



MORAY LOCAL REVIEW BODY

27 FEBRUARY 2020

SUMMARY OF INFORMATION FOR CASE No LR233

Planning Application 19/01290/APP – Change of use of first floor ancillary accommodation to holiday let at 17 Cathay Terrace, Cullen, Buckie, AB56 4RX

Ward 2: Keith and Cullen

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 12 December 2019 on the grounds that:

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 particularly 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 therefore fails to comply with Policies ED8, IMP1 and PP3 of the Moray Local Development Plan 2015.

Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

The Notice of the Review, Grounds for Review and any supporting documents submitted by the Applicant are attached as **Appendix 2**.

Further Representations received in response to the Notice of Review are attached as **Appendix 3**.

The Applicant's response to Further Representations is attached as **Appendix 4**.

Location plan for Planning Application Reference Number : 19/01290/APP





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



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.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>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.</p>	
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?</p>	<div style="border: 1px solid black; padding: 2px; width: 100px; margin: 0 auto;">4</div>
<p>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)? *</p>	<div style="border: 1px solid black; padding: 2px; width: 100px; margin: 0 auto;">4</div>
<p>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).</p>	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
<p>Will your proposal require new or altered water supply or drainage arrangements? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>	
<p>Are you proposing to connect to the public water supply network? *</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input checked="" type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>	
<h2 style="margin: 0;">Assessment of Flood Risk</h2>	
<p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>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.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>	
<h2 style="margin: 0;">Trees</h2>	
<p>Are there any trees on or adjacent to the application site? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>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.</p>	
<h2 style="margin: 0;">Waste Storage and Collection</h2>	
<p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	

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. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ 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

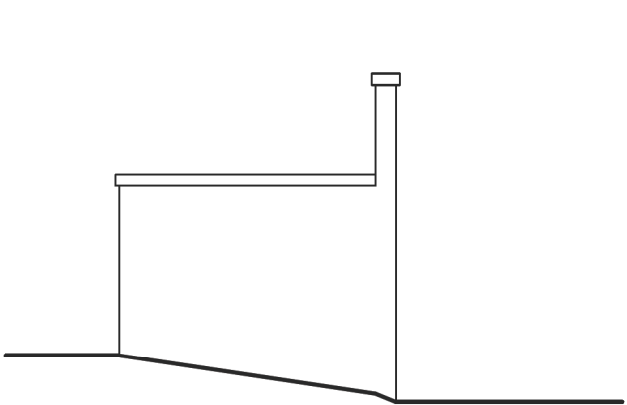
Declaration Date: 11/10/2019

Payment Details

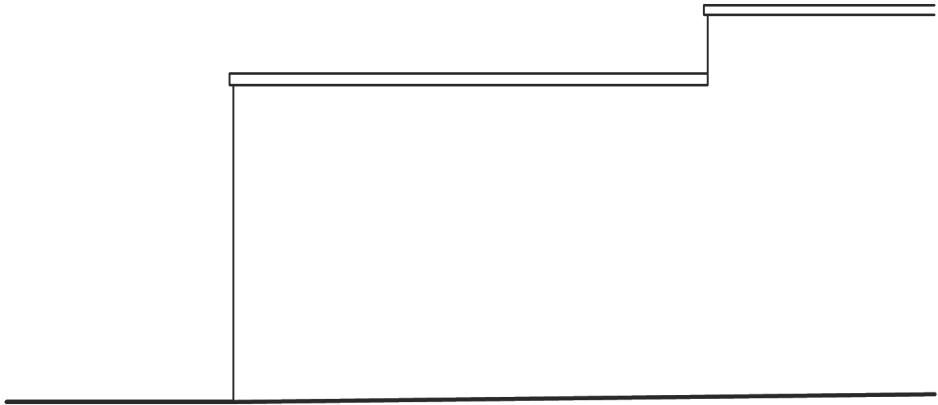
Online payment: 399367

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

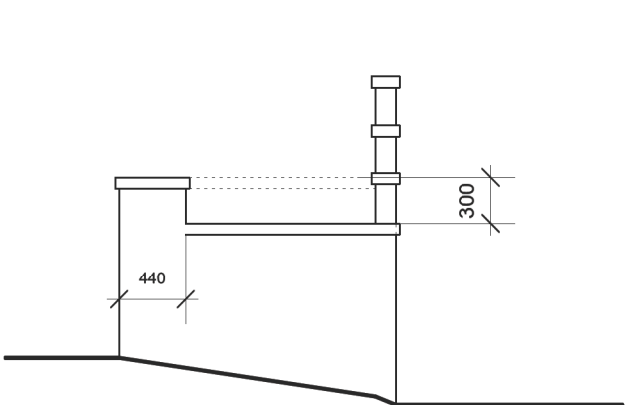
Created: 11/10/2019 14:45



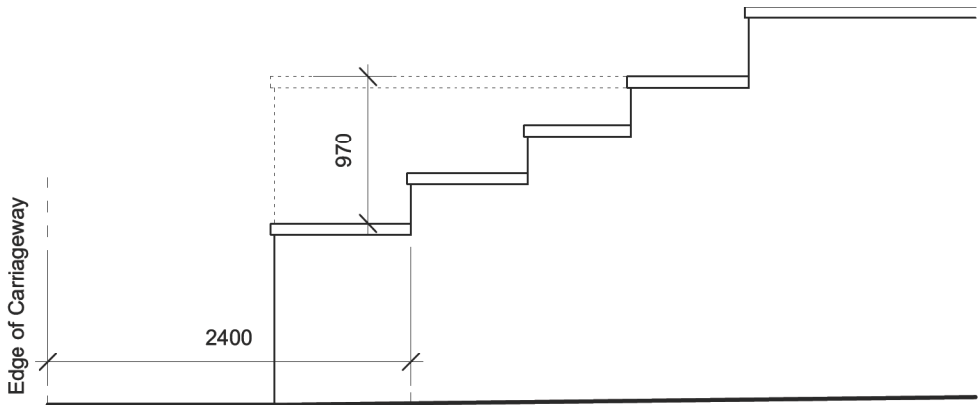
North-East Elevation : As Existing



North-West Elevation : As Existing



North-East Elevation : As Proposed



Wrt-West Elevation : As Proposed

No	Revisions	Date	Initials

MANTELL
RITCHIE

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

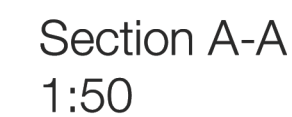
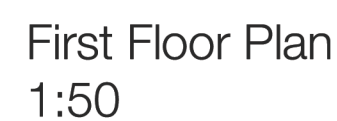
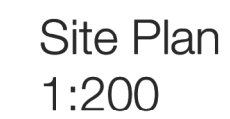
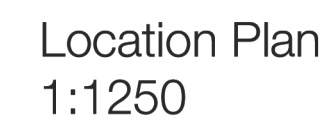
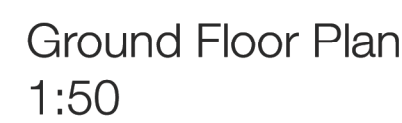
date

25.11.19

ref

19099

02



Roof	Slates - to match house
Walls	Wet dash render - to match house
Windows	Brown UPVC

B	Car Parking Added	15.10.19	MR
A	Layout Amendments	10.10.19	MR
No	Revisions	Date	Initial

**MANTELL
RITCHIE**
Chartered Architects

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

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project

**17 Cathay Terrace,
CULLEN**

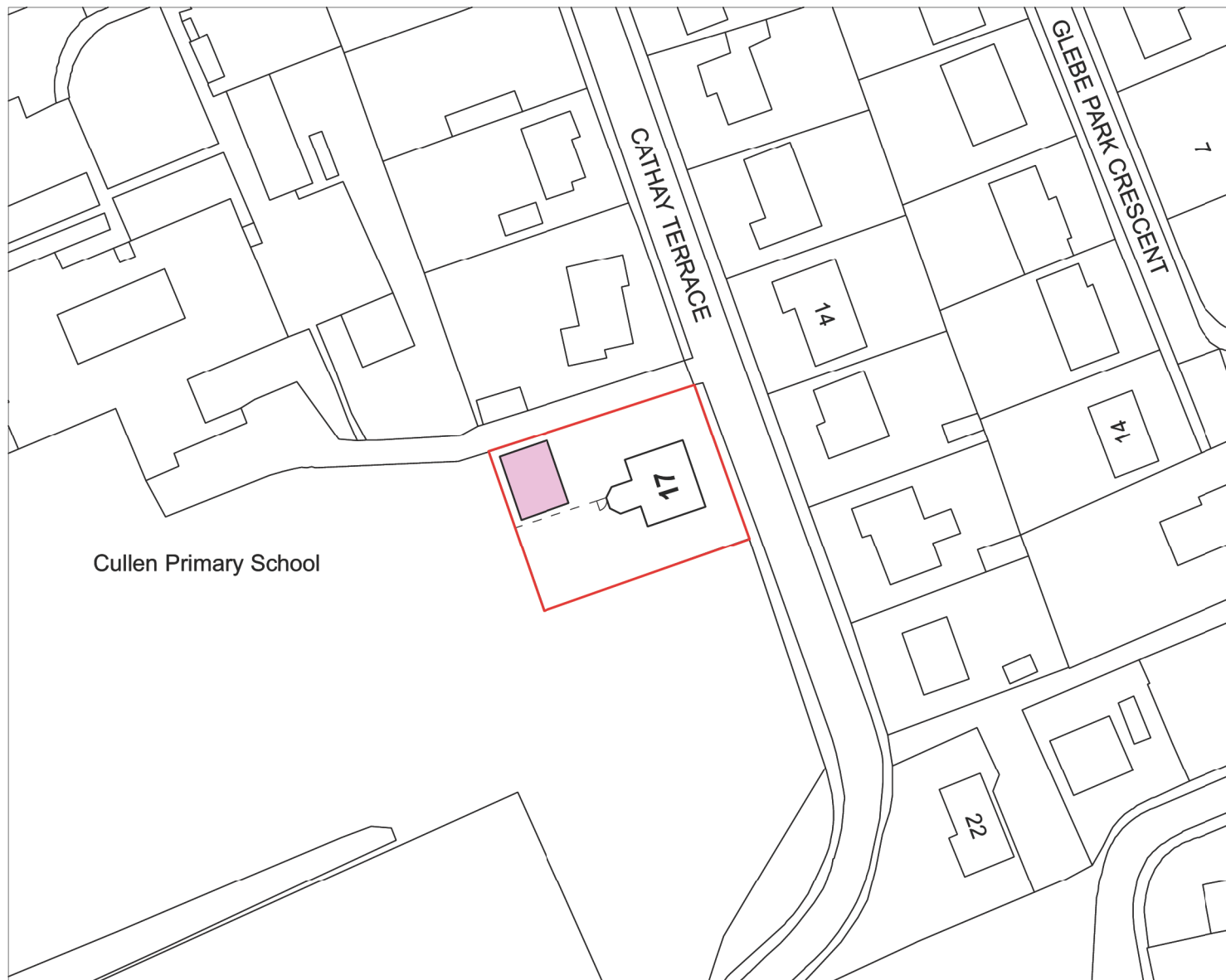
Conversion of First Floor
Holiday Accommodation
for
Mr C Addison

content

Proposed Plan, Elevation + Section

drawn by	size	date
MR	A1	08.10.19

ref 19099 01B



Location Plan
1:1000

No	Revisions	Date	Initials
<div style="text-align: center;">  <p>MANTELL RITCHIE</p> <p>Chartered Architects</p> <p>27A High Street, BANFF, AB45 1AN Tel:- 01261 812267 Fax:- (01261) 812554 Email:- admin@mantellritchie.co.uk www.mantellritchie.com</p>  </div>			
Copyright of Mantell Ritchie , Chartered Architect.			
<div> <div>project</div> <div> 17 Cathay Terrace, CULLEN </div> <div> Conversion of First Floor to Holiday Accommodation </div> <div>for</div> <div> Mr C Addison </div> </div>			
<div> <div>content</div> <div> Location Plan </div> </div>			
<div> <div>scales</div> <div> 1:1000 </div> </div>			
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)	x
(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
michael.andrew@moray.gov.uk
01343 563293
Date...23/10/2019

Consultee: Building Standards

Return response to	consultation.planning@moray.gov.uk
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://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

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

Please

x

-

-

- ☐

- ☐

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
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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

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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
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://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).

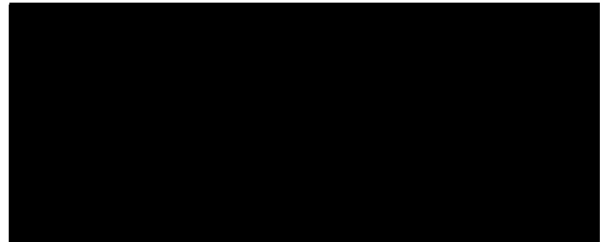
Privacy Although the proposed Holiday Let would be across the road and some 35 metres from our property the three large first floor dormer windows of the garage/storage area/holiday let would adversely affect our privacy as they would look directly into our front lounge.

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

A large black rectangular box redacting the signature of the sender.

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

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

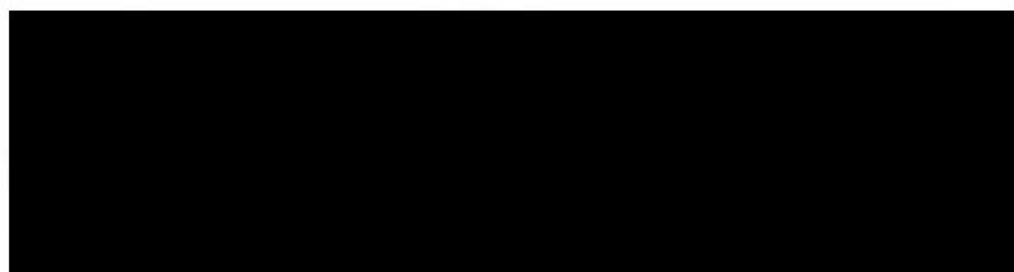


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

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.



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS



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 100187021-005

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.

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
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Change of Use of first floor ancillary accommodation to holiday let at 17 Cathay Terrace, Cullen, Buckie, AB56 4RX

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See Statement of Support

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Drawing Nos. 19099 Ex, 01B, 02 and LP

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/01290/APP

What date was the application submitted to the planning authority? *

11/10/2019

What date was the decision issued by the planning authority? *

12/12/2019

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☐ Yes ☒ No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

To get a better indication of how the existing building is set in its environment and to see that the change of use would have no impact on this.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Michael Ritchie

Declaration Date: 18/12/2019



STATEMENT OF SUPPORT

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 ancillary accommodation to 17 Cathay Terrace, Cullen to a holiday let accommodation. The building is already serviced ie road access, drainage, water supply etc so will have no impact on existing infrastructure. The building being within Cullen is well located in terms of Policy ED8 Tourism Facilities and Accommodation in that the town of Cullen itself 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.

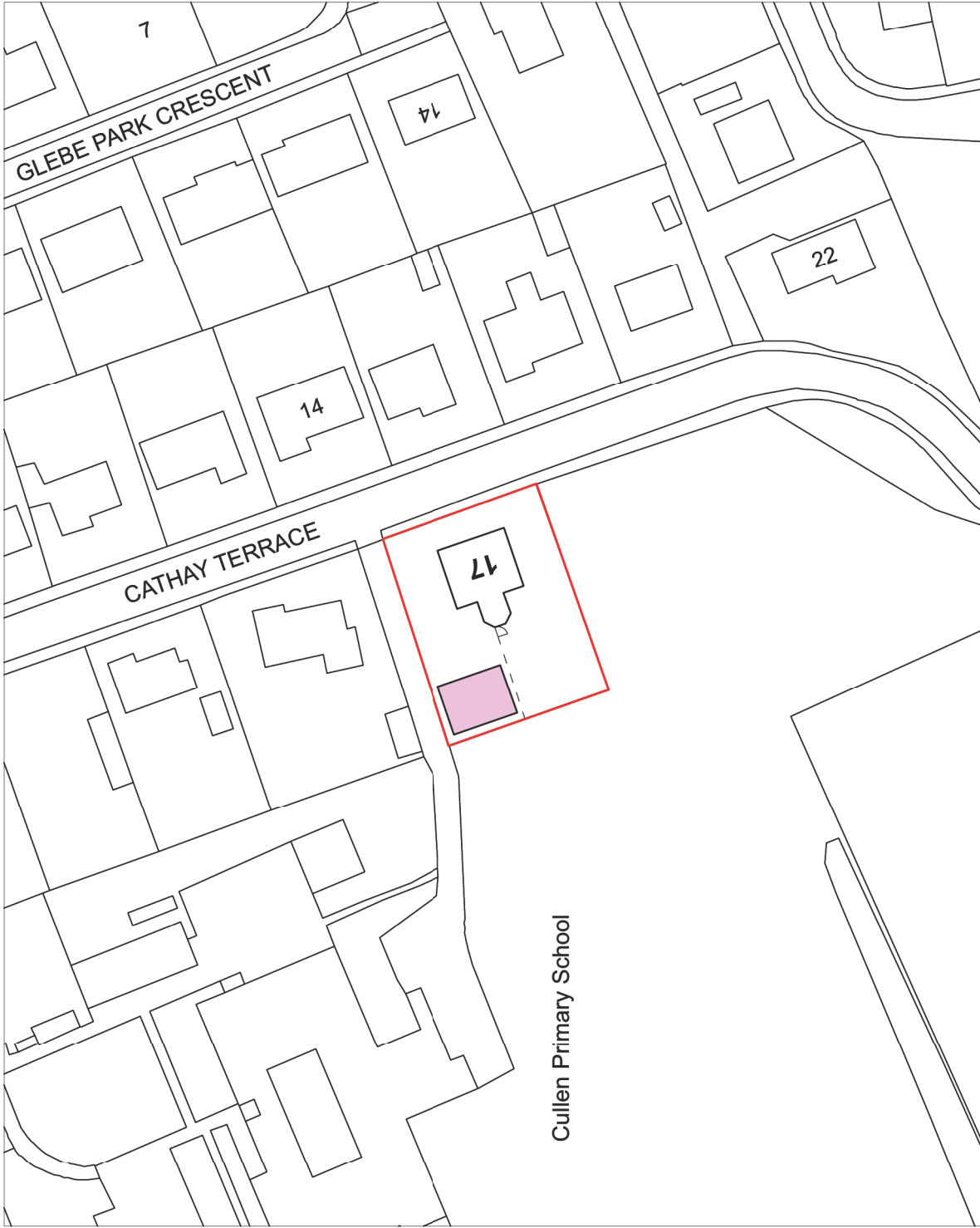
There have historically been a number of tourist facilities in the vicinity of 17 Cathay Terrace eg Lily Cottage, 1 Cathay Terrace which provided bed and breakfast accommodation and in fact an extension was built to that property specifically for that purpose.

There have also been bed and breakfast facilities at Ogilvie Park, a short distance from Cathay Terrace.

The building is neither backland development nor incongruous to the character and amenity of the area in that if this had been the case it would never have received planning permission in the first place. Planning permission was in fact granted 23 October 2015.

The conversion will not intensify the use of the site, however even if this did happen there is more than adequate parking and the amended proposals for boundary improvements at the site access have been approved by Transportation. Traffic movements in relation to the holiday let will be limited and will have no detrimental impact on neighbouring properties as these movements are effectively domestic movements.

In fact the site is less intensely used than it would have been for its original purpose as a coal merchants yard which would have a much greater impact on the residential area during that time.




Location Plan
1:1000

No	Revisions	Date	Initials	

MANTELL
RITCHIE

Chartered Architects

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



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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
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KEY

- B

Balanced Flue Boiler - Floor Mounted
- C

Cupboard
- HWC

Hot Water Cylinder
- W

Wardrobe
- WC

Water Closet
- WHB

Washhand Basin
- MH

Manhole
- R

Radiator - not to scale
- RP

Rodding Point
- RWP & G

Rainwater Pipe & Gully
- SVP

Soil Vent Pipe
- T

Trap
- Light and Switch
- Recessed Light and Switch
- Twin Power Point
- Cooker Control Unit
- Electric Extract Fan
- Heat Detector
- Smoke Detector
- Carbon Monoxide Detector
- UA

Unassisted Access
- CS

Creep Space
- SFV

Sub Floor Vents
- SVP T

Soil Vent Pipe Terminal
- CH

Ceiling Hatch
- CWT

Cold Water Tank
- HWC

Hot Water Cylinder
- HLV

High Level Vent
- LLV

Low Level Vent
- MW

Mat Well
- Fluorescent Striplight and Switch
- Movement Joint
- TV

Trickle Ventilator
- EFT

Extract Fan Terminal
- EEW

Emergency Escape Window
- RA

Refuse Bin Area
- BF

Boiler Flue
- EFH

Extract Fan with Humidistat
- PB

Protective Barrier
- IDS

Indoor Drying Space

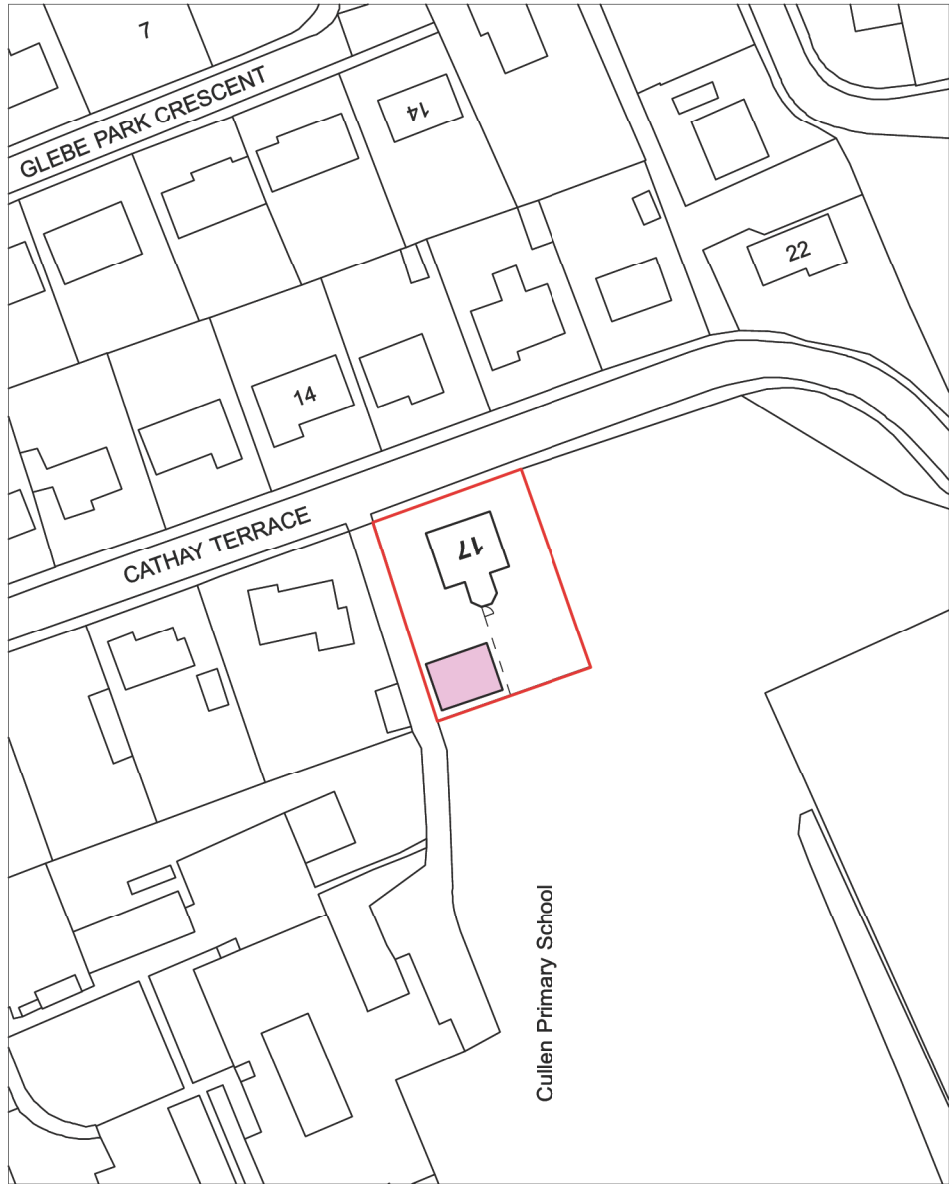
FINISHES

- Roof

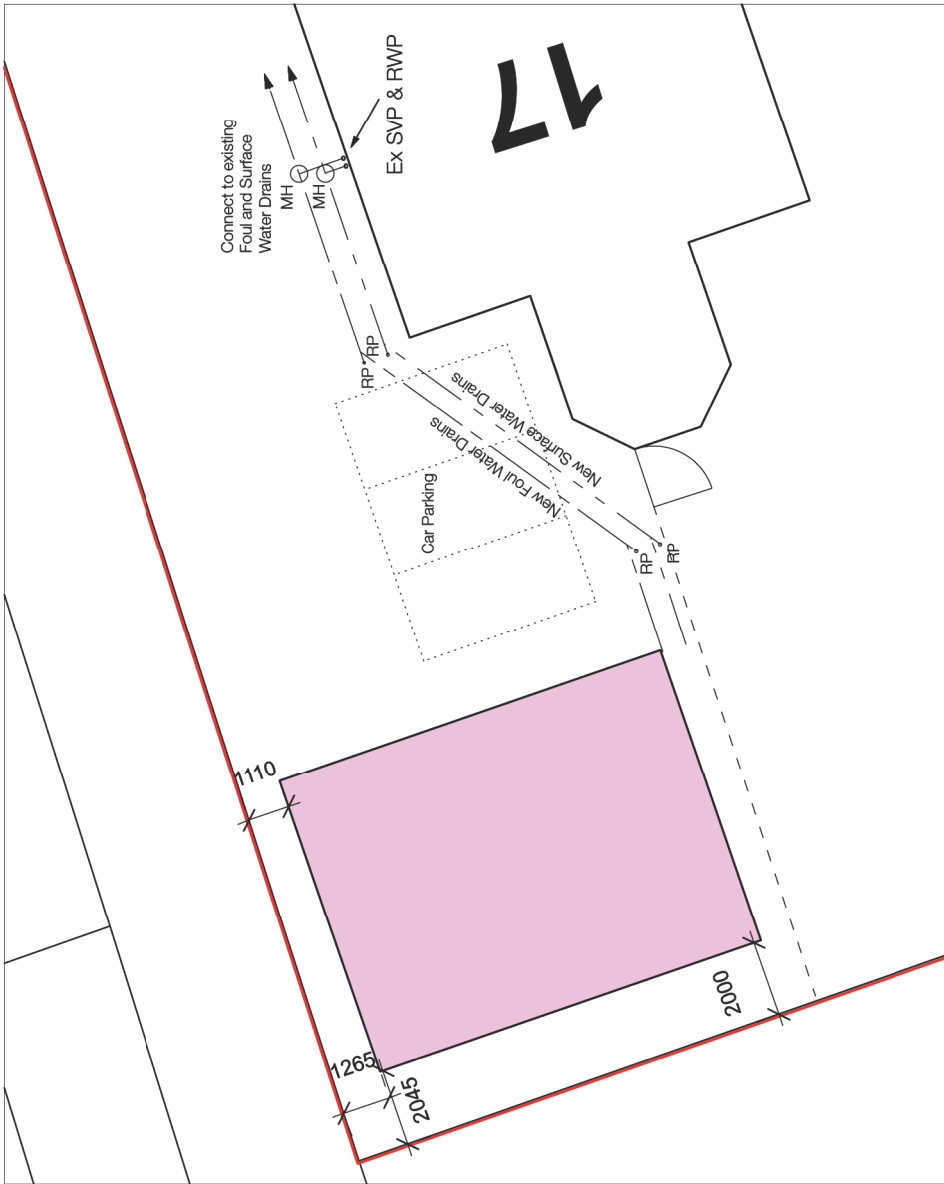
Slates - to match house
- Walls

Wet dash render - to match house
- Windows

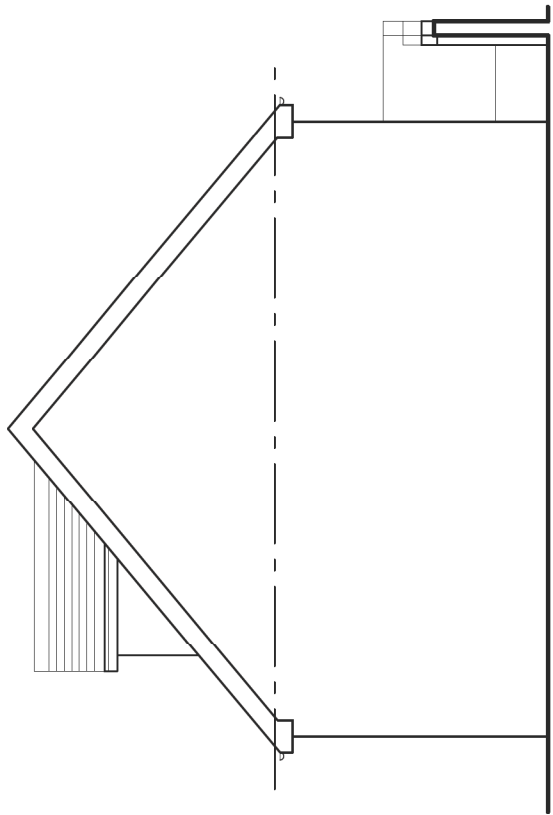
Brown UPVC



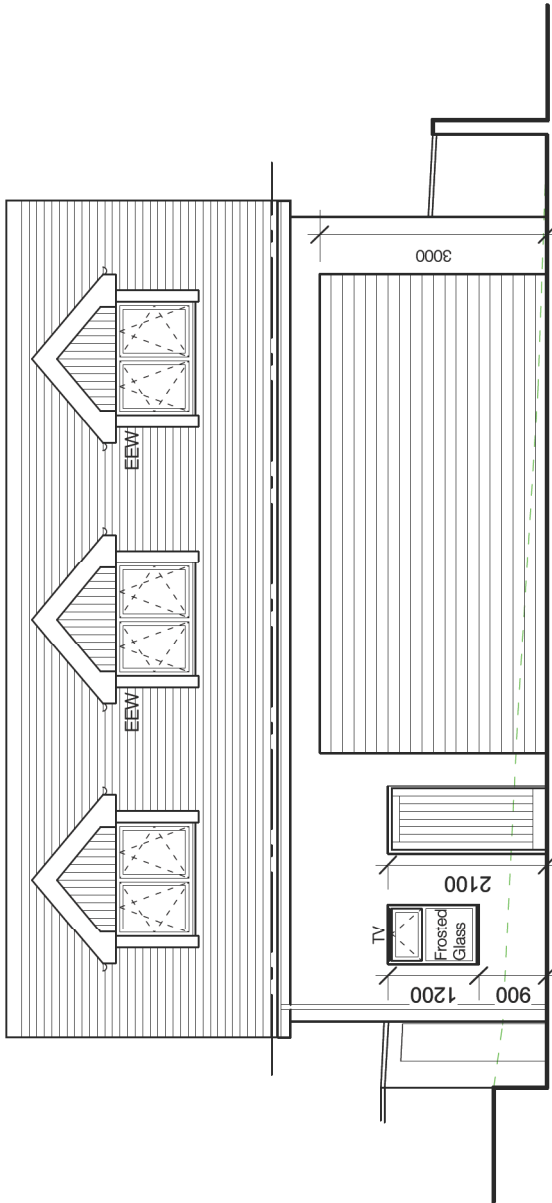
Location Plan
1:1250



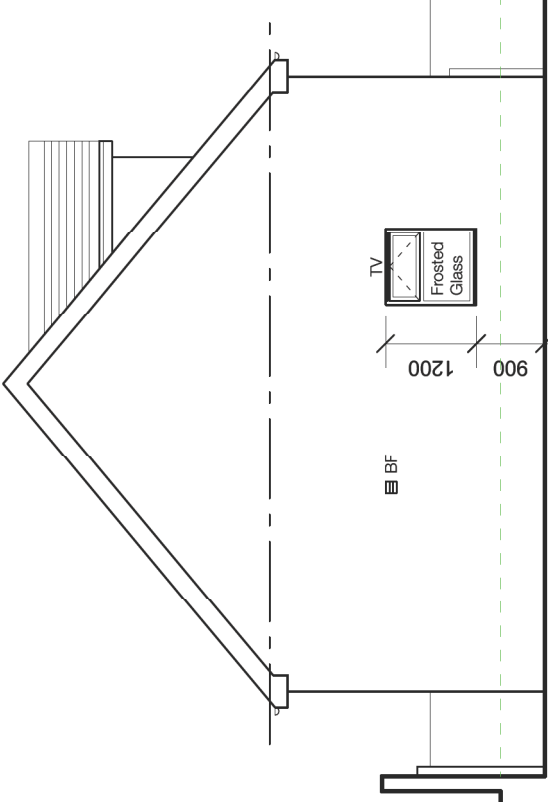
Site Plan
1:200



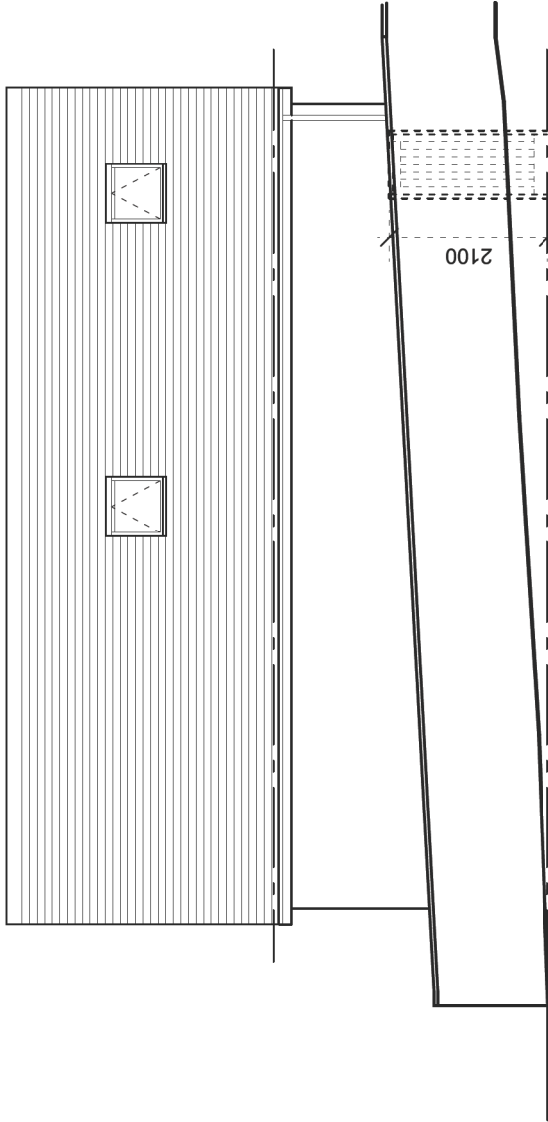
North Elevation
1:100



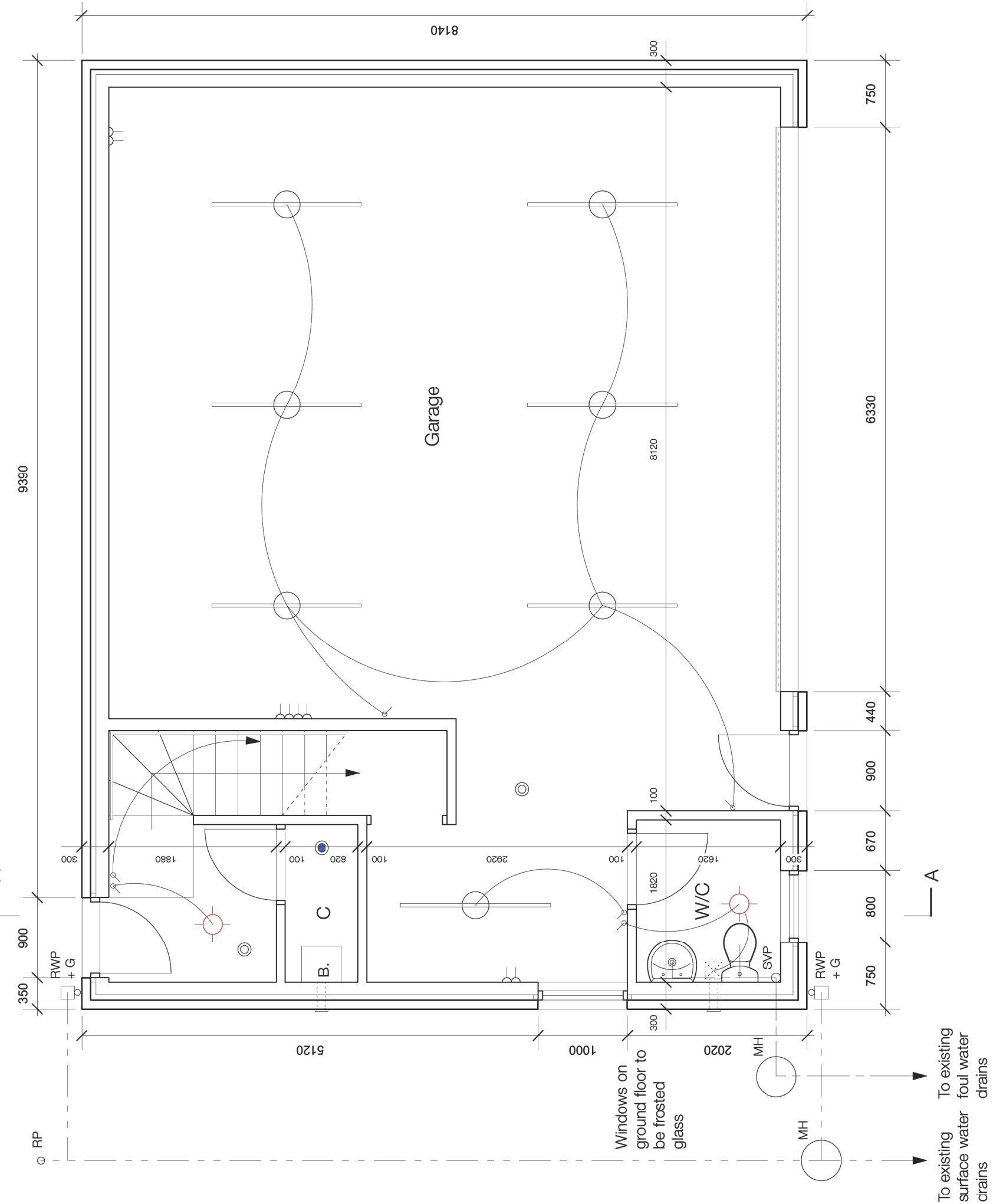
East Elevation
1:100



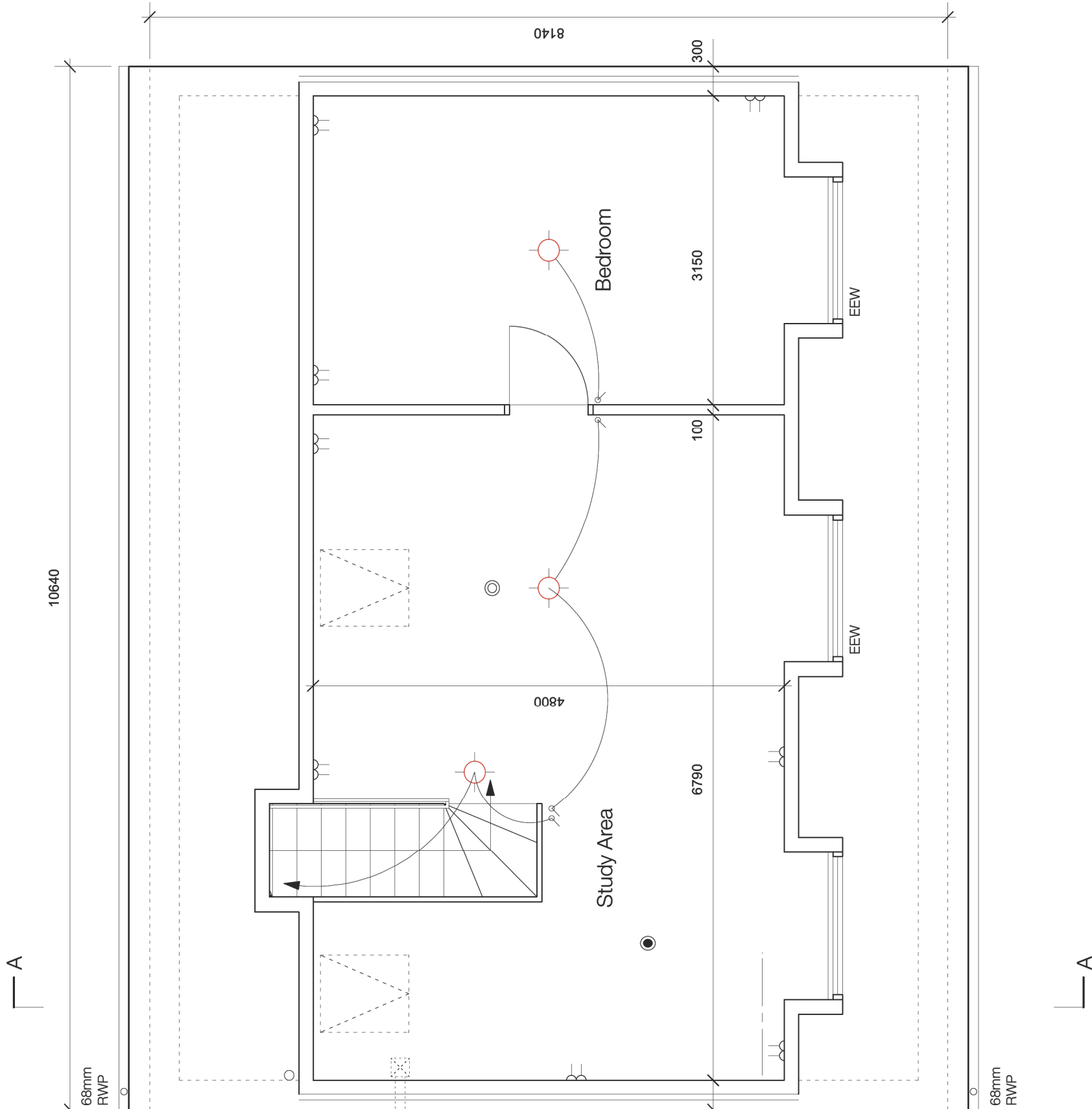
South Elevation
1:100



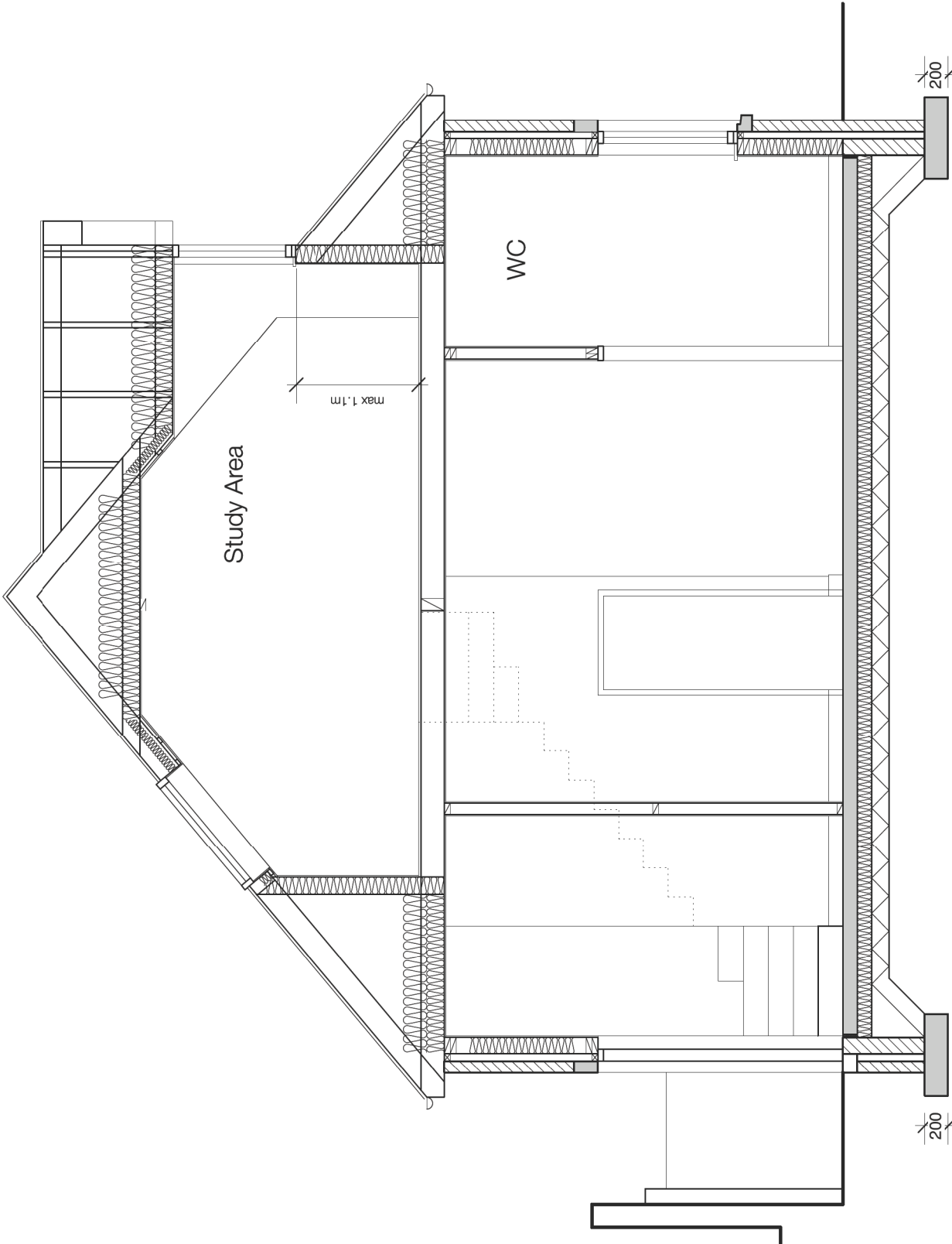
West Elevation
1:100



Ground Floor Plan
1:50



First Floor Plan
1:50



Section A-A
1:50

**MANTELL
RITCHIE**

Chartered Architects

27A High Street, BANFF,
AB45 1AN 012257
Tel: 01225 612554
Email: admin@mantellritchie.co.uk
www.mantellritchie.com



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

content
Proposed Plan, Elevation + Section

scales 1:50, 1:100, 1:1250			
drawn by MR			
size A1		date 08.10.19	

ref **19099**

01B

No	Revisions	Date	Initials



Chartered Architects

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



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project

17 Cathay Terrace,
Cullen.

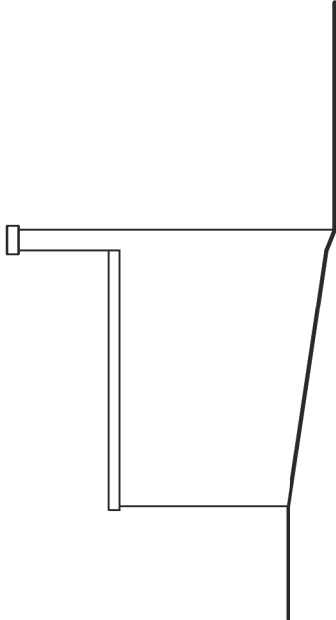
Proposed Holiday Let

for

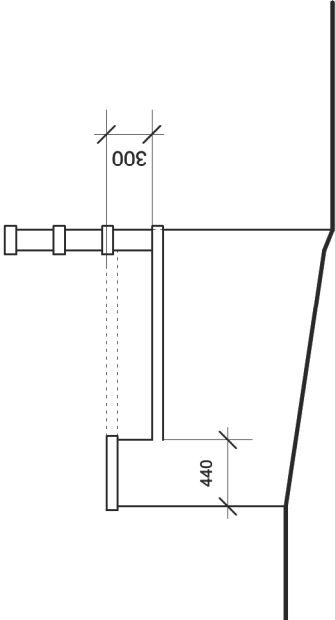
Mr + Mrs C Addison

content	Boundary Wall Proposals		
scales			
1:50			
drawn by	size	date	
MR	A3	25.11.19	

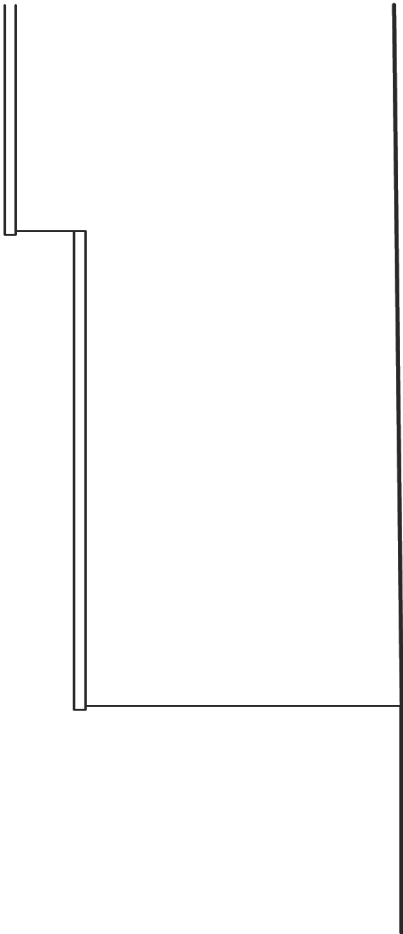
ref	19099	02
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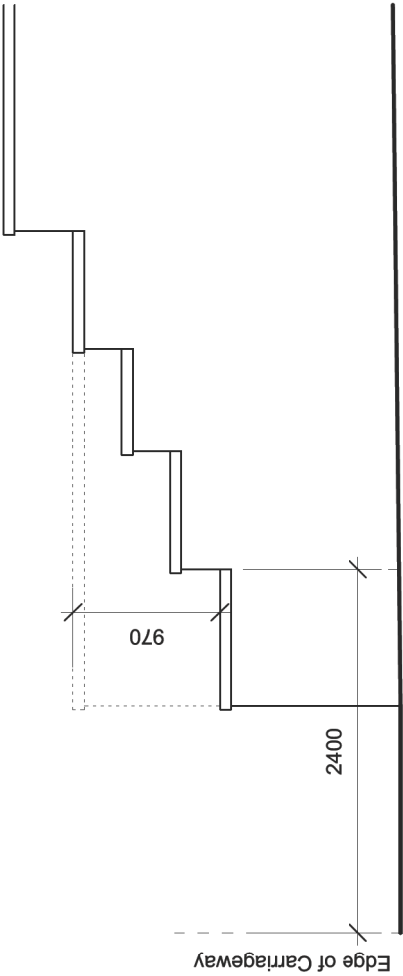
North-East Elevation : As Existing



North-East Elevation : As Proposed



North-West Elevation : As Existing



Wrt-West Elevation : As Proposed



APPENDIX 3

FURTHER REPRESENTATIONS FROM INTERESTED PARTIES

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Education, Communities and Organisational Development
Moray Council
Council Offices
High Street
Elgin IV30 1BX

9/01/20

For the attention of Lissa Rowan Ref LR/LR233 - Clerk to Moray Local Review Body

Notice of Review: Planning Application 19/01290/APP

Dear sirs

I note and concur the above proposal was refused on the grounds that it failed to comply with existing conditions/policies as laid down in the Moray Local Development Plan 2015 viz *“the proposal represents an unacceptable form of development which would result in inappropriate use of an existing domestic garage building at this location”*

The applicant seeks to deviate once again from the condition that *“permission for the building was only to be used as part of the existing dwelling house for domestic purposes”*

Planning permission as granted on 23/10/2015, was for a domestic garage.

Consistency with this condition should continue to be rigorously applied.

The Statement of Support appears to cite a number of other addresses in Cullen, which the applicant claims are used as Holiday Let accommodation, and therefore might be seen as precedents. While this may be true, these properties as listed, are discrete buildings (houses) located within their own individual sites and do not constitute “backland development” – unlike the application above.

These examples do not offer valid support for the current application.

One such property, as listed, 8 Cathay Terrace, is currently let, and has been continuously for the past eighteen months – as a home, NOT a holiday let.

The Statement of Support details the extent to which the building is already comprehensively serviced.... facilities which the applicant presumably **chose** to include when seeking permission for the domestic garage. This is irrelevant to the current application. Such a change of use of an attic in a garage to the rear of an existing property, has the potential to undermine the character and identity of, what is primarily, a residential street/area.

The existing decision (refuse) should stand and any appeal be rejected.

Yours sincerely,

[REDACTED]

Tele. [REDACTED]

Email [REDACTED]

Your Ref. LR/LR233

13 Jan. 2020

Lissa Rowan
Committee Services Officer
Clerk to the MLRB
The Moray Council
Elgin IV30 1BX

Dear Lissa

Notice of Review : Planning Application 19/01290/APP

I refer to your letter of 8th January and ask you to bring the following comments to the notice of members of the MLRB.

Residential I find many of the appellant's comments in his Statement of Support to be both irrelevant and inaccurate e.g. reference is made to the original owner and builder of 17 Cathay Terrace. Having lived in Cullen for most of my life I remember the case well. In the 1950s/60s, Mr Stevenson, the coal merchant, was refused permission by the then Local Planning Authority to use the premises for the commercial purpose of his coal yard. He was even forbidden to park his coal lorry in Cathay Terrace and at lunch times he had to park his coal lorry outwith Cathay Terrace and walk home to his house for lunch!!

50 years ago Cathay Terrace was recognised as a quiet residential area. It is the same today. Furthermore, the idea of establishing a commercial business in Cathay Terrace is contrary to the Moray Local Development Plan of 2015 which clearly states that "the proposal represents an unacceptable form of development which would result in an inappropriate use of the existing domestic garage building."

Out of Character The appellant, in a later Statement of Support cites a number of Holiday Let/ B & B establishments in Cullen. It should be noted that most of these are over half-a-mile from 17 Cathay Terrace (especially those in the Seatown) and the house at No. 8 Cathay Terrace is not a Holiday Let but a long-term house rent.

None of these houses can be compared with the building at 17 Cathay Terrace as all are operated from an existing property whereas that at 17 Cathay Terrace is in the form of a separate building erected as a garage at the back of the house.

Permission for this building to be erected was purely for a domestic garage and never intended to be used for holiday accommodation.

This was made clear to us by Mrs Cathy Archibald Chief Planning Officer of The Moray Council at the time when she visited the site.

Permission for a Holiday Let at 17 Cathay Terrace would be completely out of character with the area.

Architect's Submission Apart from some amended drawings the architect offers no new reasons for a Review but merely notes "See Statement of Support."

Conclusion I conclude by highlighting the three points I have made today -

1. **Residential** This is a quiet Residential Area. It has long been recognised as such and should remain so.
2. **Out of Character** This commercial business is out of character in Cathay Terrace. The building was erected in 2015 as a domestic garage and not as a Holiday Let.
3. **Statement of Support** The appellant's Statement of Support is full of irrelevances and inaccuracies.

I respectfully submit that the MLRB refuse this Appeal.

Yours sincerely

A large black rectangular box redacting the signature of the appellant.



APPENDIX 4

APPLICANT'S RESPONSE TO FURTHER REPRESENTATIONS

Lissa Rowan

From: Admin <Admin@mantellritchie.co.uk>
Sent: 28 January 2020 09:11
To: Lissa Rowan
Subject: Notice of Review 19/01290/APP

Dictated by and sent on behalf of Michael Ritchie

Good Afternoon,

We refer to your letter of 24 January 2020 with attached representations and would comment as follows:-

- Commercial Premises – One of the representations cites a holiday let being a commercial business in a residential area, whilst we would query a holiday let being as such a commercial business, if this is the case there is already a commercial business at 4 Cathay Terrace.
- Guest Accommodation – One of the representations mentions that most of the accommodation we listed are over half a mile away, this is not the case as of the 8 we listed (and this was from just a quick search on various holiday letting sites) 6 of them were within 800 metres (less than half a mile).
- Ancillary Accommodation – It is accepted by the planning service that the building has a domestic purpose being ancillary accommodation to the house so we believe that what our client proposes would possibly be permitted development i.e. we do not believe that planning permission would be required for putting a bathroom and kitchen in the ancillary accommodation so that could be done without further planning permission. This being the case we believe that planning permission may not be required for holiday accommodation either as for short term periods, i.e. less than 140 days a year, planning permission may not be required which would be the case here as our clients have no plans to let the ancillary accommodation out for more than 100 days per year.

We trust the above can be referred to the Local Review Body.

Kind regards

Michael Ritchie
Principal Architect

Mantell Ritchie
Chartered Architects
27A High Street
BANFF
AB45 1AN

Tel: 01261 812267
Email: admin@mantellritchie.co.uk
Website: www.mantellritchie.com