



Moray Local Review Body

Thursday, 28 October 2021

NOTICE IS HEREBY GIVEN that a Meeting of the **Moray Local Review Body** is to be held at **various locations via video-conference**, on **Thursday, 28 October 2021** at **09:30**.

BUSINESS

- 1 **Sederunt**
 - 2 **Declaration of Group Decisions and Members Interests ***
 - 3 **Minute of Meeting dated 30 September 2021** 5 - 10
- Continuation Case**
- 4 **LR264 - Ward 8 - Forres** 11 - 74
Planning Application 21/00593/APP – Replacement windows at Sunny Bank, Victoria Road, Forres

Summary of Local Review Body functions:

To conduct reviews in respect of refusal of planning permission or unacceptable conditions as determined by the delegated officer, in terms of the Scheme of Delegation to Officers under Section 43(A)(i) of the Town & Country Planning (Scotland) Act 1997 and the Town & Country Planning (Scheme of Delegation and Local Review Procedure)(Scotland) Regulations 2013, or where the Delegated Officer has not determined the application within 3 months of registration.

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.

GUIDANCE NOTES

* **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.

THE MORAY COUNCIL

Moray Local Review Body

SEDERUNT

Councillor Amy Taylor (Chair)
Councillor David Bremner (Depute Chair)

Councillor Gordon Cowie (Member)
Councillor Paula Coy (Member)
Councillor Donald Gatt (Member)
Councillor Ray McLean (Member)
Councillor Louise Nicol (Member)
Councillor Laura Powell (Member)
Councillor Derek Ross (Member)

Clerk Name:	Lissa Rowan
Clerk Telephone:	07765 741754
Clerk Email:	committee.services@moray.gov.uk

Minute of Meeting of the Moray Local Review Body

Thursday, 30 September 2021

Various Locations via Video-Conference

PRESENT

Councillor David Bremner, Councillor Gordon Cowie, Councillor Paula Coy, Councillor Donald Gatt, Councillor Ray McLean, Councillor Louise Nicol, Councillor Laura Powell, Councillor Amy Taylor

APOLOGIES

Councillor Derek Ross

IN ATTENDANCE

Ms Webster, Principal Planning Officer (Strategic Planning and Development) and Mrs Gordon, Planning Officer and Mr Henderson, Planning Officer as Planning Advisers, Mr Hoath, Senior Solicitor as Legal Adviser and Mrs Rowan, Committee Services Officer as Clerk to the Moray Local Review Body.

1 Chair

Councillor Taylor, being Chair of the Moray Local Review Body, chaired the meeting.

2 Declaration of Group Decisions and Members Interests

In terms of Standing Order 20 and the Councillor's Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Members interests in respect of any item on the agenda.

3 Minute of Meeting dated 26 August 2021

The Minute of the meeting of the Moray Local Review Body dated 26 August 2021 was submitted and approved.

4 LR262 - Ward 4 - Fochabers Lhanbryde

Planning Application 20/00075/APP – Change of use of garden ground to form operators lorry and trailer parking space at Morven View, Clochan, Buckie

A request was submitted by the Applicant seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse planning permission on the grounds that:

The proposal is against the provisions of the Moray Local Development Plan (MLDP) 2020 because:

1. The proposed change of use of garden ground to HGV Operating Centre (for one HGV and one trailer) in the grounds of this existing modern rural residential property would result in large industrial vehicle(s) being accommodated in the grounds of a domestic property in the countryside, a use which is not ordinarily associated with domestic property or the rural environment. This means that the proposed use is considered to be an inappropriate, non-confirming use which is not in keeping with the existing rural area. On this basis, the proposal fails to comply the requisite requirements of Policies DP5 and DP1.
2. This proposal would result in an intensification of use of the single track roads serving the site, by large articulated vehicle and would be likely to result in approaching vehicles having to undertake potentially unsafe reversing manoeuvres out of the path of the oncoming Heavy Goods Vehicle, as well as resulting in damage to the carriageway/verge due to vehicle verge overrunning. Due to the length of the overall route which has limited passing opportunities, it is considered that the proposal cannot be adequately mitigated against, and additionally that any agreed route could not be enforceable even with mitigation works provided. Transportation considers that this proposal, if permitted, would be likely to result in conditions detrimental to the road safety of road users contrary to MLDP policies DP1 (Development Principles) section (ii) Transportation, part a).

A Summary of Information Report set out the reasons for refusal, together with the documents considered or prepared by the Appointed Officer in respect of the planning application, in addition to the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.

In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, both the Legal and Planning Advisers advised that they had nothing to raise at this time.

The Chair then asked the Moray Local Review Body (MLRB) if it had sufficient information to determine the request for review. In response, the MLRB unanimously agreed that it had sufficient information to determine the case.

Councillor Gatt, having considered the case in detail, stated that he was minded to uphold the appeal and grant planning permission in respect of Planning Application 20/00075/APP. He noted that in 2017 planning permission was granted for Planning Application 17/01017/APP for a change of use of agricultural land to garden ground and erection of a domestic storage shed which had received no objection from Transportation at that time and highlighted the statement from the Applicant which stated that the Applicant was already permitted to haul his 2 JCBs by hired transport therefore the road would already be used by HGVs whether he was driving the vehicle or not. Councillor Gatt acknowledged that the 2017 planning application had been determined using the MLDP 2015, however stated that the relevant policy T2 in the MLDP 2015 and DP1 ii) in MLDP 2020, were very similar. He further noted that the HGV lorry in question was the same size as the lorries used by the Council for refuse collection and recycling which already use the road in question. Councillor Gatt therefore moved that the MLRB uphold the

appeal and grant planning permission in respect of Planning Application 20/00075/APP as, in his view the proposal complies with policies DP1 (Development Principles) and DP5 (Business and Industry) as the large building already has planning permission and has been erected. Furthermore, Cllr Gatt stated that, in his opinion the proposal complies with policy DP1 (Development Principles) ii) (Transportation) as the policy is broadly similar to policy T2 in the MLDP 2015 which received no objection from Transportation during consultation on Planning Application 17/01017/APP. This was seconded by Councillor R McLean.

In response to Councillor Gatt's comments regarding the size of the domestic storage shed that was already present on the site, Ms Webster, Planning Adviser clarified that the MLRB were being asked to determine Planning Application 20/00075/APP which was for a change of use of garden ground to form operators lorry and trailer parking space and was not for a change of use of the building on the garden ground. This was noted.

Councillor Coy agreed with the original decision of the Appointed Officer and moved that the MLRB refuse the appeal and uphold the original decision of the Appointed Officer to refuse Planning Permission in respect of Planning Application 20/00075/APP as the proposal fails to comply with policies DP5 (Business and Industry), DP1 (Development Principles) and DP1 ii) (transportation). This was seconded by Councillor Bremner.

On a division there voted:

For the Motion (8):	Councillors Gatt, R McLean, Cowie, Powell and Taylor
For the Amendment (3):	Councillors Coy, Bremner and Nicol
Abstentions (0):	Nil

Accordingly, the Motion became the finding the Meeting and the MLRB agreed to grant planning permission in respect of Planning Application 20/00075/APP as the proposal complies with policies DP5 (Business and Industry), DP1 (Development Principles) and DP1 ii) (transportation).

5 LR263 - Ward 2 - Keith and Cullen

Planning Application 21/00485/APP Convert garage to hairdressing salon at 14 Victoria Place Keith

A request was submitted by the Applicant seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse planning permission on the grounds that:

The development is contrary to Policies DP1 (Development Principles) and DP7 (Retail/Town Centres) of the Moray Local Development Plan (MLDP) 2020 for the following reasons:

1. The level of activity and infrastructure associated with the change of use would be out of keeping with the character, appearance and scale of the existing residential street and this would impact adversely on neighbouring residential properties, giving rise to an unacceptable overbearing loss of amenity, in terms of noise and disturbance.

2. As the development would be likely to generate significant footfall, it should be located within a town centre. The proposed site is outwith Keith town centre and it has not been demonstrated that no sequentially preferable sites are available.

A Summary of Information Report set out the reasons for refusal, together with the documents considered or prepared by the Appointed Officer in respect of the planning application, in addition to the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.

In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, both the Legal and Planning Advisers advised that they had nothing to raise at this time.

The Chair then asked the Moray Local Review Body (MLRB) if it had sufficient information to determine the request for review. In response, the MLRB unanimously agreed that it had sufficient information to determine the case.

Councillor Bremner, having considered the case in detail was of the view that the proposal complied with policies DP1 (Development Principles) and DP7 (Retail/Town Centres) as, in his opinion, the business attracting 6-8 clients per day did not constitute a significant increase in footfall. In terms of policy DP7, his interpretation of this policy was that the Council should support small units of up to 150 m2 that contribute to a mix of use such as class 2, professional services. With regard to policy EP5 (Open Space), Councillor Bremner acknowledged the Appointed Officer's view that the proposal was an acceptable departure from this policy due to the minimal impact on the amenity and quality of the ENV designation. Taking the above points into consideration, Councillor Bremner moved that the MLRB uphold the appeal and grant planning permission in respect of Planning Application 21/00485/APP as in his opinion the proposal complies with policies DP1 (Development Principles), DP7 (Retail/Town Centres) and, as the Appointed Officer had stated, was an acceptable departure from policy EP5 (Open Space). This was seconded by Councillor Coy.

Councillor R McLean was of the view that the location of the proposal was not suitable and moved as an amendment that the MLRB refuse the appeal and uphold the original decision of the Appointed Officer to refuse planning permission in respect of Planning Application 21/00485/APP as the proposal is contrary to Policies DP1 (Development Principles) and DP7 (Retail/Town Centres) of the MLDP 2020. This was seconded by Councillor Powell.

On a division there voted:

For the Motion (4):	Councillors Bremner, Coy, Nicol and Taylor
For the Amendment (4):	Councillor R McLean and Powell, Cowie and Gatt
Abstentions (0):	Nil

There being equality of votes, and in terms of Standing Order 63(e), the Chair cast her casting vote in favour of the motion.

Accordingly the Motion became the finding of the Meeting and the MLRB agreed to uphold the appeal and grant planning permission in respect of Planning Application 21/00485/APP as the proposal complies with policies DP1 (Development

Principles), DP7 (Retail/Town Centres) and is an acceptable departure from policy EP5 (Open Space).

6 LR264 - Ward 8 - Forres

Planning Application 21/00593/APP – Replacement windows at Sunny Bank, Victoria Road, Forres

A request was submitted by the Applicant seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse planning permission on the grounds that:

The proposed development is contrary to Policy DP1: Development Principles and Policy EP9: Conservation Areas of the adopted Moray Local Development Plan 2020 and, as a material consideration, associated Replacement Windows and Doors Guidance for the following reasons:

- the removal of original timber sash and case windows and replacement with non-traditional UPVC units located on principal elevations and elevations on a public view would fail to preserve or enhance the established traditional character and appearance of Forres Outstanding Conservation Area.
- the proposed finishes are considered to adversely affect the character and appearance of Forres Outstanding Conservation Area, are not appropriate to the surrounding area, and do not respect the architectural authenticity of the building and the character of Forres Outstanding Conservation Area.

A Summary of Information Report set out the reasons for refusal, together with the documents considered or prepared by the Appointed Officer, in respect of the planning application, in addition to the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.

In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, Mr Henderson, Planning Adviser advised the Moray Local Review Body (MLRB) of a mistake in the Report of Handling where reference to the south elevation should read north and reference to the north elevation should read south, and confirmed that if you were to stand facing the building, you would be facing the south elevation which was the principle elevation. This was noted.

The Legal Adviser advised that the Applicant had included additional information with his Notice of Review application in the form of details of neighbouring properties with UPVC windows and that the Applicant had stated that the Appointed Officer had been made aware of these properties verbally during the application process however this information had not formed part of the application paperwork. The Legal Adviser advised that, should the MLRB wish to consider this information, then in terms fairness, the MLRB should decide whether it wished a further procedure to allow the Appointed Officer to comment on the additional information.

The Chair stated that it would be useful to consider the additional information and moved that the MLRB defer Case LR264 to a future meeting of the MLRB to allow the Appointed Officer the opportunity to comment on the additional information.

There being no-one otherwise minded, the MLRB agreed to defer Case LR264 to a future meeting of the MLRB to allow the Appointed Officer the opportunity to comment on the additional information.



MORAY LOCAL REVIEW BODY

28 OCTOBER 2021

SUMMARY OF INFORMATION FOR CASE No LR264

Planning Application 21/00593/APP – Replacement windows at Sunny Bank, Victoria Road, Forres

Ward 8 – Forres

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 2 August 2021 on the grounds that:

The proposed development is contrary to Policy DP1: Development Principles and Policy EP9: Conservation Areas of the adopted Moray Local Development Plan 2020 and, as a material consideration, associated Replacement Windows and Doors Guidance for the following reasons:

- the removal of original timber sash and case windows and replacement with non-traditional UPVC units located on principal elevations and elevations on a public view would fail to preserve or enhance the established traditional character and appearance of Forres Outstanding Conservation Area.
- the proposed finishes are considered to adversely affect the character and appearance of Forres Outstanding Conservation Area, are not appropriate to the surrounding area, and do not respect the architectural authenticity of the building and the character of Forres Outstanding 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**.

No Further Representations were received in response to the Notice of Review.

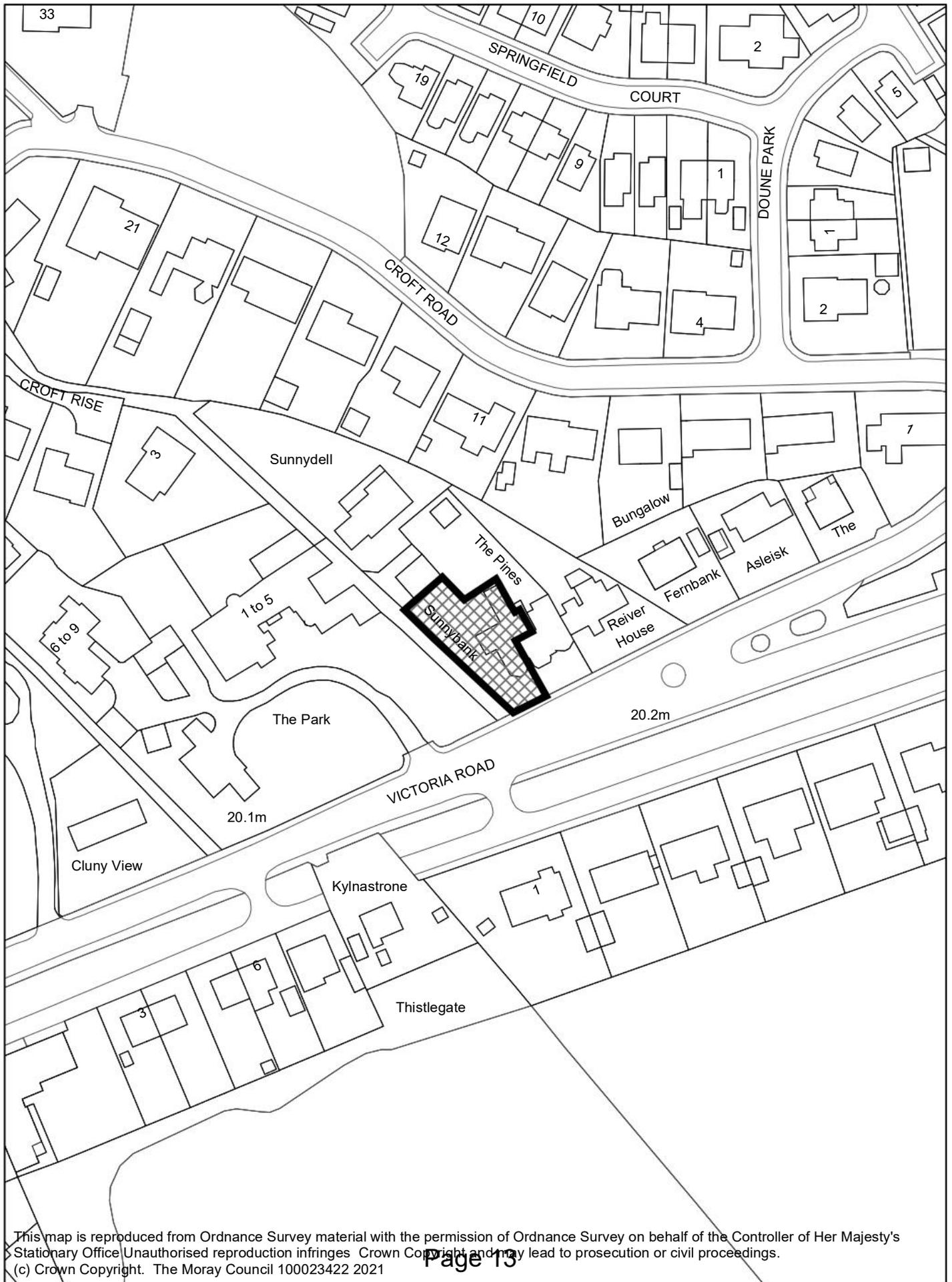
At the meeting of the Moray Local Review Body (MLRB) on 30 September 2021, the MLRB agreed to defer Case LR264 to a future meeting of the MLRB to allow the Appointed Officer the opportunity to comment on additional information included with the Applicant's Notice of Review application.

The additional information submitted by the Applicant is attached at **Appendix 3**.

The Appointed Officer's response to the additional information submitted by the Applicant is attached at **Appendix 4**.



**Location plan for Planning Application Reference Number :
21/00593/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 100398219-001

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.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Replace rotten and dangerous timber sash and case, single glazed windows with upvc frame, double glazed units, style to match existing.

Has the work already been started and/ or completed? *

No Yes - Started Yes – Completed

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:	IH Designs (Moray)		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	ian	Building Name:	Eilean Dubh
Last Name: *	holmes	Building Number:	12
Telephone Number: *	01309 674368	Address 1 (Street): *	Councillors Walk
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Forres
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	IV36 1HA
Email Address: *	ian54holmes@hotmail.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	Sunny Bank
First Name: *	Elma	Building Number:	<input type="text"/>
Last Name: *	Noble	Address 1 (Street): *	Victoria Road
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Forres
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	IV36 3BN
Fax Number:	<input type="text"/>		
Email Address: *	ian54holmes@hotmail.co.uk		

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

SUNNY BANK

Address 2:

VICTORIA ROAD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

FORRES

Post Code:

IV36 3BN

Please identify/describe the location of the site or sites

Northing

859392

Easting

304499

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

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.

Access and Parking

Are you proposing a new or 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 proposed to make. You should also show existing footpaths and note if there will be any impact on these.

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: ian holmes

On behalf of: Mrs Elma Noble

Date: 19/04/2021

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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) Have you provided a written description of the development to which it relates? * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- Existing and Proposed elevations.
- Existing and proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

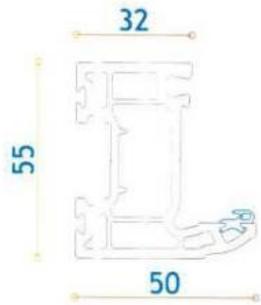
Declaration Name: Mr ian holmes

Declaration Date: 19/04/2021

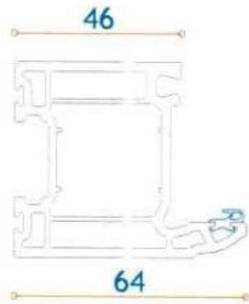
Payment Details

Telephone Payment Reference: xxxxx

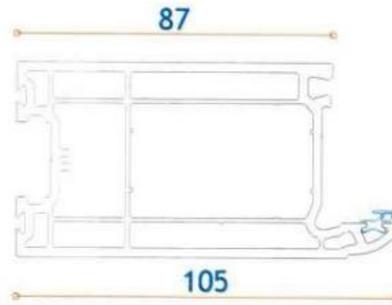
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105032
50mm Upper Sash
Steel Box 113020
Aluminium Box 115119



105033
64mm Lower Sash
Steel Box 113314
Aluminium Box 115120



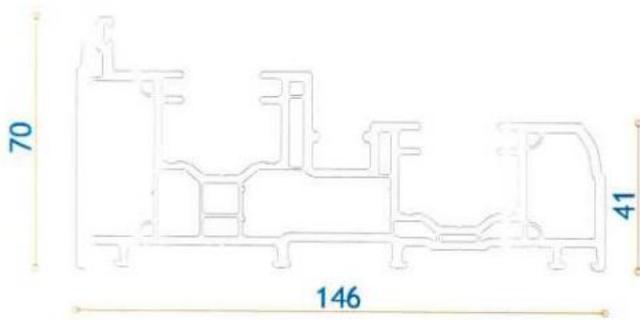
105034
105mm Lower Sash Bottom Rail
Aluminium Box 115287
Steel Box 113020



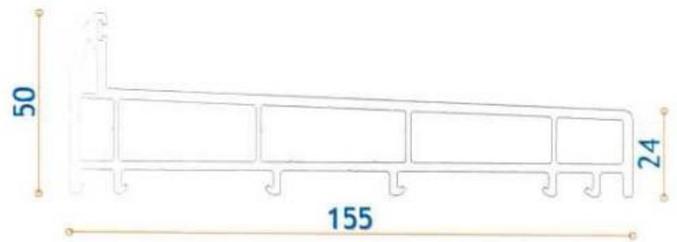
107169
Sculptured Glazing Bead



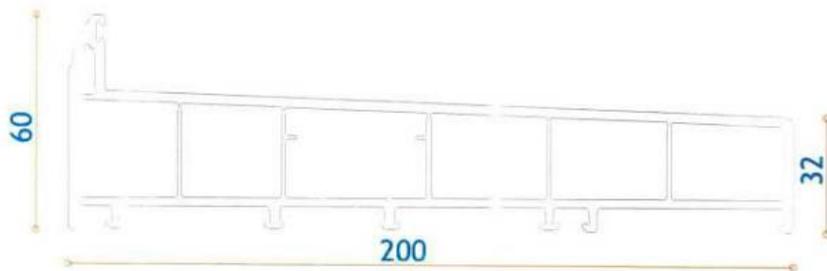
107118
Square Glazing Bead



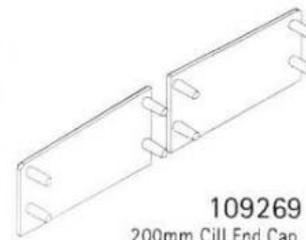
105411
70mm Outer Frame
Steel Box 113073



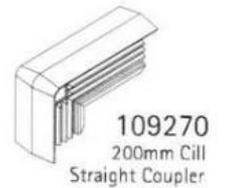
105037
155mm Cill Section
Steel U Channel 113321



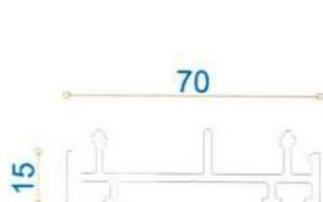
105410 200mm Cill Section
Steel Box 113073



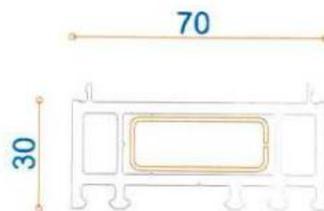
109269
200mm Cill End Cap



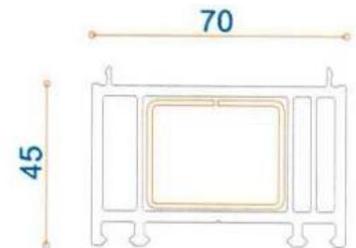
109270
200mm Cill
Straight Coupler



114039 15mm Frame Ext



114014 30mm Frame Ext
38 x 15mm Steel Box 113073



114202 45mm Frame Ext
38 x 30mm Steel Box 113271



109603
VS Anti Racking
Block



109992
Upper Sash Packing
Block



115119
Aluminium Box Mechanical
Joint 15.5 x 8



115120
Aluminium Box Mechanical
Joint 31.5 x 26.5



115287
Aluminium Box Mechanical
Joint 47 x 30

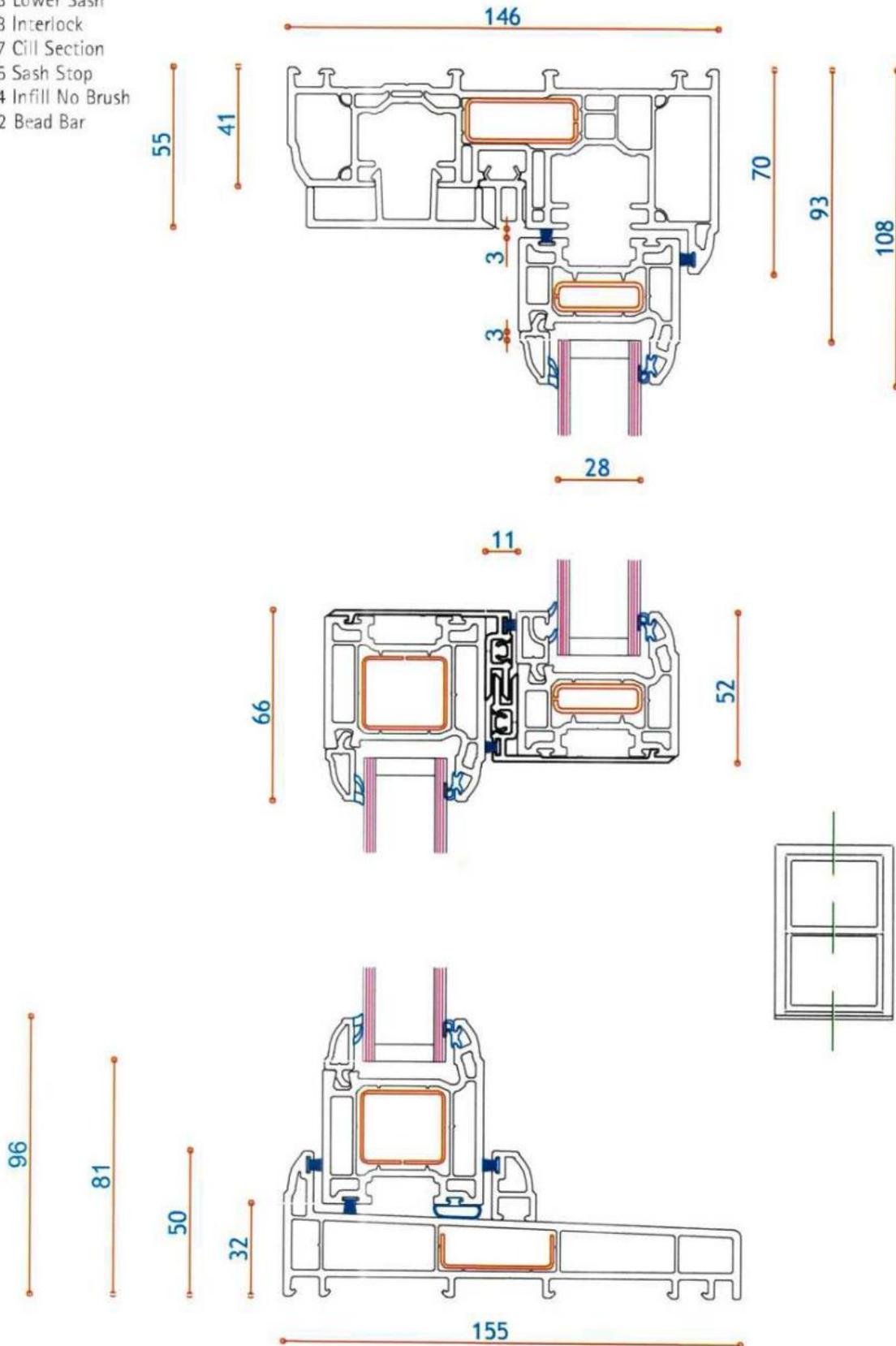
DIMENSIONS

VERTICAL CROSS SECTIONS

64mm Bottom Rail & 155mm Cill

- 105411 Outer Frame
- 105032 Upper Sash
- 105033 Lower Sash
- 105038 Interlock
- 105037 Cill Section
- 105415 Sash Stop
- 105414 Infill No Brush
- 105412 Bead Bar

2

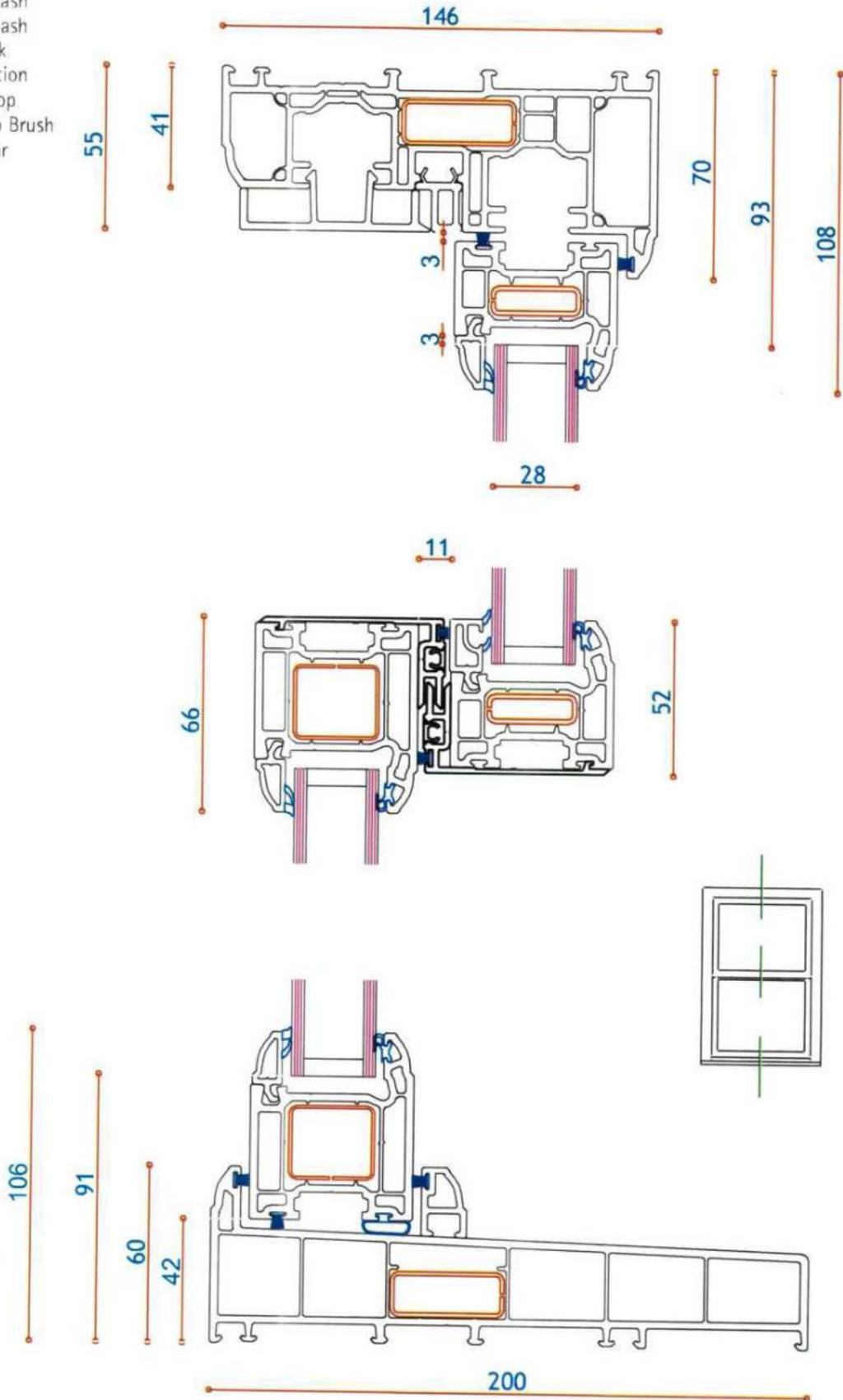


DIMENSIONS

VERTICAL CROSS SECTIONS

64mm Bottom Rail Et 200mm Cill

- 105411 Outer Frame
- 105032 Upper Sash
- 105033 Lower Sash
- 105038 Interlock
- 105410 Cill Section
- 105415 Sash Stop
- 105414 Infill No Brush
- 105412 Bead Bar



2

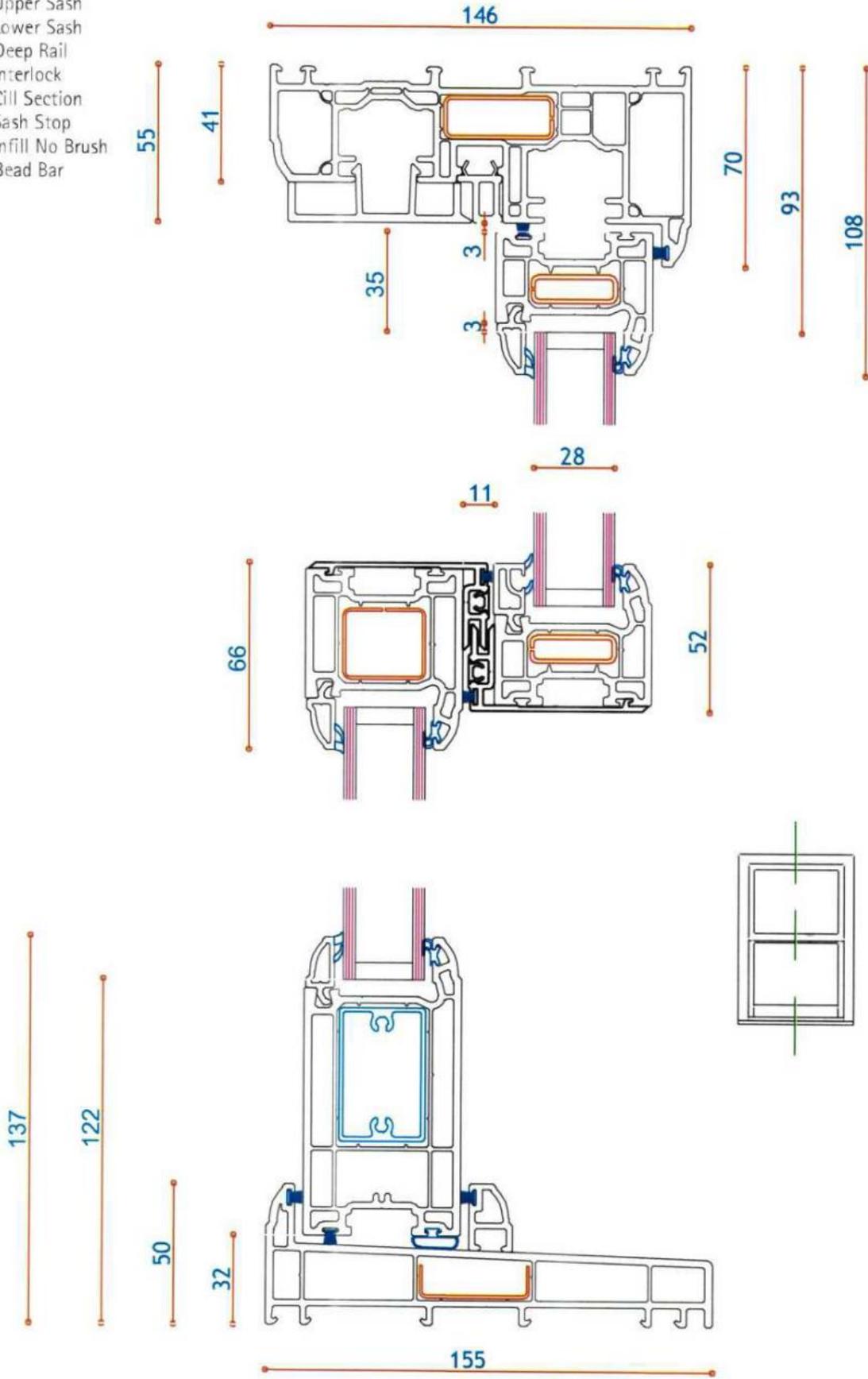


DIMENSIONS

VERTICAL CROSS SECTIONS

105mm Deep Bottom Rail & 155mm Cill

- 105411 Outer Frame
- 105032 Upper Sash
- 105033 Lower Sash
- 105034 Deep Rail
- 105038 Interlock
- 105037 Cill Section
- 105415 Sash Stop
- 105414 Infill No Brush
- 105412 Bead Bar



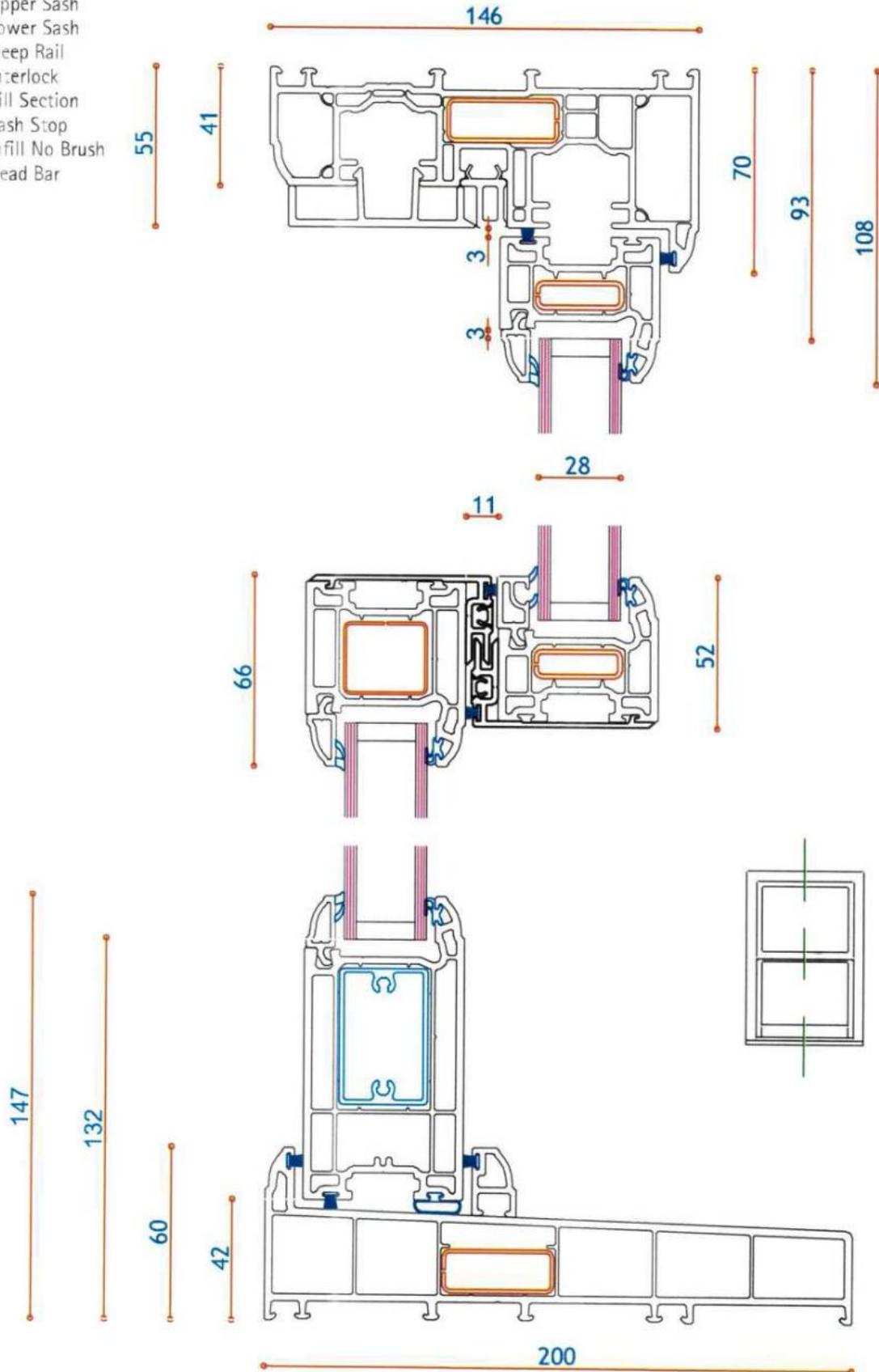
2

DIMENSIONS

VERTICAL CROSS SECTIONS

105mm Deep Bottom Rail & 155mm Cill

- 105411 Outer Frame
- 105032 Upper Sash
- 105033 Lower Sash
- 105034 Deep Rail
- 105038 Interlock
- 105410 Cill Section
- 105415 Sash Stop
- 105414 Infill No Brush
- 105412 Bead Bar



2

DIMENSIONS

HORIZONTAL CROSS SECTIONS

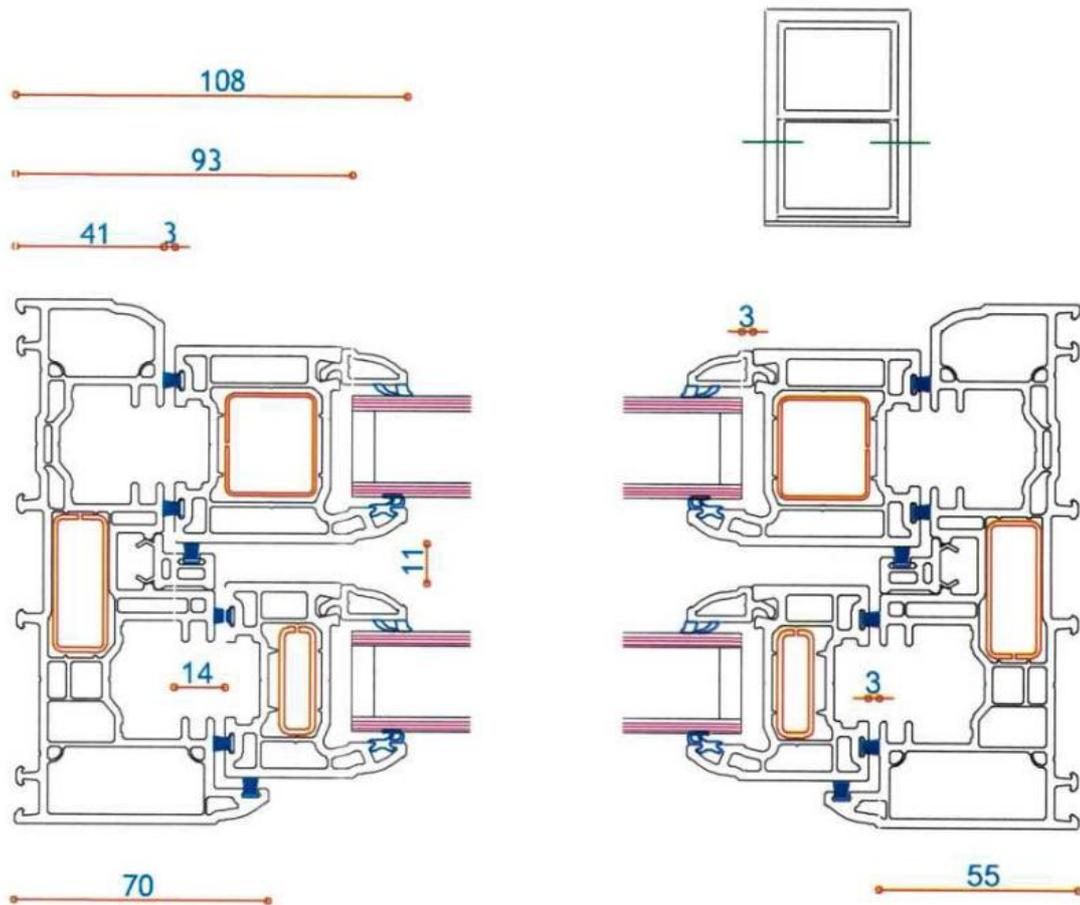
105mm Deep Bottom Rail Et 155mm Cill

105411 Outer Frame

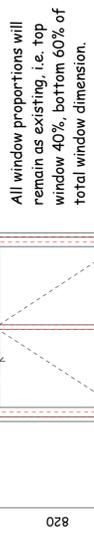
105032 Upper Sash

105033 Lower Sash

105413 Infill



No works to commence on site until Planning and/or Building Warrant Approvals are received.
 Contractors are to check and confirm all dimensions, roof pitches and familiarise themselves prior to ordering and manufacturing components and materials.
 Do not scale the drawings.



All window proportions will remain as existing, i.e. top window 40%, bottom 60% of total window dimension.
 Existing timber framed window shown dotted red

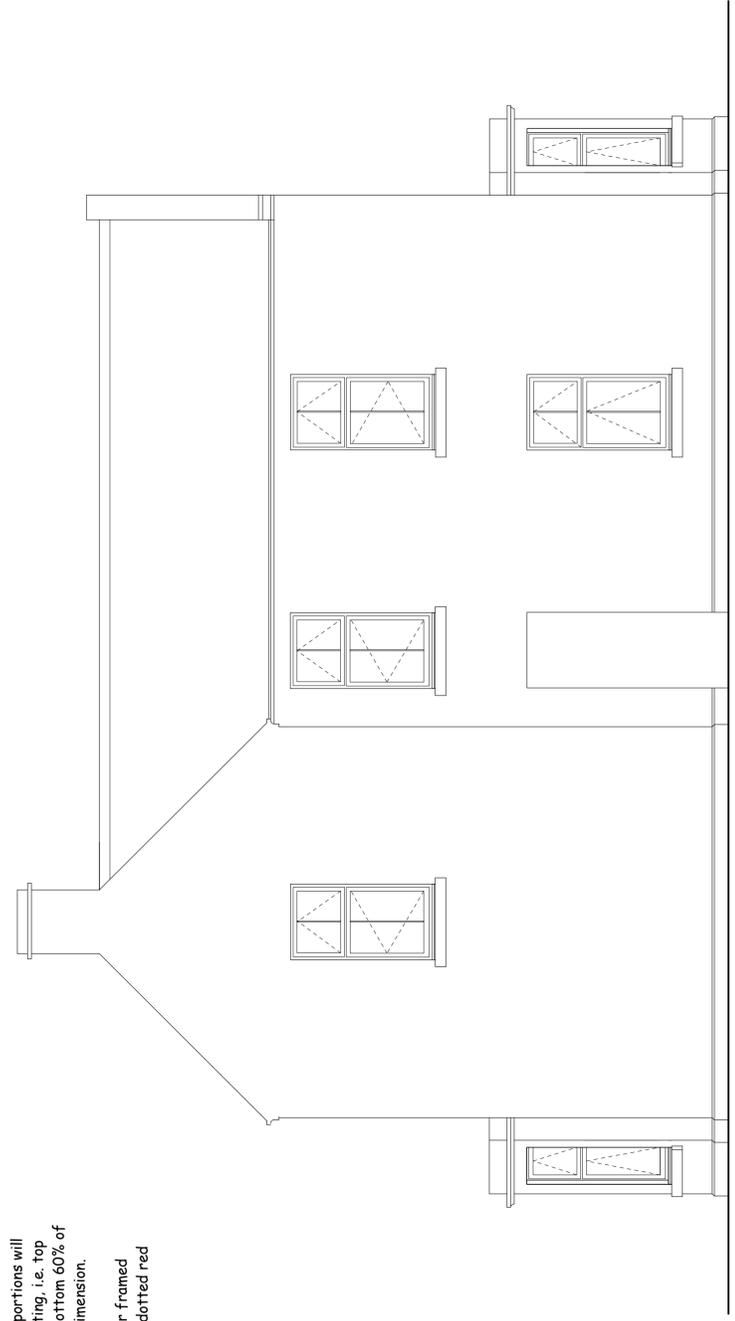
Proposed Elevation 1 : 20

Windows all same height and width, bar smaller widths to Bay side windows

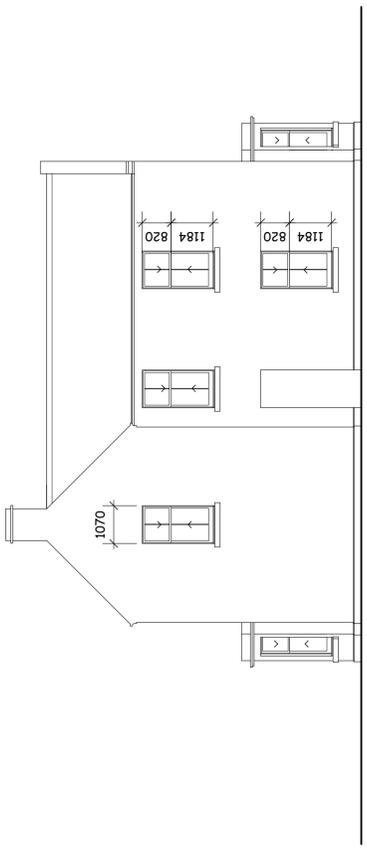


Example of window to be used, minus the Horns, as fitted in the former Park Hotel redevelopment, in the Conservation Area, which is immediately adjacent to Sunny Bank.

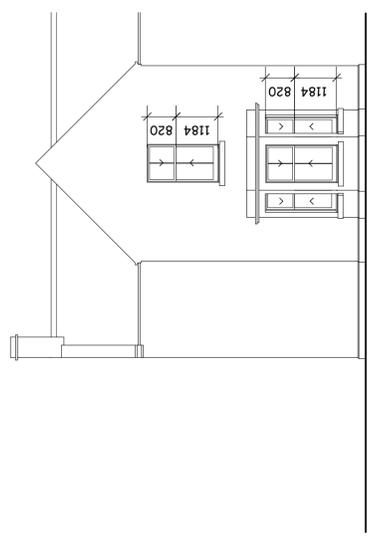
Window manufacturer will be same supplier, so sections, astragal, cill, operating mechanism, all the same.



Proposed West Elevation 1 : 50

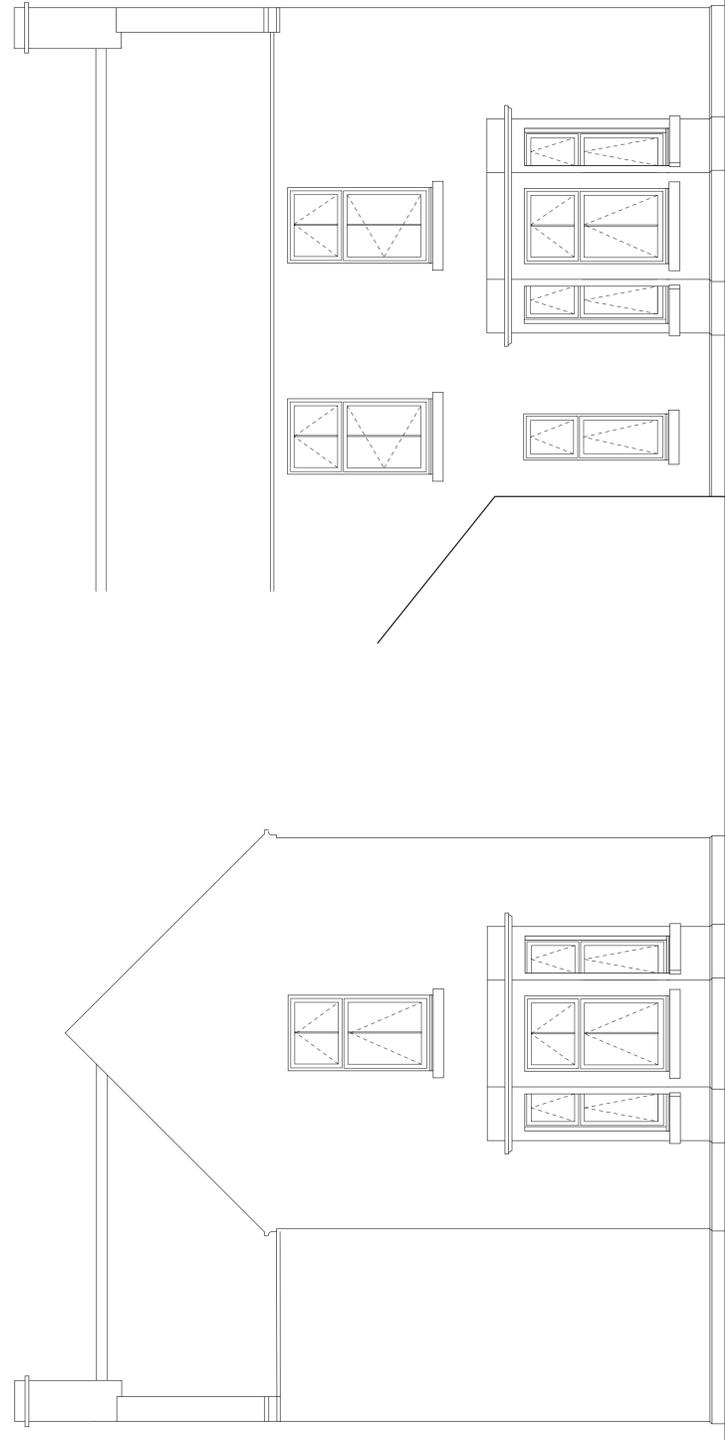


Existing West Elevation 1 : 100



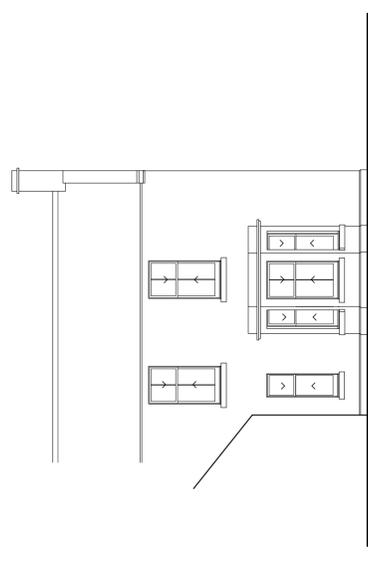
Existing South Elevation 1 : 100

Existing Elevation 1 : 20



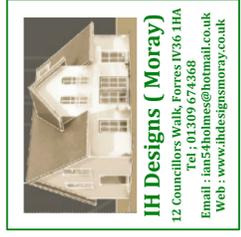
Proposed South Elevation 1 : 50

Proposed North Elevation 1 : 50



Existing North Elevation 1 : 100

Proposed replacement windows at Sunny Bank House
 Victoria Road, Forres
 May 2020
 Drwg. EN2 /1 scale. 1:100
 Rev :



BRITISH STANDARDS / TOLERANCES

BRITISH STANDARDS INFORMATION

BS 7412 – PVCu Windows

Kitemark Licence No KM33686. Applies to factory glazed frames only.

BS 7412/PAS 24 WINDOWS – PVCu Windows

Kitemark Licence No KM61727. Enhanced Security.

BS 7412/PAS 24 DOORS – PVCu Doors

Kitemark Licence No KM85377. General and enhanced security.

BS 8529/PAS 24 DOORS – Composite Doors

Kitemark Licence No KM597995. General and enhanced security.

BS EN ISO 9001 – Quality Management System

Certificate No FM 29754



BS 7412
KM 33686

BS 7412/PAS 24
WINDOWS
KM 61727

BS 7412/PAS 24
DOORS
KM85377

BS 8529/PAS 24
DOORS
KM597995

FM29754

Consort PVCu Windows are classified and specified for weather tightness in accordance with BS 6375 Part 1.

DIMENSIONAL TOLERANCES

Outer frame width and height
Vent width and height



Up to 2000mm +/- 3mm
Over 2000mm +/- 4mm

Parallelism between Outer Frame Members, Transoms and Mullions

Up to 2000mm
Over 2000mm

Maximum run-out 3mm
Maximum run-out 4mm



Profile System Fully Sculptured Profiles

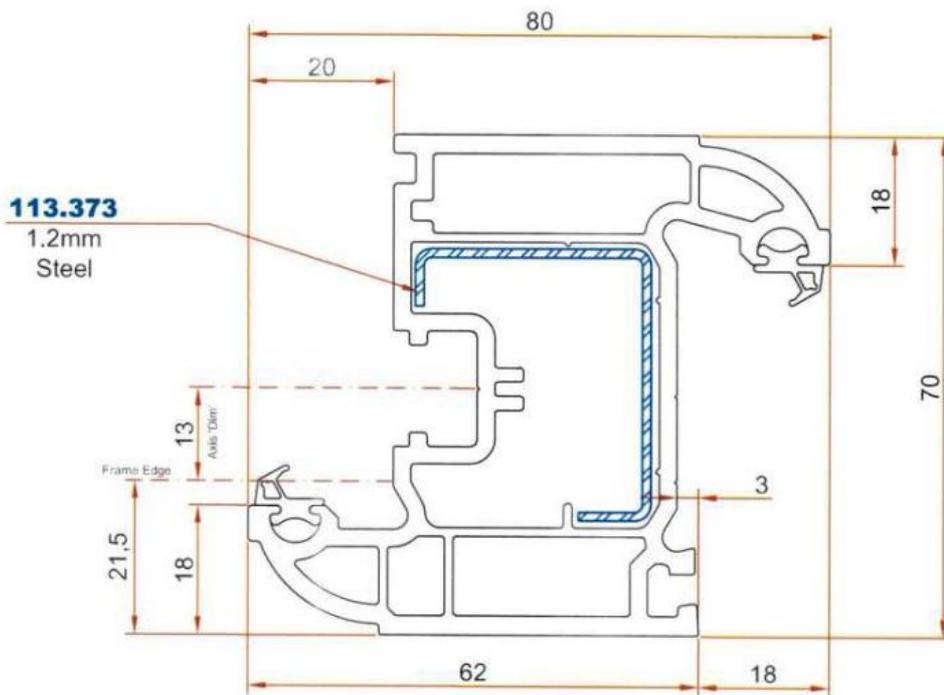
System:	Sculptured
Section:	01
Page:	13:00
Date:	Nov 04
Revision:	

Article No 103.267

80mm 'Z' Sash

Applications:

Tilt & Turn

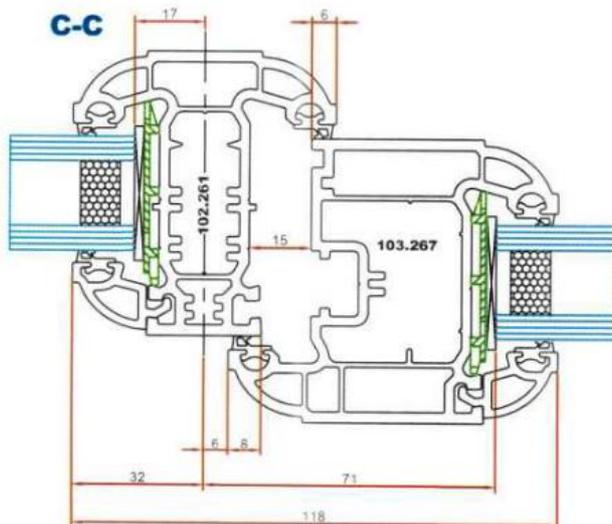
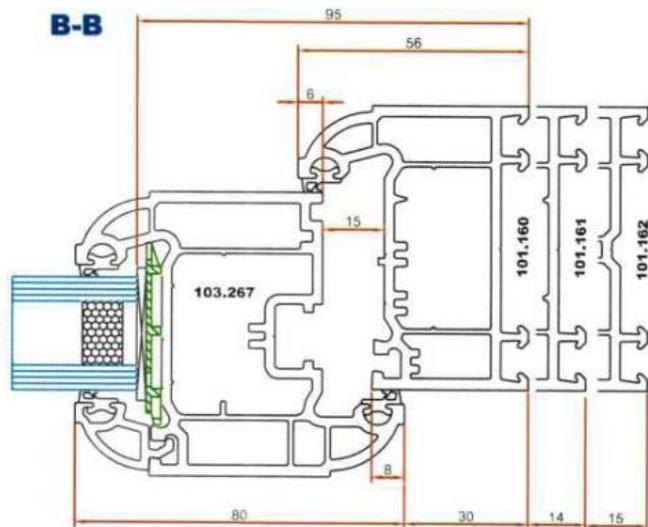
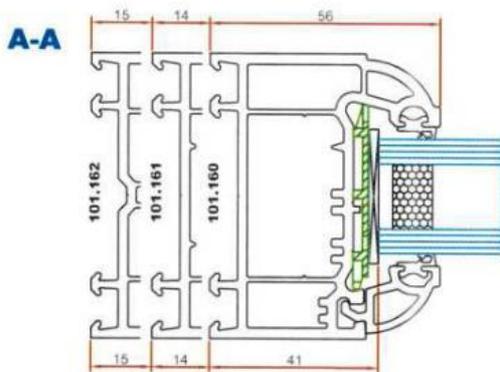
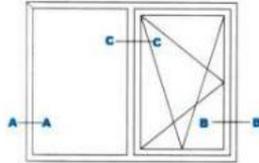




Profile System Fully Sculptured

System:	Sculptured
Section:	02
Page:	02:00
Date:	Nov 04
Revision:	

**Profile Combinations
Using 64mm Transoms/Mullions 102.260/261
With 80mm `Z` Sash 103.267**

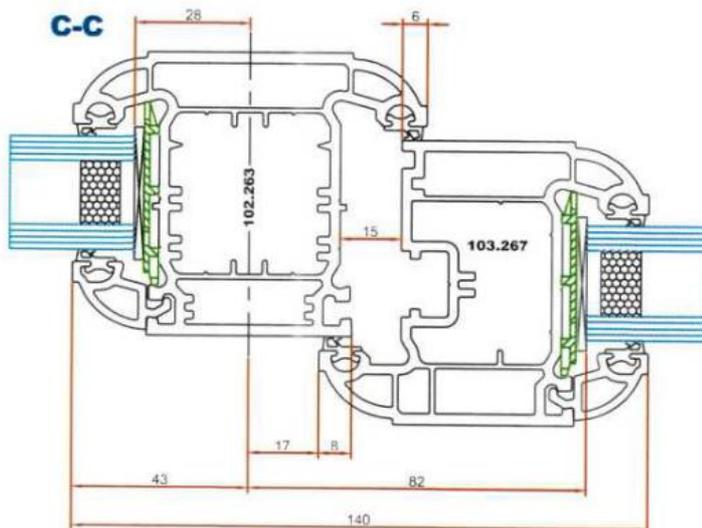
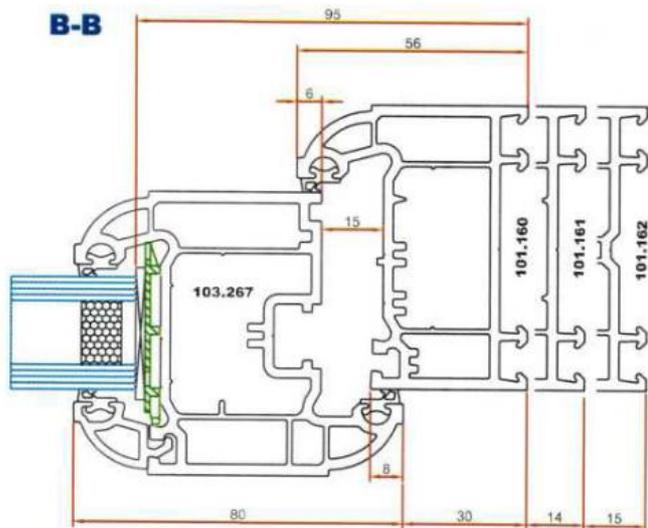
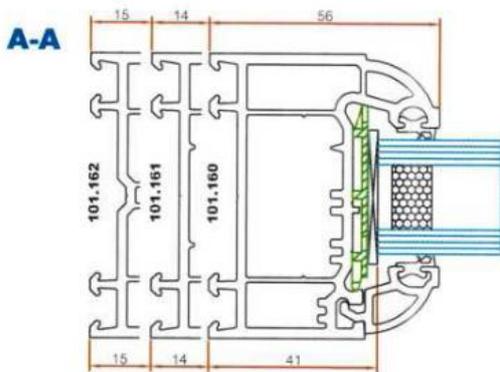
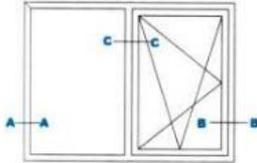




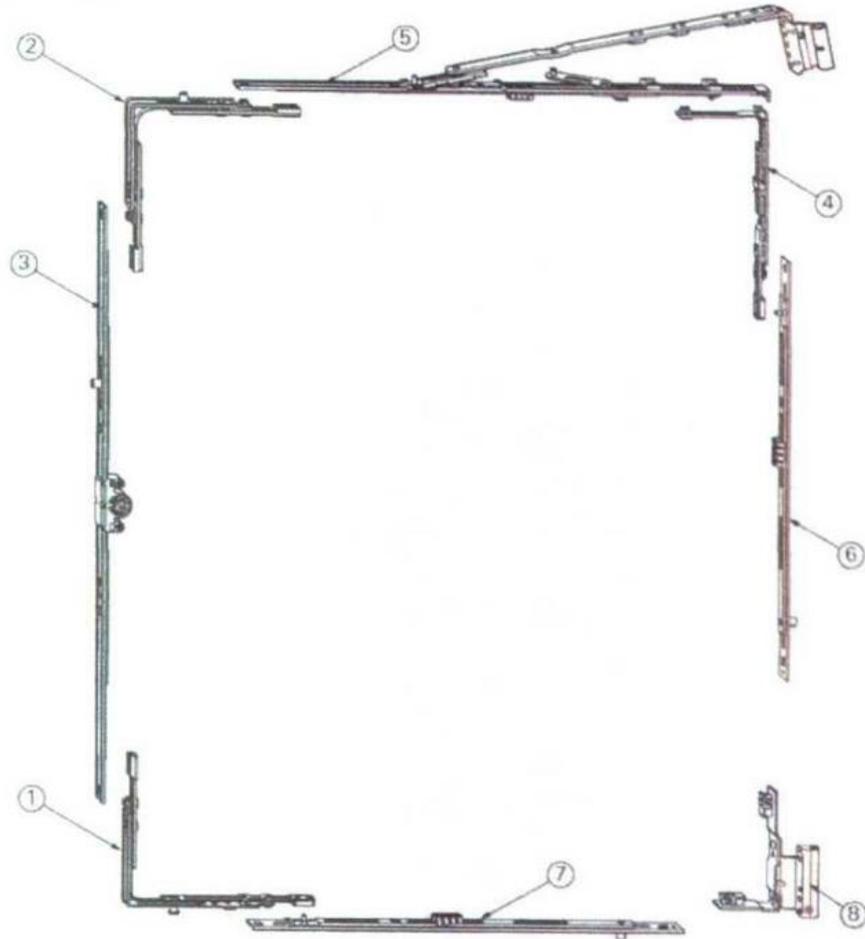
Profile System Fully Sculptured

System:	Sculptured
Section:	02
Page:	02:01
Date:	Nov 04
Revision:	

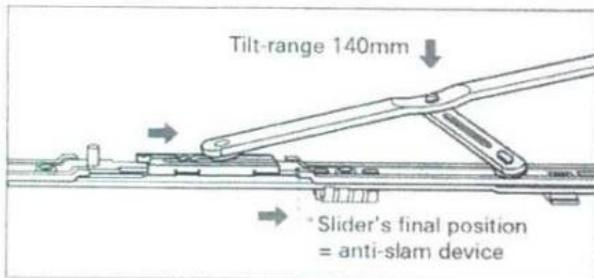
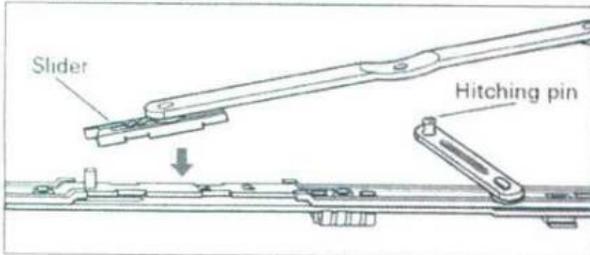
**Profile Combinations
Using 86mm Transoms/Mullions 102.262/263
With 80mm `Z` Sash 103.267**



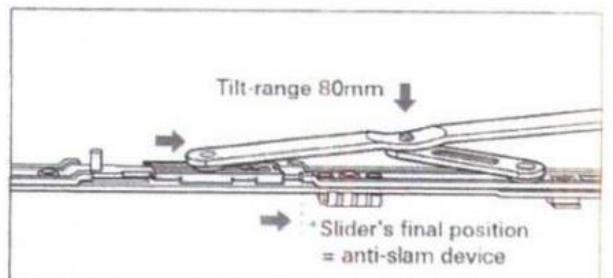
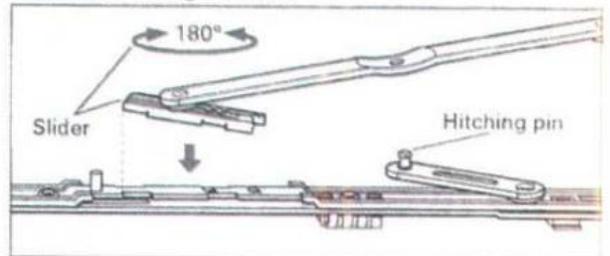
Suggested installation sequence



Standard tilt-range (140mm)

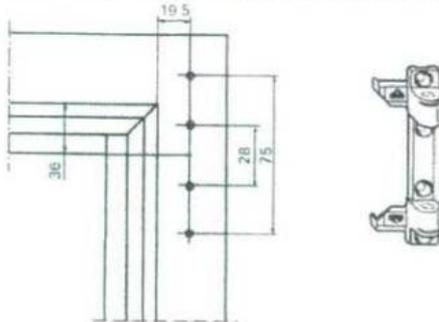


Reduced tilt-range (80mm)

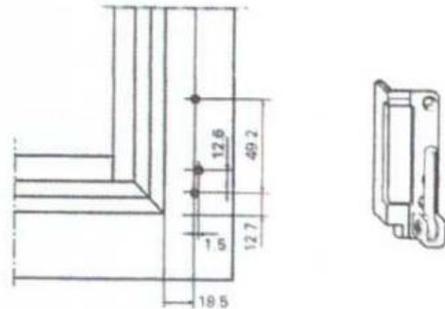


The slider's final position (anti-slam device) is reached automatically by means of tilting the sash.

Frame drilling dimensions: sash stay bearing A

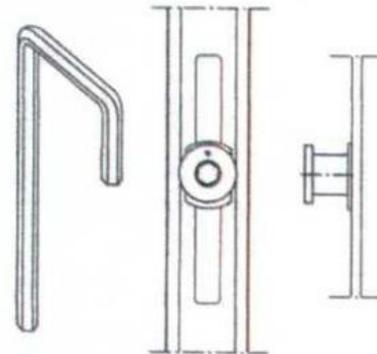
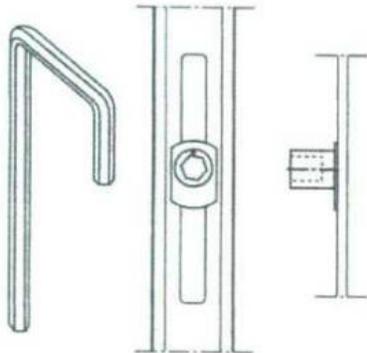


Frame drilling dimensions: corner pivot rest A

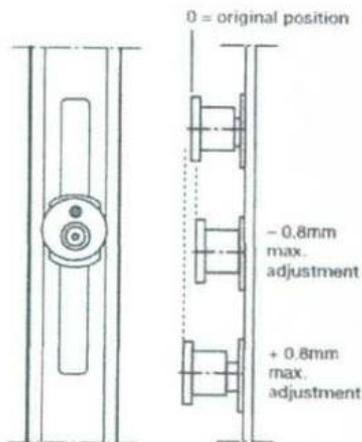


Locking cam E	Adjustment range in °	Gasket compression adjustment in mm
	Original position 	-
	90°  90°	± 0.8

Locking cam E	Adjustment range in °	Gasket compression adjustment in mm
	Original position 	-
	90°  90°	± 0.8



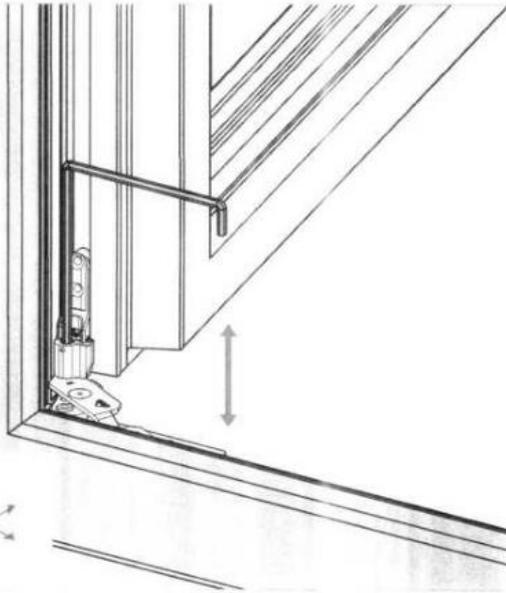
Locking cam **V**



Adjustment range in °	Gasket compression adjustment in mm	Height adjustment in mm
Original position 	-	-
90°  90°	± 0.8	± 0.2
180°  180°	-	± 0.4
270°  270°	± 0.8	± 0.6
360°  360°	-	± 0.8

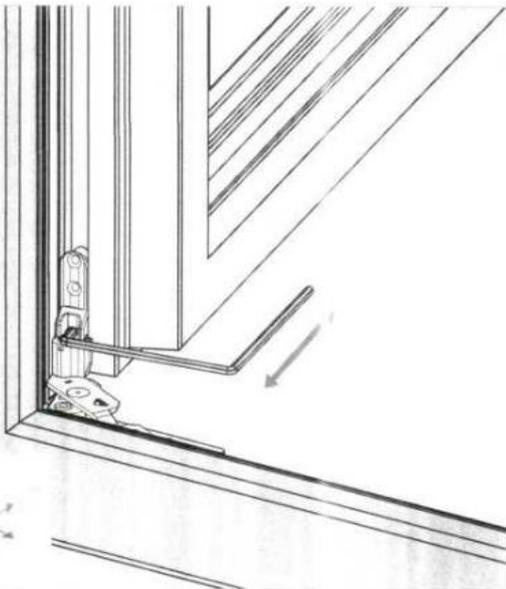
Adjustment instructions

Pivot rest / corner hinge

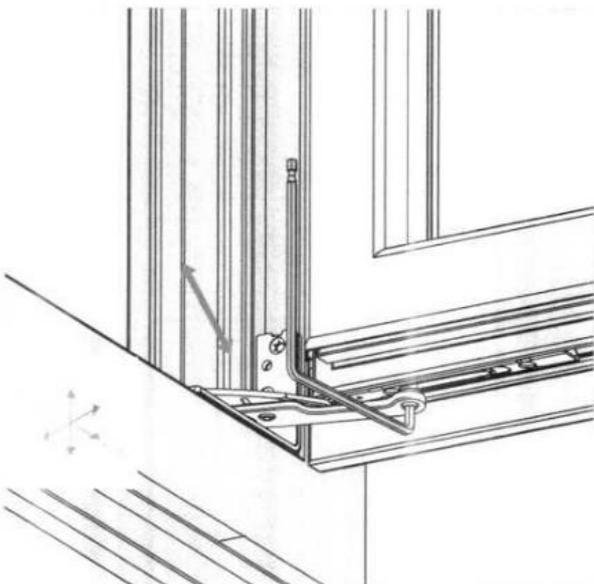


Height adjustment

After the height adjustment, the load transfer device has to be readjusted (refer to page 67).



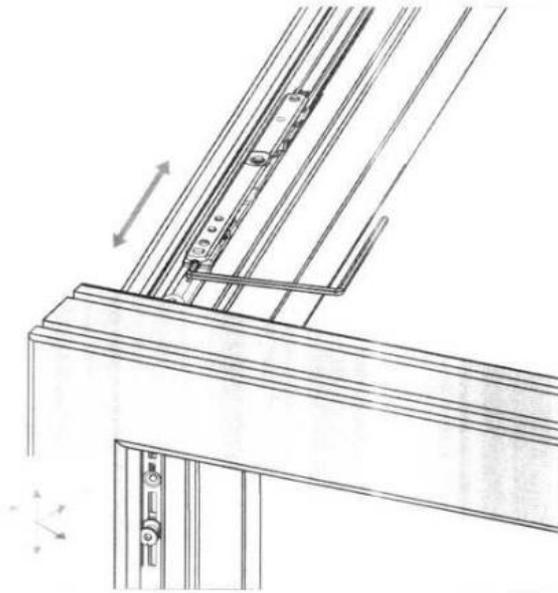
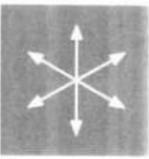
Lateral adjustment



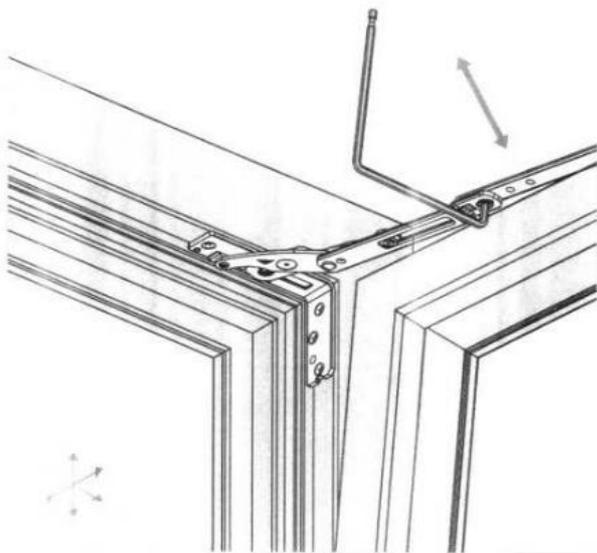
Gasket-compression adjustment

Adjustment instructions

Sash stay

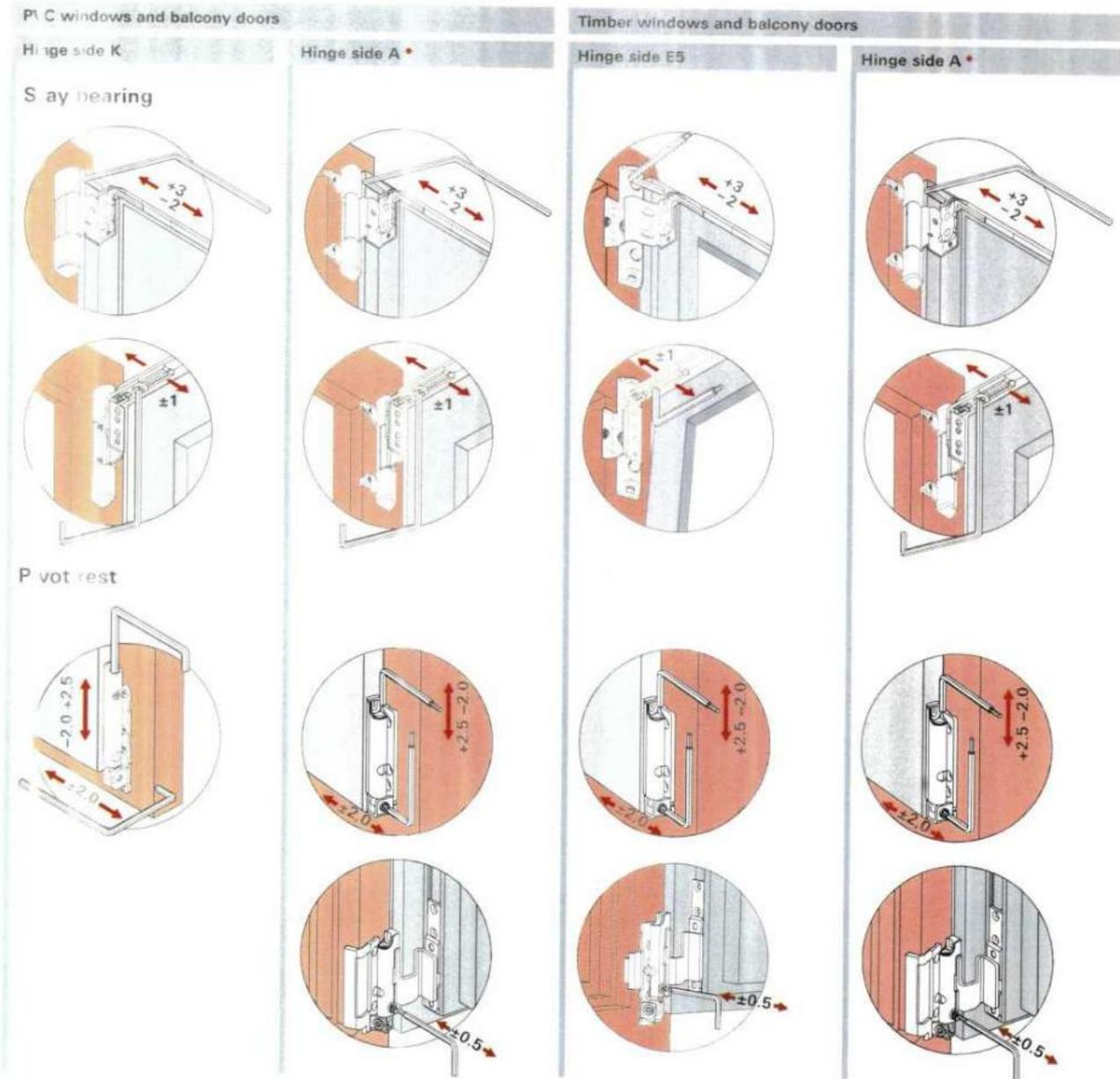


Lateral adjustment



Gasket-compression adjustment

Adjusting Roto hardware components may only be carried out by authorised and qualified personnel.



* To adjust the adjusting dimensions change upon use. * cover caps (on stay bearing) for (re)fit and corner-rebate-security components.

Adjusting tools		
Fig.	Description	Material no.
	4mm Allen key	208609
	2.5mm & 3mm Allen key	230764

Roto Frank AG
Window and door technology

Wirtelstr. 1
70711 Eppingen-Echterdingen
Germany
Telephone: +49 711 7598-0 • Telefax: +49 711 7598-253
inf@roto-frank.com • www.roto-frank.com



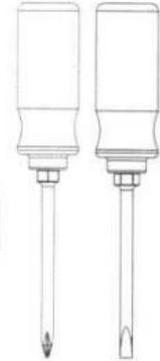
Ve stellhinweise Schließzapfen

Car. code	Adjustment range	Gasket compressor adjustment / mm	Height adjustment / mm	Top view - Lateral view	Adjusting tool
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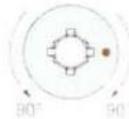
Lo - king cam E



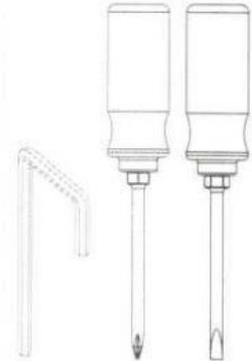
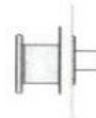
± 0.8 mm



Lo - king cam P



± 0.8 mm



Lo - king cam V

Car. code	Adjustment range	Gasket compressor adjustment / mm	Height adjustment / mm	Top view - Lateral view	Adjusting tool
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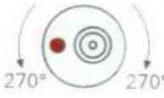
± 0.8 mm

± 0.2 mm



-

± 0.4 mm



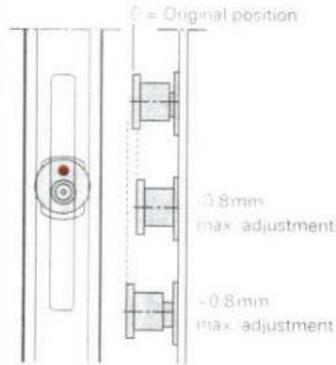
± 0.8 mm

± 0.6 mm



-

± 0.8 mm



Planning Application

Replacement windows at Sunny Bank, Victoria Road, Forbes for Mrs Elma Noble.

1. Most of window sash bottom rails are rotten and in need of replacing.

The North elevation is particularly bad as this is directly facing the prevailing weather and has suffered the most. Various sills have been replaced in the past but are showing signs of rot again. The window frames and sash boxes are also showing signs of rot.

2. All external cills are rotten some worse than others which is causing a problem on either side of the boxes (needing windows replaced). Some windows have had the mortice and tenon joints spring open and have been bolted together!

3. On a practical level some first floor longer windows can not be safely used, especially in an emergency for escape purposes. To overhaul these would require removal and taken to the workshop for reconstruction.

4. Cost to replace windows with new wooden sash and case, sash boxes, chords and pulley weights, cost in the region of 3 times than similar that will look exactly the same. On an economical level the heat loss for the property would be greatly improved and safer to operate on a daily basis.

It should be noted that a single storey, open plan kitchen / lounge extension has upvc doors and windows.

REPORT OF HANDLING

Ref No:	21/00593/APP	Officer:	Katherine Donnachie
Proposal Description/ Address	Replace single glazed windows with upvc double glazed units style to match existing at Sunny Bank Victoria Road Forres Moray		
Date:	30.07.2021	Typist Initials:	LMC

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

CONSULTATIONS		
Consultee	Date Returned	Summary of Response

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
DP1 Development Principles	Y	Refer to observations
EP9 Conservation Areas	Y	Refer to observations
PP1 Placemaking		Refer to observations

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received: ONE		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
Issue: Writer advises they have no objection to the proposals.		
Comments (PO): Noted.		

Proposals and Site

This application seeks full planning permission to replace all of the existing white painted wooden sash and case at a traditional stone and slate two storey semi-detached substantial dwellinghouse at Sunnybank, Victoria Road Forres. The existing windows are single glazed and there are a total of 14 windows (including 2 bay windows) to be replaced. The proposed new window will be white UPVC of the same proportions, of sash and case style appearance, and double glazed. The application has been advertised in the local press.

The application site is located to the north of Victoria Road with front elevation facing south over this road. To the immediate east is the other half of this semi-detached property. This property (The Pines) is also stone and slate with a front sun lounge with UPVC windows which was approved in 1998 (reference 98/01638/FUL) To the west is an access lane with the Park (now converted to residential accommodation) lying to the west of this set in its own policies and set back from the public road. Further residential properties lie to the rear (north). The site lies within Forres Outstanding Conservation Area.

In terms of planning history consent was granted in 2002 (reference 02/01559/FUL) to erect a double garage and extend existing garden wall at Sunnybank and in 2003 (reference 03/00617/FUL) to erect a sun room to the rear of the property.

Policy Background

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

Principle

Policy PP1 Placemaking seeks to ensure that new development is designed to create successful healthy places that improve people's wellbeing, safeguard the environment and support economic development, promote character and identity and biodiversity. Similarly Policy DP1 Development Principles is supportive of new development providing it meets all other relevant planning policies. Again this policy supports new development providing it is in keeping with the area and this will now be considered below.

Design, layout and impacts on Conservation Area

Policy DP1 Development Principles sets out the need for the scale, density and character to be appropriate to the surrounding area to create a sense of place, integrated into the surrounding landscape with no adverse impact upon neighbouring properties in terms of privacy, daylighting, or overbearing loss of amenity. It is considered that this window replacement proposal will have no impacts upon neighbours. The main planning policy issue therefore is the impact on the surrounding townscape given that the house is located within Forres Outstanding Conservation Area.

The key planning policy is Policy EP9 Conservation Areas which requires that all development within a Conservation Area preserves and enhances the established traditional character or appearance of the area. It notes that alterations will be refused where they adversely affect the character and appearance in terms of scale, height, massing, colour, materials and siting, explaining that this will typically require the use of traditional materials and style. With regard to replacement doors and windows the policy states that for unlisted buildings within conservation areas replacement windows must match the original windows in terms of proportions and appearance and shall open in a traditional sash manner or be in the form of casements whichever is appropriate. The use of UPVC windows may be deemed acceptable if it is of an appropriate traditional style and not located on a principal elevation or on an elevation on a public view. However the fundamental test will be whether the replacement will have a detrimental effect on the character of the building and/or the conservation area. The justification for the policy explains that unlisted buildings within a conservation area can

have significant townscape value and make a valuable contribution to the overall character of the area.

Policy EP9 explains that advice on the type of windows considered acceptable is set out in the Council's Replacement Windows and Door Guidance. This document is a material consideration in decision making. It sets out the importance of windows and doors to the character of historic buildings both individually and in the wider streetscape, explaining the desire to protect and preserve original windows where possible. It highlights that replacement will only be approved where there is no alternative, for example where they have clearly deteriorated beyond practical repair or are not original with the Council likely to request evidence to demonstrate that there is no scope for repair works. The guidance also goes on to clarify that double glazed units which have the correct astragal width and painted finishes are usually considered acceptable as replacements where there was previously no historic glass present. The guidance also explains that repairs to traditional windows are almost always cheaper than full replacements and that it is a common misconception that timber windows are difficult to maintain and that UPVC windows are maintenance free.

The application site is prominently located on Victoria Road which is the main approach into Forres town centre from the east. The north elevation is prominent from this approach and both the north and western elevations are open to public view when travelling east along Victoria Road with a bus stop also located in close proximity to the site. This part of Victoria Road lies within the designated outstanding Conservation Area and is characterised by villa type traditional buildings on the northern side of the road, some set back from the road in large garden areas. It forms a clear transition from the more modern developments to the east leading towards the higher density medieval core of Forres. Sunnybank is a substantial attractive property which retains important traditional elements such as the sash and case windows which add to the quality of the wider conservation area too.

Council policy is clear that UPVC windows will only be accepted where they are not located on a principal elevation or on an elevation on a public view. In this context it is only the windows on the rear (south) elevation which could be considered to not be on a principal elevation and to have any potential for replacement by UPVC windows of sash and case appearance. Window replacement on the other two elevations clearly fails to comply with policy. The other examples of consented UPVC windows cited by the applicant relate, in the case of Sunnybank and its neighbouring property at the Pines, to consents granted almost 20 years ago, well before current policy and guidance. Other examples quoted also seem to date from earlier than the current policy and guidance although consents have not been traced to date.

Finally, in terms of planning history it is noted that an application to replace timber windows with UPVC sliding casement windows at St Leonards Road Forres (reference 18/00223/APP) was refused in 2018 with a subsequent application to retain the installed new windows (reference 20/01059/APP) also refused. A subsequent appeal to the Local Review Body against this refusal was dismissed in 2020.

In these overall circumstances it is considered that the proposed development does not comply with Policy EP9 and would not preserve and enhance the established traditional character of the area. Sunnybank is a prominent building in the local townscape and conservation area and the loss of traditional finishes is not considered to be acceptable. Accordingly as recommended by the Council guidance and policy the repair of the existing windows should be explored followed, if necessary, by consideration of replacement on principal elevations with timber sash and case windows potentially double glazed. (The applicants' desire to reduce heat loss is appreciated but there are other ways to improve thermal efficiency and also preserve the heritage of the Conservation Area, for example suitable repairs or indeed replacement by double glazed units) This would require to be the subject of a revised application in due course as would any proposal for UPVC windows on the rear elevation.

Conclusion

The retention of timber sash and case windows is an important way of preserving the historic

appearance and fabric buildings and the character of the Conservation Area. There are opportunities to improve the thermal efficiency of traditional buildings whether through repairs or new windows, provided appropriate traditional materials are used. Council policy and guidance is clear on this subject setting out that the use of non-traditional materials such as UPVC on principal elevations will not be acceptable in a Conservation Area.

The proposed windows are not considered to preserve or enhance the established traditional character or appearance of the Conservation Area and therefore are not considered to comply with policy whereby refusal is recommended.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

Moray Council advice entitled "Replacement Windows and Doors Guidance"

HISTORY				
Reference No.	Description			
21/00253/ID	Replace existing timber frames sash and case windows with cream coloured UPVC glazing at Sunny Bank Victoria Road Forres Moray IV36 3BN			
	Decision	Planning Permission Required	Date Of Decision	10/03/21
03/00617/FUL	Erect a sun room at Sunny Bank House Victoria Road Forres Moray IV36 3BN			
	Decision	Permitted	Date Of Decision	19/05/03
02/01559/FUL	Erect a double garage and extend existing garden wall at Sunny Bank House Victoria Road Forres Moray IV36 3BN			
	Decision	Permitted	Date Of Decision	27/09/02

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Forres Gazette	Planning application affecting LB/CA	08/06/21
PINS	Planning application affecting LB/CA	08/06/21

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?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name: Supporting Statement		

Main Issues:	Outlines that that most of the sash bottom rails are rotten with the north elevation particularly bad as it faces the prevailing weather. Sills have been replaced in the past but showing signs of rot again whilst window frames and sash boxes also showing signs of rot. Issues with joints which have been bolted together to prevent them opening and some first floor windows can no longer be safely used , so preventing their use for escape purposes. Repairing the windows would require removal to a workshop for reconstruction whilst replacement with sash and case windows would cost around 3 times the cost of UPVC windows which will look the same. Heat loss would also be addressed by installing new windows. Finally note that the existing extension has upvc windows.
Document Name:	Quotes and examples of other UPVC windows in Forres
Main Issues:	Copy quote has been provided for installation to UPVC windows and also a quote for installation of timber sash and case. This illustrates that timber windows are almost twice the price of UPVC. Photographs have been provided of other examples of UPVC windows in the area including an extension to the rear of the application property and a sun lounge to the front of the adjacent house.

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

**[Forres]
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:-

Replace single glazed windows with upvc double glazed units style to match existing at Sunny Bank Victoria Road Forres Moray

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

Date of Notice: **2 August 2021**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

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

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

The proposed development is contrary to Policy DP1: Development Principles and Policy EP9: Conservation Areas of the adopted Moray Local Development Plan 2020 and, as a material consideration, associated Replacement Windows and Doors Guidance for the following reasons:

- the removal of original timber sash and case windows and replacement with non-traditional UPVC units located on principal elevations and elevations on a public view would fail to preserve or enhance the established traditional character and appearance of Forres Outstanding Conservation Area.
- the proposed finishes are considered to adversely affect the character and appearance of Forres Outstanding Conservation Area, are not appropriate to the surrounding area, and do not respect the architectural authenticity of the building and the character of Forres Outstanding Conservation Area.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
		Profile sections
EN/1		Elevations and 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 County 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	Mrs	Ref No.	21/00593/APP
Forename	Elma	Forename	Ian
Surname	Noble	Surname	Holmes
Company Name		Company Name	IH Designs (Moray)
Building No./Name	Sunny Bank	Building No./Name	12
Address Line 1		Address Line 1	Councillors Walk
Address Line 2	Victoria Road	Address Line 2	
Town/City	Forres	Town/City	Forres
Postcode	IV36 3BN	Postcode	IV36 1HA
Telephone		Telephone	01309 674368
Mobile		Mobile	07989499006
Fax		Fax	
Email		Email	ian54holmes@hotmail.co.uk
3. Application Details			
Planning authority	Moray Council		
Planning authority's application reference number	21/00593/APP		
Site address	Sunny Bank, Victoria Road,Forres		
Description of proposed development	Replacement windows.		

Date of application

Date of decision (if any)

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.

Immediately adjacent and within the conservation area, a residential development replaced existing windows with upvc, and new construction with upvc. List of properties with pvc or aluminium windows nearby, submitted as examples.

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:

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.

The costs involved in wholesale remedial works is 2/3 times that of replacement in pvc. The design proposed was to mimic the original sash and case, so appearance is in keeping with the building's architecture. The immediately adjacent former Park Hotel residential development has a mixture of existing and new housing. All the windows are of the same design and material as proposed for Sunny Bank. There are many properties in close proximity to Sunny Bank that are either pvc or aluminium frames, with varying designs and all within the conservation area. Immediately to the right of Sunny Bank, the adjacent property has a large upvc conservatory on the main elevation. At Sunny Bank there is a rear facing single storey extension that already has pvc windows and french doors, so a precedent has been set.

A list of the nearby properties within the conservation area, with pvc and aluminium is attached.

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.

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

List of neighbouring properties.
Window Report.

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: Date:

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.

IH DESIGNS (MORAY)

12 COUNCILLORS WALK,

FORRES IV36 1HA

01309 674368 or 07989499006

Planning Application

**Replacement windows at Sunny Bank, Victoria Road, Forbes
for Mrs Elma Noble.**

Sunny Bank House has the original timber sash and case, single glazed windows, approx 100 years old. Repairs have been carried out in the past with some success, however, the timber frames and associated sash boxes are now worsenening.

Joiners were invited to submit their quotes and timescales to remove the units, repair and then refit. Due to the timescale, the security issues and importantly the cost, it has proved that doing this is getting on for 2 to 3 times the cost of replacement pvc units. A recent extension to the rear has pvc windows and doors.

Great care was taken in the design of the replacement windows to try and replicate the original sash and case design, as can be seen from the existing and proposed elevations. The choice of pvc frames in the opinion of the applicant is not out of character with the surrounding properties.

Here we list some of the immediate buildings within the conservation area and the type of window choice installed.

[REDACTED]



As you can see, there a great many properties in this small stretch of Victoria Road that have not retained the original timber framed windows or tried to replicate the original design.

We contend that by trying to match the original sash and case style of the original windows, it will go a long way to keeping the character of Sunny Bank House.

9th August 2021

IH DESIGNS (MORAY)

12 COUNCILLORS WALK,

FORRES IV36 1HA

01309 674368 or 07989499006

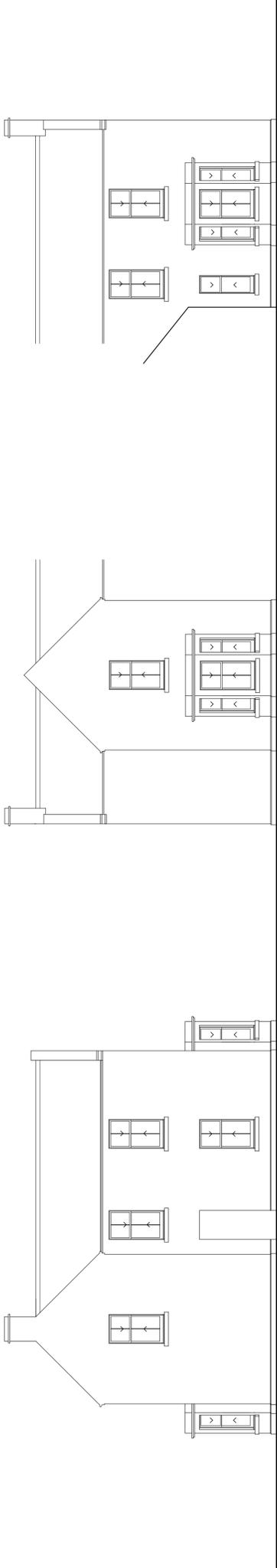
Planning Application

**Replacement windows at Sunny Bank, Victoria Road, Forbes
for Mrs Elma Noble.**

1. Most of window sash bottom rails are rotten and in need of replacing
2. All external cills are rotten some worse than others which is causing a problem on either side of the boxes (needing windows replaced)
3. No longer able to open windows on first floor safely (not ideal in an emergency situation)
4. Cost to replace windows with new wooden sash and case would cost 3 times more than in similar UPVC that will look exactly the same and also won't affect any of the internal finish unlike wooden windows
5. Single glazing in certain windows are not safety glass or thermally efficient



No works to commence on site until Planning and/or Building Warrant Approval has been received. Contractors to be familiarise themselves with site dimensions, roof pitches and familiarise themselves prior to ordering and manufacturing components and materials.
Do not scale the drawings.



Existing West Elevation 1 : 100

Existing South Elevation 1 : 100

Existing North Elevation 1 : 100



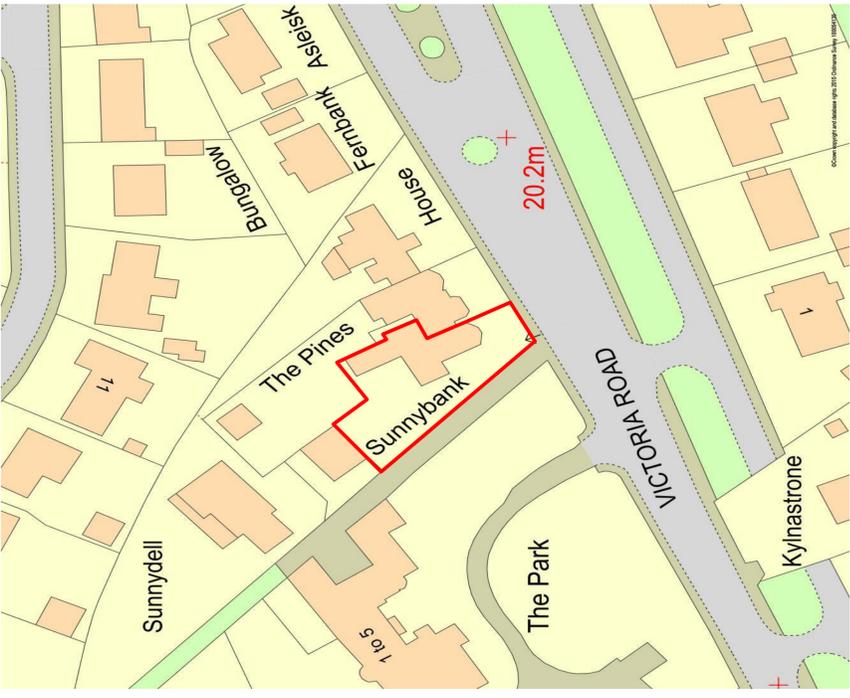
North Elevation
Bathroom window,
rotten cill,window
frame, sash boxes



North Elevation
bay window,
rotten cill,window
frame, sash boxes



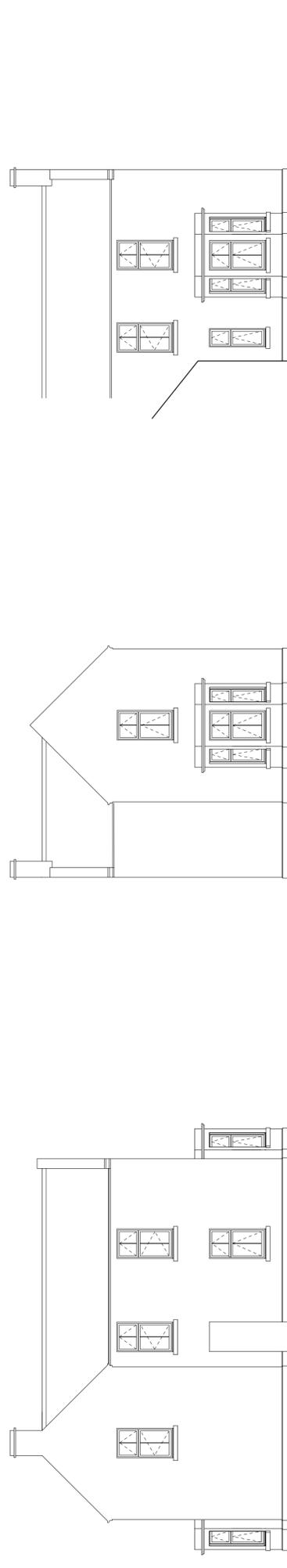
South Elevation
bay window,
window frames
bolted together,
joints springing.



Proposed West Elevation 1 : 100

Proposed South Elevation 1 : 100

Proposed North Elevation 1 : 100



Proposed replacement windows
at Sunny Bank House
Victoria Road, Forres
May 2020
Drwg: EN1 /1 scale: 1:100
Rev :

IH Designs (Moray)
12 Councilors Walk, Forres IV36 1HA
Tel : 01309 674368
Email : ian54holmes@hotmail.co.uk
Web : www.ihdesignsmoray.co.uk



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

REFUSAL OF PLANNING PERMISSION

**[Forres]
Application for Planning Permission**

TO Mrs Elma Noble
c/o IH Design
Eilean Dubh
12 Councillors Walk
Forres
Moray
IV36 1HA

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:-

Replace single glazed windows with upvc double glazed units style to match existing at Sunny Bank Victoria Road Forres Moray

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

Date of Notice: **2 August 2021**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

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

**IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW**

SCHEDULE OF REASON(S) FOR REFUSAL

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

The proposed development is contrary to Policy DP1: Development Principles and Policy EP9: Conservation Areas of the adopted Moray Local Development Plan 2020 and, as a material consideration, associated Replacement Windows and Doors Guidance for the following reasons:

- the removal of original timber sash and case windows and replacement with non-traditional UPVC units located on principal elevations and elevations on a public view would fail to preserve or enhance the established traditional character and appearance of Forres Outstanding Conservation Area.
- the proposed finishes are considered to adversely affect the character and appearance of Forres Outstanding Conservation Area, are not appropriate to the surrounding area, and do not respect the architectural authenticity of the building and the character of Forres Outstanding Conservation Area.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
		Profile sections
EN/1		Elevations and 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 3

ADDITIONAL INFORMATION SUBMITTED BY APPLICANT

IH DESIGNS (MORAY)

12 COUNCILLORS WALK,

FORRES IV36 1HA

01309 674368 or 07989499006

Planning Application

**Replacement windows at Sunny Bank, Victoria Road, Forbes
for Mrs Elma Noble.**

Sunny Bank House has the original timber sash and case, single glazed windows, approx 100 years old. Repairs have been carried out in the past with some success, however, the timber frames and associated sash boxes are now worsening.

Joiners were invited to submit their quotes and timescales to remove the units, repair and then refit. Due to the timescale, the security issues and importantly the cost, it has proved that doing this is getting on for 2 to 3 times the cost of replacement pvc units. A recent extension to the rear has pvc windows and doors.

Great care was taken in the design of the replacement windows to try and replicate the original sash and case design, as can be seen from the existing and proposed elevations. The choice of pvc frames in the opinion of the applicant is not out of character with the surrounding properties.

Here we list some of the immediate buildings within the conservation area and the type of window choice installed.

Victoria Road.

The Pines. Immediately to the right of Sunny Bank, has a large pvc conservatory on the main elevation.

Revier House. White pvc windows, design not in keeping with original sash and case.

The Park Development (formerly the Park Hotel). White pvc windows to the original buildings and to the new buildings. Style sympathetic with the original sash and case. Note: it is this style that the applicant wishes to mirror, same window manufacturer too.

Birnie. White pvc windows.

Kylnastrone. Left of the row of police houses. Brown, pvc windows.

3 – 7 Police Buildings. All aluminium framed windows, style not as per original.

Police Station. White pvc windows.

Clovenside.

1 – 2 Police Houses. Both with aluminium framed windows.

Lucy Cottage. White pvc windows and doors.

Bronte Place. White pvc windows.

As you can see, there are a great many properties in this small stretch of Victoria Road that have not retained the original timber framed windows or tried to replicate the original design.

We contend that by trying to match the original sash and case style of the original windows, it will go a long way to keeping the character of Sunny Bank House.

9th August 2021



APPENDIX 4

APPOINTED OFFICER'S RESPONSE TO ADDITIONAL INFORMATION SUBMITTED BY APPLICANT

INFORMATION FOR LOCAL REVIEW BOARD ON

The other examples of UPVC windows in the area have been reviewed in terms of planning history and do not change the recommendation on the current application. In some cases these pre-date current policy and guidance and in others there is no record of consent being granted. Comments on each case below

Victoria Road.

The Pines.

Consent was granted in 1998 for the conservatory pre dating current policy and guidance by more than 20 years as noted in the original report of handling. (Reference 98/01638/FUL)

Revier House

No record of planning applications

The Park Development

Consents for this site date from 2004-- references below

- 04/00192/FUL- Convert and extend Park Hotel to 5 apartments convert cottage erect 4 houses and garages in grounds at Park Hotel
- 04/03021/FUL -Replace house Plot A with apartment block 4 flats and separate garage block
- 03/02165/FUL -Convert Park Hotel into five apartments demolish existing cottage erect 14 apartments 3 bungalows and garages

Birnie.

No planning history on site

Kylnastrone.

There is a record of an inquiry to replace existing UPVC windows at this property with UPVC windows of the same style which did not require consent.

3 – 7 Police Buildings.

Only planning history is an informal inquiry in 2017 to change non-traditional aluminium framed windows to UPVC at Hillside (number 6) which was at that time was considered not to require consent based on the particular details

Police Station.

No planning history at this site

Clovenside

1 – 2 Police Houses

It is not clear if these properties are number 3 and 5 Clovenside Road in which case consents for extensions and alterations to these properties date from before current policy and guidance. References below

- 02/00573/FUL -Extend dwellinghouse at |5 Clovenside Road
- 05/00387/FUL -Alter and extend dwellinghouse at 3 Clovenside Road

Lucy Cottage. White pvc windows and doors.
No relevant planning history at this site

Bronte Place. White pvc windows.
No relevant planning history at this site