 3.3. Several design solutions were agreed with the Planning Case Officer to enable the proposal to be **found acceptable in terms of Planning Policy P1 – Siting & Design** and the current design has been approved by the Transportation Team in terms of parking and access.
- 3.4. It is important to note that there were **NO OBJECTIONS** to this application from neighbours or any other party.
- 3.5. It is understood that the principal and only resistance to this application is brought about by the principles of **Policy EP3** and the new **Local Development Plan Policy DP1** which was introduced in June 2021 and which now requires interpretation and implementation by Planning Case officers under very differing circumstances across the county.
- 3.6. The appellant believes that there are **material considerations** that would **allow a departure** from the principles of Policies EP3 and DP1 or at least a differing interpretation of the principles of these policies that could support this case.
- 3.7. The material considerations are discussed in more detail in Section 4
- 3.8. It is worth reminding Board members that the need for the demolition of the original house was brought about by the discovery of poor foundation support under the existing house and in the midst of an already approved scheme of redevelopment of that house.
- 3.9. The appellants have been on a very long journey to reach this point having purchased the property in good faith in 2018 and having secured approval for redevelopment in 2020 and only then to find that it wasn't feasible to do so on structural grounds.
- 3.10. The appellant appeals to the members of the Review Board to consider this case under its own unique circumstances and to consider how a departure from Policy in this case would benefit the site, the town and its architectural reputation of diversity and innovation.

4. Policy Compliance/Reasons for Refusal

- 4.1. **The current 2020 Moray Local Development** “drives the right development to the right place” and aims to grow and diversify a sustainable economy.
- 4.2. Whilst it might be said that rising house prices have always been a problem throughout the nation, it can also be said that the value of homes in Moray have not risen in line with the rise in labour and materials cost and in line with our neighbouring counties of Aberdeenshire and Highland.
- 4.3. This has left the county in an unwelcomed position where architectural innovation is limited by budget and eventual re-sale value.
- 4.4. House designs in Moray are currently argued to be somewhat homogenous and lacking in diversity, scale and imagination.
- 4.5. This application represents a welcome investment in brave and innovative architecture that prepares this particular house site for the **difficult energy scenarios** that face us all.
- 4.6. The **existing** house **is not** energy efficient, is not structurally sound and any replacement deserves the grace to be allowed to explore the challenging contours of the site and streetscape AND the fullest advantage of the outstanding view.
- 4.7. This proposal will be an exemplar of energy efficiency and responds to the sites significant shortcomings by taking the fullest advantage of the view.
- 4.8. There are other examples of where similar design innovation has been welcomed in Lossiemouth albeit under the terms of the previous Local Development Plan.
- 4.9. The following APPROVED application in 2010 (Planning Ref 10/00513/APP refers) on Stotfield Road was particularly resisted by neighbours with numerous objections being lodged. This design was welcomed as a result of its innovative approach.



PLANNING APPEAL - STATEMENT OF CASE – DEMOLISH EXISTING HOUSE & ERECT NEW HOUSE
AT 3 TOWN HALL LANE, LOSSIEMOUTH

- 4.10. It is interesting to note that in respect of the terraced balconies on this Stotfield Road approval, the Case Officer commented – *“taking into account the distances, heights, nature of the adjoining outlook and the type of outside activity that might reasonably be expected from the use of the terrace and roof areas it is considered that on balance a material impact on neighbouring residential amenity should not arise..”*



4.11. This same argument would apply in the appellant’s case, where garden ground has been replaced with roof top terracing.

4.12. With regard to the architectural style of this innovative design, the Planning Case Officer also commented – *“The design of the house is of a strikingly modernist cubilinear form. Despite it’s initial impression of novelty, the design is of a well balanced form with well defined separate elements...”*

- 4.13. The appellant would contend that this Appeal Case represents many of the same merits that saw approval of the Stotfield Road application and in particular, the balanced form on the sloping site and the well-defined elements.
- 4.14. A further example of innovative design being welcomed in Moray is detailed below and relates to a new house presently under construction in Hopeman and in the heart of a traditional area of the village.



- 4.15. The nature of the application here and the mixed tenure of surrounding housing saw this application be supported by the Case Officer who commented – *“Taking all of the above into account the proposed design constitutes a very bold statement, however when taking into account the scale, design, material finish and siting of the house as discussed, on balance the proposed design if considered to be acceptable”*
- 4.16. Only the terms of **Policy DP1** hinders support of this application by the Case Officer who, having brought the design before the wider Planning Team, was found to be unable to support the application due to current interpretations of this new policy locally.

4.17. The detail of the reasons for refusal are examined in detail as follows.

4.17.1 “The large split level contemporary design proposed in this elevated prominent cliff top location would have an excessive over dominant impact on the site and its surrounds”

Response - The stepped form and mono-pitch roof solution to this proposal **actually integrates** the house into the landscape more effectively than the new neighbouring property and the gargantuan profile of the Town Hall to the rear offers a substantial backdrop that limits any cliff top visual impact.



It is interesting to note how the roof of the Town Hall building actually blends with the flat roof form of the proposals and provides an inference of being “at one” with the large building to the rear.

14.7.2 “The overall design, form, appearance and finish of the dwelling would be at odds with the more traditional existing established character at this locality resulting in a design which is out of character and incongruous to the site and its surrounds”

Response – Notwithstanding the very mixed tenure of buildings on site, such as the flat roof former shop on corner of Pitgaveny Street/Hill Street and the large dominant Town Hall building Town Hall Lane, there are already a mixture of finishes and characteristics and particularly in relation to the existing house to be demolished.



Material considerations exist which allow consideration for a departure to this aspect of Policy DP1 and EP3 – as follows.

- The existing house style and character is at odds with the perception of traditional setting.
- The proposed design ethos is deliberately contemporary and intended to be a departure from Policy in this regard.
- The proposals offer a sense of contrast that enhances the recognisable character of neighbouring houses rather than attempting any “pastiche”, as can be seen elsewhere in the town.
- The streetscape at this particular location is uniquely disparate. Whilst agreed to be generally traditional there are examples of 1980’s approvals that are incongruous with the setting and the site levels help to break up any sense of settlement pattern or house style.
- The outstanding view across the Moray Firth at this particular location **demands** that a more contemporary approach to design be considered and the appellant has chosen not to attempt a “homage” to the past and a design that seeks to introduce more modern glazed elements.
- There are several examples of existing and already approved contemporary house designs in and around Lossiemouth. The following pics summarise several of these examples.

14.7.3 *“The design moves the footprint of the dwelling close to the existing houses to the north therefore taking account of the extensive glazing and large outdoor terrace/balcony areas the design is also considered to result in unacceptable overlooking and privacy impacts for the existing neighbouring residential properties to the north of the site – Policy DP1 (i) part e”*

Response – There are **no proposed windows on the north flank** that would allow any degree of overlooking to neighbouring properties.

The main accessible storey offers **LESS** potential for overlooking than the existing living room gable window does at present.



The above drawing shows windows on the basement storey, sliding doors in the distance across the terrace and utility/high level windows that do not impact upon privacy to neighbouring properties.

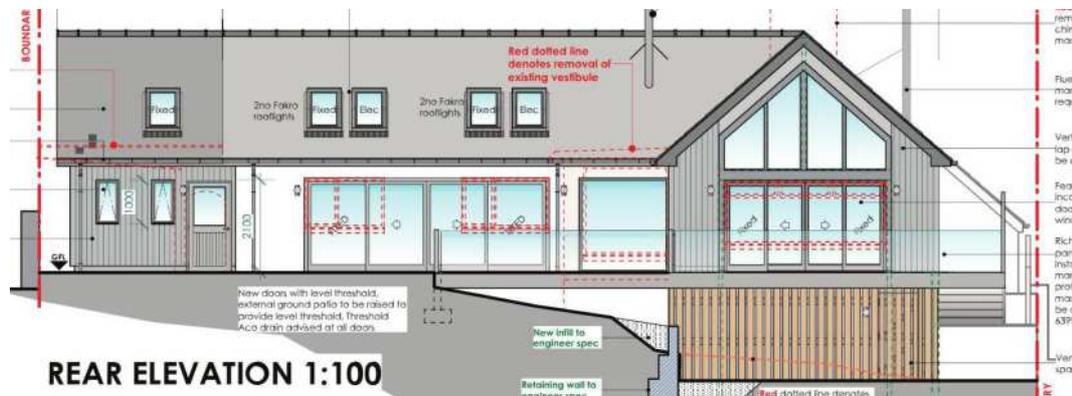
The pictures below show the **current** view from the **existing** dining room and kitchen in the existing house. Not only will this kind of field of view be removed in the new proposals, this picture also shows the limited nature of immediately neighbouring windows and the significant distance to others on the other side of Hill Street.



It is clear from these pictures and the proposal drawings that privacy issues will be significantly **IMPROVED** by these proposals by removing these windows and views.

In terms of any impact on privacy from the proposed roof terraces, it is worth pointing out that the previous approval for redevelopment of the existing house enjoyed consent for a large balcony/patio that would have actually been closer to properties to the North than the proposed roof terraces in this case.

The picture immediately below shows the previously approved refurbishment of the existing house **and the approved balcony**.



The appellant would welcome any suspensive condition that might limit any perceived loss of privacy within the proposals by way of high-level screening or fenestration detailing.

The two pictures above show the new house footprint in blue and the existing house and balcony proposals in pink and demonstrating how the new house footprint has been rotated to avoid any degree of overlooking to other properties from within the new house.



It is clear to see that the new orientation is more sympathetic to properties to the north and also allows for more compliant parking arrangements.

Interestingly, there are very limited rear gardens, amenity spaces or windows to the properties on Hill Street.

The pictures below shows the garden ground immediately to the north and the various windows in the distance that **will no longer be seen from the new proposals**.

Notwithstanding how far away neighbouring windows are, this proposal further reduces any perceived loss of privacy and impact upon neighbouring houses from this site.

Notwithstanding how far away neighbouring windows are, this proposal further reduces any perceived loss of privacy and impact upon neighbour houses from this site.



15 Conclusion

15.7 This Statement of case has established the following:

- That there are **material considerations** that might allow for a departure from Policy or an interpretation of Policy that is supportive
- That the proposed house design is **innovative and appropriate** to the contrasting levels of the site, the streetscape and surrounding house styles.
- That there are **no objections** to this development from neighbours.
- This development offers an opportunity welcome a **brave architectural design** to Lossiemouth and further enhancing and diversifying its diversity and quality rather than simply compromising with a modern pastiche or homage to the past.
- The imagery contained within this Appeal Statement demonstrates how the proposals will be integrated into the slope of the site and how commensurate any impact upon the landscape would be.
- This Appeal Statement also demonstrates the context of the large Town Hall building directly behind the proposals and the backdrop it creates to negate any perceived cliff-top impact from these proposals.

5.2 In summary, this application represents a long journey for the appellants, in attempting to realise the worth of their original house purchase in Lossiemouth having discovered that the foundations were not sound.

5.3 Their courage to commission a design of interest that works with the very difficult contours of the site and reflects upon its very private location in the shadow of the Town Hall building, should be rewarded and welcomed at a time when such economic unsurety abounds.

5.4 This house design if supported by the Review Board would welcome a positive contribution to the townscape at a time when positivity and courage is required and would assist to clarify how Policies like DP1 can be adapted or departed when necessary.

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



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

REFUSAL OF PLANNING PERMISSION

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

TO



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

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

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

Date of Notice: **4 March 2022**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

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

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

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

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

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

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

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

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

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

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

REPORT OF HANDLING

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

RECOMMENDATION

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

CONSULTATIONS

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

DEVELOPMENT PLAN POLICY

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

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

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Legislative Framework

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

Proposal

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

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

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

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

Site Characteristics

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

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

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

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

Policy Assessment

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

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

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

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

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

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

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

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

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

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

Access and Parking (DP1 (iii))

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

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

Developer Obligations and Affordable Housing (PP3 and DP2)

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

Conclusion and Recommendation

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

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

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

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

DEVELOPER CONTRIBUTIONS (PGU)	
Status	NONE SOUGHT

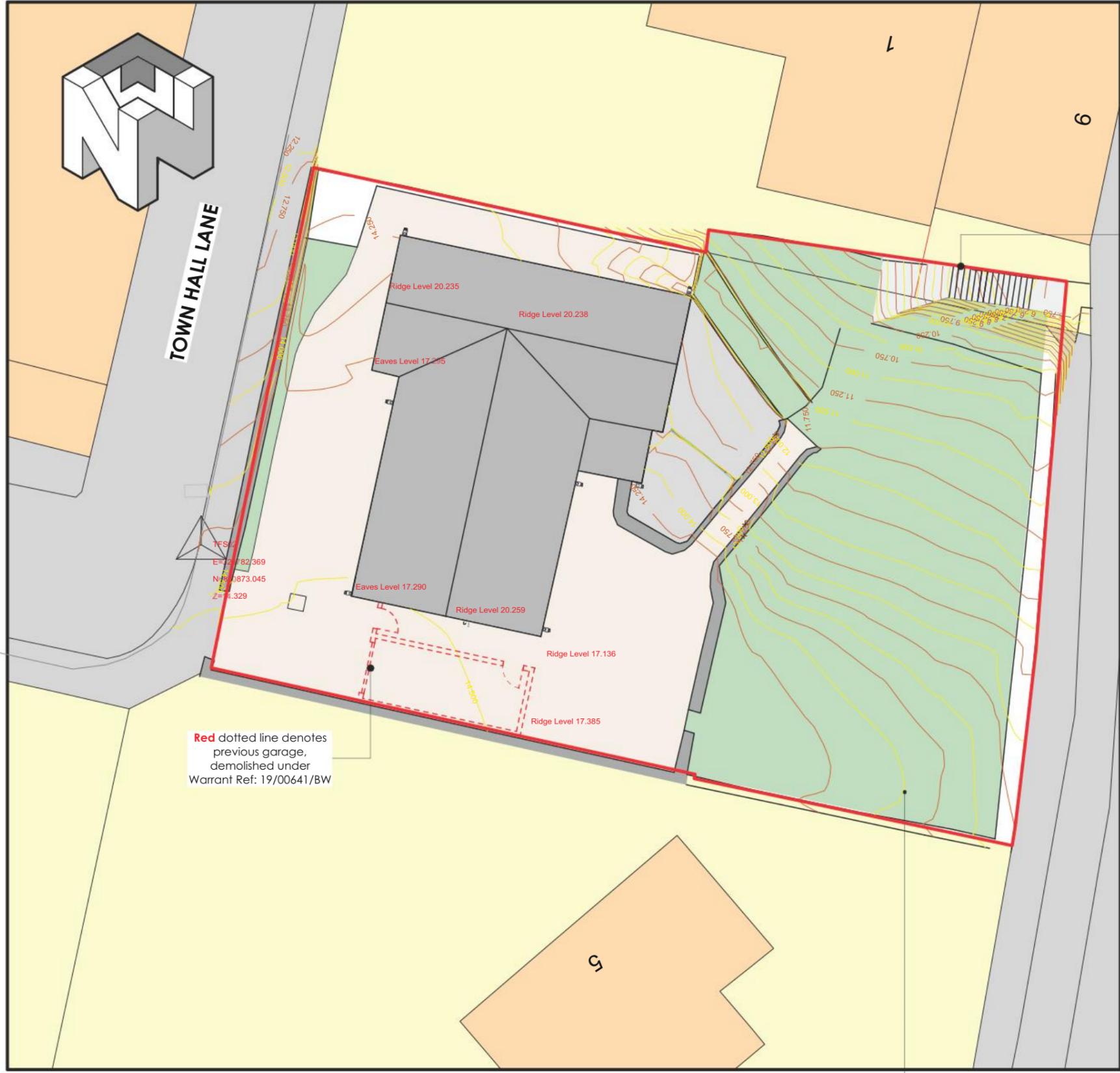
DOCUMENTS, ASSESSMENTS etc. * * Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Site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

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

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

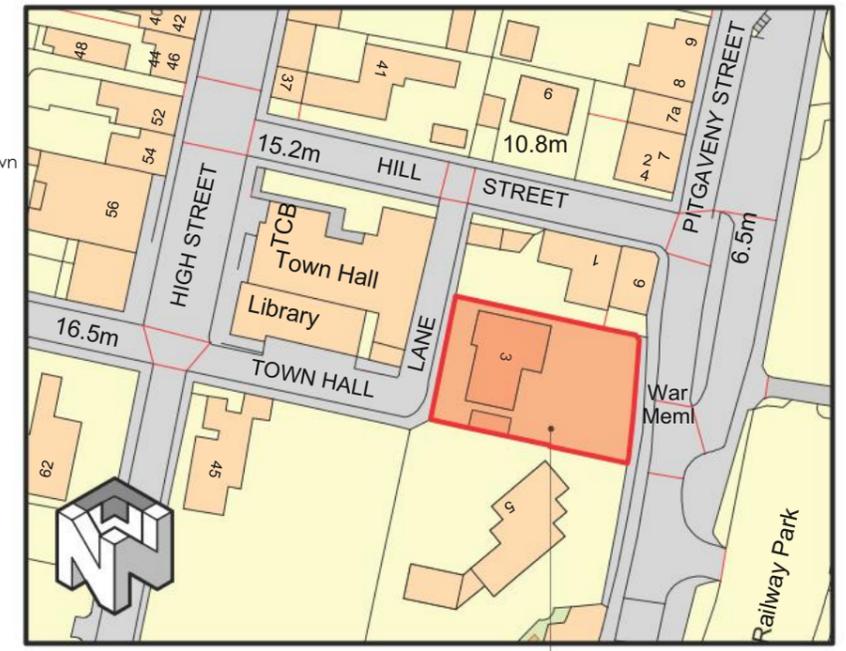
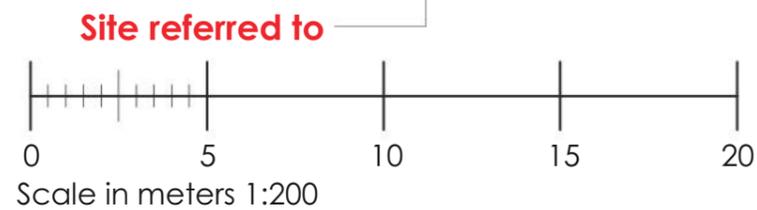
DO NOT SCALE OFF DRAWINGS. ALL SIZES ARE TO BE CHECKED CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS/ORDERING OF MATERIALS. NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED CONTRACTORS RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED DRAWINGS

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



Red dotted line denotes previous garage, demolished under Warrant Ref: 19/00641/BW

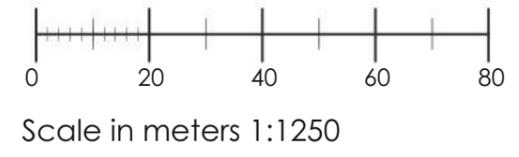
SITE PLAN 1:200
Site area approx. 772sqm



Existing steps down to Clifton Road

Site referred to

LOCATION PLAN 1:1250



HEAD OFFICE - MORAY
St Brendans, 69 South Guildry Street, Elgin, IV30 1QN
t 01343 540020

LOSSIEMOUTH OFFICE
Ellet, James Street, IV30 6BX
t 01343 810175

HIGHLANDS
4 Bridge Street, Nairn, Highlands, IV12 4EJ
t 01667 300230

DEVON OFFICE
t 01392 345566

m 0781 3872818 w cmdesign.biz e office@cmdesign.biz

Mr & Mrs Stennett			
Demolish existing House and Erect new 4 bed dwelling at 3 Town Hall Lane, Lossiemouth			
SURVEY DRAWING			
SITE AND LOCATION PLANS			
Date:	Amendments:	Rev:	
Drawn By:	Date:	Checked By:	Date:
A. CARSWELL	08.03.19		
210046.STENNETT.06SV			

Oikos Architectural Ltd Registered in Scotland No. 272963



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



Glazed screens to provide inside/ outside seating area



Balcony/ decking area/ covered seating area

Cedar linings to underside of soffit



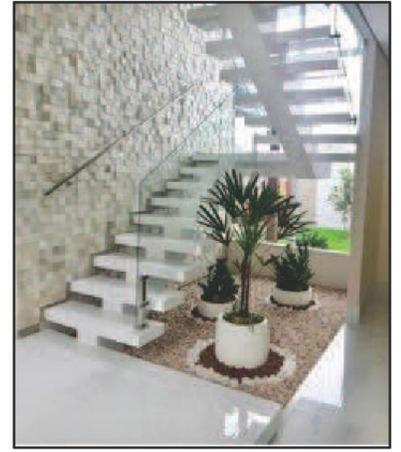
Sunken patio and seating area



Exterior shower as noted on plan



Cinema room



Stair concept

cmdesign
architectural consultants

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Mrs E. Stennett

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

PLANNING PROPOSALS

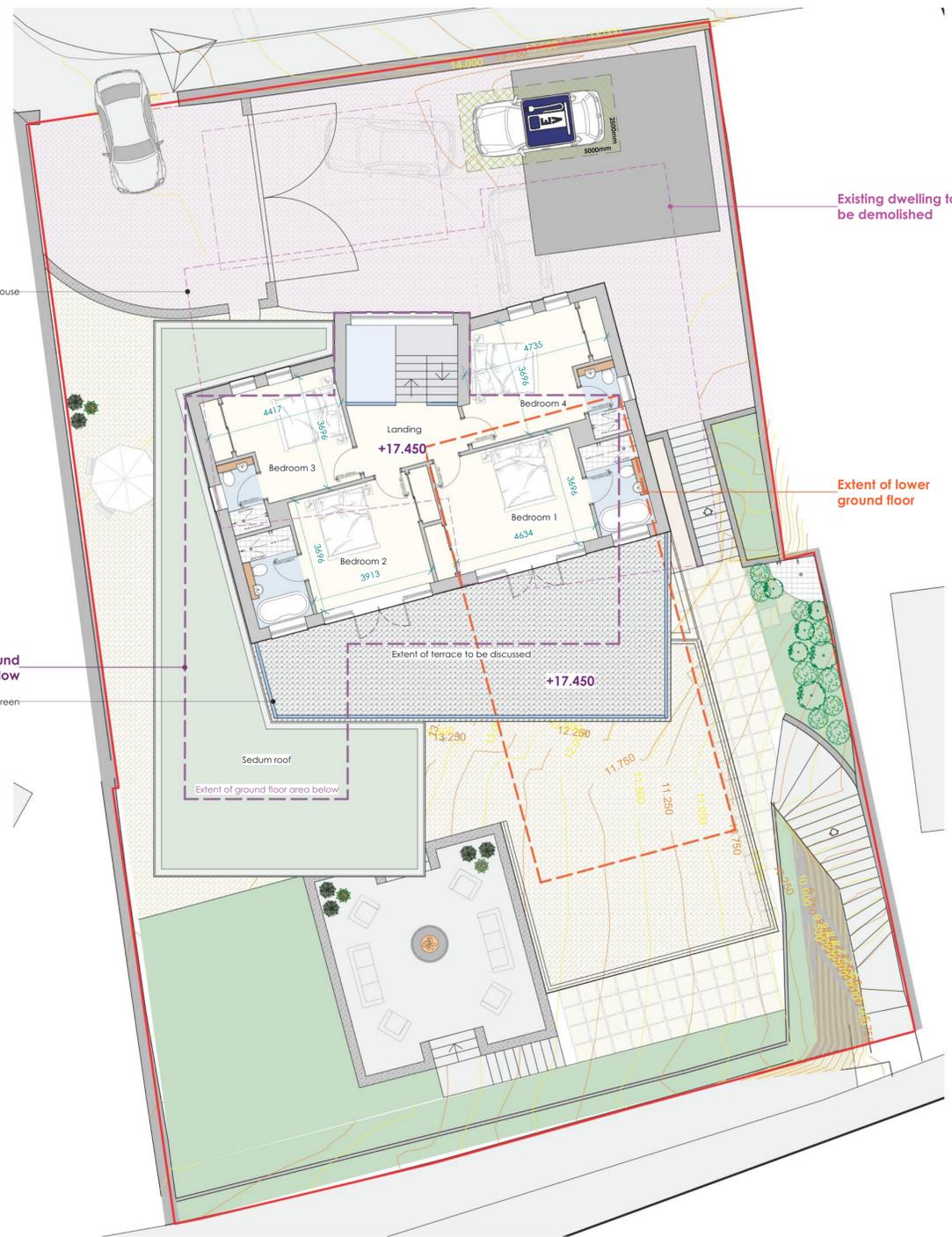
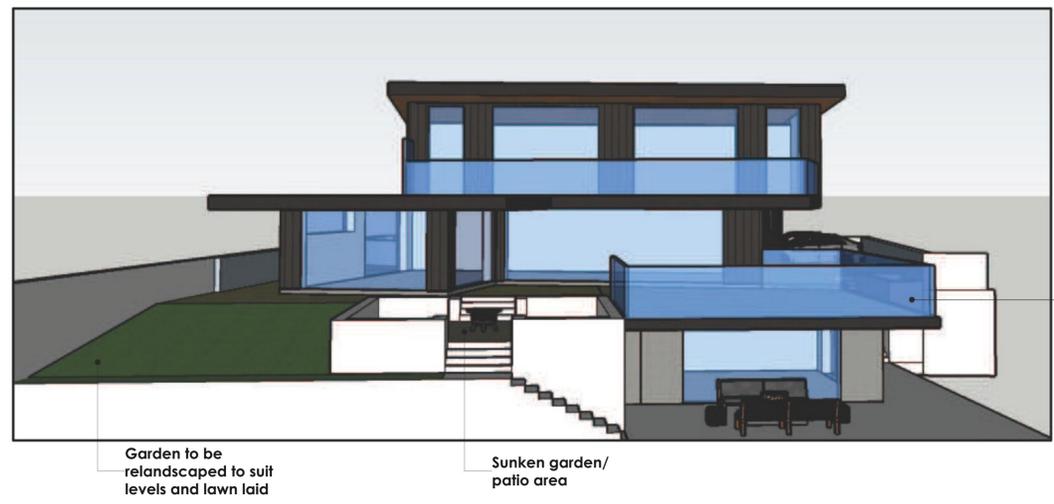
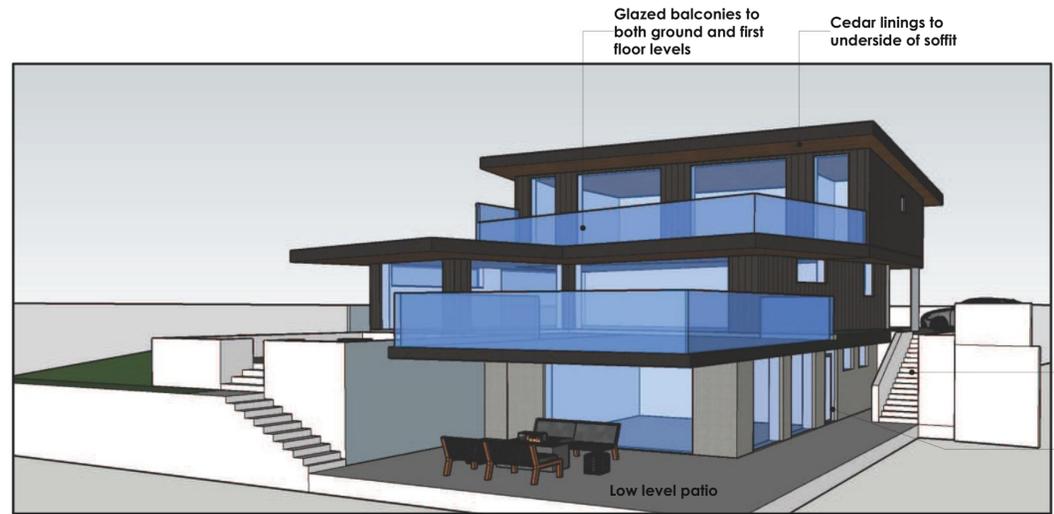
LOWER GROUND FLOOR PLAN

Date: 24.08.21	Amendments: Elevations updated	Rev: A
Drawn By: A. CARSWELL	Date: 14.07.21	Checked By: Date:

210046.STENNETT.03PP A



REAR ELEVATION
(Scale 1:100)



FIRST FLOOR / SITE LAYOUT
(Scale 1:100)

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



cmdesign
 architectural consultants

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 101392 345566

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