

## **REPORT OF HANDLING**

<b>Ref No:</b>	24/00996/APP	<b>Officer:</b>	Shaya Anderson
<b>Proposal Description/ Address</b>	Replacement of existing single glaze wooden framed windows and door with double/ triple glaze PVC windows at 157 Mid Street Keith Moray AB55 5BJ		
<b>Date:</b>	20.11.2024	<b>Typist Initials:</b>	LMC

### **RECOMMENDATION**

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

### **CONSULTATIONS**

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>

### **DEVELOPMENT PLAN POLICY**

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
NPF1 - Tackling the Climate	N	
NPF2 - Climate mitigation and adaptation	N	
NPF3 - Biodiversity	N	
NPF5 - Soils	N	
NPF7 - Historic assets and places	Y	
NPF14 - Design, quality and place	Y	
EP9 Conservation Areas	Y	
DP1 Development Principles	Y	

### **REPRESENTATIONS**

Representations Received		<b>NO</b>
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

### **Legislation**

Section 25 of the 1997 Act as amended required applications to be determined in accordance with the development plan, namely the adopted National Planning Framework 4 and adopted Moray Local Development Plan 2020 unless material considerations indicate otherwise.

The main planning issues are considered below:

### **Site**

The site is located at 157 Mid Street Keith, and is a commercial retail premises located within Keith Mid Street Conservation Area. There are neighbouring shops on either side of the property, with a residential flat on the first floor.

### **Proposal**

This application seeks permission for replacement shop front windows and access door.

The existing windows are original traditional timber, with intricate timber detailing adorning the top corners of each pane of single glazing. The windows are fixed and do not open and measure approx. 2m in height. The existing timber access door is 1.2m wide and is split into two, each with a pane of single glazing. Both the windows and doors have been painted a mint green colour.

The proposed windows are to be fixed, double glazed uPVC, and the proposed door is to be a uPVC single door with a full-length pane of glass to the left side. The proposed alterations do not replicate the existing historical shopfront and in particular would result in the loss of the intricate timber detailing.

### **Policy Assessment**

#### **Siting and Design (NPF4-7, NPF4-14, MLDP 2020 DP1, EP9, Moray Windows and Doors Guidance, Keith Conservation Area Character Appraisal)**

Moray Local Development Plan Policy DP1 and NPF4 Policy 14 requires scale, density and character of development to be appropriate to the surrounding area, be integrated to the surrounding area, conserve and enhance the natural and built environment and not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity. Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning.

The site is within the Keith Mid Street Conservation Area. NPF4 Policy 7 Historic Assets and Places and MLDP2020 Policy EP9 Conservation Areas and require all development within a conservation area to preserve and enhance the established traditional appearance of the area in terms of scale, height, massing, colour, materials, and siting; this typically requires the use of traditional materials and styles but contemporary designs may be acceptable if the material finishes and design respect the architectural authenticity of the building and character of the conservation area.

The Moray Council Replacement Windows and Door Guidance sets out the importance of retaining original windows and doors as a legitimate way of preserving both the historic appearance, fabric and therefore the character of historic buildings both individually and in the wider streetscape. It highlights that replacement will only be approved where there is no alternative. The guidance also goes on to state that in all instances the proposed replacements will be required to match the originals in materials, design and opening method expressly stating that the use of non-traditional materials such as uPVC will not be acceptable on principal elevations within a conservation area. The principal test will be the impact on the character and appearance of the conservation area.

Finally, the Keith Conservation Area Appraisal (October 2010) states that "Shopfronts make an important contribution to the character of Keith and several traditional shopfronts survive without major changes. However, in many places shopfronts, or their constituent parts, have been replaced by modern materials and features."

In this case, the proposed replacement windows and door do not match the style or material of the existing timber windows. The replacement of the windows would also result in the loss of the unique timber carved detailing adorning the upper corners of each windowpane, resulting in the loss of historic character and material from 157 Mid Street, thus impacting the character of the surrounding conservation area. The existing windows appear to be in good condition, with no signs of rot, and no information has accompanied this application to support the requirement for replacement windows in terms of the window condition.

157 Mid Street Keith is one of the last few remaining shop fronts that boasts an untouched traditional frontage. The windows and door along with the mosaic tile doorway contribute considerably to the character of Mid Street, and the addition of bulky uPVC windows which do not replicate the detailing, character or material of the originals will have a detrimental impact on the appearance and historic interest of the property. Therefore, the proposals would fail to comply with NPF4 Policies 7 and MLDP 2020 Policy EP9 which require that the character and appearance of the Conservation Area is preserved and enhanced and the application will be refused.

#### **Climate Change, Biodiversity and Soils (NPF4-1, NPF4-2, NPF4-3 and NPF4-5)**

The proposals are of a scale and nature which is considered to have a minimal impact in terms of climate change and soil disturbance, and it is not necessary to seek formal biodiversity enhancement on a proposal of this scale and therefore the proposal is deemed to comply with NPF4 Policies 1, 2, 3 and 5. This however would not override the aforementioned objections with regard to the failure of the application to comply with NPF4 Policy 7 and MLDP 2020 Policy EP9 and as such the application will be refused.

#### **Conclusion**

In this case the proposed replacement windows do not match the style, material or detailing of the existing traditional and historic windows. Replacing the windows would result in the loss of historic character and material from the property and the Keith Mid Street Conservation Area. This means that the replacement windows are contrary to national and local provisions to preserve and enhance the traditional character and appearance of the Conservation Area. The application will therefore be refused.

### **OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

Keith Mid Street Conservation Area Character Appraisal & Action Plan

#### **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	Planning application affecting LB/CA	23/09/24
PINS	Planning application affecting LB/CA	23/09/24

DEVELOPER CONTRIBUTIONS (PGU)	
Status	N/A

DOCUMENTS, ASSESSMENTS etc. *		
* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc		
Supporting information submitted with application?		NO
Summary of main issues raised in each statement/assessment/report		
Document Name:		
Main Issues:		

S.75 AGREEMENT		
Application subject to S.75 Agreement		NO
Summary of terms of agreement:		
Location where terms or summary of terms can be inspected:		

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)			
Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			



157 Mid Street Front Elevation as Proposed

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

**REFUSED**

21 November 2024

Development Management  
Environmental Services  
The Moray Council

do not scale drawing, note dimensions only,  
if in doubt seek clarification

Client

Elaine Robertson

Project

157 Mid Street, Keith

Title

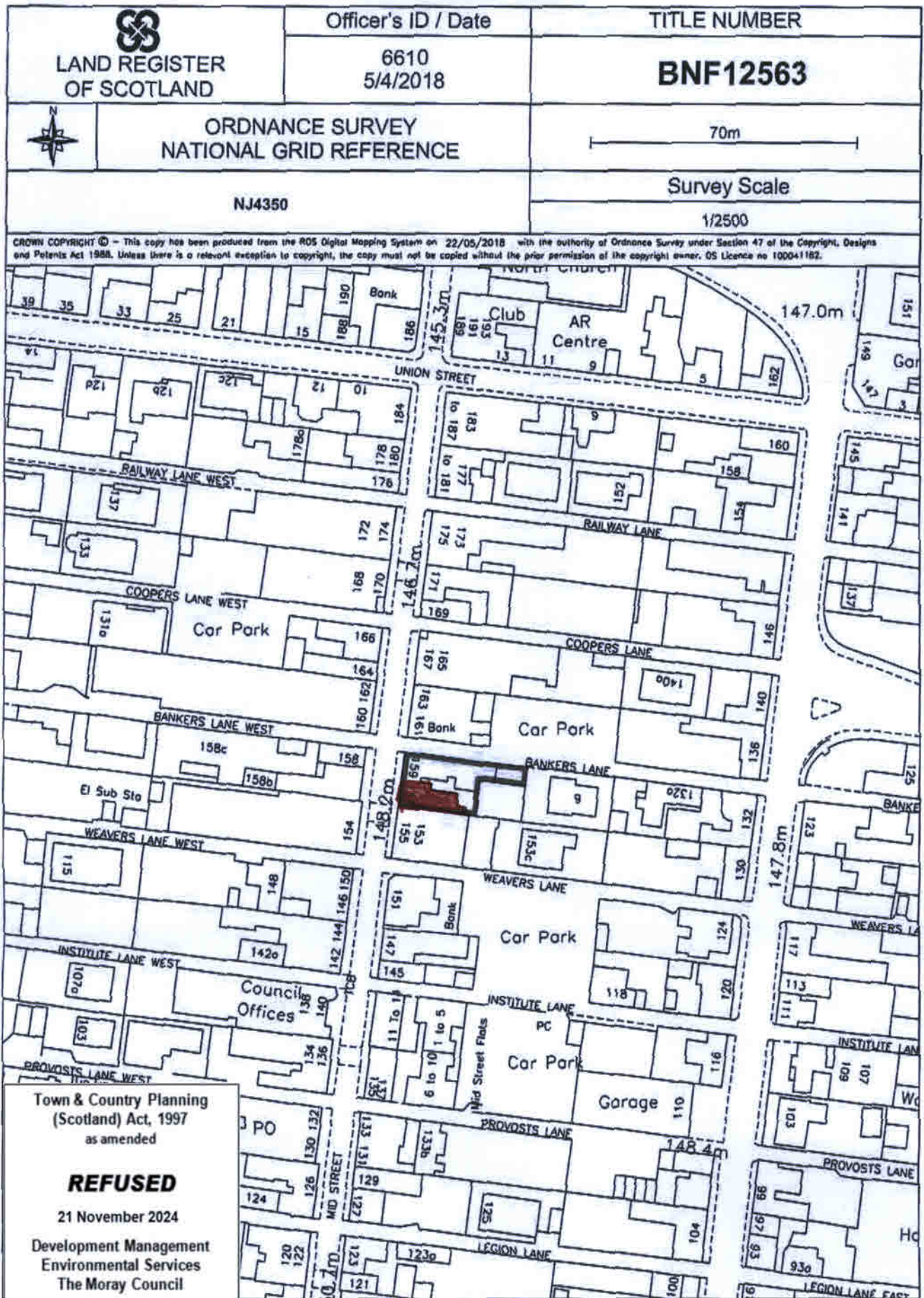
Elevation as Proposed

Scale	Date
1:50 @ A3	15.08.24

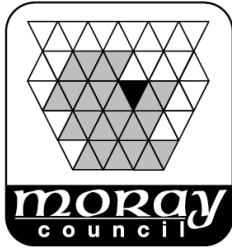
Drg No.	Status
02	planning

24/00996/APP

16 JUL 2024







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

**REFUSAL OF PLANNING PERMISSION**

**[Keith And Cullen]  
Application for Planning Permission**

TO

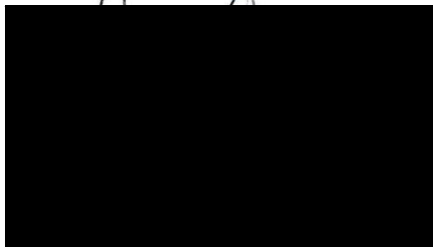


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Replacement of existing single glaze wooden framed windows and door with double/ triple glaze PVC windows at 157 Mid Street Keith Moray AB55 5BJ**

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

Date of Notice: **21 November 2024**



**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 proposals are contrary to National Planning Framework 4 and Moray Local Development Plan (2020) and for the following reasons:

1. The proposed replacement windows and door do not match the style, material or intricate detail of the existing original timber windows. The windows and door would result in a detrimental impact on the appearance and historic interest of the property and do not preserve or enhance the character and appearance of the Keith Mid Street Conservation Area. Therefore the proposals would fail to comply with NPF4 Policy 7 and MLDP2020 Policy EP9.

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

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

Reference	Version	Title
02		Proposed elevation
BNF12563		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](http://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.