

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

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	ALEXANDER	Forename	ROD
Surname	BRUCE	Surname	ADCOCK
Company Name		Company Name	HIGHLAND DESIGNS
Building No./Name		Building No./Name	11
Address Line 1		Address Line 1	RYEBANK
Address Line 2		Address Line 2	GREENSIDE AVENUE
Town/City		Town/City	ROSEMARKIE
Postcode		Postcode	IV10 8XB
Telephone		Telephone	01381 621210
Mobile		Mobile	0771 9712174
Fax		Fax	01381 621210
Email		Email	rod@highlanddesigns.org.uk
3. Postal Address or Location of Proposed Development (please include postcode)			
<div style="border: 1px solid black; padding: 10px; text-align: center;"> 76 MAIN STREET BUCKIE AB56 1XT </div>			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
4. Type of Application			
What is the application for? Please select one of the following:			
Planning Permission	<input checked="" type="checkbox"/>		
Planning Permission in Principle	<input type="checkbox"/>		
Further Application*	<input type="checkbox"/>		
Application for Approval of Matters Specified in Conditions*	<input type="checkbox"/>		
Application for Mineral Works**	<input type="checkbox"/>		
NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.			
*Please provide a reference number of the previous application and date when permission was granted:			
Reference No:	<input type="text"/>	Date:	<input type="text"/>

****Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.**

5. Description of the Proposal

Please describe the proposal including any change of use:

KITCHEN / DINING AREA EXTENSION WITH
BALCONY OVER.

Is this a temporary permission?

Yes ☐ No ☒

If yes, please state how long permission is required for and why:

Have the works already been started or completed?

Yes ☐ No ☒

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

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

6. 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.:

7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):

Square Metre (sq.m.)

283

8. Existing Use

Please describe the current or most recent use:

DOMESTIC DWELLING

9. 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 arrangements for continuing or alternative public access.

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

1

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

1

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

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements?

Yes ☐ No ☒

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network

NO CHANGE

☐

No, proposing to make private drainage arrangements

☐

Not applicable – only arrangement for water supply required

☐

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway

☐

Discharge to watercourse(s) (including partial soakaway)

N/A

☐

Discharge to coastal waters

☐

Please show more details on your plans and supporting information

What private arrangements are you proposing?

Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)

N/A

☐

Other private drainage arrangement (such as a chemical toilets or composting toilets)

☐

Please show more details on your plans and supporting information.

NO CHANGE

Do your proposals make provision for sustainable drainage of surface water?

Yes ☐ No ☐

Note:- Please include details of SUDS arrangements on your plans

Are you proposing to connect to the public water supply network? *NO CHANGE* Yes ☐ No ☐

If no, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site)

11. Assessment of Flood Risk

Is the site within an area of known risk of flooding? Yes ☐ No ☒

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your planning authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? Yes ☐ No ☒ Don't Know ☐

If yes, briefly describe how the risk of flooding might be increased elsewhere.

12. 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.

13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling) Yes ☐ No ☐ *NO CHANGE*

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? Yes ☐ No ☒

If yes how many units do you propose in total?

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.

15. For all types of non housing development – new floorspace proposed

Does your proposal alter or create non-residential floorspace?

Yes ☐ No ☒

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes ☐ No ☒ Don't Know ☐

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

17. 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. The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

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:

Name:

Date:

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.



SITE PLAN

Scale: 1:200



LOCATION PLAN

Scale: 1:1250

REVISIONS

RECEIVED
29 FEB 2016

CLIENT

MR AND MRS A BRUCE

PROJECT

PROPOSED KITCHEN DINING AREA
WITH BALCONY OVER

DRG. TITLE

SITE AND LOCATION PLANS

DRAWN. RSA	DATE. 16-02-2016	SCALES. As shown
PROJECT Nr. QT 15/16/23	DRG. Nr. 03	REV.

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

REFUSED

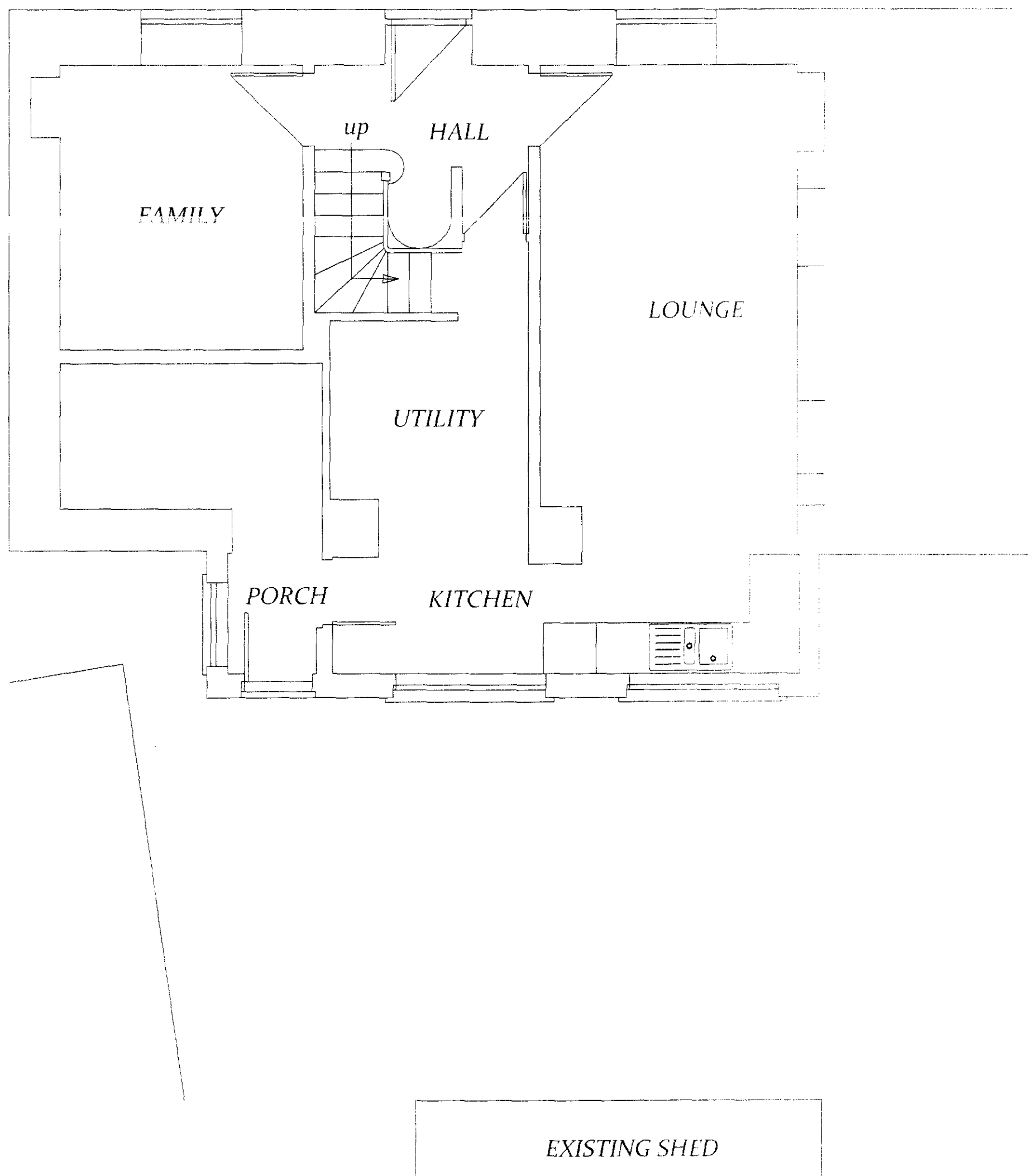
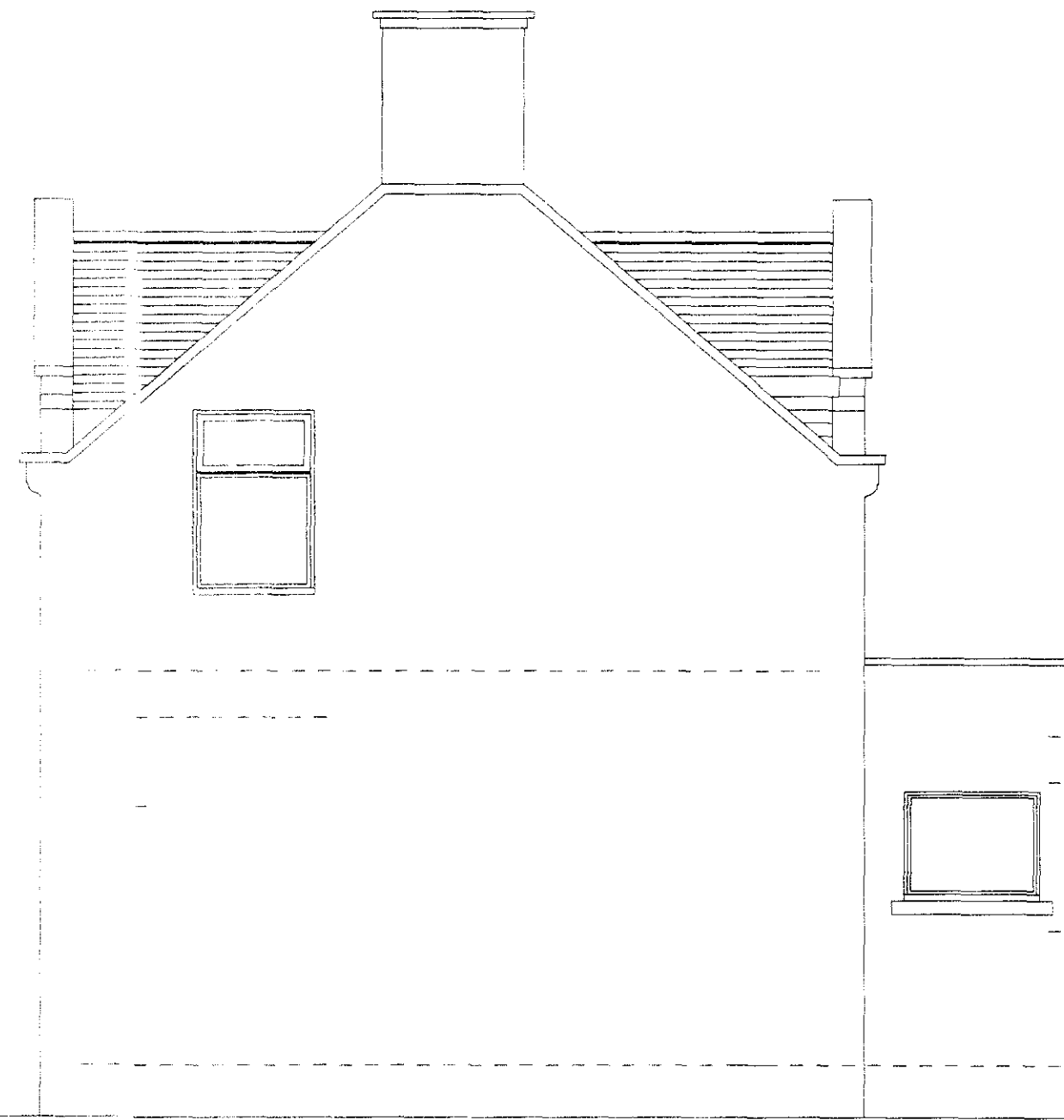
25/04/16

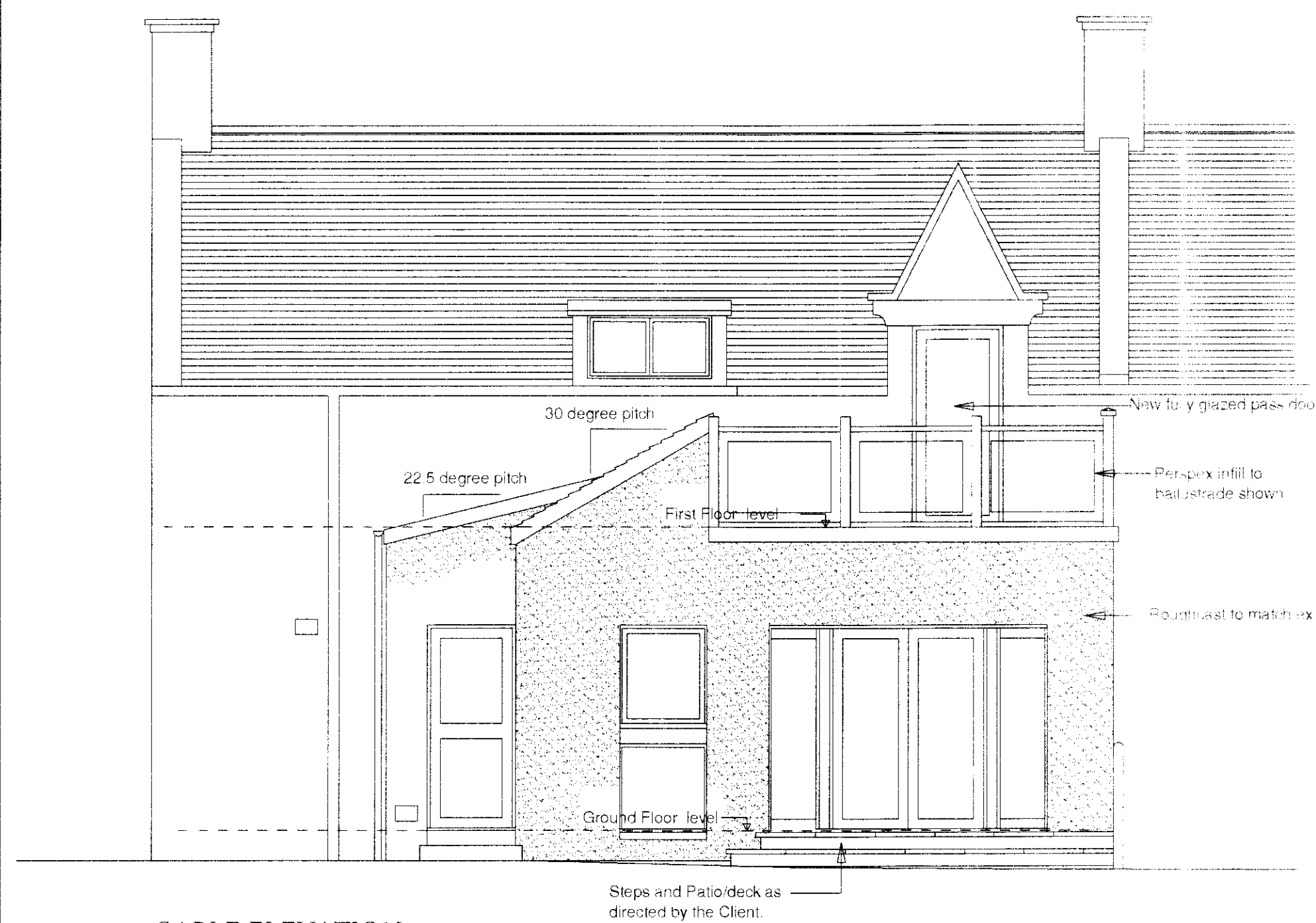
Development Management
Environmental Services
The Moray Council

16/00341/AP

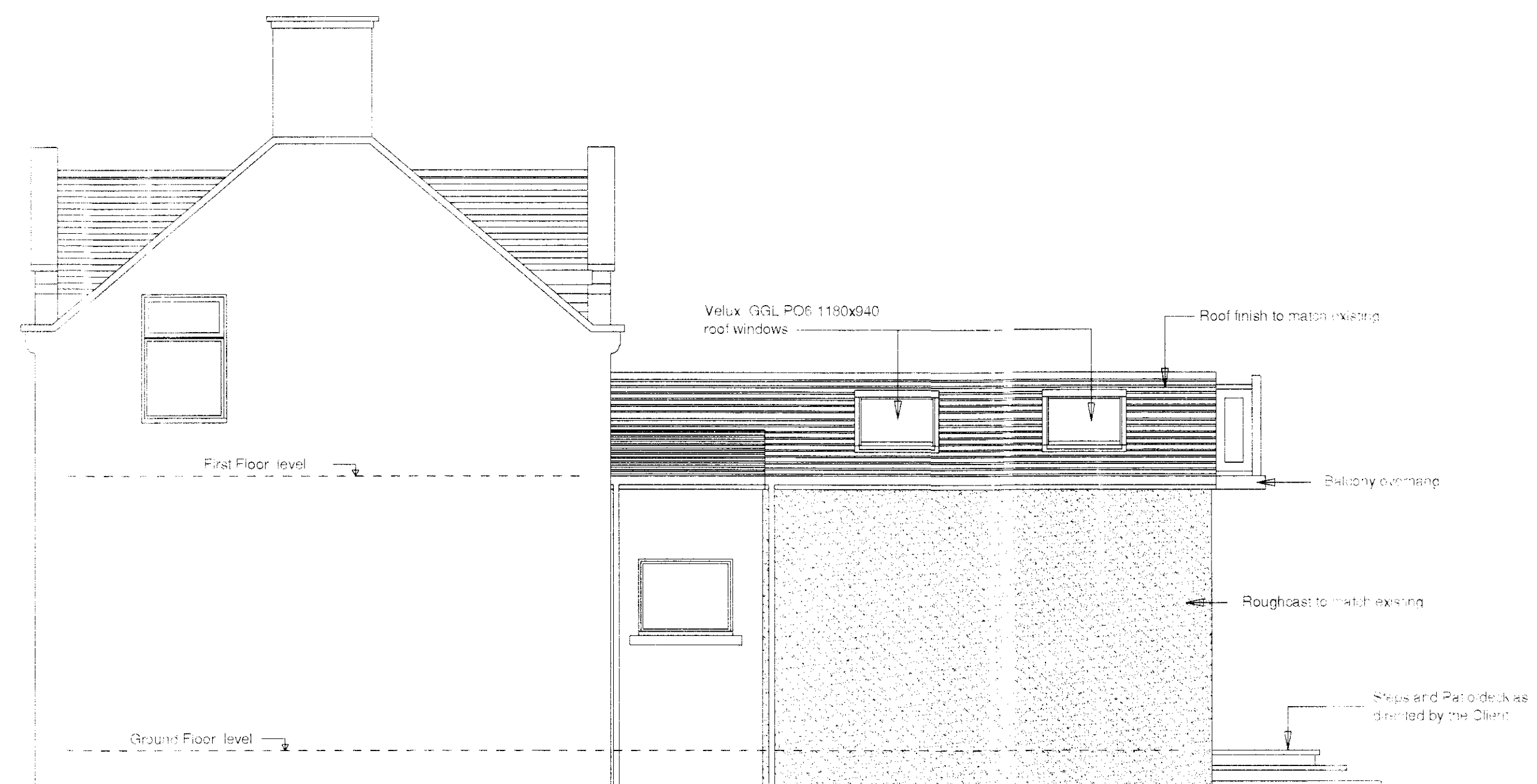
**HIGHLAND
DESIGNS**

Telephone/Fax: 01381 621210
Email: rod@ highlanddesigns.org.uk

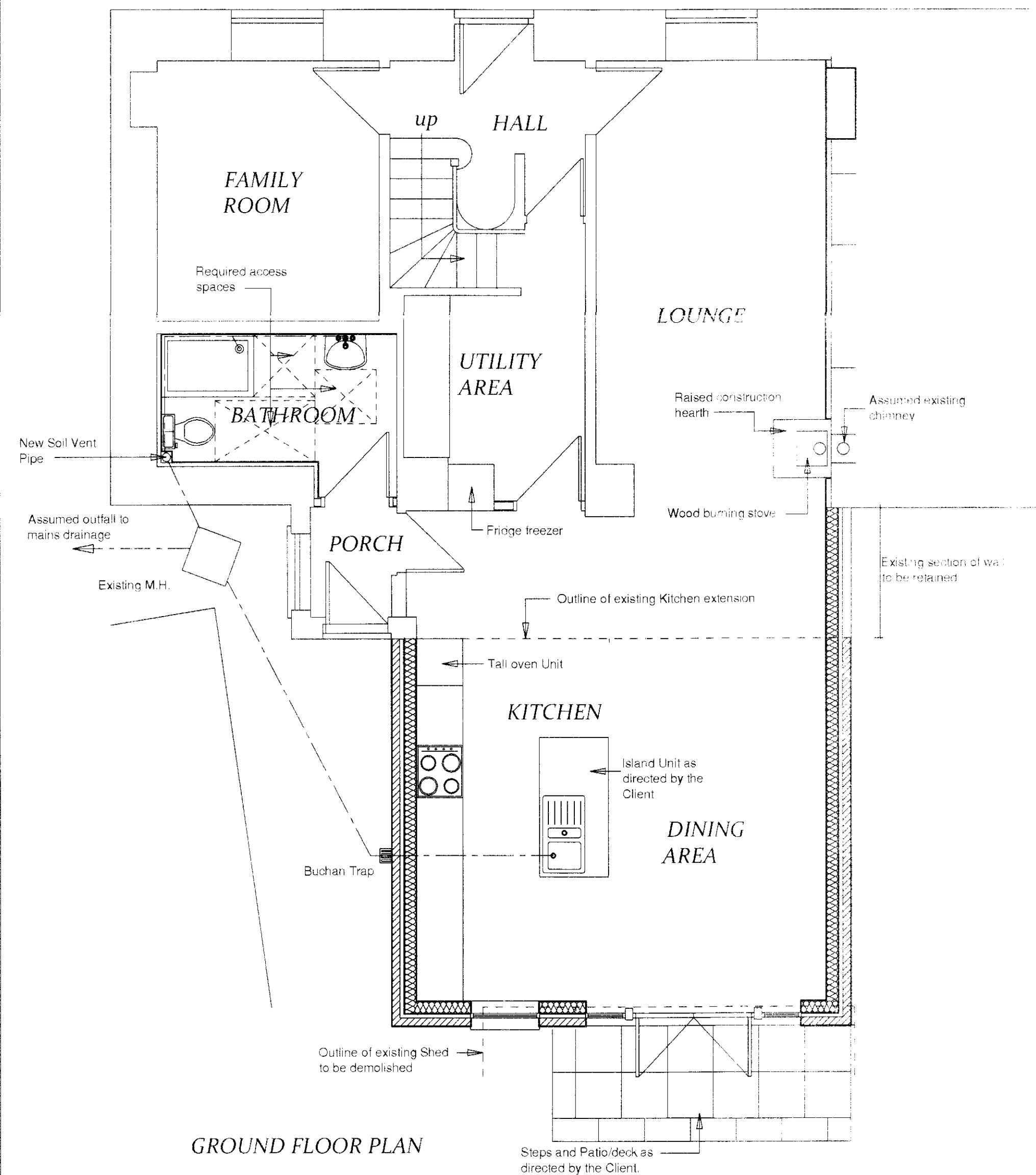




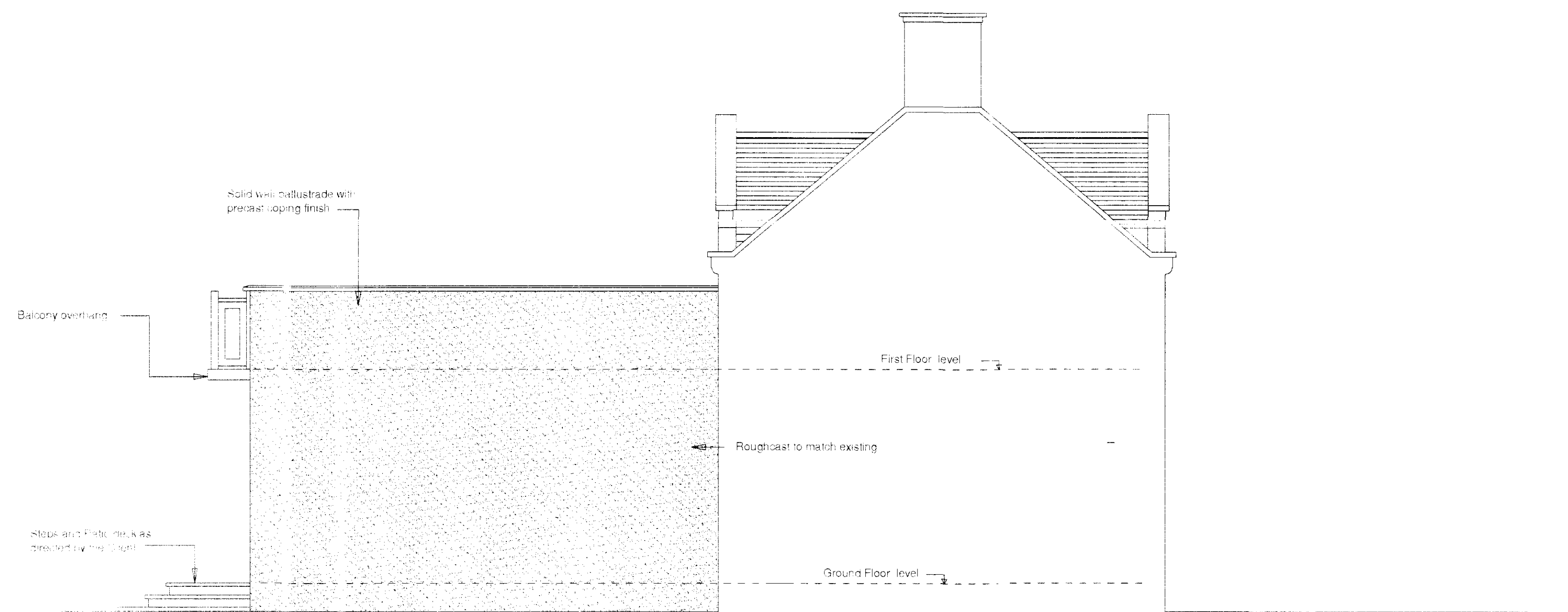
GABLE ELEVATION



EAST ELEVATION



GROUND FLOOR PLAN



WEST ELEVATION

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

REFUSED

25/04/16

Development Management
Environmental Services
The Moray Council

AMENDMENT	DETAILS	DATE	PROJECT TITLE	DRAWING DETAIL	ALL DRAWINGS SPECIFICATIONS AND DOCUMENTATION FOR THIS PROJECT REMAIN THE COPYRIGHT OF HIGHLAND DESIGNS	CLIENT
	RECEIVED 25 FEB 2016		PROPOSED KITCHEN AND DINING AREA EXTENSION BALCONY AND INTERNAL ALTERATIONS	PLANS AND ELEVATIONS AS PROPOSED	DATE 01/02/2016 PROJECT No QT 15/16/23	MR. AND MRS. A. BRUCE
					SCALES 1:50 DRG No 02	
					REVISIONS	



Telephone/Fax:
01381 621210
Email:
rca@highlanddesigns.org.uk

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	16th March 2016
Planning Authority Reference	16/00341/APP
Nature of Proposal (Description)	Proposed extension with balcony over at
Site	76 Main Street Buckie Moray AB56 1XT
Site Postcode	N/A
Site Gazetteer UPRN	000133022620
Proposal Location Easting	341561
Proposal Location Northing	865474
Area of application site (Ha)	m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=O3B2OQBG0CR00
Previous Application	
Date of Consultation	2nd March 2016
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Alexander Bruce
Applicant Organisation Name	
Applicant Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Agent Name	Highland Designs
Agent Organisation Name	
Agent Address	11 Ryebank Greenside Avenue ROSEMARKIE Ross-shire IV10 8XB
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Cathy Archibald
Case Officer Phone number	01343 563101
Case Officer email address	cathy.archibald@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Contaminated Land

Planning Application Ref. No: 16/00341/APP

Proposed extension with balcony over at 76 Main Street Buckie Moray AB56 1XT for Mr Alexander Bruce

I have the following comments to make on the application:-

- | | Please |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below | x
<input type="checkbox"/> |
| (b) I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal | x |
| (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below | <input type="checkbox"/> |
| (d) Further information is required in order to consider the application as set out below | <input type="checkbox"/> |

Reason(s) for objection

Condition(s)

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Adrian Muscutt
email address:
Consultee:

Date: 04/03/2016
Phone No

Return response to	consultation.planning@moray.gov.uk
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://public.moray.gov.uk/eplanning/> (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.

REPORT OF HANDLING

Ref No:	16/00341/APP	Officer:	Cathy Archibald
Proposal Description/ Address	Proposed extension with balcony over at 76 Main Street Buckie Moray AB56 1XT		
Date:	25/04/16	Typist Initials:	LRM

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Contaminated Land	04/03/16	No objection

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
H4: House Alterations and Extensions	N	
EP9: Contaminated Land	Y	Complies
IMP1: Developer Requirements	N	

REPRESENTATIONS

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

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The Proposal

The application proposes to demolish the existing blockwork outbuilding and erect a flat roofed single storey extension with patio doors and side lights; a balcony will be located on the flat roof at first floor level and accessed from the existing upper floor bedroom. The external material finishes are roughcast to match the house. A Perspex and balustrade would enclose the balcony on the north and western sides. The balcony also includes a small section that would protrude beyond the ground floor extension above the garden.

Site and Surrounds

The property is a detached traditional two storey house, located on the south side of the street at 76 Main Street Buckie, in an established residential street.

Section 25 of the Town and Country Planning (Scotland) etc. Act 2006 requires applications to be determined in accordance with the current Moray Local Development Plan 2015 unless material considerations indicate otherwise. The planning issues and policy implications for this proposal are the following:

Policy Assessment

Impact upon the surrounding locality (H4, IMP1)

The proposal is required to be assessed against Policy H4: House Alterations and Extensions and IMP1: Development Requirements in terms of style, scale, proportions, materials and the potential impact on the surrounding area. The main issue for consideration is whether the proposed extension will have any adverse effects or impacts on the amenity of the existing house and the surrounding area, including any neighbouring dwellings.

In this case, the design of the proposed single storey extension itself is considered to be acceptable in terms of size, scale and proportions relating to the existing dwelling (especially in light of the existing smaller flat roof element to the building). However, the proposed balcony would result in overlooking of neighbouring gardens from an elevated position and would result in an unacceptable loss of privacy to neighbouring properties rear gardens. The application as proposed would have an unacceptable adverse impact on the amenity of the surrounding area.

In an attempt to bring the application to a positive conclusion the Agent was emailed with a suggestion to amend the balcony to a 'Juliet' style balcony from the bedroom window which would have less of an overlooking and privacy impact on the neighbouring property. As the applicant, whilst willing to discuss the design further, did not wish the omission of the upper floor balcony, it was not considered expedient to pursue discussions further and the application will be considered as submitted.

Whilst it is noted that no representations were received, the Moray Local Development Plan 2015 policy IMP1 still requires proposals to be appropriate to the amenity of the surrounding area. The proposed balcony would needlessly intrude upon the privacy of adjoining rear gardens for an indefinite period, and this would in itself constitute a departure irrespective of presence of representations.

Recommendation

The proposal does not conform to the relevant policies in the Moray Local Development Plan 2015 as described above and therefore the application is recommended for refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
	Decision		Date Of Decision	

ADVERT

Advert Fee paid?	N/A		
Local Newspaper	Reason for Advert	Date of expiry	

DEVELOPER CONTRIBUTIONS (PGU)

Status	N/A
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DOCUMENTS, ASSESSMENTS etc. *

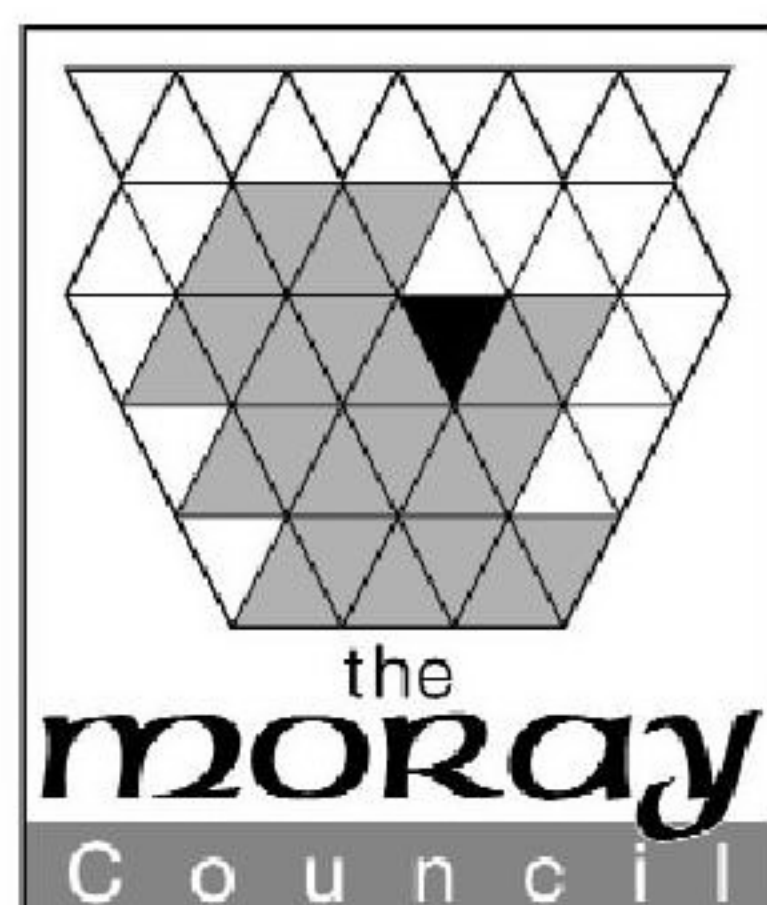
** Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc*

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)			

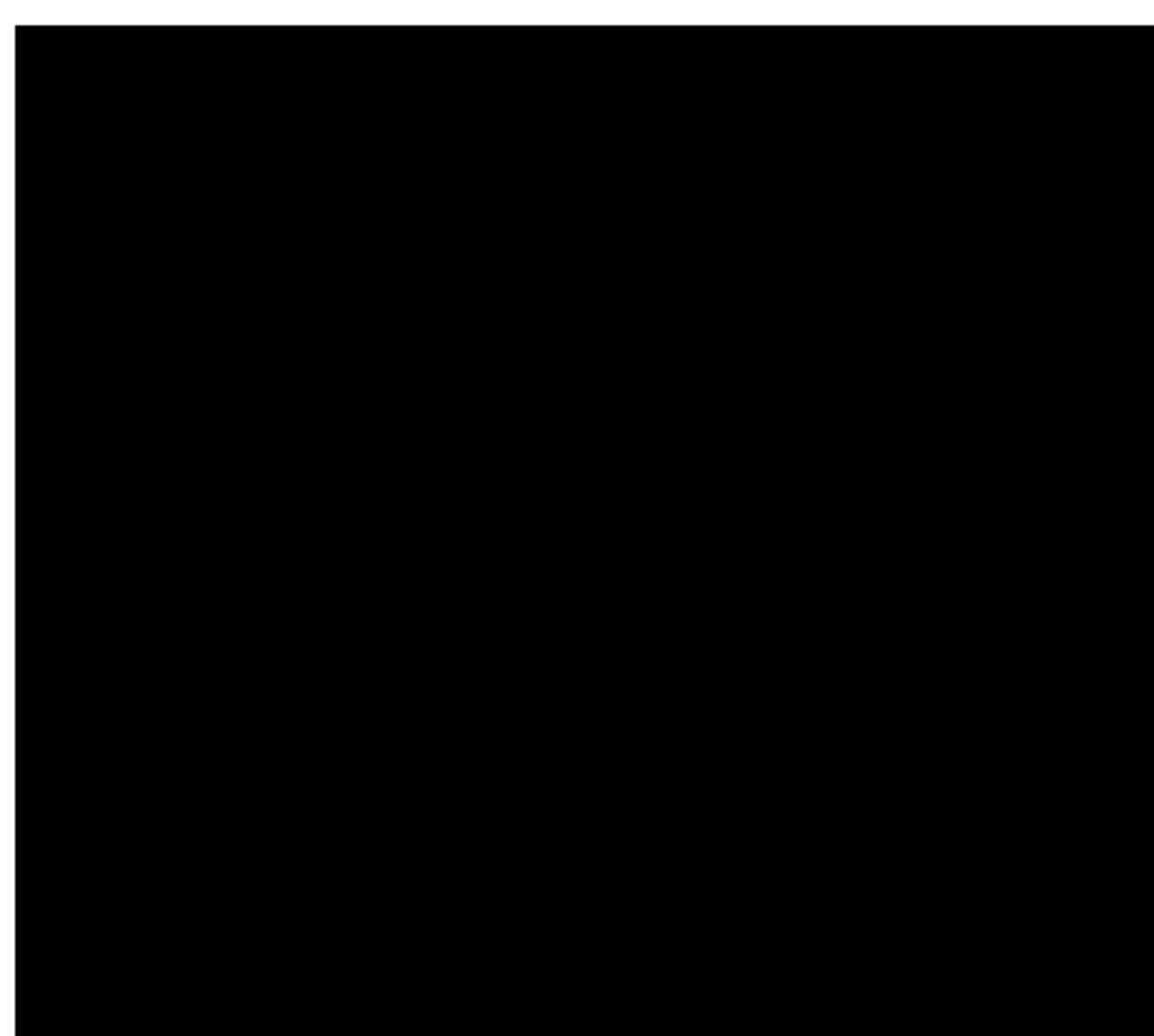


**THE MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

**[Buckie]
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 extension with balcony over at 76 Main Street Buckie Moray AB56 1XT

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

Date of Notice: **25th April 2016**



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 development is contrary to the adopted Moray Local Development Plan 2015 policies H4 and IMP1 in that the proposed balcony in this location would result in a detrimental loss of privacy/amenity to the rear gardens of neighbouring properties.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
03		Site and location plan
02		Proposed elevations and floor plan

**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.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.