

24/00770/APP  
14th May 2024

Renovation and shopfit install two heritage skylights in extension at rear replacement of single glazed shop front windows with double glazed units and Install air conditioning unit at rear at 128 High Street Forres Moray IV36 1NP  
for Mr Draeyk Van Der Horn

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**Comments:**

- Application is being reported to the committee as it is submitted by a Councillor that is involved in the statutory planning process.
- No representations have received to date.

**Procedure:**

- Delegated authority to Head of Economic Growth and Development to issue decision subject to no further substantive representations being received following expiry of neighbour notification period.

**Recommendation**

Grant planning permission subject to the following conditions:

**Conditions/Reasons**

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which the permission is granted.

**Reason:** The time limit condition is imposed in order to comply with the requirements of section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. Noise emissions arising from the new air conditioning unit shall not exceed Noise Rating Curve (NR) 25, as determined within a living apartment of the nearest noise sensitive dwelling with the window moderately open. This limit would apply and be determined over a minimum of 5 minutes duration between the hours of 0700 to 2300 hours.

**Reason:** To protect local residents from noise nuisance from the development.

3. Noise emissions arising from the new air conditioning unit shall not exceed Noise Rating Curve (NR) 20, as determined within a bedroom of the nearest noise sensitive dwelling with the window moderately open. This limit would apply and be determined over a minimum of 5 minutes duration between the hours of 2300 to 0700 hours.

**Reason:** To protect local residents from noise nuisance from the development.

4. The rating level of noise associated with the new air conditioning unit shall not exceed the background sound level by more than 5 dB(A) at the nearest noise sensitive dwelling(s). For the avoidance of doubt, the rating level and background sound level associated with this condition is defined within BS 4142: 2014+A1:2019 Methods for rating and assessing industrial and commercial sound. Measurement and assessment to demonstrate compliance with the rating level shall be undertaken in accordance with BS 4142: 2014 Methods for rating and assessing industrial and commercial sound.

**Reason:** To protect local residents from noise nuisance from the development.

**Reason(s) for Decision**

The Council's reason(s) for making this decision are:-

The proposal accords with the relevant provisions of the National Planning Framework 4 and Moray Local Development Plan 2020 and there are no material considerations that indicate otherwise.

**List of Informatives:**

THE ENVIRONMENTAL HEALTH MANAGER, has commented that:-

Operation of the premises shall not give rise to a Statutory Nuisance in terms of the Environmental Protection Act 1990.

<b>LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT</b>	
<b>Reference No. Version No.</b>	<b>Title/Description</b>
128.13	Front window details
128.08 A	Rear elevation
128.09 A	Roof plan
128.11	Proposed floor plan
128.01	Location plan
128.12	Front elevation



## PLANNING APPLICATION COMMITTEE SITE PLAN

**Planning Application Ref Number:**  
**24/00770/APP**

**Site Address:**  
**128 High Street  
Forres**

**Applicant Name:**  
**Mr Draeyk Van Der Horn**

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## Location Plan



# Site Location



# Photo Location Plan



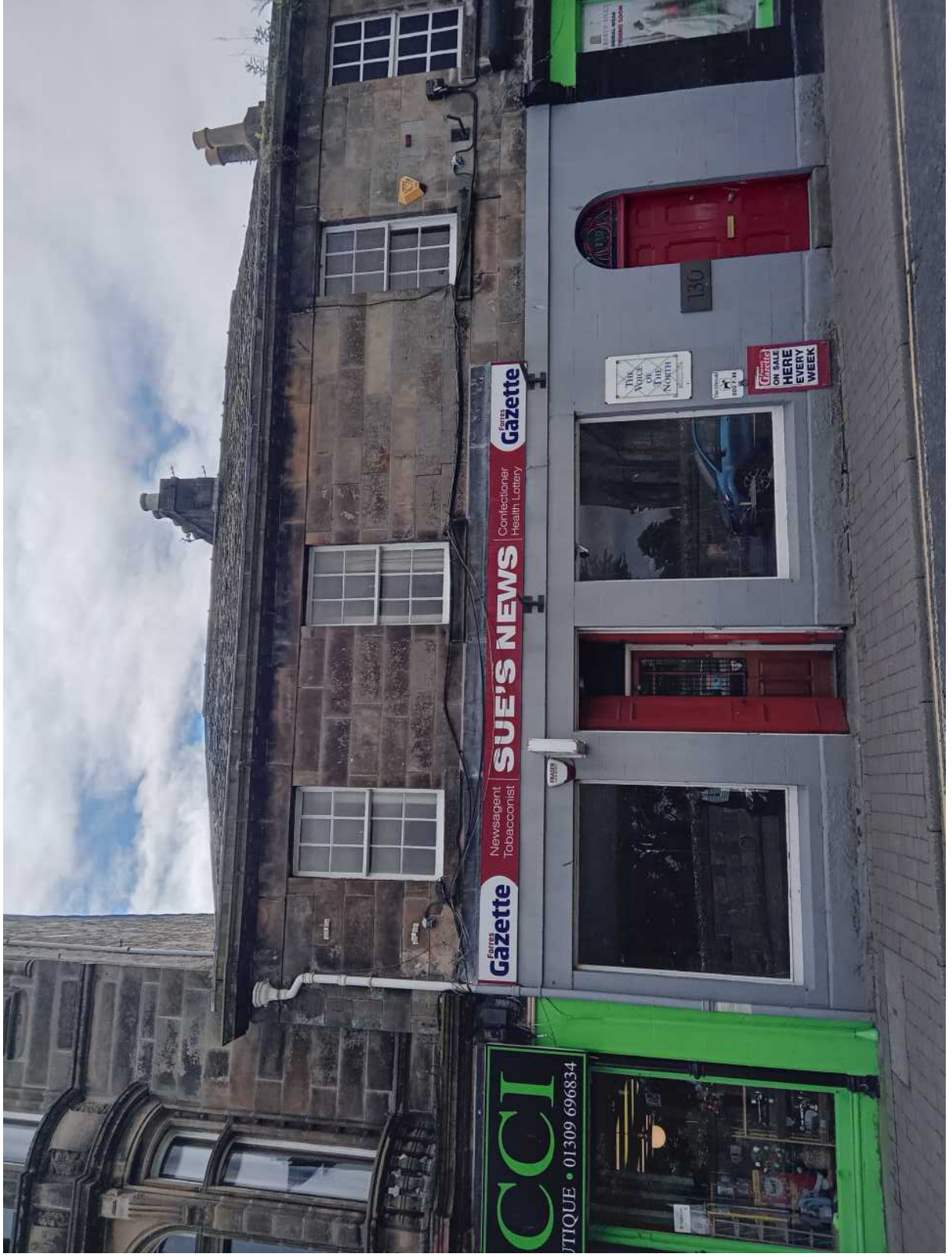
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Map Description: Photo Location Plan for planning application 24/00770/APP - 128 High Street, Forbes

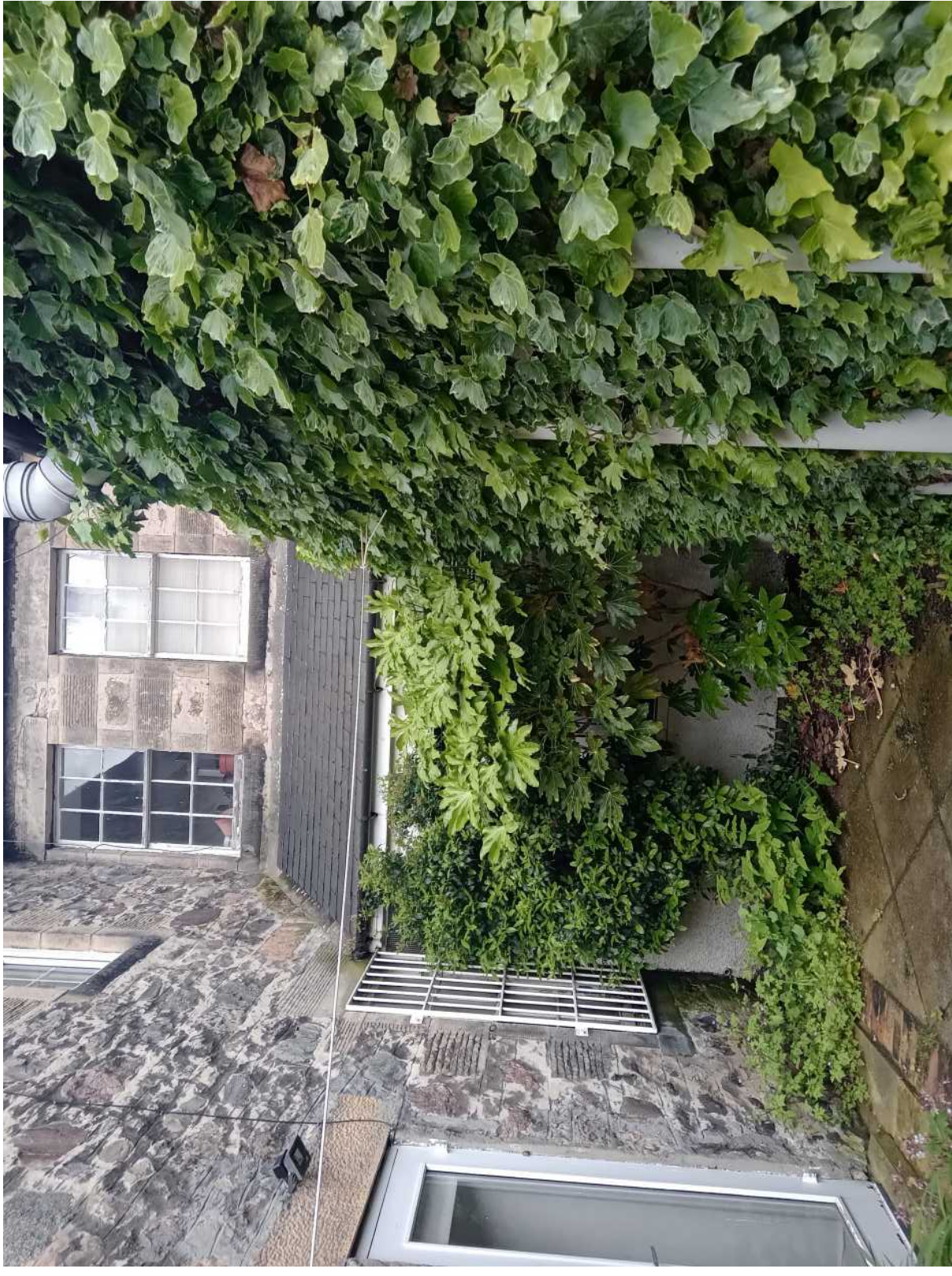
Scale: 1:134 @ A4



**Photo 1—Front elevation**



**Photo 2—Rear elevation**



**Photo 3—Rear elevation**





## PLANNING APPLICATION: 24/00770/APP

*In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications*

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### 1. THE PROPOSAL

- Planning permission is sought in this case for the renovation of 128 High Street, Forres.
- The renovation works comprise:-
  - The replacement of single glazed front shop windows with timber double glazed windows (same design), painted to match existing.
  - The installation of two heritage skylights in the rear extension.
  - The installation of an air conditioning unit on the rear elevation.
  - The existing storm door is to be refurbished.
  - The front elevation is to be repainted in a colour similar to the existing.
  - Internally the existing shop fitting removed, and a new store area is to be created.
  - Two windows on the rear of the building are to be refurbished.
  - Removal of a hanging sign and bracket and the removal of a wall mounted sign.

### 2. THE SITE

- 128 High Street, Forres is located at the west end of Forres Town Centre, in the Forres Conservation Area.
- 128 High Street is part of a larger building (130, 132 and 132A High Street) which is Grade B Listed.
- 128 High Street is currently vacant, and its most recent use was a Newsagent.
- This part of the High Street comprises a variety of uses with mainly retail on the ground floor and residential properties above. 128 High Street has a flat above it and dwellinghouses to the rear, with shops either side on the ground floor.

### 3. HISTORY

**24/00672/LBC** – Application for listed building consent for renovation and shop-fit works, install two heritage skylights in extension at rear, replacement of single glazed shop front windows with double glazed units and Install air conditioning unit at rear at 128 High Street, submitted 16 May 2024 and currently under consideration. This is the associated listed building application for these proposals and shall be determined under delegated powers (in line

with the delegation scheme) once the application which is the subject of this report is determined.

#### **4. POLICIES**

##### **National Planning Framework 4 (NPF)**

Policy 1 - Tackling the Climate and Nature Crises

Policy 2 - Climate mitigation and adaptation

Policy 3 – Biodiversity

Policy 7 – Historic Assets

Policy 14 – Design, Quality and Place

Policy 23 – Health and Safety

Policy 27 – City, Town, Local and Commercial Centres

##### **Moray Local Development Plan 2020 (MLDP)**

PP1 – Placemaking

DP1 Development Principles

DP7 – Retail / Town Centres

EP9 – Conservation Areas

EP10 – Listed Buildings

EP14 – Pollution, Contamination and Hazards

#### **5. ADVERTISEMENTS**

- 5.1 Forres Gazette – Planning application affecting Listed Building/Conservation Area.

#### **6. CONSULTATIONS**

**Environmental Health** - No objection, subject to conditions being attached to the consent relating to acceptable noise levels from the proposed air conditioning unit.

#### **7. OBJECTIONS-REPRESENTATIONS**

NOTE: Following the determination of this application, name and address details will be/have been removed (i.e. redacted) in accordance with the General Data Protection Regulations (paragraph 3 of Minute, Planning & Regulatory Services Committee 16 September 2014).

The neighbour notification expiry date for this application is 18.06.2024.

No letters of representation had been received at the time of writing this report.

## **8. OBSERVATIONS**

- 8.1 Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e., the adopted National Planning Framework 4 (NPF4) and adopted Morar Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise. The main issues are:
- 8.2 **Impact of proposal on Listed Building and Conservation Area (NPF 7 / MLDP EP9 and EP10)**  
Policy 7 together with policy EP9 Conservation Areas seek to ensure that new development preserves and enhances the established traditional character or appearance of the area, highlighting that this will typically require the use of traditional materials and style. Policy EP9 states that contemporary designs and materials may be acceptable as long as they respect the architectural authenticity of the building and the character of the conservation area. Policy 7 and Policy EP10 Listed Buildings require that development proposals which would have a detrimental effect on the character, integrity, or setting of a listed building be refused.
- 8.3 The Grade B Listed Building was built circa 1820. It is 2 storeys with 4 bays to the High Street, it has a slightly recessed bowed corner, 4 bays to a court, all ashlar fronted. Number 128 and 132 are late 19<sup>th</sup> century shopfronts.
- 8.4 128 High Street operated previously as a newsagent and is currently vacant. The renovations are required as part of proposals to operate an Art Gallery from the premises.
- 8.5 The proposals represent an appropriate set of renovation works that would respect the architectural integrity of the building and its setting. The new double glazed timber windows (to match existing), refurbished storm doors and other works will enhance the front elevation of the building and preserve and enhance the character and appearance of the conservation area.
- 8.6 A windows schedule (including photographs) has been submitted with the proposal. This details the existing condition of the windows and doors and what works are to be carried out on each. The schedule states the existing front windows (which are to be replaced with double glazed timber windows) are in a poor condition, they have been subject to water ingress, condensation and pest damage and have deteriorated beyond repair. Visually the new windows will have the same appearance as the existing. On the basis of this information the replacement of the front windows is considered acceptable.
- 8.7 As noted from the history section above, a separate Listed Building Consent (24/00672/LBC) for the works has been submitted is currently under consideration. Historic Environment Scotland were consulted and have confirmed that it has no comments to make on the proposal (their response is under 24/00672/LBC).
- 8.8 The proposed works are in accordance with relevant planning policy and guidance and will not have a detrimental impact on the character or architectural interest of the Listed Building or Conservation Area. The proposed alterations will ensure the continued beneficial use of the building.

- 8.9 **Design and Impact on Town Centre (NPF 14 and 27 / MLDP DP1 and DP7)**  
Policy 14 and DP1 together set out the need for the scale, density, and character of development to be appropriate to the surrounding area and to create a sense of place, and to not adversely impact neighbouring properties in terms of privacy, daylighting, or overbearing loss of amenity.
- 8.10 Policies 27 and DP7 aims are to encourage, promote and facilitate development in town centres. Policy DP7 states Town Centres are at the heart of communities and can be hubs for a range of activities. The policy intends to promote the continued use of town centres for a diverse mix of uses including retail, commercial and leisure uses and as centres for social, community and tourism activity.
- 8.11 The renovation of this property on the High Street of Forres is welcomed, and the premises being brought back into use will increase footfall to the town centre which is of benefit to the area.
- 8.12 The works are in scale and keeping with surrounding area and there are no issues in terms of loss of amenity. The criteria in these policies have been met.
- 8.13 **Pollution (NPF 23 / MLDP 14)**  
Policies 23 and 14 together seek to ensure that new developments do not create pollution which could adversely affect the environment or local amenity. Pollution can take various forms including run off into watercourses, noise pollution, air pollution and light pollution.
- 8.14 The proposal includes the installation of an air conditioning unit on the rear elevation of the building. Environmental Health were consulted on the proposal and following review of the noise data for the air conditioning unit have raised no objection subject to conditions being attached to the consent relating to acceptable noise levels being adhered with.
- 8.15 **Climate Change and Biodiversity (NPF4 Policies 1, 2 & 3)**  
The proposal is of very small nature that will result in minimal impact in terms of climate change. It is not necessary to seek formal biodiversity enhancement on a minor proposal of this nature. The proposal therefore is deemed to comply with NPF policies 1, 2 and 3.

### **Conclusion and Recommendation**

The proposal represents an acceptable renovation of a vacant historic property in the Forres Town Centre and by bringing it back into use would contribute to the vitality of the centre. The proposal complies with relevant Development Plan policies and is recommended for approval, subject to conditions.

**REASON(S) FOR DECISION**

The Council's reason(s) for making this decision are: -

The proposal accords with the relevant provisions of the National Planning Framework 4 and Moray Local Development Plan 2020 and there are no material considerations that indicate otherwise.

**Author/Contact**

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Planning Officer

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