

Appendix 2

Case officers Report of Handling for planning application



REPORT OF HANDLING

Ref No:	13/02296/APP	Officer:	Iain T Drummond
Proposal Description/ Address	Convert net store to house at 20 Reidhaven Street Portknockie Buckie Moray		
Date:	10/02/2014	Typist Initials:	RS

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

CONSULTATIONS		
Consultee	Date Returned	Summary of Response
Planning Gain Unit	15/01/14	No contributions sought
Environmental Health Manager	06/01/14	No objections
Contaminated Land	06/01/14	No objections
Transportation Manager	10/01/14	No objections subject to conditions and informatives
Scottish Water	13/01/14	No objections

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
T2: Provision of Road Access	N	
T5: Parking Standards	N	
H3: New Housing in Built Up Areas	Y	
BE3: Conservation Areas	Y	
EP5: SUDS	N	
EP9: Contaminated Land	N	
EP10: Foul Drainage	N	
IMP1: Development Requirements	Y	
IMP3: Developer Contributions	N	

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

OBSERVATIONS – ASSESSMENT OF PROPOSAL
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Proposal

This application seeks planning permission to convert an existing net store into a dwellinghouse. The building lies within the Portknockie Conservation Area, however, is not listed. The main alterations proposed consist of the introduction of windows into the north elevation of the building which presently has no openings.

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the approved Moray Structure Plan 2007 and the adopted Moray Local Plan 2008 unless material considerations indicate otherwise. In this case the main planning issues are considered below.

Design of the development (BE3, H3, IMP1)

In terms of history, this application was the subject of pre application enquiry where the applicant was advised that the proposed glazed gable style windows on the north elevation were not in keeping with the character of the existing building and would have a adverse impact on the character of the surrounding conservation area. Solutions to this issue which would be in keeping with the conservation area were suggested such as the provision of two traditionally proportioned windows on the ground floor and a glazed door opening to mimic a net store style (door proportioned) opening on the first floor. This option was thought to strike a good balance between providing views out over the coast allowing enough light into the proposed house, however, still respecting the character of the building and surrounding conservation area, however, unfortunately the original glazed gable style scheme has been pursued.

Policy BE3 outlines amongst other things that development proposals in conservations areas will be refused if they adversely affect the character of the conservation area in terms of scale height, materials and detailed design. Proposals should preserve or enhance the established traditional character and appearance of the area.

In this case the proposed widows on the north elevation are a non traditional proportion, size and design and do not relate to or compliment the traditional design and appearance of the existing building. The existing building is one of several in this area of the conservation area which have their gable ends facing northwards towards the coast. It is this feature which contributes to the traditional appearance of the area and helps underpin the reasoning for designating the area as a conservation area in the first place. The proposed windows would appear alien to the character of the existing building and adversely impact on the character of this important wider characteristic of the

conservation area. On this basis this application is not considered to comply with Local Plan policies BE3, H3 and IMP1 and is recommended for refusal on this basis.

In addition to the above whilst considering the proposal at pre application stage the applicants outlined that there are a number of other existing or approved glazed gable or non traditional style development in the surrounding conservation area and on this basis the proposal should be permitted. In response it was confirmed that the other non traditional development in the surrounding area are either poor quality and were erected before more modern policies for preserving the character of the conservation area were put in place and as such should not be replicated or extension to a traditional property where it is good conservation practice to encourage the use of modern materials and design to provide a distinction between the old section of the building and the new. In this case the proposal represents an alteration (not and extension) to a traditional building which would adversely alter the character of the building and if approved may set a precedent for other applicants to the do the same with other similar buildings, which would substantially alter and detract from the character of the conservation areas and the erode the reasoning behind their designation.

For the avoidance of doubt the proposal is considered to be acceptable in all other respects such as impact on privacy of neighbours, parking and contaminated land.

REASON(S) FOR DECISION

The Council's reason(s) for making this decision are:-

The application does not comply with Moray Local Plan 2008 policies BE3, H3 and IMP1 for the following reason:

1. By virtue of their non traditional proportion, scale and design, the proposed windows on the north elevation detract from the character of the existing building and overall character and appearance of the wider conservation area.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None.

HISTORY				
Reference No.	Description			
13/00359/PE	Change of use of net store back to dwellinghouse 20 Reidhaven Street Portknockie Buckie Moray AB56 4LS			
	Decision	ID/PE Answered	Date Of Decision	25/03/13
13/00707/APP	Convert net store to house at 20 Reidhaven Street Portknockie Buckie Moray AB56 4LS			
	Decision	Withdrawn	Date Of Decision	12/06/13

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Banffshire Advertiser	Departure from development plan No Premises Planning application affecting LB/CA	23/01/14
PINS	Departure from development plan No Premises Planning application affecting LB/CA	23/01/14

DEVELOPER CONTRIBUTIONS (PGU)	
Status	NONE SOUGHT

DOCUMENTS, ASSESSMENTS etc. *		
<i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i>		
Supporting information submitted with application?		NO
Summary of main issues raised in each statement/assessment/report		
Document Name:		
Main Issues:		

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

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