



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 0300 1234561 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 100187021-001

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.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Proposed conversion of first floor of garage/workshop to holiday let

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

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:	Mantell Ritchie		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Michael	Building Name:	
Last Name: *	Ritchie	Building Number:	27A
Telephone Number: *	01261 812267	Address 1 (Street): *	High Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Banff
Fax Number:		Country: *	Scotland
		Postcode: *	AB45 1AN
Email Address: *	admin@mantellritchie.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr and Mrs	Building Name:	
First Name: *	Colin	Building Number:	17
Last Name: *	Addison	Address 1 (Street): *	Cathay Terrace
Company/Organisation		Address 2:	Cullen
Telephone Number: *		Town/City: *	Buckie
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB56 4RX
Fax Number:			
Email Address: *	admin@mantellritchie.co.uk		

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

17 CATHAY TERRACE

Address 2:

CULLEN

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

BUCKIE

Post Code:

AB56 4RX

Please identify/describe the location of the site or sites

Northing

866660

Easting

351317

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

915.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Garage/Workshop/Gym

Access and Parking

Are you proposing a new 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 propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting 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?

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 a reduced number of spaces)? *

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, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

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

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

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

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.

Waste Storage and Collection

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

If Yes or No, please provide further details: * (Max 500 characters)

Existing waste storage and recycling points will be retained

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

How many units do you propose in total? *

1

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

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

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: Michael Ritchie

On behalf of: Mr and Mrs Colin Addison

Date: 11/10/2019

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | | |
|--|------------------------------|---|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Michael Ritchie

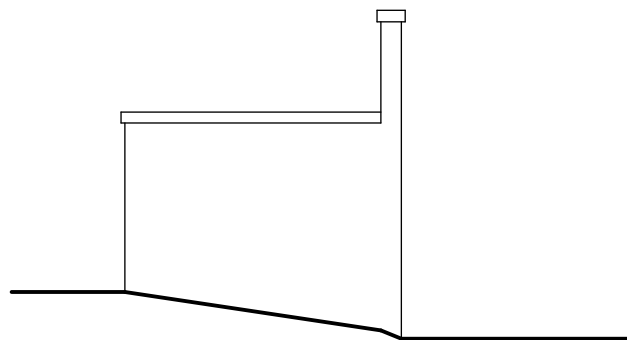
Declaration Date: 11/10/2019

Payment Details

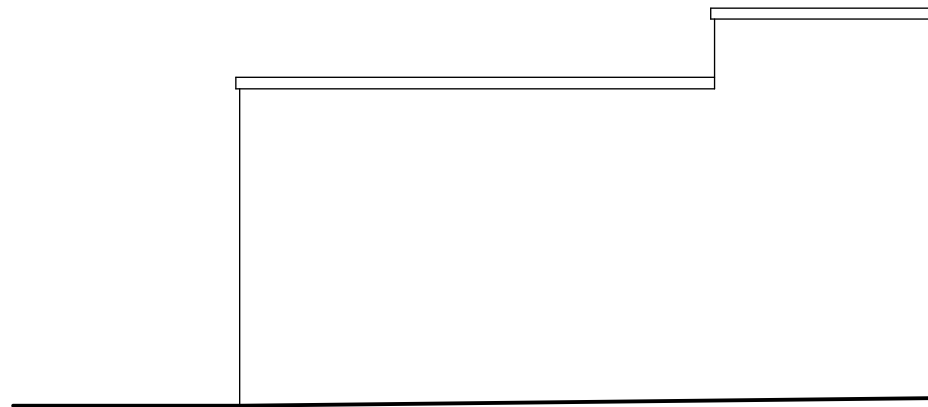
Online payment: 399367

Payment date: 11/10/2019 14:45:21

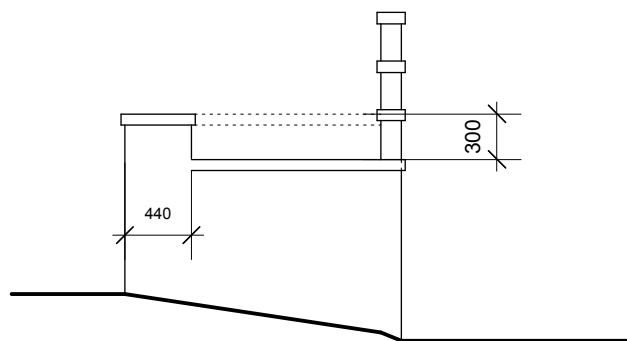
Created: 11/10/2019 14:45



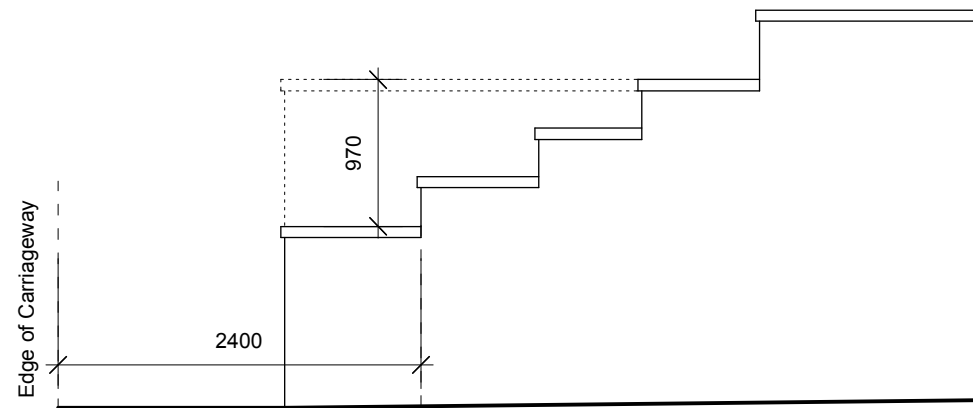
North-East Elevation : As Existing



North-West Elevation : As Existing



North-East Elevation : As Proposed



Wrt-West Elevation : As Proposed

No	Revisions	Date	Initials



Chartered Architects

27A High Street, BANFF,
AB45 1AN
Tel:- 01261 812267
Email:- admin@mantellritchie.co.uk
www.mantellritchie.com



Copyright of Mantell Ritchie , Chartered Architect.

project
**17 Cathay Terrace,
Cullen.**

Proposed Holiday Let

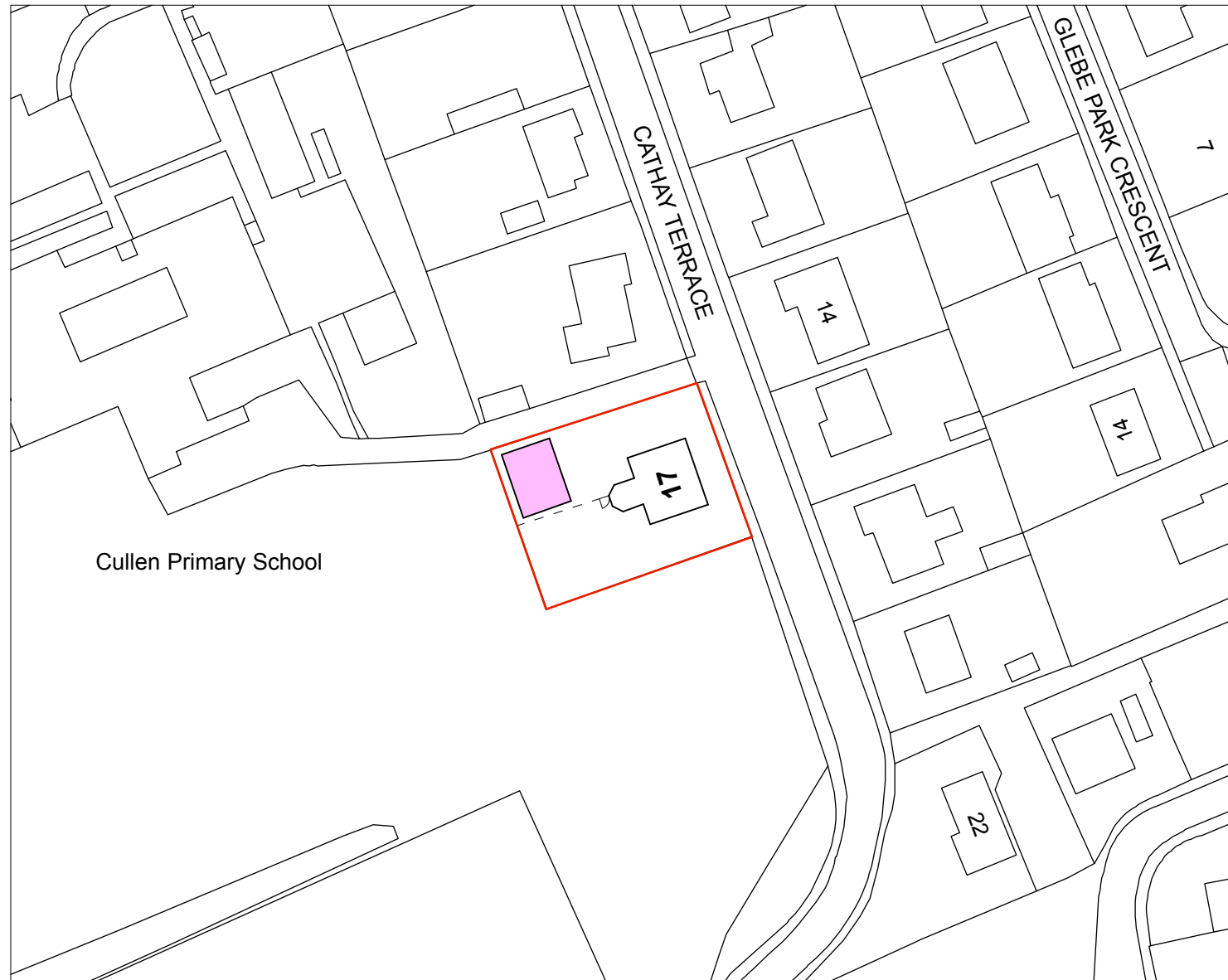
for
Mr + Mrs C Addison

content
Boundary Wall Proposals

scales
1:50

drawn by MR	size A3	date 25.11.19
-----------------------	-------------------	-------------------------

ref	19099	02
-----	--------------	-----------



Location Plan
1:1000

No	Revisions	Date	Initials



Chartered Architects

27A High Street, BANFF,
AB45 1AN
Tel:- 01261 812267
Fax:- (01261) 812554
Email:- admin@mantellritchie.co.uk
www.mantellritchie.com



Copyright of Mantell Ritchie , Chartered Architect.

project
**17 Cathay Terrace,
CULLEN**
Conversion of First Floor to
Holiday Accommodation
for
Mr C Addison

content
Location Plan

scales
1:1000

drawn by	size	date
MR	A3	10.10.19

ref **19099** **LP**



MANTELL RITCHIE

CHARTERED ARCHITECTS

Principal - Michael Ritchie, MSc, B.Arch, RIBA, ARIAS

admin@mantellritchie.co.uk

17 Cathay Terrace, Cullen

Proposed Change of Use of First Floor of Garage/Workshop to Holiday Let

Planning Ref No: 19/01290/APP

The proposed development is to convert the first floor of an existing building to holiday let accommodation. Therefore no actual development is required for the conversion and this will have no negative effect on the built and natural environment.

The building is already serviced – road access, drainage, water supply, etc so will have no impact on infrastructure.

The building being within Cullen is well located as Cullen is a recognised tourist attraction with plenty local services, shops, etc and Cullen Golf Club. The Moray Coast Trail also runs through Cullen.

The harbour is also reserved for uses related to recreational sailing and leisure to encourage more tourist and visitor activity within the town.

Consultation Request Notification – Building Standards

Planning Authority Name	Moray Council
Response Date	5th November 2019
Planning Authority Reference	19/01290/APP
Nature of Proposal (Description)	Change of use of first floor of garage/workshop to holiday let at
Site	17 Cathay Terrace Cullen Buckie Moray AB56 4RX
Site Postcode	N/A
Site Gazetteer UPRN	000133020540
Proposal Location Easting	351317
Proposal Location Northing	866660
Area of application site (M²)	915
Additional Comments	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PZCP1CBGKU300
Previous Application	17/00044/APP 16/01810/ID 15/01753/APP
Date of Consultation	22nd October 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mr and Mrs Colin Addison
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	Mantell Ritchie
Agent Organisation Name	
Agent Address	Architects 27 High Street BANFF AB45 1AN
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Shona Strachan
Case Officer Phone number	01343 563303
Case Officer email address	shona.strachan@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.

Data Protection - Moray Council is the data controller for this process. Information collected about you on this form will be used to process your Planning Application, and the Council has a duty to process your information fairly. Information we hold must be accurate, up to date, is kept only for as long as is necessary and is otherwise shared only where we are legally obliged to do so. You have a legal right to obtain details of the information that we hold about you.

For full terms please visit http://www.moray.gov.uk/moray_standard/page_121513.html

For full Data Protection policy, information and rights please see http://www.moray.gov.uk/moray_standard/page_119859.html

You can contact our Data Protection Officer at info@moray.gov.uk or 01343 562633 for more information.

Please respond using the attached form:-

MORAY COUNCIL PLANNING CONSULTATION RESPONSE

From: Building Standards

Planning Application Ref. No: 19/01290/APP

**Change of use of first floor of garage/workshop to holiday let at 17 Cathay Terrace
Cullen Buckie Moray for Mr and Mrs Colin Addison**

In terms of Building Warrant requirements.

- | | Please |
|--|-------------------------------------|
| (a) A Building Warrant is required | x |
| (b) A Building Warrant is not required (IBS008) | <input checked="" type="checkbox"/> |
| (c) A Building Warrant will not be required but must comply with Building Regulations.(IBS009) | <input type="checkbox"/> |
| (d) Comments | <input type="checkbox"/> |
| | |
| | |
| | |
| | |

Contact: Michael Andrew B(tech) MCIOB|Senior Building Standards Officer | Environmental Services Date...23/10/2019
michael.andrew@moray.gov.uk
01343 563293

Consultee: Building Standards

Return response to	consultation.planning@moray.gov.uk
---------------------------	---

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://publicaccess.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.

Consultee Comments for Planning Application 19/01290/APP

Application Summary

Application Number: 19/01290/APP

Address: 17 Cathay Terrace Cullen Buckie Moray AB56 4RX

Proposal: Change of use of first floor of garage/workshop to holiday let at

Case Officer: Shona Strachan

Consultee Details

Name: Mr EH Consultations

Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX

Email: ehplanning.consultations@moray.gov.uk

On Behalf Of: Environmental Health C12

Comments

Approved Unconditionally

Andrew Stewart

**MORAY COUNCIL
PLANNING CONSULTATION RESPONSE**

From: The Moray Council, Flood Risk Management
Planning Application Ref. No: 19/01290/APP

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 | <input checked="" type="checkbox"/> |
| (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"/> |

Contact: Leigh Moreton Date 25/10/19
email address: Leigh.moreton@moray.gov.uk Phone No 01343 563773

Consultee: The Moray Council, Flood Risk Management

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	5th November 2019
Planning Authority Reference	19/01290/APP
Nature of Proposal (Description)	Change of use of first floor of garage/workshop to holiday let at
Site	17 Cathay Terrace Cullen Buckie Moray AB56 4RX
Site Postcode	N/A
Site Gazetteer UPRN	000133020540
Proposal Location Easting	351317
Proposal Location Northing	866660
Area of application site (M²)	915
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PZCP1CBGKU300
Previous Application	17/00044/APP 16/01810/ID 15/01753/APP
Date of Consultation	22nd October 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mr and Mrs Colin Addison
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	Mantell Ritchie
Agent Organisation Name	
Agent Address	Architects 27 High Street BANFF AB45 1AN
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Shona Strachan
Case Officer Phone number	01343 563303
Case Officer email address	shona.strachan@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.

Data Protection - Moray Council is the data controller for this process. Information collected about you on this form will be used to process your Planning Application, and the Council has a duty to process your information fairly. Information we hold must be accurate, up to date, is kept only for as long as is necessary and is otherwise shared only where we are legally obliged to do so. You have a legal right to obtain details of the information that we hold about you.

For full terms please visit http://www.moray.gov.uk/moray_standard/page_121513.html

For full Data Protection policy, information and rights please see http://www.moray.gov.uk/moray_standard/page_119859.html

You can contact our Data Protection Officer at info@moray.gov.uk or 01343 562633 for more information.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 19/01290/APP

**Change of use of first floor of garage/workshop to holiday let at 17 Cathay Terrace Cullen
Buckie Moray for Mr and Mrs Colin Addison**

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

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

Condition(s)

1. Prior to first occupation of the holiday let the existing boundary wall fronting onto Cathay Terrace located between the existing access gate and the properties northern boundary shall be lowered to height of no greater than 1.0m for the first 2.4m measured from the edge of the public carriageway, in accordance with submitted drawing number 19099 Rev 2 titled 'Boundary Wall Proposals'.

Reason: To enable drivers of vehicles entering or exiting the site to have a clear view so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road.

2. Parking provision shall be as follows:
 - A minimum of 2 spaces retained for the dwelling
 - 1 space for the holiday let

The car parking spaces shall be provided within the site prior to the first occupation of the holiday lets. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the permanent availability of the level of parking necessary for residents/visitors/others in the interests of an acceptable development and road safety.

3. A turning area shall be retained within the curtilage of the site to enable vehicles to enter and exit in a forward gear.

Reason: To ensure the provision for vehicles to enter/exit in a forward gear in the interests of the safety and free flow of traffic on the public road

Further comment(s) to be passed to applicant

Planning consent does not carry with it the right to carry out works within the public road boundary.

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority

Contact: AG
email address: transport.develop@moray.gov.uk
Consultee: TRANSPORTATION

Date 02 December 2019

Return response to	consultation.planning@moray.gov.uk
---------------------------	---

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://publicaccess.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.

Comments for Planning Application 19/01290/APP

Application Summary

Application Number: 19/01290/APP

Address: 17 Cathay Terrace Cullen Buckie Moray AB56 4RX

Proposal: Change of use of first floor of garage/workshop to holiday let at

Case Officer: Shona Strachan

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Permission for a change of use for commercial purposes has already been refused in respect of this development.

What is being proposed constitutes a similar proposal viz. 'commercial purposes'

This application, therefore, should be refused.

05 NOV 2019

1 November 2019

Shona Strachan
Planning Officer
The Moray Council
Elgin IV30 9BX

Planning Application No. 19/01290/APP at 17Cathay Terrace Cullen

Dear Shona,

I refer to the above Application and write as a Neighbour to raise the following objections.

Site It appears that the residents at 17 Cathay Terrace have been constantly pushing the Planning boundaries to find a way of establishing some kind of commercial business in what was originally to be a replacement garage. (Please see Planning Applications (96/01424/FUL).and (14/00004/APP).

Residential Cathay Terrace is a quiet residential area in which the houses are mainly occupied by retired people.

The idea of a Holiday Let or any kind of commercial business is out of character with the area especially when that business is to be established in what was to be the first floor area of a garage.

What has changed to enable the Council to believe that a commercial business on that site is now acceptable when permission was refused only a little over a year ago? (Planning Application (17/00044/APP).

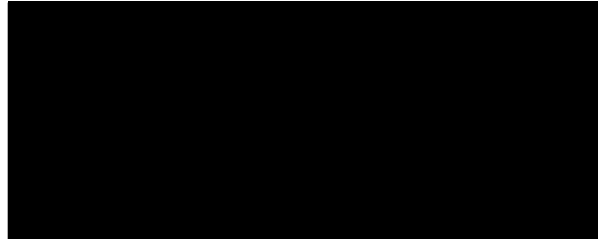
Privacy Although the proposed Holiday Let would be across the road and some 35 metres from our property the three large first floor dormer windows of the garage/storage area/holiday let would adversely affect our privacy as they would look directly into our front lounge.

Safety The driveways of Nos. 14, 15 and 17 Cathay Terrace all enter the street a few yards from each other. Additionally, a narrow lane separates No.15 from No.17. This lane is used by young Nursery/ Primary schoolchildren on their way to and from school. It is also the recognised entrance for commercial deliveries to the school kitchen and other service areas.

The visibility to the lane from 17 Cathay Terrace is partly obscured by a high wall separating the lane from the property. Any vehicle coming from 17 Cathay Terrace driven by a temporary resident could only increase the risk of injury to a young school child.

I submit that the Application be refused on the Above grounds.

Yours sincerely



REPORT OF HANDLING

Ref No:	19/01290/APP	Officer:	Shona Strachan
Proposal Description/ Address	Change of use of first floor of garage/workshop to holiday let at 17 Cathay Terrace Cullen Buckie Moray		
Date:	12.12.2019	Typist Initials:	LMC

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
Environmental Health Manager	23/10/19	No objection
Moray Flood Risk Management	25/10/19	No objection
Transportation Manager	02/12/19	No objection subject to conditions and informatives
Building Standards Manager	23/10/19	Response confirms that a Building Warrant is required

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP1: Sustainable Economic Growth		
PP3: Placemaking	Y	
ED8: Tourism Facilities and Accommodatio	Y	
EP5: Sustainable Urban Drainage Systems		
EP10: Foul Drainage		
T2: Provision of Access		
T5: Parking Standards		
IMP1: Developer Requirements	Y	
2020 Proposed Local Development Plan		
PP1 Placemaking		
PP2 Sustainable Economic Growth		

PP3 Infrastructure & Services		
DP1 Development Principles		
EP3 Special Landscape Areas and Landscap		

REPRESENTATIONS

Representations Received

YES

Total number of representations received: TWO

Names/Addresses of parties submitting representations

Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.

Summary and Assessment of main issues raised by representations

Issue: Permission for a change of use for commercial purposes has already been refused in respect of this development. What is being proposed constitutes a similar proposal viz. 'commercial purposes'. This application, therefore, should be refused.

Comments (PO): The contributor is referring to application 17/00044/APP which sought the change of use of domestic garage to commercial garage at this location. Application 17/00044/APP was refused because of the nature and type of commercial operation proposed which would have included heavy noise generating activity which is not compatible with the character and amenity of the area rather than because it was a commercial activity.

It is also important to note that all applications are assessed on their own individual merits against the requirements of the Local Development Plan.

Issue: The residents at 17 Cathay Terrace have been constantly pushing the planning boundaries to find a way of establishing some kind of commercial business in what was originally to be a replacement garage. The contributor references previous planning applications on the site.

Comments (PO): This is the personal opinion of the third party contributor and as such it is not possible to make any comments on this matter other than the applicant has always gone through a planning application process for the building and use of the garage building. Each application is assessed on its individual merits against the requirements of the Local Development Plan.

Issue: Cathay Terrace is a quiet residential area and as a result the use of the building as holiday accommodation is out of character with the area especially when the business is to be established in what is the first floor of a garage.

Comments (PO): The planning officer shares the concerns that the proposal is out of character with the area. This will be covered in more detail in the observations section of the assessment.

Issue: Privacy and overlooking concerns related to the three dormer windows which give rise to privacy and overlooking concerns for properties in the vicinity of the site.

Comments (PO): The existing building is located to the rear of the applicant's dwelling house, the design of which also includes a first floor dormer window opening therefore it can be reasonably concluded that the proposal would result in no more privacy or overlooking issues than there are currently.

Issue: Road Safety: the driveways of No.s 14, 15 and 17 Cathay Terrace all enter the street a few yards from each other. Additionally a narrow lane separates No.15 from No.17 with No.17 partly

obscured by a high wall separating the property from the lane. This lane is used by young Nursery/Primary School Children on their way to and from School. The lane is also used for deliveries for the School. Concerns are expressed that any vehicle coming from Cathay Terrace driven by a temporary resident could increase the risk of injury to a young school child.

Comments (PO): Subject to the lowering of the existing boundary wall the Transportation Service has raised no objection to the proposal on road safety grounds. As part of the application process the applicant/agent has submitted drawings which show how the wall would be lowered. The drawings have been accepted by Transportation and the lowering of the wall in line with the drawing could be ensured by condition. This this basis the proposal would be acceptable in relation to road safety requirements.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Legislative Requirements

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e. the adopted Moray Local Development Plan 2015 (MLDP) unless material considerations indicate otherwise. On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Moray Local Development Plan 2020 was approved as the "settled view" of the Council and minimal weight will be given to it, with the 2015 MLDP being the primary consideration.

Further consideration of the weight to be attached to the Proposed Local Development Plan was considered and agreed at the Planning and Regulatory Services Committee on 29th January 2019, with the Committee agreeing that between June/ August 2019 and adoption of the new LDP in mid-2020, the weight to be given to matters set out in the Proposed Plan will vary;

- Where matters set out in the Proposed Plan are subject to unresolved objections which will be considered through Examination, then those matters will continue to be given minimal weight as a material consideration in the development management process.
- Where matters set out in the Proposed Local Development Plan are not subject to unresolved objections, they will be given greater weight as a material consideration in the development management process.

The weight to be given will be considered on a case by case basis and will be agreed by the Development Management Manager and Development Plans Principal Planning Officer.

In this case the proposal is not subject to a designated site.

The main issues are considered below.

Proposal

Planning permission is sought for the change of use of first floor of garage/workshop to holiday let at 17 Cathay Terrace, Cullen.

The proposed change of use would entail the conversion of the first floor of the existing garage/workshop building to provide holiday accommodation comprising of one bedroom and an open plan area providing kitchen, dining and living space. The existing building is already serviced (e.g. water and drainage).

The Site and Surroundings

The change of use relates to an existing 1 ½ storey detached domestic garage (measuring 9.39m x 8.14m) located at the rear of the applicant's residential property, 17 Cathay Terrace.

The garage originally approved and built under reference 15/01753/APP. Under the terms of application 15/01753/APP planning permission was granted subject to a condition that the building was only to be used as part of the existing dwelling house for domestic purposes. The reason the condition was imposed was to retain control over the use of the building.

The site lies within an established residential area in the southern part of Cullen, which is characterised predominantly by bungalows set within spacious plots which enjoy a high level of amenity.

Neighbours' houses lie to the north across a small lane which provides rear access to the Cullen Primary School, and to the east and southeast on the other side of Cathay Terrace. The Cullen Primary School and playing fields lie to the west and south.

The closest neighbours' dwelling is located immediately to the north across the abovementioned lane, and the distance from the house to the garage is approximately 12 metres. Intervening boundary enclosure features include a blockwork wall, timber fence and shrub planting. Neighbouring housing located further away on the opposite side of Cathay Terrace lies approximately 35m from the domestic garage.

Planning History

As noted previously planning permission for the domestic garage was granted subject to condition under application 15/01753/APP as issued by decision on 23 October 2015.

A subsequent application for the proposed change of use of the domestic garage to a commercial garage was sought under application reference 17/00044/APP. This application was refused because the proposal would result in a significant loss of amenity and disturbance to neighbouring properties at this location due to the nature and characteristics of the operations involved (including metal cutting and joinery work) and because the submitted Noise Impact Assessment failed to satisfactorily demonstrate that the noise associated with the development will not adversely affect existing residential dwellings in the surrounding area on this basis the proposal was refused under Policies IMP1 and EP8.

The applicant sought a review of this case to the Local Review Body; the Local Review Body dismissed the request for review and upheld the original decision of the Appointed Officer to refuse application 17/00044/APP.

Policy Assessment

Impact of the Development on the Surrounding Area (ED8, IMP1 and PP3)

Policy ED8 Tourism Facilities and Accommodation: is generally supportive of proposal which contribute towards Moray's role as a tourist area. All proposals are required to:

- a) Be compatible with policies to protect and enhance the built and natural environment.
- b) Provide adequate infrastructure arrangements (e.g. roads, parking, water and drainage).
- c) Demonstrate a locational need for a specific site.

Policy IMP1 Development Requirements: Requires new development to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. This Policy also requires compatibility in terms of scale, density and character and requires new development to integrate into the surrounding area.

Policy PP3 Placemaking: promotes good design principles to create successful places and requires development proposals to contribute to the character and identity of the area.

The application has been supported by a 'locational justification' as required by Policy ED8. However, in this instance, the proposed holiday accommodation would occupy an existing domestic garage which is situated within a quiet residential area of Cullen which enjoys a high level of residential amenity. The proposal would result in the intensification of use of the domestic garage which was permitted and conditioned as an ancillary building to the existing dwelling house only. In terms of its physical presence on site, the garage is set to the rear of the existing dwelling house therefore, the proposal would create a form of backland development providing tourist accommodation which would be incongruous and detrimental to the character and amenity of the area; an area in which no other examples of such backland development exist. This exemplifies further how out of character the proposal would be in this particular residential area. On this basis the proposal represents an unacceptable form of development which would result in an inappropriate use of an existing domestic garage building at this location. The proposal is therefore fails to comply with Policies ED8, IMP1 and PP3 of the Moray Local Development Plan 2015.

Access and Parking (T2 and T5)

Subject to the lowering of the existing boundary wall the Transportation Service has raised no objection to the proposal on road safety grounds. As part of the application process the applicant/agent has submitted drawings which show how the wall would be altered (lowered) to satisfy visibility requirements and would be ensured by condition. Other conditions recommended by the Transportation Section include sufficient onsite parking and turning for both the holiday accommodation and existing dwelling. Based on these requirements, the proposal would satisfy the requirements of Policies T2 and T5. However, it is noted here that compliance with transport policies is separate from the main objection to this proposal in terms of its inappropriate siting/location.

Recommendation

The application is considered to represent an unacceptable development which would create an inappropriate use of an existing domestic garage building at this location and would fail to comply with the requisite Policies of the Moray Local Development Plan 2015. The application is therefore refused.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY				
Reference No.	Description			
17/00044/APP	Proposed change of use of domestic garage to commercial garage at 17 Cathay Terrace Cullen Buckie Moray AB56 4RX			
	Decision	Refuse	Date Of Decision	05/07/17
16/01810/ID	Operate business from home at 17 Cathay Terrace Cullen Buckie Moray AB56 4RX			
	Decision	Planning Permission Required	Date Of Decision	16/12/16
15/01753/APP	Proposed garage/workshop/gym at 17 Cathay Terrace Cullen Buckie Moray AB56 4RX			
	Decision	Permitted	Date Of Decision	23/10/15
	Proposed garage/workshop/gym at 17 Cathay Terrace Cullen Buckie Moray			

14/00001/APP	AB56 4RX			
	Decision	Permitted	Date Of Decision	18/03/14
03/02254/FUL	Erect new conservatory at 17 Cathay Terrace Cullen Buckie Banffshire AB56 2RX			
	Decision	Permitted	Date Of Decision	22/01/04
96/01424/FUL	Alter and extend existing dwelling and erect new garage at 17 Cathay Terrace Cullen Buckie Banffshire AB56 2RX			
	Decision	Permitted	Date Of Decision	10/09/96

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

DEVELOPER CONTRIBUTIONS (PGU)	
Status	N/A

DOCUMENTS, ASSESSMENTS etc. *		
* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Locational Justification	
Main Issues:	Seeks to support the proposal highlighting that there is no development work associated with the change of the use as the proposal relates to an existing building which is already serviced. The document also highlights the tourism that exists in Cullen as part of the justification for the proposal.	

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)			



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

REFUSAL OF PLANNING PERMISSION

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

TO

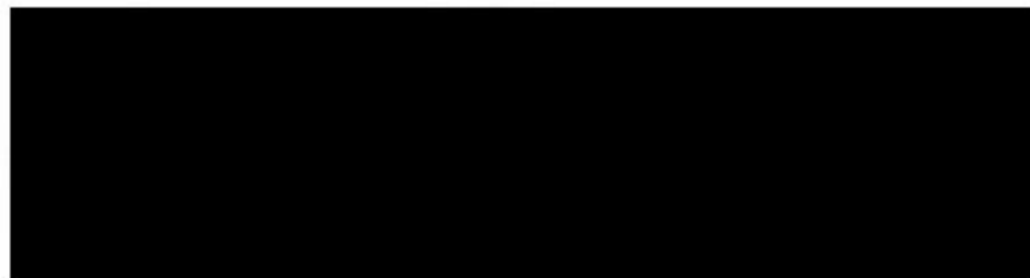


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

Change of use of first floor of garage/workshop to holiday let at 17 Cathay Terrace Cullen Buckie Moray

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

Date of Notice: **12 December 2019**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

Economy, Environment and Finance
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, Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

The proposal is contrary to the provisions of the adopted Moray Local Development Plan 2015 (Policies ED8, IMP1 and PP3) because:

The proposal would result in the intensification of use of an existing domestic garage (permitted and conditioned for ancillary domestic purposes only), resulting in a form of backland development providing tourist accommodation which would be incongruous and detrimental to the character and amenity of the area; an area in which no other examples of backland development exist, exemplifying further how out of character the proposal would be in this particular residential area. On this basis the proposal represents an unacceptable form of development which would result in an inappropriate use of an existing domestic garage building at this location. The proposal is therefore fails to comply with Policies ED8, IMP1 and PP3 of the Moray Local Development Plan 2015.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
19099 02		Boundary wall elevations
19099 01B		Floor plans, elevations, section, site and location plan
19099 LP		Location plan

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, 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.

