



Moray Local Review Body

Thursday, 30 September 2021

NOTICE IS HEREBY GIVEN that a Meeting of the **Moray Local Review Body** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Thursday, 30 September 2021 at 09:30.**

BUSINESS

- 1 Sederunt**
- 2 Declaration of Group Decisions and Members Interests ***
- 3 Minute of Meeting dated 26 August 2021** 5 - 12
- 4 LR262 - Ward 4 - Fochabers Lhanbryde** 13 - 88
Planning Application 20/00075/APP – Change of use of garden ground to form operators lorry and trailer parking space at Morven View, Clochan, Buckie
- 5 LR263 - Ward 2 - Keith and Cullen** 89 - 148
Planning Application 21/00485/APP - Convert garage to hairdressing salon at 14 Victoria Place Keith
- 6 LR264 - Ward 8 - Forbes** 149 - 204
Planning Application 21/00593/APP – Replacement windows at Sunny Bank, Victoria Road, Forbes

Summary of Local Review Body functions:

To conduct reviews in respect of refusal of planning permission or unacceptable conditions as determined by the delegated officer, in terms of the Scheme of Delegation to Officers under Section 43(A)(i) of the Town & Country Planning (Scotland) Act 1997 and the Town & Country Planning (Scheme of Delegation and Local Review Procedure)(Scotland) Regulations 2013, or where the Delegated Officer has not determined the application within 3 months of registration.

Moray Council Committee meetings are currently being held virtually due to Covid-19. If you wish to watch the webcast of the meeting please go to:

http://www.moray.gov.uk/moray_standard/page_43661.html

to watch the meeting live.

* **Declaration of Group Decisions and Members Interests** - The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.

** **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

*** **Question Time** - At each ordinary meeting of the Committee ten minutes will be allowed for Members questions when any Member of the Committee can put a question to the Chair on any business within the remit of that Section of the Committee. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than ten minutes after the Committee has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he/she can submit it in writing to the proper officer who will arrange for a written answer to be provided within seven working days.

THE MORAY COUNCIL

Moray Local Review Body

SEDERUNT

Councillor Amy Taylor (Chair)
Councillor David Bremner (Depute Chair)

Councillor Gordon Cowie (Member)
Councillor Paula Coy (Member)
Councillor Donald Gatt (Member)
Councillor Ray McLean (Member)
Councillor Louise Nicol (Member)
Councillor Laura Powell (Member)
Councillor Derek Ross (Member)

Clerk Name:	Lissa Rowan
Clerk Telephone:	07765 741754
Clerk Email:	committee.services@moray.gov.uk

Minute of Meeting of the Moray Local Review Body

Thursday, 26 August 2021

Various Locations via Video-Conference

PRESENT

Councillor George Alexander, Councillor David Bremner, Councillor Gordon Cowie, Councillor Paula Coy, Councillor Donald Gatt, Councillor Ray McLean, Councillor Laura Powell, Councillor Derek Ross, Councillor Amy Taylor

IN ATTENDANCE

Ms Webster, Principal Planning Officer (Strategic Planning and Development) and Mrs Gordon, Planning Officer as Planning Advisers, Legal Services Manager and Mr Hoath, Senior Solicitor as Legal Advisers and Mrs Rowan, Committee Services Officer as Clerk to the Moray Local Review Body.

1 Chair

Councillor Taylor, being Chair of the Moray Local Review Body, chaired the meeting.

2 Declaration of Group Decisions and Members Interests

In terms of Standing Order 20 and the Councillor's Code of Conduct, Councillor Alexander declared an interest in Item 7 Case LR260 and took no part in the determination of this case.

There were no other declarations from Group Leaders or Spokespersons in regard to any prior decision taken on how Members will vote on any item on the agenda or any declarations in respect of any item on the agenda.

3 Minute of Meeting dated 27 May 2021

The Minute of the meeting of the Moray Local Review Body dated 29 April 2021 was submitted and approved.

4 LR258 - Ward 5 - Heldon and Laich

Planning Application 21/00044/PPP - Proposed subdivision of garden ground to form building plot at 33 Golf Crescent, Hopeman

A request was submitted by the Applicant seeking a review of the decision of the Appointed Officer, in terms of the scheme of Delegation, to refuse planning permission on the grounds that:

The proposal is contrary to the provisions of the Moray Local Development Plan (MLDP) 2020 because: The proposed dwelling is to be positioned to the side of the parent property and set significantly further back into the plot than is the established pattern at this location. The site lacks its own roadside frontage and can only be access via an access drive to be created through the parent property's garden. These characteristics are symptomatic of backland development, leading to the inappropriate subdivision of garden ground to form an additional building plot. It is further noted that the presence of an additional dwelling at the existing cul de sac location is considered to increase the density of housing development to the extent that the proposal is considered to be detrimental to the character and appearance of the area. On this basis, the proposal is considered to be contrary to the terms Policies DP1 (i), part f and Policy EP3 part b).

A Summary of Information Report set out the reasons for refusal, together with the documents considered or prepared by the Appointed Officer in respect of the planning application, in addition to the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.

In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, both the Legal and Planning Advisers advised that they had nothing to raise at this time.

The Chair then asked the Moray Local Review Body (MLRB) if it had sufficient information to determine the request for review. In response, the MLRB unanimously agreed that it had sufficient information to determine the case.

Councillor Gatt, having considered the case in detail, referred to the map detailing the surrounding plots and was of the view that the area is well proportioned therefore moved that the MLRB refuse the appeal and uphold the original decision of the Appointed Officer to refuse planning permission in respect of Planning Application 21/00044/PPP as the proposal is contrary to policies DP1 (i), part f (Development Principles - Design) and Policy EP3 part b) (Special Landscape Areas and Landscape Character) of the MLDP 2020. This was seconded by Councillor Ross.

Councillor Bremner, having considered the case in detail, was of the view that, given the Housing in the Countryside policy discourages housing development in the countryside, the Council should try to allow development in existing settlements. He stated that the proposal would bring the plot in line with other plots in the area therefore moved, as an amendment, that the MLRB uphold the appeal and grant planning permission in respect of Planning Application 21/00044/PPP as, in his view, the proposal complies with policy DP1 (i) f) (Development Principles - Design) as he does not consider the proposal to be back land development and, in his opinion, the siting and design of the proposal complies with policy EP3 b) (Special Landscape Areas and Landscape Character). This was seconded by Councillor Coy.

On a division there voted:

For the Motion (5):	Councillors Gatt, Ross, Alexander, R McLean and Powell
For the Amendment (4):	Councillors Bremner, Coy, Cowie and Taylor
Abstentions (0):	Nil

Accordingly, the Motion became the finding of the meeting and the MLRB agreed to refuse the appeal and uphold the original decision of Appointed Officer to refuse planning permission in respect of Planning Application 21/00044/PPP as the proposal is contrary to the terms of policies DP1 (i), part f (Development Principles - Design) and Policy EP3 part b) (Special Landscape Areas and Landscape Character) of the MLDP 2020.

5 LR261 - Ward 5 - Heldon and Laich

Planning Application 20/00474/APP – Demolish existing service station and garage and erect retail unit, light industrial unit and 2no blocks of residential flats at Hopeman Service Station, Forsyth Street, Hopeman, Elgin

A request was submitted by the Applicant seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse planning permission on the grounds that:

The proposal would be contrary to policies PP1, PP3, DP1, DP5, DP7, EP3, EP12 and Hopeman I1 Designation of the Moray Local Development Plan (MLDP) 2020 for the following reasons:

1. The proposal would introduce non-compliant uses (flats and retail) onto the Hopeman I1 site which is protected for business uses. There is no need for additional housing land in Hopeman as there are two housing sites identified in the Local Development Plan and no shortfall in the effective housing land supply. The proposed uses would lead to a loss of employment land within the village resulting in the loss of effective employment land from Hopeman and jeopardising the future development of the rest of the Hopeman I1 designation contrary to policy DP5 and Hopeman I1.
2. The application has failed to demonstrate that the proposed retail unit will not adversely impact on the distinctive character or vitality and viability of Hopeman contrary to policy DP7.
3. The design of the proposed retail unit and in particular the lack of a strong road frontage is not considered to be of sufficiently high design standard to fit with the distinctive character of Hopeman or create a strong sense of place. The proposal would be detrimental to the Burghead to Lossiemouth Special Landscape Area and contrary to policies DP1 (i) (a), PP1 (i) and EP3.
4. The application has failed to demonstrate satisfactory arrangements in relation to access for vehicles or pedestrians, access visibility, access to public transport, suitable crossing to the site or adequate servicing arrangements for any part of the development giving rise to conditions that would be detrimental to road safety contrary to policies PP3 (a) (iii) and DP1 (ii) (a & c).
5. The application has failed to demonstrate that drainage from the proposed retail service bay can be dealt with in an acceptable manner contrary to policies DP1 and EP12.
6. The application has failed to provide parking bays of sufficient size or number to comply with Moray Council parking standards contrary to policy DP1 (ii) (e).

7. The application has failed to provide adequate provision of Electric Vehicle Charging contrary to policy PP3 (a) (iv).

A Summary of Information Report set out the reasons for refusal, together with the documents considered or prepared by the Appointed Officer in respect of the planning application, in addition to the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.

In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, the Planning Adviser advised that she had nothing to raise at this time.

Mr Hoath, Legal Adviser advised that, although there was a significant amount of paperwork associated with this case, a lot of it was repetition and that Members should concentrate on planning policy reasons when considering the planning application. He further advised that the Applicant had requested a hearing procedure and that Members should decide whether they consider there is enough information within the papers provided to make a decision or whether a hearing is necessary to provide further information. This was noted.

Councillor Gatt was of the view that, as there was considerable information provided in the papers and a number of representations received in relation to the proposal, Members would benefit from a site visit to provide some context to the proposed development.

In response, the Legal Services Manager advised that the Council had made a decision to temporarily suspend site visits associated with cases considered by the Moray Local Review Body (MLRB) due to the ongoing Covid-19 pandemic and that, although restrictions are easing, this decision has yet to be reversed therefore a site visit would not be appropriate.

In light of this response, Councillor Gatt stated that he would take no further part in the determination of this case.

The Chair stated that she would be willing to consider a hearing however sought the opinion from the MLRB as to whether it felt there was sufficient information to determine the request for review.

In response, the remaining members of the MLRB, agreed that it had sufficient information to determine the case.

Councillor Alexander, having considered the case in detail, was of the view that a supermarket on the edge of the village would be detrimental to the character and vitality of the village and moved that the MLRB refuse the appeal and uphold the original decision of the Appointed Officer to refuse planning permission in respect of Planning Application 20/00474/APP as it is contrary to policies PP1 (Placemaking), PP3 (Infrastructure and Services), DP1 (Development Principles), DP5 (Business and Industry), DP7 (Retail/Town Centres), EP3 (Special Landscape Areas and Landscape Character), EP12 (Management and Enhancement of the Water Environment) and Hopeman I1 Designation of the MLDP 2020. This was seconded by Councillor Ross.

There being no-one otherwise minded, the MLRB agreed to refuse the appeal and uphold the original decision of the Appointed Officer to refuse planning permission in respect of Planning Application 20/00474/APP as it is contrary to policies PP1 (Placemaking), PP3 (Infrastructure and Services), DP1 (Development Principles), DP5 (Business and Industry), DP7 (Retail/Town Centres), EP3 (Special Landscape Areas and Landscape Character), EP12 (Management and Enhancement of the Water Environment) and Hopeman I1 Designation of the MLDP 2020.

6 LR259 - Ward 8 - Forbes

Planning Application 20/01658/APP – Erect 1.25 Storey Dwelling House and Detached Timber Garage at Site South-West of Sourbank Farm, Rafford, Forbes

Councillor Alexander, having declared an interest in this item, took no part in the decision.

A request was submitted by the Applicant seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse planning permission on the grounds that:

The development is contrary to Policy DP4: Rural Housing and DP1: Development Principles of the Moray Local Development Plan (MLDP) 2020 for the following reasons:

1. The introduction of a new house in the identified pressurised and sensitive location would have a detrimental landscape and visual impact as well as negatively impacting on the character and appearance of this rural area.
2. There is not an acceptable level of enclosure and containment for a new house.
3. Together with other development in the immediate vicinity it would have the effect of detrimentally altering the rural character of the area contributing an unacceptable build-up of housing.
4. It will contribute to a sequential visual effect of cumulative build-up of new housing experienced when travelling along roads in the vicinity of the site in terms of its siting, particularly in relation to existing new houses in the area
5. There is no policy exception to allow new housing in Pressurised and Sensitive areas on the basis of agricultural need and the supporting information provided is not considered sufficient to outweigh the Local Development Plan policies.

A Summary of Information Report set out the reasons for refusal, together with the documents considered or prepared by the Appointed Officer in respect of the planning application, in addition to the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.

In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, both the Legal and Planning Advisers advised that they had nothing to raise at this time.

The Chair then asked the Moray Local Review Body (MLRB) if it had sufficient information to determine the request for review. In response, the MLRB unanimously agreed that it had sufficient information to determine the case.

Councillor Gatt noted that the Applicant had highlighted that Moray Council does not appear to have a policy to support the provision of farm accommodation for farm workers when other Local Authorities do. He stated that the Applicant had provided evidence to support how the proposal would comply with policy DP1 (Development Principles) and moved that the MLRB uphold the appeal and grant planning permission in respect of Planning Application 20/01658/APP as it complies with policy DP1 (Development Principles) and is an acceptable departure from policy DP4 (Rural Housing).

In response to Councillor Gatt's comment regarding a lack of policy in relation to the provision of accommodation for farm workers, Ms Webster, Planning Adviser advised that policy DP4 does not have any exemptions that would allow for the provision of agricultural accommodation in the MLDP 2020 and, when consulted on the original planning application, the Strategic Planning and Development Service had stated that, over the last decade and more, justification of new housing on the basis of agricultural need has not been an issue in Moray and doesn't feature within the current policy. She further stated that occupancy conditions are not enforceable.

In terms of the Appointed Officer's reason for refusal, Mr Hoath sought valid planning reasons from Councillor Gatt as to why he believes this proposal is an acceptable departure to policy.

Councillor Gatt stated that, in his opinion, he agreed with the points stated in the Applicant's Notice of Review which detailed why the proposal complied with policy DP1 (Development Principles) and that the proposal is an acceptable departure from policy DP4 (Rural Housing) as the Council has a lack of policy to account for proposals such as this where individuals required to be onsite to facilitate animal husbandry. He further stated that the Council should be encouraging the correct type of development in the countryside and that this proposal would support the rural economy in Moray.

Councillor Bremner stated that policy PP2 (Sustainable Economic Growth) supported proposals that contribute to sustainable economic growth and acknowledged that there was clearly a locational need for the proposal providing all perceived impacts could be mitigated against and agreed to second Councillor Gatt's motion.

Councillor Coy was of the view that she could not support the proposal and moved that the MLRB dismiss the appeal and uphold the original decision of the Appointed Officer to refuse planning permission in respect of Planning Application 20/01658/APP as it is contrary to policy DP1 (Development Principles) and DP4 (Rural Housing) of the MLDP 2020. This was seconded by Councillor Cowie.

On a division there voted:

For the Motion (3):	Councillors Gatt, Bremner and R McLean
For the Amendment (5):	Councillors Coy, Cowie, Powell, Ross and Taylor
Abstentions (1):	Councillor Alexander

Accordingly, the Amendment became the finding of the meeting and the MLRB agreed to dismiss the appeal and uphold the original decision of the Appointed Officer to refuse planning permission in respect of Planning Application 20/01658/APP as it is contrary to policy DP1 (Development Principles) and DP4 (Rural Housing) of the MLDP 2020.

7 LR260 - Ward 8 - Forres

Planning Application 21/00272/APP – Change of use and alterations to boat-shed to provide a hut for occasional overnight stays at site adjacent to 212A Findhorn, Moray

A request was submitted by the Applicant seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse planning permission on the grounds that:

The proposal is contrary to the requirements of policies DP1 (l)(a & e), DP8 and EP3 of the Moray Local Development Plan (MLDP) 2020 because:

- The site at 84m2 is not of a scale that reflects the existing pattern of residential development in the immediate vicinity and is therefore unsuitable for residential development of any kind;
- The relationship between the shed and the neighbouring house is such that use of the site even for non-permanent residential use would adversely impact on the amenity of neighbouring properties;
- There would be an adverse impact on the privacy of neighbouring properties as a result of overlooking from the proposed opening on the western elevation which is in close proximity to the site boundary and
- The proposal fails to reflect the traditional settlement pattern of the immediate vicinity and therefore would erode the traditional settlement character of the Culbin to Burghead Coast Special Landscape Character.

A Summary of Information Report set out the reasons for refusal, together with the documents considered or prepared by the Appointed Officer in respect of the planning application, in addition to the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.

In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, the Planning Adviser advised that she had nothing to raise at this time.

Mr Hoath, Legal Adviser advised that the Applicant had indicated that he wished to provide further written submissions however on reviewing the paperwork, all information appeared to be included and it was presumed that the Applicant was asking that the Moray Local Review Body (MLRB) make a decision based on all the information provided as he was of the view that the Appointed Officer had not taken account of some of the information. This was noted.

The Chair then asked the MLRB if it had sufficient information to determine the request for review. In response, the MLRB unanimously agreed that it had enough information to determine the case.

The Chair, having considered the case in detail, agreed with the original decision of the Appointed Officer and moved that the MLRB refuse the appeal and uphold the original decision of the Appointed Officer to refuse planning permission in respect of planning application 21/00272/APP as the proposal is contrary to the requirements of policies DP1 (I)(a & e) (Development Principles - Design), DP8 (Tourism Facilities and Accommodation) and EP3 (Special Landscape Areas and Landscape Character) of the MLDP 2020. This was seconded by Councillor Coy.

There being no-one otherwise minded, the MLRB agreed to refuse the appeal and uphold the original decision of the Appointed Officer to refuse planning permission in respect of planning application 21/00272/APP as the proposal is contrary to the requirements of policies DP1 (I)(a & e) (Development Principles - Design), DP8 (Tourism Facilities and Accommodation) and EP3 (Special Landscape Areas and Landscape Character) of the MLDP 2020.



MORAY LOCAL REVIEW BODY

30 SEPTEMBER 2021

SUMMARY OF INFORMATION FOR CASE No LR262

Planning Application 20/00075/APP – Change of use of garden ground to form operators lorry and trailer parking space at Morven View, Clochan, Buckie

Ward 4 – Fochabers Lhanbryde

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 22 April 2021 on the grounds that/subject to the following conditions:

The proposal is against the provisions of the Moray Local Development Plan (MLDP) 2020 because:

- i) The proposed change of use of garden ground to HGV Operating Centre (for one HGV and one trailer) in the grounds of this existing modern rural residential property would result in large industrial vehicle(s) being accommodated in the grounds of a domestic property in the countryside, a use which is not ordinarily associated with domestic property or the rural environment. This means that the proposed use is considered to be an inappropriate, non-confirming use which is not in keeping with the existing rural area. On this basis, the proposal fails to comply the requisite requirements of Policies DP5 and DP1.
- ii) This proposal would result in an intensification of use of the single track roads serving the site, by large articulated vehicle and would be likely to result in approaching vehicles having to undertake potentially unsafe reversing manoeuvres out of the path of the oncoming Heavy Goods Vehicle, as well as resulting in damage to the carriageway/verge due to vehicle verge overrunning. Due to the length of the overall route which has limited passing opportunities, it is considered that the proposal cannot be adequately mitigated against, and additionally that any agreed route could not be enforceable even with mitigation works provided. Transportation considers that this proposal, if permitted, would be likely to result in conditions detrimental to the road safety of road users contrary to MLDP policies DP1 (Development Principles) section (ii) Transportation, part a).

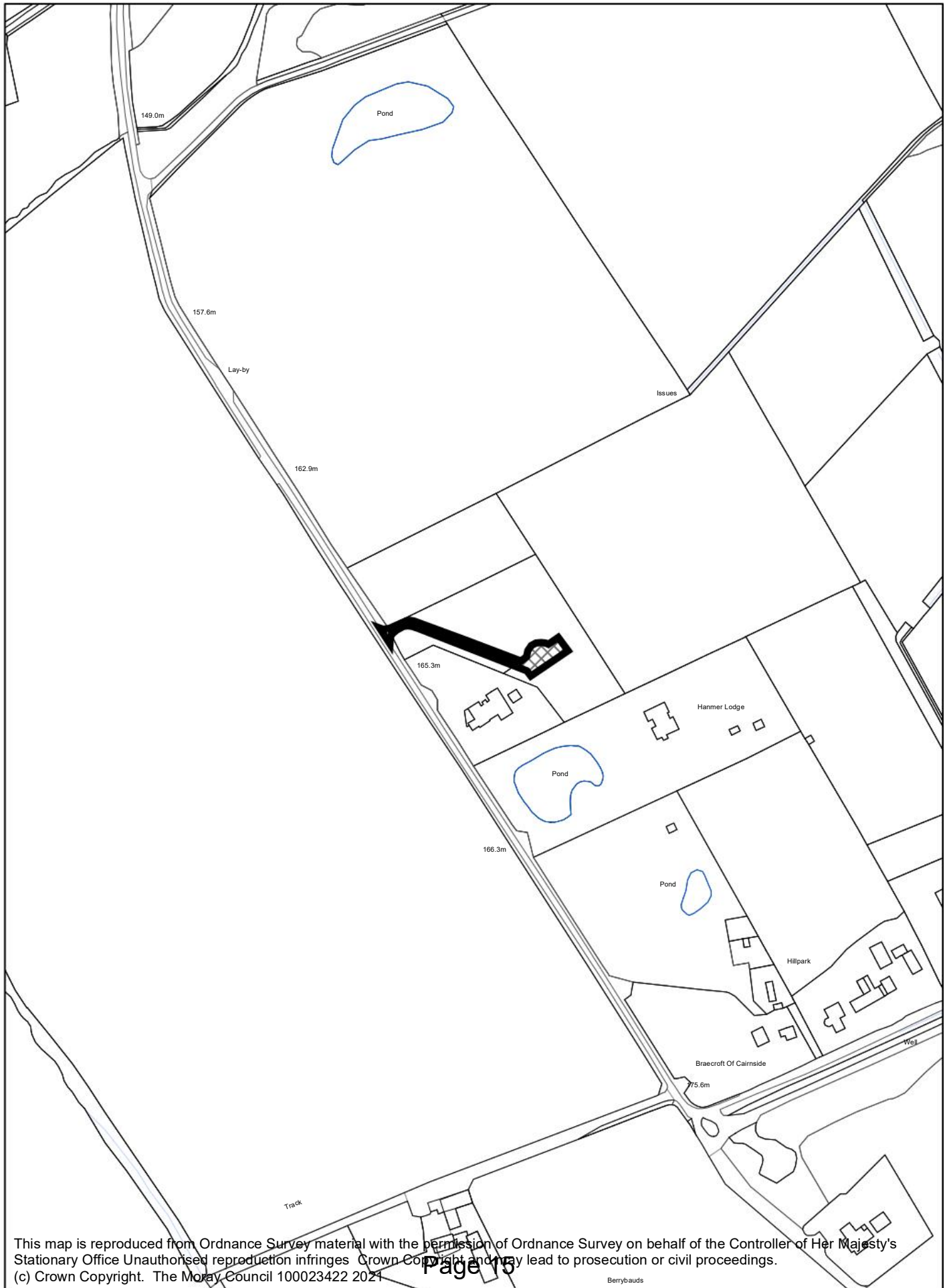
On this basis, the proposal is contrary to provisions DP5, DP1 (i) and DP1 (ii) part a) of the MLDP 2020 and the application is therefore refused.

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**





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 100353827-001

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 Change of Use for Operators Lorry and Trailer Parking Area

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?

☐ Yes ☒ No

(Answer 'No' if there is no change of use.) *

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:	George Hadden Architectural Agent		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	George	Building Name:	Fremont
Last Name: *	Hadden	Building Number:	
Telephone Number: *	01467 629919	Address 1 (Street): *	Little Newton
Extension Number:		Address 2:	Old Rayne
Mobile Number:	07920097510	Town/City: *	Insch
Fax Number:		Country: *	Scotland
		Postcode: *	AB52 6SE
Email Address: *	george.hadden@btconnect.com		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Morven View
First Name: *	Mark	Building Number:	
Last Name: *	Stevenson	Address 1 (Street): *	Clochen
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Buckie
Extension Number:		Country: *	Moray
Mobile Number:		Postcode: *	AB56 5HX
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

MORVEN VIEW

Address 2:

CLOCHAN

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

BUCKIE

Post Code:

AB56 5HX

Please identify/describe the location of the site or sites

Northing

860200

Easting

342227

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Email requesting a Change of Use application from Stuart Dale following a drive by site visit

Title:

Mr

Other title:

First Name:

Stuart

Last Name:

Dale

Correspondence Reference
Number:

Date (dd/mm/yyyy):

08/01/2021

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

707.00

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)

Residential

Access and Parking

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

☐

Yes

☒

No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

☐

Yes

☒

No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

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

0

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)? *

2

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

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

☐

Yes

☒

No

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

☐

Yes

☒

No

Note:-

Please include details of SUDS arrangements on your plans

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

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

☐

Yes

☐

No, using a private water supply

☒

No connection required

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

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

☐ Yes ☒ No ☐ Don't Know

Trees

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

☐ Yes ☒ No

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

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

☐ Yes ☒ No

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

Existing situation

Residential Units Including Conversion

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

☐ Yes ☒ No

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: George Hadden

On behalf of: Mr Mark Stevenson

Date: 20/01/2021

☒ 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 George Hadden

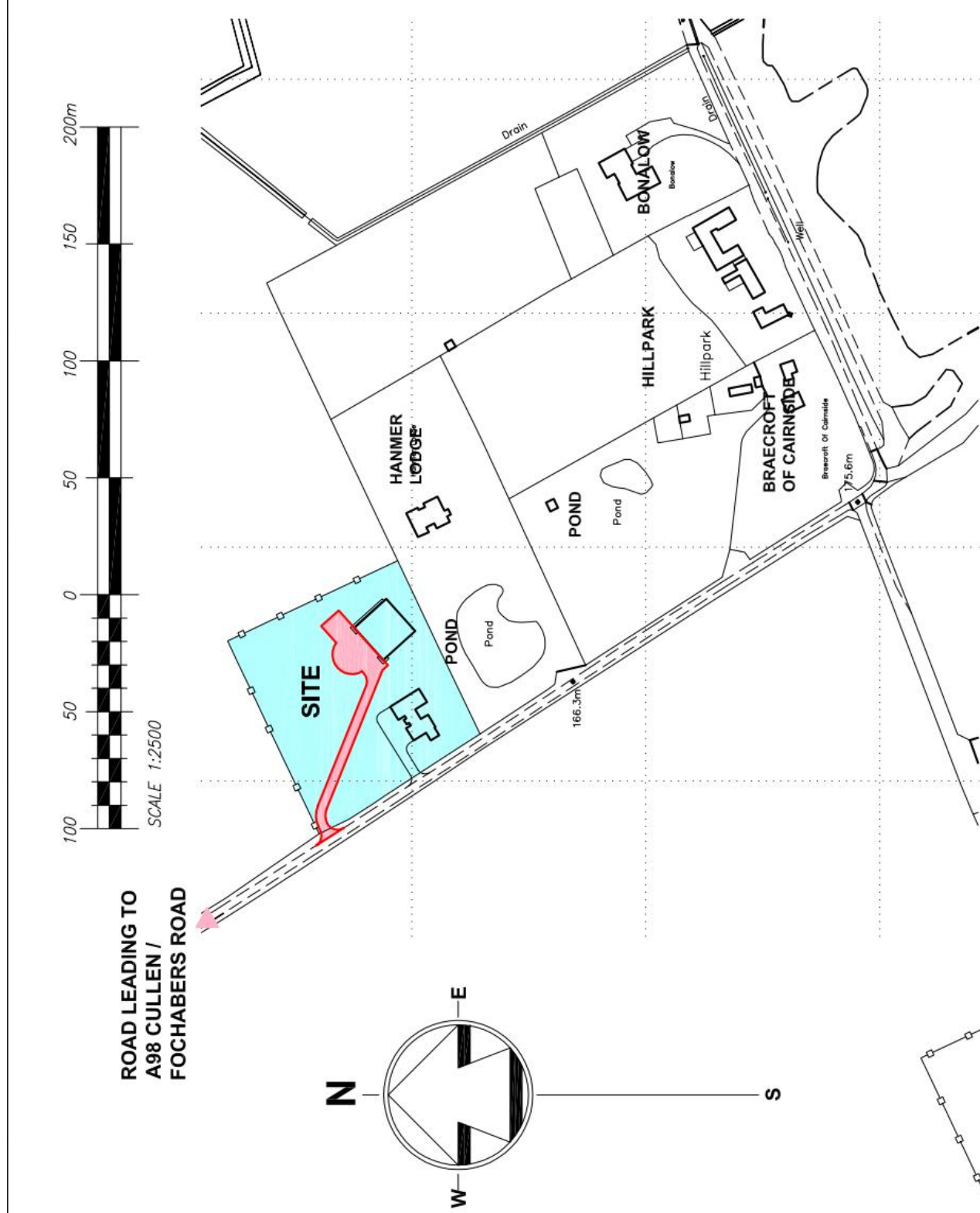
Declaration Date: 20/01/2021

Payment Details

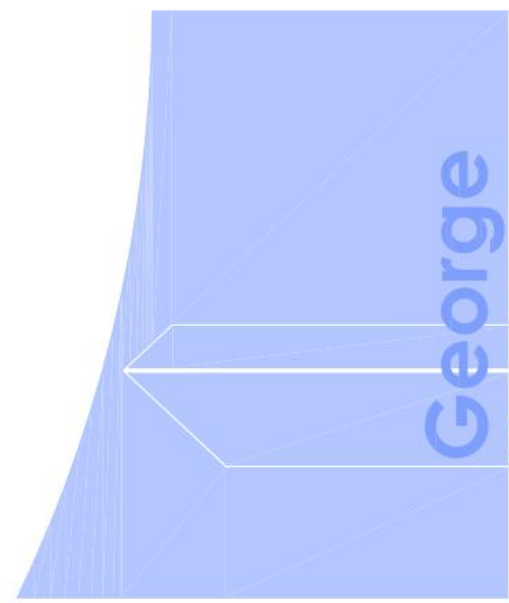
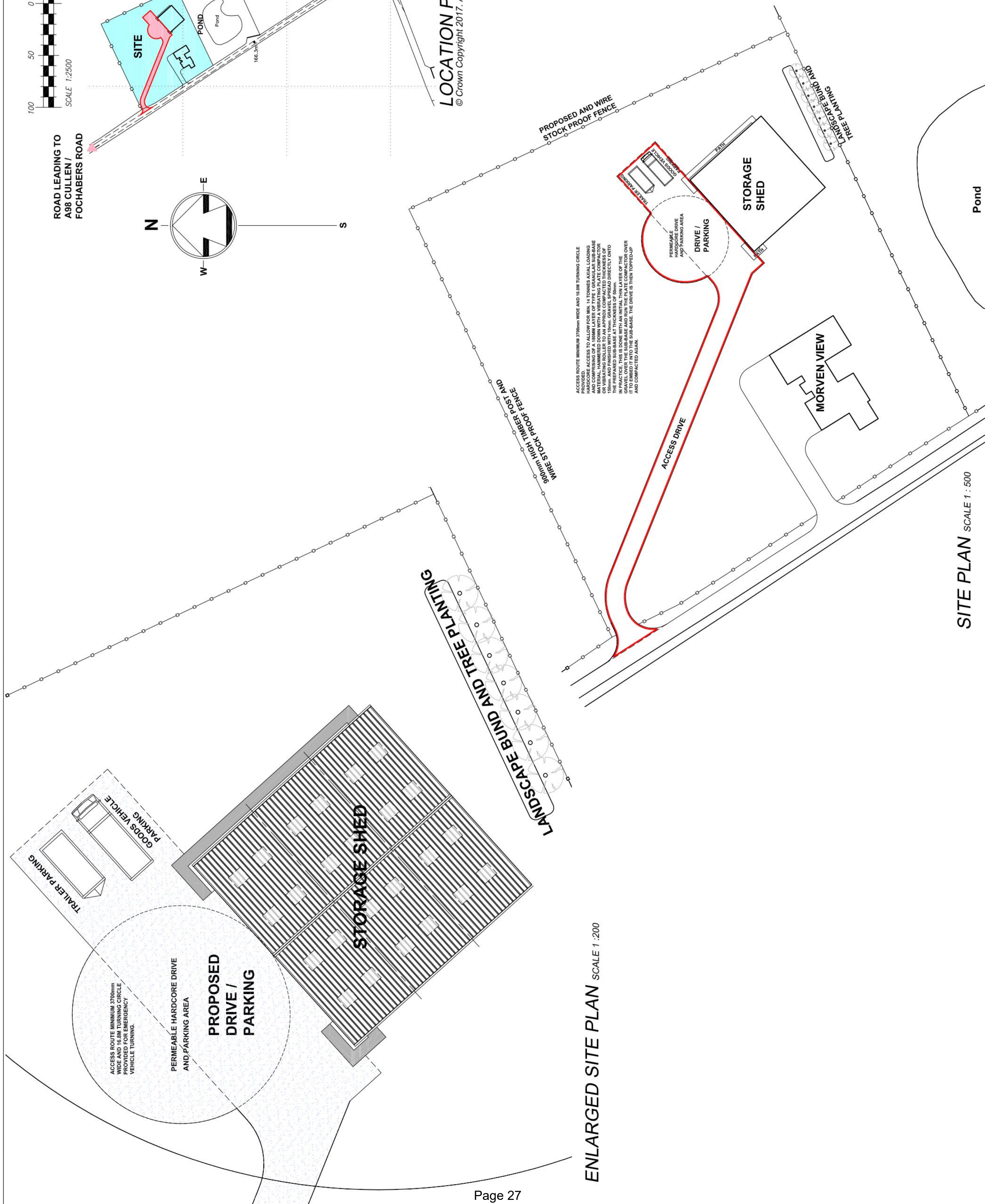
Online payment: 980200

Payment date: 20/01/2021 14:02:00

Created: 20/01/2021 14:02



LOCATION PLAN SCALE 1 : 2500
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Architectural Agent

**No.3, Brankie Place, Inverurie,
Aberdeenshire. AB51 4GN**

e-mail george.hadden@btconnect.com
Tel: 01467 629919
Mob 07920097510

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Mob 07920097510

Mob 07920097510

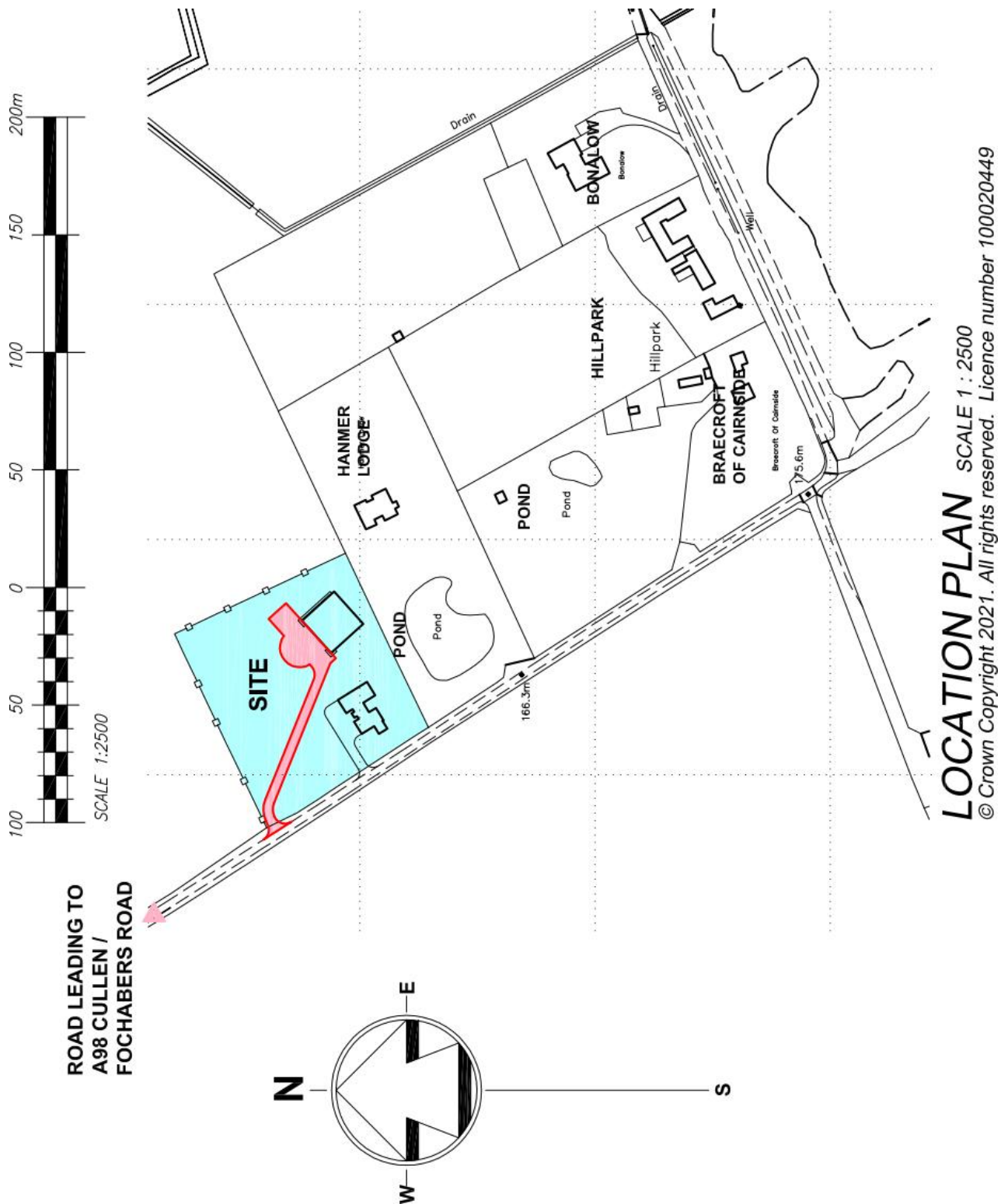
CLIENT	Mr. M. STEVENSON.		
PROJECT	PROPOSED CHANGE OF USE TO FORM OPERATORS PARKING AT MORVEN VIEW, CLOCHEN, AB56 5HX		
DRAWING	PLANNING	DATE	JANUARY 2021
Drawn By	G. HADDEN	SCALE	1:500 & 1:200
JOB / DRAWING No :			21594 / 01
			REV -

PROJECT **PROPOSED CHANGE OF USE TO FORM
OPERATORS PARKING AT MORVEN VIEW,
CLOCHEN. AB56 5HX**

DRAWING	PLANNING	DATE	JANUARY 2021
Drawn By	G. HADDEN	SCALE	1:500 & 1:200

Drawn By **G. HADDEN** SCALE **1:500 & 1:200**

JOB / DRAWING No : 21594 / 01 REV -



Job Ref :- 21594

Date :- 12th March 2021

ECONOMY, ENVIRONMENT AND FINANCE
Moray Council
PO Box 6760
Elgin, Moray IV30 1BX

F.A.O – Shona Strachan - Planner

Dear Sirs,

**PROPOSED CHANGE OF USE TO FORM OPERATORS PARKING AT
MORVEN VIEW, CLOCHEN. AB56 5HX
FOR Mr. M. STEVENSON.
PLANNING REF No. 21/00075/APP**

With regard to the above in support of the application we would submit:

- The applicant has made an application for an Operator's Licence. In response to this The Office of the Traffic Commissioner and Stuart Dale (Planning Enforcement Officer) have asked for a Change of Use application to be brought before Moray Council for determination before any Operators Licence can be considered.
- The proposal involves having designated parking spaces to allow an HGV vehicle and trailer to be parked in front of the storage shed – note the storage shed is not to be used for this purpose. Further we would note the HGV lorry in question is the same wheel base as the Local Authority Bin Lorry which regularly uses the road.
- The hours of operation would be 7am-7pm, however in reality the HGV would leave it's parking space in the morning and return at the end of the working day – essentially 1 movement out of the site and 1 movement in daily
- The movements would be from Monday – Saturday inclusive
- 1 member of staff, the applicant who resides at Morven View
- No clients would visit the site.
- The current road allows access for delivery lorries, tractors and other farm vehicles travelling to and from the surrounding agricultural premises – we would make note that there is 7/8 HGV movements from Buddnich Farm daily.
- The applicant has made the application for a parking space on his land to allow him to park the HGV vehicle and trailer adjacent to his home. This vehicle and trailer (where necessary) will be used to move his works vehicles (Plant) to and from whatever construction site they are working on, rather than the current situation whereby the applicant has to hire vehicles to move his plant
- The applicant stresses that the application is for parking spaces on hardstanding land and while he admits an error on his part at describing the area of ground as a yard when posting pictures to Social Media (3 occasions) he confirms his use of the term 'yard' was meant as the hardstanding area and

not any complainants thoughts it might be a yard for storage of goods and/or materials

- The applicants reasoning for the application is to allow the parking of the vehicle and trailer and the land he owns rather than having to buy/rent ground and put financial pressure on a business that he is currently trying to save money for long term but investing in this vehicle to remove the need to hire transportation for his Plant machinery.
- Finally the applicant would state that there would be no more vehicle movements from the site with or without the HGV on site as he would have to travel to wherever the HGV had to be stored/parked.

Should you have any queries regarding the operations statement do not hesitate to call me at this office.

Yours sincerely

George Hadden MCIAT
Architectural Agent

Consultee Comments for Planning Application 21/00075/APP

Application Summary

Application Number: 21/00075/APP

Address: Morven View Clochan Buckie Moray AB56 5HX

Proposal: Change of use of garden ground to operators lorry and trailer parking area

Case Officer: Shona Strachan

Consultee Details

Name: Mr CL Consultations

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

Email: clconsultations@moray.gov.uk

On Behalf Of: Contaminated Land

Comments

No objections

Adrian Muscutt, CLO

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	9th February 2021
Planning Authority Reference	21/00075/APP
Nature of Proposal (Description)	Change of use of garden ground to operators lorry and trailer parking area
Site	Morven View Clochan Buckie Moray AB56 5HX
Site Postcode	N/A
Site Gazetteer UPRN	000133059059
Proposal Location Easting	342227
Proposal Location Northing	860200
Area of application site (M²)	707
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QN9VJDBGFS700
Previous Application	17/01017/APP 10/01005/APP
Date of Consultation	26th January 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Mark Stevenson
Applicant Organisation Name	
Applicant Address	Morven View Clochan Buckie Moray AB56 5HX
Agent Name	George Hadden Architectural Agent
Agent Organisation Name	
Agent Address	Fremont Little Newton Old Rayne Insch AB52 6SE
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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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: Environmental Health Manager

Planning Application Ref. No: 21/00075/APP

**Change of use of garden ground to operators lorry and trailer parking area Morven View
Clochan Buckie Moray for Mr Mark Stevenson**

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

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

Reason(s) for objection

Condition(s)

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Lisa Campbell
email address: Lisa.Campbell@moray.gov.uk
Consultee:

Date...16/02/21.....
Phone No

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.

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	9th February 2021
Planning Authority Reference	21/00075/APP
Nature of Proposal (Description)	Change of use of garden ground to operators lorry and trailer parking area
Site	Morven View Clochan Buckie Moray AB56 5HX
Site Postcode	N/A
Site Gazetteer UPRN	000133059059
Proposal Location Easting	342227
Proposal Location Northing	860200
Area of application site (M²)	707
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QN9VJDBGFS700
Previous Application	17/01017/APP 10/01005/APP
Date of Consultation	26th January 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Mark Stevenson
Applicant Organisation Name	
Applicant Address	Morven View Clochan Buckie Moray AB56 5HX
Agent Name	George Hadden Architectural Agent
Agent Organisation Name	
Agent Address	Fremont Little Newton Old Rayne Insch AB52 6SE
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.

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 21/00075/APP

Change of use of garden ground to operators lorry and trailer parking area Morven View Clochan Buckie Moray for Mr Mark Stevenson

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

Please

- | | | |
|-----|---|--------------------------|
| (a) | I OBJECT to the application for the reason(s) as stated below | x |
| (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 type="checkbox"/> |
| (d) | Further information is required in order to consider the application as set out below | <input type="checkbox"/> |

This proposal is for the change of use of garden ground of a residential property to site a Heavy Goods Vehicle (HGV) and trailer associated with an Operator's licence application.

The site is located approximately 3.5km from the nearest 'A' or 'B' classified roads, and can be accessed via a number of routes, each of which are for the most part single track with limited passing opportunities and each subject to a number of changes in the vertical and horizontal planes (with crests and bends). The various routes also pass through existing road junctions which would be likely to be subject to verge overrunning by the manoeuvres associated with larger vehicle such as Articulated Lorries (and with trailers).

Formal passing opportunities are required on single track roads to enable vehicles to pass each other safely. Passing places should be inter-visible and ideally no greater than 150m apart. This is to ensure that vehicles do not have to undertake a reversing manoeuvre upon meeting another vehicle coming towards them, and to prevent damage to the verge (and utilities within the verge) caused by vehicles trying to pass other, particularly at a bend or where vehicles meet at a crest.

The provision of additional 'formal' passing places, and improvements to the geometry of junctions generally requires land considered to be outwith the public verge and therefore under private ownership, and in reality the longer the route the more likelihood there is that the associated land (which may be identified as locations for new passing opportunities or junction improvements) would not only be under private ownership, but likely to be under the ownership of different parties.

Transportation considers that this proposal would result in an intensification of use of the single track roads serving the site, resulting in considerable increased risk of vehicles

having to reverse out of the HGV's oncoming path, and due to the vehicle size would be likely to result in an increased likelihood of vehicle verge overrunning. This would be likely to lead to conditions detrimental to the road safety of road users which would not be acceptable.

Whilst there may be some scope for the applicant to potentially provide a new passing place or provide limited additional surfacing at a junction, given the length of route between the site and the nearest two lane road(s) it is considered that any agreed carriageway improvement works would not in isolation be sufficient to ensure that the additional risk of a vehicle having to potentially undertake an unsafe reversing manoeuvre could be sufficiently mitigated against. Additionally given the various routes serving the site there would in reality be no way of enforcing a condition which ensured that access was solely via a particular (agreed) route.

Reason(s) for objection

This proposal would result in an intensification of use of the single track roads serving the site, by large articulated vehicle and would be likely to result in approaching vehicle's having to undertake potentially unsafe reversing manoeuvres out of the path of the oncoming Heavy Goods Vehicle, as well as resulting in damage to the carriageway/verge due to vehicle verge overrunning.

Due to the length of the overall route which has limited passing opportunities it is considered that the proposal cannot be adequately mitigated against, and additionally that any agreed route could not be enforceable even with mitigation works provided.

Transportation considers that his proposal if permitted would be likely to result in conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policies DP1 'Development Principles' section (ii)- 'Transportation', part 'a'.

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

Date: 18 February 2021

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 21/00075/APP

Application Summary

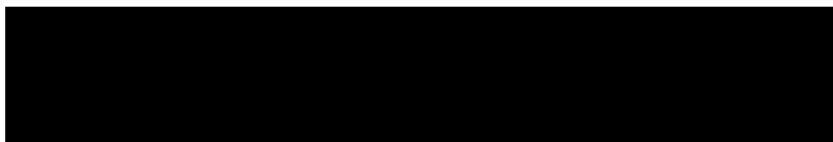
Application Number: 21/00075/APP

Address: Morven View Clochan Buckie Moray AB56 5HX

Proposal: Change of use of garden ground to operators lorry and trailer parking area

Case Officer: Shona Strachan

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Activity at unsociable hours/behaviour
- Affecting natural environment
- Contrary to Local Plan
- Drainage
- Dust
- Lack of landscaping
- Noise
- Road safety
- Traffic

Comment: I write [REDACTED] to object to the above Change of Use proposals.

The main objection is the proposals causing 'industrialisation by stealth' of an area that is a rural housing group, and the following points are made in support of this objection:

- A dwelling house on a greenfield site at the edge of the existing rural housing group was granted Planning Permission in 2010.
- A 5m high 'domestic shed', with a footprint of 2200sqm and three 3.5m high roller shutter doors, was applied for in 2017. This consent was granted with the specific condition that the 'shed be used solely for domestic purposes'. A Google search of 'domestic sheds' indicates a norm of only 15-30sqm. Whilst it is accepted that the existing shed has been duly scrutinised and given Conditional Planning Approval, it is a concern that the scale of the building (more than 70 times the norm) has industrial capability and is well beyond that required for domestic purposes.
- This shed has its own driveway access from the public road, i.e. is separate from the dwelling; thus making its domestic relationship with the house tenuous.
- Since the shed was consented, the works have resulted in concerns over intolerable non-

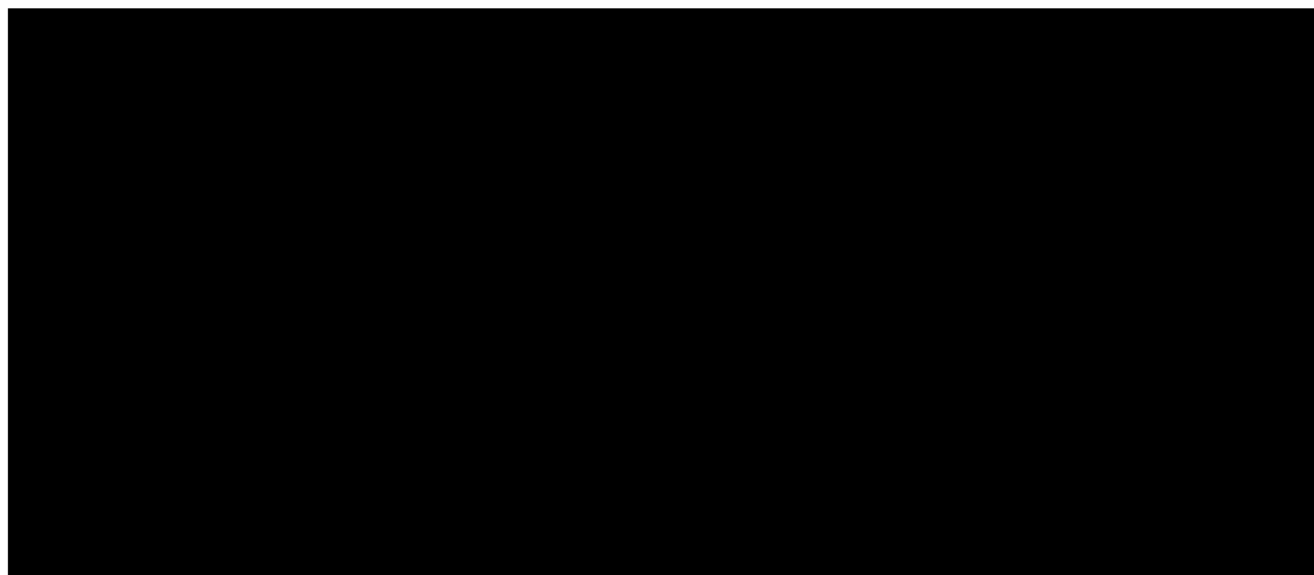
domestic activities, such as prolonged rock-crushing, affecting neighbouring amenity and sleep patterns (the shed is only c.30m away from young children's bedrooms).

- The site is currently used as a deposit for large spoils of earth and rock, which are not the domestic norm, and have lain there for nearly a year.
- It is reassuring that the agent's statement ensures that 'there is no link between the HGV /trailer parking and turning area', but it is not agreed that the proposal can be genuinely classified as 'residential'.
- It is also reassuring that the number of HGV operations will be limited to 'a single movement out and in daily' and would not involve any operations Sundays, but this has not been the pattern in the past.
- The agent's statement declares that operations will conclude at 7pm but, in recent history, some operations have continued beyond 10pm. The operations are more 'construction' than 'farm' related, which can neither be considered as domestic nor sociable for a rural housing group setting.
- The use of HGVs and other large vehicles can lead to oil and fuel spillages, which can contaminate garden ground.
- HGVs and JCBs have reversing warning lights and audio devices, which are specifically designed to disturb, and are not usual sights and sounds first thing every morning and last thing at night in housing settings.
- It is noted that the proposal cites the turning circle being 'required for emergency vehicles'...which is not a usual requirement for domestic gardens.
- It is hoped that the proposal does not result in the Transportation Unit requiring an increase to the existing entrance turning radii and/or visibility splays for safety reasons, which will negatively affect the domestic character of the rural housing group.
- The existing road is narrow and is potholed with slipped edges, causing Moray Council to protect road users through the use of cones and warning tape.
- It is noted that the Moray Development Plan 2020 'requires proposals to be integrated into the surrounding landscape' (DP1) ; 'must be low impact, integrate sensitively, reflects local character, and be of high design quality' (DP4); 'must not impact negatively on a local community on issues such as noise, shadowing, visual dominance', and 'piecemeal proposals should be avoided' (DP4). As such, the proposals do not conform with a considerable number of Council Planning policies.
- It is also noted that, in relation to EP2, the proposals sterilise a large area of ground without any compensatory habitat creation.
- The proposals do not relate to a Farm Diversification project nor a Mixed Use site and, whilst it is accepted that business and employment should not be discouraged in rural areas of Moray, it is noted that non-conforming uses, such as housing and industry, should be avoided (DP5).

In conclusion, the piecemeal proposals to garden development threaten to create an unacceptable industrialised atmosphere in a rural housing grouping. In doing so, the proposals compromise local amenity, privacy, noise, road safety, biodiversity, ground quality, and, most importantly, the quality of domestic rural life. As a result, the proposals cannot be supported.

Should the proposals, however, be granted consent, it should be conditional of the site (a) not being used for industry; (b) having a compensatory biodiversity scheme to mitigate against the loss of habitat and loss of neighbour amenity, including evergreen screening along the shared boundary; and (c) limiting site operations to between 8am-6pm Mon-Sat.

It is also advocated that the Planning Service and Planning Committee or Ward members pay a site visit in order to fully assess the application.



REPORT OF HANDLING

Ref No:	21/00075/APP	Officer:	Shona Strachan
Proposal Description/ Address	Change of use of garden ground to operators lorry and trailer parking area Morven View Clochan Buckie Moray		
Date:	21.04.2021	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	16/02/21	No objection
Contaminated Land	01/02/21	No objection
Transportation Manager	18/02/21	Objection

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
DP1 Development Principles	Y	
DP5 Business and Industry	Y	

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received: ONE		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
Issue: The main objection is the proposals causing 'industrialisation by stealth' of the rural area, with several comments in relation to the use of a previously consented large domestic shed for purposes which extend beyond the use of the shed for domestic purposes. The contributor believes that the piecemeal development of the garden is creating an industrialised atmosphere in the rural area.		
Comments (PO): The proposed change of use of garden ground to HGV Operating Centre (for one		

HGV and one trailer) in the grounds of this existing modern rural residential property would result in large industrial vehicle(s) being accommodated in the grounds of a domestic property in the countryside, a use which is not ordinarily associated with domestic property or the rural environment. This will form part of the reason for refusal of the proposal.

The use of the existing large domestic shed for purposes other than domestic use is the subject of a separate enforcement enquiry.

Issue: The proposal will comprise road condition and could result in increased engineering to the existing site access.

Comments (PO): The Council's Transportation Section has provided a detailed objection to the proposal. The objection from Transportation forms part of the Reason for refusal of the application.

Issue: Comments that the proposal is generally against the provisions of the local development plan, with reference to some local plan policies.

Comments (PO): The comments are noted and the planning assessment has identified the ways in which the proposal is contrary to the provisions of the Local Development Plan.

Issue: Comments that the proposal would be detrimental to the rural quality of life due to amenity and environmental considerations.

Comments (PO): The inappropriate, incompatible nature of the use at this location is discussed in more detail in the planning assessment.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Legislative Framework

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 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

Proposal

Planning permission is sought for the change of use of garden ground to operator's lorry and trailer parking area Morven View Clochan Buckie.

This proposal is for the change of use of garden ground of a residential property to a HGV Operating Centre for one HGV and one trailer, to be sited adjacent to but not used in conjunction with an existing large domestic shed. To be operated Monday - Saturday inclusive 7am-7pm with 1 movement out of the site and 1 movement in daily. The only staff member would be the applicant who resides at Morven View. No clients would visit the site. Works have commenced on site therefore the proposal is part retrospective.

This proposal was the subject of enforcement case 20/00354/ENF which arose as a result of the application to the Traffic Commissioner to create a new operating centre at Morven View, Clochan, 1 vehicle and 1 trailer. During the Traffic Commissioner's process, the Planning Enforcement Officer wrote to both the Traffic Commissioner and the applicant to advise of the need for an application seeking permission for a change of use of the land. This application has been submitted to assess the merits of the change of use.

During the course of the application a separate enforcement enquiry has been raised in relation to use of the site and the adjacent domestic shed as a contractor's yard.

Site Characteristics

The site is located within the grounds of a modern rural dwelling. The property is outwith any rural grouping settlement as defined by the MLDP2020. There is an adjacent neighbouring residential property to the south of the sit, with a cluster of rural houses located further to the south. There are agricultural and forestry uses within the surrounding vicinity. The site is accessed via a network of single track rural roads with crests and bends prevalent.

Policy Assessment

Siting Requirements and impact of the development on the surrounding area (DP5 and DP1)

Policy DP5 part g) is supportive of rural business proposals provided there is a locational need (must be based on more than convenience) for the proposal and subject to satisfactory against all other relevant policy requirements.

Policy DP1 (i) requires development to be of a scale, density and character which is appropriate to the surrounding area contributing to the sense of place.

In this instance, the proposed change of use of garden ground to HGV Operating Centre (for one HGV and one trailer) in the grounds of this existing modern rural residential property would result in large industrial vehicle(s) being accommodated in the grounds of a domestic property in the countryside, a use which is not ordinarily associated with domestic property or the rural environment. This means that the proposed use is considered to be an inappropriate, non-confirming use which is not in keeping with the existing residential use of the site or the character and amenity of the surrounding rural area.

During the course of the application, a locational justification for the proposal was sought, whilst this has not been provided, comments from the updated Operating Statement are relevant and the applicant has sought to explain the need for the proposal on this site on the basis of convenience (land adjacent to home) and cost (the use of land owned by the applicant rather than having to rent land elsewhere). However, it is noted here that convenience or cost do not constitute material planning reasons to justify the use of the site as a HGV Operating Centre, a use which is not ordinarily associated with domestic property or the rural environment. Furthermore it is noted that the site is in relative proximity to Buckie where there is a sufficient supply of suitable designated employment land e.g. business and or industrial sites which are suited to the use proposed and meet the access/serving requirements of the proposal. On this basis, the proposal fails to comply the requisite requirements of Policies DP5 and DP1.

Access Requirements (DP1 ii, part a)

The Transportation Section have advised:

The site is located approximately 3.5km from the nearest 'A' or 'B' classified roads, and can be accessed via a number of routes, each of which are for the most part single track with limited passing opportunities and each subject to a number of changes in the vertical and horizontal planes (with crests and bends). The various routes also pass through existing road junctions which would be likely to be subject to verge overrunning by the manoeuvres associated with larger vehicle such as Articulated Lorries (and with trailers).

Formal passing opportunities are required on single track roads to enable vehicles to pass each other safely. Passing places should be inter-visible and ideally no greater than 150m apart. This is to ensure that vehicles do not have to undertake a reversing manoeuvre upon meeting another vehicle coming towards them, and to prevent damage to the verge (and utilities within the verge) caused by vehicles trying to pass other, particularly at a bend or where vehicles meet at a crest.

The provision of additional 'formal' passing places, and improvements to the geometry of junctions

generally requires land considered to be outwith the public verge and therefore under private ownership, and in reality the longer the route the more likelihood there is that the associated land (which may be identified as locations for new passing opportunities or junction improvements) would not only be under private ownership, but likely to be under the ownership of different parties.

Transportation considers that this proposal would result in an intensification of use of the single track roads serving the site, resulting in considerable increased risk of vehicles having to reverse out of the HGV's oncoming path, and due to the vehicle size would be likely to result in an increased likelihood of vehicle verge overrunning. This would be likely to lead to conditions detrimental to the road safety of road users which would not be acceptable.

Whilst there may be some scope for the applicant to potentially provide a new passing place or provide limited additional surfacing at a junction, given the length of route between the site and the nearest two lane road(s) it is considered that any agreed carriageway improvement works would not in isolation be sufficient to ensure that the additional risk of a vehicle having to potentially undertake an unsafe reversing manoeuvre could be sufficiently mitigated against. Additionally given the various routes serving the site there would in reality be no way of enforcing a condition which ensured that access was solely via a particular (agreed) route.

On this basis, Transportation conclude: This proposal would result in an intensification of use of the single track roads serving the site, by large articulated vehicle and would be likely to result in approaching vehicle's having to undertake potentially unsafe reversing manoeuvres out of the path of the oncoming Heavy Goods Vehicle, as well as resulting in damage to the carriageway/verge due to vehicle verge overrunning.

Due to the length of the overall route which has limited passing opportunities it is considered that the proposal cannot be adequately mitigated against, and additionally that any agreed route could not be enforceable even with mitigation works provided.

Transportation considers that his proposal if permitted would be likely to result in conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policies DP1 'Development Principles' section (ii) 'Transportation', part 'a'.

Procedure

As this development is the subject of an enforcement case, the case will be referred back to the Enforcement Officer following the issue of the Decision Notice.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
17/01017/APP	Change of use of agricultural land to garden ground and erect domestic storage shed at Morven View Clochan Buckie Moray AB56 5HX			
	Decision	Permitted	Date Of Decision	23/08/17
10/01005/APP	Erect dwellinghouse with integral garage and temporary residential caravan to be removed on completion of dwelling on Site To The North Of Hillpark Clochan Buckie Moray			
	Decision	Permitted	Date Of Decision	02/08/10

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Banffshire Advertiser and Herald	No Premises	22/02/21
PINS	No Premises	22/02/21

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

Document Name:	Operation Statement (January 2021)
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Main Issues:	<ul style="list-style-type: none"> The applicant has made an application for an Operator's Licence. In response to this The Office of the Traffic Commissioner and Stuart Dale (Planning Enforcement Officer) have asked for a Change of Use application to be brought before Moray Council for determination before any Operators Licence can be considered. The proposal involves having designated parking spaces to allow an HGV vehicle and trailer to be parked in front of the storage shed – note the storage shed is not to be used for this purpose. The hours of operation would be 7am-7pm, however in reality the HGV would leave its parking space in the morning and return at the end of the working day – essentially 1 movement out of the site and 1 movement in daily. The movements would be from Monday – Saturday inclusive. 1 member of staff, the applicant who resides at Morven View. No clients would visit the site.
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Document Name:	Operation Statement (March 2021)
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Main Issues:	<p>Following the Objection from the Council's Transportation Section and public representation received on the proposal the applicant/agent provide further information to the Operating Statement, namely:</p> <ul style="list-style-type: none"> The applicant has made the application for a parking space on his land to allow him to park the HGV vehicle and trailer adjacent to his home. This vehicle and trailer (where necessary) will be used to move his works vehicles (Plant) to and from whatever construction site they are working on, rather than the current situation whereby the applicant has to hire vehicles to move his plant. The applicant stresses that the application is for parking spaces on hardstanding land and while he admits an error on his part at describing the area of ground as a yard when posting pictures to Social Media (3 occasions) he confirms his use of the term 'yard' was meant as the hardstanding area and not any complainants thoughts it might be a yard for storage of goods and/or materials.
--------------	--

- The applicants reasoning for the application is to allow the parking of the vehicle and trailer and the land he owns rather than having to buy/rent ground and put financial pressure on a business that he is currently trying to save money for long term but investing in this vehicle to remove the need to hire transportation for his Plant machinery.
- Finally the applicant would state that there would be no more vehicle movements from the site with or without the HGV on site as he would have to travel to wherever the HGV had to be stored/parked.

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)			

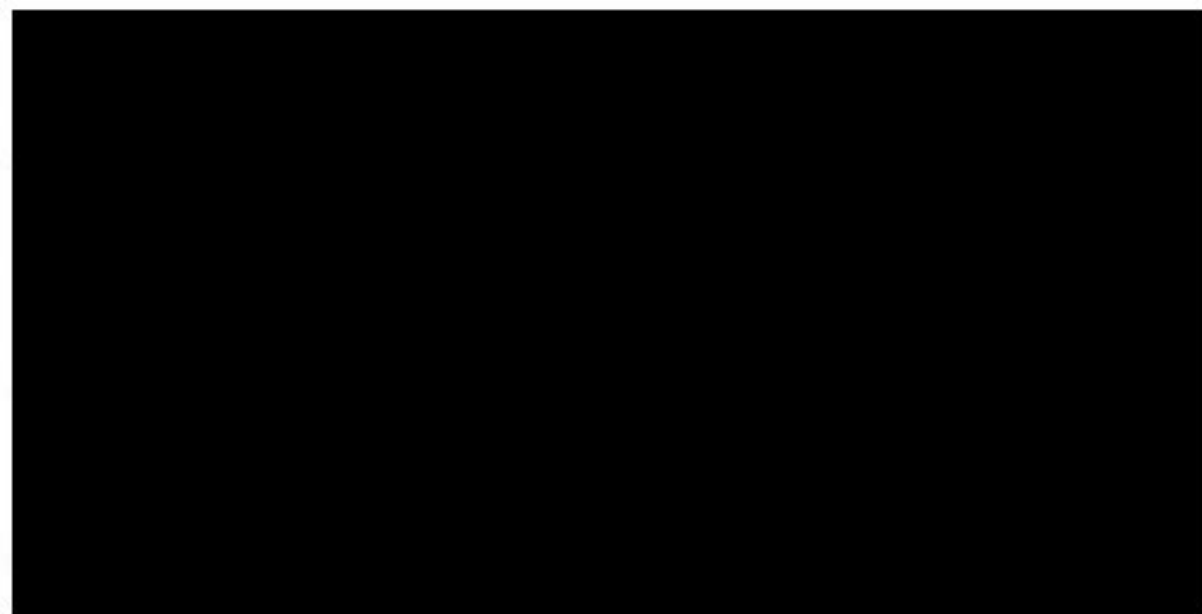


**MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

**[Fochabers Lhanbryde]
Application for Planning Permission**

TO

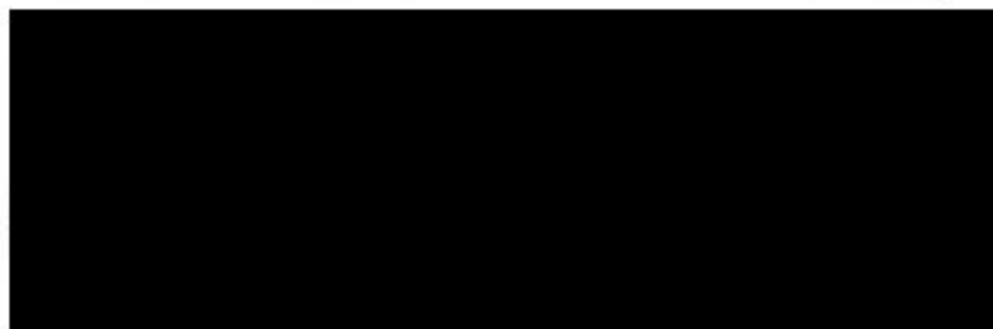


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Change of use of garden ground to operators lorry and trailer parking area
Morven View Clochan Buckie Moray**

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

Date of Notice: **22 April 2021**



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 against the provisions of the Moray Local Development Plan 2020 because:

- i) The proposed change of use of garden ground to HGV Operating Centre (for one HGV and one trailer) in the grounds of this existing modern rural residential property would result in large industrial vehicle(s) being accommodated in the grounds of a domestic property in the countryside, a use which is not ordinarily associated with domestic property or the rural environment. This means that the proposed use is considered to be an inappropriate, non-confirming use which is not in keeping with the existing residential use of the site or the character and amenity of the surrounding rural area. On this basis, the proposal fails to comply the requisite requirements of Policies DP5 and DP1.
- ii) This proposal would result in an intensification of use of the single track roads serving the site, by large articulated vehicle and would be likely to result in approaching vehicle's having to undertake potentially unsafe reversing manoeuvres out of the path of the oncoming Heavy Goods Vehicle, as well as resulting in damage to the carriageway/verge due to vehicle verge overrunning. Due to the length of the overall route which has limited passing opportunities it is considered that the proposal cannot be adequately mitigated against, and additionally that any agreed route could not be enforceable even with mitigation works provided. Transportation considers that his proposal if permitted would be likely to result in conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policies DP1 'Development Principles' section (ii) 'Transportation', part 'a'.

On this basis the proposal is contrary to provisions DP5, DP1 (i) and DP1 (ii) part a) of the MLDP 2020 and the application is therefore refused.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
21594/01		Site and location plan
		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 100353827-004

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:	George Hadden Architectural Agent		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	George	Building Name:	Fremont
Last Name: *	Hadden	Building Number:	
Telephone Number: *	01467 629919	Address 1 (Street): *	Little Newton
Extension Number:		Address 2:	Old Rayne
Mobile Number:	07920097510	Town/City: *	Insch
Fax Number:		Country: *	Scotland
		Postcode: *	AB52 6SE
Email Address: *	george.hadden@btconnect.com		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Morven View"/>
First Name: *	<input type="text" value="Mark"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Stevenson"/>	Address 1 (Street): *	<input type="text" value="Clochan"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Buckie"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Moray"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="Ab56 5HX"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Moray Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="MORVEN VIEW"/>
Address 2:	<input type="text" value="CLOCHAN"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="BUCKIE"/>
Post Code:	<input type="text" value="AB56 5HX"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="860200"/>	Easting	<input type="text" value="342227"/>
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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 Garden Ground to Form Operators Lorry and Trailer Parking Space

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.

The matters we think should be taken into account is the refusal based on not being appropriate in a domestic setting (reason: the proposal would appear in proportion to the previously passed garage) and the single track road having intensified road use by a large vehicle (reason: vehicles already using the road with the widening and passing places currently on the route)

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)

All documents already uploaded with original application

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/00075/APP

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

21/01/2021

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

22/04/2021

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

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 George Hadden

Declaration Date: 08/07/2021

Job Ref :- 21594

Date :- 12th March 2021

ECONOMY, ENVIRONMENT AND FINANCE
Moray Council
PO Box 6760
Elgin, Moray IV30 1BX

F.A.O – Shona Strachan - Planner

Dear Sirs,

**PROPOSED CHANGE OF USE TO FORM OPERATORS PARKING AT
MORVEN VIEW, CLOCHEN. AB56 5HX
FOR Mr. M. STEVENSON.
PLANNING REF No. 21/00075/APP**

With regard to the above in support of the application we would submit:

- The applicant has made an application for an Operator's Licence. In response to this The Office of the Traffic Commissioner and Stuart Dale (Planning Enforcement Officer) have asked for a Change of Use application to be brought before Moray Council for determination before any Operators Licence can be considered.
- The proposal involves having designated parking spaces to allow an HGV vehicle and trailer to be parked in front of the storage shed – note the storage shed is not to be used for this purpose. Further we would note the HGV lorry in question is the same wheel base as the Local Authority Bin Lorry which regularly uses the road.
- The hours of operation would be 7am-7pm, however in reality the HGV would leave it's parking space in the morning and return at the end of the working day – essentially 1 movement out of the site and 1 movement in daily
- The movements would be from Monday – Saturday inclusive
- 1 member of staff, the applicant who resides at Morven View
- No clients would visit the site.
- The current road allows access for delivery lorries, tractors and other farm vehicles travelling to and from the surrounding agricultural premises – we would make note that there is 7/8 HGV movements from Buddnich Farm daily.
- The applicant has made the application for a parking space on his land to allow him to park the HGV vehicle and trailer adjacent to his home. This vehicle and trailer (where necessary) will be used to move his works vehicles (Plant) to and from whatever construction site they are working on, rather than the current situation whereby the applicant has to hire vehicles to move his plant
- The applicant stresses that the application is for parking spaces on hardstanding land and while he admits an error on his part at describing the area of ground as a yard when posting pictures to Social Media (3 occasions) he confirms his use of the term 'yard' was meant as the hardstanding area and

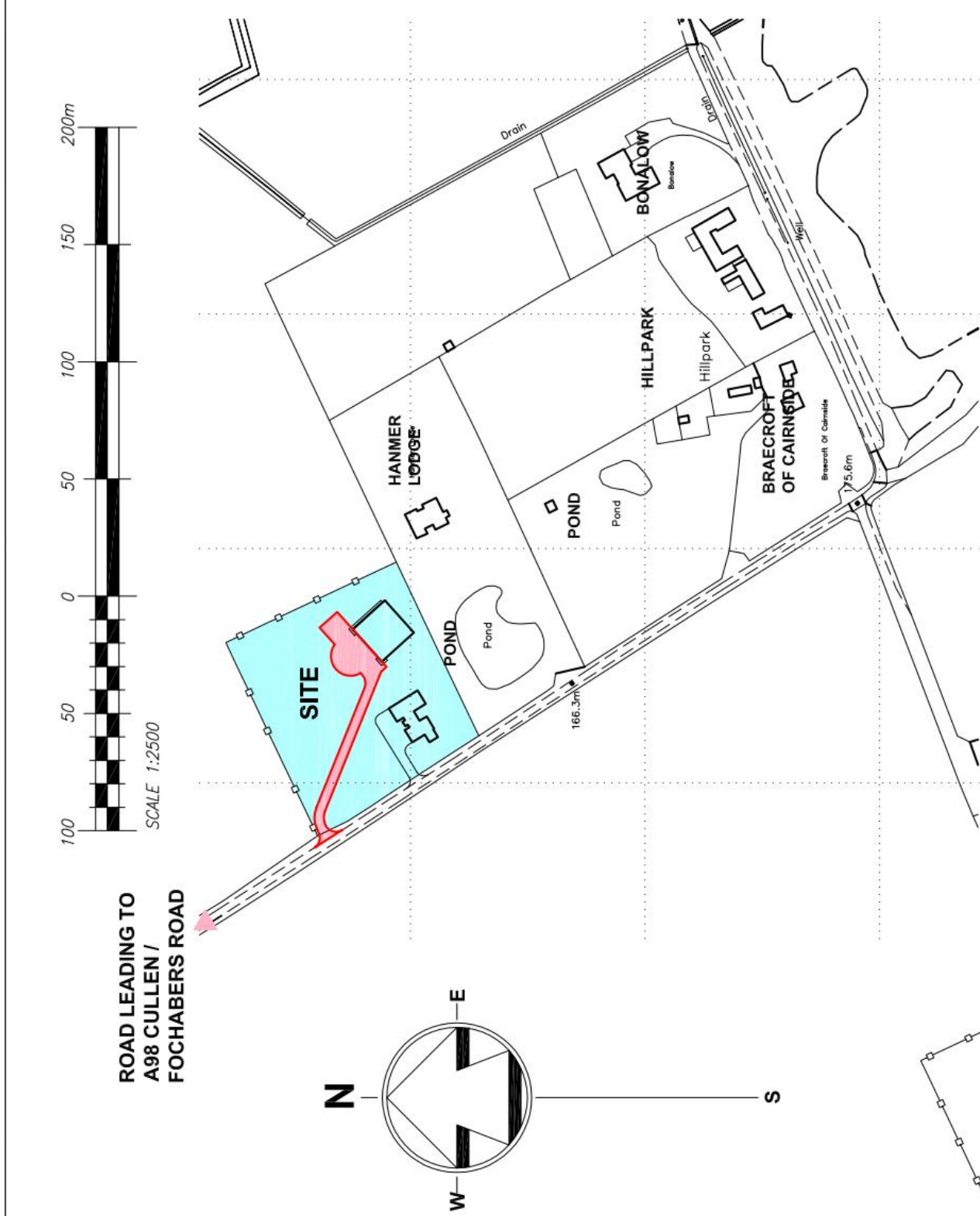
not any complainants thoughts it might be a yard for storage of goods and/or materials

- The applicants reasoning for the application is to allow the parking of the vehicle and trailer and the land he owns rather than having to buy/rent ground and put financial pressure on a business that he is currently trying to save money for long term but investing in this vehicle to remove the need to hire transportation for his Plant machinery.
- Finally the applicant would state that there would be no more vehicle movements from the site with or without the HGV on site as he would have to travel to wherever the HGV had to be stored/parked.

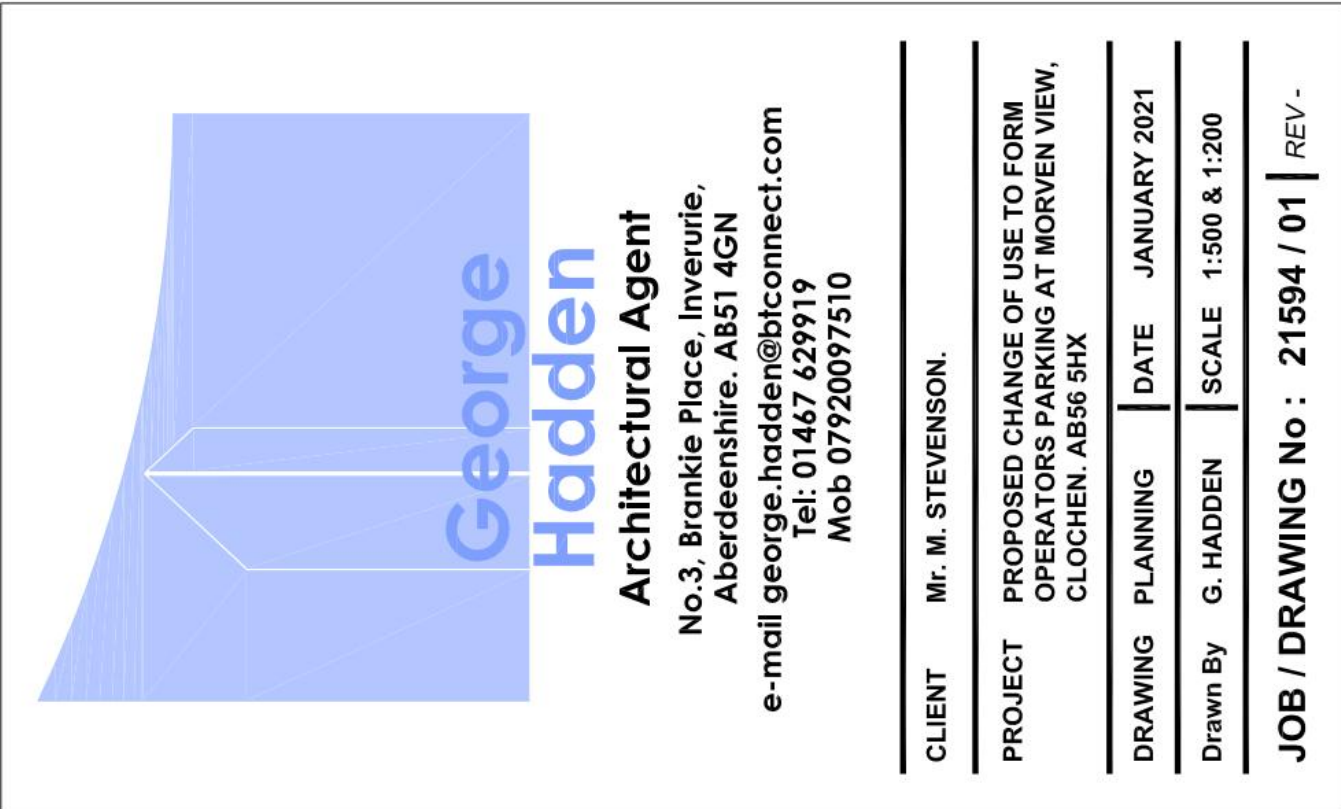
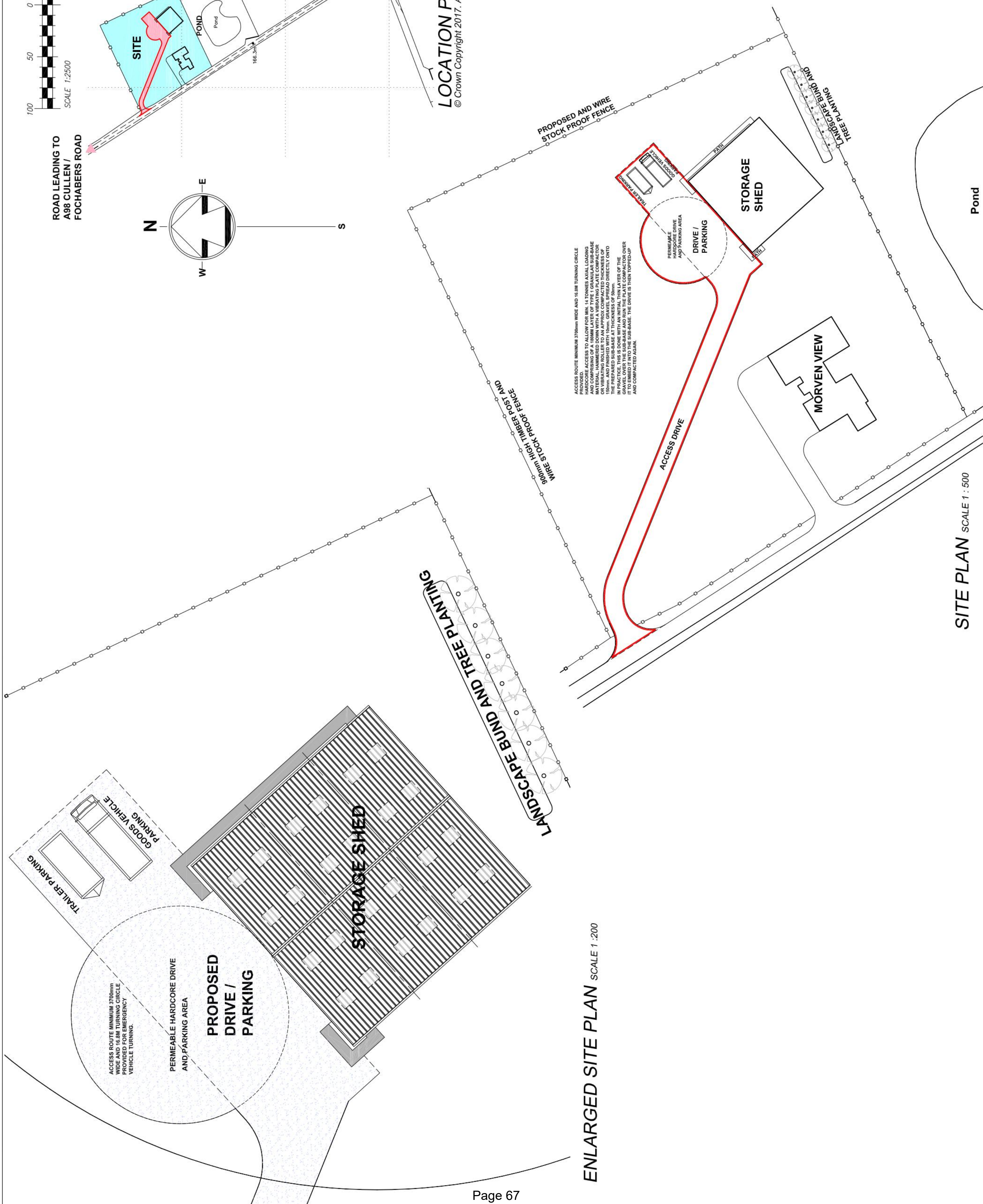
Should you have any queries regarding the operations statement do not hesitate to call me at this office.

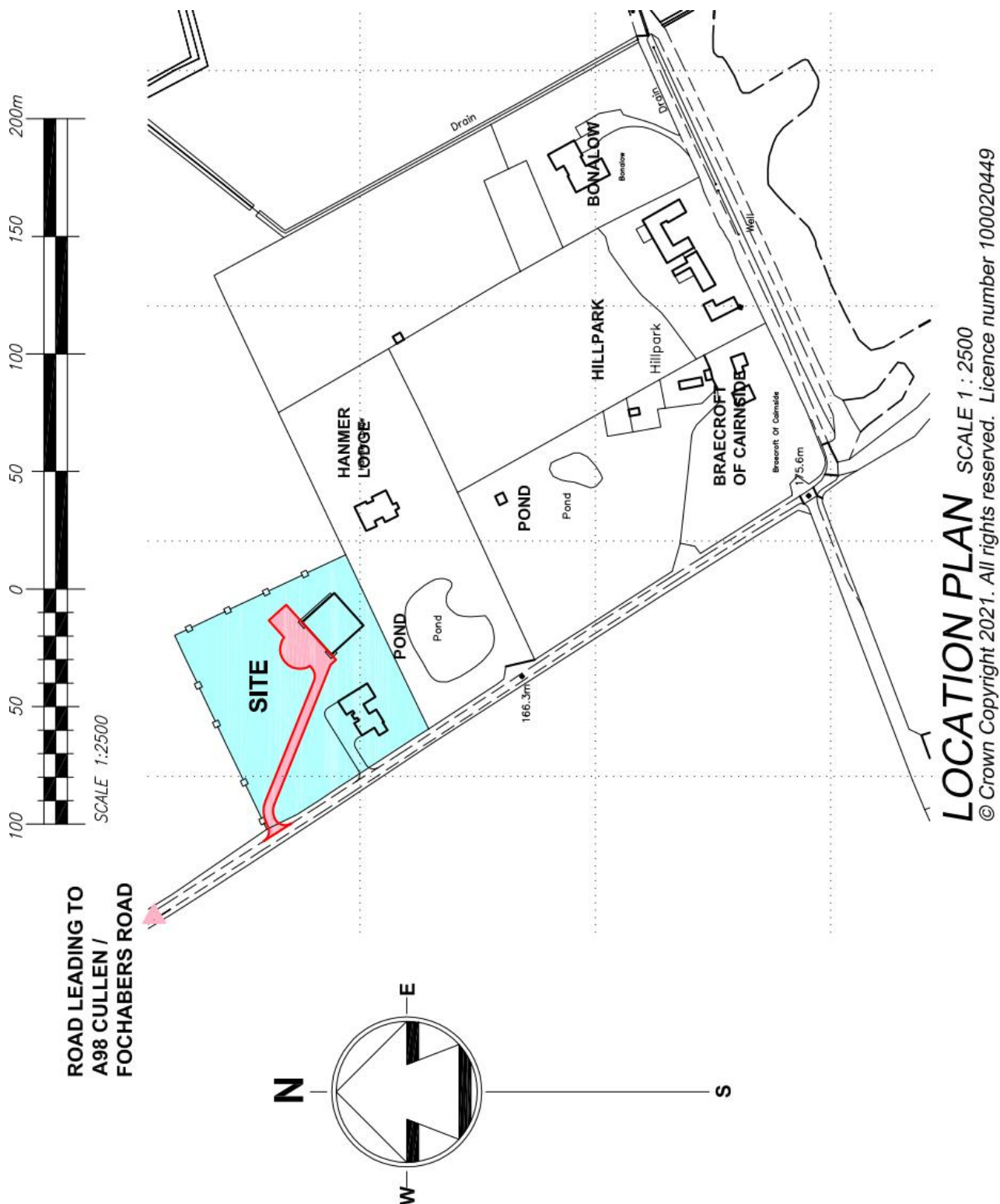
Yours sincerely

George Hadden MCIAT
Architectural Agent



LOCATION PLAN SCALE 1 : 2500
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APPENDIX 3

FURTHER REPRESENTATIONS FROM INTERESTED PARTIES



ENVIRONMENTAL SERVICES

Diane Anderson

Senior Engineer

PO Box 6760
Elgin, Moray IV30 9BX

Telephone: 01343 563782

Fax: 01343 563990

email: diane.anderson@moray.gov.uk

Website: www.moray.gov.uk

Our reference: LR/LRB262

Your reference: LR262

Chief Legal Officer
Per Ms L Rowan
Committee Services
The Moray Council
High Street
ELGIN
IV30 1BX

21 July 2021

Dear Madam

TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

REQUEST FOR REVIEW: PLANNING APPLICATION 20/00075/APP CHANGE OF USE OF GARDEN GROUND TO OPERATORS LORRY AND TRAILER PARKING AREA MORVEN VIEW CLOCHAN BUCKIE

I refer to your letter dated 14th July 2021.

I respond on behalf of the Transportation Manager with respect to our observations on the applicant's grounds for seeking a review of the planning authority's decision to refuse the above planning application.

Transportation has reviewed the appellant's grounds for review and the associated documents, and submits the attached representation with associated documents in response.

Yours faithfully

Diane Anderson
Senior Engineer

Local Review

LRB Ref 262

Planning Application Reference 21/00075/APP Change of use of garden ground to operators lorry and trailer parking area Morven View Clochan Buckie

Response from Transportation, Moray Council

1. This document is in response to the Notice of Review and the Statement of Case submitted by Mr Mark Stevenson and sets out observations by Transportation on the application and the grounds for seeking a review.
2. This review concerns planning application 20/00075/APP for a change of use of garden ground to lorry and trailer parking area associated with an Operators Licence at Morven View Clochan Buckie .
3. Transportation received the consultation for planning application 20/00075/APP on 26th January 2021. A copy of Transportations consultation response dated 18th February 2021 is attached (TMC 01).
4. Site photos are attached (TMC 02)
5. The location of the site in relation to the primary road network is shown on the attached map (TMC 03)
6. The applicant has stated that their reasoning for the application *“is to allow the parking of the vehicle and trailer and the land he owns rather than having to buy/rent ground and put financial pressure on a business that he is currently trying to save money for long term but investing in this vehicle to remove the need to hire transportation for his Plant machinery.”*
7. The applicants home is located approximately 3.5km from the nearest ‘A’ or ‘B’ (two lane) classified roads, and can only be accessed via a number of ‘minor’ roads, each of which are extensively single track with limited passing opportunities.
8. In common with many rural roads within Moray these ‘minor’ roads are subject to a number vertical and horizontal alignment changes (bends and crests) and also pass through existing road junctions which, due to the narrow width of the roads themselves, can be of limited manoeuvring/turning space.
9. Again the rural nature of the site location means that it is commonplace for larger farm related vehicles to be using the nearby roads. However, legitimate agricultural activity when operating within the bounds of an agricultural holding is considered to be ‘permitted development’ and as such does not require planning permission. This proposal however is for a change of use which does trigger the requirement for planning permission.
10. It is also accepted that refuse/ waste collection services are undertaken within these ‘minor’ roads; However Councils have a statutory duty to make arrangements to provide a waste collection service to properties throughout the Public Road network.

Local Review**LRB Ref 262****Planning Application Reference 21/00075/APP Change of use of garden ground to operators lorry and trailer parking area Morven View Clochan Buckie**

11. Whilst it is accepted that this proposal may have only a minimal number of daily trips associated (as described); a limit on the number of trips could not in fact be enforceable, and therefore no such restrictions could be applied as conditions to any associated Planning permission.
12. Similarly the route/ direction of travel could not in fact be enforceable and again no such restrictions could be applied as conditions to any associated Planning permission.
13. Formal passing opportunities are required on single track 'minor' roads to enable vehicles to pass each other safely. Passing places should be inter-visible and ideally no greater than 150m apart. This is to ensure that vehicles do not have to undertake a reversing manoeuvre upon meeting another vehicle coming towards them, and to prevent damage to the verge (and utilities within the verge) caused by vehicles trying to pass other, particularly at a bend or where vehicles meet at a crest.
14. Larger vehicles (particularly with a trailer attached) should be able to safely turn in one continuous manoeuvre at junctions without having to reverse, and without any part of the vehicle or trailer 'overrunning' and potentially damaging the verge.
15. It is considered that the mitigation works which would be required by the applicant within the 'minor' roads serving the site (such as the provision of additional passing opportunities or improvements to junctions) would not be a feasible option, primarily due to the associated costs but also due to land ownership constraints.
16. Additionally no mechanism could be reasonably put in place to attribute responsibility for any damage to the carriageway or verge to a particular vehicle or party, and therefore the cost of any repairs associated with vehicle overrunning at junctions or by vehicles trying to pass each other is a cost that would be borne by the Council.
17. Transportation considers that this proposal would result in an intensification of use of the single track roads serving the site, resulting in an increased risk of vehicles having to reverse out of the HGV's oncoming path, and due to the vehicle size would be likely to result in an increased likelihood of vehicle verge overrunning, and would give rise to conditions which would be to the detriment of road user safety.
18. Due to the length of the overall route with limited passing opportunities it is considered that the proposal cannot be adequately mitigated against (via road improvements), or be subject to any enforceable conditions which would restrict the movements of the vehicle to any particular route or limit the number of trips even if mitigation works could be provided.

Local Review

LRB Ref 262

Planning Application Reference 21/00075/APP Change of use of garden ground to operators lorry and trailer parking area Morven View Clochan Buckie

19. On this basis Transportation, respectfully, requests the MLRB to uphold the decision by the appointed officer. In particular on the grounds that policy DP1 'Development Principles' section (ii)- 'Transportation', part 'a)' (safe entry and exit) is not satisfied.

Transportation

21 July 2021

Documents

TMC01 Transportation Consultation Response dated 18th February 2021

TMC02 Site photographs

TMC03 Location Map

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	9th February 2021
Planning Authority Reference	21/00075/APP
Nature of Proposal (Description)	Change of use of garden ground to operators lorry and trailer parking area
Site	Morven View Clochan Buckie Moray AB56 5HX
Site Postcode	N/A
Site Gazetteer UPRN	000133059059
Proposal Location Easting	342227
Proposal Location Northing	860200
Area of application site (M²)	707
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QN9VJDBGFS700
Previous Application	17/01017/APP 10/01005/APP
Date of Consultation	26th January 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Mark Stevenson
Applicant Organisation Name	
Applicant Address	Morven View Clochan Buckie Moray AB56 5HX
Agent Name	George Hadden Architectural Agent
Agent Organisation Name	
Agent Address	Fremont Little Newton Old Rayne Insch AB52 6SE
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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NOTE:

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 21/00075/APP

Change of use of garden ground to operators lorry and trailer parking area Morven View Clochan Buckie Moray for Mr Mark Stevenson

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

Please

- | | | |
|-----|---|--------------------------|
| (a) | I OBJECT to the application for the reason(s) as stated below | x |
| (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 type="checkbox"/> |
| (d) | Further information is required in order to consider the application as set out below | <input type="checkbox"/> |

This proposal is for the change of use of garden ground of a residential property to site a Heavy Goods Vehicle (HGV) and trailer associated with an Operator's licence application.

The site is located approximately 3.5km from the nearest 'A' or 'B' classified roads, and can be accessed via a number of routes, each of which are for the most part single track with limited passing opportunities and each subject to a number of changes in the vertical and horizontal planes (with crests and bends). The various routes also pass through existing road junctions which would be likely to be subject to verge overrunning by the manoeuvres associated with larger vehicle such as Articulated Lorries (and with trailers).

Formal passing opportunities are required on single track roads to enable vehicles to pass each other safely. Passing places should be inter-visible and ideally no greater than 150m apart. This is to ensure that vehicles do not have to undertake a reversing manoeuvre upon meeting another vehicle coming towards them, and to prevent damage to the verge (and utilities within the verge) caused by vehicles trying to pass other, particularly at a bend or where vehicles meet at a crest.

The provision of additional 'formal' passing places, and improvements to the geometry of junctions generally requires land considered to be outwith the public verge and therefore under private ownership, and in reality the longer the route the more likelihood there is that the associated land (which may be identified as locations for new passing opportunities or junction improvements) would not only be under private ownership, but likely to be under the ownership of different parties.

Transportation considers that this proposal would result in an intensification of use of the single track roads serving the site, resulting in considerable increased risk of vehicles

having to reverse out of the HGV's oncoming path, and due to the vehicle size would be likely to result in an increased likelihood of vehicle verge overrunning. This would be likely to lead to conditions detrimental to the road safety of road users which would not be acceptable.

Whilst there may be some scope for the applicant to potentially provide a new passing place or provide limited additional surfacing at a junction, given the length of route between the site and the nearest two lane road(s) it is considered that any agreed carriageway improvement works would not in isolation be sufficient to ensure that the additional risk of a vehicle having to potentially undertake an unsafe reversing manoeuvre could be sufficiently mitigated against. Additionally given the various routes serving the site there would in reality be no way of enforcing a condition which ensured that access was solely via a particular (agreed) route.

Reason(s) for objection

This proposal would result in an intensification of use of the single track roads serving the site, by large articulated vehicle and would be likely to result in approaching vehicle's having to undertake potentially unsafe reversing manoeuvres out of the path of the oncoming Heavy Goods Vehicle, as well as resulting in damage to the carriageway/verge due to vehicle verge overrunning.

Due to the length of the overall route which has limited passing opportunities it is considered that the proposal cannot be adequately mitigated against, and additionally that any agreed route could not be enforceable even with mitigation works provided.

Transportation considers that his proposal if permitted would be likely to result in conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policies DP1 'Development Principles' section (ii)- 'Transportation', part 'a'.

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

Date: 18 February 2021

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.

Notice of Review: Planning Application 21/00075/APP
– Change of use of garden ground to form operators lorry and trailer parking space
at Morven View, Clochan, Buckie

I write on behalf [REDACTED], [REDACTED] to sustain an objection to the above Change of Use proposals (ref original objection). Whilst supportive of the applicant's business aims, there is no clear locational need for a contractor's yard in this predominantly domestic setting, and the objection is sustained on the following grounds:

APPLICANT'S STATEMENT	OBJECTION COMMENT	REFERENCE
<i>"The matters we think should be taken into account is the refusal based on not being appropriate in a domestic setting (reason: the proposal would appear in proportion to the previously passed garage)"</i>	The 'previously passed garage' was approved for domestic use only. This new application is more relevant for commercial use. The land was originally agricultural land, which had to be approved to be changed to garden ground for the build of the domestic shed. Proposal still fails to comply with DP5 and DP1 policies	Notice of review appeal form. Refusal of planning permission decision notice.
<i>"The single track road having intensified road use by a large vehicle (reason: vehicles already using the road with the widening and passing places currently on the route). "</i>	The large vehicles that come up the road are either essential to all the houses (bin lorry) or seasonal (lorries going to the local farm)	Notice of review appeal form
<i>Road conditions acceptable</i>	Road conditions are not getting better, they are getting worse. There is a landslip at a passing place at a corner and pot holes.	
<i>"There is 7/8 HGV movements from Buddnich Farm daily"</i>	This statement is incorrect; when there is HGV movements this is only seasonal and 7/8 lorries is over estimated.	Supporting document LRB - Operations statement
<i>"The HGV would leave its parking space in the morning and return at the end of the working day - essentially 1 movement out of the site and 1 movement in daily."</i>	Since the shed has been built, there are multiple movements of diggers in and out of the property on a daily basis.	Supporting document LRB - Operations statement
<i>"1 member of staff, the applicant who resides at Morven View"</i>	The applicant's father is on site operating machinery daily.	Supporting document LRB - Operations statement

It is noted that the applicant and his agent has sought an appeal via the Moray Local Review Body (MLRB) and that the reasons for appeal are largely based on the belief that 'two wrongs make a right', i.e. that (a) the proposals relate to the large scale of the shed and (b) heavy vehicles already use the existing road (Ref Applicant's Notice of Review Appeal Form).

It is also noted, from the Planning Application Decision Notice and Report of Handling, that the proposals do not accord with the Council's Planning and/or Transportation Policies, with additional concerns regarding the minor road network. It is further noted that the site is subject of an Enforcement investigation.

The proposals put before the MLRB, along with applicant's reasons provided above, reveal the intent of industrialisation by stealth. In effect through his own argument, the applicant is admitting that the 'proportion of the previously passed garage' is not domestic in scale and more in keeping with a contractor's yard. This reality has been further evidenced recently with two diggers and other plant and machinery being used daily and stored on site, plus the amount of construction rubble stored on site has also increased, which gets crushed on site into hardcore (ref Applicant's Facebook page).

In conclusion, it is reiterated to the MLRB that the proposals are inappropriate and incompatible within a rural housing group. The points made on the Refusal Decision Notice remain entirely valid.

Sent by Dr Nick Brown

BSc(Hons), Dip Arch, Pg Dip, PhD, RIAS, RIBA, RTPI, IHBC, FSAScot, MInstLM

Chartered Town Planner and RIAS Accredited in Conservation and RIAS Accredited in Sustainable Design

NB Planning and Architecture, 33 Ellieside, Lintmill, Cullen, Banffshire, AB56 4XQ

01542 842847 M 07900 352 879

Email nbplanning@aol.com

Website www.nb-planning-and-architecture.co.uk

Facebook and Twitter

RIAS Practice No 3263 and RIAS Policy on GDPR



Stevenson Contractor LTD

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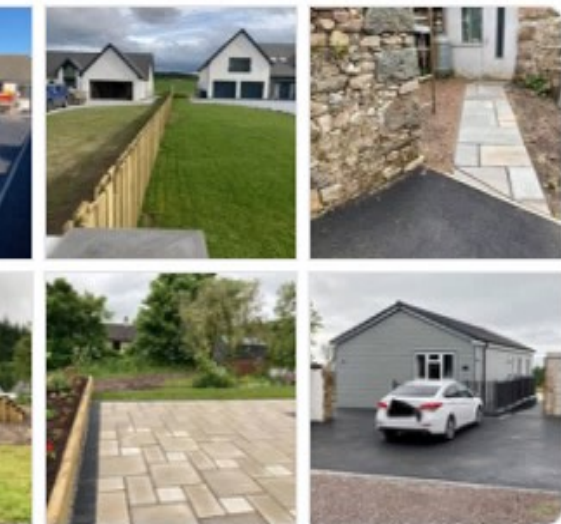
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Mark Stevenson Contractor LTD

March 1 · 🌐

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Page 83



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APPENDIX 4

APPLICANT'S RESPONSE TO FURTHER REPRESENTATIONS

Dear Sirs,

Planning Application 21/00075/APP
– Change of use of garden ground to form operators lorry and trailer parking space
at Morven View,
Clochan,
Buckie

In reference to the above planning application and appeal to the Moray Local Review Body (MLRB), I was delighted to read the objectors are supportive of my business aims however we were concerned about a number of assertions (in blue below) within their representation, namely:

- *that this is a contractors yard* – it is most certainly not a Contractors Yard - this is our family home and our application is for a parking space within the previously passed hardcore parking area to the front of the storage shed (permission - 17/01017/APP)
- *Since the shed has been built, there are multiple movements of diggers in and out of the property on a daily basis.* – the shed is not completed yet and is under construction hence the movements around the site
- *The applicant's father is on site operating machinery daily* – My father is on site regularly, certainly not daily, he is semi retired and for want of a better expression 'potters around' helping with the construction of the storage shed and associated drive
- *two diggers and other plant and machinery being used daily and stored on site* – within the original (17/01017/APP) permission it can be read under the Handing Report the following was confirmed by myself as to what would be stored within the storage shed*"to accommodate some work vehicles used by the owner at sites other than Morven View (other than on site approved landscaping), including 2 JCB vehicles and attachments, 1 Jeep, 1 Van, 1 trailer, a caravan and other domestic storage"*..... the diggers are entitled to be on site to both construct the shed and in the future be stored inside the shed.

Photographs have also been attached to the objection, one through the hedge onto my land and also a screen grab from a social media site – while I couldn't possibly comment on the motives of these two photos the inference again appears to be rubble from sites are being taken from sites and 'dumped' at my property. I can confirm this rubble is coming to my site to be crushed and used in the new access drive and parking area all as passed under the original (17/01017/APP) permission and certainly not being dumped in a contractor's yard as the objector seems to be alluding to.

As the above shows there appears to be difficulty separating what we already have permission for, what we are currently doing on site (construction of shed and associated drive/parking area) and what the new application seeks.

Regarding the Roads Departments comments, my only reply would be the granting or refusal of permission would make no difference to the future movements on the road. The permitted JCB's stored at the shed can be hauled by hired transport - it is just a question of whether I have to hire a haulage vehicle or use one I own.

In summary and to provide clarity to both the objector and the MLRB we would state:

I currently have permission to store 2 JCB vehicles and attachments relating to my work at my storage shed (when complete). These will be transported to and from sites as necessary, as costs to hire HGV transport rise due to a lorry/driver shortage I am now looking at gaining an Operators Licence to allow me to transport these JCB's rather than hiring a haulage vehicle. To gain an operator's licence I require a parking space within my land to park an HGV vehicle to transport the JCB vehicles to sites.

As you will read whether the permission is granted or not, the transporting can take place it is just a question of whether I am driving the HGV or hiring it.

I trust this clarifies my position however do not hesitate to call / email my agent with any further queries.

Regards,

Mark Stevenson
Morven View,
Clochan,
Buckie



MORAY LOCAL REVIEW BODY

30 SEPTEMBER 2021

SUMMARY OF INFORMATION FOR CASE No LR263

Planning Application 21/00485/APP Convert garage to hairdressing salon at 14 Victoria Place Keith

Ward 2 – Keith and Cullen

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 18 June 2021 on the grounds that:

The development is contrary to Policies DP1 (Development Principles) and DP7 (Retail/Town Centres) of the Moray Local Development Plan (MLDP) 2020 for the following reasons:

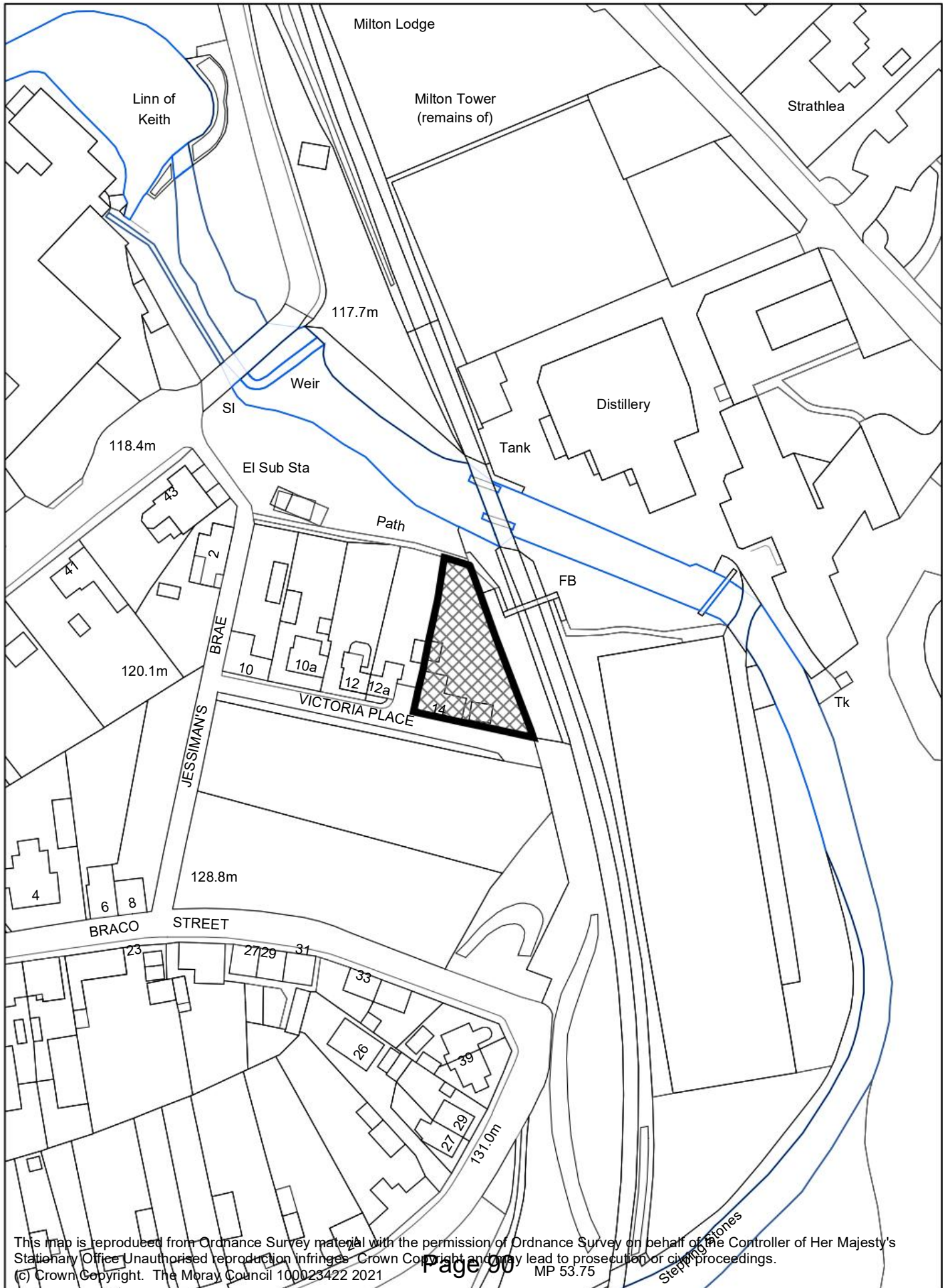
1. The level of activity and infrastructure associated with the change of use would be out of keeping with the character, appearance and scale of the existing residential street and this would impact adversely on neighbouring residential properties, giving rise to an unacceptable overbearing loss of amenity, in terms of noise and disturbance.
2. As the development would be likely to generate significant footfall, it should be located within a town centre. The proposed site is outwith Keith town centre and it has not been demonstrated that no sequentially preferable sites are available.

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**.

No Further Representations were received in response to the Notice of Review

Location plan for Planning Application Reference Number : 21/00485/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 100389744-001

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)

CONVERSION OF GARAGE INTO HAIR SALON

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:	Shand building design Limited		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Douglas	Building Name:	The cabin
Last Name: *	Shand	Building Number:	1
Telephone Number: *	07715467299	Address 1 (Street): *	Hilton park
Extension Number:		Address 2:	Hilton
Mobile Number:		Town/City: *	Banff
Fax Number:		Country: *	Scotland
		Postcode: *	AB45 3AP
Email Address: *	douglas@sbdlimited.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Ms	Building Name:	
First Name: *	Fiona	Building Number:	14
Last Name: *	Cumming	Address 1 (Street): *	Victoria
Company/Organisation		Address 2:	Place
Telephone Number: *		Town/City: *	Keith
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB55 5FU
Fax Number:			
Email Address: *	douglas@sbdlimited.co.uk		

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

14 VICTORIA PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

KEITH

Post Code:

AB55 5FU

Please identify/describe the location of the site or sites

Northing

851063

Easting

342896

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

75.00

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)

Domestic Garage

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>	<input style="width: 100%;" type="text" value="0"/>
<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>	<input style="width: 100%;" type="text" value="0"/>
<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 type="checkbox"/> Yes <input checked="" 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 checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	

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

no waste generated on site

Residential Units Including Conversion

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

☐ Yes ☒ No

All Types of Non Housing Development – Proposed New Floorspace

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

☒ Yes ☐ No

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 4 Business (Office/Light Industry)

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

75

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

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: Douglas Shand

On behalf of: Ms Fiona Cumming

Date: 01/04/2021

☒ 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

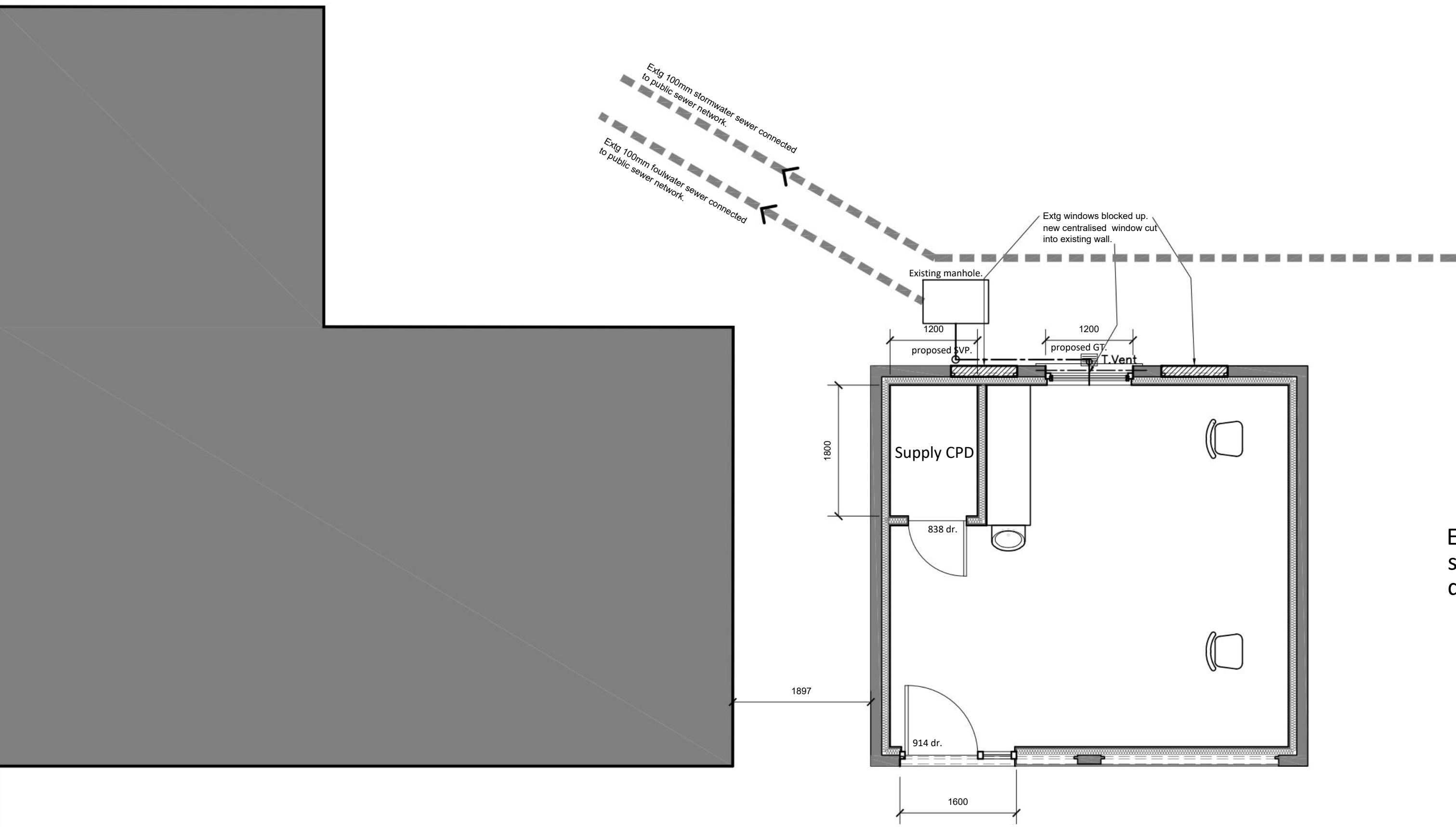
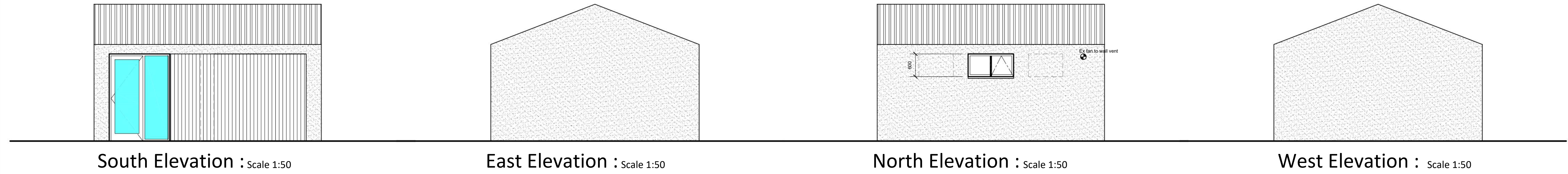
Other Statements (please specify). (Max 500 characters)

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 Douglas Shand

Declaration Date: 01/04/2021



Proposed layout plan : Scale 1:50

Finishes

Wall's -

Existing wall's to be re-harled with pink Wet harl to match.
Natural cedar vertical timber lining's stained natural.

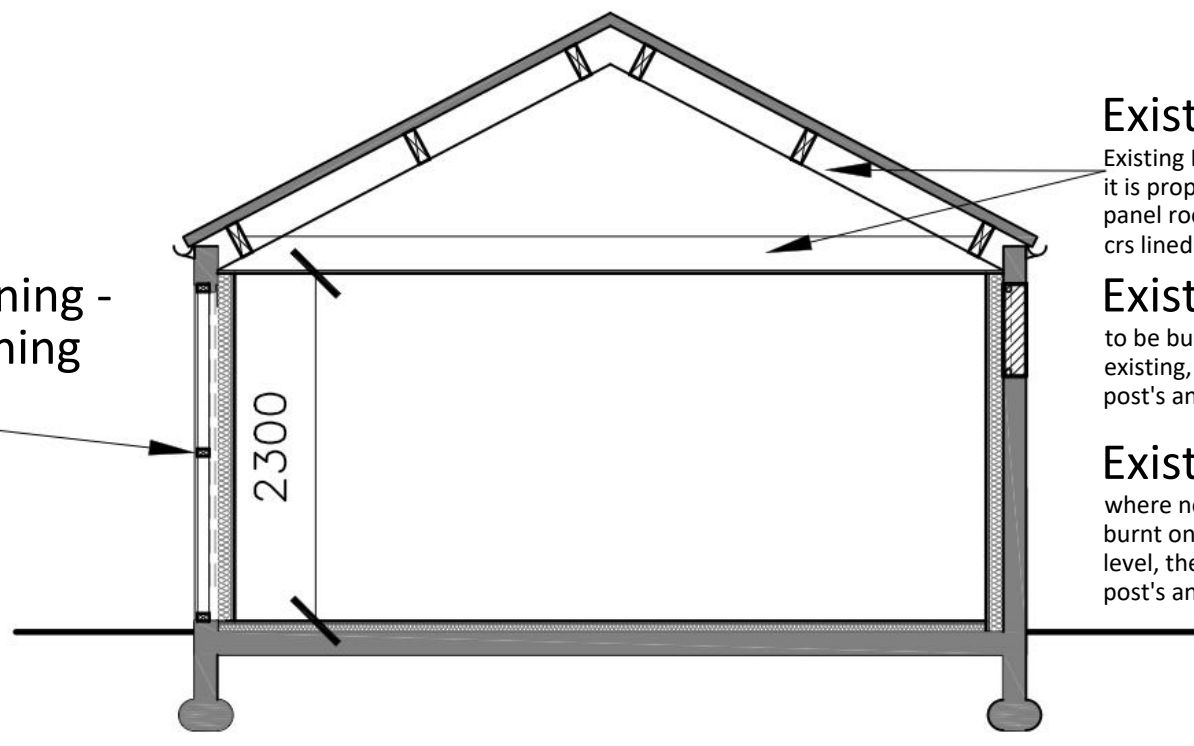
Roof -

Anthracite grey plastisol coated steel boxed composite panel's to replace existing storm-damaged anthracite cladding.

Windows & Door's -

Golden oak to match dwellinghouse.

Existing Garage door opening -
see typical wall, timber lining
detail opposite.

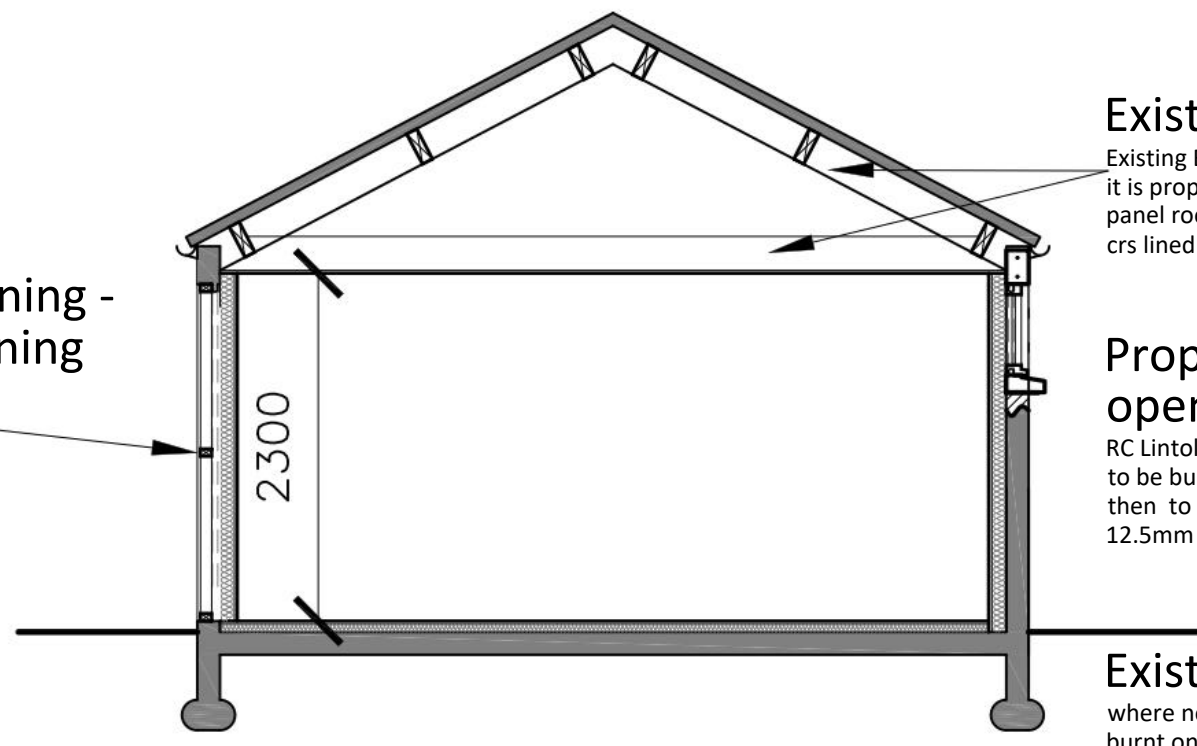


Cross Section A-A : Scale 1:50

Floor Construction :

CONCRETE FLOOR
22mm chipboard flooring on 50x50mm bearers @600mm crs on dpc on,
125mm concrete slab on 80mm Kingspan Thermafloor insulation, 50mm
kingspan to perimeter to prevent cold bridging, on 1200 gauge heavy duty
polythene dpm on minimum 150mm compacted and blinded hardcore. Thermal
breaks to be provided at external walls. Floor D.P.M. to be taken & jointed &
sealed to wall D.P.C.

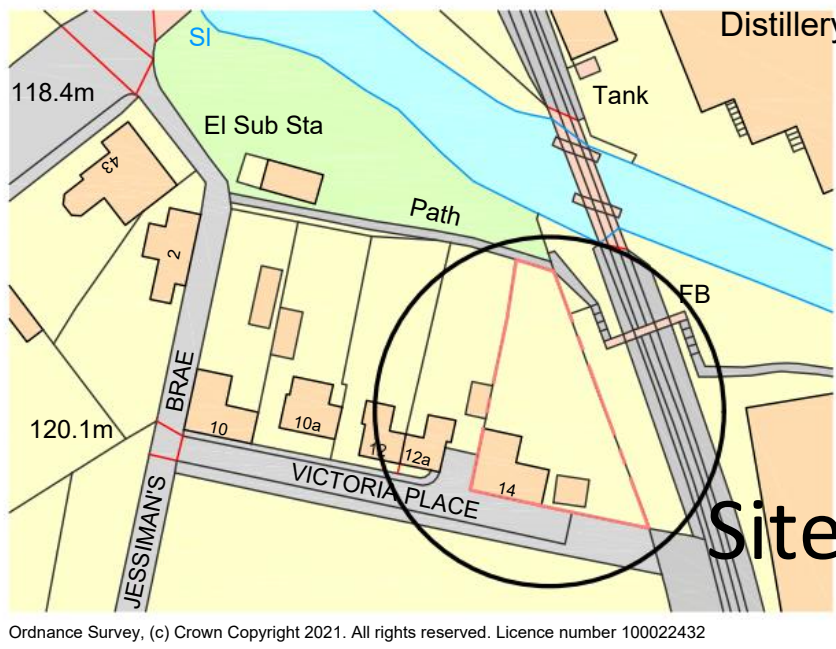
Existing Garage door opening -
see typical wall, timber lining
detail opposite.



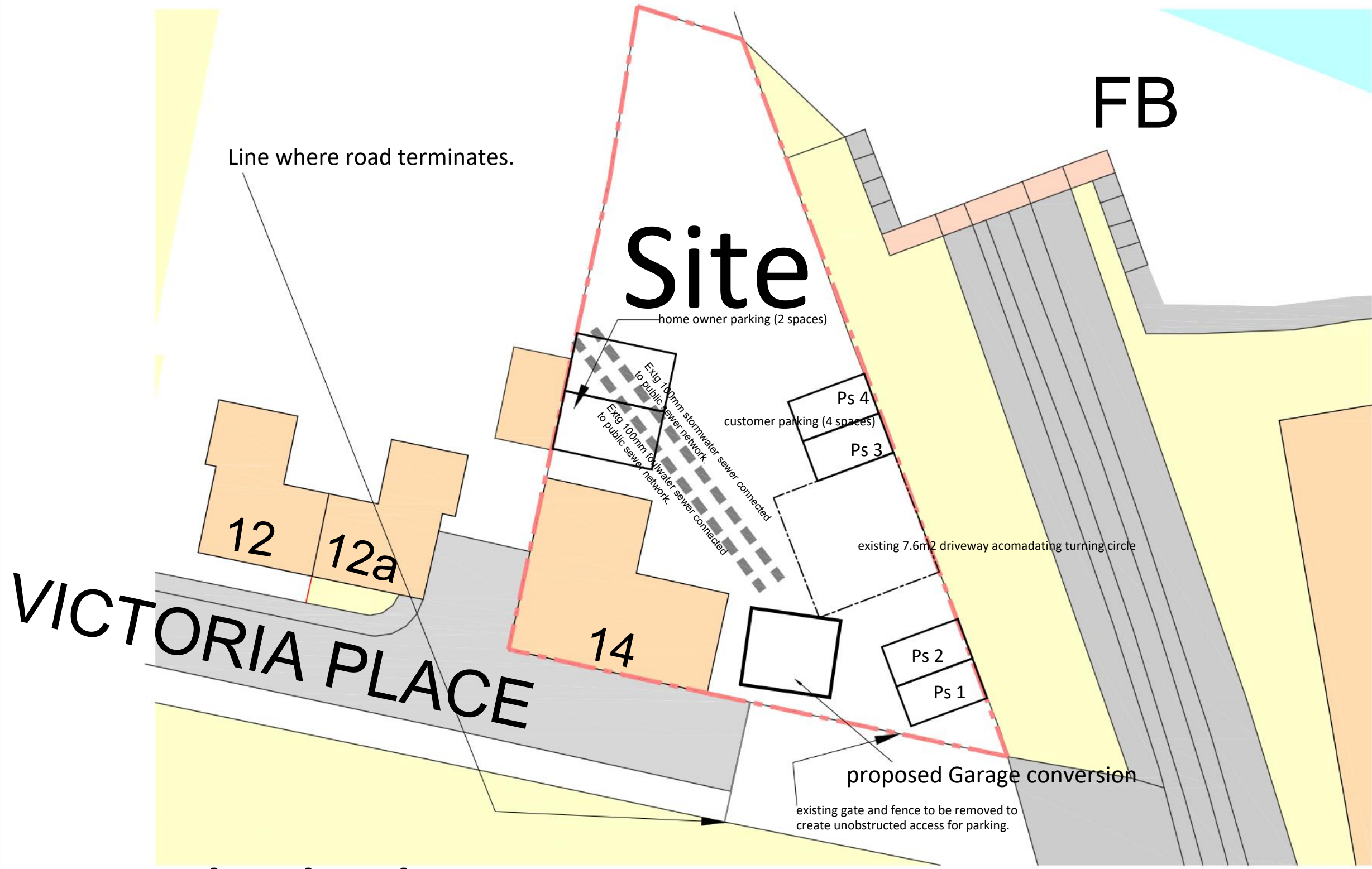
Cross Section B-B : Scale 1:50

Floor Construction :

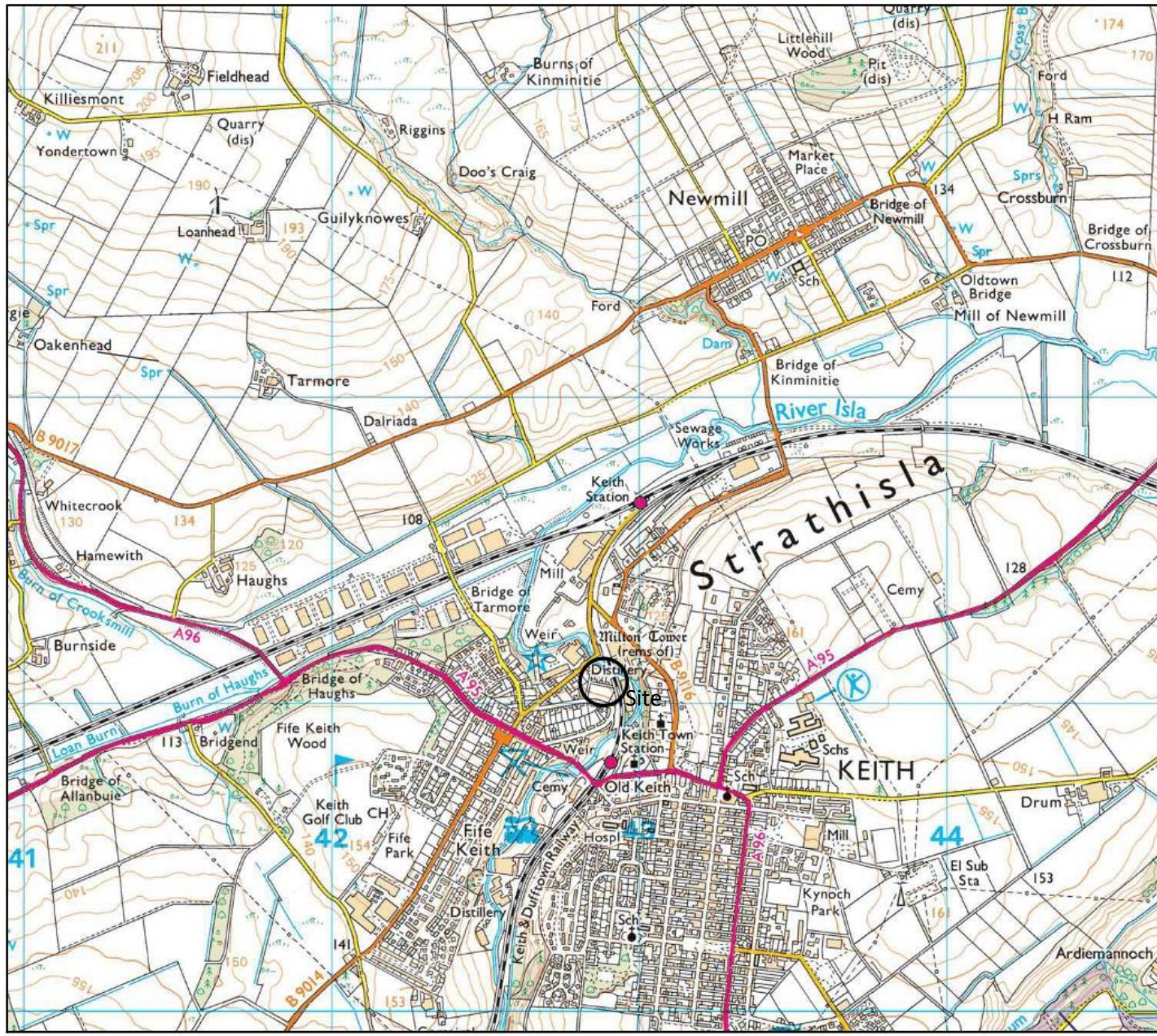
CONCRETE FLOOR
22mm chipboard flooring on 50x50mm bearers @600mm crs on dpc on,
125mm concrete slab on 80mm Kingspan Thermafloor insulation, 50mm
kingspan to perimeter to prevent cold bridging, on 1200 gauge heavy duty
polythene dpm on minimum 150mm compacted and blinded hardcore. Thermal
breaks to be provided at external walls. Floor D.P.M. to be taken & jointed &
sealed to wall D.P.C.



Site plan : Scale 1:1250



Block Plan : 1:250



Location Plan : Scale : 1:10000

Ordnance Survey, (c) Crown Copyright 2021. All rights reserved. Licence number 100022432

4	ADMINISTRATIVE INFO ADDED.	21.5.21.
3	ADMINISTRATIVE INFO ADDED.	12.5.21.
2	ADMINISTRATIVE INFO ADDED.	10.5.21.
1	ADMINISTRATIVE INFO ADDED.	28.3.21.
AM	DESCRIPTION.	DATE.

**Shand Building
Design limited**

PROJECT
Conversion of garage to form work studio.

ADDRESS
14 Victoria Place, Keith, Moray, AB55 5FU

CLIENT
Mr & Mrs Cumming.

Hilton park, Hilton, Banff, AB45 3AP
Tel. **07715467299**
E. douglas@sbdlimited.co.uk
W. www.sbdlimited.co.uk

Drawing Title Proposed Planning plan's			
Date. 12.3.21	Scale As plan	Drawn By. DWS	Project Ref. 2128-P1

North



Location Plan : Scale NTS
Page 102

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	27th April 2021
Planning Authority Reference	21/00485/APP
Nature of Proposal (Description)	Conversion of garage to hair salon at
Site	14 Victoria Place Keith Moray AB55 5FU
Site Postcode	N/A
Site Gazetteer UPRN	000133008151
Proposal Location Easting	342896
Proposal Location Northing	851063
Area of application site (M²)	75
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QQXA33BGIL500
Previous Application	21/00267/ID 96/00315/FUL 95/00421/FUL
Date of Consultation	13th April 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Ms Fiona Cumming
Applicant Organisation Name	
Applicant Address	14 Victoria Place Keith Moray AB55 5FU
Agent Name	Shand Building Design Limited
Agent Organisation Name	
Agent Address	The Cabin 1 Hilton Park Hilton Banff AB45 3AP
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Fiona Olsen
Case Officer Phone number	01343 563189
Case Officer email address	fiona.olsen@moray.gov.uk

PA Response To	consultation.planning@moray.gov.uk
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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: Environmental Health Manager

Planning Application Ref. No: 21/00485/APP

Conversion of garage to hair salon at 14 Victoria Place Keith Moray AB55 5FU for Ms Fiona Cumming

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

- | | Please |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below | x
<input type="checkbox"/> |
| (b) I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal | <input 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"/> |

Reason(s) for objection

Condition(s)

This Section recommends approval subject to the following condition-

1. The use of the premises as a hairdressers shall be permitted between the hours of 0900 to 1800 hours, Monday to Saturday.

Informative

The premises will require to comply with the Health and Safety at Work etc. Act 1974 and associated regulations.

Having reviewed the plans and should planning permission be granted, the premises should have a rest area and drinking water sink for the welfare of employees.

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Douglas Caldwell

email address: douglas.caldwell@moray.gov.uk

Consultee: Environmental Health

Date 12 May 2021

Phone No

Return response to	consultation.planning@moray.gov.uk
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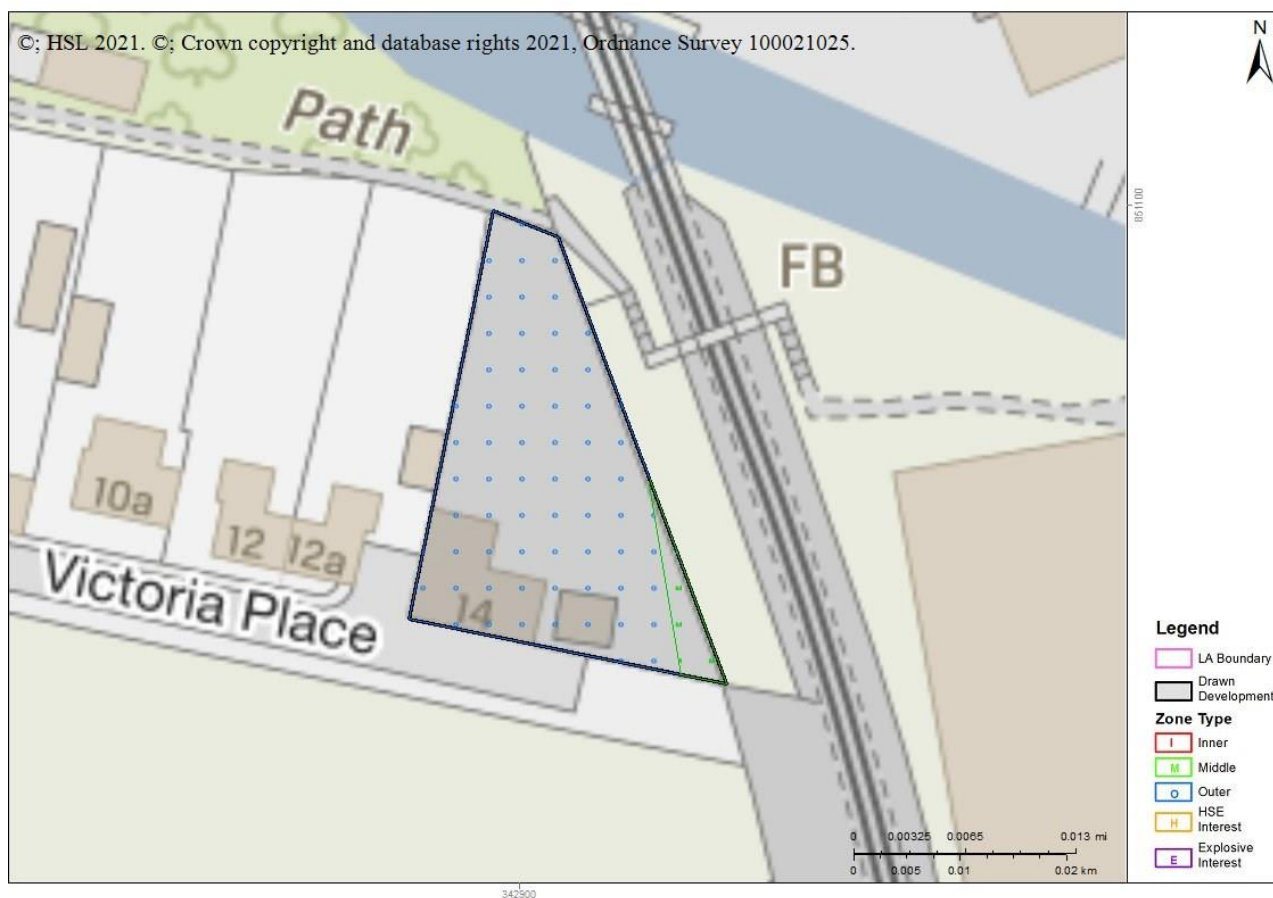
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Advice : HSL-210408152711-363 DO NOT ADVISE AGAINST**Your Ref:** 21/00485/APP**Development Name:** 14 Victoria Place Keith**Comments:** Conversion of garage to hair salon

Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013]

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of The Moray Council.

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

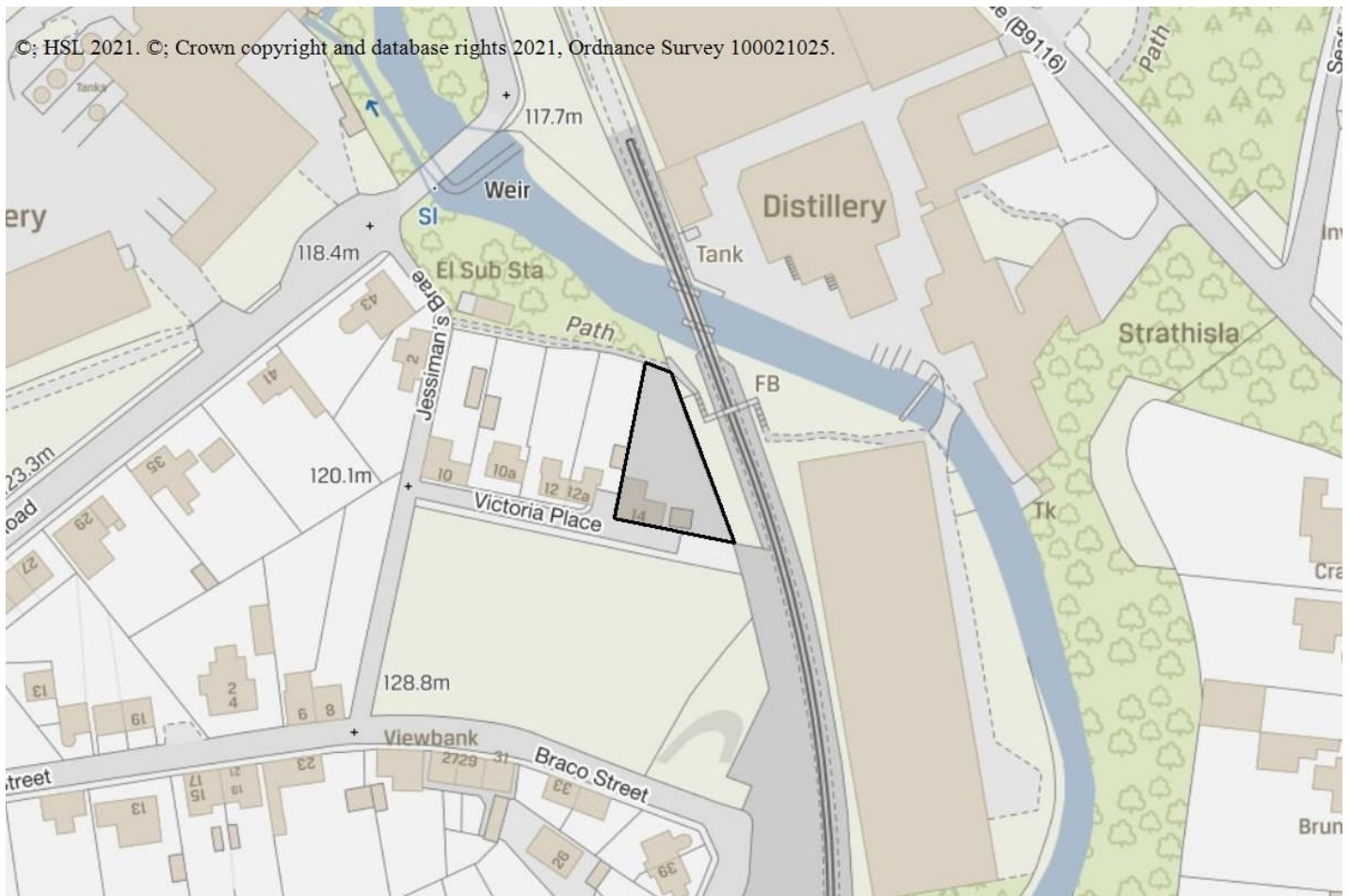


Workplaces : Do Not Advise Against

Is it a workplace specifically for people with disabilities, e.g. sheltered workshops? No

Are there 100 or more occupants in any individual workplace building (that lie partly or wholly within a consultation distance)? No

Are there 3 or more occupied storeys in any workplace building (that lie partly or wholly within a consultation distance)? No



This advice report has been generated using information supplied by Teresa Ruggeri at The Moray Council on 08 April 2021.

Note that any changes in the information concerning this development would require it to be re-submitted.

Consultation Request Notification – Development Plans

Planning Authority Name	Moray Council
Response Date	19th May 2021
Planning Authority Reference	21/00485/APP
Nature of Proposal (Description)	Conversion of garage to hair salon at
Site	14 Victoria Place Keith Moray AB55 5FU
Site Postcode	N/A
Site Gazetteer UPRN	000133008151
Proposal Location Easting	342896
Proposal Location Northing	851063
Area of application site (M²)	75
Additional Comments	Informally discussed ENV designation with Rowena separately. Now seeking overall comments from policy - likely to be refused against DP1 and DP7.
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QQXA33BGIL500
Previous Application	21/00267/ID 96/00315/FUL 95/00421/FUL
Date of Consultation	5th May 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Ms Fiona Cumming
Applicant Organisation Name	
Applicant Address	14 Victoria Place Keith Moray AB55 5FU
Agent Name	Shand Building Design Limited
Agent Organisation Name	
Agent Address	The Cabin 1 Hilton Park Hilton Banff AB45 3AP
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Fiona Olsen

Case Officer Phone number	01343 563189
Case Officer email address	fiona.olsen@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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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:-

PLEASE COMPLETE AND RETURN WITHIN 48 HOURS
to consultation.planning@moray.gov.uk

MORAY COUNCIL PLANNING CONSULTATION RESPONSE

From: Development Plans

Planning Application Ref. No: 21/00485/APP

Conversion of garage to hair salon at 14 Victoria Place Keith Moray AB55 5FU for Ms Fiona Cumming

Ward: 02_17 Keith And Cullen

DETERMINATION - DEPARTURE FROM DEVELOPMENT PLAN

(For Structure/Local Plan Comment)

		Page No	Policy No(s)	Yes	No
1	Departure from Moray Local Development Plan 2015		DP1 Development Principles	X	
			DP7 Retail/Town Centres	X	
			EP5 Open Space	X	
2	Further Discussion Required				

REASONING FOR THIS DECISION:

POLICY COMMENTS

DP1 Development Principles – Whilst the proposal does not include any new buildings the change of use to a hairdressing salon has the potential to alter the traditional residential character of the area. The increase in activity (e.g. from increased footfall/car trips, parking etc.) in this quiet residential street would also impact on the character of the short street. This has the potential to impact adversely on neighbouring residential properties. The proposal has not demonstrated it meets part (i) a) and e) and the nature and scale of the proposal has the potential to alter the character and impact on the amenity of neighbouring properties.

DP7 Retail/Town Centres – Policy DP7 seeks to support town centres by adopting a town centre first approach to development including retail services such as hair salons. The town centre first policy is a key policy principle within Scottish Planning Policy (SPP). Whilst the applicants supporting statement advises this will be a work from home environment it also states that this will be for more than one stylist (albeit the same household) and this is not simply a single hairdresser working from home. This type of use must be located within the town centre. The proposal is not located within the town centre and therefore does not conform with part a) of the policy.

It is noted from the statement provided that the applicant currently occupies a unit in the town centre at Fife Keith. Whilst the address of this is not detailed this suggests that there is a sequentially preferable location available for the salon. Whilst the updated statement advises there are no properties to buy or lease in Fife Keith it is noted that the town centre in Keith is also along Mid Street where properties are currently being advertised that have the potential to accommodate the floor area required. The applicant has not adequately demonstrated that there are no sequentially preferable sites available and therefore the proposal does not comply with part b) of the policy.

EP5 Open Space - The site falls within an ENV5 designation, therefore policy EP5 Open Space applies. ENV5 River Isla Corridor was designated a green corridor and is protected not only as a valuable green space for the public but also for its wider landscape and amenity value. It is also a key feature of Keith that splits the two parts of the town. However, this proposal is within the immediate curtilage of a residential property, the change of use of an existing building would not result in any loss of open space and the impacts on the amenity and quality of the ENV as stated within the Open Space Strategy would be minimal. The change of use of the garage can be considered as an acceptable departure from Policy EP5 for these reasons.

The proposal does not comply with policy DP1 as the scale and character of the proposal is out of keeping with the surroundings with potential impacts on residential amenity. The proposal is also an unacceptable departure from DP7 as it is not located within the town centre and it has not been demonstrated it is the sequentially preferable location.

Contact: Rowena MacDougall

email address: Rowena.macdougall@moray.gov.uk

Consultee: Development Plans

Date:.....28/05/21.....

Phone No

Return response to

consultation.planning@moray.gov.uk

Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://publicaccess.moray.gov.uk/eplanning/> (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	27th April 2021
Planning Authority Reference	21/00485/APP
Nature of Proposal (Description)	Conversion of garage to hair salon at
Site	14 Victoria Place Keith Moray AB55 5FU
Site Postcode	N/A
Site Gazetteer UPRN	000133008151
Proposal Location Easting	342896
Proposal Location Northing	851063
Area of application site (M²)	75
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QQXA33BGIL500
Previous Application	21/00267/ID 96/00315/FUL 95/00421/FUL
Date of Consultation	13th April 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Ms Fiona Cumming
Applicant Organisation Name	
Applicant Address	14 Victoria Place Keith Moray AB55 5FU
Agent Name	Shand Building Design Limited
Agent Organisation Name	
Agent Address	The Cabin 1 Hilton Park Hilton Banff AB45 3AP
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Fiona Olsen
Case Officer Phone number	01343 563189
Case Officer email address	fiona.olsen@moray.gov.uk

PA Response To	consultation.planning@moray.gov.uk
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NOTE:

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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: 21/00485/APP

Conversion of garage to hair salon at 14 Victoria Place Keith Moray AB55 5FU for Ms Fiona Cumming

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"/> |

This proposal is for the change of use from a double garage to a hair dressing salon. It is noted that works to the garage are already well underway.

The following response is based strictly on the proposed operations being as described, and a condition being applied as such to any planning consent; namely the use of no more than 2 workstations, and operating via an appointment only system.

The new entrance door has been shown opening inwards away from the public carriageway, and the existing access gate is to be removed to help facilitate the manoeuvring space within the site.

The following conditions would apply:

Condition(s)

1. The hair salon shall not be brought into use until six car parking spaces have been provided within the site in accordance with submitted drawing "Proposed Planning Plan's 2128-P1 Revision 4". The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority. (4 visitor spaces, 2 spaces retained for the dwelling)

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

2. A turning area shall be provided within the curtilage of the site to enable vehicles to enter and exit in a forward gear, and retained thereafter for that purpose for the lifetime of the development otherwise agreed in writing with the Council as Planning Authority.

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

The applicant shall be responsible for ensuring that surface/ground water does not run from the public road into their property.

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

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

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 08 June 2021

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.

REPORT OF HANDLING

Ref No:	21/00485/APP	Officer:	Fiona Olsen
Proposal Description/ Address	Conversion of garage to hair salon at 14 Victoria Place Keith Moray AB55 5FU		
Date:	16.06.2021	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
Strategic Planning And Development	31/05/21	See below
Environmental Health Manager	12/05/21	No Objections subject to a condition and informatives
Transportation Manager	08/06/21	No Objections subject to conditions and informatives
Health And Safety Executive	08/04/21	No Objections

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
EP14 Pollution Contamination Hazards	N	
DP1 Development Principles	Y	
DP7 Retail/Town Centres	Y	
EP5 Open Space	Y	
EP12 Management and Enhancement Water	N	
EP13 Foul Drainage	N	

REPRESENTATIONS

Representations Received		NO
Total number of representations received		
Names/Addresses of parties submitting representations		
Summary and Assessment of main issues raised by representations		

Issue:
Comments (PO):

OBSERVATIONS – ASSESSMENT OF PROPOSAL
--

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

Proposal

The application seeks planning permission to change the use of an existing domestic garage to a hairdressing salon.

The hair salon would operate Monday to Saturday between the hours of 9am - 6pm and would include two work stations for two hair stylists with an average of six to eight clients per day.

Following concern raised from Planning Officers and the Moray Council Transportation Section an access and parking scheme has been proposed which involves parking to be undertaken to the side and rear of the building (with space for 6 cars - 2 commercial, 4 residential), with access taken from an existing access to the east of the existing dwellinghouse and garage. The existing access would be widened by removing an existing gate and fence. Pedestrian access would be taken via a door at the front of the building, onto the existing footway.

In terms of external alterations to the building, the existing two garage doors would be replaced by a set of glazed entrance doors and the remainder of the existing openings would be clad with cedar vertical timber linings. A large window at the rear of the garage will be blocked up and replaced with 2 smaller windows. The external walls will be refinished in pink wet harl to match existing. The roof will be finished in grey metal box profile sheeting. It is noted that the front garage door openings and roof of the building have already been removed and new openings formed in the rear wall. This was done following storm damage to the building.

Site

The site is located at 14 Victoria Place, Keith. The site is an existing dwellinghouse and associated domestic detached garage located at the end of a residential street.

To the west lay a number of residential properties, facing onto Victoria Place. To the east and on lower lying land to the applicant site lies the railway line and beyond, a distillery and warehouses. To the south the site is bound by the public road and beyond, an area of open grazing land.

The site is within the MLDP 2020 designated settlement of Keith and specifically, is within an area designated as ENV5 (River Isla Corridor).

Policy Assessment

Siting and Design (MLDP 2020 Policies DP1)

Policy DP1 requires that the scale, density and character of all development be appropriate to the surrounding area and be integrated into the surrounding landscape and not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.

The application seeks to change the use of an existing domestic detached garage to a hairdressing salon. There are no new buildings proposed. A supporting statement has been submitted which outlines that the hairdressing salon would operate Monday to Saturday between the hours of 9am - 6pm and would include two work stations for two hair stylists with an average of six to eight clients per day. The supporting statement also indicates that the salon would also operate an 'appointment

only' system with time between appointments. Should the application be approved, a condition would be added to the final consent requiring the hair salon to operate an appointment only system, employing no more than two stylists and using no more than two chairs. Whilst the supporting statement states that the intention is to 'stagger' appointments it would not be practical to enforce a condition on those terms.

The existing street is exclusively residential and although located near to the existing railway line, distillery and warehouses (to the east), these are set below the level of the existing dwellinghouse and garage and are separated by an existing band of mature trees. The proposed change of use of the garage to a hair salon would lead to an increased level of activity (e.g. from increased footfall, car trips, parking etc.) which would impact on the character of the existing short and quiet residential street. In particular, this is a full-time business operating between the hours of 9am - 6pm and would include two work stations for two hair stylists with an average of six to eight clients per day. A hair salon operating at this scale would not be of a scale typically found in a solely residential area. Although regulations imposed by the Covid-19 pandemic have led to increased homeworking for many businesses, this proposal includes provision for two stylists, both working full time and as such is not a simple working from home scenario. Although the supporting statement states that this is currently a 'Mother and Daughter' team, this could change in the future and the business could be sold to separate ownership to the dwellinghouse. Therefore overall, it is considered that the proposed use is of an unacceptable scale for the existing site and surrounding area and would impact on the character of the short and quiet residential street. In turn this would give rise to an unacceptable overbearing loss of amenity to neighbours in terms of noise and disturbance and is not acceptable in terms of policy DP1.

In addition to the increased level of activity, the level of infrastructure required to serve a business of this scale would also be out of keeping with the character, appearance and scale of the existing site and surrounding residential area. In particular, the turning area (measuring approx. 7.6m²) and 4 commercial (measuring approx. 4.9m x 2.6m) and 2 residential (car parking spaces proposed in order to comply with technical requirements in relation to Transportation matters represent a level of infrastructure which would not be commensurate with the surrounding residential area. The required turning area, and 4 commercial car parking spaces would occupy approximately one third of the existing rear garden and driveway area associated with the existing dwellinghouse and garage. This level of infrastructure is therefore considered to be out of keeping with the character, appearance and scale of the existing site and surrounding area.

Overall, therefore, combining both the level of activity associated with a business of this scale, and the level of infrastructure required to meet technical transportation requirements for road safety, the proposal would be unacceptable in this location which is an exclusively residential, quiet and short street. The activity and infrastructure associated with the change of use would be out of keeping with the character, appearance and scale of the surrounding area and this would impact adversely on neighbouring residential properties, giving rise to an unacceptable overbearing loss of amenity, in terms of noise and disturbance and would therefore not comply with the siting requirements of policy DP1.

In terms of design, the existing garage will be altered slightly to include a new door opening on the front (with the remainder of the existing garage openings clad in cedar vertical timber linings) and one large window being formed into two smaller window openings on the rear. The existing building would be refinished in a pink wet harl and the roof over would be finished in grey metal box profile sheeting. These materials are acceptable and would accord with the original finish of the garage, the existing dwellinghouse and the surrounding area however this would not override the aforementioned objections and therefore the application will be refused as it does not comply with the siting requirements of policy DP1.

Town Centres (DP7)

Policy DP7 requires that developments likely to attract significant footfall (including retail services

such as hair salons) must be located in town centres. The supporting statement states that this is a 'work-from-home' proposal that reflects the realities of a post-Covid world however this proposal includes provision for two stylists and as such is not a simple working from home scenario. It would also lead to the loss of a hairdressing salon within the town centre. In summary, development of this kind should be located within the town centre and the siting of developments of this nature away from the town centre risk further undermining of the vitality and viability of the town centre and therefore the proposal would not comply with part a.) of policy DP7.

Policy DP7 also requires that for developments outwith town centres, the applicant must demonstrate that no sequentially preferable sites are available. The submitted supporting statement outlines that the applicant currently operates the hairdressing business from a unit within the town centre at Fife Keith. This would suggest that the existing business is already operating in a sequentially preferable location and it is known that there are other units within Keith town centre currently vacant which could accommodate the floor space required. Therefore as it has not been demonstrated that there are no sequentially preferable sites, the application would not comply with part(b) of Policy DP7.

Parking and Access (DP1)

Access would be via proposed door onto the footway at the front of the building, with provision of six car parking spaces to the side and rear of the existing garage (2 residential, 4 commercial). The existing access to the east of the building will be widened (through the removal of an existing gate and fence) to provide unobstructed access to vehicles. A turning area has also been shown to the rear of the building. Moray Council Transportation Section have been consulted on the application and have raised no objections subject to a series of conditions and informatives to be added any final consent, should the application be approved. It must be noted that Transportation's response is based on the proposed hair salon being as described in the supporting statement submitted. This would be the use of no more than 2 workstations, no more than 2 staff, working an appointment only system. Should the application be approved, these would be matters required to be controlled by condition.

Although the technical parking and access requirements of DP1 can be met, the scale of infrastructure and associated increased activity would not be commensurate with the character of the surrounding residential area and in turn would give rise to an overbearing loss of amenity to neighbours and therefore the application will be refused.

Flood Risk (EP12)

The site is within an area identified to be at medium risk of river flooding. It has been agreed that a Triage Framework will now be used before consulting SEPA on flood risk and as this is a proposal to change the use of building from a highly vulnerable use (a domestic garage) to a least vulnerable use (a shop/hair salon), SEPA did not require to be consulted on this occasion and therefore the proposal would comply with the requirements of policy EP12.

Open Space (EP5)

As the site falls within an ENV5 designation, policy EP5 Open Space applies. Policy EP5 requires that development which would result in a change of use of a site identified under the ENV designation to anything other than open space use will be refused. The ENV5 relates to the River Isla Corridor which is designated green corridor, protected as valuable green space, landscape and amenity value. As the proposal is within the immediate curtilage of a residential property, the change of use of an existing building would not result in any loss of open space and the impacts on the amenity and quality of the ENV designation would be minimal. Therefore the change of use of the garage would be considered as an acceptable departure from Policy EP5 for these reasons.

Conclusion

Refusal.

REPORT OF HANDLING

Ref No:	21/00485/APP	Officer:	Fiona Olsen
Proposal Description/ Address	Conversion of garage to hair salon at 14 Victoria Place Keith Moray AB55 5FU		
Date:	16.06.2021	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
Strategic Planning And Development	31/05/21	See below
Environmental Health Manager	12/05/21	No Objections subject to a condition and informatives
Transportation Manager	08/06/21	No Objections subject to conditions and informatives
Health And Safety Executive	08/04/21	No Objections

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
EP14 Pollution Contamination Hazards	N	
DP1 Development Principles	Y	
DP7 Retail/Town Centres	Y	
EP5 Open Space	Y	
EP12 Management and Enhancement Water	N	
EP13 Foul Drainage	N	

REPRESENTATIONS		
Representations Received		NO
Total number of representations received		
Names/Addresses of parties submitting representations		
Summary and Assessment of main issues raised by representations		

Issue:
Comments (PO):

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

Proposal

The application seeks planning permission to change the use of an existing domestic garage to a hairdressing salon.

The hair salon would operate Monday to Saturday between the hours of 9am - 6pm and would include two work stations for two hair stylists with an average of six to eight clients per day.

Following concern raised from Planning Officers and the Moray Council Transportation Section an access and parking scheme has been proposed which involves parking to be undertaken to the side and rear of the building (with space for 6 cars - 2 commercial, 4 residential), with access taken from an existing access to the east of the existing dwellinghouse and garage. The existing access would be widened by removing an existing gate and fence. Pedestrian access would be taken via a door at the front of the building, onto the existing footway.

In terms of external alterations to the building, the existing two garage doors would be replaced by a set of glazed entrance doors and the remainder of the existing openings would be clad with cedar vertical timber linings. A large window at the rear of the garage will be blocked up and replaced with 2 smaller windows. The external walls will be refinished in pink wet harl to match existing. The roof will be finished in grey metal box profile sheeting. It is noted that the front garage door openings and roof of the building have already been removed and new openings formed in the rear wall. This was done following storm damage to the building.

Site

The site is located at 14 Victoria Place, Keith. The site is an existing dwellinghouse and associated domestic detached garage located at the end of a residential street.

To the west lay a number of residential properties, facing onto Victoria Place. To the east and on lower lying land to the applicant site lies the railway line and beyond, a distillery and warehouses. To the south the site is bound by the public road and beyond, an area of open grazing land.

The site is within the MLDP 2020 designated settlement of Keith and specifically, is within an area designated as ENV5 (River Isla Corridor).

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Conclusion

Refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
96/00315/FUL	Erect new bedroom and disabled shower room to rear of 14 Victoria Place Keith Banffshire AB55 3BU			
	Decision	Permitted	Date Of Decision	21/03/96
95/00421/FUL	Provide new kitchen a dining area to rear of 14 Victoria Place Keith Banffshire AB55 3BU			
	Decision	Permitted	Date Of Decision	15/05/95

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Banffshire Advertiser and Herald	No Premises Departure from development plan	10/05/21	
PINS	No Premises Departure from development plan	10/05/21	

DEVELOPER CONTRIBUTIONS (PGU)

Status	N/A
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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:	Design Statement (March 2021)	
Main Issues:	Outlines background to the project, location, proposed external materials. Also outlines the proposed method of operation including the hours of operation, number of clients per day, number of chairs and number of employees.	

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)			

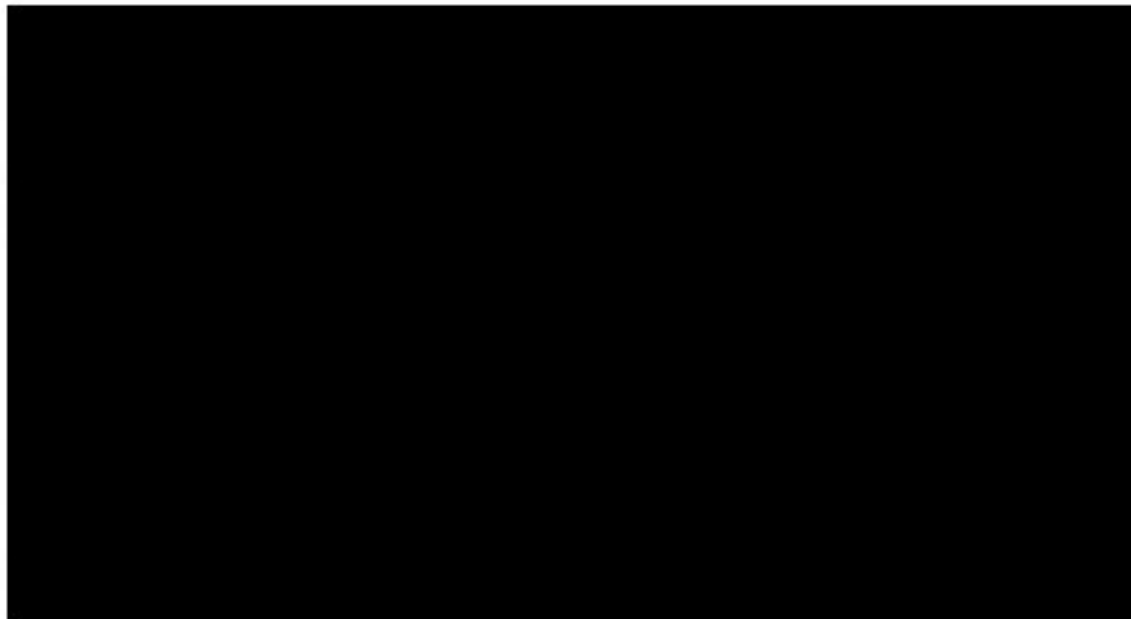


**MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

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

TO

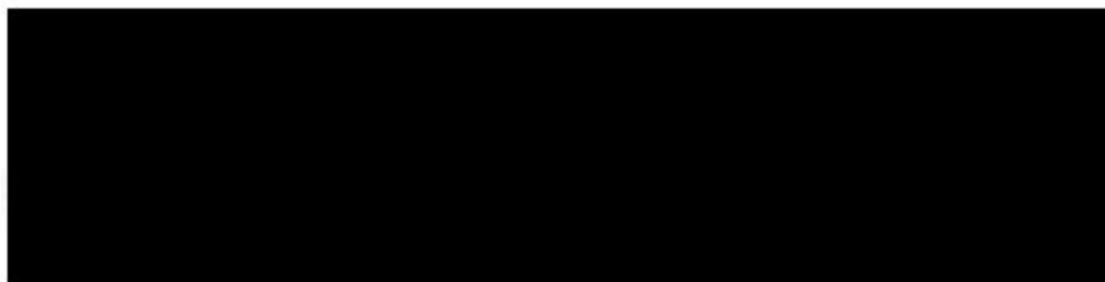


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

Conversion of garage to hair salon at 14 Victoria Place Keith Moray AB55 5FU

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

Date of Notice: **18 June 2021**



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 development is contrary to Policies DP1: Development Principles and DP7: Retail/Town Centres of the Moray Local Development Plan 2020 for the following reasons:

1. The level of activity and infrastructure associated with the change of use would be out of keeping with the character, appearance and scale of the existing residential street and this would impact adversely on neighbouring residential properties, giving rise to an unacceptable overbearing loss of amenity, in terms of noise and disturbance.
2. As the development would be likely to generate significant footfall it should be located within a town centre. The proposed site is outwith Keith town centre and it has not been demonstrated that no sequentially preferable sites are available.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
2128-W1	4	Proposed elevations floor plan site and location plan
		Location plan

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

Amended plans submitted to show revised parking and turning arrangements.

**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 100389744-003

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:	Shand building design Limited		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Douglas	Building Name:	The cabin
Last Name: *	Shand	Building Number:	1
Telephone Number: *	07715467299	Address 1 (Street): *	Hilton park
Extension Number:		Address 2:	Hilton
Mobile Number:		Town/City: *	Banff
Fax Number:		Country: *	Scotland
		Postcode: *	AB45 3AP
Email Address: *	douglas@sbdlimited.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mrs"/>	Building Name:	<input type="text" value="victoria close"/>
First Name: *	<input type="text" value="F"/>	Building Number:	<input type="text" value="14"/>
Last Name: *	<input type="text" value="Cumming"/>	Address 1 (Street): *	<input type="text" value="Keith"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Moray"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB55 5FU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="douglas@sbdlimited.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Moray Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="14 VICTORIA PLACE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="KEITH"/>
Post Code:	<input type="text" value="AB55 5FU"/>

Please identify/describe the location of the site or sites

Northings	<input type="text" value="851063"/>	Easting	<input type="text" value="342896"/>
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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)

Conversion of garage to hair salon

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.

We request a review based on being able to satisfy requests by the planning authority, with only 1 exception being that the building is located in a small residential street which is also located next to an industrial site.

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)

Plan's of proposal agreed with road's department design statement outlining proposal & location brief supporting statement summary

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/00485/APP

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

02/04/2021

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

18/06/2021

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

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 Douglas Shand

Declaration Date: 03/08/2021



SHAND BUILDING DESIGN LIMITED

Architectural Consultants • Agricultural • Domestic • Industrial

The Cabin, Hilton Park, Hilton, Banff, AB45 3AP
Tel. 07715 467299 Email. douglas@sbdlimited.co.uk
Company No: SC343901 Vat Reg No: 935 3104 44

DESIGN STATEMENT

March 2021 – Site – 14 Victoria Place, Keith.

Project:

The conversion of Existing Garage to form Salon Workspace



1. Introduction & Project brief

2. Context
3. Site layout
4. Site location
5. Development proposal
6. Material selection
7. Building Regulation's & Environment.
8. Conclusion

Applicant

Mr & Mrs Cumming
14 victoria Place
Keith
Moray
AB55 5FU

1. Introduction

Shand Building Design was instructed by the Applicant in March 2021 to prepare a planning application for the conversion of their existing Garage into a Salon in close proximity to the existing dwelling house, this decision was made as a result of Covid 19 in order to regulate client's visiting salon and maintain Covid restriction's to the best of their abilities.

2. Context

The site is located in close proximity to the existing dwelling house.

3. Site Layout

The site of the proposal has a public road running along its frontage with a public footpath accessing the building there is ample parking within short distances of the proposal.

4. Site location

The site is located with the borough of Keith, located within a highly populated area. The proposal is with short walking distance within town therefore minimal or no parking would be required.



5. The proposed Development

The proposal will form a work from home environment servicing the local community and further afield, please be aware that this is not an additional salon in the town of Keith, the applicant is closing her current salon within the town due to lock-down the running costs of the current salon was extremely high, so the decision to move the salon into a converted garage was a simple decision, all staff will be retained, meaning no redundancies in these extraordinary times.

The workspace for hairdressing which will operate Monday to Saturday between the hours of 9am - 6pm. The workspace will include 2 work stations for 2 hair stylists. The number of clients per day will on average be between 6-8.

Background music will be played at a low level There will be opening windows within the workspace to extract any odours.

6. Material Selection

The proposed conversion will retain most of its existing features, with existing doors being infilled by glazed entrance doors with the remainder of existing openings clad with timber linings.

1 large window at the rear of the garage will be blocked up and replaced with 2 smaller windows.

the roof be replaced with the appropriate roofing that blew off in a storm, it will be placed with a robust composite panel providing anti chill to conversion to match previous box profile cladding.

7. Building Regulations & Environment

This conversion is applicable to the minimum Building Regulation's 2010 in terms of space and activity requirements while also performing to the minimum standards in respect of heat loss, energy efficiency and sustainability.

8 . Conclusion

The conversion contributes to the area providing employment, revenue for surrounding business's & a vital service to the community.

Its creation will not poach client's from other salon's as mrs Cumming has already build a significant customer base in her current high street salon, she will be retaining current customer base when she closes current shop & open's in her newly converted garage.

In addition to the above statement, a brief summary as follows:

- Fife Keith Hair and Beauty will not be closing. Fiona is having to selling her half of the building to cop-proprietor • There are no other properties to buy or lease in Fife Keith which is the reason for the application of the garage conversion
- The workspace is for Fiona and Megan who both live at 14 Victoria Place and are self-employed so there will be no employed staff and have no intention on employing anyone out with the household.
- no intention to sell or lease the building to any other parties, this will be a family run business passed onto succession sibling's.
- Mother and Daughter will be working a one client in one client out system with time between clients to clean and prepare for next client. This will give clients plenty time to exit Victoria Place before the next client arrives.
- Character Concerns - the roof be replaced with the appropriate roofing that blew off in a storm, it will be placed with a robust composite panel providing anti chill to conversion to match previous box profile cladding.
- to blend with residential surroundings.
- Doors and windows will match those of 14 Victoria Place house.
- •Visial impact of the conversation will be minimal with no street signage.

Shand Building Design
31-03-2021



SHAND BUILDING DESIGN LIMITED

Architectural Consultant's • Agricultural • Domestic • Industrial

The Cabin, Hilton Park, Hilton, Banff, AB45 3AP
Tel. 07715 467299 Email. douglas@sbdlimited.co.uk
Company No: SC343901 Vat Reg No: 935 3104 44

Supporting document

3rd August 2021

Dear Sir/Madam

We request a review based on being able to contradict/satisfy requests by the planning authority, roads department, with only 1 exception being that the building is located in a small residential street which is also located next to an industrial site and overlooks a grass field at the frontage.

we have provided information to the planning department informing them that this project will not be attracting customers away from high street business's, it is a re-location of business from current high-street premises, my client feels she can control covid restriction's easier from her garage rather than sharing a building in the hi-street where she cannot control restriction's, her primary concern is keeping her customer's & family safe in these testing times.

When information was requested by planners & roads department we resolved all requests asked of us i.e parking, finish colours, resolving an issue raised regarding potential start of work before planning granted however this was not a false start, my client was repairing garage roof following a very nasty storm which lifted a large part of the roof off, so he began repairs as some as it was safe to do so.

Conclusion:

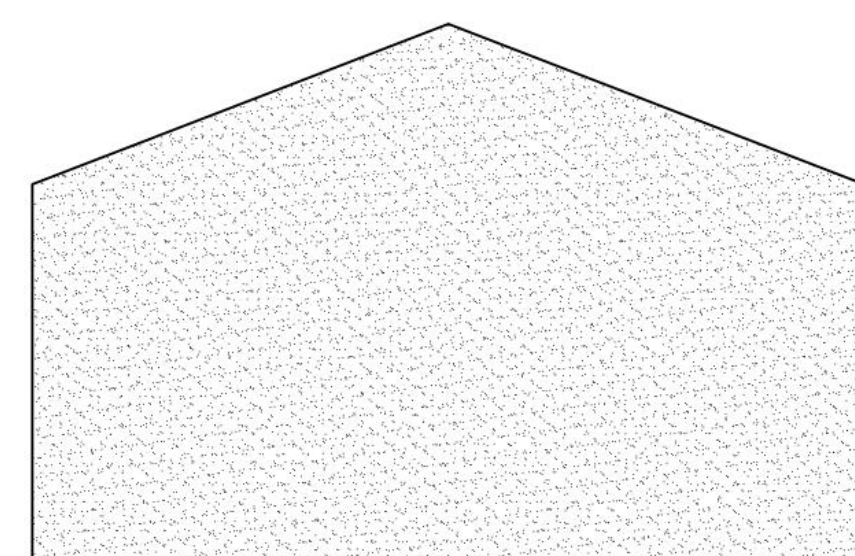
I firmly believe in these current times we live in, with hundreds of businesses folding all over uk surely any business looking to re-structure should be supported and not penalized.

Yes this is a small business but a huge amount of revenue is generated in the town over and above a haircut.

I trust this is satisfactory and we can hopefully expect a favourable outcome.

Best regards

Dougie Shand



West Elevation : Scale 1:50

<p align="center"><u>Drawing Title</u></p> <p align="center">Proposed Planning plan's</p>			
<p><u>Date.</u></p> <p align="center">12.3.21</p>	<p><u>Scale</u></p> <p align="center">As plan</p>	<p><u>Drawn By.</u></p> <p align="center">DWS</p>	<p><u>Project Ref</u></p> <p align="center">2128-P1</p>



MORAY LOCAL REVIEW BODY

30 SEPTEMBER 2021

SUMMARY OF INFORMATION FOR CASE No LR264

Planning Application 21/00593/APP – Replacement windows at Sunny Bank, Victoria Road, Forres

Ward 8 – Forres

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 2 August 2021 on the grounds that:

The proposed development is contrary to Policy DP1: Development Principles and Policy EP9: Conservation Areas of the adopted Moray Local Development Plan 2020 and, as a material consideration, associated Replacement Windows and Doors Guidance for the following reasons:

- the removal of original timber sash and case windows and replacement with non-traditional UPVC units located on principal elevations and elevations on a public view would fail to preserve or enhance the established traditional character and appearance of Forres Outstanding Conservation Area.
- the proposed finishes are considered to adversely affect the character and appearance of Forres Outstanding Conservation Area, are not appropriate to the surrounding area, and do not respect the architectural authenticity of the building and the character of Forres Outstanding Conservation Area.

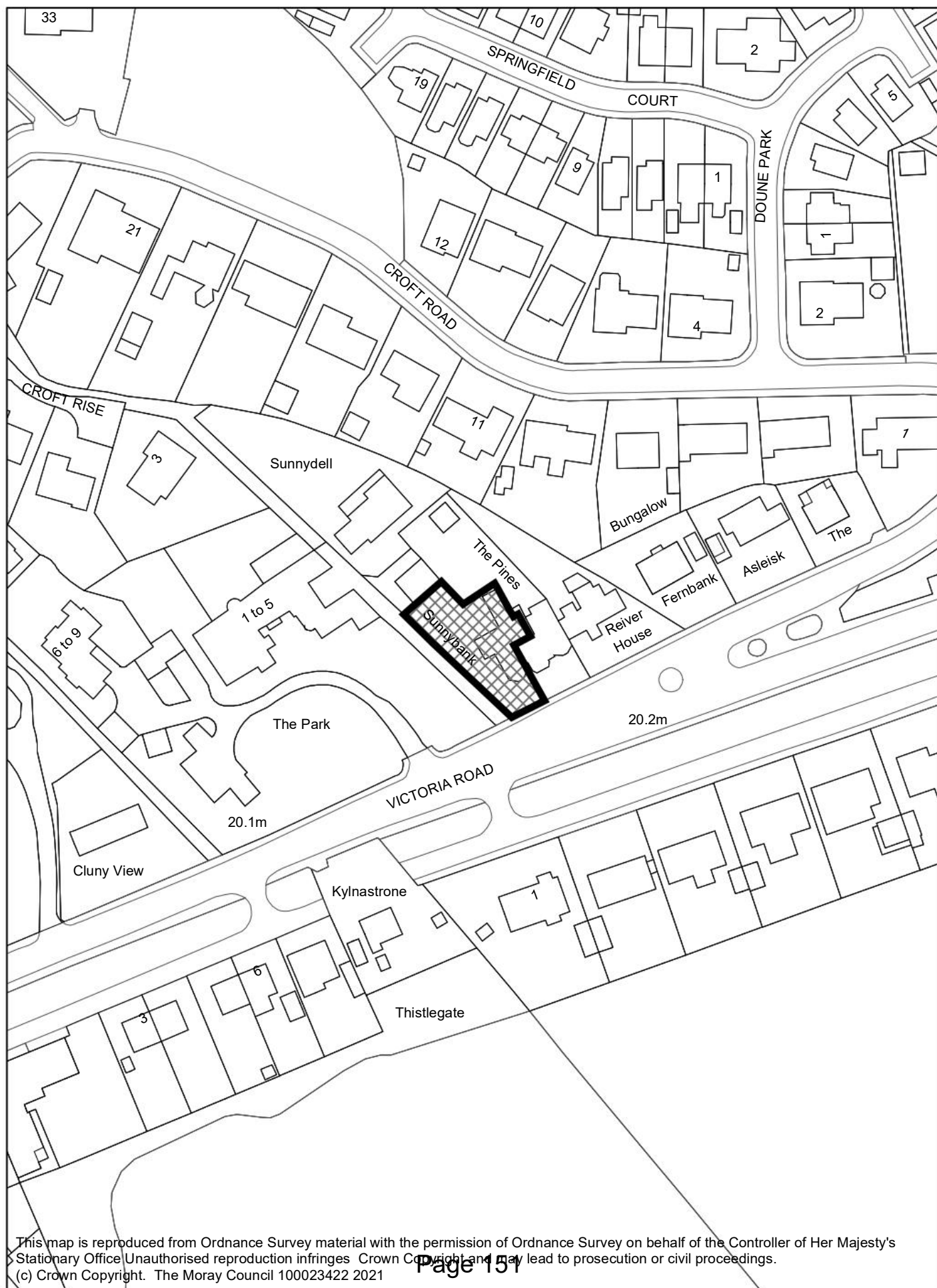
Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

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

No Further Representations were received in response to the Notice of Review.



**Location plan for Planning Application Reference Number :
21/00593/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 100398219-001

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.

Description of Proposal

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

Replace rotten and dangerous timber sash and case, single glazed windows with upvc frame, double glazed units, style to match existing.

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:	IH Designs (Moray)		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	ian	Building Name:	Eilean Dubh
Last Name: *	holmes	Building Number:	12
Telephone Number: *	01309 674368	Address 1 (Street): *	Councillors Walk
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Forres
Fax Number:		Country: *	Scotland
		Postcode: *	IV36 1HA
Email Address: *	ian54holmes@hotmail.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Sunny Bank
First Name: *	Elma	Building Number:	
Last Name: *	Noble	Address 1 (Street): *	Victoria Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Forres
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	IV36 3BN
Fax Number:			
Email Address: *	ian54holmes@hotmail.co.uk		

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

SUNNY BANK

Address 2:

VICTORIA ROAD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

FORRES

Post Code:

IV36 3BN

Please identify/describe the location of the site or sites

Northing

859392

Easting

304499

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 proposed 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 – 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: ian holmes

On behalf of: Mrs Elma Noble

Date: 19/04/2021

☒ 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? * ☒ Yes ☐ 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? * ☒ Yes ☐ 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? * ☒ Yes ☐ 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. ☒ Yes ☐ No
- e) Have you provided a certificate of ownership? * ☒ Yes ☐ No
- f) Have you provided the fee payable under the Fees Regulations? * ☒ Yes ☐ No
- g) Have you provided any other plans as necessary? * ☒ Yes ☐ No

Continued on the next page

A copy of the 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 Proposal. 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.

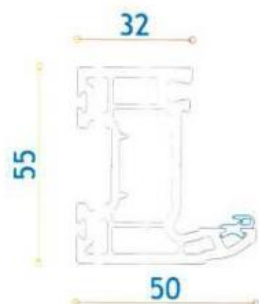
Declaration Name: Mr ian holmes

Declaration Date: 19/04/2021

Payment Details

Telephone Payment Reference: xxxxx

Created: 19/04/2021 14:56



105032

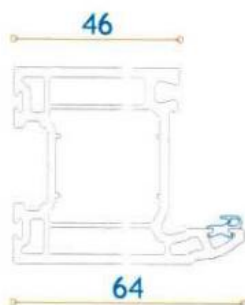
50mm Upper Sash

Steel Box

113020

Aluminium Box

115119



105033

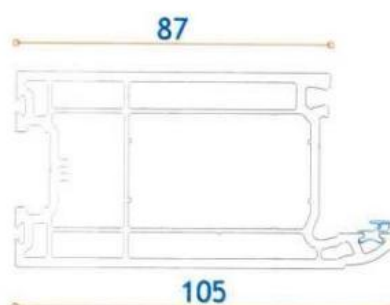
64mm Lower Sash

Steel Box

113314

Aluminium Box

115120



105034

105mm Lower Sash Bottom Rail

Aluminium Box

115287

Steel Box

113020

10



107169

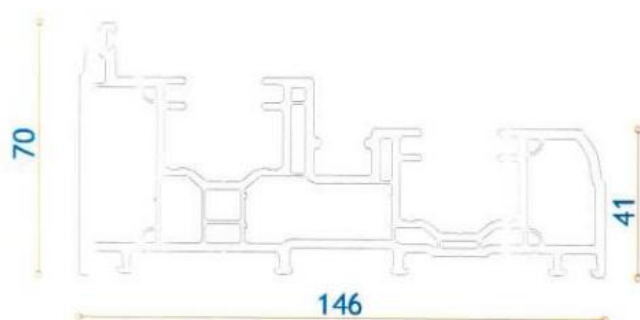
Sculptured Glazing Bead

11



107118

Square Glazing Bead

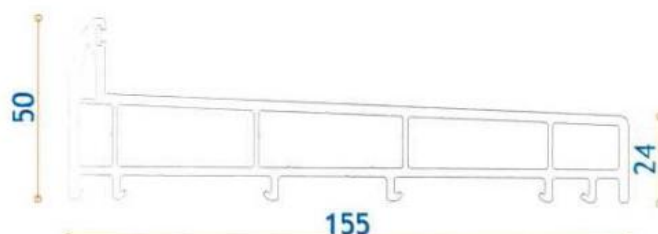


105411

70mm Outer Frame

Steel Box

113073

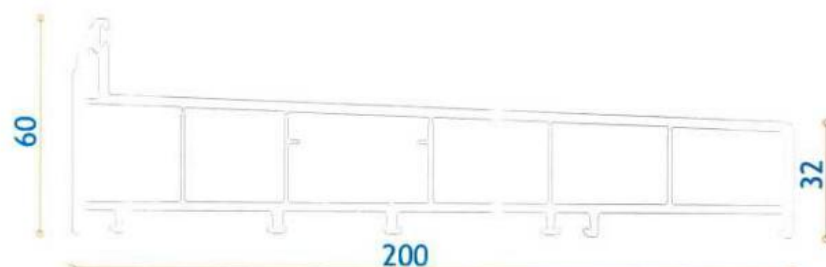


105037

155mm Cill Section

Steel U Channel

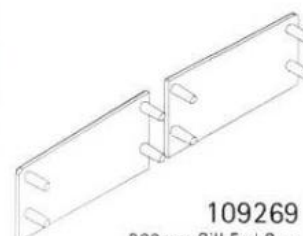
113321



105410 200mm Cill Section

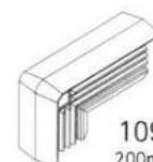
Steel Box

113073



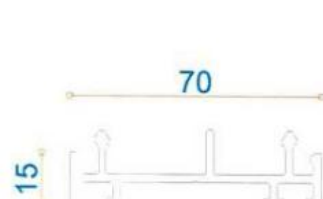
109269

200mm Cill End Cap

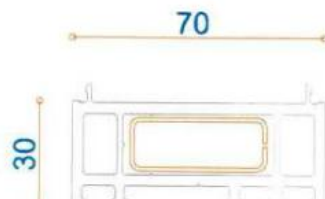


109270

200mm Cill
Straight Coupler



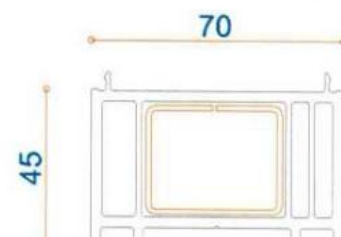
114039 15mm Frame Ext



114014 30mm Frame Ext

38 x 15mm Steel Box

113073



114202 45mm Frame Ext

38 x 30mm Steel Box

113271



109603

VS Anti Racking
Block



109992

Upper Sash Packing
Block



115119

Aluminium Box Mechanical
Joint 15.5 x 8



115120

Aluminium Box Mechanical
Joint 31.5 x 26.5



115287

Aluminium Box Mechanical
Joint 47 x 30

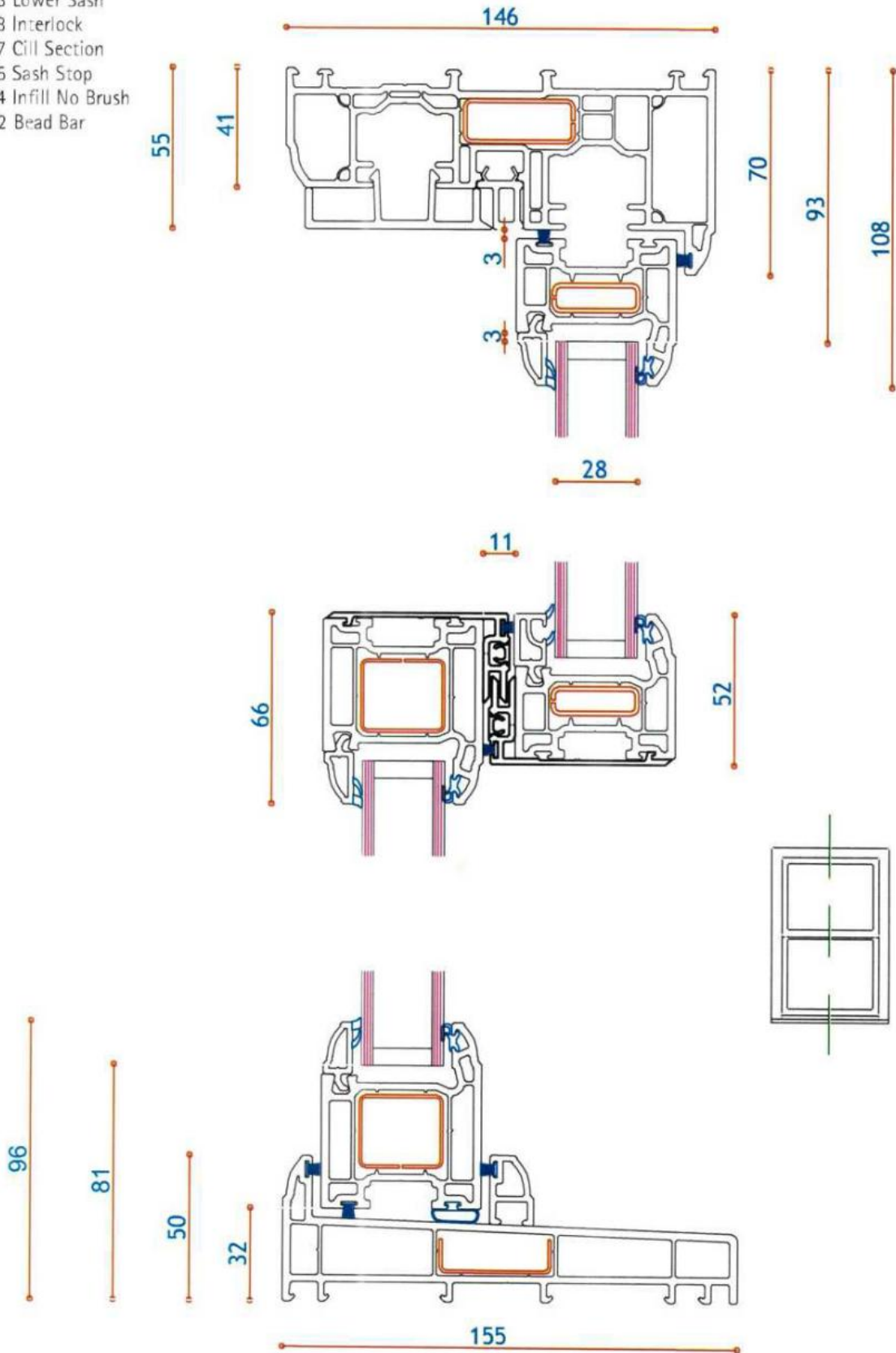
DIMENSIONS

VERTICAL CROSS SECTIONS

64mm Bottom Rail & 155mm Cill

- 105411 Outer Frame
- 105032 Upper Sash
- 105033 Lower Sash
- 105038 Interlock
- 105037 Cill Section
- 105415 Sash Stop
- 105414 Infill No Brush
- 105412 Bead Bar

2

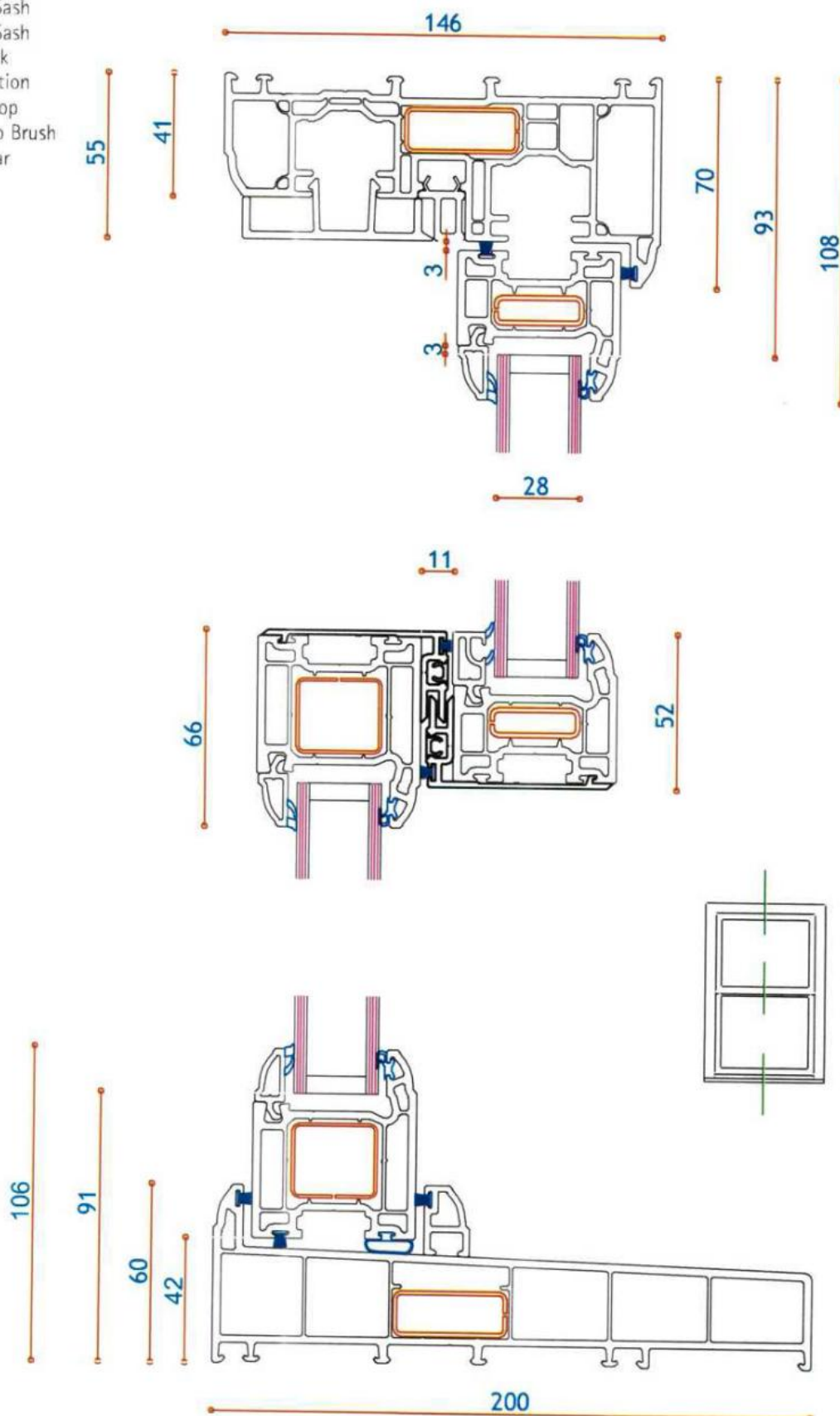


DIMENSIONS

VERTICAL CROSS SECTIONS

64mm Bottom Rail & 200mm Cill

- 105411 Outer Frame
- 105032 Upper Sash
- 105033 Lower Sash
- 105038 Interlock
- 105410 Cill Section
- 105415 Sash Stop
- 105414 Infill No Brush
- 105412 Bead Bar



2

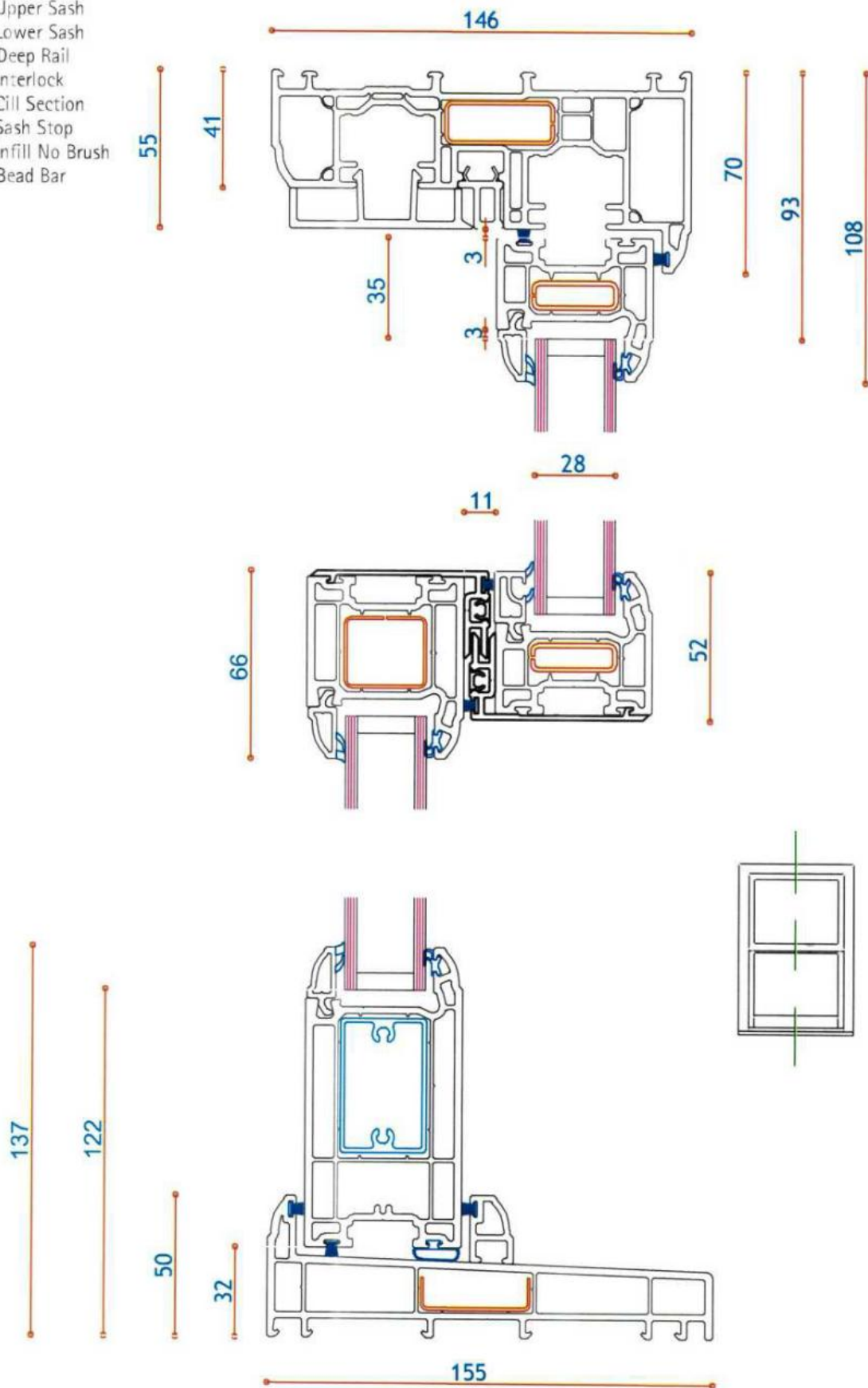


DIMENSIONS

VERTICAL CROSS SECTIONS

105mm Deep Bottom Rail & 155mm Cill

- 105411 Outer Frame
- 105032 Upper Sash
- 105033 Lower Sash
- 105034 Deep Rail
- 105038 Interlock
- 105037 Cill Section
- 105415 Sash Stop
- 105414 Infill No Brush
- 105412 Bead Bar



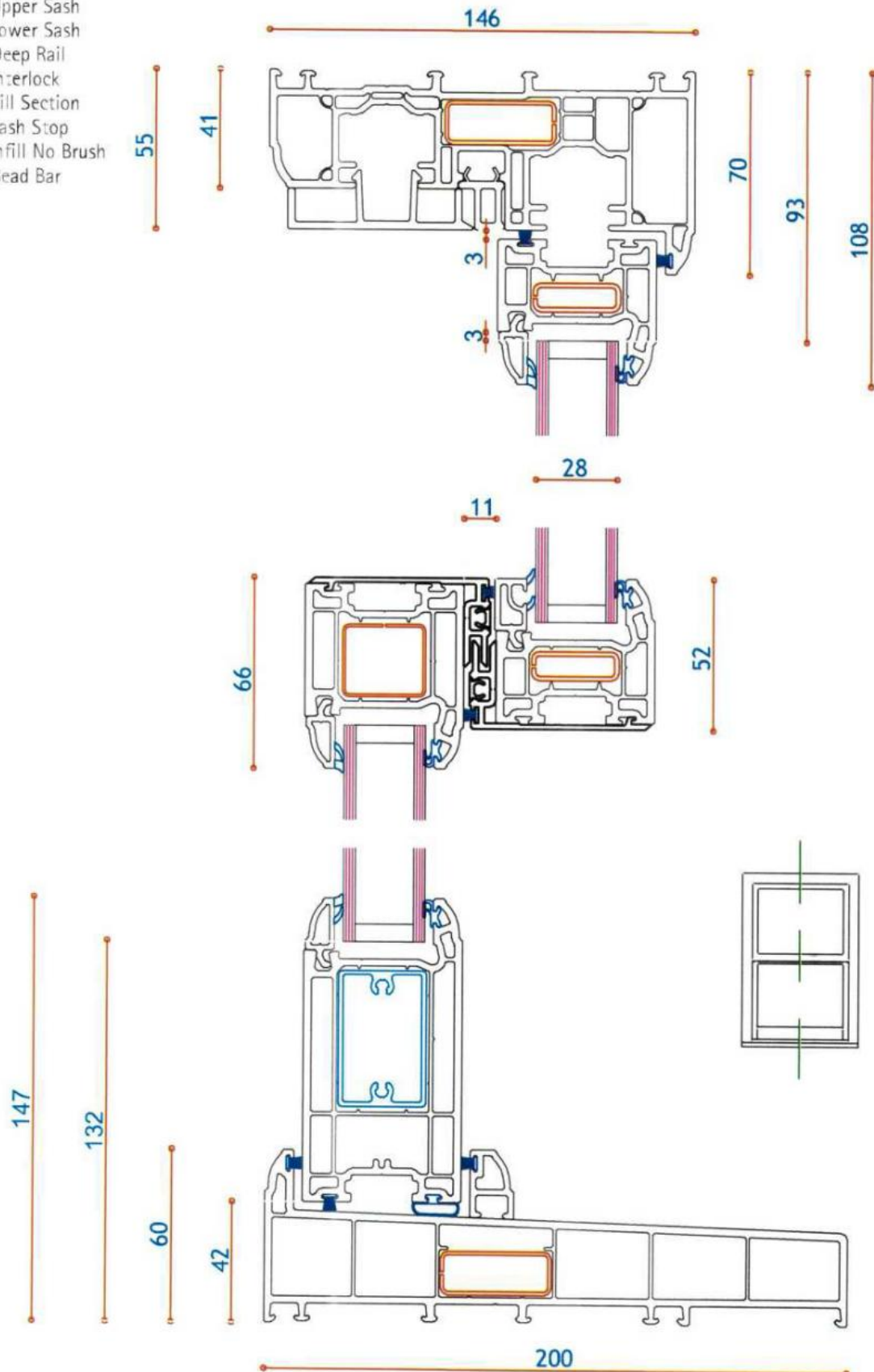
2

DIMENSIONS

VERTICAL CROSS SECTIONS

105mm Deep Bottom Rail & 155mm Cill

- 105411 Outer Frame
- 105032 Upper Sash
- 105033 Lower Sash
- 105034 Deep Rail
- 105038 Interlock
- 105410 Cill Section
- 105415 Sash Stop
- 105414 Infill No Brush
- 105412 Bead Bar



2

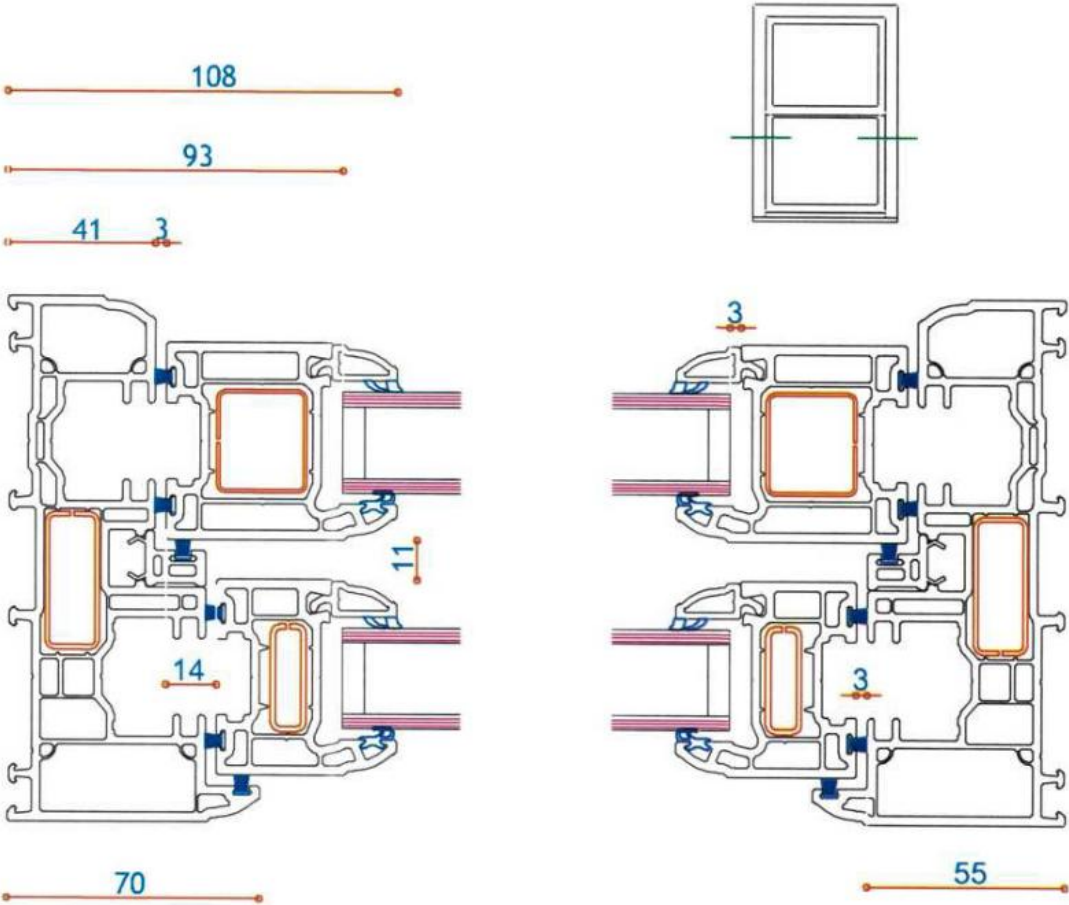


DIMENSIONS

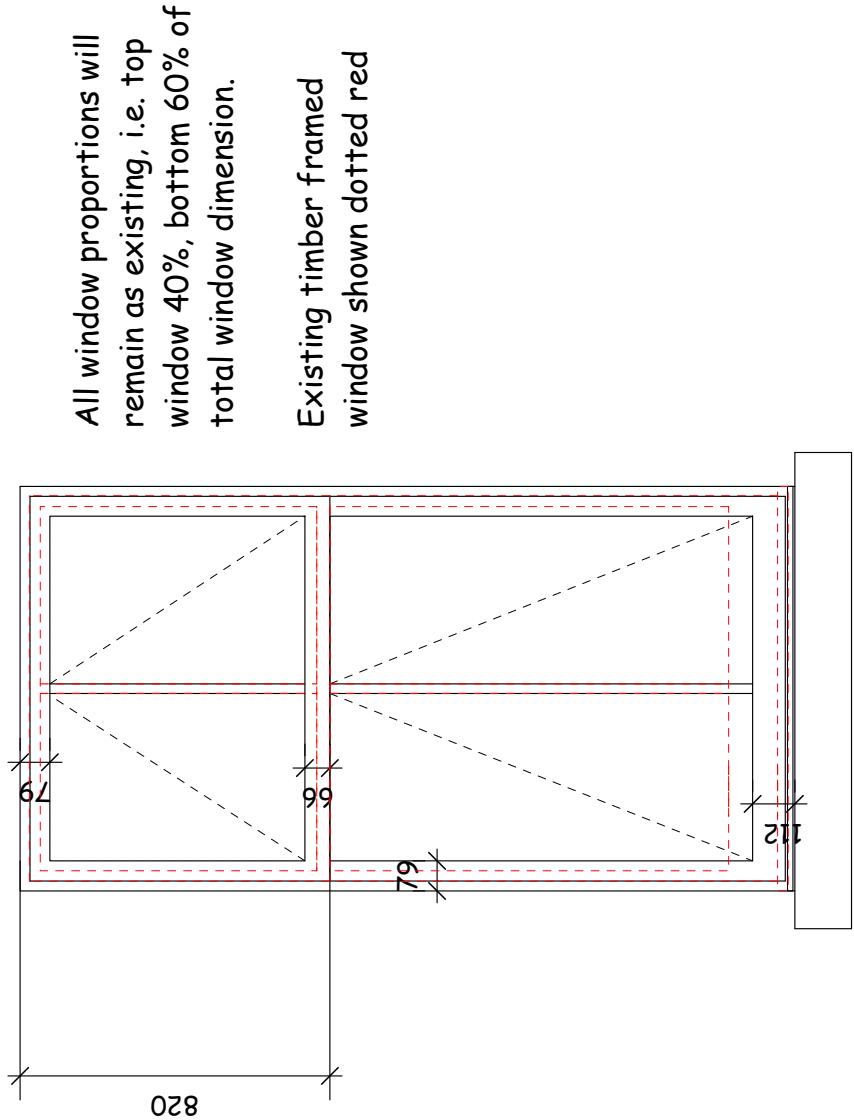
HORIZONTAL CROSS SECTIONS

105mm Deep Bottom Rail Et 155mm Cill

- 105411 Outer Frame
- 105032 Upper Sash
- 105033 Lower Sash
- 105413 Infill



No works to commence on site until Planning and/or Building Warrant Approvals are received.
Contractors are to ensure that all windows are the same dimensions, roof pitches and familiarise themselves prior to ordering and manufacturing components and materials.
Do not scale the drawings.



All window proportions will remain as existing, i.e. top window 40%, bottom 60% of total window dimension.

Existing timber framed window shown dotted red

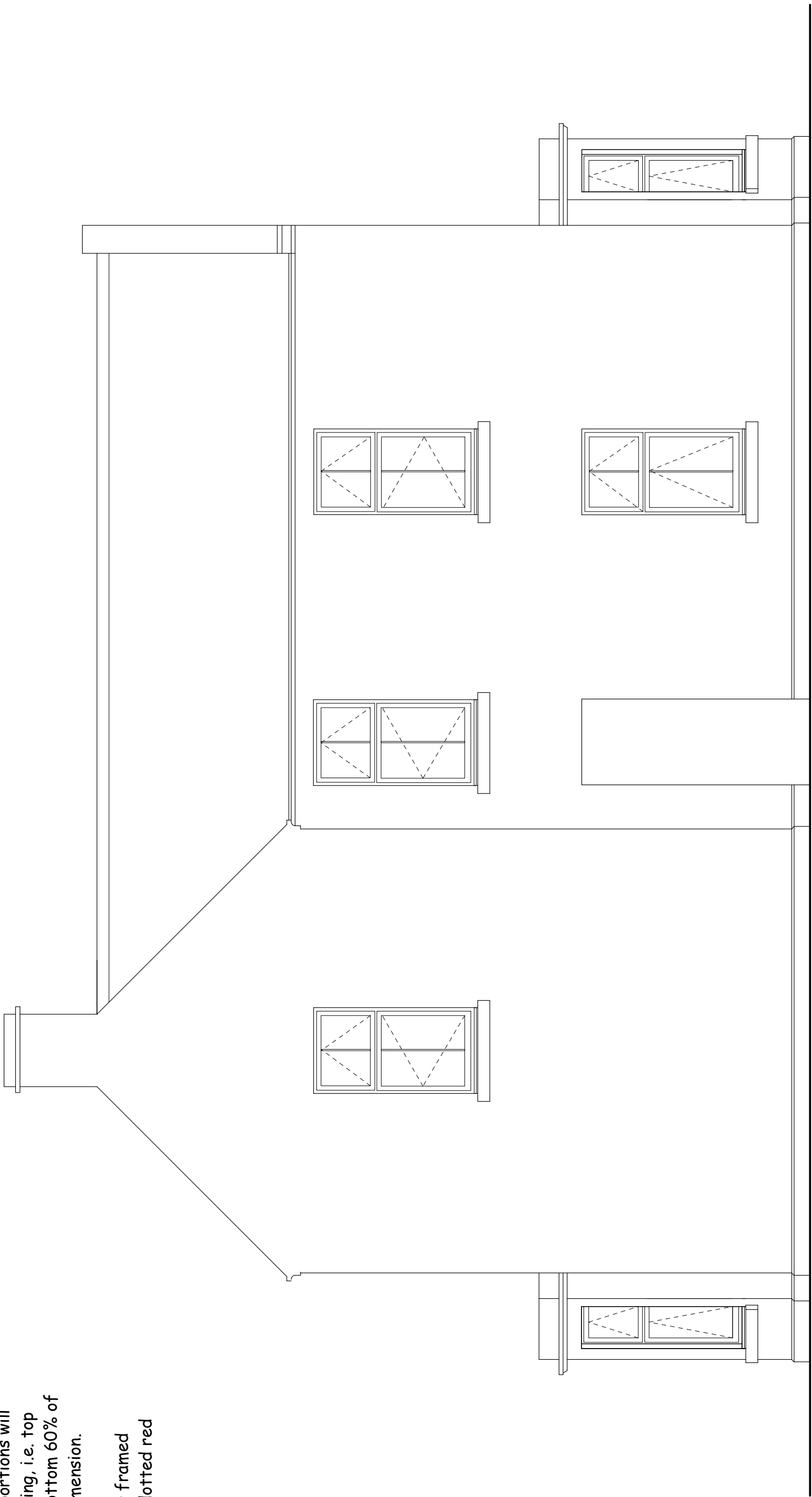
Proposed Elevation 1 : 20

Windows all same height and width, bar smaller widths to Bay side windows

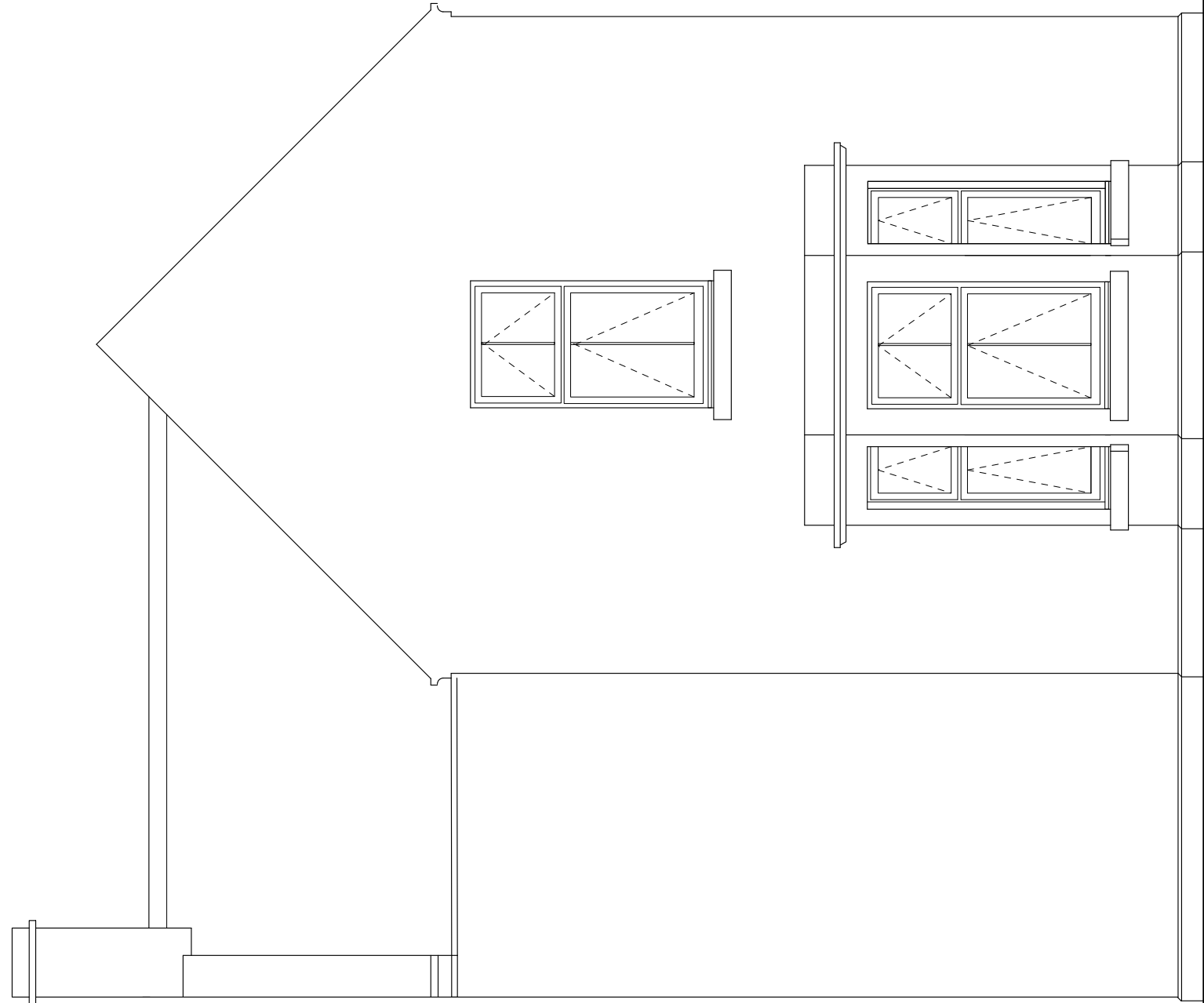


Example of window to be used, minus the Horns, as fitted in the former Park Hotel redevelopment, in the Conservation Area, which is immediately adjacent to Sunny Bank.

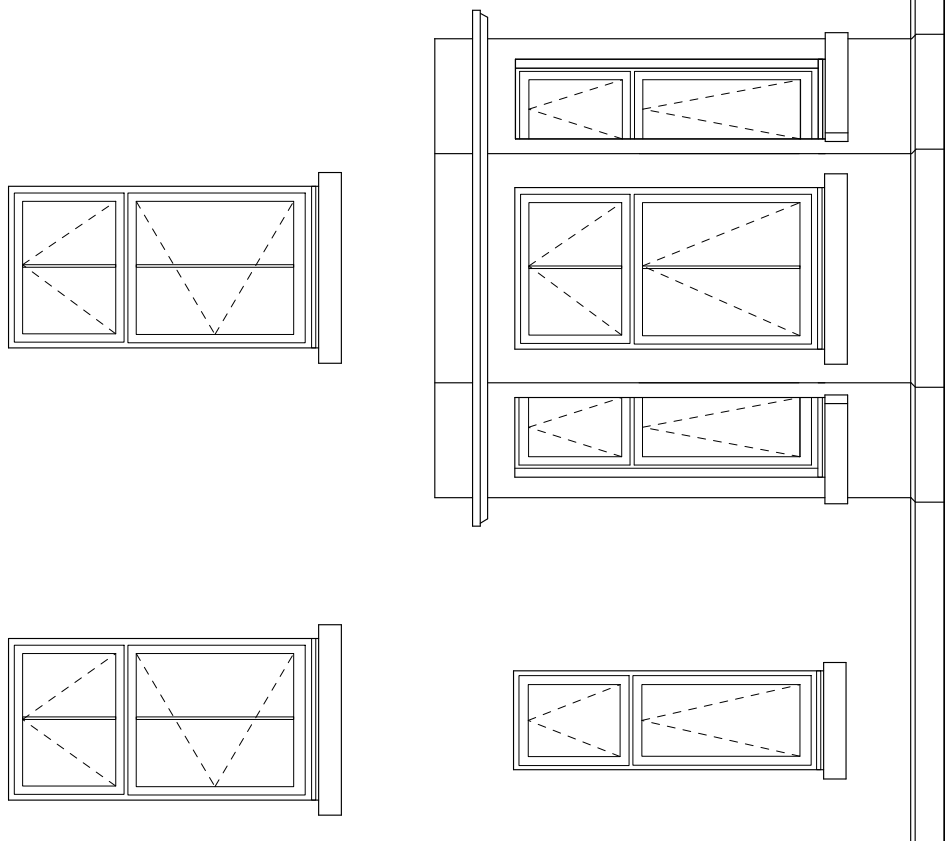
Window manufacturer will be same supplier, so sections, astragal, cill, operating mechanism, all the same.



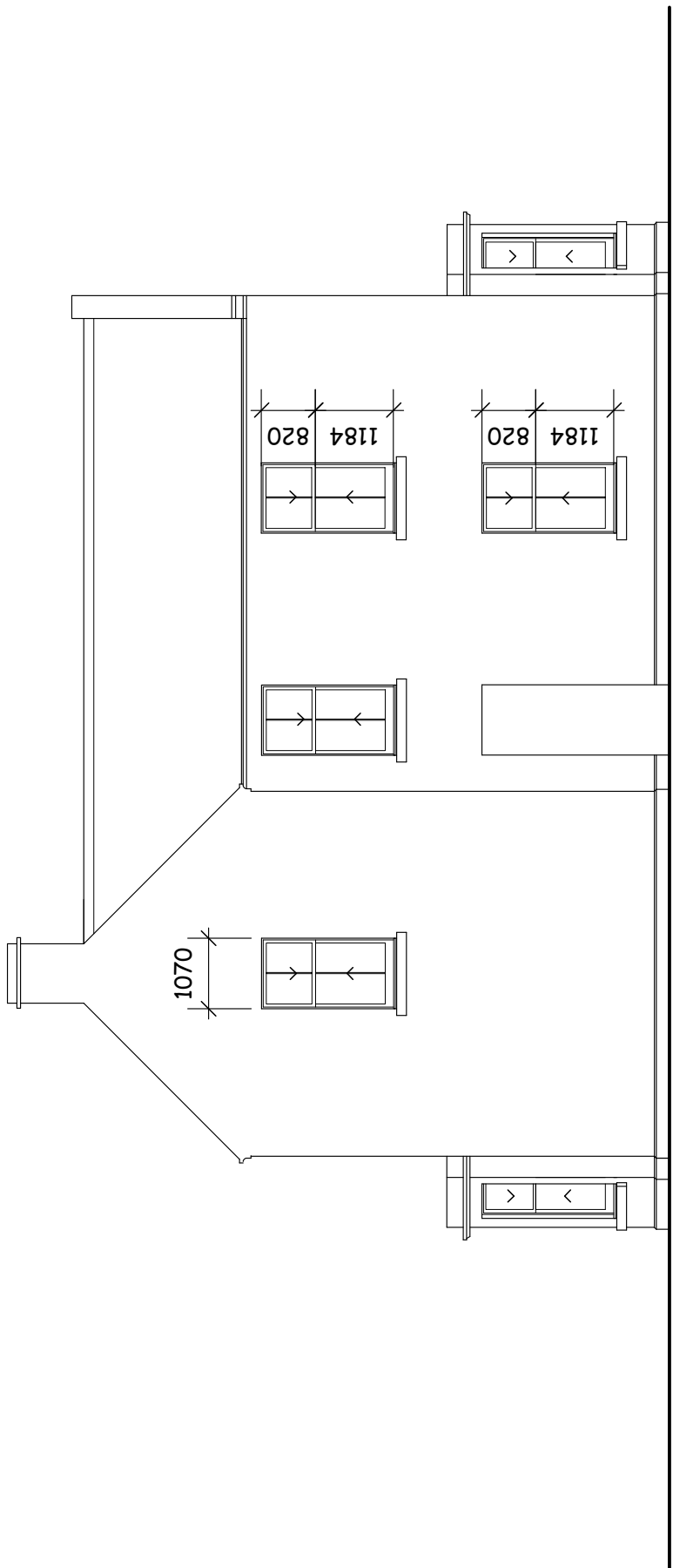
Proposed West Elevation 1 : 50



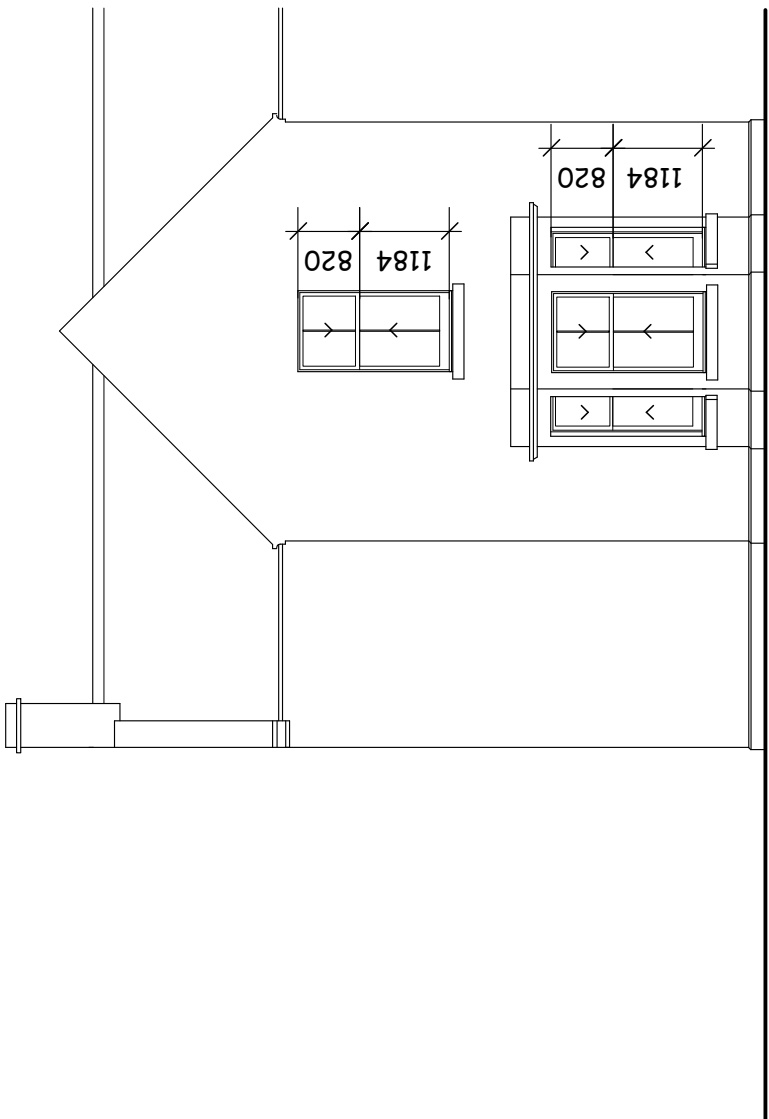
Proposed South Elevation 1 : 50



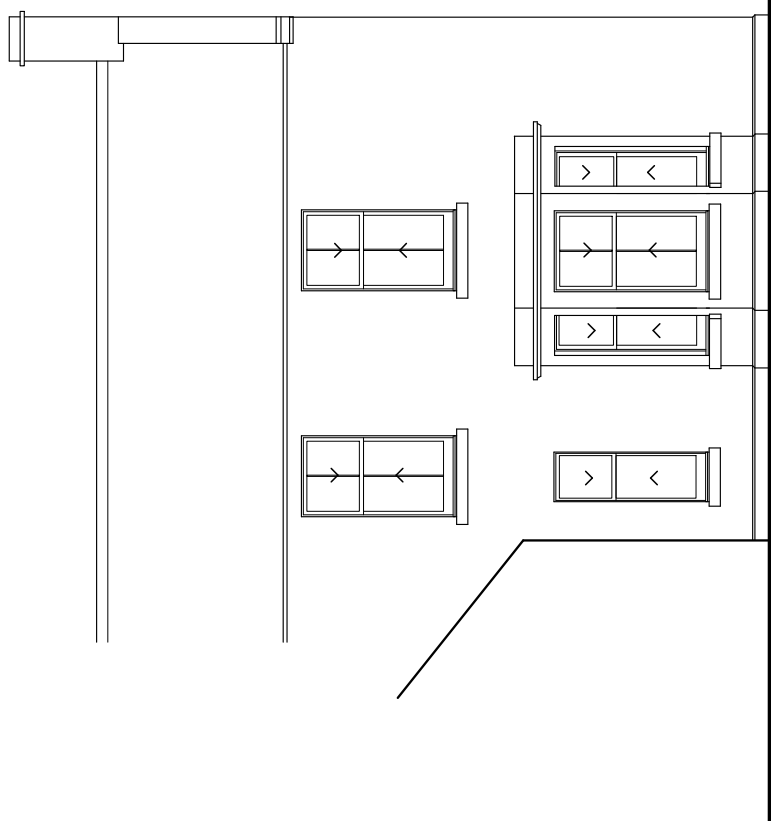
Proposed North Elevation 1 : 50



Existing West Elevation 1 : 100



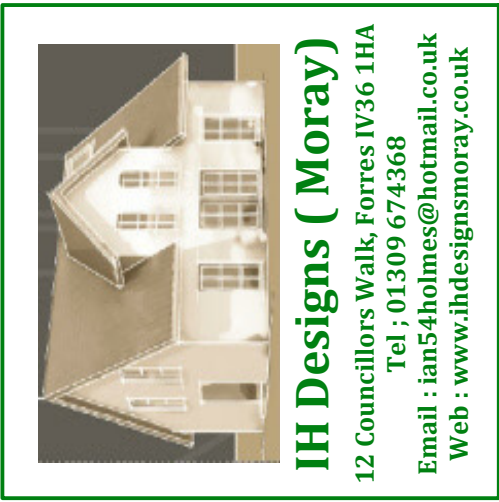
Existing South Elevation 1 : 100



Existing North Elevation 1 : 100

Proposed replacement windows at Sunny Bank House
Victoria Road, Forres
May 2020

Drwg. EN2 /1 scale. 1:100
Rev :



BRITISH STANDARDS / TOLERANCES

BRITISH STANDARDS INFORMATION

BS 7412 – PVCu Windows

Kitemark Licence No KM33686. Applies to factory glazed frames only.

BS 7412/PAS 24 WINDOWS – PVCu Windows

Kitemark Licence No KM61727. Enhanced Security.

BS 7412/PAS 24 DOORS – PVCu Doors

Kitemark Licence No KM85377. General and enhanced security.

BS 8529/PAS 24 DOORS – Composite Doors

Kitemark Licence No KM597995. General and enhanced security.

BS EN ISO 9001 – Quality Management System

Certificate No FM 29754



BS 7412
KM 33686



BS 7412/PAS 24
WINDOWS
KM 61727



BS 7412/PAS 24
DOORS
KM85377



BS 8529/PAS 24
DOORS
KM597995



FM29754

Consort PVCu Windows are classified and specified for weather tightness in accordance with BS 6375 Part 1.

DIMENSIONAL TOLERANCES

Outer frame width and height
Vent width and height



Up to 2000mm +/- 3mm
Over 2000mm +/- 4mm

Parallelism between Outer Frame Members, Transoms and Mullions

Up to 2000mm
Over 2000mm

Maximum run-out 3mm
Maximum run-out 4mm



Profile System Fully Sculptured Profiles

System:	Sculptured
Section:	01
Page:	13:00
Date:	Nov 04
Revision:	

Article No 103.267

80mm 'Z' Sash

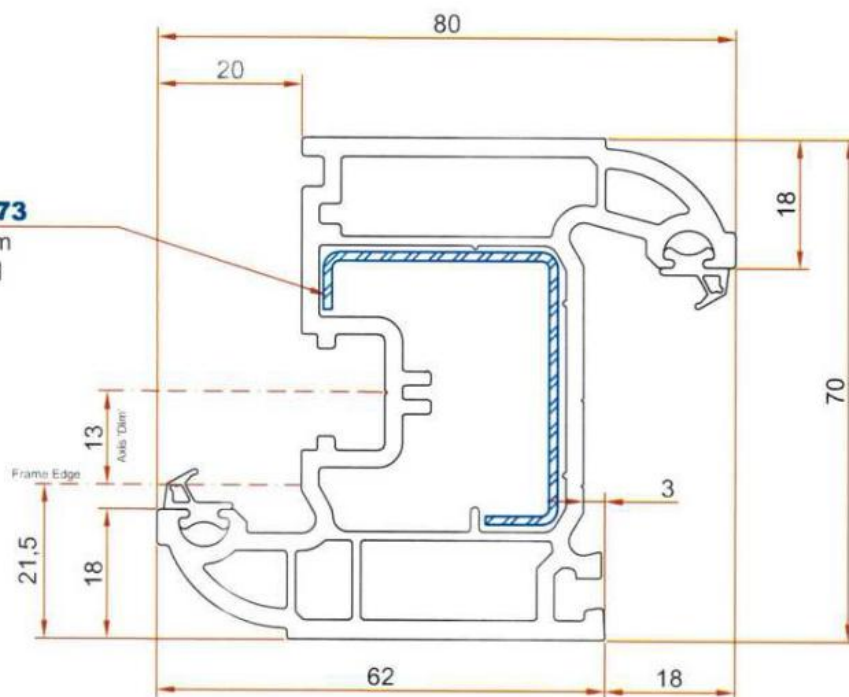
Applications:

Tilt & Turn



113.373

1.2mm
Steel

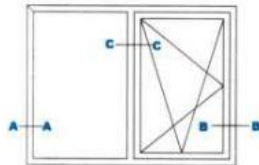




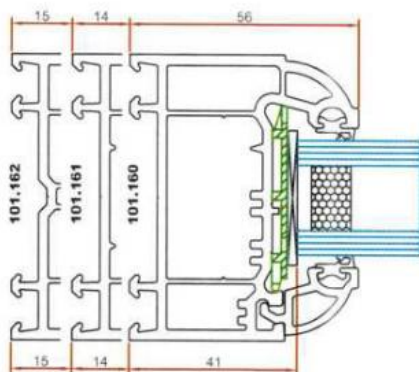
Profile System Fully Sculptured

System:	Sculptured
Section:	02
Page:	02:00
Date:	Nov 04
Revision:	

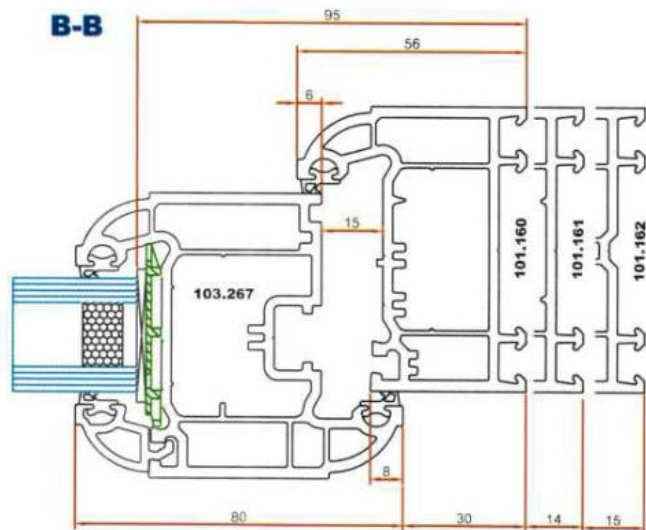
Profile Combinations
Using 64mm Transoms/Mullions 102.260/261
With 80mm 'Z' Sash 103.267



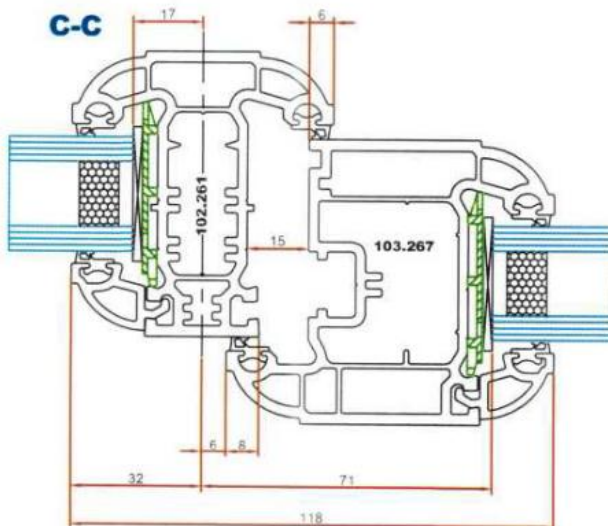
A-A



B-B



C-C

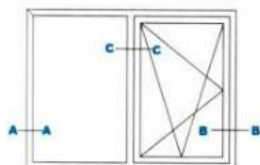




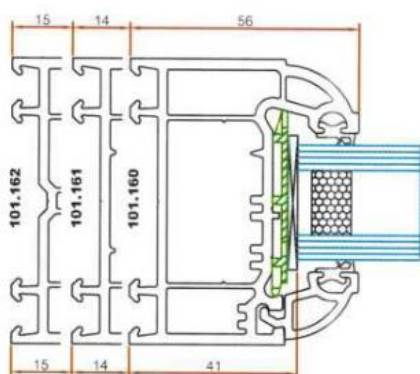
Profile System Fully Sculptured

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Date:	Nov 04
Revision:	

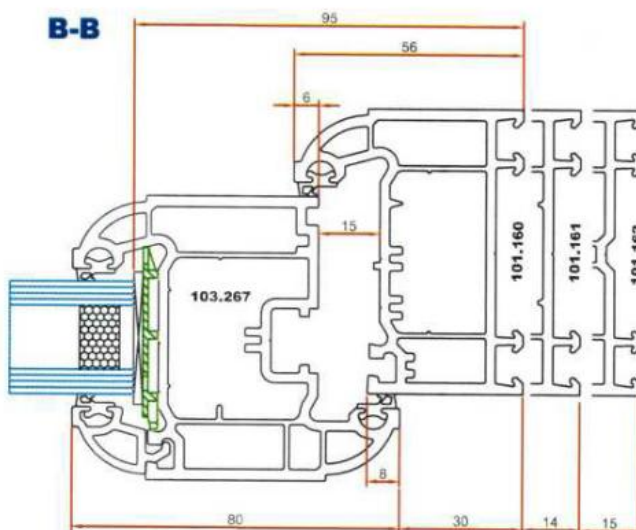
Profile Combinations
Using 86mm Transoms/Mullions 102.262/263
With 80mm 'Z' Sash 103.267



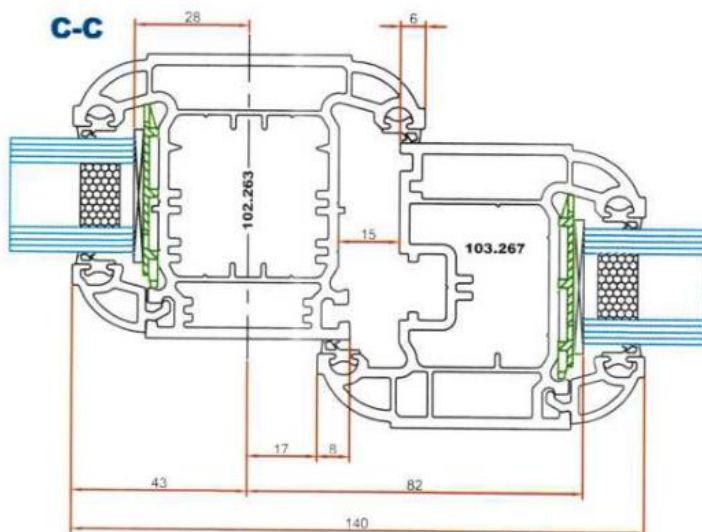
A-A



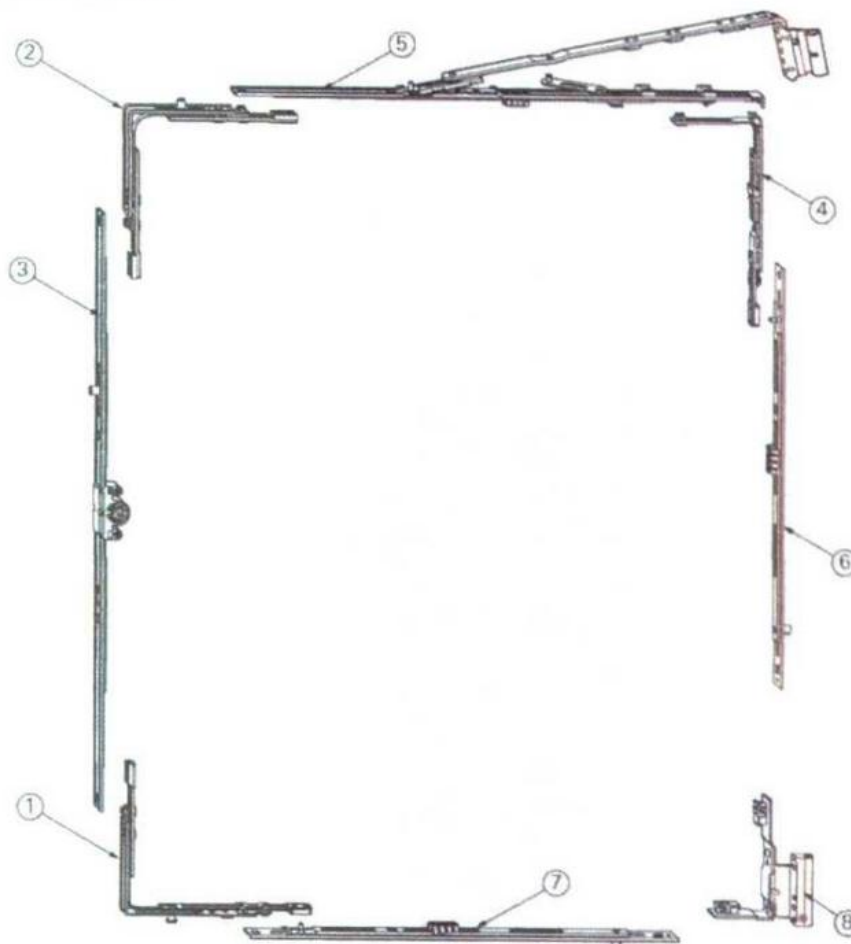
B-B



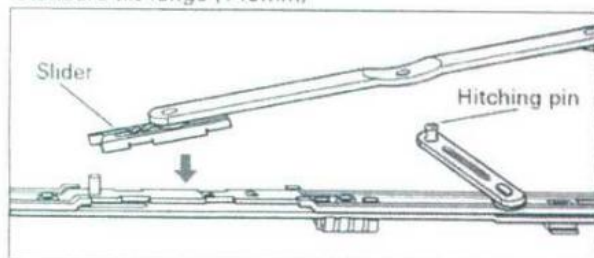
C-C



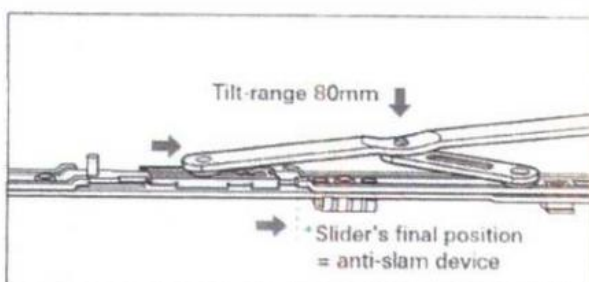
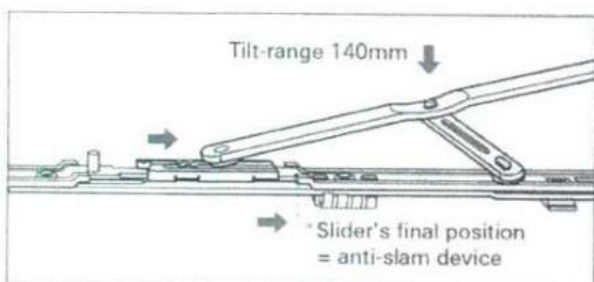
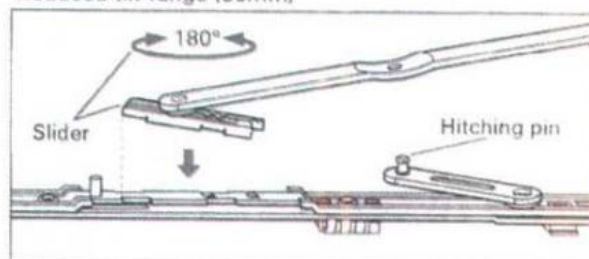
Suggested installation sequence



Standard tilt-range (140mm)

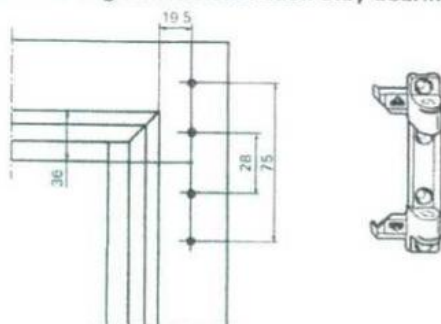


Reduced tilt-range (80mm)

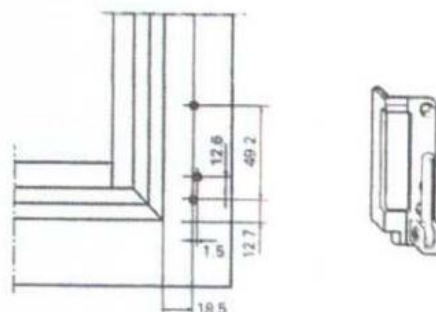




The slider's final position (anti-slam device) is reached automatically by means of tilting the sash.



Frame drilling dimensions: sash stay bearing A

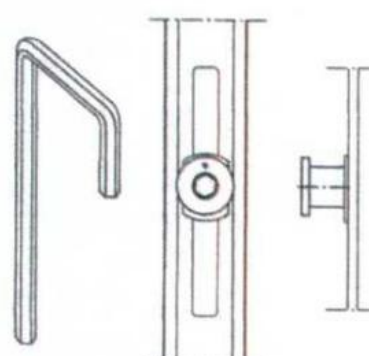
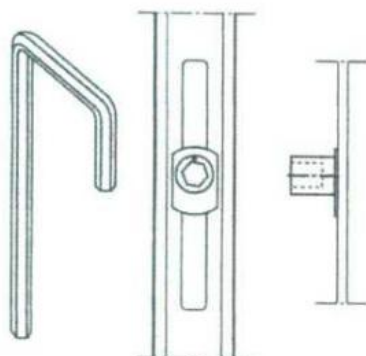


Frame drilling dimensions: corner pivot rest A

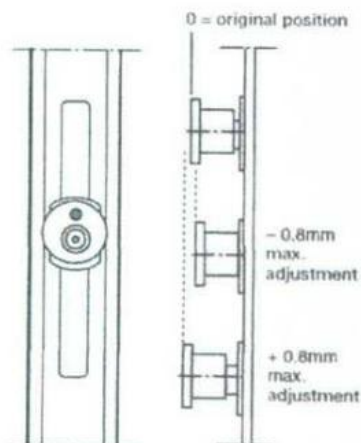







Locking cam E	Adjustment range in °	Gasket compression adjustment in mm
	Original position 	-
	90°  90°	± 0.8

Locking cam E	Adjustment range in °	Gasket compression adjustment in mm
	Original position 	-
	90°  90°	± 0.8



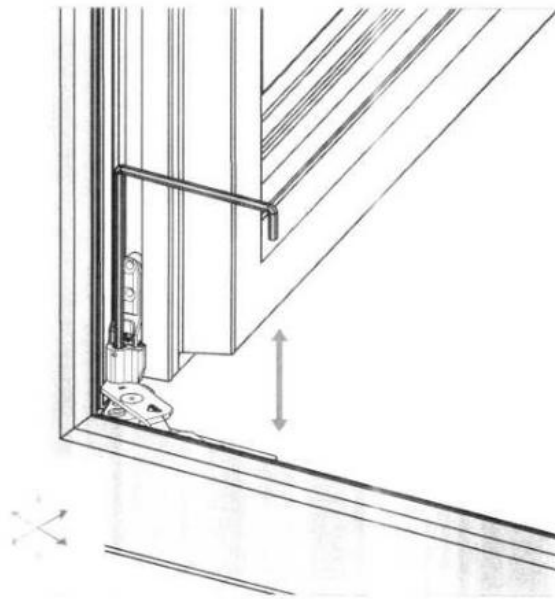
Locking cam V



Adjustment range in °	Gasket compression adjustment in mm	Height adjustment in mm
Original position 	-	-
90°  90°	± 0.8	± 0.2
180°  180°	-	± 0.4
270°  270°	± 0.8	± 0.6
360°  360°	-	± 0.8

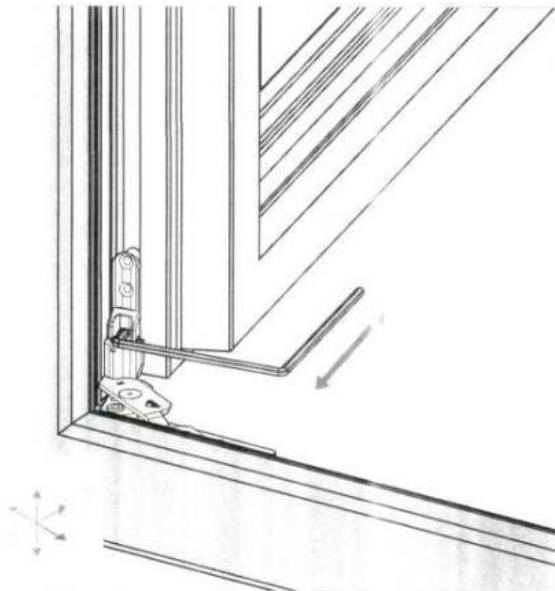
Adjustment instructions

Pivot rest / corner hinge

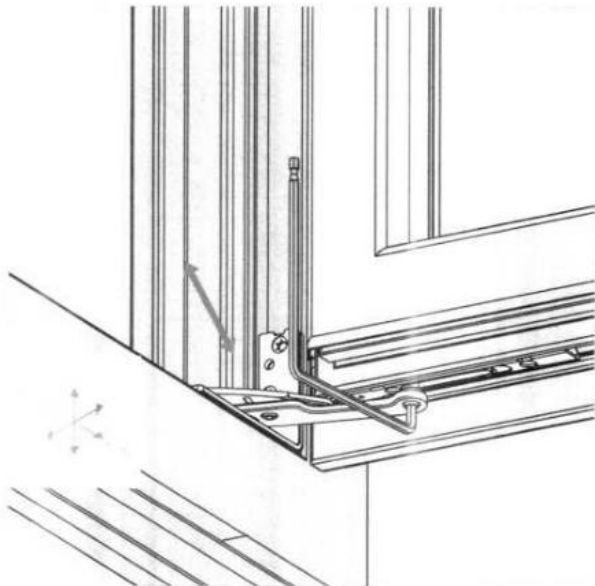


Height adjustment

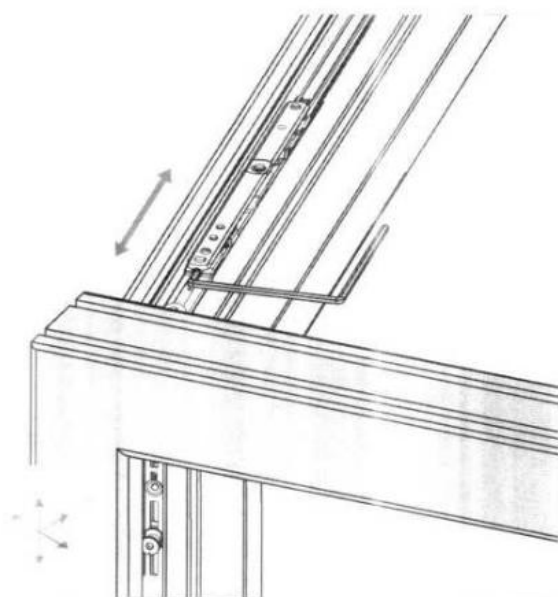
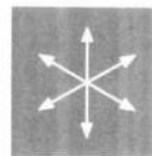
After the height adjustment, the load transfer device has to be readjusted (refer to page 67).



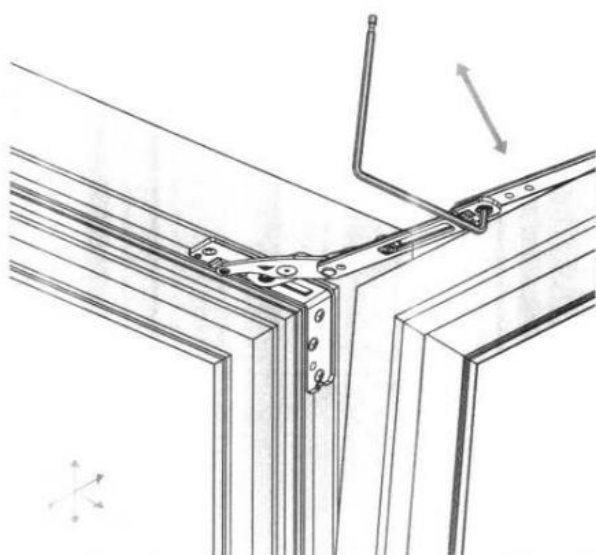
Lateral adjustment



Gasket-compression adjustment

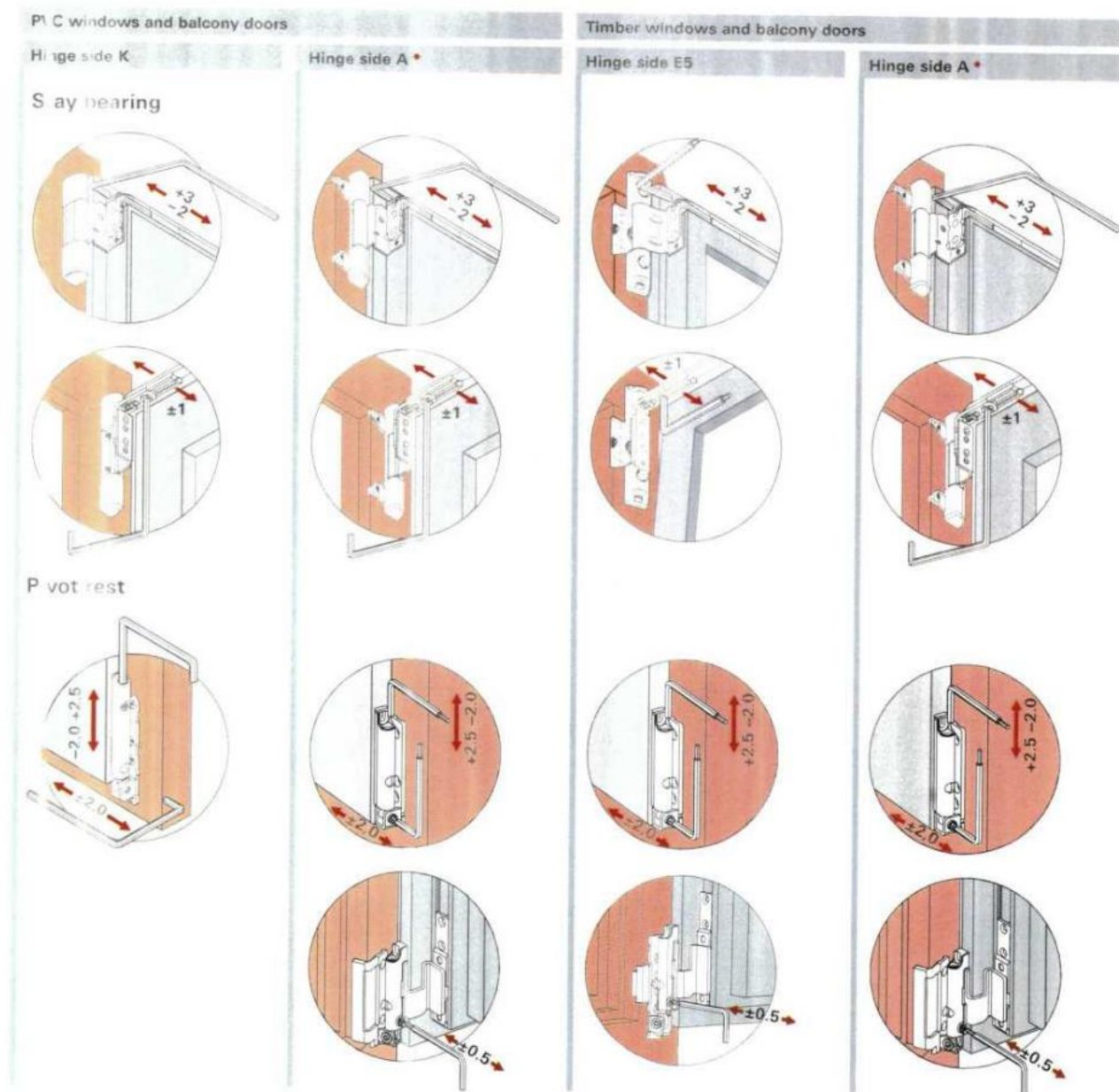


Lateral adjustment





Gasket-compression adjustment

Adjusting Roto hardware components may only be carried out by authorised and qualified personnel.



* Dimensions in mm. † Adjusting dimensions change upon use. * Cover caps (on stay bearing) for 1000 and 1000mm corner-rebate-security components.

Adjusting tools

Fig.	Description	Material no.
	4mm Allen key	208609
	2.5mm & 3mm Allen key	230764

Roto Frank AG
Window and door technology

Winkel Frank-Platz 1
70 71 Eichenfelden-Echterdingen
Germany
Telephone: +49 711 7598-0 • Telefax: +49 711 7598-253
info@rotofrank.com • www.rotofrank.com



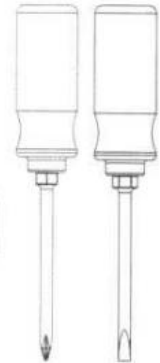
Vertikalhinweise Schließzapfen

Cam (cam)	Adjustment range	Gasket compressor	Height adjustment	Lateral	Adjusting tool
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Locking cam E



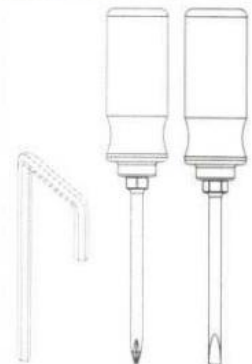
± 0.8 mm



Locking cam P



± 0.8 mm



Locking cam V

Cam (cam)	Adjustment range	Gasket compressor adjustment / mm	Height adjustment / mm	Top view / Lateral view	Adjusting tool
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± 0.8 mm

± 0.2 mm



± 0.4 mm

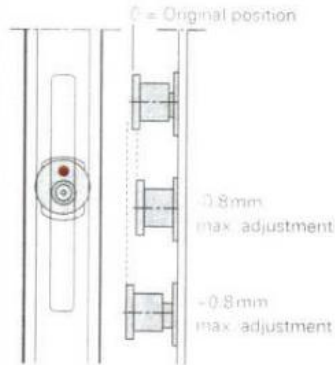


± 0.6 mm



± 0.8 mm

± 0.8 mm



Planning Application

Replacement windows at Sunny Bank, Victoria Road, Forbes for Mrs Elma Noble.

1. Most of window sash bottom rails are rotten and in need of replacing.

The North elevation is particularly bad as this is directly facing the prevailing weather and has suffered the most. Various sills have been replaced in the past but are showing signs of rot again. The window frames and sash boxes are also showing signs of rot.

2. All external cills are rotten some worse than others which is causing a problem on either side of the boxes (needing windows replaced). Some windows have had the mortice and tenon joints spring open and have been bolted together!

3. On a practical level some first floor longer windows can not be safely used, especially in an emergency for escape purposes. To overhaul these would require removal and taken to the workshop for reconstruction.

4. Cost to replace windows with new wooden sash and case, sash boxes, chords and pulley weights, cost in the region of 3 times than similar that will look exactly the same. On an economical level the heat loss for the property would be greatly improved and safer to operate on a daily basis.

It should be noted that a single storey, open plan kitchen / lounge extension has upvc doors and windows.

REPORT OF HANDLING

Ref No:	21/00593/APP	Officer:	Katherine Donnachie
Proposal Description/ Address	Replace single glazed windows with upvc double glazed units style to match existing at Sunny Bank Victoria Road Forres Moray		
Date:	30.07.2021	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

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
DP1 Development Principles	Y	Refer to observations
EP9 Conservation Areas	Y	Refer to observations
PP1 Placemaking		Refer to observations

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received: ONE		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
Issue: Writer advises they have no objection to the proposals.		
Comments (PO): Noted.		

Proposals and Site

This application seeks full planning permission to replace all of the existing white painted wooden sash and case at a traditional stone and slate two storey semi-detached substantial dwellinghouse at Sunnybank, Victoria Road Forres. The existing windows are single glazed and there are a total of 14 windows (including 2 bay windows) to be replaced. The proposed new window will be white UPVC of the same proportions, of sash and case style appearance, and double glazed. The application has been advertised in the local press.

The application site is located to the north of Victoria Road with front elevation facing south over this road. To the immediate east is the other half of this semi-detached property. This property (The Pines) is also stone and slate with a front sun lounge with UPVC windows which was approved in 1998 (reference 98/01638/FUL) To the west is an access lane with the Park (now converted to residential accommodation) lying to the west of this set in its own policies and set back from the public road. Further residential properties lie to the rear (north). The site lies within Forres Outstanding Conservation Area.

In terms of planning history consent was granted in 2002 (reference 02/01559/FUL) to erect a double garage and extend existing garden wall at Sunnybank and in 2003 (reference 03/00617/FUL) to erect a sun room to the rear of the property.

Policy Background

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 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

Principle

Policy PP1 Placemaking seeks to ensure that new development is designed to create successful healthy places that improve people's wellbeing, safeguard the environment and support economic development, promote character and identity and biodiversity. Similarly Policy DP1 Development Principles is supportive of new development providing it meets all other relevant planning policies. Again this policy supports new development providing it is in keeping with the area and this will now be considered below.

Design, layout and impacts on Conservation Area

Policy DP1 Development Principles sets out the need for the scale, density and character to be appropriate to the surrounding area to create a sense of place, integrated into the surrounding landscape with no adverse impact upon neighbouring properties in terms of privacy, daylighting, or overbearing loss of amenity. It is considered that this window replacement proposal will have no impacts upon neighbours. The main planning policy issue therefore is the impact on the surrounding townscape given that the house is located within Forres Outstanding Conservation Area.

The key planning policy is Policy EP9 Conservation Areas which requires that all development within a Conservation Area preserves and enhances the established traditional character or appearance of the area. It notes that alterations will be refused where they adversely affect the character and appearance in terms of scale, height, massing, colour, materials and siting, explaining that this will typically require the use of traditional materials and style. With regard to replacement doors and windows the policy states that for unlisted buildings within conservation areas replacement windows must match the original windows in terms of proportions and appearance and shall open in a traditional sash manner or be in the form of casements whichever is appropriate. The use of UPVC windows may be deemed acceptable if it is of an appropriate traditional style and not located on a principal elevation or on an elevation on a public view. However the fundamental test will be whether the replacement will have a detrimental effect on the character of the building and/or the conservation area. The justification for the policy explains that unlisted buildings within a conservation area can

have significant townscape value and make a valuable contribution to the overall character of the area.

Policy EP9 explains that advice on the type of windows considered acceptable is set out in the Council's Replacement Windows and Door Guidance. This document is a material consideration in decision making. It sets out the importance of windows and doors to the character of historic buildings both individually and in the wider streetscape, explaining the desire to protect and preserve original windows where possible. It highlights that replacement will only be approved where there is no alternative, for example where they have clearly deteriorated beyond practical repair or are not original with the Council likely to request evidence to demonstrate that there is no scope for repair works. The guidance also goes on to clarify that double glazed units which have the correct astragal width and painted finishes are usually considered acceptable as replacements where there was previously no historic glass present. The guidance also explains that repairs to traditional windows are almost always cheaper than full replacements and that it is a common misconception that timber windows are difficult to maintain and that UPVC windows are maintenance free.

The application site is prominently located on Victoria Road which is the main approach into Forres town centre from the east. The north elevation is prominent from this approach and both the north and western elevations are open to public view when travelling east along Victoria Road with a bus stop also located in close proximity to the site. This part of Victoria Road lies within the designated outstanding Conservation Area and is characterised by villa type traditional buildings on the northern side of the road, some set back from the road in large garden areas. It forms a clear transition from the more modern developments to the east leading towards the higher density medieval core of Forres. Sunnybank is a substantial attractive property which retains important traditional elements such as the sash and case windows which add to the quality of the wider conservation area too.

Council policy is clear that UPVC windows will only be accepted where they are not located on a principal elevation or on an elevation on a public view. In this context it is only the windows on the rear (south) elevation which could be considered to not be on a principal elevation and to have any potential for replacement by UPVC windows of sash and case appearance. Window replacement on the other two elevations clearly fails to comply with policy. The other examples of consented UPVC windows cited by the applicant relate, in the case of Sunnybank and its neighbouring property at the Pines, to consents granted almost 20 years ago, well before current policy and guidance. Other examples quoted also seem to date from earlier than the current policy and guidance although consents have not been traced to date.

Finally, in terms of planning history it is noted that an application to replace timber windows with UPVC sliding casement windows at St Leonards Road Forres (reference 18/00223/APP) was refused in 2018 with a subsequent application to retain the installed new windows (reference 20/01059/APP) also refused. A subsequent appeal to the Local Review Body against this refusal was dismissed in 2020.

In these overall circumstances it is considered that the proposed development does not comply with Policy EP9 and would not preserve and enhance the established traditional character of the area. Sunnybank is a prominent building in the local townscape and conservation area and the loss of traditional finishes is not considered to be acceptable. Accordingly as recommended by the Council guidance and policy the repair of the existing windows should be explored followed, if necessary, by consideration of replacement on principal elevations with timber sash and case windows potentially double glazed. (The applicants' desire to reduce heat loss is appreciated but there are other ways to improve thermal efficiency and also preserve the heritage of the Conservation Area, for example suitable repairs or indeed replacement by double glazed units) This would require to be the subject of a revised application in due course as would any proposal for UPVC windows on the rear elevation.

Conclusion

The retention of timber sash and case windows is an important way of preserving the historic

appearance and fabric buildings and the character of the Conservation Area. There are opportunities to improve the thermal efficiency of traditional buildings whether through repairs or new windows, provided appropriate traditional materials are used. Council policy and guidance is clear on this subject setting out that the use of non-traditional materials such as UPVC on principal elevations will not be acceptable in a Conservation Area.

The proposed windows are not considered to preserve or enhance the established traditional character or appearance of the Conservation Area and therefore are not considered to comply with policy whereby refusal is recommended.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

Moray Council advice entitled "Replacement Windows and Doors Guidance"

HISTORY

Reference No.	Description			
21/00253/ID	Replace existing timber frames sash and case windows with cream coloured UPVC glazing at Sunny Bank Victoria Road Forres Moray IV36 3BN			
	Decision	Planning Permission Required	Date Of Decision	10/03/21
03/00617/FUL	Erect a sun room at Sunny Bank House Victoria Road Forres Moray IV36 3BN			
	Decision	Permitted	Date Of Decision	19/05/03
02/01559/FUL	Erect a double garage and extend existing garden wall at Sunny Bank House Victoria Road Forres Moray IV36 3BN			
	Decision	Permitted	Date Of Decision	27/09/02

ADVERT

Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Forres Gazette	Planning application affecting LB/CA	08/06/21
PINS	Planning application affecting LB/CA	08/06/21

DEVELOPER CONTRIBUTIONS (PGU)

Status	N/A
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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: Supporting Statement		

Main Issues:	<p>Outlines that that most of the sash bottom rails are rotten with the north elevation particularly bad as it faces the prevailing weather. Sills have been replaced in the past but showing signs of rot again whilst window frames and sash boxes also showing signs of rot. Issues with joints which have been bolted together to prevent them opening and some first floor windows can no longer be safely used , so preventing their use for escape purposes. Repairing the windows would require removal to a workshop for reconstruction whilst replacement with sash and case windows would cost around 3 times the cost of UPVC windows which will look the same. Heat loss would also be addressed by installing new windows. Finally note that the existing extension has upvc windows.</p>
Document Name:	Quotes and examples of other UPVC windows in Forres
Main Issues:	<p>Copy quote has been provided for installation to UPVC windows and also a quote for installation of timber sash and case. This illustrates that timber windows are almost twice the price of UPVC.</p> <p>Photographs have been provided of other examples of UPVC windows in the area including an extension to the rear of the application property and a sun lounge to the front of the adjacent house.</p>

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

**[Forres]
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:-

Replace single glazed windows with upvc double glazed units style to match existing at Sunny Bank Victoria Road Forres Moray

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

Date of Notice: **2 August 2021**



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 proposed development is contrary to Policy DP1: Development Principles and Policy EP9:Conservation Areas of the adopted Moray Local Development Plan 2020 and, as a material consideration, associated Replacement Windows and Doors Guidance for the following reasons:

- the removal of original timber sash and case windows and replacement with non-traditional UPVC units located on principal elevations and elevations on a public view would fail to preserve or enhance the established traditional character and appearance of Forres Outstanding Conservation Area.
- the proposed finishes are considered to adversely affect the character and appearance of Forres Outstanding Conservation Area, are not appropriate to the surrounding area, and do not respect the architectural authenticity of the building and the character of Forres Outstanding Conservation Area.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
		Profile sections
EN/1		Elevations and 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

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mrs	Ref No.	21/00593/APP
Forename	Elma	Forename	Ian
Surname	Noble	Surname	Holmes
Company Name		Company Name	IH Designs (Moray)
Building No./Name	Sunny Bank	Building No./Name	12
Address Line 1		Address Line 1	Councillors Walk
Address Line 2	Victoria Road	Address Line 2	
Town/City	Forres	Town/City	Forres
Postcode	IV36 3BN	Postcode	IV36 1HA
Telephone		Telephone	01309 674368
Mobile		Mobile	07989499006
Fax		Fax	
Email		Email	ian54holmes@hotmail.co.uk
3. Application Details			
Planning authority	Moray Council		
Planning authority's application reference number	21/00593/APP		
Site address	<div>Sunny Bank, Victoria Road,Forres</div>		
Description of proposed development	<div>Replacement windows.</div>		

Date of application	6/5/21	Date of decision (if any)	2/8/21
---------------------	--------	---------------------------	--------

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application)	<input checked="" type="checkbox"/>
Application for planning permission in principle	<input type="checkbox"/>
Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)	<input type="checkbox"/>
Application for approval of matters specified in conditions	<input type="checkbox"/>

5. Reasons for seeking review

Refusal of application by appointed officer	<input checked="" type="checkbox"/>
Failure by appointed officer to determine the application within the period allowed for determination of the application	<input type="checkbox"/>
Conditions imposed on consent by appointed officer	<input type="checkbox"/>

6. 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.

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

Further written submissions	<input checked="" type="checkbox"/>
One or more hearing sessions	<input type="checkbox"/>
Site inspection	<input type="checkbox"/>
Assessment of review documents only, with no further procedure	<input type="checkbox"/>

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

Immediately adjacent and within the conservation area, a residential development replaced existing windows with upvc, and new construction with upvc. List of properties with pvc or aluminium windows nearby, submitted as examples.

7. Site inspection

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

Can the site be viewed entirely from public land?	<input checked="" type="checkbox"/>
Is it possible for the site to be accessed safely, and without barriers to entry?	<input type="checkbox"/>

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

8. Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

The costs involved in wholesale remedial works is 2/3 times that of replacement in pvc. The design proposed was to mimic the original sash and case, so appearance is in keeping with the building's architecture. The immediately adject former Park Hotel residential development has a mixture of existing and new housing. All the windows are of the same design and material as proposed for Sunny Bank. There are many properties in close proximity to Sunny Bank that are either pvc or aluminium frames, with varying designs and all within the conservation area.

Immediately to the right of Sunny Bank, the adjacent property has a large upvc conservatory on the main elevation.

At Sunny Bank there is a rear facing single storey extension that already has pvc windows and french doors, so a precedent has been set.

A list of the nearby properties within the conservation area, with pvc and aluminium is attached.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☐ No ☒

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

List of neighbouring properties.
Window Report.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form ☒

Statement of your reasons for requesting a review ☒

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☒

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 from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature: Name: Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

IH DESIGNS (MORAY)

12 COUNCILLORS WALK,

FORRES IV36 1HA

01309 674368 or 07989499006

Planning Application

**Replacement windows at Sunny Bank, Victoria Road, Forbes
for Mrs Elma Noble.**

Sunny Bank House has the original timber sash and case, single glazed windows, approx 100 years old. Repairs have been carried out in the past with some success, however, the timber frames and associated sash boxes are now worsenening.

Joiners were invited to submit their quotes and timescales to remove the units, repair and then refit. Due to the timescale, the security issues and importantly the cost, it has proved that doing this is getting on for 2 to 3 times the cost of replacement pvc units. A recent extension to the rear has pvc windows and doors.

Great care was taken in the design of the replacement windows to try and replicate the original sash and case design, as can be seen from the existing and proposed elevations. The choice of pvc frames in the opinion of the applicant is not out of character with the surrounding properties.

Here we list some of the immediate buildings within the conservation area and the type of window choice installed.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



As you can see, there a great many properties in this small stretch of Victoria Road that have not retained the original timber framed windows or tried to replicate the original design.

We contend that by trying to match the original sash and case style of the original windows, it will go a long way to keeping the character of Sunny Bank House.

9th August 2021

IH DESIGNS (MORAY)

12 COUNCILLORS WALK,

FORRES IV36 1HA

01309 674368 or 07989499006

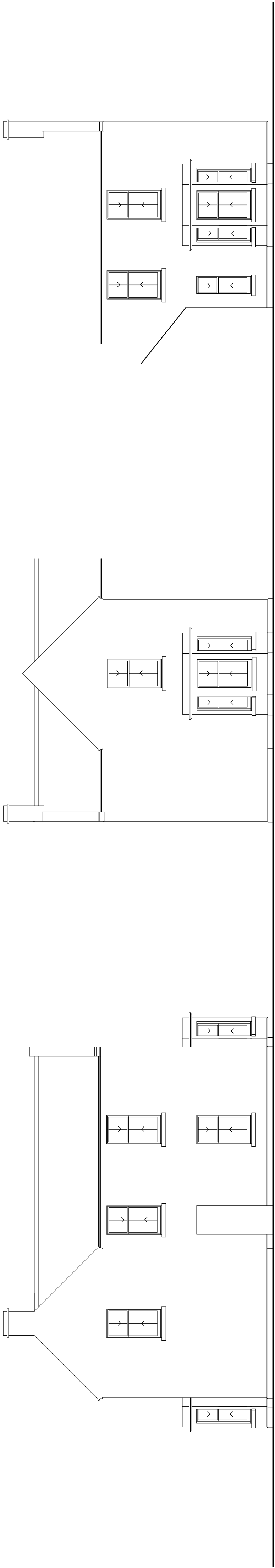
Planning Application

**Replacement windows at Sunny Bank, Victoria Road, Forbes
for Mrs Elma Noble.**

1. Most of window sash bottom rails are rotten and in need of replacing
2. All external cills are rotten some worse than others which is causing a problem on either side of the boxes (needing windows replaced)
3. No longer able to open windows on first floor safely (not ideal in an emergency situation)
4. Cost to replace windows with new wooden sash and case would cost 3 times more than in similar UPVC that will look exactly the same and also won't affect any of the internal finish unlike wooden windows
5. Single glazing in certain windows are not safety glass or thermally efficient



No works to commence on site until Planning and or Building Warrant Approvals are received.
Contractors are to ensure that all work is in accordance with the approved drawings and specifications.
Dimensions, roof pitches and familiarise themselves prior to ordering and manufacturing components and materials.
Do not scale the drawings.



Existing West Elevation 1 : 100

Existing South Elevation 1 : 100

Existing North Elevation 1 : 100



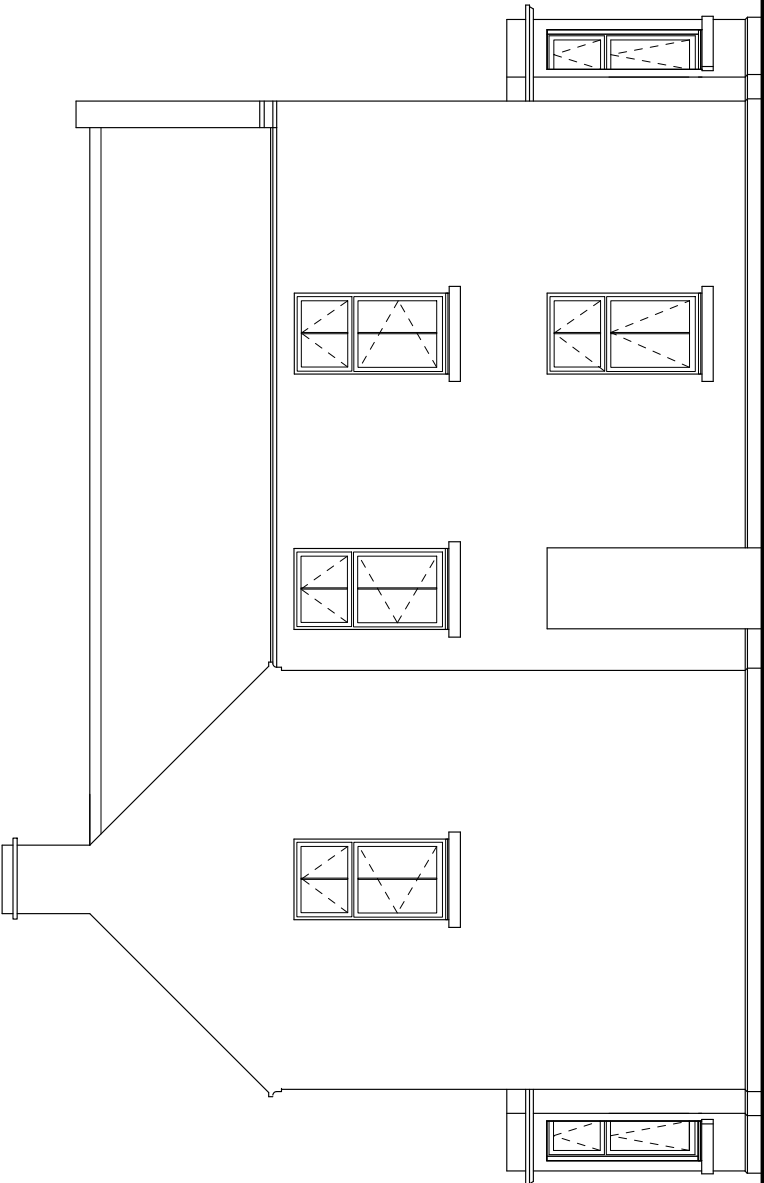
North Elevation
Bathroom window,
rotten cill ,window
frame, sash boxes



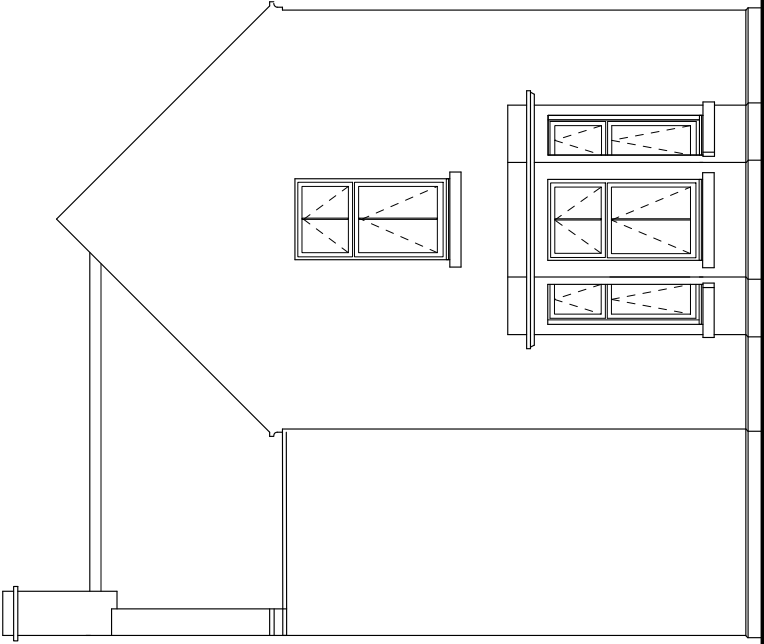
North Elevation
bay window,
rotten cill ,window
frame, sash boxes



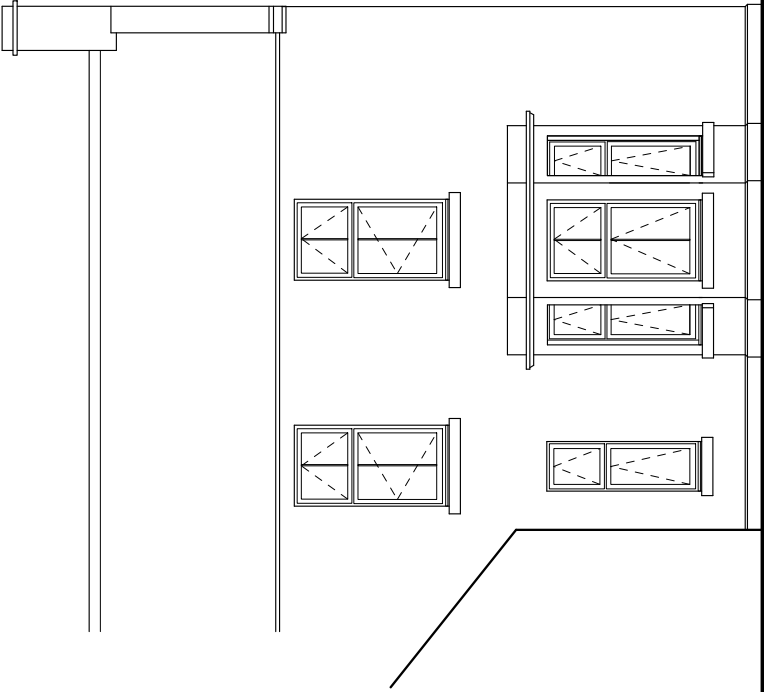
South Elevation
bay window,
window frames
bolted together,
joints springing.



Proposed West Elevation 1 : 100



Proposed South Elevation 1 : 100



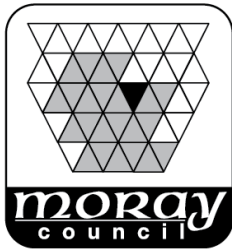
Proposed North Elevation 1 : 100

Proposed replacement windows
at Sunny Bank House
Victoria Road, Forres
May 2020

Drwg. EN1 /1 scale. 1:100
Rev :



IH Designs (Moray)
12 Councilors Walk, Forres IV36 1HA
Tel : 01309 674368
Email : ian54holmes@hotmail.co.uk
Web : www.ihdesignsmoray.co.uk



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

REFUSAL OF PLANNING PERMISSION

**[Forres]
Application for Planning Permission**

TO Mrs Elma Noble
c/o IH Design
Eilean Dubh
12 Councillors Walk
Forres
Moray
IV36 1HA

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:-

Replace single glazed windows with upvc double glazed units style to match existing at Sunny Bank Victoria Road Forres Moray

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

Date of Notice: **2 August 2021**



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 proposed development is contrary to Policy DP1: Development Principles and Policy EP9:Conservation Areas of the adopted Moray Local Development Plan 2020 and, as a material consideration, associated Replacement Windows and Doors Guidance for the following reasons:

- the removal of original timber sash and case windows and replacement with non-traditional UPVC units located on principal elevations and elevations on a public view would fail to preserve or enhance the established traditional character and appearance of Forres Outstanding Conservation Area.
- the proposed finishes are considered to adversely affect the character and appearance of Forres Outstanding Conservation Area, are not appropriate to the surrounding area, and do not respect the architectural authenticity of the building and the character of Forres Outstanding Conservation Area.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
		Profile sections
EN/1		Elevations and 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.

