



the MORAY COUNCIL

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

Tel: 01343 563 501

Fax: 01343 563 263

Email: development.control@moray.gov.uk

Planning Department

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

Thank you for completing this application form:

ONLINE REFERENCE 000058843-001

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

Description of Proposal

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

Construction of new conservatory

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:	CM DESIGN
Ref. Number:	
First Name: *	CRAIG
Last Name: *	MACKAY
Telephone Number: *	01343 540020
Extension Number:	
Mobile Number:	
Fax Number:	01343 540020
Email Address: *	office@cmdesign.biz

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

Building Name:	ST BRENDANS HOUSE
Building Number:	
Address 1 (Street): *	SOUTH GUILDRY STREET
Address 2:	
Town/City: *	ELGIN
Country: *	UK
Postcode: *	IV30 1QN

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *	Ms
Other Title:	
First Name: *	Christine
Last Name: *	Kennedy
Company/Organisation:	
Telephone Number:	
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address:	

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

Building Name:	
Building Number:	133B
Address 1 (Street): *	Mid Street
Address 2:	
Town/City: *	Keith
Country: *	Scotland
Postcode: *	AB55 5AA

Site Address Details

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

Address 1:

133B MID STREET

Address 5:

Address 2:

Town/City/Settlement:

KEITH

Address 3:

Post Code:

AB55 5AA

Address 4:

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

Northing

850469

Easting

343250

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Trees

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

☐ Yes ☒ No

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

Access and Parking

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

☐ Yes ☒ No

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

Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

Certificates and Notices

Certificate and Notice under Regulation 15 8 – Town and Country Planning (General Development Management Procedure) (Scotland) Order 1992 (GDPO 1992) Regulations 2008

One Certificate must be completed and submitted along with this 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 2008

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: CRAIG MACKAY

On behalf of: Ms Christine Kennedy

Date: 08/03/2013

☒ Please tick here to certify this Certificate. *

Checklist - Application for Householder Application

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

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

Continued on the next page

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

You can attach these electronic documents later in the process.

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

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. *

☐ Yes ☒ No

A Supporting Statement – you may wish to provide additional background information or justification for your proposals. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. *

☐ Yes ☒ No

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

Declare - For Householder Application

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

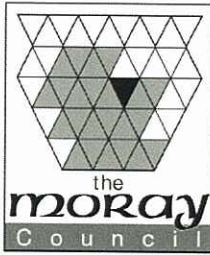
Declaration Name: CRAIG MACKAY

Declaration Date: 08/03/2013

Payment Details

Online payment: Transaction number not provided by partner ePayment service

Created: 08/03/2013 12:46



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

REFUSAL OF PLANNING PERMISSION

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

TO Ms Christine Kennedy
c/o C M Design
St Brendans
69 South Guildry Street
Elgin
Moray
IV30 1QN

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:-

Erect conservatory at 133B Mid Street Keith Moray AB55 5AA

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

Date of Notice: **3rd May 2013**

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 Approving this application to construct a modern UPVC conservatory would have a detrimental impact on the character and appearance of the Conservation Area. The use of UPVC does not preserve and enhance the conservation area designation.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
130025.KENEDY.02PB		Elevations, Section, Ground Floor Plan, Site and Location Plan

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

N/A

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

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

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

REPORT OF HANDLING

Ref No:	05/02784/CON	Officer:	Jim Martin
Proposal Description/ Address	Conservation Area consent to demolish existing buildings (part) and erect 14 flats retaining 1 existing flat and forming salon and office at 135 - 143 Mid Street Keith Banffshire AB55 5BJ		
Date:	17.8.2010	Typist Initials:	PAC

RECOMMENDATION

Approve, without or with condition(s) listed below	Y
Refuse, subject to reason(s) listed below	
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
Historic Scotland	06/02/06	

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
Whole of Policy 1	Y	
Whole of Policy 2	N	
BE3: Conservation Areas	N	
EP5: SUDS	N	
H1: Housing Land Allocations	N	
H3: New Housing in Built Up Areas	N	
H9: Affordable and Special Need Housing	N	
T2: Provision of Road Access	N	
T5: Parking Standards	N	
IMP3: Developer Contributions	N	
IMP1: Development Requirements	N	
R1: Retail and Commercial Dev in TC	N	
R2: Town Centre Development	N	
Keith - OPP5 Mid Street	N	
Keith - TC Town Centre	N	

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):

OBSERVATIONS – ASSESSMENT OF PROPOSAL

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

This application is for detailed planning and conservation area consents to demolish part of an existing building at Mid Street, Keith, and to redevelop the premises with 1 salon, 1 office and a new block containing 14 flats.

As existing, the block is vacant and partially derelict, and comprises a former retail (used to be Co-op) store and two smaller retail units with a former flat above the 'Co-op' section. The remains of a small traditional cottage also extend to the rear of the smaller retail units. The 'Co-op' part of the main building is two storey in height, of traditional design and proportions, and has a slate roof and smooth cement render. The two smaller units are also slate roofed, but of single storey design, whilst the rear elevations exhibit the stone build of the original build. The frontages of the two smaller units have been much altered and bear little resemblance to traditional shop frontages.

The site is bounded by other commercial premises on Mid Street, and with a public car park to the rear. The Council buildings lie on the opposite side of the street. The immediately adjoining and nearby properties are in a variety of styles and dimensions, although the majority have traditional features and are stone and slate built. The most imposing of these is the Council office.

The proposal is to convert the former 'Co-op' store to form a 'salon' and office, with one flatted residence at first floor level. The other two smaller retail units are to be converted to form two flats at ground floor level, and the building height raised to allow for another two more flats at first floor level. This part of the development is to be finished in stone with a slate roof, and new windows of sash and case appearance; all of which are in keeping with the surrounding conservation area and nearby premises. The proposed new block of flats to the rear is to be of more contemporary design, but incorporating traditional design elements and features such as vertical window openings, sash and case appearance windows, skew tabling, 45 degree roof pitch finished in slate. The walls are to be finished in a buff render which will not detract from the surrounding area and is not uncommon in the surrounding area. A total of 10 units will be in this block.

The application was advertised both as a potential departure to the development plan in terms of structure plan policy 1, and due to the conservation area aspect of the development. No objections have been received in respect of either advertisement or from notified neighbours. Similarly, the consultation responses received have all been positive and/or have recommended conditions of

planning permission. The most significant was the response of the Transportation Manager which highlighted the shortfall in parking provision for the development. It was suggested that this matter may be overcome by the completion of a legal agreement for developer contributions toward the provision of public parking facilities commensurate with the impact of the residential development. This has now been concluded with the applicant.

In conclusion, it is considered that the proposed development is in keeping with the surrounding area, and is an appropriate and well-designed re-use for the currently derelict property concerned. This will have a positive impact on the streetscape and appearance of Mid Street, and the proposed uses of residential with one commercial unit are not at odds with the surrounding uses. It is therefore considered appropriate to support this application (and the parallel conservation area application) and to recommend approval with appropriate conditions of planning permission.

HISTORY			
Reference No.	Description		
	Decision		Date Of Decision

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

DEVELOPER CONTRIBUTIONS (PGU)	
Status	

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

S.75 AGREEMENT		
Application subject to S.75 Agreement	YES	
Summary of terms of agreement: Commutated payment in lieu of the provision of car parking spaces.		
Location where terms or summary of terms can be inspected: Registers of Scotland.		

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)			