

If yes, please explain why work has already taken place in advance of making this application.

5. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal? Yes No

If yes, please provide details about the advice below:

In what format was the advice given? Meeting Telephone call Letter Email

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes No

Please provide a description of the advice you were given and who you received the advice from:

Name: Date: Ref No.:

6. Trees

Are there any trees on or adjacent to the application site? Yes No

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

7. Changes to Vehicle Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes No

If yes, please show in your drawings the position of any existing, altered or new access and explain 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 changes to public paths, public rights of way or affecting any public rights of access? Yes No

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangement for continuing or alternative public access.

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

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 reduced number of spaces)

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, etc.)

8. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority? Yes No

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority? Yes No


If you have answered yes please provide details:

DECLARATION

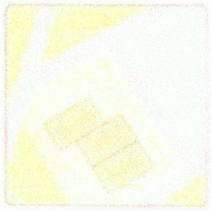
I, the ~~applicant~~ / agent certify that this is an application for planning permission and that accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the ~~applicant~~/agent hereby certify that the attached Land Ownership Certificate has been completed

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants Yes No N/A

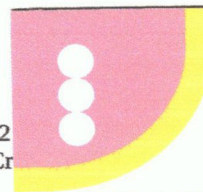
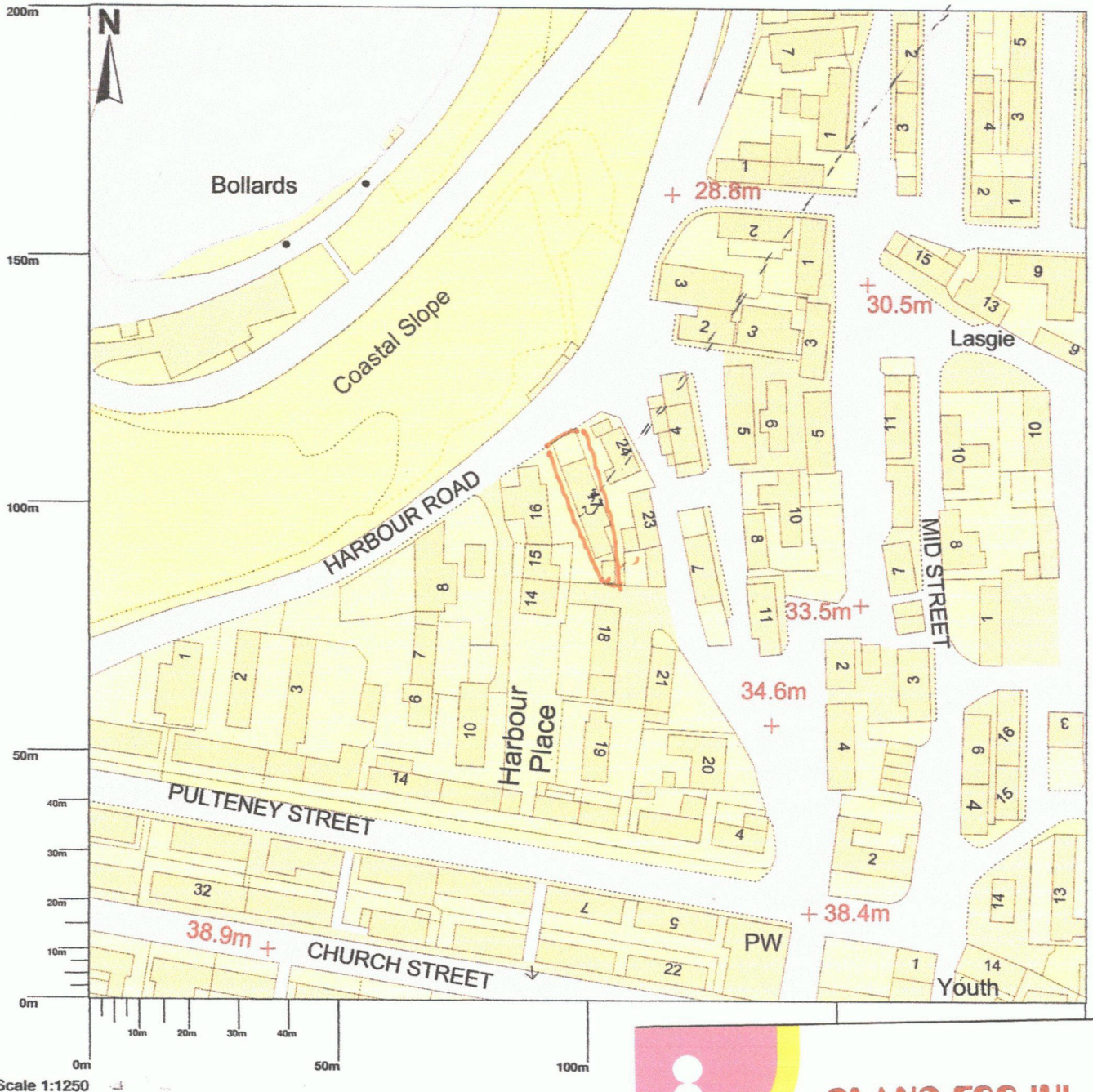
Signature:  Name: JAMES D. CAIRNS, Date: 10 / 11 / 21

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



17 Harbour Place, Portknockie, Buckie, AB56 4NR

arnold pirie.



PLANS FOR 'U'

PLANNING & WARRANT APPLICATIONS

Jim Cairns

2 Victoria Street, PORTKNOCKIE, AB56 4LQ

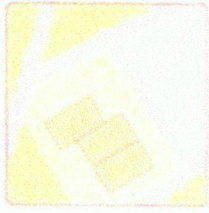
Tel: 01542 841892 Mob: 07767 493462

Email: planforu@btinternet.com

11 NOV 2021

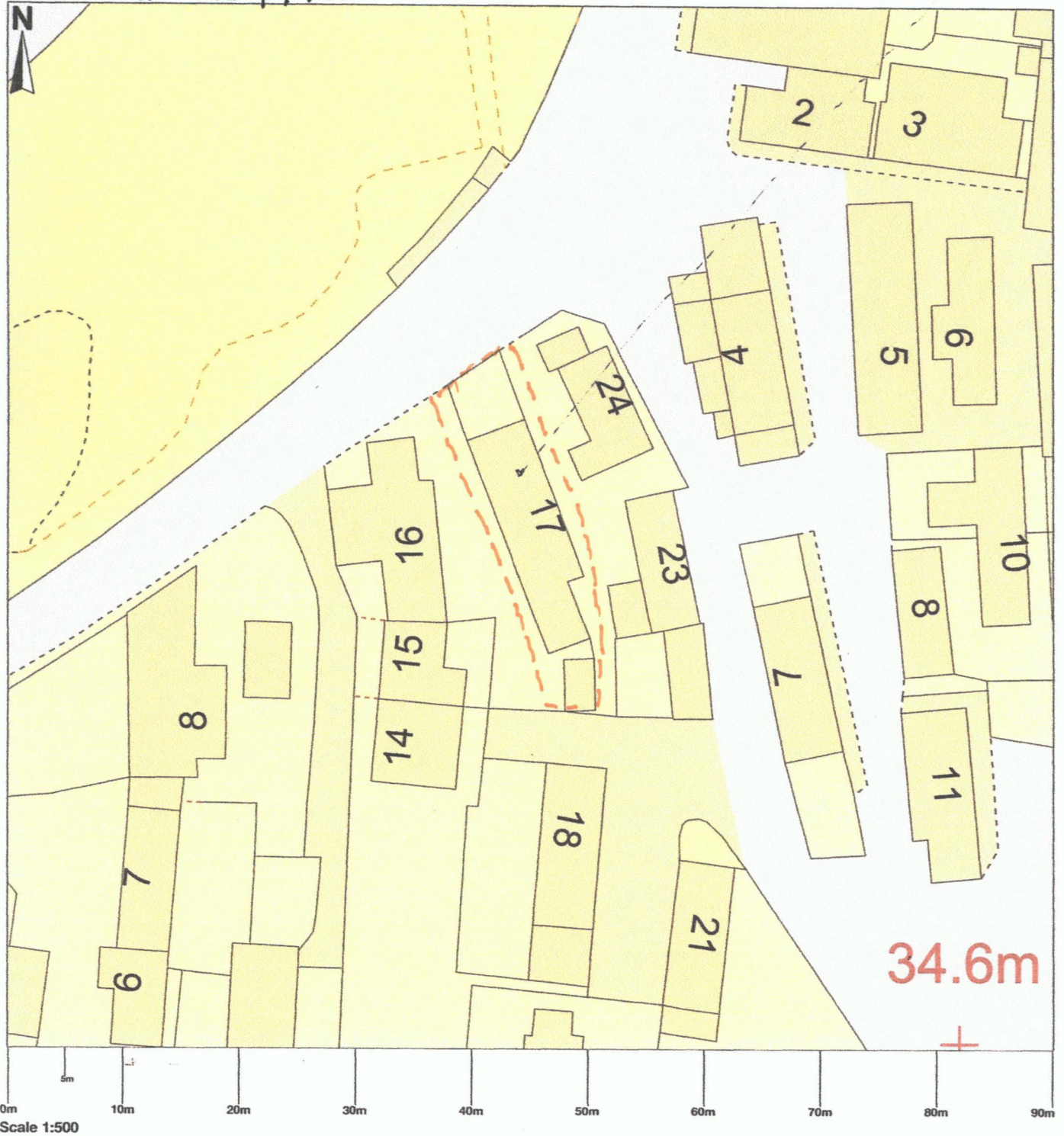
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DR6 NO 2021, PIRIE. 001.



17 Harbour Place, Portknockie, Buckie, AB56 4NR

amold pirie.



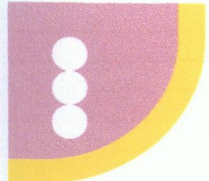
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1,500.

11 NOV 2021

ORB. NO. 2021-PIRIE. 002.

17 HARBOUR PLACE. PORTKNOCKIE.



PLANS FOR 'U'

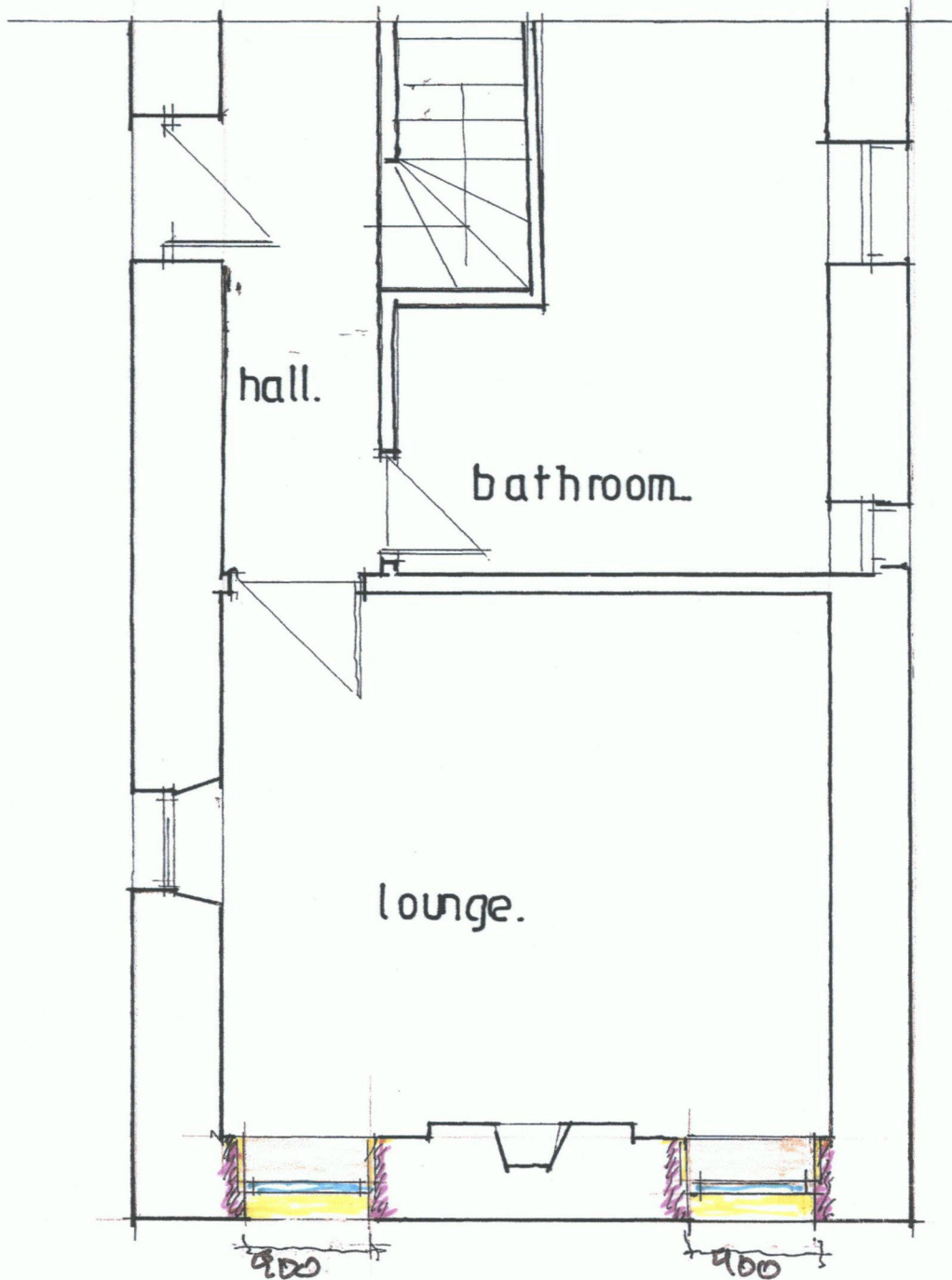
PLANNING & WARRANT APPLICATIONS

Jim Cairns

2 Victoria Street, PORTKNOCKIE, AB56 4LQ

Tel: 01542 841892 Mob: 07767 493462

Email: planforu@btinternet.com



1:50 GF FLOOR PLAN. Proposed.

11 NOV 2021

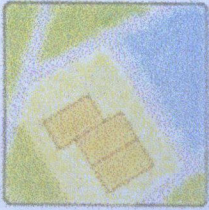
DRG. NO. PIRIE. 2021. 003.



1:50 FRONT ELEVATION. Proposed.

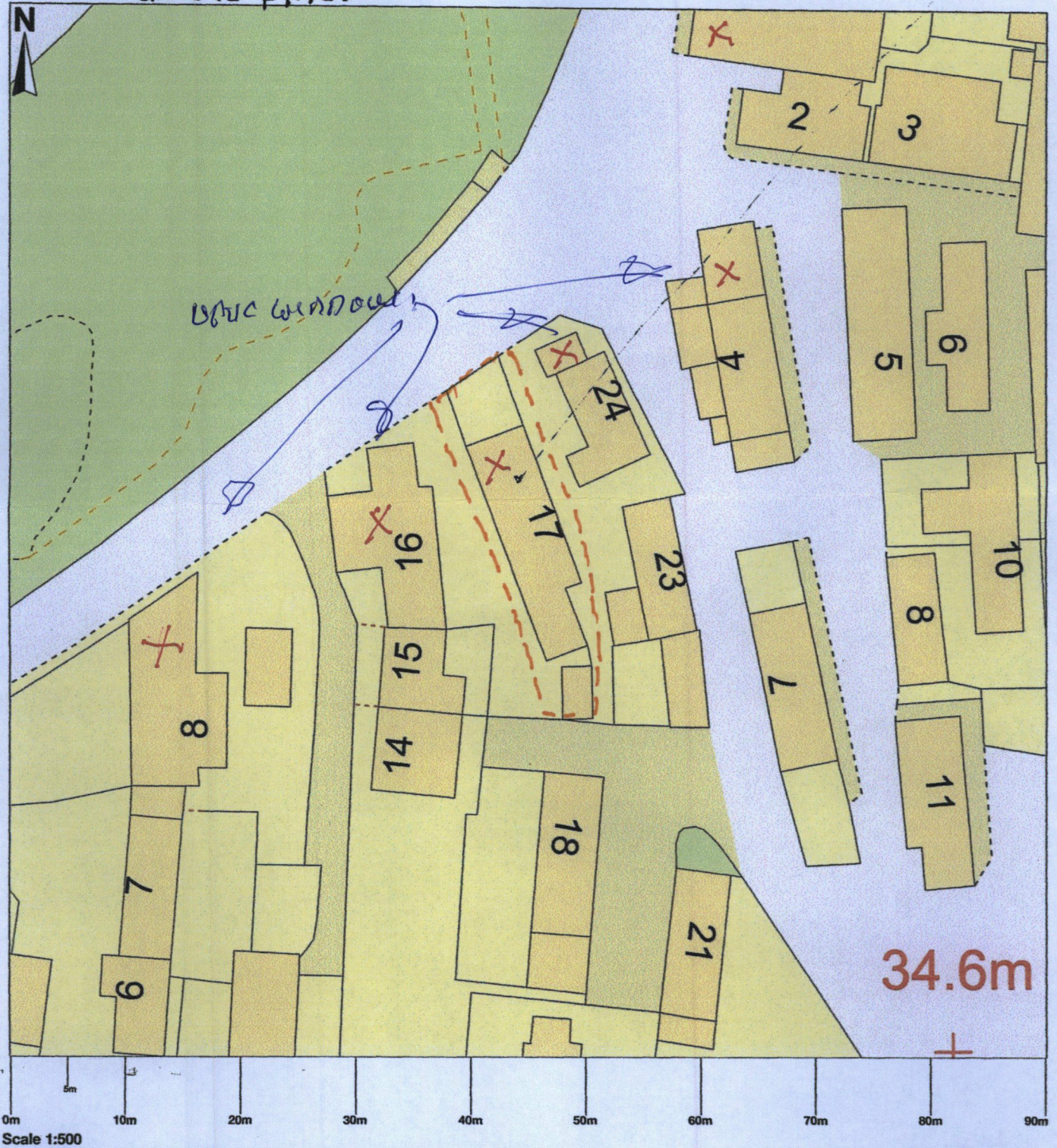
11 NOV 2021

DRG NO. 2021. PLR. 004.



28 JAN 2022

17 Harbour Place, Portknockie, Buckie, AB56 4NR
amold pirie.



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1,500.

ORB. NO. 2021.PIRIE. 002.

21/01784/APP

PLANS FOR 'U'

PLANNING & WARRANT APPLICATIONS

11 NOV 2021

Jim Cairns

2 Victoria Street, PORTKNOCKIE, AB56 4LQ

Tel: 01542 841892 Mob: 07767 493462

Email: plansforu@btinternet.com

PROPOSED ALTERATIONS at no 17 HARBOUR PLACE, PORTKNOCKIE, BUCKIE, MORAY, AB56 4NR for MR ARNOLD PIRIE:

Drawings / Specifications are for the use of the applicant's agent for the process, to submit the Planning and Building Warrant applications to the Moray Council, and for the applicant to obtain contractors costings:

GENERAL:

No work to commence on site until all applications are approved, the appointed contractor is responsible for correct dimension layout setting out. All sizes to be confirmed prior to manufacturer construction process beginning. Do not scale of drawings – if in doubt ask:

BUILDING WORKS / SPECIFICATION NOTES:

Builders and sub-contractors to be fully responsible for all site safety, insurance, with use of ladders, scaffolding, machinery, electrical equipment etc. The approved contractor to be responsible for the stability of the works during construction, and shall provide propping and bracing as required. Anything not clear from the drawing, to be checked with the agent in the application:

DEMOLITION -NEW WORKS:

Applicant to remove all carpets, loose furnishings etc., in preparation for contractors working;

Existing left hand Lounge window to be removed and opening enlarged to allow for the installation of a 900mm wide x 1.5mm high double glazed (safety glass to BS 6262) upvc window to match window to upper Bedroom: Existing stonework over the proposed opening to be fully supported during formation of opening, and removal of existing lintols; Lintols over opening to be 4 no Robeslee Type F 145mm x 100mm concrete lintols, with 150mm minimum end rests into existing stonework: Window to be set on a Robeslee concrete cill set on dpc; Internal wall framing to match existing with insulation and 12.5mm plasterboard finish (tape and filled – ready for decoration), Timber inner cill and decoration (to applicant choice);

Roughcast to be made good (to match existing) with mastic pointing to the internal and external jambs of the window: 12,000mm² trickle vents to be fitted in window head frames; Opening handles at 1.700 max above floor level:

Right hand Lounge window of 900mm wide x 1.500mm high to be formed as above:

NB, Windows to have top opening sections with the lower section to function as tilt/turn, for cleaning purposes:

FIRE DETECTION and ALARM SYSTEM

Existing house system is fully compliant:

DOOR/WINDOW SECURITY:

Doors and windows to be provided and installed to the requirements of Reg 4.13, as follows:-

4.13.1 Doors and windows to be designed, installed and glazed to resist forced entry, by the use of door sets and windows manufactured to meet recognised product standards and defined component performance: 4.13.2 A door or window should meet the recommendations for the physical security in Section 2 of 'secured by design': 4.13.3 a door or window should be tested and certified by a notified body as meeting a recognised standard for security such as Abs pas 24;2007, for door sets or BS 7950;1997 for windows: 4.13.4 Windows that can be opened should be fitted with a keyed locking system that uses a removable key; Glazing to windows should be laminated glass or similar to BS 6262 robust material: U value of windows to be 1.4max: Max height of handles – 1.7m:

J Cairns, agent in application: 09.11.21:

REPORT OF HANDLING

Ref No:	21/01784/APP	Officer:	Shona Strachan
Proposal Description/ Address	Enlarge window and form new window at 17 Harbour Place Portknockie Buckie Moray		
Date:	25.03.2022	Typist Initials:	LMC

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
DP1 Development Principles	Y	
EP8 Historic Environment	Y	
EP3 Special Landscape Areas	Y	

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

Legislative Requirements

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2020 (MLDP) unless material

considerations indicate otherwise. The main planning issues are considered below:

Proposal

Planning permission is sought to enlarge an existing window and form new window opening at 17 Harbour Place Portknockie.

The proposed windows which are the subject of this application would be located on the northern gable end of the property. There are currently two UPVC window openings on this gable, a first floor window which is to be unaltered by this proposal and an existing ground floor window opening which is to be enlarged and finished with a UPVC frame. The new window opening will be located on the ground floor and would match the dimensions of the proposed enlarged window and again is to be finished with a UPVC frame.

The rest of the property has UPVC windows and door(s) throughout.

Site

The property is located at 17 Harbour Place Portknockie which is a traditional property in the Portknockie Outstanding Conservation Area. The gable of the property fronts onto the public road (Harbour Road) which is the main public vantage point to the site and is one of the key coastal roads in the town.

The whole of Portknockie falls within the "Portgordon to Cullen Coast" Special Landscape Area.

Policy Assessment

Impact of the Development on the site and its surrounds

Policy EP9 Conservation Areas

Replacement Windows and Doors Guidance

Policy EP3 part b Special Landscape Character

Policy DP1 Development Principles

Policy EP9 Conservation Areas requires that all development within a Conservation Area preserves and enhances the traditional character or appearance of the area. The policy advises that alterations will be refused where they adversely affect the character and appearance in terms of scale, height, massing, colour, materials and siting, explaining that this will typically require the use of traditional materials and style.

For replacement windows and doors the policy states that for unlisted buildings within conservation areas replacement windows must match the original windows in terms of proportions and appearance and shall open in a traditional sash manner or be in the form of casements whichever is appropriate.

The use of UPVC windows may be deemed acceptable if it is of an appropriate traditional style and not located on a principal elevation or on an elevation on a public view. However the fundamental test will be whether the replacement will have a detrimental effect on the character of the building and/or the conservation area. The justification for the policy explains that unlisted buildings within a conservation area can have a significant townscape value and make a valuable contribution to the overall character of the area.

In order to support application for windows and doors on heritage buildings, Moray Council has produced specific advice "Replacement Windows and Doors Guidance" which is a material consideration in decision making for such cases and advises that UPVC windows have an adverse impact upon the character and or appearance of the Conservation Area and that as a result the Council will not support the use of UPVC windows on principal or public elevations within the Conservation Area.

Policy EP3 part B applies to urban areas that fall within a defined Special Landscape Area and advises that proposal must reflect the traditional settlement character in terms of siting and Design.

Policy DP1 advises that all development must be of a scale, density and character that is appropriate to the site and its surrounds contributing to the sense of place of the locality. Part d of the policy also advises that development must conserve and enhance the [natural and] and built environment.

In this case, the application site is a traditional property in the Portknockie Conservation Area. The proposal relates to the gable of the property which fronts onto the public road (Harbour Road) which is the main public vantage point to the site. It is also noted that Harbour Road is one of the key coastal roads in the town with these siting aspects in mind the site has a prominent and public location within the Portknockie Outstanding Conservation Area.

Taking account of current local plan policies (as set out above); Policy EP9 seeks to preserve and enhance the traditional character and appearance of the area and the policy is clear that UPVC windows will only be accepted where they are not located on a principle elevation or on an elevation on a public view. This position is also echoed in the "Replacement Windows and Doors Guidance".

In this policy context, the presence of existing UPVC windows does not give sufficient material weight to depart against a policy requirement to preserve or enhance the conservation area, particularly given the prominent and public location of the site. The addition of further UPVC to this gable end would further erode the traditional character and appearance of the dwelling and be detrimental to the character and appearance of the Portknockie Outstanding Conservation Area.

As a result the proposal also fails to reflect the traditional settlement character in terms of siting and Design as required by policy EP3 part b and would further erode the traditional sense of place of the Portknockie Conservation Area which is contrary to the provisions set out in policy DP1.

Conclusion and Recommendation

The proposed windows which would be located on a prominent public gable are not considered to preserve or enhance the traditional character or appearance of the Conservation Area. The presence of additional UPVC windows on this prominent public gable would further erode the traditional sense of place of the Portknockie Outstanding Conservation Area. The proposal therefore fails to comply with current policy requirements. On this basis the application is refused.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

Moray Council Advice entitled "Replacement Windows and Doors Guidance".

HISTORY			
Reference No.	Description		
	Decision		Date Of Decision

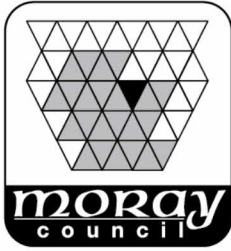
ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Banffshire Advertiser and Herald	Departure from development plan	21/02/22
PINS	Departure from development plan	21/02/22
Banffshire Advertiser and Herald	Planning application affecting LB/CA	14/01/22
PINS	Planning application affecting LB/CA	14/01/22

DEVELOPER CONTRIBUTIONS (PGU)	
Status	N/A

DOCUMENTS, ASSESSMENTS etc. *		
<i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i>		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Harbour Place Proposed Window Alterations To Number 17 Harbour Place, Portknockie	
Main Issues:	Provides comments in support of the application for UPVC windows advising that there are many properties in Portknockie with UPVC windows or conservatories and the application should therefore be supported.	

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

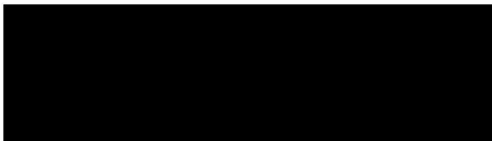


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

Enlarge window and form new window at 17 Harbour Place Portknockie Buckie Moray

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

Date of Notice: **29 March 2022**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

Economy, Environment and Finance
Moray Council
Council Office
High Street
ELGIN
Moray
IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

The proposal is contrary to the Moray Local Development 2020 Policies: Policy EP9 Conservation Areas and related Replacement Windows and Doors Guidance, Policy EP3 part b Special Landscape Character, and, Policy DP1 Development Principles because: The proposed UPVC windows which would be located on a prominent public gable are not considered to preserve or enhance the traditional character or appearance of the Conservation Area. The presence of additional UPVC units on this prominent public gable would further erode the traditional sense of place of the Portknockie Outstanding Conservation Area. The proposal therefore fails to comply with current policy requirements, the application is therefore refused.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
2021.PIRIE.001		Location plan
2021.PIRIE.002		Block plan
2021.PIRIE.003		Ground floor plan
2021.PIRIE.004		Front elevation

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.

