

HOUSEHOLDER APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (SCOTLAND) ACT 1997

The Town and Country Planning (Development Management Procedure) (SCOTLAND) REGULATIONS 2008

Please refer to the accompanying Guidance Notes when completing this application

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR	Ref No.	
Forename	JOHN	Forename	STEVEN
Surname	WEBB	Surname	DOUGLAS
Company Name		Company Name	GEORGE DOUGLAS ARCHITECTS
Building No./Name		Building No./Name	
Address Line 1	C/O AGENT	Address Line 1	4 MACKENZIE PLACE
Address Line 2		Address Line 2	OLD ABERDEEN
Town/City		Town/City	ABERDEEN
Postcode		Postcode	AB24 3EG
Telephone		Telephone	01224 524139
Mobile		Mobile	
Fax		Fax	01224 524137
Email		Email	info@georgedouglas.co.uk
3. Address or Location of Proposed Development (please include postcode)			
17 LOWER BLANTYRE STREET CULLEN AB56 4RQ			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
4. Describe the Proposed Works			
Please describe accurately the work proposed:			
PROPOSED ALTERATIONS TO EXISTING BOTHY WHICH BELONGS TO 17 LOWER BLANTYRE STREET, CULLEN			
Have the works already been started or completed Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
If yes, please state date of completion, or if not completed, the start date:			
Date started: <input style="width: 150px;" type="text"/>		Date completed: <input style="width: 150px;" type="text"/>	

If yes, please explain why work has already taken place in advance of making this application.

5. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes ☐ No ☒

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☐ Letter ☐ Email ☐

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☐

Please provide a description of the advice you were given and who you received the advice from:

Name: Date: Ref No.:

6. Trees

Are there any trees on or adjacent to the application site?

Yes ☐ No ☒

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

7. Changes to Vehicle Access and Parking

Are you proposing a new altered vehicle access to or from a public road?

Yes ☐ No ☒

If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access?

Yes ☐ No ☒

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangement for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

3

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total of existing and any new spaces or reduced number of spaces)

3

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc).

8. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority? Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority? Yes ☐ No ☒

If you have answered yes please provide details:

DECLARATION

I, the ~~applicant~~ / agent certify that this is an application for planning permission and that accompanying plans/drawings and additional information are provided as part of this application.

I, the ~~applicant~~ / agent hereby certify that the attached Land Ownership Certificate has been completed ☒

I, the ~~applicant~~ / agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants Yes ☐ No ☐ N/A ☒

Signature:

FOR GEORGE DOUGLAS ARCHITECTS

Name:

S. DOUGLAS

Date:

15/12/10

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

CERTIFICATE A, B, C OR CERTIFICATE D MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby verify that -

- (1) No person other than ~~myself~~ *the applicant* was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application ☒
- (2) None of the land to which the application relates constitutes or forms part of agricultural land ☒

Signed:

On behalf of:

Date:

GEORGE DOUGLAS ARCHITECTS

15/12/10

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified

I hereby certify that -

- (1) ~~I have~~ *the applicant has* served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

- (2) None of the land to which the application relates constitutes or forms part of agricultural land ☐

or

- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

Name	Address	Date of Service of Notice

CERTIFICATE C

Certificate C is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where it has not been possible to identify ALL or ANY owners/agricultural tenants.

- (1) I have been unable to serve notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. ☐
- or
- (2) I have been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner of any part of the land to which the application relates. ☐
- (3) None of the land to which the application relates constitutes or forms part of an agricultural holding.
- or
- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. ☐
- or
- (5) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are ☐

Name	Address	Date of Service of Notice

- (6) I have taken reasonable steps, as listed below, to ascertain the names and addresses of all other owners or agricultural tenants and have been unable to do so.

Steps taken.

CERTIFICATE D

Certificate D

Certificate D is for use where the application is for mineral development

(1) No person other than myself was an owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application ☐

or

(2) I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was to the applicant's knowledge, the owner, or any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

(3) None of the land to which the application relates constitutes or forms part of an agricultural holding. ☐

or

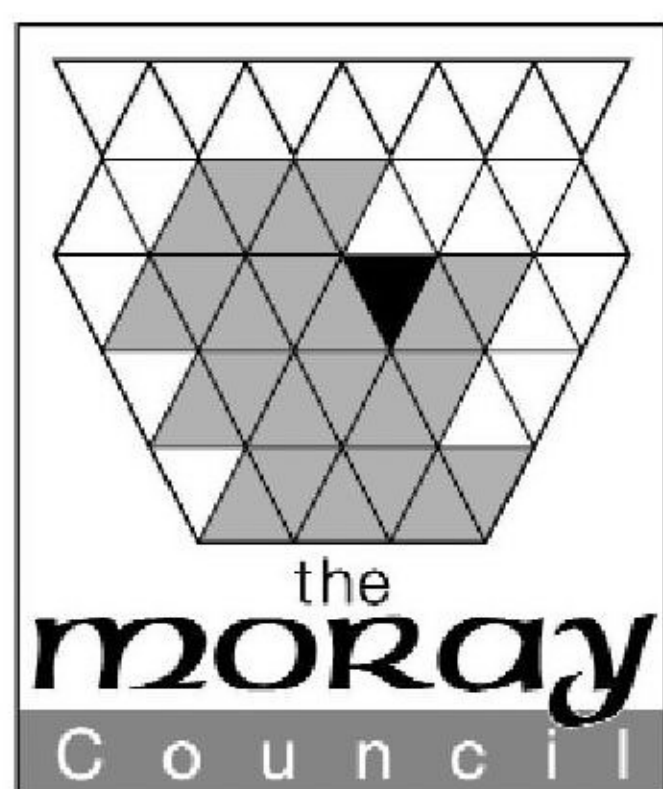
(4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application, was an agricultural tenant. ☐

(5) Notice of the application as set out below has been published and displayed by public notice ☐

Signed:

On behalf of:

Date:

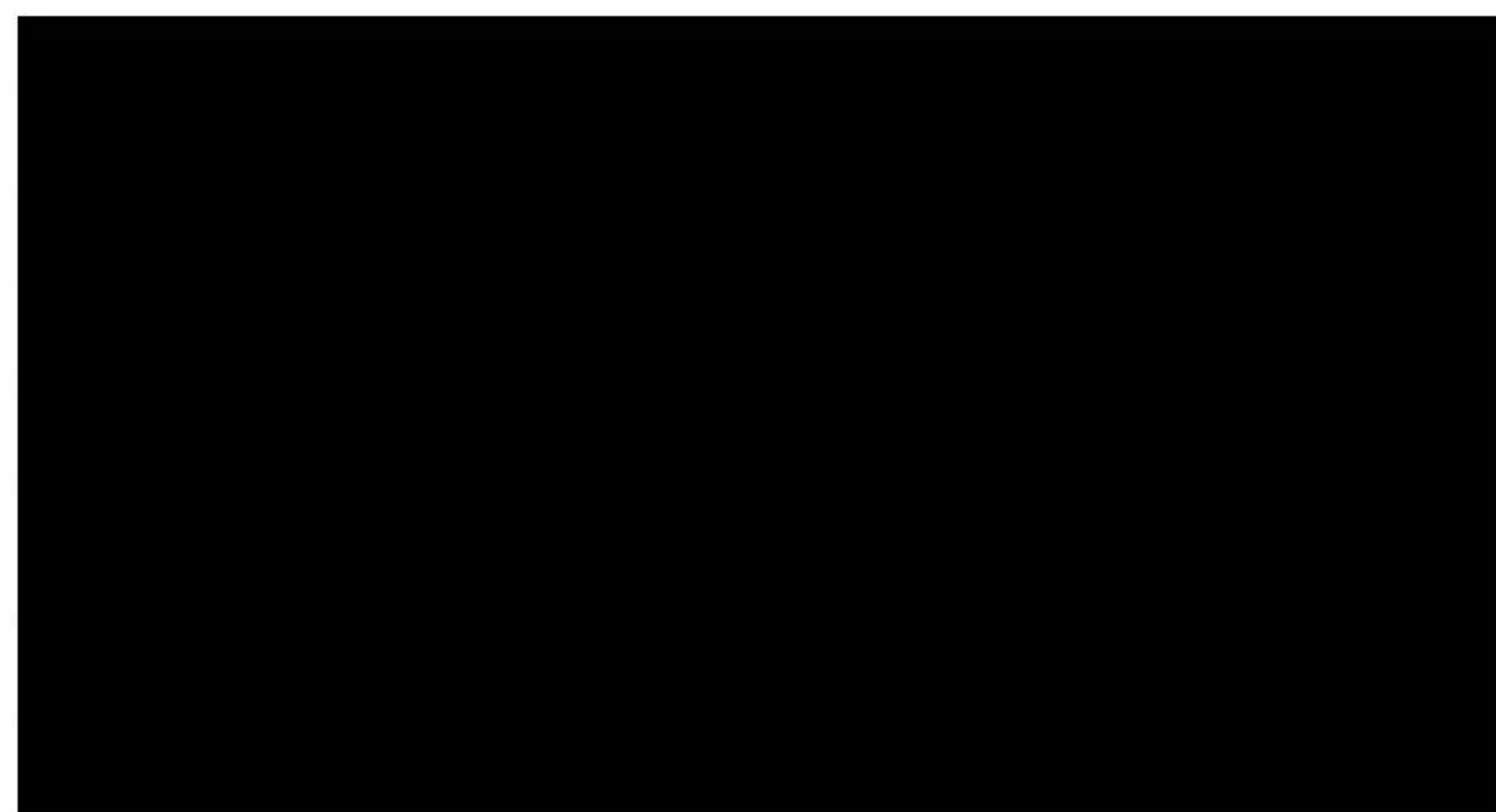


**THE MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT
1997, as amended**

REFUSAL OF PLANNING PERMISSION

**[Keith And Cullen]
Application for Planning Permission**

TO

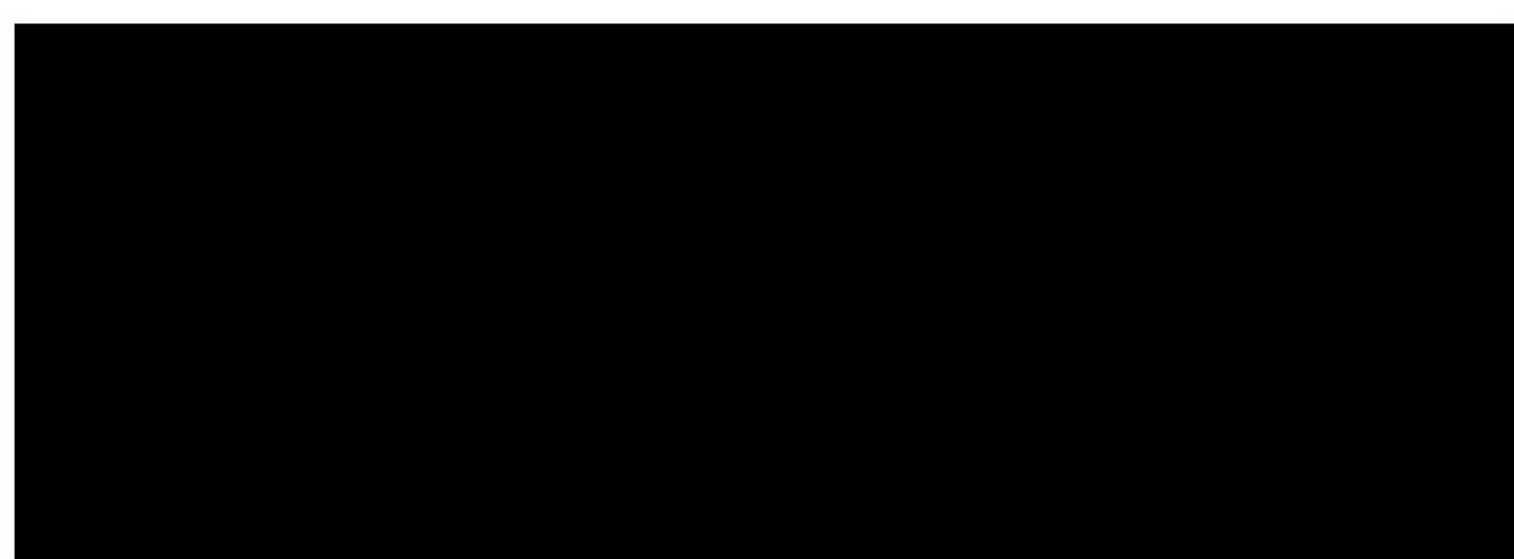


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Proposed alterations to existing bothy at 17 Lower Blantyre Street
Cullen Buckie Moray**

and for the reason(s) set out in the attached schedule.

Date of Notice: **5th January 2012**



HEAD OF DEVELOPMENT SERVICES

Environmental Services Department
The Moray Council
Council Office
High Street
ELGIN
Moray IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

By this Notice, the Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

1. The design, scale and proportions of the proposed flat roofed platform dormer and balcony are contrary to the requirements of Policies BE3 and IMP1 in that the scale, design and proportions will have an adverse effect on the appearance and character of the Conservation Area.

The development fails to preserve or enhance the established traditional character and appearance of the Conservation Area as required by Policy BE3.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

The following plans and drawings form part of the decision:-

Reference Version	Title
2666_01	Location Plan
2666_03A	Proposed Plans, Section, Elevations

NOTICE OF APPEAL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, The Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from www.eplanning.scotland.gov.uk

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 5 of the Town and Country Planning (Scotland) Act 1997.

REPORT OF HANDLING

Ref No:	10/02125/APP	Officer:	Craig Wilson
Proposal Description/ Address	Proposed alterations to existing bothy at 17 Lower Blantyre Street Cullen Buckie Moray		
Date:	5 th January 2012	Typist Initials:	SM

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Environmental Health Manager	31/01/11	No objection
Contaminated Land	02/02/11	No objection

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
Policy 2(f)	N	
IMP1: Development Requirements	Y	
BE2: Listed Buildings	Y	
T5: Parking Standards		
T2: Provision of Road Access		
H3: New Housing in Built Up Areas		
EP9: Contaminated Land		

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): No objections/representations received.			

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The application is in respect of the upgrading and extending the existing bothy building to provide ancillary accommodation to the adjoining property at 17 Lower Blantyre Street Cullen. The physical works involve extending the building at ground floor level to provide a covered patio area, building up both gables and roofing the building with a pitched roof to provide a traditional style cottage to the front. The front roof slope will have 2 piended dormers matching those on other nearby dwellings. The rear roof slope is proposed to contain a low profile flat roofed dormer running almost the length of the building. This dormer will provide headroom to the 1st floor level rooms and access onto a balcony on the rear of the property.

The applicant has received approval for a similar style dormer, without the balcony, at number 19 South Blantyre Street 09/01581/APP, approved on 23rd February 2010.

This dormer is also located on the rear of the dwelling and will not be readily seen from the surrounding public ways. In addition the surrounding properties to number 19 help to screen the rear of this property from public view.

The current application can be commended on the upgrading of an existing unattractive quirky building and whilst similar in nature to the previous proposal, it does not benefit from the screening of that to afforded number 19. As a result the non traditional platform dormer is open to view from a number of public places in the surrounding area. This long low level box dormer style conflicts with the traditional vertical scale and proportions of the surrounding buildings and provided by the use of traditional style dormers on the front roof slope of this conversion.

Policy BE3: Conservation Areas states that:

"Development proposals within Conservation Areas will require to be submitted as full detailed planning applications and will be refused if the adversely affect the character or appearance of the Conservation Area in terms of scale, height, materials, colour, detailed design and use.

All development within a Conservation Area should preserve or enhance the established traditional character and appearance of the area".

Policy IMP1: Development Requirements states that:

"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:

- the scale, density and character must be appropriate to the surrounding area".

With due consideration to the above criteria the impact of a long platform style dormer, which is open to view, will detract from and adversely affect the character and appearance of the Conservation Area in terms of scale and detailed design. This style of structure is not sensitive to the scale, proportions and design of the surrounding properties.

In these circumstances it is recommended that the application be refused.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY			
Reference No.	Description		
	Decision		Date Of Decision

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Banffshire Advertiser	Planning application affecting LB/CA	28/02/11

DEVELOPER CONTRIBUTIONS (PGU)	
Status	

DOCUMENTS, ASSESSMENTS etc. *		
* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc		
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)			



the **moray** council

The Moray Council Council Office, High Street Elgin IV30 1BX

Tel: 01343 563 501

Fax: 01343 563 263

Email: development.control@moray.gov.uk

Planning Department

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000037888-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:

grant and geoghegan

Ref. Number:

First Name: *

Joe

Last Name: *

Geoghegan

Telephone Number: *

01343556644

Extension Number:

Mobile Number:

Fax Number:

Email Address: *

joe@gmail.co.uk

You must enter a Building Name or Number, or both:*

Building Name:

Building Number:

96

Address 1 (Street): *

Moss Street

Address 2:

Town/City: *

KEITH

Country: *

UK

Postcode: *

AB55 5HE

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *	<input type="text" value="Mr"/>
Other Title:	<input type="text"/>
First Name: *	<input type="text" value="John"/>
Last Name: *	<input type="text" value="Webb"/>
Company/Organisation:	<input type="text"/>
Telephone Number:	<input type="text"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address:	<input type="text"/>

You must enter a Building Name or Number, or both:*

Building Name:	<input type="text"/>
Building Number:	<input type="text" value="17"/>
Address 1 (Street): *	<input type="text" value="Lower Blantyre Street"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Cullen"/>
Country: *	<input type="text" value="Scotland"/>
Postcode: *	<input type="text" value="AB56 4RQ"/>

Site Address Details

Full postal address of the site (including postcode where available):

Address 1:	<input type="text" value="ROSE HAVEN COTTAGE"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text" value="17 LOWER BLANTYRE STREET"/>	Town/City/Settlement:	<input type="text" value="BUCKIE"/>
Address 3:	<input type="text" value="CULLEN"/>	Post Code:	<input type="text" value="AB56 4RQ"/>
Address 4:	<input type="text"/>		

Please identify/describe the location of the site or sites.

Northing	<input type="text" value="867343"/>	Easting	<input type="text" value="351200"/>
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Description of the Proposal

Please provide a description of the proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *

(Max 500 characters)

Proposed alterations to existing bothy at 17 Lower Blantyre Street, Cullen, Buckie, Moray

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See attached Grounds for Review and related Appendices

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? *

☐ Yes ☒ No

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Grounds for Review and related Appendices 1 to 9

Application Details

Please provide details of the application and decision.

What is the application reference number? *

10/02125/APP

What date was the application submitted to the planning authority? *

15/12/10

Has a decision been made by the planning authority? *

☒ Yes ☐ No

What date was the decision issued by the planning authority? *

05/01/12

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☐ Yes ☒ No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be conducted by a combination of procedures.

Please select a further procedure *

Inspection of the land subject of the appeal. (Further details below are not required)

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? * (Max 500 characters)

It is essential to have a site visit The central issue under the review is the impact of the proposals on the appearance and character of a Conservation Area. This can only be appreciated from looking at the proposals on site in relation to their surroundings. It is specifically requested that the proposals be viewed from within the site itself and from Lower Blantyre St, Campbell St, Campbell Place and the Cullen Path Network as described in the grounds of appeal and shown on the map on P23.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☐ Yes ☒ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☐ Yes ☒ No

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

It will be necessary for the gate to the rear of the property to be opened to allow for access to fully view the dormer referred to in the reasons for refusal. This can be arranged as required to suit the timing of a site visit by the Local Review Body.

Checklist - Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare - Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Joe Geoghegan

Declaration Date: 01/04/2012

Submission Date: 01/04/2012

Alterations to Bothy 17 Lower Blantyre St Cullen– Mr John Webb

March 2012

Grounds of Appeal

Planning Application Ref No 10/02125/APP



Prepared by
grant and geoghegan
enquiries@ggmail.co.uk
01343-556644

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3.0	- Background to Handling of Application
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8.0	– Moray Local Plan 2008
9.0	– National Planning Policy and Guidance
10.0	– Main Issues
11.0	– Conclusions
	Photographs of site and surroundings

Appendices - Separate Document

Appendix 1	Application under Review
Appendix 2	Case Officers Report of Handling on application under Review
Appendix 3	Copy of approved applications for alterations to 19 Lower Blantyre St
Appendix 4	Extracts from Circular 4/2009
Appendix 5	Moray Structure Plan - extracts
Appendix 6	Moray Local Plan 2008 - extracts
Appendix 7	Scottish Planning Policy (SPP) - extracts
Appendix 8	Planning Advice Note 71 (PAN 71) Conservation Area Management - extracts
Appendix 9	Scottish Historic Environment Policy (SHEP) and related guidance - extracts

1.0 Introduction

- 1.1 These grounds for review of a decision to refuse planning permission for proposed alterations to an existing bothy at 17 Lower Blantyre Street, Cullen are submitted under Section 43A of the Town & Country Planning (Scotland) Act 1997 (as amended). This Notice of Review has been lodged within the prescribed 3 month period from the refusal of planning permission dated 5th January 2012.
- 1.2 The grounds for review respond to the reasons for refusal of planning permission and address the proposal in relation to Development Plan Policies and relevant Material Planning Considerations as required by Section 25 of the Town & Country Planning (Scotland) Act 1997 (as amended).

2.0 Summary

- 2.1 The proposal under appeal involves the transformation of an existing unlisted flat roofed bothy, which is completely out of keeping with the appearance and character of its surroundings in a Conservation Area, to a building which will complement and enhance the appearance and character of its surroundings and the Conservation Area.
- 2.2 A new pitched roof with bow fronted dormers facing Lower Blantyre Street and a slim flat roofed dormer to the rear with a small balcony will be provided. The finishes will be traditional including natural slate on the roof, the retention of existing natural stonework facing Lower Blantyre Street and timber painted dormers facing Lower Blantyre Street. The appellants commitment to the sensitive restoration of buildings in the Conservation Area is demonstrated by the painstaking renovation he has already carried out on the existing dwelling at 17 Lower Blantyre Street. The alterations to the bothy will provide ancillary accommodation for the existing house, including the retention of an existing boat store.
- 2.3 The site is in a Conservation Area and the application was refused primarily because the Case Officer considered the proposed dormer/small balcony on the rear elevation of the property to be out of keeping with, and detrimental to, the appearance and character of the surrounding Conservation Area.
- 2.4 National and Development Plan Policy encourage proposals which preserve or enhance the appearance and character of a Conservation Area and National Guidance also makes it clear that new proposals do not have to entirely replicate existing features.

- 2.5 The proposals under appeal will both maintain and enhance the appearance of the Conservation Area and will transform the existing building to one with an appearance and character in keeping with the surrounding traditional dwellings.
- 2.6 The refusal of the application because of the proposed dormer/small balcony on the rear elevation is completely inconsistent with the approval of a virtually identical dormer for the appellant on the adjacent house at No 19 Lower Blantyre Street. This was enlarged in a subsequent consent for further alterations at 19 Lower Blantyre St. In his Report of Handling on the application under appeal the Case Officer argued that the difference between the two is that the dormer at 19 Lower Blantyre Street will be less open to view than the dormer under appeal because of surrounding buildings. However a site visit will demonstrate that this is not the case.
- 2.7 The proposed dormer will only be open to view from a very short distance on Campbell Place between Campbell Street and Lower Blantyre Street to the south east of the site whereas the dormer approved at 19 Lower Blantyre Street will be open to view from a longer section of the Cullen Path Network to the north west of the site between Lower Blantyre Street and Campbell Street. In addition there is a much larger dormer on nearby No 1 Campbell Street which is not only open to view from the appeal site but is also open to view from the Cullen Path Network to the north west of the site. Other properties in the immediate vicinity also have extensions and alterations which are far less sympathetic to their traditional appearance and character than the proposals under appeal.

- 2.8 It is considered that the proposals under appeal preserve and enhance the appearance and character of the Conservation Area, they comply with National and Development Plan Policy, they are consistent with virtually identical proposals approved for 19 Lower Blantyre Street and are certainly more in keeping with the appearance and character of the surrounding properties than the existing building on the site and other alterations in the vicinity.

3.0 Background to Handling of Application

3.1 The application (Appendix 1) was dated 15th December 2010 and was refused under the Council's delegation scheme by the Case Officer on 5th January 2012.

3.2 The reasons for refusal state that:

The design, scale and proportions of the proposed flat roofed platform dormer and balcony are contrary to the requirements of Policies BE3 and IMP1 in that the scale, design and proportions will have an adverse effect on appearance and character of the Conservation Area. The development fails to preserve or enhance the established character and appearance of the Conservation Area as required by Policy BE3.

3.3 The Case Officer's Report of Handling for the Planning Application (Appendix 2) was dated 5th January 2012. It confirms that there were no objections from neighbours or the public. It also confirms that there were no objections from the statutory consultees.



Existing flat roofed bothy facing Lower Blantyre St



Proposed front elevation above, rear below



4.0 The Proposal

4.1 The proposal involves upgrading an existing unlisted flat roofed bothy at 17 Lower Blantyre Street, Cullen the appearance of which is completely at odds with the appearance and character of the surrounding traditional dwellings. The intention is to retain the upgraded bothy for general domestic storage, including an existing boat store, the storage of gardening tools and provide ancillary accommodation to the appellant's house on the same site at 17 Lower Blantyre Street, Cullen.

4.2 The plans involve returning the bothy to a building with a traditional domestic appearance in keeping with the scale, design, appearance, character and finish of the surrounding properties. This includes:

- A new slated pitched roof with traditional bow fronted dormers with painted windows facing Lower Blantyre Street
- The retention of the natural stonework, existing windows and boat house store within the existing bothy facing Lower Blantyre Street
- A new slim flat roofed dormer on the rear elevation contained entirely within the roof slope and set well in from the ridge, eaves and gables of the building
- A small balcony set in front of part of the new dormer enclosed by a low glass barrier and supported on 3 thin new columns with a thin painted timber fascia

4.3 The overall effect of the proposals will transform the existing bothy which is somewhat of an eyesore into a building complimentary to the appearance and character of the surrounding dwellings whilst retaining the existing stonework and

window openings/boat store door opening facing Lower Blantyre Street.

5.0 The Site

- 5.1 The site is located towards the north west fringe of the smaller of Cullen's two Conservation Areas. It is within a predominantly residential area. For the most part the surrounding buildings are one and a half storey houses of traditional form, appearance and construction. The existing bothy is very noticeably out of keeping with the appearance and character of its surroundings and it is not a listed building.
- 5.2 A number of the surrounding properties have been altered and extended over the years. This includes the addition of flat roofed extensions to nearby houses and very significantly the approval, in February 2010, of virtually identical proposals for the appellant on the adjacent property at 19 Lower Blantyre Street which included a flat roofed dormer on the rear of the building. A subsequent consent in February 2012 allowed the dormer approved in 2010 to be enlarged by the addition of a sloping roof back to the ridge of the property along with the addition of a sloping roofed rear ground floor extension. Copies of the proposals approved for 19 Lower Blantyre Street in 2010 and 2012 are attached as Appendix 3.
- 5.3 The proposals approved at No 19 involved the alteration and extension of an existing house. Unlike the proposals under appeal there was an objection to the plans approved in 2010, specifically about the proposed dormers, which are virtually identical to the dormers under appeal. The Case Officer's Report of Handling for the application at 19 Lower Blantyre Street approved in 2010 (attached as part of Appendix 3) confirmed that the proposed dormers were acceptable in design and amenity terms and would not prejudice the character and appearance of the Conservation Area. The same Case

Officer handled the application for No 19 approved in 2010 and the proposals refused and now under appeal for No 17. The case officer who approved the proposals at 19 in 2012, which included the enlargement of the rear flat roofed dormer approved in 2010, stated in his report of handling (part of Appendix 3) that the enlarged dormer would be set well in from the gables and wallhead and the proposed glazing would reduce the visual bulk/appearance of the structure. This is all the more true of the proposal under appeal which is more contained within the roof, incorporates a significant amount of glazing and is smaller than the revised rear dormer approved at No 19.

6.0 Development Plan Policy

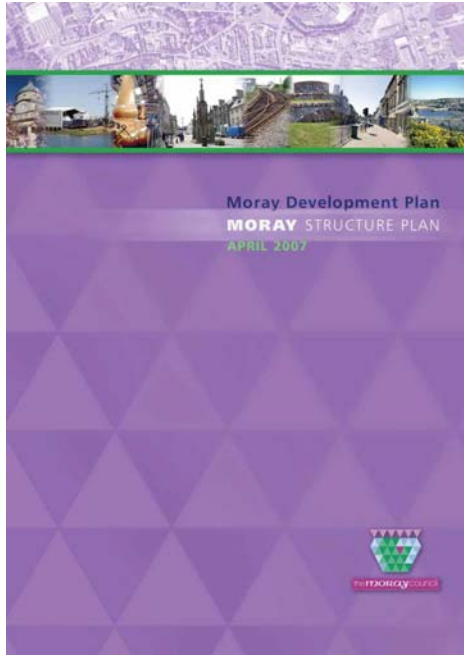
- 6.1 The Planning Act requires planning applications to be determined in accordance with the Development Plan unless there are “material considerations” to justify doing otherwise.
- 6.2 The Development Plan for Moray comprises the Moray Structure Plan approved in April 2007 and the Moray Local Plan adopted in December 2008.
- 6.3 Material considerations are not defined statutorily. Examples of possible material considerations are set out in an Annex to Scottish Government Circular 4/2009 (Appendix 4) and they include;
- National Scottish Planning Policy, advice and circulars
 - The environmental impact of a proposal
 - The design of a development and its relationship to its surroundings
 - Access, provision of infrastructure and planning history of the site
 - Views of statutory consultees
 - Legitimate public concern, or support, expressed on relevant planning matters
- 6.4 The circular describes how planning applications should be determined when balancing the Development Plan and material considerations. It sets out the following approach;
- Identify the provisions of the development plan which are relevant to the decision,
 - Interpret them carefully, looking at the aims and objectives of the plan as well

detailed wording of policies,

- Consider whether or not the proposal accords with the Development Plan,
- Identify and consider relevant material considerations for and against the proposal, and
- Assess whether these considerations warrant a departure from the Development Plan.

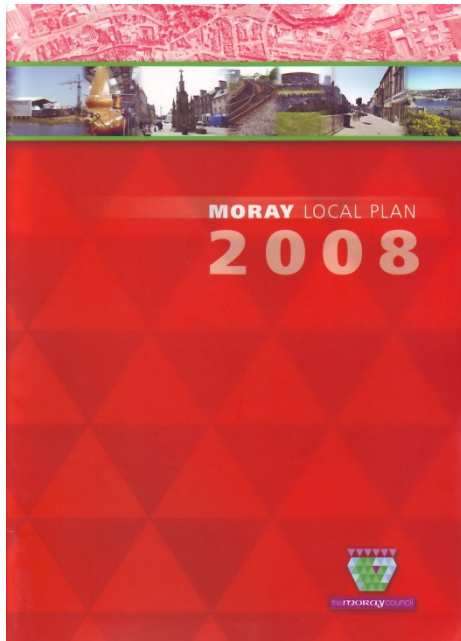
The circular goes on to state that there are two main tests in deciding whether a consideration is material and relevant;

- It should serve or be related to the purpose of planning. It should therefore relate to the development and use of the land, and
- It should fairly and reasonably relate to the particular application.



7.0 Moray Structure Plan 2007 (Appendix 5)

7.1 The development strategy in the Structure Plan promotes growth and its strategic aims also promote the enhancement of the environment whilst mitigating any impacts caused by new development (P8). The section in the plan about the built environment states that the conservation and enhancement of Moray's built heritage is important (P27). As a result Policy 2 of the plan (Environment and Resources – P31) promotes the conservation and enhancement of the areas' built heritage resources and their settings (Policy 2f). Policy 2g supports proposals aimed at regenerating the areas' natural and built environment including good design.



8.0 Moray Local Plan 2008 (Appendix 6)

8.1 The Local Plan reflects the Structure Plan and the lead policy for development in Conservation Areas is Policy BE3 – Conservation Areas. It requires development within a Conservation Area to preserve or enhance the established traditional character and appearance of the area and states that applications will be refused if they adversely affect the character or appearance of the Conservation Area in terms of scale, height, materials, colour, detailed design and use. The justification for the policy states that if a building in a Conservation Area has fallen into a state of disrepair then a positive attempt should be made to retain, restore or convert the building before proposals to demolish are seriously investigated.

8.2 Policy IMP1 – Development Requirements – This is a general policy applying to all development and requires new development to be sensitively sited, designed and serviced and to be appropriate to the amenity to the surrounding area. There is a list of criteria in the policy which must be met. These include:

- Scale, density and character being appropriate to the surrounding area
- Development to be integrated into its surroundings
- Conservation of natural and built environment resources must be demonstrated

8.3 For the most part the remainder of the criteria in Policy IMP1 relate to ensuring that there is adequate servicing, infrastructure and the avoidance of impacts related to flooding, contaminated land, etc.



Scottish Planning Policy (SPP)

9.0 National Planning Policy and Guidance

9.1 National Planning Policy and Guidance is a material planning consideration to be taken into account in the consideration of planning applications. It is set out in Scottish Planning Policy (SPP), Planning Advice Notes (PANs), letters from the Chief Planner and in the Scottish Historic Environment Policy (SHEP) and related guidance.

9.2 Scottish Planning Policy -SPP - (Appendix 7)

9.3 Scottish Planning Policy sets out the Government's overarching policy on land use planning.

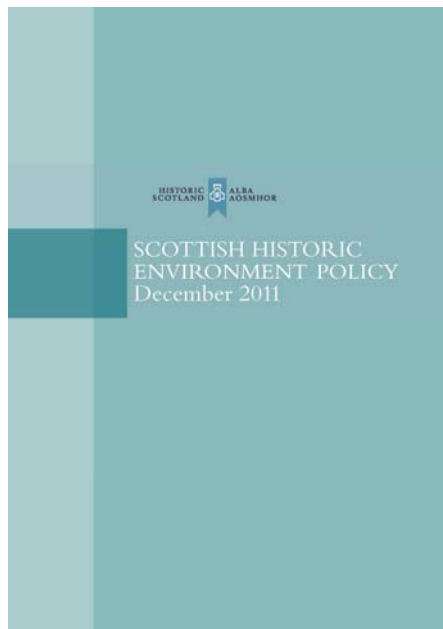
9.4 The section on the historic environment makes it clear (para 111) that in most cases the historic environment can accommodate change which is informed and sensitively managed, and can be adapted to accommodate new uses whilst retaining its special character.

9.5 Planning Advice Note 71 (PAN 71) – Conservation Area Management – (Appendix 8)

9.6 In the section of this PAN regarding managing change it is made clear that physical change in Conservation Areas does not necessarily need to replicate its surroundings. The challenge is to ensure that all new development respects, enhances and has a positive impact on the area (P4).

9.7 Scottish Historic Environment Policy (SHEP) – December 2011 – (Appendix 9)

9.8 SHEP promotes Conservation Areas as being areas of Special Architectural or Historic Interest the character or appearance of which it is desirable to preserve or enhance (para 2.37).



Scottish Historic Environment Policy (SHEP)

9.9 Managing Change in the Historic Environment

9.10 As part of explaining how to apply the policies contained in SHEP the Scottish Government has produced a series of guidance notes on managing change in the historic environment. One of these relates to extensions (Appendix 9).

9.11 At the outset the guidance note on extensions states that most historic buildings can be extended sensitively. It makes it clear that extensions must protect the character and appearance of the building, should be subordinate in scale and form, should be located on a secondary elevation and must be designed in a high quality manner using appropriate materials.

9.12 Another of the guidance notes relates to roofs (Appendix 9). It points out that when planning works to a roof it is important to understand its contribution to the building's character and to protect the special interest of the building through the re-use of existing historic materials and close matching of new materials. The section of the guidance regarding dormers and rooflights (para 4.8) states that new dormers should be appropriately designed and located with care but there is nothing to preclude the type of rear dormer proposed in the application under appeal. The section on roof extensions (para 4.12) allows for an additional storey, or storeys, where the existing roof is not of significance to the character of the building.



Existing flat roofed bothy



Existing flat roofed bothy and adjacent houses

10.0 Main Issues

10.1 Policy Compliance

10.2 The main thrust of both National and Local Development Plan Policy in relation to Conservation Areas is to ensure that the appearance and character of a Conservation Area is preserved or enhanced. National Planning Guidance makes it clear that physical change in a Conservation Area does not necessarily mean replicating its surroundings.

10.3 There can be no doubt that the appearance and character of the existing flat roofed bothy on the site is manifestly out of keeping with the appearance and character of the surrounding residential properties which are predominantly of single or one and-a-half storey traditional appearance, a number with alterations and additions.

10.4 The proposals seek to alter the bothy in such a way that it will have the form, proportions, appearance and character of the surrounding traditional residential properties whilst still acknowledging its former role through the retention of existing stonework and the existing boat shed door and window openings onto Lower Blantyre Street. Traditional materials and detailing are being used throughout. The applicant's commitment to the sensitive restoration of buildings in the Conservation Area is clearly demonstrated by the renovation of his existing house on the site at 17 Lower Blantyre Street which has been painstakingly restored using traditional detailing and materials throughout the house itself and as far as ensuring that the paths within the garden make use of traditional stone flagging.

10.5 Not only do the proposals comply with the thrust of policy but they also respect the guidance notes produced by Historic Scotland on Managing Change in the Historic



Existing house at 17 Lower Blantyre St as renovated by applicant

Environment under the Scottish Historic Environment Policy (SHEP). These guidance notes allow for extensions and alterations to properties but make it clear that extensions must protect the character and appearance of the building and should be subordinate in scale and form and should be located on a secondary elevation. New dormers require to be appropriately designed and located with care. The two new dormers facing Lower Blantyre Street are entirely traditional and replicate the form and proportions of other traditional bow-fronted dormers on existing properties nearby facing Lower Blantyre Street.

- 10.6 The dormer which is referred to in the reasons for refusal has been designed with care and is on a secondary elevation (the rear elevation) as required by Historic Scotland's Guidance Notes on managing change in the historic environment. It is entirely and very well contained within the roof at the rear of the property. It will have a visually light appearance due to the extensive use of glazing with a thin fascia and small infill and haffit panels finished with natural slate to match the roof. The associated small balcony, which only extends along part of the proposed dormer, will also have a visually light appearance being supported on three thin new columns with a thin timber painted fascia and a glazed protective enclosure.
- 10.7 Compared to the overall extent of the proposals to transform the flat roofed bothy into a building which relates to its surroundings, the dormer/balcony on the rear elevation is a relatively small and ancillary component. Given that the thrust of policy is to preserve *or* enhance the appearance and character of the Conservation Area these proposals don't just achieve one or the other they achieve both. They incorporate the existing bothy, retaining the existing natural stone detailing and window/door opening

onto Lower Blantyre Street, whilst transforming the building so that it has an overtly traditional form, appearance and character consistent with the other properties in Lower Blantyre Street. Rather than falling short of policy these proposals exceed it by preserving and enhancing the appearance and character of the Conservation Area.

10.8 Reasons for Refusal

10.9 The reasons for refusal focus on the proposed rear dormer and balcony saying that they are contrary to policy as their scale, design and proportions will have an adverse effect on the appearance and character of the Conservation Area. They go on to say that the proposal fails to preserve or enhance the established appearance and character of the Conservation Area as required by policy.

10.10 It has already been argued above that the proposals satisfy both National Planning Policy and Guidance as well as Local Development Plan Policy. Not only is it considered that the proposals comply with policy but it is also very important to consider them in the context of the surroundings of the site within the Conservation Area and the terms of a very recent planning consent for an almost identical dormer on the adjacent house at 19 Lower Blantyre Street. These are important material considerations to be taken into account as part of the appeal process.

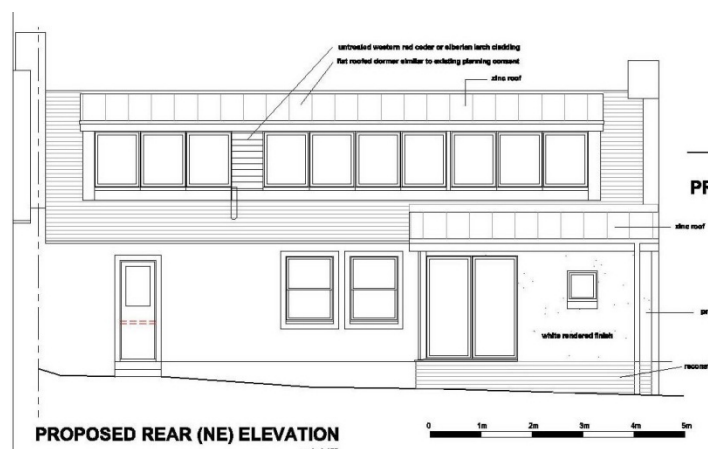
10.11 Site Surroundings – Existing and Approved Developments (see map P23 for locations referred to in paras 10.12 to 10.19 below)

10.12 The proposed dormer referred to in the reasons for refusal is not unique in this location. The appellant received Planning Consent in 2010 for alterations to the adjacent house at 19 Lower Blantyre Street, Cullen which included bow fronted



NORTH EAST ELEVATION

Dormer approved on rear elevation at 19 Lower Blantyre St in 2010



PROPOSED REAR (NE) ELEVATION

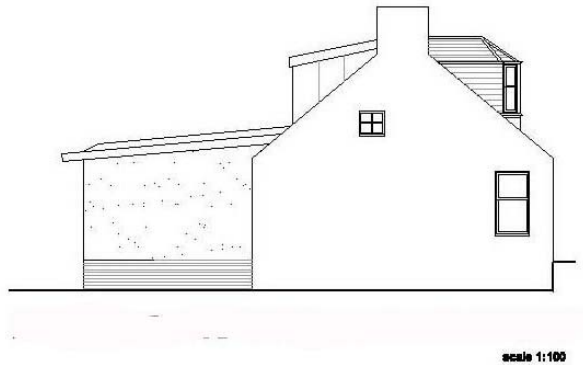
Enlarged dormer approved on rear elevation of 19 Lower Blantyre St in 2012 with sloped roof to ridge of building along with sloping roofed rear extension.

dormers facing Lower Blantyre Street (as proposed in the development under appeal) and a virtually identical dormer on the rear elevation of 19 Lower Blantyre St. Approval was then granted in 2012 for an enlargement of the rear dormer approved in 2010.

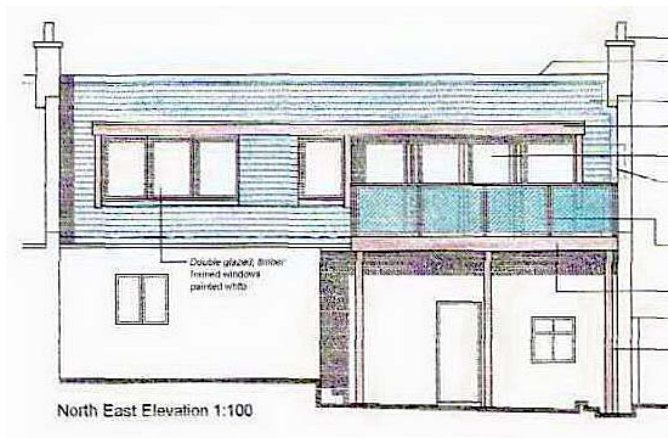
10.13 The approved plans and the related Reports of Handling for the proposals approved in 2010 and 2012 are attached as Appendix 3. Even though there was a specific objection to the 2010 proposals for 19 Lower Blantyre Street relating to the proposed dormers the Case Officer's Report of Handling said that they were acceptable in design and amenity terms and would not prejudice the character and appearance of the Conservation Area. The report also identified that the building was not listed which is the case with the building under appeal. The case officer who approved the proposals at 19 in 2012 for an enlargement of the dormer approved in 2010 stated in his report of handling that the enlarged dormer would be set well in from the gables and the wallhead and the proposed glazing would reduce the visual bulk/appearance of the structure. This is all the more true of the proposals under appeal which is more contained within the roof, incorporates a significant amount of glazing and is smaller than the revised dormer approved at No 19 in 2012.

10.14 The Report of Handling for the proposals under appeal (Appendix 2) acknowledges the consent granted at 19 South Blantyre Street. However it suggests that the difference between the two is that the dormer at 19 South Blantyre Street is located on the rear of the dwelling and will not be readily seen from the surrounding public ways as the surrounding properties help to screen the rear of the property from public view.

10.15 When viewed on site this distinction is not apparent. The dormer/balcony under



Side elevation of enlarged dormer on rear elevation of 19 Lower Blantyre St approved in 2012 showing sloped roof on dormer up to ridge of roof of property and sloping roofed rear extension.



Dormer refused on rear elevation of bothy at 17 Lower Blantyre St. Dormer contained entirely within roof and without sloped roof to ridge as per enlarged dormer approved at 19 Lower Blantyre St in 2012

appeal cannot be seen from either Lower Blantyre Street or Campbell Street. There is a short enclosed section of Campbell Place between Lower Blantyre Street and Campbell Street, to the south east of the site, from which the dormer may be visible for perhaps a distance of 20-25 metres and only then when viewed primarily travelling from Campbell Street towards Lower Blantyre Street. Even then it will be seen in the context of existing flat roofed extensions at 13 Lower Blantyre Street and 3 Campbell Street which are not of a form and proportion complimentary to the character of the existing dwellings and Conservation Area.

10.16 The dormer approved on the rear elevation of 19 Lower Blantyre Street will be open to view from a nearby path which is part of the Cullen Path Network to the north west of the site between the northern end of Lower Blantyre Street and the northern end of Campbell Street. This path is part of a network leading to a variety of locations evidenced by the signpost for the path network at the north end of Lower Blantyre Street. The dormer at the rear of 19 Lower Blantyre Street will be clearly visible along approximately 70 metres of this path from what is a more exposed location than the short enclosed section of Campbell Place over which the dormer under appeal will be seen for approximately 20-25 metres.

10.17 In addition to the recently approved dormer at 19 Lower Blantyre Street there is also a very substantial sloped roof dormer on the rear of 1 Campbell Street which is not only visible from the appeal site but is also visible from along the section of the Cullen Path Network linking Lower Blantyre Street and Campbell Street. Unlike the dormer under appeal this dormer fills almost the entire roof from ridge to eaves and between the gables. Major additions to the rear of the property at No 2 Campbell Street (including a



Existing dormer at rear of 1 Campbell St



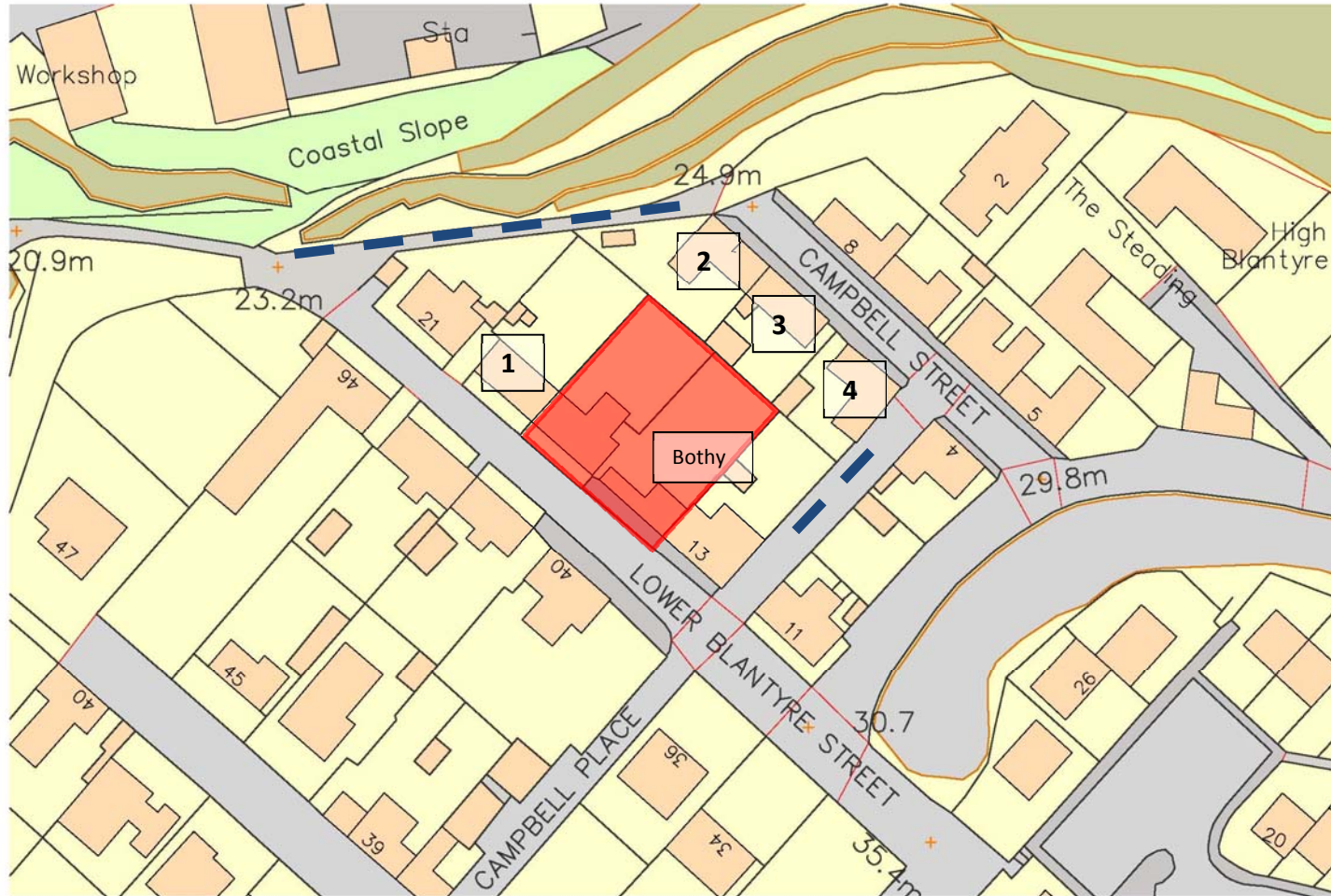
Extensions rear of 2 Campbell St

flat roofed dormer) are also visible from the appeal site although less so from the Cullen Path Network and the link between Campbell Street and Lower Blantyre Street. It is fair to say that the dormer at the rear of 1 Campbell Street is a very dominant feature on the rear of the property and the additions to the rear of 2 Campbell St are also dominant on the property.

10.18 Both individually and collectively it is difficult to see how the dormer approved at the rear of 19 Lower Blantyre Street and the dormer at the rear of 1 Campbell Street can be argued to have less impact on the appearance and character of the Conservation Area than the dormer/balcony under appeal. Both of these dormers were additions to existing traditional dwellings whereas the rear dormer under appeal is an ancillary component of proposals to transform the existing flat roofed bothy from a building which is out of keeping with the appearance and character of the Conservation Area into a building which both maintains and enhances the appearance and character of the Conservation Area.

10.19 When viewed on site in the context of the comments made above the justification in the Case Officers Report of Handling for accepting the dormer at the rear of 19 Lower Blantyre St whilst rejecting the virtually identical dormer under appeal at 17 Lower Blantyre St do not stand up to scrutiny.

Map showing appeal site and surroundings



Key

— Section of Cullen Path Network to NW of site from which approved dormer at 19 Lower Blantyre St and existing dormer at 1 Campbell St are visible and section of Campbell Place to SE of site from which refused dormer will be visible

1 - 19 Lower Blantyre St

2 - 1 Campbell St

3 - 2 Campbell St

4 - 3 Campbell St

11.0 Conclusions

- 11.1 The Planning Act requires planning applications to be determined on the basis of Development Plan policies unless there are material considerations to justify doing otherwise.
- 11.2 Development Plan Policy and National Planning Policy promote development that preserves or enhances the appearance and character of Conservation Areas. The proposals under appeal exceed these requirements as they both preserve and enhance the appearance and character of the Conservation Area. An unlisted building manifestly out of keeping with the appearance and character of its surroundings will be transformed to improve both the appearance and character of the building itself and its surroundings.
- 11.3 The application was refused primarily because of the proposed dormer and related small balcony on the rear elevation. The dormer refused is virtually identical to a dormer approved in 2010 for the appellant on the adjacent property at 19 Lower Blantyre St. Planning consent was then granted in 2012 to enlarge the dormer approved in 2010. This is a material planning consideration. The impact of the dormer under appeal and the dormer approved will be little different. If anything the approved dormer will be more open to view than the one under appeal and the approved dormer at No 19 will be larger based on the revised plans for it approved in 2012. Other properties in the area have been altered and extended including a very large dormer on the rear of 1 Campbell St which is much more open to view than the dormer under appeal. Once again this is a material consideration in terms of assessing the design of the proposal and its relationship to the surroundings.

11.4 It is requested that as the proposal complies with Development Plan policies are there are no material considerations to the contrary planning consent should be granted.

Existing flat roofed bothy beside appellants
renovated house at 17 Lower Blantyre St.

Photograph 1



House at 17 Lower Blantyre St
renovated by appellant.

Photograph 2



Large dormer filling almost all of roof at rear of 1 Campbell St directly to rear of appellants renovated house at 17 Lower Blantyre St (appeal site)

Photograph 3



Large sloping roofed extension and flat roofed dormer at rear of 2 Campbell St directly to rear of bothy on site of appellants renovated house at 17 Lower Blantyre St.

Photograph 4



Rear of roof at 19 Lower Blantyre St
(central house) approved for dormer
similar to one refused at 17 Lower
Blantyre St.

Photograph 5



Flat roofed extension at rear of 13
Lower Blantyre St at junction of
Blantyre St and Campbell Place
adjacent to bothy.

Photograph 6



Flat roofed extension at rear of 3
Campbell St at junction of Campbell St
and Campbell Place adjacent to North
East corner of site.

Photograph 6



Appendices

Alterations to Bothy 17 Lower Blantyre St Cullen – Mr John Webb

March 2012

Appendices for Grounds of Appeal

Planning Application Ref No 10/02125/APP



Prepared by
grant and geoghegan
enquiries@ggmail.co.uk
01343-556644

Appendix 1

Copy of planning application and refusal documents

HOUSEHOLDER APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (SCOTLAND) ACT 1997

The Town and Country Planning (Development Management Procedure) (SCOTLAND) REGULATIONS 2008

Please refer to the accompanying Guidance Notes when completing this application

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	<div>MR</div>	Ref No.	
Forename	<div>JOHN</div>	Forename	<div>STEVEN</div>
Surname	<div>WEBB</div>	Surname	<div>DOUGLAS</div>
Company Name		Company Name	<div>GEORGE DOUGLAS ARCHITECTS</div>
Building No./Name		Building No./Name	
Address Line 1	<div>C/O AGENT</div>	Address Line 1	<div>4 MACKENZIE PLACE</div>
Address Line 2		Address Line 2	<div>OLD ABERDEEN</div>
Town/City		Town/City	<div>ABERDEEN</div>
Postcode		Postcode	<div>AB24 3EG</div>
Telephone		Telephone	<div>01224 524139</div>
Mobile		Mobile	
Fax		Fax	<div>01224 524137</div>
Email		Email	<div>info@georgedouglas.co.uk</div>
3. Address or Location of Proposed Development (please include postcode)			
<div>17 LOWER BLANTYNE STREET CULLEN AB56 4RQ</div>			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
4. Describe the Proposed Works			
Please describe accurately the work proposed:			
<div>PROPOSED ALTERATIONS TO EXISTING BOTHY WHICH BELONGS TO 17 LOWER BLANTYNE STREET, CULLEN</div>			
Have the works already been started or completed Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
If yes, please state date of completion, or if not completed, the start date:			
Date started:	<div></div>	Date completed:	<div></div>

If yes, please explain why work has already taken place in advance of making this application.

5. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes ☐ No ☒

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☐ Letter ☐ Email ☐

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☐

Please provide a description of the advice you were given and who you received the advice from:

Name: Date: Ref No.:

6. Trees

Are there any trees on or adjacent to the application site?

Yes ☐ No ☒

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

7. Changes to Vehicle Access and Parking

Are you proposing a new altered vehicle access to or from a public road?

Yes ☐ No ☒

If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access?

Yes ☐ No ☒

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangement for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

3

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total of existing and any new spaces or reduced number of spaces)

3

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

8. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority? Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority? Yes ☐ No ☒

If you have answered yes please provide details:

DECLARATION

I, the ~~applicant~~ / agent certify that this is an application for planning permission and that accompanying plans/drawings and additional information are provided as part of this application.

I, the ~~applicant~~ / agent hereby certify that the attached Land Ownership Certificate has been completed ☒

I, the ~~applicant~~ / agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants Yes ☐ No ☐ N/A ☒

Signature:

FOR GEORGE DOUGLAS ARCHITECTS

Name:

S. DOUGLAS

Date:

15/12/10

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

**CERTIFICATE A, B, C OR CERTIFICATE D
MUST BE COMPLETED BY ALL APPLICANTS**

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than ~~myself~~ *the applicant* was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application. ☒
- (2) None of the land to which the application relates constitutes or forms part of agricultural land. ☒

Signed:

On behalf of:

GEORGE DOUGLAS ARCHITECTS

Date:

15/12/10

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) ~~I have~~ *the applicant has* served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

- (2) None of the land to which the application relates constitutes or forms part of agricultural land. ☐

or

- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

Name	Address	Date of Service of Notice

CERTIFICATE C

Certificate C is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where it has not been possible to identify ALL or ANY owners/agricultural tenants.

- (1) I have been unable to serve notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. ☐
- or
- (2) I have been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner of any part of the land to which the application relates. ☐
- (3) None of the land to which the application relates constitutes or forms part of an agricultural holding. ☐
- or
- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. ☐
- or
- (5) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

Name	Address	Date of Service of Notice

- (6) I have taken reasonable steps, as listed below, to ascertain the names and addresses of all other owners or agricultural tenants and have been unable to do so.

Steps taken:

CERTIFICATE D

Certificate D

Certificate D is for use where the application is for mineral development

- (1) No person other than myself ☐ was an owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

or

- (2) I have ☐ served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was to the applicant's knowledge, the owner, of any part of the land to which the application relates. These persons are:

Name	Address	Date of Service of Notice

- (3) None of the land to which the application relates constitutes or forms part of an agricultural holding. ☐

or

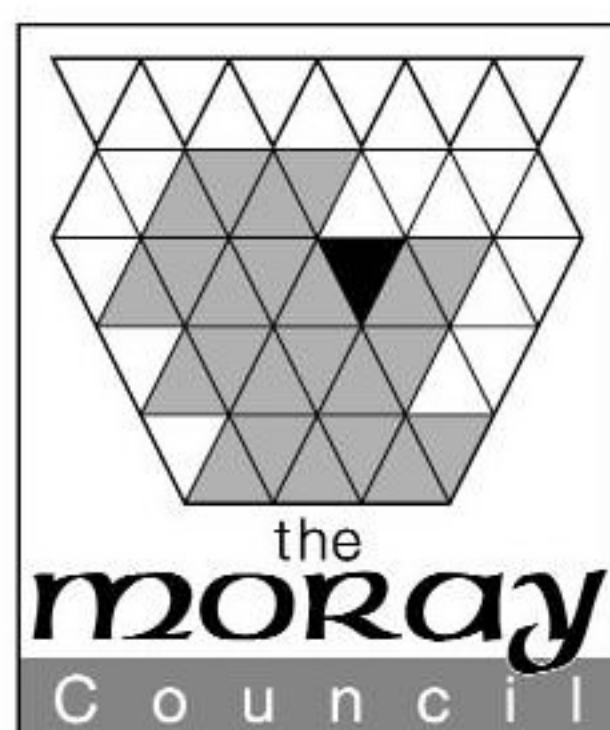
- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have ☐ served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application, was an agricultural tenant.

- (5) Notice of the application as set out below has been published and displayed by public notice ☐

Signed:

On behalf of:

Date:



**THE MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT
1997, as amended**

REFUSAL OF PLANNING PERMISSION

**[Keith And Cullen]
Application for Planning Permission**

TO Mr John Webb
c/o George Douglas Architects
Steven Douglas
4 MacKenzie Place
Old Aberdeen
Aberdeen
AB24 3EG

With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Proposed alterations to existing bothy at 17 Lower Blantyre Street
Cullen Buckie Moray**

and for the reason(s) set out in the attached schedule.

Date of Notice: **5th January 2012**

HEAD OF DEVELOPMENT SERVICES

Environmental Services Department
The Moray Council
Council Office
High Street
ELGIN
Moray IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

By this Notice, the Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

1. The design, scale and proportions of the proposed flat roofed platform dormer and balcony are contrary to the requirements of Policies BE3 and IMP1 in that the scale, design and proportions will have an adverse effect on the appearance and character of the Conservation Area.

The development fails to preserve or enhance the established traditional character and appearance of the Conservation Area as required by Policy BE3.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

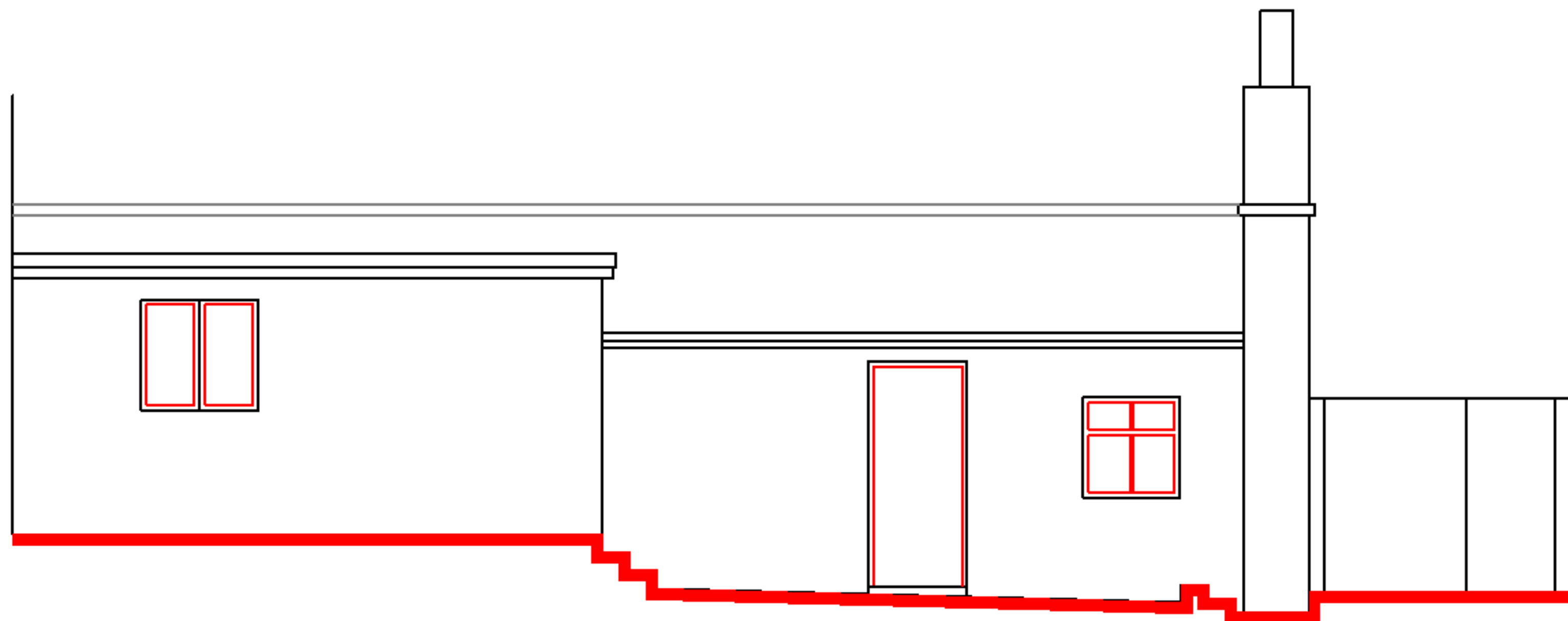
The following plans and drawings form part of the decision:-

Reference Version	Title
2666_01	Location Plan
2666_03A	Proposed Plans, Section, Elevations

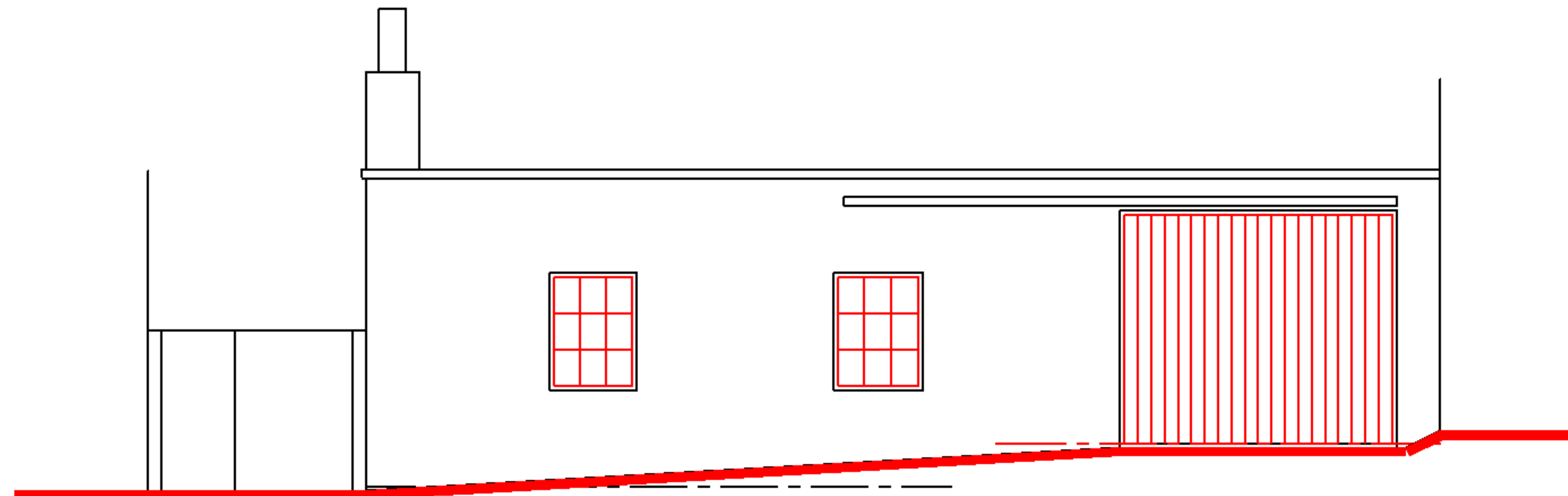
NOTICE OF APPEAL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, The Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from www.eplanning.scotland.gov.uk

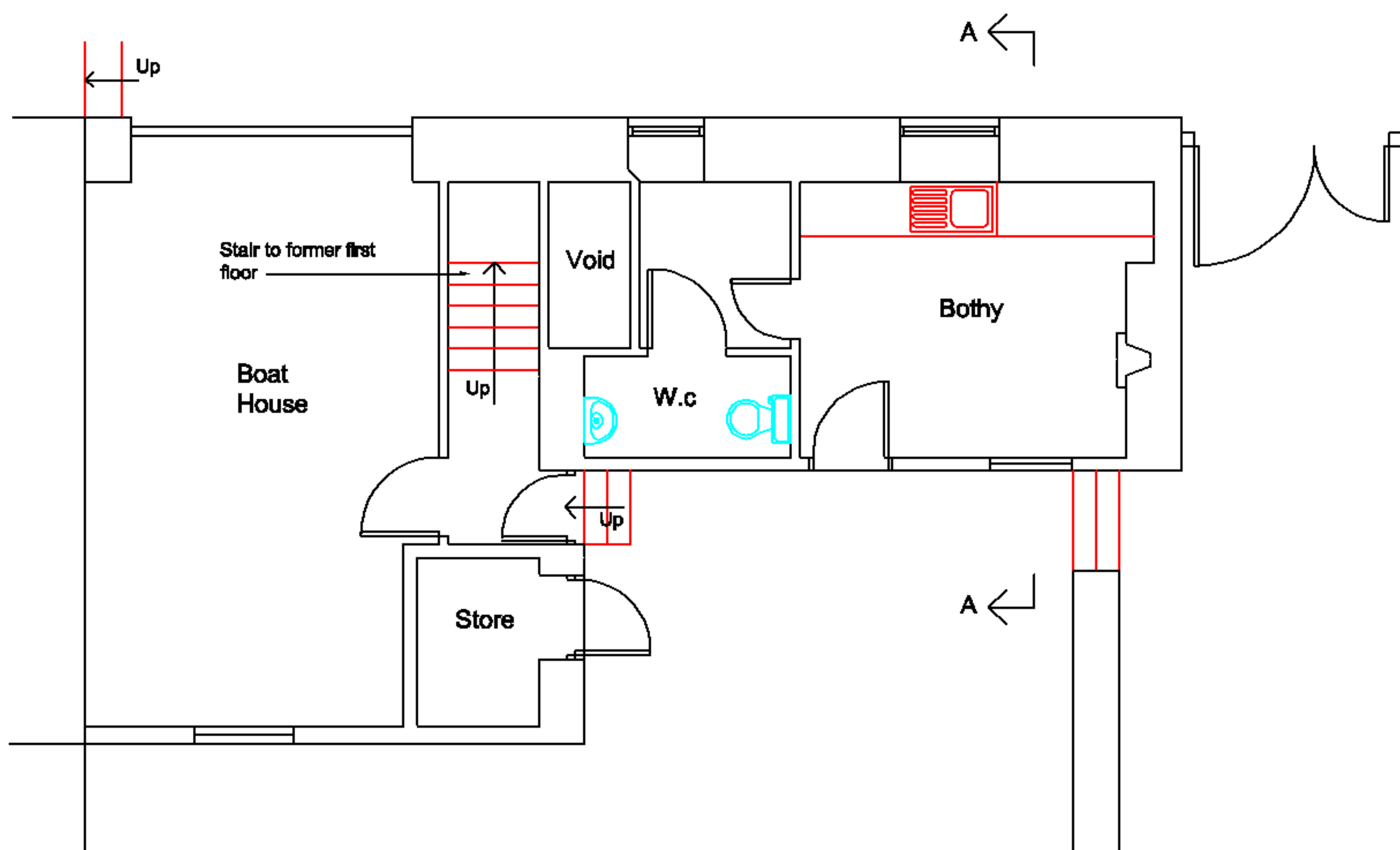
If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has 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 5 of the Town and Country Planning (Scotland) Act 1997.



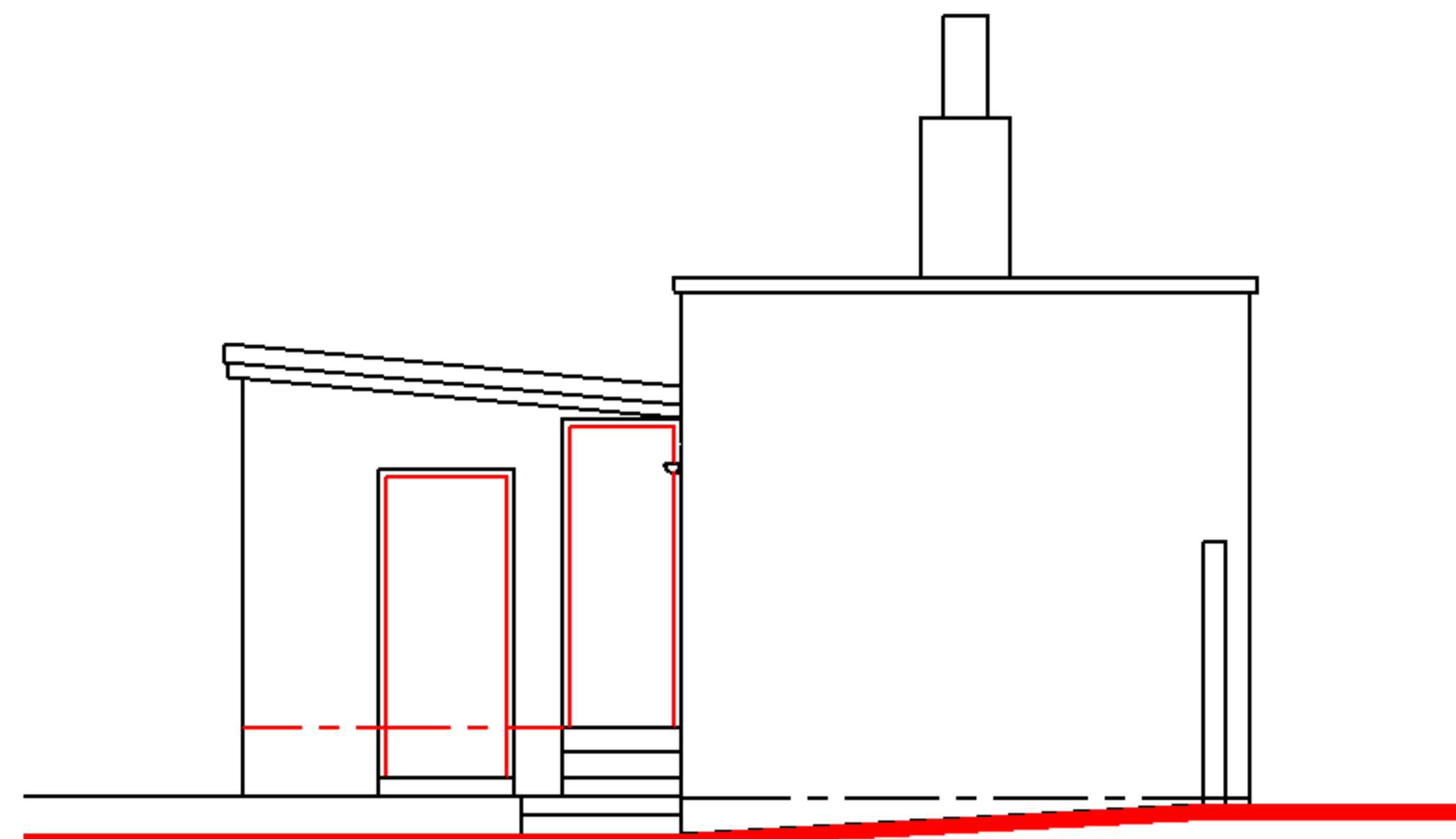
North East Elevation
1:100



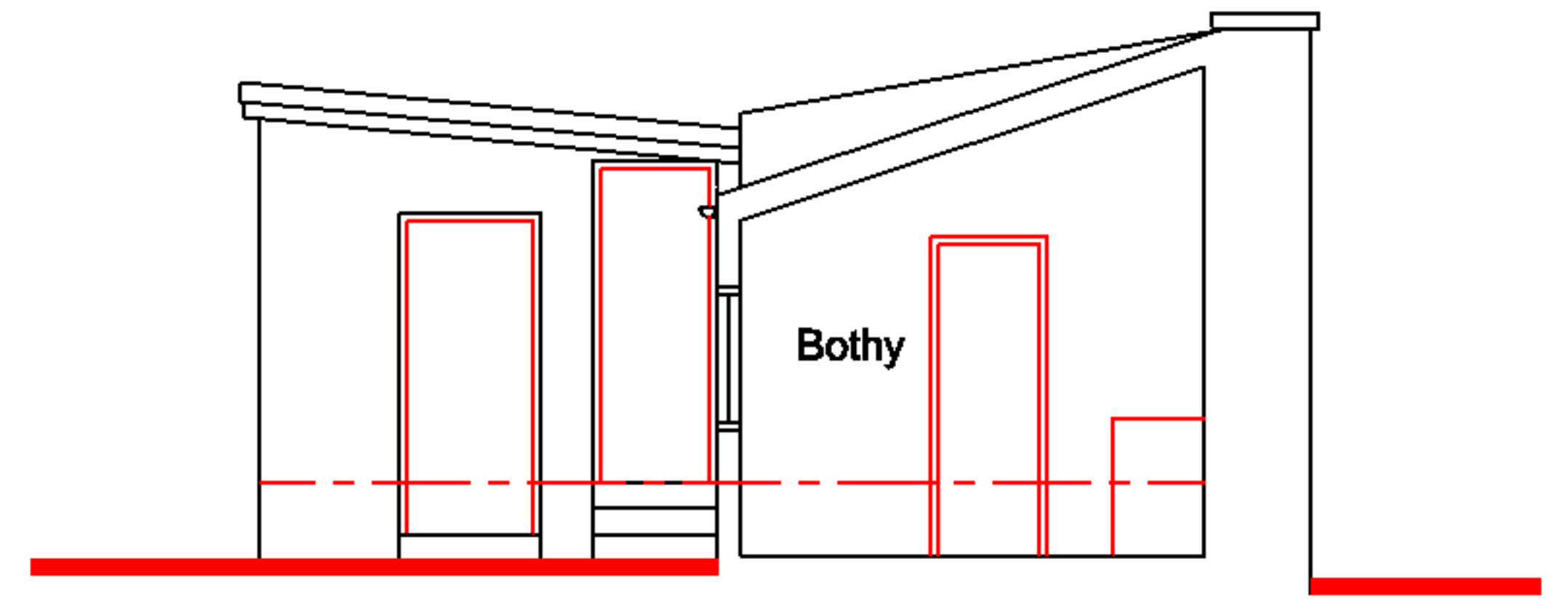
South West Elevation
1:100




Floor Plan
1:100



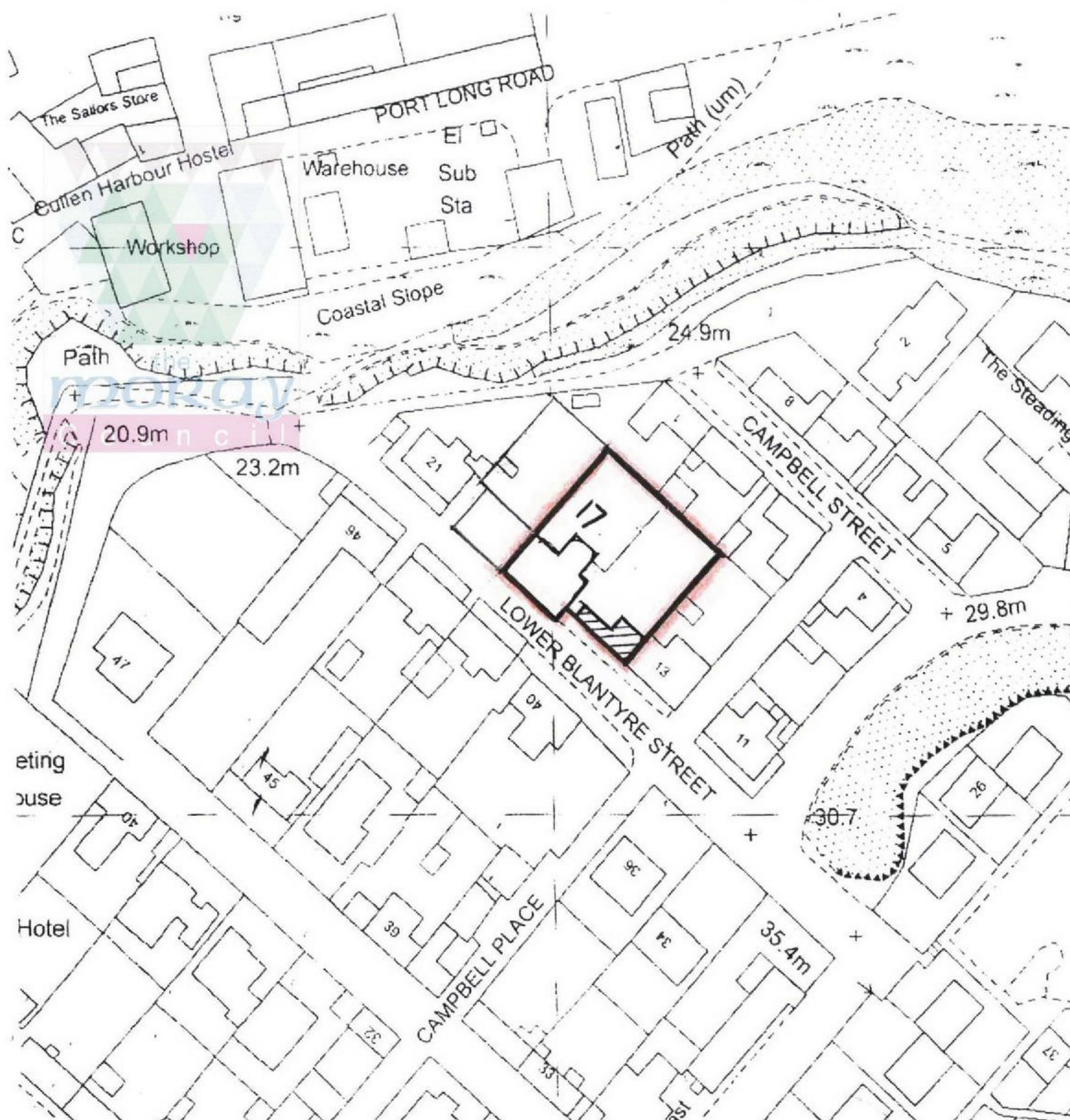
North West Elevation
1:100



Section A-A
1:100

REV	DATE	COMMENTS
<div>  <div> <p>GEORGE DOUGLAS LIMITED</p> <p>4 Mackenzie Place, Old Aberdeen</p> <p>Aberdeen, AB24 3EG</p> <p>Tel: 01224 524139</p> <p>Fax: 01224 524137</p> <p>Email: info@georgedouglas.co.uk</p> </div> </div>		
<div> <div>CLIENT</div> <div>JOHN WEBB</div> </div>		
<div> <div>PROJECT</div> <div>17 LOWER BLANTYRE STREET, CULLEN</div> </div>		
<div> <div>CONTENT</div> <div>EXISTING PLANS, SECTION, ELEVATIONS</div> </div>		
DATE	SCALE	DRAWING NO.
NOVEMBER 2010	1:100 @ A3	2666_02
<div> <p>Reproduction or use in whole or in part is prohibited without the prior permission of George Douglas.</p> <p>Do not scale from drawings. Any queries to be raised with the architect.</p> </div>		

RECEIVED
23 DEC 2010

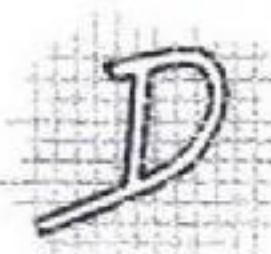


Town & Country Planning
(Scotland) Act, 1997
as amended

REFUSED

05/01/12

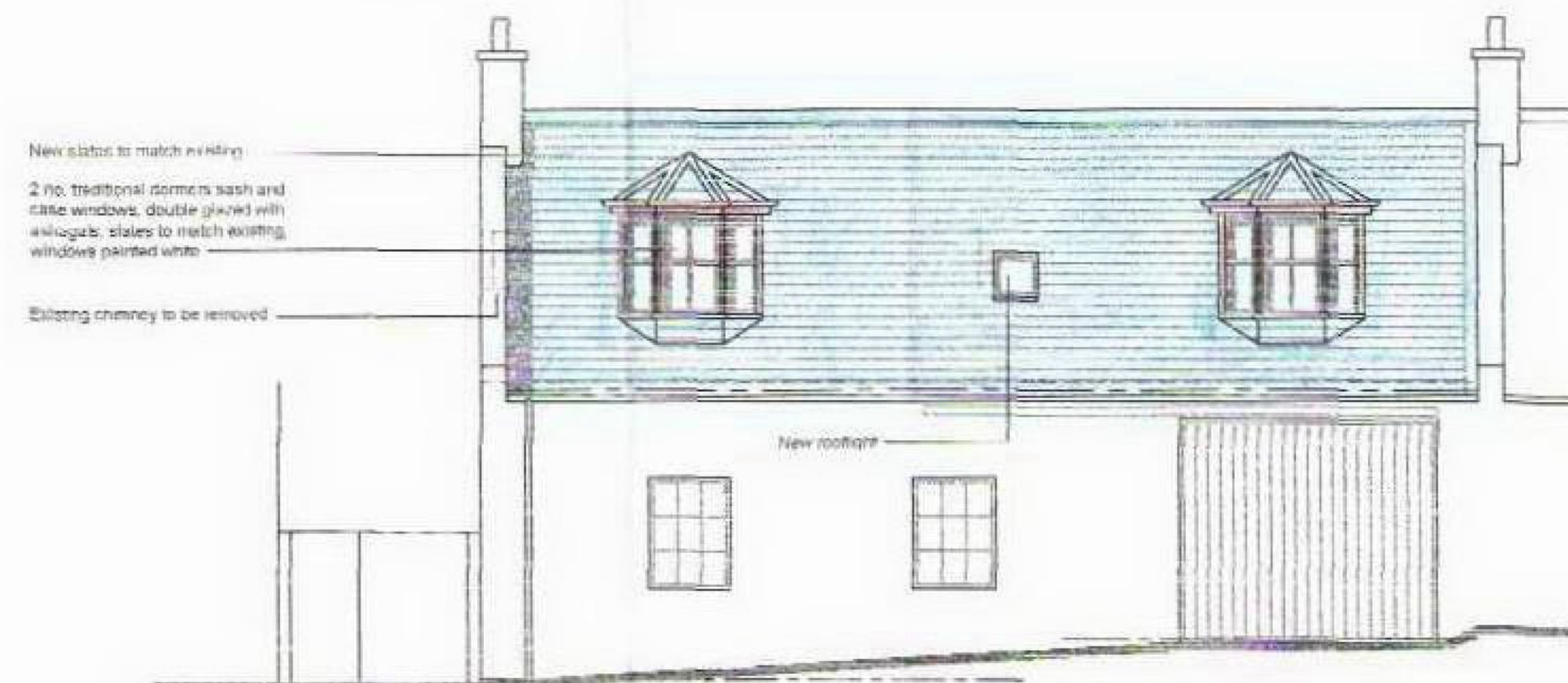
Development Management
Environmental Services
The Moray Council

REV	DATE	COMMENTS
 <p>GEORGE DOUGLAS ARCHITECTS 4 Mackenzie Place, Old Aberdeen Aberdeen, AB24 3EG Tel: 01224 524139 Fax: 01224 524137 Email: info@georgedouglas.co.uk</p>		
CLIENT JOHN WEBB		
PROJECT 17 LOWER BLANTYRE STREET, CULLEN		
CONTENT LOCATION PLAN		
DATE NOVEMBER 2010	SCALE 1:1250	DRAWING NO 2666_01

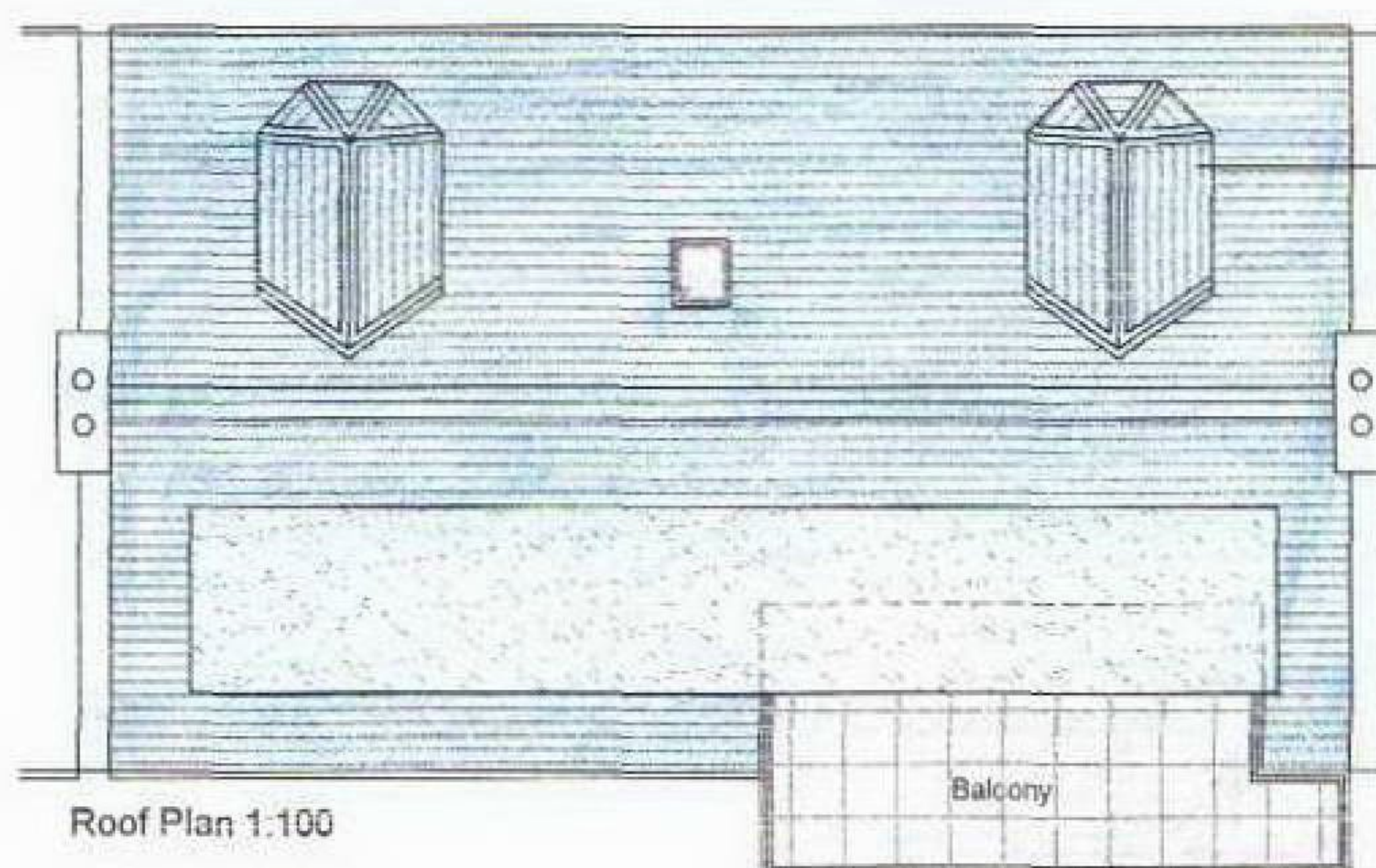
Location Plan



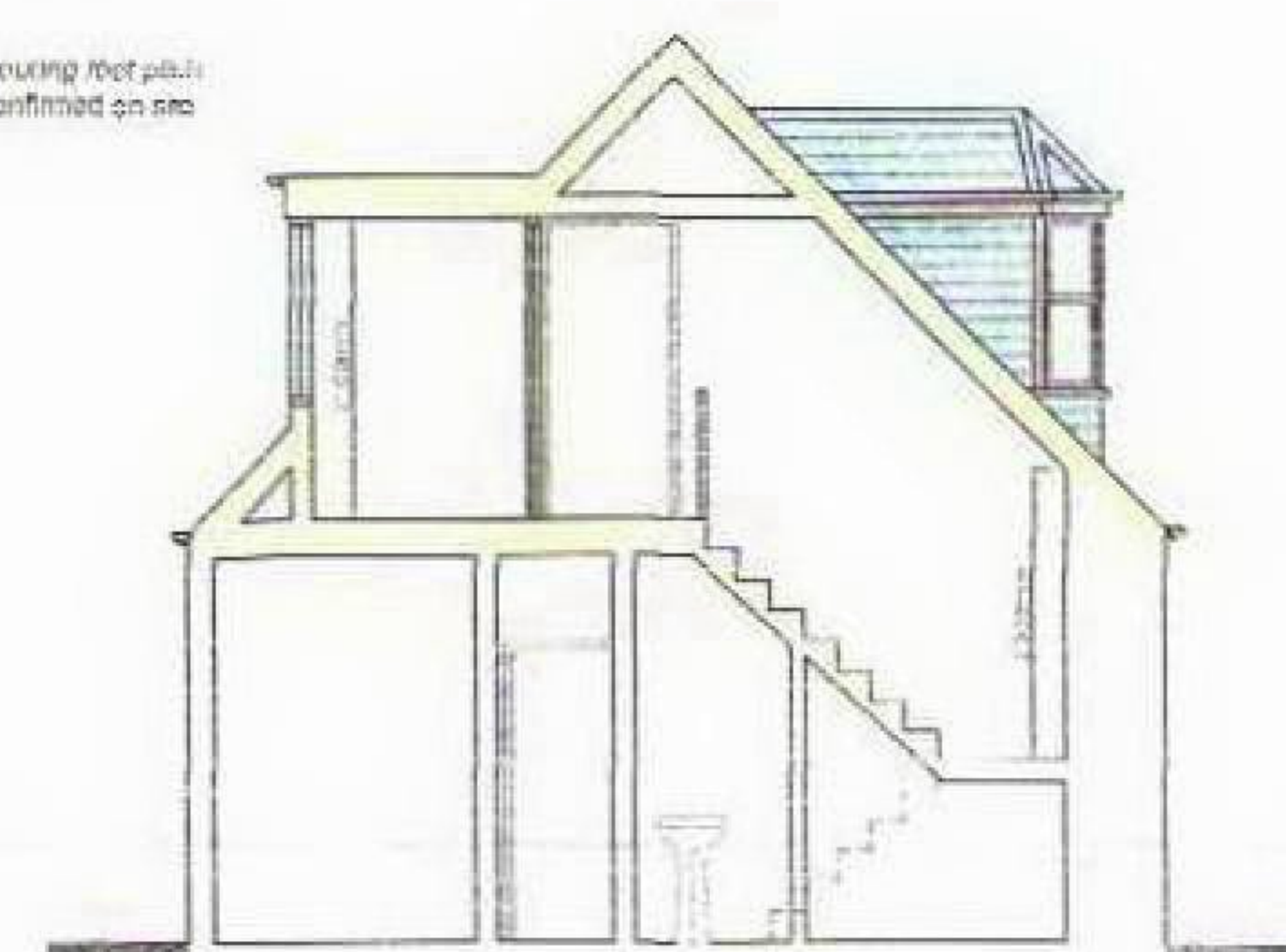
North East Elevation 1:100



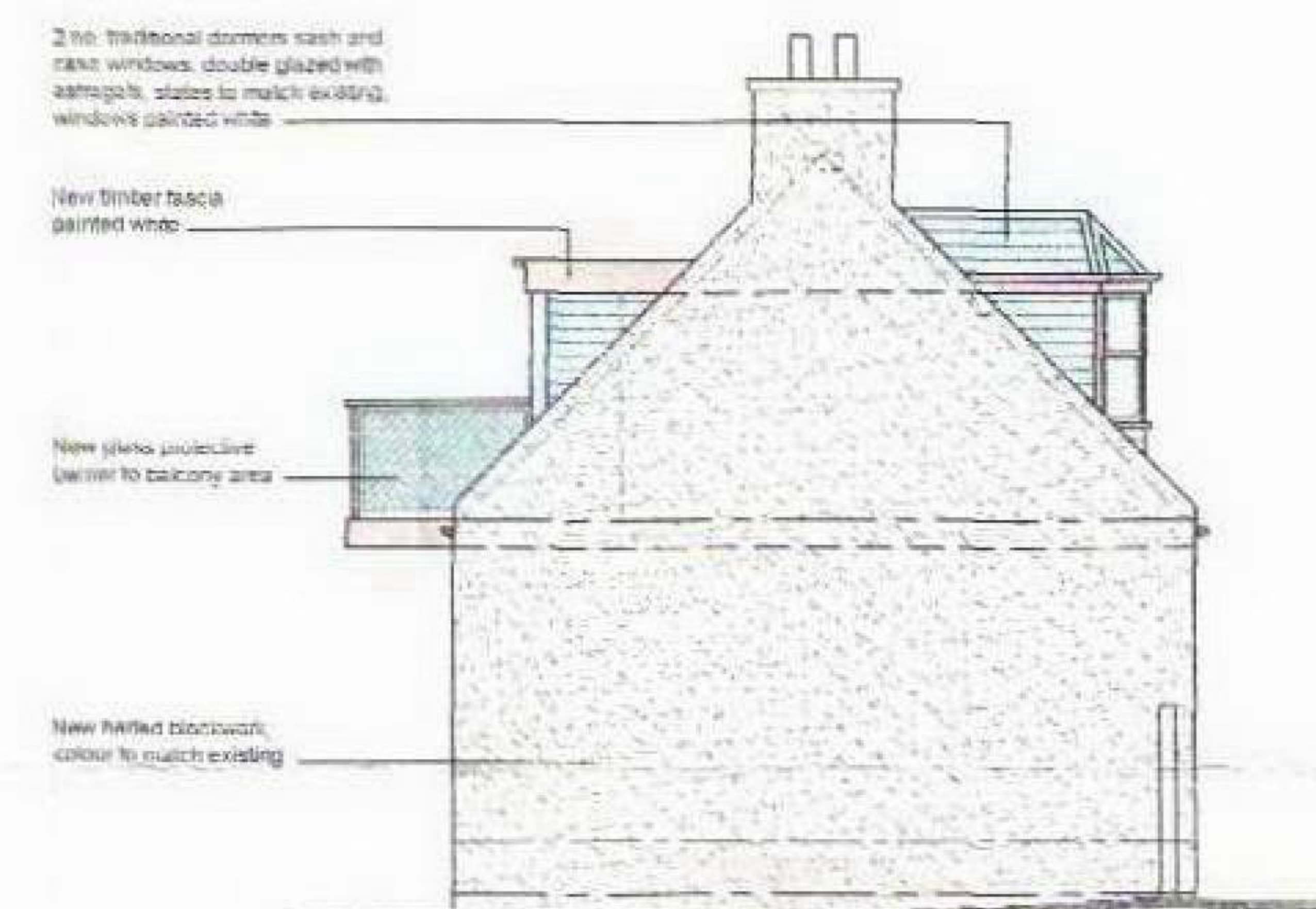
South West Elevation 1:100



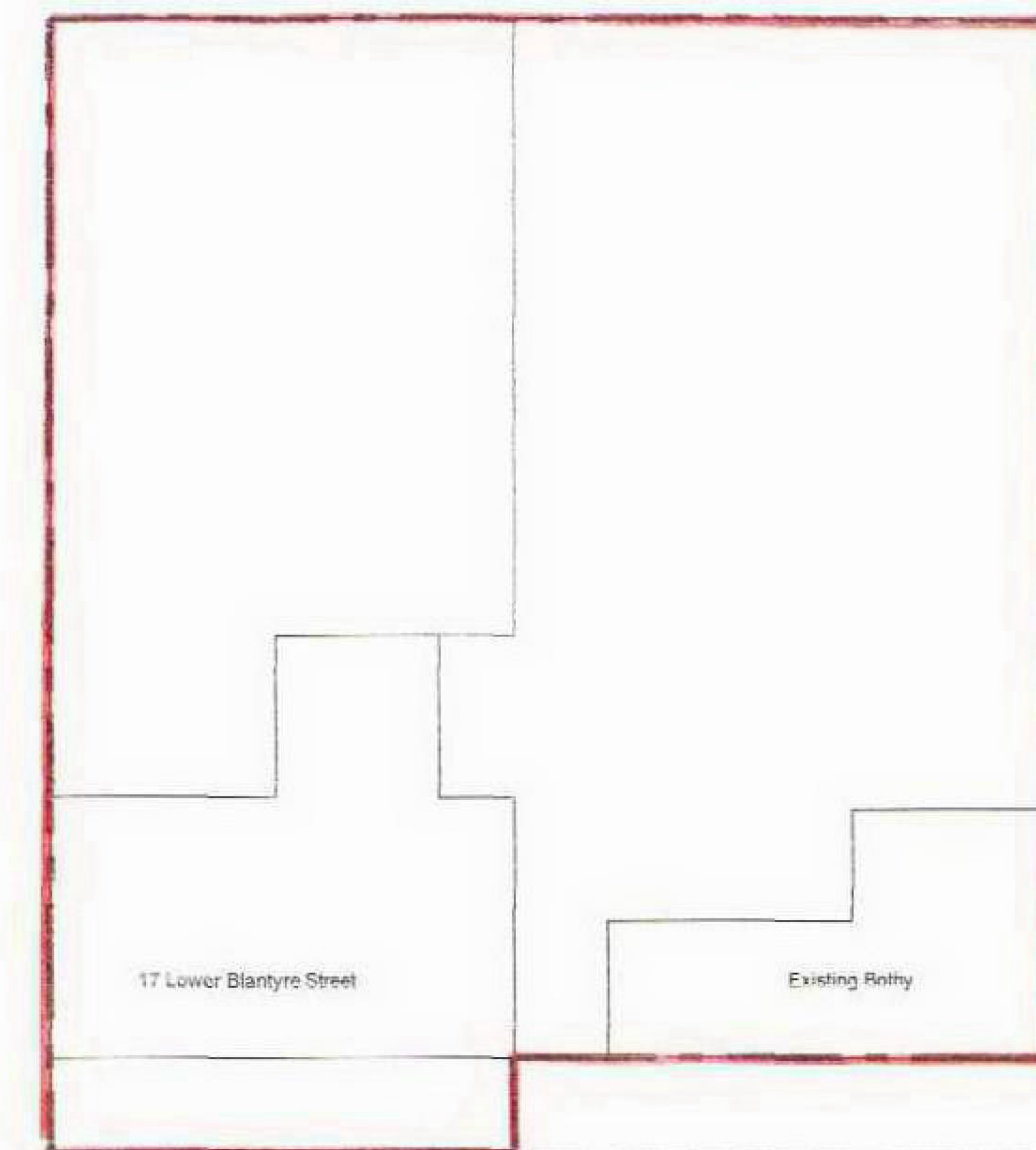
Roof Plan 1:100



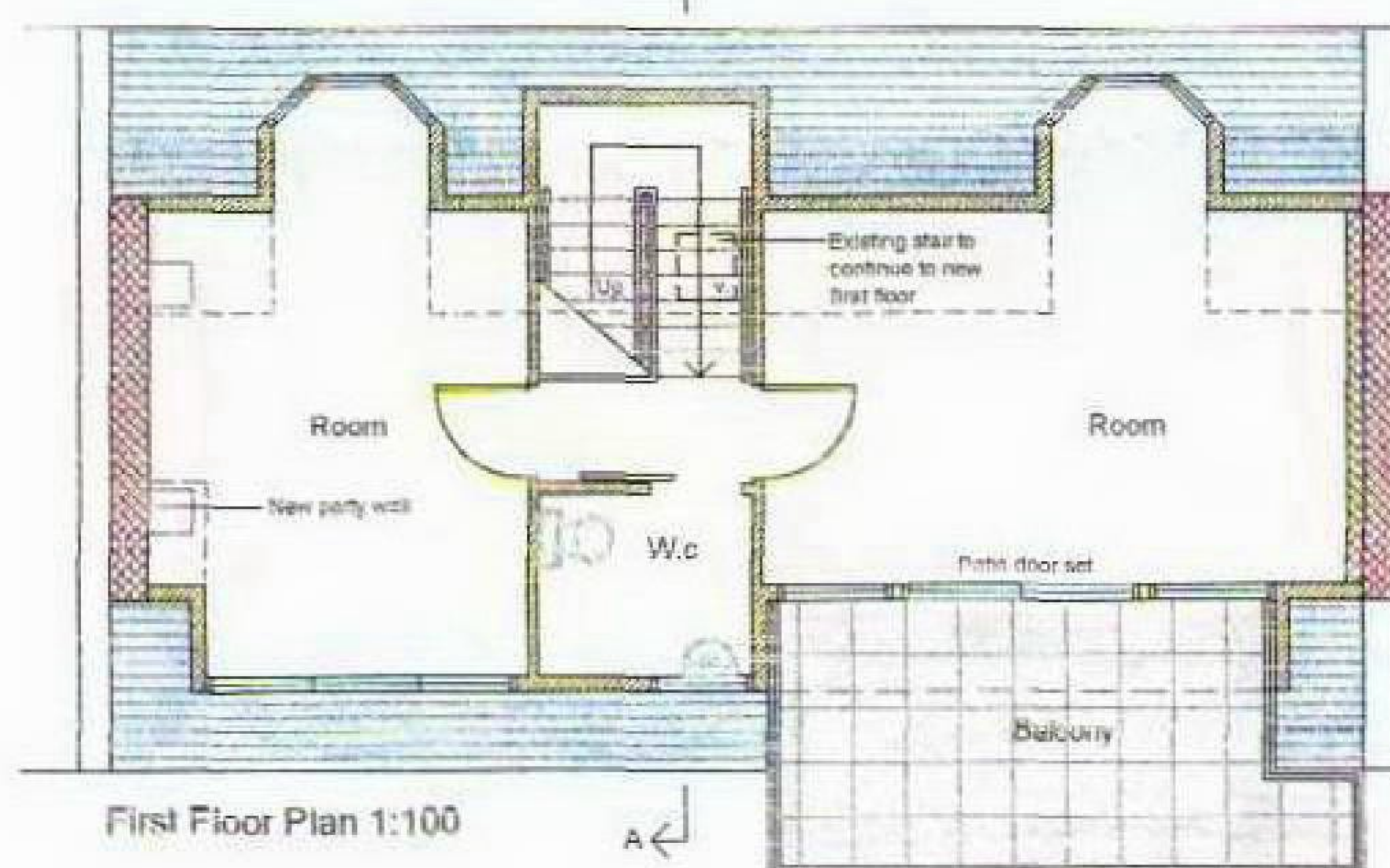
Section A-A 1:100



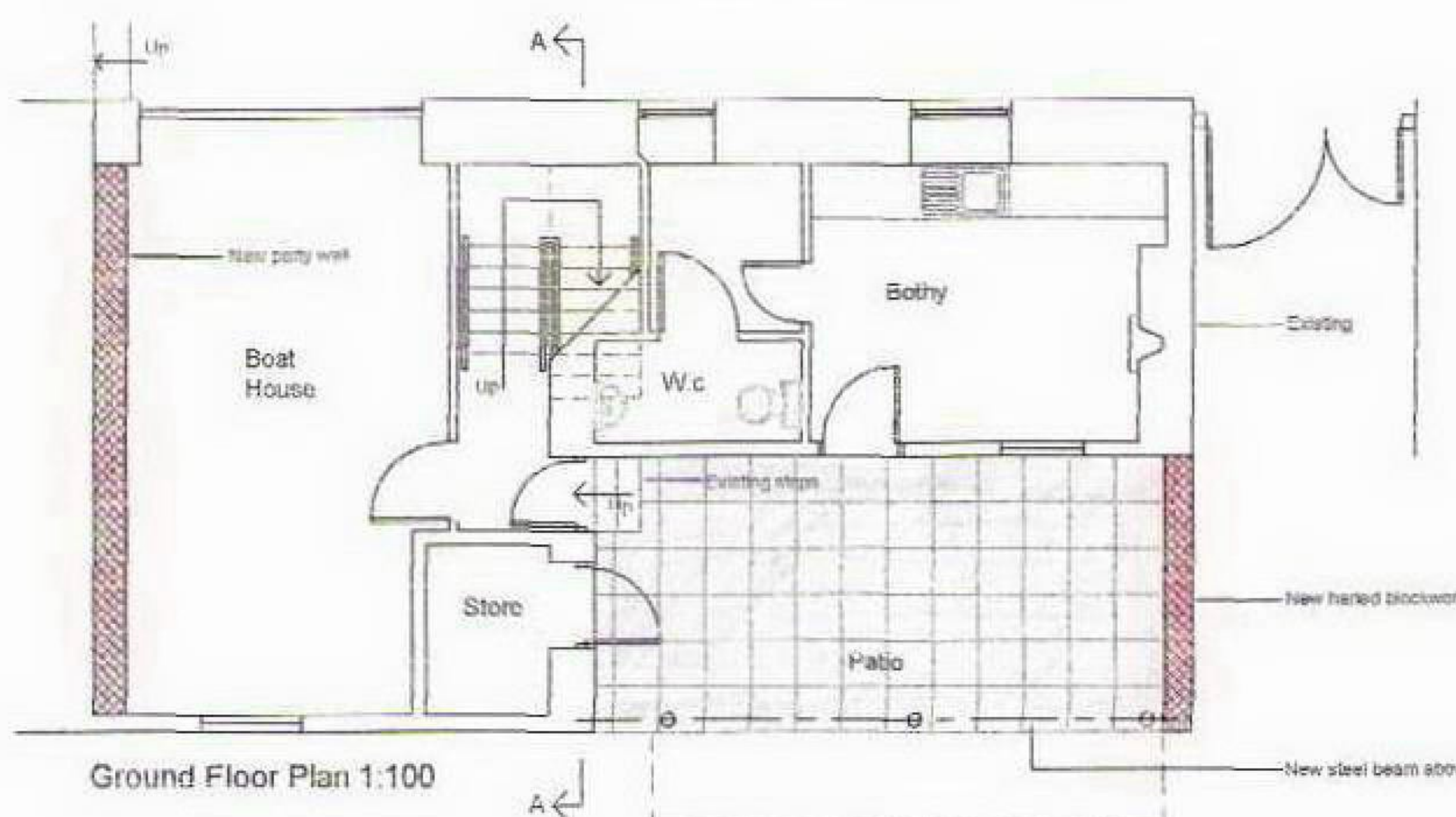
North West Elevation 1:100



Site Plan 1:200



First Floor Plan 1:100



Ground Floor Plan 1:100

Town & Country Planning
(Scotland) Act, 1997
as amended

REFUSED

05/01/12

Development Management
Environmental Services
The Moray Council

23 DEC 2010

REV	DATE	COMMENTS
A	14.12.10	Balcony altered,
1		
<p>GEORGE DOUGLAS ARCHITECTS 4 Mackenzie Place, Old Aberdeen Aberdeen, AB24 3FG Tel: 01224 524136 Fax: 01224 524137 Email: info@georgedouglas.co.uk</p> <p>JOHN WEBB</p> <p>17 LOWER BLANTYRE STREET, CULLEN</p> <p>PROPOSED PLANS, SECTION, ELEVATIONS</p> <p>DATE: NOVEMBER 2010 1:100 @ A2 DRAWING NO: 2666_03A</p>		

Appendix 2

Case officers Report of Handling for planning application

REPORT OF HANDLING

Ref No:	10/02125/APP	Officer:	Craig Wilson
Proposal Description/ Address	Proposed alterations to existing bothy at 17 Lower Blantyre Street Cullen Buckie Moray		
Date:	5 th January 2012	Typist Initials:	SM

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

CONSULTATIONS		
Consultee	Date Returned	Summary of Response
Environmental Health Manager	31/01/11	No objection
Contaminated Land	02/02/11	No objection

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
Policy 2(f)	N	
IMP1: Development Requirements	Y	
BE2: Listed Buildings	Y	
T5: Parking Standards		
T2: Provision of Road Access		
H3: New Housing in Built Up Areas		
EP9: Contaminated Land		

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): No objections/representations received.		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The application is in respect of the upgrading and extending the existing bothy building to provide ancillary accommodation to the adjoining property at 17 Lower Blantyre Street Cullen. The physical works involve extending the building at ground floor level to provide a covered patio area, building up both gables and roofing the building with a pitched roof to provide a traditional style cottage to the front. The front roof slope will have 2 piended dormers matching those on other nearby dwellings. The rear roof slope is proposed to contain a low profile flat roofed dormer running almost the length of the building. This dormer will provide headroom to the 1st floor level rooms and access onto a balcony on the rear of the property.

The applicant has received approval for a similar style dormer, without the balcony, at number 19 South Blantyre Street 09/01581/APP, approved on 23rd February 2010.

This dormer is also located on the rear of the dwelling and will not be readily seen from the surrounding public ways. In addition the surrounding properties to number 19 help to screen the rear of this property from public view.

The current application can be commended on the upgrading of an existing unattractive quirky building and whilst similar in nature to the previous proposal, it does not benefit from the screening of that to afforded number 19. As a result the non traditional platform dormer is open to view from a number of public places in the surrounding area. This long low level box dormer style conflicts with the traditional vertical scale and proportions of the surrounding buildings and provided by the use of traditional style dormers on the front roof slope of this conversion.

Policy BE3: Conservation Areas states that:

"Development proposals within Conservation Areas will require to be submitted as full detailed planning applications and will be refused if the adversely affect the character or appearance of the Conservation Area in terms of scale, height, materials, colour, detailed design and use.

All development within a Conservation Area should preserve or enhance the established traditional character and appearance of the area".

Policy IMP1: Development Requirements states that:

"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:

- the scale, density and character must be appropriate to the surrounding area".

With due consideration to the above criteria the impact of a long platform style dormer, which is open to view, will detract from and adversely affect the character and appearance of the Conservation Area in terms of scale and detailed design. This style of structure is not sensitive to the scale, proportions and design of the surrounding properties.

In these circumstances it is recommended that the application be refused.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY			
Reference No.	Description		
	Decision		Date Of Decision

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Banffshire Advertiser	Planning application affecting LB/CA	28/02/11

DEVELOPER CONTRIBUTIONS (PGU)	
Status	

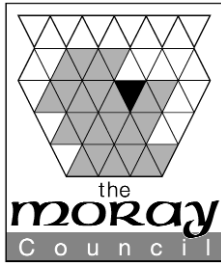
DOCUMENTS, ASSESSMENTS etc. *		
* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc		
Supporting information submitted with application?		NO
Summary of main issues raised in each statement/assessment/report		
Document Name: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

Appendix 3

Copies of Planning Consents for Alterations to 19 Lower Blantyre St and related
Case Officers Reports of Handling



**THE MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT
1997, as amended**

PERMISSION FOR DEVELOPMENT

**[Keith And Cullen]
Application for Planning Permission**

TO Mr John Webb
c/o George Douglas Architects
4 Mackenzie Place
Aberdeen
AB24 3EG

With reference to your application for planning permission under the above-mentioned Act as amended, the Council in exercise of their powers under the said Act hereby **GRANT** planning permission for the following development:-

**Dormer conversion at front and rear at 19 Lower Blantyre Street Cullen
Moray AB56 4RQ**

in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, subject however to the following condition(s) and reason(s) as set out in the attached schedule.

This permission does not carry with it any necessary consent or approval to the proposed development under the building regulations or other statutory enactments and the development should not be commenced until all consents have been obtained.

Date of Notice: **23rd February 2010**

HEAD OF DEVELOPMENT SERVICES

Environmental Services Department
The Moray Council
Council Office
High Street
ELGIN
Moray IV30 1BX

IMPORTANT NOTE

YOU ARE OBLIGED TO COMPLY WITH THESE CONDITIONS AND NOTES

SCHEDULE OF CONDITIONS

By this Notice the Moray Council has **APPROVED** this proposal subject to conditions considered necessary to ensure implementation of the proposal, including conditions imposed under S.58/59 of the Town & Country Planning (Scotland) Act 1997, as amended. **It is important that these conditions are adhered to and failure to comply may result in enforcement action being taken.**

Permission is granted subject to the following conditions: -

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
- 2 Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.
- 3 Prior to work commencing on site the applicant shall complete the attached notification of initiation of development and submit it to the local planning authority.
- 4 Upon completion of the development or as soon as practicable after doing so the attached notification of completion of development shall be completed and submitted to the local planning authority.

The Council's reason(s) for imposing the above condition(s) are:-

- 1 The time limit condition is imposed in order to comply with the requirements of Section 58(i) of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.
- 2 In order to ensure that there are no unauthorised departures from the approved plans which could adversely affect the development or character and amenity of the surrounding properties and area.
- 3 To ensure that the planning authority is aware that development is about to commence and any suspensive conditions can be followed up.
- 4 To ensure that the planning authority is aware that the development is complete and is able to follow up any conditions.

ADDITIONAL NOTES FOR INFORMATION OF THE APPLICANT

The following notes are provided for your information including comments received from consultees:-

None.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

The following plans and drawings form part of the decision:-

Reference	Version	Title
		Location Plan
2554_02		Elevations, Floor Plans, Section - Existing
2554_03		Elevations, Floor Plans, Section - Proposed

DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL, AS AGREED WITH APPLICANT (S.32A of 1997 ACT)

N/A

DETAILS WHERE DIFFERENT TIME-PERIOD(S) FOR DURATION OF PLANNING PERMISSION IMPOSED (S.58/59 of 1997 ACT)

N/A

TERMS OF S.75 AGREEMENT RELATING TO THIS APPLICATION

The terms, or summary of terms of the Agreement can be inspected at:-

N/A

NOTICE OF APPEAL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, The Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from www.eplanning.scotland.gov.uk

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 5 of the Town and Country Planning (Scotland) Act 1997.

NOTIFICATION OF INITIATION OF DEVELOPMENT

S.27A of the 1997 Act requires any person who has been granted planning permission (including planning permission in principle) and intends to start development must, as soon as practicable after deciding the date they will start work on the development, give notice to the planning authority of that date. This ensures that the planning authority is aware that the development is underway and can follow up on any suspensive conditions attached to the permission.

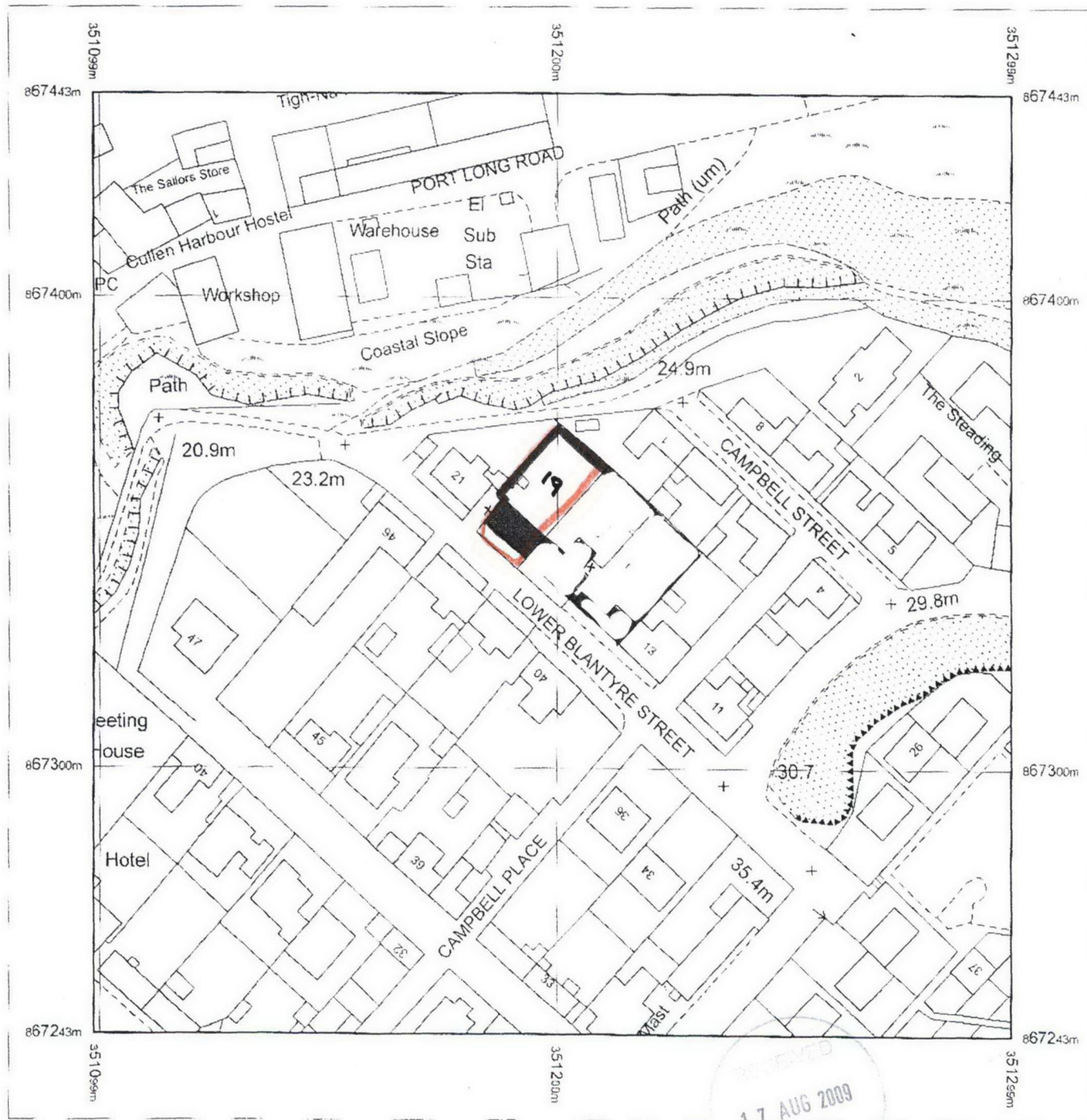
Therefore, prior to any work commencing on site, the applicant/developer must complete and submit to the Moray Council, as planning authority, the attached Notification of Initiation of Development. Failure to submit the required Notice will be a breach of planning control under S.123(1) of the 1997 Act.

NOTIFICATION OF COMPLETION OF DEVELOPMENT

S.27B of the 1997 Act requires any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority. This will ensure that the planning authority is aware that the development is complete and can follow up any planning conditions.

Therefore, on completion of the development or as soon as practicable after doing so, the applicant/developer must complete and submit to the Moray Council, as planning authority the attached Notification of Completion of Development.

Phased development – Under S.27B(2) of the 1997 Act where permission is granted for phased development, the permission is subject to a condition (see Schedule of Conditions above) requiring the applicant/developer as soon as practicable after each phase to give notice of that completion to the planning authority. This will allow the planning authority to be aware that particular phase(s) of the development is/are complete. **The non-compliance with this condition or failure to give notice may result in enforcement action being taken. When the last phase is completed the applicant/developer must also complete and submit a Notification of Completion of Development.**



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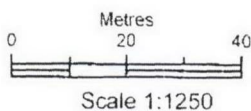
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Serial number: 00071500
Centre coordinates: 351198 69 867343.19

Further information can be found on the OS Sitemap Information leaflet or the Ordnance Survey web site:
www.ordnancesurvey.co.uk

17 AUG 2009

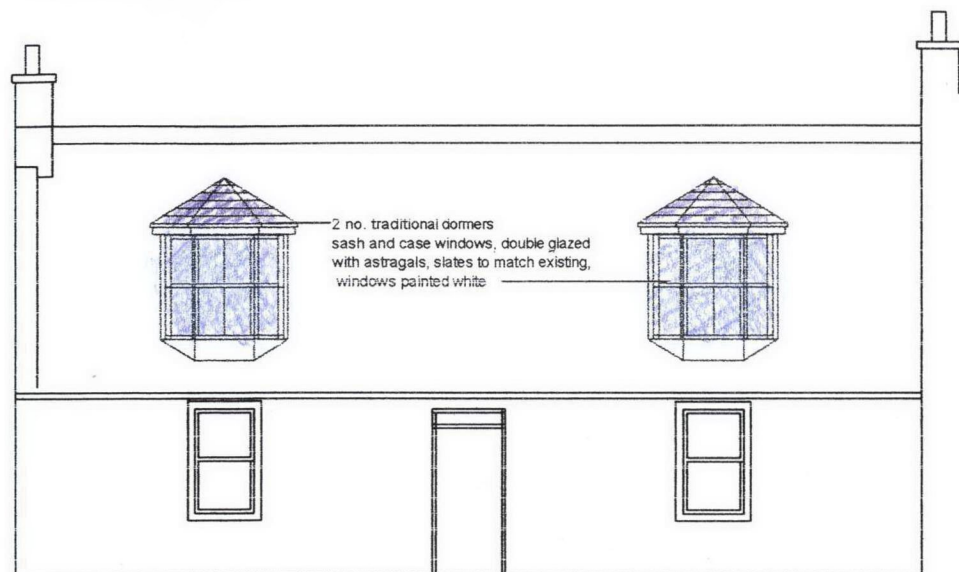
19

LOWER BLANTYRE ST

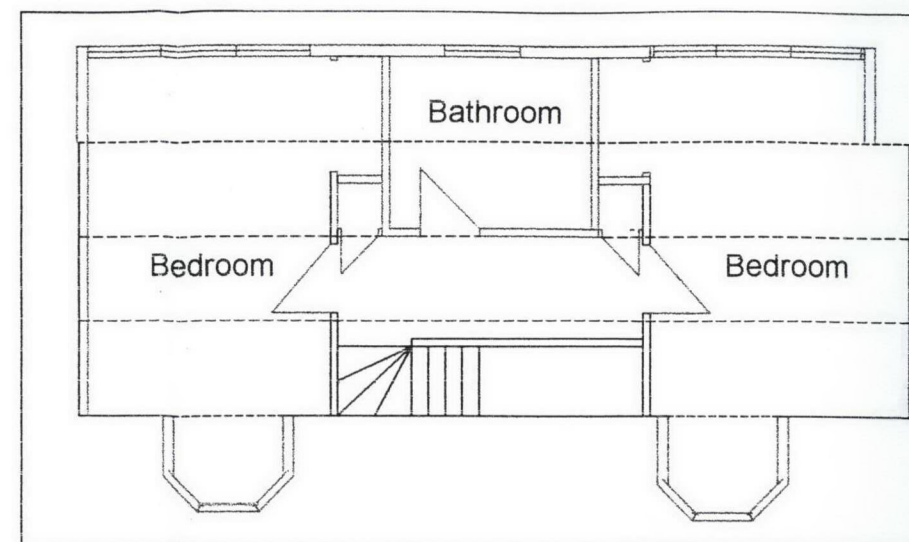
Town & Country Planning
(Scotland) Act, 1997
as amended

APPROVED

23.2.10
Development Management
Environmental Services
The Moray Council



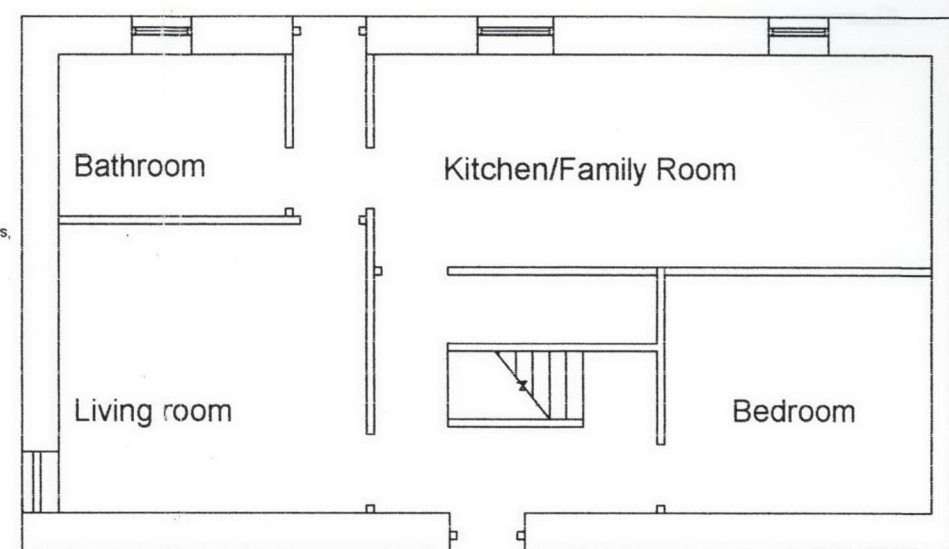
SOUTH WEST ELEVATION



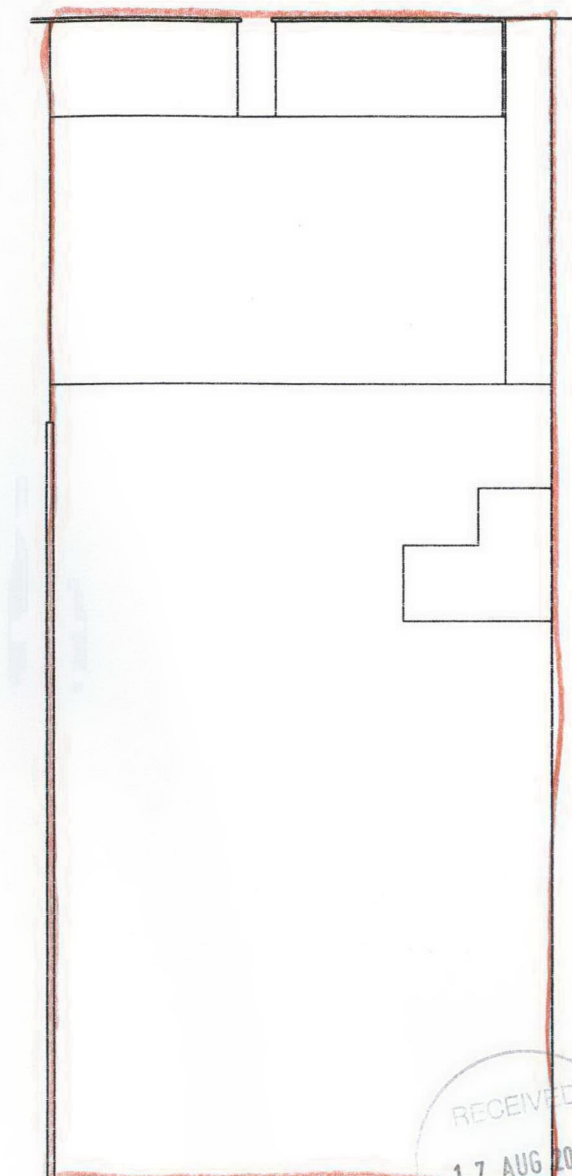
First Floor Plan



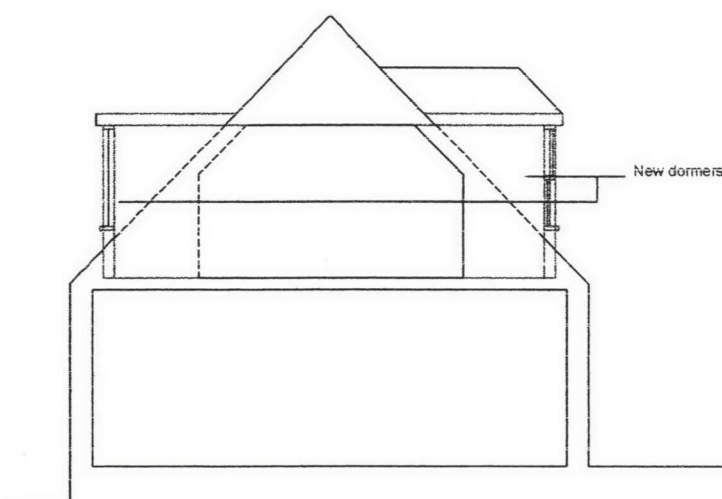
NORTH EAST ELEVATION



Ground Floor Plan



SITE PLAN 1:200




SECTION A-A

**Town & Country Planning
(Scotland) Act, 1997
as amended**

APPROVED

23.2.10

**Development Management
Environmental Services
The Moray Council**

REV	DATE	COMMENTS
 <p>GEORGE DOUGLAS ARCHITECTS LIMITED 4 Mackenzie Place, Old Aberdeen Aberdeen, AB24 3EG Tel: 01224 524139 Fax: 01224 524137 Email: info@georgedouglas.co.uk</p>		
CLIENT MR WEBB		
PROJECT 19 LOWER BLANTYRE ST, CULLEN		
CONTENT PROPOSED PLANS, SECTIONS, ELEVATIONS		
DATE AUGUST 2009	SCALE 1:100+1:200 @ A3	DRAWING NO. 2554_03
<small>Reproduction or use in whole or in part is prohibited without the prior permission of George Douglas. Do not scale from drawings. Any queries to be raised with the architect.</small>		

RECEIVED
17 AUG 2009

REPORT OF HANDLING

Ref No:	09/01581/APP	Officer:	Craig Wilson
Proposal Description/ Address	Dormer conversion at front and rear at 19 Lower Blantyre Street Cullen Moray AB56 4RQ		
Date:	23/02/2010	Typist Initials:	PAC

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Environmental Health Manager	20/08/09	No objection
Contaminated Land	20/08/09	No objection

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
Policy 2(f)	Y	
IMP1: Development Requirements	Y	
H5: House Alterations and Extensions	Y	
BE3: Conservation Areas	Y	
EP9: Contaminated Land		

REPRESENTATIONS

Representations Received YES NO

Total number of representations received

Names/Addresses of parties submitting representations

Name	Address
Ms Sarah Pritchard	Rose Haven Cottage 17 Lower Blantyre Street Cullen Buckie Moray AB56 4RQ

Summary and Assessment of main issues raised by representations

Issue:

Unhappy at proposed dormers on listed building.

Comments (PO):

The proposed dormer windows are acceptable in design and amenity terms and will not prejudice the character and appearance of the conservation area. The building is not listed.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The proposed replacement dormer windows are considered to be acceptable in design and amenity terms and will not have a detrimental impact on the character and appearance of the conservation area.

No consultees have objected to the proposed development.

Application recommended for approval.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

HISTORY

Reference No.	Description			
	Decision		Date Of Decision	

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Banffshire Advertiser	No Premises	14/09/09	
Banffshire Advertiser	Departure from development plan	14/09/09	
Banffshire Advertiser	Planning application affecting LB/CA	14/09/09	

DOCUMENTS, ASSESSMENTS etc. *

** Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc*

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:
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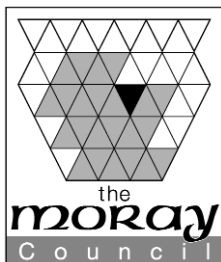
DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)

Section 30	Relating to EIA		NO
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Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
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Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
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Summary of Direction(s)



**THE MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

PERMISSION FOR DEVELOPMENT

**[Keith And Cullen]
Application for Planning Permission**

TO Mr William Smith
 c/o Joanna Lockhart - Architect
 13 Balwearie Road
 Kirkcaldy
 Fife
 KY2 5LT

With reference to your application for planning permission under the above-mentioned Act as amended, the Council in exercise of their powers under the said Act hereby **GRANT** planning permission for the following development:-

Extension to rear of house at 19 Lower Blantyre Street Cullen Buckie Moray

in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, subject however to the following condition(s) and reason(s) as set out in the attached schedule.

This permission does not carry with it any necessary consent or approval to the proposed development under the building regulations or other statutory enactments and the development should not be commenced until all consents have been obtained.

Date of Notice: **23rd February 2012**

HEAD OF DEVELOPMENT SERVICES

Environmental Services Department
The Moray Council
Council Office
High Street
ELGIN
Moray IV30 1BX

IMPORTANT NOTE

YOU ARE OBLIGED TO COMPLY WITH THESE CONDITIONS AND NOTES

SCHEDULE OF CONDITIONS

By this Notice the Moray Council has **APPROVED** this proposal subject to conditions considered necessary to ensure implementation of the proposal, including conditions imposed under S.58/59 of the Town & Country Planning (Scotland) Act 1997, as amended. **It is important that these conditions are adhered to and failure to comply may result in enforcement action being taken.**

Permission is granted subject to the following conditions: -

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
- 2 Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.
- 3 Prior to work commencing on site the applicant shall complete the attached notification of initiation of development and submit it to the local planning authority.
- 4 Upon completion of the development or as soon as practicable after doing so the attached notification of completion of development shall be completed and submitted to the local planning authority.

The Council's reason(s) for imposing the above condition(s) are:-

- 1 The time limit condition is imposed in order to comply with the requirements of Section 58(i) of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.
- 2 In order to ensure that there are no unauthorised departures from the approved plans which could adversely affect the development or character and amenity of the surrounding properties and area.
- 3 To ensure that the planning authority is aware that development is about to commence and any suspensive conditions can be followed up.
- 4 To ensure that the planning authority is aware that the development is complete and is able to follow up any conditions.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

The following plans and drawings form part of the decision:-

Reference	Version	Title
07248/LP		Location Plan
0746/04		Proposed Elevations
0746/03		Proposed First Floor Plan
0746/02		Proposed Ground Floor Plan

DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL, AS AGREED WITH APPLICANT (S.32A of 1997 ACT)

None

DETAILS WHERE DIFFERENT TIME-PERIOD(S) FOR DURATION OF PLANNING PERMISSION IMPOSED (S.58/59 of 1997 ACT)

None

TERMS OF S.75 AGREEMENT RELATING TO THIS APPLICATION

N/A

NOTICE OF APPEAL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, The Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from www.eplanning.scotland.gov.uk

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 5 of the Town and Country Planning (Scotland) Act 1997.

NOTIFICATION OF INITIATION OF DEVELOPMENT

S.27A of the 1997 Act requires any person who has been granted planning permission (including planning permission in principle) and intends to start development must, as soon as practicable after deciding the date they will start work on the development, give notice to the planning authority of that date. This ensures that the planning authority is aware that the development is underway and can follow up on any suspensive conditions attached to the permission.

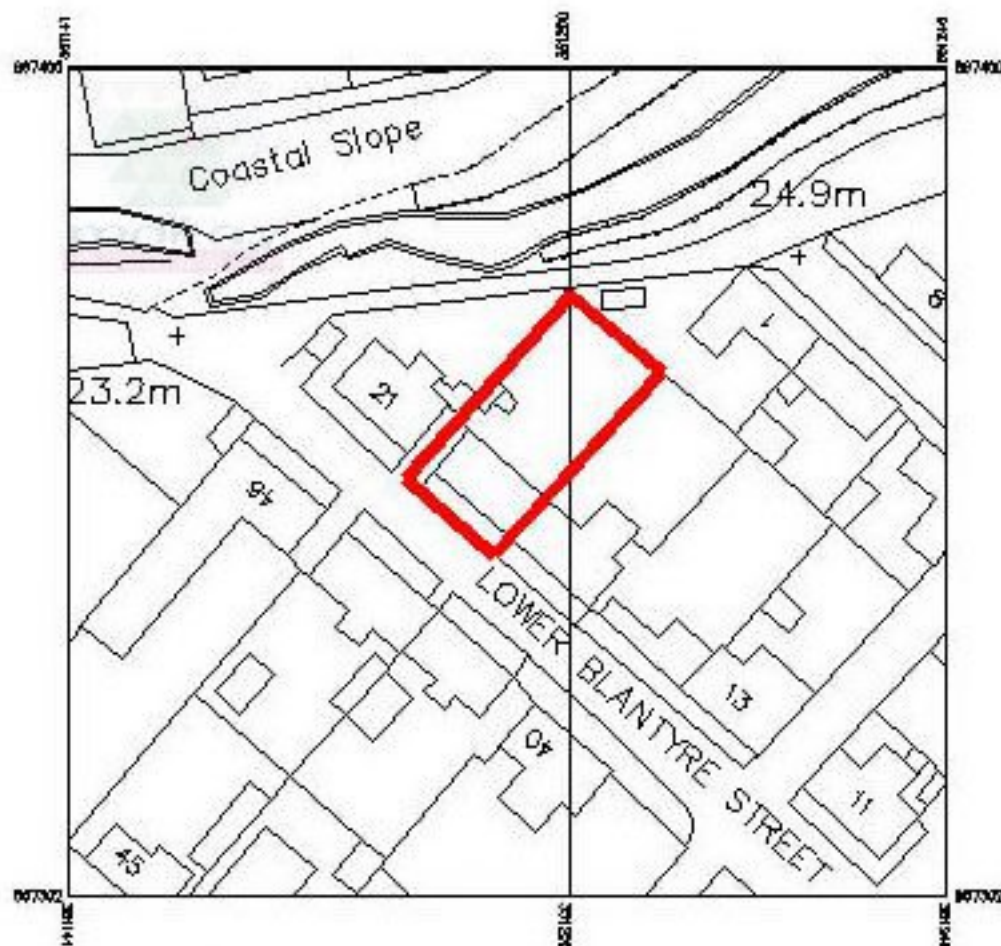
Therefore, prior to any work commencing on site, the applicant/developer must complete and submit to the Moray Council, as planning authority, the attached Notification of Initiation of Development. Failure to submit the required Notice will be a breach of planning control under S.123(1) of the 1997 Act.

NOTIFICATION OF COMPLETION OF DEVELOPMENT

S.27B of the 1997 Act requires any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority. This will ensure that the planning authority is aware that the development is complete and can follow up any planning conditions.

Therefore, on completion of the development or as soon as practicable after doing so, the applicant/developer must complete and submit to the Moray Council, as planning authority the attached Notification of Completion of Development.

Phased development – Under S.27B(2) of the 1997 Act where permission is granted for phased development, the permission is subject to a condition (see Schedule of Conditions above) requiring the applicant/developer as soon as practicable after each phase to give notice of that completion to the planning authority. This will allow the planning authority to be aware that particular phase(s) of the development is/are complete. **The non-compliance with this condition or failure to give notice may result in enforcement action being taken. When the last phase is completed the applicant/developer must also complete and submit a Notification of Completion of Development.**



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Licence Information

Licence Start Date: 10/01/2012
Licence End Date: 10/01/2013
Purchase Reference: 001018425
Vendor: Joanna Lockhart
Customer Name: Joanna Lockhart
Customer Organisation: Joanna Lockhart Architect
Centre Coords: X: 351183 Y: 867351
Area Licensed: 0.01 sq km (1 ha)
Supplied Data Format: DXF
Products: MasterMap

Licence:
Products and service using Ordnance Survey data are subject to Ordnance Survey terms and conditions. More
information is available on the Ordnance Survey web site:
<https://www.ordnancesurvey.co.uk/oswebbeta/using-our-data/index.html>

Town & Country Planning
(Scotland) Act, 1997
as amended

APPROVED
23.2.12

Development Management
Environmental Services
The Moray Council

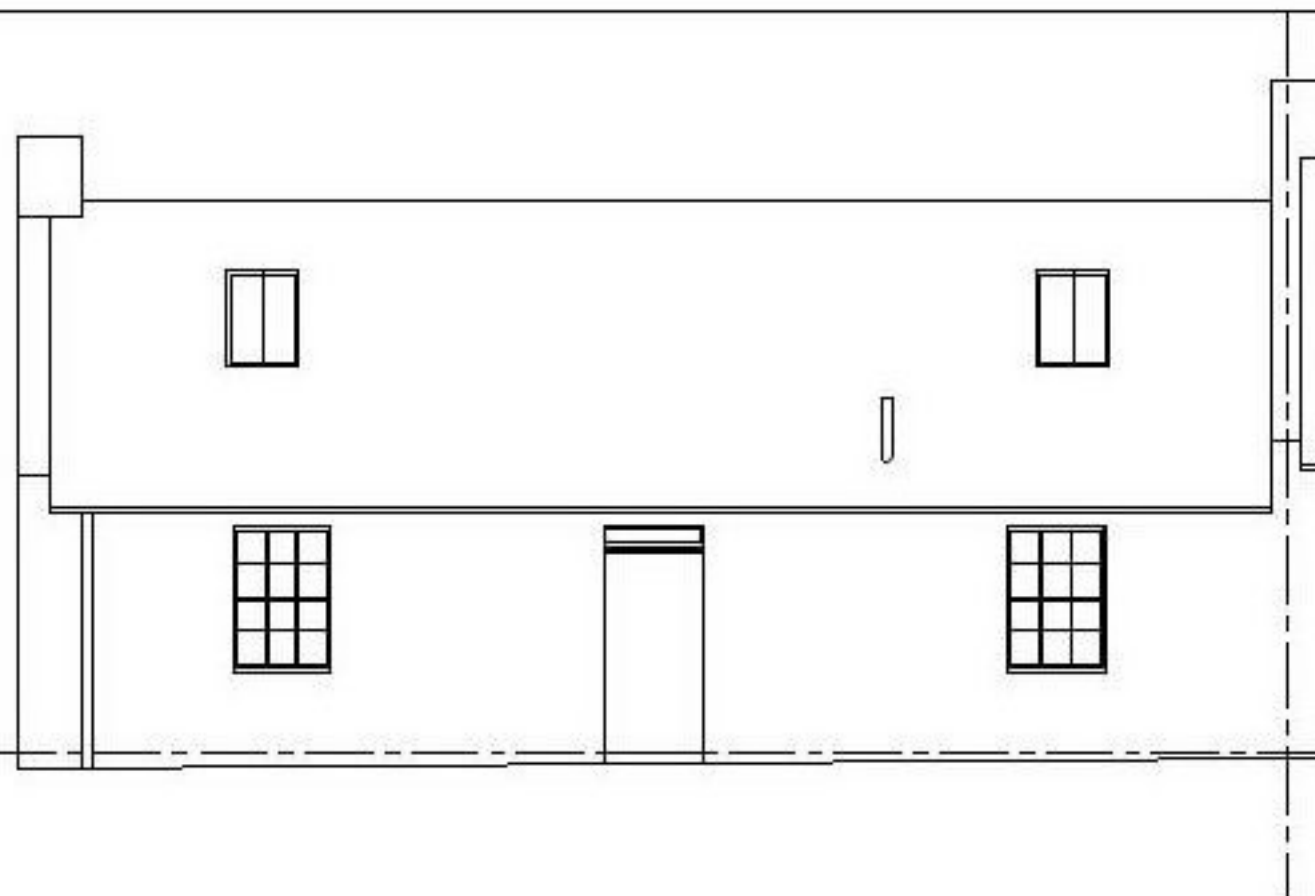
Joanna lockhart:architect

13 Balwearie Road
Kirkcaldy, KY2 5LT
Tel: 01692 262166

e mail: me@joannalockhart.co.uk
www.joannalockhart.co.uk

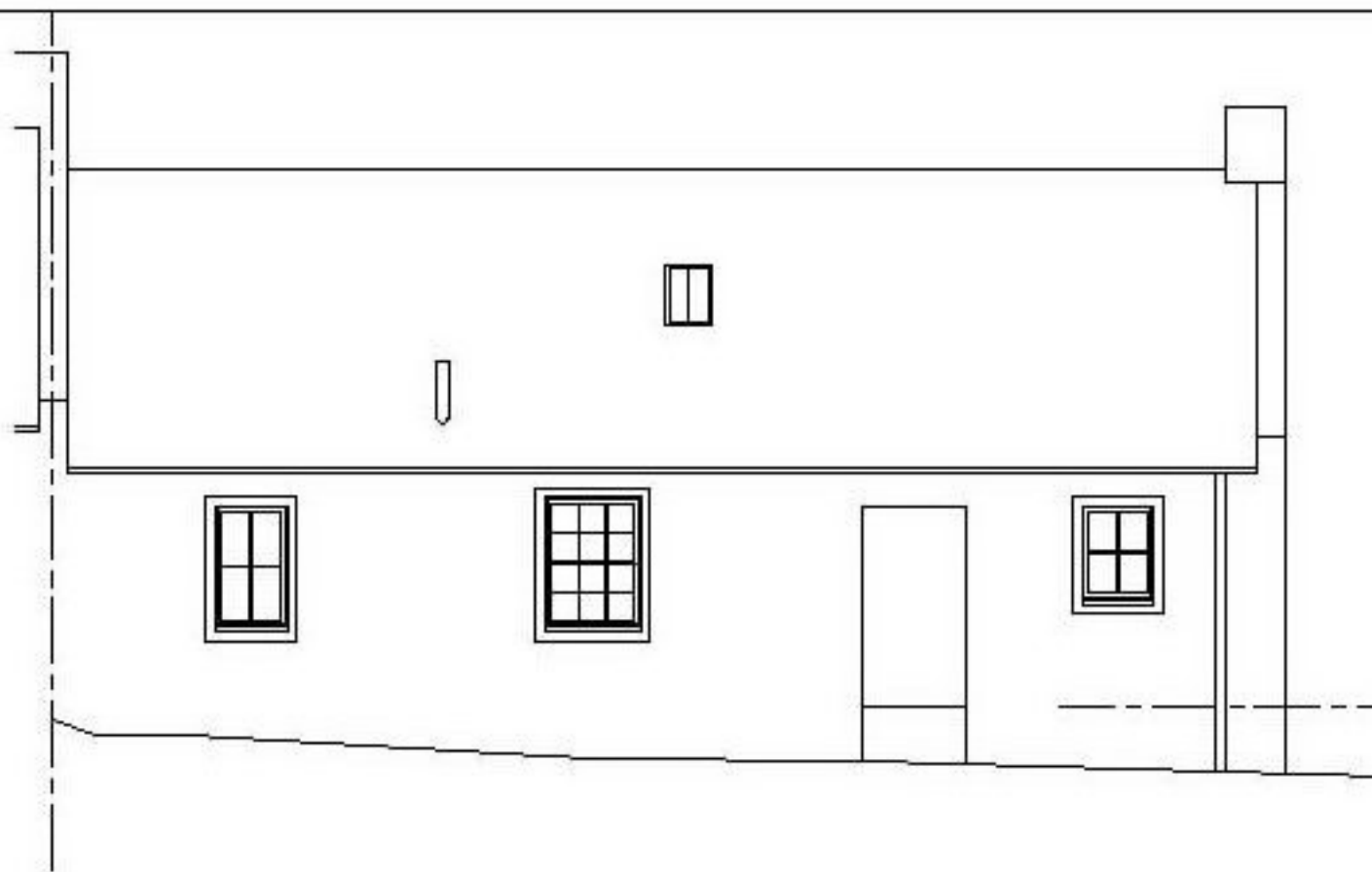
Project: 19 Lower Blantyre Street, Cullen
Client: Mr & Mrs Smith
Drawing Name : Location Plan
Scale : 1:1250
Date: January 2012
Drawing No: 072461p

Revision:



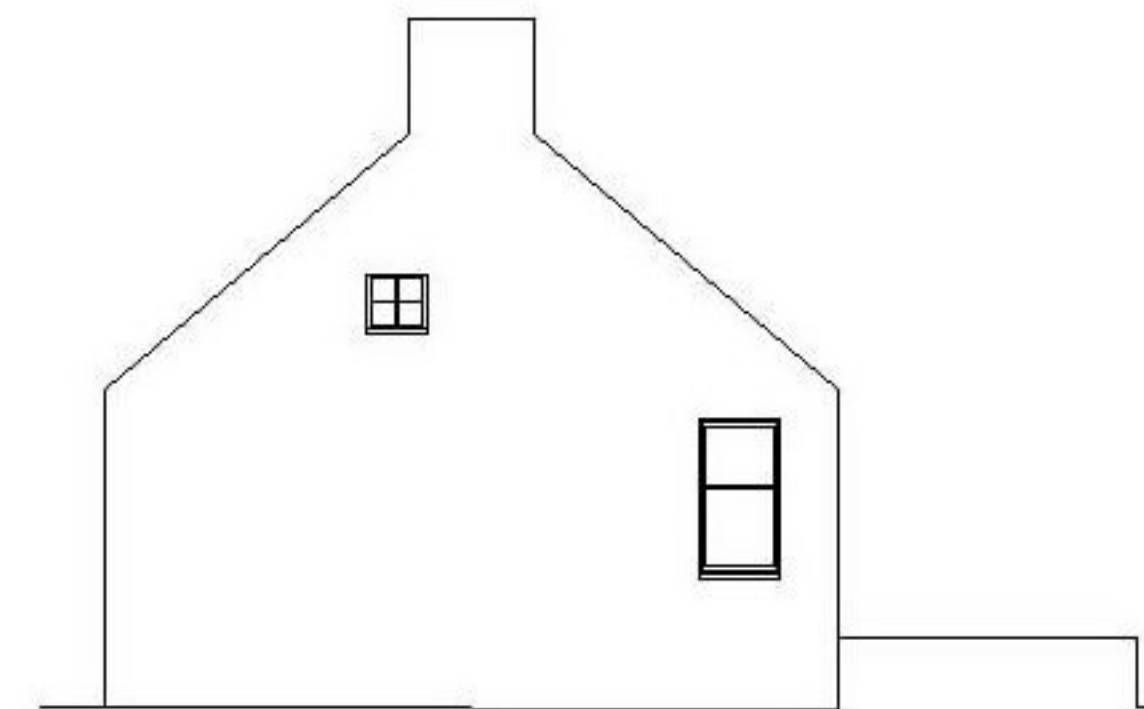
EXISTING FRONT (SW) ELEVATION

scale 1:100



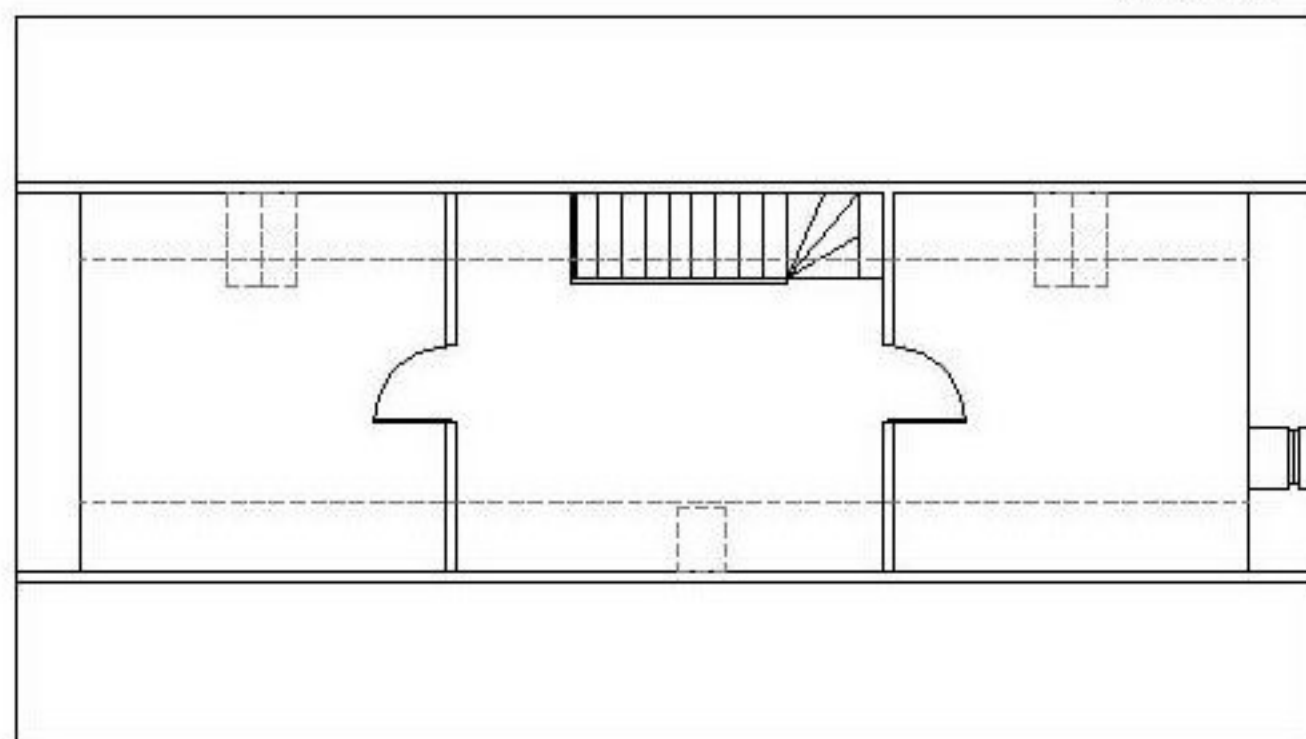
EXISTING REAR (NE) ELEVATION

scale 1:100



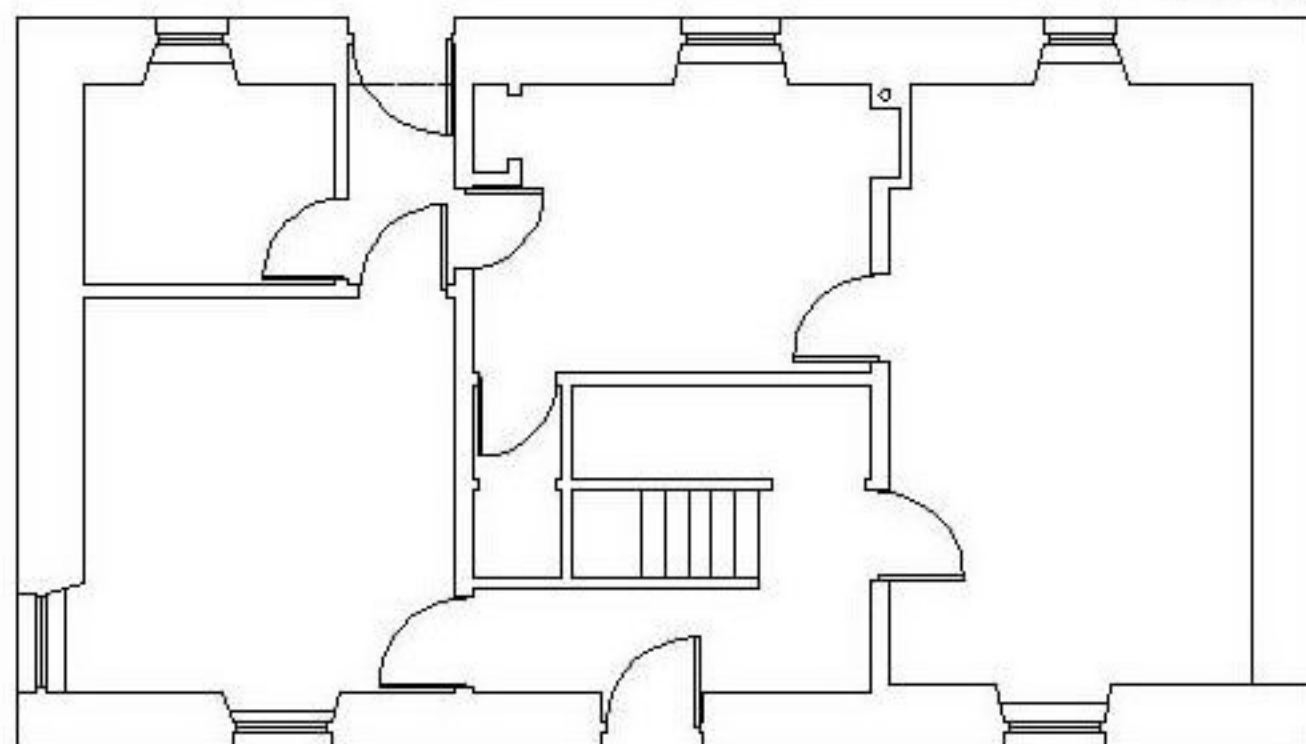
EXISTING SIDE ELEVATION

scale 1:100



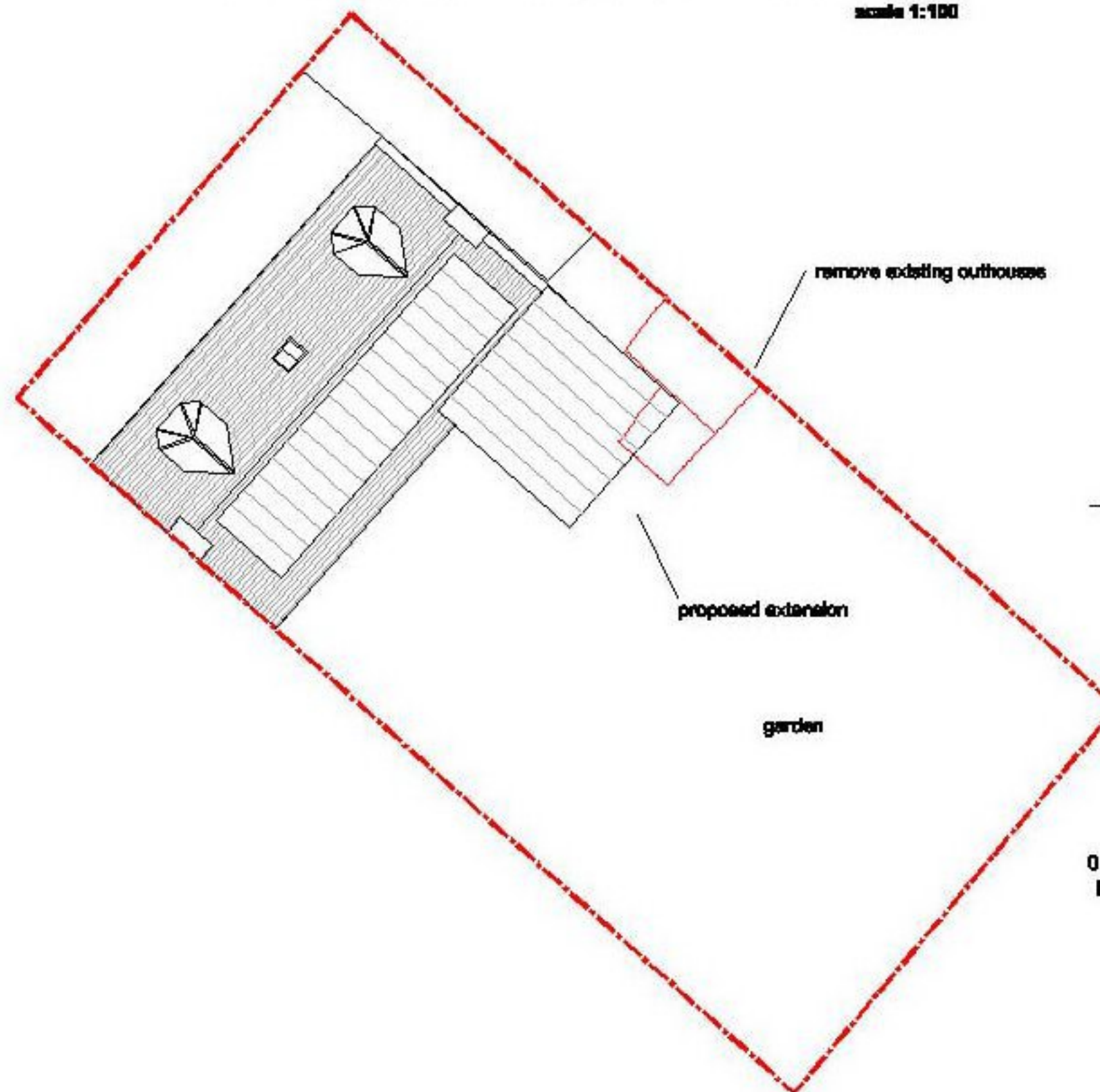
EXISTING FIRST FLOOR PLAN

scale 1:100



EXISTING GROUND FLOOR PLAN

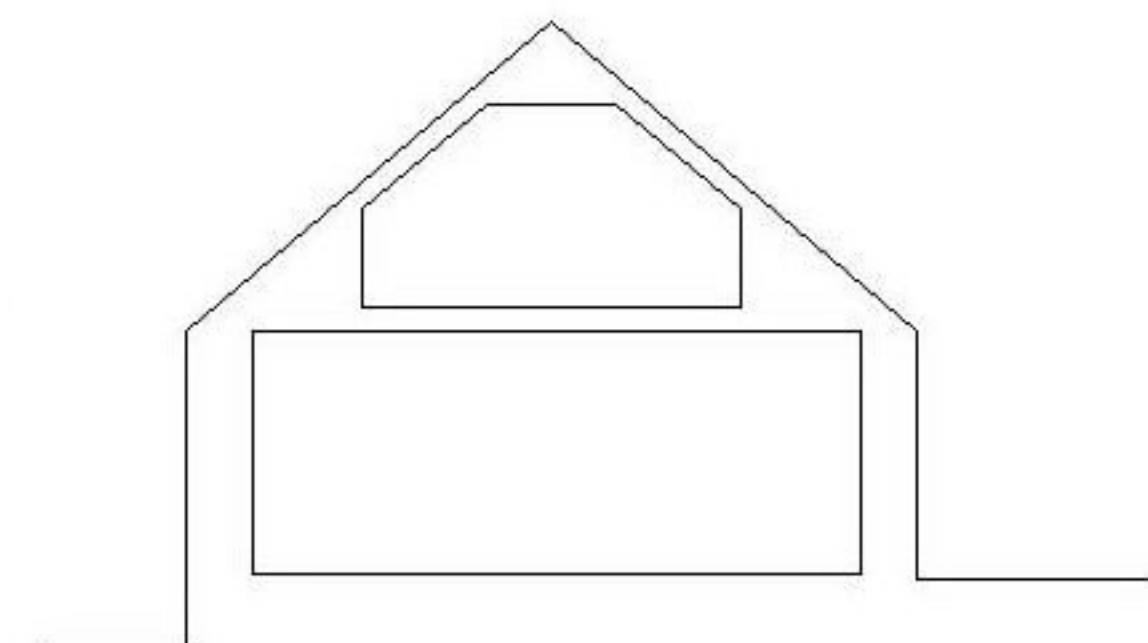
scale 1:100



PROPOSED ROOF/ BLOCK PLAN

scale 1:200

0 1m 2m 3m 4m 5m 10m



EXISTING CROSS SECTION

scale 1:100

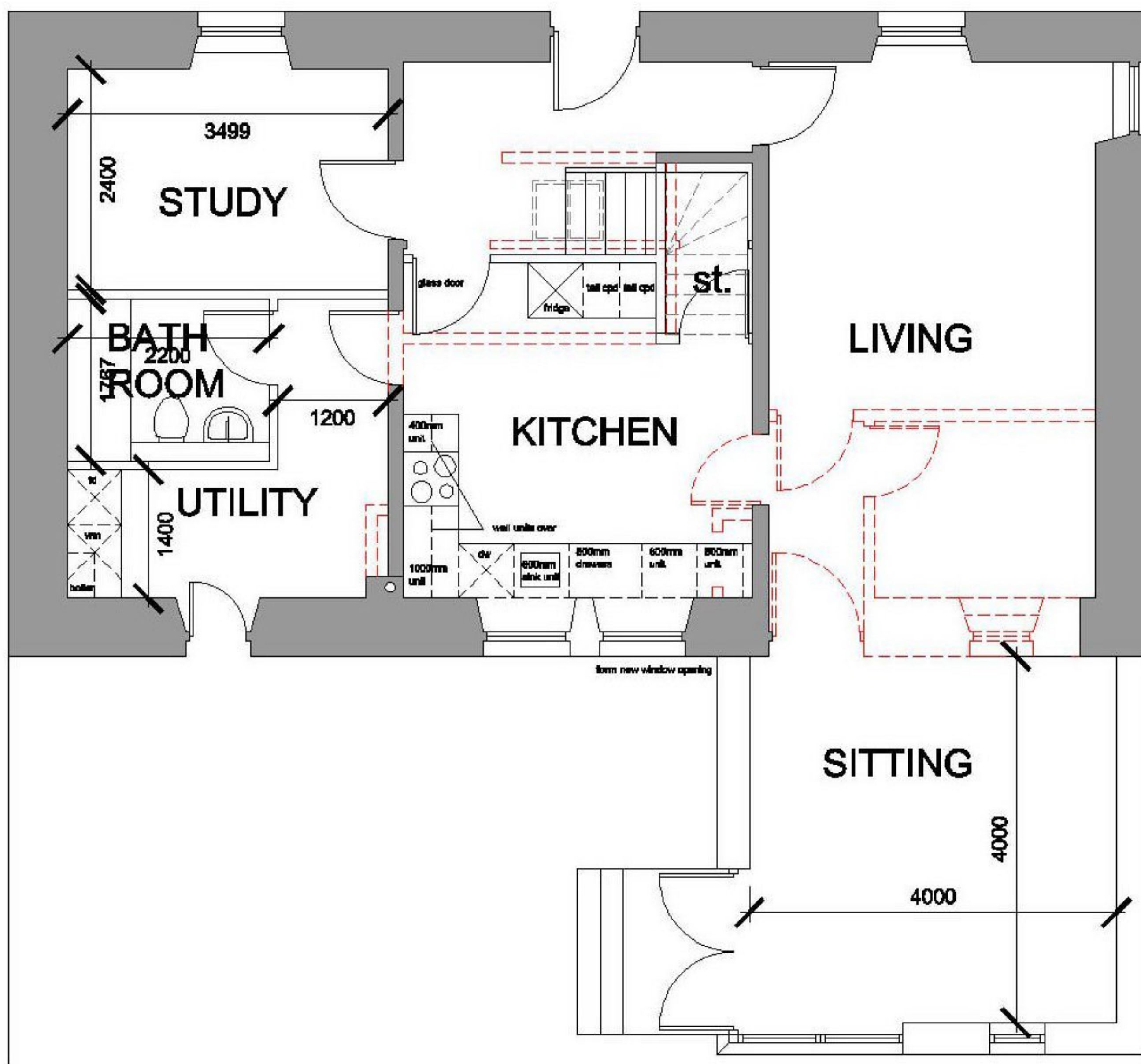
planning

0 1m 2m 3m 4m 5m 10m

joanna lockhart:architect

13 Belweir Road
Kirkcaldy, KY2 6LT
Tel: 01592 283186
e mail: me@joannalockhart.co.uk

Project Name : Alterations to 19 Lower Blantyre Street, Cullen
Client : Mr & Mrs Smith
Drawing Name : Existing Plans & Elevations, Proposed Block/ Roof Plan
Scale : 1:200
Date: Jan 12
Drawing No: 0748/01
Revisions



PROPOSED GROUND FLOOR PLAN

scale 1:50



Town & Country Planning
(Scotland) Act, 1997
as amended

APPROVED

23.2.12

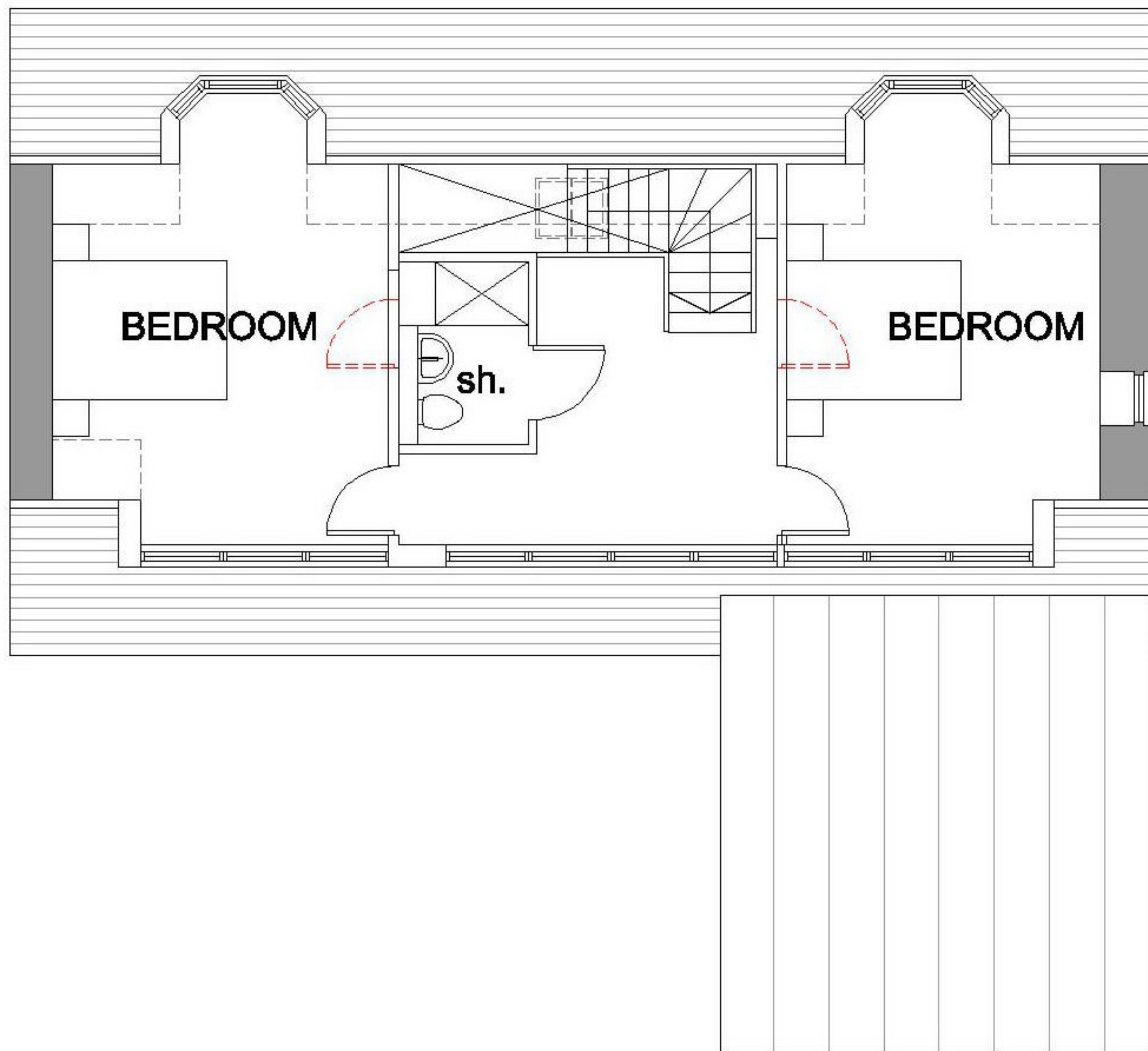
Development Management
Environmental Services
The Moray Council

planning

joanna lockhart:architect

13 Belweir Road
Kirkcaldy, KY2 6LT
Tel: 01592 283186
e mail: me@joannalockhart.co.uk

Project Name : Alterations to 19 Lower Blantyre Street, Cullen
Client : Mr & Mrs Smith
Drawing Name : Proposed Ground Floor Plan
Scale : 1:50
Date: Dec 11
Drawing No: 074602
Revision:



PROPOSED FIRST FLOOR PLAN

0 1m 2m 3m 4m 5m scale 1:50

Town & Country Planning
(Scotland) Act, 1997
as amended

APPROVED

23.2.12

Development Management
Environmental Services
The Moray Council

planning

joanna lockhart:architect

13 Belweir Road
Kirkcaldy, KY2 6LT
Tel: 01592 283188

e mail: me@joannalockhart.co.uk

Project Name : Alterations to 19 Lower Blantyre Street, Cullen
Client : Mr & Mrs Smith
Drawing Name : Proposed First Floor Plan
Scale : 1:50
Date: Dec 11
Drawing No: 074603

Revision:

traditional dormers as per existing planning consent



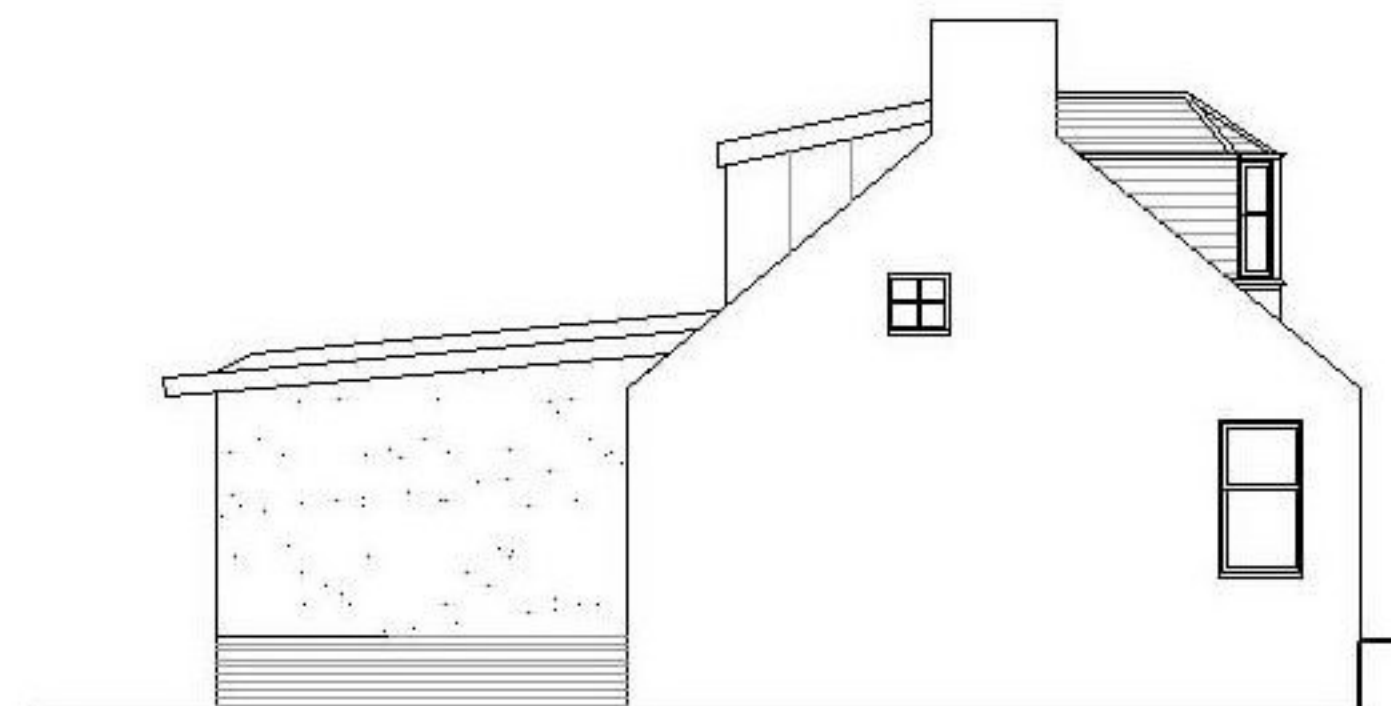
PROPOSED FRONT (SW) ELEVATION

scale 1:100

Town & Country Planning
(Scotland) Act, 1997
as amended

APPROVED

23.2.12
Development Management
Environmental Services
The Moray Council



PROPOSED NORTH WEST ELEVATION

scale 1:100

untreated western red cedar or albertian larch cladding

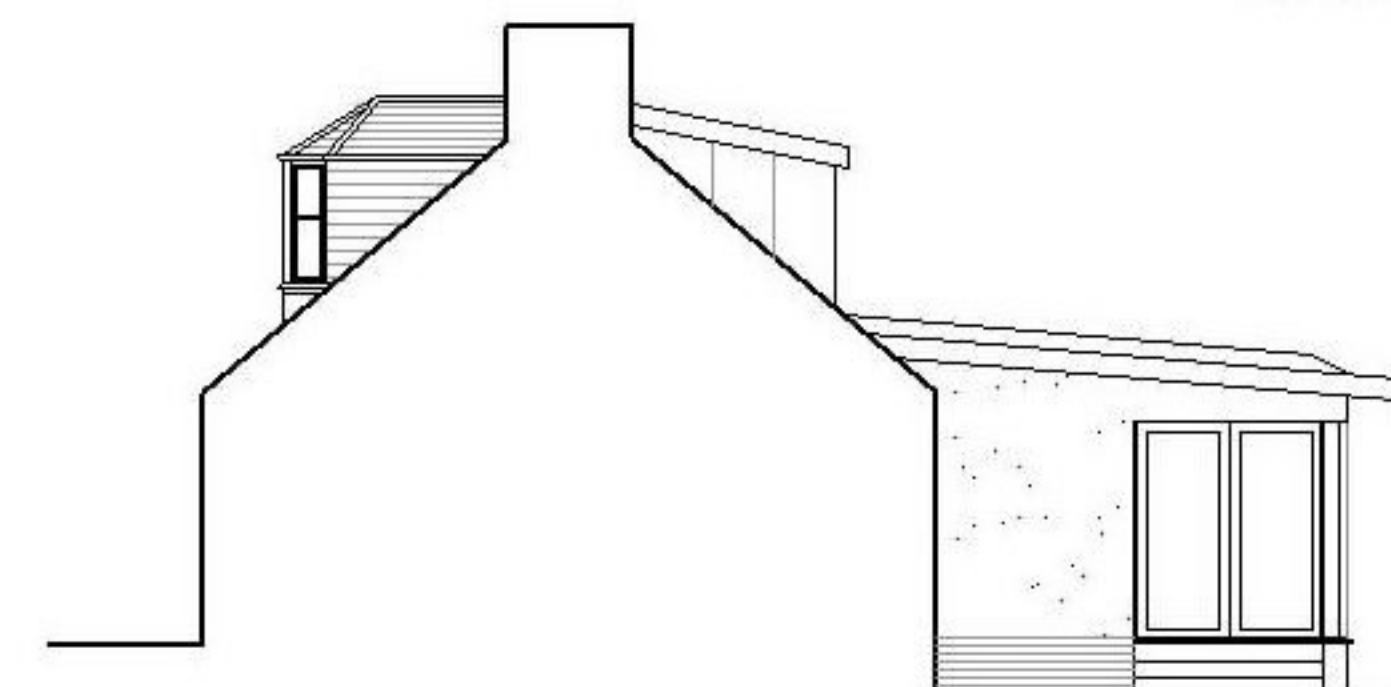
flat roofed dormer similar to existing planning consent

zinc roof



PROPOSED REAR (NE) ELEVATION

scale 1:100



PROPOSED SOUTH EAST ELEVATION

scale 1:100

zinc roof



proposed extension

white rendered finish

reconstituted stone base course

planning

joanna lockhart:architect

13 Belweir Road
Kirkcaldy, KY2 6LT
Tel: 01592 283186
e mail: me@joannalockhart.co.uk

Project Name : Alterations to 19 Lower Blantyre Street, Culter
Client : Mr & Mrs Smith
Drawing Name : Proposed Elevations
Scale : 1:100, 50
Date: Dec '11
Drawing No: 0746/04
Revision:

REPORT OF HANDLING

Ref No:	12/00026/APP	Officer:	Jim Gibson
Proposal Description/ Address	Extension to rear of house at 19 Lower Blantyre Street Cullen Buckie Moray		
Date:	22.02.2012	Typist Initials:	GW

RECOMMENDATION

Approve, without or with condition(s) listed below		Y
Refuse, subject to reason(s) listed below		N
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
Environmental Health Manager	20/01/12	No objection
Contaminated Land	24/01/12	No objection

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
Policy 2(f)	Y	
H5: House Alterations and Extensions	Y	Following a site meeting and considering previous consent and location it was decided not to be a departure on this occasion.
IMP1: Development Requirements	Y	Following a site meeting and considering previous consent and location it was decided not to be a departure on this occasion.
BE3: Conservation Areas	Y	Following a site meeting and considering previous consent and location it was decided not to be a departure on this occasion.

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): No objections/representations received.			

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The application revises a previous application for a ground floor extension and platform dormer on the rear of the existing property.

The main difference in proposals is that the dormer is to be finished with a zinc clad cat slide roof. The dormer is set well in from the gables and the wallhead and is mostly glazed which will reduce the visual bulk and appearance of the structure.

The ground floor extension will also be finished with sloping zinc clad roof.

Being located to the rear of the property and generally obscured from public view by existing buildings the proposed changes to the original approval are considered to be acceptable for this location within the conservation area.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
	Decision		Date Of Decision	

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Banffshire Advertiser	Planning application affecting LB/CA	13/02/12	
Banffshire Advertiser	No Premises	13/02/12	
Banffshire Advertiser	Departure from development plan	13/02/12	
PINS	Neighbour Notification not possible Departure from development plan Planning application affecting LB/CA	13/02/12	

DEVELOPER CONTRIBUTIONS (PGU)

Status	
--------	--

DOCUMENTS, ASSESSMENTS etc. *

** Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc*

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
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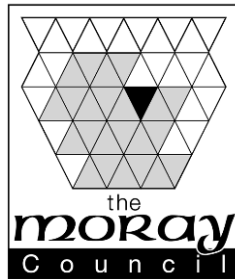
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
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Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
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Summary of Direction(s)







MORAY COUNCIL LOCAL REVIEW BODY

Review Decision Notice

Decision by Moray Local Review Body (the MLRB)

- Request for Review reference : Case 051
 - Site address: 17 Lower Blantyre Street, Cullen, AB56 4RQ
 - Application for review by Mr John Webb against the decision by an Appointed Officer of Moray Council.
 - Application 10/02125/APP : Planning Permission for proposes alterations to existing Bothy at 17 Lower Blantyre Street, Cullen, Buckie, Moray
 - Unaccompanied site inspection carried out by the MLRB on 21 June 2012
 - Date of Decision Notice: 18 July 2012
-

Decision

The MLRB agreed to uphold the request for review and grants planning permission, subject to the conditions appended to this decision notice. Attention is also drawn to the informative notes which follow the conditions.

1.0 Preliminary

- 1.1 This Notice constitutes the formal decision notice of the Moray Local Review Body (MLRB) as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.
- 1.2 The above application for planning permission was considered by the MLRB at meetings on 7 June and 28 June 2012. The Review Body was attended at both meetings by Councillors B Jarvis (Chair), L Creswell & J MacKay

2.0 Proposal

- 2.1 This is an application for planning permission for upgrading and extending the existing Bothy to provide ancillary accommodation to the adjoining property at 17 Lower Blantyre Street, Cullen

3. MLRB Consideration of request for review

- 3.1 At the meeting of the MLRB on 7 June 2012 there was submitted a 'Summary of Information' report by the Clerk to the MLRB setting out the reasons for refusal together with a copy of the Report of Handling and a copy of the Notice of Review & supporting documents.
- 3.2 Following consideration of the case papers the MLRB agreed that it did not have sufficient information in order to proceed to determine the request for review and agreed that an accompanied site inspection be undertaken the purpose of which being to view the site in the context of Policies BE3 of the approved Moray Structure 2007 and policy IMP1 of the adopted Moray Local Plan 2008.
- 3.3 It was also agreed that the Legal Adviser attend the accompanied site inspection.
- 3.4 At the meeting of the MLRB on 28 June 2012 there was submitted a 'Summary of Information' report detailing the outcome of the MLRB's previous consideration of the request for review.
- 3.5 In regard to the accompanied site inspection the Planning Adviser advised the meeting that on arrival at the site she had reminded members about the location of the application site and specifically the rear elevation where the box dormer was proposed. Members also viewed the site making reference to the drawings within the papers and the photographs of various examples of alterations and other dormers in the immediate vicinity. She also pointed out other examples of dormer windows seen from within the site and outlined the reasons for refusal and the grounds for review.
- 3.6 The MLRB agreed that it now had sufficient information and proceeded to determine the request for review.
- 3.7 Councillor Jarvis intimated that, having had the opportunity to visit the site, during which he noted a number of similar windows and dormer windows in the area, the proposed development would, in his opinion, would not have an adverse effect in terms of scale design and proportions on the appearance and character of the Conservation area and would in fact enhance and preserve the established traditional character and appearance of the area. For these reasons Councillor Jarvis moved that the request for review be upheld and planning consent granted as complying with policy
- 3.8 There being no-one otherwise minded the motion became the finding of the meeting and it was agreed to uphold the request for review and grant planning permission as complying with policy, subject to standard conditions and conditions and informatives recommended by consultees.

.....

Paul Nevin
Legal Adviser to the MLRB

Conditions

No conditions required

Informatives

Your property has been identified as being in the vicinity of the following potential source of contamination:

Railway approximately 41 metres to the south-east as indicated on map group D, C, B.

Map Group A 1868 - 1897 Ordnance Survey Maps

Map Group B 1898 - 1906 Ordnance Survey Maps

Map Group C 1930 - 1938 Ordnance Survey Maps

Map Group D 1959 - 1971 Ordnance Survey Maps

Map Group E 1969 - 1992 Ordnance Survey Maps

Map Group F Present Day Ordnance Survey Maps

The Moray Council does not have information to confirm whether or not the ground has been contaminated, however it is recommended that you investigate this matter prior to proceeding with the proposed works. Should contamination be identified you should contact the Environmental Health section immediately and carry out agreed remediation works. For advice on researching/investigating a site, please visit the Council website at www.moray.gov.uk/ContaminatedLand. Alternatively you can contact the Environmental Health Section on 01343 563345 or by email to contaminated.land@moray.gov.uk

IMPORTANT NOTES ABOUT THIS DECISION

Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions. In order to ensure that there are no unauthorised departures from the approved plans which could adversely affect the development or character and amenity of the surrounding properties and area.

DURATION OF THIS PERMISSION

In accordance with Section 58 (i) of the Town and Country Planning (Scotland) Act 1997 as amended, the development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.

If the development has not commenced within this period then this permission shall lapse unless there is a specific condition attached to this permission which varies the stated timescale.

COMMENCEMENT AND COMPLETION OF THE DEVELOPMENT

The following are statutory requirements of the Town & Country Planning (Scotland) Act 1997, as amended. Failure to meet their respective terms represents a breach of planning control and may result in formal enforcement action. Copies of the notices referred to below are attached to this permission for your use.

NOTIFICATION OF INITIATION OF DEVELOPMENT - S.27A of the 1997 Act, as amended requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, as soon as practicable after deciding the date they will start work on the development, give notice to the planning authority of that date. This ensures that the planning authority is aware that the development is underway

and can follow up on any suspensive conditions attached to the permission. Therefore, prior to any work commencing on site, the applicant/developer must complete and submit to the Moray Council, as planning authority, the attached Notification of Initiation of Development.

NOTIFICATION OF COMPLETION OF DEVELOPMENT - S.27B of the 1997 Act, as amended requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority. This will ensure that the planning authority is aware that the development is complete and can follow up any planning conditions. Therefore, on completion of the development or as soon as practicable after doing so, the applicant/developer must complete and submit to the Moray Council, as planning authority the attached Notification of Completion of Development.

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 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

- 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.

The Moray Council

NOTIFICATION OF INITIATION OF DEVELOPMENT

Section 27A Town and Country Planning (Scotland) Act 1997

Planning Application Reference No: 10/02125/APP

Date issued:

I hereby give notice that works as detailed under the above planning application will commence on:

Signed: Date:

THE FOLLOWING INFORMATION MUST BE PROVIDED:

1. Name and address of person carrying out the development:

.....
.....
.....

2. The full name and address of the landowner, if a different person:

.....
.....
.....

3. Where a site agent is appointed, their full name and contact details:

.....
.....
.....

4. The date of issue and reference number of the grant of planning permission:

.....
.....

Please return this form, duly completed to: - The Moray Council
Development Management
Development Services
Environmental Services Department
Council Office,
High Street
Elgin IV30 1BX

IMPORTANT

It is important that the Environmental Services Department is advised when you propose to start work as failure to do so may result in enforcement action be taken.

Please complete and return this form.

The Moray Council

NOTIFICATION OF COMPLETION OF DEVELOPMENT

Section 27B Town and Country Planning (Scotland) Act 1997

Planning Application Reference No: 10/02125/APP

Date issued:

I hereby give notice that works as detailed under the above planning application
will be completed on:

Signed: Date:

Please return this form, duly completed to: - The Moray Council
Development Management
Development Services
Environmental Services Department
Council Office
High Street
Elgin IV30 1BX

IMPORTANT

**It is important that the Environmental Services Department is advised
when the development has been completed as failure to do so may result
in enforcement action be taken.**

Please complete and return this form.



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 01343 563 501 Fax: 01343 563 263 Email: development.control@moray.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100039782-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Proposed alterations and first floor extension to existing bothy.

Has the work already been started and/ or completed? *

☒ No ☐ Yes - Started ☐ Yes – Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	George Douglas Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Steven	Building Name:	
Last Name: *	Douglas	Building Number:	4
Telephone Number: *	01224524139	Address 1 (Street): *	Mackenzie Place
Extension Number:		Address 2:	Old Aberdeen
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB24 3EG
Email Address: *	info@georgedouglas.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	John	Building Number:	17
Last Name: *	Webb	Address 1 (Street): *	Lower Blantyre Street
Company/Organisation		Address 2:	Cullen
Telephone Number: *		Town/City: *	Buckie
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB56 4RQ
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Moray Council

Full postal address of the site (including postcode where available):

Address 1:

ROSE HAVEN COTTAGE

Address 2:

17 LOWER BLANTYRE STREET

Address 3:

CULLEN

Address 4:

Address 5:

Town/City/Settlement:

BUCKIE

Post Code:

AB56 4RQ

Please identify/describe the location of the site or sites

Northing

867343

Easting

351200

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Trees

Are there any trees on or adjacent to the application site? *

☐ Yes ☒ No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

☐ Yes ☒ No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Steven Douglas

On behalf of: Mr John Webb

Date: 14/02/2017

☒ Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates?. * ☒ Yes ☐ No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * ☒ Yes ☐ No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent.? * ☒ Yes ☐ No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. ☒ Yes ☐ No
- e) Have you provided a certificate of ownership? * ☒ Yes ☐ No
- f) Have you provided the fee payable under the Fees Regulations? * ☒ Yes ☐ No
- g) Have you provided any other plans as necessary? * ☒ Yes ☐ No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- ☒ Existing and Proposed elevations.
- ☒ Existing and proposed floor plans.
- ☒ Cross sections.
- ☒ Site layout plan/Block plans (including access).
- ☒ Roof plan.
- ☐ Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. ☐ Yes ☒ No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * ☐ Yes ☒ No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

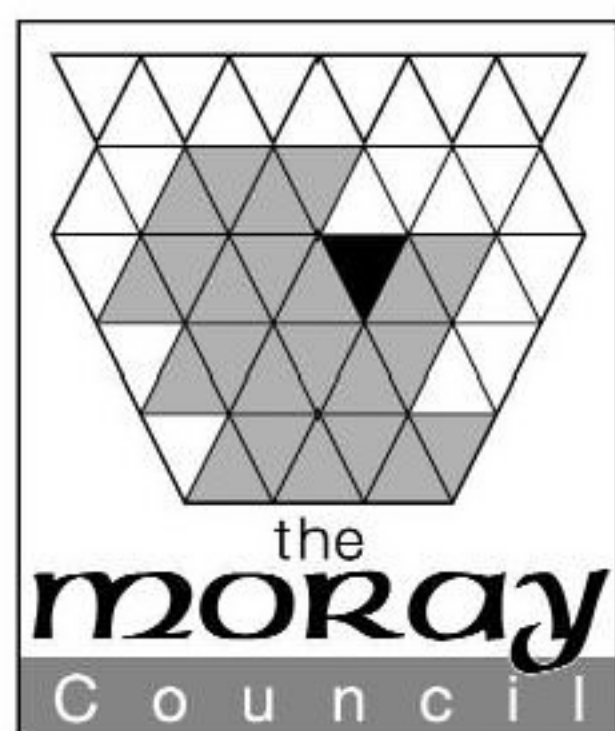
Declaration Name: Mr Steven Douglas

Declaration Date: 15/02/2017

Payment Details

Cheque: Patrician Properties Ltd, 001414

Created: 15/02/2017 09:05



**THE MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

**[Keith And Cullen]
Application for Planning Permission**

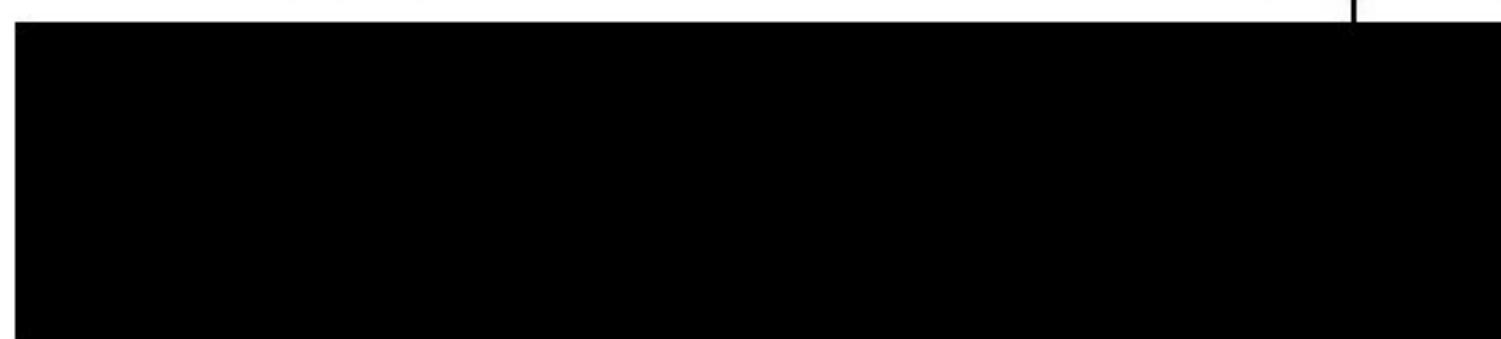
TO Mr John Webb
c/o George Douglas Architects
4 Mackenzie Place
Old Aberdeen
Aberdeen
United Kingdom
AB24 3EG

With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

Proposed alterations and first floor extension to existing bothy at Rose Haven Cottage 17 Lower Blantyre Street Cullen Buckie

and for the reason(s) set out in the attached schedule.

Date of Notice: **4 May 2017**



HEAD OF DEVELOPMENT SERVICES

Environmental Services Department
The Moray Council
Council Office
High Street
ELGIN
Moray
IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

By this Notice, the Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

The proposal is contrary to policies BE3, H4 and IMP1 of the Moray Local Development Plan (MLDP) 2015 for the following reasons:

1. The design, scale and proportions of the proposed flat roofed platform dormer will have an adverse effect on the appearance and character of the Conservation Area. As a result the development fails to preserve or enhance the established traditional character and appearance of the Conservation Area.
2. The proposed formation of a balcony with balustrading over existing flat roof extension would have a significant impact on overlooking and privacy issues for neighbouring properties.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

The following plans and drawings form part of the decision:-

Reference	Version	Title
3162_01		Location plan
3162 03		Proposed floors plans and elevations

**DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL,
AS AGREED WITH APPLICANT (S.32A of 1997 ACT)**

N/A

**NOTICE OF APPEAL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, The Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from www.eplanning.scot/eplanningClient

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 5 of the Town and Country Planning (Scotland) Act 1997.

Statement for Local Review on 17 Lower Blantyre Street, Cullen

The review is requested for 5 reasons;

1. A review in 2012 enabled an identical application which had previously refused under delegated powers to be approved following consideration by the Local Review Body. The original application, the review documents and subsequent reasoning and approval are all attached to this present application for review. In order to be consistent with previous decisions on this site the previous approval must be upheld. It is noted that there are new policies at national and local level, however, in this instance the policy from 2012 has been restated in the updated policy documents (e.g. Moray Local Development Plan 2015).
2. Notwithstanding the previous consent history for the site and looking in isolation at the two reasons for refusal they do not appear tenable. The reasons are provided as follows:
 - a. Design scale and proportions of the proposed flat roof platform dormer will have an adverse effect on the appearance and character of the conservation area.
 - b. The proposed formation of a balcony with balustrading over the existing flat roof extension would have a significant impact on overlooking and privacy issues for neighbouring properties.

Dealing with each reason in turn:

- The location and design of the flat roof dormer facilitates the overall restoration of a pitched roof on this property. The roof design as a whole respects the overall character of this part of the conservation area utilising traditional roofing materials and providing a scale and appearance onto Lower Blantyre Street which enhances the conservation area. Taking the proposal holistically, it is considered that it provides an attractive but practical solution and is an ultimate benefit and therefore enhancement to the conservation area and this part of Cullen.
 - The applicant owns the adjacent property and this bothy is ancillary to his property at 17 Lower Blantyre Street. Notwithstanding, even if they were in separate ownership it is considered that overlooking and privacy issues would be not be impacted. The existing lay out and configuration of the buildings, plus the means of separation between the gardens and the existing landscaping ensure that reasonable privacy would be maintained and that there would be minimal overlooking, similar to that from a rear window. In order, however, to address any concerns that might arise, the applicant is willing to accept conditions relating to raising the height of the balustrade and/ or creating it in opaque material to preclude vision.
3. Other sites nearby and within the conservation area have been granted planning permission for flat roof platform dormer windows. This includes the property immediately next door to the current site (i.e. 19 Lower Blantyre Street: phot attached). It is considered that as these have been considered acceptable that the proposed alterations should also be considered worthy of approval.

4. The overall proposal represents development and enhancement of an unattractive building with limited usefulness. It currently detracts from the conservation area.
5. The owner of the site has undertaken sensitive restoration and upgrading of a number of properties in Cullen over the last 10 years. In particular the two adjacent cottages are owned and used by the applicant and his family. These have been restored to the highest traditional and conservation standard using appropriate design, material and finishes. Restoring the bothy at 17 Lower Blantyre Street through, small extensions would enable this part of the Cullen conservation area to be very much enhanced and provide a positive and attractive frontage to the street.

It is important that the property is viewed and the proposal is taken in the context of the site as a whole, including the conservation area. The applicant and / or his agent are very happy to facilitate access into the property. It is also considered essential to view the surrounding area, including recent developments within the conservation area.