

## PLANNING APPLICATION: 10/00238/APP

*In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications*

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### **The Proposal**

- This application seeks full planning permission to allow an occasional outdoor market (to operate to a maximum 5 days a month no more than 2 Saturdays a month) at The Old Railway Station Car Park, Clifton Road, Lossiemouth.

### **The Site**

- The Old Railway Station Car Park lies to the east of the town opposite the memorial and adjacent to the harbour. It lies within a fairly central area of the town.

### **Policy / Objections-Representations / Consultations - See Appendix**

### **History**

None.

### **Advertisement**

The application has been advertised for neighbour notification purposes and as development falling within Schedule 3 (hot food).

### **Observations**

The proposal to use the car park as an occasional outdoor market would provide the town with additional retail choice.

Policy R1 presume to approve retail proposals in the Town Centre subject to adequate servicing and infrastructure being provided and sensitive siting in relation to the amenity of the surrounding area. The proposal sits in a fairly prominent part of town and has the potential for pulling visitors and shoppers into the town centre contributing to its vitality as a community and tourism activity.

In relation to Policy T5 and T2, the Transportation Manager has not objected to the proposal. Prior to the occasional market, signs shall be erected within the Old Railway Station Car Park providing information to members of the public that the market will take place on a given day for a given period and that parking for the public will not be available.

ENV 8 Foreshore Areas and ENV10 Regeneration Proposals – The foreshore area will be retained and enhanced to create a setting for the town. Council will refuse all proposals for building in this area, with the exception of tourist related redevelopment of, or extension to existing commercial uses within their curtilage.

The Environmental Protection Manager was consulted and has commented that the town centre improvement project at Station Park makes provision for this proposal in the overall scheme and there are no issues with this application.

Through the town centre regeneration project improvements to Station Park will include the re-surfacing with tarmacadam, street furniture, new electric ducts, electronic information kiosk, and new play equipment has been installed in the children's park.

Policy IMP1 requires new development to be sensitively sited, designed and serviced. In this case, and subject to conditions as recommended, there are no servicing/infrastructure objections following consultation. In terms of odours from hot food stalls a specific area has been set aside on the eastern boundary as acceptable. The proposal is not considered to result in a significant adverse impact upon the amenity of the surrounding area.

### **Recommendation**

Approval

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***DONALD LUNAN***  
***PLANNING & DEVELOPMENT MANAGER***

## **APPENDIX**

### **POLICY**

#### **Moray Structure Plan 2007 and/or Moray Local Plan 2008**

##### **R1: Retail and Commercial Development in Town Centres**

Retail and commercial development within town centres will be approved if:

- a. sensitive design solutions are applied on sites within or adjacent to designated conservation areas, or on high visibility landmark sites on main routes, and
- b. adequate servicing and infrastructure is available including road capacity, public transport, pedestrian links and car and cycling parking provision, where appropriate through the provision of a Transport Assessment; sewerage links; provision for water run-off and sustainable urban drainage systems (SUDS); and, provision to deal with any flood implications.

##### **Policy R2: Town Centre Development**

Within town centres there will be a presumption to approve development where the following provisions are satisfied:

- a. Core retail commercial areas will be identified on settlement plans, and within these areas approval will not be given for non-retail uses at frontage on ground floor level unless it is for a financial, professional or other service (as defined by use Class 2 or 3 of the Use Classes Order) that can demonstrate a requirement to provide a frontage principally for visiting members of the public.
- b. Rear service access to existing shops and commercial activities will be preserved unless an adequate alternative can be provided.
- c. Lanes or closes off the main shopping streets will be preserved unless an adequate alternative can be provided.
- d. Improvements to the shopping and leisure environment, including pedestrianisation, will normally be permitted if there is no adverse impact on the overall commercial viability of the area. For the avoidance of doubt, proposals for new retail developments within defined town centres will not have to be accompanied by a retail impact statement in support of the application.
- e. The conversion of upper floors to residential use will be encouraged where there are no adverse impacts from surrounding uses, in terms of amenity or noise.

## **IMP1: Development Requirements**

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It must meet the following criteria:

- a. the scale, density and character must be appropriate to the surrounding area,
- b. the development must be integrated into the surrounding landscape,
- c. adequate roads, public transport, and cycling and footpath provision must be available, at a level appropriate to the development,
- d. adequate water, drainage and power provision must be made,
- e. sustainable urban drainage systems should be used where appropriate, in all new developments
- f. there must be adequate availability of social, educational, healthcare and community facilities,
- g. the development should, where appropriate, demonstrate how it will incorporate renewable energy systems and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria,
- h. provision for the long term maintenance of public landscape and amenity areas must be made,
- i. conservation of natural and built environment resources must be demonstrated,
- j. appropriate provision to deal with flood related issues must be made, including the possibility of coastal flooding from rising sea levels and coastal erosion,
- k. pollution, including ground water must be avoided,
- l. appropriate provision to deal with contamination issues must be made, and
- m. the development must not sterilise significant workable reserves of minerals, prime quality agricultural land, or preferred areas for forestry planting.
- n. where appropriate, arrangements for waste management should be provided.

## **T5: Parking Standards**

Proposals for development must conform with the Council's policy on parking standards.

## **Policy T2: Provision of Road Access**

The Council will require that a suitable and safe road access from the public highway is provided to serve new development and where appropriate any necessary modifications to the existing road network to mitigate the impact of development traffic, and the provision of appropriate facilities for public transport, cycling, and pedestrians. Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.

SPP17 details that there will be a presumption against new accesses onto a trunk road, and that the Scottish Executive will consider the case for such junctions where nationally significant economic growth or regeneration benefits can be demonstrated.

## **ENV8 Lossiemouth Foreshore**

The foreshore area will be retained and enhanced to create a setting for the town. The Council will explore its management and maintenance on a community or partnership basis. The Council will refuse all proposals for building in this area, with the exception of tourist related commercial uses, to the south of the existing track.

## **OBJECTIONS-REPRESENTATIONS**

No objections/representations received.

## **CONSULTATIONS**

**Legal And Committee Services, Central Services** - No comment.

**Regional Archaeologist** - No comment.

**Environmental Health Manager, Development Services** - No objection.

**Estates, Central Services** - No objection.

**Contaminated Land, Development Services** - No objection subject to informative.

**Transportation Manager, Direct Services** - No objection subject to conditions.

**Environmental Protection Manager, Direct Services** – No objection.