



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 01343 563 501 Fax: 01343 563 263 Email: development.control@moray.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100070504-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Change of use from dwelling House to House of Multiple Occupation (HMO) for student accommodation(no external changes to existing building)

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?

☐ Yes ☒ No

(Answer 'No' if there is no change of use.) *

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Moray Architectural Services		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	alastair	Building Name:	Camp Cottage
Last Name: *	rennie	Building Number:	
Telephone Number: *	07455794449	Address 1 (Street): *	Dunbar Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Lossiemouth
Fax Number:		Country: *	Moray
		Postcode: *	IV31 6RB
Email Address: *	aleiln@talktalk.net		
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *		Building Number:	142
Last Name: *		Address 1 (Street): *	Oundle Road
Company/Organisation	Discovery Assets	Address 2:	
Telephone Number: *		Town/City: *	Peterborough
Extension Number:		Country: *	uk
Mobile Number:		Postcode: *	PE2 9PJ
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

18 SOUTH GUILDRIY STREET

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ELGIN

Post Code:

IV30 1QN

Please identify/describe the location of the site or sites

Northing

862444

Easting

321645

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

0.05

Please state the measurement type used:

☒ Hectares (ha) ☐ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Dwelling House/Gust House

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>	
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?</p>	<div style="border: 1px solid black; padding: 2px 10px;">4</div>
<p>How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *</p>	<div style="border: 1px solid black; padding: 2px 10px;">4</div>
<p>Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).</p>	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
<p>Will your proposal require new or altered water supply or drainage arrangements? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>	
<p>Are you proposing to connect to the public water supply network? *</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input checked="" type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>	
<h2 style="margin: 0;">Assessment of Flood Risk</h2>	
<p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>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.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>	
<h2 style="margin: 0;">Trees</h2>	
<p>Are there any trees on or adjacent to the application site? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>	
<h2 style="margin: 0;">Waste Storage and Collection</h2>	
<p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	

If Yes or No, please provide further details: * (Max 500 characters)

space for recycle bins already available on site

Residential Units Including Conversion

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

☐ Yes ☒ No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: alastair rennie

On behalf of: Discovery Assets

Date: 16/10/2017

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☒ Site Layout Plan or Block plan.
- ☐ Elevations.
- ☒ Floor plans.
- ☐ Cross sections.
- ☐ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☐ Photographs and/or photomontages.
- ☐ Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr alastair rennie

Declaration Date: 16/10/2017

Payment Details

Cheque: G A Properties(Elgin) Ltd, 000005

Created: 16/10/2017 18:02

Moray Council
Development Services
High Street
Elgin
Moray
IV30 9BX 14/11/2017

For The attention of Lisa Macdonald(sent by email)

Dear Sirs

HMO Application, 18 South Guildry Street, Elgin- 17/01619/APP

Thank you for your recent email regarding the Transport Department report suggesting refusal on the grounds of parking. This application is for student accommodation next to the College. And you will note the property backs on to Moray College. This is at best a 30 second walk. Transport to and from the application property is therefore not an issue.

The location of the site is near the town centre and a few minutes' walk to local shopping, again this is ideal for students. The occupants of this property will be students on a limited budget and might have a bicycle but very unlikely to have a car. To suggest we need 10 parking spaces is ludicrous and has no feeling for the development and the terrific opportunity for low cost accommodation.

Elgin as a city needs to facilitate students to come here and that in turns means they will be spending their resources in the area.

I have also looked at the parking provision on the recently completed UHI Student building in Bishopmill, Elgin.

In this development we have 40 student spaces with 8 standard spaces. In this application we have students and yet transport want 10 spaces. Can you explain this?

The ratio of parking to student at Bishopmill is 0.2. This gives a parking requirement at our site of 3.4 cars.

Using the same ratio to compare the two sites would give us a requirement for 0.4 disabled parking and 5.1 bicycles.

Looking at the transport departments own parking tables HMO'S are down as one space per flat. If you take this development as 3 flats- i.e. one flat per floor this gives a calculation of 3 spaces.

We can as per the attached amended site plan provide a max of 7 spaces albeit a bit tight with cycle spaces.

Transport guidance also mentions non- allocated spaces and the College car park is available to students and it should be noted is virtually empty in the evenings and weekends. Therefore if you take 6-7 spaces within the site and 3-4 unallocated spaces within the adjoining college car park this would meet the transport departments somewhat ridiculous demands.

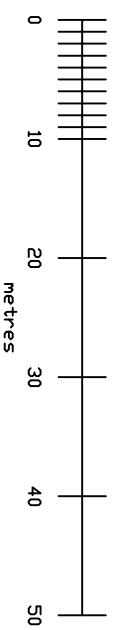
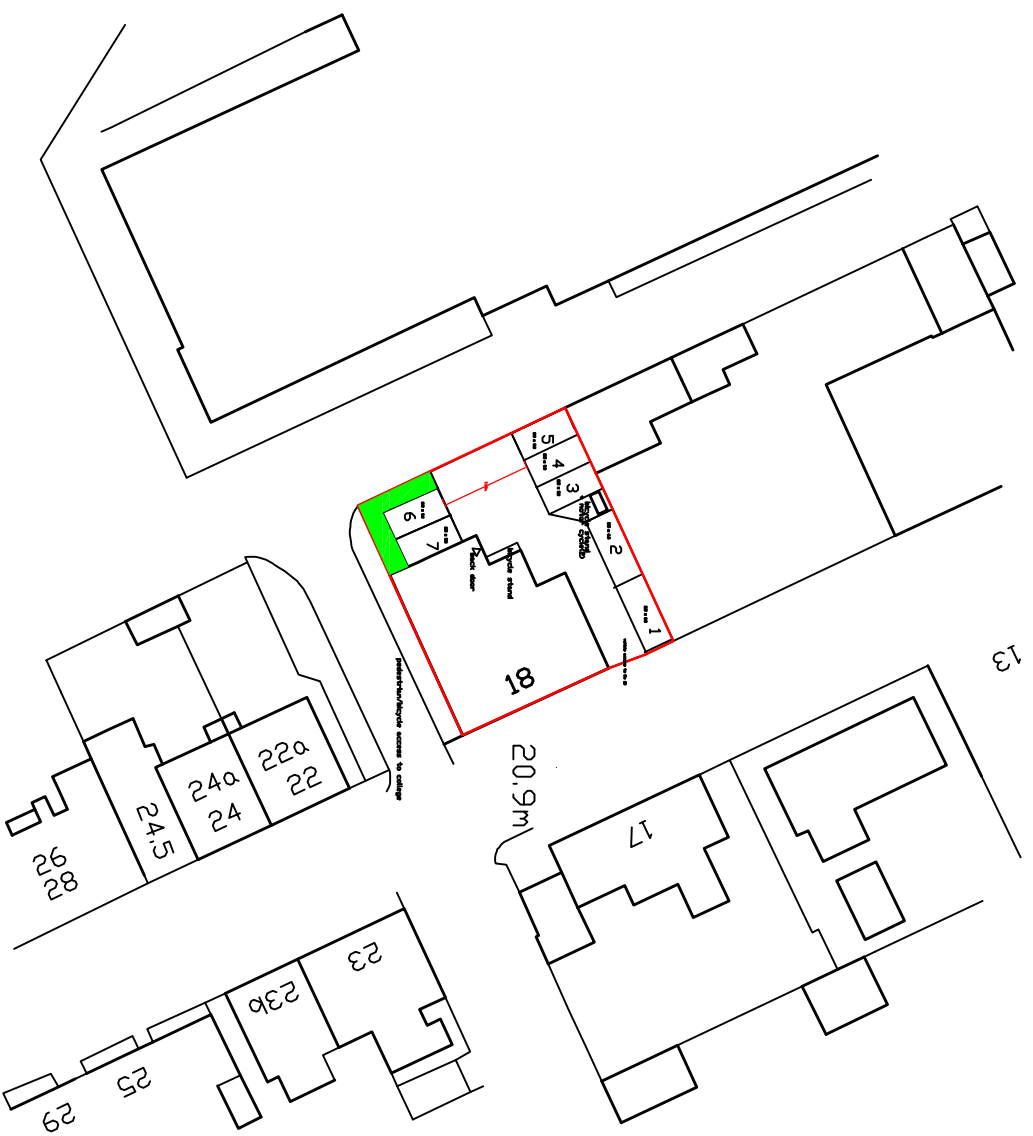
One final point is that the parking behaviour on this street is not a matter that my clients can control. The local street are often populated by cars trying to get free parking during the day. I would suggest a simple permit scheme would eliminate the "free parkers"- I would hope council employees are not part of that guilty clan

I trust our points will be accepted however in the possibility of a refusal I am copying this letter to the local councillors because I feel most strongly that a refusal on the grounds of parking would be something that defies Common sense

Your Faithfully

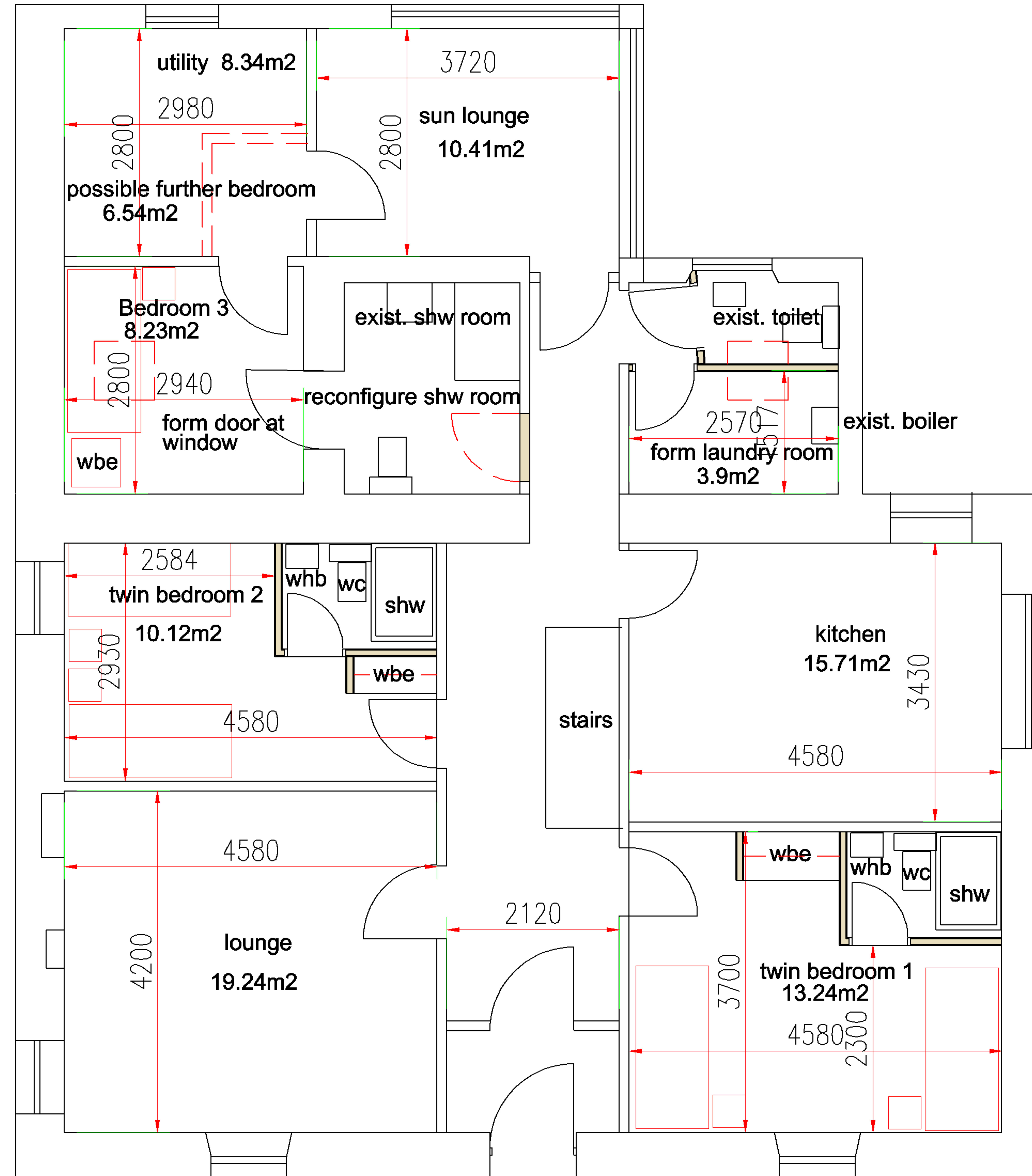
Alastair M Rennie, Design Director

Moray Architectural Services



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18 south guildry street car park option



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

REFUSED

13 December 2017

Development Management
Environmental Services
The Moray Council

ground floor

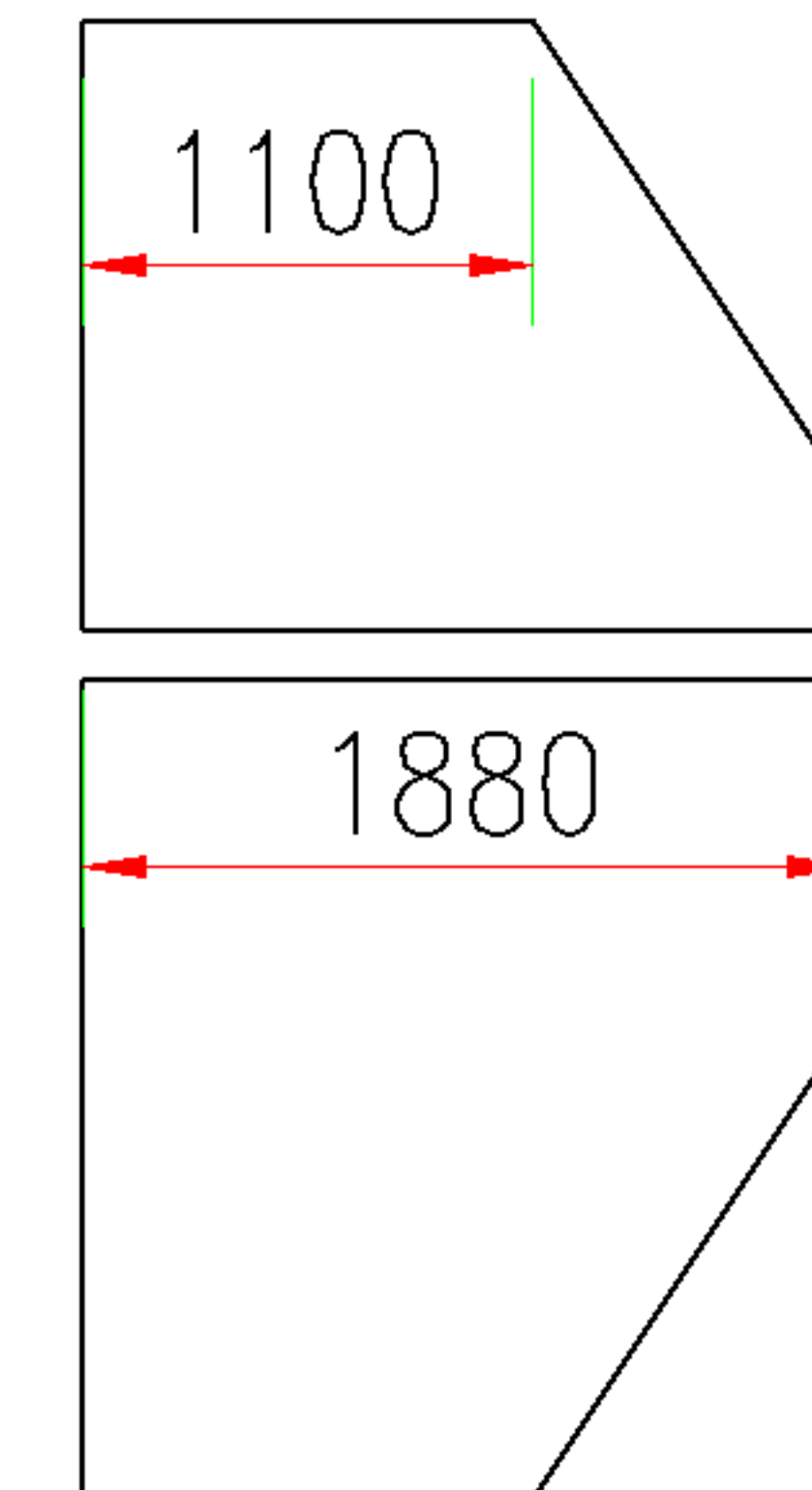
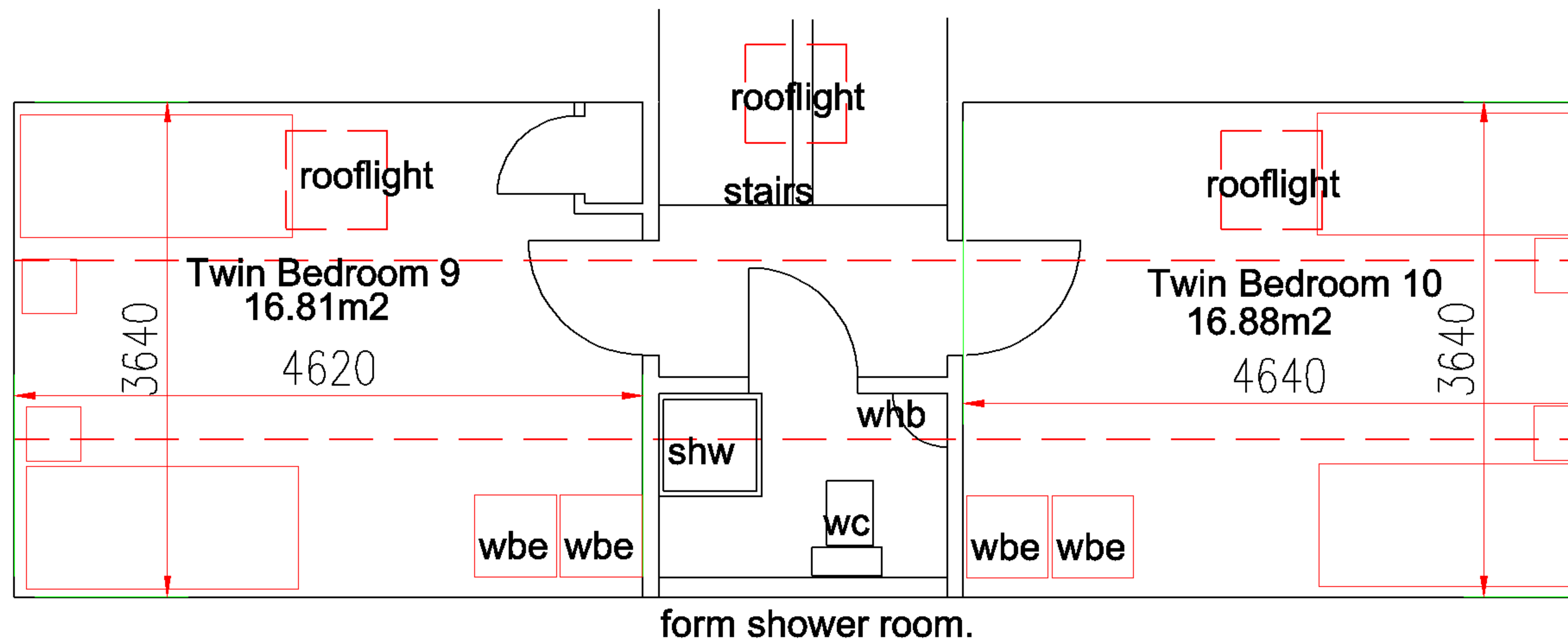
Moray Architectural Services
18 South Guildry Street, Elgin Aug 2017 - 1-50@A2

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

REFUSED

13 December 2017

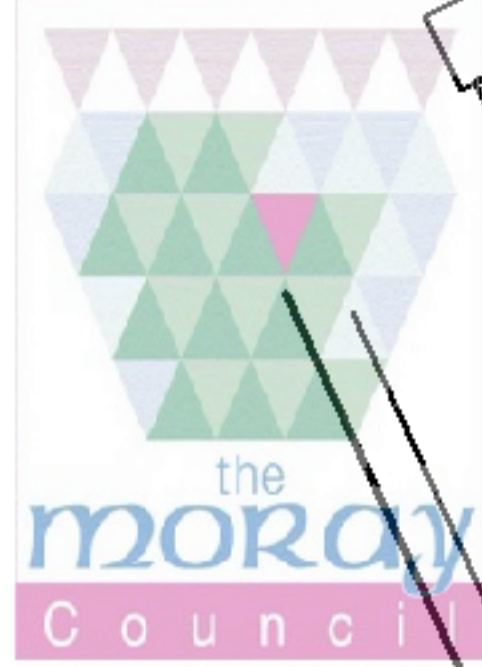
Development Management
Environmental Services
The Moray Council



second floor

Moray Architectural Services

18 South Guildry Street, Elgin Aug 2017 - 1-50@A4



AMENDED PLANS



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

REFUSED

13 December 2017

Development Management
Environmental Services
The Moray Council

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18 south guildry street
car park option

Consultation Request Notification – Building Standards

Planning Authority Name	The Moray Council
Response Date	7th November 2017
Planning Authority Reference	17/01619/APP
Nature of Proposal (Description)	Change of use from dwellinghouse to House of Multiple Occupation (HMO) for student accommodation at
Site	18 South Guildry Street Elgin Moray IV30 1QN
Site Postcode	N/A
Site Gazetteer UPRN	000133000798
Proposal Location Easting	321645
Proposal Location Northing	862444
Area of application site (Ha)	500 m2
Additional Comments	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=OXYE1TBGJME00
Previous Application	05/03085/FUL 02/01056/ID 93/00989/FUL
Date of Consultation	24th October 2017
Is this a re-consultation of an existing application?	No
Applicant Name	Discovery Assets
Applicant Organisation Name	
Applicant Address	142 Oundle Road Peterborough uk PE2 9PJ
Agent Name	Moray Architectural Services
Agent Organisation Name	
Agent Address	Camp Cottage Dunbar Street Lossiemouth Moray IV31 6RB
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Lisa Macdonald
Case Officer Phone number	01343 563082
Case Officer email address	lisa.macdonald@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

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: Building Standards

Planning Application Ref. No: 17/01619/APP

Change of use from dwellinghouse to House of Multiple Occupation (HMO) for student accommodation at 18 South Guildry Street Elgin Moray IV30 1QN for Discovery Assets

In terms of Building Warrant requirements.

Please

- | | |
|--|--------------------------|
| (a) A Building Warrant is required | x |
| (b) A Building Warrant is not required (IBS008) | x |
| (c) A Building Warrant will not be required but must comply with Building Regulations.(IBS009) | <input type="checkbox"/> |
| (d) Comments | <input type="checkbox"/> |

.....

.....

.....

.....

Contact: William Clark

email address: william.clark@moray.gov.uk

Date 30.10.2017

Phone No 01343 563291

Consultee: Building Standards

Return response to

consultation.planning@moray.gov.uk

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.

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Area of application site (Ha)	500 m²
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Development Hierarchy Level	LOCAL
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Applicant Name	Discovery Assets
Applicant Organisation Name	
Applicant Address	142 Oundle Road Peterborough uk PE2 9PJ
Agent Name	Moray Architectural Services
Agent Organisation Name	
Agent Address	Camp Cottage Dunbar Street Lossiemouth Moray IV31 6RB
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Lisa Macdonald
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Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Environmental Health Manager

Planning Application Ref. No: 17/01619/APP

Change of use from dwellinghouse to House of Multiple Occupation (HMO) for student accommodation at 18 South Guildry Street Elgin Moray IV30 1QN for Discovery Assets

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

- | | Please |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below | x
<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 | X |
| (d) Further information is required in order to consider the application as set out below | <input type="checkbox"/> |

This section has no objection to the property being used as a House of Multiple Occupation however the layout of the premises will require to be amended to meet licence conditions.

Contact: Andrew Mackie
email address:
Consultee:

Date.....26/10/17.....
Phone No

Return response to	consultation.planning@moray.gov.uk
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Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 17/01619/APP

Change of use from dwellinghouse to House of Multiple Occupation (HMO) for student accommodation at 18 South Guildry Street Elgin Moray IV30 1QN for Discovery Assets

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

Please

- | | | |
|-----|---|-------------------------------------|
| (a) | I OBJECT to the application for the reason(s) as stated below | <input checked="" 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 | <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 from a single dwelling to student accommodation. The proposal is to provide 10 bedrooms (catering for 17 students in total), with the additional possibility of one further bedroom in the future.

Based on Moray Council Parking Standards (for Houses in Multiple Occupancy) 10no parking spaces would be required. Present parking arrangements appear to show space for 4 vehicles which would be insufficient to accommodate the proposed development. It is understood that this proposal relates to a private development (not directly related to the Moray College), therefore even though a condition could be applied limiting the use of the HMO to 'students' only there would be no way of applying a condition to limit the number of occupants who owned vehicles.

There is also already evidence of inappropriate parking and driver behaviour within South Guildry Street and the nearby streets.

Reason(s) for objection

This proposal does not incorporate adequate on-site vehicular parking and manoeuvring facilities to the Moray Council Parking Standards. Transportation therefore considers that this proposal, if permitted, would be likely to lead to an undesirable increase in on-street parking to the detriment of road safety, contrary to Moray Local Development Plan policy T5.

Contact: DA/AG

Date 07 November 2017

email address: transport.develop@moray.gov.uk

Consultee: TRANSPORTATION

Return response to

consultation.planning@moray.gov.uk

15 NOV 2017

14th November 2017

The Manager (Development Management)
Development Services
The Moray Council
PO Box 6760
Moray
IV30 9BX

Dear Sir/Madam,

Application for change of use - Ref: 17/01619/APP
Re: 18, South Guildry Street, Elgin, IV30 1QN

I have concerns regarding the above application as follows:-

Traffic

There are already considerable problems with parking and driver behaviour in South Guildry Street. The number of parking spaces at the property is only 4 - totally inadequate for a development of 17 residents. Manoeuvring vehicles in and out of drives and garages is frequently difficult. South Guildry Street is a busy one, and there must already be concerns regarding access for emergency vehicles be they required.

Management of building/Health and Safety

The plan to accommodate 17 students could surely be abused. Will there be rules regarding visitors and guests, particularly overnight? Who will monitor/enforce this? Will there be a warden?

When accommodating this number, will there be ways of monitoring those in residence at any one time - a fire register?

As student accommodation, will it be used only during term time or available all year round?

I question the suitability of this building as one of multiple occupancy. There would appear to be only one exit/entrance, at the front, directly onto the street. This involves two steps and would surely prove difficult to manoeuvre for the disabled at the best of times. What about an emergency evacuation?

Is this proposal one which would be deemed suitable for disabled people at all?

Waste Management

South Guildry Street is an old street, with, one would assume, an ageing infrastructure below ground. With considerable additions of en suite facilities to the building it is surprising that the Environmental Health Manager has voiced no problems regarding discharge of grey water/sewage. Rubbish collection in South Guildry Street already has its problems, with a proliferation of coloured bins blowing around the street at times and for the 24 hours around bin collection day, pavements are often a cluttered hazard, particularly difficult to negotiate for the blind, disabled and those with prams and pushchairs.

Who will be responsible for putting out bins and restoring them to the property?

Privacy

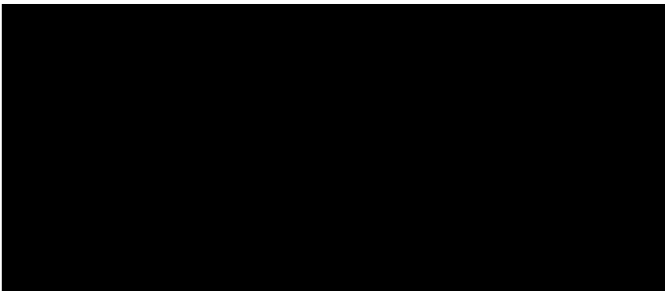
Living directly opposite no18, I believe that my privacy would be considerably compromised. As I live on the second and third floors of my home I would be directly overlooked by three windows, which, in normal domestic use, would be considered bedrooms. These rooms would now be lived in 24/7.

Social concerns

South Guildry Street is, on the whole, a quiet street housing predominantly families and the elderly and there must be concerns that the proposed use, being student accommodation will attract young people away from home. There will therefore, be potential for thoughtless and antisocial behaviour - often a result when groups such as this come together.

This Outline Planning Application raises all sorts of concerns, both for proposed tenants and those already resident in the neighbourhood. The welfare, health, safety and wellbeing of all should be considered and I look forward to receiving a response to my misgivings.

Yours faithfully,



10 November 2017

The Manager
(Development Management)
Development Services
The Moray Council
PO Box 6760
Moray
IV30 9BX

Dear Sir/Madam

Planning Application Ref: 17/01619/APP re 18 South Guildry Street, Elgin IV30 1QN
Change of use from dwelling house to HMO

My comments are as follows;-

Health & Safety

- a) On the grounds of Health & Safety the proposal to accommodate 17 students is not suitable for a number of reasons. If friends and or partners are also in the house from time to time this number could exceed possibly 25 persons creating a substantial risk to loss of life or serious injury in the event of an outbreak of fire within the building.
- b) The outline plans appear to show insufficient means of escape in the event of a fire. Only one final exit door is shown on the ground floor at the front of the building. No plans for secondary means of escape appear to be in place from the first or second floors.
- c) This outline planning application should be reviewed by the local Fire Officer.

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It is surprising that the Environmental Health Manager chose not to make any comments about the proposed development when considering the increase in grey discharge sewage water and the increase and control of waste/rubbish for collection. Who will be responsible for the bins to be placed into the street for collection of refuse and ensuring that they are removed from the street after collection? The number of bins will have to be controlled if a potential hazard to passing footpath pedestrians is to be avoided. (Some of the pedestrians on their way to and from the railway station are blind.) Has the number of bins required to cater for this proposed HMO been taken into consideration in this already very busy street?

Parking

This proposal does not incorporate adequate on-site vehicle parking and manoeuvring facilities to the Moray Parking Standards, (for houses of multiple occupancy). Ten parking spaces would be required but the property only offers four. South Guildry Street is already an extremely busy street with limited parking spaces that are mainly occupied during business hours by employees who work in town. The street has a long history of congestion and there are many cases of inappropriate parking by inconsiderate drivers who come and go during the day. Further increased pressure on parking availability for residents who are restricted to 'street parking' could render South Guildry Street as a 'no parking area' for residents during working hours. Residents have previously requested Moray College to remind students to park in the college car park and not in the street.

Activity at unsociable hours and noise

South Guildry Street is primarily occupied by domestic families and the majority are in work and thus require peace and quiet at night. There is a potential for this to be interrupted as the proposed occupants return late at night or play loud music if parties are held at the house. As a former student myself this does happen.

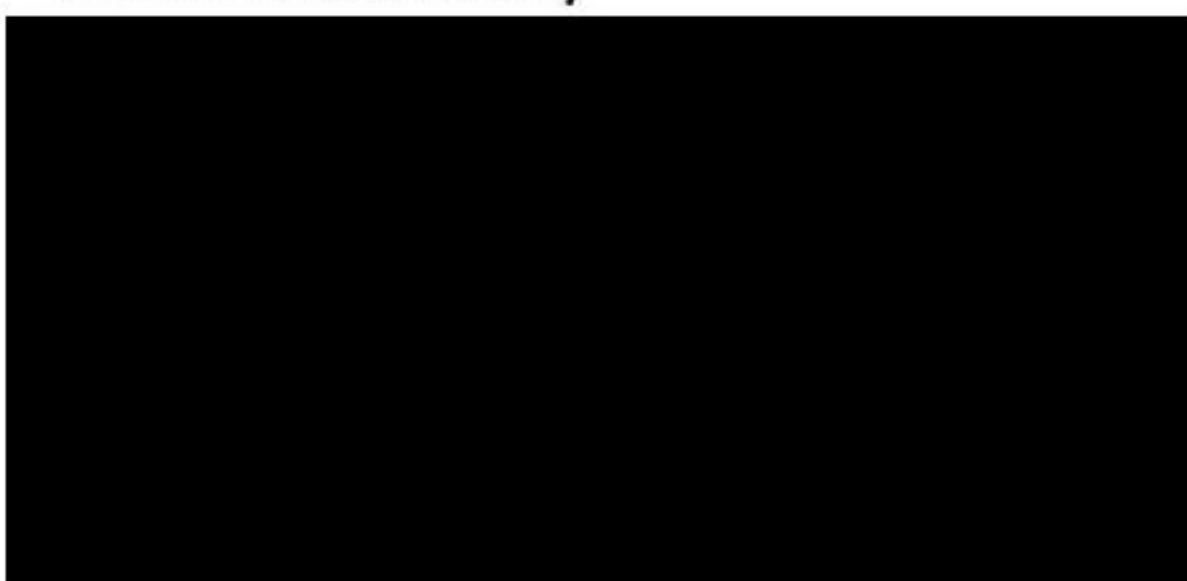
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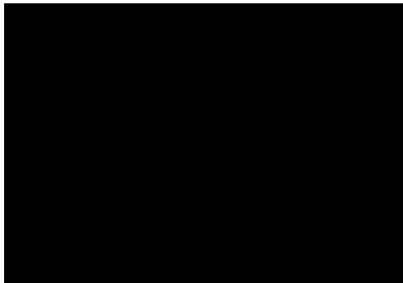
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This Outline Planning Application appears to be based entirely on capital outlay and potential financial returns for the investors with limited welfare and safety for the proposed tenants, plus a lack of understanding of the impact on the current local neighbourhood.

In its proposed form it will be detrimental to the local environment and once converted may never return to its current purpose as a family home.

Yours faithfully





15 NOV 2017

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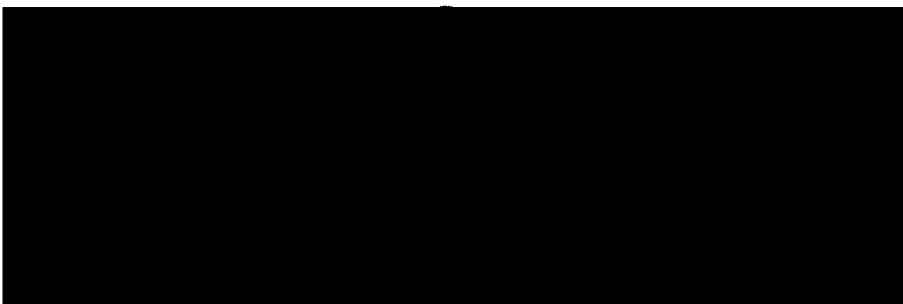
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Comments for Planning Application 17/01619/APP

Application Summary

Application Number: 17/01619/APP

Address: 18 South Guildry Street Elgin Moray IV30 1QN

Proposal: Change of use from dwellinghouse to House of Multiple Occupation (HMO) for student accommodation at

Case Officer: Lisa Macdonald

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Activity at unsociable hours/behaviour
- Inadequate plans
- Litter
- Noise
- Traffic

Comment: THIS STREET IS MAINLY OCCUPIED BY DOMESTIC FAMILIES THAT ARE IN WORK AND REQUIRE PEACE AND QUIET AT NIGHT STUDENTS LIKE TO PARTY AND MAKE A NOISE AND THERE WILL BE A INCREASE IN LITTER AND IN VISITORS TO THE STREET

Comments for Planning Application 17/01619/APP

Application Summary

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Proposal: Change of use from dwellinghouse to House of Multiple Occupation (HMO) for student accommodation 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
- Loss of privacy (being overlooked)
- Noise
- Parking
- Poor design
- Traffic

Comment: THIS STREET DOES NOT NEED STUDENTS PLAYING LOUD MUSIC AND PARTYING INTO THE SMALL HOURS THIS IS A STREET FOR FAMILIES AND SHOULD REMAIN THAT WAY



10 November 2017

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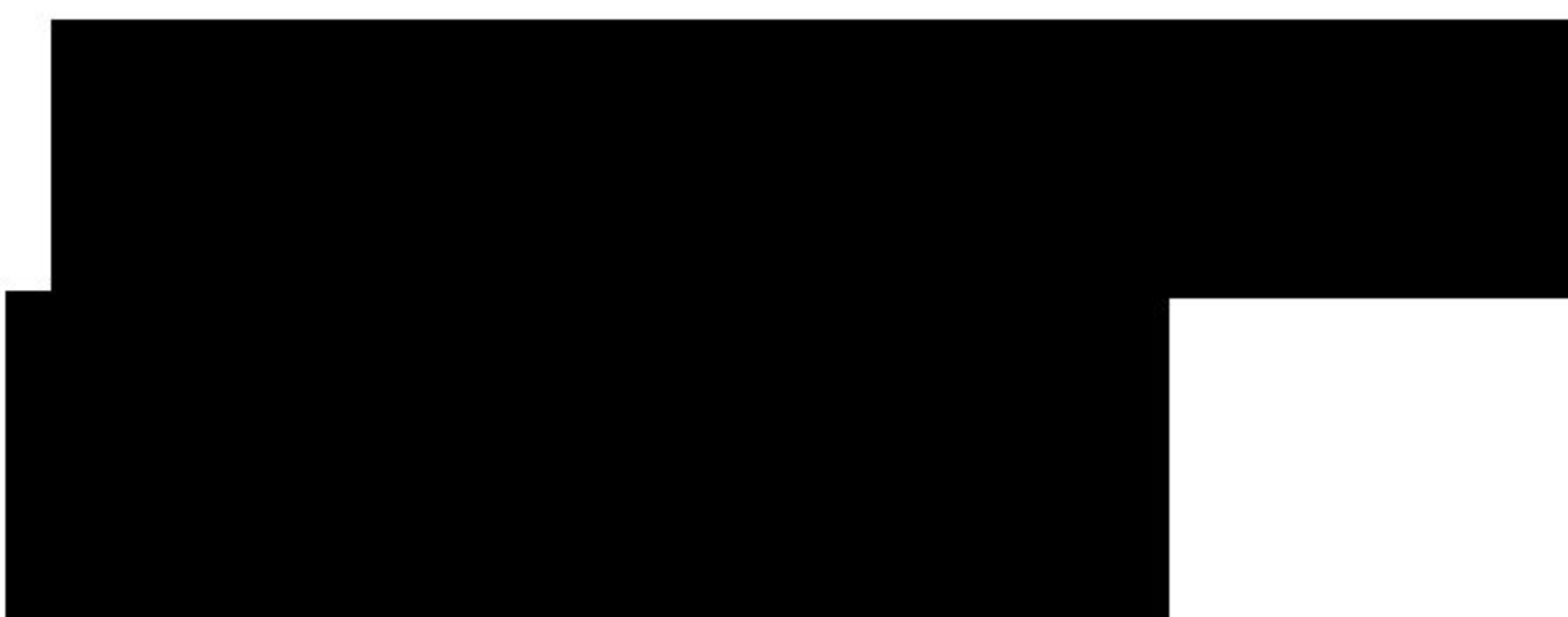
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Received by e-mail


To the Development Manager:

We are objecting to the planning at 18 South Guildry St., Elgin for the following concerns:

1. Potential for noise/ unsociable behaviour
2. Parking- at the moment there are times when we find it difficult to park outside our house. If there are students it would be more difficult for us to find a parking space.
3. Will there be somebody supervising the students?
4. I'm concerned about the amount of waste bins outside the property, this may cause damage to vehicles i.e. Waste bins being blown by the wind towards the street, hitting cars.
5. Will there be restrictions of the students inviting guests staying with them, i.e. weekends
6. Will the students be staying for term time only or the whole year round?

We hope you consider our concerns

Thank you.



15 NOV 2017

10 November 2017

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The Moray Council
PO Box 6760
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REPORT OF HANDLING

Ref No:	17/01619/APP	Officer:	Lisa MacDonald
Proposal Description/ Address	Change of use from dwellinghouse to House of Multiple Occupation (HMO) for student accommodation at 18 South Guildry Street Elgin Moray IV30 1QN		
Date:	07.12.2017	Typist Initials:	LMC

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Environmental Health Manager	26/10/17	This section has no objection to the property being used as a House of Multiple Occupation however the layout of the premises will require to be amended to meet licence conditions.
Transportation Manager	07/11/17	<p>Object - The proposal is to provide 10 bedrooms (catering for 17 students in total), with the additional possibility of one further bedroom in the future.</p> <p>Based on Moray Council Parking Standards (for Houses in Multiple Occupancy) 10no parking spaces would be required. Present parking arrangements appear to show space for 4 vehicles which would be insufficient to accommodate the proposed development. It is understood that this proposal relates to a private development (not directly related to the Moray College), therefore even though a condition could be applied limiting the use of the HMO to 'students' only there would be no way of applying a condition to limit the number of occupants who owned vehicles.</p> <p>There is also already evidence of inappropriate parking and driver behaviour within South Guildry Street and the nearby streets.</p>

		<p>This proposal does not incorporate adequate on-site vehicular parking and manoeuvring facilities to the Moray Council Parking Standards. Transportation therefore considers that this proposal, if permitted, would be likely to lead to an undesirable increase in on-street parking to the detriment of road safety, contrary to Moray Local Development Plan policy T5.</p> <p>N.B The revised parking layout shows seven spaces which is still below the parking standards and the layout is considered to be unworkable. Not all the spaces would be accessible as they sit adjacent to a high wall (and drivers would be unable to get in/out of the vehicle) and the proposed layout also does not take into account of any recycling arrangements and communal bin store that would be required. The cycle parking areas are too small and any cycle parking would need to be covered and secure.</p>
Scottish Water		No response at time of writing
Building Standards Manager	01/11/17	A Building Warrant is required.

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
PP1: Sustainable Economic Growth	N	
PP2: Climate Change	N	
PP3: Placemaking	N	
H1: Housing Land	N	
EP10: Foul Drainage	N	
T2: Provision of Access	N	
T5: Parking Standards	Y	
IMP1: Developer Requirements	N	

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received: NINE		
Names/Addresses of parties submitting representations		
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		

Issue: Parking.

Comments (PO): It is recognised that limited on-site parking is proposed and there are already parking issues on the street. This forms part of the reasons for refusal.

Issue: Noise and unsociable hours.

Comments (PO): While it is recognised that conversion to a HMO would lead to an increase in activity at the site the building would remain in residential use. The use would be appropriate in a residential area. Serious anti-social behaviour would be dealt with by the Community Wardens or Police.

Issue: Lack of Supervision of Students or limitations on visitors.

Comments (PO): The proposal does not make provision for a warden or other similar arrangement. The behaviour of tenants and visitors would be a matter for those involved including the developer. Serious anti-social behaviour would be dealt with by the Community Wardens or Police.

Issue: Unclear if occupation would be term time only or all year round.

Comments (PO): The application does not indicate that occupation would be during term time only. This is a matter that could potentially be controlled by condition.

Issue: The increased number of bins required will mean more potential hazards and disturbance on the street and it is not clear who would be responsible for these.

Comments (PO): A bin store would be required within the site. This could be controlled by condition. The proper management of bins and rubbish would be the responsibility of the developer and their tenants.

Issue: Lack of appropriate fire safety measures.

Comments (PO): The proposals are sufficient in relation to the planning application. Changes may be required in order to gain a building warrant or licence. These are the responsibilities of other authorities. If planning permission was granted any changes to the approved plans would have to be incorporated into the permission in some way.

Issue: Lack of provision for disabled people.

Comments (PO): The proposals are sufficient in relation to the planning application. Changes may be required in order to gain a building warrant or licence. These are the responsibilities of other authorities. If approved any changes to the approved plans would have to be incorporated into the permission in some way.

Issue: Impact on amenity of the area.

Comments (PO): The use is appropriate in a residential area however it is recognised that the lack of adequate parking provision could have detrimental impact on the amenity of the surrounding area. This forms part of the reasons for refusal.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The Proposal

This application seeks planning permission to convert an existing house to a House in Multiple Occupancy (HMO). Additional parking is to be provided in the existing garden.

No external works are proposed to the building.

The application states that the development is to provide student accommodation.

The Site

The site is a substantial traditional house on an established street. The house fronts onto the road with garden ground to the north and west. The site backs onto Moray College. There is a pedestrian access to the college immediately to the south of the site.

Siting (H1)

The building is located within an established residential area adjacent to the college. There is no concentration of HMOs in this area and the proposed use would not significantly alter the character of the residential area. The use would be appropriate in this setting.

Access and Parking (T2 & T5)

There is an existing access to the site from South Guildry Street in the north east corner of the site. This access provides safe entry and exit to the site and is acceptable in relation to policy T2.

The original application stated that 4 parking spaces would be provided as part of the development. The Transportation Section advised that in order to comply with the Council's Parking Standards 10 parking spaces would be required. A revised plan was then submitted which showed 7 parking spaces within the site. However, the Transportation Section advise that some of these spaces would not be usable as they are hard up against the wall and it would not be possible to get in and out of the car on that side. In addition the cycle parking is not big enough and no provision has been made for a bin storage area. The revised layout is therefore considered to be unworkable and still represents a shortfall in parking. In response to the concerns raised the agent has highlighted that the site is immediately adjacent to Moray College and well connected to the town centre therefore transport to and from the site is unlikely to be an issue. The response also notes that students are unlikely to have cars. The connectivity of the site is noted but it does not preclude the use of cars for other purposes and while the occupancy and tenure of the development could be controlled to some degree the planning authority has no means to control the level of car ownership at the site. It is suggested that parking provision is in line with other similar developments. However, the Council's Parking Standards make the parking requirements for this type of development clear and the current proposal even in its amended form is deficient. The agent notes that parking is available on the street and at the nearby college and states that any bad parking on the street at present is not the responsibility of the developer. In response the Transportation Section advises that there is considerable pressure on parking in this area. A number of contributors have also raised concerns about parking. While it would not be reasonable to expect the developer to address the existing parking problem new development should not compound it. In this instance the lack of on-site parking provided as part of the proposed development would exacerbate the existing parking issues by adding to congestion and potentially increasing poor parking behaviour. This would give rise to conditions that are detrimental to road safety. The proposal does not provide adequate parking or manoeuvring space and as such fails to comply with the Council's Parking Standards contrary to policy T5. Furthermore the proposal would give rise to conditions that are detrimental to road safety and would undermine the amenity of the surrounding area contrary to policy IMP1.

Amenity (IMP1)

It is recognised that a conversion to a HMO would result in an increase in activity at the site. However the site would remain in essentially a residential use. A condition could be attached to

restrict the occupancy of the building to students only. This would ensure that they type and tenure of occupation could be controlled. It is noted in response to representations that the behaviour within the site would be a matter for the tenants, the developer and where appropriate community wardens or police.

Drainage and Water Supply (EP5 & EP10)

The development would be connected to the public sewer and water supply. Scottish Water has not responded to consultation at the time of writing. It is the developer's responsibility to secure a connection to public utilities.

No additional built development is proposed and no changes to the existing surface water drainage arrangements are proposed.

The proposals comply with policies EP5 and EP10.

Compliance with Other Regulatory Regimes

It is noted that both Environmental Health and Building Standards have indicated that changes may be required to the proposals in order to gain the appropriate licences and building warrant. These matters are the responsibility of the relevant authorities. Any changes that may be required as a result would have to be incorporated into any planning permission that might be granted for the development.

Recommendation

The proposal is contrary to the provisions of the Moray Local Development Plan 2015 (Policies T5 and IMP1) in that the proposal does not include sufficient on-site vehicular parking and manoeuvring space and as such does not comply with Moray Council's Parking Standards contrary to policy T5. Furthermore, the lack of sufficient on-site vehicular parking and manoeuvring space 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. The proposal is contrary to policy and as such is recommended for refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY				
Reference No.	Description			
05/03085/FUL	Erect sun lounge and two studios at 18 South Guildry Street Elgin Moray IV30 1QN			
	Decision	Permitted	Date Of Decision	06/02/06
02/01056/ID	Replace existing double garage at 18 South Guildry Street Elgin Moray IV30 1QN			
	Decision	Permitted Development	Date Of Decision	20/06/02
93/00989/FUL	Change of use from dwellinghouse and bed and breakfast to dwellinghouse and bed and breakfast and art gallery at 18 South Guildry Street Elgin Moray IV30 1QN			
	Decision	Permitted	Date Of Decision	10/11/93

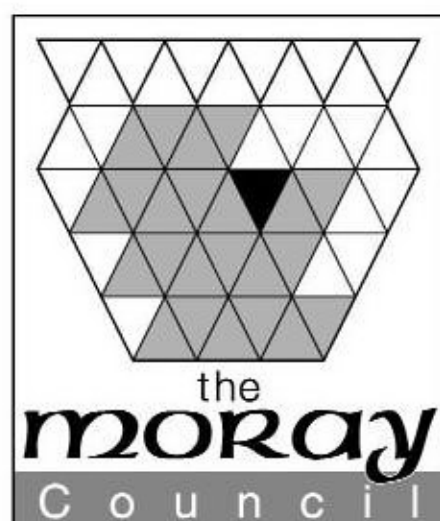
ADVERT		
Advert Fee paid?	N/A	
Local Newspaper	Reason for Advert	Date of expiry

DEVELOPER CONTRIBUTIONS (PGU)	
Status	N/A

DOCUMENTS, ASSESSMENTS etc. *		
* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name: Letter of Support		
Main Issues:	<ul style="list-style-type: none"> • The site backs onto Moray College therefore transport is not an issue. • The site is within walking distance of the town centre and other services. • Students are unlikely to have a car. • The parking provision is in line with other similar developments. • Parking is available at the college particularly in the evening and at weekends. • Poor parking on the street at present is not the responsibility of the developer. 	

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

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

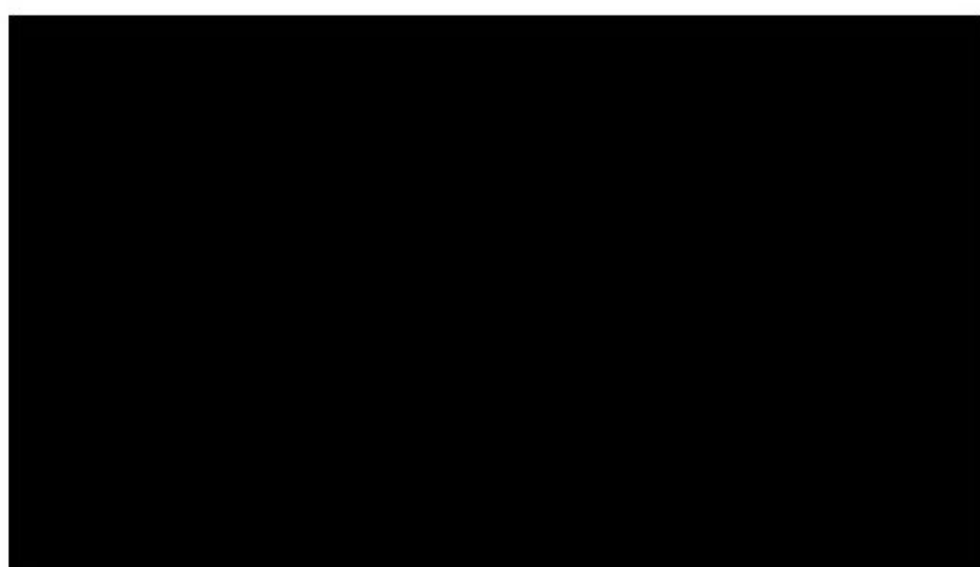


**THE MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

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

TO



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

Change of use from dwellinghouse to House of Multiple Occupation (HMO) for student accommodation at 18 South Guildry Street Elgin Moray IV30 1QN

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

Date of Notice: **13 December 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 and IMP1) for the following reasons:

1. The proposal does not include sufficient on-site vehicular parking and manoeuvring space as such does not comply with Moray Council's Parking Standards contrary to policy T5.
2. The proposal does not include sufficient on-site vehicular parking and manoeuvring space 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
		Site plan
		First floor plan
		Ground floor plan
		Second floor plan

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

Parking arrangement altered.

**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

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.