



Moray Local Review Body

Thursday, 16 June 2022

NOTICE IS HEREBY GIVEN that a Meeting of the **Moray Local Review Body** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Thursday, 16 June 2022 at 09:30.**

BUSINESS

- 1 **Sederunt**
- 2 **Declaration of Group Decisions and Members Interests ***
- 3 **Minute of Meeting dated 31 March 2022** **5 - 8**
- 4 **LR273 - Ward 2 - Keith and Cullen** **9 - 54**

Planning Application 21/01784/APP – Enlarge window and form new window at 17 Harbour Place, Portknockie, Buckie, Moray

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.

Any person wishing to attend the meeting should contact customer services on 01343 563217 prior to the meeting as the number of attendees is restricted due to the recent Covid pandemic

**You can however watch the webcast of the meeting by going to :
http://www.moray.gov.uk/moray_standard/page_43661.html**

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 Marc Macrae (Chair)
Councillor Amber Dunbar (Depute Chair)

Councillor Neil Cameron (Member)
Councillor Juli Harris (Member)
Councillor Sandy Keith (Member)
Councillor Paul McBain (Member)
Councillor Neil McLennan (Member)
Councillor Derek Ross (Member)
Councillor Sonya Warren (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, 31 March 2022

Various Locations via Video-Conference

PRESENT

Councillor David Bremner, Councillor Gordon Cowie, Councillor Donald Gatt, Councillor Louise Nicol, Councillor Laura Powell, Councillor Amy Taylor

APOLOGIES

Councillor Aaron McLean, Councillor Ray McLean, Councillor Derek Ross

IN ATTENDANCE

Ms Webster, Principal Planning Officer (Strategic Planning and Development) Mrs Gordon 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 24 February 2022

The Minute of the meeting of the Moray Local Review Body dated 24 February 2022 was submitted and approved.

4 LR271 - Ward 3 - Buckie

Planning Application 21/01271/PPP – Erect dwelling house on site at Newlands Lane/rear of 68 East Church Street, 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 in principle on the grounds that:

The proposed development is contrary to Policy DP1 Development Principles of the adopted Moray Local Development Plan (MLDP) 2020 for the following reasons:

1. The proposal involves sub division of the plot associated with 68 East Church Street Buckie, and falls short of the minimum plot size of 400 square metres required by the policy; and
2. The proposed site does not reflect the character and appearance of the surrounding area due to its limited size and narrow frontage which does not reflect the density and layout of the surrounding 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, 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.

During discussion, the MLRB acknowledged that the proposal would improve the site and was in keeping with similar properties in Buckie however, in terms of the MLDP policy DP1 (Development Principles) the site was too small for the proposal therefore the MLRB unanimously agreed to refuse planning permission in principle in respect of Planning Application 21/01271/PPP.

5 LR272 - Ward 2 - Keith and Cullen

Planning Application 21/00059/APP – Demolish existing store and erection of dwellinghouse at Store, Seatown, Cullen 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:

1. The proposal would be contrary to policies PP1, PP3, DP1, DP2 and EP9 of the Moray Local Development Plan (MLDP) 2020 and associated guidance contained within the Cullen Conservation Area Character Appraisal for the following reasons:
2. The proposed development by virtue of the unsympathetic design detailing would have an adverse impact on the character and appearance of what is an exceptionally prominent site on the frontage of the Cullen Conservation Area.
3. Furthermore the applicants have failed to provide 3 car parking spaces, which if the development were permitted, would be likely to give rise to conditions detrimental to the road safety of road users. The lack of an EV charging point within the site is a matter which should be easily overcome,

however, failure to provide this as part of the proposals results in a further reason for refusal on this basis.

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.

Following consideration, the MLRB unanimously agreed to refuse planning permission in respect of Planning Application 21/00059/APP as the proposal is contrary to policies PP1 (Placemaking), PP3 (Infrastructure and Services), DP1 (Development Principles), DP2 (Housing) and EP9 (Conservation Areas) of the MLDP 2020 and associated guidance contained within the Cullen Conservation Area Character Appraisal.



MORAY LOCAL REVIEW BODY

16 JUNE 2022

SUMMARY OF INFORMATION FOR CASE No LR273

Planning Application 21/01784/APP – Enlarge window and form new window at 17 Harbour Place, Portknockie, Buckie, Moray

Ward 2 – Keith and Cullen

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 29 March 2022 on the grounds that:

The proposal is contrary to the Moray Local Development 2020 Policies: Policy EP9 Conservation Areas and related Replacement Windows and Doors Guidance, Policy EP3 part b Special Landscape Character, and Policy DP1 Development Principles because: The proposed UPVC windows which would be located on a prominent public gable are not considered to preserve or enhance the traditional character or appearance of the Conservation Area. The presence of additional UPVC units on this prominent public gable would further erode the traditional sense of place of the Portknockie Outstanding Conservation Area. The proposal therefore fails to comply with current policy requirements, the application is therefore refused.

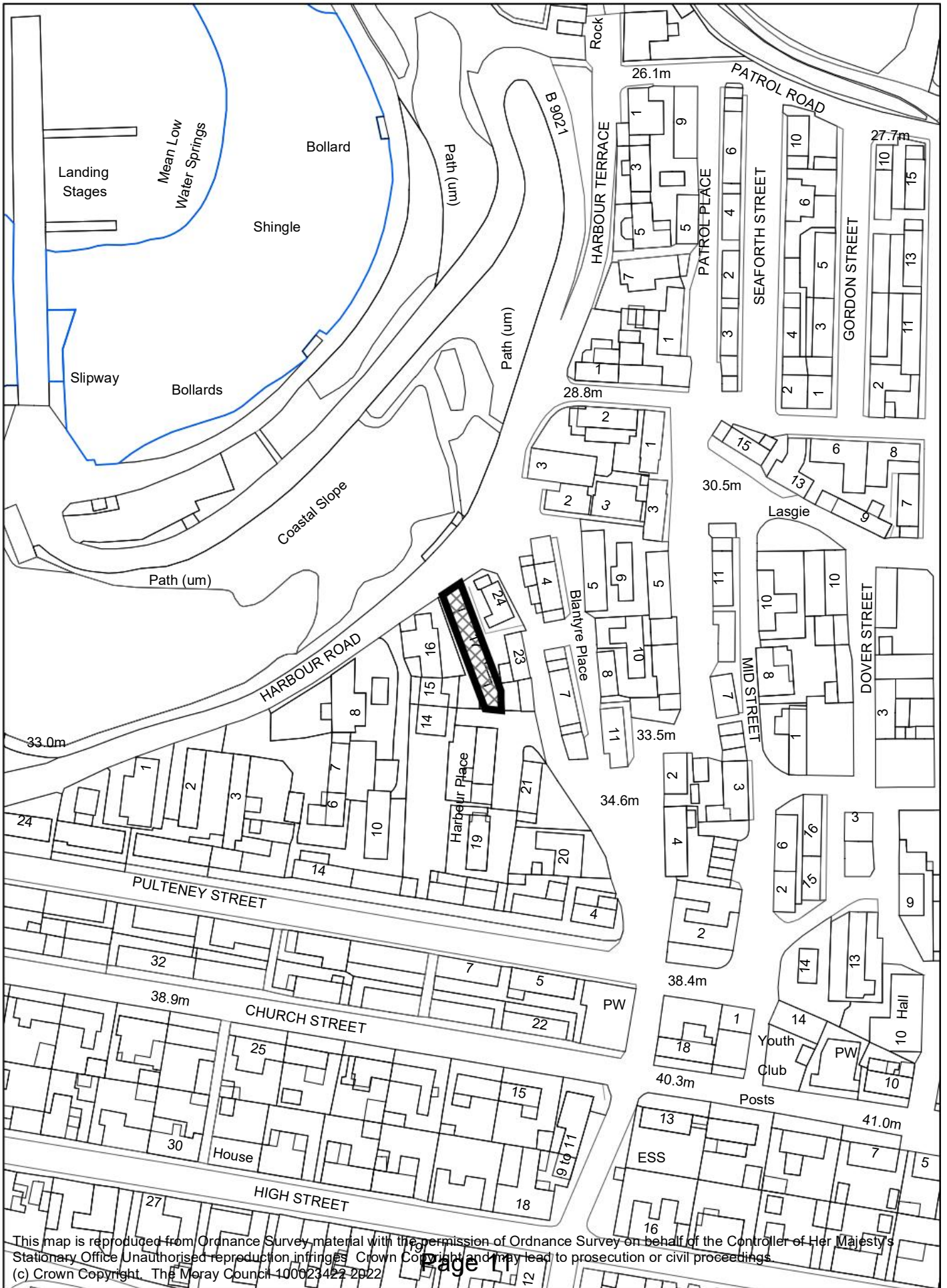
Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

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

There were no interested parties.



Location plan for Planning Application Reference Number : 21/01784/APP





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER

HOUSEHOLDER APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (SCOTLAND) ACT 1997
The Town and Country Planning (Development Management Procedure) (SCOTLAND) REGULATIONS 2013

Please refer to the accompanying Guidance Notes when completing this application
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA

1. Applicant's Details		2. Agent's Details (if any)	
Title	<input type="text" value="MR"/>	Ref No.	<input type="text"/>
Forename	<input type="text" value="ARNOLD"/>	Forename	<input type="text" value="JIM"/>
Surname	<input type="text" value="BURIE"/>	Surname	<input type="text" value="CHAIRNS"/>
Company Name	<input type="text"/>	Company Name	<input type="text" value="PLANS FOR U"/>
Building No./Name	<input type="text" value="17"/>	Building No./Name	<input type="text" value="2"/>
Address Line 1	<input type="text" value="HARBOUR PLACE,"/>	Address Line 1	<input type="text" value="VICTORIA STREET"/>
Address Line 2	<input type="text" value="PORTKNOCKIE,"/>	Address Line 2	<input type="text" value="PORTKNOCKIE,"/>
Town/City	<input type="text" value="BUCKIE"/>	Town/City	<input type="text" value="BUCKIE"/>
Postcode	<input type="text" value="AB50 4NR"/>	Postcode	<input type="text" value="AB50 4LQ"/>
Telephone	<input style="background-color: black; color: black;" type="text"/>	Telephone	<input type="text"/>
Mobile	<input style="background-color: black; color: black;" type="text"/>	Mobile	<input type="text" value="07767 493 462"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text"/>	Email	<input type="text" value="plansforu192@gmail.com"/>
3. Address or Location of Proposed Development (please include postcode)			
<input style="width: 100%; height: 80px;" type="text" value="17 HARBOUR PLACE, PORTKNOCKIE, BUCKIE"/>			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
4. Describe the Proposed Works			
Please describe accurately the work proposed:			
<input style="width: 100%; height: 60px;" type="text" value="ENLARGEMENT OF ONE WINDOW + ONE NEW WINDOW FORMER"/>			
Have the works already been started or completed Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
If yes, please state date of completion, or if not completed, the start date:			
Date started:	<input style="width: 150px;" type="text"/>	Date completed:	<input style="width: 150px;" type="text"/>

If yes, please explain why work has already taken place in advance of making this application.

5. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal? Yes No

If yes, please provide details about the advice below:

In what format was the advice given? Meeting Telephone call Letter Email

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes No

Please provide a description of the advice you were given and who you received the advice from:

Name: Date: Ref No.:

6. Trees

Are there any trees on or adjacent to the application site? Yes No

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

7. Changes to Vehicle Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes No

If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? Yes No

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangement for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total of existing and any new spaces or reduced number of spaces)

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

8. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority? Yes No

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority? Yes No


If you have answered yes please provide details:

DECLARATION

I, the ~~applicant~~ / agent certify that this is an application for planning permission and that accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the ~~applicant~~/agent hereby certify that the attached Land Ownership Certificate has been completed

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants Yes No N/A

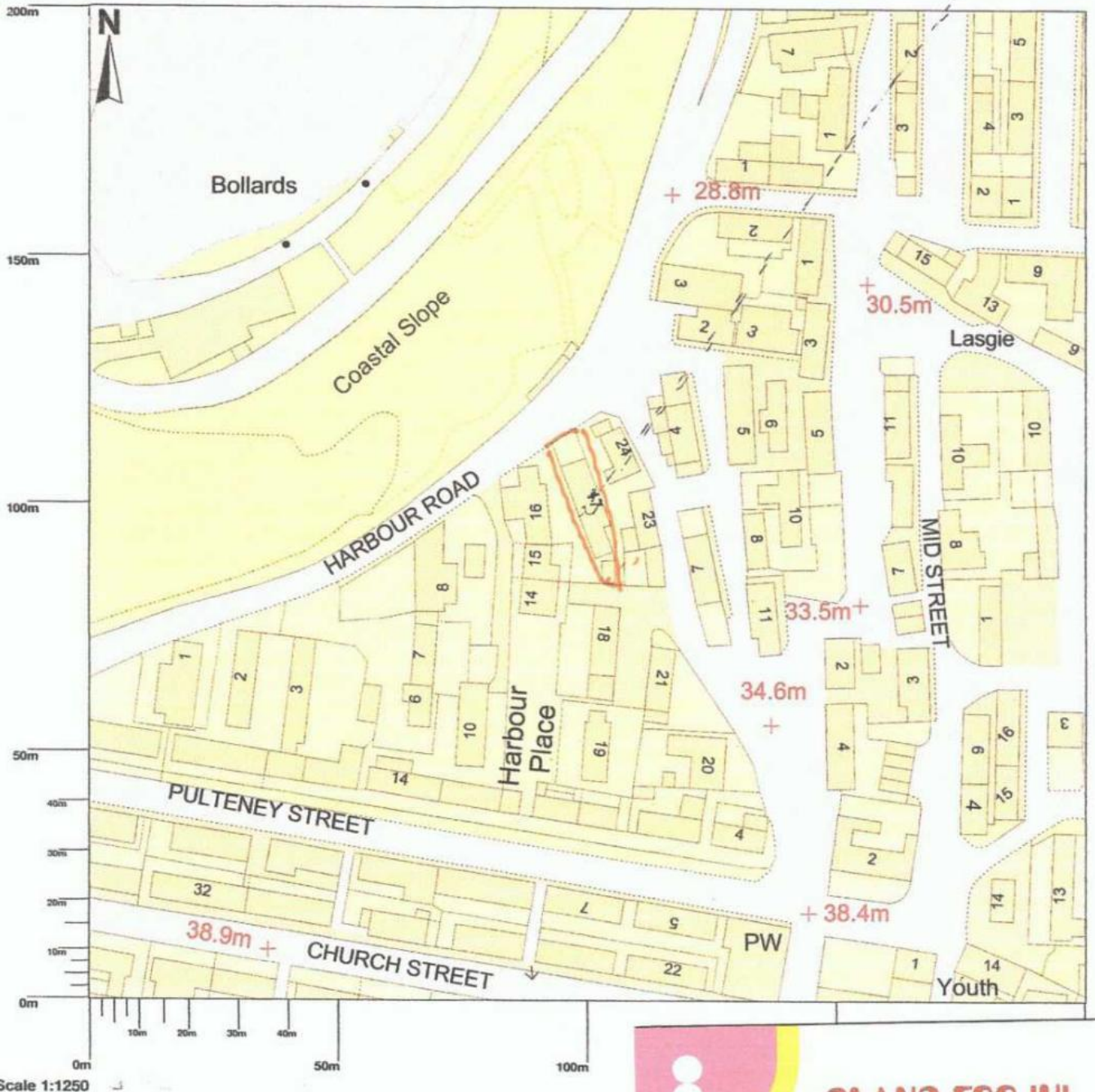
Signature:  Name: Date:

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



17 Harbour Place, Portknockie, Buckie, AB56 4NR

arnold pirie.



Map area bounded by: 348717,868416 348917,868616. Produced on 26 October 2021 in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown licensed OS partner (100054135). Unique plan reference: p4b/uk/707475/957516

PLANS FOR 'U'
PLANNING & WARRANT APPLICATIONS

Jim Cairns

2 Victoria Street, PORTKNOCKIE, AB56 4LQ
Tel: 01542 841892 Mob: 07767 493462
Email: plansforu@btinternet.com

11 NOV 2021

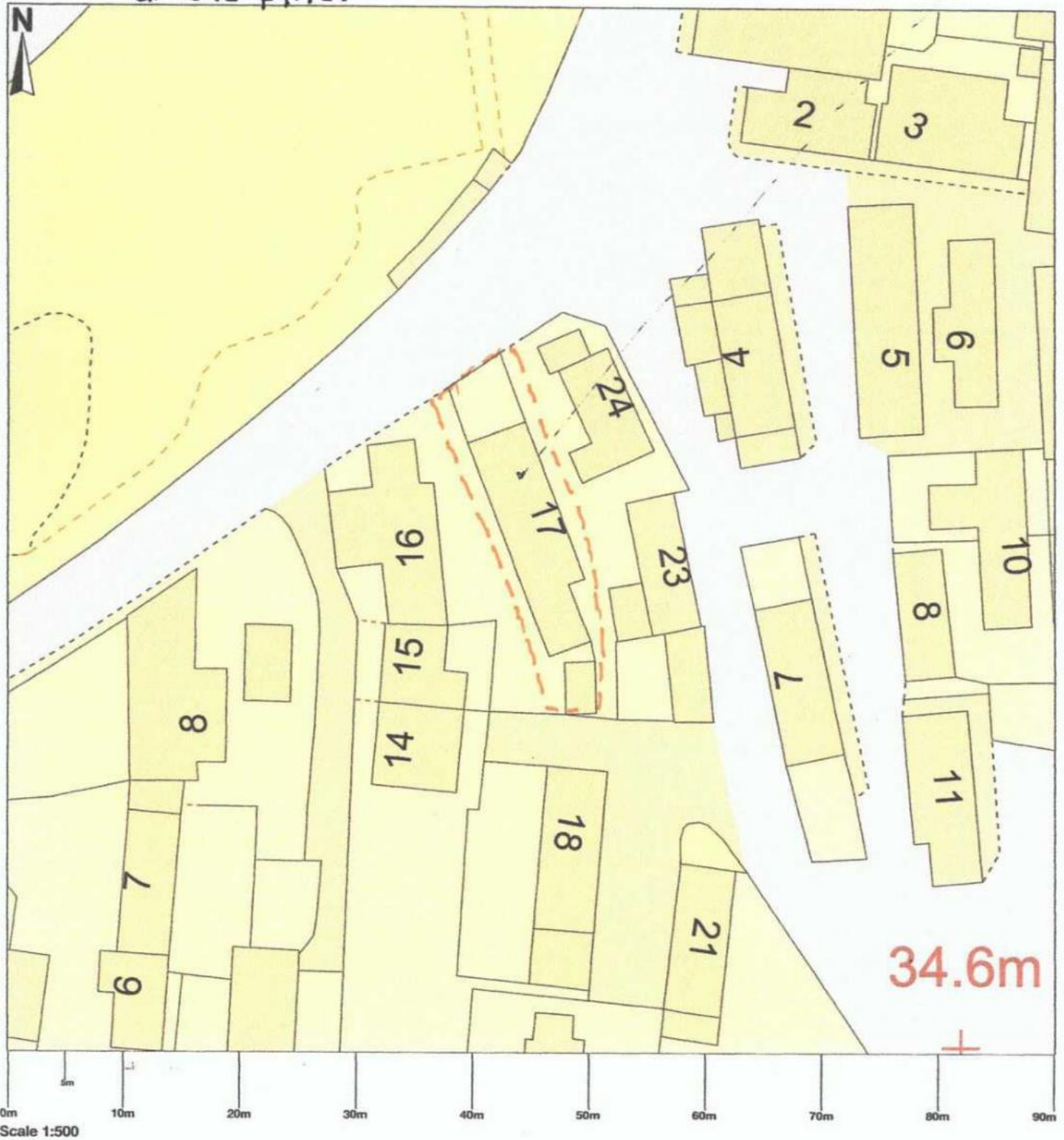
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Page 19
DRB no 2021, PIRIE. 001.



17 Harbour Place, Portknockie, Buckie, AB56 4NR

amold pirie.



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1,500.

11 NOV 2021
Page 21

ORB. NO. 2021-PIRIE. 002.



PLANS FOR 'U'

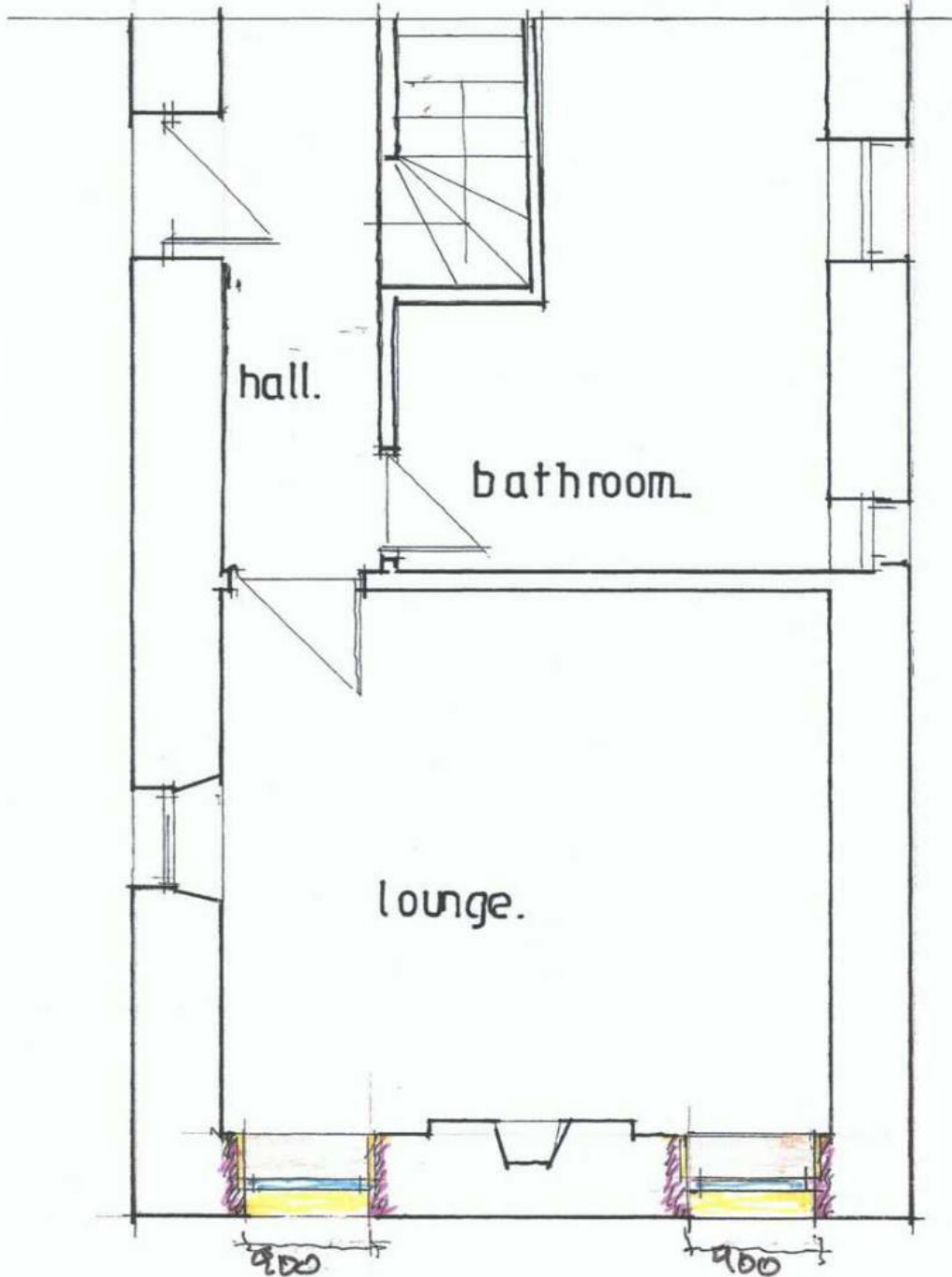
PLANNING & WARRANT APPLICATIONS

Jim Cairns

2 Victoria Street, PORTKNOCKIE, AB56 4LQ

Tel: 01542 841892 Mob: 07767 493462

Email: planner@btinternet.com



1:50 GF FLOOR PLAN. Proposed.

11 NOV 2021



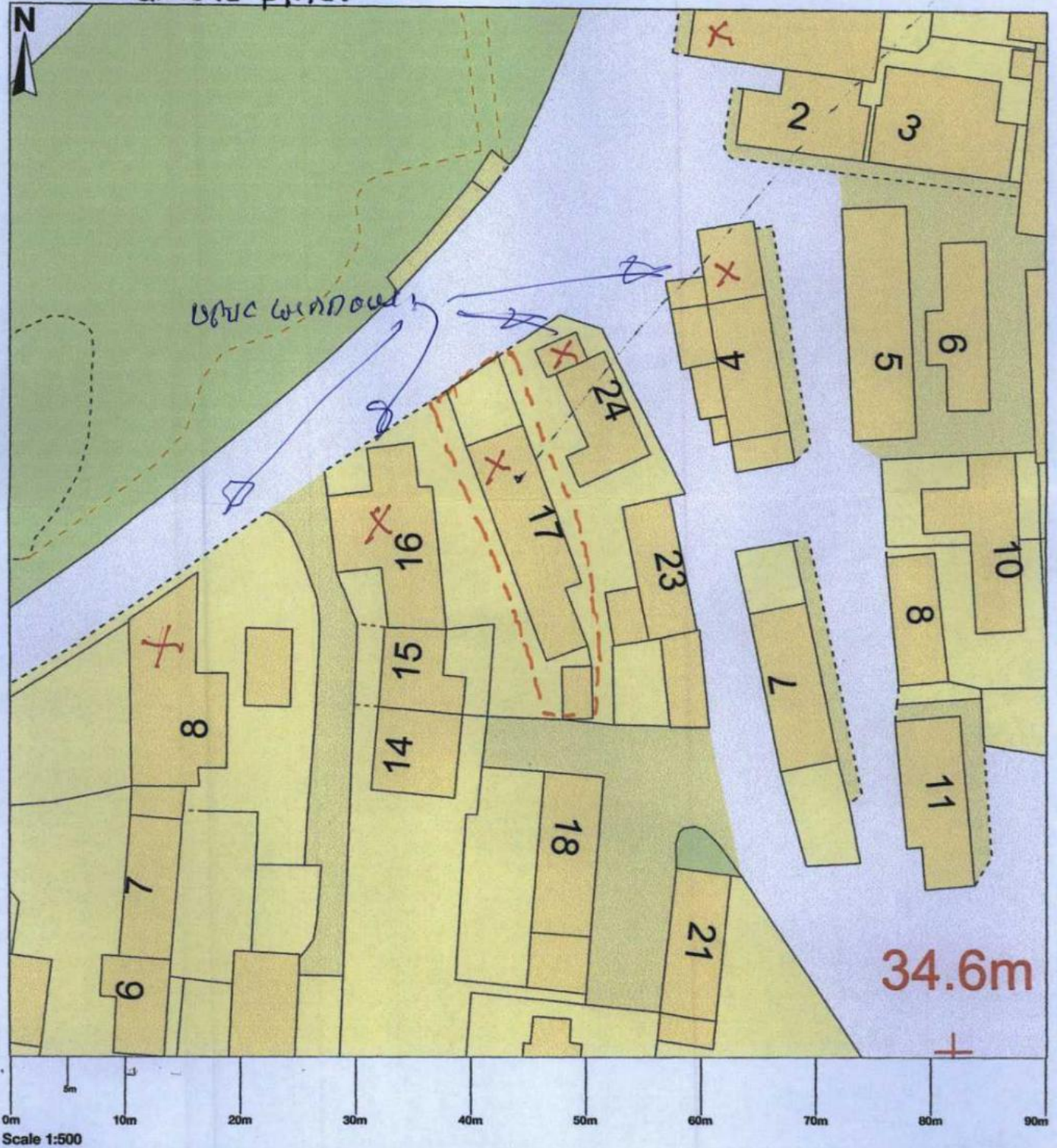
1:50 FRONT ELEVATION . Proposed.

11 NOV 2021



28 JAN 2022

17 Harbour Place, Portknockie, Buckie, AB56 4NR
arnold pirie.



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PLANNING & WARRANT APPLICATIONS

11 NOV 2021

Jim Cairns

2 Victoria Street, PORTKNOCKIE, AB56 4LQ

Tel: 01542 841892 Mob: 07767 493462

Email: plansforu@btinternet.com

PROPOSED ALTERATIONS at no 17 HARBOUR PLACE, PORTKNOCKIE, BUCKIE, MORAY, AB56 4NR for MR ARNOLD PIRIE:

Drawings / Specifications are for the use of the applicant's agent for the process, to submit the Planning and Building Warrant applications to the Moray Council, and for the applicant to obtain contractors costings:

GENERAL:

No work to commence on site until all applications are approved, the appointed contractor is responsible for correct dimension layout setting out. All sizes to be confirmed prior to manufacturer construction process beginning. Do not scale of drawings – if in doubt ask:

BUILDING WORKS / SPECIFICATION NOTES:

Builders and sub-contractors to be fully responsible for all site safety, insurance, with use of ladders, scaffolding, machinery, electrical equipment etc. The approved contractor to be responsible for the stability of the works during construction, and shall provide propping and bracing as required. Anything not clear from the drawing, to be checked with the agent in the application:

DEMOLITION -NEW WORKS:

Applicant to remove all carpets, loose furnishings etc., in preparation for contractors working;

Existing left hand Lounge window to be removed and opening enlarged to allow for the installation of a 900mm wide x 1.5mm high double glazed (safety glass to BS 6262) upvc window to match window to upper Bedroom: Existing stonework over the proposed opening to be fully supported during formation of opening, and removal of existing lintols; Lintols over opening to be 4 no Robeslee Type F 145mm x 100mm concrete lintols, with 150mm minimum end rests into existing stonework: Window to be set on a Robeslee concrete cill set on dpc; Internal wall framing to match existing with insulation and 12.5mm plasterboard finish (tape and filled – ready for decoration), Timber inner cill and decoration (to applicant choice);

Roughcast to be made good (to match existing) with mastic pointing to the internal and external jambs of the window: 12,000mm² trickle vents to be fitted in window head frames; Opening handles at 1.700 max above floor level:

Right hand Lounge window of 900mm wide x 1.500mm high to be formed as above:

NB, Windows to have top opening sections with the lower section to function as tilt/turn, for cleaning purposes:

FIRE DETECTION and ALARM SYSTEM

Existing house system is fully compliant:

DOOR/WINDOW SECURITY:

Doors and windows to be provided and installed to the requirements of Reg 4.13, as follows:-

4.13.1 Doors and windows to be designed, installed and glazed to resist forced entry, by the use of door sets and windows manufactured to meet recognised product standards and defined component performance: 4.13.2 A door or window should meet the recommendations for the physical security in Section 2 of 'secured by design': 4.13.3 a door or window should be tested and certified by a notified body as meeting a recognised standard for security such as Abs pas 24;2007, for door sets or BS 7950;1997 for windows: 4.13.4 Windows that can be opened should be fitted with a keyed locking system that uses a removable key; Glazing to windows should be laminated glass or similar to BS 6262 robust material: U value of windows to be 1.4max: Max height of handles – 1.7m:

J Cairns, agent in application: 09.11.21:

REPORT OF HANDLING

Ref No:	21/01784/APP	Officer:	Shona Strachan
Proposal Description/ Address	Enlarge window and form new window at 17 Harbour Place Portknockie Buckie Moray		
Date:	25.03.2022	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	
EP8 Historic Environment	Y	
EP3 Special Landscape Areas	Y	

REPRESENTATIONS

Representations Received		NO
Total number of representations received		
Names/Addresses of parties submitting representations		
Summary and Assessment of main issues raised by representations		
Issue:		
Comments (PO):		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Legislative Requirements

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:

Proposal

Planning permission is sought to enlarge an existing window and form new window opening at 17 Harbour Place Portknockie.

The proposed windows which are the subject of this application would be located on the northern gable end of the property. There are currently two UPVC window openings on this gable, a first floor window which is to be unaltered by this proposal and an existing ground floor window opening which is to be enlarged and finished with a UPVC frame. The new window opening will be located on the ground floor and would match the dimensions of the proposed enlarged window and again is to be finished with a UPVC frame.

The rest of the property has UPVC windows and door(s) throughout.

Site

The property is located at 17 Harbour Place Portknockie which is a traditional property in the Portknockie Outstanding Conservation Area. The gable of the property fronts onto the public road (Harbour Road) which is the main public vantage point to the site and is one of the key coastal roads in the town.

The whole of Portknockie falls within the "Portgordon to Cullen Coast" Special Landscape Area.

Policy Assessment

Impact of the Development on the site and its surrounds

Policy EP9 Conservation Areas

Replacement Windows and Doors Guidance

Policy EP3 part b Special Landscape Character

Policy DP1 Development Principles

Policy EP9 Conservation Areas requires that all development within a Conservation Area preserves and enhances the traditional character or appearance of the area. The policy advises 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.

For replacement windows and doors 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 a significant townscape value and make a valuable contribution to the overall character of the area.

In order to support application for windows and doors on heritage buildings, Moray Council has produced specific advice "Replacement Windows and Doors Guidance" which is a material consideration in decision making for such cases and advises that UPVC windows have an adverse impact upon the character and or appearance of the Conservation Area and that as a result the Council will not support the use of UPVC windows on principal or public elevations within the Conservation Area.

Policy EP3 part B applies to urban areas that fall within a defined Special Landscape Area and advises that proposal must reflect the traditional settlement character in terms of siting and Design.

Policy DP1 advises that all development must be of a scale, density and character that is appropriate to the site and its surrounds contributing to the sense of place of the locality. Part d of the policy also advises that development must conserve and enhance the [natural and] and built environment.

In this case, the application site is a traditional property in the Portknockie Conservation Area. The proposal relates to the gable of the property which fronts onto the public road (Harbour Road) which is the main public vantage point to the site. It is also noted that Harbour Road is one of the key coastal roads in the town with these siting aspects in mind the site has a prominent and public location within the Portknockie Outstanding Conservation Area.

Taking account of current local plan policies (as set out above); Policy EP9 seeks to preserve and enhance the traditional character and appearance of the area and the policy is clear that UPVC windows will only be accepted where they are not located on a principle elevation or on an elevation on a public view. This position is also echoed in the "Replacement Windows and Doors Guidance".

In this policy context, the presence of existing UPVC windows does not give sufficient material weight to depart against a policy requirement to preserve or enhance the conservation area, particularly given the prominent and public location of the site. The addition of further UPVC to this gable end would further erode the traditional character and appearance of the dwelling and be detrimental to the character and appearance of the Portknockie Outstanding Conservation Area.

As a result the proposal also fails to reflect the traditional settlement character in terms of siting and Design as required by policy EP3 part b and would further erode the traditional sense of place of the Portknockie Conservation Area which is contrary to the provisions set out in policy DP1.

Conclusion and Recommendation

The proposed windows which would be located on a prominent public gable are not considered to preserve or enhance the traditional character or appearance of the Conservation Area. The presence of additional UPVC windows on this prominent public gable would further erode the traditional sense of place of the Portknockie Outstanding Conservation Area. The proposal therefore fails to comply with current policy requirements. On this basis the application is refused.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

Moray Council Advice entitled "Replacement Windows and Doors Guidance".

HISTORY			
Reference No.	Description		
	Decision		Date Of Decision

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Banffshire Advertiser and Herald	Departure from development plan	21/02/22
PINS	Departure from development plan	21/02/22
Banffshire Advertiser and Herald	Planning application affecting LB/CA	14/01/22
PINS	Planning application affecting LB/CA	14/01/22

DEVELOPER CONTRIBUTIONS (PGU)	
Status	N/A

DOCUMENTS, ASSESSMENTS etc. *		
<i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i>		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Harbour Place Proposed Window Alterations To Number 17 Harbour Place, Portknockie	
Main Issues:	Provides comments in support of the application for UPVC windows advising that there are many properties in Portknockie with UPVC windows or conservatories and the application should therefore be supported.	

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

**[Keith And Cullen]
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:-

Enlarge window and form new window at 17 Harbour Place Portknockie Buckie Moray

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

Date of Notice: **29 March 2022**



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 proposal is contrary to the Moray Local Development 2020 Policies: Policy EP9 Conservation Areas and related Replacement Windows and Doors Guidance, Policy EP3 part b Special Landscape Character, and, Policy DP1 Development Principles because: The proposed UPVC windows which would be located on a prominent public gable are not considered to preserve or enhance the traditional character or appearance of the Conservation Area. The presence of additional UPVC units on this prominent public gable would further erode the traditional sense of place of the Portknockie Outstanding Conservation Area. The proposal therefore fails to comply with current policy requirements, the application is therefore refused.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
2021.PIRIE.001		Location plan
2021.PIRIE.002		Block plan
2021.PIRIE.003		Ground floor plan
2021.PIRIE.004		Front elevation

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	MR	Ref No.	
Forename	ARNOLD	Forename	JAMES
Surname	PIRIE.	Surname	CAIRNS
Company Name		Company Name	PLANS FOR U
Building No./Name	CULANE,	Building No./Name	2
Address Line 1	PORTKNOCKIE	Address Line 1	VICTORIA STREET,
Address Line 2		Address Line 2	PORTKNOCKIE.
Town/City	BUCKIE	Town/City	BUCKIE
Postcode		Postcode	A1356 4LR,
Telephone		Telephone	01542 341 392
Mobile		Mobile	07767 493 462
Fax		Fax	
Email		Email	planforu1942@gmail.com.
3. Application Details			
Planning authority	MORAY COUNCIL.		
Planning authority's application reference number	21/01784/APP		
Site address	17 HARBOUR PLACE, PORTKNOCKIE, BUCKIE, MORAY.		
Description of proposed development	ENLARGE WINDOW AND FORM NEW WINDOW AT 17 HARBOUR PLACE PORTKNOCKIE, BUCKIE, MORAY.		

Date of application

29/11/21

Date of decision (if any)

25/03/22

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.

CONSIDERATION OF ENCLOSED SITE PLAN/PHOTOGRAPHS INDICATING THE ABUNDANCE OF PROPERTIES ON THE STREET ALL WITH U.P.V.C WINDOWS.

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.

MY CLIENTS PROPERTY WITH ITS UPVC WINDOWS SITS ON A ROAD OVERLOOKING PORTKINDOCKIE HARBOUR AND FROM THE BOTTOM OF THE STREET TO THE TOP ALL PROPERTIES HAVE UPVC WINDOWS FITTED EXCEPT TWO DWELLINGS WITH OLD TIMBER WINDOWS - THERE ARE MANY PROPERTIES WITH UPVC CONSERVATORIES FITTED ALSO.

MY CLIENT'S PROPERTY HAS ONE UPPER FLOOR UPVC AND ONE TO THE GROUND FLOOR TO BE ENLARGED WITH ONE PROPOSED TO THE GROUND FLOOR - ALL OF DOUBLE GLAZED UPVC.

PLEASE NOTE THE SITE PLAN WITH THE PROPERTIES INDICATED WITH UPVC WINDOWS.

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

I HAVE ADDED A GREATER SURVEY INDICATING THE EXTENT OF EXISTING DWELLINGS WITH UPVC WINDOWS FITTED, PLUS THERE IS AN EXTENSION WALKWAY AT THE WEST END OF THE HARBOUR ROAD WITH UPVC WINDOWS ALREADY FITTED.

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

- 1) SITE PLAN.
- 2) PHOTOGRAPHS.
- 3) SUPPORTING LETTER.

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:

SAMUEL D. CALAIS

Date:

20/04/22

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



PLANS FOR 'U'

PLANNING & WARRANT APPLICATIONS

Jim Cairns

2 Victoria Street, PORTKNOCKIE, AB56 4LQ

Tel: 01542 841892 Mob: 07767 493462

Email: planforu@btinternet.com

The Clerk,

The Moray Council Local Review Body,

Legal and Committee Services,

Council Offices,

High Street,

Elgin,

IV301BX.

20.04.22:

Dear Sir / Madam,

'Notice of Review' re Planning Application Refusal – Application no 21/01784/APP – Enlarge window and form new window at 17 Harbour Place, Portknockie, Buckie, - Mr Arnold Pirie:

Please find enclosed a 'Notice of Review, with regard to the above Planning Application Refusal;

1) I have included a 1:1250 O S Map of the area of Harbour Road of Portknockie indicating the dwelling houses which have UPVC windows fitted as existing (indicated by a red X);

2) A set of photographs of dwellings in the locality, which have UVC windows fitted:

As a 12 year resident of Portknockie, I am fully aware of the beauty of the area and it's harbour, and fully appreciate the benefits of the Portknockie Conservation Area, and that the harbour facing gables should comply fully with the Conservation Policies.

But I must comment, that as the great number of properties, which over the years have had upvc windows installed, which I presume all without Planning Approval, then the Planning Enforcement system has seriously failed.

As a local Architectural adviser, to me, it is very clear, that Planning Policy should be followed, and in my experience with making Planning applications, that any window upgrading carried out on Listed Building or Conservation applications, my projects within the Portknockie, Cullen and Findochty areas have been fully compliant:

I must therefore plead, that my application for Planning Permission on behalf of Mr Arnold Pirie, should be fully given it's approval as with the additional window plus one existing made wider to match, would not make the gable of no 17 Harbour Place out of sink with all it's UPVC windowed neighbouring houses:

The fact that to the west end of Harbour Road, that a recent extension has been built with UPVC windows installed, suggests to me that the Planning supervision has been a bit lax:

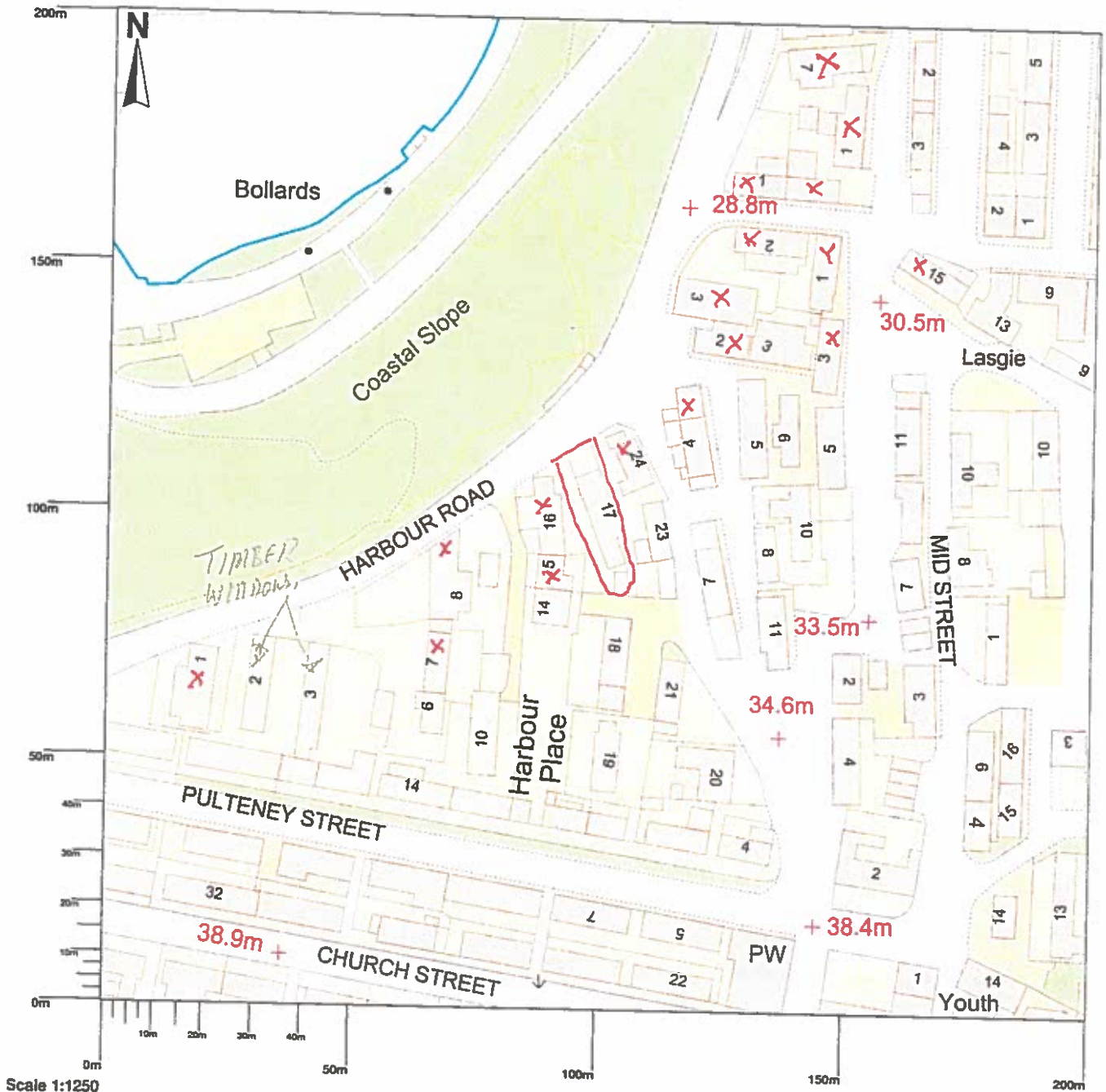
I am Yours Faithfully

James D. [Redacted]

Email planforu1942@gmail.com.

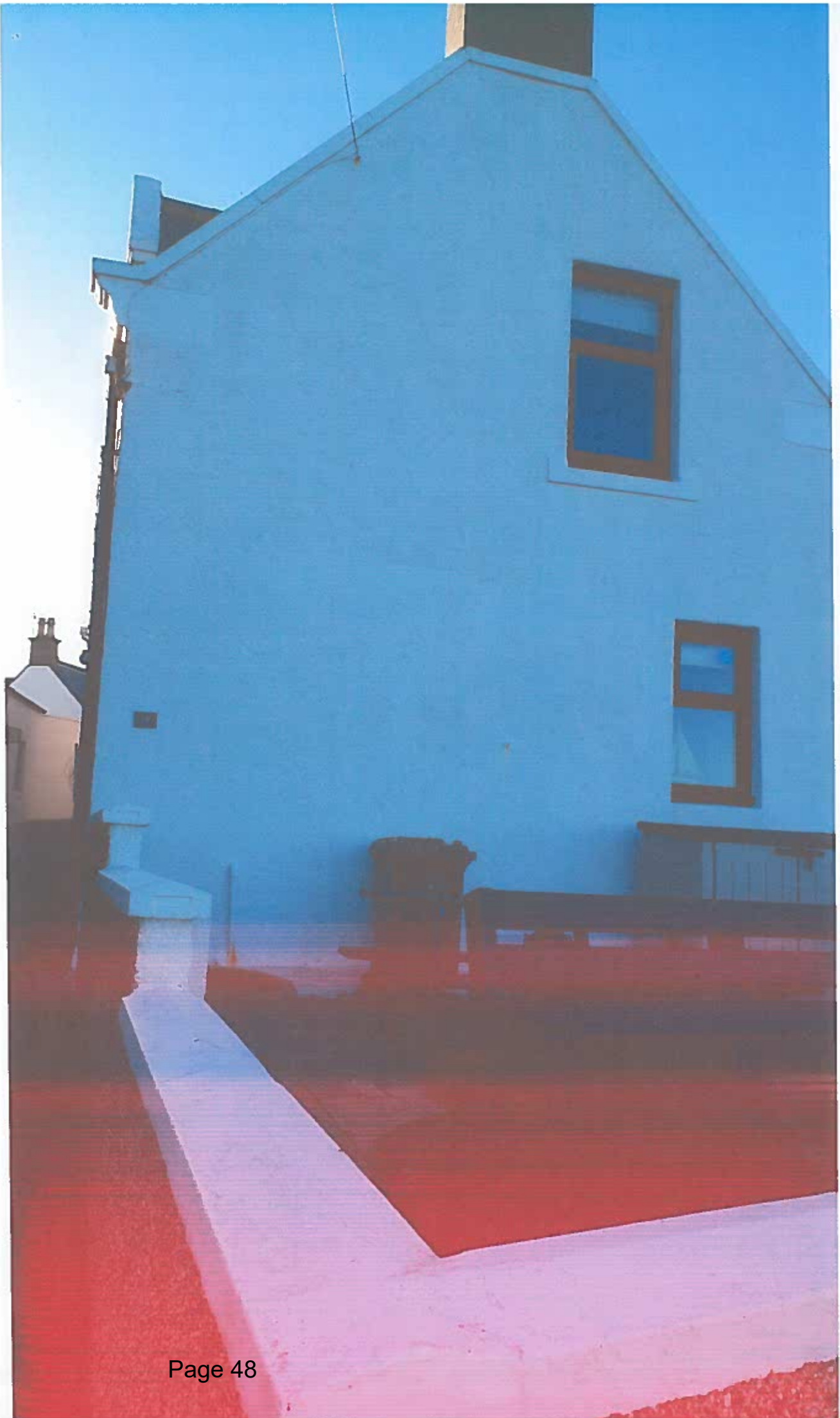


17 Harbour Place, Portknockie, Buckie, AB56 4NR



Map area bounded by: 348717,868416 348917,868616. Produced on 26 October 2021 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2021. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p4b//707475/957516

PROPERTIES WITH UPIC WINDOWS MARKED BY RED CROSS,





PROPERTY AT JUNCTION ON TO HARBOUR ROAD,



DWELLING AT TOP END OF HARBOUR ROAD WHICH HAS A UPVC CONSERVATORY,



VIEW DOWN HARBOUR ROAD.



VIEW DOWN HARBOUR ROAD



PROPERTY AT BOTTOM OF HARBOUR ROAD,



NO 17 HARBOUR PLACE WITH ANTICAPITAL PROPERTY ON
Page 52
HARBOUR ROAD WITH GYSEIM UVIC WINDOWS,



PROPERTIES TO SOUTH END OF HARBOUR ROSS WITH
UNIC WINDOWS/DOORS/CONSERVATORIES,



PROPERTY ON MIDDLE OF HARBOUR ROAD,



Page 54
EXTENSION TO TOP WEST SIDE OF HARBOUR ROAD UNDER CONSTRUCTION,