



## ECONOMY, ENVIRONMENT AND FINANCE

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Our reference: 19/01014/APP

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17 June 2020

Dear Sir(s)/Madam

### **19/01014/APP**

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

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. The main planning issues are considered below:

On 3 June 2020 the Moray Council Emergency Cabinet resolved to use the Moray Local Development Plan 2020 (MLDP) as a material consideration for Development Management purposes including the determination of planning applications until such time as the MLDP (modified) 2020 is formally adopted, at which point it will replace the current development plan.

This means that whilst applications will continue to be assessed against the policies and proposals of the Moray Local Development Plan 2015, the terms of the Moray Local Development Plan (Modified Plan) 2020 including all policies and designations will also require to be taken into account when decisions are made on proposals after 15 June 2020. As a material consideration, the Moray Local Development Plan (Modified Plan) 2020 represents a more up-to date version of the Council's intended planning policies and can be used to both support or reject any application.

In light of this Policy EP9 Conservation Areas requires to be taken into consideration in relation to this appeal. The policy aims to ensure that all development within a conservation area must preserve and enhance the established traditional character or

appearance of the area. New development as well as alterations or other redevelopment will be refused if it adversely affects the character and appearance of the conservation area in terms of scale, height, massing, colour, materials and siting. This will typically require the use of traditional materials and styles to be used.

The policy states that for unlisted buildings within conservation areas, replacement windows must match the original windows in proportions and appearance and shall open in a traditional sash manner or be in the form of casements, whichever is appropriate. The installation of uPVC or metal framed windows may be deemed acceptable if it is of an appropriate traditional style and is not located on a principal elevation or on an elevation on a public view. However, the fundamental test will be if the replacement will have a detrimental effect on the character of the building and/or conservation area. Advice on the type of windows and doors that are acceptable for listed buildings and buildings within conservation areas is set out in the Council's Replacement Windows and Door Guidance.

Having considered the proposed replacement windows against the MLDP 2020 policy has not changed the outcome. The proposals remain contrary to the above policy provisions and the non-statutory guidance in relation to replacement windows and doors.

## **Moray Local Development Plan 2020 Modified Plan Volume 1**

### **EP9 Conservation Areas**

All development within a conservation area must preserve and enhance the established traditional character or appearance of this area. New development as well as alterations or other redevelopment will be refused if it adversely affects the character and appearance of the conservation area in terms of scale, height, massing, colour, materials and siting. Contemporary designs and materials can be acceptable and have a positive effect on the conservation area if the material finishes and design respects the architectural authenticity of the building and character of conservation area.

Development proposals involving the demolition of buildings within a Conservation Area will be refused unless the building is of limited townscape value, its structural condition rules out retention at a reasonable cost, or its form or location makes its re-use extremely difficult. The demolition of a building for redevelopment will only be considered where there are acceptable proposals and it can be demonstrated that a new building will preserve and enhance the character of the conservation area.

The council has approved Conservation Area Character Appraisals which are material considerations and can be viewed at [www.moray.gov.uk/moray\\_standard/page\\_1861.html](http://www.moray.gov.uk/moray_standard/page_1861.html)

### **Replacement Windows and Doors**

For listed buildings there is always a presumption in favour of retention and repair over replacement. UPVC windows on a listed building are not acceptable.

For unlisted buildings within conservation areas, replacement windows must match the original windows in proportions and appearance and shall open in a traditional sash manner or be in the form of casements, whichever is appropriate. The installation of UPVC or metal framed windows may be deemed acceptable if it is of an appropriate traditional style and is not located on a principle elevation or on an elevation or public view. However, the fundamental test will be if the replacement will have a detrimental effect on the character of the building and/or conservation area.

Advice on the type of windows and doors that are acceptable for listed buildings and buildings within conservation areas is set out in the Council's Replacement Windows and Doors Guidance.

Yours faithfully



**Craig Wilson**  
**Planning Officer**