



Moray Local Review Body

Thursday, 25 June 2020

NOTICE IS HEREBY GIVEN that a Meeting of the **Moray Local Review Body** is to be held at **Remote Locations via Video-Conference**, on **Thursday, 25 June 2020** at **14:00**.

BUSINESS

- 1 Sederunt**
- 2 Declaration of Group Decisions and Members Interests ***
Hearing
- 3 LR234 - Combined** **5 - 82**
Planning Application 19/01014/APP – Install new windows, internal alterations and laundry wing replacement at Archiestown Hotel, The Square, Archiestown, Aberlour, Moray, AB38 7QL

Moray Council Committee meetings are currently being held virtually due to Covid-19. If you wish to watch the webcast of the meeting please go to:
http://www.moray.gov.uk/moray_standard/page_43661.html
to watch the meeting live.

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

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

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

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

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

Clerk Name: Lissa Rowan
Clerk Telephone: 01343 563015
Clerk Email: lissa.rowan@moray.gov.uk

THE MORAY COUNCIL

Moray Local Review Body

SEDERUNT

Councillor Amy Taylor (Chair)
Councillor David Bremner (Depute Chair)
Councillor George Alexander (Member)
Councillor Gordon Cowie (Member)
Councillor Paula Coy (Member)
Councillor Donald Gatt (Member)
Councillor Ray McLean (Member)
Councillor Laura Powell (Member)
Councillor Derek Ross (Member)

Clerk Name: Lissa Rowan
Clerk Telephone: 01343 563015
Clerk Email: lissa.rowan@moray.gov.uk



MORAY LOCAL REVIEW BODY

25 JUNE 2020

SUMMARY OF INFORMATION FOR CASE No LR234

Planning Application 19/01014/APP - Install new windows, internal alterations and laundry wing replacement at Archiestown Hotel, The Square, Archiestown, Aberlour, Moray, AB38 7QL

Ward 1: Speyside Glenlivet

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 18 October 2019 on the grounds that:

The proposal is contrary to the provisions of the adopted Moray Local Development Plan 2015 (Policies BE3, H4 and 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 is unsympathetic and by being prominent would fail to preserve or enhance the conservation area.

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

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

At the meeting of the Moray Local Review Body (MLRB) on 27 February 2020, the MLRB unanimously agreed to defer Case LR234 to a Hearing where the Applicant will be allowed the opportunity to present his case and the Appointed Officer will be allowed the opportunity to comment on the new information contained within the Applicant's Notice of Review and expand on the reasons for refusal.

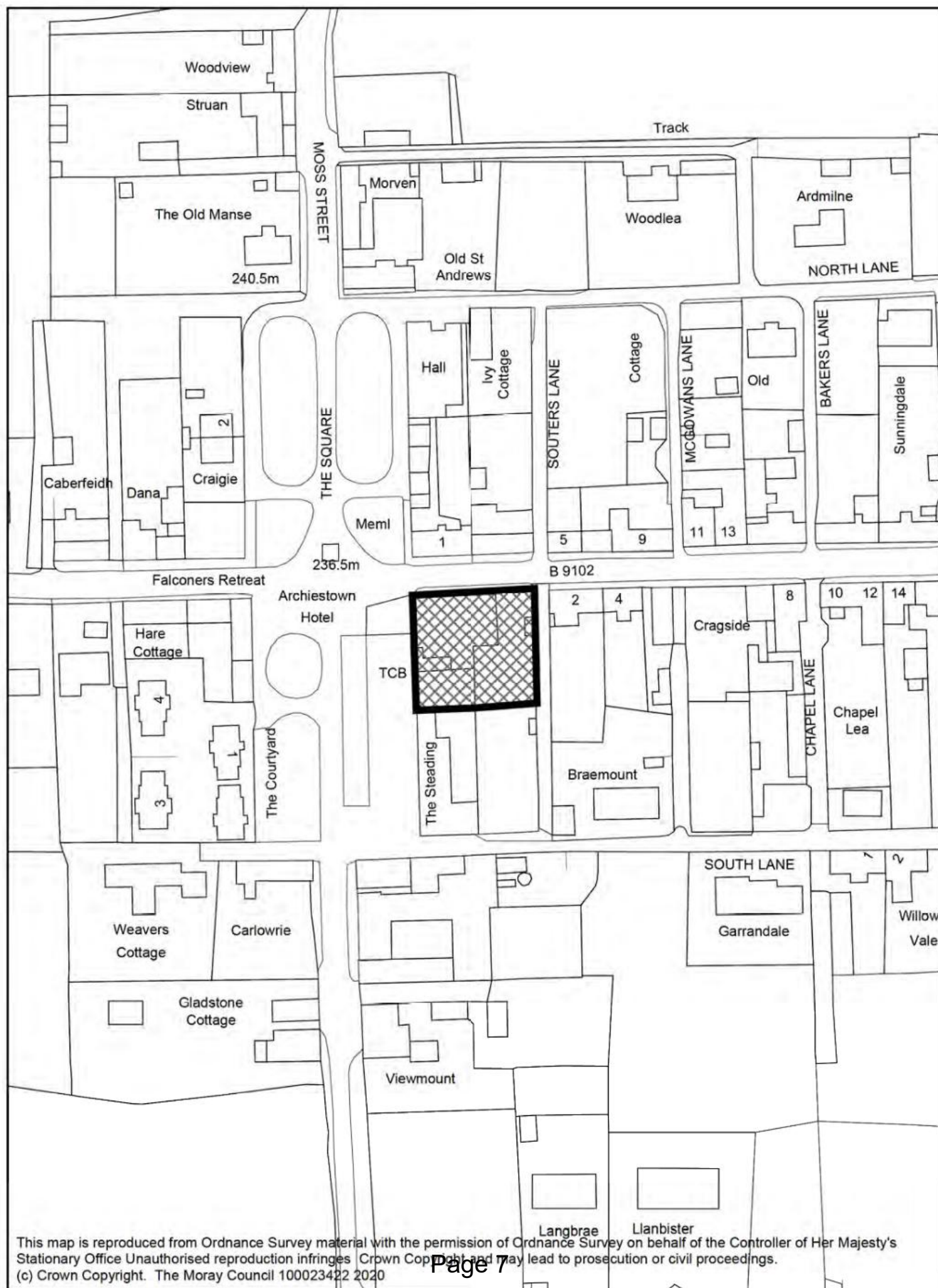
The Hearing procedure is attached as **Appendix 3**.

The Applicant's statement and associated documents are attached as **Appendix 4**.

The Appointed Officer's statement is attached as **Appendix 5**.



Location plan for Planning Application Reference Number : 19/01014/APP





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100167303-001

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)

New Windows, Internal Alterations and Laundry Wing Replacement

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

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

14/01/2019

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

A development enquiry application was submitted to council on 21st November 2018 and not responded to until 8th February 2019. Client was unaware that planning 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:	CM Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Craig	Building Name:	St Brendans
Last Name: *	Mackay	Building Number:	69
Telephone Number: *	01343540020	Address 1 (Street): *	South Guildry Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Elgin
Fax Number:		Country: *	United Kingdom
		Postcode: *	IV30 1QN
Email Address: *	office@cmdesign.biz		
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	The Dowans Hotel
First Name: *	M	Building Number:	
Last Name: *	Murray	Address 1 (Street): *	The Dowans Hotel
Company/Organisation	The Dowans Hotel	Address 2:	
Telephone Number: *		Town/City: *	Aberlour
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB38 9LS
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

ARCHIESTOWN HOTEL

Address 2:

THE SQUARE

Address 3:

ARCHIESTOWN

Address 4:

Address 5:

Town/City/Settlement:

ABERLOUR

Post Code:

AB38 7QL

Please identify/describe the location of the site or sites

Northing

844158

Easting

322985

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)

Response to Development Enquiry

Title:

Mr

Other title:

First Name:

Joe

Last Name:

Taylor

Correspondence Reference Number:

18/01489/ID/JT/FJA

Date (dd/mm/yyyy):

08/02/2019

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)

Replacement windows enforcement notice

Title:

Mr

Other title:

First Name:

Stuart

Last Name:

Dale

Correspondence Reference Number:

18/00307/ENF/SD/LMC

Date (dd/mm/yyyy):

04/04/2019

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:

850.00

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)

Hotel & Restaurant

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?

6

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)? *

6

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)

Please refer to plans

Residential Units Including Conversion

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

☐ Yes ☒ No

All Types of Non Housing Development – Proposed New Floorspace

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

☒ Yes ☐ No

All Types of Non Housing Development – Proposed New Floorspace Details

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

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

Class 7 Hotels and Hostels

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

850

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

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

Schedule 3 Development

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

☐ Yes ☒ No ☐ Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

Certificates and Notices

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

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

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

☒ Yes ☐ No

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

☐ Yes ☒ No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Craig Mackay

On behalf of: The Dowans Hotel

Date: 02/07/2019

☒ 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 Craig Mackay

Declaration Date: 15/08/2019

Payment Details

Online payment: 461949

Payment date: 15/08/2019 14:04:54

Created: 15/08/2019 14:04

DO NOT SCALE OFF DRAWINGS. ALL SIZES ARE TO BE CHECKED CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS/ORDERING OF MATERIALS. NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED CONTRACTORS RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED DRAWINGS
CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION

AMENDED PLANS



PHOTOS OF NEW WINDOWS

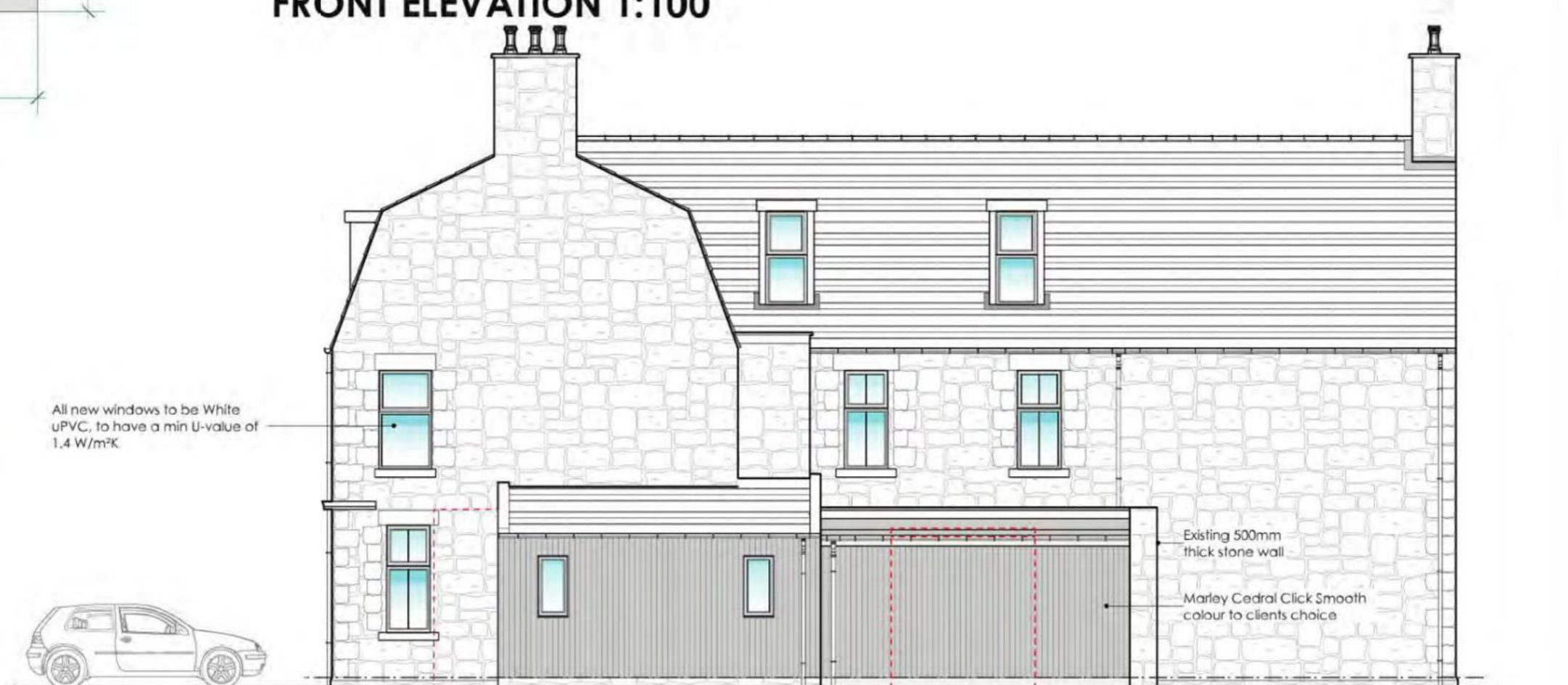
Door No	Door Width (mm)	Clear Width (mm)	Fire Rating	Fittings	Seals
D1	2475	1525	%	LOCK	W
D2	1000	980	FRC60	Peep	SAI
D3	915	895	FRC60	Peep	SAI
D4	838	785	%	%	%
D5	1030	975	%	%	%
D6	1995	1878	%	%	%
D7	838	785	FRC60	Peep	SAI
D8	762	710	%	%	%
D9	762	710	%	%	%
D10	2470	1565	%	%	%
D11	900	885	FRC60	Peep	SAI
D15	910	893	%	%	W
D17	838	785	FRC60	Peep	SAI
D18	919	869	%	%	W
D19	1580	1465	%	%	%
D20	2475	1446	FRC60	Peep	SAI
D21	1000	974	FRC60	Peep	SAI
D22	945	938	FRC60	%	SAI
D23	838	785	FRC60	Peep	SAI

KEY
% Not applicable
FRC60 - 60min fire rating door with intumescent fire door closer, all items to door and to be min 40mm fire rated (panels, closer etc)
LWK - Lock, no key, thumbturn release room side
LOCK - Key lock
Peep - Glazed peep in door leaf. Door to have two areas of arm clear glazing between 450mm & 900mm above floor level & between 1.1m & 1.5m above floor level
PB - Full width push bar on inside of door
W - Draught & weather seals
SAI - Smoke & intumescent seals fitted to door frame, intumescent draught strip fitted to bottom of door

SIDE ELEVATION 1:100



FRONT ELEVATION 1:100

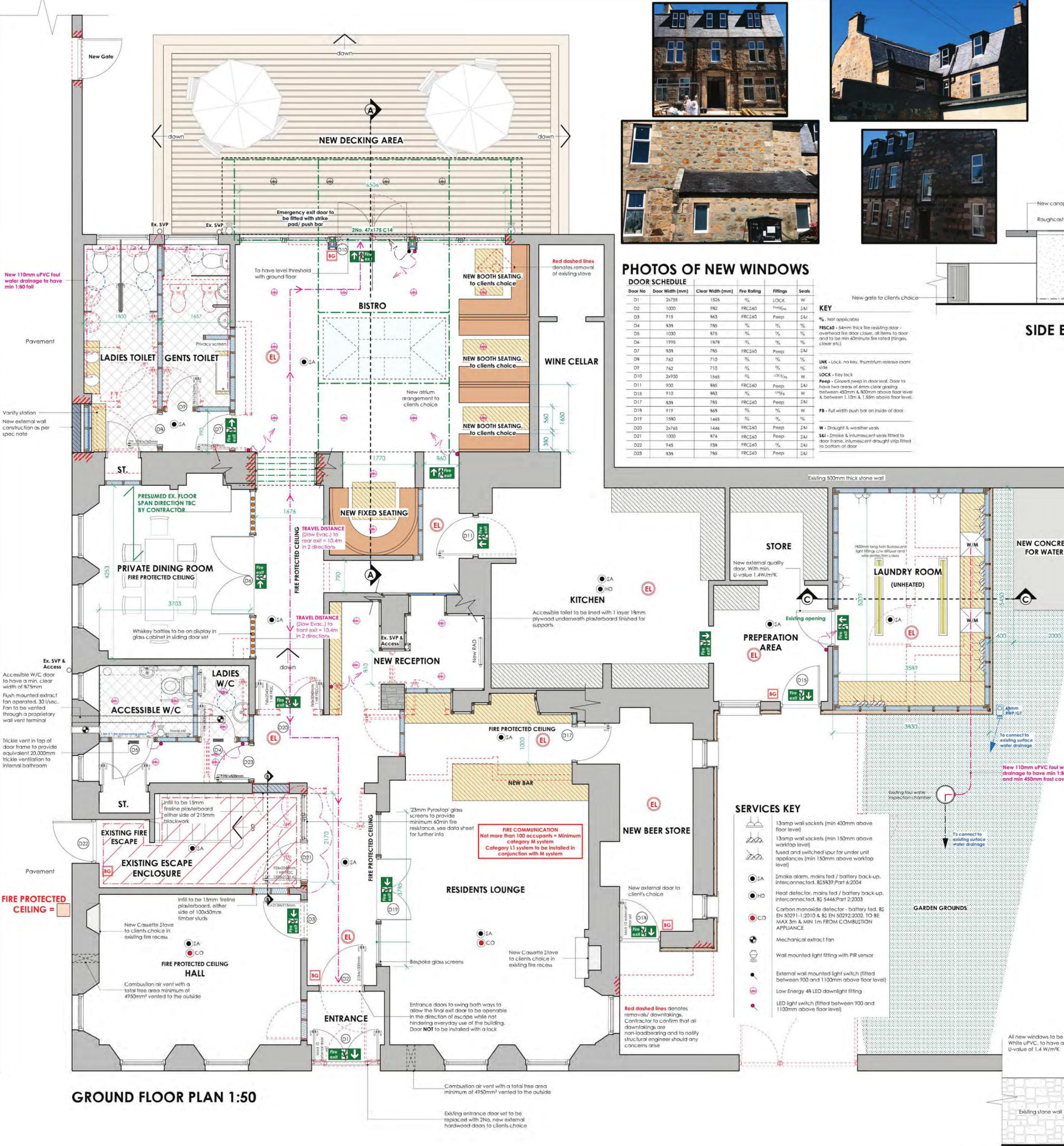


REAR ELEVATION 1:100



SIDE ELEVATION 1:100

GROUND FLOOR PLAN 1:50



- SERVICES KEY**
- 13amp wall sockets (min 400mm above floor level)
 - 13amp wall sockets (min 150mm above worktop level)
 - fused and switched spur for under unit appliances (min 150mm above worktop level)
 - Smoke alarm, mains fed / battery back-up, interconnected, BS5839 Part 6:2004
 - Heat detector, mains fed / battery back-up, interconnected, BS 5446 Part 2:2003
 - Carbon monoxide detector - battery fed, BS EN 50291-1:2010 & BS EN 50292:2002, TO BE MAX 3m & MIN 1m FROM COMBUSTION APPLIANCE
 - Mechanical extract fan
 - Wall mounted light fitting with PIR sensor
 - External wall mounted light switch (fitted between 900 and 1100mm above floor level)
 - Low Energy 48 LED downlight fitting
 - LED light switch (fitted between 900 and 1100mm above floor level)

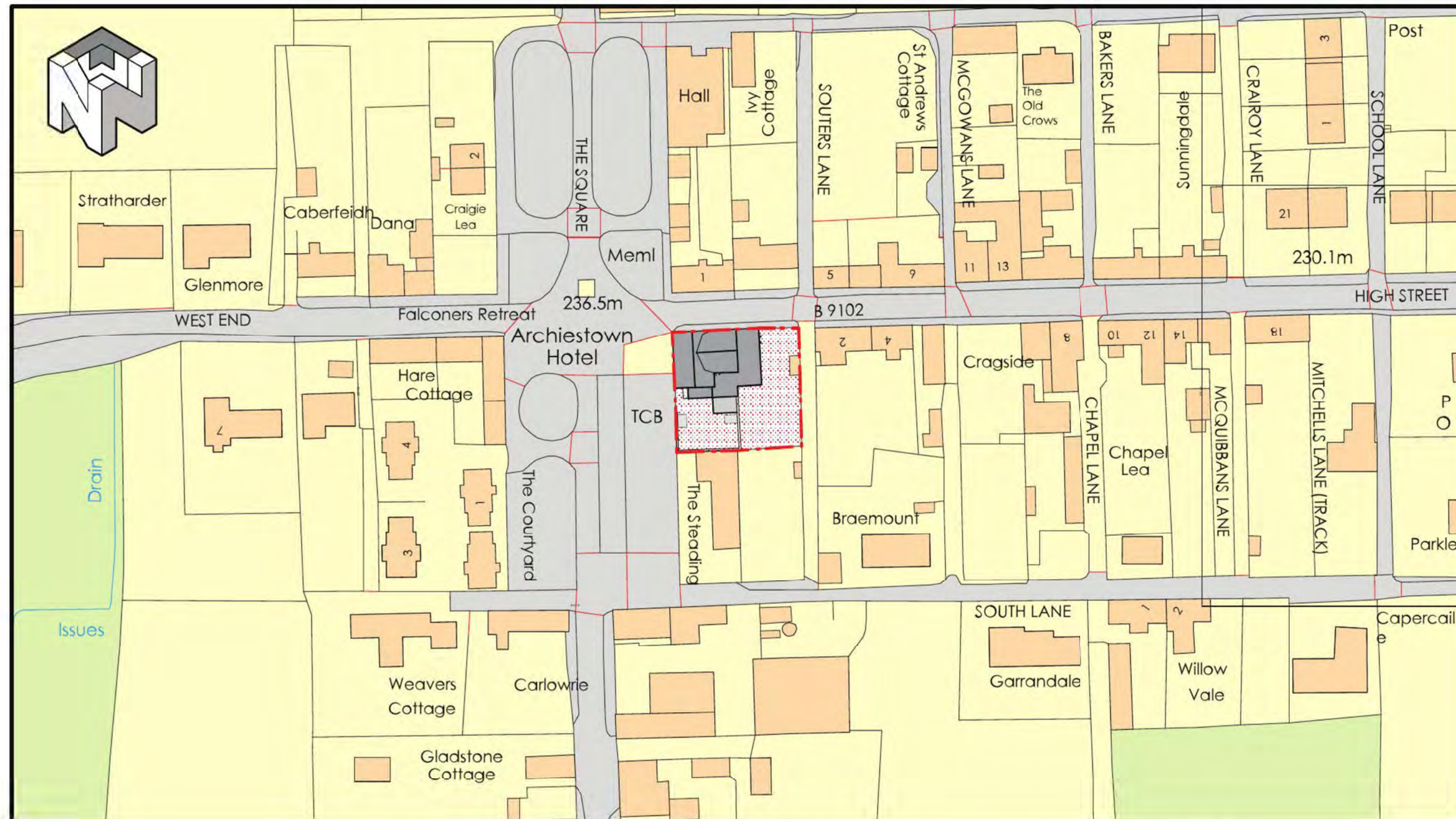
cmdesign
architectural consultants

HEAD OFFICE - MORAY
58 Brendans, 69 South Gully Street, Elgin,
IV30 1QN
101343 540020
HIGHLANDS
4 Bridge Street, Nairn, Highlands, IV12 4EJ
101667 300230
m 0781 3872818 w cmdesign.biz e office@cmdesign.biz

LOSSIEMOUTH OFFICE
Ellet, James Street, Moray,
IV30 6BX
101343 810175
DEVON OFFICE
101392 345566

Mr. & Mrs. Murray
Proposed refurbishment at Archiestown Hotel, The Square, Moray
Detailed Proposals
Ground Floor Plan & Elevations
Date: 10.06.19 Amendments: 28.06.19 Engineer Overmarks 28.06.19 Replacement Windows 06.07.19 Cladding amendment
Drawn By: Dom Mella Date: 25.10.19 Checked By: Date:
180081.MURRAY.05BW J

AMENDED PLANS



Ordnance Survey, (c) Crown Copyright 2018. All rights reserved. Licence number 100022432

LOCATION PLAN 1:1000

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

REFUSED

18 October 2019

Development Management
Environmental Services
The Moray Council

cmdesign
architectural consultants

HEAD OFFICE - MORAY
St Brendans, 69 South Guildry Street, Elgin,
IV30 1QN
t 01343 540020

HIGHLANDS
4 Bridge Street, Nairn, Highlands, IV12 4EJ
t 01667 300230
m 0781 3872818 w cmdesign.biz e office@cmdesign.biz

LOSSIEMOUTH OFFICE
Ellel, James Street, Moray,
IV30 6BX
t 01343 810175

DEVON OFFICE
t 01392 345566

Mr. & Mrs. Murray

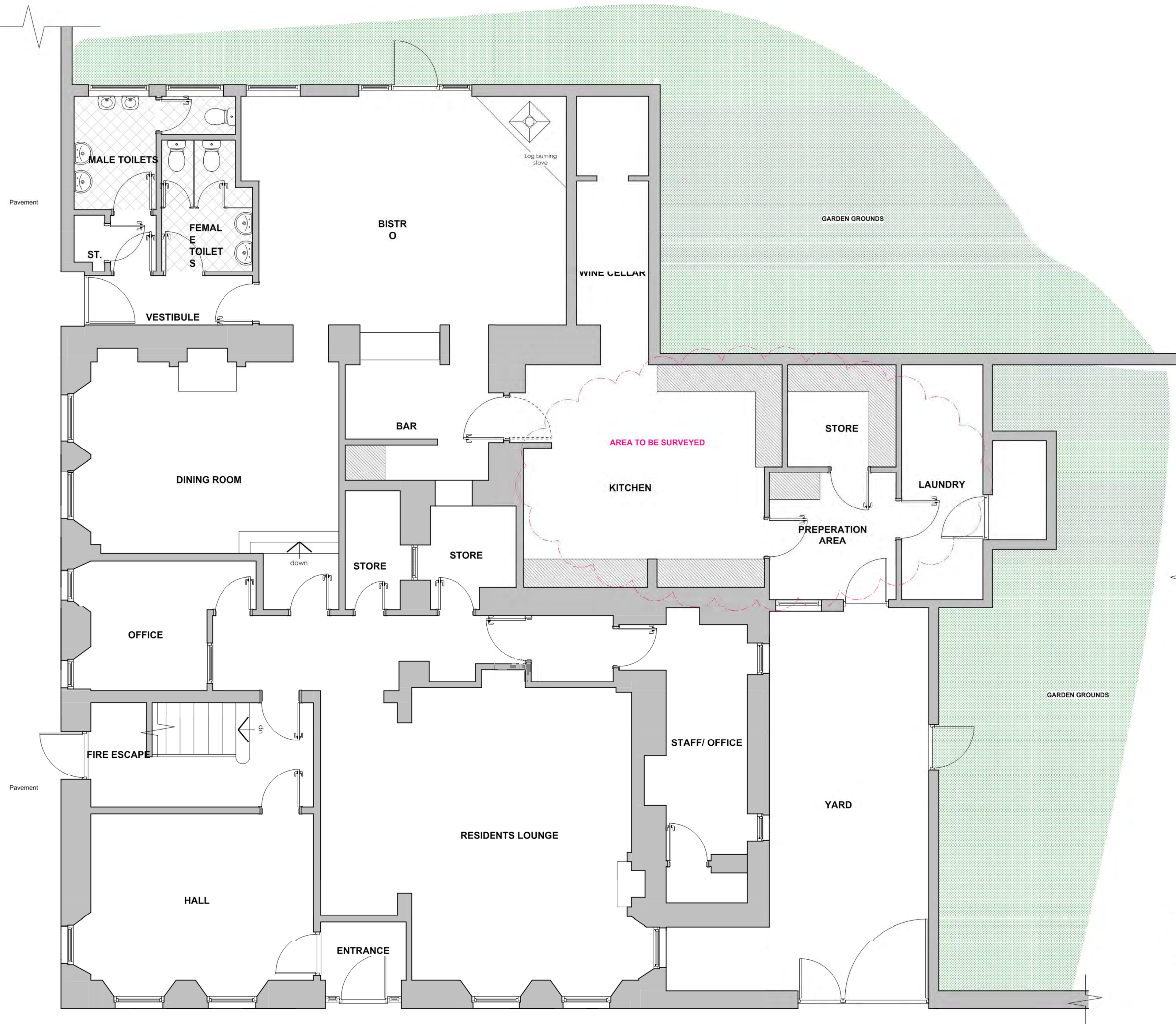
Proposed development at Archiestown Hotel, Moray

Survey Drawing
Location Plan

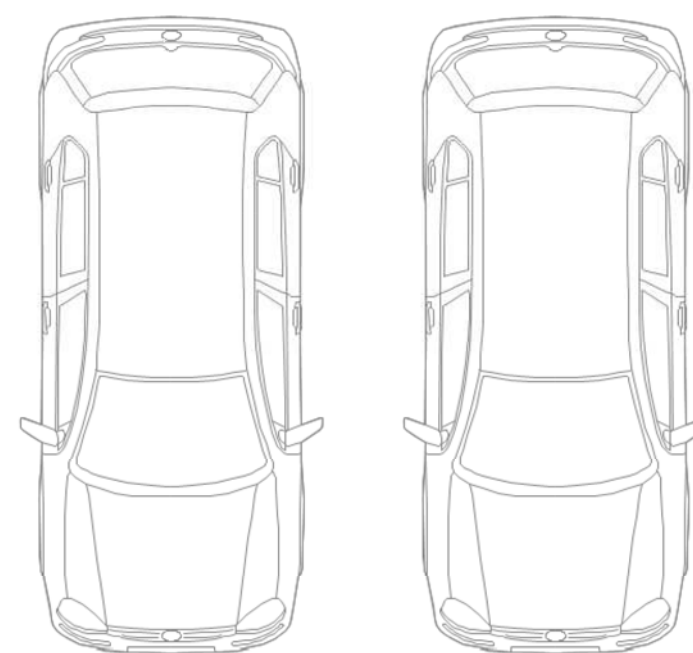
Date:	Amendments:	Rev:
06.09.19	General Amendments	A

Drawn By:	Date:	Checked By:	Date:
Dom Melia	06.09.19		

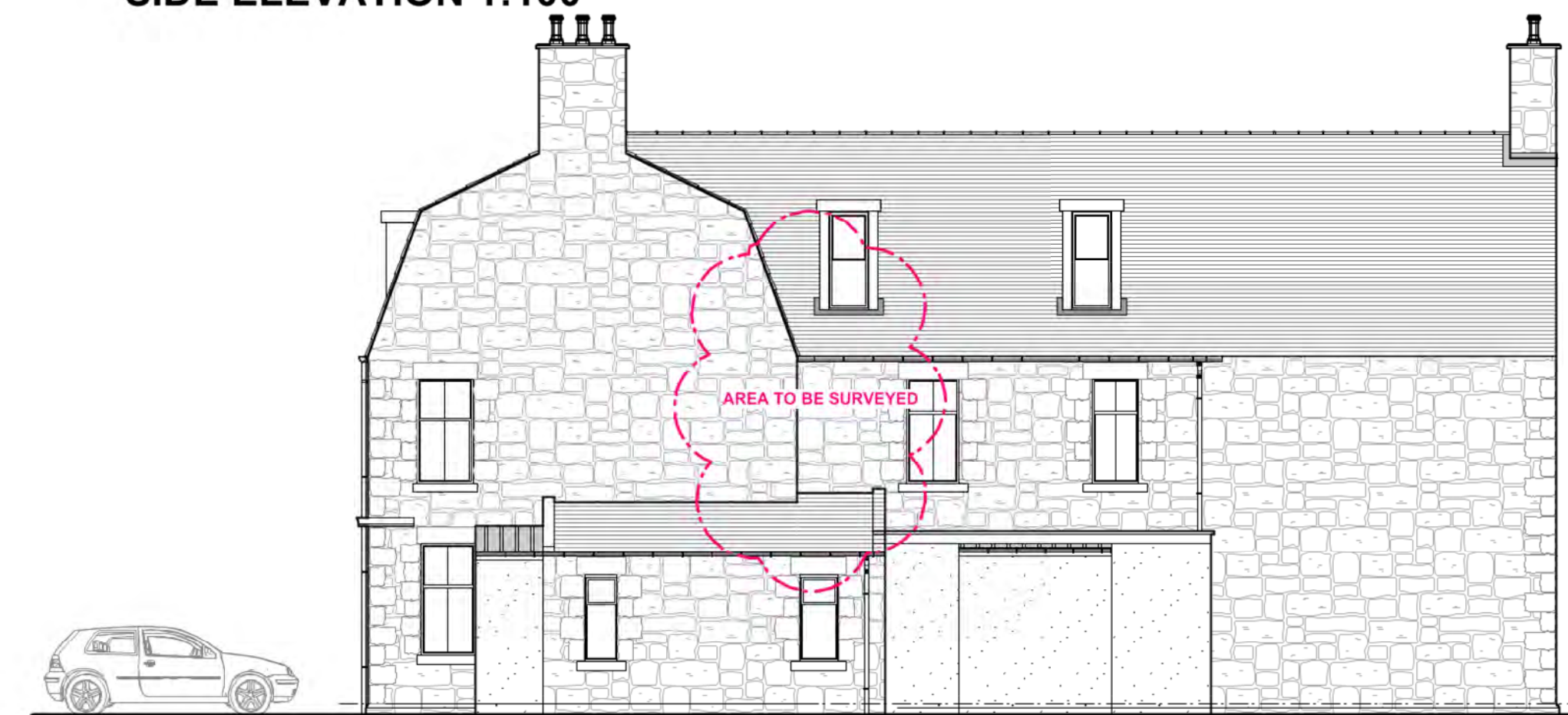
180081.MURRAY.02SV A



GROUND FLOOR PLAN 1:50



SIDE ELEVATION 1:100



REAR ELEVATION 1:100



SIDE ELEVATION 1:100



HEAD OFFICE - MORAY
31 Brendans, 69 South Gully Street, Elgin,
IV30 1GN
101343 540020
HIGHLANDS
4 Bridge Street, Nairn, Highlands, IV12 4EJ
101667 300230
m 0781 3872818 w cmdesign.biz e office@cmdesign.biz

LOSSIEMOUTH OFFICE
Ellet, James Street, Moray,
IV30 6BX
101343 810175
DEVON OFFICE
101392 345566

Mr. & Mrs. Murray

Proposed development at Archiestown Hotel, Moray

Survey Drawing
Ground Floor Plan & Elevations

Date: Amendments: Rev:

Drawn By: Dom Mella Date: 8.10.18 Checked By: Date:

180081.MURRAY.01SV

Consultee Comments for Planning Application 19/01014/APP

Application Summary

Application Number: 19/01014/APP

Address: Archiestown Hotel The Square Archiestown Aberlour Moray AB38 7QL

Proposal: Install new windows internal alterations and laundry wing replacement at

Case Officer: Craig Wilson

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

Adrian Muscutt

Consultee Comments for Planning Application 19/01014/APP

Application Summary

Application Number: 19/01014/APP

Address: Archiestown Hotel The Square Archiestown Aberlour Moray AB38 7QL

Proposal: Install new windows internal alterations and laundry wing replacement at

Case Officer: Craig Wilson

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 - Allan Park

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	11th September 2019
Planning Authority Reference	19/01014/APP
Nature of Proposal (Description)	Install new windows internal alterations and laundry wing replacement at
Site	Archiestown Hotel The Square Archiestown Aberlour Moray AB38 7QL
Site Postcode	N/A
Site Gazetteer UPRN	000133034731
Proposal Location Easting	322985
Proposal Location Northing	844158
Area of application site (M²)	850
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PWBFIGBGG9I00
Previous Application	18/01489/ID 06/02824/FUL 01/00997/FUL
Date of Consultation	28th August 2019
Is this a re-consultation of an existing application?	No
Applicant Name	The Dowans Hotel
Applicant Organisation Name	
Applicant Address	The Dowans Hotel Aberlour Scotland AB38 9LS
Agent Name	C M Design
Agent Organisation Name	
Agent Address	St Brendans 69 South Guildry Street Elgin Moray IV30 1QN
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Craig Wilson
Case Officer Phone number	01343 563565

Case Officer email address	craig.wilson@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: 19/01014/APP

Install new windows internal alterations and laundry wing replacement at Archiestown Hotel The Square Archiestown Aberlour for The Dowans Hotel

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

Please

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

Note: This proposal is for alterations and laundry wing replacement, and includes the formation of a new gated pedestrian access onto the Public Road.

Condition(s)

1. The opening path of the new entrance gate shall be fully contained within the site and not encroach onto/over the public footway. No alterations to the level of the public footway would be permitted at this location.

Reason: To ensure acceptable development in the interests of road safety.

Further comment(s) to be passed to applicant

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

The developer should note that the area to the front of the Hotel (parking area adjacent to The Square) is private and is not adopted by the Roads Authority.

Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 56 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road. Advice on these matters can be obtained by emailing roadspermits@moray.gov.uk

A street lighting column (with signs attached) is located in close proximity to the proposed new gated entrance, and may require to be relocated. The developer should contact the Roads Authority Street Lighting Section at Ashgrove Depot, Elgin – Tel (01343) 557300,

Ext 7327 to discuss the proposals. If required, the street lighting column (and signs) shall be repositioned at the expense of the developer.

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

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

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

The applicant shall free and relieve the Roads Authority from any claims arising out of their operations on the road or extension to the road.

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

Date 04 September 2019

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

DRAINAGE STATEMENT

INSTALL NEW WINDOWS, INTERNAL ALTERATIONS & REPLACEMENT LAUNDRY ROOM AT
ARCHIESTOWN HOTEL, THE SQUARE, ABERLOUR, MORAY, AB38 7QL
Ref: 19/01014/APP

INTRODUCTION:

This Drainage Statement has been prepared by CM Design Architectural & Planning Consultants in response to a recent schedule received from the Moray Council Planning Department, who seek to steer development away from areas at risk of flooding and to ensure that any new development does not impact upon flooding issues in Moray.

Scottish Planning Policy (SPP) requires Planning Authorities to consider flood risk when an extension of a non-householder under 100m² is submitted for approval. This Drainage Statement confirms there to be no flood risk issues on the application site whatsoever.

SITE DESCRIPTION:

The proposed site is situated at **Archiestown Hotel, The Square, Aberlour, Moray, AB38 7QL**. The site equates to 886m².

The SEPA Flood Maps have been consulted which indicate that there is **no risk of flooding**.

The proposed development relates to the need for new windows, internal alterations & a replacement laundry room extension.

DRAINAGE DESIGN/SITE CONDITIONS:

There has been no excavations or percolation tests carried out on site as we propose to connect the foul & surface water drainage to the existing public water system.

The existing laundry room has an approx. roof area of 15m², the replacement extension has a proposed roof area of 21m². As this is a nominal increase in roof area, this merits connection to the same surface water arrangement as the previous laundry room.

Equally all foul water from the laundry room will be directed to existing infrastructure.

We trust this Drainage Statement alleviates any flooding concerns.

Sincerely yours,

DOMINIC MELIA

ARCHITECTURAL TECHNICIAN

DOMINIC@CMDESIGN.BIZ

Head Office - Moray

69 St Brendans
South Guildry Street
Elgin
Moray
IV30 1QN

t 01343 540020
e office@cmdesign.biz
w cmdesign.biz

Highland Office

4 Bridge Street
Nairn
Highlands
IV12 4EJ

t 01667 300230

Lossiemouth Office

Ellel, James Street
Lossiemouth
Moray
IV31 6BX

t 01343 612305

Devon Office

The Generator Quay House
The Gallery, Kings Wharf
Exeter
EX2 4AN

t 01392 345566

REPORT OF HANDLING

Ref No:	19/01014/APP	Officer:	Craig Wilson
Proposal Description/ Address	Install new windows internal alterations and laundry wing replacement at Archiestown Hotel The Square Archiestown Aberlour		
Date:	17.10.2019	Typist Initials:	LMC

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

CONSULTATIONS		
Consultee	Date Returned	Summary of Response
Environmental Health Manager	29/08/19	No objection or comment
Contaminated Land	29/08/19	No objection or comment
Transportation Manager	04/09/19	No objection subject to conditions on opening path of access gate and informative notes

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
PP3: Placemaking		
ED8: Tourism Facilities and Accommodatio		
BE2: Listed Buildings		
BE3: Conservation Areas		
EP9: Contaminated Land		
IMP1: Developer Requirements		
T2: Provision of Access		
T5: Parking Standards		
PP1 Placemaking		
EP8 Historic Environment		
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 of the Archiestown Hotel and to add laundry wing replacement.

Site

The Archiestown Hotel is a traditional Victorian stone and slate country house style building located within the village square. The square and surrounding area is also a designated Conservation Area.

Archiestown is a small rural farming village located above the Spey Valley 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 (BE3 & IMP1)**

The application will be assessed principally against policies IMP1 and BE3. Policies IMP1 requires 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.

Windows

As outlined, the previous timber windows have been removed and have been replaced with white uPVC windows. The windows (which were removed without consent) appear to have been original and were a very attractive architectural feature of the building and part of the historic evolution of the building. The modifications would therefore be seriously damaging to features of special architectural and historic interest which the building possesses. 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 Archiestown 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.

The vast majority of properties within Archiestown Conservation Area, in particular the square in which the hotel is located, still retain timber windows 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. Where building frontages 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.

Laundry room

The proposed alterations to the hotel also include the replacement of the existing laundry wing with new structure. The proposed scale, form and massing of the extension is not contested. Had approval been granted a condition would have been imposed that the cladding was timber and not concrete cladding in order to preserve and enhance the character of the conservation area.

Conclusion

The retention of timber sash and case windows replicating the historic style of windows is seen as a way of preserving both the historic appearance and fabric of the building and therefore its character. Modern day standards of insulation can be applied to historic buildings whilst minimising changes to its character and it is therefore vitally important to ensure that alterations to buildings are as historically accurate as possible. Furthermore, the replacement windows guidance is quite clear that the use of non-traditional materials such as UPVC on principal elevations will not be acceptable.

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. Application is recommended for refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description
18/01489/ID	Internal and external alterations at Archiestown Hotel The Square Archiestown Aberlour Moray

	Decision	Planning Permission Required	Date Of Decision	08/02/19
06/02824/FUL	Convert and extend outbuildings to form two dwellings at Archiestown Hotel The Square Archiestown Aberlour Moray			
	Decision	Permitted	Date Of Decision	28/02/07
01/00997/FUL	Minor internal alterations and extension to bistro and kitchen at Archiestown Hotel Archiestown Aberlour Banffshire AB38 7QX			
	Decision	Permitted	Date Of Decision	17/10/01
01/00691/FUL	Retrospective application to site a portacabin (placed there 1991) for residential staff accommodation for 7-8 months of year at Archiestown Hotel Archiestown Aberlour Banffshire AB38 7QX			
	Decision	Permitted	Date Of Decision	05/09/01
00/00717/FUL	Convert and change the use of garage block to letting rooms at Archiestown Hotel Archiestown Aberlour Banffshire AB38 7QX			
	Decision	Permitted	Date Of Decision	14/06/00
91/01328/FUL	Convert existing lock-up garages to hotel annex for paying guests at Archiestown Hotel Archiestown Aberlour Banffshire AB38 7QX			
	Decision	Permitted	Date Of Decision	10/02/92

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	Planning application affecting LB/CA	26/09/19
PINS	Planning application affecting LB/CA	26/09/19

DEVELOPER CONTRIBUTIONS (PGU)	
Status	N/A

DOCUMENTS, ASSESSMENTS etc. *		
* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc		
Supporting information submitted with application?		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)			

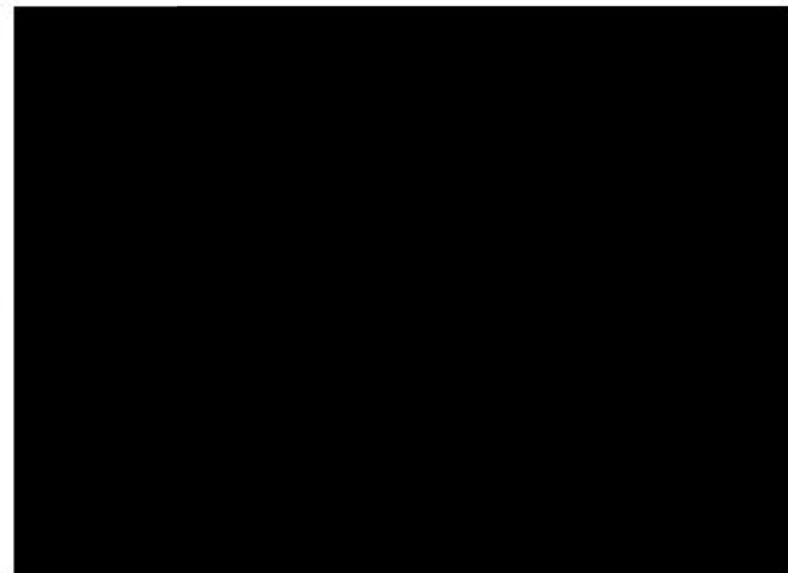


MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended

REFUSAL OF PLANNING PERMISSION

[Speyside Glenlivet]
Application for Planning Permission

TO

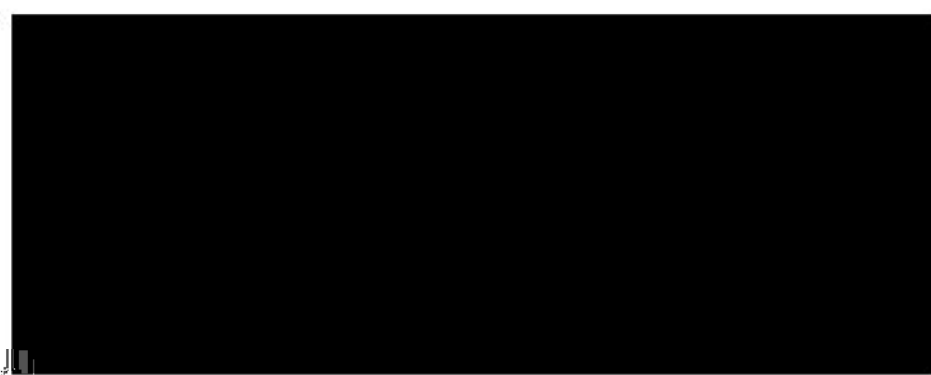


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Install new windows internal alterations and laundry wing replacement at
Archiestown Hotel The Square Archiestown Aberlour**

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

Date of Notice: **18 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 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
180081.MURRAY.05BW	J	Elevations and ground floor plan
180081.MURRAT.025V	A	Location plan

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

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

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase

notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS

NOTICE OF REVIEW

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

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

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

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr & Mrs	Ref No.	
Forename	Michael & Marie	Forename	
Surname	Murray	Surname	
Company Name	Shawfern Group Limited	Company Name	
Building No./Name	Dowans Hotel	Building No./Name	
Address Line 1	Dowans Road	Address Line 1	
Address Line 2		Address Line 2	
Town/City	Aberlour	Town/City	
Postcode	AB38 9LS	Postcode	
Telephone	01340871488	Telephone	
Mobile		Mobile	
Fax		Fax	
Email	enquiries@dowanshotel.com	Email	
3. Application Details			
Planning authority		Moray Council	
Planning authority's application reference number		19/01014/APP	
Site address			
Hotel 1881, Archiestown AB38 7QL			
Description of proposed development			
Renovation, under strict commercial budgetary limitations, of a significantly deteriorating hotel building with the objective of re-energising a rapidly failing business, in order to provide a social amenity on the side of the Speyside Valley that has absolutely no other alternative facility available to the community.			

Date of application

16/08/19

Date of decision (if any)

18/10/19

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

4. Nature of Application

Application for planning permission (including householder application)

☐

Application for planning permission in principle

☐

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)

☐

Application for approval of matters specified in conditions

☐

5. Reasons for seeking review

Refusal of application by appointed officer

☒

Failure by appointed officer to determine the application within the period allowed for determination of the application

☐

Conditions imposed on consent by appointed officer

☐

6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

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

Further written submissions

☒

One or more hearing sessions

☒

Site inspection

☒

Assessment of review documents only, with no further procedure

☐

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

In addition to our written submission below, we would strongly request that an on-site meeting between ourselves and the Local Review Committee is held.

7. Site inspection

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

Can the site be viewed entirely from public land?

☒

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

☐

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

I would very much appreciate meeting with the Local Review Committee in order to fully explain our position in detail whilst the site itself is still under construction and, hence, from a Health & Safety Perspective, we would request that an accompanied visit takes place.

8. Statement

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

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

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

Our Reasons for this appeal are included in the attached supporting document.

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

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

I have stated yes to the above questions as we strongly believe that the well established UPVC related planning precedents existing generally in Archiestown and specifically at Hotel 1881 (previously known as Archiestown Hotel) prior to our purchase of the hotel, aligned with the subsequent unchallenged acceptance of UPVC installations in other buildings in the village after our installation of the new windows, were not fully or fairly considered during the determination process of our application. In short, we strongly believe that we have been discriminated against in the assessment of our application when viewed in the context of the established UPVC planning related practices in Archiestown that have been, and continue to be, permitted/accepted by the Moray Council Planning Department.

Indeed, it was the existence of these precedents in the village that were a major and crucial contributory factor in our decision to purchase the hotel in the first place as our pre-acquisition assessment of the necessary spends on this major renovation project determined that the acquisition was only commercially viable with the inclusion of economically viable replacement windows.

9. List of Documents and Evidence

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

Detailed Explanation of Our Position

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

10. Checklist

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

Full completion of all parts of this form



Statement of your reasons for requesting a review



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



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

DECLARATION

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

Signature:



Name:

Michael S & Marie Murray

Date:

05.01.20

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

Planning Permission (19/01014/APP) Rejection Appeal

Hotel 1881, Archiestown

The following is being attached to our appeal request in respect of the rejection of our above referenced planning permission application.

Summary

We would argue, in the strongest terms possible, that there has been no actively managed or maintained conservation area in existence in the Archiestown village for many years and hence our submission should not have been measured by such standards. However, if the Authorities do argue that there is still an actively managed conservation area then we would then contend that the Planning Rules and Regulations have been, at best, applied in an inconsistent manner within the confines of the Archiestown village and, at worst and far more concerning, in a discriminatory manner towards our own application to replace windows at Hotel 1881 (previously known as the Archiestown Hotel). As we will demonstrate below the village, and hence the conservation area, of Archiestown has very many buildings with modern (UPVC etc) windows, doors and attic windows installed. No more than a quick five minutes inspection of the village will provide a confirmation of the accuracy of this statement. Most of these modern installations were in existence prior to our replacement of the windows in Hotel 1881, including in the Archiestown Hotel itself, though there are also examples of more recent installations that have been implemented subsequent to our window replacement programme. There is no justifiable reason or logic for this inconsistent application of Planning Rules and, hence, our simple request is for the Planning Department's decision to reject our application to be over-ruled and for our Planning Permission to be issued now.

Background

We acquired the Archiestown Hotel on the 17th September 2018. Having successfully revived the fortunes of the Dowans Hotel in Aberlour, we were on the lookout for another opportunity where we could reaffirm our commitment to the development of the Speyside area.

Our commitment to the area is, we would offer, readily demonstrated by our works at the Dowans where we have invested over £2m in the renovation of the building, using local contractors and locally sourced materials; we have contributed significantly to the Tourism growth experienced over the last 6 years in the area and increased local employment from the inherited three staff members on acquisition to the near forty headcount that we have today. Indeed, I (Michael Murray) also sit on the Spirit of Speyside Board which, as you may know, is a voluntary commitment to the economic development of the area whilst our youngest daughter (Lauren Murray) sits on the sub-board of the Festival with a focus on developing the opportunities within the Gin industry. Meanwhile, our eldest daughter (Stephanie Murray) sits on the T-Bid Board. However, whilst we are fully committed to the

Speyside area nevertheless our acquisition of the Archiestown Hotel was not a philanthropic one but rather was a totally commercially driven investment.

Our pre-acquisition assessment of the Archiestown Hotel was that it was a rapidly failing business whilst the fabric of the building would require significant upgrading in order to preserve and restore it and to, consequentially, provide the quality product that the increasingly discerning tourist expects today. Indeed, our pre-acquisition concerns about the buildings' fabric, and its significantly deteriorating state, have been far exceeded by the realities that we have experienced during the renovation project where many door and window lintels were totally rotted and no longer in existence and, hence, posing a real possibility of building collapse whilst the windows (combination of wooden and modern) were in a poorer state of repair than our initial assessment had indicated. These are merely two examples of the poor state that the building was in when we bought it.

At this point, we must strongly highlight that as a part of our pre-purchase decision making we sought professional advice which concluded that the UPVC precedents existing in both Archiestown and the Archiestown Hotel itself (and some of these modern windows in the hotel remain in existence today) indicated that the conservation area was no longer being actively managed by Moray Council and hence the installation of UPVC windows in Hotel 1881 would be accepted by The Planning Department in the same manner as the existing precedents in the village had been accepted previously.

It is acknowledged that Moray Council were not specifically asked to confirm their agreement to the window replacement at Hotel 1881 and nor were they involved directly in our purchase decision making. However, it remains a key point of contention, for further pursuit as necessary in the future, that the existence of the many unchallenged UPVC precedents existing in the Archiestown village prior to our acquisition meant, in effect, that Moray Council had given their tacit approval of them and hence it was a totally reasonable and supportable position for us to fully rely upon these Moray Council accepted precedents in our acquisition decision making process. So, perhaps there was no direct involvement by Moray Council but certainly it is very arguable, at the very least, that we had every right to rely legally, in our decision to purchase the Archiestown Hotel, upon the implicit guidance offered by the practices of Moray Council's Planning Authorities in their acceptance of these precedents.

As stated above, the acquisition of the Archiestown Hotel was purely a commercial decision. We have already invested £1m in this renovation project which simply cannot afford the significant additional cost that would be required to replace the windows that are now installed. The return period on the investment has already been significantly extended and we are not prepared to have it extended any further.

Hence if Planning Permission is not issued for the currently installed windows then we will be left with no option but to board the building up as, due to covenant requirements, we cannot open the facility without Planning Permission having been fully issued. Now, whilst this would mean for us a failed investment project it would be totally remiss of us to not also note here the other important consequences of such a position:

- There would be negative consequences for Local Tourism which the Visit Scotland Chairman and Moray Tourism Head will readily testify to their assessment of a multi-million pounds annual impact on Moray/Speyside from a permanent closure of Hotel 1881. This, they have already communicated to Moray Council, but these gentlemen stand prepared to restate this in the future to which ever forum, as necessary.

- There would be a negative impact on the local economy from the lost employment opportunity of a magnitude equivalent to the levels achieved at the Dowans.
- There would be the consequential prevention of the provision of a social amenity for the local community on that side of the valley which is totally bereft of such facilities currently.

Is our understanding wrong that amongst its various responsibilities, The Planning Department also has Economic Development as one of its key objectives?

Archiestown Conservation Area Contradictions & Precedents

Our Planning Permission submission to replace windows and install wood-effect concrete cladding to part of the side of the building was rejected by The Planning Department on the 18th October 2019. The full reasoning for the rejection can, of course, be provided by The Planning Department but, in essence, the arguments that they included in their refusal decision can be précised as being their evaluation that the works “would not preserve or enhance the character of the building or conservation area” and would “introduce a visually intrusive feature into the historic streetscape”.

We would address these points as follows:

- Fundamentally, there is more than ample evidence in support of our contention that there has been no active management or maintenance of the Archiestown conservation area by the Planning Authorities of Moray Council for many years and hence it was incorrect to assess our Planning Submission by such standards. We would argue that no active conservation area, or management therefore, would automatically mean that terms like “historic streetscape” and “conservation area” become irrelevant today when reviewing planning requests in respect of buildings within the Archiestown village.
- Equally, it is a factually correct statement to advise here that the currently existing building is not, in any relevant way, an historic representation of the “historic streetscape” either and hence that is a rather spurious argument that is being offered by the Planning Department. The Archiestown Hotel suffered from significant fire damage in the 1970s. Following the fire, the building was entirely remodelled with an additional floor added and a mansard style roof added. This remodelling substantially, if not completely, altered the style, shape and architecture of the building. A painting of the original, traditional Scottish styled building can be seen on the community notice board in front of the hotel. Hence, it appears to be being argued by Planning Department in their refusal of our Planning Permission application that it is crucial to the historic streetscape to preserve untouched a 1970s building of indifferent architectural value.
- The replacement windows chosen were the only economically viable option available to our commercially driven decision to purchase the Archiestown Hotel. If we had understood that there would actually be the requirement to replace rotten windows with like-for-like units then we would never have proceeded with the acquisition in the first place as such an additional cost would have made the entire project unviable from any logical business perspective.
- And for the avoidance of any doubt, the Archiestown Hotel had been up for sale for nearly 10 years prior to our acquisition of it so it should in no way be considered that if not us then there were a multitude of other investors out there ready to take on such a project. And if not us then the business and building would most likely have travelled further downhill resulting ultimately in the permanent loss of what is today a scarce resource in Speyside, namely hotel accommodation.
- The replica windows were designed to replicate those that were being replaced in terms of style and appearance. It is strongly argued that no lay person in passing would likely be able to

identify any major difference between the "two materials" and that they, therefore, do fully preserve the character of the building.

- Indeed, it is strongly further argued that, in fact, their installation has enhanced the character and appearance of the building by the mere fact that they have replaced considerably, and very obviously, rotted and broken units. The local community would readily testify to the enhanced appearance of the hotel following our works, if asked.
- Given that the "historic streetscape" was already abounding with UPVC windows, doors and attic window precedents in both the Square and the wider Archiestown village prior to our arrival, what is the real justification for The Planning Department to state that these windows installed by ourselves represent an intrusive feature in the "historic streetscape" whilst they are prepared to accept that the other many examples in existence within the village have not been deemed by them to be an intrusive feature within it?
- Indeed, the Archiestown Hotel had modern windows installed prior to our acquisition of it. Some of these UPVC windows remain installed today in the hotel and were shown to the Head of Moray Council Planning Department during a site visit.
- Indeed, if it is actually being argued that the Archiestown conservation area has continuously been actively managed then why have the multitude of UPVC installations in both Archiestown Village, and including the Hotel itself, that have been implemented over the preceding years, and indeed the more recent ones subsequent to our window installation, never been challenged and subjected to the issuance of enforcement notices by Moray Council?
- If our belief of no active conservation area management is wrong and the Archiestown conservation area has indeed been subject to continuous management then The Planning Department will readily be able to demonstrate the many enforcement notices that they have issued in the area for the "contrary to the rules" UPVC installations?
- In fact, if the conservation area has been actively managed and notices have not been issued then it confirms that The Planning Department have reviewed the situation(s) and deemed these UPVC installations to be acceptable and have effectively, therefore, issued tacit planning permission by default.
- If the counter argument, however, is then offered that no planning permissions have been issued, tacitly or otherwise, then The Planning Department are then acknowledging that they have been effectively accepting of and presiding over an increasingly illegal environment which is hardly a responsible position for an Authority to adopt, is it?
- Further, we have now been advised that whilst in the ownership of Moray Council the council houses in the village had UPVC replacement windows installed. Why was it acceptable for Moray Council to install UPVC windows in the conservation area but for our application to be rejected for using the same material?
- If this is an "historic streetscape" then it is one where the installation of a portacabin in it was the subject of a successful planning application. It is consequentially a reasonable interpretation from such a situation to infer that it is the belief of the Authorities that a portacabin "enhances or preserves" the historic streetscape whilst our replica windows are deemed to fail this test by them. What is the logic and reasoning behind this rather obvious contradictory and flawed decision making?
- We have also been advised that it is the local understanding that the Archiestown conservation area was originally established because of the grid pattern of the village as opposed to the actual buildings themselves. A request for clarification of this point was made to The Planning Department but they advised that they could find no documentation to support or contradict this local understanding.

- If the conservation area does indeed include the requirement for all buildings to be built with traditional materials then why were modern buildings with a dry pebble dash render, which cannot be classified as a traditional Scottish building material, ever permitted to be built within the Square and hence conservation area?
- As a part of our planning permission submission, we also sought authority to cover a portion of the side of the building with wood-effect concrete cladding (from a distance of a metre they are indistinguishable from painted wood) but this was refused as it was deemed that concrete was not a traditional building material. And yet a portion of this side of the building is currently covered by UPVC cladding. If the wood-effect concrete cladding continues to be assessed as an unacceptable material, then perhaps the preference would be to leave untouched the current UPVC clad section and for us to use this precedent and extend its use to cover the other adjoining sections?
- In fact, it was also pointed out by us that the other side of the hotel from where we wish to install the wood-effect concrete cladding is presently covered in concrete rough casting and hence, again, concrete has been an accepted wall covering on the building long before ourselves owning it. Indeed, there are other buildings with rough cast covering within the village. So why this inconsistency in the application of the Planning Rules and Regulations concerning concrete/traditional materials by the Authorities been implemented?
- As part of our discussions with them, we sought a clear definition from The Planning Department of what the term "historic streetscape" actually meant but they were not in a position to answer the question. So, we would again ask formally here, if our Planning Permission remains rejected and the term remains relevant, then what does "historic streetscape" mean? Does it refer to the period when the Hotel was first built back in 1881? Or does it refer to the period when the hotel was fully re-modelled in the 1970s? Or does it refer to when a portacabin was installed on the "streetscape"? Or was it when UPVC windows were installed in various properties in the village including those owned at the time by Moray Council? Or does it refer to the period when UPVC cladding and windows and concrete roughcasting were installed on Hotel Archiestown? Or when modern buildings were newly built into the "streetscape"? The relevancy of the question is that if we are being required to "preserve the character of the historic streetscape" then somebody should surely be able to define what it is to us and explain clearly why our UPVC window installation and wood-effect cladding are not preserving or enhancing the current "historic streetscape"?
- In fact, whatever the definition of "historic streetscape" that is ultimately offered it simply has to be acknowledged, we would argue, that today the "historic streetscape" includes accepted UPVC installations and hence our windows should indeed be assessed as "preserving the historic streetscape" by the mere fact that they are matching what exists in it today rather than the interpretation that been placed upon them by The Planning Department of not "preserving the historic streetscape". If our logic is not agreed then I would ask for a very clear explanation, including directly comparison to the actual situation in existence in the village today, to be given of the reasoning used by The Planning Department in their decision.
- Can Moray Council also confirm that if our planning permission, as submitted, is to continue to be ultimately rejected that all current UPVC installations in the village will then be subjected immediately to the same condition and, therefore, be issued with early enforcement notices for them to be replaced so that the stated objective of "preserving and enhancing the character of the conservation area and historic streetscape", as offered by The Planning Department as the reason to reject our submission, will then be consistently applied to all?
- Will Moray Council further confirm that any future new building developments in the Archiestown area, including any current proposals that may be in a development stage, will also

have the same requirements placed upon them where no use of UPVC in the build and only totally traditional materials for wall coverings will be accepted?

- Given this deeply frustrating situation that we find ourselves in, we have to ask who in the Moray Authorities takes responsibility for the promotion and support of economic growth in the region and offers an understanding of the larger global picture rather than simply supporting the blind application of regulations when said regulations have clearly been demonstrated to be no longer relevant or applicable?

Planning Permission (19/01014/APP) Rejection Appeal

Hotel 1881, Archiestown

1: Examples of Other Properties in Archiestown Village/Conservation Area with UPVC Installations



An example of a property (located in the square) with UPVC windows



Another example of a property (located next door to hotel) with UPVC Upper Windows



A row of properties (located on main road opposite hotel) with UPVC installations



Another example of a property (located on main road) with new UPVC windows and door



Another example of a property (located in the Square) with UPVC Windows



Another example of a property (located on the main road) with UPVC windows and door



Another example of a property (located on main road) with UPVC windows and extension



A final example of a property (located on main road directly opposite hotel) with UPVC installations



Example of a UPVC window in Hotel 1881 installed prior to current ownership

2: Portacabin with Planning Permission Located on “Historic Streetscape”



This portacabin (located next to hotel) was granted Planning Permission and therefore must pass the “enhancement of historic streetscape” test and yet, as below, the upgraded façade of the hotel through the necessary windows replacement has been deemed to fail the test.

3: Hotel 1881 – Comparison of Pre- and Post- Window Replacement



Hotel 1881 **Before** Window Replacement



Hotel 1881 **After** Window Replacement

Please note that the replacement windows were selected to match those that they were replacing in both style and shape and are very traditional styled to also match the property itself. It should also be noted that the replacement windows significantly enhance the building’s ability to meet the Global Climate Emergency objectives.



APPENDIX 3

Hearing Procedure



Local Review Body

Hearing Session Meeting Procedure

- (i) The Applicant will speak first, addressing the specified matter(s) identified by the MLRB (5 minutes per specified matter).
- (ii) Members of the MLRB will then have the opportunity to question the Applicant in order to clarify points raised.
- (iii) Those Interested Parties who have made representations in relation to the specified matter(s) will then be given the opportunity to address the specified matter(s) (5 minutes per specified matter).
- (iv) Members of the MLRB will have the opportunity to question each speaker, in turn, in order to clarify points raised.
- (v) Any other body or person invited by the MLRB will then be given the opportunity to address the specified matter(s) (5 minutes per specified matter).
- (vi) Members of the MLRB will have the opportunity to question each speaker, in turn, in order to clarify points raised.
- (vii) All parties, concluding with the Applicant, will then be given the opportunity to summarise their respective cases in light of the submissions to the Local Review Body (maximum of 3 minutes each).
- (viii) The Clerk, Legal and Planning Advisers will then be afforded the opportunity to make any additional comments and/or points of clarification in light of the submissions.
- (ix) The MLRB will consider and, if so disposed, determine the Review.



APPENDIX 4

Hearing Statement

Applicant

Planning Permission (19/01014/APP) Rejection Appeal

Hotel 1881, Archiestown

Statement to Moray Local Review Board – 07.04.20

The following is a summary of the detailed arguments and issues raised in our submission (specifically Appendices 1 & 1A) to the MLRB meeting of the 27th of February in respect of our appeal to the above referenced planning permission rejection. Our said submission was presented in written form supported by pictorial evidence of our statements.

Our case, we would contend, is supported by logical arguments and these will be detailed below but in the simplest of terms possible our request today can be summarised as being no more than a respectful plea for you to apply the basic principles of natural justice and fairness in arriving at your decision on our appeal.

As further explained below, it is important to stress in very clear terms at this juncture that without the planning permission being granted, we will be left with absolutely no option, due to covenant requirements, but to have the premises remain closed on a permanent basis. We fully appreciate that this may be interpreted as no more than some form of negotiating tactic but we can only honestly state that this is not our intention at all but rather we fervently and truly hope that you will base your decision on the “bigger picture” having taken full consideration of all factors as opposed to solely basing it with reference to planning regulations which we believe we will demonstrate, anyway, were inappropriately applied given the context of the existing precedents in Archiestown.

The details of our appeal to have the Planning Department’s rejection of our planning application overturned by yourselves can be broken down into four sections:

1. Planning Regulations Applicability, Precedents in the Archiestown Village and Fairness
2. Economic Development Opportunities (or Lost Opportunities)
3. Commercial Development and Viability
4. Global Climate Crisis Necessities

1. Planning Regulations Applicability, Precedents in the Archiestown Village and Fairness

We acknowledge here that the Archiestown village has been designated a Conservation area and would understand that Planning Department have assessed our planning submission in the context of an “historic streetscape” and “conservation area”.

Leaving aside our significant issues and concerns (please see Appendix 1 of our submission to the February MLRB) around the apparent inability of Planning Department to be able to provide any meaningful, clear definition of which “historic streetscape” they are referring to, despite this being the measure by which our project was seemingly being assessed, we clearly demonstrated in our February MLRB submission that there is an overwhelming body of evidence of prior existing UPVC installation precedents within the said “historic streetscape” of Archiestown that would strongly indicate that the conservation area has not been actively managed for many years. In our planning of the necessary replacement of the windows of Hotel 1881 (previously known as Archiestown Hotel), we believed that it was an entirely reasonable premise for us to expect that the replacement windows would be accepted by Planning in the same manner as the existing precedents have been permitted to exist without challenge throughout Archiestown. Indeed, we would further contend

that Planning Department's inherent acceptance, either directly or tacitly, of these various precedents and then proceeding to assess our own planning application according to the "regulations" in isolation was neither proportionate nor reasonable.

Nevertheless, if it is being argued here that there is still an actively managed conservation area then we would further contend that the Planning Rules and Regulations have been, at best, applied in an inconsistent manner within the confines of the Archiestown village and, at worst and far more concerning, in a discriminatory manner towards our own application to replace windows at Hotel 1881. Indeed, the motivation for Planning Department's decision on our case has been called into further question when considered in the context of a new UPVC installation in the village, commenced subsequent to our own installation, that has been permitted to be completed without any apparent challenge to it being issued.

And, finally, if it is ultimately decided by yourselves to uphold Planning Department's decision then surely it cannot be considered as anything other than reasonable for us to then expect that the principles of fairness will be applied and that in making your decision you will, at the same time, issue clear instructions to Planning Department to proceed to issue enforcement notices to all the other building owners within Archiestown to remove their UPVC installations.

2. Economic and Social Development Opportunities

We would understand that economic development is, naturally, an important objective for Moray Council and there are various important economic development opportunities that would be lost to the Speyside area if Hotel 1881 did not re-open that we wish to highlight here:

- There would be a meaningfully negative consequence for Local Tourism. We have included in our submission to this MLRB a letter of support from the Chief Executive Officer of Visit Moray Speyside, Laurie Piper. The sentiments of his letter have equally been communicated by Visit Scotland Chairman, Lord Thurso, to Moray Council of the multi-million pounds loss to the Moray economy through the permanent closure of Hotel 1881.
- There would be equally a negative impact on the local economy from the lost employment opportunity of a magnitude equivalent to the levels achieved at the Dowans, where we have created near 40 jobs during our ownership of it.
- There would be the consequential prevention of the provision of a social amenity for the local community on that side of the valley which is totally bereft of alternative facilities of such a nature currently.

At this juncture, it is important to stress that the above opportunities would be permanently lost to the area if the requested planning permission is not granted as we are required to meet bank covenants that require full planning permission to be in place before we can open the hotel again. And as explained in the next commercial development section, the considerable cost of having to replace the current windows would take the project into a commercially unviable position that we would most certainly not be prepared to consider.

3. Commercial Development and Viability

Our Appendix 1 submission to the February MLRB more fully explains the background to our purchase of Hotel 1881 but the highlights are as follows:

- We acquired the Archiestown Hotel on the 17th September 2018. Having successfully revived the fortunes of the Dowans Hotel in Aberlour, we were on the lookout for another opportunity where we could reaffirm our commitment to the development of the Speyside

area. Our commitment to the area is, we would offer, readily demonstrated and is fully expanded upon in our Appendix 1 submission.

- Our pre-acquisition assessment of the Archiestown Hotel was that it was a rapidly failing business whilst the fabric of the building would require significant upgrading in order to preserve and restore it. As it turned out the building was in a poorer state than initially assessed and without our investment would undoubtedly have deteriorated further resulting in a real health and safety issue.
- The acquisition of the Archiestown Hotel was purely a commercial decision and the replacement windows chosen were the only economically viable option available. The windows chosen were designed to exactly replicate the style and look of those that were being replaced (please see the comparative picture included in Appendix 1A).
- If we had understood, and we would argue that the precedents would not lead reasonably to that conclusion, that there would actually be the requirement to replace rotten windows with like-for-like units then we would never have proceeded with the acquisition in the first place as such an additional cost would have made the entire project unviable from any logical business perspective.
- We have already invested £1m in this renovation project which simply cannot afford the significant additional cost that would be required to replace the windows that are now installed. The return period on the investment has already been significantly extended and we are not prepared to have it extended any further.
- Hence, even if the bank covenants were not in place our own business experience would not permit us to proceed with the project and yes it would be a costly learning for ourselves, as a result.
- And for the avoidance of any doubt, the Archiestown Hotel had been up for sale for nearly 10 years prior to our acquisition of it so it should in no way be considered that if not us then there were a multitude of other investors out there ready to take on such a project.
- And as appellants we would respectfully ask you to consider what, in a binary decision scenario, is more important to Moray Council: blind conformity to planning regulations with the potential of an increasing number of crumbling commercial buildings (and in this case there is ample evidence to reasonably accept that this would have been the case here) or a more pragmatic and flexible approach to commercial reality and necessity allowing for very necessary economic development opportunities to be encouraged?

4. Global Climate Crisis

The replacement windows are, without doubt, helping the building to achieve the very necessary goals of the global climate crisis in the most economically viable manner possible. The stark difference in sound and heat proofing being achieved by the replacement windows at Hotel 1881 is truly impressive. The Scottish Government have set clear targets for the country in respect of this major issue and presumably all authorities will need to set about, sooner rather than later, to ensure that all their policies are fully aligned to this new global imperative. We do not presume here to advise Moray Council on this matter but in this particular case we can state categorically that the Archiestown Hotel would, undoubtedly, have been left with the old rotten windows and would never have achieved this key goal as, truly, a like-for-like replacement project was not a commercially viable option. Can this truly be an accepted or intended consequence of a strict adherence to the current planning rules?

Thank you for your time to hear our appeal.

Michael Murray
Shawfern Limited
Dowans Hotel
Dowans Road
Aberlour
AB38 9LS

Dear Michael,

Archiestown 1881 Hotel

I write to offer Visit Moray Speyside's strong support in relation to your project to redevelop and open the Archiestown 1882 Hotel. Visit Moray Speyside is the Tourism Business Improvement District for Moray, we represent the interests of 400 levy paying businesses and are focused on supporting our tourism and visitor economy to grow and strengthen.

Tourism is one of Moray Speyside's key industries. The last few years have seen strong growth in our local tourism industry - visitors generated almost £130m income in 2019, tourism employs more than 3,000 full-time equivalent posts and sustains the livelihoods of countless families, communities and businesses throughout the region.

The news of Shawfern's acquisition of and plans for the Archiestown Hotel was a significant boost to the local tourism economy. It is therefore deeply troubling that many months later, the hotel remains closed to both visitors, and crucially, also to local residents and the community.

The fact that you have no firm indication of when, or if the hotel will open and this means that Visit Moray Speyside is unable to market the property to our travel trade contacts for this or future years.

Even working on extremely conservative calculations regarding occupancy and room yield the loss of revenue to this point is in the order of £750,000. A closed hotel employs no staff and so our local economy is further restricted – taken together, I would judge that the financial impact of continued closure is in excess of £1,000,000 per annum.

Moray needs new hotel developments and new bed stock. It needs ambitious, successful companies and individuals who are committed to our region to make this happen.

I reiterate that Visit Moray Speyside are fully in favour of the proposed development at Hotel 1881 and hope to be able to work with you in the years to come.

Please do not hesitate to get in touch with me if I can offer any further support.

Yours Sincerely,



Laurie Piper
Chief Executive Officer



APPENDIX 5

Hearing Statement

Appointed Officer



ECONOMY, ENVIRONMENT AND FINANCE

Beverly Smith
Development Management & Building Standards Manager
Moray Council
Po Box 6760 Elgin Moray IV30 1BX
Telephone: 01343 563276 Fax: 01343 563990

Lissa Rowan
Committee Services Officer
Moray Council
Po Box 6760
Elgin
Moray
IV30 1BX

E-mail: beverly.smith@moray.gov.uk
Website: www.moray.gov.uk

Your reference:
Our reference: 19/01014/APP/BS/LMC

Emailed to:
Lissa.rowan@moray.gov.uk

2 April 2020

Dear Madam

Re: Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 ("the Regulations")

Notice of Review: Planning Application 19/01014/APP – Install new windows, internal alterations and laundry wing replacement at Archiestown Hotel, The Square, Archiestown, Aberlour, Moray, AB38 7QL

I refer to your letter dated 6 March 2020 concerning the above and note that the hearing has now been cancelled.

To assist with the determination of this review I attached a written statement of case (links to documents referred to) and full wording of the Moray Local Development Plan 2015 policies.

Should you require any further information or clarification do not hesitate to contact me.

Yours faithfully

Beverly Smith
Development Management & Building Standards Manager

Notice of Review: Planning Application 19/01014/APP – Install new windows, internal alterations and laundry wing replacement at Archiestown Hotel, The Square, Archiestown, Aberlour, Moray, AB38 7QL

LR/LR234

History and Significance:

The building in question The Archiestown Hotel is situated within the west part of Archiestown on a prominent corner site (south east) of the village square within the designated Conservation Area. The hotel building dates from 1900. With the exception of a 3rd floor mansard extension added in the 1970s after a fire, and 2 UPVC windows to the side of the hotel, the building largely retained its plan form and intended architectural character with sliding sash and case windows prominent in the building until the addition of the unauthorised UPVC windows in 2019.

The focus of the Archiestown village is The Square, lying at the point where the main through road meets the road leading up from Carron in the Spey Valley. The character of the village square is defined by the high quality well preserved stone buildings that surround it. Adding to this character are the mature trees that give the square a rural feel. Aside from the war memorial as a focus in its centre, the most prominent structure is the hotel.

Assessment of Replacement Windows:

The original timber windows were removed and replaced with UPVC units without the requisite planning permission. No contact had been made with the Development Management section for pre-application advice on replacement windows prior to this work being carried out. The heritage of Archiestown, which characterises the village and makes it special has been damaged by the UPVC window units which have no value or historic basis in terms of their contribution to the character of Archiestown.

The assessment of this application requires to take account of Adopted Moray Local Development Plan 2015 Policies BE3: Conservation Areas, IMP1: Developer Requirements, Non-statutory guidance for Listed Buildings and Conservation Areas in regard to replacement windows and doors and national guidance, published by Historic Environment Scotland, in relation to windows: Managing Change in the Historic Environment – Windows.

The Adopted Moray Local Development Plan 2015 and the non-statutory guidance on replacement windows and doors were approved by Moray Council as the Council's agreed position and approach to protecting our heritage assets. National guidance on replacement windows has been established for over 30 years and Council guidance is in accordance with this.

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. Policy IMP1 requires new developments to be sensitively sited, designed and serviced appropriate to the amenity of the existing property and wider locality.

The Council's non-statutory guidance sets out a presumption in favour of retaining original or historic windows that are repairable and can achieve improvements in thermal efficiency through secondary glazing or draught-stripping. This advises that replacement will be accepted where the windows are beyond repair or are modern replacements. It

recommends that the replacement windows are exact copies, or are near copies where the timber sections can accommodate double-glazing units. The guidance states that there may be opportunities for installing slim-profile double-glazed units into existing sashes where historic glass no longer survives. It also recommends that the replacements should be made in timber and that applications for UPVC replacements will not be supported on principal or street facing elevations.

It should be noted that all of the repair options listed above would have been significantly more economical than any replacement windows regardless of whether these were timber or UPVC, and could have enabled the existing timber windows to survive with double glazing inserted into existing timber frames. It is also considered that the replacement windows which have been installed are not of a high quality standard or finish, and do not replicate the opening method of the originals adding further to the damage they cause to the overall appearance of a very prominent building in this well preserved village square.

The local review submissions refer to other dwellings in Archiestown where UPVC windows have been installed. The preparation of the replacement windows and doors guidance was intended to provide a pragmatic and consistent approach to dealing with the replacement of historic unauthorised UPVC window units in Conservation Areas. From review, the UPVC windows in the highlighted buildings have been installed for more than 4 years and would therefore be immune from any planning control. The conservatory shown in the local review submission (photographs at No.21 High Street, Archiestown) was approved in 2003 and is on a modern building. Of the council stock referred to, the only Council owned house in the Conservation Area is No. 23 High Street, which is also a modern building.

As stated in the handling report the majority of properties within Archiestown Conservation Area, in particular the square in which the hotel is located, retain timber windows on the front or street elevations. Timber windows and doors play an important role particularly in vernacular architecture where they are the dominant elements. Where building frontages have been modified with modern uPVC framing it is accepted that this plays a part in eroding the appearance and architectural character of the historic streetscape, leading to the erosion of historic fabric. However, in this case the essential character of the Conservation Area has been preserved with the hotel playing a significant part in defining and maintaining that character. Of the 15 properties surrounding and facing into the square only 2 dwellings have UPVC windows that front the square, and both of these are of sufficient age that they would be immune from any planning control. The predominant window material, contributing to the character of the square, is timber and not UPVC.

The tilt and turn style of UPVC windows installed to The Archiestown Hotel do not match the existing or originals in terms of appearance, materials and opening method and are contrary to the above policy provisions and the non-statutory guidance in relation to replacement windows and doors.

Laundry room extension/alteration

The proposed alterations to the hotel also included the replacement of the existing laundry wing with a new structure. The proposed scale, form and massing of the extension is not contested. The applicant's case states that there is UPVC cladding already in existence on the hotel which in turn already damages the hotel, and the character of the Conservation Area is established as a matter of principle. Officers do not concur with this assertion as it is not considered that a precedent has been set with the use of UPVC material on the hotel. The use of UPVC and concrete materials are modern and not

traditional materials. Whilst the use of concrete cladding may be acceptable in some circumstances (for example where close to a boundary and required for fire separation purposes, dictated by building standards legislation) this would be on non-prominent elevations with the remainder made up of timber cladding. This is not the case in this instance and no justification was put forward on this basis. The laundry room is in a prominent location and it is considered that timber cladding should be used in order to preserve and enhance the character of the Conservation Area.

Conclusion:

The retention of timber sash and case windows replicating the historic style of windows is an important way of preserving the historic appearance and fabric of the building, the village square and also the character of Archiestown Conservation Area. Modern day standards of insulation can be applied to historic buildings whilst minimising changes to its character and it is therefore important to ensure that alterations to buildings are as historically accurate as possible. Relevant Moray Development Plan Policies, non-statutory guidance and national policy guidance enable change and do not preclude it. There are opportunities to improve the thermal efficiency of traditional buildings whether through repairs or new windows provided appropriate traditional materials are used. The replacement windows guidance is clear on this subject and states that the use of non-traditional materials such as UPVC on principal elevations will not be acceptable in a Conservation Area.

The proposed uPVC replacement windows would be damaging to the special architectural and historic interest of the building. In addition these would be out of character and damaging to the attractive and well preserved maintained appearance of the historic square in which the hotel is located. The windows and proposed concrete clad laundry room will not preserve or enhance the character or appearance of the Conservation Area.

Craig Wilson

BA (Hons) MRTPI Planning Officer (Listed Buildings & Conservation Areas) Economic Growth and Development

References:

Adopted Moray local Plan Policies – BE3, H4 & IMP1

Replacement Windows & Door Guidance – Moray Council
<http://www.moray.gov.uk/downloads/file108153.pdf>

Managing Change in the Historic Environment – Windows – Historic Environment Scotland
<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=3425bb51-8a55-4f99-b7aa-a60b009fbca2>

Policy H4: House Alterations and Extensions

House alterations and extensions will normally be approved if the appearance of the house and the surrounding area is not adversely affected in terms of style, scale, proportions or materials.

Pitched roofs will be preferred to flat roofs, pitched dormers to box dormers. Existing stone walls should be retained as far as possible.

Policy BE3: Conservation Areas

Development proposals within Conservation Areas will be refused if they adversely affect the character and appearance of the Conservation Area in terms of scale, height, colour, detailed design, use and siting.

All development within the Conservation Area should preserve or enhance the established traditional character and appearance of the area. Given the importance of assessing design matters, applications for planning permission in principle must be accompanied by sufficient information to allow an appraisal of the potential impact on the Conservation Area.

Development proposals involving the demolition of buildings within a Conservation Area will be refused unless the building is of little townscape value, if its structural condition rules out retention at a reasonable cost, or its form or location make its re-use extremely difficult. Where redevelopment is proposed, consent to demolish will only be granted where there are acceptable proposals for the new building.

Minor works in Conservation Areas including boundary walls, fences, external fixtures and advertisements can adversely affect its character. Proposals of this nature will be assessed in line with Managing Change in the Historic Environment Guidance Notes.

Policy IMP1: Developer Requirements

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It should comply with the following criteria

- a) The scale, density and character must be appropriate to the surrounding area.
- b) The development must be integrated into the surrounding landscape
- c) Road, cycling, footpath and public transport must be provided at a level appropriate to the development. Core paths; long distance footpaths; national cycle routes must not be adversely affected.
- d) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water.
- e) Where of an appropriate scale, developments should demonstrate how they will incorporate renewable energy systems, and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria.
- f) Make provision for additional areas of open space within developments.

- g) Details of arrangements for the long term maintenance of landscape areas and amenity open spaces must be provided along with Planning applications.
- h) Conservation and where possible enhancement of natural and built environmental resources must be achieved, including details of any impacts arising from the disturbance of carbon rich soil.
- i) Avoid areas at risk of flooding, and where necessary carry out flood management measures.
- j) Address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- k) Address and sufficiently mitigate any contaminated land issues
- l) Does not sterilise significant workable reserves of minerals or prime quality agricultural land.
- m) Make acceptable arrangements for waste management.