



MORAY LOCAL REVIEW BODY

31 MARCH 2022

SUMMARY OF INFORMATION FOR CASE No LR272

Planning Application 21/00059/APP – Demolish existing store and erection of dwellinghouse at Store, Seatown, Cullen Buckie

Ward 2 – Keith and Cullen

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 16 December 2021 on the grounds that:

The proposal would be contrary to policies PP1, PP3, DP1, DP2 and EP9 of the Moray Local Development Plan 2020 and associated guidance contained within the Cullen Conservation Area Character Appraisal for the following reasons:

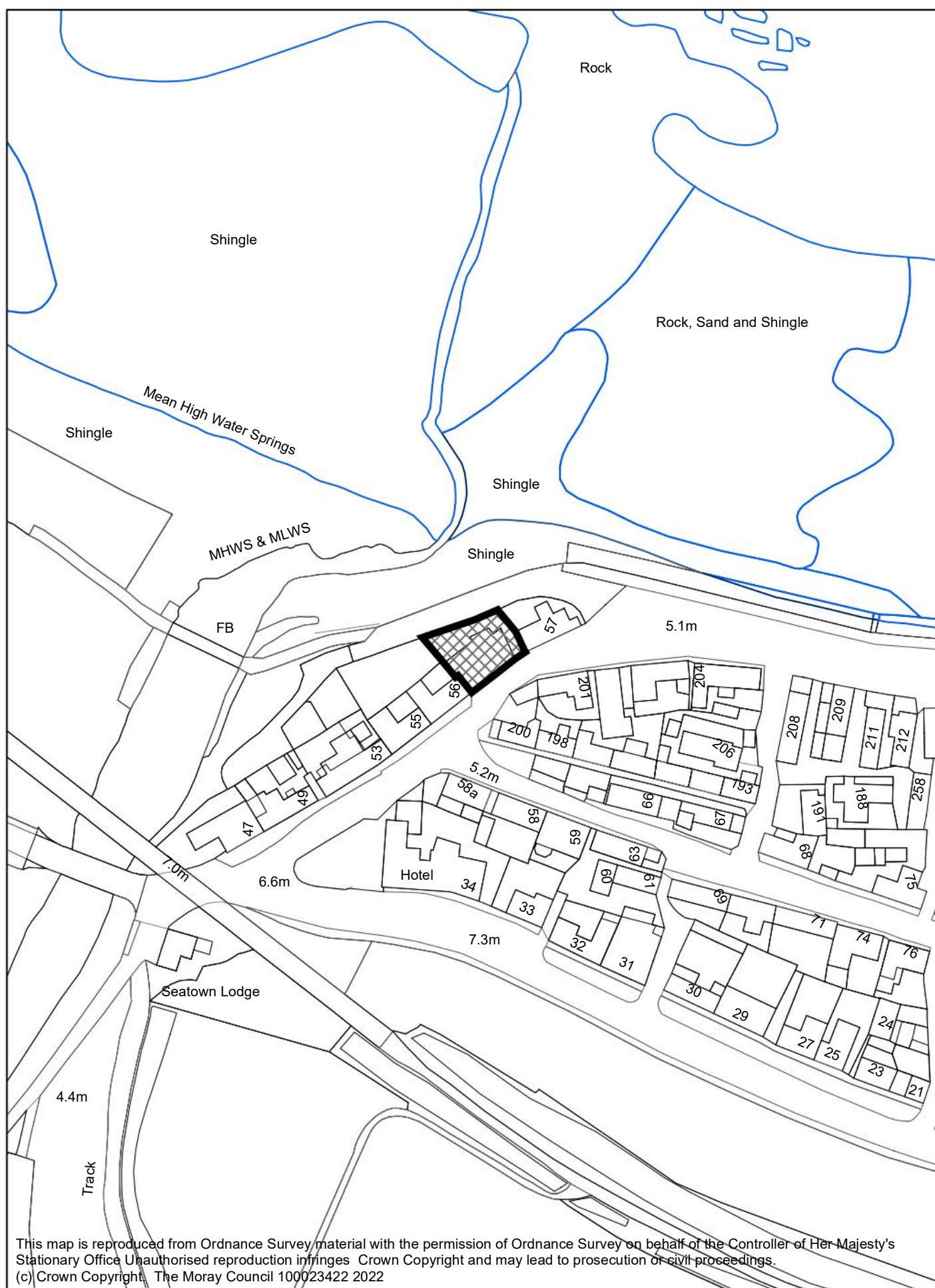
1. The proposed development by virtue of the unsympathetic design detailing would have an adverse impact on the character and appearance of what is an exceptionally prominent site on the frontage of the Cullen Conservation Area.
2. Furthermore the applicants have failed to provide 3 car parking spaces, which if the development were permitted, would be likely to give rise to conditions detrimental to the road safety of road users. The lack of an EV charging point within the site is a matter which should be easily overcome, however, failure to provide this as part of the proposals results in a further reason for refusal on this basis.

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 100339781-001

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 demolition of existing store and erection of dwellinghouse.

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

☐ Yes ☒ No

Has the work already been started and/or completed? *

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Mantell Ritchie		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Michael	Building Name:	
Last Name: *	Ritchie	Building Number:	27A
Telephone Number: *	01261 812267	Address 1 (Street): *	High Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Banff
Fax Number:		Country: *	Scotland
		Postcode: *	AB45 1AN
Email Address: *	admin@mantellritchie.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<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:	Waterstore House
First Name: *	M	Building Number:	
Last Name: *	Wilson	Address 1 (Street): *	Banchory
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	.
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB31 5HS
Fax Number:			
Email Address: *	admin@mantellritchie.co.uk		

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Site adjacent to 56 Seatown, Cullen, Buckie, Ab56 4SJ

Northing

Easting

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)

We submitted a Pre-Application Enquiry and have based our designs on the comments received.

Title:

Mr

Other title:

First Name:

Iain

Last Name:

Drummond

Correspondence Reference
Number:

20/00722/PELOC

Date (dd/mm/yyyy):

15/09/2020

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:

290.00

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)

Tattie Shed

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)? *

3

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

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

☒

Yes – connecting to public drainage network

☐

No – proposing to make private drainage arrangements

☐

Not Applicable – only arrangements for water supply required

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)

Waste and recycling collection points are shown on plans

Residential Units Including Conversion

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

☒ Yes ☐ No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

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

☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * ☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * ☒ Yes ☐ No

Is any of the land part of an agricultural holding? * ☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

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

Signed: Michael Ritchie

On behalf of: Mr M Wilson

Date: 18/01/2021

☒ 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 Michael Ritchie

Declaration Date: 18/01/2021

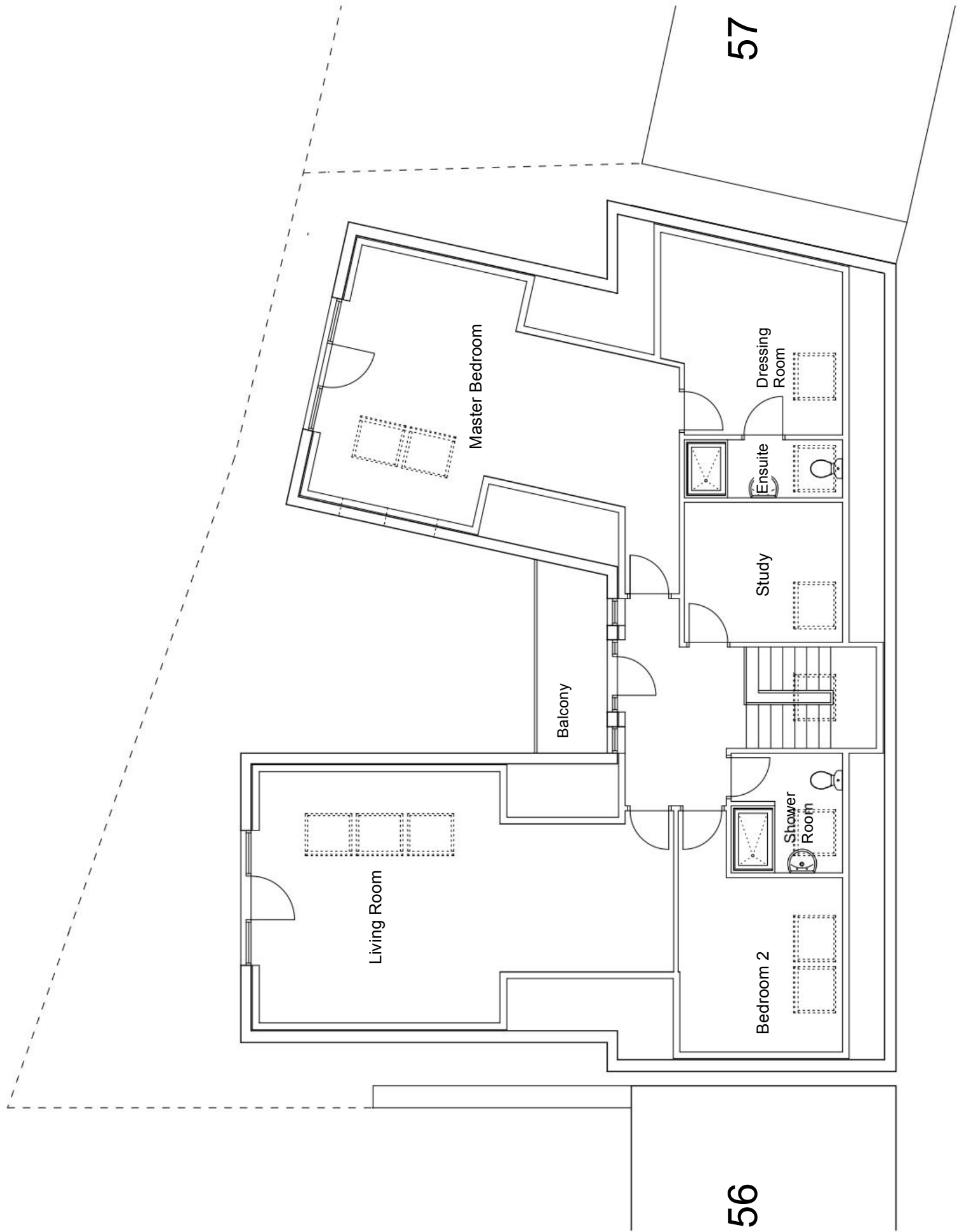
Payment Details

Online payment: 598445

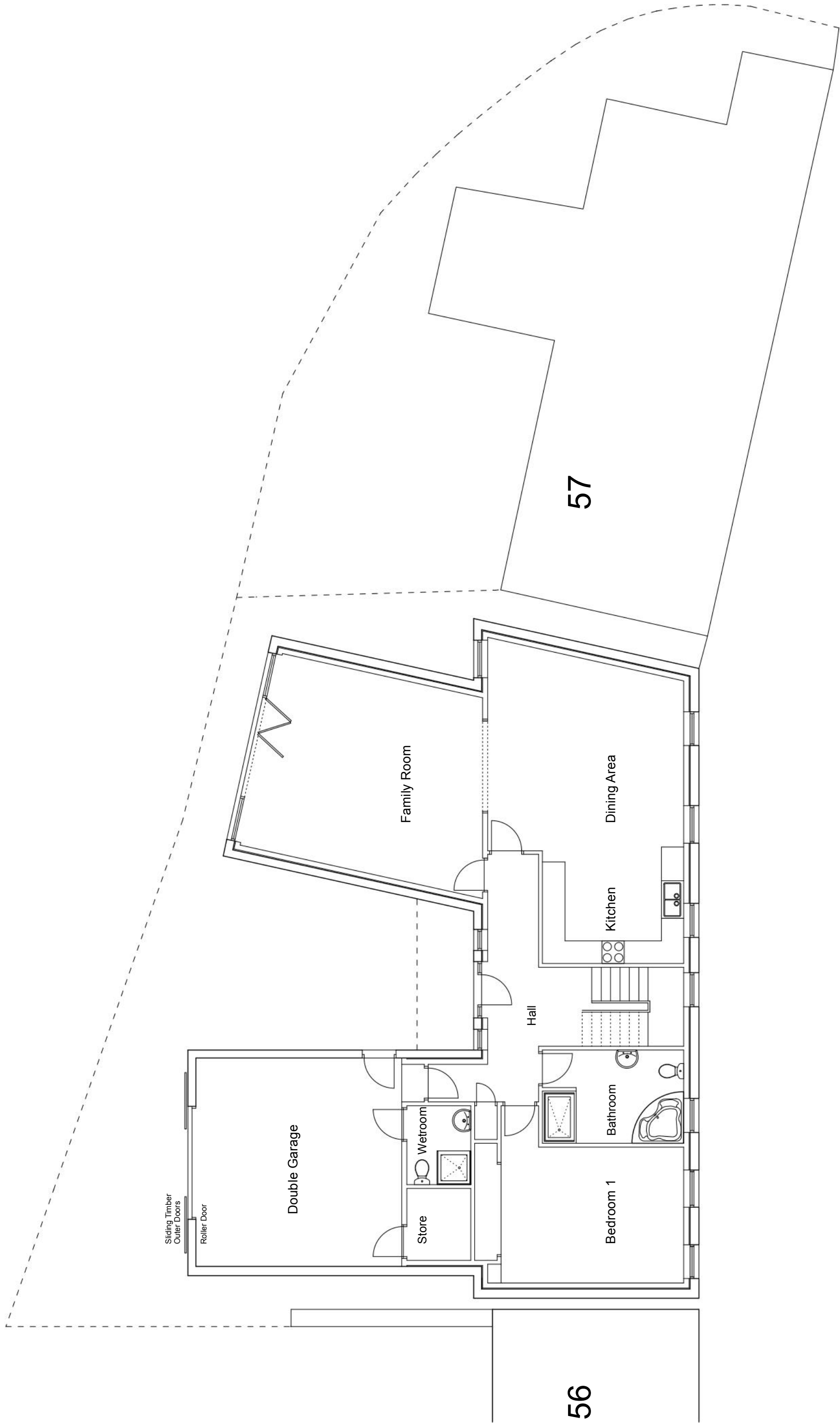
Payment date: 18/01/2021 16:25:29

Created: 18/01/2021 16:25

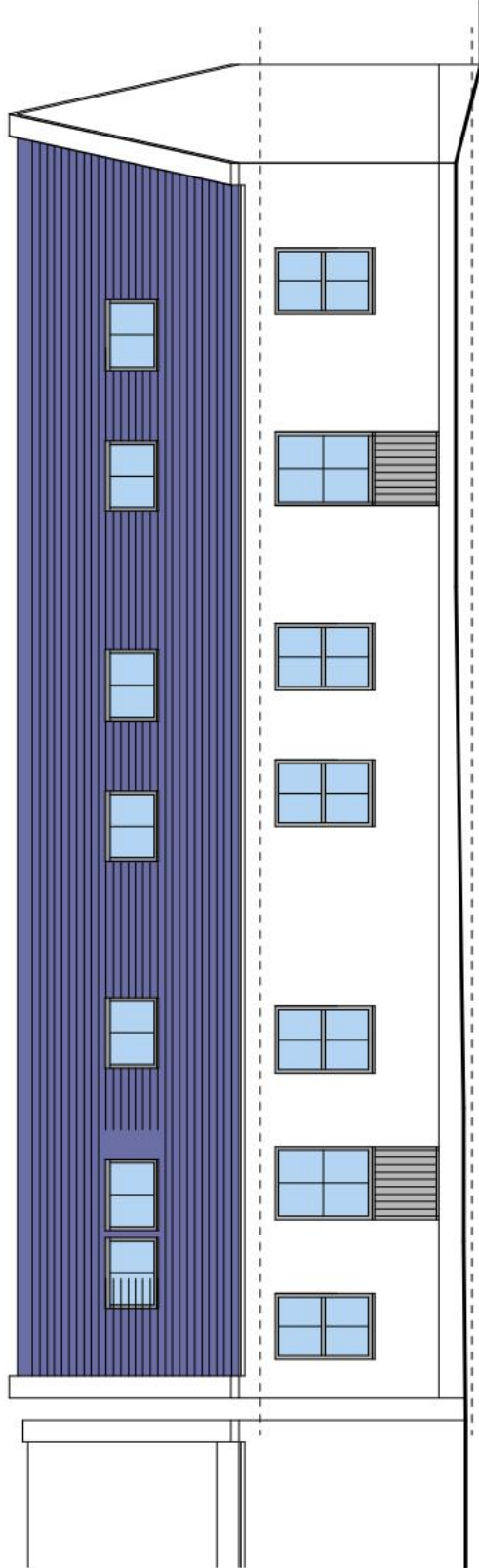
Proposed Finishes		
Roofs	Slates	
Walls	Wet Dash Render - White	
Central Section	NW Elevation - Vertical Timber Linings	
	Glazed Gable - Vertical Timber Linings	
Windows/External Doors	Timber - Painted White	
	Aluclad Timber - White	
Glazed Gable Glazing		



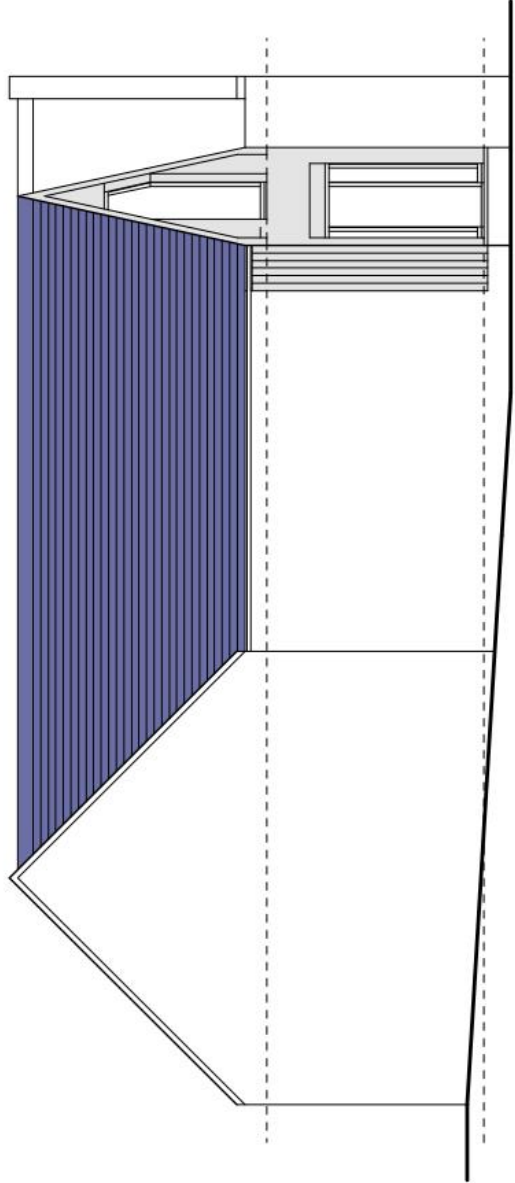
First Floor Plan 1:100



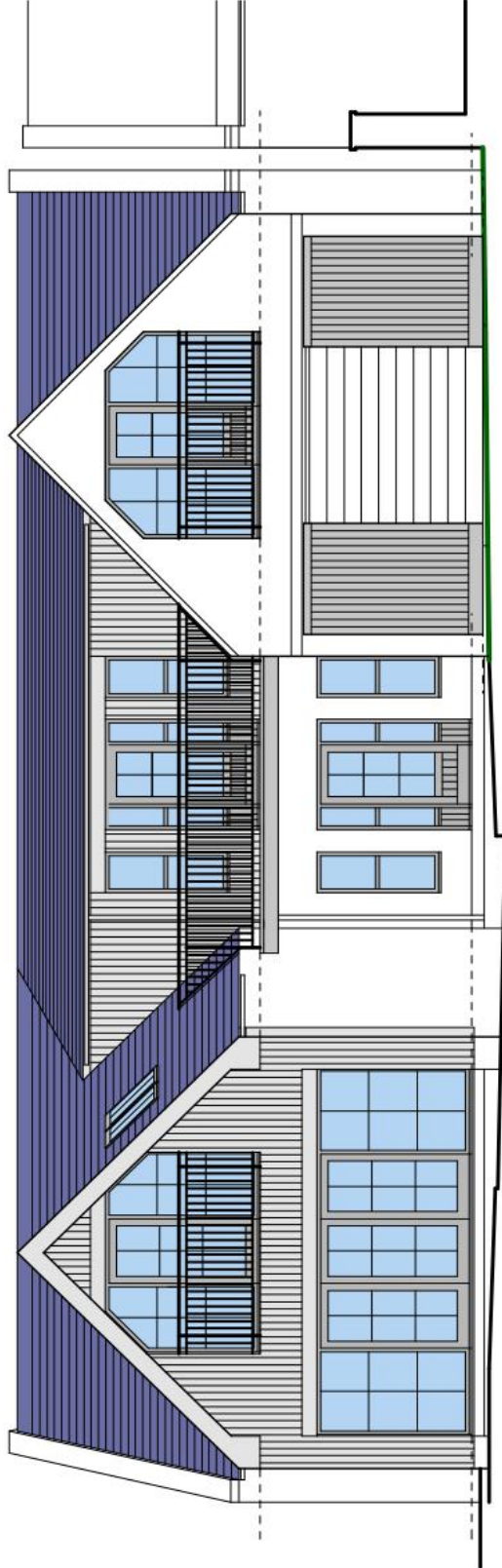
Ground Floor Plan 1:100



South-East Elevation 1:100



North-East Elevation 1:100



North-West Elevation 1:100

F	Further Revisions	04.12.21	MR
E	NE Gable Revised	18.10.21	MR
D	NW Elevation Revised	22.09.21	MR
C	Further Revisions	24.07.21	MR
B	Various Alterations	04.05.21	MR
A	Garage / Living Room Swapped	22.11.20	MR
No	Revisions	Date	Initials

MANTELL
RITCHIE

Chartered Architects

27A High Street, BANFF
AB45 1AN
Tel: 01254 812687
Email: info@mantellritchie.co.uk
www.mantellritchie.com



Copyright of Mantell Ritchie - Chartered Architect.

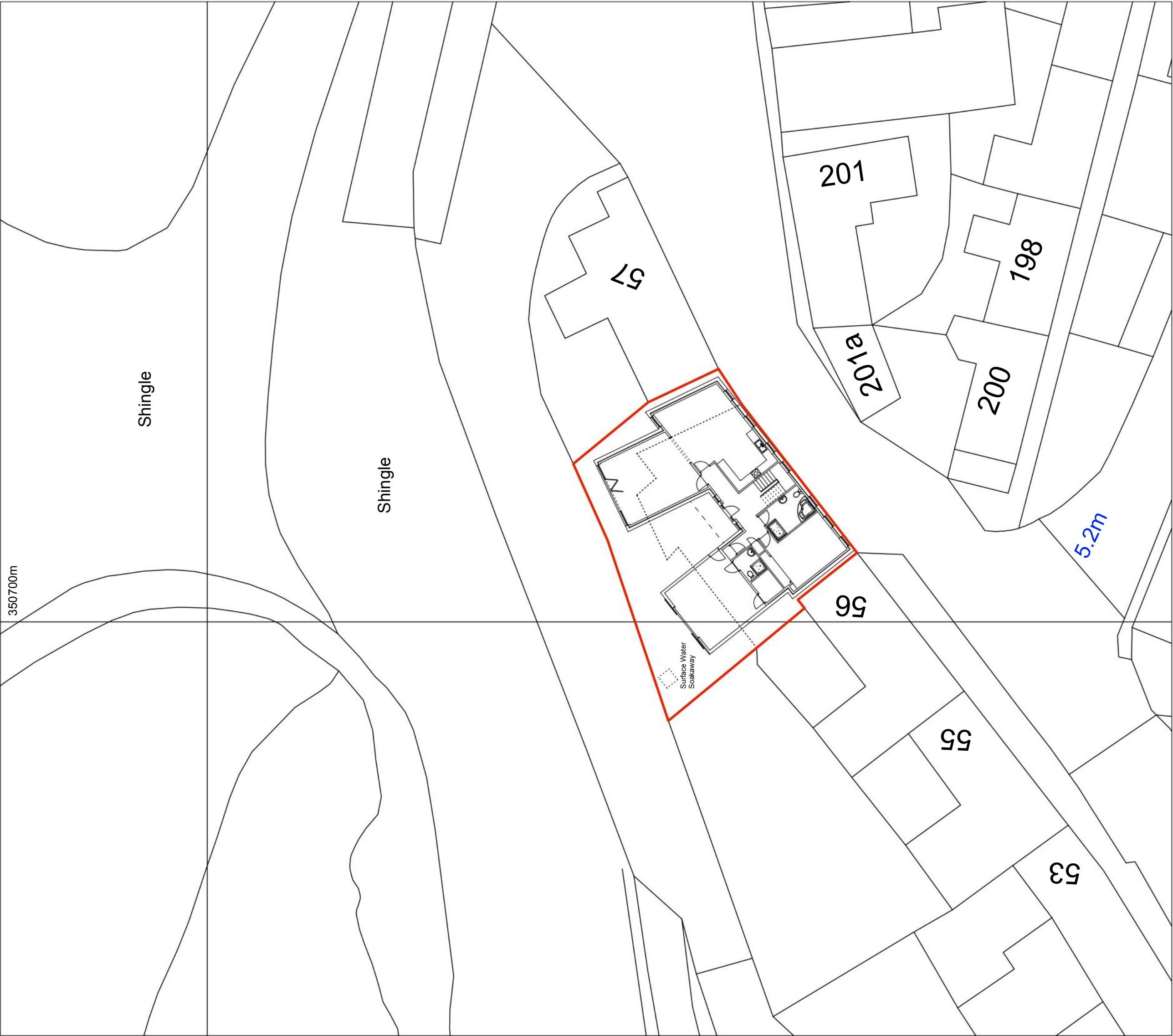
project	Shed Adjacent to 56 Seatown, CULLEN.
Proposed Development	
for	Mr M Wilson

content	Sketch Proposals
---------	------------------

scales	1:100
drawn by	MR

size	A1
date	04.10.20

ref	20015
	02F



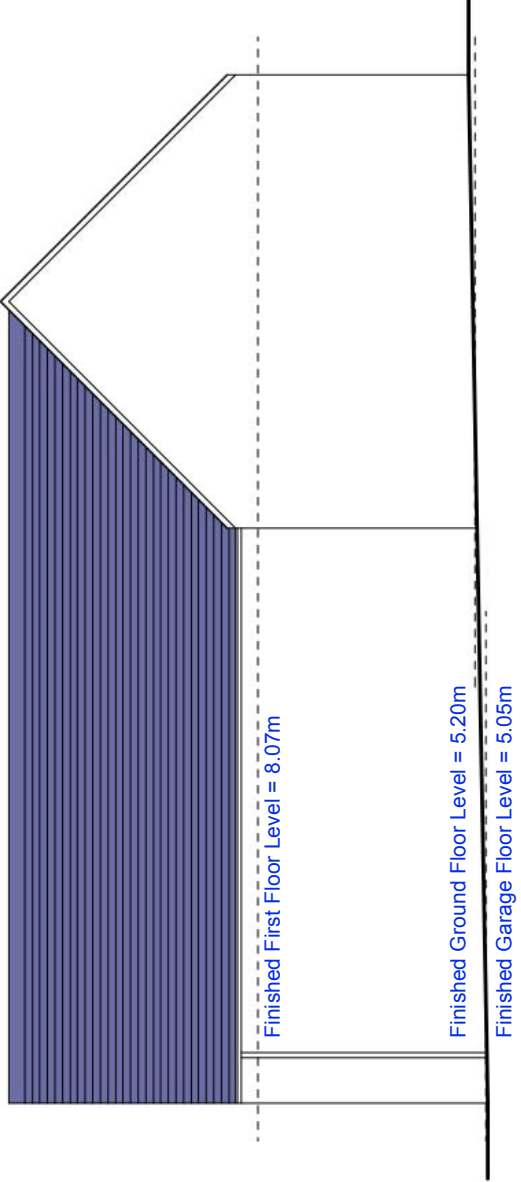
©Crown Copyright and database rights 2020 OS Licence no. 100057546

Site Layout Plan. 1:250



©Crown Copyright and database rights 2018 OS 100019980

Location Plan 1:1250



South-West Elevation 1:100

No	Revisions	Date	Initials
A	Amended Proposals	04.12.20	MR

**MANTELL
RITCHIE**

Chartered Architects

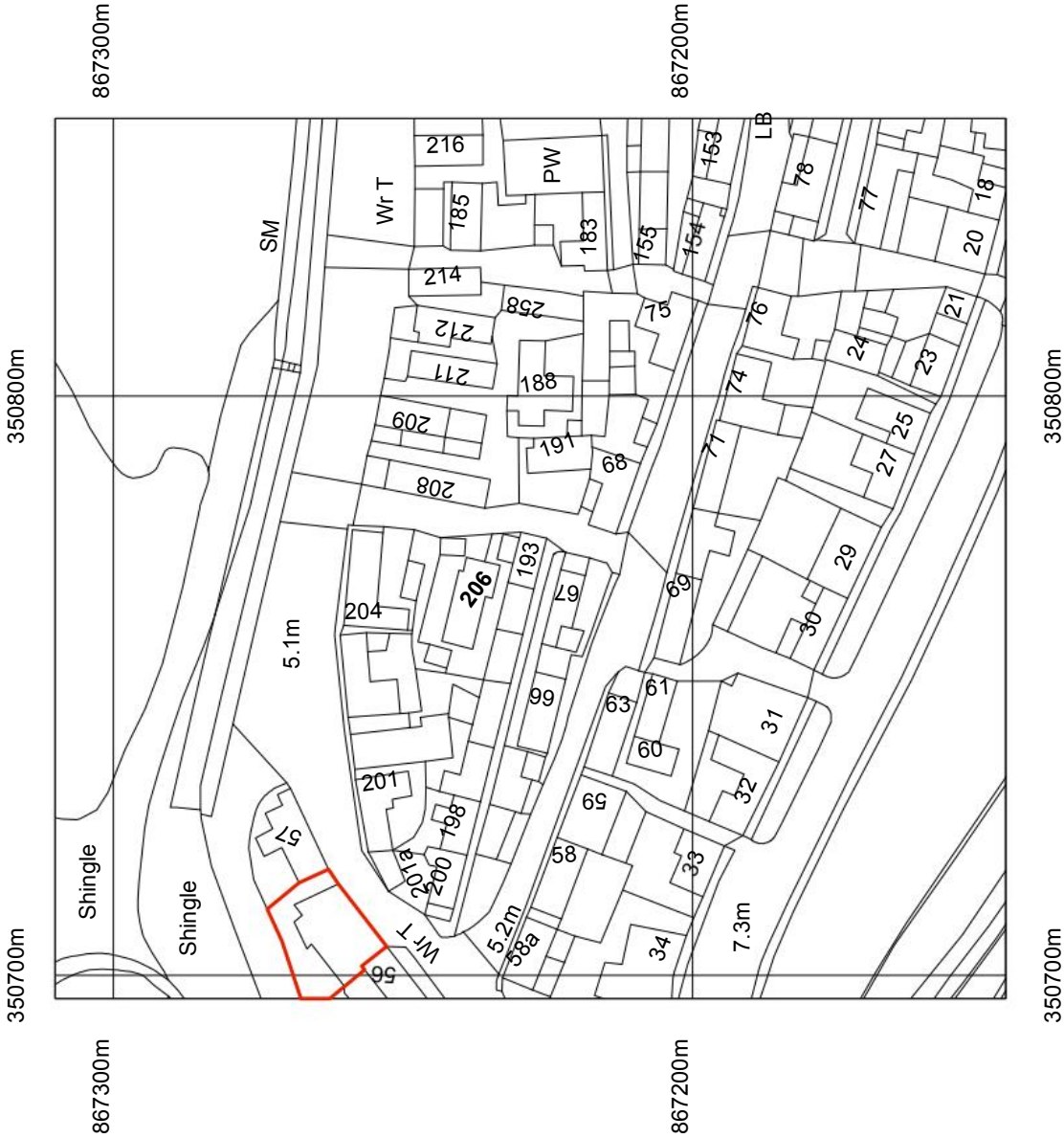
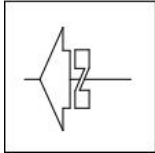
27A High Street, BANFF,
AB94 5 JN, 812267
Tel: 01261 812267
Email: admin@mantellritchie.co.uk
www.mantellritchie.com



Copyright of Mantell Ritchie , Chartered Architect.

project	Shed Adjacent to 56 Seatown, CULLEN.
Proposed Development	
for	Mr + Mrs M Wilson

content	Location + Site Layout Plans + Elevation
scales	1:1250, 1:250, 1:100
drawn by	MR
size	A2
date	19.01.21
ref	20015 03A



© Crown Copyright and database rights 2018 OS 100019980

Location Plan 1:1250



Chartered Architects

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



Copyright of Mantell Ritchie , Chartered Architect.

project

Shed Adjacent to 56 Seatown,
CULLEN.

Proposed Development

for

Mr + Mrs M Wilson

content	Location Plan
scales	1:1250
drawn by	MR
size	A4
date	02.03.20

ref	20015	LP
-----	-------	----



DRAINAGE STATEMENT

The Tattie Shed, 56 Seatown, Cullen **Ref No. 21/00059/APP**

The foul water drainage to the development of the site adjacent to 56 Seatown, Cullen will be connected to public sewers as it currently does from the 'Tattie Shed'.

The surface water drainage will be connected to a surface water soakaway on site which will actually mean the post-development run off rate will be less than the currently run off rate as the surface water drainage from the roof currently runs onto the ground and thereafter away from the site.

From:DeveloperObligations
Sent:09 Feb 2021 11:13:20
To:Iain.Drummond@moray.gov.uk,
Subject:21/00059/APP Demolish existing store and erection of dwellinghouse at Store, Seatown, Cullen, Buckie, AB56 4SJ
Attachments:21-00059-APP Demolish existing store and erection of dwellinghouse at Store, Seatown, Cullen, Buckie, AB56 4SJ.pdf,

Hi

Please find attached the developer obligations assessment that has been undertaken for the above planning application. A copy of the report has been sent to the applicant.

Thanks,

Rebecca

Rebecca Morrison | Infrastructure Growth/Obligations Officer (Strategic Planning and Development) | Economic Growth and Development

Rebecca.morrison@moray.gov.uk | [website](#) | [facebook](#) | [moray council planning facebook](#) | [twitter](#) | [newsdesk](#)

Developer Obligations & Affordable Housing: ASSESSMENT REPORT



moray
council

Date: 09/02/2021

Reference: 21/00059/APP

Description: Demolish existing store and erection of dwellinghouse at Store, Seatown, Cullen, Buckie, AB56 4SJ

Applicant: Mr M Wilson

Agent: Mantell Ritchie

This assessment has been carried out by Moray Council. For developer obligations, the assessment is carried out in relation to policy PP3 Infrastructure and Services of the adopted Moray Local Development Plan 2020 (MLDP2020) and Supplementary Guidance (SG) on Developer Obligations which was adopted on 30 September 2020. And, for affordable housing, the assessment is carried out in relation to policy DP2 Housing of the MLDP2020. Affordable housing is a policy requirement not a developer obligation however for ease of reference the Affordable Housing contribution is included within this assessment.

The MLDP2020 can be found at www.moray.gov.uk/MLDP2020 and the Developer Obligations SG can be found at <http://www.moray.gov.uk/downloads/file134184.pdf>

Summary of Obligations

Primary Education	Nil
Secondary Education	Nil
Transport	Nil
Healthcare (<i>Contribution towards reconfiguration of Seafield and Cullen Medical Practice</i>)	
Sports and Recreation	Nil
Total Developer Obligations	
Affordable Housing	
TOTAL	

Breakdown of Calculation

Proposals for developer obligations are assessed on the basis of Standard Residential Unit Equivalents (SRUE) which is a 3-bedroomed residential unit. This application is considered to comprise of the following:

4 bed = 1.2 SRUE

This assessment is therefore based on 1.2 SRUE.



Moray Council DEVELOPER OBLIGATIONS

INFRASTRUCTURE

Education

Primary Education

The pupils generated by this development are zoned to Cullen Primary School. The school is currently operating at 54% physical capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary in this instance.

Contribution towards Primary Education = Nil

Secondary Education

The pupils generated by this development are zoned to Buckie High School. The school is currently operating at 85% capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary in this instance.

Contribution towards Secondary Education = Nil

Transport

The Moray Council Transportation Services has confirmed that no developer obligations will be sought for this proposal.

Contributions towards Transport = Nil

Healthcare

Healthcare Facilities include General Medical Services (GMS), community pharmacies and dental practices. Scottish Health Planning Notes provide national guidance on standards and specification for healthcare facilities. The

recommended number of patients is 1500 per General Practitioner (GP) and floorspace requirement per GP is 271m².

Healthcare infrastructure requirements have been calculated with NHS Grampian on the basis of national standards and specifications for healthcare facilities and estimating the likely number of new patients generated by the development (based on the average household size of 2.17 persons -Census 2011).

Seafield and Cullen Medical Practice is the nearest GP Practice within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Seafield and Cullen Medical Practice is working beyond design capacity and existing space will be required to be reconfigured

Contributions are calculated based on a proportional contribution of [REDACTED] per SRUE.

Contribution towards Healthcare= [REDACTED]

Sports and Recreational Facilities

Sports and Recreation Facilities

Existing sports provision within Cullen is considered to be adequate to serve the needs of the residents anticipated to be generated by this development. Therefore, in this instance, no contribution will be required.

Contribution for Sports and Recreation Facilities = Nil



AFFORDABLE HOUSING

The average market value of a serviced plot for 1 Affordable Unit is [REDACTED] Contributions are based on 25% of the total number of units proposed in the application:

[REDACTED]

Therefore, the total contribution towards affordable housing is:

1 proposed unit = [REDACTED]

Affordable housing is a policy requirement not a developer obligation and will not be subject to negotiation.



TERMS OF ASSESSMENT

This assessment report is valid for a period of 6 months from the date of issue.

Please note that any subsequent planning applications for this site may require a re-assessment to be undertaken on the basis of the policies and rates pertaining at that time.

PAYMENT OF CONTRIBUTIONS

Remittance of financial obligations can be undertaken either through the provision of an upfront payment or by entering into a Section 75 agreement. The provision of an upfront payment will allow a planning consent to be issued promptly. However, where the amount of developer contributions are such that an upfront payment may be considered prohibitive a Section 75 will likely be required. The payment of contributions may be tied into the completion of houses through a Section 75 Agreement or equivalent, to facilitate the delivery of development. Please note that Applicants are liable for both the legal costs of their own Legal Agent fees and Council's legal fees and outlays in the preparation of the document. These costs should be taken into account when considering the options.

INDEXATION

Developer obligations towards Moray Council infrastructure are index linked to the General Building Cost Price Index (BCPI) as published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors (RICS) from Q3, 2017 and obligations towards NHS Grampian infrastructure are index linked to All in Tender

Price Index (TPI) as published by the Royal Institute of Chartered Surveyors (RICS) from Q2, 2017.



MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Moray Flood Risk Management

Planning Application Ref. No: 21/00059/APP

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

Please

- (a) I OBJECT to the application for the reason(s) as stated below
- (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
- (d) Further information is required in order to consider the application as set out below

Contact: Richard Knight
email address: Richard.knight@Moray.gov.uk
Consultee: The Moray Council, Flood Risk Management
Date.....12/02/2021

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	8th February 2021
Planning Authority Reference	21/00059/APP
Nature of Proposal (Description)	Demolish existing store and erection of dwellinghouse at
Site	Store Seatown Cullen Buckie Moray AB56 4SJ
Site Postcode	N/A
Site Gazetteer UPRN	000133067088
Proposal Location Easting	350708
Proposal Location Northing	867261
Area of application site (M²)	290
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QN666VBGL5D00
Previous Application	20/00722/PELOC
Date of Consultation	25th January 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Mr M Wilson
Applicant Organisation Name	
Applicant Address	Waterstore House Banchory AB31 5HS
Agent Name	Mantell Ritchie
Agent Organisation Name	
Agent Address	Architects 27 High Street BANFF AB45 1AN
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Iain T Drummond
Case Officer Phone number	01343 563607
Case Officer email address	iain.drummond@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Aberdeenshire Council Archaeology Service

Planning Application Ref. No: 21/00059/APP

Demolish existing store and erection of dwellinghouse at Store Seatown Cullen Buckie for Mr M Wilson

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

None

Condition(s)

None

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Claire Herbert
email address:
archaeology@aberdeenshire.gov.uk
Consultee: Archaeology service

Date...2/2/2021.....
Phone No ...01467 537717

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.

Consultee Comments for Planning Application 21/00059/APP

Application Summary

Application Number: 21/00059/APP

Address: Store Seatown Cullen Buckie Moray AB56 4SJ

Proposal: Demolish existing store and erection of dwellinghouse at

Case Officer: Iain T Drummond

Consultee Details

Name: Mr EH Consultations

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

Email: ehplanning.consultations@moray.gov.uk

On Behalf Of: Environmental Health C12

Comments

Approved unconditionally

Consultee Comments for Planning Application 21/00059/APP

Application Summary

Application Number: 21/00059/APP

Address: Store Seatown Cullen Buckie Moray AB56 4SJ

Proposal: Demolish existing store and erection of dwellinghouse at

Case Officer: Iain T Drummond

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

Approved unconditionally

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	8th February 2021
Planning Authority Reference	21/00059/APP
Nature of Proposal (Description)	Demolish existing store and erection of dwellinghouse at
Site	Store Seatown Cullen Buckie Moray AB56 4SJ
Site Postcode	N/A
Site Gazetteer UPRN	000133067088
Proposal Location Easting	350708
Proposal Location Northing	867261
Area of application site (M²)	290
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QN666VBGL5D00
Previous Application	20/00722/PELOC
Date of Consultation	25th January 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Mr M Wilson
Applicant Organisation Name	
Applicant Address	Waterstore House Banchory AB31 5HS
Agent Name	Mantell Ritchie
Agent Organisation Name	
Agent Address	Architects 27 High Street BANFF AB45 1AN
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Iain T Drummond
Case Officer Phone number	01343 563607
Case Officer email address	iain.drummond@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 21/00059/APP

Demolish existing store and erection of dwellinghouse at Store Seatown Cullen Buckie for Mr M Wilson

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"/> |

Moray Council Parking Standards require 2no Parking spaces for a dwelling with 2 or 3 bedrooms, and 3no parking spaces for a dwelling with 4 bedrooms or more. This proposal is for a 4 bedroom dwelling and therefore would require 3no spaces.

The proposed double garage is smaller than would ordinary count as equivalent to 2no parking spaces (minimum internal clear dimensions should be not less than 3 metres by 7 metres), and parking for three vehicles has not actually been shown. Infrastructure to support a future Electric Vehicle (EV) charging unit would also required for this proposal and has also not been shown.

Transportation previously sought further information relating to the provision of 3no car parking spaces, and future Electric Vehicle infrastructure provision. To date no additional information has been received.

Reason(s) for objection

On the basis of the submitted details to date Transportation considers that the proposal, if permitted, would be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policy DP1 'Development Principles' section (ii)- 'Transportation', part 'e' (parking provision).

Contact: AG

Date 09 November 2021

email address: Transport.develop@moray.gov.uk

Consultee: TRANSPORTATION

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.

Tuesday, 26 January 2021



Local Planner
Development Services
Moray Council
Elgin
IV30 1BX

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Dear Sir/Madam

SITE: Store Seatown Cullen, Buckie, AB56 4SJ
PLANNING REF: 21/00059/APP
OUR REF: DSCAS-0031276-TVP
PROPOSAL: Demolish existing store and erection of dwellinghouse

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ This proposed development will be fed from Turriff Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.

Waste Water Capacity Assessment

- ▶ There is currently sufficient capacity for a foul only connection in the Moray East Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.



SW Public
General

To find out more about connecting your property to the water and waste water supply visit:



So, how are we doing?

We'd love to know what we're doing well or could do better. We promise we're listening, [click here](#) to tell us...



Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.



- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non Dom Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the



development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Planning Application Team

Development Operations Analyst

developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."



SW Public
General

To find out more about connecting your property to the water and waste water supply visit:



So, how are we doing?

We'd love to know what we're doing well or could do better. We promise we're listening, [click here](#) to tell us...



Comments for Planning Application 21/00059/APP

Application Summary

Application Number: 21/00059/APP

Address: Store Seatown Cullen Buckie Moray AB56 4SJ

Proposal: Demolish existing store and erection of dwellinghouse at

Case Officer: Iain T Drummond

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Over-development of site
- Poor design
- View affected

Comment: The proposed development is within a conservation area. The scale, design and aesthetic of the proposed development does not reflect the character, vernacular and history of its locality.

REPORT OF HANDLING

Ref No:	21/00059/APP	Officer:	Iain T Drummond
Proposal Description/ Address	Demolish existing store and erection of dwellinghouse at Store Seatown Cullen Buckie		
Date:	14.12.2021	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
Planning And Development Obligations	09/02/21	Contributions sought towards healthcare and affordable housing
Moray Flood Risk Management	12/02/21	No objections
Aberdeenshire Council Archaeology Service	02/02/21	No objections
Environmental Health Manager	01/02/21	No objections
Contaminated Land	27/01/21	No objections
Transportation Manager	09/11/21	Object to the development due to failure to show sufficient car parking
Scottish Water	25/01/21	No objections

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP1 Placemaking	Y	
PP3 Infrastructure and Services	Y	
DP1 Development Principles	Y	
DP2 Housing	Y	
EP1 Natural Heritage Designation	Y	
EP3 Special Landscape Areas	Y	
EP8 Historic Environment	Y	
EP9 Conservation Areas	Y	
EP12 Management and Enhancement Water	N	

EP13 Foul Drainage	N	
EP14 Pollution Contamination Hazards	N	

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		
<p>Issue: The proposed development is within a conservation area. The scale, design and aesthetic of the proposed development does not reflect the character, vernacular and history of its locality.</p> <p>Comments (PO): This issue is considered in the observations section of this report, where it is concluded that the proposed design would have an adverse impact on the character and appearance of the Conservation Area and the application is refused on this basis.</p>		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The Proposal and Site

This application seeks planning permission for the demolition of an existing storage building and erection of a dwellinghouse on the frontage at Cullen seatown. The proposed house consists of a one and a half storey building with main rectangular element fronting on to the street to the south and two protruding gable legs to the rear facing towards the beach.

The site is located on a prominent seafront location within the Cullen Conservation Area overlooking Cullen Bay to the north and is bounded to the south west by a C listed house, to the north east by a further house and to the south by further listed houses which lie within the conservation area.

Access is proposed to the rear/north of the house, with parking provided within the integral double garage. Foul drainage is proposed via the public sewer and surface water is to be disposed of via a soakaway within the site.

This application has been submitted alongside another application 21/01147/CON for Conservation Area Consent for the demolition of the existing building on site. Historic Environment Policy for Scotland and the associated Managing Change in the Historic Environment guidance note series published by Historic Environment Scotland make it clear that both the planning application and the Conservation Area Consent application should be considered in conjunction with one and other.

Appraisal

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, siting and design (PP1, DP1, DP2 and EP9)

Policies EP9, PP1, DP2 and DP1, requires that all development within a conservation area must preserve and enhance the established traditional character or appearance of the area. New development as well as alterations or other redevelopment will be refused if it adversely affects the character and appearance of the conservation area in terms of scale, height, massing, colour,

materials and siting. This will typically require the use of traditional materials and styles to be used. Contemporary designs and materials can be acceptable and have a positive effect on the conservation area if the material finishes and design respect the architectural authenticity of the building and character of the conservation area.

Development proposals involving the demolition of buildings within a Conservation Area will be refused unless the building is of limited townscape value, its structural condition rules out retention at a reasonable cost, or its form or location makes it's re-use extremely difficult. The demolition of a building for redevelopment will only be considered where there are acceptable proposals and it can be demonstrated that a new building will preserve and enhance the character of the conservation area. These policies are also supported by detailed guidance contained in the Cullen Conservation Area Character Appraisal which offers good advice in terms of new development in the conservation area and highlights the special qualities of the area which led to its designation.

In terms of the principle of the proposal, the existing building on site is a flat roofed and non-traditional and as such presently detracts from the traditional character of the conservation area. With this in mind the principle of redeveloping the site is encouraged, however, the site lies in an exceptionally prominent location on the sea frontage of the Cullen Conservation Area. The viewpoint from Cullen beach back towards the seatown and viaduct is arguably one of the most iconic and important viewpoints within Moray and is one which is appreciated by local residents and a considerable number of visitors to the area. The proposed site lies front and centre within this viewpoint and as such it is imperative that any redevelopment of this site is in keeping with the traditional character of the conservation area and achieves the highest design standards.

To this end the applicants approached the proposal in the correct manner initially submitting a pre application enquiry. Feedback was provided highlighting the importance and prominence of the site and identifying that the design submitted at the pre application stage was not appropriate for the site and would not be supported by the planning service should a formal application be submitted. The feedback also highlighted that the correct approach to the redevelopment of the site would be to carry out a Heritage Impact Assessment of the site and surrounding area and use this information as a basis to inform and influence the proposed design in a positive manner, hopefully resulting in a design which was fitting for the site. The proposals should also be supported by a Design Statement to explain the thought process behind reaching the final design solution proposed.

Notwithstanding this feedback, the applicants submitted a relatively contemporary design which was not supported by a Heritage Impact Assessment or Design Statement. The proposed design was not considered to respect the character and appearance of the Conservation Area, however, given the importance of the site it was agreed that rather than refusing the application straight away, the planning service would engage with the applicants to try and achieve a design which could be supported. There has been a considerable amount of dialog between the applicants and the planning service throughout the consideration of this application and the applicants have amended the proposed scheme a number of times, however, it is still considered to fall considerably short of the standard of design which would be appropriate for this site and given the long period of time that the proposal has now been under consideration, a decision must now be reached on the proposal.

In terms of the details of the proposed design and how these are not considered to be in keeping with the character of the surrounding conservation area, the conservation area is characterised by a considerable number of properties with their gables fronting onto the seafront and this is also true of a number of the properties in the same street as the proposal, which have gable features fronting onto the Cullen Burn and beach beyond. The main form of the proposal reflects these traditional characteristics, in that, the proposed house has two gable legs fronting onto the seashore, however, whilst the main form of the proposal reflects this traditional arrangement, details of the north west elevation are not considered to be in keeping and are discussed below.

The proposed glazed gables on the protruding gable legs, are a feature which is alien to the remainder of the traditional properties within the Cullen seatown that front onto the foreshore of the Cullen conservation area. There is no historic evidence been supplied or architectural rational for the inclusion of this feature other than to maximise the views from the proposed house. Whilst this desire from the applicant is understandable, it would result in a feature which is not in keeping with the traditional character of the conservation area and would act to draw visual attention to this proposed house and away for the remainder of traditional properties along the frontage of the conservation area and unbalancing the traditional character and appearance of the foreshore and undermining the basis on which the conservation area was designated in the first instance. This issue could be overcome by scaling back the glazing arrangements on these protruding gables. Contemporary design solutions could still be utilised as long as these are more subtle, a good example of where this has been achieved is located on the new build units adjacent to Cullen Harbour, however, unfortunately such an approach has not been adopted in this case.

In addition to this, the northernmost protruding gable leg is proposed at an unusual angle to the main body of the propose house. All other protruding gables along the rear streetscape adjacent to the site are located at right angles to the main body of the houses, with this being a traditional feature of the built form in the area. This feature would therefore not be in keeping with the established built form and would again draw undue attention to this modern insertion into the conservation area to the detriment of the traditional character of the surrounding area. Again this could be relatively easily resolved by squaring off this gable leg, however, again this approach has not been incorporated into the scheme.

Lastly the roof element of the central portion of the rear/north west elevation located between the two proposed protruding gable legs has another unusual design feature, in that, this portion of the proposed house has been increased to a two storey element finished with a shallow pitched roof. This design element is not in keeping with the traditional architecture of the conservation area and could be avoided if the internal space of the proposed house was amended and the roof amended to form a traditional pitched roof. It is accepted that such an amendment would reduce the overall internal space of the proposed house, however, the element as designed is considered to represent overdevelopment of the site to the detriment of the character and appearance of the proposed design and in turn the surrounding conservation area.

Given the location of this proposed development in such a prominent site within the Cullen Conservation Area, it is very important to ensure the highest design standards are achieved. Taking into account the issues which have been identified with the proposed design and the failure to submit a Heritage Impact Assessment or Design Statement to inform the proposed design, it is considered that the development fails to comply with policies PP1, DP1, DP2 and EP9 and associated guidance contained within the Cullen Conservation Area Character Appraisal, as it would result an adverse impact on the character and appearance of the conservation area and is recommended for refusal on this basis.

Infrastructure (PP3, DP1 and DP2)

The transportation service have been consulted in relation to the development and identified that the Moray Council Parking Standards require 2no Parking spaces for a dwelling with 2 or 3 bedrooms, and 3no parking spaces for a dwelling with 4 bedrooms or more. This proposal is for a 4 bedroom dwelling and therefore would require 3no spaces.

The proposed double garage is smaller than would ordinary count as equivalent to 2no parking spaces (minimum internal clear dimensions should be not less than 3 metres by 7 metres), and parking for three vehicles has not been shown. Infrastructure to support a future Electric Vehicle (EV) charging unit would also be required for this proposal and has also not been shown.

Transportation previously sought further information relating to the provision of 3no car parking spaces, and future Electric Vehicle infrastructure provision. To date no additional information has

been received.

On the basis of the submitted details to date Transportation considers that the proposal, if permitted, would be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policy DP1 'Development Principles' section (ii)- 'Transportation', part 'e)' (parking provision). The lack of provision of EV charging point also fails to comply with the requirements of policy PP3.

These requirements were again highlighted at the pre applications stage, however, the scheme as proposed does not incorporate them and as such this issue forms a further reason for refusal.

Developer obligations and affordable housing (PP3 and DP2)

Contributions towards healthcare and affordable housing have been identified which the applicant has agreed to pay in the event of approval being given.

Water Supply and Drainage (PP3, EP12 & EP13)

Moray Flood Risk Management have no objection to the proposed drainage arrangements comprising foul drainage disposed of via the public sewer and surface water soakaway within the site and as such the proposals are compliant with policies PP3, EP12 and EP13.

Scottish water has no objection to the use of the proposed water supply.

Recommendation

The application is to be refused on the basis that fails to comply with policies PP1, DP1, DP2 and EP9 and associated guidance contained within the Cullen Conservation Area Character Appraisal, in that, the proposed development by virtue of the unsympathetic design detailing would have an adverse impact on the character and appearance of what is an exceptionally prominent site on the frontage of the Cullen Conservation Area.

Furthermore, the application is contrary to policies PP3, DP1 and DP2, in that, the applicants have failed to provide 3 car parking spaces, which if the development were permitted, would be likely to give rise to conditions detrimental to the road safety of road users. The lack of an EV charging point within the site is a matter which should be easily overcome, however, failure to provide this as part of the proposals results in a further reason for refusal on this basis.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
20/00722/PELOC	Conversion of tattie store to dwellinghouse at 56 Seatown Cullen Buckie Moray AB56 4SJ			
	Decision	ID/PE Answered	Date Of Decision	15/09/20

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Banffshire Advertiser and Herald	Planning application affecting LB/CA Departure from development plan	22/02/21
PINS	Planning application affecting LB/CA Departure from development plan	22/02/21

DEVELOPER CONTRIBUTIONS (PGU)	
Status	Contributions sought towards healthcare and affordable housing

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

S.75 AGREEMENT		
Application subject to S.75 Agreement		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:-

**Demolish existing store and erection of dwellinghouse at Store Seatown
Cullen Buckie**

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

Date of Notice: **16 December 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 would be contrary to policies PP1, PP3, DP1, DP2 and EP9 of the Moray Local Development Plan 2020 and associated guidance contained within the Cullen Conservation Area Character Appraisal for the following reasons:

1. The proposed development by virtue of the unsympathetic design detailing would have an adverse impact on the character and appearance of what is an exceptionally prominent site on the frontage of the Cullen Conservation Area.
2. Furthermore the applicants have failed to provide 3 car parking spaces, which if the development were permitted, would be likely to give rise to conditions detrimental to the road safety of road users. The lack of an EV charging point within the site is a matter which should be easily overcome, however, failure to provide this as part of the proposals results in a further reason for refusal on this basis.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
20015 02	F	Elevations and floor plans
20015 03	A	Site layout plan and elevation
20015 LP		Location plan

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

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

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



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 0300 1234561 Email: development.control@moray.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100339781-009

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

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Mantell Ritchie		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Michael	Building Name:	
Last Name: *	Ritchie	Building Number:	27A
Telephone Number: *	01261 812267	Address 1 (Street): *	High Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Banff
Fax Number:		Country: *	Scotland
		Postcode: *	AB45 1AN
Email Address: *	admin@mantellritchie.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<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="Waterstore House"/>
First Name: *	<input type="text" value="M"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Wilson"/>	Address 1 (Street): *	<input type="text" value="Banchory"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="."/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB31 5HS"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="admin@mantellritchie.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"/>
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"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Site adjacent to 56 Seatown, Cullen, Buckie, Ab56 4SJ

Northing

Easting

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)

Demolish existing store and erection of dwellinghouse at Store, Seatown, Cullen, Buckie

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

See attached Statement of Review

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

☐ Yes ☒ No

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

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

Drawing Nos. 20015 Ex, LP, 02F and 03A. Demolition Statement, Drainage Statement and Bat Survey

Application Details

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

21/00059/APP

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

22/07/2021

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

16/12/2021

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

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

Please select a further procedure *

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

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

Site visit to see context of site in relation to rest of Conservation Area

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr Michael Ritchie

Declaration Date: 15/02/2022



STATEMENT OF REVIEW

The Tattie Shed, 56 Seatown, Cullen **Ref No. 21/00059/APP**

The site adjacent to 56 Seatown, Cullen is built on with a non-traditional (for a Conservation Area) shed (commonly referred to as 'The Tattie Shed'). The proposals are to demolish the shed and erect a dwellinghouse and garage.

A pre-application advice application was submitted in June 2020 and the principle of demolition of the building and erection of a dwellinghouse was accepted as being in order but the design of the same would need to be developed for a planning application.

The design was amended and a planning application submitted and validated January 2021.

Subsequent to submission, we had various conversations with the planning officer and the design evolved. Our early discussions with the planning officer confirmed that two glazed gables could be supported if sufficient evidence of other glazed gables were shown to exist in the Cullen Conservation Area. A subsequent discussion then proposed that one glazed gable could be supported and ultimately no glazed gables.

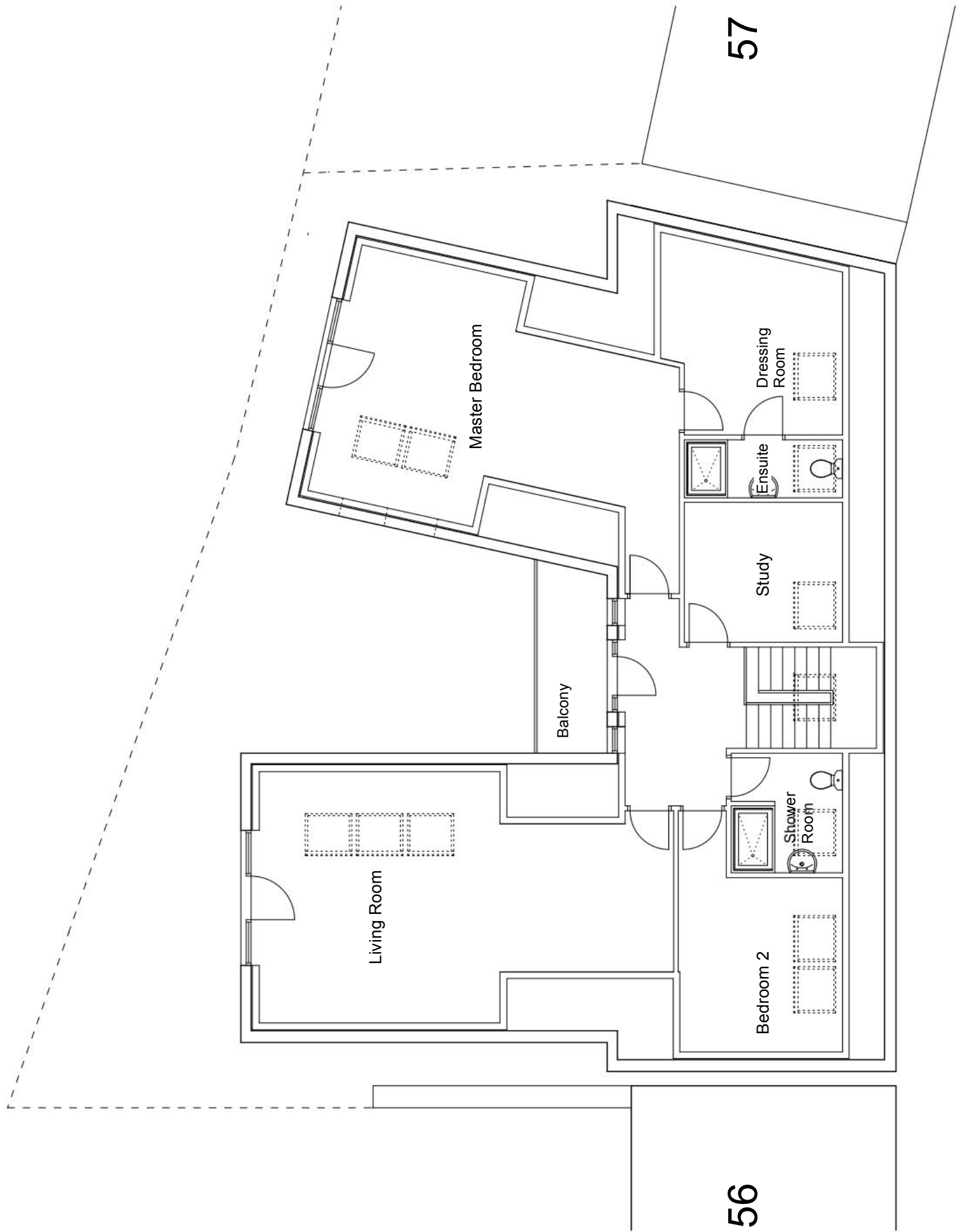
Through the planning process, various discussions were carried out between ourselves, the clients and planning officer and the design amended to the current scheme. The planning officer was always supportive of the principle of the development. The proposed finishes are traditional and in keeping with Cullen's Conservation Area and the design is generally in order apart from four points that the planning officer was unsure about. They are as follows and are elements which the planning officer states are non-traditional for Cullen:-

- Glazed gables are not traditional in Cullen – We would dispute this as we have attached images of several glazed gables in Cullen.
- The angle of the North-East gable not being perpendicular to the main house is not common in the Cullen Conservation Area - Many buildings are at unusual angles to fit in with the land associated with the properties and at other times to tie in with neighbouring properties. With the proposed scheme, the angle of the gable ties in with 57 Seatown, and the other gable ties in with 56 Seatown.
- The balcony to the central section is not a traditional feature in Cullen – We would dispute this again as the photographs show balconies in Cullen. In addition, the balcony being recessed between the 2 gables has no prominence and would not be visible except when looking directly on to the dwellinghouse.
- The catslide roof to the central section – Slated catslide roofs are traditional features.

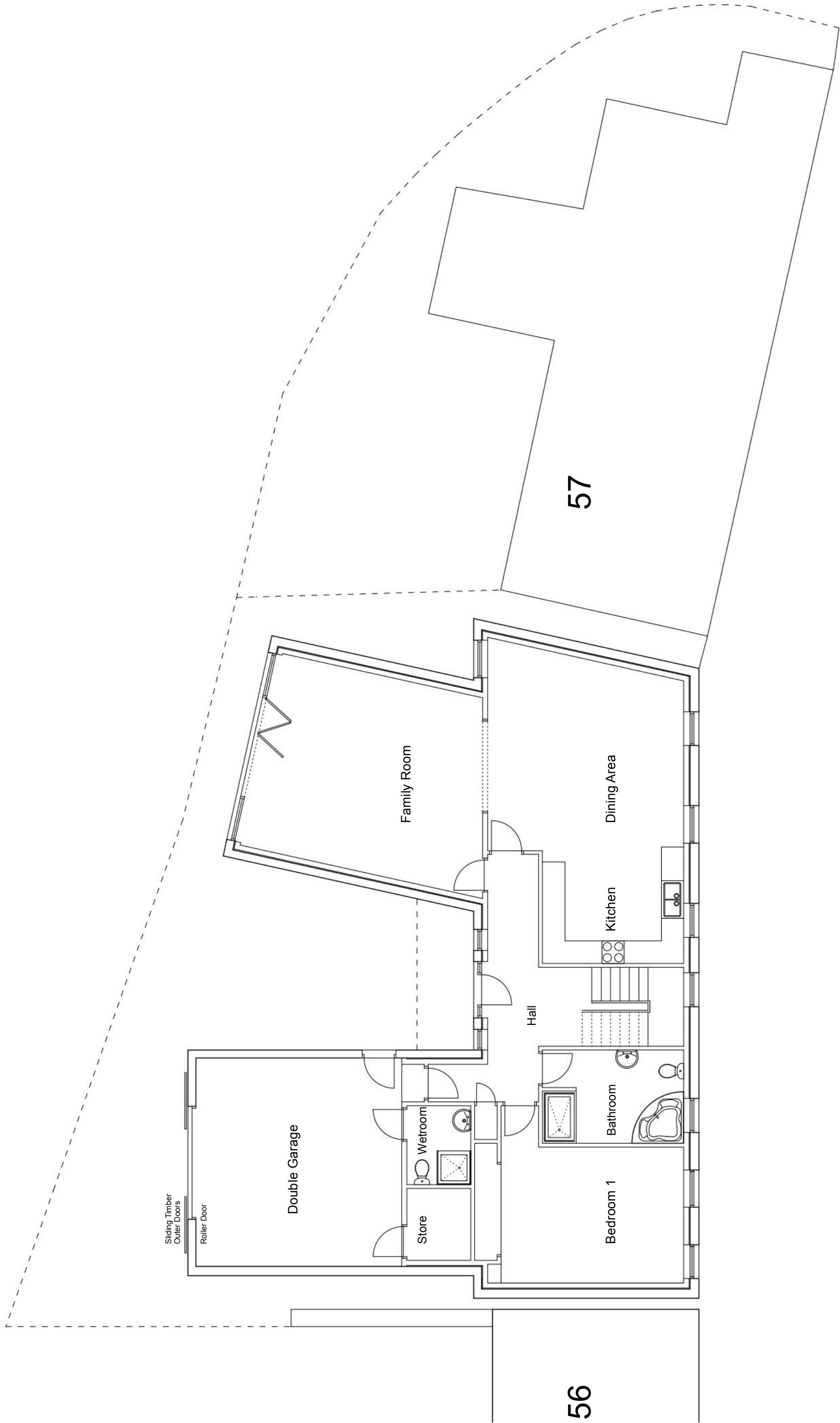
In addition the proposed development sits between 56 and 57 Seatown, neither of which could be classed as fully traditional based on the comments from the planning officer.

The site, although visible from the public road, is angled away from the same so the design in our opinion is neither prominent nor will have a negative impact on the Conservation Area.

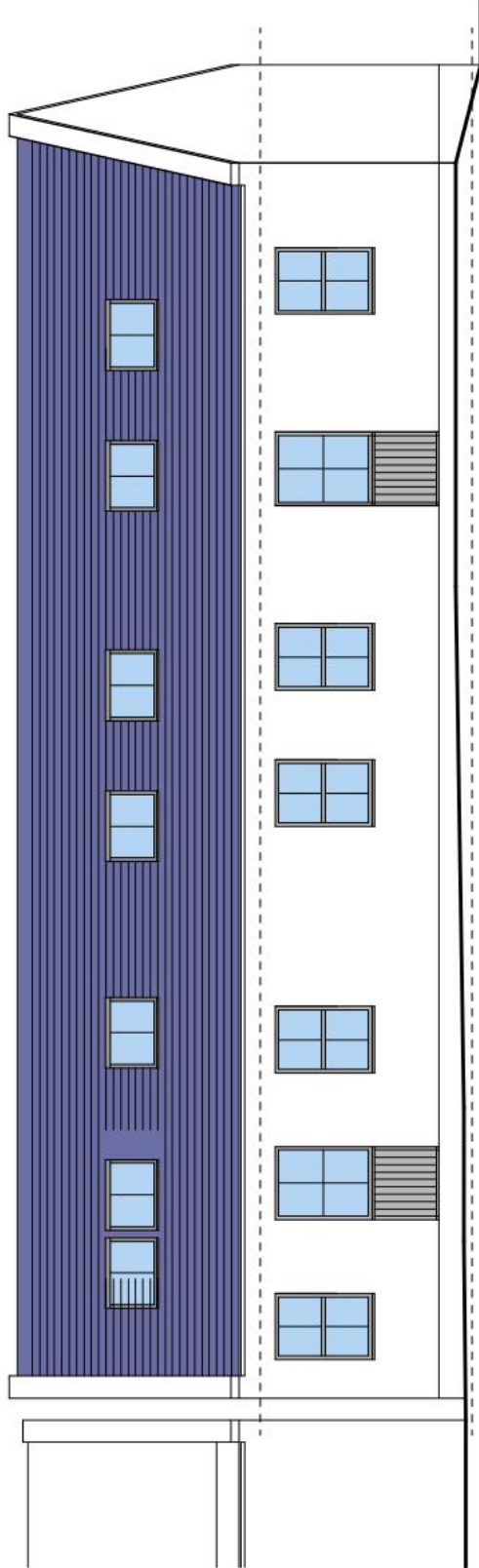
Proposed Finishes		
Roofs	Slates	
Walls	Wet Dash Render - White	
Central Section	NW Elevation - Vertical Timber Linings	
	Glazed Gable - Vertical Timber Linings	
Windows/External Doors	Timber - Painted White	
	Aluclad Timber - White	
Glazed Gable Glazing		



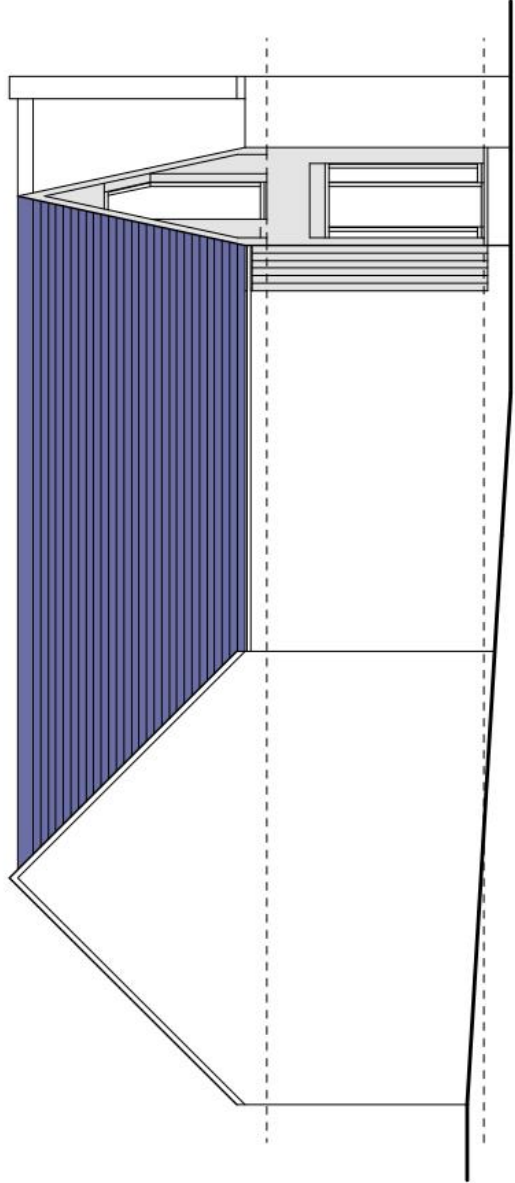
First Floor Plan 1:100



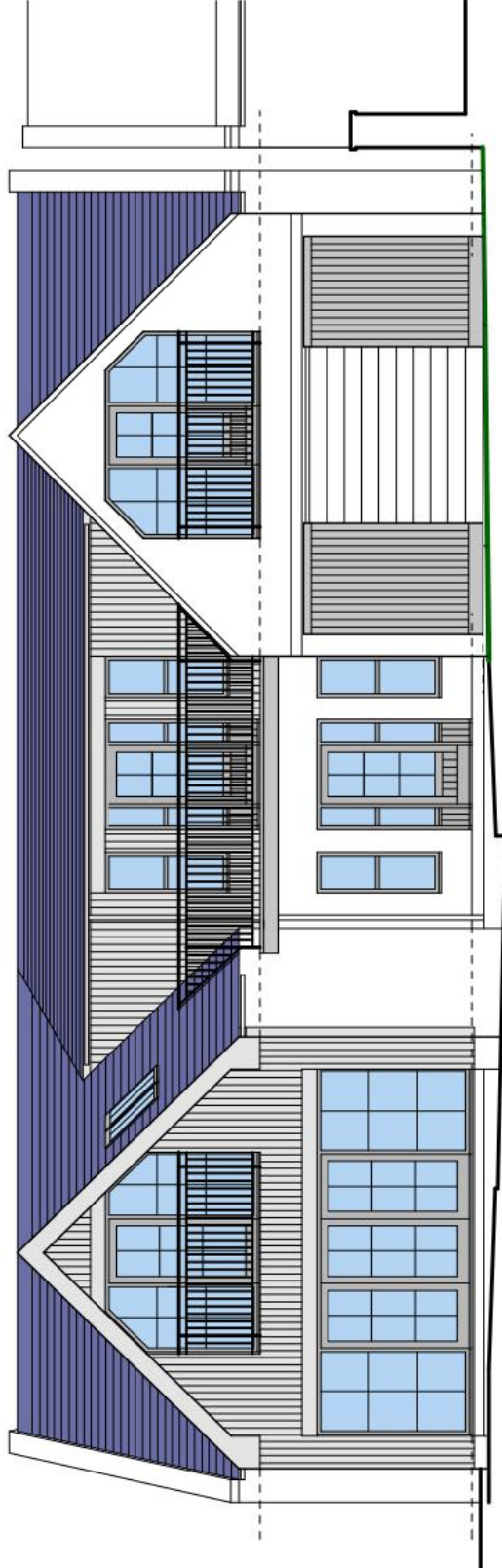
Ground Floor Plan 1:100



South-East Elevation 1:100



North-East Elevation 1:100



North-West Elevation 1:100

F	Further Revisions	04.12.21	MR
E	NE Gable Revised	18.10.21	MR
D	NW Elevation Revised	22.09.21	MR
C	Further Revisions	24.07.21	MR
B	Various Alterations	04.05.21	MR
A	Garage / Living Room Swapped	22.11.20	MR
No	Revisions	Date	Initials

MANTELL
RITCHIE

Chartered Architects

27A High Street, BANFF
AB45 1AN
Tel: 01224 812687
Email: info@mantellritchie.co.uk
www.mantellritchie.com



Copyright of Mantell Ritchie - Chartered Architect.

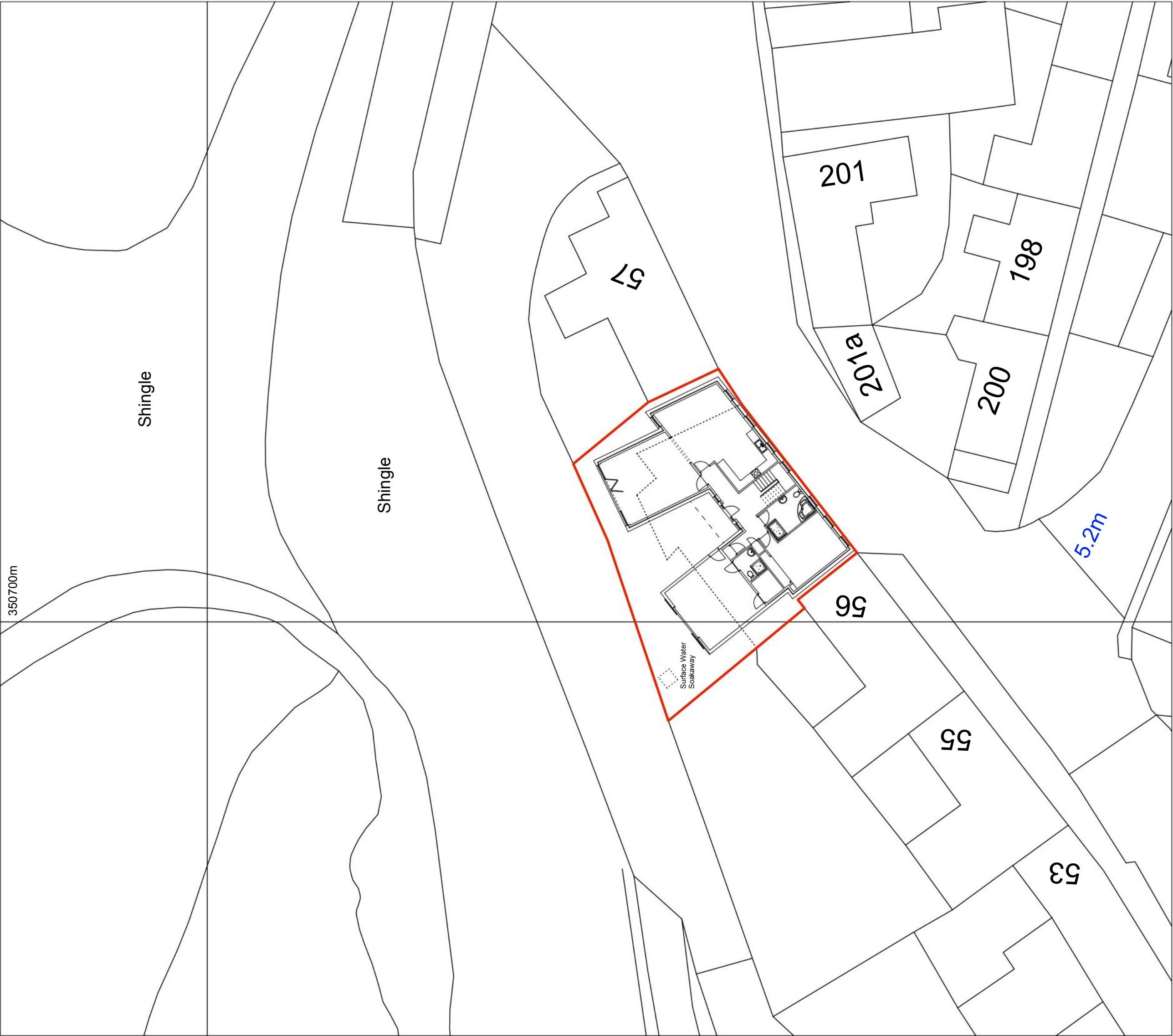
project	Shed Adjacent to 56 Seatown, CULLEN.
Proposed Development	
for	Mr M Wilson

content	Sketch Proposals
---------	------------------

scales	1:100
drawn by	MR

size	A1
date	04.10.20

ref	20015
	02F



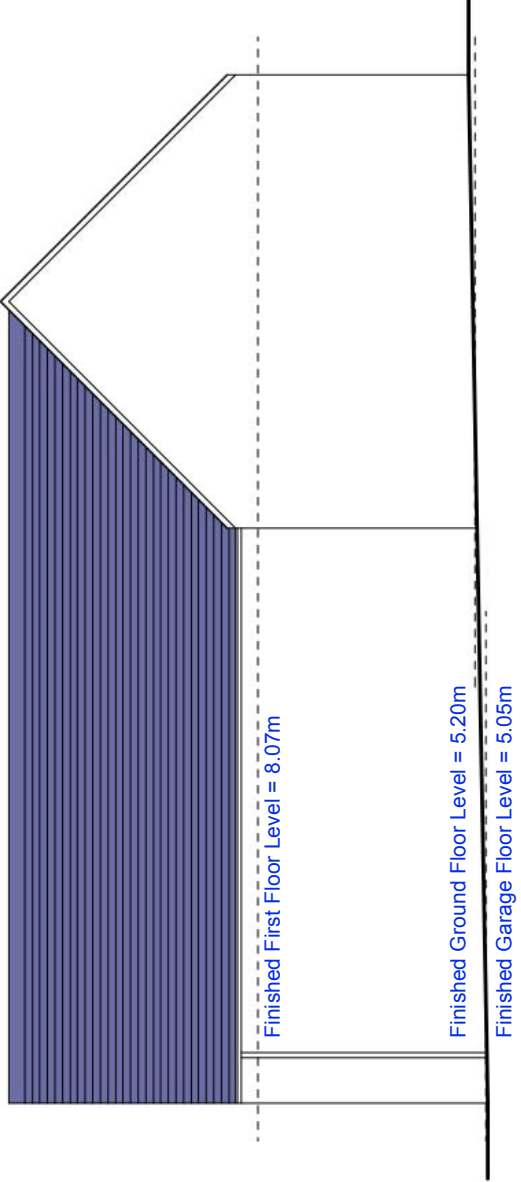
©Crown Copyright and database rights 2020 OS Licence no. 100057546

Site Layout Plan. 1:250



©Crown Copyright and database rights 2018 OS 100019980

Location Plan 1:1250



South-West Elevation 1:100

A	Amended Proposals	04.12.20	MR
No	Revisions	Date	Initials

MANTELL
RITCHIE

Chartered Architects

27A High Street, BANFF,
AB94 5 JN
Tel: 01261 812267
Email: admin@mantellritchie.co.uk
www.mantellritchie.com

Copyright of Mantell Ritchie , Chartered Architect.

project

Shed Adjacent to 56 Seatown,
CULLEN.

Proposed Development

for

Mr + Mrs M Wilson

content

Location + Site Layout Plans + Elevation

scales

1:1250, 1:250, 1:100

drawn by

MR

size

A2

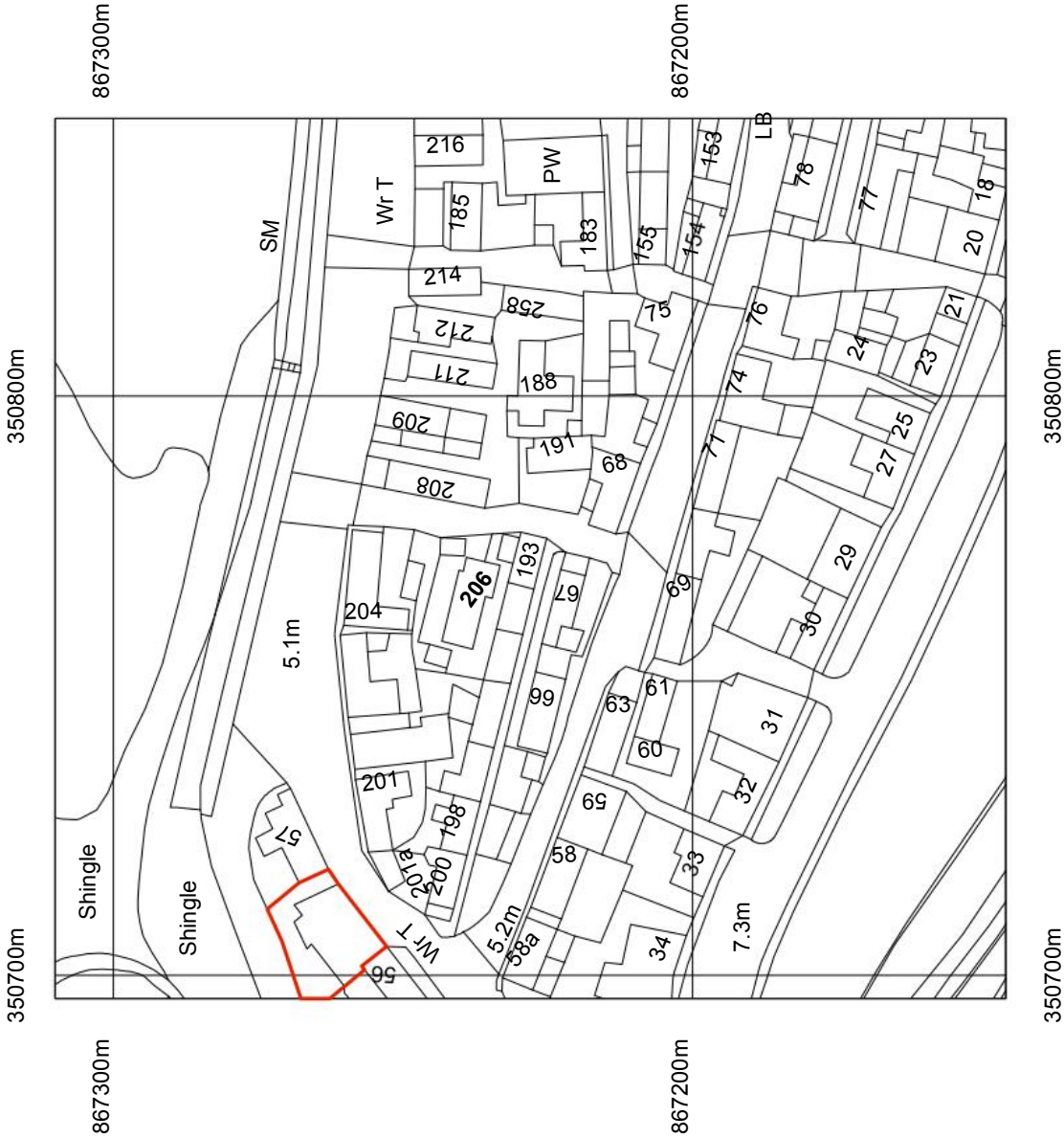
date

19.01.21

ref

20015

03A



© Crown Copyright and database rights 2018 OS 100019980

Location Plan 1:1250



Chartered Architects

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



Copyright of Mantell Ritchie, Chartered Architect.

project

Shed Adjacent to 56 Seatown,
CULLEN.

Proposed Development

for
Mr + Mrs M Wilson

content	Location Plan
scales	1:1250
drawn by	MR
size	A4
date	02.03.20

ref	20015	LP
-----	-------	----



JUSTIFICATION AS TO NO REQUIREMENT FOR BAT SURVEY

The Tattie Shed, 56 Seatown, Cullen **Ref No. 21/00059/APP**

We attach a bat survey prepared for (18/100693/APP) 193 and (21/00349/APP) 206 Seatown, Cullen which confirmed that the surrounding habitat is poor and not suitable for bats. The bat survey recorded no evidence of bats.

In addition, the survey was used as a justification for no bat survey at 58 Seatown, Cullen and this was accepted (20/01440/APP).

Further to the above, the existing building being demolished is a flat roofed one (which is not one bats tend to frequent). we are very confident that the development will have no impact on bats.



STATEMENT ON BUILDING TO BE DEMOLISHED

The Tattie Shed, 56 Seatown, Cullen **Ref No. 21/00059/APP**

The building between 56 and 57 Seatown, Cullen, locally referred to as the 'Tattie Shed' is to be demolished and a new dwellinghouse erected in its place.

The 'Tattie Shed' is a flat roofed non-traditional building in the Conservation Area and further to a pre-application enquiry regarding the development, the planning officer agreed that it had no great architectural merit, did not contribute to the Conservation Area and therefore demolition of the same could be supported.

Please see photographs below of the 'Tattie Shed'.









DRAINAGE STATEMENT

The Tattie Shed, 56 Seatown, Cullen **Ref No. 21/00059/APP**

The foul water drainage to the development of the site adjacent to 56 Seatown, Cullen will be connected to public sewers as it currently does from the 'Tattie Shed'.

The surface water drainage will be connected to a surface water soakaway on site which will actually mean the post-development run off rate will be less than the currently run off rate as the surface water drainage from the roof currently runs onto the ground and thereafter away from the site.

Examples of Glazed Gables in Cullen/Portknockie/Findochty Conservation Areas









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 100339781-010

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.

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Site adjacent to 56 Seatown, Cullen, Buckie, Ab56 4SJ

Northing

Easting

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Mantell Ritchie		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Michael	Building Name:	
Last Name: *	Ritchie	Building Number:	27A
Telephone Number: *	01261 812267	Address 1 (Street): *	High Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Banff
Fax Number:		Country: *	Scotland
		Postcode: *	AB45 1AN
Email Address: *	admin@mantellritchie.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<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:	Waterstore House
First Name: *	M	Building Number:	
Last Name: *	Wilson	Address 1 (Street): *	.
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Banchory
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB31 5HS
Fax Number:			
Email Address: *	admin@mantellritchie.co.uk		

Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? *

☐ Yes ☒ No

Case Number Details

Please provide the case number from the planning authority for the original application(s).

Please provide the case number provided by your Planning Authority: *

100339781-009

Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: * (Max 500 characters)

Further to submitting the Notice of Review, we attach herewith an updated glazed gable photograph report.

Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. *

☒ Yes ☐ No

Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: Mr Michael Ritchie

Declaration Date: 18/02/2022

Examples of Glazed Gables and Balconies in Cullen/Portknockie/Findochty Conservation Areas



Glazed gable



Glazed Juliet balcony



Glazed Juliet Balcony





Glazed roof



Glazed gable



Glazed balcony



Glazed gable window



Glazed gable with balcony



Glazed gable



Glazed gable with balcony

Commentary on Photographs

Through the discussions with the planning officer, we were asked to provide evidence of glazed gables and balconies in the Conservation Area to justify the design part of the proposed house.

The foregoing images show numerous examples of glazed gables and glazed balconies which have recently been completed or are currently on site in the Conservation Area.

The examples vary in terms of aesthetic quality but in all these examples, large panes of glass are installed which would be non-traditional as would glazed balconies.

Our proposals for the glazed gables are for multi-pane timber windows and doors and mild steel protective barriers (painted black) all of which would be more traditional design than examples shown and in our opinion, much more in keeping with the Conservation Area.



APPENDIX 3

FURTHER REPRESENTATIONS FROM INTERESTED PARTIES

Lissa Rowan

From: [REDACTED]
Sent: 25 February 2022 14:27
To: Lissa Rowan
Subject: Notice of review; Planning Application 21/00059/APP

Your ref LR/LR272

Dear Madam,

I refer to your letter of 24th February 2022 giving intimation of a Notice of Review in respect of Planning Application 21/00059/APP to demolish existing store and erection of dwelling house at Store, Seatown, Cullen, Buckie.

I confirm that I adhere to my previous observations and comments on the application. I note that the Statement of Review makes reference to [REDACTED] 57 Seatown with the assertion that it could not be "classed as fully traditional". In this regard, I would respectfully refer to the Cullen Conservation Area Character Appraisal published by The Moray Council in 2017. In particular to page 28 of that document and the text accompanying photograph 33 of no 57.

"An example of new development in the Seatown. An example of how new development can be contemporary but still respect the traditional appearance of the Conservation Area. The massing and height is respectful of the surrounding townscape and the use of traditional materials reflects the traditional character of Cullen. The use of colour around the windows is a characteristic that was identified as enhancing the appearance of the Conservation Area."

In other words, [REDACTED] property is considered to be an exemplar of a new development in a Conservation Area. I remain of the view that the application above referred to is inappropriate and insensitive in the context of a Conservation Area. I trust that my initial observations and the references that I make herein will be taken into account by the MLRB when conducting and determining the review.

Yours faithfully,

[REDACTED]



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/LRB272

Your reference: LR272

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

08 March 2022

Dear Madam

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

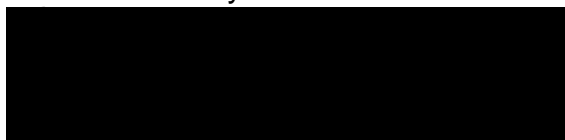
**REQUEST FOR REVIEW: PLANNING APPLICATION 21/00059/APP DEMOLISH EXISTING STORE AND
ERECTION OF DWELLINGHOUSE AT STORE SEATOWN CULLEN**

I refer to your email dated 24th February 2022.

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 272****Planning Application Reference 21/00059/APP Demolish existing store and erect new dwelling at store Seatown Cullen****Response from Transportation, Moray Council**

1. This document is in response to the Notice of Review and the Statement of Case submitted by Mr M Wilson and sets out observations by Transportation on the application and the grounds for seeking a review.
2. This review concerns planning application 21/00059/APP to demolish a former store and erect a new dwelling within Seatown Cullen.
3. Transportation received the consultation for planning application 21/00059/APP on 25th January 2021. A copy of Transportations (final) consultation response dated 9th November 2021 is attached (TMC01).
4. The proposed parking is located to the rear of the property and accessed via a private road. However the road to the rear is a busy Moray Council Core Path and it was therefore considered important for all associated parking to be provided fully within the curtilage of the site, and clear of the core path.
5. The initial design proposals did not show any parking provision for the development other than the inclusion of an integral 'double' garage. The proposal was for a 4 bed dwelling and therefore required 3 car parking spaces, based on Moray Council Parking Standards.
6. At this time the Planning Officer indicated that he was minded to refuse the application on the basis of the overall design, and that revised design proposals were being sought.
7. Although a revised design was expected to be provided to reflect the Planning officers concerns, Transportation in the meantime submitted a request for Further Information relating to the parking provision. It was highlighted that the proposed 'double' garage whilst small would be acceptable on the basis that that proposal was for the re-use of an existing building which would have had a previous parking demand associated. Drawings were sought clearly showing parking for three vehicles within the site curtilage.
8. Transportation were asked by Planning Team to submit an updated 'final' response due to the significant amount of time which had passed from the receipt of the application. On the basis that the additional information relating to parking provision had not been forthcoming to date, Transportation issued their final response on 9th November 2021 (TMC01)
9. It is now noted that updated drawings were submitted on the 15th December 2021, after Transportation had issued their 'final' response. The updated drawings showed an amended internal layout with the number of bedrooms reduced from 4 to 3. Parking provision was not shown, other than the previously

Local Review

LRB Ref 272

Planning Application Reference 21/00059/APP Demolish existing store and erect new dwelling at store Seatown Cullen

detailed 'double' garage. Transportation were not made aware of the revised drawings and the application was subsequently refused by Planning on the 16th December 2021.

10. Moray Council Parking Standards require 2no Parking spaces for a dwelling with 2 or 3 bedrooms, and 3no parking spaces for a dwelling with 4 bedrooms or more, and therefore based on the revised drawings (now showing only 3 bedrooms) 2no car parking spaces would be required.
11. Note- Transportation's 'Further information' request was provided on the expectation that revised drawings would be submitted, and at which time the associated parking provision would have been fully assessed, including further comments on the specification/ design of the garage. (Although the dimensions of the double garage were previously confirmed as acceptable the door width is too small to facilitate side by side parking for 2 vehicles, effectively rendering it as only a single garage.)
12. Therefore, for the benefit of clarity, and notwithstanding the fact that Transportation had not been aware of the revised drawings, should the most recently submitted proposal be approved at Local Review (3 bed dwelling) then the proposed double garage would be acceptable as counting towards 2 parking spaces but strictly on the basis that the garage entrance must be widened to a minimum of 4.8 metres.
13. Based on the amended drawings submitted after Transportations 'final' response, (effectively showing only one parking space provided due to the narrow garage entrance) Transportation considers that the parking shown would not be acceptable, and would be likely to result in parking outwith the site which would obstruct the adjacent core path, and on that 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 'e)' (parking provision) is not satisfied.

Transportation
08 March 2022

Documents

TMC01	Transportation Consultation Response dated 09 November 2021
TMC02	Site photos

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	8th February 2021
Planning Authority Reference	21/00059/APP
Nature of Proposal (Description)	Demolish existing store and erection of dwellinghouse at
Site	Store Seatown Cullen Buckie Moray AB56 4SJ
Site Postcode	N/A
Site Gazetteer UPRN	000133067088
Proposal Location Easting	350708
Proposal Location Northing	867261
Area of application site (M²)	290
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QN666VBGL5D00
Previous Application	20/00722/PELOC
Date of Consultation	25th January 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Mr M Wilson
Applicant Organisation Name	
Applicant Address	Waterstore House Banchory AB31 5HS
Agent Name	Mantell Ritchie
Agent Organisation Name	
Agent Address	Architects 27 High Street BANFF AB45 1AN
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Iain T Drummond
Case Officer Phone number	01343 563607
Case Officer email address	iain.drummond@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

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

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 21/00059/APP

Demolish existing store and erection of dwellinghouse at Store Seatown Cullen Buckie for Mr M Wilson

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"/> |

Moray Council Parking Standards require 2no Parking spaces for a dwelling with 2 or 3 bedrooms, and 3no parking spaces for a dwelling with 4 bedrooms or more. This proposal is for a 4 bedroom dwelling and therefore would require 3no spaces.

The proposed double garage is smaller than would ordinary count as equivalent to 2no parking spaces (minimum internal clear dimensions should be not less than 3 metres by 7 metres), and parking for three vehicles has not actually been shown. Infrastructure to support a future Electric Vehicle (EV) charging unit would also required for this proposal and has also not been shown.

Transportation previously sought further information relating to the provision of 3no car parking spaces, and future Electric Vehicle infrastructure provision. To date no additional information has been received.

Reason(s) for objection

On the basis of the submitted details to date Transportation considers that the proposal, if permitted, would be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policy DP1 'Development Principles' section (ii)- 'Transportation', part 'e' (parking provision).

Contact: AG

Date 09 November 2021

email address: Transport.develop@moray.gov.uk

Consultee: TRANSPORTATION

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.



View of existing store frontage onto C107L Seatown



View of existing store frontage onto C107L Seatown



View of existing store frontage onto Core path



View from existing store frontage onto Core path



View from core path at adjacent property showing route to Beach and Golf course Car Park



APPENDIX 4

APPLICANT'S RESPONSE TO FURTHER REPRESENTATIONS



NOTICE OF REVIEW

The Tattie Shed, 56 Seatown, Cullen **Ref No. 21/00059/APP**

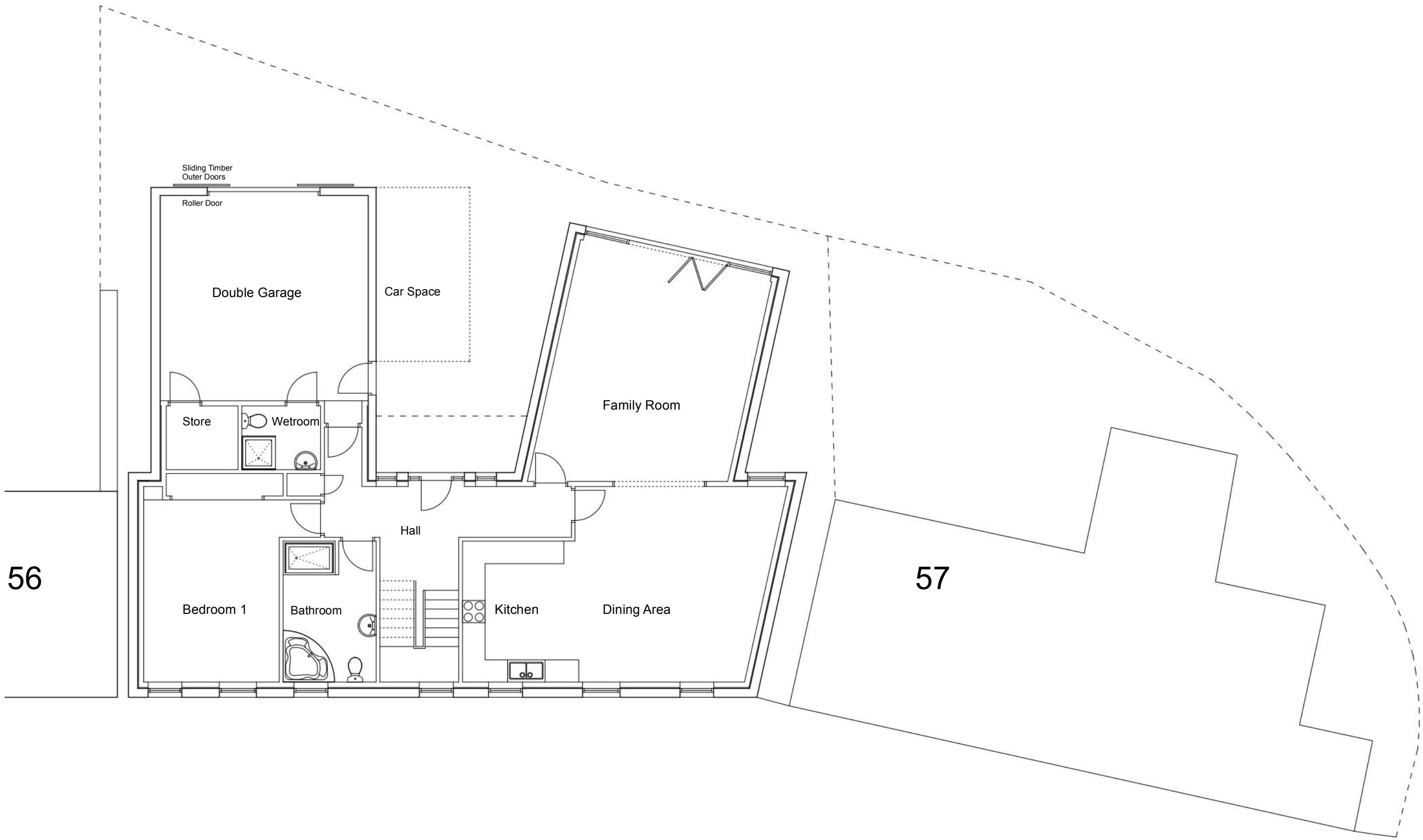
We refer to the email of 14 March 2022 from Lissa Rowan with attached representations and attach a copy of Drawing No. 20015 02G with additional details.

In relation to the representation, we would respond as follows:-

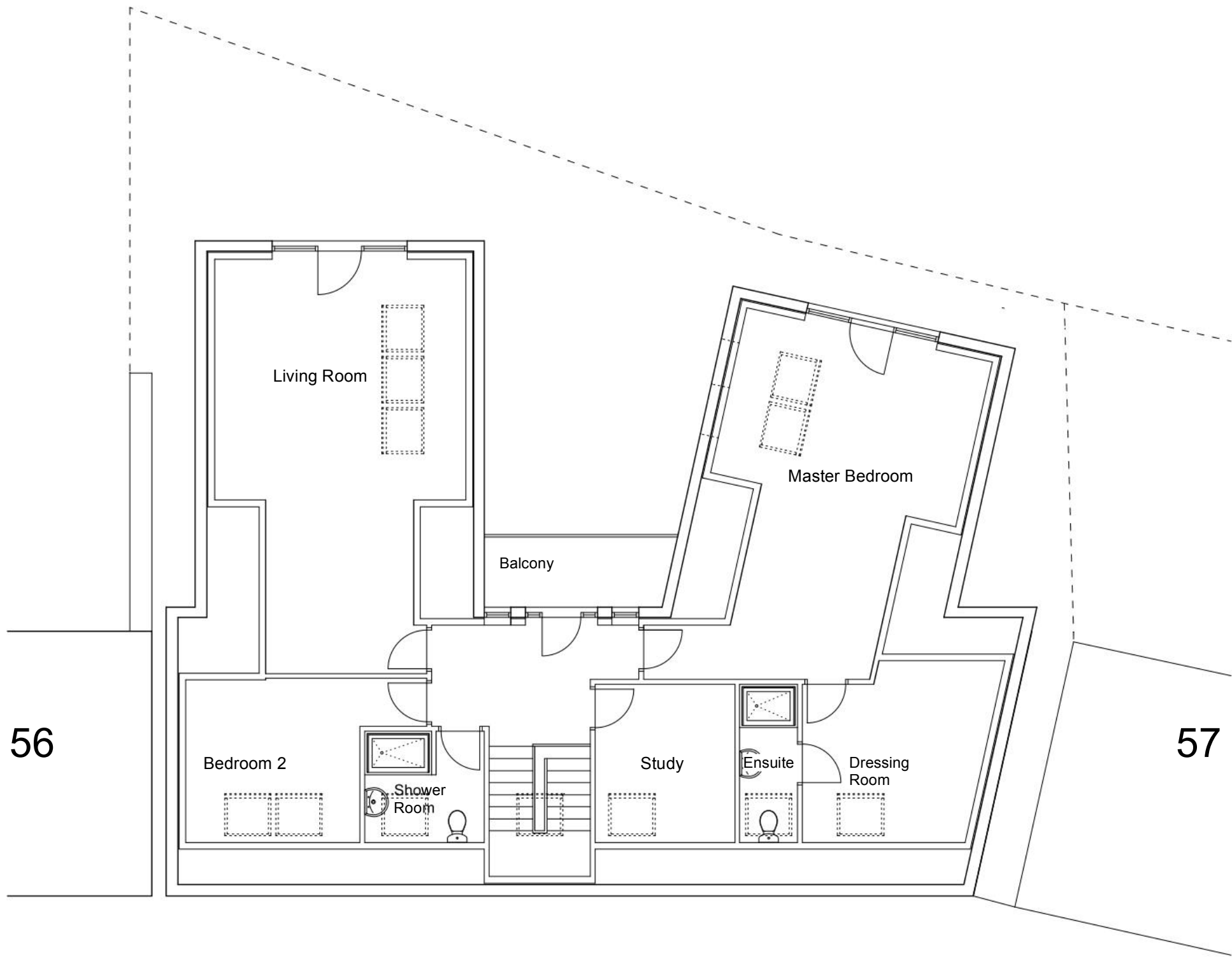
Transportation – we have shown the second car parking space.

Public representation – 57 Seatown has been extended in the recent past and although the extension is finished in tradition material the design of the same could not be classed as typical for Cullen's Conservation Area and is classed as contemporary.

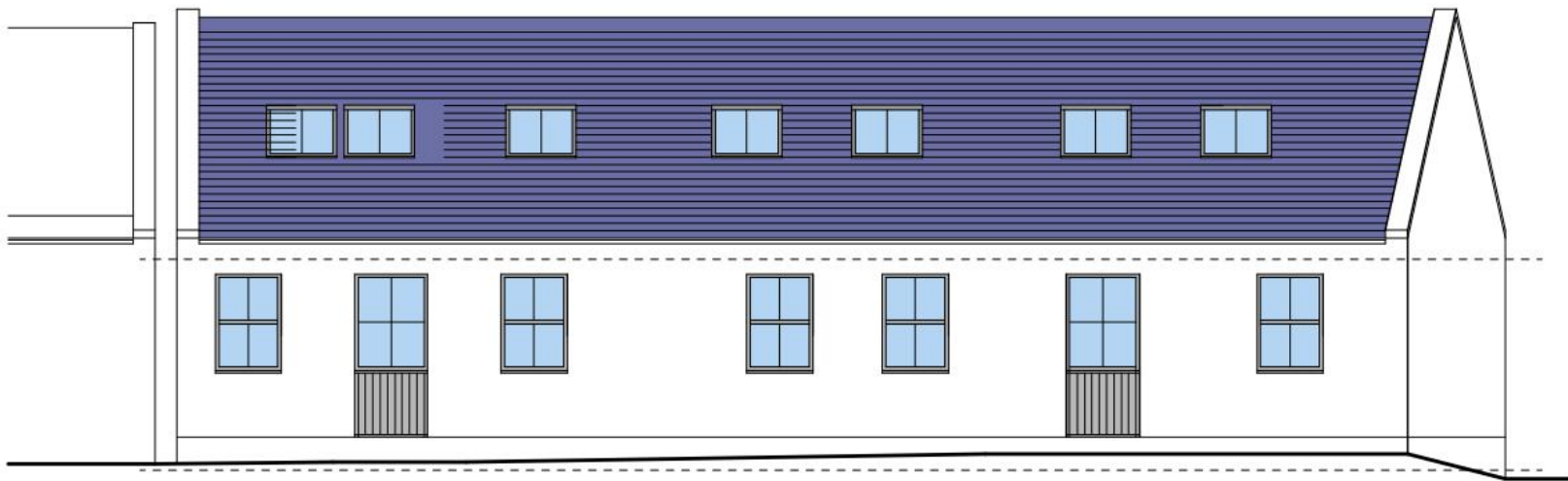
The acceptance that a contemporary extension in Cullen's Conservation Area can be supported in our opinion would allow for the design of the new house being of traditional materials, scale and design with contemporary features such as the glazed gables to be supported.



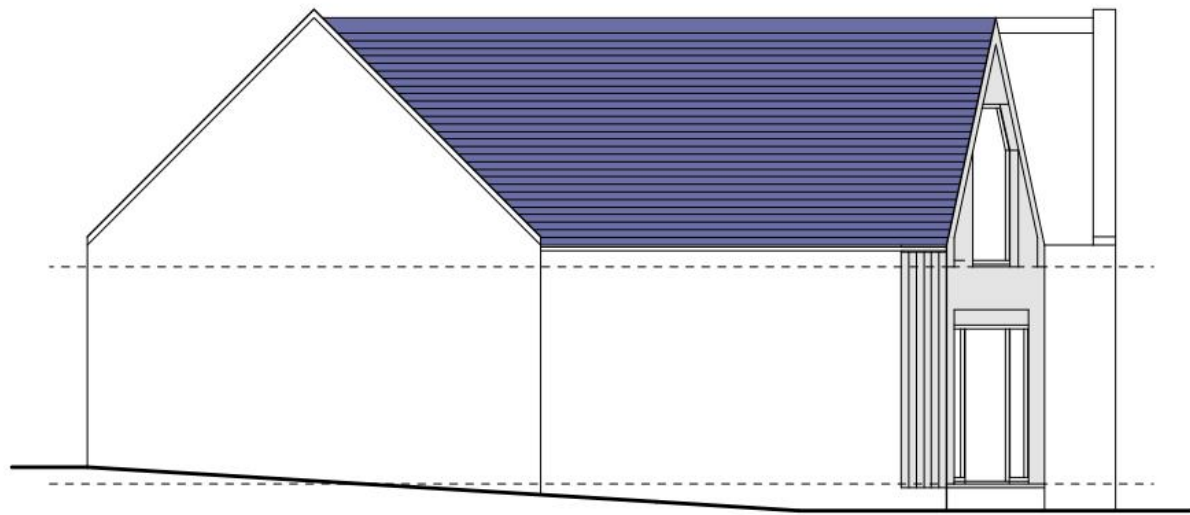
Ground Floor Plan 1:100



First Floor Plan 1:100



South-East Elevation 1:100



North-East Elevation 1:100



North-West Elevation 1:100

Proposed Finishes

Roofs	Slates
Walls	Wet Dash Render - White
	Central Section
	NW Elevation - Vertical Timber Linings
	Glazed Gable - Vertical Timber Linings
Windows/ External Doors	Timber - Painted White
Glazed Gable Glazing	Aluclad Timber - White

G	Car Parking Space	15.03.22	MR
F	Further Revisions	04.12.21	MR
E	NE Gable Revised	18.10.21	MR
D	NW Elevation Revised	22.09.21	MR
C	Further Revisions	24.07.21	MR
B	Various Alterations	04.05.21	MR
A	Garage / Living Room Swapped	22.11.20	MR
No	Revisions	Date	Initials

**MANTELL
RITCHIE**
Chartered Architects

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



Copyright of Mantell Ritchie , Chartered Architect.

project
Shed Adjacent to 56 Seatown,
CULLEN.
Proposed Development
for
Mr M Wilson

content
Sketch Proposals

scales
1:100
drawn by
MR
size
A1
date
04.10.20

ref
20015
02G