

# 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 <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR.	Ref No.	16/68
Forename	IRFAN	Forename	Colin
Surname	ASHRIF	Surname	Keir
Company Name	—	Company Name	Plans Plus
Building No./Name	3	Building No./Name	Main Street Offices
Address Line 1	REIKET LANE	Address Line 1	
Address Line 2		Address Line 2	Urquhart
Town/City	ELGIN	Town/City	Elgin
Postcode	IV30 6HD	Postcode	IV30 8LG
Telephone		Telephone	01343 842635
Mobile		Mobile	07766 315501
Fax	—	Fax	
Email	—	Email	ctkplans@aol.com

**3. Postal Address or Location of Proposed Development (please include postcode)**  

1 SPRINGFIELD ROAD,  
NEW ELGIN, ELGIN  
IV30

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

**4. Type of Application**  
What is the application for? Please select one of the following:

Planning Permission	<input checked="" type="checkbox"/>
Planning Permission in Principle	<input type="checkbox"/>
Further Application*	<input type="checkbox"/>
Application for Approval of Matters Specified in Conditions*	<input type="checkbox"/>
Application for Mineral Works**	<input type="checkbox"/>

NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.

\*Please provide a reference number of the previous application and date when permission was granted:

Reference No: 17/00331/APP	Date: WITHDRAWN APRIL 17
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**\*\*Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.**

### 5. Description of the Proposal

Please describe the proposal including any change of use:

CHANGE OF USE OF FORMER BAKERY  
SHOP TO HOT FOOD TAKE AWAY.

Is this a temporary permission?

Yes ☐ No ☒

If yes, please state how long permission is required for and why:

—

Have the works already been started or completed?

Yes ☐ No ☒

If yes, please state date of completion, or if not completed, the start date:

Date started:

—

Date completed:

—

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

—

### 6. 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.:

—

—

### 7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):

—

Square Metre (sq.m.)

103

## 8. Existing Use

Please describe the current or most recent use:

BARBERS SHOP -

## 9. 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 arrangements 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 number of existing spaces plus any new spaces)

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

## 10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements?

Yes ☒ No ☐

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network

☒

No, proposing to make private drainage arrangements

☐

Not applicable – only arrangement for water supply required

☐

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway

☐

Discharge to watercourse(s) (including partial soakaway)

☐

Discharge to coastal waters

☐

*Please show more details on your plans and supporting information*

What private arrangements are you proposing?

Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)

☐

Other private drainage arrangement (such as a chemical toilets or composting toilets)

☐

*Please show more details on your plans and supporting information.*

Do your proposals make provision for sustainable drainage of surface water?

Yes ☐ No ☒

Note:- Please include details of SUDS arrangements on your plans

Are you proposing to connect to the public water supply network?

Yes ☒ No ☐

If no, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site)

### 11. Assessment of Flood Risk

Is the site within an area of known risk of flooding?

Yes ☐ No ☒

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your planning authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? Yes ☐ No ☒ Don't Know ☐

If yes, briefly describe how the risk of flooding might be increased elsewhere.

### 12. 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.

### 13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling)

Yes ☒ No ☐

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

### 14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats?

Yes ☐ No ☒

If yes how many units do you propose in total?

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.



**15. For all types of non housing development – new floorspace proposed**

Does your proposal alter or create non-residential floorspace?

Yes ☒ No ☐

If yes, please provide details below:

Use type:

HOT FOOD TAKE AWAY

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

**16. Schedule 3 Development**

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes ☒ No ☐ Don't Know ☐

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

**17. 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:

COUNCILLOR PAUC RELATED TO AGENT

**DECLARATION**

I, ~~the applicant~~/agent certify that this is an application for planning permission. The 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:

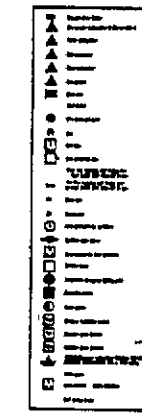
COLIN KEIR

Date:

29/8/17

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.

## NOTES



**Existing walls**  
Existing stone/masonry wall stripped back internally and painted with bitumen tanking joined to floor dpm and taken 1.0m above finished floor. Wall internally finished with 12.5mm plasterboard on 25x50mm battens at 600mm c/c to provide service void on polythene w/c on 20mm Kingspan rigid urethane over 75x50mm rww framing at 600mm c/c with 75mm Kingspan rigid urethane between framing and insulation to be clear of stone/masonry min 25mm throughout construction.

**Existing external 215mm blockwork walls**  
around toilet and preparation area at rear to be internally finished as per stone/masonry walls, maintaining min 25mm clear space between framing / insulation and wall.

**Existing pitched roof**  
Existing ceiling replaced with 12.5mm plasterboard throughout front shop area, toilet area and preparation area. Roof space above to incorporate 150mm glasswool insulation between ceiling joists with additional 150mm glasswool insulation layer above ties at 90°.

**Windows / Doors**  
Upvc window and doors to incorporate low emissive double glazing providing a u-value not more than 1.6W/m²K. Supplier to provide certification for materials and U-values provided. Any glazing within 800mm of floor level part of a door leaf or within 300mm of a door leaf and within 1500mm of floor to be designed to resist human impact as set out in BS6262 Part 4: 2005.

**Window controls**  
Window handles to be located min 350mm from internal corners, projecting walls or similar obstructions. Handles to be max 1.7m high where access unobstructed, max 1.5m where access limited by projections not exceeding 900mm high by 600mm deep, max 1.2m high in enhanced apartment or accessible sanitary accommodation.

**Electrical safety**  
Electrical installation to be designed, constructed, installed and tested such that it is in accordance with the recommendations of BS7671: 2008. Installation must be certified by member of SELECT or NEIEC only.

**Ventilation**  
Wc to incorporate a 100mm dia mech fan capable of providing an intermittent extraction rate of 3 air changes per hour, ducted to external air and coupled to automatic light operation.

**Entrance door**  
Main entrance door to provide a clear opening width of 800mm min, with accessible threshold plate self closer and fixed push / pull handles. Door to remain unlocked during opening hours.

**Drainage**  
Sink units to incorporate proprietary grease trap with access to remove material as necessary prior to drainage connecting into sewer in accordance with environmental health requirements.

**Kitchen ventilation**  
Proprietary stainless steel canopy hood above cooking area fitted with washable mesh grease filters (type AGMB), with additional activated carbon panel filter designed to provide for 0.4 second dwell time. Extraction provided by SCP560/4-1 line fan providing an airflow of 3.029m³/sec at static pressure of 50Pa, discharging via ex chimney flue with fan velocity exceeding 15m/s.

**Carbon monoxide detection**  
Carbon monoxide battery powered detector to comply with BS EN 50291 Part 1: 2010, with warning device to indicate unit failure to be located between 1 to 3m from combustion appliance and in any room where flue passes through.

**Emergency lighting**  
Emergency lighting installed in accordance with BS5266 Part 1: 2005 as read in association with BS5266 Part 7: 1999 (BS EN 1838: 1999). Installation contractor to provide certification confirming compliance with above standards.

**Signage**  
Exits to be clearly indicated by means of signs complying with BS5499 Part 1: 1990 and BS5499-4: 2000 displayed immediately above the exit opening. Directional signs complying with above located between 2-2.5m above floor positioned in conspicuous positions where exit door cannot be seen directly.

**Below canopy area is gas burner, pizza oven, deep fat fryer and tandoori oven.**  
All wall surfaces within kitchen and waiting area to be impervious board. Floor to be non-slip impervious layer. Ceiling finished with gloss paint.

Sink waste pipes fitted with grease traps.

**Lighting**  
New light fittings to be low energy type, with a luminous efficacy at least 45 lumens / circuit watt. Fittings may be either dedicated with separate control gear taking only low energy lamps or standard fittings supplied with low energy lamps with integrated control gear (e.g. Bayonet or Edison screw base lamps).

**Electrical outlets**  
Light switches located between 900 and 1100mm above floors. Electrical outlets located min 400mm above floors or 150mm above worktops and max 1200mm above floors unless absolute need for higher position. All switches and controls located min 350mm from internal corners, projecting walls or similar obstructions.

**External lighting**  
To be rated at not more than 100 lamp-watts per fitting with automatic control by movement detector and photocell, and incorporate manual override switching if desired.

**Gas Boiler**  
Gas installation to comply with Gas Safety (Installation and Use) Regulations 1998, and be installed by competent person who is "Gas Safe" registered. Boiler fitted with proprietary flue system with no combustible material closer than 25mm to flue, and fitted in accordance with manufacturers instructions and recommendation.

**Energy system commissioning**  
Heating, hot water, ventilation and any cooling system within dwelling to be inspected and commissioned by installation contractor in accordance with manufacturers instructions to ensure optimum energy efficiency and client issued with certification by installer.

**Heating instructions**  
Written information to be provided for the use of the occupier on the operation and maintenance of the heating, ventilation, cooling and hot water service system, any additional low carbon equipment installations and any decentralised equipment for power generation to encourage optimum energy efficiency. In addition to above a quick start guide, identifying all installed building services, the location of controls and identifying how systems should be used for optimum efficiency should also be provided for each new dwelling.

**Water / heating standards**  
The minimum performance of space heating and hot water systems, heating appliances and controls to follow guidance in the Domestic Building Services Compliance Guide for Scotland relevant to boiler type fitted <http://www.scotland.gov.uk/Topics/Built-Environment/Building/Building-standards/techbooks/techhandbooks/dbscg>.

**Pipework insulation**  
Guidance on the insulation of pipes, ducts and vessels to be followed, in the context of the systems of which they form a part, as set out in the Domestic Building Services Compliance Guide for Scotland <http://www.scotland.gov.uk/Topics/Built-Environment/Building/Building-standards/techbooks/techhandbooks/dbscg>.

**Labelling**  
Where a hearth, fireplace, or system chimney is provided, extended or altered, including installing flue liner, a undelibly marked label to be provided indicating the location of above items, chimney designation string in accordance with BS EN 1443: 2003 category of flue and appliances that can be accommodated, type and size of flue and installation date. Label located adjacent to electric or gas meter, water stopcock or chimney / hearth described.

**Carbon monoxide detection**  
Carbon monoxide battery powered detector to comply with BS EN 50291 Part 1: 2010, with warning device to indicate unit failure to be located between 1 to 3m from combustion appliance and in any room where flue passes through.

**Emergency lighting**  
Emergency lighting installed in accordance with BS5266 Part 1: 2005 as read in association with BS5266 Part 7: 1999 (BS EN 1838: 1999). Installation contractor to provide certification confirming compliance with above standards.

**Signage**  
Exits to be clearly indicated by means of signs complying with BS5499 Part 1: 1990 and BS5499-4: 2000 displayed immediately above the exit opening. Directional signs complying with above located between 2-2.5m above floor positioned in conspicuous positions where exit door cannot be seen directly.

**Entrance matting**  
Main entrance area to incorporate securely fixed proprietary flooring system, eg. metal grid and brushes with catch tray below, to reduce tracking of dirt and moisture into building and provide a firm surface for wheelchairs.

**Floor coverings**  
Any floor coverings to maintain circulation areas to be uniform, non-slip, and washable. Where changes of materials take place, transitions should be level and any threshold plates contrast visually to identify difference in material and reduce the potential for trips.

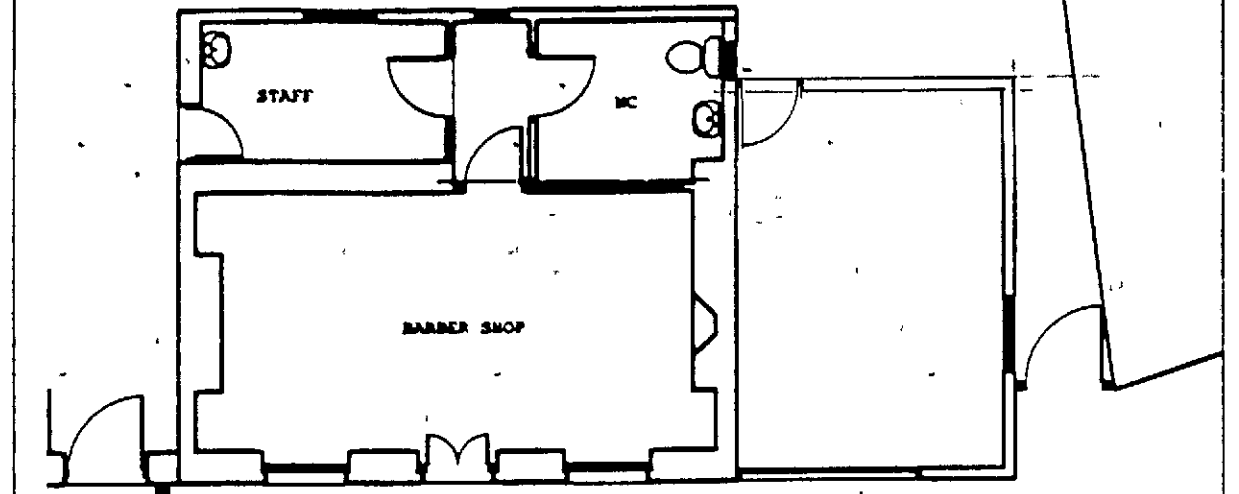
**Door closers**  
Any doors incorporating self closer devices to be capable of operating with an opening force of 30 N for first 30° and then 22.5 N for remainder, measured against leading edge.

**Vision panels**  
Any doors across corridors, at main entrance and outer doors to toilet lobby to incorporate a glazed panel from not more than 500mm to not less than 1500mm above floor level. A central bar may be located between 800mm and 1150mm above floor.

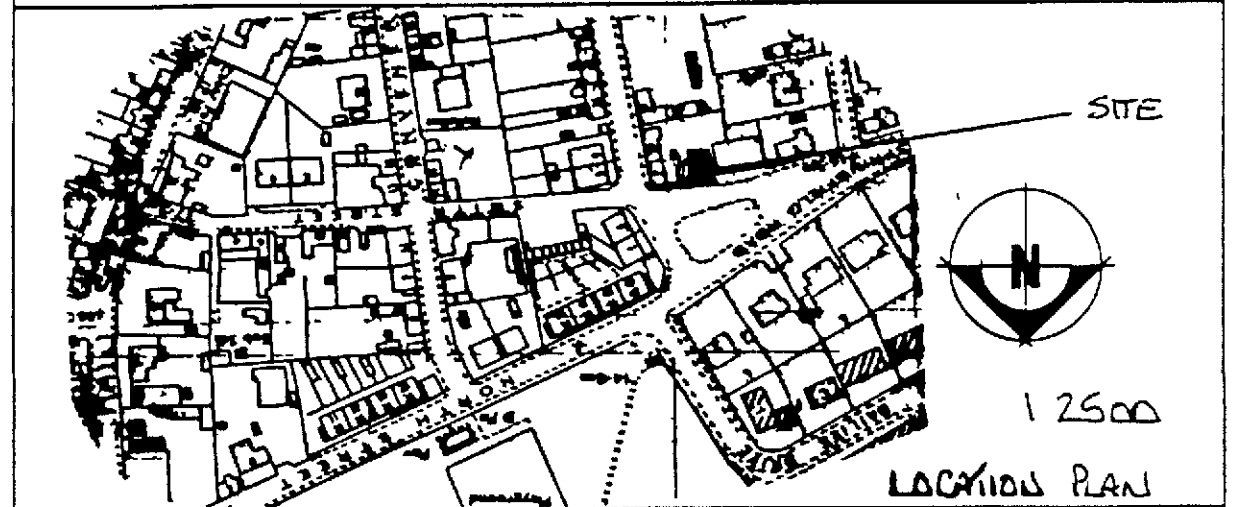
**Fixed counter**  
Serving counter to incorporate lowered section 750mm above floor, not less than 900mm wide, with knee recess below min 700mm high by 500mm deep. A clear manoeuvring space min 1200mm deep provided at lowered counter. Remaining counter located between 950mm to 1100mm high.

**General finishes**  
Walls within front shop and preparation area to be finished with proprietary easy clean waterproof sheeting fixed in accordance with manufacturers instructions. Ceilings finished with easy clean gloss paint finishes. SS cooking appliances with SS backing wall up to SS canopy.

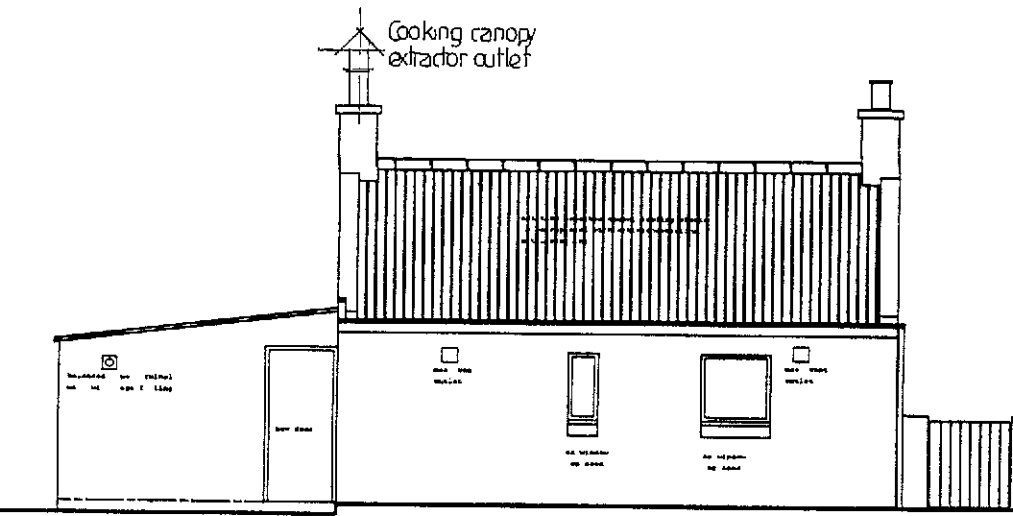
**Sanitary facilities**  
All toilet facilities in building to have easy clean surfaces and fittings. Cubicles to allow for a 450mm dia space between door and sanitary facility. Cubical doors with privacy locks should have an emergency release operable from outside and if inward opening offer alternative means of removal. Sanitary facilities and fittings to contrast visually to surroundings to assist persons with visual impairment.



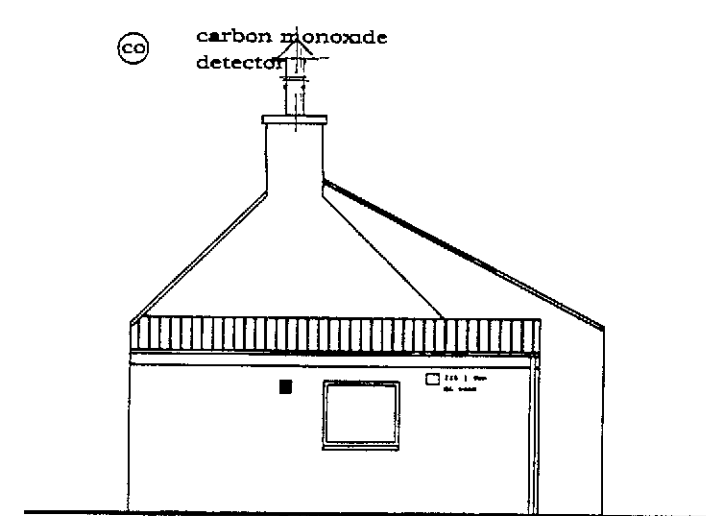
EXISTING LAYOUT PLAN 1-50



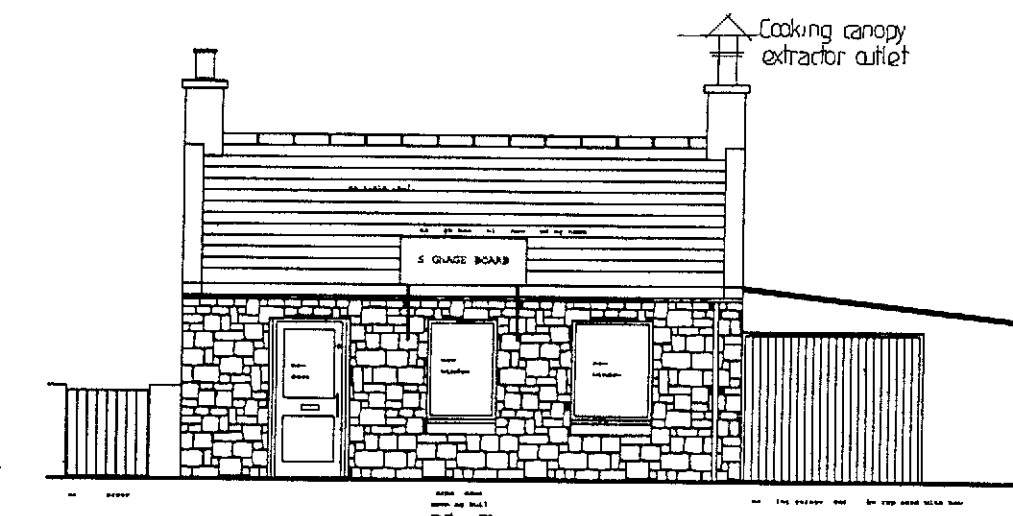
SITE PLAN 1-200



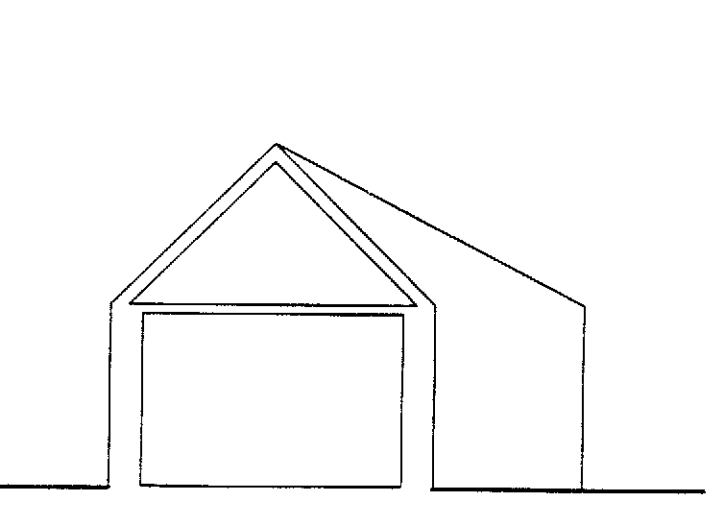
REAR ELEVATION 1-100



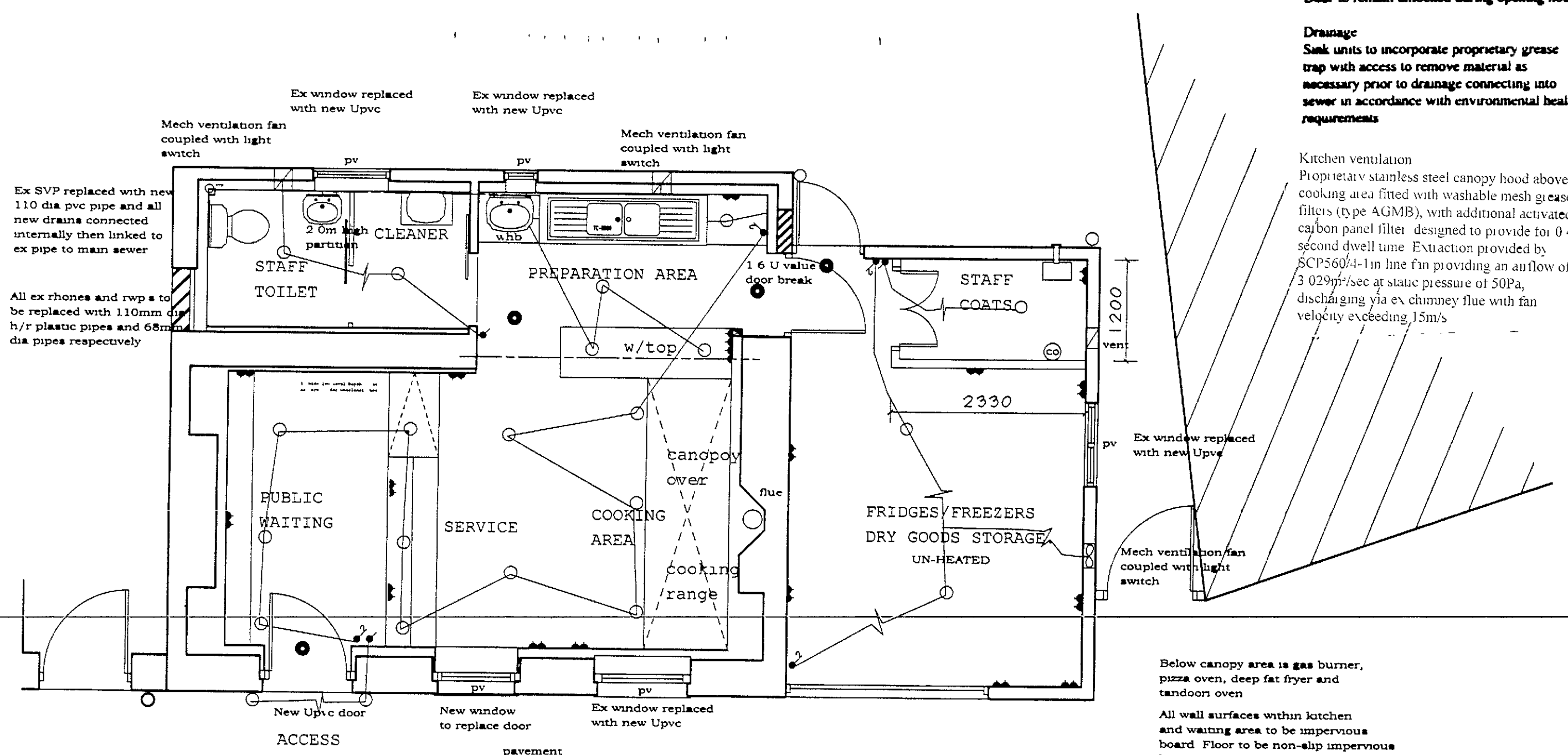
SIDE ELEVATION 1-100



FRONT ELEVATION 1-100



CROSS SECTION 1-100



PROPOSED FLOOR PLAN LAYOUT 1-50

Planning Ref No		
Building Warrant Ref No		
Structural Engineer Ref No		
Revisions and Distributions.		
Date	Revision	Amended by
31/8/17.	A EXTENSION REMOVED	OK
30/10/2017	CANOPY & STREET INCREASED	IL
1		

Crown copyright all rights reserved License No 100041148  
No works to commence on site until all relevant Local Authority consents have been obtained. No responsibility taken for work commenced before all Local Authority consents have been issued.  
Contractors will have deemed to have visited the site to familiarise themselves with all aspects of the project prior to submitting any quotation for the building operations.  
Any deviation to the approved plans to be reported to this office. Contractors to check all dimensions on site prior to commencement of any building operations.  
Given dimensions only to be used. DO NOT SCALE DRAWINGS  
Any roof truss or timbers tying into an existing roof to be checked on site by the contractor to ensure heights and ridges meet correctly.

PLANS PLUS (URQUHART)		
ARCHITECTURAL DESIGN CONSULTANTS		
Main Street Offices, Urquhart, By Elgin IV30 8LG Tel No 01343 842635 / 07766 315501 ctkplans@el.com		
Project	CHANGE OF USE OF BARBERS SHOP TO HOT FOOD TAKE AWAY PREMISES AT 1 SPRINGFIELD ROAD, NEW ELGIN	Project No 16-68-D-18
Client	IFRAN ASHRIF	Scale 1-50
Drawn By	COLIN T KEIR	

Town & Country Planning (Scotland) Act, 1997 as amended  
**REFUSED**  
10 November 2017  
Development Management  
Environmental Services  
The Moray Council

AMENDED PLANS

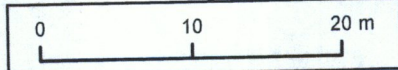




# 1 Springfield, Elgin IV30 6BU

PZ144298/RC  
March 2016

1:500  
@A4



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Easting: 322,093  
Northing: 861,650

05 SEP 2017



05 SEP 2017



## CHARLIE FLEMING ASSOCIATES

ACOUSTICAL CONSULTANTS  
NOISE CONTROL ENGINEERS

**Report on Kitchen Canopy Extract Fan Sound**  
**For**  
**Speyfruit**  
**At**  
**1 Springfield Road, Elgin, Moray**

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5 Saltpans, Charlestown, Fife KY11 3EB

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Eur Ing Charlie Fleming BSc MSc CEng FIOA MCIBSE MIET

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A2.0 Appendix Two: Calculation of Kitchen Canopy Extract Fan Sound Levels	15

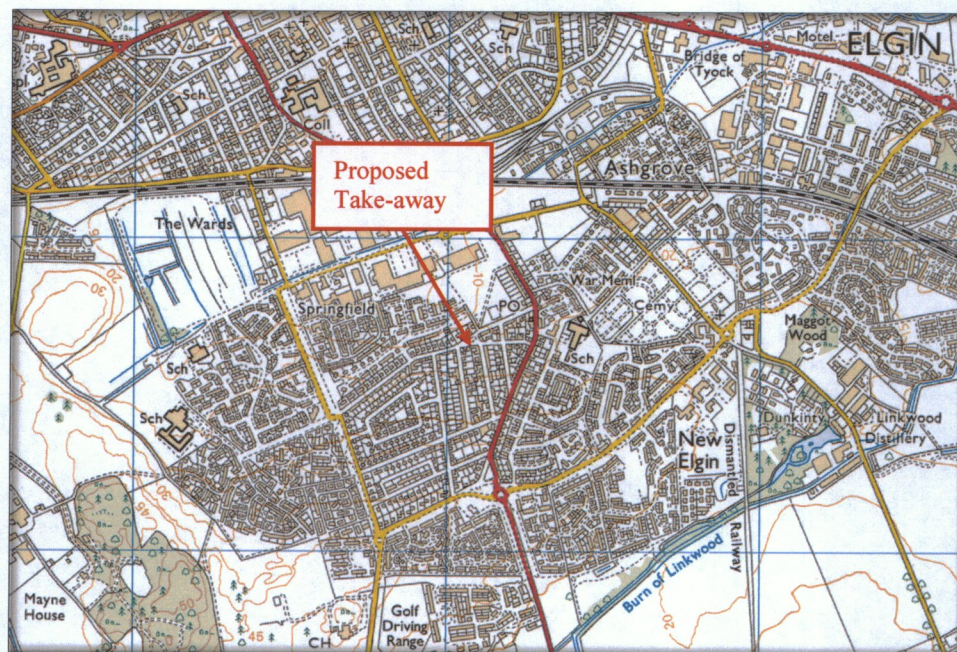


## 1.0 Introduction

- 1.1 Speyfruit has applied for planning permission to create a hot food take-away restaurant at 1 Springfield Road, in Elgin, in Moray. The location of 1 Springfield Road is shown by the red arrow below in Figure 1(a), which is reproduced with the permission of Ordnance Survey. It is also shown outlined in red overleaf on Figure 1(b), which is also reproduced with the permission of Ordnance Survey.

**Figure 1(a)**

**Location of Proposed Take-away Restaurant  
(Courtesy of Ordnance Survey)**



- 1.2 The concern was raised, by officers of The Moray Council, that the sound of the kitchen canopy extract fan might disturb residents in the vicinity. Charlie Fleming Associates was asked, by Mr Ian Taylor of Speyfruit, to predict what sound would emanate from the fan and, if necessary, recommend how to reduce it.
- 1.3 In Section 2.0 of this report, the sound levels likely inside the nearest house to the kitchen canopy extract fan are calculated. These are then compared to noise rating NR35, the limit which The Moray Council usually applies to this type of sound. Section 3.0 concludes the main text of the Report, and is followed by Section 4.0 which lists the documents referred to herein. There then follows an appendix which describes basic principles of acoustics and explains the technical terms used in the Report. A second appendix shows the calculations in full.



**Figure 1(b)**

**Location of Proposed Take-away Restaurant  
(Courtesy of Ordnance Survey)**





## 2.0 Calculation of Kitchen Canopy Extract Fan Sound Levels

- 2.1 It is understood that the kitchen canopy extract fan will be a Compact type SCP560/4-1, manufactured by Elta. The sound power levels of the fan have been read off Elta's product literature.
- 2.2 The nearest residential property to the fan's exhaust is a house to the east, probably 6 Nicol Street. The sound has been calculated at this, the most exposed house. The principle in this is that, if the sound at the most exposed house is acceptable, it follows that it will also be acceptable at other, less exposed, ones. The bedroom window of the house is 7.5m from where the new fan's exhaust will be.
- 2.3 The sound at the house has been calculated using standard procedures<sup>1</sup>. The variables used in the calculations are shown in full in Appendix Two at the end of this document.
- 2.4 The sound inside the house was calculated using the following equation.

$$L_{\text{Internal}} = L_{\text{External}} - R + 10 \log S - 10 \log 0.161 V + 10 \log T$$

Where, R = sound reduction index of elevation.  
 S = area of elevation.  
 V = volume of receiving room.  
 T = reverberation time of receiving room.

- 2.5 The ingress of sound through the elevation of the house into the bedroom will be determined by the transmission path through the window, this being far greater than that through the concrete blockwork. The type of glazing was not known, but seen to be double-glazed. Erring on the side of caution, it was assumed to be basic double-glazing consisting of two panes of 6mm thick glass, separated by a 16mm wide air space. The sound reduction indices of this glazing were taken from the literature<sup>2 & 3</sup>. Notwithstanding, the calculations have been performed with the window 10% open. When open to this extent, the type of glazing has no bearing on the sound reduction of the elevation. The sound reduction index of the open part of the window was taken to be 0dB.
- 2.6 The dimensions of the glazing of the bedroom window were scaled off a Google street maps' image, and found to be 880mm x 800mm.
- 2.7 The lateral dimension of the bedroom was scaled off a Google street maps' image, and found to be 2700mm. Based on this and the author's knowledge of houses of a similar age, the other dimensions were assumed to be 3500mm x 2400mm.
- 2.8 The reverberation times of the room have been taken to be the same as those measured by Charlie Fleming Associates in a bedroom of the same size in a house in Gartcosh, in Lanarkshire. These varied across the frequency range from 0.3 seconds to 0.4 seconds.
- 2.9 The level calculated in the bedroom, with the window 10% open, was NR20, which is well within the limit usually applied to this type of sound. That limit is NR35 as the take-away restaurant will be open from 15:30hrs until 23:00hrs.



### **3.0 Conclusions**

**3.1** Speyfruit has applied for planning permission to create a take-away restaurant at 1 Springfield Road, in Elgin, in Moray. The concern was raised, by officers of The Moray Council, that the sound of the kitchen canopy extract fan might disturb residents in the vicinity. Charlie Fleming Associates was thus asked, by Speyfruit, to predict what sound would emanate from the fan and, if necessary, recommend how to reduce it.

**3.2** In the nearest house, with its window open, the sound from the fan has been calculated, as described in Section 2.0 of this report, to be NR20. This is well within the limit, of NR35, usually applied to this type of sound by The Moray Council. It is thus concluded that there is no need to reduce the sound.



**Eur Ing Charlie Fleming BSc MSc CEng FIOA MCIBSE MIET**

#### **4.0 References**

- 1) Sound Research Laboratories, *Noise Control in Building Services*, Pergamon Press, Oxford, 1988, ISBN 0-08-034067-9.
- 2) Inman C., *A Practical Guide to the Selection of Glazing for Acoustic Performance in Buildings*, *Acoustics Bulletin*, **19**, (5), September/October 1994, pp19-24.
- 3) Saint Gobain, *Acoustic Performance of Glazing*.



## Appendix One

### A1.0 Basic Principles of Acoustics

#### A1.1 Sound Pressure

The sound we hear is due to tiny changes in pressure in the air, caused by something disturbing the air, such as a loudspeaker cone moving back and forward, the blades of a fan heater going round, the moving parts of a car engine, and so on. From the initial point of the disturbance the sound travels to the receiver in the form of a wave. It is not like a wave in water, rather like one that would travel along a stretched spring, such as a child's *Slinky* toy laid flat on the ground and “pinged” at one end. Whether the human ear can hear the sound wave as it travels through the air, however, depends on the size of the disturbance and the frequency of it. That is, if the loudspeaker moves very slightly we may not be able to hear the changes in air pressure that it causes because they are too small for the ear to detect. The magnitude of sound pressures that the human ear can detect ranges from about 0.00002 Pascals (Pa) to 200Pa. This enormous range presents difficulties in calculation and so, for arithmetic convenience, the sound pressure is expressed in decibels, dB. Decibels are a logarithmic ratio as shown below:

$$\text{Sound Pressure Level } L \text{ (dB)} = 20 \log_{10} \{ p/p \}$$

Where  $p$  = the sound pressure to be expressed in dB

and  $P$  = reference sound pressure 0.00002Pa

Hence, if we substitute 0.00002Pa, the smallest sound the ear can hear, for  $p$ , the result is 0dB. Conversely, if we substitute 200Pa, the loudest sound the ear can hear, for  $p$ , the result is 140dB. Hence, sound is measured in terms of sound pressure level in dB relative to 0.00002Pa.

#### A1.2 Sound Power and Sound Power Level, dB

This is the acoustic power of a sound source expressed in dB. Note that the units are Watts and the reference is  $10^{-12}$  Watts, as opposed to those of sound pressure level.

$$\text{Sound Power Level } L_w \text{ (dB)} = 10 \log_{10} \{ w/w \}$$

Where  $w$  = the sound power to be expressed in dB

and  $W$  = reference sound power  $10^{-12}$  Watts

The sound pressure level at a given position due to a source depends not only on the sound power level of that source, but also on the factors which affect the propagation of sound from the source to the receiver. For an external source this involves the distance, presence of acoustic barriers, the type of ground cover, the wind speed and direction, the temperature and humidity. The sound power is analogous to the electrical power rating of a fire, with the temperature being analogous to the temperature in the room. Placing the fire in an igloo in Greenland, for example, the temperature will much lower than if the fire is placed in a house in Ecuador.



### A1.3 Range of Audible Sound Pressure Levels

An approximate guide to the range of audible pressures is presented overleaf in Table A1. The sound pressure levels noted are typical of the source given and should not be considered to be precise. The notes in the "Threshold" column of the Table are for general guidance, the sound pressure levels of those thresholds varying between individuals.

**Table A1**

**Range of Audible Sound Pressure Levels and Sound Pressures**

Sound Pressure Level (dB re $2 \times 10^{-5}$ Pa)	Sound Pressure (Pa)	Source	Threshold of:
160	2000	Rifle at ear	Damage
140	200	Jet aircraft take off @ 25m	Pain
120	20	Boiler riveting shop	Feeling
100	2	Disco, noisy factory	
80	0.2	Busy street	
60	0.02	Conversation @ 2m	
40	0.002	Quiet office or living room	
20	0.0002	Quiet, still night in country	
0	0.00002	Acoustic test laboratory	Hearing

### A1.4 Frequency and Audible Sound

Returning to the example of the loudspeaker cone, if it moves back and forward very slowly, for example once or twice a second, then we will not be able to hear the sound because the ear cannot physically respond to such a low frequency sound. Human ears are sensitive to sound pressure waves with frequencies between about 30Hertz (Hz) and 16,000Hz, where Hz is the unit of frequency and is also known as the number of cycles per second. That is, the number of times each second that the loudspeaker cone moves in and out, the fan blade goes round, etc. At the other end of the frequency spectrum, a sound with a frequency of 30,000Hz will also be inaudible, again because the ear cannot physically respond to sound pressure waves having such a high frequency.

Across the audible frequency range, the response of the ear varies. For example, a sound having a frequency of 63Hz will not be perceived as being as loud as a sound of exactly the same sound pressure level, having a frequency of 250Hz. A sound having a frequency of 500Hz will not be perceived as being as loud as a sound of the same sound pressure level with a frequency of 1,000Hz. Indeed, for a given sound pressure level, the hearing becomes progressively more sensitive as the frequency increases up to around 2,500Hz. Thereafter, from 2,500Hz upwards to about 16,000Hz, the sensitivity decreases, with sounds having frequencies above 16,000Hz being inaudible to most adults.

Virtually all sounds are made up of a great many component sound waves of different sound pressure levels and frequencies combined together. To measure the sound pressure level contributed at each of the frequencies between 30Hz and 16,000Hz, that is, 15,970 individual frequencies, would require 15,970 individual measurements. This would yield a massive, unwieldy amount of data.



**A1.5 Octave Bands of Frequency**

As a compromise, the sound pressure level in particular ranges, or "bands", of frequencies can be measured. One of the commonest ranges of frequency is the octave band. An octave band of frequencies is defined as a range of frequencies with an upper limit twice the frequency of the lower limit, eg 500Hz to 1,000Hz. This octave is exactly the same as a musical octave, on the piano, violin, etc, or *doh* to high *doh* on the singing scale. Octave bands are defined in international standards and are identified by their centre frequency. Sound measurements are generally made in the eight octave bands between 63Hz and 8,000Hz. This is because human hearing is at its most sensitive, in terms of its frequency response, over this range of frequencies. Furthermore, the sound waves that make up speech have frequencies in this range.

**A1.6 "A-Weighting" and dB(A)**

Whilst an octave band analysis gives quite detailed information as to the frequency content of the sound, it is rather clumsy in terms of presenting results of measurements, that is, having to note sound pressure levels measured at eight separate octave bands. Furthermore, the ear hears all these separate frequency components as a whole and thus it would seem sensible to measure sound in that way.

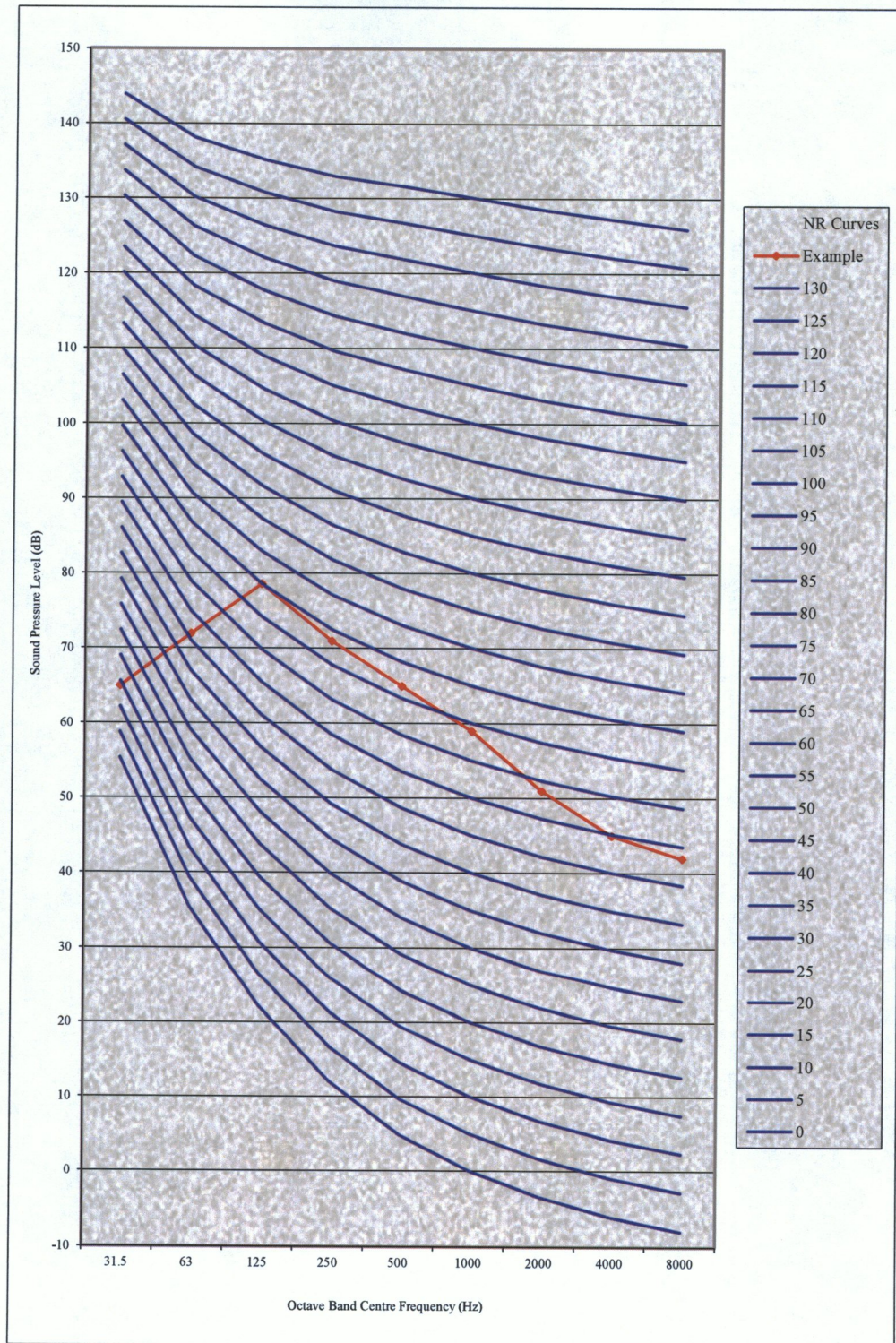
When sound pressure level is measured with a sound level meter, the instrument can analyse the sound in terms of its octave band content as described above in section A1.4, or measure all the frequencies at once. Bearing in mind that the response of the ear varies with frequency, the sound level meter can apply a correction to the sound it is measuring to simulate the frequency response of the ear. This correction is known as "A-weighting" and sound pressure levels measured with this applied are described as having been measured in dB(A).

**A1.7 Noise Rating, NR.**

A complaint often levelled at "A-weighting" is that it reduces the influence of the low frequencies by too much, eg 16dB @ 125Hz, 26dB @ 63Hz and a massive 39dB at 31.5Hz. An alternative way of describing a sound with a single figure was thus developed. Noise Rating curves are a series of octave band sound pressure level values. The designation of the curve is from the value thereof at 1000Hz. A series of octave band sound pressure levels can then be given a noise rating according to the highest rating curve that the series breaks. An example of this is shown in Figure A1, in which the noise rating would be NR65.



**Figure A1**  
**Noise Rating Curves and Example**





**A1.8 Variation of Sound Level With Time**

Virtually all sounds vary with time. For example, speech, music, a person hammering, road traffic, an aircraft flying overhead, all vary with respect to time. Various terms can be applied to describe the temporal nature of a sound as shown in Table A2.

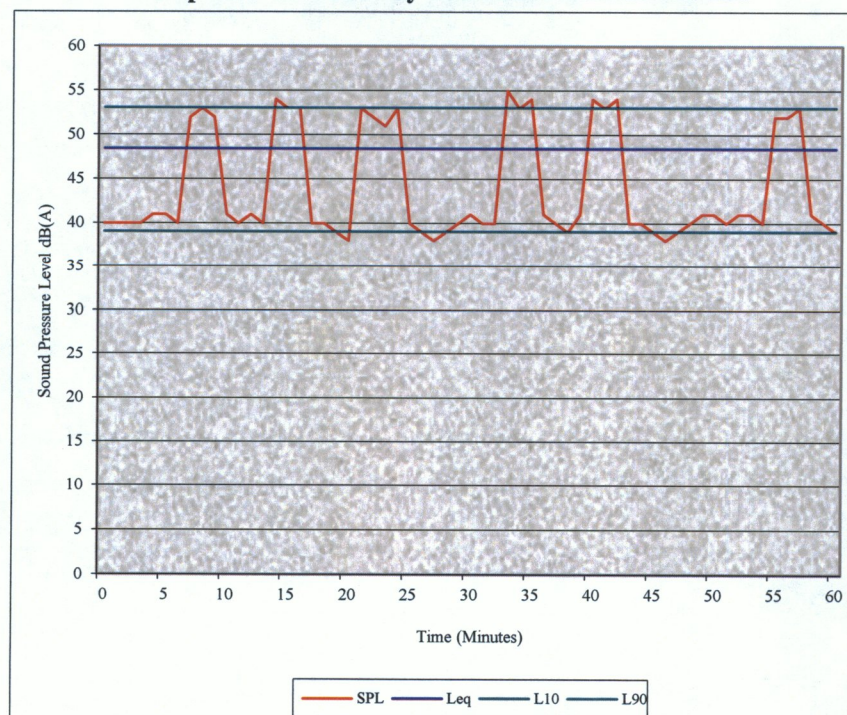
**Table A2****Examples of the Temporal Nature of Sound**

Description	Example of Sound Source
Constant or steady state	Fan heater, waterfall
Impulsive	Gun shot, hammer blow, quarry blast
Irregular or fluctuating	Road traffic, speech, music
Cyclical	Washing machine, grass mowing
Irregular impulsive	Clay pigeon shooting
Regular impulsive	Regular hammering, tap dripping, pile driving

In practice, combinations of virtually any of the above can exist. In measuring sound it is necessary to deal with the level as it varies with respect to time.

**A1.9 Time History**

Consider the time history, as it is known, shown below in Figure A2. Note that it is not an actual time history, rather an approximate representation of that which a person might experience some 100m away from a building site on which a man is operating a pneumatic drill.

**Figure A2****Example of Time History of Construction Site Sound**



The sound of the compressor and other activity on the site is reasonably constant with time, having a level of between 38dB(A) and 41dB(A). When the drill operates the sound level rises to between around 51dB(A) and 55dB(A).

A measurement of the sound between the 25<sup>th</sup> minute and the 32<sup>nd</sup> minute, when the sound is that of the compressor, would result in a level of about 40dB(A). This is very different from the result of a measurement made between the 33<sup>rd</sup> minute and the 35<sup>th</sup> minute, when the drill is operating, which would give a sound level of about 54dB(A). In the past acousticians therefore had to develop some way of measuring the sound which gives us information as to its variation in time. The easiest parameters to understand are the maximum and minimum levels, in this case 55dB(A) and 38dB(A) respectively. These do not tell us much about the sound other than the range of levels involved. The most widely used parameter is the equivalent continuous sound level,  $L_{eq}$ , which is explained in Section A1.9.

#### **A1.10 Equivalent Continuous Sound Level, $L_{eq}$**

A representative measurement of the sound to which the person in the example is exposed must deal with these changes in level. This can be done by measuring what is known as the equivalent continuous sound level, denoted as  $L_{eq}$ . If the measurement has been made in dB(A) it can be denoted as  $L_{Aeq}$  and expressed in dB. This is the sound level which, if maintained continuously over a given period, would have the same sound energy as the actual sound (which varied with time) had. In the example the  $L_{eq}$  is 48.4dB(A) and it is shown on Figure A2 as a blue line. In layman's terms it may be considered to be the average of the sound over a period of time.

#### **A1.11 Free-field**

As sound propagates from the source it may do so freely, or it may be obstructed in some way by a wall, fence, building, earth bund, etc. The former is known as free-field propagation.

#### **A1.12 Hemi-spherical**

Most sound sources, being on the ground, radiate sound into a half, or hemi-sphere. Exceptions to this are road traffic sound and railway sound which is considered to radiate into a hemi-cylinder, and flying aircraft sound which radiates into a sphere.

#### **A1.13 Quarter-spherical**

As mentioned in item A1.12, most sound sources radiate sound into a half, or hemi-sphere. If, however, there is another acoustically reflective surface present, such as the facade of a building, the sound propagates into quarter of a sphere.

#### **A1.14 Level Difference, $D$**

This is the most basic of sound transmission measurements. It is the difference in sound pressure level due to a building element, that is, a floor or wall. It is determined by placing a sound source in one room, measuring the sound pressure level in that room, which is then known as  $L_1$  (source). Whilst the sound source is still radiating, the sound pressure level is measured in the room upstairs in the house below, for a floor test, or next door through the separating wall, for a wall test. This is known as  $L_2$  (received). The level difference  $D$  is then simply:

$$\text{Level Difference } D = L_1 \text{ (source)} - L_2 \text{ (received)}$$



Hence the parameter  $D$  represents the reduction in sound pressure level that occurs as the sound passes from one room to another through the floor or wall. This applies equally to the sound of televisions, hi-fi systems, speech and so on, as it does to the sound used in conducting the test. The greater the value of  $D$  the better the “sound insulation”. This can be seen if we re-arrange the above equation and work out the received level as:

$$L_2 \text{ (received)} = L_1 \text{ (source)} - \text{Level Difference } D$$

That is, for a given source of sound such as a television, the bigger the level difference  $D$ , the less  $L_2 \text{ (received)}$  will be.

#### A1.15 Sound Reduction Index, $R$

The level difference described above is a function of the wall in terms of how much sound is transmitted through that element. It is, however, also a function of the acoustical absorption in the receiving room, and the area of the wall radiating the sound.

Considering the acoustical absorption first, for example, the same sound energy will be transmitted through a wall depending on the construction of that element. If the receiving room is full of furniture, curtains and carpeting, the measured sound pressure level  $L_2 \text{ (received)}$  will be less than if all the furnishings were removed. Thus, with the furnishings present,  $D$ , equal to  $L_1 \text{ (source)} - L_2 \text{ (received)}$  will be greater, (because  $L_2 \text{ (received)}$  will be less). If the furnishings are removed,  $L_2 \text{ (received)}$  will increase as there is no longer anything to absorb the sound, and hence  $D$  will decrease.

The level difference  $D$  is also a function of the area of the partition radiating the sound from one room to the other. The bigger the area, the more sound will be transmitted, the received level will increase, and the difference  $D$  will decrease.

To determine the sound transmission performance of the wall itself, regardless of the effect of the acoustical absorption in the receiving room, and the area of the partition, the sound reduction index  $R$  is defined as:

$$R = D + 10 \log S - 10 \log A$$

Where  $S$  = area of wall radiating sound into receiving room.

$A$  = the acoustical absorption in the receiving room.

#### A1.16 Reverberation Time

The acoustical absorption of a room can be quantified by measuring what is called the reverberation time, in seconds, of the room.

$$A = 0.161 V / RT$$

where  $V$  = volume of the room.

In turn, the reverberation time is defined as the time taken for the sound pressure level in a room to decay to -60dB relative to its original value from the time the sound source is switched off. It may be subjectively described as a measure of the amount of echo in a room, which is dependent on the room's volume, internal surface area and acoustical absorption.



## Appendix Two: Calculation of Kitchen Canopy Extract Fan Sound Levels

	Data Input	63	63	125	125	250	250	500	500	1000	1000	2000	2000	4000	4000	8000	8000
Fan $L_{eq}$			80.0		89.9		80.7		78.0		82.1		78.5		78.3		71.3
Correction for A-weighting			0.0		0.0		0.0		0.0		0.0		0.0		0.0		0.0
Attenuator			0		0		0		0		0		0		0		0
Duct @ 75-200mm			-0.16	0	-0.33	0	-0.49	0	-0.33	0	-0.33	0	-0.33	0	-0.33	0	-0.33
Duct @ 200mm			-0.33	0	-0.5	0	-0.49	0	-0.33	0	-0.28	0	-0.28	0	-0.28	0	-0.28
Duct @ 200-400mm	3.0		-0.49	-1.47	-0.66	-1.98	-0.49	-1.47	-0.33	-0.99	-0.23	-0.69	-0.23	-0.69	-0.23	-0.69	-0.23
Duct @ 400mm			-0.66	0	-0.66	0	-0.41	0	-0.25	0	-0.2	0	-0.2	0	-0.2	0	-0.2
Duct @ 400-800mm			-0.82	0	-0.66	0	-0.33	0	-0.16	0	-0.16	0	-0.16	0	-0.16	0	-0.16
Duct @ 800mm			-0.74	0	-0.5	0	-0.23	0	-0.13	0	-0.12	0	-0.12	0	-0.12	0	-0.12
Duct @ 800-1500mm			-0.66	0	-0.33	0	-0.16	0	-0.1	0	-0.07	0	-0.07	0	-0.07	0	-0.07
Bend @ 150-250mm			0	0	0	0	0	0	0	-1	0	-2	0	-3	0	-3	0
Bend @ 250mm			0	0	0	0	0	0	-1	0	-2	0	-3	0	-3	0	-3
Bend @ 250-500mm			0	0	0	0	0	0	-1	0	-2	0	-3	0	-3	0	-3
Bend @ 500mm			0	0	0	0	-1	0	-2	0	-3	0	-3	0	-3	0	-3
Bend @ 500-1000mm			0	0	0	0	-1	0	-2	0	-3	0	-3	0	-3	0	-3
Bend @ 1000mm			0	0	-1	0	-2	0	-3	0	-3	0	-3	0	-3	0	-3
Bend @ 1000-2000mm			0	0	-1	0	-2	0	-3	0	-3	0	-3	0	-3	0	-3
End Effect	1.18m x 0.43m		-6.5		-2.5		-0.5		0.0		0.0		0.0		0.0		0.0
Reflection off cowl			-3.0		-3.0		-3.0		-3.0		-3.0		-3.0		-3.0		-3.0
Cowl $L_w$	Exhaust		69.0		82.4		75.7		74.0		78.4		74.8		74.6		67.6
Airflow Fraction	1.000		0		0		0		0		0		0		0		0
Directivity, from below	1.18m x 0.43m		2.8		2.5		1.8		-0.8		-13.5		-13.0		-13.0		-13.0
Distance to receiver	7.5		-25.5		-25.5		-25.5		-25.5		-25.5		-25.5		-25.5		-25.5
Correction for Facade Effect			3.0		3.0		3.0		3.0		3.0		3.0		3.0		3.0
Correction for Barrier Effect			0.0		0.0		0.0		0.0		0.0		0.0		0.0		0.0
$L_p$ Direct			49.3		62.4		55.0		50.8		42.4		39.3		39.1		32.1
Area Open	0.032		0.032		0.032		0.032		0.032		0.032		0.032		0.032		0.032
SRI Open	0.045		0		0		0		0		0		0		0		0
Area Window	0.88	0.80	0.672		0.672		0.672		0.672		0.672		0.672		0.672		0.672
SRI Window			25.0		23.0		20.0		25.5		35.5		38.5		33.0		33.0
SRI Composite			13.2		13.0		12.6		13.2		13.4		13.5		13.4		13.4
$10\log S$			-1.5		-1.5		-1.5		-1.5		-1.5		-1.5		-1.5		-1.5
$10\log 0.161 \times V$	2.7	3.5	2.4	5.5	5.5	5.5	5.5	5.5	5.5	5.5	5.5	5.5	5.5	5.5	5.5	5.5	5.5
RT			0.4		0.4		0.3		0.3		0.3		0.3		0.3		0.3
$10\log RT$			-3.8		-4.6		-5.9		-6.0		-4.8		-4.9		-5.4		-5.4
Level Internal			25.3		37.8		29.5		24.5		17.1		14		13.3		6.3
Design Target	35		63.1		52.5		44.6		38.9		35		32		29.8		28.1
Excess Noise			-37.8		-14.7		-15.1		-14.4		-17.9		-18.2		-16.5		-21.8
Directivity Calculation																	
1.0m wide on axis			2.5		3.0		3.5		4.0		4.5		4.5		4.5		4.5
0.5m wide at 90 degrees			0.8		0.0		-1.3		-4.3		-17.5		-17.5		-17.5		-17.5
0.5m high on axis			2.0		2.5		3.0		3.5		4.0		4.5		4.5		4.5
0.5m high on axis			2.0		2.5		3.0		3.5		4.0		4.5		4.5		4.5
Total directivity			2.8		2.5		1.8		-0.8		-13.5		-13.0		-13.0		-13.0



29<sup>th</sup> September 2017

Moray Council  
Council Office High Street  
Elgin  
IV30 9BX

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - DevelopmentOperations@scottishwater.co.uk  
www.scottishwater.co.uk

Dear Local Planner

**SITE: IV30 Moray Elgin Springfield Road 1**

**PLANNING REF: 17/01401/APP**

**OUR REF: 751156**

**PROPOSAL: Change of use of former barber shop to hot food take-away at**

**Please quote our reference in all future correspondence**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

#### **Water**

- This proposed development will be fed from **Glenlatterach** Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link [www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application](http://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application)

#### **Foul**

- There is currently sufficient capacity in the **Moray West PFI** Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

**The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.**

### **Surface Water**

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

### **General notes:**

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

**Site Investigation Services (UK) Ltd**  
**Tel: 0333 123 1223**  
**Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)**  
**[www.sisplan.co.uk](http://www.sisplan.co.uk)**

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

### **Next Steps:**

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges

that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

**Megan Innes**

Technical Analyst

[Megan.Innes2@scottishwater.co.uk](mailto:Megan.Innes2@scottishwater.co.uk)

# Consultation Request Notification

Planning Authority Name	<b>The Moray Council</b>
Response Date	<b>3rd October 2017</b>
Planning Authority Reference	<b>17/01401/APP</b>
Nature of Proposal (Description)	<b>Change of use of former barber shop to hot food take-away at</b>
Site	<b>1 Springfield Road Elgin Moray IV30 6BY</b>
Site Postcode	<b>N/A</b>
Site Gazetteer UPRN	<b>000133000434</b>
Proposal Location Easting	<b>322093</b>
Proposal Location Northing	<b>861655</b>
Area of application site (Ha)	<b>m<sup>2</sup></b>
Additional Comment	
Development Hierarchy Level	<b>LOCAL</b>
Supporting Documentation URL	<a href="http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=OVSWSBG0D700">http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=OVSWSBG0D700</a>
Previous Application	<b>17/00331/APP 06/02357/FUL</b>
Date of Consultation	<b>19th September 2017</b>
Is this a re-consultation of an existing application?	<b>No</b>
Applicant Name	<b>Mr Irfan Ashrif</b>
Applicant Organisation Name	
Applicant Address	<b>3 Reiket Lane Elgin Moray IV30 6HT</b>
Agent Name	<b>Plans Plus</b>
Agent Organisation Name	<b>Plans Plus</b>
Agent Address	<b>Main Street URQUHART By Elgin Moray IV30 8LG</b>
Agent Phone Number	
Agent Email Address	<b>N/A</b>
Case Officer	<b>Lisa Macdonald</b>
Case Officer Phone number	<b>01343 563082</b>
Case Officer email address	<b><a href="mailto:lisa.macdonald@moray.gov.uk">lisa.macdonald@moray.gov.uk</a></b>
PA Response To	<b><a href="mailto:consultation.planning@moray.gov.uk">consultation.planning@moray.gov.uk</a></b>

## NOTE:

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

Please respond using the attached form:-



## MORAY COUNCIL

### PLANNING CONSULTATION RESPONSE

**From:** Transportation Manager

**Planning Application Ref. No: 17/01401/APP**

**Change of use of former barber shop to hot food take-away at 1 Springfield Road Elgin Moray IV30 6BY for Mr Irfan Ashrif**

I have the following comments to make on the application:-

**Please**

- |     |   |                          |
|-----|---|--------------------------|
| (a) | I OBJECT to the application for the reason(s) as stated below   | <b>x</b>                 |
| (b) | I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal            | <input type="checkbox"/> |
| (c) | I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below | <input type="checkbox"/> |
| (d) | Further information is required in order to consider the application as set out below                                 | <input type="checkbox"/> |

*This proposal is for the change of use of a former barber shop to a hot food takeaway within an existing residential area. A Chinese take-away is located immediately adjacent 1 Springfield Road. There is no off street parking available at this premises, or at the adjacent existing take-away.*

*Observations are that there is insufficient parking space available within the immediate vicinity to accommodate the customers of the existing take-away business, which leads to indiscriminate parking behaviour with drivers parking too close to the junction with Nicol Street.*

*The barber shop at 1 Springfield Road has not operated for a number of years (anecdotal evidence implies this could be as long as 10 years). Transportation therefore considers that any vehicular trips or parking associated with the proposed change of use would be 'new' trips added to the local road network and 'new' demand for parking, and could not be treated as 'replacement' trips/parking relating to the former use.*

*Transportation considers that the proposed change of use would be likely to lead to an undesirable increase in on-street parking to the detriment to road safety and the free flow of traffic on the public road.*

#### **Reason(s) for objection**

The proposal does not incorporate adequate on-site vehicular parking and manoeuvring facilities to meet the Moray Council Parking Standards and is contrary to Policy T5. The proposal, if permitted, would be likely to lead to an undesirable increase in on-street parking to the detriment of road safety.

**Contact: DA/AG**  
**email address: [transport.devlop@moray.gov.uk](mailto:transport.devlop@moray.gov.uk)**  
**Consultee: TRANSPORTATION**

**Date 03 October 2017**

<b>Return response to</b>	<b><a href="mailto:consultation.planning@moray.gov.uk">consultation.planning@moray.gov.uk</a></b>
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://public.moray.gov.uk/eplanning/> (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.

**From:** DeveloperObligations  
**Sent:** 21 Sep 2017 14:19:10 +0100  
**To:** DC-General Enquiries  
**Cc:** Lisa MacDonald  
**Subject:** 17/01401/APP Change of use of former barber shop to hot food take-away at 1 Springfield Road, Elgin

Hi

The above planning application is exempt from developer obligations as the proposed floorspace is less than 1000m<sup>2</sup>.

Regards,  
Hilda

Find us on   
[Moray Council Planning](#)

**Hilda Puskas**  
Developer Obligations Officer  
Development Plans  
[hilda.puskas@moray.gov.uk](mailto:hilda.puskas@moray.gov.uk)  
01343 563265

The logo for Moray Council, featuring the word 'moray' in a stylized, lowercase, serif font with a horizontal line through the middle, and the word 'council' in a smaller, lowercase, sans-serif font below it.

# Consultation Request Notification

Planning Authority Name	<b>The Moray Council</b>
Response Date	<b>3rd October 2017</b>
Planning Authority Reference	<b>17/01401/APP</b>
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## NOTE:

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Please respond using the attached form:-

## MORAY COUNCIL

### PLANNING CONSULTATION RESPONSE

**From:** Environmental Health Manager

**Planning Application Ref. No:** 17/01401/APP

**Change of use of former barber shop to hot food take-away at 1 Springfield Road Elgin Moray IV30 6BY for Mr Irfan Ashrif**

I have the following comments to make on the application:-

- |   | <b>Please</b>                        |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below   | <b>X</b><br><input type="checkbox"/> |
| (b) I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal            | <input type="checkbox"/>             |
| (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below | <b>X</b>                             |
| (d) Further information is required in order to consider the application as set out below                                 | <input type="checkbox"/>             |

#### Condition(s)

1. The premises will require to comply with the Health and Safety at Work etc Act 1974 and the Workplace (Health, Safety and Welfare) Regulations 1992.
2. The Environmental Health Section of Moray Council would be the enforcing authority in the premises.
3. The premises will require to comply with the Food Hygiene (Scotland) Regulations 2006.
4. The proprietor will require to register the premises in terms of the Food Hygiene (Scotland) Regulations 2006.
5. Measures require to be taken to prevent a smell nuisance in terms of the Environmental Protection Act 1990.

**Contact:** James McLennan  
**email address:**  
**Consultee:**

**Date:** 8 November 2017  
**Phone No** .....

<b>Return response to</b>	<b>consultation.planning@moray.gov.uk</b>
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://public.moray.gov.uk/eplanning/> (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.

# Comments for Planning Application 17/01401/APP

## Application Summary

Application Number: 17/01401/APP

Address: 1 Springfield Road Elgin Moray IV30 6BY

Proposal: Change of use of former barber shop to hot food take-away at

Case Officer: Lisa Macdonald

## Customer Details



## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Activity at unsociable hours/behaviour
- Affecting natural environment
- Contrary to Local Plan
- Inadequate plans
- Litter
- Noise
- Parking
- Road access
- Road safety
- Smell
- Traffic

Comment:

I wish to object to Planning Application 17/01401/APP on the following grounds:-

### Parking

Policy T2 Provision of Access, under Justification, states "Sufficient information must be provided with planning applications to enable a reasoned decision to be made in assessing transport impact of new development." In addition, Policy R3 Neighbourhood and Local Shops, Ancillary Retailing, and Recreation or Tourist Related Retailing states "...satisfactory provisions must be made to ensure that the environment is not compromised and there is appropriate access and parking, and other service provision." Within the application, like with the previous application for this site by the Applicant (ref 17/00331/APP), there is no reference to the impact of transport nor how the Applicant proposes to address the impact on parking that will result from their application. Therefore, the proposal does not comply with Policies T2 and R3.

The proposed site was formally a barbershop but has lain derelict for over 10 years, since the death of the barber. This means that there will definitely be an increase in traffic movements as there have been no customers, relating to the previous use of the site, parking in the vicinity for over a decade. This has to be taken into account as this application is not just a "change of use", there has been no use for a long period of time.

In addition to resident's cars, since the withdrawal of the previous application by the Applicant for this site (ref 17/00331/APP), the house at 5 Springfield Road has been sold and is now occupied, therefore further increasing the number of cars belonging to residents that use the on-street parking surrounding the green space on Springfield Road.

Whilst accepting that there may possibly be a minimal amount of transfer of customers from the Chinese takeaway next door, this proposal will undoubtedly create new transport movements and footfall within the vicinity. The layout of Springfield Road between the junctions of Nicol Street and King Street, which includes an extended pavement which in turn narrows the road, creates numerous problems when cars park on either side of the road outside the Chinese, the proposed site and our property. In addition, the junction with Nicol Street has a blind corner due to the position of our house. Cars travelling down Nicol Street are required to take a wide manoeuvre into Springfield Road to address this due to the uncertainty of what is around the corner and, depending on the time of day, their experience of Springfield Road when it is busy due to the level of customer/staff/residents parking. Due to the nature of takeaways, customers tend park as close as possible to the premises, even if it means parking in dangerous positions or ignoring road markings/parking restrictions (i.e. double-yellow lines). This means that, particularly at peak hours, this road is almost completely impassable due to the combination of residents, staff and customers parking in the vicinity. The addition of further customers and staff for this new premise will only add to this existing problem and the road layout cannot, in my opinion, cope.

Reference may be made to the fact that customers to takeaways tend to be parked for a short time (i.e. 20 mins). However, if a small shop (i.e. newsagents) were to open on this site, an application would not be acceptable if it had no parking or mitigation proposed with it so why should the Applicant think it is acceptable in the case of this proposal.

The road layout also causes issues outside the existing takeaway (Chinese)'s opening hours, when there is only residential and/or staff parking (including those for the laundrette next door to the Chinese). Delivery lorries parking outside the property can cause the road to be blocked for the 20-30mins that the lorry is parked for. There is no information provided within the application on delivery times but one can only assume this will be outwith opening hours therefore causing further parking issues when there are a number of delivery lorries present delivering to the two takeaway premises at the same time.

Pollution (Noise)



There will be an increase in noise from the proposed development due to the additional level of customers and cars.

The type of takeaway proposed (kebab/Indian) historically results in late hour openings. After 10:30pm (when the Chinese takeaway closes), the surrounding area becomes solely residential with no businesses operating. The nearest business operating after this time is The Kirkie Bar, which is 350 yards away from the site, and the next being the Springfield Bar, which is almost 0.5 miles away. This reinforces the fact that the amenity at this time is residential and that a takeaway operating at this time will not integrate with the surrounding area. The proposal will generate noise and activity at unsociable hours to the detriment of the residential amenity, which houses a number of elderly people and children. Like with parking, the Applicant makes no effort to propose any mitigation to this. Therefore, I believe the proposal does not comply with Policy IMP1 Developer Requirements (a) and (j).

Policy EP8 Pollution aims to "ensure that new developments do not create pollution, which could adversely affect the environment or local amenity." For the reasons above, and noting that the Applicant has made no effort to appropriately mitigate pollution (in this case noise), I believe the proposal does not comply with Policy EP8.

With reference to the "Report on Kitchen Canopy Extract Fan Sound" produced by Charlie Fleming Associates, the report is speculative at best. It is clear from the text of the report that the author had not visited the site and has made a number of predictions based on speculation, including using Google Map images to work out dimensions of our property. The report does not appear to take into account other sounds that will be present whilst the fan is in operation such as a live kitchen and customers/staff speaking. This conveniently for the Applicant, means the conclusion from Charlie Fleming Associates is that there is no need to reduce the sound and therefore they feel there is no requirement to address the noise pollution that their proposal will undoubtedly create.

Pollution (Odour/Rubbish etc.)

As with the previous application, there is no information provided within the application as to what height the extractor flue [REDACTED] will extend from the existing chimney. Unless at a considerable height, which in itself would give rise to its appropriateness to the surrounding area in terms of Policy IMP1 (a), the position and height of the flue will likely mean that fumes will blow directly into our two bedroom windows.

Cooking odours will give rise to offensive odours, of which we currently experience as a result from the Chinese. The increase of these odours as a result of an additional takeaway premise will be beyond acceptable. Due to the heat generated from machinery, staff members tend to leave doors open which will further result in offensive odours leaving the premises directly without

mitigation. Noting that the Applicant has made no effort to appropriately mitigate pollution (in this case odours), I believe the proposal does not comply with Policy EP8.

The application provides no information or detail as to the provision, storage and disposal of rubbish bins, both commercial and for public use. We currently experience a level of littering which is been thrown over our gate due to the gap created between the proposed site and our building. As the public entrance/exit is proposed to be 1 yard from our gate, this level of littering is likely to increase if no bins are provided for. Particularly for people who visit this premise on foot, the likelihood is that they (especially if under the influence of drink) will wish to eat the food as soon as possible, which means getting rid of wrapping as soon as possible. The fact that the Applicant has neglected to bother addresses these issues, I believe, makes this proposal contrary to Policy IMP1 (m), which states that new developments must make acceptable arrangements for waste management.

## Conclusion

In conclusion, I believe this application lacks a high level of information and the Applicant has made no effort to try and mitigate a number of issues that they will be very aware will be created by the introduction of their business. The addition of a takeaway, and in particular the type of takeaway proposed (kebab/Indian - usually late hour openings), will give rise to a loss of residential amenity and security, whilst also creating a new source of disturbance (noise, parking and pollution) as the building has lay empty for over 10 years and I urge Moray Council to refuse the planning application.

As the owners of [REDACTED] we wish to object to the Planning Application 17/01401/APP.

We are of the opinion that this application still does not provide sufficient information by which to make a detailed and informed view regarding this application e.g. opening hours, use throughout the day, etc. We are disappointed to note that there has been little done to resolve the objections highlighted in our last objection. We have therefore identified the following points in detail once more:

### **Unsociable hours**

We are assuming that this will be a venture that opens during the evening as opposed to during the day. This being the case we would have preferred to have information on proposed opening hours to assess whether these would be deemed unsociable. This locus is within a quiet residential area and the existing takeaway next to this site closes for business at 10:30pm. The concern would be that this takeaway would be seeking to open much later in order to benefit from patrons of local public houses. Given that there are a number of elderly residents and families in this area we would consider this proposal to be detrimental to these residents and in particular those residing within close proximity of the premises who face being disturbed into the early hours of the weekend from patrons of the takeaway.

In addition there is an expectation that the clientele that will be attracted to such a premises will, if leaving the public houses, be under the influence of alcohol. This is noted as creating an unsociable issue within other premises in the town centre and the concern would be that such behaviour could occur within this quiet neighbourhood possibly placing pressure on the local constabulary to attend on a regular basis.

### **Parking**

We have witnessed that at times parking is extremely restricted within this small area of Springfield Road situated between Nicol Street and the joining of King Street. At times it is often used as a short cut by other road users and is situated on a blind corner if coming from Nicol Street. During the weekends this road is already oversubscribed with people attending at the Chinese. We have noted person's collecting from this takeaway parking close to the corner of Nicol Street and Springfield Road placing other road users and pedestrians at risk by blocking views and access. We can only see this situation being further intensified by a second premises in close proximity to the existing one. These photographs were taken at 17.10pm on a Friday evening when the existing takeaway in this street was just opening and is a combination of residents and customers cars. As you can see the parking is already restricted at this time and increases throughout the evening. We can only assume that this will continue to be a huge issue that could prove to be potential dangerous to pedestrians and road users alike should this small street be faced with two such premises.

Whilst we are focusing on evening traffic there is also the potential of a number of delivery lorries during the day plus the customers of the Dry Cleaners all attempting to use this small space. There continues to be no indication of how the applicants will address such an issue. During the day this road is used by school pupils travelling to and from school and residents. Therefore the concern remains in terms of the potential consequences to pedestrians from an increased use of this small road.





It should be noted that this customer's car is parked on a blind corner and it indicative of the quality of parking observed throughout most weekends whereby customers of the current takeaway do not pay any attention to the Highway Code or possible consequences of such parking. In our opinion this directly correlates with the concerns highlighted in the object from the Transportation Manager.

### **Pollution (Noise/odour)**

With the addition of increased vehicles, taxi's and expected footfall from customers late at night there is a concern of the noise level increasing to an unacceptable rate for this residential area. As previously noted there are no opening hours identified however it is assumed that this takeaway will be open late and aimed at those persons leaving the public houses. The concern would therefore be that such customers will not take into account the nature of the area or residents rights when attending at this premises. There is no information as to how the owners of this premises will address such a concern.

Whilst there is now reference to a report regarding the 'Kitchen Canopy Extract Fan Sound' produced by Charlie Fleming Associates, the report appears to be based on speculation with comments such as 'the type of glazing is not known' 'erring on the side of caution' and 'compared to a house in Garttosh'? The author has not undertaken a site visit and therefore I am unsure as to how any weight can be added to the report. There is no indication of the report taking into consideration the impact of the noise of a second takeaway will emit, the sound reverberating off other houses in area, changes in weather and so on. In our opinion this report shows little by way of dealing with the issue of noise pollution

In addition, there is already a notable odour emitting from the Chinese during opening hours and the concerns is that the residential properties are at risk of being further affected by this second premises. Should the doors of both establishments be open then the odours permeating will be unbearable not just to those in the immediate vicinity but those in surrounding premises.

There continues to be no information regarding storage of food items, disposal of food, disposal of litter and how they will maintain the look of the community within this area. There is no clarity as to where rubbish bins will be stored and how the owners intend to ensure that there will be no issue from vermin gathering around this area. How will noise level be reduced in the early hours of the morning when there is potentially rubbish being dumped nosily in bins.

The residents of [REDACTED] have already been subjected to litter and bottles being thrown into their property and it is anticipated that this will continue. It is unfortunate that the applicants are



continuing to show little by way of concern for those residing in the area with regards to the probable increase in litter, noise and so on.

### **Drainage**

We note that there are no firm details in terms of any proposed drainage. We cannot make comment as to how this may affect the area given that no details on these plans in order to comment on. However we would be concerned that they are assuming that they will be using existing drainage within our property and we would not be permitting this to occur as this would place our property's drainage under undue pressure.

### **Inadequate Plans**

The applicants are seeking a change of use however we are aware that this premises has been closed and has fallen derelict over a number of years. Given that this has not been the site of a business for at least ten years the proposal is not in our opinion simply a change of use from one business to another but rather should be viewed as a new development in this area that will undoubtedly have a significant and detrimental impact on what the current status quo is within this quiet area. The current takeaway on this site is closed by 10.30pm which is bearable to residents, an establishment that is open later will not perhaps not receive the same level of tolerance.

The plans and information provided for consultation with regards to this building is in our view continue to be inadequate. We are owners of a building firm and are aware that this building is currently of substandard condition to be used in any means and in particular to be used as a premises for cooking and distribution of food. There appears to be no consideration given to the potential of Asbestos in the roof and the effect cooking may have on this.

### **Conclusion**

In conclusion, we are objecting to the proposed application on the above grounds. This premises has been derelict for a number of years and therefore it is not considered by us to be a change of use. The lack of information and clarity regarding these premises such as opening hours, projected footfall, combating traffic management and so on is not acceptable.

We are concerned that the area and residents will be negatively affected by a second takeaway premises within such close proximity and in particular one that is aimed at those leaving the public houses. The feeling is that such a venture would increase concerns regarding parking, security, noise and pollution in what we consider to be a quiet residential area.

This further application has done little by way of addressing any of the matters previously identified. We strongly feel that such a premises will be detrimental to the area and therefore would urge the Moray Council to refuse planning application on these grounds.

## **REPORT OF HANDLING**

<b>Ref No:</b>	17/01401/APP	<b>Officer:</b>	Lisa MacDonald
<b>Proposal Description/ Address</b>	Change of use of former barber shop to hot food take-away at 1 Springfield Road Elgin Moray IV30 6BY		
<b>Date:</b>	09/11/2017	<b>Typist Initials:</b>	R.M

### **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>
Environmental Health Manager	08/11/17	Objection removed following submission of further details of the proposed ventilation/extraction system. No objection subject to conditions relating to opening hours and noise.
Planning and Development Obligations	21/09/17	No obligations sought
Scottish Water	29/09/17	No objection

Transportation Manager	08/11/17	<p>Objection - This proposal is for the change of use of a former barber shop to a hot food takeaway within an existing residential area. A Chinese take-away is located immediately adjacent 1 Springfield Road. There is no off street parking available at 1 Springfield Road, or at the adjacent existing take-away.</p> <p>Observations are that there is insufficient parking space available within the immediate vicinity to accommodate the customers of the existing take-away business, which leads to indiscriminate parking behaviour with drivers parking too close to the junction with Nicol Street.</p> <p>The barber shop at 1 Springfield Road has not operated for a number of years. The use of this building as a barber shop would generate activity during the daytime period. However the proposed take away use would operate during the day and into the evening. Transportation therefore considers that activity associated with a take away use during the evening would be new vehicular trips /parking demand.</p> <p>Transportation considers that the proposed change of use would be likely to lead to an undesirable increase in on-street parking to the detriment to road safety and the free flow of traffic on the public road.</p> <p>The proposal does not incorporate adequate on-site vehicular parking and manoeuvring facilities to meet the Moray Council Parking Standards and is contrary to Policy T5. The proposal, if permitted, would be likely to lead to an undesirable increase in on-street parking to the detriment of road safety.</p>
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DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
PP1: Sustainable Economic Growth	N	
PP2: Climate Change	N	
PP3: Placemaking	N	
EP8: Pollution	N	
EP9: Contaminated Land	N	

EP10: Foul Drainage		
EP5: Sustainable Urban Drainage Systems	N	
T5: Parking Standards	Y	
R3: Neighbour & Loc Shop, Ancillary Reta	N	
IMP1: Developer Requirements	N	
IMP3: Developer Obligations	N	
EP1: Waste Management and Disposal Facil	N	

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received: TWO		
Name and address details of parties submitting representations withheld in accordance with the Data Protection Act.		
Summary and Assessment of main issues raised by representations		
<b>Issue:</b> Lack of adequate parking provision is contrary to policy		
<b>Comments (PO):</b> The parking provision is below the Moray Council's Parking Standards and as such is contrary to policy. This forms part of the reason for refusal.		
<b>Issue:</b> The site has been unused for some time therefore this will have the impact of a new development rather than a simple change of use		
<b>Comments (PO):</b> It is acknowledged that the building has not been in use for some time.		
<b>Issue:</b> More residents and cars than at the time of previous application		
<b>Comments (PO):</b> The application is assessed on the basis of the vehicle trips and parking demand it is expected to generate		
<b>Issue:</b> Layout of the road compounds parking issues		
<b>Comments (PO):</b> The layout of the surrounding road network has been considered in the assessment of the application.		
<b>Issue:</b> Due to the nature of the business customers will seek to park as close to the site as possible often in dangerous or illegal positions		
<b>Comments (PO):</b> It is recognised that the proposal would generate demand for parking in locations that offer easy access to the site. Dangerous or illegal parking is a matter for the Police.		
<b>Issue:</b> The fact that parking is likely to be for a short time only is irrelevant and does not mitigate the impact		
<b>Comments (PO):</b> The application is assessed on the basis of the vehicle trips and parking demand it is expected to generate irrespective of how long any single user may be there.		
<b>Issue:</b> Deliveries will block the road		
<b>Comments (PO):</b> Blocking of the public road is a matter for the Police.		
<b>Issue:</b> Noise at unsocial hours		
<b>Comments (PO):</b> The opening hours of the business could be controlled by condition. The Environmental Health Section recommends a closing time of 2300 hours.		
<b>Issue:</b> The Noise Impact Assessment (NIA) is inadequate		
<b>Comments (PO):</b> The NIA has been assessed by Environmental Health who is satisfied with its content and findings.		
<b>Issue:</b> Cooking smells will be detrimental to amenity		
<b>Comments (PO):</b> Additional information has been provided on the proposed ventilation extraction		



system. This is now detailed on submitted plans. Environmental Health have advised that they are content that the proposals will satisfactorily mitigate the impact of smell and will be sufficient to avoid any adverse impact on amenity.

**Issue:** Drainage

**Comments (PO):** The development will be connected to the public sewer. Scottish Water has no objection.

**Issue:** Disposal of waste and littering

**Comments (PO):** No details have been provided within the application. This is a matter that could be addressed by condition.

**Issue:** Anti-social behaviour alcohol related and otherwise

**Comments (PO):** This is a matter for the Police and other relevant authorities.

**Issue:** The building is not suitable for food preparation and inadequate plans have been provided for the conversion

**Comments (PO):** The submitted plans are considered to be sufficient for the purposes of the planning application. Additional information may be sought by Building Standards or Environmental Health as part of their separate consenting regimes.

**Issue:** No information has been provided on the removal of asbestos

**Comments (PO):** The safe removal and disposal of any asbestos found in the building is a matter for the developer.

## OBSERVATIONS – ASSESSMENT OF PROPOSAL

### The Proposal

This application seeks planning permission for a change of use of a former barber shop to a hot food takeaway. The application includes details of the kitchen ventilation/extraction measures which include a flue mounted on the existing chimney.

### The Site

The existing building has been unused for some time but was most recently used as a barber shop. It is a single storey traditional building with modest proportions. The building fronts onto Springfield Road which runs to the north of the site. The area is predominantly residential but the neighbouring units are occupied by a takeaway and a laundry.

### Siting and Use of the Building (R3)

The development is appropriately located within the settlement of Elgin as identified in the Moray Local Development Plan (MLDP) 2015. It is located in an area where there are a variety of uses that are compatible with the largely residential character of the area. The proposed takeaway would meet the needs of the local community and would sit comfortably in this location where other similar uses are already established. Policy R3 is supportive of neighbourhood facilities of this kind provided that the environment is not compromised and adequate access, parking and servicing are provided. While the proposed use may be acceptable in principle it is noted below that the proposal has failed to demonstrate that adequate parking can be provided. The proposal is therefore contrary to policy R3.

### Parking (T5)

The application site fronts directly onto the street. No dedicated on street or off street parking is provided for the development. It is recognised that there is an existing problem with parking in this location with parking demand leading to indiscriminate parking on the street often close to the road junction. The building has not been occupied for some time but was most recently used as a barber shop. Nonetheless a hot food takeaway is a sui generis use that creates a specific set of considerations that have to be carefully assessed. The proposed use would lead to increased vehicle trips and parking demand in the evening and would represent an overall increase in demand. In the absence of suitable off-street parking provision this increase in demand would lead to an increase in on-street parking which would be detrimental to road safety. The proposal does not comply with the Moray Council Parking Standards and as such is contrary to policy T2. In failing to provide appropriate parking and servicing at a level that is appropriate to the amenity of the area the proposal is contrary to policies R3 and IMP1.

### **Amenity (EP8, EP1, IMP1)**

A NIA has been submitted relating to the impact of noise from the proposed extractor fan. In line with the findings of the report the Environmental Health Section has recommended conditions to control the noise emissions associated with the extract ventilation system and to ensure that the extract fan is as specified in the report. This would ensure that noise is appropriately mitigated and does not cause significant pollution in accordance with policy EP8.

Additional information has been provided in relation to the proposals for kitchen ventilation. These details which include a flue on an existing chimney stack are now shown on the submitted plans. The Environmental Health Section has advised that this information is acceptable and would ensure that cooking smells are appropriately mitigated and will not give rise to significant pollution. The submitted details are sufficient in relation to policy EP8.

It is noted above the contributors have concerns about the opening hours of the proposed business and the potential for associated anti-social behaviour. The opening hours could be controlled by condition in order to reflect that of neighbouring businesses and to avoid adverse impact on amenity during the night. The Environmental Health Section recommends that the opening hours are restricted to 0700-2300 hours.

No details of the any proposals for the management of waste and litter from the development have been provided with the application. This could be controlled by condition to ensure compliance with policy EP1.

The proposed takeaway would sit comfortably alongside existing uses and aside from the parking issues identified above could be serviced in a manner that is appropriate to the amenity of the surrounding. In failing to provide adequate parking the provision the proposal is considered to be contrary to policy IMP1.

### **Recommendation**

The proposal does not incorporate adequate on-site vehicular parking and manoeuvring facilities and if permitted, would be likely to lead to an undesirable increase in on-street parking to the detriment of road safety. In failing to comply with Moray Council Parking Standards and failing to provide appropriate parking and servicing at a level that is appropriate to the amenity of the area the proposal is contrary to policies T5, R3 and IMP1. The proposal is recommended for refusal.

<b>OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT</b>
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None

HISTORY				
Reference No.	Description			
17/00331/APP	Change of use of former barber shop to hot food take-away at 1 Springfield Road Elgin Moray IV30 6BY			
	Decision	Withdrawn	Date Of Decision	09/06/17
06/02357/FUL	Alterations to boundaries demolition of existing commercial property and erection of new dwellinghouse at 1 Springfield Road Elgin Moray IV30 6BY			
	Decision	Permitted	Date Of Decision	26/03/07

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	Departure from development plan Development specified in Schedule 3	19/10/17
PINS	Departure from development plan Development specified in Schedule 3	19/10/17

DEVELOPER CONTRIBUTIONS (PGU)	
Status	NONE SOUGHT

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:	Noise Impact Assessment	
Main Issues:	Impact of noise arising from extraction system	
Document Name:	Supporting Statement	
Main Issues:	Letter in support of the application relating to parking, noise and ventilation and extraction	

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:		

<b>DIRECTION(S) MADE BY SCOTTISH MINISTERS</b> (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)			



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

**REFUSAL OF PLANNING PERMISSION**

**[Elgin City South]  
Application for Planning Permission**

TO      Mr Irfan Ashrif  
         c/o Plans Plus  
         Main Street  
         URQUHART  
         By Elgin  
         Moray  
         IV30 8LG

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:-

**Change of use of former barber shop to hot food take-away at 1 Springfield Road Elgin Moray IV30 6BY**

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

Date of Notice:                      **10 November 2017**



**HEAD OF DEVELOPMENT SERVICES**

Environmental Services Department  
The 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, the Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

The proposal is contrary to the provisions of the Moray Local Development Plan 2015 (Policies T5, R3 and IMP1) for the following reasons:

1. The proposal does not include on-site vehicular parking and as such does not comply with Moray Council's Parking Standards contrary to policy T5
2. The proposal does not include on-site vehicular parking and would give rise to an undesirable increase in on-street parking and in failing to provide adequate parking is contrary to policy R3
3. The proposal does not include on-site vehicular parking and would lead to an undesirable increase in on-street parking to the detriment of road safety which would not be appropriate to the amenity of the surrounding area contrary to policy IMP1

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

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

Reference	Version	Title
16-68-D-1	A	Elevations floor plan site and location plan
16-68-D-1	B	Elevations floor plan site and location plan

**DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL,  
AS AGREED WITH APPLICANT (S.32A of 1997 ACT)**

Details of ventilation/extraction system and chimney added

**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, The 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.