

HOUSEHOLDER 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://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR.	Ref No.	
Forename	MARTIN	Forename	
Surname	LUSTY	Surname	
Company Name		Company Name	
Building No./Name	71	Building No./Name	
Address Line 1		Address Line 1	
Address Line 2		Address Line 2	
Town/City	FINDHORN	Town/City	
Postcode	IV36 3YF	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	

3. Address or Location of Proposed Development (please include postcode)

71 FINDHORN IV36 3YF.

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:

INSTALL NEW THERMAL PANELS AND EXTERNAL WALL OPENINGS

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.

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?

1

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)

1

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 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

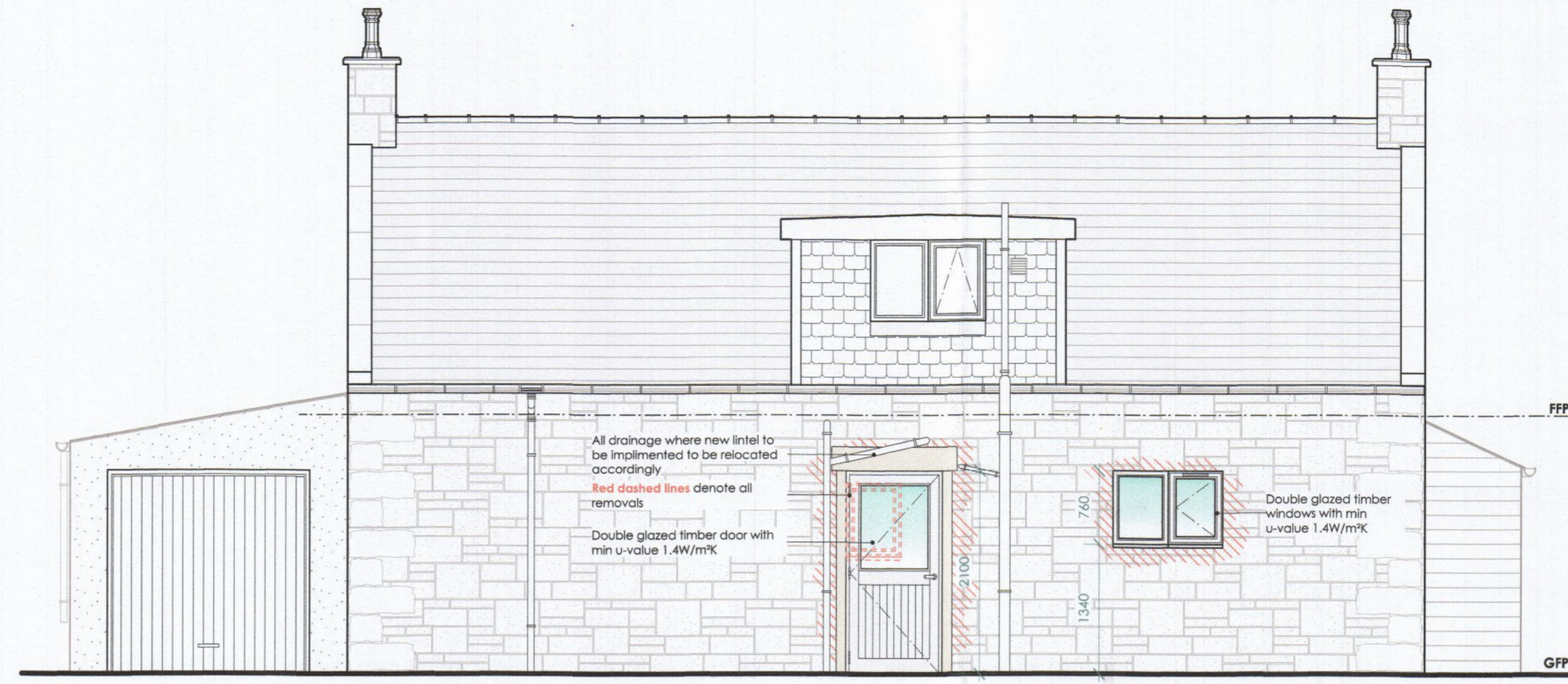
Signature:  Name: Date:

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

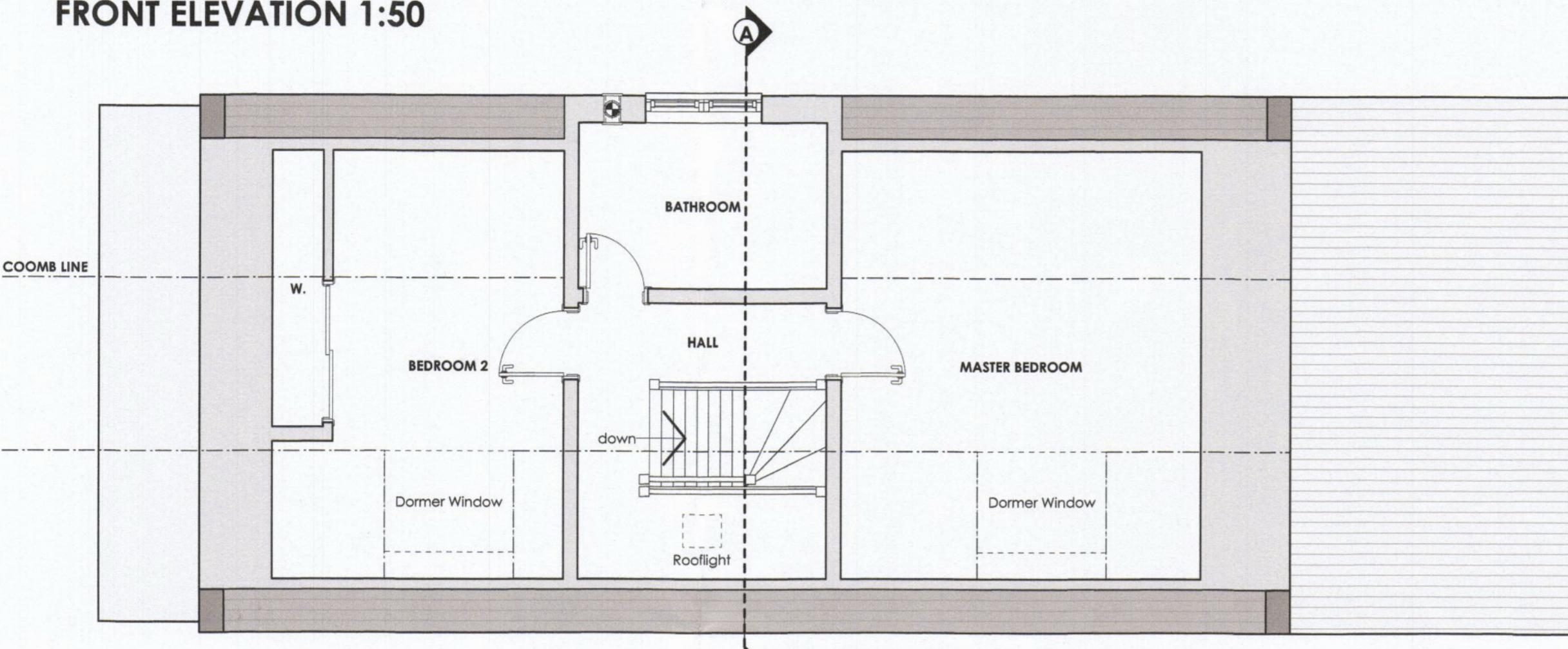
DO NOT SCALE OFF DRAWINGS. ALL SIZES ARE TO BE CHECKED, CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS/ORDERING OF MATERIALS. NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED. CONTRACTORS RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED DRAWINGS.
CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION.



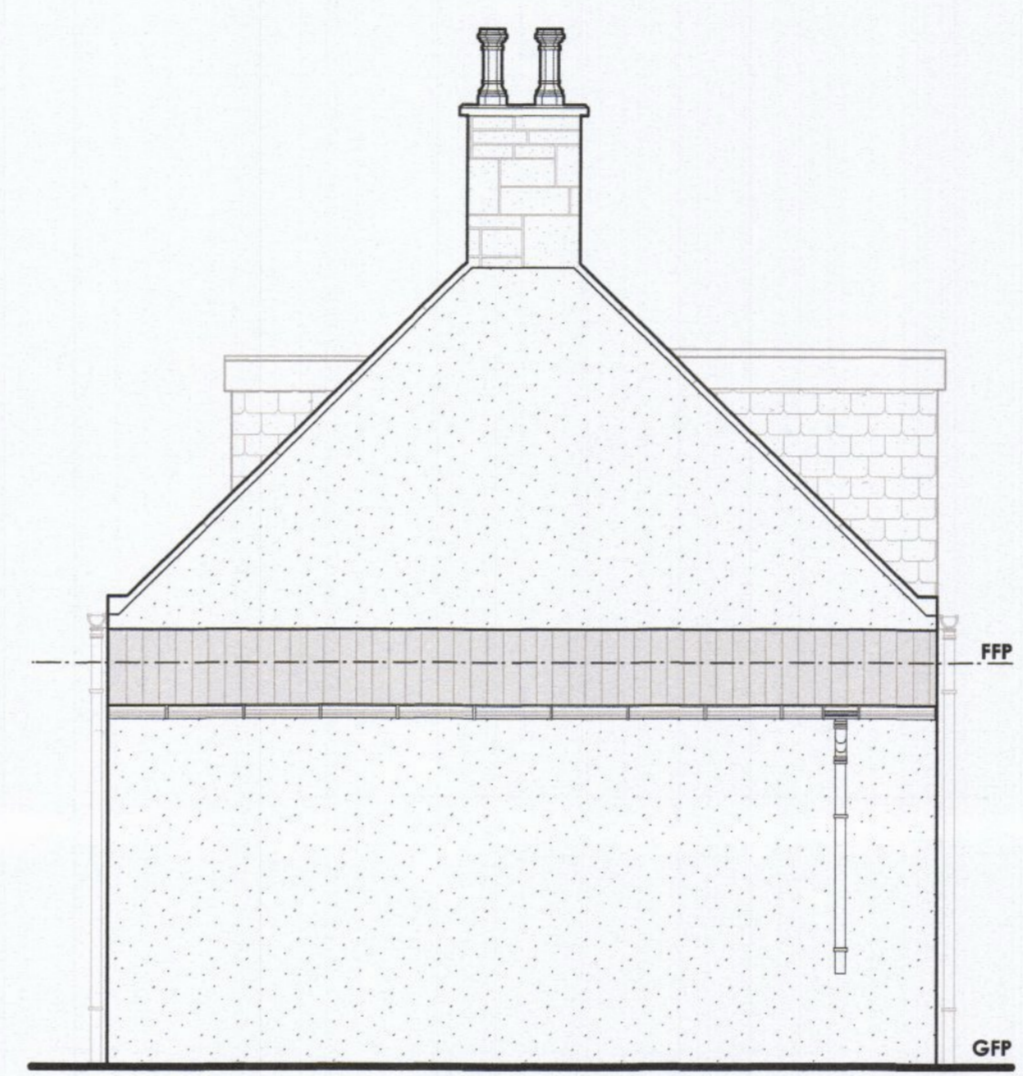
FRONT ELEVATION 1:50



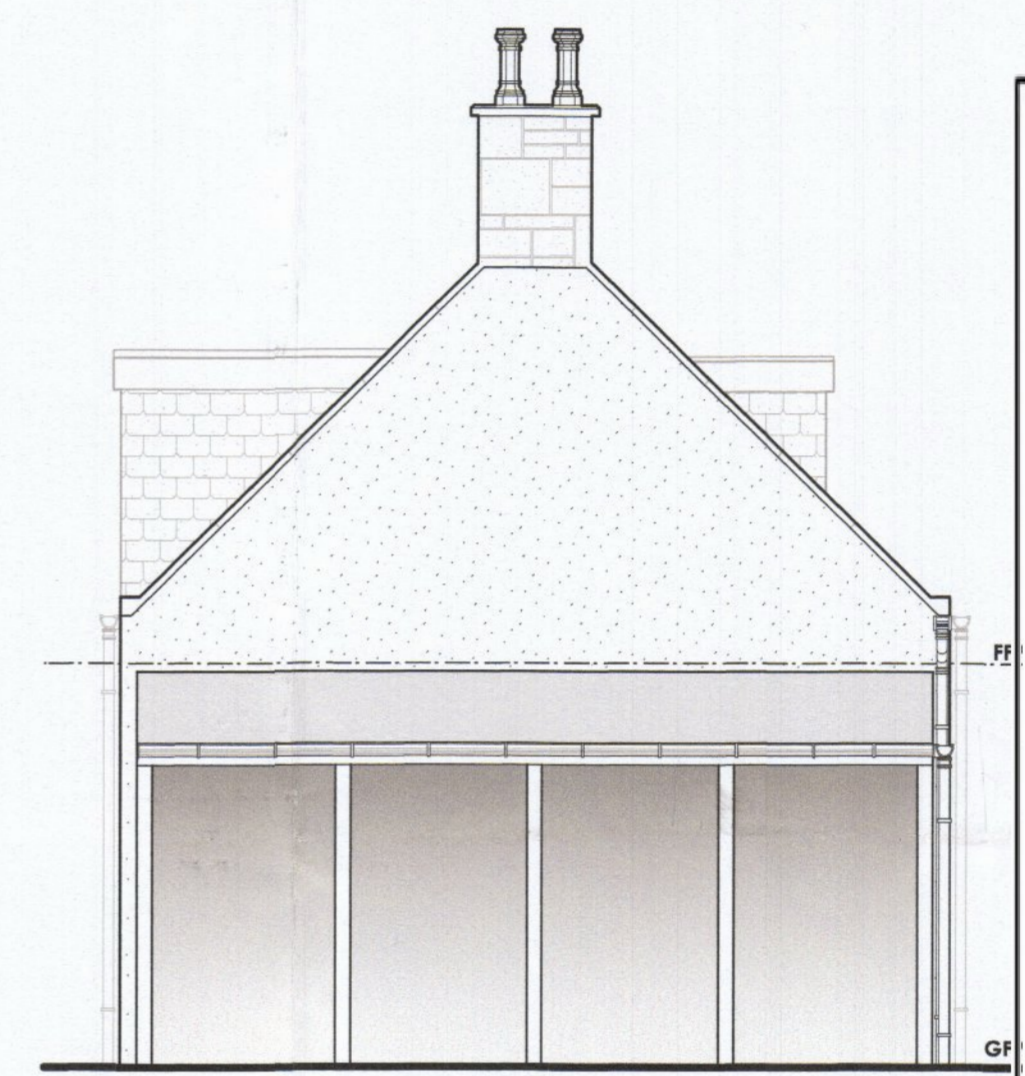
REAR ELEVATION 1:50



FIRST FLOOR ELEVATION 1:50
NO NEW WORKS



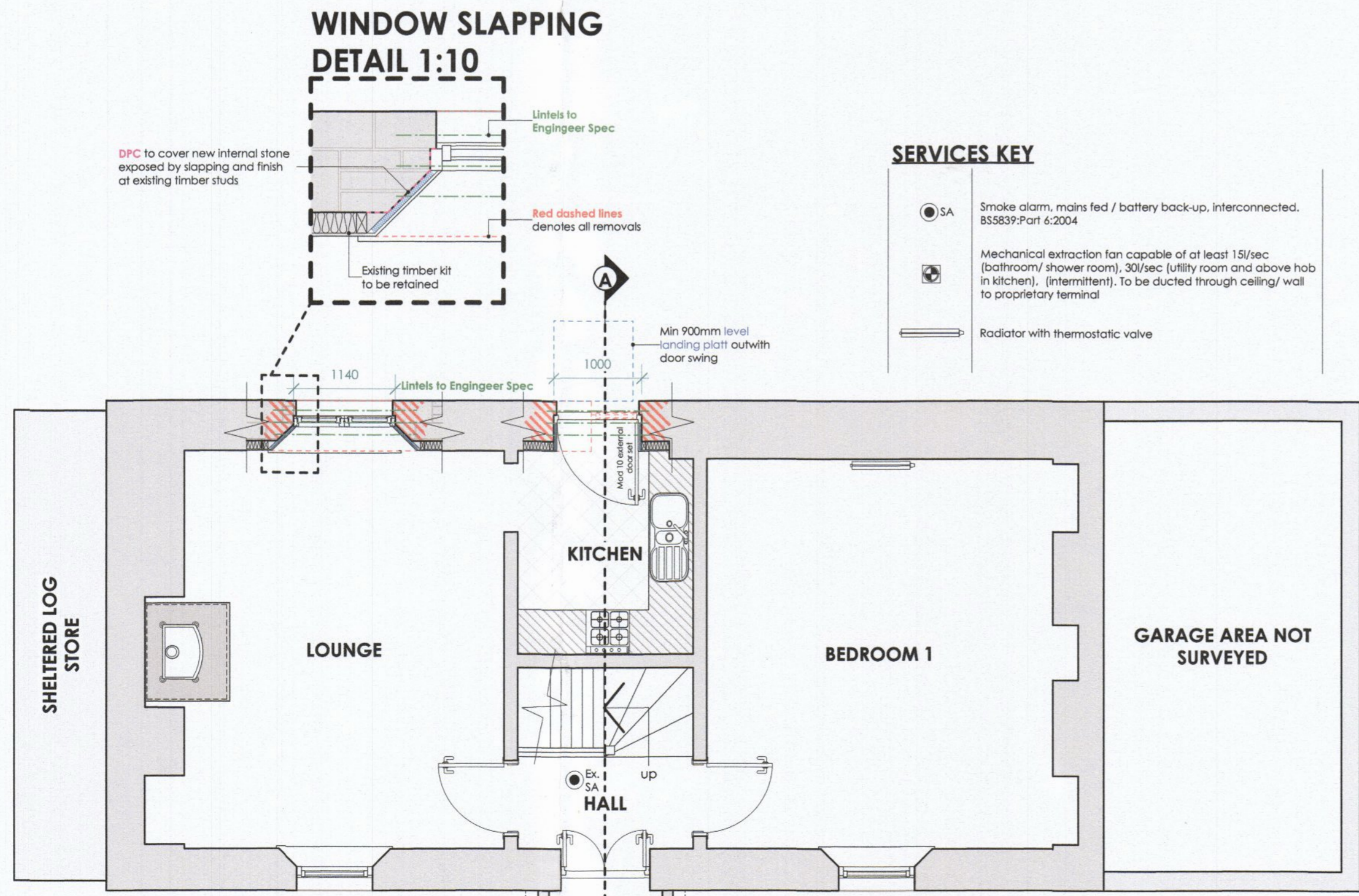
SIDE ELEVATION 1:50



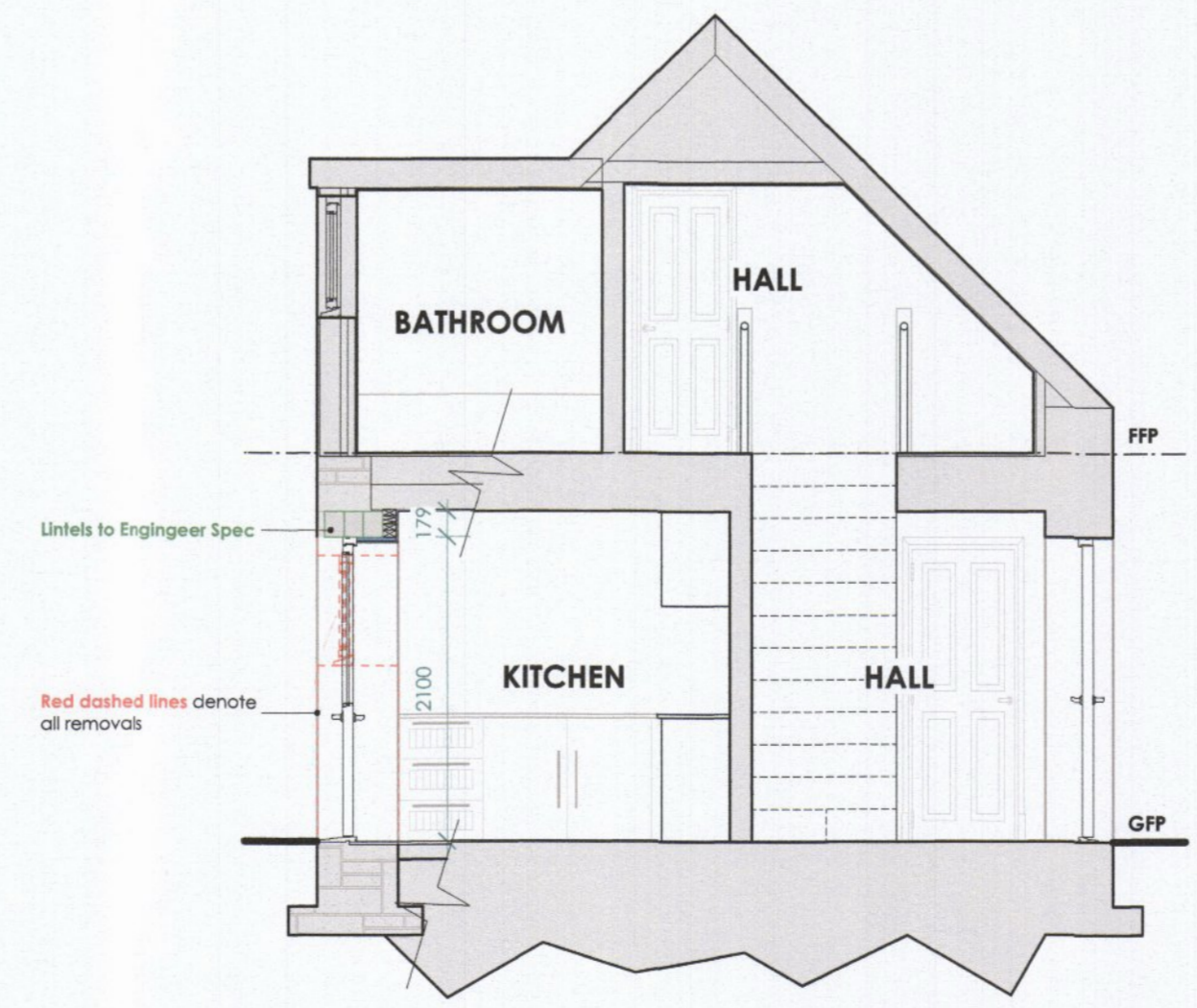
SIDE ELEVATION 1:50

Town & Country Planning (Scotland) Act, 1997 as amended
APPROVED
05 February 2020
Development Management
Environmental Services
The Moray Council

Boundary dimensions assumed to relate with existing buildings and fencelines.

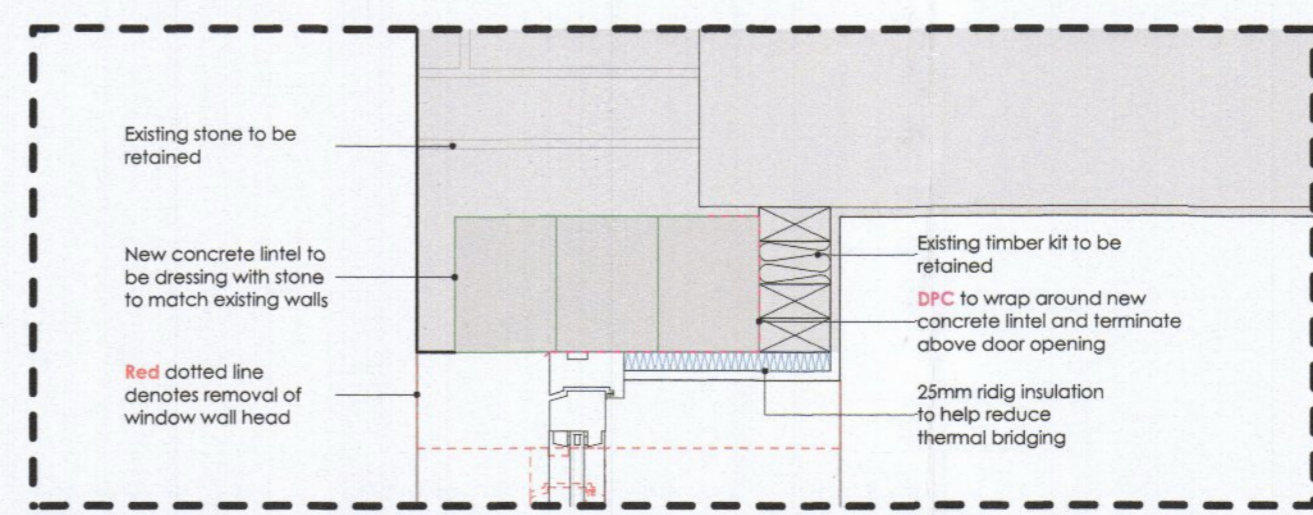


GROUND FLOOR ELEVATION 1:50



SECTION A-A 1:50

D.P.C.'s: To be 'Visqueen 2007'. D.P.C.s around inside faces of eills, lintels, and all openings to be pitch free Xtra Load Elite or similar.
WINDOWS: To be high performance timber windows with U-Value no greater than 1.4W/m²K. 4mm glazing, 16mm airspace, 4mm glazing all to be low 'E' glass (E=0.05). 1200mm² trickle ventilation to apartments and 10000mm² trickle ventilation to bathrooms, en-suites and kitchens. An operable window or rooflight, that provides natural ventilation to meet standard 3.14, should have controls for opening, positioned at least 350 mm from any internal corner, projecting wall or similar obstruction and at a height of:
• not more than 1.2 m above floor level, where access to controls is unobstructed; or
• not more than 1.5 m above floor level, where access to controls is limited by a fixed obstruction of not more than 900 mm high which projects not more than 600 mm in front of the position of the controls, such as a kitchen base unit. Where obstruction is greater, a remote means of opening, in an unobstructed location, should be provided; or
• not more than 1.2 m above floor level, in an unobstructed location, within an enhanced apartment (see clause 3.11.2) or within accessible sanitary accommodation (see clause 3.12.3) not provided with mechanical ventilation.



DOOR HEAD DETAIL 1:10

cmdesign architectural consultants

HEAD OFFICE - MORAY
31 Brendans, 69 South Guildry Street, Elgin, IV30 1QH
t 01343 540020

LOSSEMOUTH OFFICE
Ellel, James Street, Moray, IV30 4BX
t 01343 810175

HIGHLANDS
4 Bridge Street, Nairn, Highlands, IV12 4EJ
t 01467 300230
m 0781 3872818 w cmdesign.biz e office@cmdesign.biz

DEVON OFFICE
t 01392 345566

Mr. Lusty
New Thermal Panels & External Wall Openings at 71 Findhorn, IV36 3YF

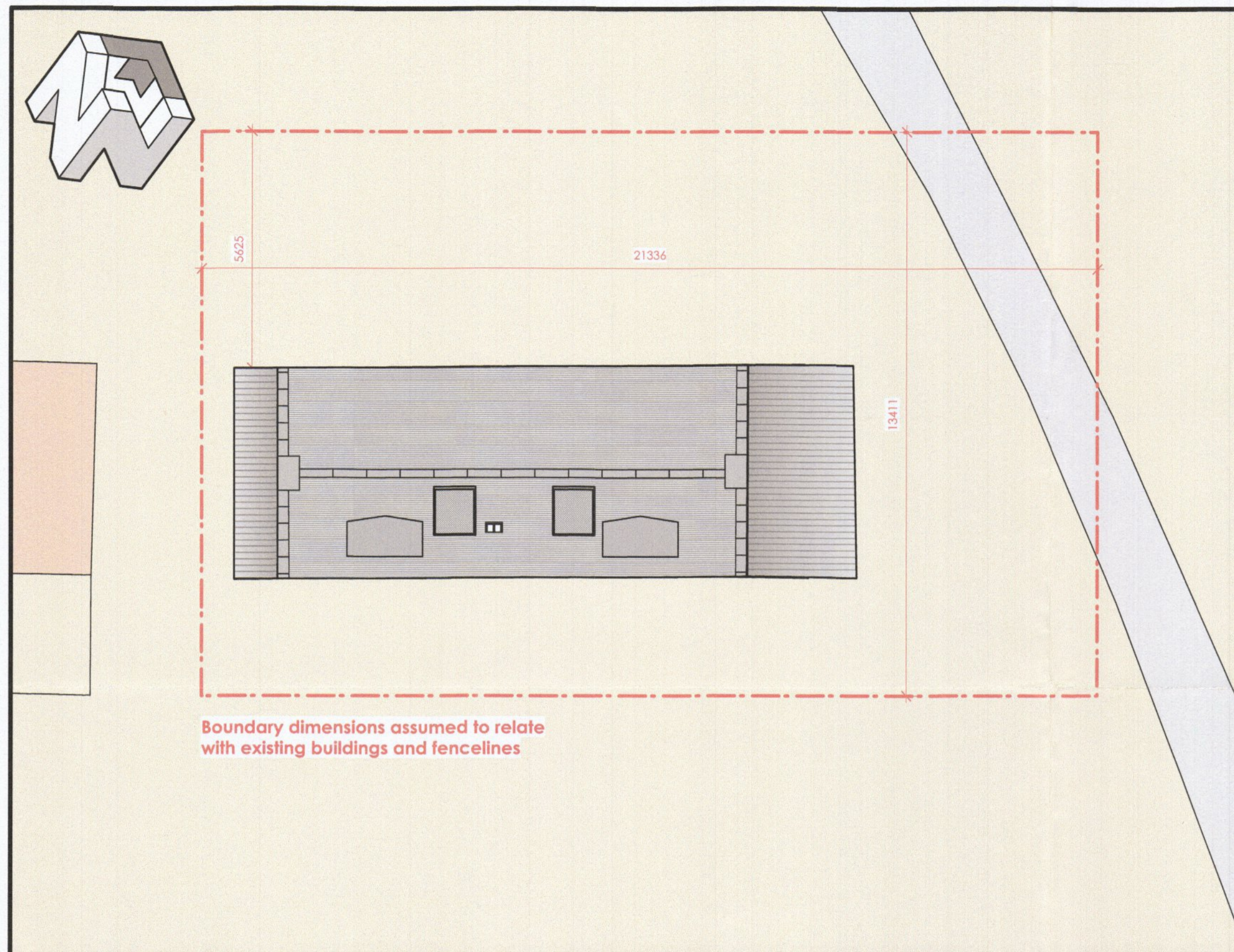
DETAILED PROPOSALS
Floor Plans, Section & Elevations

Date: 16.09.19 Amendments: 24.09.19 Planning Amends 1.11.19 Client amends
Drawn By: Dom Mella Date: 23.07.19 Checked By: Date:

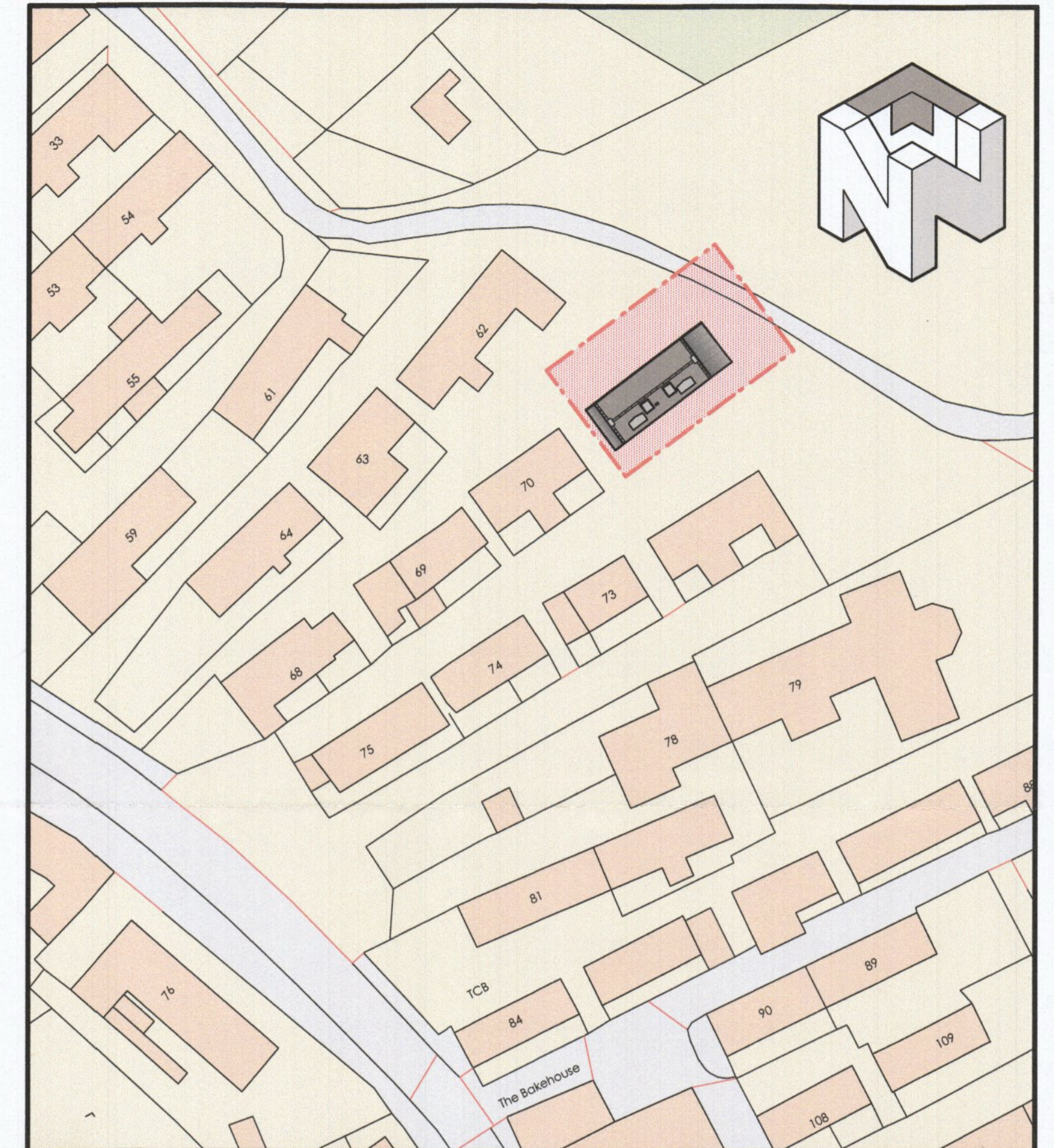
19062.LUSTY.03PB D

DO NOT SCALE OFF DRAWINGS. ALL SIZES ARE TO BE CHECKED CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS/ORDERING OF MATERIALS. NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED CONTRACTORS RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED DRAWINGS

CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION



SITE PLAN 1:100



LOCATION PLAN 1:500

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

APPROVED

05 February 2020

Development Management
Environmental Services
The Moray Council



19/01606/APP .11 DEC 2019

	HEAD OFFICE - MORAY St Brendans, 69 South Guildry Street, Elgin, IV30 1QN t 01343 540020	LOSSIEMOUTH OFFICE Elie, James Street, Moray, IV30 6BX t 01343 810175
	HIGHLANDS 4 Bridge Street, Nairn, Highlands, IV12 4EJ t 01667 300230 m 0781 3872818 w cmdesign.biz e office@cmdesign.biz	DEVON OFFICE t 01392 345566
Mr. Lusty		
New Thermal Panels & External Wall Openings at 71 Findhorn, IV36 3YF		
DETAILED PROPOSALS Location & Site Plan		
Date: 1.11.19	Amendments: Client amends	Rev: A
Drawn By: Dom Melia	Date: 25.07.19	Checked By:
190062.LUSTY.04PB A		

Comments for Planning Application 19/01606/APP

Application Summary

Application Number: 19/01606/APP

Address: 71 Findhorn Forres Moray IV36 3YF

Proposal: Install new thermal panels and external wall openings at

Case Officer: Craig Wilson

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Inadequate plans
- Procedures not followed correctly
- Road access

Comment: We own number [REDACTED] which we currently run as an affordable housing long term rental.

This is the third time we have placed the same objections to the developments at Number 71. This summer a fence was constructed which :

- Destroys the historic green strip - contrary to the Moray Local Plan and to the Conservation Area principles.
- Obstructs the 9-foot-wide right of way along the strip, impeding emergency access to our property.
- Obstructs access to number 63 for ordinary deliveries and maintenance.
- Due to its narrowing of the strip, disabled access is now impossible.

Following complaints from neighbours, FVCCC and Findhorn Community Council, Moray Council permitted the owner of number 63 to submit retrospective planning. We registered the same objections again to this. The planning application was withdrawn late into the consultation period by Mr Lusty who was given a further opportunity to re-submit an application. This new planning application makes no mention of the fence. We accept that the purpose of Planning is to encourage good practice and that it is not intended to be punitive. However considerable time and public money has been wasted on this and we are still stuck with the original problem and our objections are unchanged.

Comments for Planning Application 19/01606/APP

Application Summary

Application Number: 19/01606/APP

Address: 71 Findhorn Forres Moray IV36 3YF

Proposal: Install new thermal panels and external wall openings at

Case Officer: Craig Wilson

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Inadequate plans
- Legal issues
- Loss of privacy (being overlooked)
- Parking
- Permitted Development
- Poor design
- Precedent
- Procedures not followed correctly
- Road access
- View affected

Comment: I would like to object to the planning application made by Mr Lusty for the following reasons:

1) The boundary indicated encroaches on my land (Title Number MOR8814), and also the FVCC's land (Title Number MOR16171). This includes the area of most of the fence Mr Lusty has constructed. The fence Mr Lusty has erected without planning permission is not shown on this new planning application, nor has the fence been removed. Therefore the amended planning application does nothing to normalise the fence construction. The application does refer to "existing fencelines" however these are not specified or indicated on the location plan.

Accordingly, as per my previous objection as Title Holder, he does not have my consent to have a fence in that location.

2) Windows to the rear of houses in this part of the village are limited in order to provide privacy

to neighbours. If this application is granted it sets a precedent for large rear windows in properties in the conservation area.

3) The new door to Mr Lusty's kitchen is also out of keeping with the area - no houses have back doors into the strip-leys. Again this sets a precedent for the conservation area.

4) Both the new window and door overlook my house and straight into my lounge. It is only 8 metres away. This will affect my privacy greatly.

In summary if permission is granted it would alter the look of the conservation area, set a precedent for similar developments, and reduce the privacy my house currently enjoys.

It would not resolve the issue of the fence being constructed without planning permission, the necessity of which Mr Lusty continues to ignore.

Comments for Planning Application 19/01606/APP

Application Summary

Application Number: 19/01606/APP

Address: 71 Findhorn Forres Moray IV36 3YF

Proposal: Install new thermal panels and external wall openings at

Case Officer: Craig Wilson

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Legal issues
- Procedures not followed correctly

Comment: I notice that the fence Mr. Lusty has erected without permission is not now mentioned, despite the fact this is still an on-going issue that has not been resolved. This is STILL a huge concern of mine and needs to be given your full attention.

I have already placed 2 objections.

This is my third.

I back up my neighbours objections 100%. ([REDACTED]) and I will continue to strongly object to this fence which is blocking off our rightful access to the lane and creating a precedent for future unauthorised work in the village.

.

[REDACTED]

Comments for Planning Application 19/01606/APP

Application Summary

Application Number: 19/01606/APP

Address: 71 Findhorn Forres Moray IV36 3YF

Proposal: Install new thermal panels and external wall openings at

Case Officer: Craig Wilson

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Findhorn

Comment Details

Commenter Type: Civic Group

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inadequate plans
- Road access

Comment: The Findhorn Village Conservation Company (TFVCC) have commented on past application by Mr Lusty. The Board's concerns still stand that the feu plans of the property must be carefully examined as it appears that the boundaries of Mr Lusty's property are incorrect. The property boundaries are encompassing land that is owned by TFVCC.

TFVCC are also concerned that a fence has been erected, but it is not detailed in this planning application and as previously commented it is out of character within the stripley which is located in a conservation area. Historically the stripleys are a network of open green corridors which form public right of ways between the rows of traditional cottages and the Local Development plan demands the protection of this network.

REPORT OF HANDLING

Ref No:	19/01606/APP	Officer:	Craig Wilson
Proposal Description/ Address	Install new thermal panels and external wall openings at 71 Findhorn Forres Moray IV36 3YF		
Date:	05/02/20	Typist Initials:	FJA

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

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)

REPRESENTATIONS

Representations Received	YES
Total number of representations received FOUR	
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: - This is the third time we have placed the same objections to the developments at Number 71. This summer a fence was constructed which : Destroys the historic green strip - contrary to the Moray Local Plan and to the Conservation Area principles. <ul style="list-style-type: none">• Obstructs the 9 -foot- wide right of way along the strip. impeding emergency access to our property.• Obstructs access to number 63 for ordinary deliveries and maintenance.• Due to its narrowing of the strip, disable access is now impossible.	

- The boundary indicated encroaches on my land (Title Number MOR8814), and also the FVCC's land (Title Number MOR16171). This includes the area of most of the fence Mr Lusty has constructed. The fence Mr Lusty has erected without planning permission is not shown on this new planning application, nor has the fence been removed. Therefore the amended planning application does nothing to normalise the fence construction. The application does refer to "existing fencelines" however these are not specified or indicated on the location plan. Accordingly, as per my previous objection as Title Holder, he does not have my consent to have a fence in that location.
- TFVCC are also concerned that a fence has been erected, but it is not detailed in this planning application and as previously commented it is out of character within the stripley which is located in a conservation area. Historically the stripleys are a network of open green corridors which form public right of ways between the rows of traditional cottages and the Local Development plan demands the protection of this network.

Comments (PO): The previous application was withdrawn after the applicant was advised that the fence was unacceptable in its current form and location. A new application to amend the fence is being pursued and if this fails to materialise then formal enforcement action will be taken to seek its regularisation. This application is solely for a new window and door to the rear and solar panels to the front. For the avoidance of doubt, ownership of land is a private legal matter not a planning matter.

Issue: Windows to the rear of houses in this part of the village are limited in order to provide privacy to neighbours. If this application is granted it sets a precedent for large rear windows in properties in the conservation area.

Both the new window and door overlook my house and straight into my lounge. It is only 8 metres away. This will affect my privacy greatly.

Comments (PO): The proposed new window is small scale; it is not a large window and will therefore not set a precedent for large rear windows. In any case each case is assessed on its individual merits. In terms of privacy, it is not considered that the small window would result in a significant amenity loss, in terms of privacy or overlooking, to neighbouring property. The new window would result in mutual overlooking as windows from the objector's property face the applicants. A condition will be imposed that the window and door are obscure glazed.

Issue: The new door to Mr Lusty's kitchen is also out of keeping with the area - no houses have back doors into the stripleys. Again this sets a precedent for the conservation area.

Comments (PO): Doors located to the rear of cottages are features found elsewhere on other historic properties within the conservation area. The insertion of a door to the rear would not alter our understanding of the traditional cottages contribution to the conservation area within the context of its location at the end of a stripley. The proposal would therefore preserve and enhance rather than detract from the character of the conservation area

OBSERVATIONS – ASSESSMENT OF PROPOSAL

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.

On 25 June 2019 the Planning & Regulatory Services Committee agreed to give greater weight to sites within the proposed Plan which are not subject to the Examination process from 1 August 2019.

In this case the proposal is not subject to an allocated site.

The main issues are considered below

Impact of the development on the Listed Building and surrounding environment (Policy BE3, H4 & IMP1)

In considering an application for planning permission in a conservation area, current policy, in particular policy BE3, requires all new development to preserve and enhance the character and appearance of an area, to ensure that new development does not adversely affect the quality and experience of the area. The design of the new development should therefore be derived from a thorough understanding of the special qualities of the conservation area, which led to its designation in the first place

Policy H4 seeks to ensure that alterations and extensions do not adversely affect the appearance of the house and the surrounding area in terms of style, scale, proportions or materials.

IMP1 seeks to ensure that development proposals relate satisfactorily to their surroundings in terms of siting, design etc.

The site contains a small traditional fisherman's cottage with lean-to garage on eastern gable. The proposed alterations to the existing cottage will retain one of the earliest surviving structures within the conservation area and located at the eastern end of a strip they will maintain this pattern of development which contributes to the historic layout and understanding of the Findhorn Conservation Area.

In keeping with policy BE3, the proposal will retain the existing building and alter it by adding solar panels to the roof (south facing on front elevation) and inserting a door and small window to rear elevation. The window and door are to be timber and face onto the rear strip. The mix of materials - both old and new - is also found elsewhere and is considered acceptable for use within the Conservation Area.

It has been suggested in objections that the proposal will result in overlooking and create privacy issues. Essential to the determination of this application is the recognition of not only the architectural character of these properties, but also an appreciation of the spaces between them. The size of gardens, open space and proximity between buildings present in the Findhorn Conservation Area would be unacceptable in almost any other village. Therefore the expectations of space between buildings, amenity and privacy must be assessed within the context of a very dense, organic layout of buildings all at varying heights. The spacing between the proposed house and neighbouring properties is directly comparable to dozens of other nearby properties and the strips/lanes dividing them. Windows to the front and rear of properties face on the public lanes and essentially face each other. A small window to the rear of 71 Findhorn already exists. This is to be replaced with a door and a new window slapped in to serve kitchen area to allow light in.

It is not considered that the small window would result in a significant amenity loss, in terms of privacy or overlooking, to neighbouring property. The new window would result in mutual overlooking as windows from the objector's property face the applicants. However the justification for the window is to let light into the lounge area, a condition will therefore be imposed that the new window is obscure glazed. On this basis, there is no sufficient justification to refuse the application in terms of impact on privacy or overlooking grounds.

The window and door located to the rear of cottages are features found on other historic properties within the conservation area. In any case, the insertion of a door to the rear would not alter our understanding of the traditional cottages contribution to the conservation area within the context of its location at the end of a strip. The proposal would therefore preserve and enhance rather than

detract from the character of the conservation area.

Overall, the alterations are considered to be acceptable and as such the proposal will not adversely affect but enhance and contribute in a positive manner to the character and appearance of the Conservation Area in which it is located. The proposal is therefore acceptable in terms of policy BE3, H4 and IMP1.

It is recommended that permission be granted for this development.

REASON(S) FOR DECISION

The Council's reason(s) for making this decision are:-

The design, scale and materials are considered to be acceptable for the location without creating an adverse effect on the character and appearance of the Conservation area or neighbouring amenity. The application would therefore accord with development plan policies and supplementary planning guidance relating to those matters.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

HISTORY			
Reference No.	Description		
19/01101/APP	Install thermal panels erect new fence line and external wall slapping at 71 Findhorn Forres Moray IV36 3YF		
	Decision	Withdrawn	Date Of Decision
97/01536/FUL	Construct timber store on western gable of cottage at 71 Findhorn Forres Moray IV36 3YF		
	Decision	Permitted	Date Of Decision

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Forres Gazette	Planning application affecting LB/CA	16/01/20
PINS	Planning application affecting LB/CA	16/01/20

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
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Summary of main issues raised in each statement/assessment/report

Document Name:

Main Issues:

S.75 AGREEMENT

Application subject to S.75 Agreement		NO
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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)

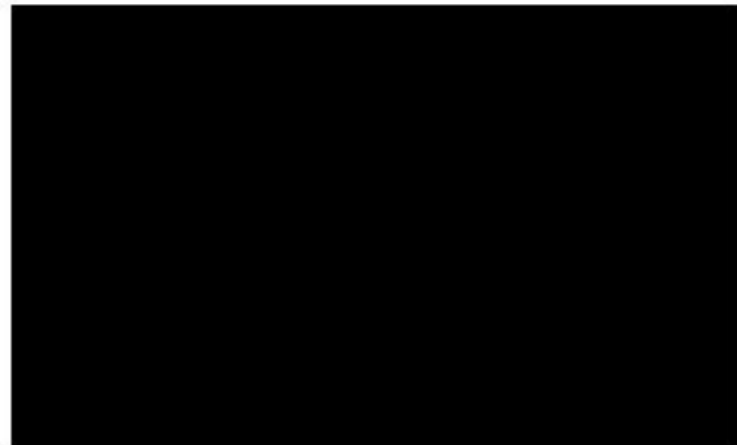


MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended

PERMISSION FOR DEVELOPMENT

[Forres]
Application for Planning Permission

TO



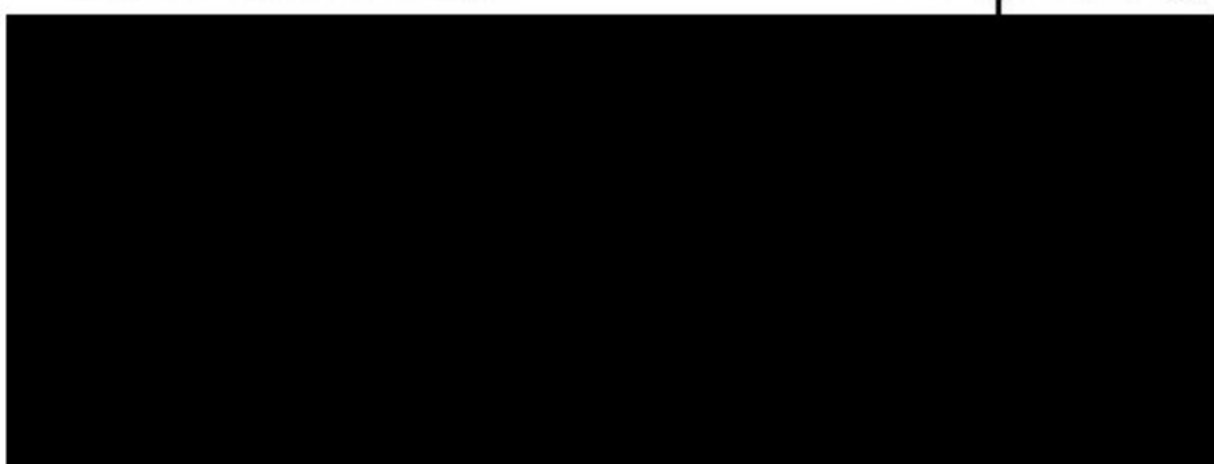
With reference to your application for planning permission under the above-mentioned Act as amended, Moray Council in exercise of its powers hereby **GRANT** planning permission for the following development:-

**Install new thermal panels and external wall openings at 71 Findhorn Forres
Moray IV36 3YF**

in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, and where appropriate, subject to the 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: **5 February 2020**



Head Economic Growth and Development Services
Economy, Environment and Finance
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 **GRANTED PLANNING PERMISSION** for this proposal subject to conditions as appropriate to ensure implementation of the proposal under 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.**

CONDITION(S)

Permission is granted subject to the following conditions: -

- 1 The glazing in both the door and window shall be obscure glazed with glass of obscuration level 4 of the range of glass manufactured by Pilkington plc at the date of this permission or an equivalent manufacturer agreed in writing by this council (as Planning Authority). Glazing of that obscuration level shall be retained in those windows for the lifetime of the development hereby approved.

Reason: To avoid overlooking of the adjacent property in the interest of residential amenity.

REASON(S) FOR DECISION

The Council's reason(s) for making this decision are:-

The design, scale and materials are considered to be acceptable for the location without creating an adverse effect on the character and appearance of the Conservation area or neighbouring amenity. The application would therefore accord with development plan policies and supplementary planning guidance relating to those matters.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
190062.LUSTY.03PB	D	Elevations and floor plans
190062.LUSTY.04PB	A	Site and location plan

IMPORTANT NOTES ABOUT THIS DECISION

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.

NOTIFICATION OF COMPLETION OF PHASED DEVELOPMENT – Under S.27B(2) of the 1997 Act, as amended 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. When the last phase is completed the applicant/developer must also complete and submit a Notification of Completion of Development.

ADDITIONAL NOTES FOR INFORMATION OF THE APPLICANT

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

THE DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that:-

It is noted that an Application for a Building Warrant has been received in respect of these proposals.

**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.



MORAY COUNCIL

NOTIFICATION OF INITIATION OF DEVELOPMENT

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

Application Number **19/01606/APP**

Date Decision Issued

Location and Description of Development Install new thermal panels and external wall openings at 71 Findhorn Forres Moray IV36 3YF

Please note that all suspensive conditions must be discharged prior to commencement of development

Date works are to Commence	
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Name, Address and contact details of developer

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The Full name and Address and contact details of the landowner, if a different person

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Where an agent is appointed, their full name and contact details

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Signed

Name (Print)

Date

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Please complete and return this form to:

Development Management & Building Standards Manager, Moray Council, PO Box 6760, Elgin, Moray, IV30 1BX

OR

E-mail: development.control@moray.gov.uk



MORAY COUNCIL

NOTIFICATION OF COMPLETION OF DEVELOPMENT

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

Application Number **19/01606/APP**

Date Decision Issued

Location and Description of Development Install new thermal panels and external wall openings at 71 Findhorn Forres Moray IV36 3YF

Date of completion of works	
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Name, Address and contact details of developer

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The Full name and Address and contact details of the landowner, if a different person

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Where an agent is appointed, their full name and contact details

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Signed

Name (Print)

Date

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Please complete and return this form to:

Development Management & Building Standards Manager, Moray Council, PO Box 6760, Elgin, Moray IV30 1BX

E-mail: development.control@moray.gov.uk