



MORAY COUNCIL LOCAL REVIEW BODY

Review Decision Notice

Decision by the Moray Local Review Body (MLRB)

- Request for Review reference: Case 102
 - Site address: 9 North Blantyre Street, Findochty
 - Application for review by Miss McLean c/o CR Smith against the decision of an Appointed Officer of The Moray Council.
 - Planning Application 14/00142/APP to replace windows and dorrs at 9 North Blantyre Street, Findochty
 - Unaccompanied site inspection carried out by the MLRB on 23 May 2014
 - Date of decision notice: 18 June 2014
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Decision

The MLRB agreed to uphold the request for review and grant planning permission, subject to the conditions appended to this decision notice. Attention is also drawn to the informative notes which follow the conditions.

1. Preliminary

- 1.1 This Notice constitutes the formal decision of the Moray Local Review Body (MLRB) as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.
- 1.2 The above application for planning permission was considered by the MLRB at the meeting held on 29 May 2014.
- 1.3 The Review Body was attended by Councillors Tuke, Jarvis, Coull, Cowie, Mackay and Shepherd.

2. Proposal

2.1 This is an application for planning permission to replace windows and doors at 9 North Blantyre Street, Findochty.

3. MLRB Consideration of Request for Review

3.1 There was submitted a 'Summary of Information' report setting out the reasons for refusal, together with a copy of the Report of Handling and a copy of the Notice of Review and supporting documents.

3.2 The MLRB agreed that it had sufficient information to determine the request for review.

3.3 With regard to the unaccompanied site inspection carried out on 23 May 2014, the Planning Adviser advised that Members were shown the site where the proposed development would take place.

3.4 With regard to the reasons for refusal, the Planning Adviser advised that the application had been refused as the use of uPVC double glazed windows would not provide a historically accurate material finish for the listed building or would it preserve the character and special historic interest of the listed building or wider conservation area designation.

3.5 In terms of the Appellant's grounds for review, the Appellant advised that all windows and doors are proposed to be in a light oak coloured uPVC frame that would enhance the look of the property due to the more natural looking product than the current aluminium units and that the new windows were designed to replicate timber windows as much as possible. Furthermore, the Appellant stated that other properties in the Findochty area have fitted uPVC units and that the proposal would be a more sustainable solution than the existing units which have extremely poor thermal efficiency.

3.6 Councillor Jarvis, having had the opportunity to visit the site and consider the Appellant's grounds for review was of the opinion that the proposed new windows would be a marked improvement on the aluminium windows currently in place and, as there were other uPVC windows in the area, moved that the appeal be upheld and planning permission granted.

3.7 Councillor Mackay, having had the opportunity to visit the site and consider the Appellant's grounds for review was of the same mind as Councillor Jarvis in that replacing the current aluminium windows with wood coloured uPVC would be a vast improvement and seconded Councillor Jarvis' motion.

3.8 There being no one otherwise minded, the appeal was upheld and planning permission granted.

Mr Paul Nevin
Senior Solicitor
Legal Adviser to the MLRB

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

Notice Under Regulation 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. 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 V of the Town and Country Planning (Scotland) Act 1997.