

Appendices

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

March 2012

Appendices for Grounds of Appeal
Planning Application Ref No 10/02125/APP



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

Appendix 1

Copy of planning application and refusal documents

HOUSEHOLDER APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (SCOTLAND) ACT 1997
The Town and Country Planning (Development Management Procedure) (SCOTLAND) REGULATIONS 2008

Please refer to the accompanying Guidance Notes when completing this application

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

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

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

5. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal? Yes No

If yes, please provide details about the advice below:

In what format was the advice given? Meeting Telephone call Letter Email

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

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

Name: Date: Ref No.:

6. Trees

Are there any trees on or adjacent to the application site? Yes No

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

7. Changes to Vehicle Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes No

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

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

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

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

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)

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

8. Planning Service Employee/Elected Member Interest

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

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

If you have answered yes please provide details:

DECLARATION

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

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

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

Signature: FOR GEORGE DOUGLAS ARCHITECTS Name: Date: 15/12/10

Any personal information asked to provide will be processed in accordance with the requirements of the 1998 Data Protection Act.

LAND OWNERSHIP CERTIFICATES

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

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

CERTIFICATE A

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

I hereby certify that -

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

Signed:

[Redacted Signature]

On behalf of:

GEORGE DOUGLAS ARCHITECTS

Date:

15/12/10

CERTIFICATE B

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

I hereby certify that -

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

Name	Address	Date of Service of Notice

- (2) None of the land to which the application relates constitutes or forms part of agricultural land.
- or
- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are:

Name	Address	Date of Service of Notice

CERTIFICATE C

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

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

Name	Address	Date of Service of Notice

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

Steps taken:

CERTIFICATE D
Certificate D

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

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

or

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

Name	Address	Date of Service of Notice

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

or

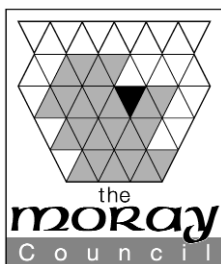
(4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application, was an agricultural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

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

Signed:

On behalf of:

Date:



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

REFUSAL OF PLANNING PERMISSION

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

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

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

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

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

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

HEAD OF DEVELOPMENT SERVICES

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

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

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

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

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

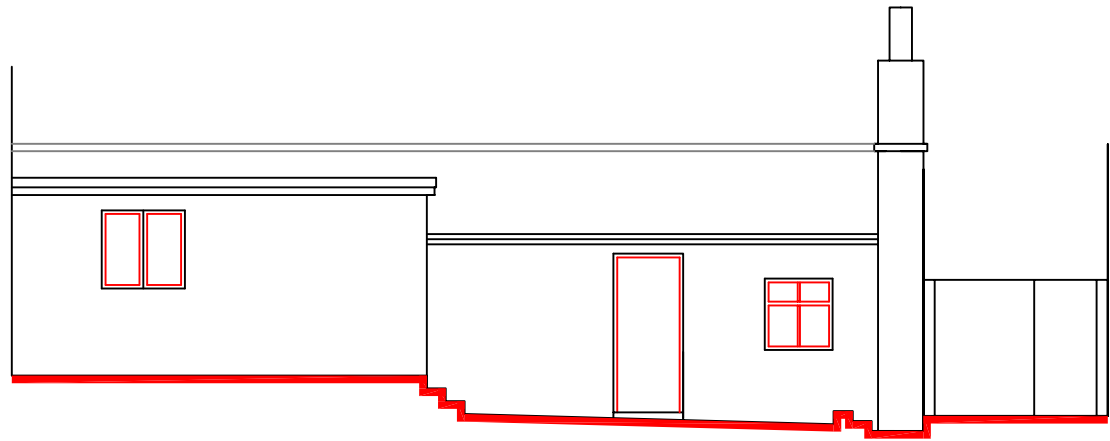
The following plans and drawings form part of the decision:-

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

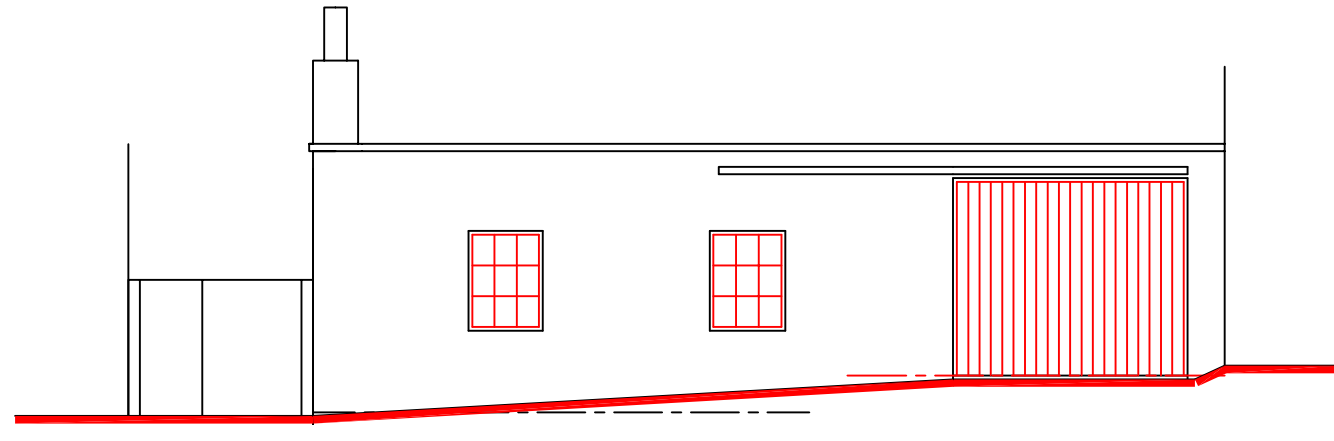
NOTICE OF APPEAL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

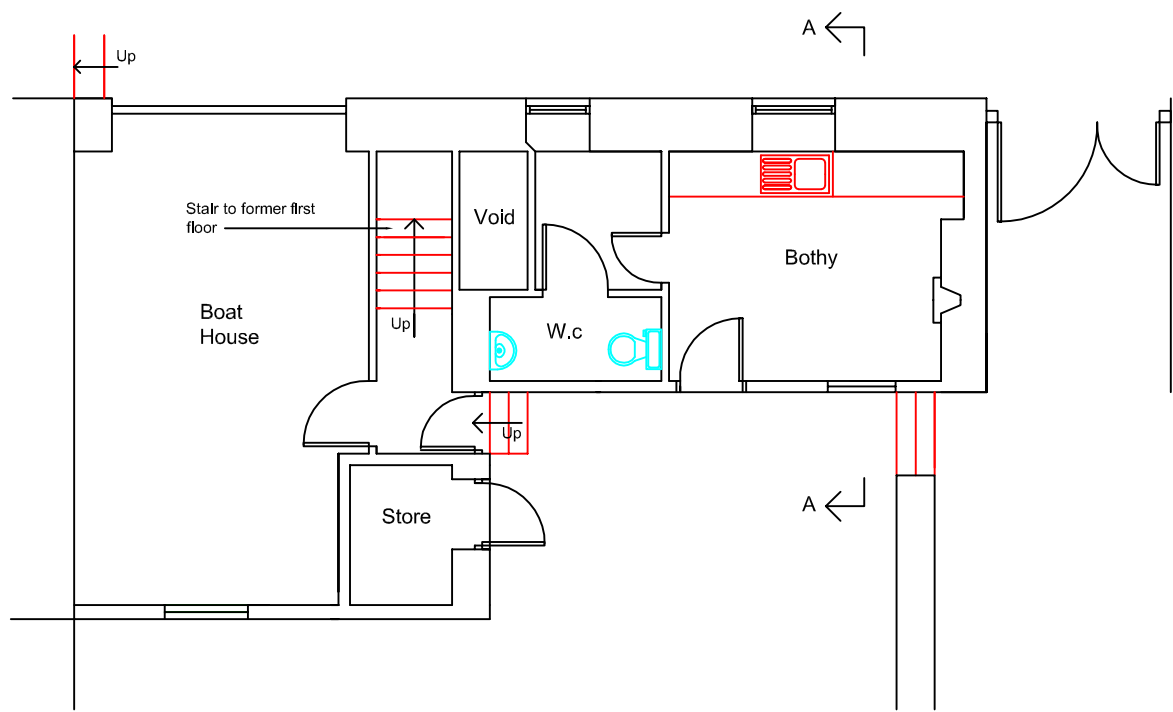
If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



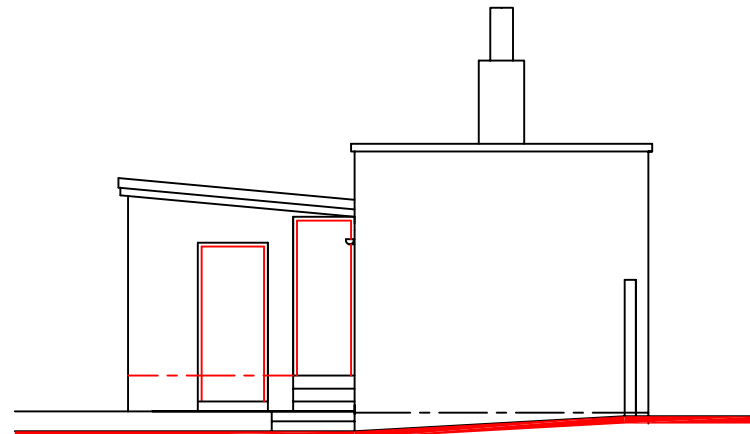
North East Elevation
1:100



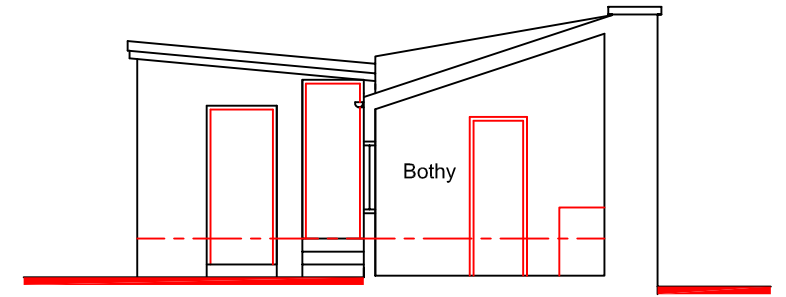
South West Elevation
1:100




Floor Plan
1:100



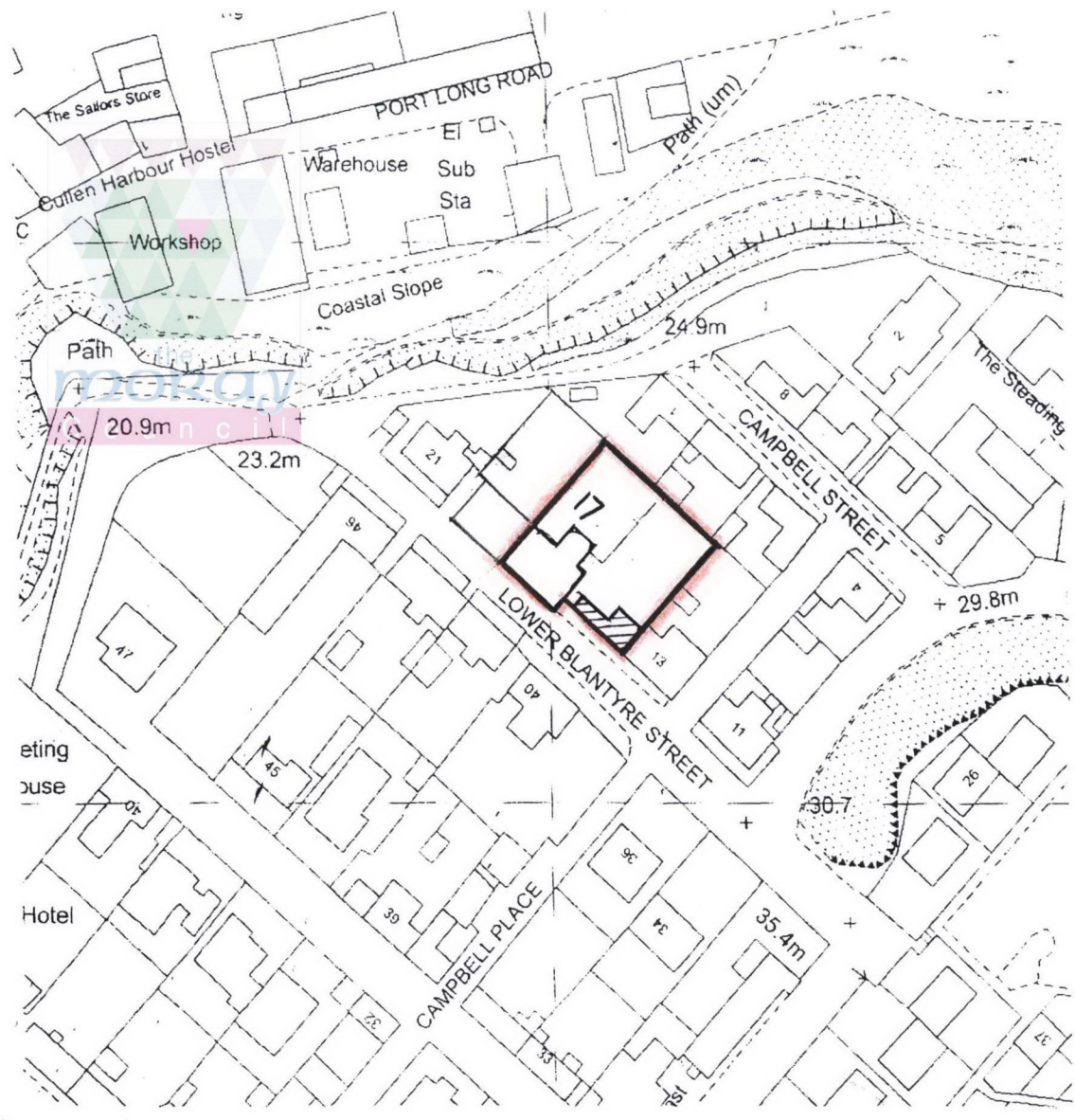
North West Elevation
1:100



Section A-A
1:100

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

RECEIVED
23 DEC 2010



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

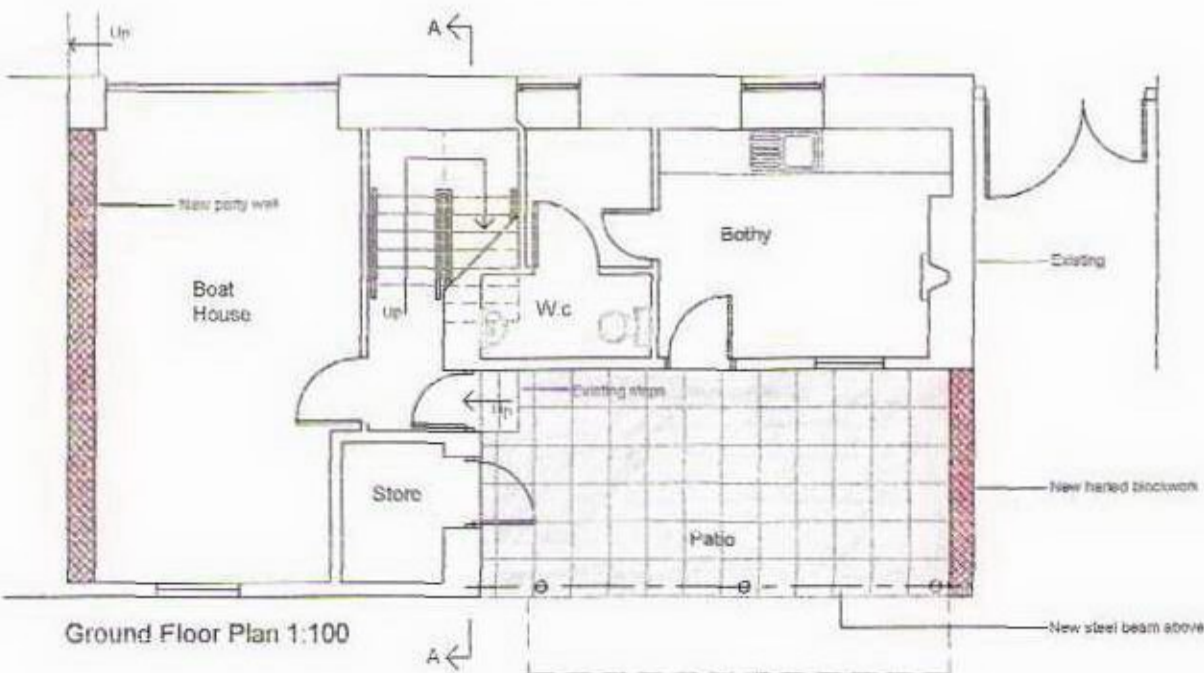
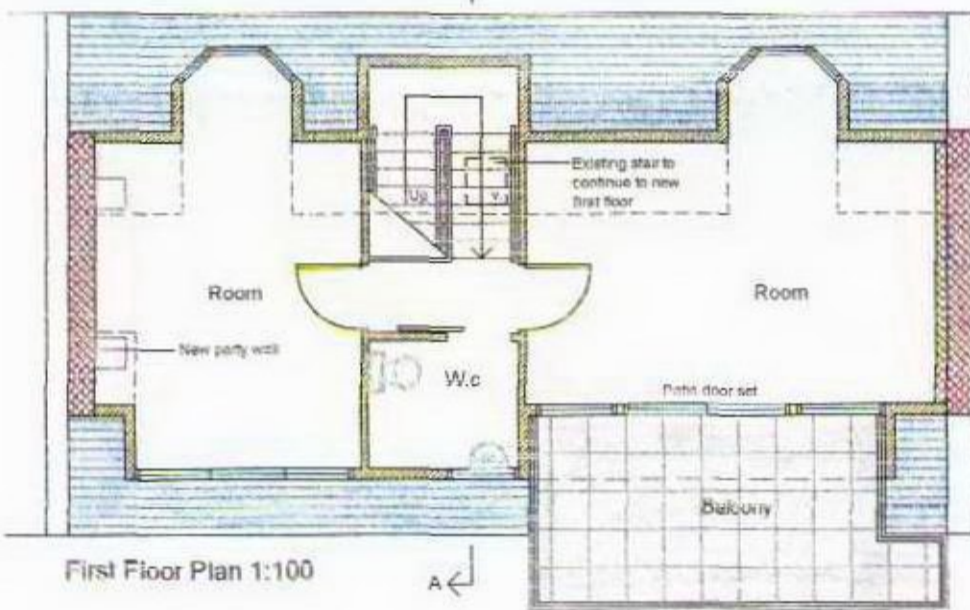
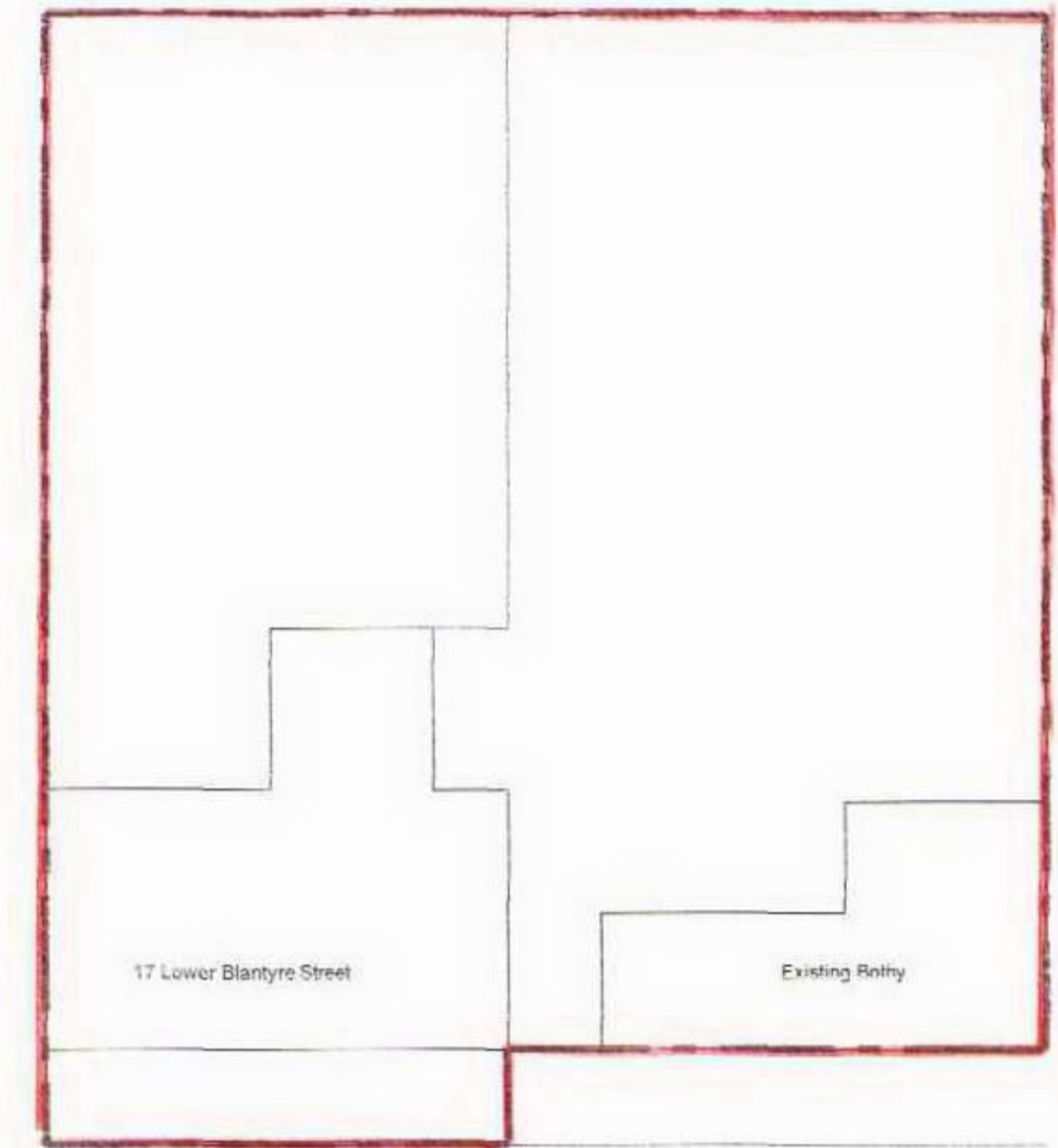
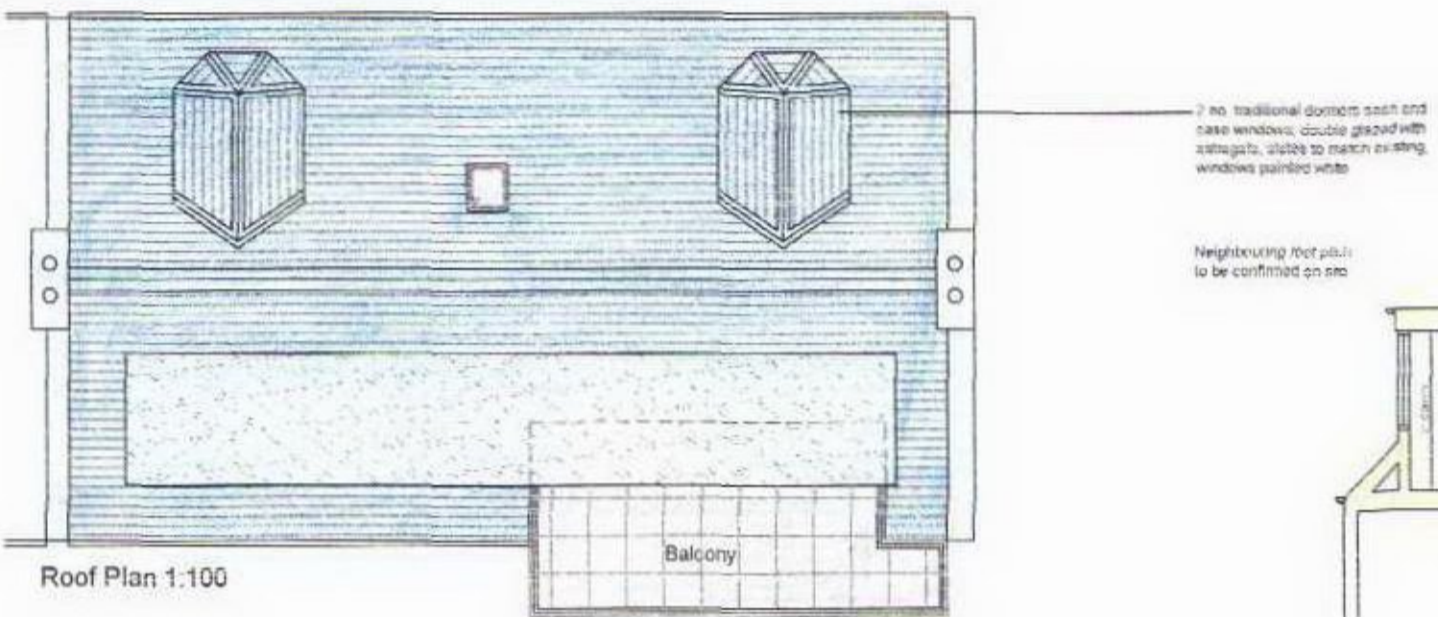
REFUSED

05/01/12

Development Management
Environmental Services
The Moray Council

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

Location Plan



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

REFUSED

05/01/12

Development Management
Environmental Services
The Moray Council

REVISED
23 DEC 2010

REV	DATE	COMMENTS
A	14.12.10	Balcony altered.


 GEORGE DOUGLAS ARCHITECTS
 4 Mackenzie Place, Old Aberdeen
 Aberdeen, AB24 3FG
 Tel: 01224 524139
 Fax: 01224 524137
 Email: info@georgedouglas.co.uk

CLIENT
 JOHN WEBB

PROJECT
 17 LOWER BLANTYRE STREET, CULLEN

DRAWING
 PROPOSED PLANS, SECTION, ELEVATIONS

DATE	SCALE	PROJECT NO.
NOVEMBER 2010	1:100 @ A2	2666_03A

Prepared by: JWB
 Checked by: JWB
 Drawn by: JWB
 Date: 14/12/10

Appendix 2

Case officers Report of Handling for planning application

REPORT OF HANDLING

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

RECOMMENDATION

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

CONSULTATIONS

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

DEVELOPMENT PLAN POLICY

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

REPRESENTATIONS

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

OBSERVATIONS – ASSESSMENT OF PROPOSAL

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

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

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

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

Policy BE3: Conservation Areas states that:

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

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

Policy IMP1: Development Requirements states that:

"New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It must meet the following criteria:

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

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

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

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY			
Reference No.	Description		
	Decision		Date Of Decision

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

DEVELOPER CONTRIBUTIONS (PGU)	
Status	

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