



## **Moray Local Review Body**

Thursday, 18 August 2022

**NOTICE IS HEREBY GIVEN** that a Meeting of the **Moray Local Review Body** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Thursday, 18 August 2022** at **09:30**.

### **BUSINESS**

- 1 **Sederunt**
- 2 **Declaration of Group Decisions and Members Interests \***
- 3 **Minute of meeting dated 16 June 2022** **5 - 8**  
**New Cases**
- 4 **LR274 - Ward 5 - Heldon and Laich** **9 - 122**  
Planning Application 21/01277/APP – Demolish existing house and erect new dwellinghouse at 3 Town Hall Lane, Lossiemouth, Moray, IV31 6DF
- 5 **LR275 - Ward 3 - Buckie** **123 - 202**  
Planning Application 22/00140/APP – Replace modern windows that have failed for other modern windows at 6 Burnside Street, Findochty
- 6 **LR276 - Ward 7 - Elgin City South** **203 - 250**  
Planning Application 22/00130/APP – Erect outbuilding for use as hair salon/beauty parlour at 14 Turnberry Crescent, Elgin

## **Summary of Local Review Body functions:**

To conduct reviews in respect of refusal of planning permission or unacceptable conditions as determined by the delegated officer, in terms of the Scheme of Delegation to Officers under Section 43(A)(i) of the Town & Country Planning (Scotland) Act 1997 and the Town & Country Planning (Scheme of Delegation and Local Review Procedure)(Scotland) Regulations 2013, or where the Delegated Officer has not determined the application within 3 months of registration.

**Any person wishing to attend the meeting should contact customer services on 01343 563217 prior to the meeting as the number of attendees is restricted due to the recent Covid pandemic**

**You can however watch the webcast of the meeting by going to : [http://www.moray.gov.uk/moray\\_standard/page\\_43661.html](http://www.moray.gov.uk/moray_standard/page_43661.html)**

\* **Declaration of Group Decisions and Members Interests** - The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.

\*\* **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

\*\*\* **Question Time** - At each ordinary meeting of the Committee ten minutes will be allowed for Members questions when any Member of the Committee can put a question to the Chair on any business within the remit of that Section of the Committee. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than ten minutes after the Committee has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he/she can submit it in writing to the proper officer who will arrange for a written answer to be provided within seven working days.

**THE MORAY COUNCIL**

**Moray Local Review Body**

**SEDERUNT**

Councillor Marc Macrae (Chair)  
Councillor Amber Dunbar (Depute Chair)

Councillor Neil Cameron (Member)  
Councillor Juli Harris (Member)  
Councillor Sandy Keith (Member)  
Councillor Paul McBain (Member)  
Councillor Derek Ross (Member)  
Councillor Sonya Warren (Member)

Clerk Name:	Lissa Rowan
Clerk Telephone:	07765 741754
Clerk Email:	committee.services@moray.gov.uk

**Minute of Meeting of the Moray Local Review Body**

**Thursday, 16 June 2022**

**Council Chambers, Council Office, High Street, Elgin, IV30 1BX**

**PRESENT**

Councillor Neil Cameron, Councillor Amber Dunbar, Councillor Juli Harris, Councillor Sandy Keith, Councillor Marc Macrae, Councillor Paul McBain, Councillor Neil McLennan, Councillor Derek Ross, Councillor Sonya Warren

**IN ATTENDANCE**

Ms Webster, Principal Planning Officer (Strategic Planning and Development) and Mr Henderson, Planning Officer as Planning Advisers, Mr Hoath, Senior Solicitor as Legal Adviser and Mrs Rowan, Committee Services Officer as Clerk to the Moray Local Review Body.

**1 Chair**

Councillor Macrae, being Chair of the Moray Local Review Body, chaired the meeting.

**2 Declaration of Group Decisions and Members Interests**

In terms of Standing Order 20 and the Councillor's Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decision taken on how Members will vote on any item on the agenda. Councillor Warren declared an interest part way through the discussion on Case LR273, left the meeting and took no further part in the decision. There were no other declarations of Members interests in respect of the item on the agenda.

**3 Minute of Meeting dated 31 March 2022**

The Minute of the meeting of the Moray Local Review Body dated 31 March 2022 was submitted and approved.

**4 LR273 - Ward 2 - Keith and Cullen**

Councillor Warren left the meeting during consideration of this item and took no part in the decision, having realised that she had an interest.

**Planning Application 21/01784/APP – Enlarge window and form new window at 17 Harbour Place, Portknockie, Buckie, Moray**

A request was submitted by the Applicant seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse planning permission on the grounds that:

The proposal is contrary to the Moray Local Development Plan (MLDP) 2020: Policy EP9 Conservation Areas and related Replacement Windows and Doors Guidance, Policy EP3 part b Special Landscape Character, and Policy DP1 Development Principles because: The proposed UPVC windows which would be located on a prominent public gable are not considered to preserve or enhance the traditional character or appearance of the Conservation Area. The presence of additional UPVC units on this prominent public gable would further erode the traditional sense of place of the Portknockie Outstanding Conservation Area. The proposal therefore fails to comply with current policy requirements, the application is therefore refused.

A Summary of Information Report set out the reasons for refusal, together with the documents considered or prepared by the Appointed Officer in respect of the planning application, in addition to the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.

In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, both the Legal and Planning Advisers advised that they had nothing to raise at this time.

The Chair then asked the Moray Local Review Body (MLRB) if it had sufficient information to determine the request for review. In response, the MLRB unanimously agreed that it had sufficient information to determine the case.

During discussion, the MLRB sought clarification from the Planning Advisers in terms of Policy EP9 Conservation Areas and related Replacement Windows and Doors Guidance, specifically in relation to a statement in the guidance that states that consideration should be given to surrounding properties when determining the application therefore, as many surrounding properties already had UPVC windows, should this not be taken into consideration and also, what windows are acceptable when replacing those in a conservation area. It was further queried whether the other nearby properties with UPVC windows had been granted planning permission.

In response, Mr Henderson, Planning Adviser advised that Policy EP9 is clear in that it states that UPVC windows should not be permitted on a principal or public view and as the windows in question were on a prominent public gable, the policy had been applied correctly. With regard to suitable windows to replace those in a conservation area, Mr Henderson advised that replacement windows should be of the same traditional design and material. In relation to the query as to whether the other neighbouring properties had planning permission for their UPVC windows, Mr Henderson stated that this information was not known however should not be considered when making a determination on this case as each application should be considered on its own merits in accordance with the paperwork supplied and in conjunction with the policies in the adopted MLDP 2020.

Councillor Ross was of the view that, in terms of fairness, planning permission should be granted as he could see from the photographs of the surrounding area, which had been provided instead of a site visit, that there were many properties with UPVC windows nearby and that it was clear that Policy EP9 had not been observed in this conservation area. He further stated that UPVC windows are

more efficient and as the Council has climate change as one of its priorities then this is a relevant material consideration to depart from policy EP9. Councillor Ross therefore moved that the MLRB uphold the appeal and grant planning permission in relation to Planning Application 21/01784/APP as an acceptable departure from policy EP9 (Conservation Areas) in terms of UPVC windows being more efficient which is in line with the Council's Climate Change Strategy and also in terms of fairness as this policy had not been observed in this conservation area.

The Chair seconded Councillor Ross' motion and agreed with his points in relation to fairness, UPVC windows being more efficient than wooden and further stated that UPVC windows are safer than wooden in terms of fire safety and also more durable given that the property is next to the sea. The Chair also stated that, in relation to policies EP3 (Special Landscape Character) and DP1 (Development Principles) he was of the view that the proposal is in accordance with these policies.

In response, Ms Webster, Planning Adviser advised that efficiency and maintenance are not relevant material considerations when determining planning application.

Councillor Cameron agreed that decisions should be fair however should also be in line with policies in the adopted MLDP 2020 and moved that the MLRB uphold the original decision of the Appointed Officer and refuse planning permission in relation to Planning Application 21/01784/APP as it fails to comply with policies EP9 (Conservation Areas) and related Replacement Windows and Doors Guidance, EP3 part b Special Landscape Character and DP1 Development Principles of the MLDP 2020. This was seconded by Councillor Keith.

On a division there voted:

For the Motion (3):	Councillors Ross, Macrae and Dunbar
For the Amendment (5):	Councillors Cameron, Keith, Harris, McBain and McLennan
Abstentions (0):	Nil

Accordingly, the Amendment became the finding of the MLRB and it agreed to uphold the original decision of the Appointed Officer and refuse planning permission in relation to Planning Application 21/01784/APP as it fails to comply with policies EP9 (Conservation Areas) and related Replacement Windows and Doors Guidance, EP3 part b Special Landscape Character and DP1 Development Principles of the MLDP 2020





## 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**.

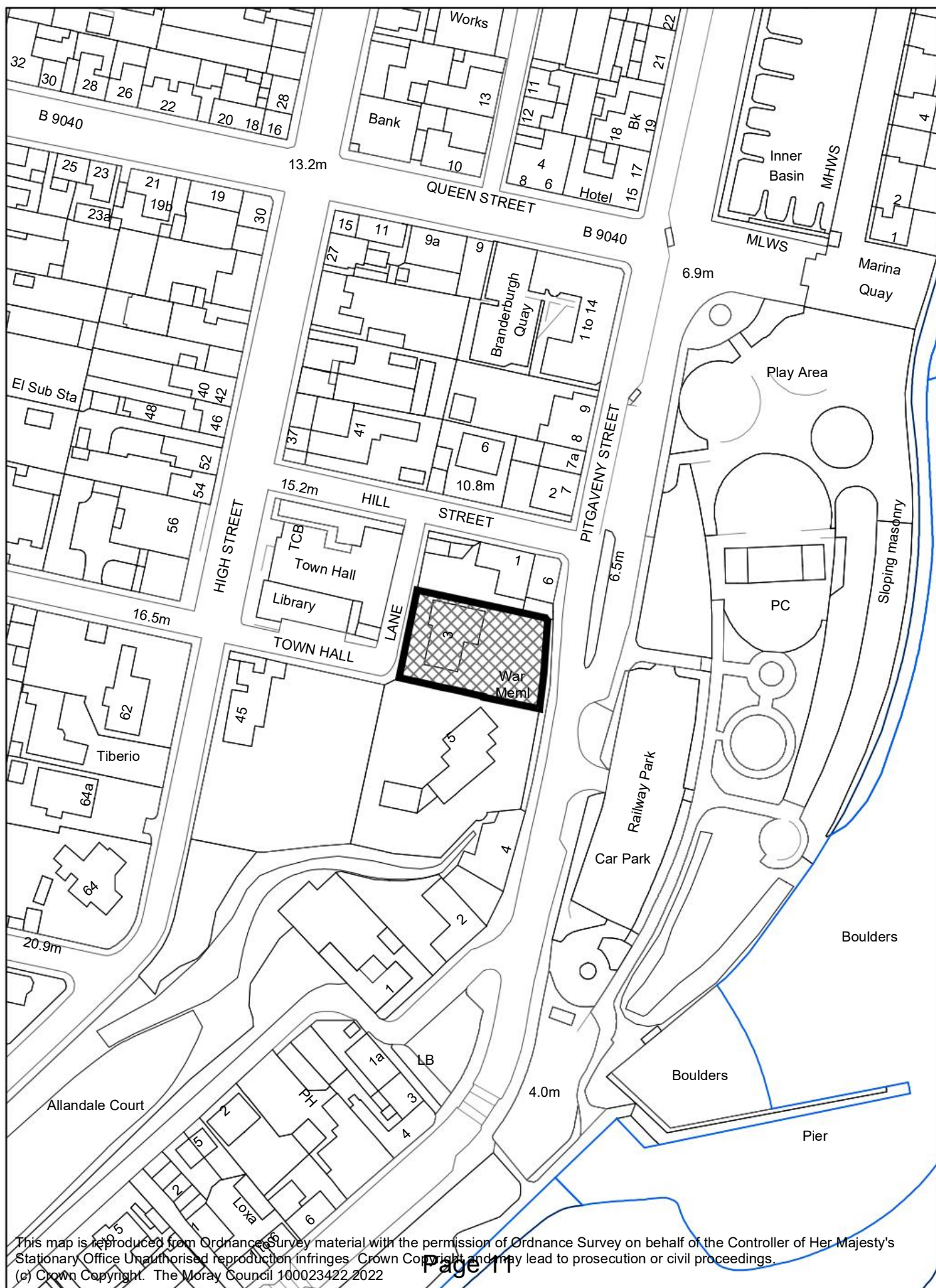
The Notice of the Review, Grounds for Review and any supporting documents submitted by the Applicant are attached as **Appendix 2**.

There were no responses from interested parties.





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







# **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:	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:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	Lux Farm
First Name: *	W	Building Number:	
Last Name: *	Stennett	Address 1 (Street): *	Playford Road
Company/Organisation		Address 2:	Rushmere
Telephone Number: *		Town/City: *	Ipswich
Extension Number:		Country: *	England
Mobile Number:		Postcode: *	IP5 1DA
Fax Number:			
Email Address: *			

## 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.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? *      ≤ Yes <b>T</b> No</p> <p>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.</p>	
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?</p>	<div style="border: 1px solid black; padding: 2px 10px;">2</div>
<p>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)? *</p>	<div style="border: 1px solid black; padding: 2px 10px;">2</div>
<p>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).</p>	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
<p>Will your proposal require new or altered water supply or drainage arrangements? *      <b>T</b> Yes ≤ No</p>	
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><b>T</b> Yes – connecting to public drainage network</p> <p>≤ No – proposing to make private drainage arrangements</p> <p>≤ Not Applicable – only arrangements for water supply required</p>	
<p>Do your proposals make provision for sustainable drainage of surface water?? *      ≤ Yes <b>T</b> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>	
<p>Are you proposing to connect to the public water supply network? *</p> <p><b>T</b> Yes</p> <p>≤ No, using a private water supply</p> <p>≤ No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>	
<h2 style="margin: 0;">Assessment of Flood Risk</h2>	
<p>Is the site within an area of known risk of flooding? *      ≤ Yes <b>T</b> No ≤ Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? *      ≤ Yes <b>T</b> No ≤ Don't Know</p>	
<h2 style="margin: 0;">Trees</h2>	
<p>Are there any trees on or adjacent to the application site? *      ≤ Yes <b>T</b> No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>	
<h2 style="margin: 0;">Waste Storage and Collection</h2>	
<p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *      <b>T</b> Yes ≤ No</p>	

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 principle where there is a crown interest in the land, have you provided a statement to that effect? \*

☐ Yes ☐ No ☐ Not applicable to this application

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

☐ Yes ☐ No ☐ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☐ Not applicable to this application

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

☐ Yes ☐ No ☐ Not applicable to this application

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

☐ Yes ☐ No ☐ Not applicable to this application

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

- ☐ Site Layout Plan or Block plan.
- ☐ Elevations.
- ☐ Floor plans.
- ☐ Cross sections.
- ☐ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☐ Photographs and/or photomontages.
- ☐ Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *	<input type="checkbox"/> Yes <input type="checkbox"/> 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"/> N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	<input type="checkbox"/> Yes <input type="checkbox"/> N/A
Drainage/SUDS layout. *	<input type="checkbox"/> Yes <input type="checkbox"/> N/A
A Transport Assessment or Travel Plan	<input type="checkbox"/> Yes <input type="checkbox"/> N/A
Contaminated Land Assessment. *	<input type="checkbox"/> Yes <input type="checkbox"/> N/A
Habitat Survey. *	<input type="checkbox"/> Yes <input type="checkbox"/> N/A
A Processing Agreement. *	<input type="checkbox"/> Yes <input type="checkbox"/> 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

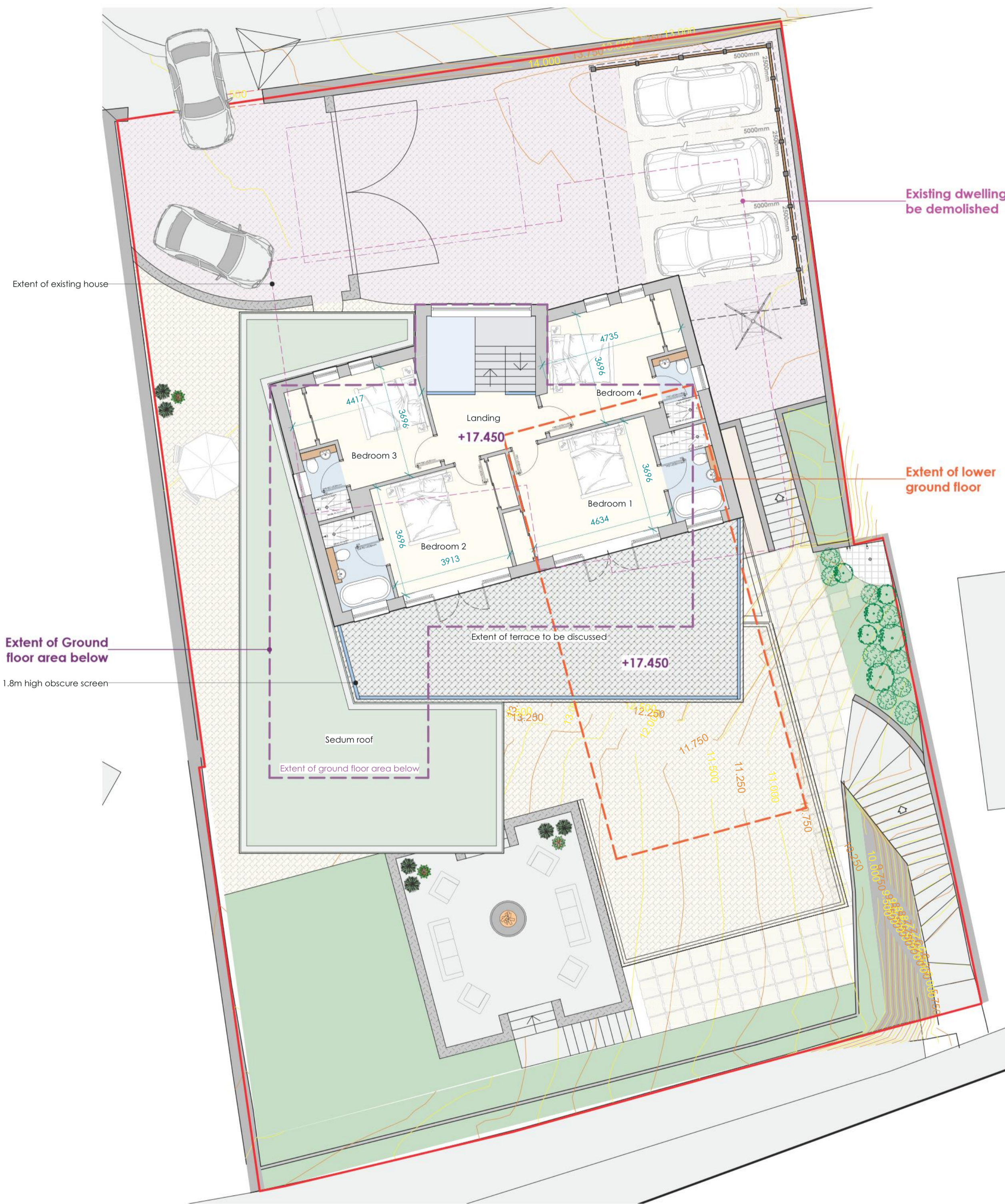
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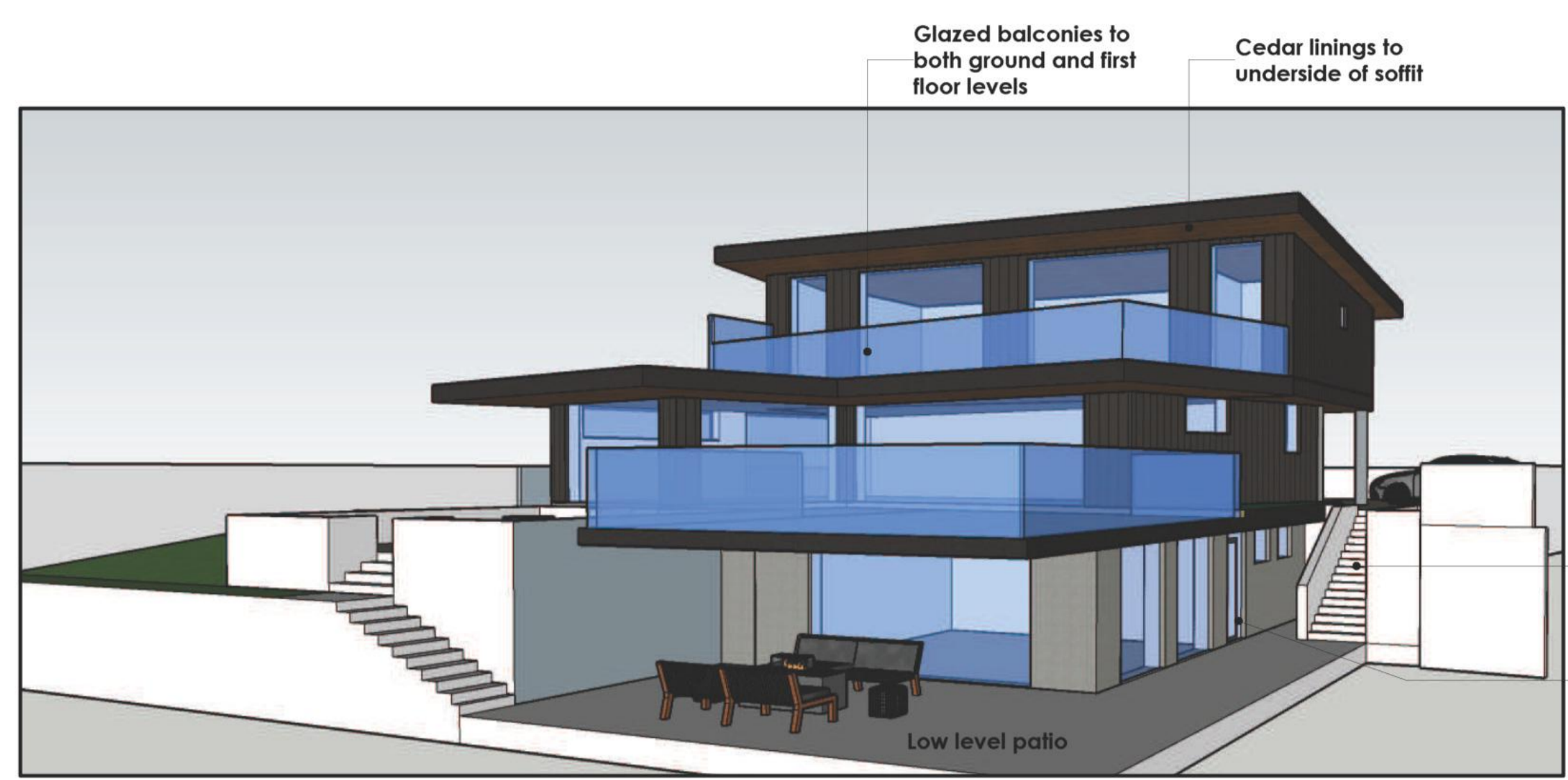
Payment date: 17/08/2021 17:12:11

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



Class Architectural Ltd Registered in Scotland No. 272943

**HEAD OFFICE - MORAY**  
St Brendans, 69 South Guildry Street, Elgin,  
IV30 1QN  
T 01343 540020  
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4 Bridge Street, Nairn, Highlands, IV12 4EJ  
T 01667 300230  
M 0781 3872818 W cmdesign.biz E office@cmdesign.biz

**LOSSIEMOUTH OFFICE**  
Ellel, James Street, Moray,  
IV30 4BX  
T 01343 810175  
DEVON OFFICE  
T 01392 345566

**Mrs E. Stennett**

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

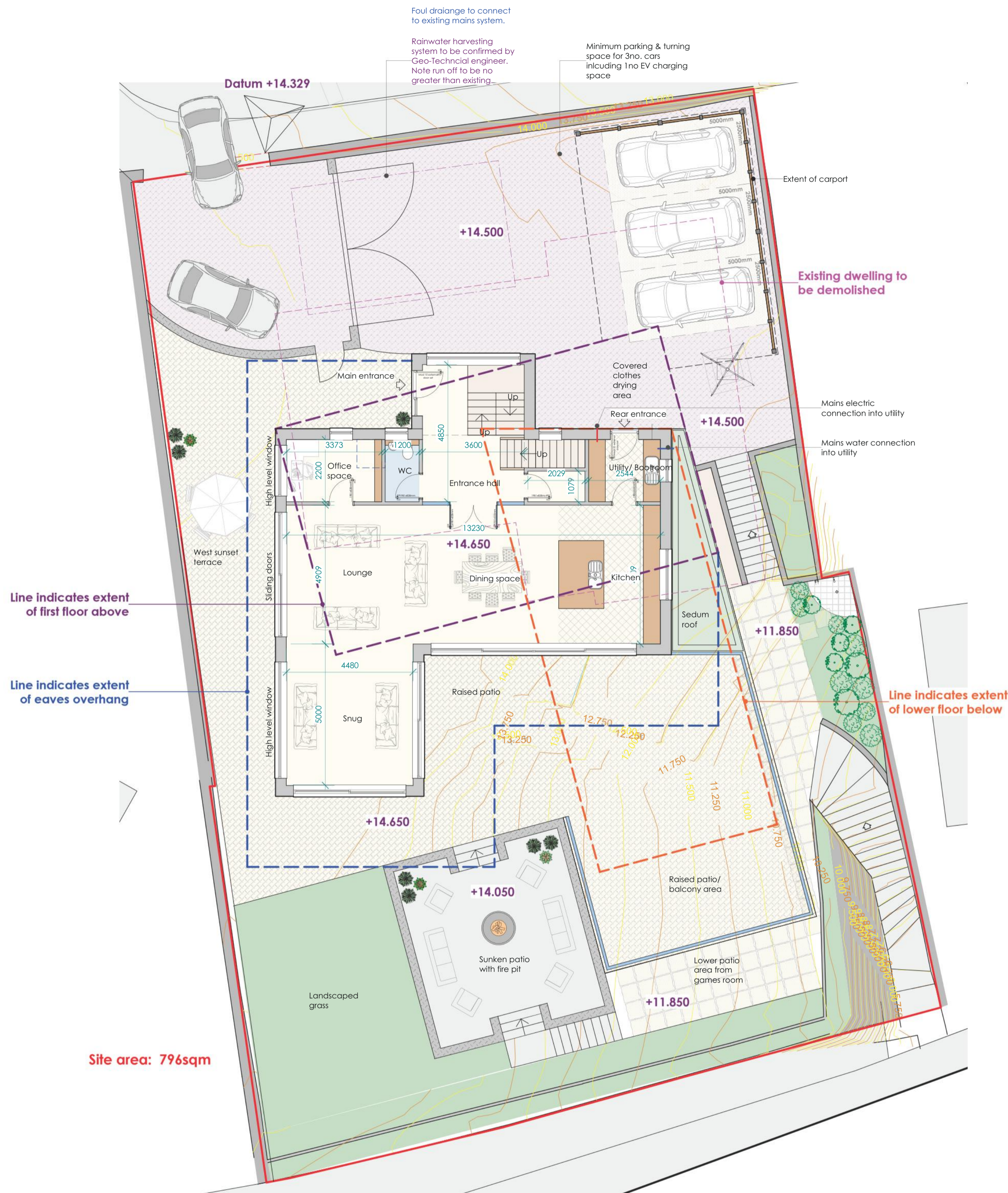
**PLANNING PROPOSALS**  
**FIRST FLOOR PLAN**

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		

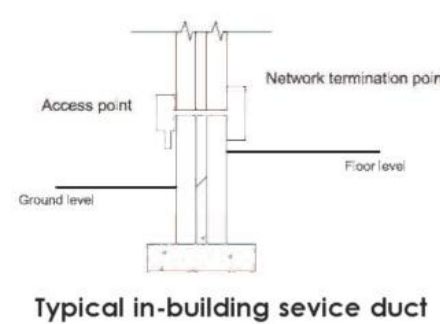
**210046.STENNETT.05PP B**



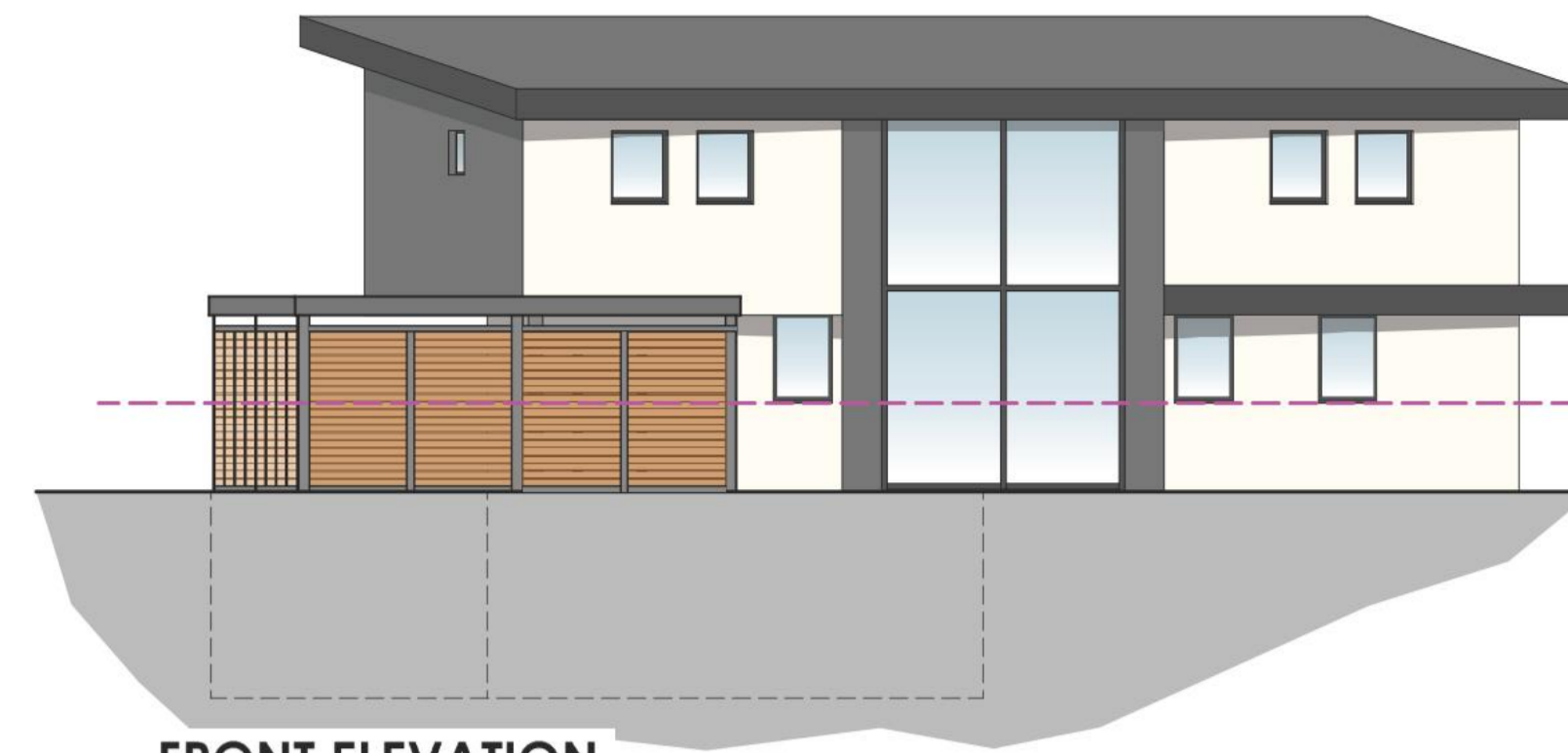


### GROUND FLOOR/ SITE LAYOUT (Scale 1:100)

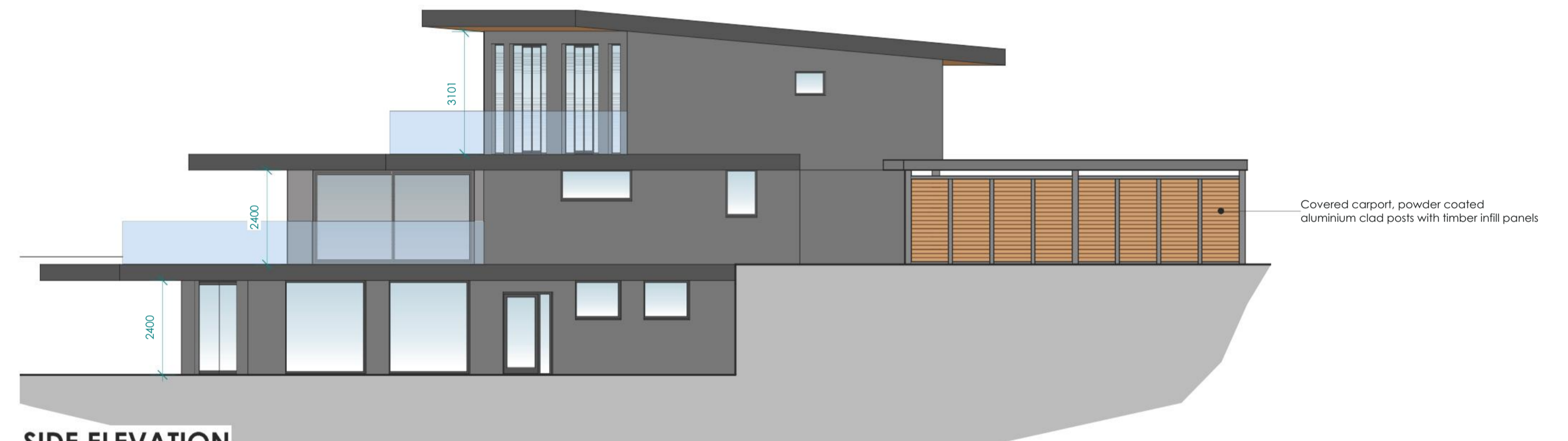
Lower Floor area: 84sqm  
Ground Floor area: 128sqm  
First Floor area: 92sqm  
Total Floor area: 304sqm



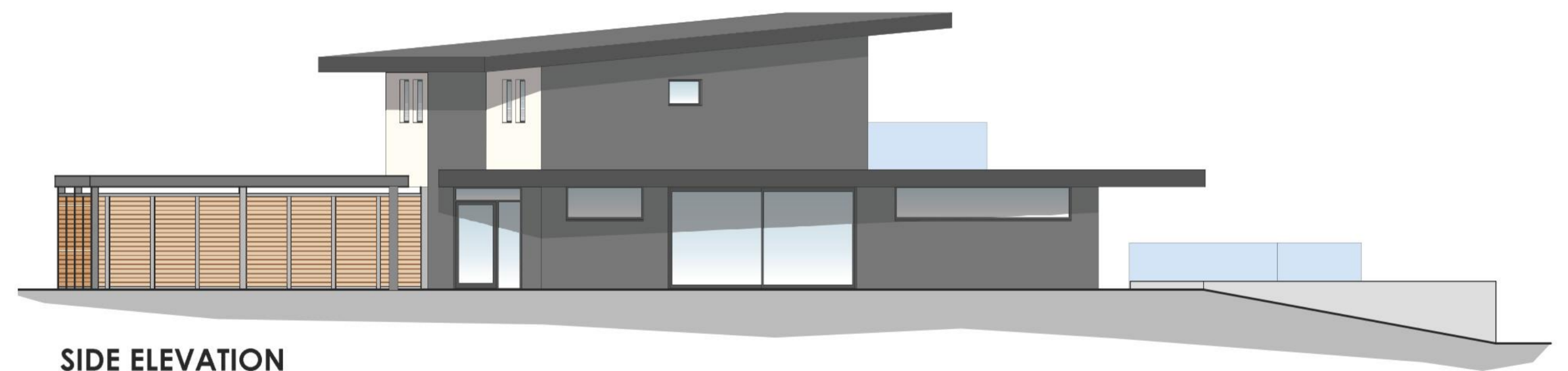
Typical in-building service duct



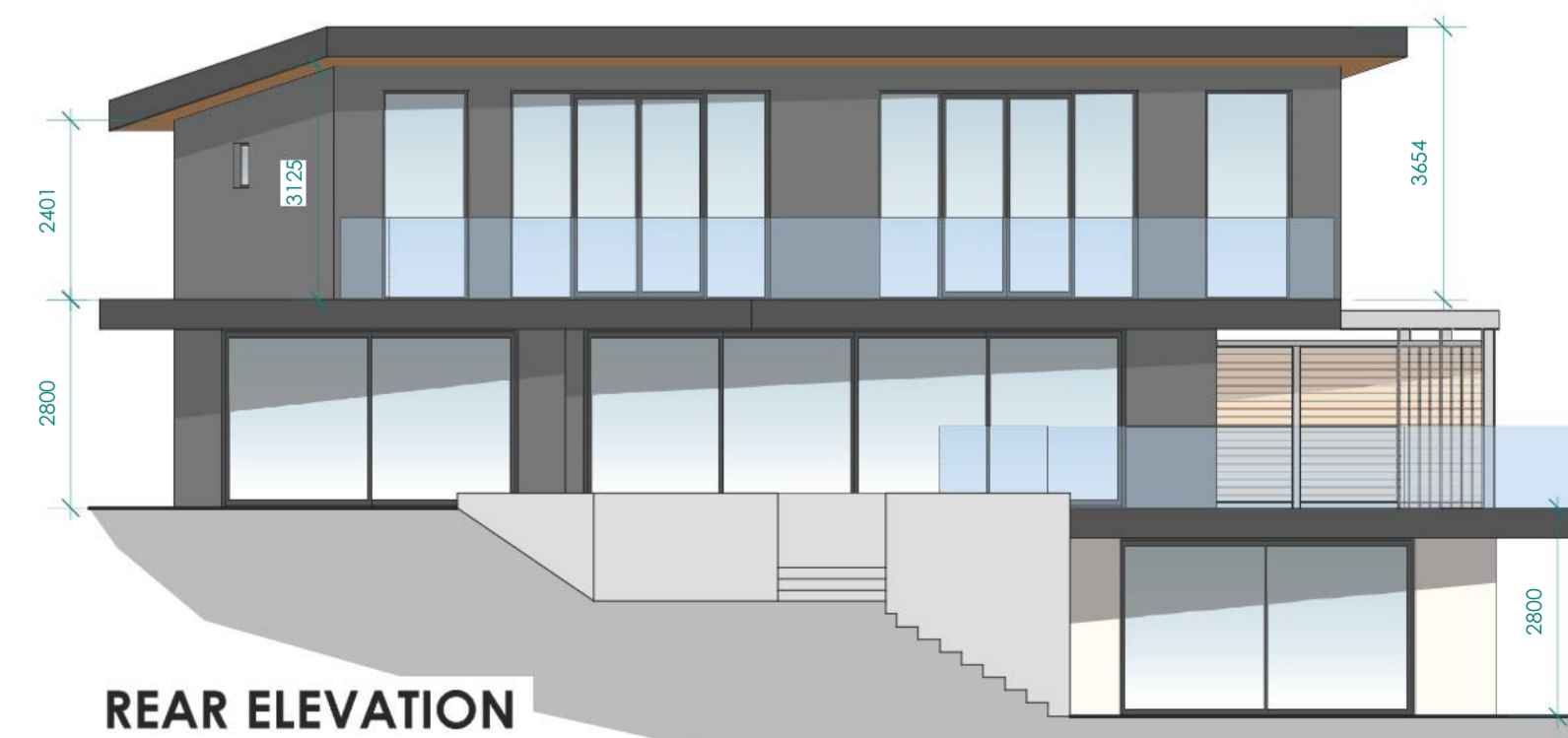
FRONT ELEVATION  
(Scale 1:100)



SIDE ELEVATION  
(Scale 1:100)



SIDE ELEVATION  
(Scale 1:100)



REAR ELEVATION  
(Scale 1:100)

### Material finishes:

**Roof:** Standing seam Grey Zinc roof finish  
Sedum roof

**Wall:** Cedral vertical cladding board  
Smooth off-white K-Rend

**Windows & Doors:** Grey Alu clad

cmdesign  
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Mrs E. Stennett

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

PLANNING PROPOSALS  
GROUND FLOOR PLAN

Date:	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.04PP B





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



Sedum roof

Cedral vertical  
cladding board

Grey Alu-clad windows and doors

West Sunset Terrace

**Main entrance**



**NORTH ELEVATION**

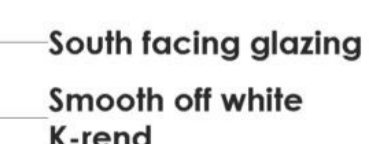
Smooth off white  
K-rend

Cedral vertical  
cladding

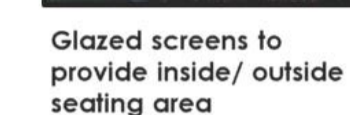


1800mm high obscure barrier  
facing neighbouring dwelling

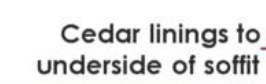
Cedral vertical cladding



Existing driveway altered to suit new vehicular entrance



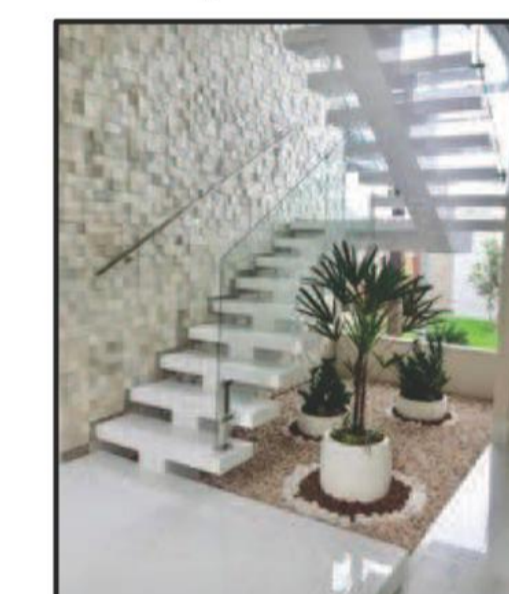
114



Balcony/ decking area/  
covered seating area



Exterior shower as  
noted on plan



### Stair concept





CARPORT ELEVATION  
(Scale 1:50)



CARPORT ELEVATION  
(Scale 1:50)



CARPORT ELEVATION  
(Scale 1:50)

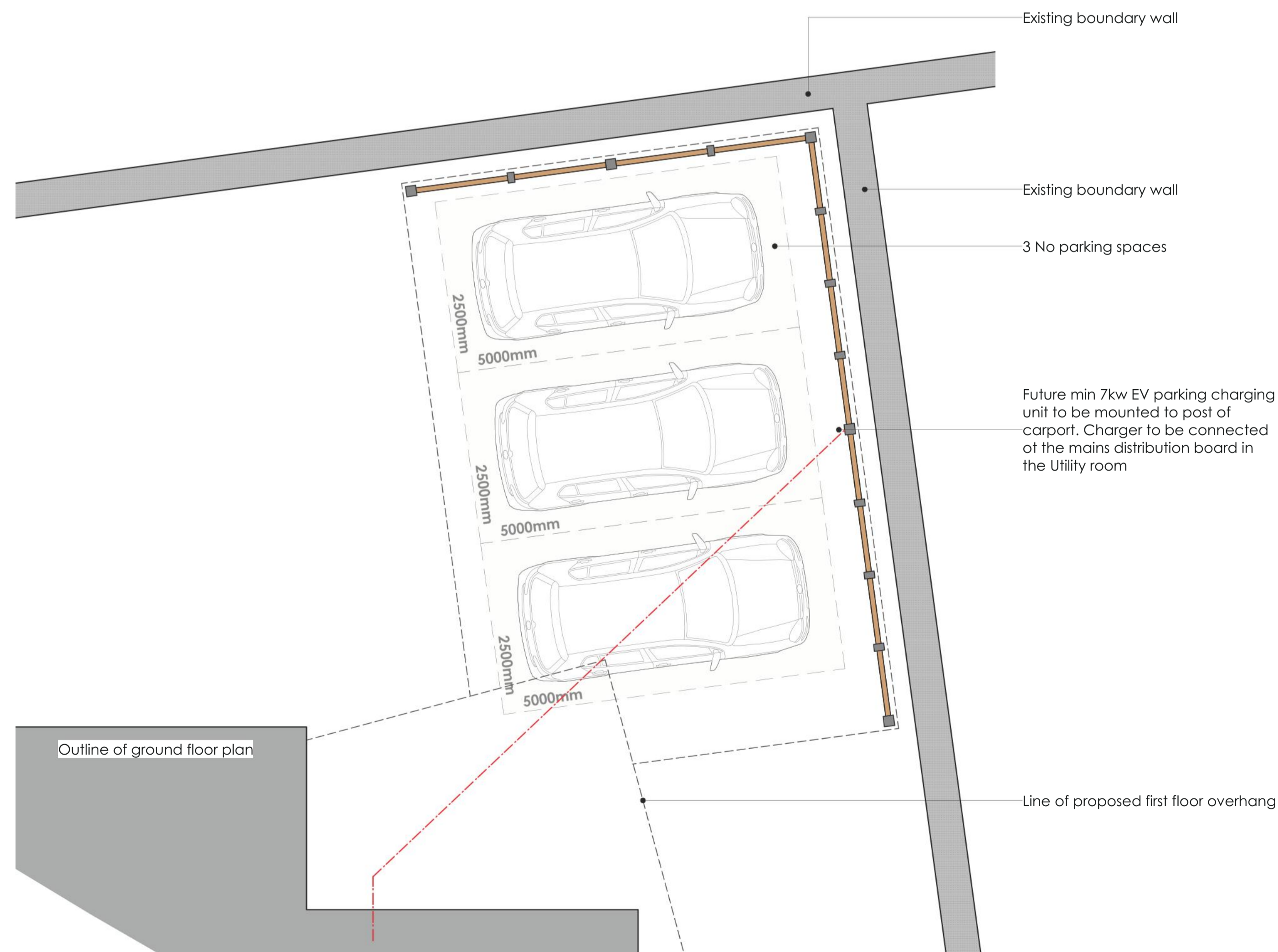
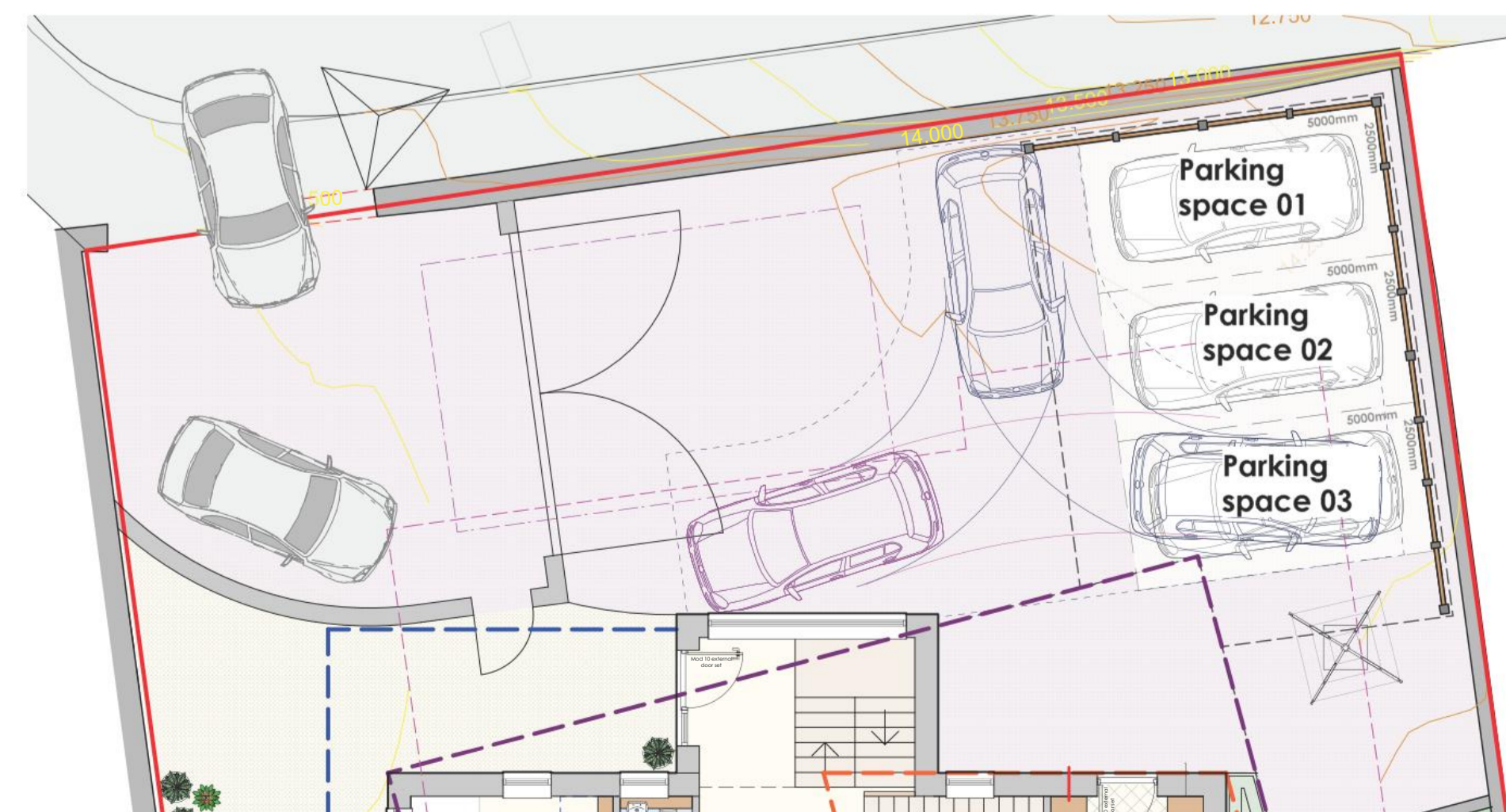
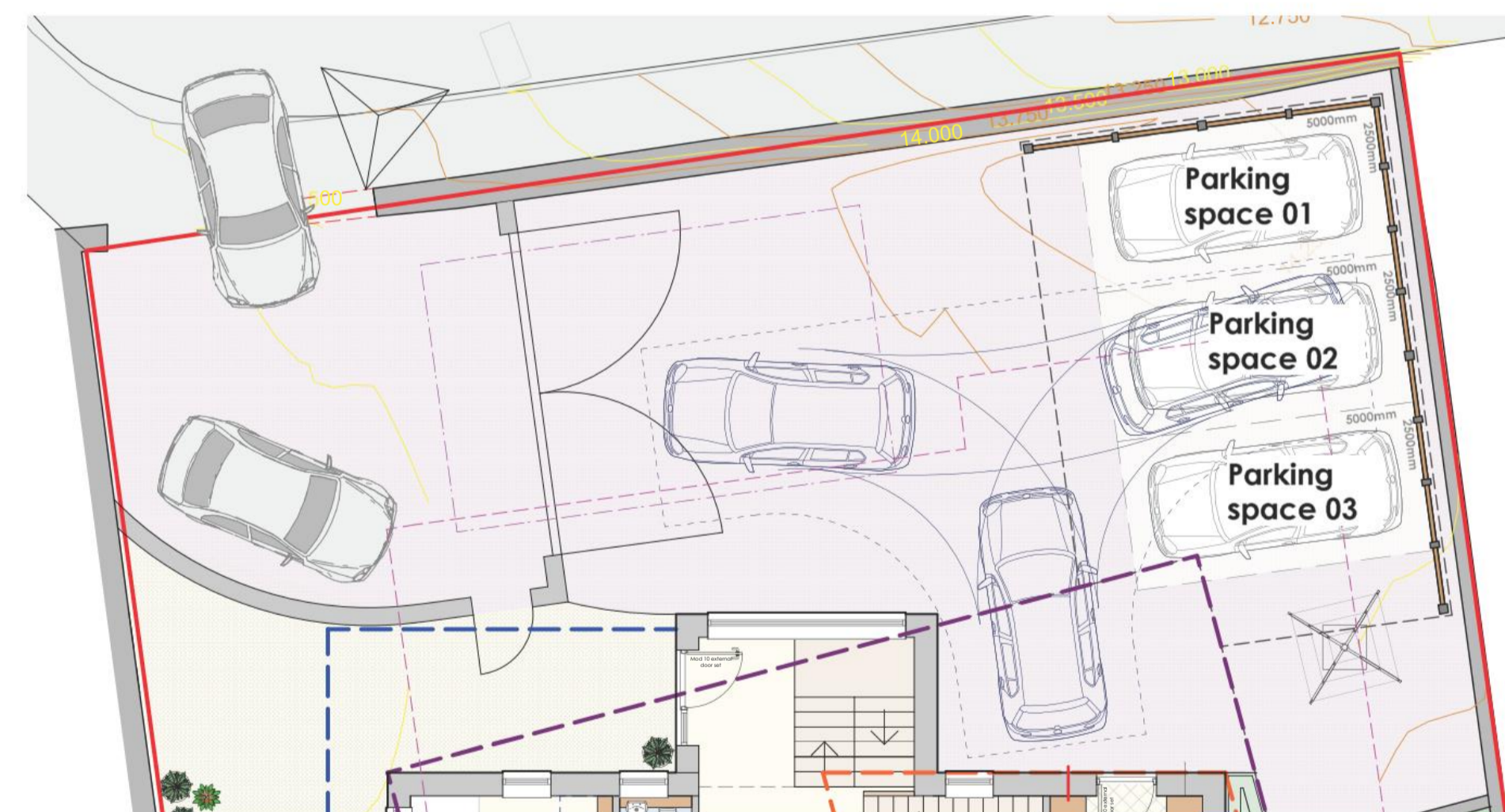
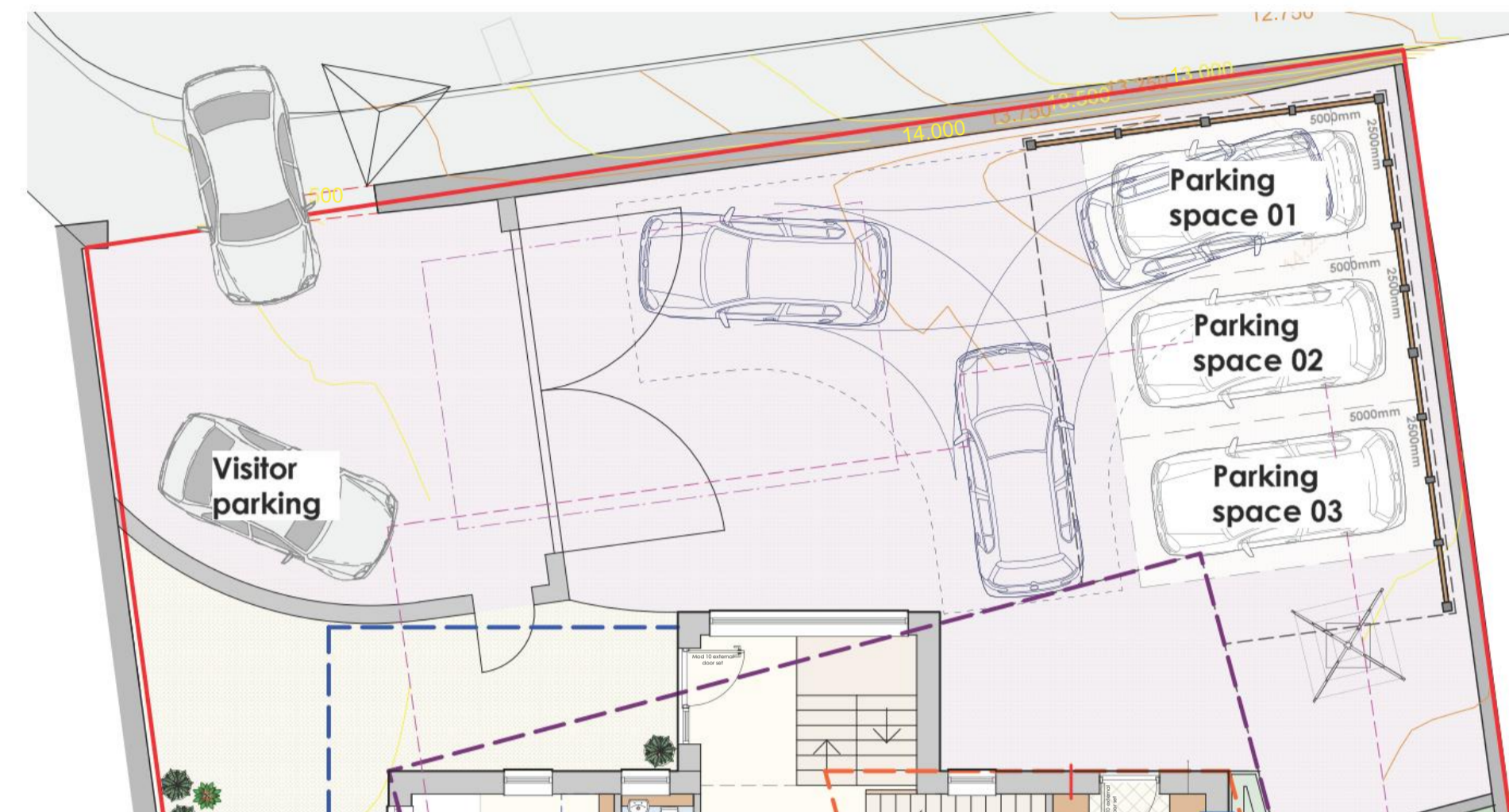


EXAMPLE IMAGE OF CARPORT  
STYLE AND MATERIALS

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.

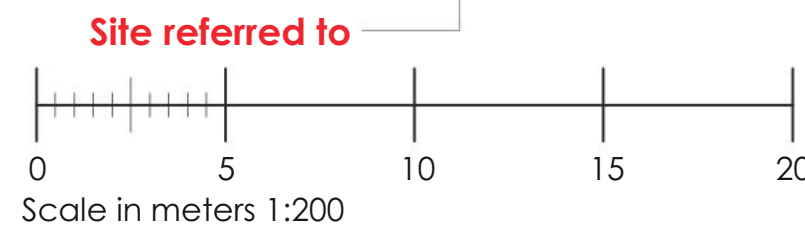


CARPORT LAYOUT  
(Scale 1:50)

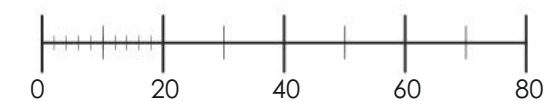




CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION



## LOCATION PLAN 1:1250



Scale in meters 1:1250



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Mr & Mrs Stennett

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

## SURVEY DRAWING

## SITE AND LOCATION PLANS

Date:	Amendments:	Rev:
-------	-------------	------

[illegible]

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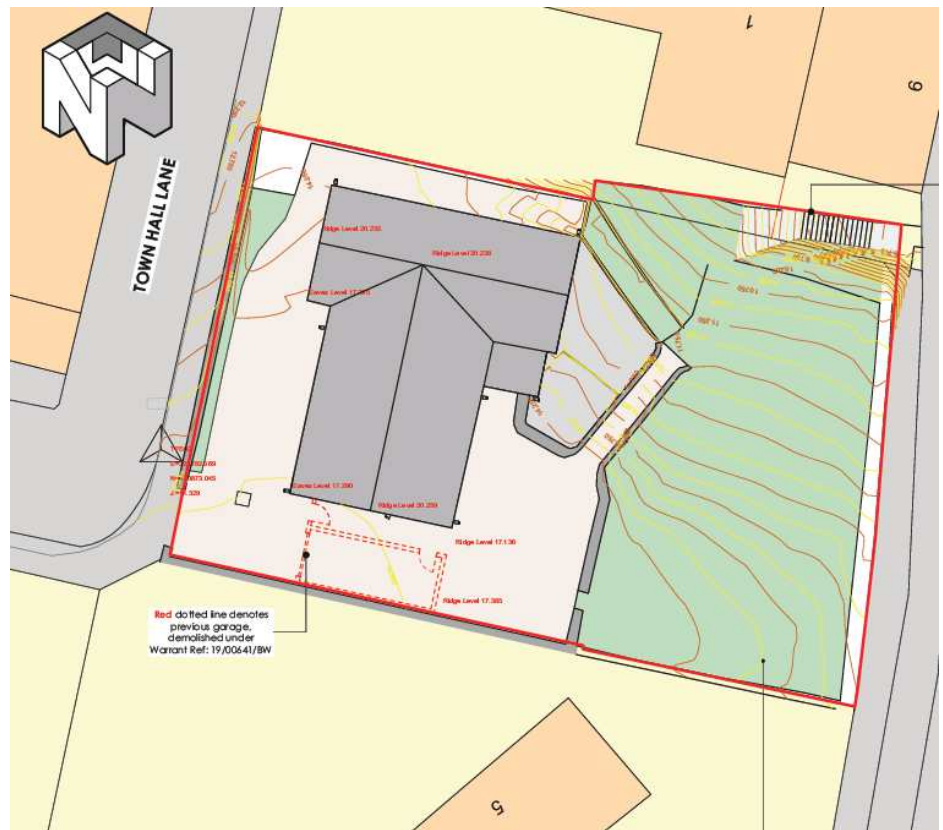
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- 2.4 It can be seen from the aerial image and the site plan below that the site enjoys a West to East aspect with lower level housing and rooftops to the north and a large newly built house next door at No5 Town Hall Lane to the south.



- 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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PROJECT MANAGEMENT  
RENEWABLE CONSULTANCY

- 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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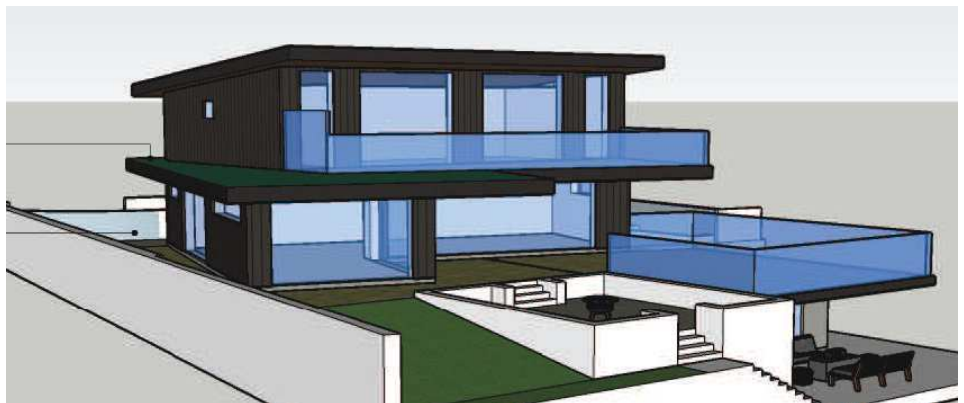
RENEWABLECONSULTANCY

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.



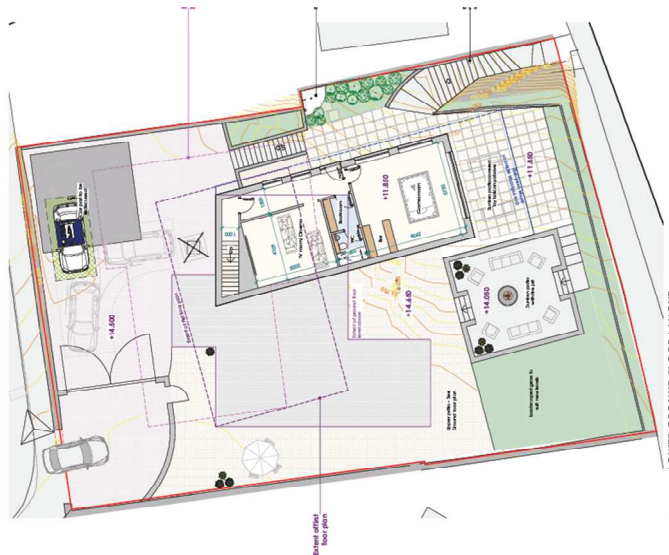
*view from south east*

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.

#### 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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### **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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Tel: 07557431702

# gmsurveys

Surveys, Setting-Out Civil Engineering Design

## Site Investigation & Drainage Assessment

TOWN HALL LANE

Gary Mackintosh Bsc  
[gmsurveys@gmail.com](mailto:gmsurveys@gmail.com)

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<b>Planning Reference:</b> .....	2
<b>Date:</b> .....	2
<b>Job Number:</b> .....	2
<b>Company Information:</b> .....	2
Assessment completed by: .....	2
<b>Site Description:</b> .....	3
<b>Existing Drainage Arrangements:</b> .....	3
<b>Ground Conditions:</b> .....	5
<b>Conclusion:</b> .....	4
<b>Surface Water Disposal:</b> .....	5

***Client:***

Mr and Mrs Stennet

***Site Address:***

Proposed Replacement Dwelling  
3 Town Hall Lane  
Lossiemouth

***Planning Reference:***

TBC

***Date:***

30<sup>th</sup> November 2021

***Job Number:***

GMC21-071

***Company Information:***

Assessment completed by:

Gary Mackintosh Bsc

**GMCSurveys**

34 Castle Street

Forres

Moray

IV36 1PW

Email: gmcsurveys@gmail.com

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 26<sup>th</sup> 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.

<b>Infiltration Test</b>	<b>Pit Dimensions (w/l)</b>	<b>Test Zone (mbgl)</b>	<b>Infiltration Rate (m/s)</b>
INF01	0.8mx 1.0m	0.5 – 1.5	$4.8 \times 10^{-5}$

***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.

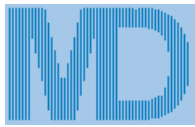
An area of the new house roof has been proposed as a Sedum or Green Roof. Whilst this may assist in the storage and management of surface water within the site, evidence is still required as to the effectiveness as a final solution. The build up of water over a period of consistent rain will still require 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 430m<sup>2</sup> the storage volume required for a 1:30year event with 35% allowance for climate change has been calculated as 13.40m<sup>3</sup> or 13,400litres. The next available standard sizing would be 15,000litres or 15.0m<sup>3</sup> 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.



MasterDrain  
SW

**gmcsurveys**  
Surveys, Setting Out Civil Engineering Design

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

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

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

#### Data:-

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

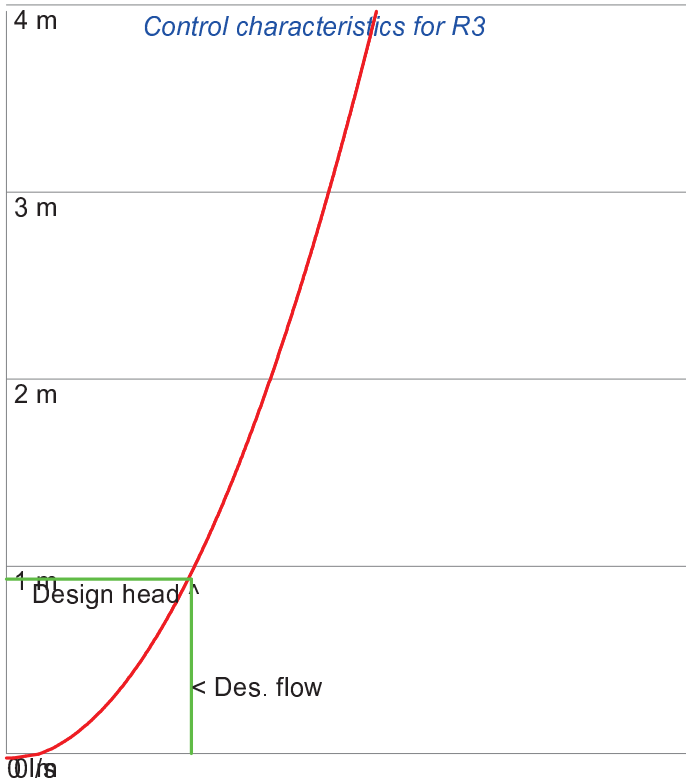
- i) Relatively impermeable soils in boulder and sedimentary clays, and in alluvium, especially in eastern England;
- ii) Permeable soils with shallow ground water in low-lying areas;
- iii) Mixed areas of permeable and impermeable soils, in approximately equal proportions.

Percentage runoff = 95.0% (manual setting)

Imperv. area = 430 m<sup>2</sup>  
Total area = 430 m<sup>2</sup>  
Total runoff = 22.7 m<sup>3</sup>  
Pervious area = 0 m<sup>2</sup>  
Equiv area = 408 m<sup>2</sup> (Tot. area x % runoff).  
Discharge rate = 0.500 l/s

Design Head = 1.0m  
Control device = R3  
Max. calc. depth = 1.0 m  
Peak flow = 0.50 l/s  
Orifice diam = 19.8 mm  
Available depth = 0.0 m<sup>3</sup>

Pipeline storage = 0.0 m<sup>3</sup>  
Offline storage = 0.0 m<sup>3</sup>  
Total storage = 13.4 m<sup>3</sup>  
Available MH storage = 0.0 m<sup>3</sup>  
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

Calculation data provided by Crown Water Ltd, SL5 TNT



MasterDrain  
SW

**gmcsurveys**  
Surveys, Setting Out Civil Engineering Design

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

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

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

Storage curves for a 10 hours storm.





MasterDrain  
SW

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

Project	<b>Town Hall Lane, Lossiemouth</b>
Title	<b>Surface Water Storage Requirements</b>

Incremental rainfall figures.

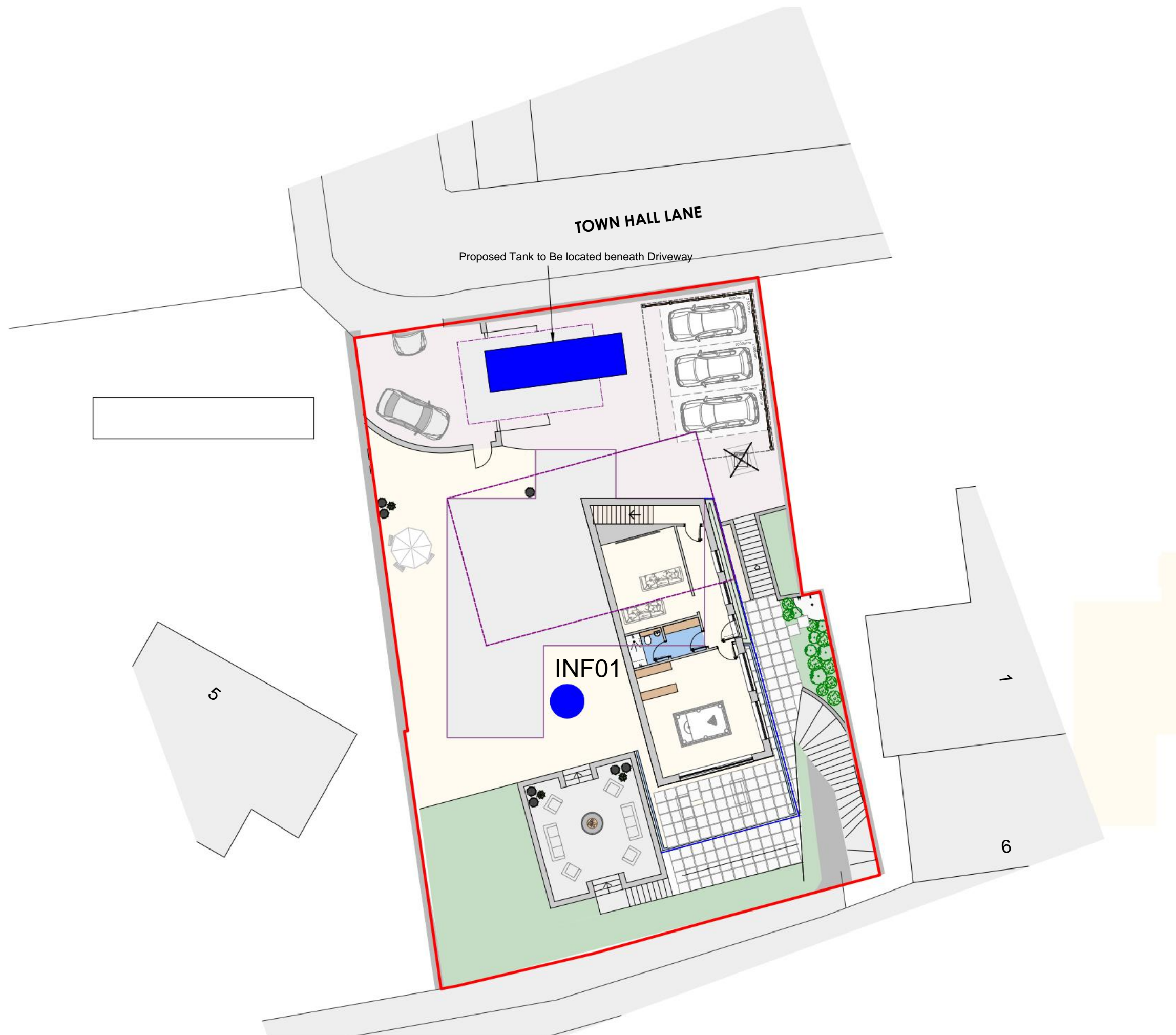
Storm Mins	Storage Depth mm	Control Flow l/s	Storm Mins	Storage Depth mm	Control Flow l/s
6.0	5.4	0.02	306.0	677.7	0.41
12.0	10.5	0.02	312.0	727.2	0.42
18.0	15.6	0.02	318.0	771.2	0.44
24.0	20.8	0.05	324.0	810.2	0.45
30.0	25.2	0.05	330.0	844.4	0.46
36.0	29.7	0.05	336.0	874.3	0.47
42.0	34.2	0.09	342.0	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			

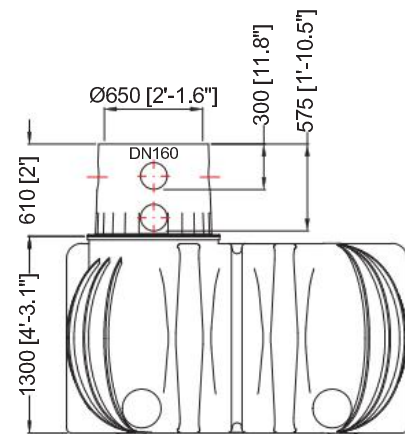
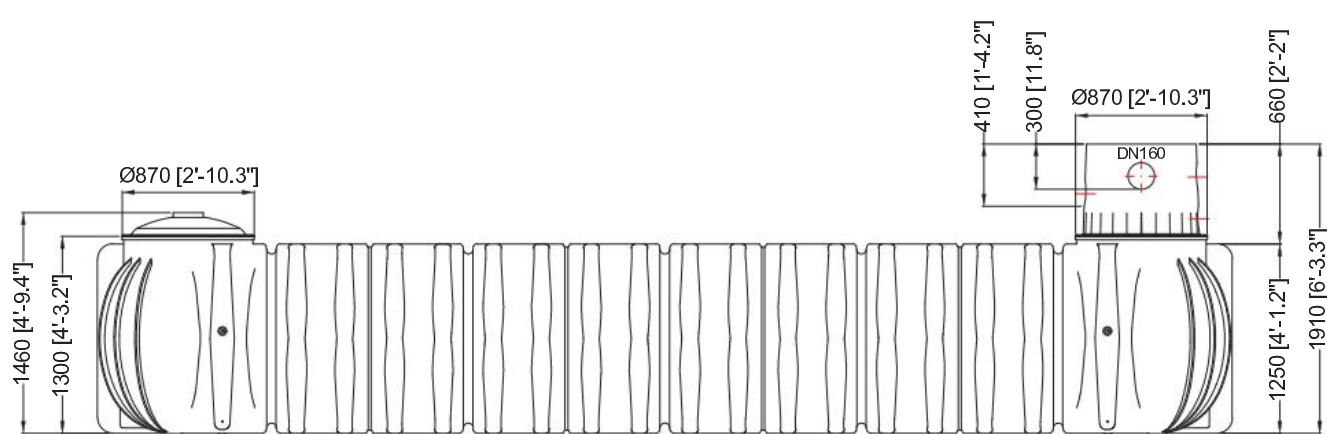
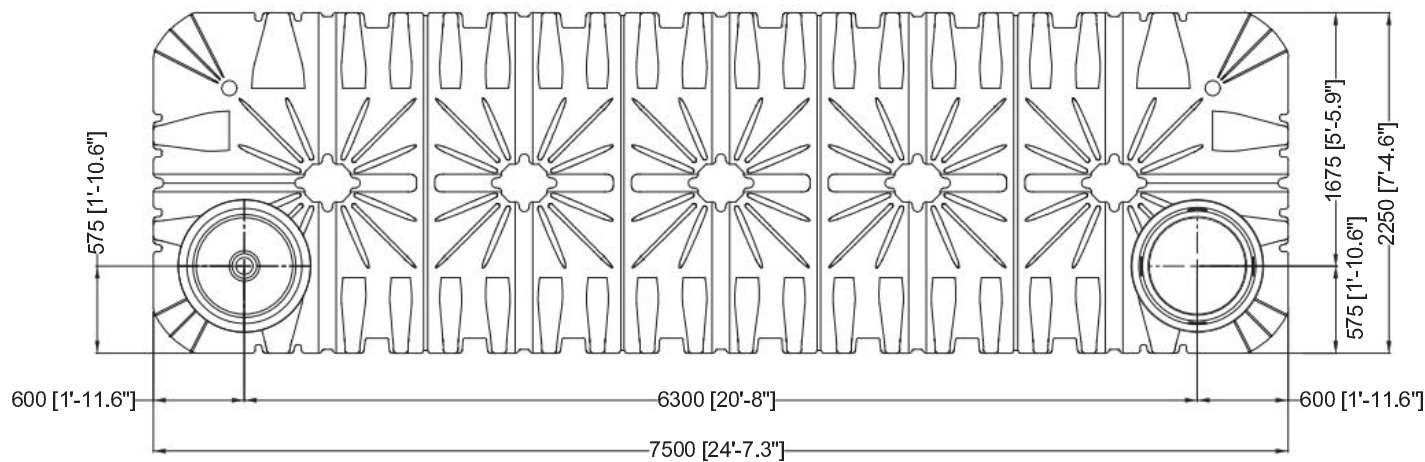
**gmcsurveys**  
Surveys, Setting Out, Civil Engineering Design  
T: 07557 431 702  
E: gmcsurveys@gmail.com

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:	DATE:	DRAWN:	CHECKED:
NTS	NOV21	GM	
PROJECT NO:	DRAWING NO:	REVISION:	
GMC21-071	Appendix A	-	



D

# GRAF Platin XL - Flachtank 15000 L / 3962,6 gal.

Artikel-Nr. 390007  
product no.  
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](mailto: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](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://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](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://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](http://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](mailto: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](http://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](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Angela Allison**

Development Operations Analyst

[developmentoperations@scottishwater.co.uk](mailto: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

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	14th September 2021
<b>Planning Authority Reference</b>	21/01277/APP
<b>Nature of Proposal (Description)</b>	Demolish existing house and erect new dwellinghouse at
<b>Site</b>	3 Town Hall Lane Lossiemouth Moray IV31 6DF
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133003672
<b>Proposal Location Easting</b>	323795
<b>Proposal Location Northing</b>	870879
<b>Area of application site (M<sup>2</sup>)</b>	800
<b>Additional Comment</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QY0U1UBGHCQ00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QY0U1UBGHCQ00</a>
<b>Previous Application</b>	19/01505/APP
<b>Date of Consultation</b>	31st August 2021
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Mr & Mrs W Stennett
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	Lux Farm Playford Road Rushmere Ipswich England IP5 1DA
<b>Agent Name</b>	C M Design
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	St Brendans 69 South Guildry Street Elgin Moray IV30 1QN
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Shona Strachan
<b>Case Officer Phone number</b>	01343 563303
<b>Case Officer email address</b>	shona.strachan@moray.gov.uk

<b>PA Response To</b>	consultation.planning@moray.gov.uk
-----------------------	------------------------------------

**NOTE:**

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

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

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

For full terms please visit [http://www.moray.gov.uk/moray\\_standard/page\\_121513.html](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](http://www.moray.gov.uk/moray_standard/page_119859.html)

You can contact our Data Protection Officer at [info@moray.gov.uk](mailto: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](mailto:transport.develop@moray.gov.uk)**  
**Consultee: TRANSPORTATION**

**Date 03 September 2021**

<b>Return response to</b>	<b><a href="mailto:consultation.planning@moray.gov.uk">consultation.planning@moray.gov.uk</a></b>
---------------------------	---------------------------------------------------------------------------------------------------

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.

MANAGIA

MANAGEMENT & BUILDING STANDARDS  
DATE TODAY

Acu Sm

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

PHASES ENSURE WHATEVER PROTECTION  
POSSIBLE TO ALL WILDLIFE HABITATS  
MOWS WAREHOUSE STORAGE VEHICLES SHOWS  
electrical 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 F/F



## **REPORT OF HANDLING**

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

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
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**

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
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><b>Issue:</b> Comments submitted on multiple applications on the need to protect wildlife, flora and fauna.</p> <p><b>Comments (PO):</b> 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	22/01/20

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

<b>DOCUMENTS, ASSESSMENTS etc. *</b> <i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i>		
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.	

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

<b>DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)</b>			
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)			



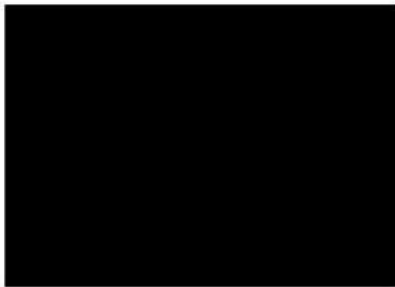


**MORAY COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,  
as amended**

**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:-

<b>Reference</b>	<b>Version</b>	<b>Title</b>
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](http://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](mailto: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 &amp; 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"/>
----------	-------------------------------------	---------	-------------------------------------

## 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

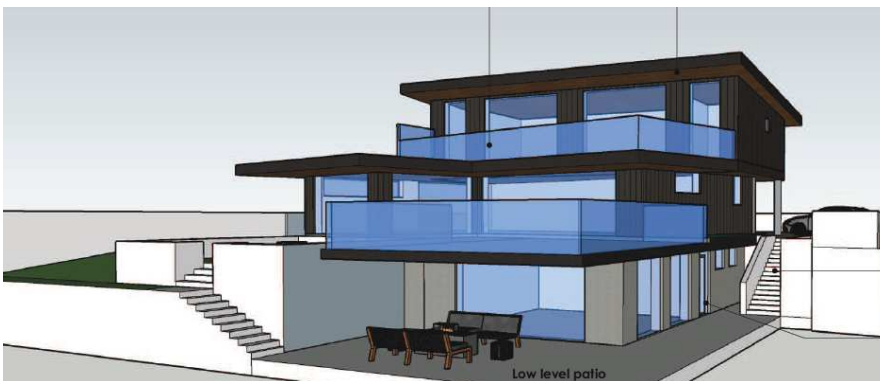
Demolish Existing House & Erect New House  
at 3 Town Hall Lane, Lossiemouth



**April 2022**

<b>Our Reference:</b>	210046.STENNETT
<b>Local Authority:</b>	Moray Council
<b>Planning Application Ref:</b>	21/01277/APP
<b>Application Proposal:</b>	Demolish Existing House & Erect New House
<b>Site Address:</b>	3 Town Hall Lane, Lossiemouth, IV31 6DF
<b>Appellants:</b>	Mr & Mrs Stennett
<b>Date Application Validated:</b>	31 <sup>st</sup> August 2021
<b>Council Decision Notice Date:</b>	Friday 4 <sup>th</sup> March 2022
<b>Reason for Refusal:1</b>	<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>
<b>Reason for Refusal:2</b>	<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>

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



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 clifftop 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.

PLANNING APPEAL - STATEMENT OF CASE – DEMOLISH EXISTING HOUSE & ERECT NEW HOUSE  
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## 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.



PLANNING APPEAL - STATEMENT OF CASE – DEMOLISH EXISTING HOUSE & ERECT NEW HOUSE  
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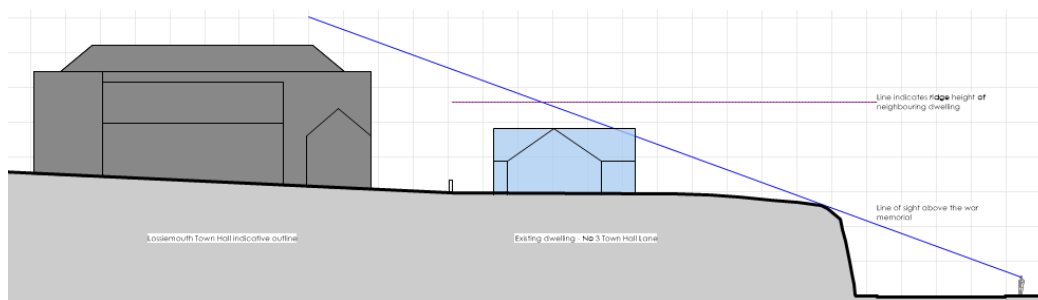
2.5. Having already secured permission for a wholesale redevelopment of the existing house (Application 19/01505APP refers) it was discovered that the existing foundations to the house were not satisfactory and the cost of remedial works were found not to be commensurate with the value of the existing 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)

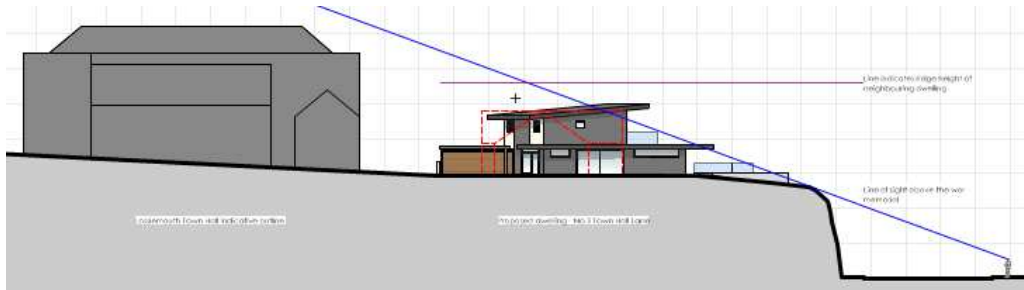


2.7. The picture below demonstrates the profile of the **existing house** and its relationship with the Town Hall building and the limited field of view of the house to those on Pitgaveny Street below.

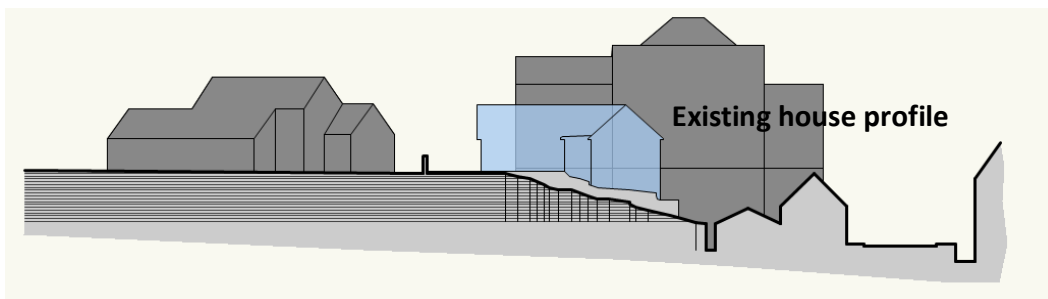


The replacement house is deliberately positioned further away from the Town Hall building to offer slightly more amenity to the entrance elevation and has been stepped down with the slope of the site to minimise the view of the new property from the street below .

- 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**



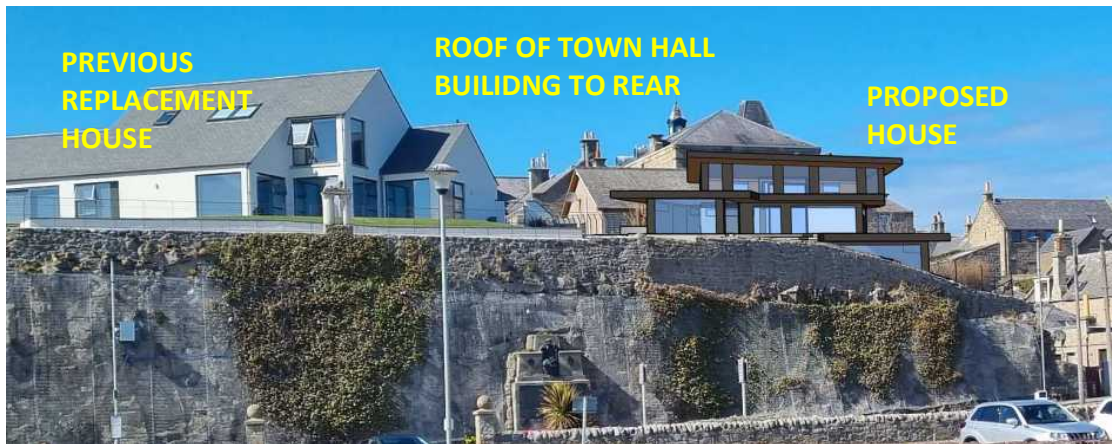
- 2.11. The existing house gable is always visible from certainly areas nearby and clearly similar portions of the new design will be equally as visible but it is argued that the new elements will bring something of worth to the streetscape and something attractive for sightseers and visitors.

- 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.

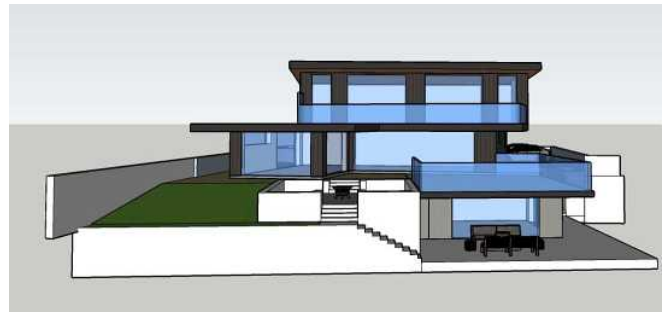


PLANNING APPEAL - STATEMENT OF CASE – DEMOLISH EXISTING HOUSE & ERECT NEW HOUSE  
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- 2.13. The picture below shows an example of how the new house design will integrate with the landscape and how it is suitably flanked by large properties and particularly 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.



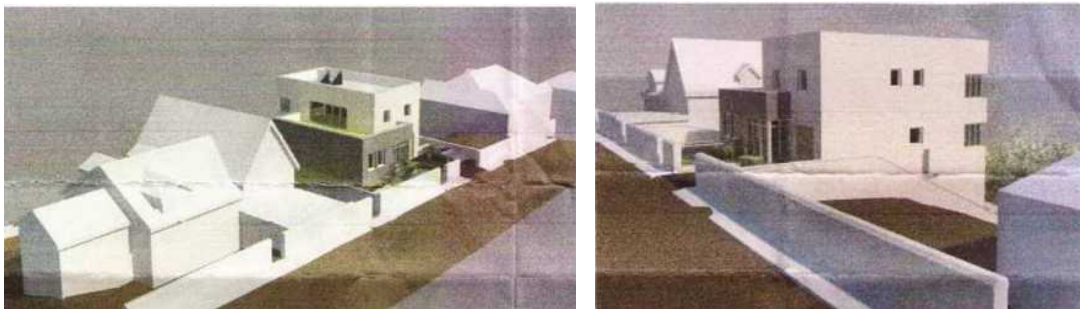
PLANNING APPEAL - STATEMENT OF CASE – DEMOLISH EXISTING HOUSE & ERECT NEW HOUSE  
AT 3 TOWN HALL LANE, LOSSIEMOUTH

### 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.



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- 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 is 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.



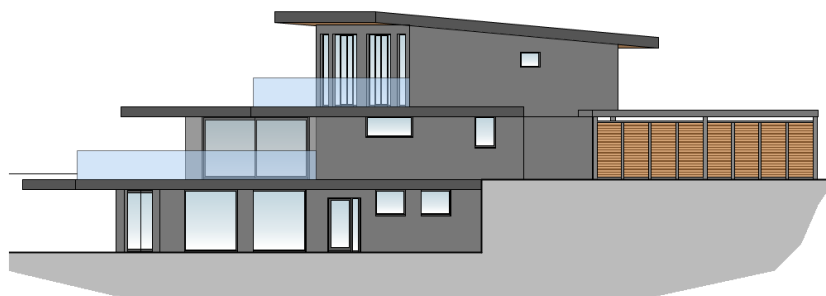
**Material considerations** exist which allow consideration for a departure to this aspect of Policy DP1 and EP3 – as follows.

- 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.

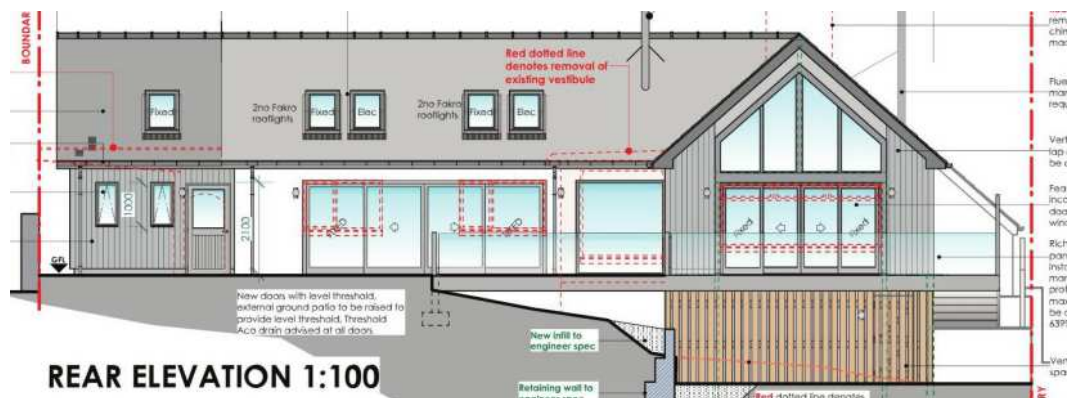
The pictures below show the **current** view from the **existing** dining room and kitchen in the existing house. Not only will this kind of field of view be removed in the new proposals, this picture also shows the limited nature of immediately neighbouring windows and the significant distance to others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

<b>Reference</b>	<b>Version</b>	<b>Title</b>
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](http://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**

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

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
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**

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
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><b>Issue:</b> Comments submitted on multiple applications on the need to protect wildlife, flora and fauna.</p> <p><b>Comments (PO):</b> 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	22/01/20

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

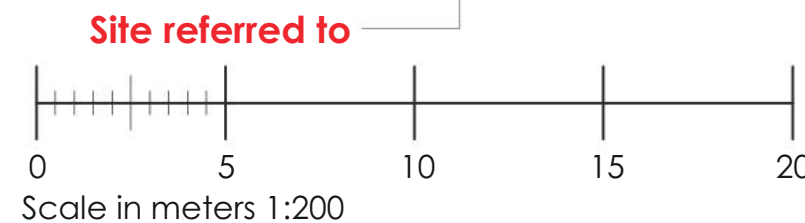
<b>DOCUMENTS, ASSESSMENTS etc. *</b> <i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i>		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document 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.	

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

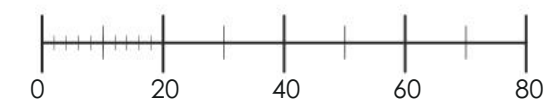
<b>DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)</b>			
Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions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



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



## LOCATION PLAN 1:1250



Scale in meters 1:1250



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

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

**m** 0781 3872818 **w** [cmdesign.biz](http://cmdesign.biz) **e** [office@cmdesign.biz](mailto:office@cmdesign.biz)

**LOSSIEMOUTH OFFICE**  
Ellel, James Street, IV30 6BX  
† 01343 810175

**DEVON OFFICE**  
† 01392 345566

Mr & Mrs Stennett

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

## SURVEY DRAWING

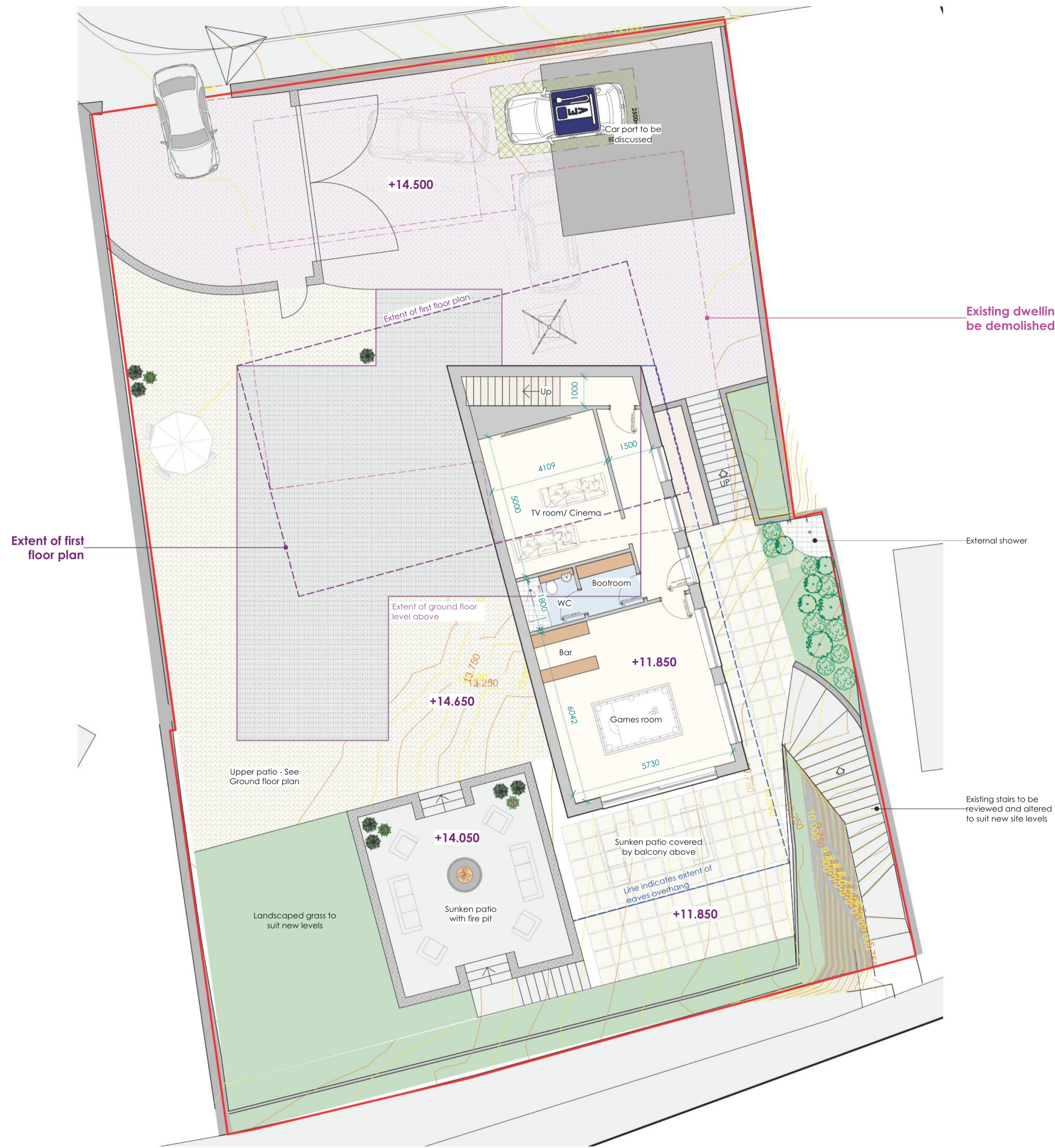
## SITE AND LOCATION PLANS

Date:	Amendments:	Rev:
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[illegible]

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

210046.STENNETT.06SV



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



Glazed screens to provide inside/ outside seating area



Cedar linings to underside of soffit



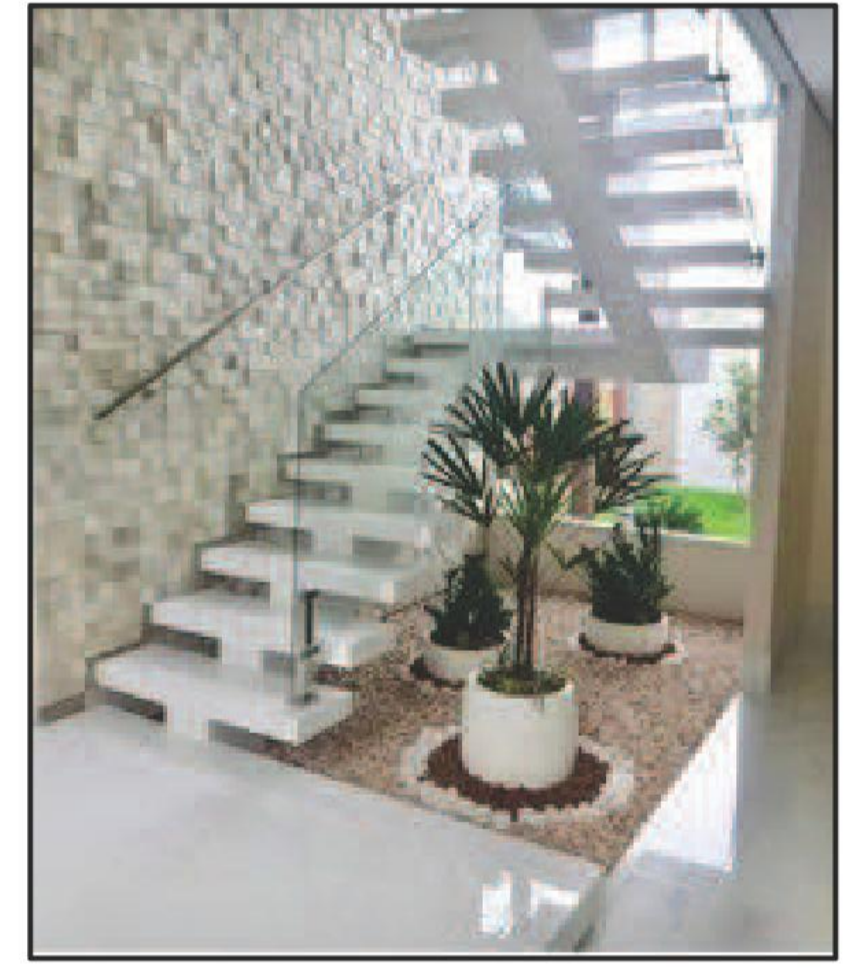
Sunken patio and seating area



Exterior shower as noted on plan



Cinema room



Stair concept

Class Architectural Ltd Registered in Scotland No. 272983

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Ellel, James Street, Moray,  
IV30 4BX  
T 01343 810175  
DEVON OFFICE  
T 01392 345566

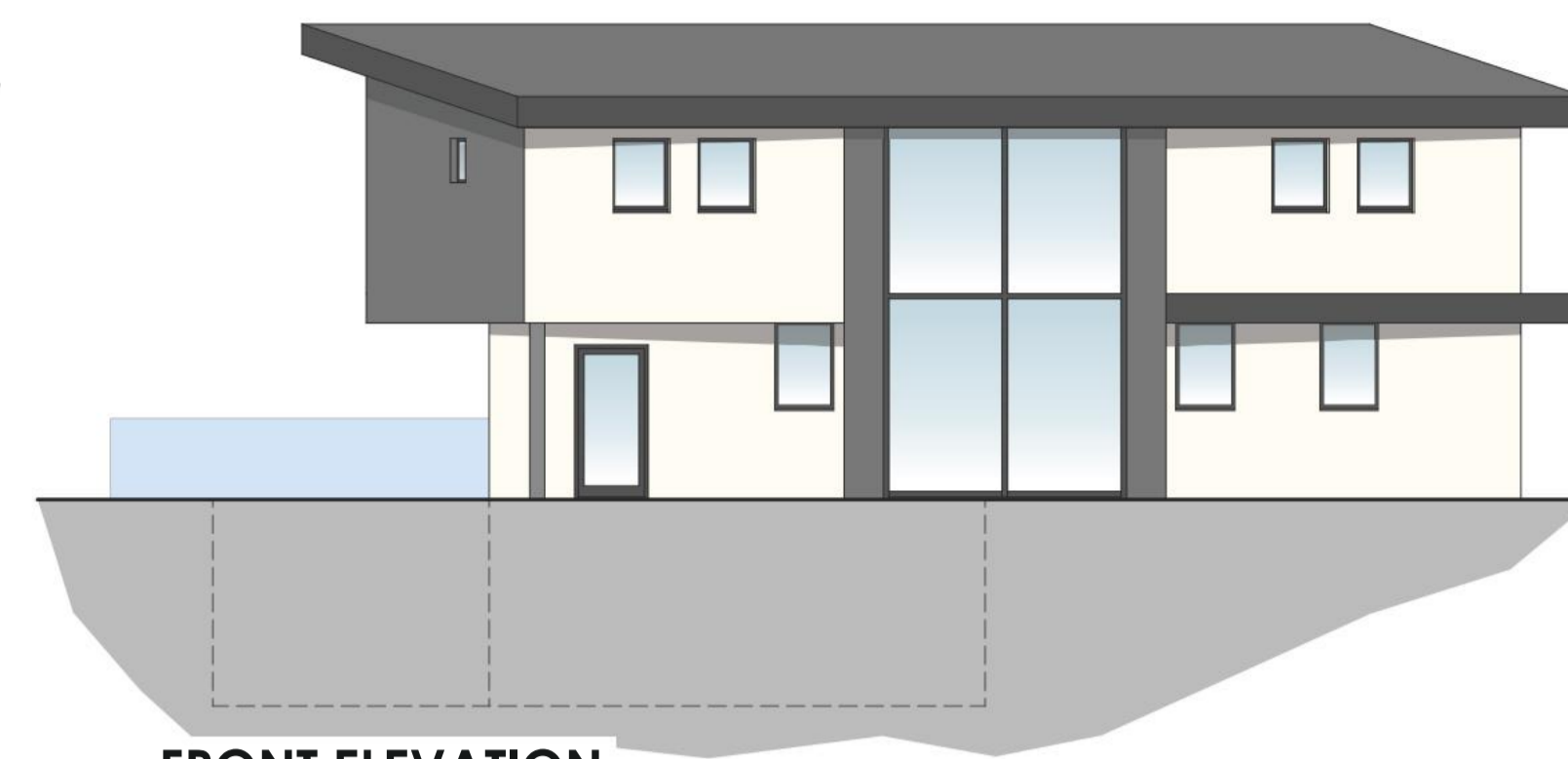
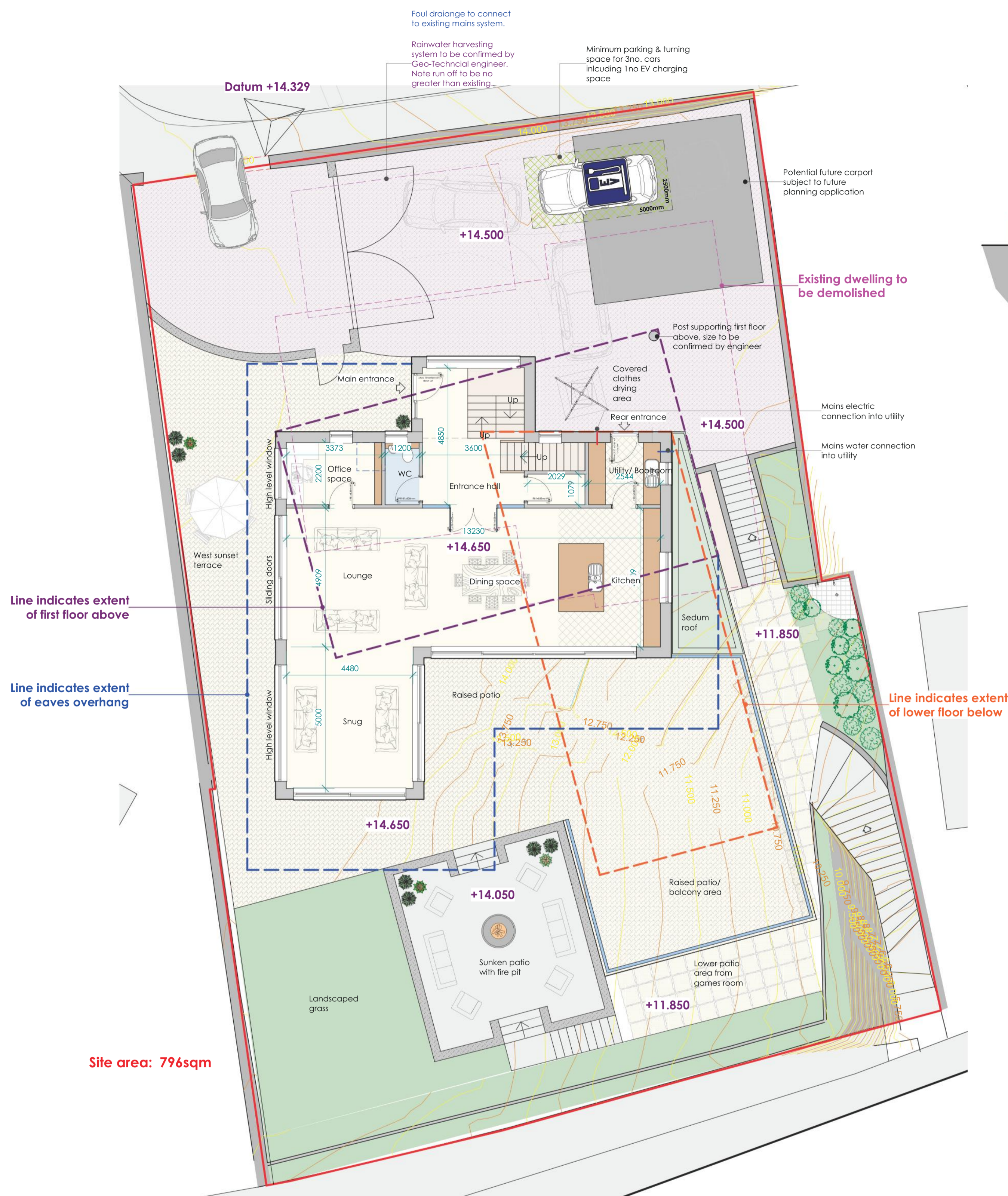
Mrs E. Stennett

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

**PLANNING PROPOSALS**  
**LOWER GROUND FLOOR PLAN**

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

**210046.STENNETT.03PP A**



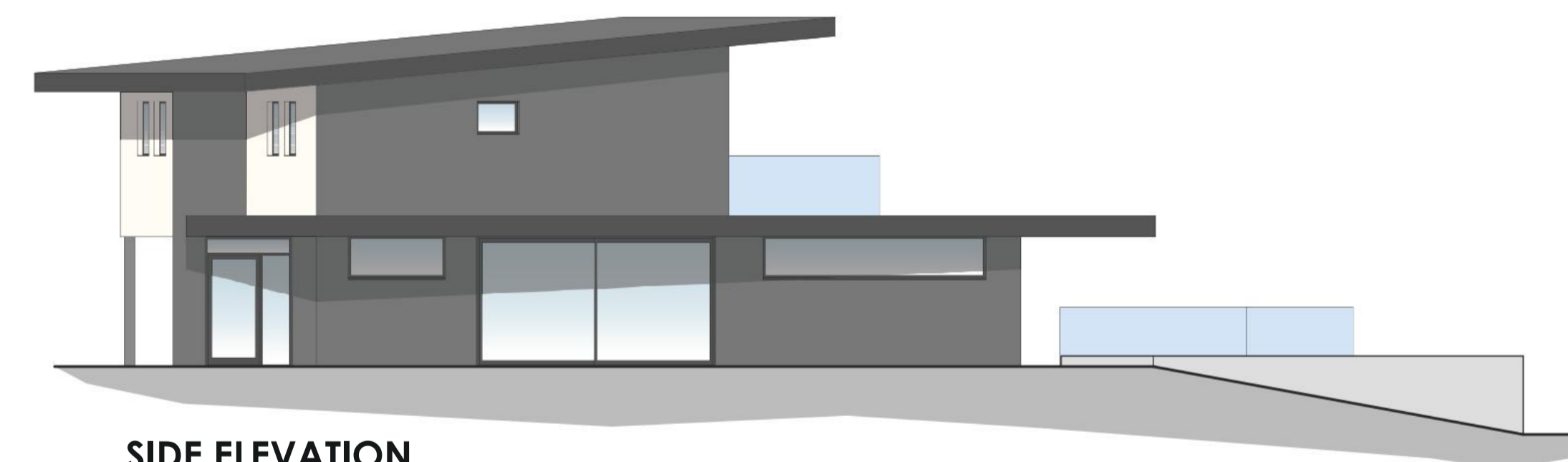
FRONT ELEVATION  
(Scale 1:100)



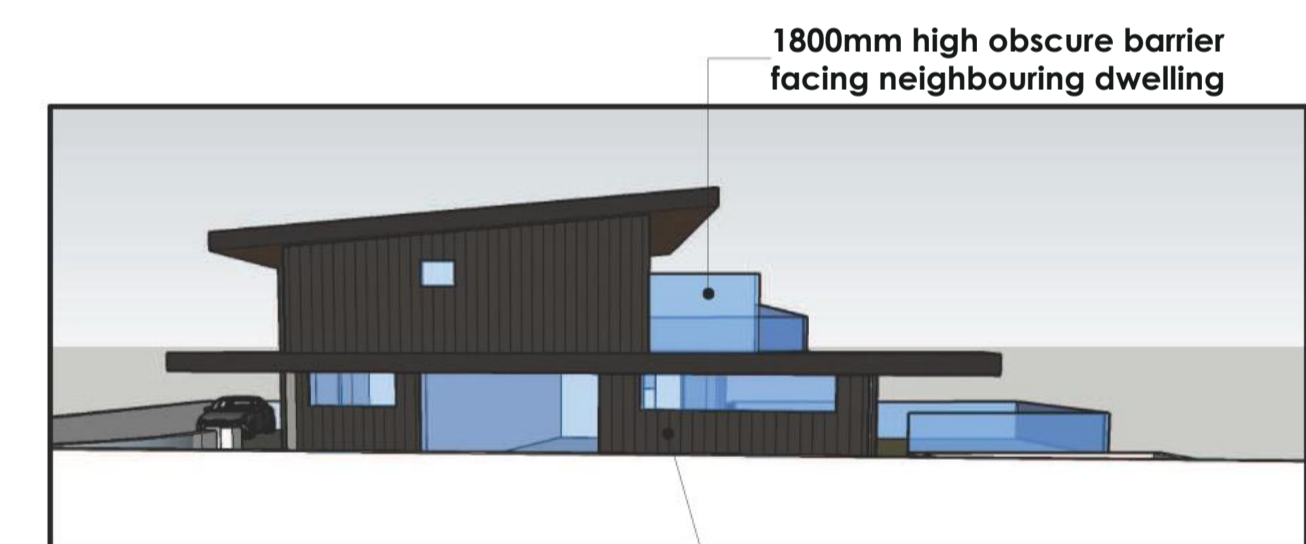
SIDE ELEVATION  
(Scale 1:100)



NORTH ELEVATION



SIDE ELEVATION  
(Scale 1:100)

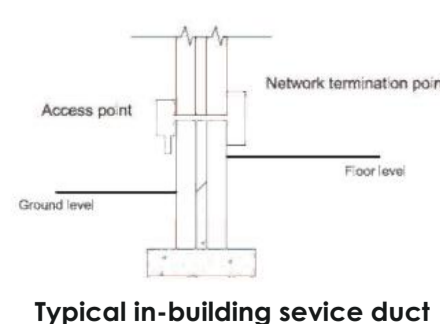


SOUTH ELEVATION

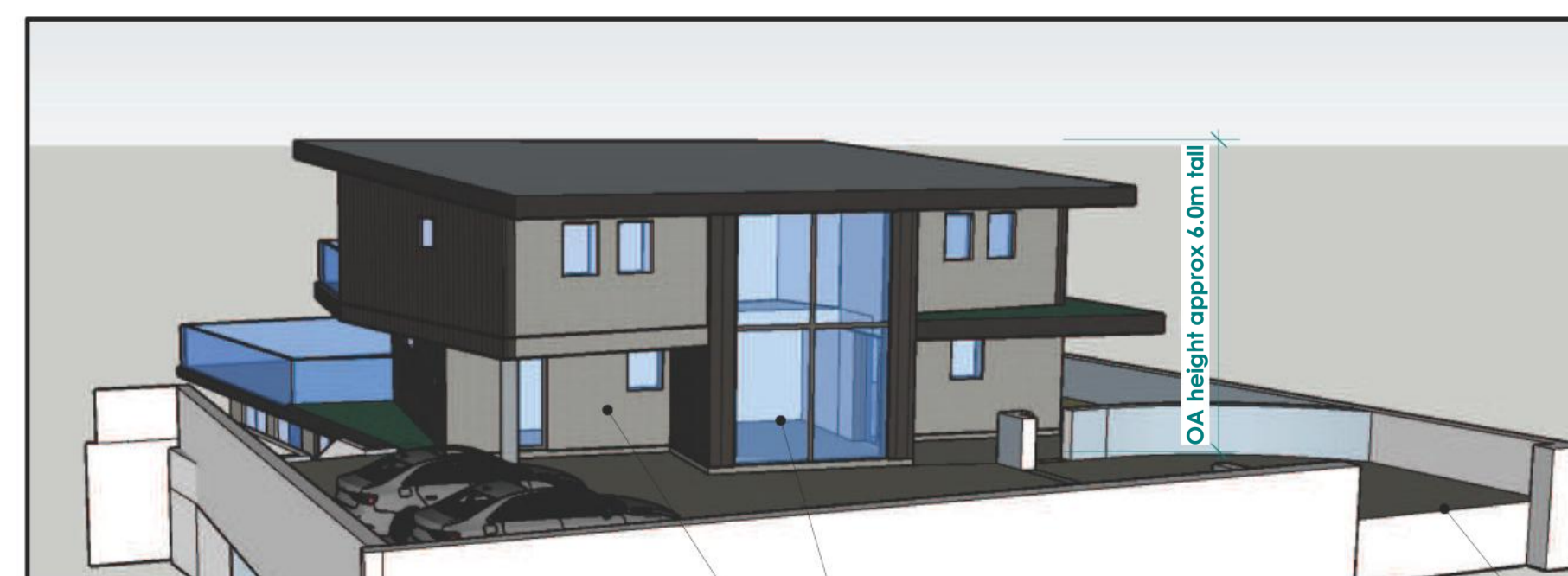


GROUND FLOOR/ SITE LAYOUT  
(Scale 1:100)

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



Typical in-building service duct



South facing glazing  
Smooth off white  
K-rend

Existing driveway  
altered to suit new  
vehicular entrance

cmdesign  
architectural consultants

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M 0781 3872818 W cmdesign.biz E office@cmdesign.biz

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T 01392 345566

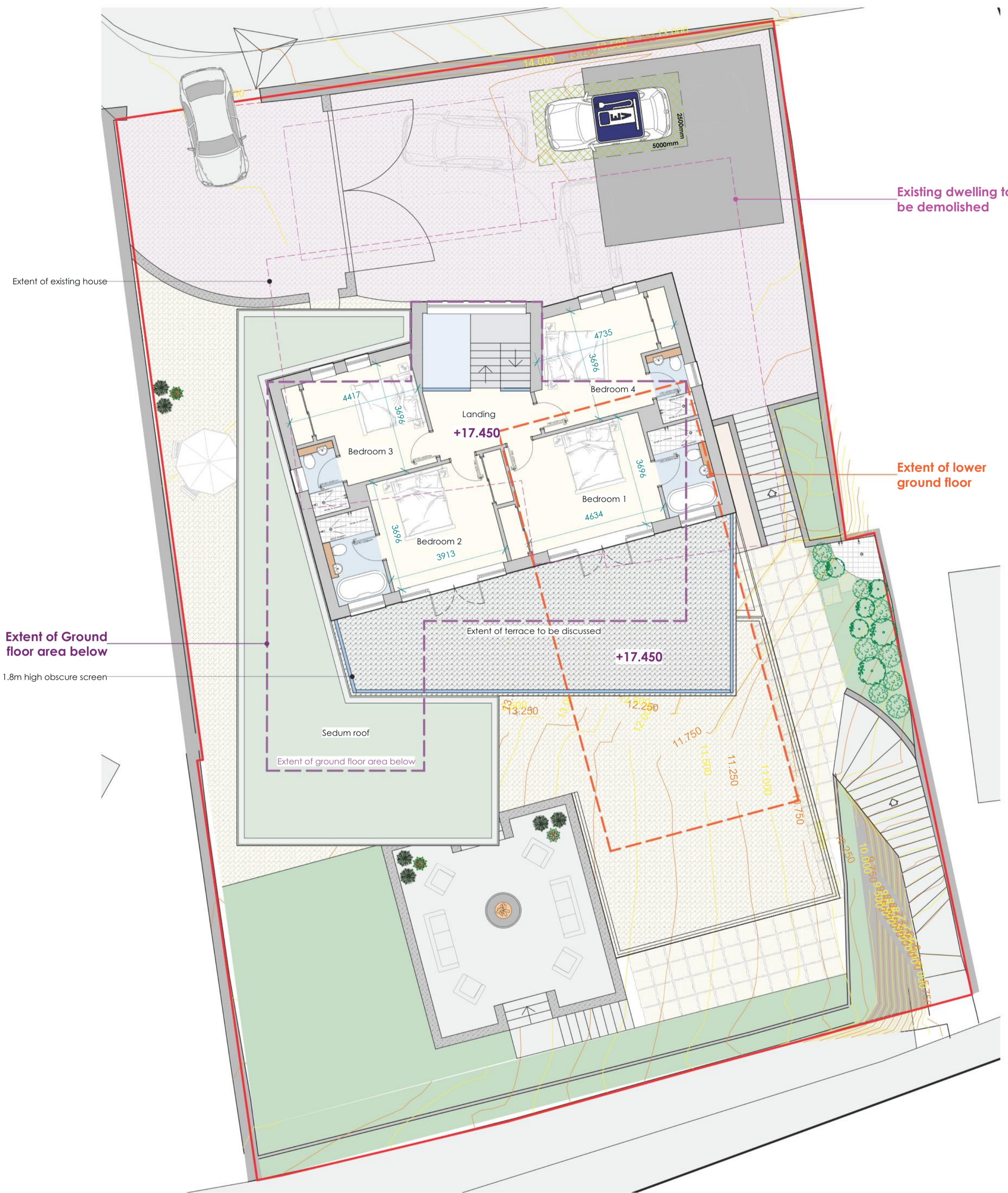
Mrs E. Stennett

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

210046.STENNETT.04PP A

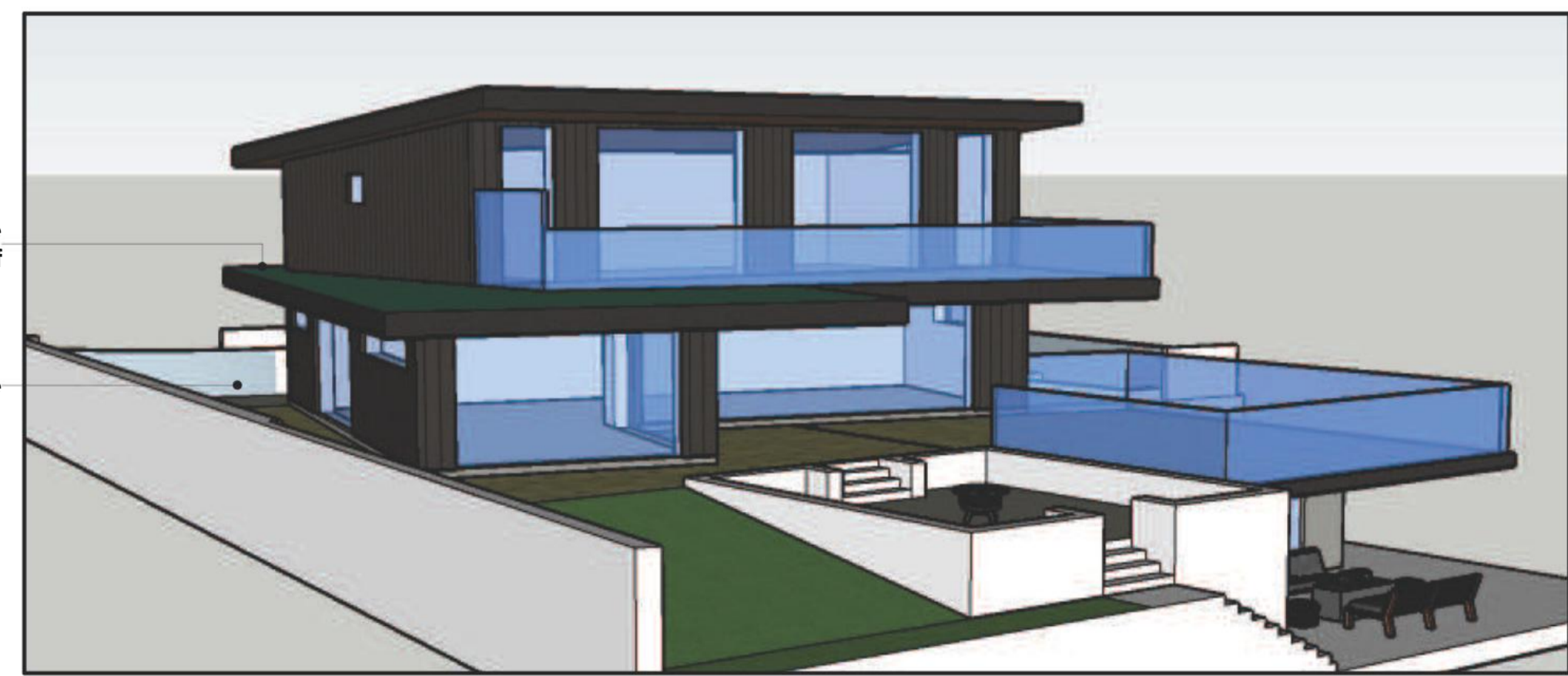
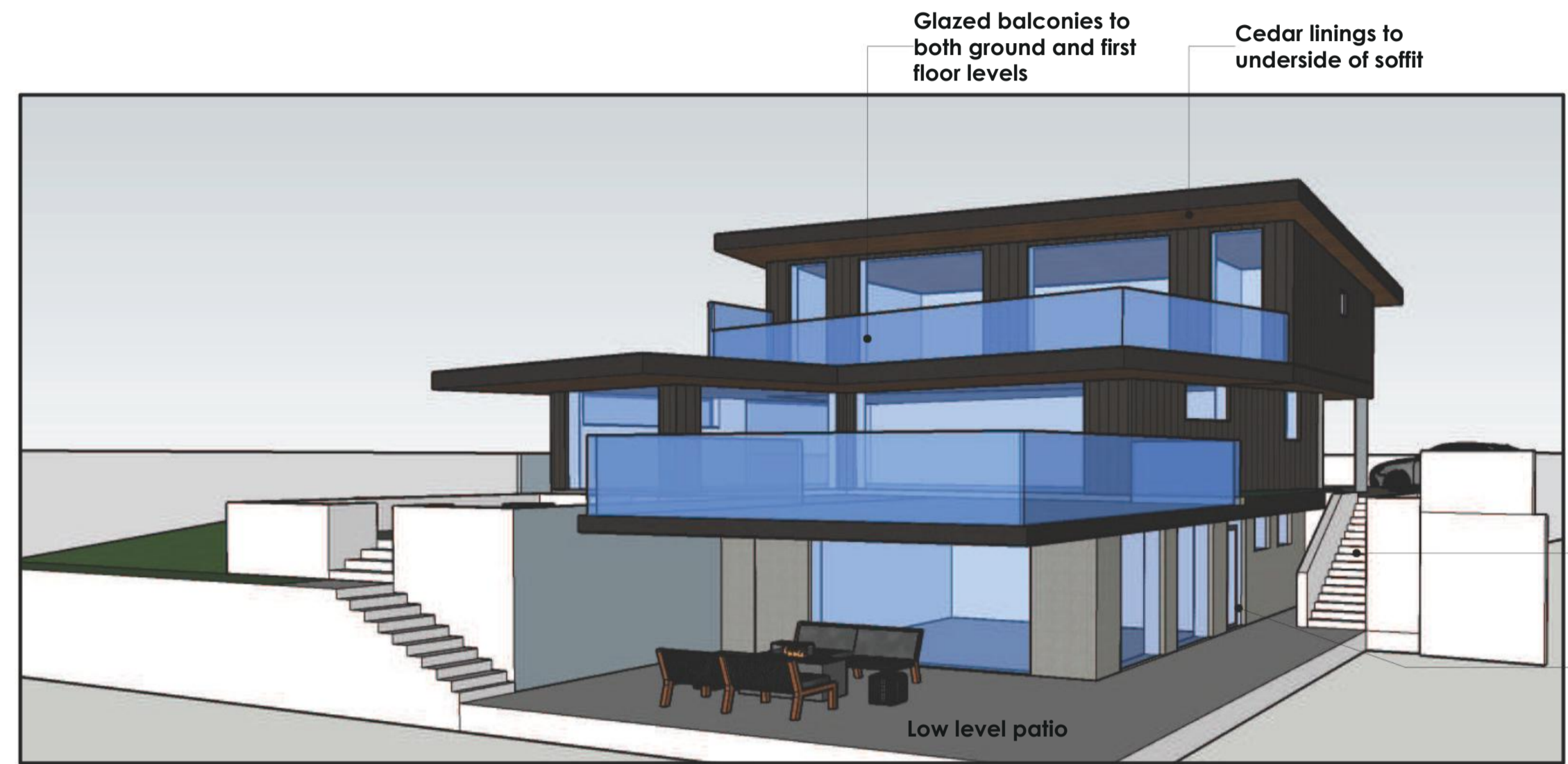


### FIRST FLOOR / SITE LAYOUT (Scale 1:100)

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



REAR ELEVATION  
(Scale 1:100)



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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

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

210046.STENNETT.05PP A



## MORAY LOCAL REVIEW BODY

18 AUGUST 2022

### SUMMARY OF INFORMATION FOR CASE No LR275

**Planning Application 22/00140/APP – Replace modern windows that have failed for other modern windows at 6 Burnside Street, Findochty**

#### **Ward 3: Buckie**

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 16 May 2022 on the grounds that:

The proposed development is contrary to Policy DP1: Development Principles, Policy 10: Listed Buildings and Policy EP9: Conservation Areas of the adopted Moray Local Development Plan 2020 and, as a material consideration, associated Replacement Windows and Doors Guidance for the following reasons:

1. The use of non-traditional materials such as uPVC is not acceptable for use on listed buildings and the proposed UPVC windows do not preserve the character and special historic interest of the listed building.
2. The use of UPVC windows would not be in compliance with Historic Environment Scotland advice on alterations to listed buildings (Managing Change in the Historic Environment - Windows) nor with the Moray Council's Replacement Windows and Doors Guidance which is clear that the use of non-traditional materials such as uPVC will not be acceptable in listed buildings.
3. The proposed development would not preserve and enhance the character and appearance of Findochty Outstanding Conservation Area.

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

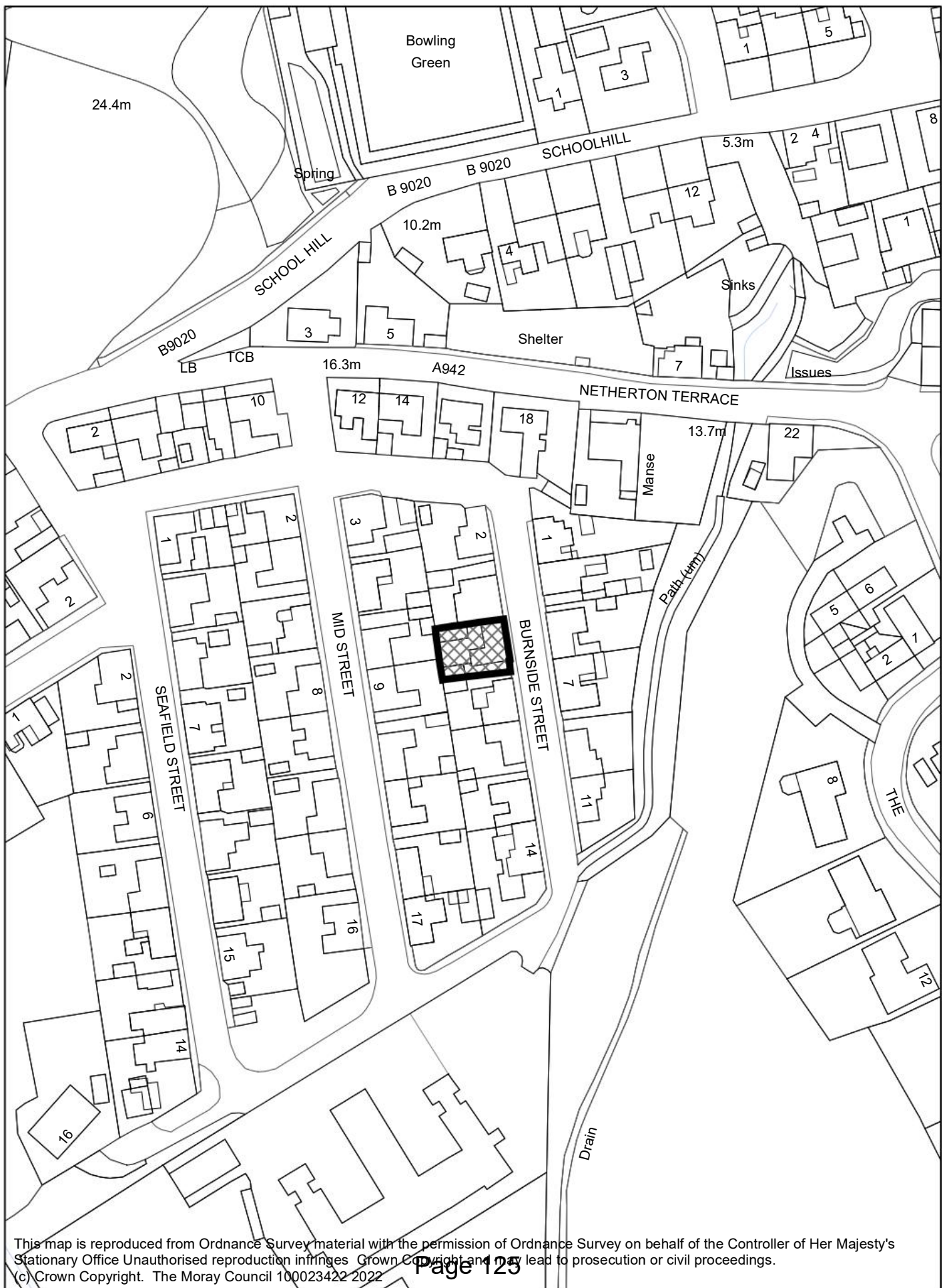
The Notice of the Review, Grounds for Review and any supporting documents submitted by the Applicant are attached as **Appendix 2**.

There were no responses from interested parties.





**Location plan for Planning Application Reference Number :  
22/00140/APP**







# **APPENDIX 1**

## **DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER**



# HOUSEHOLDER APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (SCOTLAND) ACT 1997

The Town and Country Planning (Development Management Procedure) (SCOTLAND) REGULATIONS 2013

Please refer to the accompanying Guidance Notes when completing this application

HELP TO BE EASIER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS

<https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	<input type="text" value="Mr"/>	Ref No.	<input type="text"/>
Forename	<input type="text" value="Stephen"/>	Forename	<input type="text"/>
Surname	<input type="text" value="Birtwistle"/>	Surname	<input type="text"/>
Company Name	<input type="text"/>	Company Name	<input type="text"/>
Building No./Name	<input type="text" value="6"/>	Building No./Name	<input type="text"/>
Address Line 1	<input type="text" value="Burnside Street"/>	Address Line 1	<input type="text"/>
Address Line 2	<input type="text"/>	Address Line 2	<input type="text"/>
Town/City	<input type="text" value="Findochty"/>	Town/City	<input type="text"/>
Postcode	<input type="text" value="AB56 4QW"/>	Postcode	<input type="text"/>
Telephone	<input type="text" value=""/>	Telephone	<input type="text"/>
Mobile	<input type="text" value="n/a"/>	Mobile	<input type="text"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text" value=""/>	Email	<input type="text"/>
<b>3. Address or Location of Proposed Development (please include postcode)</b>			
6 Burnside Street, Findochty, AB56 4QW			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
<b>4. Describe the Proposed Works</b>			
Please describe accurately the work proposed:			
Swapping modern windows for upvc wood effect like for like sized windows.			
Have the works already been started or completed      Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
If yes, please state date of completion, or if not completed, the start date:			
Date started: <input type="text"/>		Date completed: <input type="text"/>	

If yes, please explain why work has already taken place in advance of making this application.

## 5. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes ☒ No ☐

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☐ Letter ☐ Email ☒

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☒

Please provide a description of the advice you were given and who you received the advice from:

Name:

Date:

Ref No.:

To submit a planning application.

## 6. Trees

Are there any trees on or adjacent to the application site?

Yes ☐ No ☒

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

## 7. Changes to Vehicle Access and Parking

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

Yes ☐ No ☒

If yes, please show in your drawings the position of any existing, altered or new access and explain 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 changes to public paths, public rights of way or affecting any public rights of access?

Yes ☐ No ☒

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangement for continuing or alternative public access.

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

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 reduced number of spaces)

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, etc).

### 8. Planning Service Employee/Elected Member Interest

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

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority? Yes ☐ No ☒

If you have answered yes please provide details:

### DECLARATION

I, the applicant / agent certify that this is an application for planning permission and that accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed ☒

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants Yes ☒ No ☐ N/A ☐

Signature:

Name:

Stephen Birtwistle

Date:

2-2-22

# LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997  
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland)  
Regulations 2013

## CERTIFICATE A, B, C, D OR CERTIFICATE E MUST BE COMPLETED BY ALL APPLICANTS

### CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

#### I hereby certify that -

- (1) No person other than the applicant was owner 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 application. ☐
- (2) None of the land to which the application relates constitutes or forms part of agricultural land. ☐

Signed:

On behalf of:

Date:

### CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

#### I hereby certify that -

- (1) I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are: ☒

Name	Address	Date of Service of Notice
Cheryl Birtwistle	6 Burnside Street, Findochty, AB56 4QW	1-2-2022

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

or

- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

Name	Address	Date of Service of Notice

Signed:

On behalf of:

Date:

### CERTIFICATE C

Certificate C is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where it has not been possible to identify ALL or ANY owners/agricultural tenants.

- (1) I have been unable to serve notice on **every** person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. ☐

or

- (2) I have been unable to serve notice on **any** person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was owner of any part of the land to which the application relates. ☐

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

or

- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. ☐

or

- (5) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

Name	Address	Date of Service of Notice

- (6) I have \_\_\_\_\_ taken reasonable steps, as listed below, to ascertain the names and addresses of all other owners or agricultural tenants and have \_\_\_\_\_ been unable to do so.

Steps taken:

--

Signed:

--

On behalf of:

--

Date:

--

### CERTIFICATE D

Certificate D is for use where the application is for mineral development.

- (1) No person other than myself \_\_\_\_\_ was an owner 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. ☐

or

- (2) I have \_\_\_\_\_ served notice on each of the following persons other than myself \_\_\_\_\_ who, at the beginning of the period of 21 days ending with the date of the accompanying application, was to the applicant's knowledge, the owner, of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

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

or

- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have \_\_\_\_\_ served notice on each of the following persons other than myself \_\_\_\_\_ who, at the beginning of the period of 21 days ending with the date of the application, was an agricultural tenant. ☐

- (5) Notice of the application as set out below has been published and displayed by public notice ☐

Signed:

--

On behalf of:

--

Date:

--

### CERTIFICATE E

Certificate E is required where the applicant is the sole owner of all the land and the land to which the application relates is agricultural land and there are or are not agricultural tenants.

**I hereby certify that -**

(1) No person other than myself was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application. ☐

(2) The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants. ☐

or

(1) No person other than myself was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application. ☐

(2) The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants. These people are: ☐

Name	Address	Date of Service of Notice

(3) I have taken reasonable steps, as listed below, to ascertain the names and addresses of the other agricultural tenants and have been unable to do so. ☐

Steps taken:

--

Signed:

--

On behalf of:

--

Date:

--

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

# NOTICE TO OWNERS AND AGRICULTURAL TENANTS

Town and Country Planning (Scotland) Act 1997  
Regulation 15 (1) of the Town and Country Planning (Development Management Procedure)  
(Scotland) Regulations 2013

Name [Note 1]	
Address	

Proposed development at [Note 2]	

Notice is hereby given that an application is being made to

[Note 3]		Council by	
----------	--	------------	--

For planning permission to [Note 4]

--

If you wish to obtain further information on the application or to make representations about the application, you should contact the Council at [Note 5]

--

(The grant of planning permission does not affect owners' rights to retain and dispose of their property unless there is some provision to the contrary in an agreement or lease. The grant of planning permission for non-agricultural development may affect agricultural tenants security of tenure.)

Signed	
On behalf of	
Date	

\*Delete where appropriate

[Note 1] – Insert name and address of owner or agricultural tenants

[Note 2] – Insert address or location of proposed development.

[Note 3] – Insert name of planning authority.

[Note 4] – Insert description of proposed development.

[Note 5] - Insert planning authority address.

# NOTICE TO OWNERS AND AGRICULTURAL TENANTS

The Town and Country Planning (Scotland) Act 1997  
The Town and Country Planning (Development Management Procedure) (Scotland)  
Regulations 2013 (Regulation 15)

## NOTES FOR GUIDANCE

Before applying for planning permission or planning permission in principle under regulations 9 to 11, applicants should notify all persons who (other than themselves), were the owners of any of the land to which the application relates, or were agricultural tenants at the beginning of the prescribed period (in effect 21 days ending with the date on which the application was submitted).

Notices to owners and agricultural tenants should be in the form set out in schedule 1 of the regulations and must include:

1. The name of the applicant
2. The address or location of the proposed development
3. A description of the proposed development and
4. The name and address of the planning authority who will determine the application.

The grant of planning permission will not affect the rights of an owner, or tenant under a lease which has at least 7 years to run, to dispose of the consented property unless there is express provision in the lease/Agreement.

### Applications for the working and winning of underground minerals

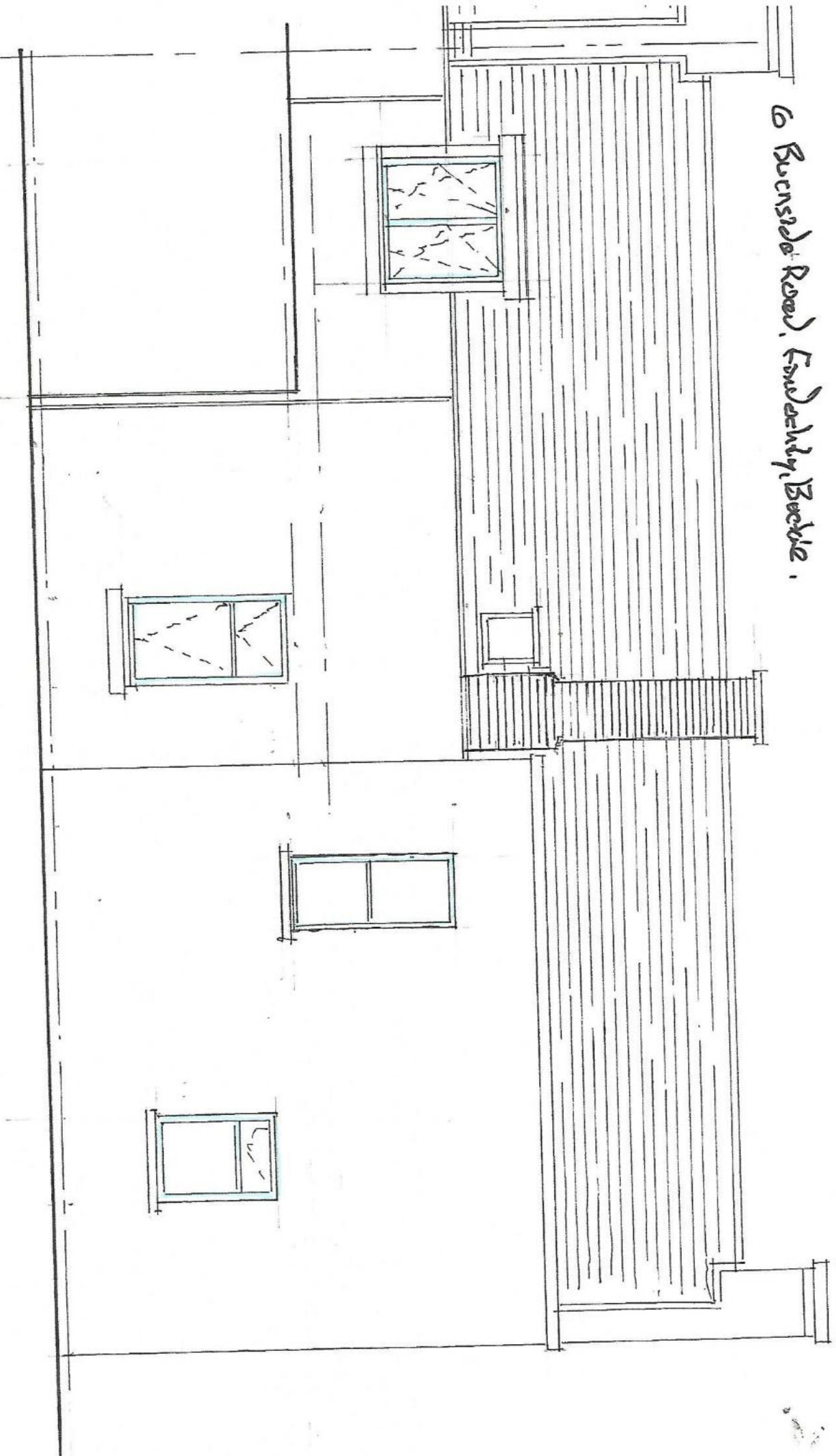
The notification of site owners and agricultural tenants regarding applications for the working and winning of underground minerals may be both onerous and complex. In addition to those owners and agricultural tenants with rights in relation to the relevant surface land, there may be other people with ownership rights to minerals, other than those vested in the Crown (oil, gas, coal, gold and silver), who may be difficult to identify and notify.

For the purposes of these applications, regulation 15(4) amends the requirement to notify owners to relate to those who "to the applicant's knowledge" are owners

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.



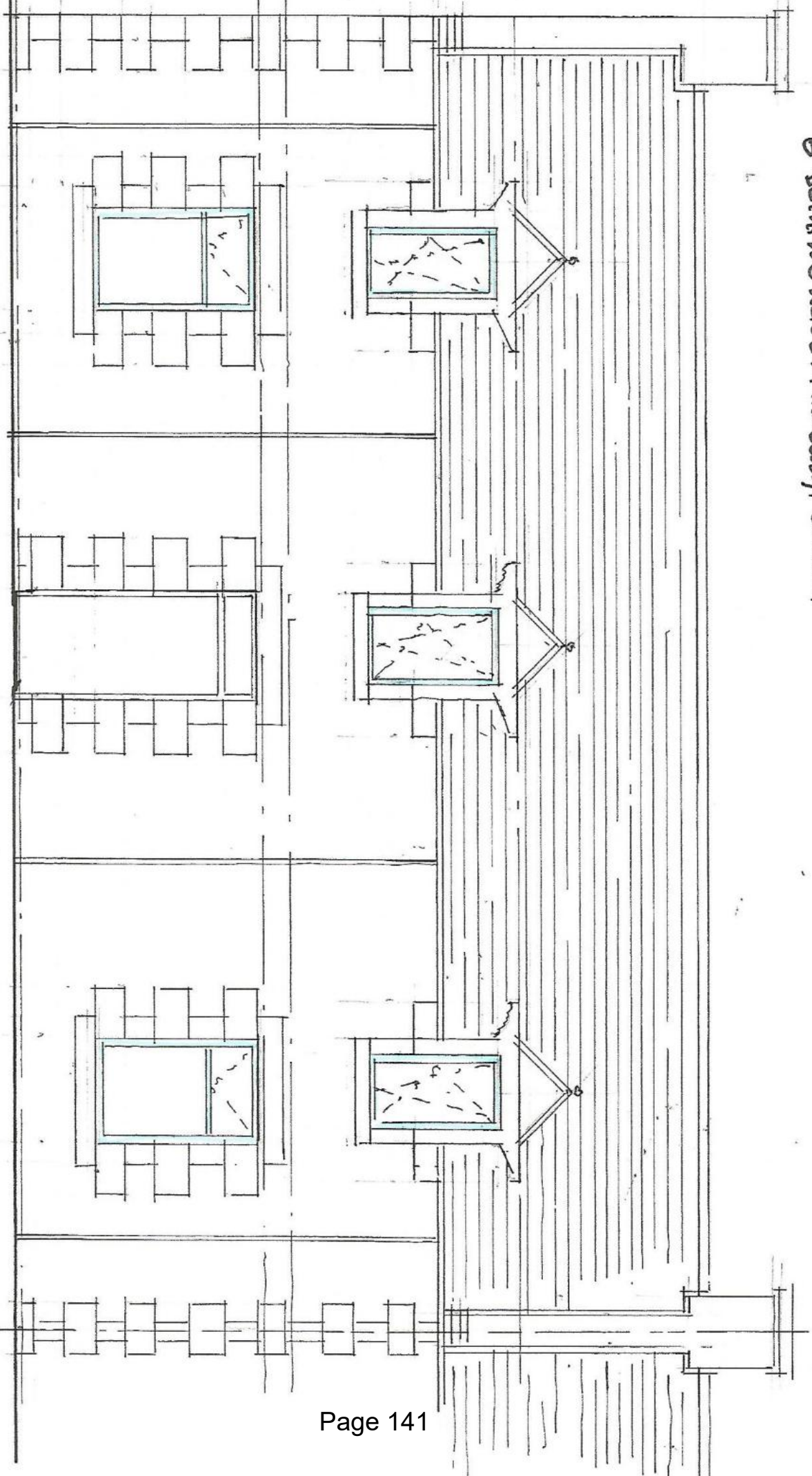
6 Ruesside Road, Foxeally, Bective.



1:50 elevation C [PROPOSED]



6 Barnside Road, Freshy, Bude, Cornwall

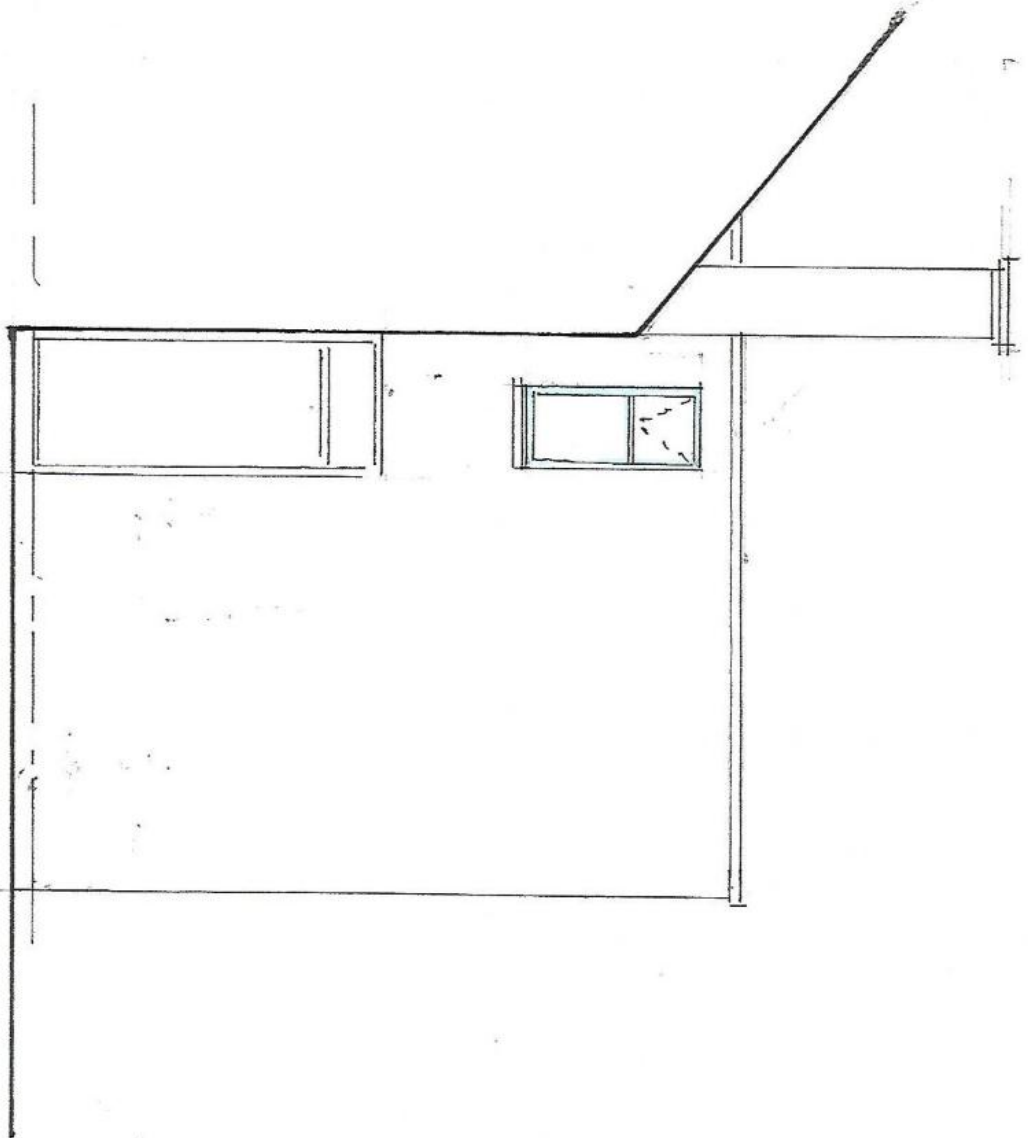


1:50 Elevation A, [Proposed]

0206.2023, BIRT W 41570 002 A.

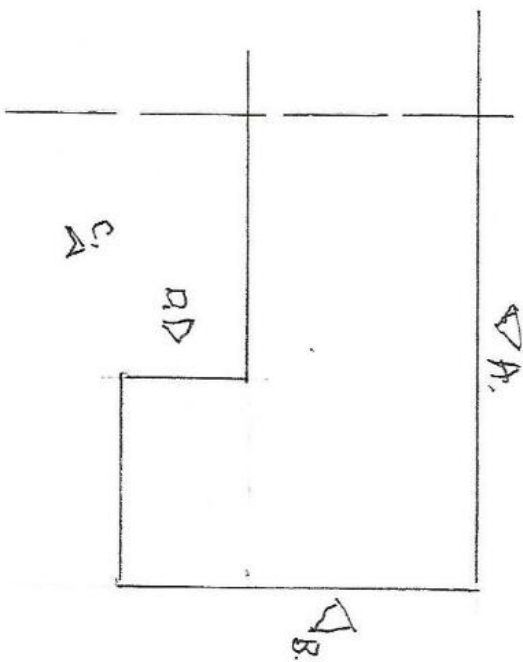


6 Burnside Road, Inverclyde, Buckie.



(PROPOSED)

1:50 Elevation D,

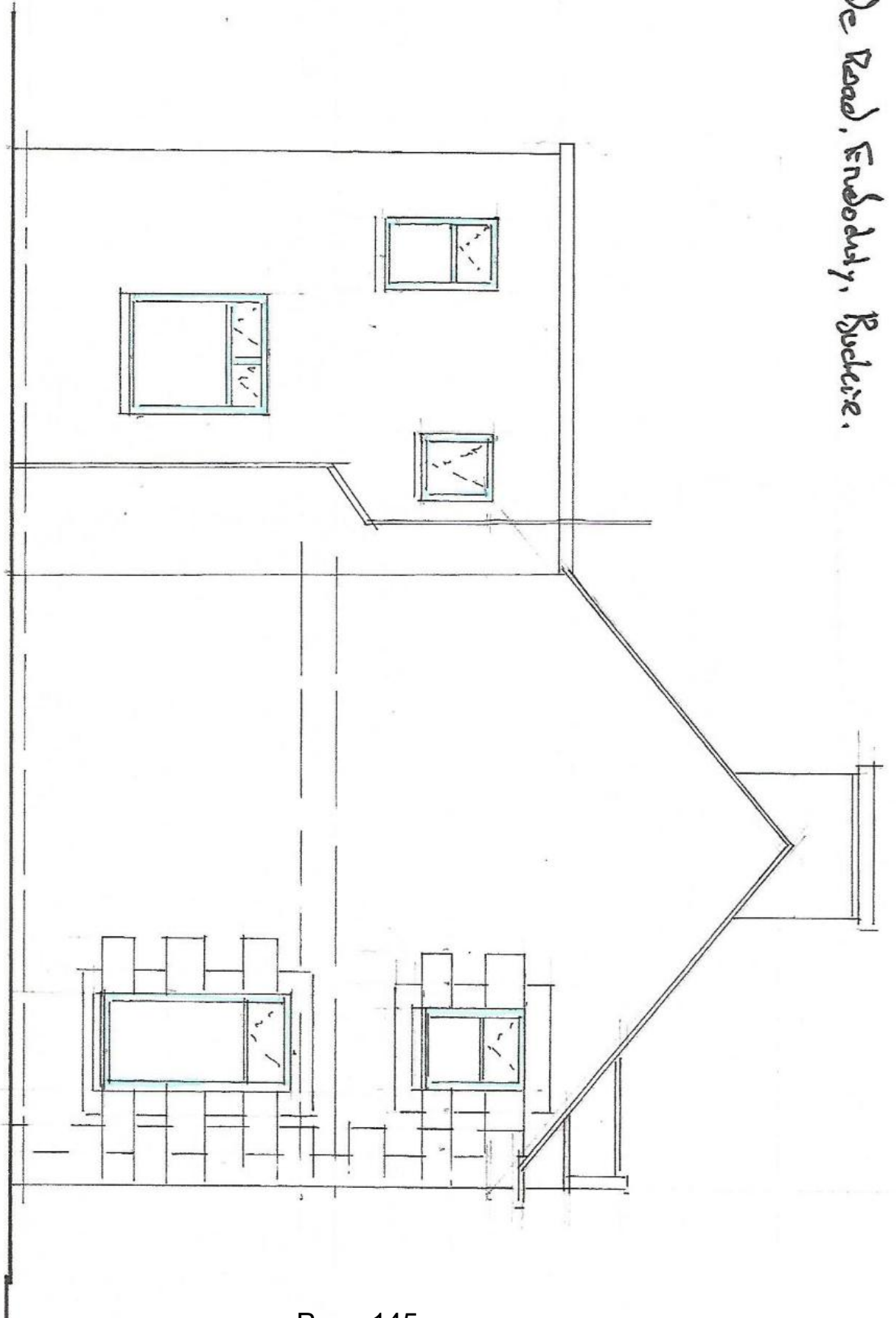


1:200 Block Plan,

DRG, 2022, BIRT 4545713 003A.



6 Riverside Road, Endoduly, Buckle.



1:50 Elevation B.

[PROPOSED]

DRL, 2022, BIRKENWISTLE 004, P.



# Location Plan of ab564qw



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0m 20m 40m 60m 80m 100m

Scale: 1:1250, paper size: A4



## PLANS FOR 'U'

### PLANNING & WARRANT APPLICATIONS

**Jim Cairns**

2 Victoria Street, PORTKNOCKIE, AB56 4LQ

Tel: 01542 841892 Mob: 07767 493462

Email: [plansforu@btinternet.com](mailto:plansforu@btinternet.com)

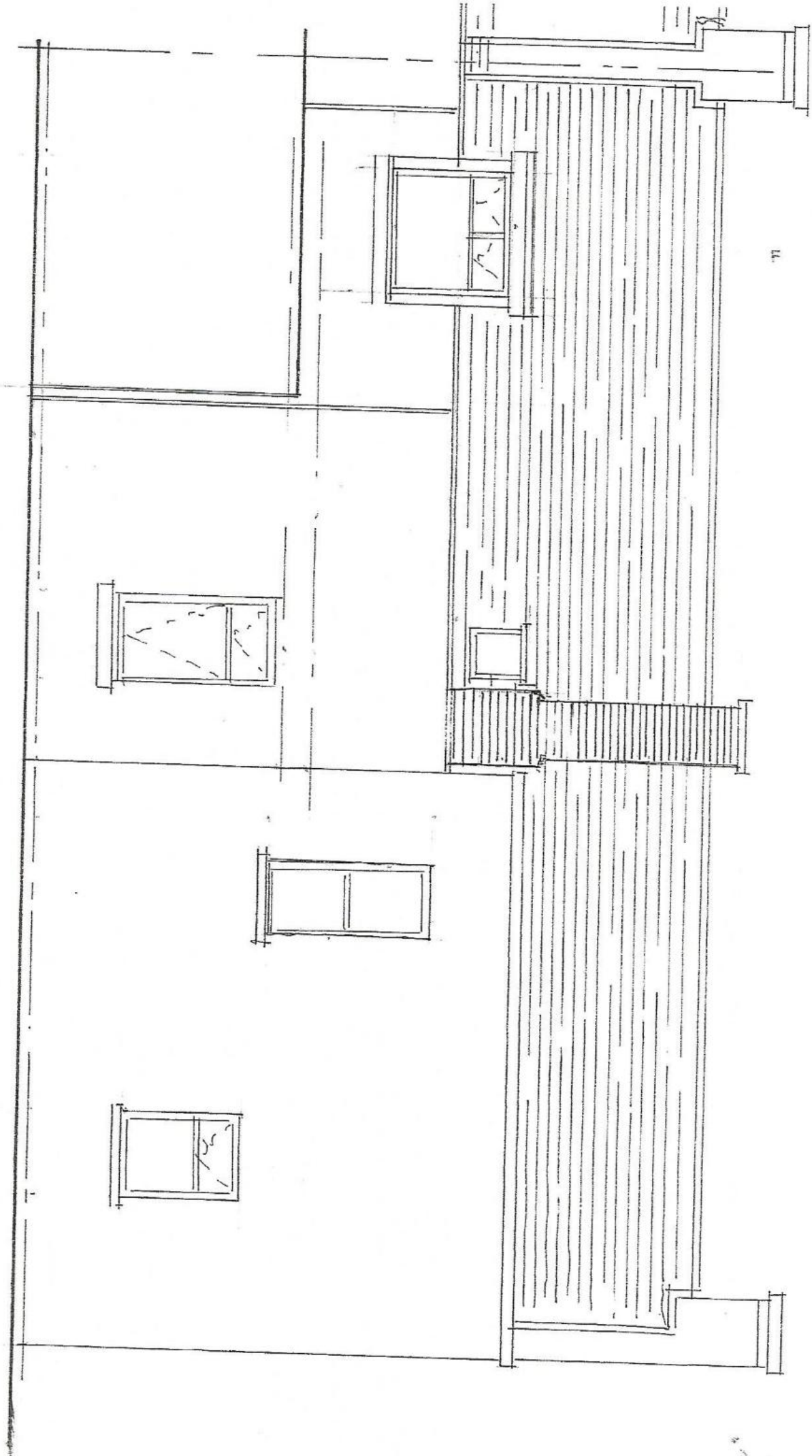


**emapsite™**  
plans

Prepared by: Stephen Birtwistle, 01-10-2021

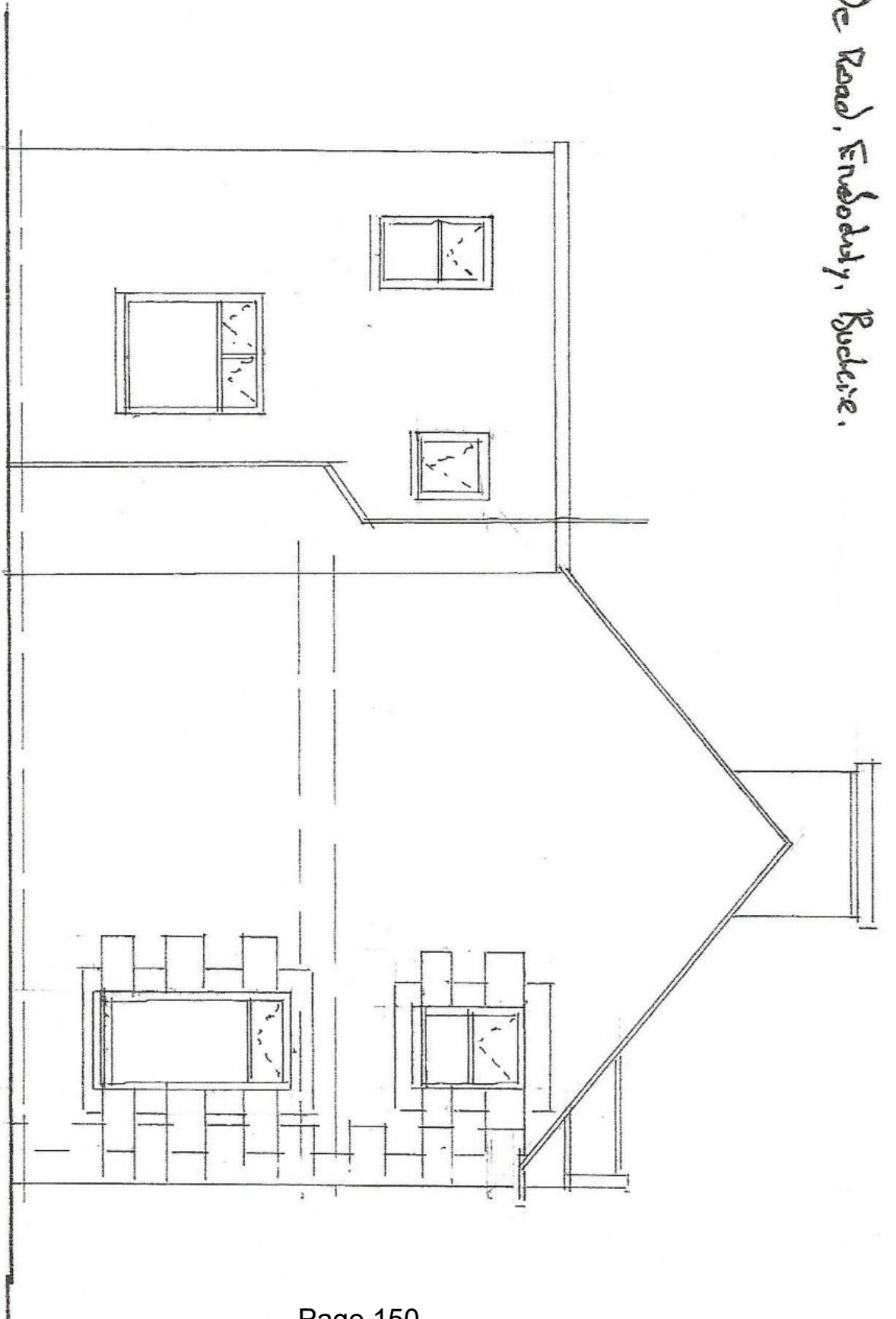


6 Burnside Road, Tindochty, Buchan.



1:50 Elevation [Existing]

6 Riverside Road, Finedon, Rutland.

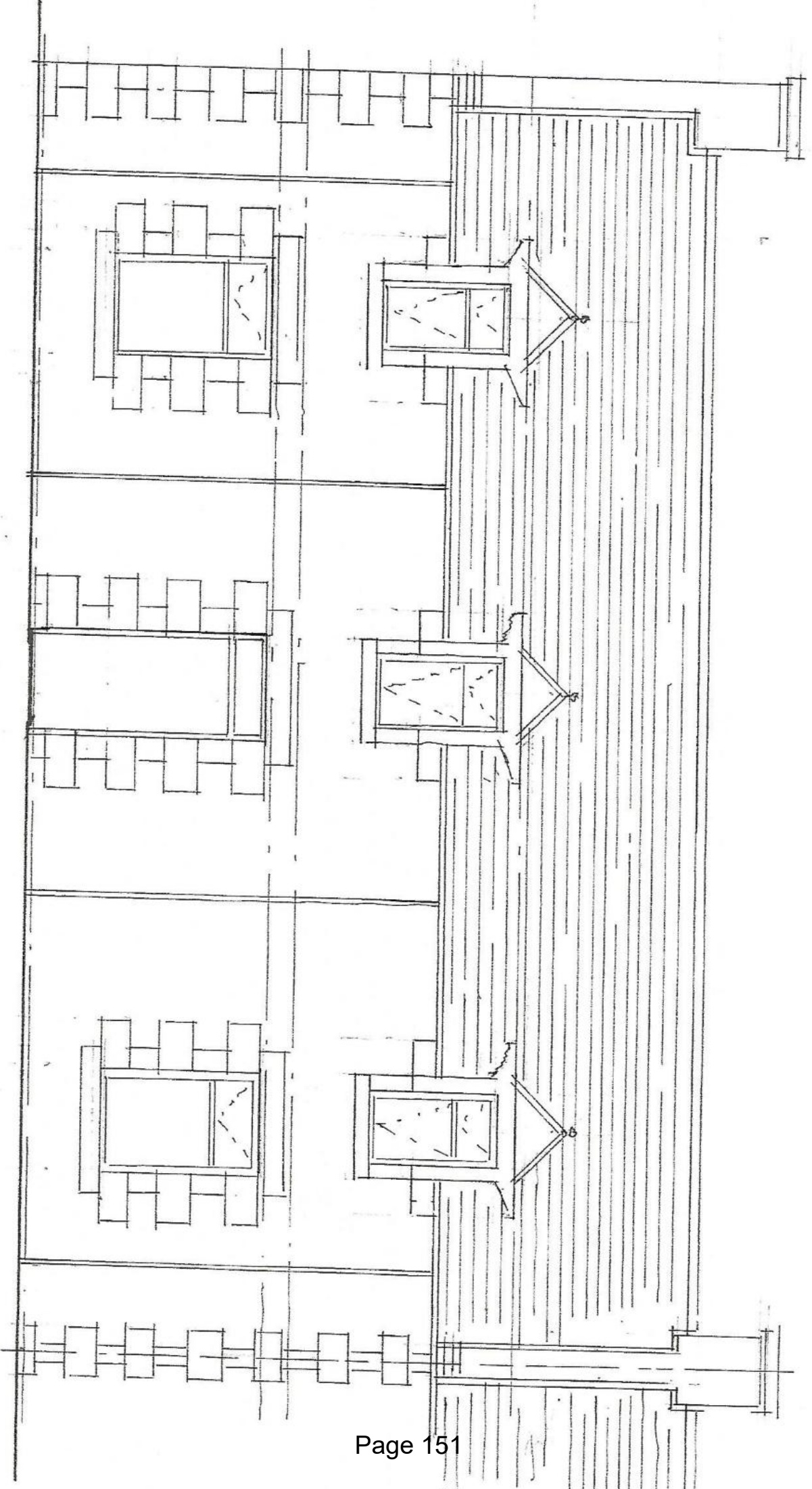


1:50 Elevation B.

[ET15TRAC]

DRG. 2620131RTVHISTLE.004

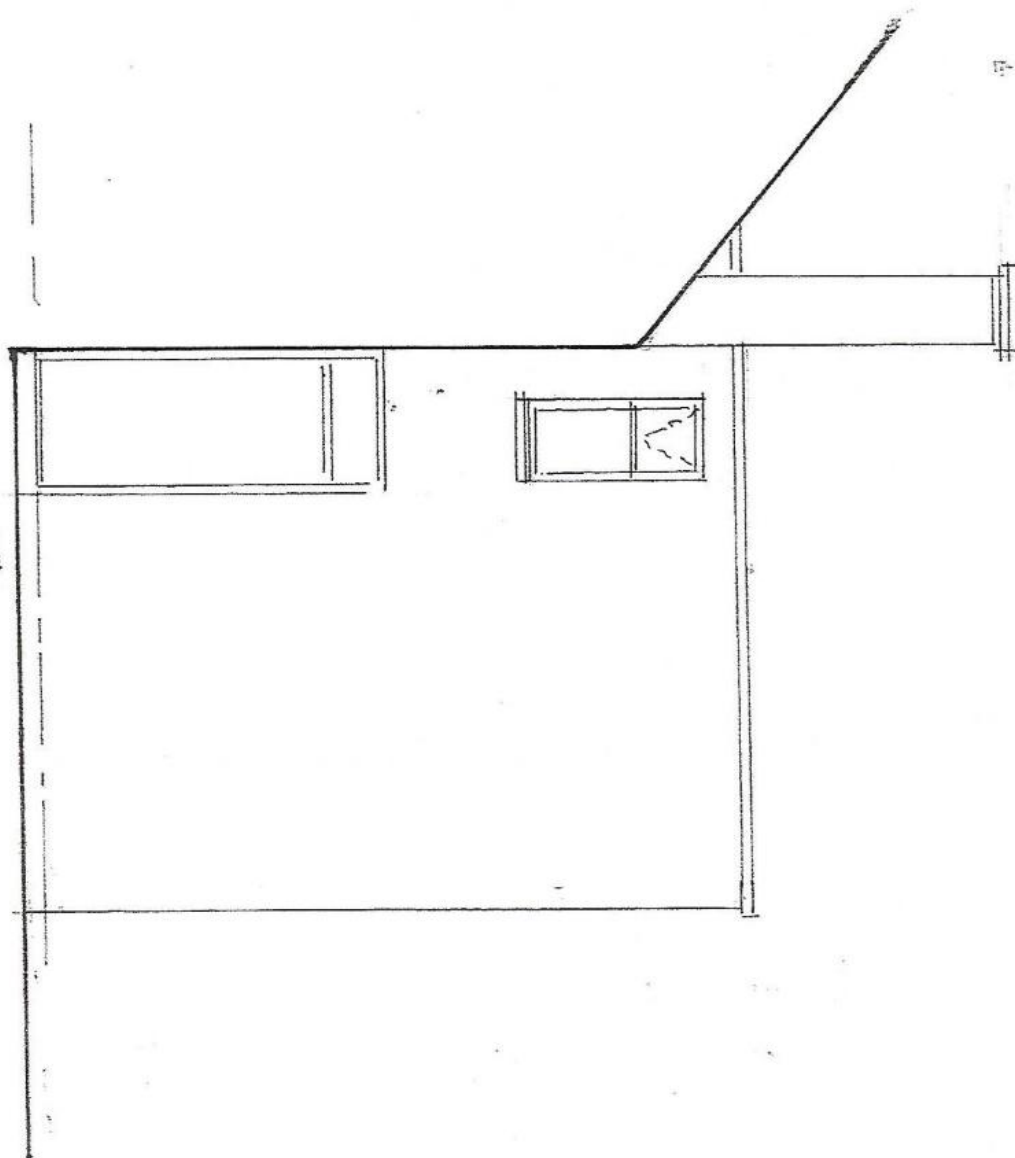
6 Burnside Road, Findochty, Buchie.



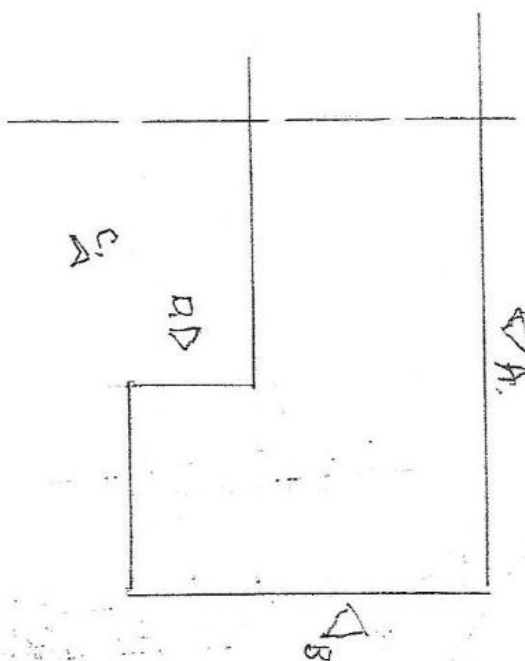
11.5 elevation A. [EXISTING]

DRG. 2022, BIRTHWATER, 003.

6 Barnside Road, Gmbeddy, Bueche.



1:50 Elevation D,  
[EXISTING]



1:200 Block Plan.

DRG. 2022 BILKINUST 16. 003.

**1) PROPOSED INSTALLATION OF REPLACEMENT INDOWS at no 6 BURNSIDE ROAD,  
FINDOCHTY, BUCKIE, MORAY, AB564QW, for STEVEN BIRTWHISTLE:**

*The specification notes and drawings are for the Planning applications to the Moray Council, and for the use of the applicant only:*

**BUILDING WORKS / SPECIFICATION NOTES:**

*Builders and Sub-contractors to be fully responsible for all site safety, with the use of ladders, scaffolding, machinery, electrical equipment etc:*

**NEW WORK:**

*All existing aluminium framed windows to be removed and new double glazed upvc windows to be installed in the existing openings, with mastic pointing round all openings both inside and outside:*

*NB. Existing window to the stair, with decorated glass, to have a replacement upvc window fitted to the outside, set within the existing window ingoes:*

*NB. All bedroom windows to function as 'fire exit' with 'tilt – turn -to open inward' to allow cleaning from the inside:*

*Extract fan to be installed in the bathroom window, with a suitable fused electrical supply:*

**WINDOW SECURITY:**

*Windows to be provided and installed to the requirements of Reg 4.13: As follows:-*

*4.13.1 Windows to be designed, installed and glazed to resist forced entry, by the use of windows manufactured to meet recognised product standards and defined component performance:*

*4.13.2. a window should meet the recommendations for physical security in Section 2 of 'secured by design':*

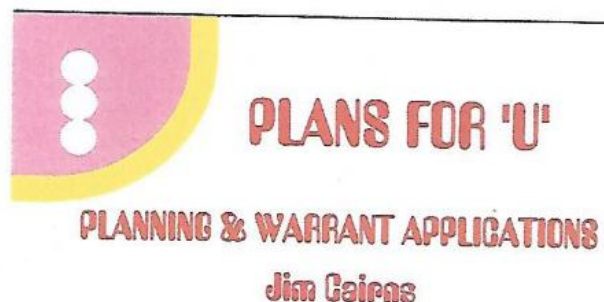
*4.13.3. a window should be tested and certified by a notified body as meeting a recognised standard for security such as BS 7950:1997 for windows:*

*4.13.4. windows that can be opened should be fitted with a keyed locking system that uses a removable key:*

*4.13.5. installation and fixings of windows to ensure a robust installation according to the recommendations given in Section 8 of BS 8213-4:2007; or manufacturers written instructions where they meet or exceed the recommendations within this British Standard: Max., height of opening handles = 1.7m: U Value of windows to be 1.4max;*

**J D Cairns – 16.02.22:**

**Email – planforu1942@gmail.com**



2 Victoria Street, PORTKNOCKIE, AB56 4LQ  
Tel: 01542 841892 Mob: 07767 493462  
Email: ~~planforu1942@gmail.com~~



Rainwater fittings	
Repair category	2
Notes	There is a sagging gutter to the rear.

Main walls	
Repair category	2
Notes	There is cracking to render to the rear. Cracking should be sealed in order to prevent further deterioration.

Windows, external doors and joinery	
Repair category	2
Notes	<p>Seals on some of the double glazed window units have failed, resulting in condensation build up between the panes. The top opening pane of the kitchen window is loose and does not open and close properly. The windows are of an older type. They may be nearing the end of their useful lifespan.</p> <p>There is a cracked pane in the W.C.</p>

External decorations	
Repair category	2
Notes	External timbers and paintwork is weathered. There is peeling paint to window surrounds.

Conservatories/porches	
Repair category	-
Notes	n/a

Communal areas	
Repair category	-
Notes	n/a

Garages and permanent outbuildings	
Repair category	2
Notes	The garage roof appears to include asbestos based products in its construction.



# Location Plan of ab564qw



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0m 20m 40m 60m 80m 100m

Scale: 1:1250, page size: A4

Page 157



This document we include as a bit of background for our application and to explain our circumstances and our justification for wanting to replace the inadequate and damaged windows

I am feeling very lost, frustrated and desperate for my family. A bit of background, we bought a house in Findochty which required some modernisation and repairs, the windows of which being smashed and boomed UPVC and aluminium windows. This was picked up in the home report (also included – page 14 “Seals on some of the double-glazed window units have failed, resulting in condensation build up between the panes. The top opening pane of the kitchen window is loose and does not open and close properly. The windows are of an older type. They may be nearing the end of their useful lifespan. There is a cracked pane in the W.C.”).

We had assumed, wrongly it now seems as 95% if not more of the surrounding houses have aluminium or UPVC we would be allowed to upgrade to UPVC. I submitted a development enquiry (domestic) to yourselves and unfortunately received the response from planning officer Craig Wilson which I quote from – “The use of UPVC is unacceptable for replacement windows to a listed building.

Unsympathetic works, and use of UPVC windows, to other buildings are not recent or set a precedent: and is not justification to allow incongruous works to your property.” For some reason we also later received one from Fiona Olsen stating the same – I assume generic responses.

Our gas and electric is £315 a month to heat as the windows are all failed units, this has already jumped in price and I have been advised by my energy firm this will jump much further at the end of our fixed rate contract, my daughter has a lifelong heart condition and requires consistent warmth, she has poor circulation and can get cold very easily, this in turn leads to increase in painful leg cramps, so turning the heating down or off is not a justifiable option for us, not if we are to provide her with the care she requires. I have investigated the price of wooden windows, and we simply cannot afford to replace with these – I have looked around and we are looking at an estimated 30-40k whereas UPVC is coming in at 7.5k which is a much more manageable cost. I have also included pictures of the windows and the state they are currently in so you can see how bad it is, but with rising energy costs and a real terms 20% pay cut at the council over the past 12 years, I am left with the tough decision of if we aren't able to do this, we will have to sell up having just got my 3 kids and ourselves settled at a new school and go onto the council list because we just can't afford to start again having used our lifetime savings upgrading and modernising this property to be our forever family home.

I am asking in desperation, for you to please take it under consideration allowing us to upgrade to UPVC the same as the majority of the properties surrounding us. It would in not look out of place when you see the considerable amount of other listed buildings which have UPVC and ours already being classed as modern windows.



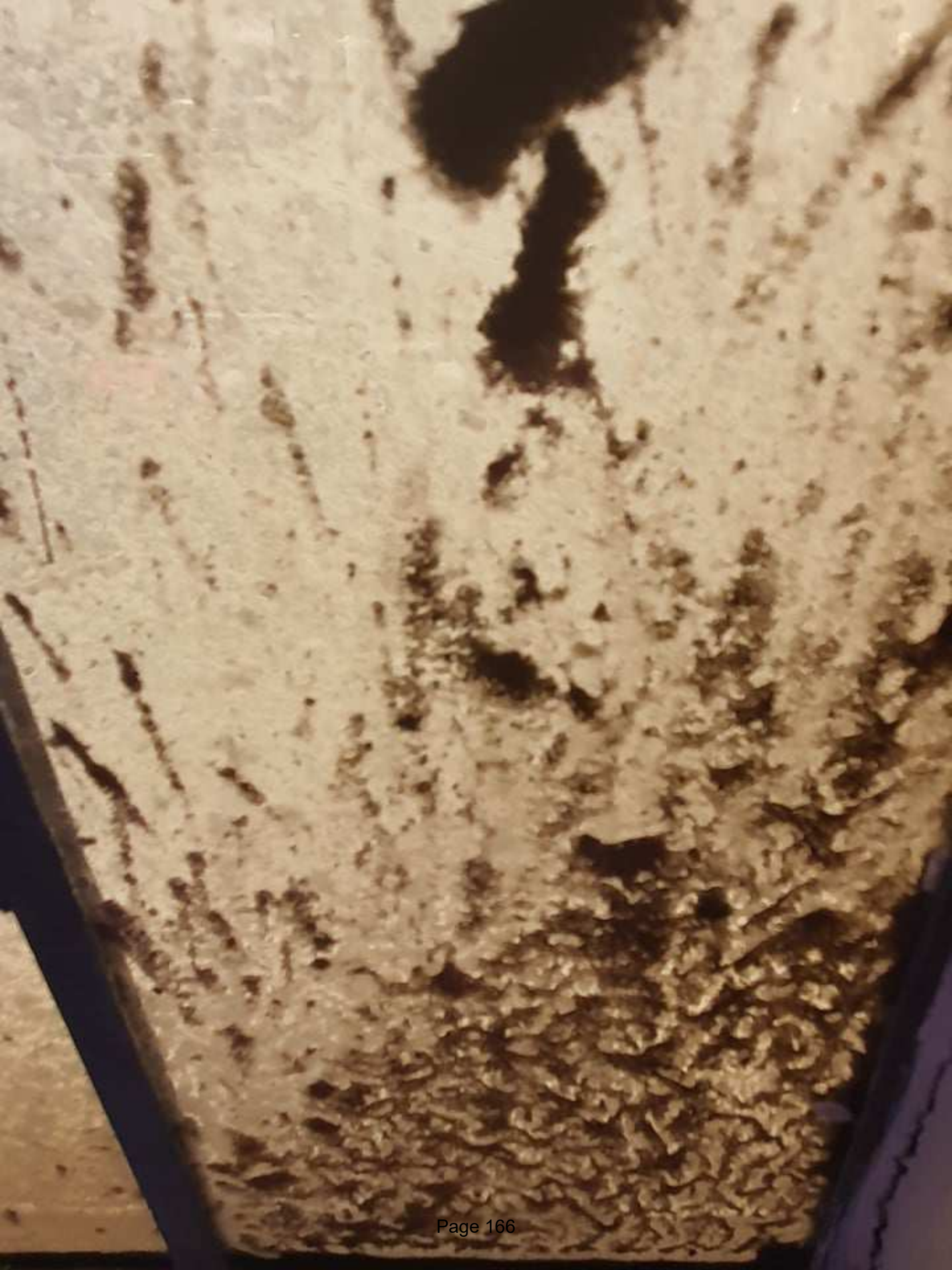
















# Location Plan of ab564qw



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turning the heating down or off is not a justifiable option for us, not if we are to provide her with the care she requires. I have investigated the price of wooden windows, and we simply cannot afford to replace with these – I have looked around and we are looking at an estimated 30-40k whereas UPVC is coming in at 7.5k which is a much more manageable cost. I have also included pictures of the windows and the state they are currently in so you can see how bad it is, but with rising energy costs and a real terms 20% pay cut at the council over the past 12 years, I am left with the tough decision of if we aren't able to do this, we will have to sell up having just got my 3 kids and ourselves settled at a new school and go onto the council list because we just can't afford to start again having used our lifetime savings upgrading and modernising this property to be our forever family home.

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## **REPORT OF HANDLING**

<b>Ref No:</b>	22/00140/APP	<b>Officer:</b>	Katherine Donnachie
<b>Proposal Description/ Address</b>	Remove existing windows and replace UPVC windows at 6 Burnside Street Findochty Buckie Moray		
<b>Date:</b>	13.05.2022	<b>Typist Initials:</b>	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**

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>

### **DEVELOPMENT PLAN POLICY**

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
PP1 Placemaking		Refer to observations
DP1 Development Principles		Refer to observations
EP3 Special Landscape Areas		Refer to observations
EP9 Conservation Areas	N	Refer to observations
EP10 Listed Buildings	N	Refer to observations

### **REPRESENTATIONS**

Representations Received		NO
Total number of representations received		
Names/Addresses of parties submitting representations		
Summary and Assessment of main issues raised by representations		
Issue:		
Comments (PO):		

### Site and Proposals

This application seeks planning permission to replace all the windows in a category C listed building of architectural and historic importance at 6 Burnside Crescent Findochty. This property, along with the adjoining house at number 4, is listed category C with the Historic Environment Scotland listing, which dates from 1989 stating as follows:

- Circa 1900. Pair 2-storey, 3-bay houses. Rubble with contrasting painted concrete dressings. Each house with centre entrance and with 3 finialled gabled dormers breaking wallhead. Coped end stacks; slate roof. NO 4: modern glazing. NO 6: modern glazing, original panelled door.

The site is located within Findochty Outstanding Area and is located on Burnside Street which is part of number of streets located to the south of the main A942 road through Findochty leading to Buckie with the primary school lying to the south. Burnside Street is characterised by traditional stone and slate properties hard onto the street and the application site is surrounded by other residential properties the majority of which are listed.

This house has been extended to the years by way of flat roofed extensions and these date from some considerable time ago with the only recent planning applications being a retrospective application for a gym/store building in the rear garden which was approved in 2020. (Reference 21/01565/APP) An accompanying planning application for listed building consent to change the windows is currently pending too (22/00139/LBC).

At present the windows in this house are aluminium and are they are in poor condition. It is proposed to replace all these windows with UPVC windows. The majority will be similar proportions - 2/3 and 1/3 split to each window apart from one of the rear windows which will be split 50-50 vertically and another which will be split 50-50 horizontally. The three upper floor windows on the front elevation will be single pane. The total number of windows to be replaced is 10 (5 to gable end, 1 to side of rear extension and 4 on rear elevation).

### APPRAISAL

#### Policy Background

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:

#### Principle

Policy PP1 Placemaking seeks to ensure that new development is designed to create successful healthy places that improve people's wellbeing, safeguard the environment and support economic development, promote character and identity and biodiversity. Similarly Policy DP1 Development Principles is supportive of new development providing it meets all other relevant planning policies. Again this policy supports new development providing it is in keeping with the area and this will now be considered below.

#### Design, layout and impacts on Conservation Area and Listed Building

Policy DP1 Development Principles sets out the need for the scale, density and character to be appropriate to the surrounding area to create a sense of place, integrated into the surrounding landscape with no adverse impact upon neighbouring properties in terms of privacy, daylighting, or overbearing loss of amenity.

It is considered that this window replacement proposal will have no impacts upon neighbours, nor will there be any impact upon environmental interests. The key policy issue therefore is the impact on the architectural quality and townscape given that this is a Listed Building of architectural and historic

importance and is located within Findochty Outstanding Conservation Area.

A key planning policy is Policy EP10 Listed Buildings which seeks to ensure that new development does not have a detrimental effect on the character, integrity or setting of a listed building. This policy highlights that any alterations to listed buildings must be of the highest quality, and respect the original structure in terms of setting, scale, materials and design. Policy EP9 Conservation Areas also applies and this requires that all development within a Conservation Area preserves and enhances the established traditional character or appearance of the area explaining that this will typically require the use of traditional materials and styles. It also highlights that there is always a presumption in favour of retention and repair of windows and doors over replacement, noting that UPVC windows on a listed building are not acceptable. The policy highlights that advice on the type of windows considered acceptable for listed buildings is set out in the Council's Replacement Windows and Door Guidance.

Following consideration of the applicants' supporting case and a site visit it is fully accepted that the existing windows are in very poor condition and require replacement. It is also accepted that the vast majority of windows in the surrounding area are not traditional. However the key point to consider here is whether the replacement windows are appropriate for the application site which comprises a category C listed building of architectural and historic importance located in an outstanding Conservation Area.

Guidance on replacement windows is provided by Historic Environment Scotland in "Managing Change in the Historic Environment Windows - October 2010" which set out that the windows of a historic building form an important element in defining its character and special interest explaining that the form and design of the framing and astragals are important as is the method of opening which can contribute significantly to the authenticity and appearance of a historic building, noting that windows were historically painted and this is the preferred finish. It notes that where windows are beyond repair or of little historic interest it should be acceptable to replace them as is the case here. It explains that generally replacement windows should seek to match the original windows in design, form, fixing, method of opening materials, noting that when replacing sash windows materials other than timber (e.g. UPVC) will rarely be acceptable.

Moray Council also adopted guidance on replacement windows as contained in the "Replacement Windows and Door Guidance" which is a material consideration in decision making. This guidance sets out the importance of windows and doors to the character of historic buildings both individually and in the wider streetscape, explaining the desire to protect and preserve original windows where possible. It highlights that replacement will only be approved where there is no alternative, for example where they have clearly deteriorated beyond practical repair or are not original with the Council likely to request evidence to demonstrate that there is no scope for repair works. The guidance also goes on to state that in all instances the proposed replacements will be required to match the originals in materials, design and opening method expressly stating that the use of non-traditional materials such as UPVC will not be acceptable in listed buildings.

In this case it is proposed to replace non-traditional aluminium windows with non-traditional UPVC windows. Neither the existing windows nor the proposed new windows are in keeping with the original character of this listed building and it is considered that the opportunity should be taken to install windows which do respect the original character which would have been defined by wooden windows.

In these overall circumstances the proposed development is not considered to comply with policy EP10 Listed Buildings. The proposed development is also considered to fail to comply with Policy EP9 Conservation Areas

The applicants supporting case and family circumstances have been carefully considered. Whilst fully sympathising with their difficult situation, this does not form a land use planning reason to support a

departure from policy. There could be some scope to consider the use of UPVC windows on the rear elevation on the flat roofed elements of the building where they are not part of the traditional building which may help reduce costs- - however the applicant has indicated they wish all windows to be UPVC as the costs of wooden windows in the front elevation in itself is to costly so wish the application to be considered as submitted.

It is also fully acknowledged that there are buildings within the immediate surroundings that have either uPVC or a mixture of uPVC and aluminium and it is regrettable that these windows appear to have been replaced without seeking consent. However the current case must still be considered in relation to the impact upon the listed building. The councils own guidance on replacement windows provides a clear steer in this regard stating that UPVC windows will not be permitted on listed buildings.

### Conclusion

Notwithstanding the fact that this application seeks to replace non- traditional windows, it is considered that it would be damaging to the original architectural character and quality of this listed building to allow the replacement of these windows with UPVC framed double glazed windows. This would not be in compliance with Local Development Plan Policies EP9 and EP10, nor with Historic Environment Scotland advice on alterations to listed buildings (Managing Change in the Historic Environment - Windows). In addition the Moray Council's own Replacement Windows guidance is quite clear that the use of non-traditional materials such as uPVC will not be acceptable in listed buildings. The existing aluminium and proposed replacement UPVC windows fail to preserve the character and are not consistent with the original architectural character. It is considered that timber replacement windows would be a better option and go some way to reinstating features that are more authentic and historically accurate for a listed building. The pressing need for energy efficiency is acknowledged, but there are other ways to improve thermal efficiencies including replacing windows with suitable double glazed timber windows. Not only would this improve the thermal efficiency of the window units it would also enable continued use of the building with less impact on its special interest.

### OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

Moray Council advice entitled "Replacement Windows and Doors Guidance"

HISTORY				
Reference No.	Description			
22/00139/LBC	Remove existing windows and replace UPVC windows at 6 Burnside Street Findochty Buckie Moray AB56 4QW			
	Decision	Refuse	Date Of Decision	13/05/22
21/01837/ID	Replacement windows at 6 Burnside Street Findochty Buckie Moray AB56 4QW			
	Decision	Planning Permission and LBC consent req.	Date Of Decision	20/12/21
21/01565/APP	Retrospective consent to erect garden store/gym at 6 Burnside Street Findochty Buckie Moray AB56 4QW			
	Decision	Permitted	Date Of Decision	19/11/21

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Banffshire Advertiser and Herald	Planning application affecting LB/CA	28/03/22
PINS	Planning application affecting LB/CA	28/03/22

DEVELOPER CONTRIBUTIONS (PGU)	
Status	N/A

<b>DOCUMENTS, ASSESSMENTS etc. *</b> <i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i>		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Planning statement and map	
Main Issues:	<p>Sets out that when the applicants bought the house they were aware that the windows were nearing the end of their life – this was also picked up in the Home Report. They assumed that, as more than 95% of the surrounding houses had either aluminium or UPVC windows, they would be allowed to upgrade to UPVC. When they submitted an inquiry to the Planning Service they were advised that consent would be required and that the use of UPVC was unacceptable and that use of the UPVC in other houses was not justification to allow incongruous works to the applicant's property.</p> <p>The statement explains that due to the poor state of the existing windows the hearing costs are extremely high and due to increase. The cost of wooden windows is likely to around £30-40,000 as compared to around £7,000 for UPVC which is unaffordable for the applicants. They will need to sell the house and join the housing waiting list if they cannot resolve this issue as they have already used all their savings modernising this house in the expectation that it would be the forever home for their family.</p> <p>It stresses that the existing windows are not traditional and new UPVC windows will not look out of place being the same as the majority of the properties around the site, many of which are listed buildings. A map has also been provided which notes all the properties with non-traditional windows in the area – there being only a few which still have wooden windows.</p> <p>This is supported by a series of photographs to illustrate the poor condition of the windows. A further confidential supporting e mail has also been submitted which explains the particular family circumstances in more detail and the medical reasons why good heating of the house is so important. This also outlines the applicant's view that their family will be discriminated on disability grounds if they are not able to change their windows.</p>	

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

<b>DIRECTION(S) MADE BY SCOTTISH MINISTERS</b> (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**

**[Buckie]  
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:-

**Remove existing windows and replace UPVC windows at 6 Burnside Street  
Findochty Buckie Moray**

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

Date of Notice: **16 May 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 proposed development is contrary to Policy DP1: Development Principles, Policy 10: Listed Buildings and Policy EP9: Conservation Areas of the adopted Moray Local Development Plan 2020 and, as a material consideration, associated Replacement Windows and Doors Guidance for the following reasons:

1. The use of non-traditional materials such as uPVC is not acceptable for use on listed buildings and the proposed UPVC windows do not preserve the character and special historic interest of the listed building.
2. The use of UPVC windows would not be in compliance with Historic Environment Scotland advice on alterations to listed buildings (Managing Change in the Historic Environment - Windows) nor with the Moray Council's Replacement Windows and Doors Guidance which is clear that the use of non-traditional materials such as uPVC will not be acceptable in listed buildings.
3. The proposed development would not preserve and enhance the character and appearance of Findochty Outstanding Conservation Area.

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

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

<b>Reference</b>	<b>Version</b>	<b>Title</b>
001		Proposed elevation
002		Proposed elevation
003		Proposed elevation
004		Proposed elevations
		Location plan
		Specification notes

**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](http://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](mailto: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 100569638-003

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

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Stephen"/>	Building Number:	<input type="text" value="6"/>
Last Name: *	<input type="text" value="Birtwistle"/>	Address 1 (Street): *	<input type="text" value="Burnside street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Findochty"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Moray"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB56 4QW"/>
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:

6 BURNSIDE STREET

Address 2:

FINDOCHTY

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

BUCKIE

Post Code:

AB56 4QW

Please identify/describe the location of the site or sites

Northing

867717

Easting

346012

## 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)

Replacing modern windows that have failed for other modern windows.

## 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? * <input checked="" type="checkbox"/> Refusal Notice. <input type="checkbox"/> Grant of permission with Conditions imposed. <input type="checkbox"/> No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.							
<h3>Statement of reasons for seeking review</h3> <p>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)</p> <p>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.</p> <p>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.</p> <div style="border: 1px solid black; padding: 10px; min-height: 50px;">         We wish for this to be reviewed as we feel we are being discriminated against and unfairly denied. Please see our supporting documents towards our justification for this case.       </div>							
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? * <span style="float: right;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No         </span>							
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) <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div>							
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) <div style="border: 1px solid black; padding: 10px; min-height: 50px; margin-top: 5px;">         Windows permission Support Statement Further Supporting Statement Street Windows Un-closable bedroom window Un-closable kitchen window Bedroom damp 1 Bedroom mould Bedroom mould 2 Bedroom mould 3 Stairs window Kitchen window Boomed lounge window Broken bathroom window Boomed lounge window 2 House front House rear         </div>							
<h3>Application Details</h3> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Please provide the application reference no. given to you by your planning authority for your previous application.</td> <td style="border: 1px solid black; padding: 5px;">22/000140/APP</td> </tr> <tr> <td>What date was the application submitted to the planning authority? *</td> <td style="border: 1px solid black; padding: 5px;">02/02/2022</td> </tr> <tr> <td>What date was the decision issued by the planning authority? *</td> <td style="border: 1px solid black; padding: 5px;">13/05/2022</td> </tr> </table>		Please provide the application reference no. given to you by your planning authority for your previous application.	22/000140/APP	What date was the application submitted to the planning authority? *	02/02/2022	What date was the decision issued by the planning authority? *	13/05/2022
Please provide the application reference no. given to you by your planning authority for your previous application.	22/000140/APP						
What date was the application submitted to the planning authority? *	02/02/2022						
What date was the decision issued by the planning authority? *	13/05/2022						

## 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

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 Stephen Birtwistle

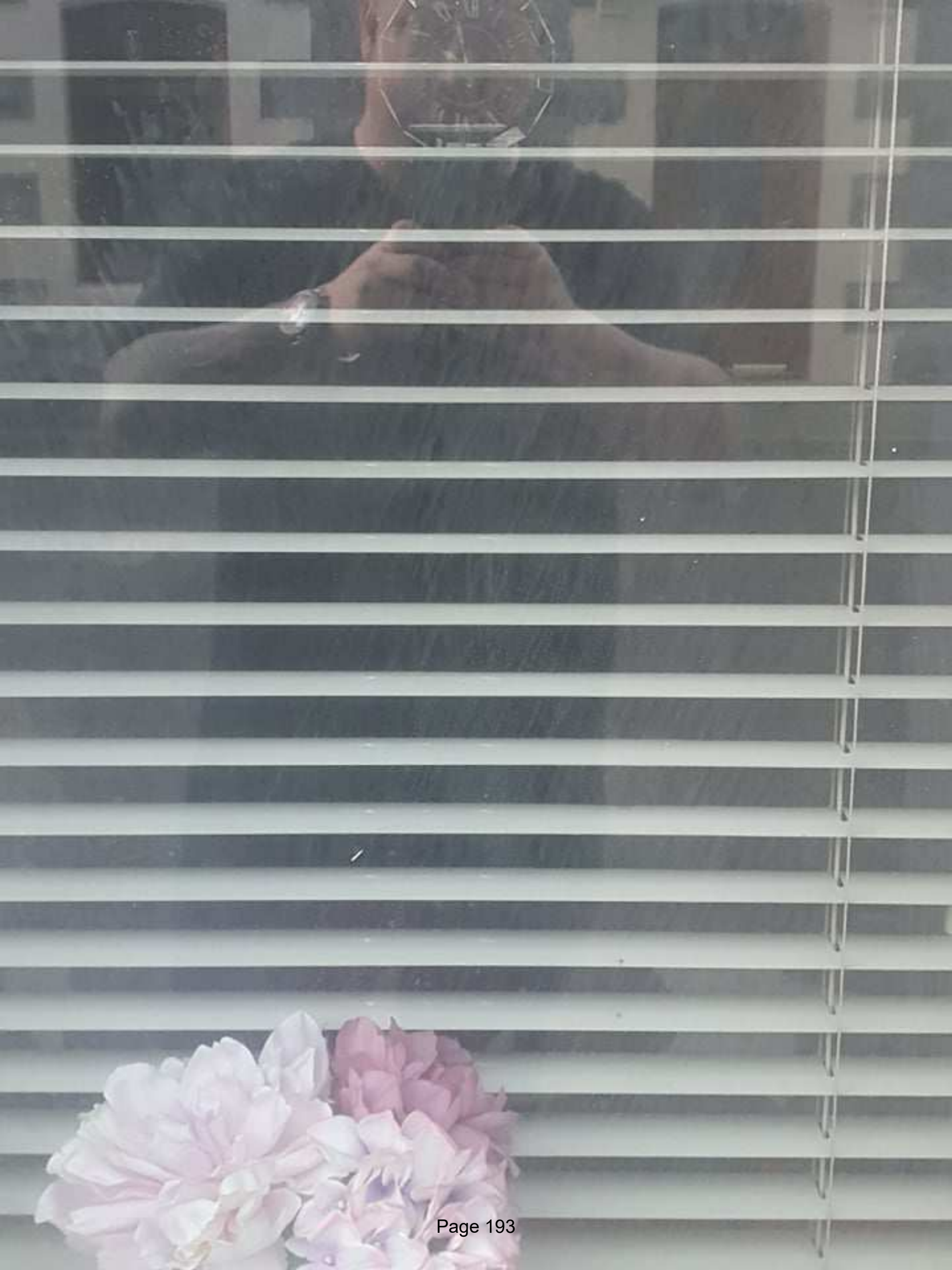
Declaration Date: 27/05/2022











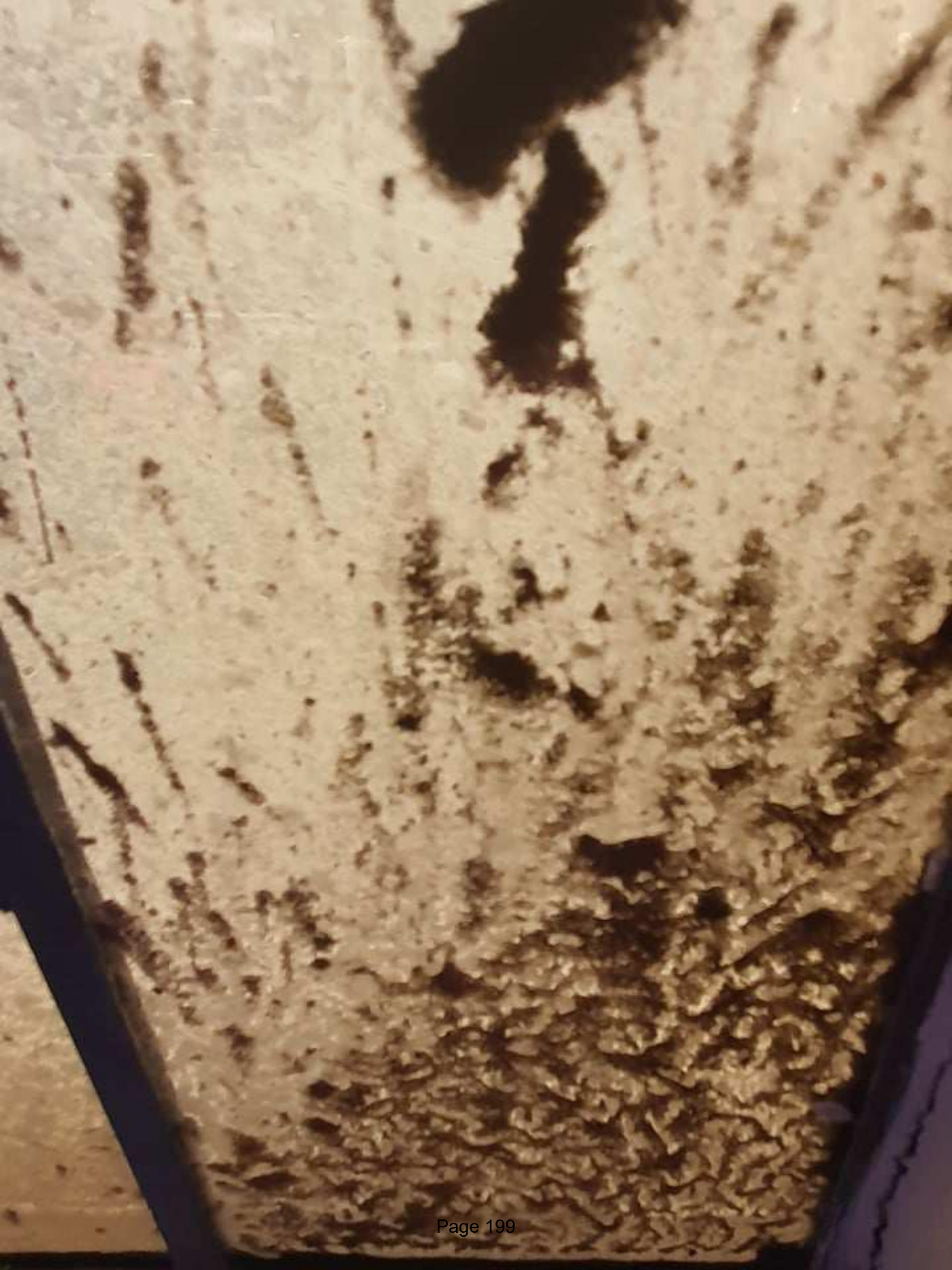












Location Plan of ab564qw



This Plan includes the following Licensed Data: OS MasterMap Colour PDF Location Plan by the Ordnance Survey National Geographic Database and incorporating surveyed revision available at the date of production. Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey. The representation of a road, track or path is no evidence of a right of way. The representation of features, as lines is no evidence of a property boundary. © Crown copyright and database rights, 2021. Ordnance Survey 01000031673

Scale: 1:1250, paper size: A4







## MORAY LOCAL REVIEW BODY

18 AUGUST 2022

### SUMMARY OF INFORMATION FOR CASE No LR276

**Planning Application 22/00130/APP – Erect outbuilding for use as hair salon/beauty parlour at 14 Turnberry Crescent, Elgin**

#### **Ward 7: Elgin City South**

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 13 April 2022 on the grounds that:

The proposal is contrary to policy DP1 - Development Principles of the Moray Local Development Plan 2020 because the introduction of a business use to which there would be visiting members of the public is considered to result in an adverse impact on the amenity of neighbouring properties in the surrounding residential area.

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.









# **APPENDIX 1**

## **DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER**



# APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997

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

Please refer to the accompanying Guidance Notes when completing this application  
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS  
ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR & MISS	Ref No.	
Forename	SCOTT & LISA	Forename	
Surname	MATHIESON & O'SHANE	Surname	
Company Name		Company Name	
Building No./Name		Building No./Name	
Address Line 1	14 TURNBERRY CRESCENT	Address Line 1	
Address Line 2		Address Line 2	
Town/City	ELGIN	Town/City	
Postcode	IV30 8BE	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	

**3. Postal Address or Location of Proposed Development (please include postcode)**  
  

AS ABOVE

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

**4. Type of Application**  
 What is the application for? Please select one of the following:
 

Planning Permission	<input checked="" type="checkbox"/>
Planning Permission in Principle	<input type="checkbox"/>
Further Application*	<input type="checkbox"/>
Application for Approval of Matters Specified in Conditions*	<input type="checkbox"/>
Application for Mineral Works**	<input type="checkbox"/>

NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.

\*Please provide a reference number of the previous application and date when permission was granted:

Reference No:  Date:

\*\*Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.

### 5. Description of the Proposal

Please describe the proposal including any change of use:

ERECT OUTBUILDING TO BE USED FOR A HOME HAIR SALON/BEAUTY PARLOUR

Is this a temporary permission?

Yes ☐ No ☒

If yes, please state how long permission is required for and why:

Have the works already been started or completed?

Yes ☐ No ☒

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

If yes, please explain why work has already taken place in advance of making this application

### 6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes ☐ No ☒

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☐ Letter ☐ Email ☐

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☐

Please provide a description of the advice you were given and who you received the advice from:

Name:

Date:

Ref No.:

### 7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):

Square Metre (sq.m.)

### 8. Existing Use

Please describe the current or most recent use:

OWELLING HOUSE & GARDEN

## 9. Access and Parking

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

Yes ☐ No ☒

*If yes, please show in your drawings the position of any existing, altered or new access and explain 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 changes to public paths, public rights of way or affecting any public rights of access?

Yes ☐ No ☒

*If yes, please show on your drawings the position of any affected areas and explain 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?

4

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

4

*Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)*

## 10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements?

Yes ☐ No ☒

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

Yes, connecting to a public drainage network

☐

No, proposing to make private drainage arrangements

☐

Not applicable – only arrangement for water supply required

☐

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway

☐

Discharge to watercourse(s) (including partial soakaway)

☐

Discharge to coastal waters

☐

*Please show more details on your plans and supporting information*

What private arrangements are you proposing?

Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)

☐

Other private drainage arrangement (such as a chemical toilets or composting toilets)

☐

*Please show more details on your plans and supporting information.*

Do your proposals make provision for sustainable drainage of surface water?

Yes ☒ No ☐

*Note:- Please include details of SUDS arrangements on your plans*

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

Yes ☐ No ☒

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

#### 11. Assessment of Flood Risk

Is the site within an area of known risk of flooding?

Yes ☐ No ☒

*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 ☐ No ☐ Don't Know ☐

If yes, briefly describe how the risk of flooding might be increased elsewhere.

#### 12. Trees

Are there any trees on or adjacent to the application site?

Yes ☐ No ☒

*If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.*

#### 13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling)

Yes ☐ No ☒

*If yes, please provide details and illustrate on plans.*

*If no, please provide details as to why no provision for refuse/recycling storage is being made:*

#### 14. Residential Units Including Conversion

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

Yes ☐ No ☒

If yes how many units do you propose in total?

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

**15. For all types of non housing development – new floorspace proposed**

Does your proposal alter or create non-residential floorspace?

Yes ☒ No ☐

If yes, please provide details below:

Use type:

HAIR SALON / BEAUTY PARLOUR

ONLY LISA O'SHANE TO WORK FROM HERE  
1 CLIENT MAX AT A TIME

If you are extending a building, please provide details of existing gross floorspace (sq.m):

N/A

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

15m<sup>2</sup>

Non-trading space:

Total net floorspace:

**16. Schedule 3 Development**

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes ☐ No ☒ Don't Know ☐

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

**17. Planning Service Employee/Elected Member Interest**

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority?

Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes ☐ No ☒

If you have answered yes please provide details:

**DECLARATION**

I, the applicant/agent certify that this is an application for planning permission The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed

☒

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

Yes ☒ No ☐ N/A ☐

Signature:

Name:

LISA O'SHANE

Date:

28/01/22

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.



# LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997  
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

## CERTIFICATE A, B, C, D OR CERTIFICATE E MUST BE COMPLETED BY ALL APPLICANTS

### CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

#### I hereby certify that -

- (1) No person other than myself was owner 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 application. ☒
- (2) None of the land to which the application relates constitutes or forms part of agricultural land. ☒

Signed:

[Redacted Signature]

On behalf of:

LISA O'SHANE

Date:

28/01/22

### CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

#### I hereby certify that -

- (1) I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

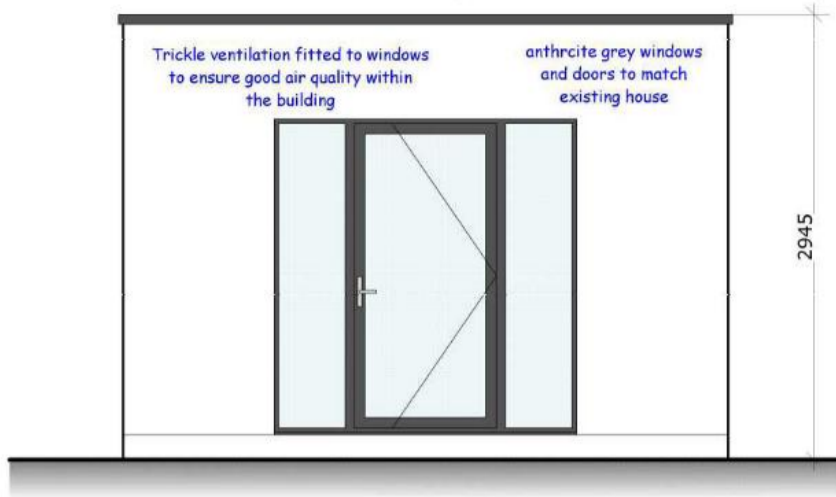
- (2) None of the land to which the application relates constitutes or forms part of agricultural land ☐

or

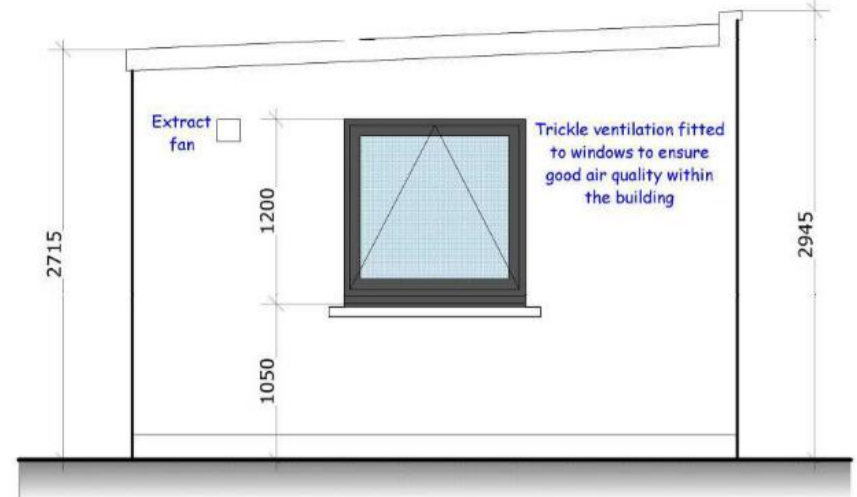
- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐



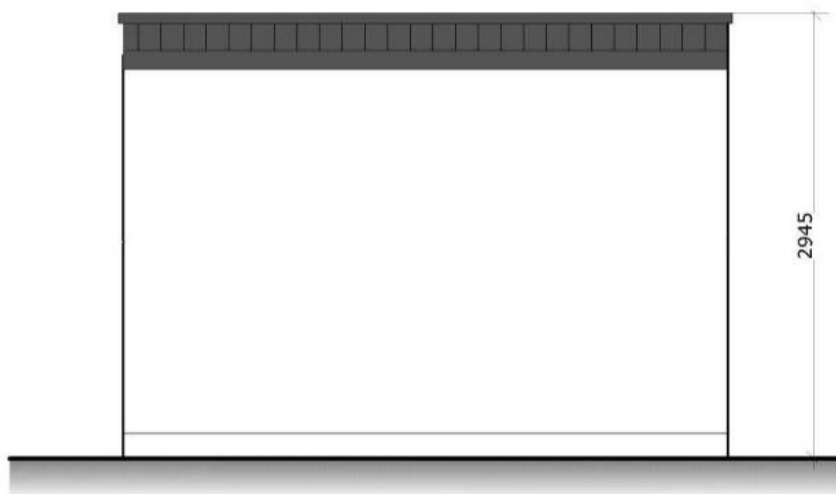
**Proposed outbuilding to be used as beauty/hair stylist by applicant at  
14 Turnberry Crescent, Elgin, IV30 8BE for Miss O'Shane & Mr Mathieson  
Scale - 1:50    General Layout    Revision - B    Date - April 2022**



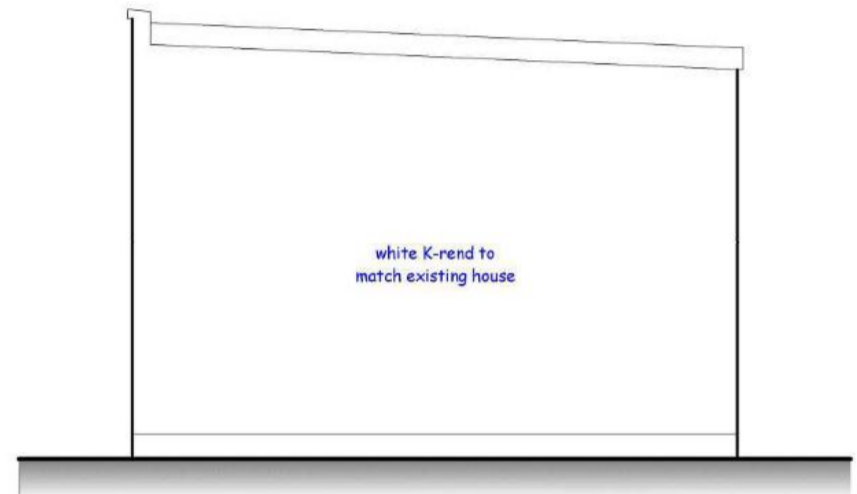
**FRONT ELEVATION - 1:50**



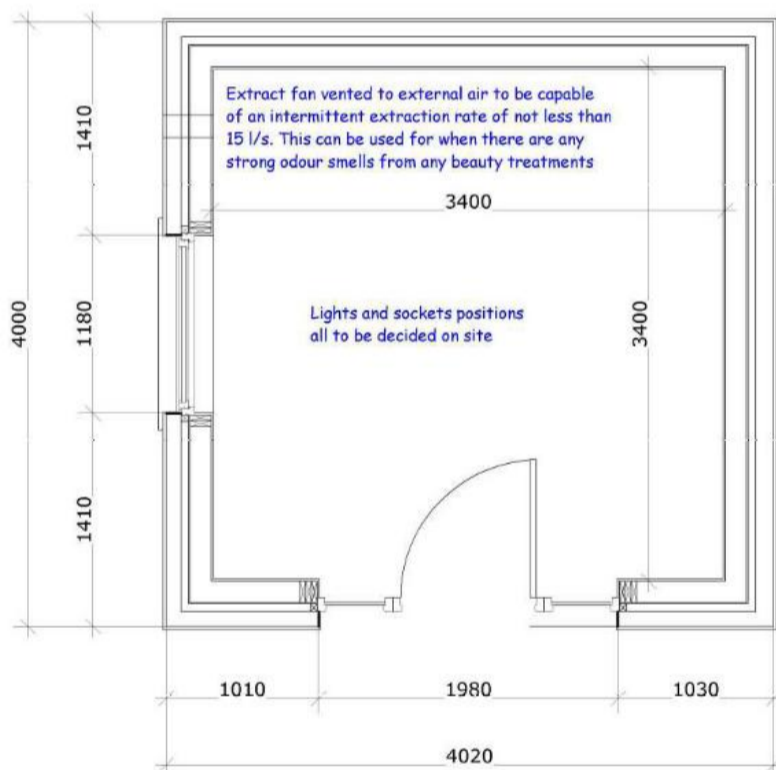
**SIDE ELEVATION - 1:50**



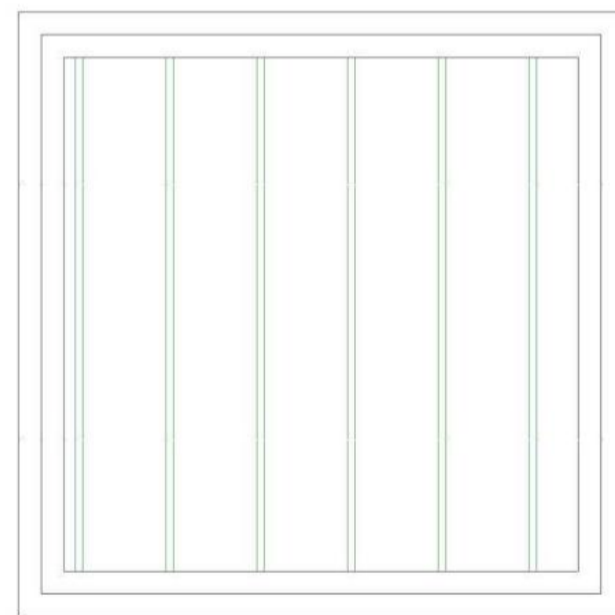
**REAR ELEVATION - 1:50**



**SIDE ELEVATION - 1:50**

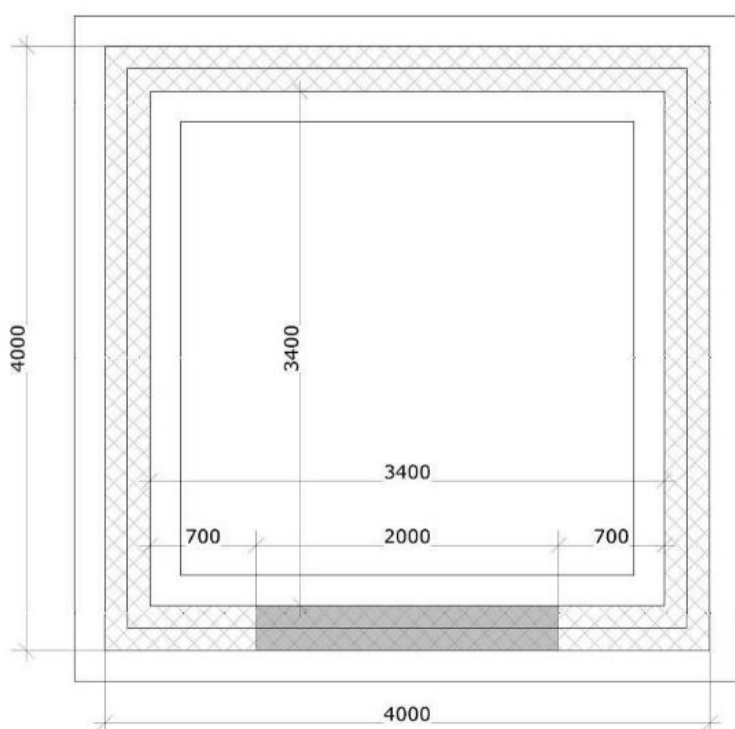


**GROUND FLOORPLAN - 1:50**



**ROOF LAYOUT - 1:50**

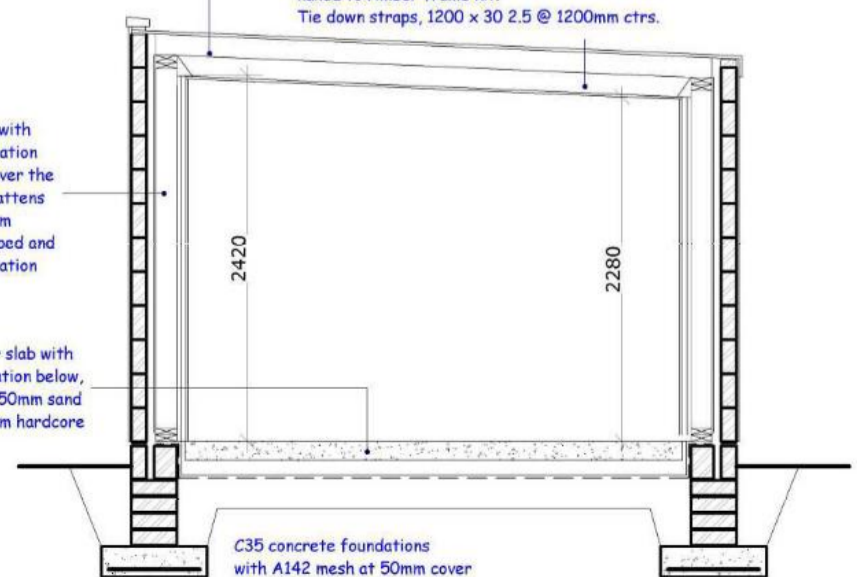
- Roof Spec:**
1. Rubber roofing installed to manufacturer's instructions
  2. 22mm tongue and groove fibre board
  3. 100mm kingspan insulation above the joists to avoid condensation build up
  4. 195 x 45mm C24 timber joists at 600mm ctrs
- Each rafter hung on cullen joist hangers fully gang nailed to rafter frame kit.  
Tie down straps, 1200 x 30 2.5 @ 1200mm ctrs.



**FOUNDATION PLAN - 1:50**

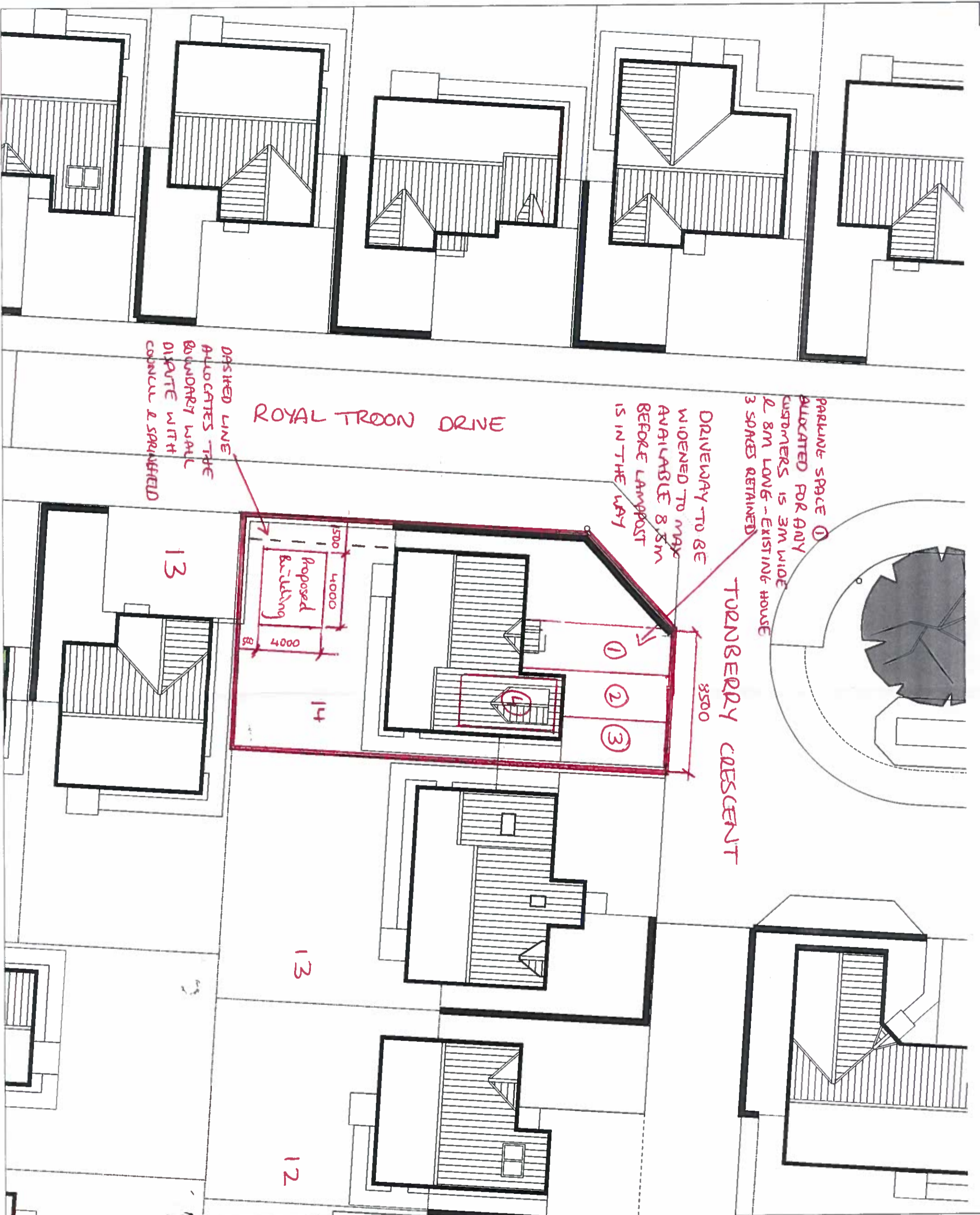
Walls to be insulated with 140mm glasswool insulation with 25mm kingspan over the face, 38mm service battens and finished with 15mm plasterboard to be taped and filled ready for decoration

125mm concrete floor slab with 100mm kingspan insulation below, sitting on DPM above 50mm sand blinding and min 150mm hardcore



**SECTION AA - 1:50**





Project  
14 TURNBERRY CRESCENT  
ELGIN  
MD 88E

Drawing  
Site location plan

Scale  
1:200

Date  
01/04/22

Drawn by  
LS102/12ENVA

Rev



**Proposed outbuilding to be used as beauty/hair stylist by applicant at  
14 Turnberry Crescent, Elgin, IV30 8BE for Miss O'Shane & Mr Mathieson  
Planning Statement    Revision - 0    Date - February 2022**

The proposed building is to be used by the applicant (Lisa O'Shane) to be a self employed hair stylist / beauty therapist. Opening hours will be anytime between 9am - 9pm Monday to Friday but that there will be a maximum of 4 clients per day so a maximum operating time of around 4-5 hours. The only person working out of the premises will be Lisa O'Shane with a maximum of 1 client/1 car at the property at any one time. An extract fan will be fitted to the salon to ensure any odours are extract along with trickle vents on windows for constant air circulation. Background music only to be played within the building and only when it is being used.

07 FEB 2022



# **Consultee Comments for Planning Application 22/00130/APP**

## **Application Summary**

Application Number: 22/00130/APP

Address: 14 Turnberry Crescent Elgin Moray IV30 8BE

Proposal: Erect outbuilding for use as hair salon/beauty parlour at

Case Officer: Andrew Miller

## **Consultee Details**

Name: Mr EH Consultations

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

Email: Not Available

On Behalf Of: Environmental Health C12

## **Comments**

Informative notes by Lisa Campbell:

Operation of the premises shall not give rise to a Statutory Nuisance in terms of the Environmental Protection Act 1990.



## Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	3rd March 2022
<b>Planning Authority Reference</b>	22/00130/APP
<b>Nature of Proposal (Description)</b>	Erect outbuilding for use as hair salon/beauty parlour at
<b>Site</b>	14 Turnberry Crescent Elgin Moray IV30 8BE
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133072440
<b>Proposal Location Easting</b>	321836
<b>Proposal Location Northing</b>	860426
<b>Area of application site (M<sup>2</sup>)</b>	
<b>Additional Comment</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=R6KW16BG0FU00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=R6KW16BG0FU00</a>
<b>Previous Application</b>	16/01244/APP 18/01603/S75 18/01209/APP
<b>Date of Consultation</b>	17th February 2022
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Mr Scott Mathieson And Miss Lisa O'Shane
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	14 Turnberry Crescent Elgin Moray IV30 8BE
<b>Agent Name</b>	
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Andrew Miller
<b>Case Officer Phone number</b>	01343 563274
<b>Case Officer email address</b>	andrew.miller@moray.gov.uk
<b>PA Response To</b>	consultation.planning@moray.gov.uk

**NOTE:**

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

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

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

For full terms please visit [http://www.moray.gov.uk/moray\\_standard/page\\_121513.html](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](http://www.moray.gov.uk/moray_standard/page_119859.html)

You can contact our Data Protection Officer at [info@moray.gov.uk](mailto: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:** 22/00130/APP

**Erect outbuilding for use as hair salon/beauty parlour at 14 Turnberry Crescent Elgin Moray IV30 8BE for Mr Scott Mathieson And Miss Lisa O'Shane**

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

**Please**

- (a) I OBJECT to the application for the reason(s) as stated below
- (b) I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal ☐
- (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below ☒
- (d) Further information is required in order to consider the application as set out below ☐

*This proposal is for the erection of an outbuilding within the rear garden of an existing property, to be used as a hair salon/ beauty parlour. It is noted that the existing rear boundary does not reflect the approved development layout, and as a result the visibility splays for vehicles exiting the neighbouring property to the rear are obstructed by the existing boundary. It is understood however that this matter is to be dealt with separately.*

*The existing dwelling appears to be a four bed property, and therefore based on Moray Council Parking Standards requires 3 no car parking spaces. The existing driveway is 8.0m wide, to accommodate two cars, and with the third parking space to be provided within the garage. A further (fourth) car parking space would be required to accommodate visitors/customers associated with the salon.*

*Moray Council Parking Standards state the following - "On plot parking spaces to be a minimum of 3.0m wide by 5.5m in length. Parking bays to be a minimum of 6.0m in length where located in front of an 'up and over' type garage door". The parking is located immediately adjacent to the neighbour's driveway (with no physical barriers) and it would be important to ensure that parking did not encroach over or obstruct the neighbour's driveway, and also for a route through to the rear garden (and front entrance) to be retained.*

*There would appear to be scope to accommodate the fourth car parking space served via the existing dropped kerb arrangement (with the space furthest to the west entering perpendicular to the road but then reversing over the existing grassed garden area at a slight angle). Although the submitted drawing shows provision of the fourth parking space, additional details are required showing the extent of the new surfacing to accommodate this required manoeuvre.*

**Condition(s)**

1. Prior to commencement of any development a detailed drawing (scale 1:200 minimum) showing the layout for on-site car parking to provide 4no car parking spaces overall, including the extension of the existing surfaced driveway to the west (lock-block) shall be submitted to and approved in writing by the Council as Planning Authority in consultation with the Roads Authority; and thereafter be constructed in accordance with the approved drawing prior to the first occupation of the salon, and be retained throughout the lifetime of the development for the use of residents and customers unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the permanent availability of the level of parking necessary for residents/customers/others in the interests of an acceptable development and road safety through the provision of details currently lacking.

**Further comment(s) to be passed to applicant**

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

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

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

The developer should note that this development is served by a road, which has not yet been adopted by the Roads Authority.

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

**Contact: AG**  
**email address: [Transport.develop@moray.gov.uk](mailto:Transport.develop@moray.gov.uk)**  
**Consultee: TRANSPORTATION**

**Date 05 April 2022**

<b>Return response to</b>	<b><a href="mailto:consultation.planning@moray.gov.uk">consultation.planning@moray.gov.uk</a></b>
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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.

## **REPORT OF HANDLING**

<b>Ref No:</b>	22/00130/APP	<b>Officer:</b>	Andrew Miller
<b>Proposal Description/ Address</b>	Erect outbuilding for use as hair salon/beauty parlour at 14 Turnberry Crescent Elgin Moray IV30 8BE		
<b>Date:</b>	12.04.2022	<b>Typist Initials:</b>	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**

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Transportation Manager	05/04/22	Following amendments to proposal, no objections subject to condition on detail of expansion of driveway to accommodate parking to appropriate standard.
Environmental Health Manager	24/02/22	No objections, informative note provided.

### **DEVELOPMENT PLAN POLICY**

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
PP3 Infrastructure and Services	N	
DP1 Development Principles		See observations

### **REPRESENTATIONS**

Representations Received		NO
Total number of representations received		
Names/Addresses of parties submitting representations		
Summary and Assessment of main issues raised by representations		
Issue:		
Comments (PO):		

## OBSERVATIONS – ASSESSMENT OF PROPOSAL

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

### Site

A detached house in the recently completed "Crescent North" housing development in the south of Elgin, close to Elgin Golf Club.

### Proposal

Erection of an outbuilding to be used as a hair salon/beauty parlour in the rear garden of the house. The building would have a mono-pitched roof and would measure 4000 x 4002 mm, reaching a height of 2945 mm to its highest point. It would have a glazed door and a window, both finished in anthracite grey to match the house, whilst the external render would be white (also matching the house).

This application has been amended from its initial submission (outbuilding lower in height and repositioned within rear garden, driveway to be widened).

### Evaluation

The proposal is for a building specifically designed for commercial use to be sited in the rear garden of a domestic house in a residential area. The proposed use of the outbuilding would be as a hairdressers which in terms of the Use Classes Order 1997 falls under Use Class 1 (Shops), whilst beauticians fall under Use Class 2 (Financial, Professional and other services). Although MLDP policy DP7 - Retail/Town Centres exists to ensure uses under class 1 and 2 are directed to appropriate retail centres (preferably town centres), this proposal is not considered to be a "significant footfall" generating use. Therefore evaluation will be limited to MLDP policies DP1 - Development Principles and PP3 - Infrastructure and Services.

Policy DP1 requires the scale, density and character of all development to be appropriate to the surrounding area and be integrated into the surrounding landscape. It also requires development to not adversely impact on the amenity of neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.

A supporting statement has been submitted which outlines that the business would operate between 0900 - 2100 hrs Monday to Friday, with no more than 4 clients per day (estimating a maximum operating time of around 4 - 5 hours per day). It also states that one of the applicants will be the only person employed, and therefore the business will operate with one client on the property at any given time. It also notes that an extraction fan is to be fitted along with trickle vents and background music will be played during operating hours.

Whilst the content of the supporting statement states that the operation would be part time, this would be spread across various parts of the day, including beyond what could be considered to be reasonable business hours. It would also be impractical and difficult to enforce any planning condition that would ensure the business operated on a part time basis within these operating hours.

The proposal would utilise approximately half of the rear garden. A hair and beauty salon is not a use generally found in the rear garden of a domestic property in a purpose built outbuilding. The proposal would lead to an increased level of activity from footfall, car trips, parking that would not be in keeping with the residential use of the surrounding area.

The applicant has noted that there are examples of business operating from houses elsewhere in Elgin. However every proposal is considered on its own merits and those that are operating may well be doing so without the benefit of planning consent being in place. Such cases would have to be

investigated separately to this application and are not considered to set a precedent for such development. A similar proposal in Elgin was refused planning permission and a subsequent review dismissed by the Local Review Body (application 19/00173/APP and minute of Moray Local Review Body meeting of 29 August 2019 refer).

Taking account of the above considerations, the proposal is considered to result in an adverse impact on the residential amenity of the surrounding area and as such is contrary to policy DP1 - Development Principles.

### Design and Siting

Notwithstanding its use, the structure proposed would be sited and designed appropriate for the rear curtilage of the house, and would not result in any significant overshadowing or loss of light to neighbouring properties that would warrant refusal of the application on this basis. It would be finished in materials that match the existing house. The proposal complies with policy DP1 in this regard.

### Parking

The Transportation Manager initially raised concerns about the provision of parking provision and the position of the proposed unit at the rear of the house. This is on the basis the garden has been built larger than permitted, and the boundary wall and fence restricts the visibility of the driveway of the house to the rear (south). Following amendments to the scheme relating to the position of the outbuilding and provision of additional driveway (to ensure parking spaces meet parking standards specified in the MLDP), the Transportation Manager raised no objections but recommended a condition in respect of parking. The proposal is therefore considered to comply with policy DP1 in relation to access and parking, as well as policy PP3.

### Recommendation

Refuse.

### OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

### HISTORY

Reference No.	Description		
16/01244/APP	Phase 1 of Elgin LONG2 south to include 870 houses neighbourhood uses including Classes 1 shops 2 financial professional & other services 3 food & drink 4 business 8 residential institutions 10 non-residential institutions Moray Sport Centre (with provision for indoor & outdoor recreation) two primary school sites and associated infrastructure (transport drainage & open space) and landscaping at Elgin South Elgin Moray		
	Decision	Permitted	Date Of Decision 10/05/18
18/01603/S75	Proposed modification of planning obligation (associated with application 16/01244/APP) for Phase 1 development at Elgin LONG 2 South to apply to development occurring under planning applications 16/01244/APP and 18/01209/APP at Elgin South LDP2015 Long 2 Elgin Moray		
	Decision	Permitted	Date Of Decision 20/05/19
Application under Section 42 to vary condition 1 of planning consent			

18/01209/APP	16/01244/APP to maintain provision for 870 houses (as approved) but vary phasing design and site layout details ie adjust Phase 1A boundary (western most part of Phase 1A within Crescent North and South Glassgreen character areas) to provide 50 affordable homes together with consequential revisions to boundaries of Phase 1D (South Glassgreen) and eastern most part of Phase 1A (Meadows North character area) and Phase 1C (Meadows East character area) revise mix of homes (including site layout and new Braemar and Lauder house types) within Crescent North and South Glassgreen character areas revise layout and reduce number of houses by 18 units within Village Garden character area to accommodate revision to alignment gas pipeline revise numbers and mix of houses including site layout within Village Core and Meadows East character areas to accommodate 18 homes relocated from Village Garden at Elgin South Elgin Moray		
<b>Decision</b>	Permitted	<b>Date Of Decision</b>	15/05/19

<b>ADVERT</b>		
<b>Advert Fee paid?</b>	<b>Yes</b>	
<b>Local Newspaper</b>	<b>Reason for Advert</b>	<b>Date of expiry</b>
Northern Scot	No Premises	17/03/22
PINS	No Premises	17/03/22

<b>DEVELOPER CONTRIBUTIONS (PGU)</b>	
<b>Status</b>	<b>NONE SOUGHT</b>

<b>DOCUMENTS, ASSESSMENTS etc. *</b>		
<i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i>		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Planning Statement	
Main Issues:	Outlines background to proposal including operating hours/days, staff numbers, ventilation and noise considerations.	

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

<b>DIRECTION(S) MADE BY SCOTTISH MINISTERS</b> (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**

**[Elgin City South]  
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:-

**Erect outbuilding for use as hair salon/beauty parlour at 14 Turnberry Crescent  
Elgin Moray IV30 8BE**

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

Date of Notice: **13 April 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 policy DP1 - Development Principles of the Moray Local Development Plan 2020 because the introduction of a business use to which there would be visiting members of the public is considered to result in an adverse impact on the amenity of neighbouring properties in the surrounding residential area.

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

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

Reference	Version	Title
		Elevations and floor plans
		Site location plan

**DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL,  
AS AGREED WITH APPLICANT (S.32A of 1997 ACT)**

Amendment of position of outbuilding and reduction in height.

**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](http://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**



# NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

**IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.**

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR	Ref No.	
Forename	SCOTT	Forename	
Surname	MATHIESON	Surname	
Company Name		Company Name	
Building No./Name	14	Building No./Name	
Address Line 1	TURN BERRY	Address Line 1	
Address Line 2	CRESCENT	Address Line 2	
Town/City	ELGIN	Town/City	
Postcode	IV30 8BE	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	

3. Application Details	
Planning authority	MORAY COUNCIL
Planning authority's application reference number	
Site address	14 TURNBERRY CRESCENT ELGIN IV30 8BE
Description of proposed development	ERECT OUTBUILDING FOR USE AS HAIR SALON / BEAUTY PARLOUR AT

Date of application

16/02/22

Date of decision (if any)

13/04/22

**Note.** This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

#### 4. Nature of Application

Application for planning permission (including householder application)



Application for planning permission in principle



Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)



Application for approval of matters specified in conditions



#### 5. Reasons for seeking review

Refusal of application by appointed officer



Failure by appointed officer to determine the application within the period allowed for determination of the application



Conditions imposed on consent by appointed officer



#### 6. 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.

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

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure



If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

#### 7. Site inspection

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

Can the site be viewed entirely from public land?



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



If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

## 8. Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

PLEASE REFER TO ATTACHED STATEMENT

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☐ No ☒

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

### 9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

GENERAL LAYOUT  
APPEAL REASONS  
SITE LOCATION PLAN  
PLANNING STATEMENT

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

### 10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form

☒

Statement of your reasons for requesting a review

☒

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

☐

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 from that earlier consent.

### DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name:

SCOTT MATHIESON

Date: 24/05/22

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

### Reasons for Appeal

1. As per original planning 16/01244/APP the driveway measured width of 8m plus the garage has 4 parking spaces with the old planning guidelines. These are existing approved spaces which isn't being altered? However we are still happy to widen the driveway to a maximum of 8.5m until we are restricted by the lamp post, this would be far above the 7.5m that was required for the existing parking spaces and a mere 500mm away from full compliance with new guidelines. This would ensure, the allocated space for the salon would be 3m wide with 5.5m left for 2 existing spaces plus garage meaning 3 for the house and 1 for salon as required. We feel this is more than acceptable
2. The planning officer states that the new salon would result in "adverse impact on neighbouring properties" yet there were zero objections to this application from any neighbours so we are unsure where these comments have come from?
3. The planning officer states "Whilst it is noted the operation will be part time, once consented it is difficult for the Council to control such operations". As a young couple with 2 small children this really is just a chance for Lisa O'Shane to be able to get back into work whilst being at home if required for the children. As stated on the planning statement there will be a maximum of 4 clients per day with only Lisa O'Shane allowed to work from the premises on a part time basis. This is us declaring that it will not be full time and as is proven by us submitting this application prior to commencing any works on site like many others do, should we ever wish to change circumstances and go full time for example then we are aware this is not allowed.
4. The planning officer states that purpose built business in a rear garden is something he cannot support yet we are aware of multiple business i.e beauty, sports massage/physio, therapists/councillors, personal trainers, hair and beauty etc. all working from their back garden in purpose built buildings and openly advertise via Facebook so we feel like we are being punished by following the correct processes of applying for planning permission and not just going ahead with the works.
5. Throughout the pandemic there has been a shift to people working from home for all sorts of business uses, and with majorly rising costs of almost everything related to hair and beauty it just isn't viable for Lisa to rent a chair from a salon to be able to see to her clients therefore it's a case of working from home or not working at all. When working from home our young son is able to run about the garden also therefore eliminating the need for extra childcare which again just elevates the point it isn't viable if she's not able to do this from home

Kind Regards  
Scott Mathieson

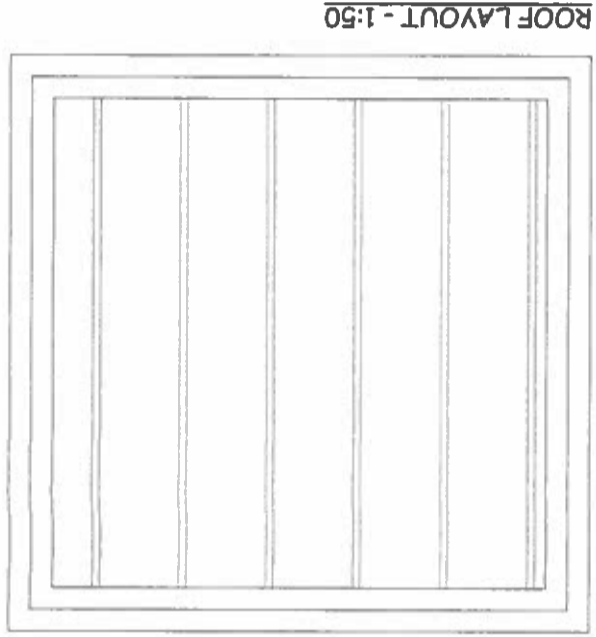
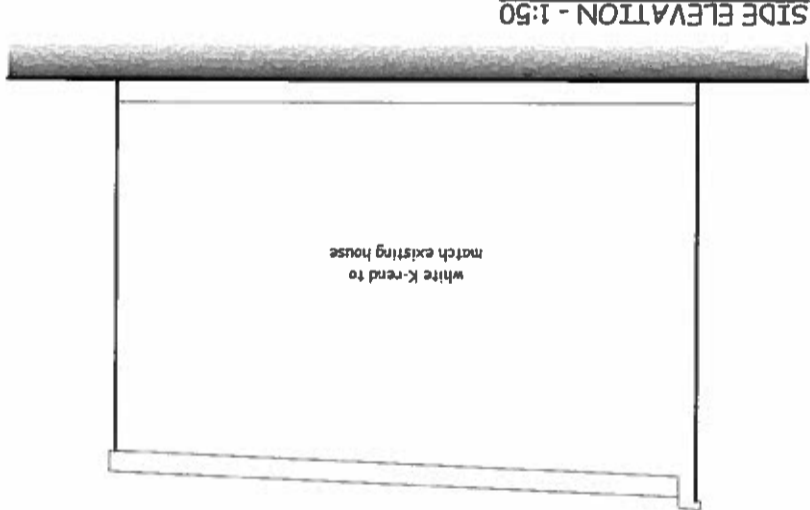
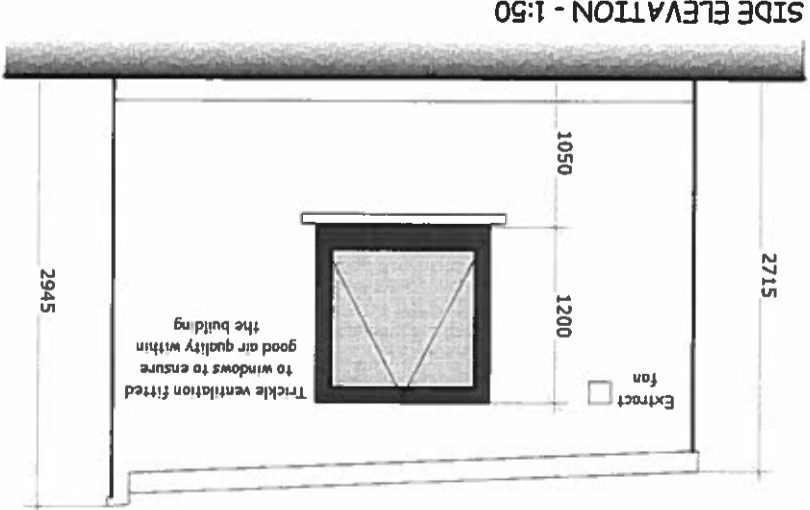
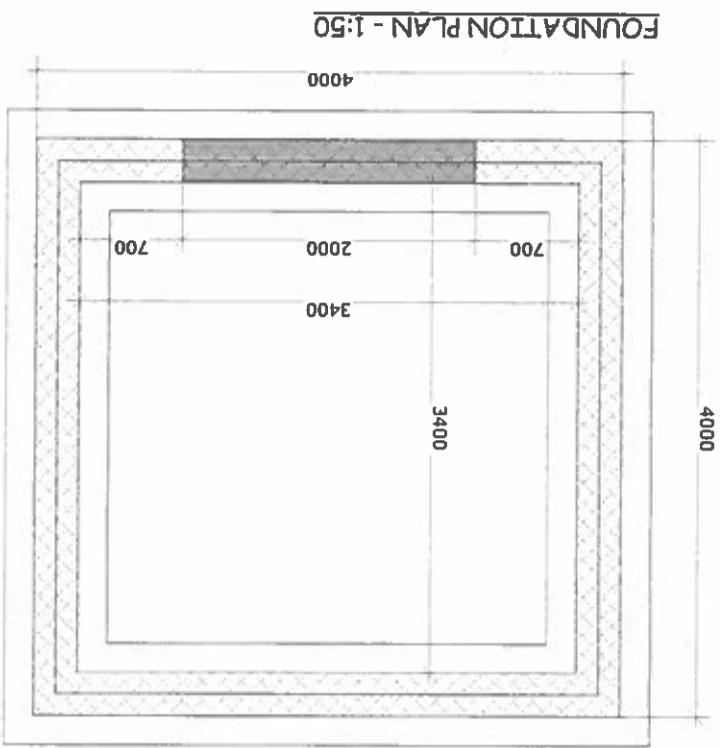
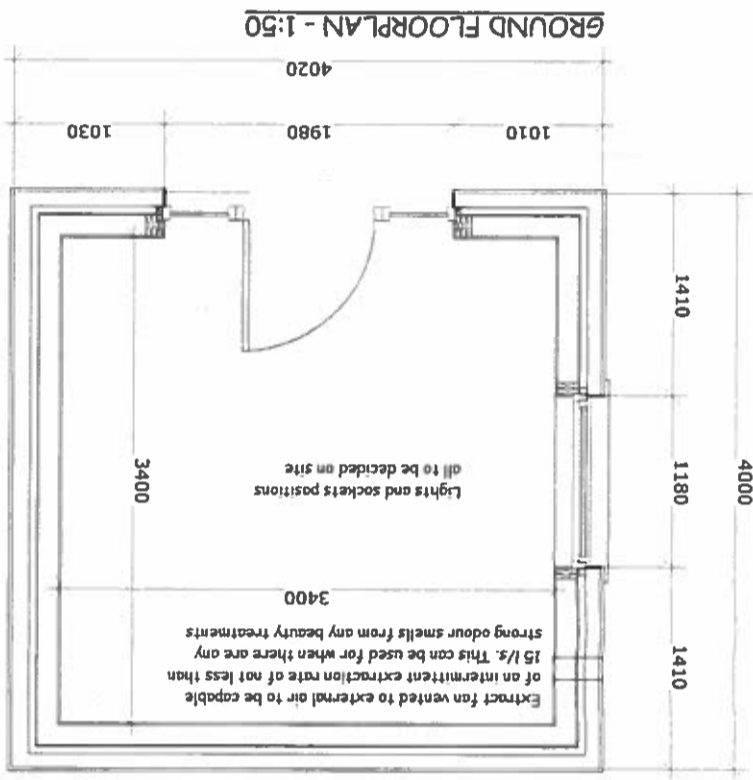
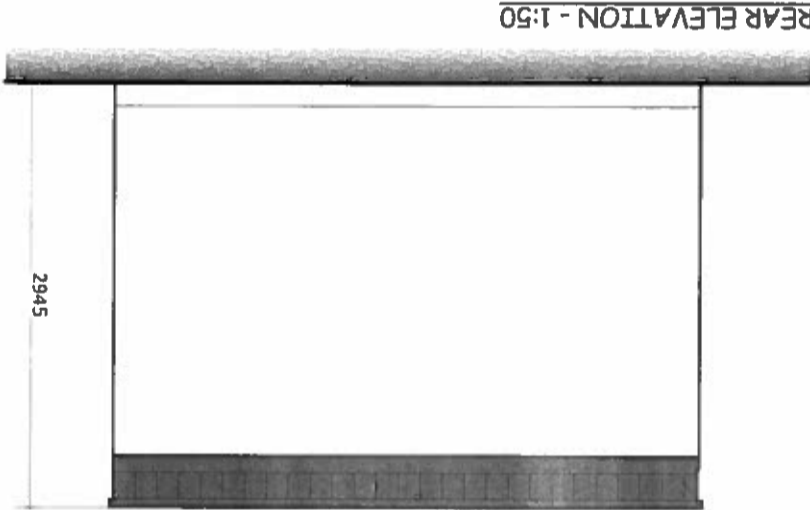
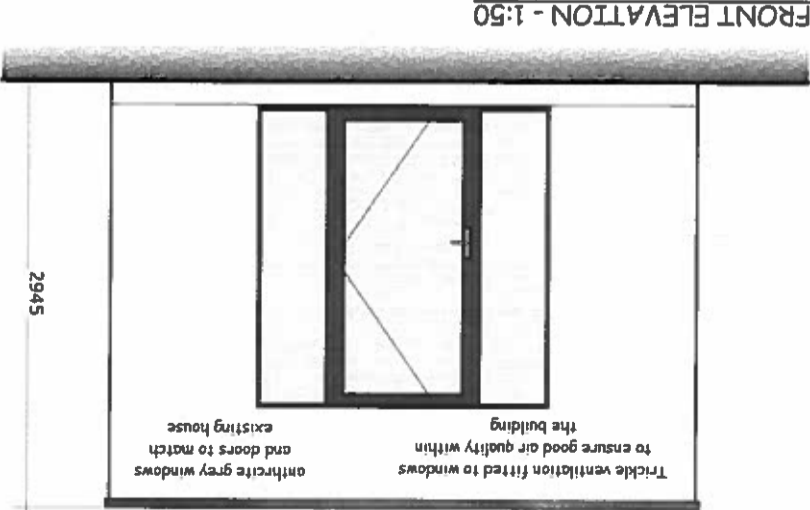
**Proposed outbuilding to be used as beauty/hair stylist by applicant at  
14 Turnberry Crescent, Elgin, IV30 8BE for Miss O'Shane & Mr Mathieson  
Planning Statement    Revision - 0    Date - February 2022**

**The proposed building is to be used by the applicant (Lisa O'Shane) to be a self employed hair stylist / beauty therapist. Opening hours will be anytime between 9am - 9pm Monday to Friday but that there will be a maximum of 4 clients per day so a maximum operating time of around 4-5 hours. The only person working out of the premises will be Lisa O'Shane with a maximum of 1 client/1 car at the property at any one time. An extract fan will be fitted to the salon to ensure any odours are extract along with trickle vents on windows for constant air circulation. Background music only to be played within the building and only when it is being used.**

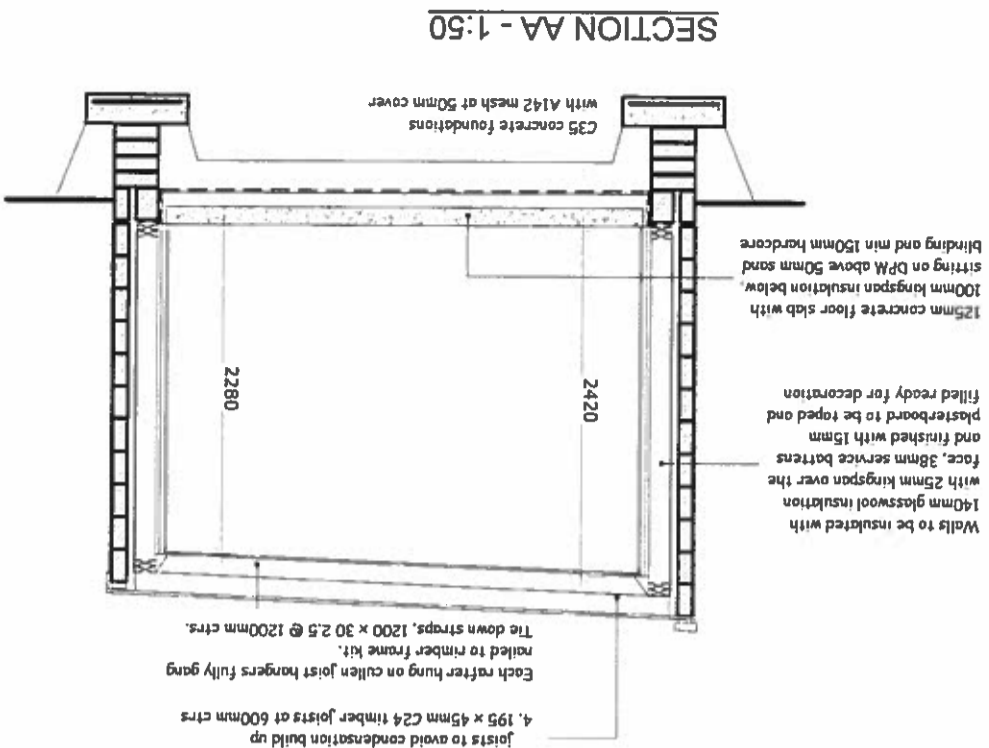


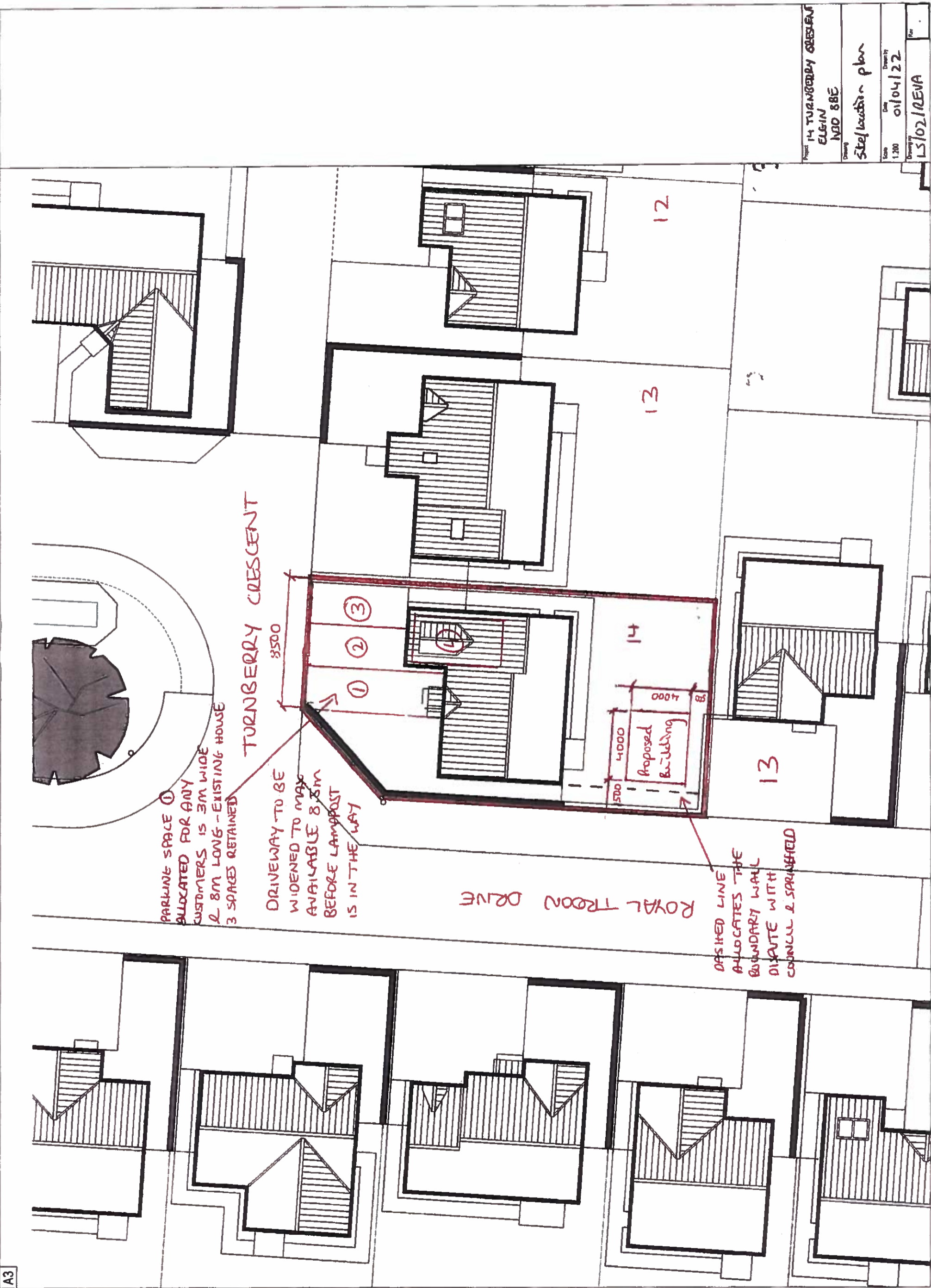
# Location plan for Planning Application Reference Number : 22/00130/APP





- Roof Spec:
1. Rubber roofing installed to manufacturer's instructions
  2. 22mm tongue and groove fibre board
  3. 100mm kingspan insulation above the joists to avoid condensation build up
  4. 195 x 45mm C24 timber joists at 600mm ctrs.
- Each rafter hung on cullen joist hangers fully ganged nailed to timber frame kit.  
 Tie down straps, 1200 x 30 2.5 @ 1200mm ctrs.





Project	14 TURNBERRY CRESCENT
Client	ELGIN
Ref	NDD 88E
Drawing	Site/location plan
Scale	1:200
Date	01/04/22
Drawn by	LS/02/REVA

