

### Introduction

Moray's townscape and buildings have distinctive characters and provide variety across the area including examples such as the features of the north east coast and the distillery villages of the coastal hinterland.

### Context

National Planning Policy Guidelines 5 (NPPG5) on Archaeology and NPPG18 on Planning and the Historic Environment provide the national policy background. NPPG18 deals with listed buildings, conservation areas, historic gardens and designed landscapes and seeks their protection and enhancement. Similarly, NPPG5 seeks to encourage the preservation of sites of archaeological and historic interest.

There is also an important role for the Council in the protection and enhancement of areas of open space for public amenity.

## **POLICY BE1: SCHEDULED ANCIENT MONUMENTS AND NATIONAL DESIGNATIONS**

### **National Designations**

Development proposals will be refused where they will adversely affect Scheduled Ancient Monuments and nationally important archaeological sites or their settings unless the developer proves that any significant adverse effect on the qualities for which the site has been designated are clearly outweighed by social or economic benefits of national importance.

### **Local Designations**

Development proposals which will adversely affect sites of local archaeological importance, or their settings, will be refused unless it can be demonstrated that;

- a) local public benefits clearly outweigh the archaeological value of the site, and
- b) there is no suitable alternative site for the development, and
- c) any adverse effects can be satisfactorily mitigated at the developers expense.

Where, in exceptional circumstances, the primary aim of preservation of archaeological features in situ does not prove feasible, the Council shall require the excavation and researching of a site at the developers expense.

The Council will consult Historic Scotland and the Regional Archaeologist on development proposals which may affect Scheduled Ancient Monuments and archaeological sites.

### **JUSTIFICATION:**

The aim of this policy is to protect archaeological sites and scheduled ancient monuments from any developments which could adversely affect them.

Moray's archaeological heritage contributes greatly to the area's character and provides a sense of place and contact with the past. The Council recognise the educational and tourism value of archaeological resources and wishes to conserve and enhance all archaeological sites of interest and their settings

Moray Council has a Service Level Agreement with Aberdeenshire Council's Regional Archaeologist to administer the Sites and Monuments Record for Moray. The Council will consult the Regional Archaeologist and Historic Scotland as appropriate to determine a site's significance in terms of national, regional and local terms when determining planning applications on or near archaeological sites. Proposals affecting Scheduled Ancient Monuments will require consent from Historic Scotland.

### **CONFORMS TO:**

This policy conforms to NPPG5 Archaeology and Planning, NPPG18 Planning and the Historic Environment, and PAN 42 Archaeology.

### **POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:**

Policy IMP1: Development Requirements.

## **POLICY BE2: LISTED BUILDINGS**

The Council will encourage the protection, maintenance, enhancement and active use of listed buildings.

Development proposals will be refused where they would have a detrimental effect on the character, integrity or setting of the listed building(s). Alterations and extensions to listed buildings or new developments within their curtilage must be of the highest quality, and respect the original structure in terms of setting, scale, materials and design.

The demolition of listed building(s) will not be permitted unless it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of retaining the building and that the community would benefit from the redevelopment. All applications for the demolition of listed buildings should be supported by a report on the condition of the building, a study on the viability of retaining the building in active use a report on the steps taken to advertise and market the building and, the proposals to recycle existing building materials into the future use of the site. Any proposed replacement of a demolished listed building should be of comparable quality in terms of construction and design.

Buildings which are allowed to fall into a state of disrepair may be placed on the Buildings at Risk Register and remedial works to buildings in disrepair may be enforced in the public interest.

Proposals should be in accordance with guidelines laid out in Historic Scotland's Memorandum on Guidance of Listed Buildings with regard to listed building consent applications.

### **JUSTIFICATION:**

The aim of the policy is to protect listed buildings from inappropriate development proposals. Listed buildings are an important part of Moray's heritage and should be safeguarded for future generations.

Proposals to extend or convert listed buildings should retain their character as should proposals within the curtilage of listed buildings. The council wish to ensure that every effort is made to safeguard listed buildings and demolition will only be considered as a last resort.

Applications for the demolition of listed buildings should be supported by evidence of the buildings structural state of repair and by evidence of attempted sale on the open market. Comparative costings for demolition and new build and repair to existing buildings should be provided, as should any proposals for the incorporation of existing building materials into any future development of the site.

Grants towards the repair of listed buildings may be available from Historic Scotland. Since the demand for grant aid is high, grants are only normally awarded to buildings of the highest quality with greatest need.

### **CONFORMS TO:**

This policy conforms to NPPG18 Planning and the Historic Environment, Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 – section 14(2) and 59(1), and the Memorandum of Guidance on Listed Buildings and Conservation Areas – 51 and 52.

### **POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:**

Policy IMP1: Development Requirements.

## **POLICY BE3: CONSERVATION AREAS**

Development proposals within Conservation Areas will require to be submitted as full detailed planning applications and will be refused if they adversely affect the character or appearance of the Conservation area in terms of scale, height, materials, colour, detailed design and use.

All development within a Conservation Area should preserve or enhance the established traditional character and appearance of the area.

Development proposals involving the demolition of buildings within a Conservation area will be refused unless the building is considered not to make a positive contribution to the character and appearance of the area. Where redevelopment is proposed, consent to demolish will only be granted where there are acceptable proposals for the site. Conditions will be attached to any planning permission/conservation area consent prohibiting demolition until contracts have been let for the redevelopment of the site.

Boundary walls, fences and ground surfaces must relate to the individual building and to the established amenity of the Conservation area. Boundary walls and fences will not be permitted over the height of 1 metre in the interests of existing character, amenity and safety unless the character of the area suggests otherwise.

### **Shop Fronts and Security Devices**

Shops in conservation areas should retain original signs where possible. Where archive drawings and/or photography exists the Council will encourage the reinstatement of the original shop fronts which have been lost. New shop fronts must be designed in relation to the whole elevation of a building so that the new shop front relates to established doors and windows; floor height and vertical alignment of buildings. They should be constructed in materials appropriate to the original building and be of painted timber construction. Security devices in the form of removable and/or fold away grilles are preferred although perforated roller shutters will be permitted provided that box devices do not project beyond the building line.

### **Satellite Dishes and Other Fittings**

The Council will approve in principle external fixtures to important buildings, which are deemed to be essential to the use of that building e.g. satellite equipment, TV aerials, telecommunication cables, security boxes, CCTV where they do not adversely affect the character or fabric of the building.

### **Advertisements**

Advertising within Conservation Areas will be permitted where it is sensitive to the historic nature of the area. New signage should respect the historic fascia line and height on the adjoining properties and be finished in a matt non reflective finish.

Illumination will only be permitted where an appropriate discreet projecting light source can be provided. No internally illuminated signage will be permitted. Projecting hanging signs should be fixed at fascia level and if illuminated this should be provided with a discreet projecting light source. Projecting light sources and internal illuminated signs will not be permitted. Internal illuminated plastic fascias will only be permitted if no alternative solution can be found.

#### **Article 4 Directions**

The Council may apply to the Secretary of State for Article 4 Directions for its conservation areas which will permit the Council to require planning applications for matters otherwise classed as permitted development.

#### **JUSTIFICATION:**

Conservation areas are areas of special architectural or historic interest where it is desirable to preserve or enhance the character or appearance of the area. The aim of this policy is to preserve and enhance Moray's Conservation Areas. There are Conservation areas in Archiestown, Berryhillock, Buckie, Cullen, Elgin, Findhorn, Findochty, Fochabers, Forres, Garmouth, Keith, Kingston, Portknockie and Whitemire.

The demolition of even a single building and construction of a new building in its place could result in the character or appearance of a Conservation Area being affected.

The Council may apply for Article 4 Directions in Conservation Areas to control permitted development rights such as replacing traditional windows and doors and painting external walls. These works if carried out unsympathetically can erode the character of a Conservation area.

If a building in a Conservation area has fallen into a state of disrepair then a positive attempt should be made to retain, restore or convert the building before proposals to demolish are seriously investigated.

#### **CONFORMS TO:**

This policy conforms to NPPG18 Planning and the Historic Environment; Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 – Part II Section 64; and the Memorandum of Guidance on Listed Buildings and Conservation Areas

#### **POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:**

Policy IMP1: Development Requirements.

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## **POLICY BE4: GARDENS AND DESIGNED LANDSCAPES**

Development proposals which will adversely affect Gardens and Designed Landscapes or their settings will be refused unless:

- a. the overall character and reasons for designation will not be compromised, or
- b. any significant adverse affects can be satisfactorily mitigated and are clearly outweighed by social, economic and strategic benefits.

The Council will consult with Historic Scotland and Scottish Natural Heritage on any proposal which may affect the sites in the Inventory of Gardens and Designed Landscapes.

### **JUSTIFICATION:**

An inventory of Gardens and Designed Landscapes in Scotland is compiled and maintained jointly by Historic Scotland and Scottish Natural Heritage. The aim of this policy is to protect Gardens and Designed Landscapes from development that would damage their special character.

Gardens and Designed Landscapes are integral parts of the Moray culture and heritage and are identified as meriting protection. There are seven sites currently recorded as being of national importance (Cullen House, Brodie Castle, Darnaway Castle, Gordon Castle, Gordonstoun, Innes House and Pluscarden Abbey).

### **CONFORMS TO:**

This policy conforms to S55 of the Memorandum of Guidance on Listed Buildings and Conservation Areas; NPPG18 Planning and the Historic Environment.

### **POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:**

Policy IMP1: Development Requirements; Inventory of Gardens and Designed Landscapes.

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## **POLICY BE5: PLUSCARDEN AREA OF SPECIAL CONTROL**

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No additional new housing development (including 'replacement') will be permitted within the Pluscarden Area of Special Control which has been identified around the Benedictine Abbey. This area has been designated in order to safeguard and protect the very special character and setting of the Abbey and its exceptional environment.

The area covered is shown on the Proposals Map, and alongside the Pluscarden Rural Community map.

### **JUSTIFICATION**

Pluscarden Abbey, the monastic buildings and precinct walls are Category A listed buildings. The Abbey is in active use and enjoys a peaceful and tranquil setting, appropriate to its use and purpose as a place of worship and sanctuary. Strict control over new development is required to safeguard the visual setting of the Abbey, and to retain the character and environment of the surrounding area.

### **CONFORMS TO**

Memorandum of Guidance on Listed Buildings and Conservation Areas; NPPG18 Planning and the Historic Environment.

### **POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE**

None.

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