

PLANNING APPLICATION: 07/01649/OUT

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

- Outline application for redevelopment of a site at Shore Street, Lossiemouth to form 26 town houses and 13 light commercial units.
- Indicated re-working of vehicular access onto Argyle Street.
- Parking for 19 no. cars and turning area indicated within the site.
- Proposals indicate 13 no. town houses along Carvel Street frontage to three storeys in height and 13 no. units to Shore Street frontage to four storeys in height with shop units at ground floor level and maisonettes above.
- Public water supply proposed
- Public foul drainage system proposed.

The Site

- The site extends to around 0.34 hectares (acres) in area.
- The site is presently occupied by vacant cold storage premises largely comprising whitewashed industrial buildings with roofs in grey profiled cladding.
- To the western end of the Shore Street frontage is the former office building associated with the facility which is of traditional design with slated roof and cream coloured wall render (probably a house when originally built).
- Small gated yard and loading area accessed from Argyle Street.
- Two gated yard areas to the western end of the site accessed from Shore Street, and on either side of the 'house'.
- To the north the site is bounded by Shore Street with industrial and commercial premises of varying types and nature opposite.
- To the east the site is bounded by Argyle Street with traditional dwellinghouses of between 1½ and 2 storey opposite.
- To the south the site is bounded by the narrow Carvel Street with single storey cottages of slate roofs and harled walls opposite. The boundary to Carvel Street of the site itself comprises the stone walls of the buildings of around 3 metres and 4 metres to eaves height, and beyond this a stone wall of between 1.5 metres and 2 metres in height. The cottages are above the level of the street by around 1.5 - 1.8 metres due to rising ground levels.
- To the west the site is bounded by one traditional 2 storey dwellinghouse and a small works unit.

Policy / Objections-Representations / Consultations - See Appendix

History

96/01177/FUL - Detailed application to improve the entrance to the cold store. Approved September 1996.

Advertisement

Advertised as a departure from the development plan.

Observations

The main planning considerations are:

Access and Parking (L/T4, L/T7)

These policies require that all new development shall be provided with vehicular parking and access to an appropriate and acceptable standard. As this is an application in outline only, the layout and the parking shown for the development are indicative only, and do not necessarily reflect any finalised, reserved matters scheme. On the basis of this, no adverse comments have been received in response to consultation with the Transportation Manager, although a number of planning conditions are recommended.

Drainage (Policy 2i, L/ENV24, L/H3)

These policies require that all new development shall be provided with appropriate means for the disposal of surface water, ideally through the use of SUDs. As this is an outline application only, no details of drainage for the site have been submitted. And SEPA have stated that they have no objections to the scheme, subject to a planning condition with regard to drainage details being prepared for the site. There is thus no conflict with these policies.

Developer Contributions/Affordable Housing (Policy 1(d), 1(i), L/F1, L/H7)

The aim of these policies is to ensure that all new residential development in excess of ten units incorporates an element of affordable housing, and that any impact on services or community facilities may be mitigated against by means of contributions from developers towards new or enhanced facilities.

Consultation response from the Housing Manager indicates that the level of affordable housing appropriate to this development would be 5 units. It is proposed that a condition be applied to any consent for this scheme to ensure that the required affordable provision is incorporated into any detailed or reserved matters application to follow.

No need for developer contributions, either in kind or by commuted payment has been identified by consultees.

There is thus no conflict with the policies relating to either affordable housing or to developer contributions.

Industrial Designations (Policy 1(a), L/ED4, Lossiemouth I2)

Within the current development plan, this site is designated as a site for industrial use and redevelopment. Allied to this, policy L/ED4 supports and presumes in favour of business development and expansion over alternative uses such as residential or retail use. As such, this application is a departure from the development plan, and has been advertised as such.

Notwithstanding the current designation of the site, it is considered that the proposal is an acceptable departure to the development plan in that it will result in the redevelopment of a site and premises which have been vacant for a number of years with no interest from any prospective users. The proposal records in past with the policy as ground floor premises on Shore Street are for business units. There are, furthermore, other areas of designated industrial land within the town, and the large 'opportunity site' (OPP3) which are available for industrial and/or commercial development, should the demand arise.

Impact and Design of new Development (L/H3, L/H4, L/IMP1, L/IMP3, L/IMP4)

The above policies are designed to ensure that all new development can be adequately serviced, and that it is of a design and finishes appropriate to its location.

As this application is in outline only, it is not possible to comment on the specific design aspects of the proposals and any proposed finishes. This is a matter for any later detailed application. There have, however, been numerous representations objecting to the proposals on grounds including the impact of new buildings on the amenity and privacy of existing houses; especially those on the opposite side of Carvel Street. Indicative plans suggest that development along the Carvel Street frontage of the site (and thus opposite the existing houses) would be 2½ storeys in height. Although the new units would be downhill and to the north of the existing houses (and thus with lower ground floor levels and not in a position to overshadow), at the height suggested they would have the potential to tower over surrounding properties, and it is suggested that any consent for this scheme be conditional upon the submission of cross-sectional details through the site and the properties on the other side of Carvel Street. The distance from the boundary of the application site to the present houses is 1 metre, so there is no specific privacy issue.

In terms of finishes and design, the site is not located in an area in which any one design or material finish predominates. Many of the residential properties in the vicinity are of traditional design and are finished in traditional materials. However, as described above, the present buildings on site are of utilitarian design and finished in varied materials. On the opposite side of Shore Street, there are a mixture of building types and finishes in keeping with the light industrial and commercial nature of the area. Given the various finishes and designs present in the vicinity of the site, it would be appropriate for any new residential building here to follow the design theme of the adjoining residential properties, although this should not preclude the use of innovative design and materials in any final scheme.

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Signature (*Alan Short, Development Control Manager*)

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DIRECTOR OF ENVIRONMENTAL SERVICES

APPENDIX

POLICY

Moray Structure Plan 2007 and/or Moray Local Plan 2000

Policy 1: Development and Community

The policy set out below identifies the strategic community development requirements for the delivery of the structure plan strategy-

The Moray Structure Plan Strategy will be supported by:

- a) the identification within the local plan of the business and industrial land allowances set out in Schedule 1 and the provision of strategic business locations at Elgin and Forres Enterprise Park and business park opportunities at Buckie, Keith and Lossiemouth.
- d) the provision of affordable housing in association with new housing development where a demand is identified in the Local Housing Strategy.
- i) the inclusion within Local Plans of a policy requiring appropriate developer contributions towards healthcare and other community facilities.

Policy 2: Environment and Resources

The Moray Structure Plan Strategy will be supported by: -

- i) promoting sustainable urban drainage systems(SUDS) in all new developments.

Policy L/ED4: Established Business Areas

Within 'Established Business/Industrial Areas' as identified in the Town Maps the Council will presume in favour of business redevelopment and expansion (subject to environmental considerations). Proposals which may conflict, such as residential or retail uses, will normally be resisted.

Policy L/ENV24: Surface Water Drainage: Sustainable Urban Drainage System

In consultation with SEPA, NOSWA and the Council's Road Service, Sustainable Urban Drainage Systems (SUDs) will be sought on all development sites as identified in the settlement plans and on all 'windfall' sites (i.e. redevelopments and undesignated sites) accommodating in excess of 10 residential units or measuring in excess of 2,000 sq. m of non-residential development land.

Settlement statements and development briefs shall identify sites where an explicit surface water management plan requires to be submitted and approved as part of the planning application.

Where SUDs are proposed applicants must specify provisions for long term maintenance to the satisfaction of the Council and the regulatory authorities.

Policy L/H3: Servicing and Layout of new Housing Developments

(i) Layout

New residential areas must be designed to accommodate provision for cycling and walkways. Road layouts should reflect considerations of road safety, avoiding long straight stretches, adopting curves and bends with unobstructed sightlines and where appropriate (i.e. adjacent to play areas, schools and public halls) raised surfaces should be introduced to reduce traffic speed. Emergency vehicle access must be provided, and if public transport is to service the site, roads must be designed accordingly. In general, houses in new housing developments which require to be served by new or improved made-up public roads should not be occupied until the road is completed to a standard which satisfies the Council. Proposals must also comply with policies L/T4 (Road Access), L/T7 (Parking Standards), L/T9 (Mitigation) and L/T10 (Cycling) in Chapter 4.

(ii) Drainage

New housing developments must comply with the requirements of NOSWA and SEPA for connection to the public sewerage systems and the standards of disposal of waste water (see policy L/ENV24 Surface Water Drainage: Sustainable Urban Drainage System in Chapter 2).

(iii) Landscaping

New housing developments must provide landscaping in accordance with the site description to provide screening, enclosure, shelter, and acoustic barriers and to enhance the overall visual/environmental impact of the development. Details of maintenance arrangements will be required - see policy L/IMP4 'Maintenance of Landscaped and Amenity Areas' in Chapter 8.

(v) Energy Conservation

Planning applications and development briefs for developments of 10 or more houses must include a statement on the energy conservation techniques to be incorporated in the layout and design of houses.

Policy L/H4: Infill and Brownfield Housing

Approval will normally be granted (subject to policies L/ED5 in mixed-use areas and L/ED6 on opportunity sites) for the change of use or redevelopment of vacant property for residential use provided that the location can provide a satisfactory living environment.

Policy L/H7: Affordable Housing Provision

Proposals submitted for housing (on designated or undesignated sites) which are above the threshold for consideration of developer contributions as described in Policy L/F1 (i.e. 10 houses or more) will be assessed for an 'affordable housing' element. The proportion of a site which the Council will expect to be used to satisfy local affordable housing needs will be commensurate with the site size and the specific extent and nature of the local needs for affordable housing.

The Council will endeavour to provide affordable housing so that the benefits are passed on to serve the community in future years. The range of mechanisms under which this will be achieved may include but not be limited to:-

- i) that part of the site or development proposed for affordable housing use being transferred to the Council, Scottish Homes or a similar management body;

- ii) through the use of planning agreements and conditions; and
- iii) a partnership, joint venture and or other innovative arrangement between developers and the Housing Authority.

The Council's Community Services Department, is to produce detailed guidance on the implementation of these mechanisms.

Policy L/T4: Provision of Road Access

The Council will require that a suitable and safe access from the public highway is provided.

(i) Design of Road Access

Since the formation of a new access by unmade track or surfaced private road (particularly in rural areas) can often result in a scar on the landscape (e.g. if it dissects an agricultural field, involves extensive tree felling or traverses a hillside), then unless a proposed new access is carefully designed within the landscape the proposal will be unacceptable.

(ii) Road Access Standards

Where access to the site is by unmade/private track the Council may require it to be surfaced to a specified standard. If the access is of significant length and may serve more than one development site, some widening and the provision of passing places may additionally be imposed as a condition of any consent.

Policy L/T7: Parking Standards

Proposals for different forms of development must comply with the Council's 'Car Parking Standards' (available from the Council's Roads Service).

Where development (including housing) within the defined town centre cannot reasonably supply parking on site, (or where it is appropriate not to include parking), the developer will require to comply with the Council's system for 'commuted payments' for parking. Housing development in town centres which need not provide residential parking on site, must make provision for vehicular access for deliveries and emergencies.

In housing developments of over 30 houses, provision must be made for communal off-street parking, in addition to in-curtilage in order to permit the parking of large commercial vehicles away from road frontages.

Policy L/F1: Developer Contributions

Where a development proposal is considered to have a measurable and potentially negative impact on the infrastructure, community facilities or amenities related to that development, the Council will seek an agreement with the developer that he redress the elements of impact by funding the provision of, or contributing towards, such mitigating works as are reasonably necessary to enable the development to proceed.

If this cannot be achieved by conditions of consent, then agreements must be concluded before a consent is granted.

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.

Policy L/IMP3: New Building Design

(i) Design Principles

All building development must be designed to respond adequately to the locality. Applications must meet the following requirements:-

- a) appropriate location in landscape or townscape
- b) careful placement on a site, particularly in relation to character, amenity and energy conservation
- c) appropriate size and form in relation to existing buildings, sky line and landform
- d) appropriate density, layout and orientation in relation to character, amenity, privacy of neighbouring properties and energy conservation
- e) sensitive use of materials and colours in relation to existing setting and environmental impact

Standardised solutions to building design are not encouraged and will not be acceptable unless existing context (the design and character of the existing surroundings) suggests otherwise. Design solutions which seriously compromise the amenity and character of the area will not be permitted.

Highly innovative, experimental solutions will be encouraged but may not be suitable in every situation. In certain circumstances, the Council may request written design statements explaining various aspects of design solution e.g. explaining why a particular approach has been taken, and expect applications to show new buildings in their wider relationship with surrounding properties and the site (plans and elevations/perspective/ photomontages showing adjacent buildings, trees, landform etc)

(iii) High Profile/Landmark Sites

Where a building is either high profile or will have high impact within the townscape or open countryside, i.e. along the A class road network and high street frontages, within defined town centres, and at major visitor attractions and prominent rural locations, The Council will expect high quality solutions and may consult with bodies such as The Royal Fine Arts Commission, the Royal Institute of Architects in Scotland, the Scottish Civic Trust, Historic Scotland and the Association for the Protection of Rural Scotland, to assist with the assessment of the design impact.

On sites considered to be high profile, the Council will encourage applicants and landowners to sponsor design competitions prior to the submission of a planning application under the rules and procedures as advised by the RIAS Competitions Unit.

(iv) Materials

The Council will particularly encourage the use of materials which are sustainable. The use of salvaged or recycled material is encouraged in most circumstances subject to local situation and there is a strong expectation that traditional materials will be used on heritage structures. The Council will discourage the over use of high energy materials (i.e. those which require high energy levels to make and dispose) where alternatives can be used and is also concerned about the potential long term affects of using Tropical Hardwoods, from non-managed sources.

Policy L/IMP4: Maintenance of Landscaped and Amenity Areas

Applicants must demonstrate that satisfactory arrangements have been made to secure the maintenance of all landscaped and amenity space in perpetuity. Such arrangements must be put in place prior to any planning consent being issued. These arrangements shall be to the satisfaction of the Council and limited to:-

- i) a Section 75 Agreement (under the terms of the Town & Country Planning (Scotland) Act 1997) with a Bond in perpetuity, or
- ii) an Agreement leading to adoption by the Council (normally involving a capital sum equal to 1 year's maintenance x 20 with transfer of title), or
- iii) an Agreement to transfer title and responsibility for the provision and maintenance of the amenity and landscaped spaces to a maintenance company such as the Scottish Greenbelt Company or such other similar company constituted to secure maintenance in perpetuity, as is acceptable to the Council.

I2 Shore Street (1 ha)

This area of harbour-related, and small business premises, is in need of environmental upgrading. There are few opportunities for new building, other than redevelopment, for which proposals will be considered favourably. New developments will be required to incorporate adequate measures to protect the site from inundation from the sea.

OBJECTIONS-REPRESENTATIONS

Letters of representation received from:

- Ms J Cowie, Crimond, 5 Carvel Street, Lossiemouth, Moray
- C McIntyre, 50 Commerce Street, Lossiemouth, Moray, IV31 6QQ

- T M and M C Bothwell, Bonaccord, 75 Commerce Street, Lossiemouth, Moray, IV31 6QQ
- Mr and Mrs T Duff, 73 Commerce Street, Lossiemouth, Moray, IV31 6QQ
- S M Liebny, 63B Commerce Street, Lossiemouth, Moray, IV31 6QQ
- Mrs M Farquhar, 46 Commerce Street, Lossiemouth, Moray, IV31 6QQ
- Mrs E Robertson, 56 Commerce Street, Lossiemouth, Moray, IV31 6QQ
- Mr and Mrs A Ross, 48 Commerce Street, Lossiemouth, Moray, IV31 6QQ
- Mr A Smith, 58 Commerce Street, Lossiemouth, Moray, IV31 6QQ
- Mr D Edwards, 60 Commerce Street, Lossiemouth, Moray, IV31 6QQ
- Mrs C Souter, 1 Argyle Street, Lossiemouth, Moray, IV31 6QF
- Mr T Muir, 1a Argyle Street, Lossiemouth, Moray, IV31 6QF
- Mrs M Muir, 1a Argyle Street, Lossiemouth, Moray, IV31 6QF
- Mr D Souter, 1 Argyle Street, Lossiemouth, Moray, IV31 6QF
- Mrs E D Souter, 1 Argyle Street, Lossiemouth, Moray, IV31 6QF
- Mr W R Souter, 1 Argyle Street, Lossiemouth, Moray, IV31 6QF
- Mrs M Nicholson, 54 Commerce Street, Lossiemouth, Moray, IV31 6QQ
- Mr D Nicholson, 54 Commerce Street, Lossiemouth, Moray, IV31 6QQ
- Miss Katherine Ann Blum, Mondrian, 67 Commerce Street, Lossiemouth, Moray, IV31 6QQ
- Rachel S Blum, Mondrian, 67 Commerce Street, Lossiemouth, Moray, IV31 6QQ
- Mr Jean Blum, Mondrian, 67 Commerce Street, Lossiemouth, Moray, IV31 6QQ
- Neil Grant, Cardrew, Argyle Street, Lossiemouth, Moray, IV31 6QF
- Jacqueline Grant, Cardrew, Argyle Street, Lossiemouth, Moray, IV31 6QF

The main points in the letters are as follows:

- **Loss of view**
It is stated that the proposed development will result in a loss of view from properties on Commerce Street of the Moray Firth.
Agent's response: This issue may be addressed by reducing the height of development close to the worst affected neighbours.
Comment: In the first instance it must be stated that there is no entitlement to a view under planning law, and this cannot be taken into consideration when determining this application. Secondly, it must be reiterated that this is an outline application only, and the details for development of the scheme (including the final heights of any new building) will not be known until such time as any detailed/reserved matters application is submitted.
- **Devaluation to property**
It is claimed that the proposed new development will result in the devaluation of adjoining houses.
Agent's response: Existing houses are presently overlooking and industrial site, and the redevelopment for residential and some commercial can only add to the value of existing houses.
Comment: Any impact on the value of adjoining residential properties is not a valid planning consideration and cannot be taken into account when determining this application.
- **Loss of Privacy**
In one letter it is stated that the development will result in a loss of privacy to existing residential neighbours.

Agent's response: As detailed for the response to the issue of loss of view, the agents have commented that the height of development adjacent to existing properties can be reduced to reduce impact on the worst affected houses.

Comment: The distance between the edge of the site and the building line of the nearest Commerce Street houses is 11 metres at present, and as will be noted from the proposed conditions of consent, the Transportation Manager has requested a 1.2 metre footpath along the Carvel Street frontage of the site. This will extend the distance between the properties further. It must also be stated that the current application is in outline only, and as such that it is not possible to assess the impact of new development here upon the privacy of neighbouring houses; this will only be possible if and when detailed plans are received.

- **Height of buildings**

In several of the letters received, concern is expressed that the proposed buildings on the site will be too high, and thus be out of context with the surrounding area.

Agent's response: The houses to the Carvel Street frontage are indicated as being two storeys high. Some existing properties on both Carvel Street and Argyle Street are two storeys in height, and some of these have attic rooms also.

Comment: Without detailed plans and cross-sections through the site it is not possible to assess the true impact of the height of any buildings on the surrounding area, and whether this would be unacceptable. Due to the sloping nature of the site, the present buildings are comparatively tall to the Shore Street frontage, and lower to the Carvel Street frontage. Initial proposals to redevelop the site with taller buildings to the Shore Street frontage are thus in keeping with the current buildings on site.

- **Access and Road Safety**

Concern is raised over the issues of increased traffic movement (including delivery vehicles), parking, and access to the site.

Agent's response: The proposed access from Argyle Street was selected because it offers the best sight lines and traffic speeds will be low on this short street. It is considered that this could be reserved for the use of residents only, and that deliveries to the commercial units could be restricted to Shore Street. With dedicated parking on site there is no requirement for additional parking on Carvel Street.

Comment: The Transportation Manager has not objected to the outline application, although a number of planning conditions have been recommended.

- **Over-development of Site**

It is stated in many of the objection letters that the proposals represent an over-development of the site, and that there are too many units proposed.

Agent's response: The site is quite large, and it is considered that a greater number of smaller units could be accommodated. For instance a flatted development could accommodate around 60 units.

Comment: In its present form, a large percentage of the site is occupied by existing units, and thus a relatively compact development would not be out of keeping with the surrounding area. It must also be stressed that this is an outline application only, and that it is quite possible that the number of units proposed for any detailed scheme may be reduced. For the present it is accepted that this is a large number of units for the site, but considered that this can be accommodated through good site layout and design.

- Foul Drainage**
 Some of the letters of objection raise issues with regard to drainage for the site.
Agent's response: This will be undertaken to current standards, and to the approval of Scottish Water.
Comment: Scottish Water has raised no concerns or made any objection to the proposed scheme. In terms of surface water drainage, SEPA have recommended a condition with regard to SUDs provision, but have not objected to the development.
- Affordability**
 Question is raised over the affordability of the new houses, and it is suggested that these may be outwith the reach of many local buyers.
Agent's response: Five out of the 26 units proposed would be affordable units.
Comment: This is in compliance with Moray Council policy requiring that 20% of all new housing developments in excess of 20 units should be affordable. The consultation response from the Housing Manager confirms this also.
- Need for Retail Units**
 It is questioned whether there is any need for new retail/commercial units in Lossiemouth given the number that have closed in the town.
Agent's response: Commercial decision is not of concern to neighbours.
Comment: It is outwith the remit of this Council as Planning Authority to determine the number and availability of retail and/or commercial units. Whilst this Council may support the provision or retention of retail units and centres, it may not decide upon the acceptability of new units based on the number of vacant ones nearby, or the rate of closure.

CONSULTATIONS

Environmental Protection Manager, Direct Services - No objections.

Environmental Health Manager, Development Services - No objections, subject to one informative relating to health and safety.

SEPA - No objections, subject to a planning condition relating to the design of a SUDs scheme for the site.

Grampian Police - No objections. Copy of comments to be passed to applicants.

Housing Manager - Affordable housing requirement for a scheme of this size would be 5 units.

Scottish Water - No objections.

Contaminated Land, Development Services - No objections, subject to one condition and one informative.

Transportation Manager, Direct Services - No objections to the development, subject to a number of planning conditions.