

PLANNING APPLICATION: 08/00281/FUL

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

The Proposal

- The application proposes the erection of two-storey dwelling on a sloping site. The 3-bedroom dwelling will be built into the natural slope of the site creating the appearance of a single storey dwelling from the rear. The lower floor level will accommodate a double garage, shower room, bedroom and entrance hallway.

The Site

- The site is the first of three plots located to the west of Westlands on the south side of Stotfield Road, Lossiemouth.

Policy / Objections-Representations / Consultations - See Appendix

History

No history for this site.

Advertisement

The application was advertised as a departure to the development plan.

Observations

Planning Issues

Impact of the Proposal on the Character and Amenity of the Existing and Surrounding Properties (Moray Local Plan 2000 L/IMP1 and the emerging Moray Local Plan 2008 IMP1)

In terms of design and finishes the dwelling complies with Policy R3 of the Moray Local Plan 2000 and Policy R3 the emerging Moray Local Plan 2008 and is considered to be acceptable for this location. The Transportation Manager does not require the lay-bys contained in the policies and the site is to be served with adequate access and parking provision. As a result, the non-provision of these is considered to be an acceptable departure from this requirement. The new dwelling will integrate well with the existing surrounding properties. This development will not have any significant impact on the amenity of the adjoining properties. In these circumstances the proposed development is considered to be acceptable.

The site is shown within Noise Exposure Category (NEC) C. This reflects the RAF Lossiemouth Noise Contours Safeguarding. This was the subject of an objection at the Local Plan Public Local Inquiry last year. The recommendations of the Reporter are: -

- Retention of whole area at R3 as shown in the Finalised Plan as allocated in the Plan when it is adopted.
- Insertion of the phrase "consultation with the MOD in respect of noise contours from RAF Lossiemouth is required to establish the extent to which development can be accommodated".

MOD have not objected to this application and the Environmental Health Manager has recommended approval subject to conditions.

Members will note that the Reporters findings in the objections to the Final and Local Plan is being considered by Committee on 12th August 2008.

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Signature (*Alan Short, Development Control Manager*)

R A STEWART
DIRECTOR OF ENVIRONMENTAL SERVICES

APPENDIX

POLICY

Moray Structure Plan 2007 and/or Moray Local Plan 2000

Policy 2: Environment and Resources

The Moray Structure Plan Strategy will be supported by: -

- f) conserving and enhancing the areas built heritage resources and their settings.

Policy L/IMP1: Development in Built-up Areas

In areas covered by this policy, (i.e. all land within settlement boundaries and rural communities), the Council will, in considering applications for planning permission, try to ensure that proposals for development do not harm the general character of the surrounding area. Applications will therefore take account of the main uses of land and buildings in the vicinity, the mix of such uses and the architectural quality of the area. The main concern of the Council is to ensure that development proposals should neither conflict with nor detract from the character, amenity and design of an area. This policy will not preclude appropriate new development and is not intended solely to maintain the status quo.

In interpreting and clarifying this policy, the Council will take into account the guidelines on Character, Amenity and Design.

Guidelines on Character, Amenity and Design (L/IMP1)

a. Character

The character of an area is assessed by the;

- (i) main uses;
- (ii) appropriateness of a diversity of uses; and
- (iii) desirability of introducing a development which may detrimentally alter the existing balance of usage
- (iv) architectural style of the area.

b. Amenity

The amenity of an area is assessed in terms of both the people who will occupy the development site, and the adjoining occupiers. In short, new developments should be "good neighbours". Where there is an inherent incompatibility of neighbouring developments, or where remedial action cannot be made effective, applications are likely to be refused.

The important aspects of amenity which the Council considers are worth protecting are:-

- (i) **Privacy** - for both the occupants of a proposed development and surrounding neighbours. Loss of privacy can be minimised by re-orientation, reducing the densities of development reducing the size of buildings, and attention to building levels or by design modifications, for example, window proportion and size.

- (ii) **Traffic** - the introduction of increased traffic movement and resulting noise, can significantly detract from the amenities of an area.
- (iii) **General Disturbance** - protection from activities which create unreasonable levels of noise, smells and other discomforts including wheeled bin locations.
- (iv) **Sunlight/Daylight** - adequate levels of sunlight and daylight, and to a lesser extent, outlook, should be safeguarded for surrounding properties and afforded to new developments.

c. Design

Design of new development should not only relate to the type of development in the immediate vicinity but also to the wider issues of context and setting. This need not be restrictive to new or innovative architectural expression.

Applicants should, therefore, avoid design proposals which compromise the appearance of design characteristics of the surrounding area.

In considering the appropriateness of a design the Council will have regard to:

- (i) The scale of adjoining development.
- (ii) The materials, finishes and colours used in nearby development.
- (iii) Any features on or near the site worthy of reproduction, protection or enhancement, e.g. trees, hedges, views and other features of public importance.
- (iv) Principles of site sensitive design e.g. that pitched roofs are preferred to flat roofs, pitched dormers to box dormers, vertical windows to horizontal picture windows etc., where these features predominate in an area.

R3 Stotfield Road (0.63 ha)

Suitable for 2 storey detached dwellings, up to 5 new houses, set back from the road to match the building line of neighbouring "Dunconuis" in garden grounds. The provision and maintenance of a landscaped area to the west of the site at the road junction will be a condition of the development. Houses on the site will require front access and lay-bys to be provided for parking. In addition land should be reserved to the west of the site to accommodate future junction improvements of the B135 and B9040. One dwelling house now complete at the eastern edge of the site.

Emerging Moray Local Plan 2008 - Material Consideration

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

T5: Parking Standards

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

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.

OBJECTIONS-REPRESENTATIONS

The application has resulted in letters of objection being received from: -

- A A Dunbar's Descendants' Trust, Pitgaveny, Elgin
- Mr Andrew Guest, 14 Ardivot Place, Lossiemouth
- Mr John Urquhart, Coolnagatta, Hopeman

The grounds of objection are as follows:

- There is no indication that provision and maintenance of a landscaped area to the west of the site at the road junction has been addressed.
Applicant's Response: It is noted that there is a requirement for the provision for a landscaped area to the west of the site at the road junction. Proposals for this will be submitted.
Comment: Details showing the area in question being laid out in grass, following the removal of existing whin and gorse and will include random daffodil bulb planting have been submitted. The remainder of the area will be retained as natural landscaping as in its existing form. Temporary fencing will be provided until the area is established. The applicant or an agent acting for the applicant will maintain it.
- It is unclear from policy 'R3 Stotfield Road' whether the requirement for lay-bys should be accommodated inside, or on the roadway adjacent to the site. If the requirement is for lay-bys to be provided on the roadway adjacent to the site, then the applicant has not addressed this.
Applicant's Response: Adequate off-street parking is considered to be provided within the dwelling curtilage without need for external lay-bys. The proposed dwellings are within the built up area of the town and within the 30 mph speed limit. No other provision has been required within Stotfield Road, including the house West Winds, which is also within the R3 designation.
Comment: Whilst the policy requires the provision of a lay-by, the Transportation Manager has no objection to the proposal as submitted. It is therefore considered that not providing the lay-by is an acceptable departure from that policy.
- The build on plot 1 will have a severe affect on the quality of life for my family. At over 8 metres in height, the projected loss/deprivation of sunlight through late spring and summer will reduce the opportunities for my family to enjoy afternoons sitting in the garden. The objector's wife is a registered childminder and uses the garden daily with children in her care.
Applicant's Response: The proposed dwelling within Plot 1 would be to the north of the neighbours ground and as such should not significantly affect availability of sunlight. The area is zoned for housing in the local Plan.
Comment: The new dwelling will be located between 7.4 metres and 10.2 metres from the site boundary and to the north of the objector's property. The height of the elevation facing the objector's property is 5.761 metres above ground level to the ridge level. As such the development will not have any significant impact on the amenity or sunlight to the adjoining properties.

CONSULTATIONS

Building Standards Manager, Development Services - Building Warrant required.

Environmental Health Manager, Development Services - No objection subject to a condition specifying the double glazing units to all living apartments. Site with Noise Exposure Category (NEC) C.

Environmental Protection Manager, Direct Services - No objection.

Contaminated Land, Development Services - No objection.

Transportation Manager, Direct Services - Standard conditions and notes.

MOD - No objection.

Scottish Water - No objection.