



MORAY LOCAL REVIEW BODY

DECISION NOTICE

Decision by the Moray Local Review Body (MLRB)

- Request for Review reference: Case LR196
 - Application for review by Moray Housing Partnership, c/o Ms Lesley Tierney, Lippe Architects and Planners against the decision of an Appointed Officer of Moray Council
 - Planning Application 17/01220/APP to demolish office building and erect 10 No units flatted development (as amended) at Moray Housing Partnership, Clifton Road, Lossiemouth, Moray
 - Unaccompanied site inspection carried out by the MLRB on 19 February 2018
 - Date of decision notice: 12 March 2018
-

Decision

The MLRB agreed to dismiss the request for review and uphold the original decision of the Appointed Officer to refuse the above noted application.

1. Preliminary

- 1.1 This Notice constitutes the formal decision of the MLRB as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for planning permission was considered by the MLRB at the meeting held on 22 February 2018.
- 1.3 The MLRB was attended by Councillors D Gatt (Chair), M Macrae (Depute Chair), D Bremner, G Cowie, M McLean, A Patience and D Ross.

2. MLRB Consideration of Request for Review

- 2.1 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 an application on the grounds that the development is contrary to the provisions of the Moray Local Development Plan 2015 (Policies PP3, H1, BE2 and IMP1) for the following reasons:-
 - The three storey Block B will be unduly obtrusive and dominant in the established street scene and would not contribute to the established sense of place in this part of Lossiemouth and would not be appropriate

to the scale and character of the surrounding area contrary to policies PP3, H1 and IMP1.

- The three storey Block B fails to reflect the style, form or scale of the adjoining listed buildings and would dominate the setting of these buildings to an unacceptable degree contrary to policy BE1.
- The three storey Block B would give rise to overlooking of neighbouring properties and would adversely impact on the amenity of neighbours contrary to policy IMP1.
- The proposed off-white render on Block B is not in keeping with the finish of surrounding buildings and would result in a building that was not adequately integrated into its surroundings contrary to policy IMP1.

- 2.2 There was submitted a 'Summary of Information' report setting out the reasons for refusal, together with documents considered or prepared by the Appointed Officer in respect of the planning application and the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.
- 2.3 With regard to the accompanied site inspection carried out on 19 February 2018, the Chair stated that Members of the MLRB were shown the site where the proposed development would take place and provided with a summary of the reasons for refusal and the Applicant's Grounds for Review.
- 2.4 The Chair asked the MLRB if they had sufficient information to determine the request for review. In response, the MRLB agreed that it had sufficient information.
- 2.5 The Chair asked if there were any preliminary matters which the Planning or Legal Adviser wished to raise. In response, both the Planning Adviser advised that in terms of the grounds for review, on page 97 referred to the Moray Structure Plan 2017. She advised that the Moray Structure Plan no longer exists and was replaced by the Moray Local Development Plan 2015. She further advised that it also referred to the Moray Local Development Plan 2017 and that this should read 2015. The Legal Adviser confirmed that she had no preliminary matters that she wished to raise.
- 2.6 The Chair asked if all members had received the e-mail from the planning adviser in regard to the boundary wall. All members confirmed receipt.
- 2.7 The Chair, having had the opportunity to visit the site and consider the Applicant's grounds for review agreed with the opinion of the Appointed Officer in that the development is contrary to the provisions of the Moray Local Development Plan 2015 (Policies PP3, H1, BE2 and IMP1).
- 2.8 There being no-one otherwise minded, the MLRB agreed to dismiss Case LR196 and uphold the decision of the Appointed Officer to refuse planning permission in respect of planning application 17/01220/APP on the grounds that the development is contrary to the provisions of the Moray Local Development Plan 2015 (Policies PP3, H1, BE2 and IMP1) for the following reasons:-

- The three storey Block B will be unduly obtrusive and dominant in the established street scene and would not contribute to the established sense of place in this part of Lossiemouth and would not be appropriate to the scale and character of the surrounding area contrary to policies PP3, H1 and IMP1.
- The three storey Block B fails to reflect the style, form or scale of the adjoining listed buildings and would dominate the setting of these buildings to an unacceptable degree contrary to policy BE1.
- The three storey Block B would give rise to overlooking of neighbouring properties and would adversely impact on the amenity of neighbours contrary to policy IMP1.
- The proposed off-white render on Block B is not in keeping with the finish of surrounding buildings and would result in a building that was not adequately integrated into its surroundings contrary to policy IMP1.

Mrs Aileen Scott
Legal Services Manager (Property and Contracts)
Legal Adviser to the MLRB

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to Applicant on determination by the Planning Authority of an application following a review conducted under Section 43A(8)

Notice Under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

1. If the Applicant is aggrieved by the decision of the Planning Authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the Applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. 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 V of the Town and Country Planning (Scotland) Act 1997.