



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 100176936-001

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

Description of Proposal

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

Replacement windows to front and side elevation

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

No Yes - Started Yes – Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

28/06/2019

Please explain why work has taken place in advance of making this application: *
(Max 500 characters)

Client was unaware that a planning application was required.

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:	All Design (Scotland) Limited		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	PAUL	Building Name:	James Gregory Centre,
Last Name: *	WALBER	Building Number:	<input type="text"/>
Telephone Number: *	01224 701576	Address 1 (Street): *	Campus 2
Extension Number:	<input type="text"/>	Address 2:	Bridge of Don
Mobile Number:	<input type="text"/>	Town/City: *	Aberdeen
Fax Number:	<input type="text"/>	Country: *	United Kingdom
		Postcode: *	AB22 8GU
Email Address: *	paul@all-design.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	Michael	Building Number:	19
Last Name: *	Crawford	Address 1 (Street): *	Reidhaven Street
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Portnockie
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	AB56 4LS
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

19 REIDHAVEN STREET

Address 2:

PORTKNOCKIE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

BUCKIE

Post Code:

AB56 4LS

Please identify/describe the location of the site or sites

Northing

868593

Easting

348974

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Trees

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

Yes No

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

Access and Parking

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

Yes No

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: PAUL WALBER

On behalf of: Mr Michael Crawford

Date: 15/08/2019

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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

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

Continued on the next page

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

You can attach these electronic documents later in the process.

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

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

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

Declare – For Householder Application

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

Declaration Name: Mr PAUL WALBER

Declaration Date: 15/08/2019

Payment Details

Online payment: 092339

Payment date: 15/08/2019 16:36:40

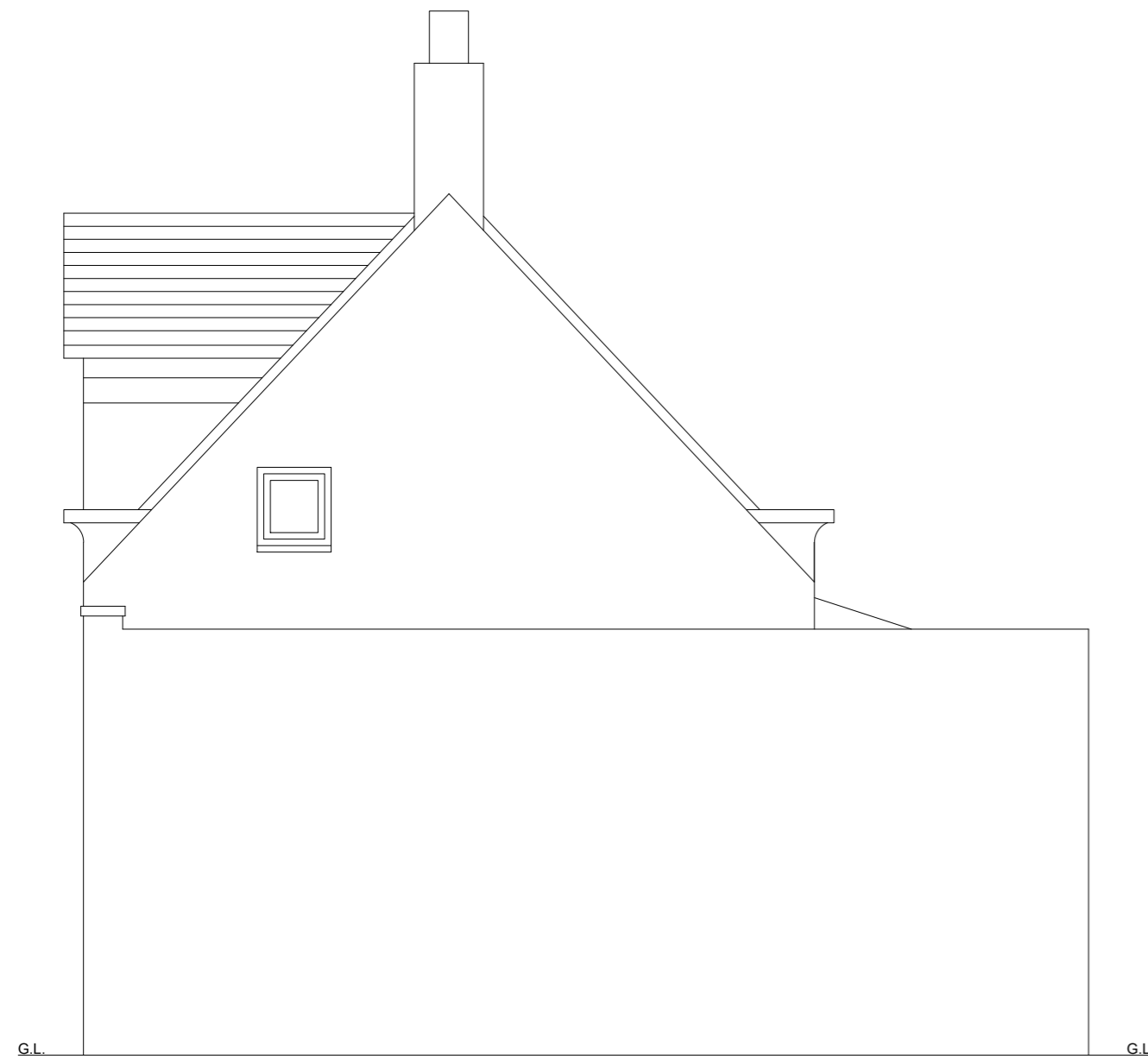
Created: 15/08/2019 16:36

These drawings are to be read in conjunction with:
AD 1146 / 101, 102, 103 and 104.

Copyright: All rights reserved. This drawing must not be reproduced without permission. This drawing must not be scaled. Main contractor to check all dimensions. Construction or manufacturer of components not to be carried out if Main contractor has doubt regarding dimension. Contact designer immediately. Dimensions are in millimetres unless otherwise specified. These drawings are for Planning and Building Warrant Submissions only.



Existing Front Elevation (East)
Scale 1:50



Existing Side Elevation (North)
Scale 1:50

Rev	Comments	Date	By
B	Issued to Planning	08.08.19	PW
A	Issued to Client for Approval	30.07.19	LW



Aberdeen Innovation Centre, Campus 2, James Gregory
Centre, Bridge of Don, Aberdeen, AB23 8GU
Telephone Number - 01224 701576
Website : www.all-design.co.uk

Project Residential Development at 19 Reidhaven
Street, Portnockie, AB56 4LS

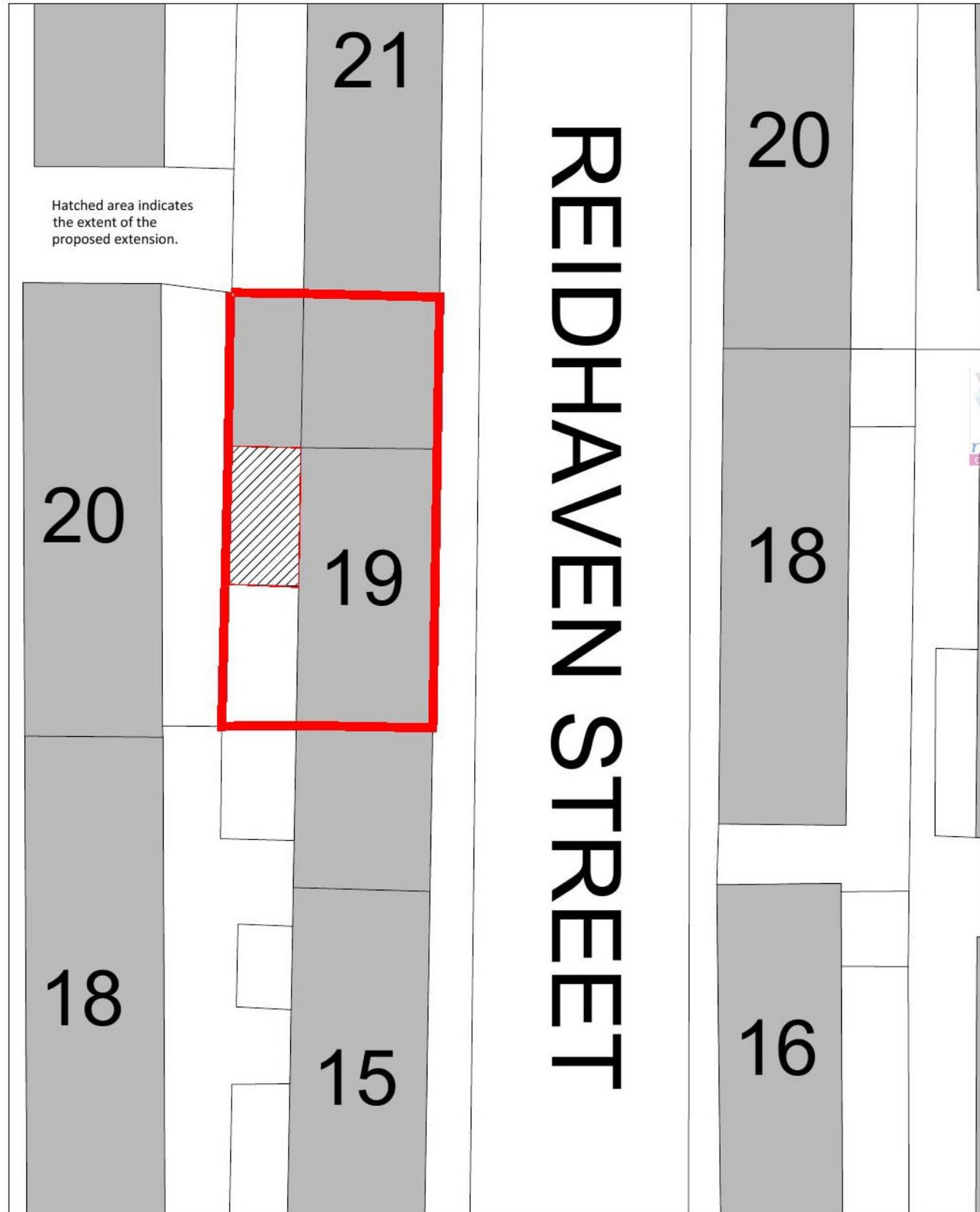
Drawing Title Existing & Proposed Front Elevation

Drawing Number AD 1146 / 201 Rev B

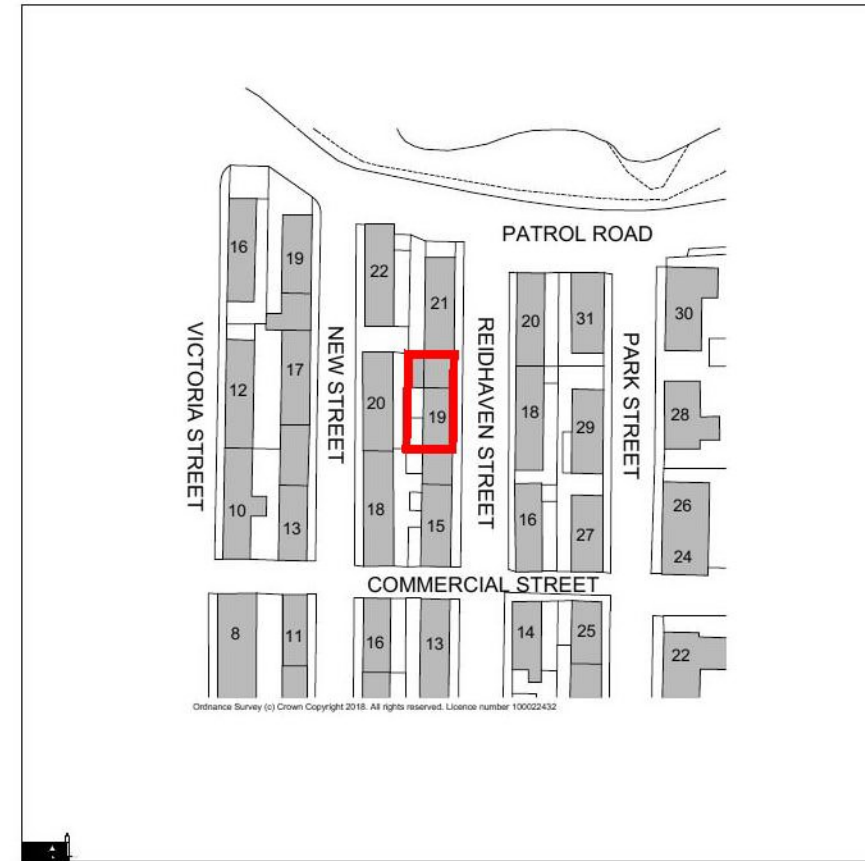
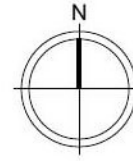
Scale 1:50 @ A2 Date : 29th July 2019
Drawn : LW

These drawings are to be read in conjunction with:
AD 1146 / 201 and 202.

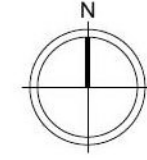
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Block Plan
Scale 1:200



Location Plan
Scale 1:1250



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

REFUSED

09 October 2019

Development Management
Environmental Services
The Moray Council



Aberdeen Innovation Centre, Campus 2, James Gregory
Centre, Bridge of Don, Aberdeen, AB23 8GU
Telephone Number - 01224 701576
Website : www.all-design.co.uk

Project Residential Development at 19 Reidhaven
Street, Portnockie, AB56 4LS

Drawing Title Location and Block Plan

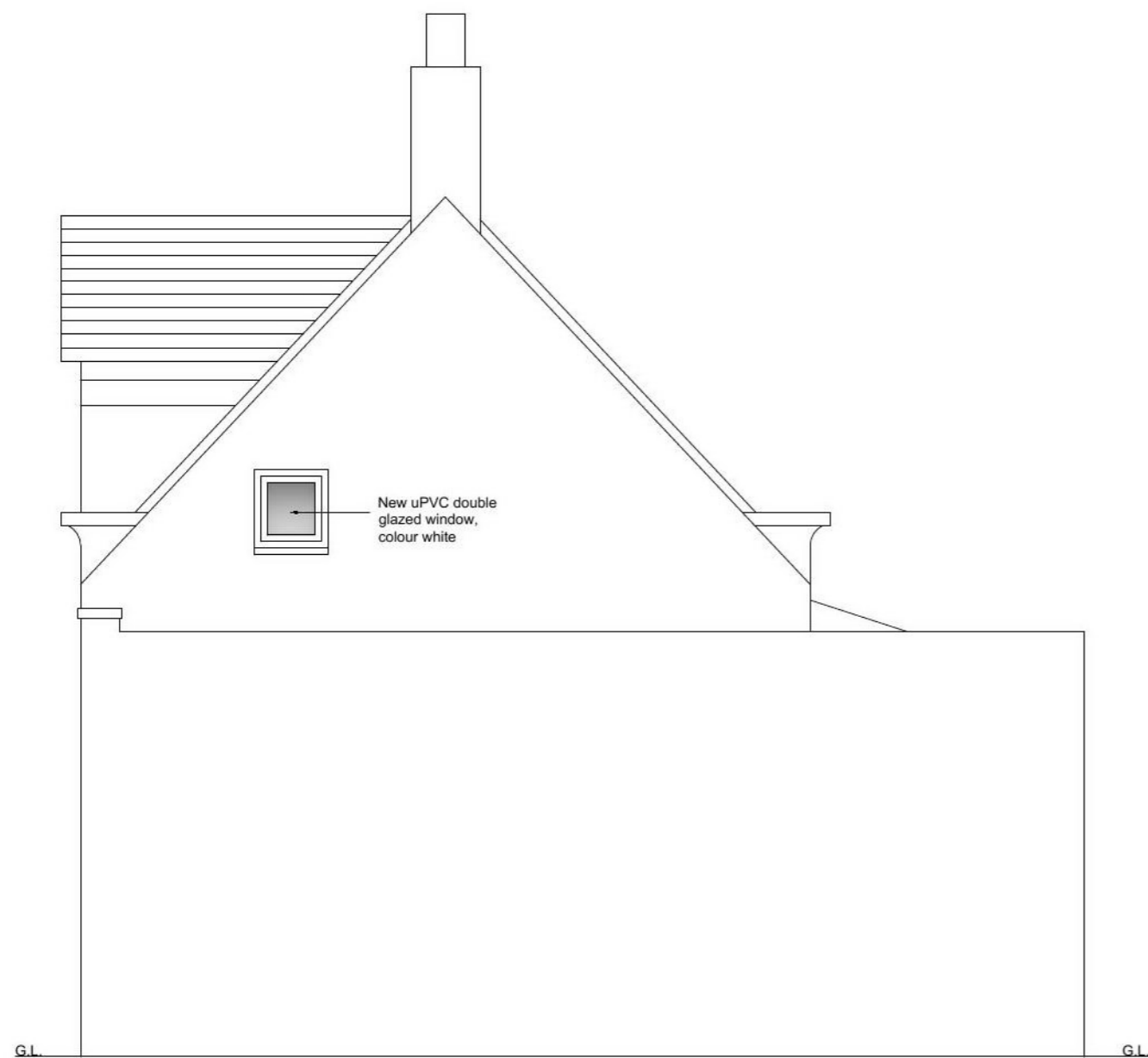
Drawing Number AD 1146 / 200 Rev A

Scale 1:1250, 1:200 @ A3 Date : 8th August 2019
Drawn : PW

Rev	Comments	Date	By
A	Issued to Planning	15.08.19	PW

These drawings are to be read in conjunction with:
AD 1146 / 101, 102, 103 and 104.

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Town & Country Planning
(Scotland) Act, 1997
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Website : www.all-design.co.uk

Project Residential Development at 19 Reidhaven
Street, Portnockie, AB56 4LS

Drawing Title Existing & Proposed Front Elevation

Drawing Number AD 1146 / 202 Rev B

Scale 1:50 @ A2 Date : 29th July 2019
Drawn : LW

REPORT OF HANDLING

Ref No:	19/01018/APP	Officer:	Fiona Olsen
Proposal Description/ Address	Replacement windows to front and side elevation 19 Reidhaven Street Portknockie Buckie Moray		
Date:	09/10/19	Typist Initials:	FJA

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
H4: House Alterations and Extensions		
IMP1: Developer Requirements		
BE3: Conservation Areas		
2020 Proposed Local Development Plan		
DP1 Development Principles		
EP9 Conservation Areas		

REPRESENTATIONS

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

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e. the adopted Moray Local Development Plan 2015 (MLDP) unless material considerations indicate otherwise. On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Moray Local Development Plan 2020 was approved as the "settled view" of the Council and minimal weight will be given to it, with the 2015 MLDP being the primary consideration.

On 25 June 2019 the Planning & Regulatory Services Committee agreed to give greater weight to sites within the proposed Plan which are not subject to the Examination process from 1 August 2019. In this case the proposal is not subject to an allocated site.

Proposal

The application seeks retrospective planning permission to replace the windows and door on the principal and side elevations of an existing dwellinghouse.

The previous brown uPVC casement windows have been removed and have been replaced with white uPVC casement windows. The previous brown uPVC door has also been removed and has been replaced with a new uPVC door with double glazed panels in a grey/brown.

Site

The existing property is a traditional one and three quarter storey terraced dwellinghouse located at 19 Reidhaven Street, Portknockie.

Portknockie is a small coastal fishing village overlooking the Moray Firth with an abundance of traditional architecture that combines to provide its distinctive character. In recognition of its historic heritage, the heart of the village is designated as a Conservation Area.

Policy Assessment

Conservation Area and Amenity (H4, BE3, IMP1)

The application will be assessed principally against policies H4, IMP1 and BE3. Policies H4 and IMP1 require new developments to be sensitively sited, designed and serviced appropriate to the amenity of the existing property and wider locality. Policy BE3 requires new development within conservation areas to preserve and enhance the character and appearance of the subject area, having regard to scale, height, materials, colour, detailed design and use.

As outlined, the previous brown uPVC windows and door have been removed and have been replaced with white uPVC windows and a brown/grey uPVC door. It is not known when the original timber sash windows were removed. Moray Council Replacement Windows & Doors Guidance is clear in that the use of non-traditional materials such as uPVC will not be acceptable in traditional buildings.

The replacement uPVC window units in this instance do not represent an appropriate form of development for the conservation area or for the principal elevation of a prominent building within it, and does not satisfy the design requirements of the above policy provisions. There is a need to preserve the character and appearance of Portknockie and of the buildings which contribute to its qualities. Reinstating timber double glazed sash window units would go some way to achieving this aim and is supported by the replacement windows and doors guidance.

Several of the other properties within the Portknockie Conservation Area still retain timber doors and window frames on the front or street elevations. These are characteristic of, and a very attractive component of the historic streetscape. Timber windows and doors play an important role particularly in vernacular architecture where they are the dominant elements. The submitted photographic survey shows that a number of building frontages on Reidhaven Street have been modified with modern uPVC framing. This has damaged the appearance and architectural character of the historic

streetscape leading to the erosion of historic fabric. This application is assessed on its own merits, and against current policy.

In order to preserve the character and appearance of the Conservation Area, replacement windows and doors on all elevations of unlisted traditional properties within conservation areas should match the original proportions, appearance, materials, and opening method.

In terms of the amenity of the surrounding area, the material finish of the proposed replacement windows is unsympathetic and by being prominent would fail to preserve or enhance conservation area.

Conclusion

The proposed uPVC replacement windows would be damaging to features of special architectural and historic interest which the building possesses and they would also be out of character and injurious to the appearance of the historic street in which the building is located.

The proposal therefore fails to preserve and enhance the conservation area designation and refusal is recommended.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

N/A

HISTORY

Reference No.	Description		
19/00310/APP	Amend single story rear extension to include new smooth render finish and new rooflights at 19 Reidhaven Street Portknockie Buckie Moray AB56 4LS		
	Decision	Permitted	Date Of Decision 08/05/19
18/00199/APP	Extend dwellinghouse at 19 Reidhaven Street Portknockie Buckie Moray AB56 4LS		
	Decision	Permitted	Date Of Decision 22/03/18

ADVERT

Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Banffshire Advertiser	Planning application affecting LB/CA	16/09/19
PINS	Planning application affecting LB/CA	16/09/19

DEVELOPER CONTRIBUTIONS (PGU)

Status	N/A
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DOCUMENTS, ASSESSMENTS etc. *
 * Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc

Supporting information submitted with application?	YES	
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Summary of main issues raised in each statement/assessment/report

Document Name: Reidhaven Street starting from Patrol Road

Main Issues: Survey

S.75 AGREEMENT

Application subject to S.75 Agreement		NO
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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
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Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
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Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
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Summary of Direction(s)

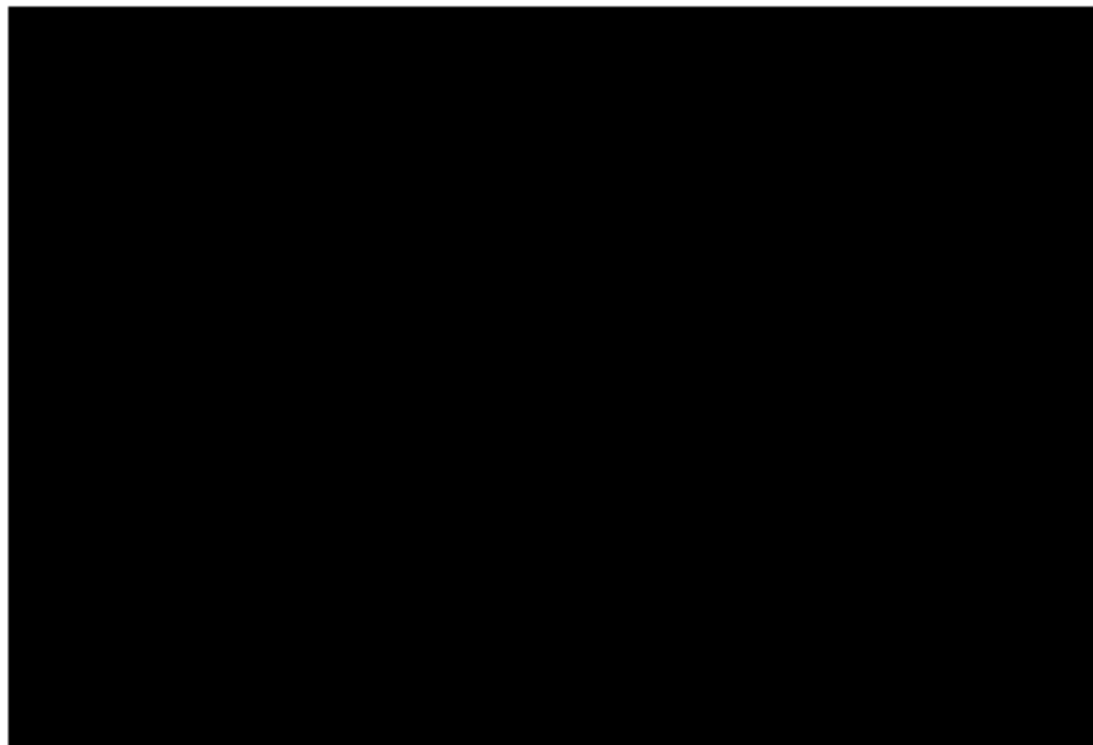


MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended

REFUSAL OF PLANNING PERMISSION

[Keith And Cullen]
Application for Planning Permission

TO

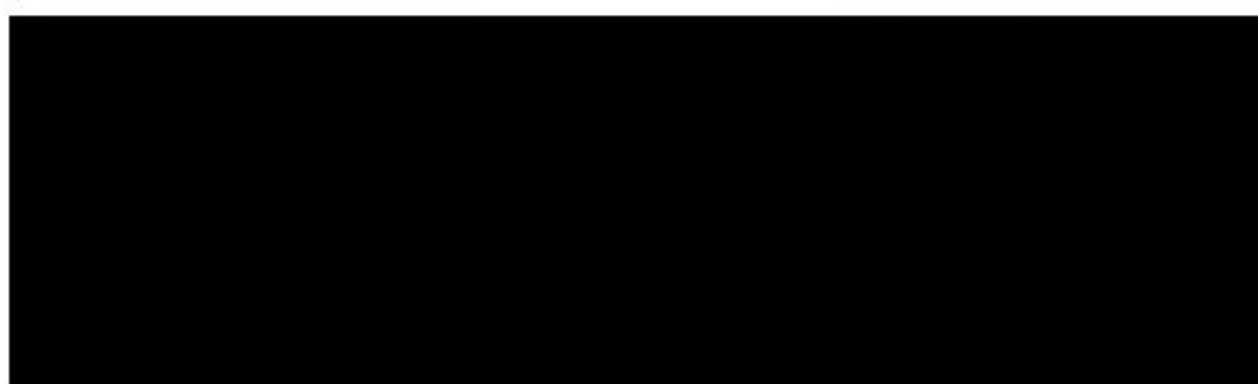


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Replacement windows to front and side elevation 19 Reidhaven Street
Portknockie Buckie Moray**

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

Date of Notice: **9 October 2019**



HEAD OF DEVELOPMENT SERVICES
Environmental Services Department
Moray Council
Council Office
High Street
ELGIN
Moray IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

The proposal is contrary to the provisions of the adopted Moray Local Development Plan 2015 (Policies BE3, H4 & IMP1) and should be refused for the following reasons:

- The proposal is contrary to Policy BE3 as the use of modern UPVC units would fail to preserve or enhance the character of the building or conservation area.
- The proposed replacement windows would introduce a visually intrusive feature into the historic streetscape. The design and material finish of the proposed replacement windows and door is unsympathetic and by being prominent would fail to preserve or enhance conservation area.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
AD 1146/200	A	Site and location plan
AD 1146/202	B	Proposed elevations

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

N/A

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

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, 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.

