

16 NOV 2017

17/01775/APP

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. | 16187 |
| Forename | WALTER | Forename | Colin |
| Surname | MELDRUM | Surname | Keir |
| Company Name | THE GOLDEN | Company Name | Plans Plus |
| Building No./Name | PHEASANT BAR | Building No./Name | Main Street Offices |
| Address Line 1 | NORTH STREET | Address Line 1 | Urquhart |
| Address Line 2 | BISHOPMILL | Address Line 2 | By Elgin |
| Town/City | ELGIN | Town/City | Moray |
| Postcode | IV30 4EF | Postcode | IV30 8LG |
| Telephone | [REDACTED] | Telephone | 01343 842635 |
| Mobile | - | Mobile | 07766 315501 |
| Fax | - | Fax | n/a |
| Email | - | Email | ctkplans@aol.com |
| 3. Postal Address or Location of Proposed Development (please include postcode) | | | |
| <p>THE GOLDEN PHEASANT BAR, NORTH STREET, BISHOPMILL, ELGIN MORAY IV30 4EF.</p> | | | |
| <p>NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.</p> | | | |
| 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"/> | |
| <p>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.</p> | | | |
| *Please provide a reference number of the previous application and date when permission was granted: | | | |
| Reference No: | / | Date: | - |

**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:

CONVERT PART OF BAR AREA INTO
3 NO FLATS

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.)

8. Existing Use

Please describe the current or most recent use:

PUBLIC BAR.

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?

13

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)

13

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?

3

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:

PUBLIC HOUSE

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:

144 m²

Non-trading space:

214 m²

Total net floorspace:

358 m².

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:

—

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:

[Redacted]

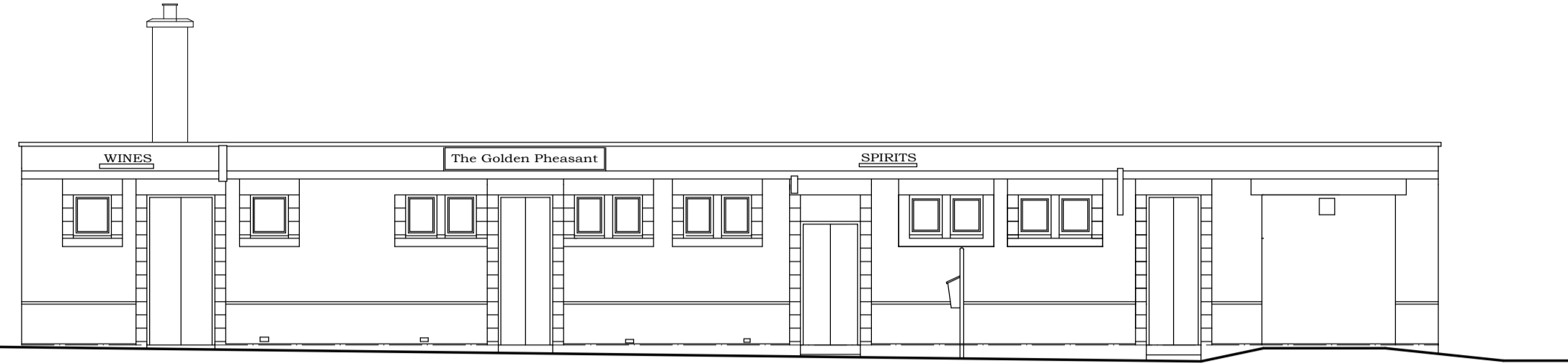
Name:

Colin Keir

Date:

15/11/17.

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.



FRONT ELEVATION SCALE 1-100. (EXISTING)



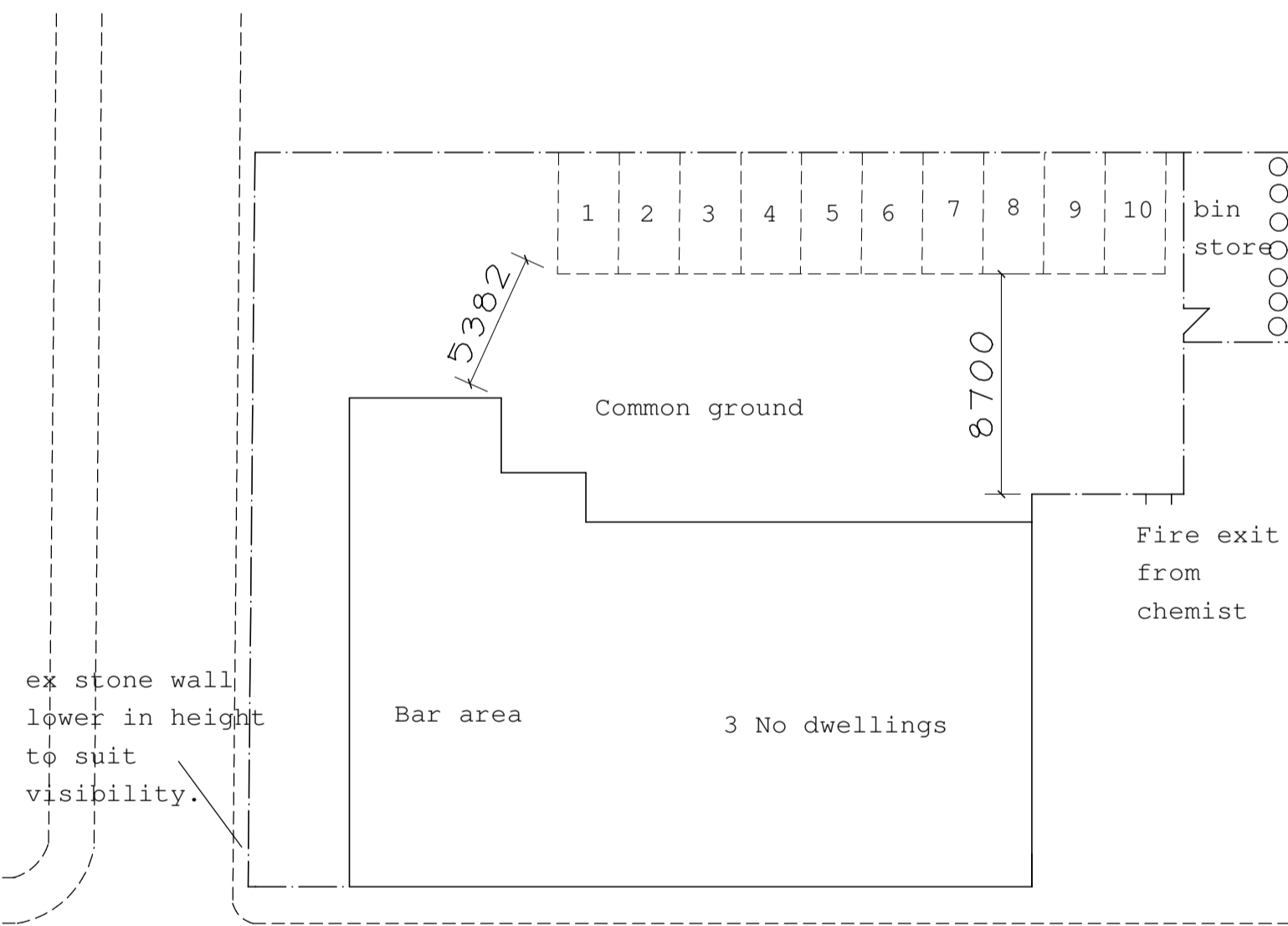
REAR ELEVATION SCALE 1-100. (EXISTING).



FRONT ELEVATION SCALE 1-100 (PROPOSED).

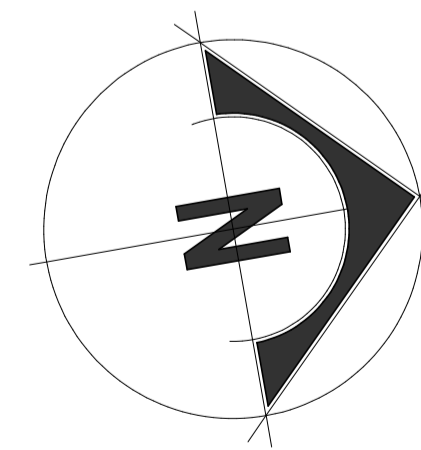
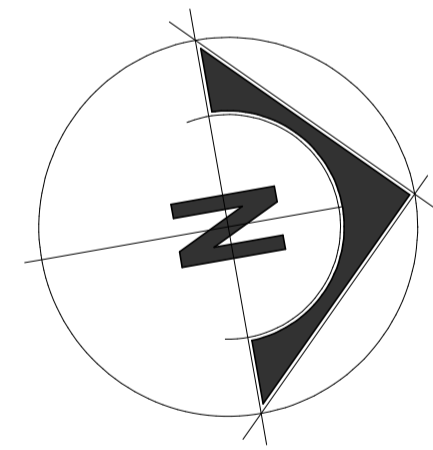


REAR ELEVATION SCALE 1-100. (PROPOSED).



NORTH STREET

SITE PLAN SCALE 1-250



LOCATION PLAN SCALE 1-2500

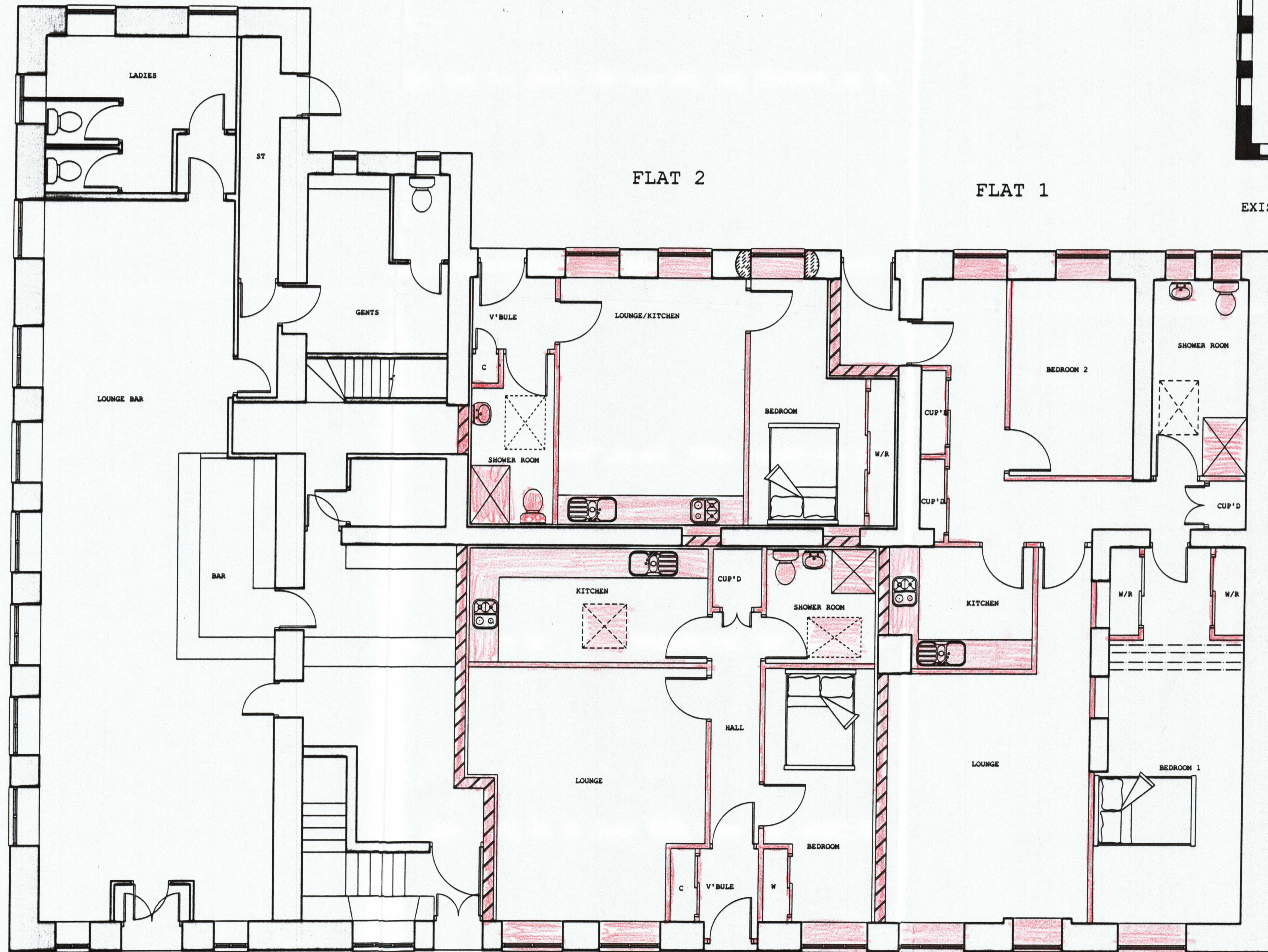
| Planning Ref No. | | |
|------------------------------|----------------------------|-------------|
| Building Warrant Ref No. | | |
| Structural Engineer Ref No. | | |
| Revisions and Distributions. | | |
| Date | Revision. | Amended by. |
| 23/1/18 | car parking layout amended | ctk |
| | | |
| | | |
| | | |
| | | |

Crown copyright all rights reserved License No. 100041145.
 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 aol.com

| | | | |
|----------------|--|--------------------|---------------|
| Project | CONVERT PART OF PUBLIC HOUSE TO 3 INDIVIDUAL FLATTED UNITS RETAINING BAR FACILITY AT THE GOLDEN PHEASANT, NORTH STREET, BISHOPMILL, ELGIN. | Project No. | 16/87/D/2a |
| Client | MR WALTER MELDRUM. | Drawn By | COLIN T KEIR. |
| | | Scale | AS INDICATED. |

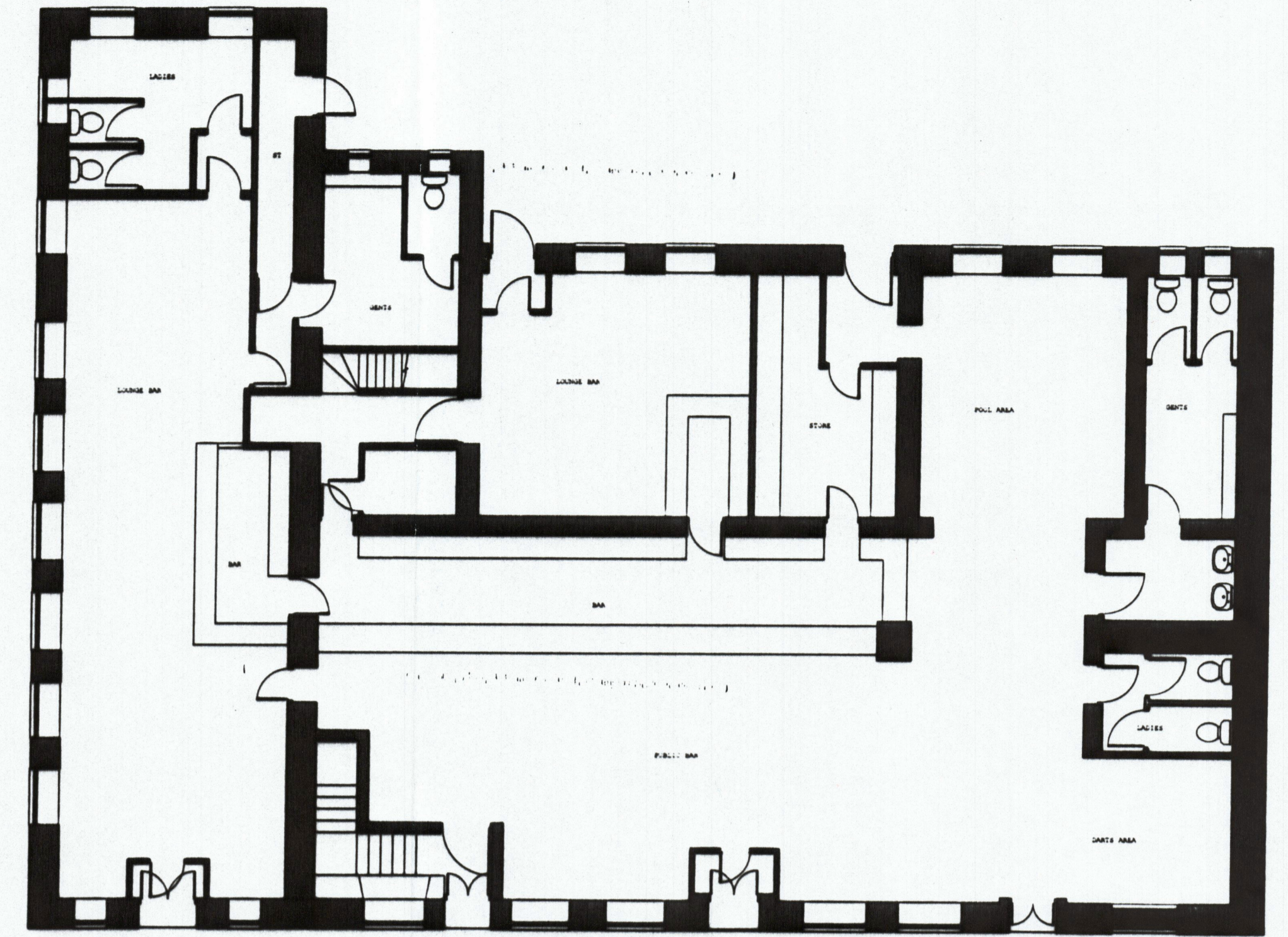
PROPOSED NEW FLOOR PLAN LAYOUT SCALE 1-50.



FLAT 2

FLAT 1

FLAT 3



EXISTING FLOOR PLAN LAYOUT SCALE 1-100.

| | | |
|------------------------------|-----------|-------------|
| Planning Ref No. | | |
| Building Warrant Ref No. | | |
| Structural Engineer Ref No. | | |
| Revisions and Distributions. | | |
| Date | Revision. | Amended by. |
| | | |
| | | |
| | | |
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Crown copyright all rights reserved License No. 100041145.
 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.
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 Given dimensions only to be used. DO NOT SCALE DRAWINGS.
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PLANS PLUS (URQUHART) ARCHITECTURAL DESIGN CONSULTANTS
 Main Street Offices, Urquhart, By Elgin IV30 8LG.
 Tel No 01343 842635 / 07766 315501 ctkplans aol.com

| | | | |
|---------|--|-------------|----------------|
| Project | CONVERT PART OF PUBLIC HOUSE TO 3 INDIVIDUAL FLATTED UNITS RETAINING BAR FACILITY AT THE GOLDEN PHEASANT, NORTH STREET, BISHOPMILL, ELOIN. | Project No. | 16/87/D/1 |
| Client | MR WALTER MELDRUM. | Drawn By | COLIN T. KEIR. |
| | | Scale | AS INDICATED. |

Consultation Request Notification

| | |
|---|---|
| Planning Authority Name | The Moray Council |
| Response Date | 6th December 2017 |
| Planning Authority Reference | 17/01775/APP |
| Nature of Proposal (Description) | Convert part of bar area into 3no flats at |
| Site | The Golden Pheasant North Street Bishopmill Elgin Moray IV30 4EF |
| Site Postcode | N/A |
| Site Gazetteer UPRN | 000133039109 |
| Proposal Location Easting | 321469 |
| Proposal Location Northing | 863610 |
| Area of application site (Ha) | m² |
| Additional Comment | |
| Development Hierarchy Level | LOCAL |
| Supporting Documentation URL | http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=OZICA3BG0CQ00 |
| Previous Application | |
| Date of Consultation | 22nd November 2017 |
| Is this a re-consultation of an existing application? | No |
| Applicant Name | Mr Walter Meldrum |
| Applicant Organisation Name | |
| Applicant Address | The Golden Pheasant North Street Bishopmill Elgin Moray IV30 4EF |
| Agent Name | Plans Plus |
| Agent Organisation Name | Plans Plus |
| Agent Address | Main Street URQUHART By Elgin Moray IV30 8LG |
| 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: Contaminated Land

Planning Application Ref. No: 17/01775/APP

Convert part of bar area into 3no flats at The Golden Pheasant North Street Bishopmill Elgin for Mr Walter Meldrum

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 | x |
| (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"/> |

Reason(s) for objection

Condition(s)

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Adrian Muscutt
email address:
Consultee:

Date: 23 November 2017
Phone No

| | |
|---------------------------|---|
| 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.

From: DeveloperObligations
Sent: Mon, 27 Nov 2017 14:43:05 +0000
To: DC-General Enquiries
Cc: Lisa MacDonald
Subject: 17/01775/APP Convert part of bar area into 3no flats at The Golden Pheasant, North Street, Bishopmill, Elgin
Attachments: 17-01775-APP Convert part of bar area into 3no flats at The Golden Pheasant, North Street, Bishopmill, Elgin.docx

Hi

Please find attached the developer obligations assessment that has been undertaken for the above planning application. A copy of the report has been sent to the agent.

Regards,
Hilda

Find us on 
[Moray Council Planning](#)

Hilda Puskas
Developer Obligations Officer
Development Plans
hilda.puskas@moray.gov.uk
01343 563265

The logo for Moray Council, featuring the word 'MORAY' in a stylized, lowercase, pink font with a horizontal line underneath it, and the word 'council' in a smaller, lowercase, pink font below the line.

DEVELOPER OBLIGATIONS: ASSESSMENT REPORT

Date: 27/11/2017

Reference: 17/01775/APP

Description: Convert part of bar area into 3no flats at The Golden Pheasant, North Street, Bishopmill, Elgin

Applicant: Mr Walter Meldrum

Agent: Plans Plus

This assessment has been carried out by Moray Council. This assessment is carried out in relation to policy IMP3 Developer Obligations of the Moray Local Development Plan 2015 (LDP) and associated Supplementary Guidance (SG) on Developer Obligations which was adopted on 14 October 2016. The LDP and SG can be found at www.moray.gov.uk/planning.

Summary of Obligations

| | |
|--|-----|
| Primary Education | Nil |
| Secondary Education | Nil |
| Transport | Nil |
| Healthcare (<i>Contribution towards the extension at Maryhill Practice and 5 Additional Dental Chairs</i>) | |
| Community Facilities | Nil |
| Sports and Recreation | Nil |
| Waste | Nil |
| Total Developer Obligations | |

Breakdown of Calculation

Proposals are assessed on the basis of Standard Residential Unit Equivalents (SRUE) which is a 3-bedroomed residential unit. This application is considered to comprise of the following:

2 x 1-bed= 1.2 SRUE

1 x 2-bed= 0.8 SRUE

This assessment is therefore based on 2 SRUE.

Please note that 2 x 1-bed units (1.2 SRUE) are not included within any calculations for education infrastructure mitigation as 1-bed units are not assumed to generate any pupils.

Developer Obligations Discount for Small Scale Development

A discount of 60% will be applied to the contribution for small scale developments to reflect their small scale nature.

INFRASTRUCTURE

Education

Primary Education

The pupils generated by this development are zoned to Bishopmill Primary School. The school is currently operating at 87% functional capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary.

Contribution towards Primary Education = Nil

Secondary Education

The pupils generated by this development are zoned to Elgin Academy. The school is currently operating at 82% functional capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary.

Contribution towards Secondary Education = Nil

Transport

The Moray Council Transportation Services has confirmed that no developer obligations will be sought for this proposal.

Contributions towards Transport = Nil

Healthcare

Healthcare Facilities include General Medical Services (GMS), community pharmacies and dental practices. Scottish Health Planning Notes provide national guidance on standards and specification for healthcare facilities. The recommended number of patients is 1500 per General Practitioner (GP) and floorspace requirement per GP is 271m².

Healthcare infrastructure requirements have been calculated with NHS Grampian on the basis of national standards and specifications for healthcare facilities and estimating the likely number of new patients generated by the development (based on the average household size of 2.24 persons*).

Maryhill Practice is the nearest settlement within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Maryhill Practice is working beyond design capacity and existing space will be required to be extended and that 5 Additional Dental Chairs will be required.

Contributions are calculated based on a proportional contribution of [REDACTED] per SRUE for the health centre and additional dental chairs each.

[REDACTED]

[REDACTED]

Contribution towards Healthcare= [REDACTED]

Community, Sports and Recreational Facilities

Community Facilities

There are no proposals being progressed for additional community hall provision in the immediate vicinity; therefore, in this instance, no contribution will be required.

Contribution for Community Facilities = Nil

Sports and Recreation Facilities

Existing sports provision within Elgin is considered to be adequate to serve the needs of the residents anticipated to be generated by this development. Therefore, in this instance, no contribution will be required.

Contribution for Sports and Recreation Facilities = Nil

Waste

Moray Waste Services have advised that the household and recycling facilities that would serve this development are operating within 90% capacity. Therefore, in this instance, no contribution is required.

Contribution for Waste = Nil

TERMS OF ASSESSMENT

This assessment report is valid for a period of 6 months from the date of issue.

Please note that any subsequent planning applications for this site may require a re-assessment to be undertaken on the basis of the policies and rates pertaining at that time.

PAYMENT OF CONTRIBUTIONS

Remittance of financial obligations can be undertaken either through the provision of an upfront payment or by entering into a Section 75 agreement. The provision of an upfront payment will allow a planning consent to be issued promptly. However, where the amount of developer contributions are such that an upfront payment may be considered prohibitive a Section 75 will likely be required. The payment of contributions may be tied into the completion of houses through a Section 75 Agreement or equivalent, to facilitate the delivery of development. Please note that Applicants are liable for both the legal costs of their own Legal Agent fees and Council's legal fees and outlays in the preparation of the document. These costs should be taken into account when considering the options.

INDEXATION

Developer obligations are index linked to the General Building Cost Price Index (BCPI) as published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors (RICS) from Q3, 2016.

Consultation Request Notification

| | |
|--|---|
| Planning Authority Name | The Moray Council |
| Response Date | 6th December 2017 |
| Planning Authority Reference | 17/01775/APP |
| Nature of Proposal (Description) | Convert part of bar area into 3no flats at |
| Site | The Golden Pheasant North Street Bishopmill Elgin Moray IV30 4EF |
| Site Postcode | N/A |
| Site Gazetteer UPRN | 000133039109 |
| Proposal Location Easting | 321469 |
| Proposal Location Northing | 863610 |
| Area of application site (Ha) | m² |
| Additional Comment | |
| Development Hierarchy Level | LOCAL |
| Supporting Documentation URL | http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=OZICA3BG0CQ00 |
| Previous Application | |
| Date of Consultation | 22nd November 2017 |
| Is this a re-consultation of an existing application? | No |
| Applicant Name | Mr Walter Meldrum |
| Applicant Organisation Name | |
| Applicant Address | The Golden Pheasant North Street Bishopmill Elgin Moray IV30 4EF |
| Agent Name | Plans Plus |
| Agent Organisation Name | Plans Plus |
| Agent Address | Main Street URQUHART By Elgin Moray IV30 8LG |
| 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: Environmental Health Manager

Planning Application Ref. No: 17/01775/APP

Convert part of bar area into 3no flats at The Golden Pheasant North Street Bishopmill Elgin for Mr Walter Meldrum

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 | X |
| (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"/> |

Reason(s) for objection

Condition(s)

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: James McLennan
email address:
Consultee:

Date.....24/11/17.....
Phone No

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.

Convert part of bar area into 3No flats at The Golden Pheasant, North Street, Bishopmill.

Response from Environmental Health in respect of noise.

This Section has to have regard to Scottish Executive Planning Advice Notes and, in particular, PAN 1/2011- Planning and Noise.

This Section is seeking the necessary clarification that:

- Road traffic noise from North Street;
- Noise from the internal ventilation systems
- Noise from the retained licensed premises (including plant, machinery and amplified music);
- Noise from the car park at the rear of the premises;

do not significantly affect the future amenity of the residential development, the subject of this application.

Therefore it will be necessary for a detailed Noise Impact Assessment to be carried out by a competent person.

The associated Technical Advice Note- Noise Impact Assessment (TAN2011) document may be considered and Chapter 3 of the document is useful in terms of the appropriate methodologies to be considered. A point of clarification is that since this Tan 2011 document was published a more pertinent standard to this situation, i.e BS:8233: 1999, BS: 8233:2014 Guidance on sound insulation and noise reduction for buildings.

The Noise Impact Assessment should seek to :

1. Measure, and where appropriate predict, noise levels.
2. Establish criteria for assessing the impact of the noise on it's surroundings.
3. Outline measures available to reduce noise impact to acceptable levels.

The assessment requires to be submitted to this Section suitably in advance of the target determination date.

You should be aware that if the Noise Impact Assessment is not provided by the due date, your application may be recommended for refusal.

Jacqui Rands, Environmental Health Officer

15 December 2017

23rd November 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 Sir/Madam

SITE: IV30 Elgin North Street The Golden Pheasant
PLANNING REF: 17/01775/APP
OUR REF: 754013
PROPOSAL: Convert part of bar area into 3no flats 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

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

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

- **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 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

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.

Yours sincerely

Lisa Lennox

Development Operations Analyst

Lisa.lennox2@scottishwater.co.uk

Consultation Request Notification

| | |
|---|---|
| Planning Authority Name | The Moray Council |
| Response Date | 6th December 2017 |
| Planning Authority Reference | 17/01775/APP |
| Nature of Proposal (Description) | Convert part of bar area into 3no flats at |
| Site | The Golden Pheasant North Street Bishopmill Elgin Moray IV30 4EF |
| Site Postcode | N/A |
| Site Gazetteer UPRN | 000133039109 |
| Proposal Location Easting | 321469 |
| Proposal Location Northing | 863610 |
| Area of application site (Ha) | m² |
| Additional Comment | |
| Development Hierarchy Level | LOCAL |
| Supporting Documentation URL | http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=OZICA3BG0CQ00 |
| Previous Application | |
| Date of Consultation | 22nd November 2017 |
| Is this a re-consultation of an existing application? | No |
| Applicant Name | Mr Walter Meldrum |
| Applicant Organisation Name | |
| Applicant Address | The Golden Pheasant North Street Bishopmill Elgin Moray IV30 4EF |
| Agent Name | Plans Plus |
| Agent Organisation Name | Plans Plus |
| Agent Address | Main Street URQUHART By Elgin Moray IV30 8LG |
| 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: Transportation Manager

Planning Application Ref. No: 17/01775/APP

Convert part of bar area into 3no flats at The Golden Pheasant North Street Bishopmill Elgin for Mr Walter Meldrum

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 to convert part of an existing large bar area into 3no flats, with the retention of a smaller bar area.

Access to the developments off street parking is via a gated access onto the A941 North Street approximately 10 metres from the centreline of the North Street/ Blantyre Place junction, and at a location which has high volumes of passing traffic as well as pedestrian activity. A bus stop/bay sits immediately outside the site and local shops (including a convenience store, chemist, busy Public Hall, Chinese take-away and chip shop) are located in close proximity.

The footway along the frontage of the site (over which vehicles access the parking to rear) is narrow and both the pedestrian and vehicular visibility splays for vehicles exiting the site onto the Public Road are severely restricted to the north.

Transportation also considers that the parking area to rear is only large enough to accommodate 7no parking spaces (when taking into account adequate space to manoeuvre and turn within the site). Based on Moray Council Parking Standards this proposal would require 10no spaces. This shortfall would likely result in an undesirable increase in on-street parking where on street parking is already limited.

The restricted width of the access road to the rear parking also means that when a vehicle entering the site meets a vehicle exiting the site one of the vehicles has to undertake a reversing manoeuvre to allow the other vehicles to pass.

Reason(s) for objection

The proposed development, if permitted, would involve the intensification of use of an existing vehicular access onto the A941 North Street, where visibility is severely restricted by the adjacent building, and in addition the proposal does not incorporate adequate on-site vehicular parking, or appropriate manoeuvring and turning facilities. Transportation

considers that the proposal if permitted would be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policies T2 Provision of Access, IMP1 Development Requirements and T5 Parking Standards.

Contact: DA/AG
email address: Transport.devlop@moray.gov.uk
Consultee: TRANSPORTATION

Date 12 November 2017

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.

Consultation Request Notification

| | |
|--|---|
| Planning Authority Name | The Moray Council |
| Response Date | 6th December 2017 |
| Planning Authority Reference | 17/01775/APP |
| Nature of Proposal (Description) | Convert part of bar area into 3no flats at |
| Site | The Golden Pheasant North Street Bishopmill Elgin Moray IV30 4EF |
| Site Postcode | N/A |
| Site Gazetteer UPRN | 000133039109 |
| Proposal Location Easting | 321469 |
| Proposal Location Northing | 863610 |
| Area of application site (Ha) | m² |
| Additional Comment | |
| Development Hierarchy Level | LOCAL |
| Supporting Documentation URL | http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=OZICA3BG0CQ00 |
| Previous Application | |
| Date of Consultation | 22nd November 2017 |
| Is this a re-consultation of an existing application? | No |
| Applicant Name | Mr Walter Meldrum |
| Applicant Organisation Name | |
| Applicant Address | The Golden Pheasant North Street Bishopmill Elgin Moray IV30 4EF |
| Agent Name | Plans Plus |
| Agent Organisation Name | Plans Plus |
| Agent Address | Main Street URQUHART By Elgin Moray IV30 8LG |
| 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: Transportation Manager

Planning Application Ref. No: 17/01775/APP

Convert part of bar area into 3no flats at The Golden Pheasant North Street Bishopmill Elgin for Mr Walter Meldrum

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 response takes into consideration the revised layout drawing dated 23 January 2018.

This proposal is to convert part of an existing large bar area into 3no flats, with the retention of a smaller bar area.

Access to the proposed development's off street parking is via a gated access onto the A941 North Street, approximately 10 metres from the centreline of the North Street/ Blantyre Place junction, at a location which has high volumes of passing traffic as well as pedestrian activity. A bus stop/bay sits immediately outside the site and local shops (including a convenience store, chemist, busy Public Hall, Chinese take-away and chip shop) are located in close proximity.

The footway along the frontage of the site (over which vehicles access the parking to rear) is narrow and both the pedestrian and vehicular visibility splays for vehicles exiting the site onto the Public Road are severely restricted to the north.

Additionally the restricted width of the access road to the rear parking also means that when a vehicle entering the site meets a vehicle exiting the site one of the vehicles has to undertake a reversing manoeuvre to allow the other vehicles to pass.

Reason(s) for objection

The proposed development, if permitted, would involve the intensification of use of an existing vehicular access onto the A941 North Street, where visibility is severely restricted by the adjacent building, and in addition the access is of insufficient width to allow two vehicles to pass clear of the public road. Transportation considers that the proposal, if permitted, would be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policies T2 Provision of Access and IMP1 Development Requirements.

Contact: DA/AG
email address: Transport.devlop@moray.gov.uk
Consultee: TRANSPORTATION

Date 31 January 2018

| | |
|---------------------------|---|
| 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.

Received by e-mail

To Whom it concerns,

In reference to the above planning application, I would in the first instance state that I have no objections to the development of the site.

I do however have a couple of points that are of concern to me.

At present we have a fire exit to the rear of the shop premises into the pub car park, which has been marked as a car parking space number 12 on the plans.

I also have a concern over the affect on the sewer system, as we are already suffering from unpleasant odours on occasion.

Repair works to upgrade the sewerage I hope will be done if the development goes ahead.

The last point is the common area to the rear of pub, I suspect that the provision of 12 parking spaces is ambitious given the need for drying areas, access to bins, fire escape route etc

yours.



REPORT OF HANDLING

| | | | |
|--------------------------------------|--|-------------------------|----------------|
| Ref No: | 17/01775/APP | Officer: | Lisa MacDonald |
| Proposal Description/ Address | Convert part of bar area into 3no flats at The Golden Pheasant North Street Bishopmill Elgin | | |
| Date: | 02/02/2018 | Typist Initials: | R.M.M |

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 |
|--------------------------------------|----------------------|--|
| Planning and Development Obligations | 27/11/17 | Obligations Sought towards healthcare. |
| Environmental Health Manager | 15/12/17 | A Noise Impact Assessment (NIA) is required to assess the impact of road traffic noise, noise from internal ventilation systems, noise from the retained licence premises, noise from the car park on the proposed development. |
| Contaminated Land | 23/11/17 | No objection. |
| Transportation Manager | 31/01/18 | <p>Object - This response takes into consideration the revised layout drawing dated 23 January 2018.</p> <p>This proposal is to convert part of an existing large bar area into 3no flats, with the retention of a smaller bar area.</p> <p>Access to the proposed development's off street parking is via a gated access onto the A941 North Street, approximately 10 metres from the centreline of the North Street/ Blantyre Place junction, at a location which has high volumes of passing traffic as well as pedestrian activity. A bus stop/bay sits immediately outside the site and local shops (including a convenience store, chemist, busy Public Hall, Chinese take-away and chip shop) are located in close proximity.</p> |

| | | |
|----------------|----------|---|
| | | <p>The footway along the frontage of the site (over which vehicles access the parking to rear) is narrow and both the pedestrian and vehicular visibility splays for vehicles exiting the site onto the Public Road are severely restricted to the north.</p> <p>Additionally the restricted width of the access road to the rear parking also means that when a vehicle entering the site meets a vehicle exiting the site one of the vehicles has to undertake a reversing manoeuvre to allow the other vehicles to pass.</p> <p>The proposed development, if permitted, would involve the intensification of use of an existing vehicular access onto the A941 North Street, where visibility is severely restricted by the adjacent building, and in addition the access is of insufficient width to allow two vehicles to pass clear of the public road. Transportation considers that the proposal, if permitted, would be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policies T2 Provision of Access and IMP1 Development Requirements.</p> |
| Scottish Water | 23/11/17 | No objection |

| 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 | Y | |
| EP5: Sustainable Urban Drainage Systems | N | |
| EP7: Control of Develop in Flood Risk Area | N | |
| EP8: Pollution | Y | |
| EP9: Contaminated Land | N | |
| EP10: Foul Drainage | N | |
| T2: Provision of Access | Y | |
| T5: Parking Standards | N | |
| IMP1: Developer Requirements | Y | |
| IMP3: Developer Obligations | N | |

| REPRESENTATIONS | | |
|--|-----|--|
| Representations Received | YES | |
| Total number of representations received: ONE | | |
| 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: The original parking layout blocked access from the fire escape from the adjoining unit and did not adequately account for bin storage and other requirements. | | |
| Comments (PO): A revised parking layout has been submitted which shows ten spaces, a bin area and a clear area in front of the fire exit. | | |
| Issue: The impact on the sewer system. | | |
| Comments (PO): The development will be connected to the public sewer. Scottish Water has no objection to the proposal. | | |

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The Proposal

This application seeks planning permission to convert part of an existing public house into three residential units. The lounge bar is to remain operational. Alterations to existing windows and doors are proposed but no additional built development is required. Ten parking spaces and a bin store are also proposed. These will be accessed from an existing access to the south of the site.

The Site

The site is an existing public house with two bar areas. The building is a stone built structure with a flat roof. The lounge bar which is the southern part of the building will be retained while the northern portion will be converted into three separate residential units. One unit will be accessed from the public road which runs to the east of the site while the other two will be accessed from the parking and common area to the rear (west). The parking and bin store are at the rear (west) of the site. This is accessed via an existing lane that runs along the south of the site. The south and west boundaries are currently delineated by high walls. There are existing buildings to the north and a road junction to the south. There are a number of shops and other businesses nearby and a public hall to the south of the site.

Siting and Design (H1)

Policy H1 is broadly supportive of development of windfall within settlement boundaries provided that the proposal does not adversely impact on the surrounding environment, adequate servicing and infrastructure is provided, the site is not designated for another use and the requirements of policies PP2, PP3, and IMP1 are met. The site is not designated for any alternative use. The site is an existing building in area where a mix of commercial and residential uses is found. The proposed works to the building are relatively minor and would not adversely impact on the building or the surrounding area. The principle of redeveloping the existing buildings for residential units is acceptable however it is noted below that the access to the site is not suitable and the developer has failed to demonstrate that the development will not be adversely impacted by noise. In failing to provide a suitable access or demonstrate that an acceptable level of amenity can be achieved the proposal is contrary to policy H1.

Access and Parking (H1, T2, T5 & IMP1)

The yard to the rear of the building will be provide parking and bin storage along with access to two of the three proposed units. The yard is accessed via an existing lane to the south of the building. This access is currently gated and not subject to heavy use. The access is approximately 10m from the centre line of a junction in the public road to the south. There is a bus stop outside the building and a number of local shops and takeaways nearby. There is a public hall to the south of the site. This is an area which experiences high volumes of traffic and pedestrian activity. Vehicles accessing the yard would have to cross the foot way which is narrow across the entire frontage of the site. Both pedestrian and vehicular visibility is severely restricted to the north. The developer has indicated a willingness to reduce the height of the boundary wall but the visibility splays would still be obstructed by existing buildings. The lack adequate visibility would significantly compromise the safety of the access. Furthermore the width of the lane is not sufficient to allow two vehicles to pass which may result in dangerous reversing onto a busy section of public road. The development would involve a significant intensification of the use of the existing access where visibility is severely restricted and the access lane is not wide enough to allow two vehicles to pass clear of the public road. This development would therefore fail to provide safe entry and exit to the site contrary to policy T2 and will not benefit for adequate infrastructure contrary to policy H1. The development would severely compromise road safety for both pedestrians and vehicle users and would not be appropriate to the amenity of the area contrary to policy IMP1.

The original proposal showed 12 parking spaces within the yard at the rear of the site. However, this failed to provide adequate space for turning, a bin store or clearance for the fire exit from the adjoining unit. The size of the spaces shown was below the Council's standard. A revised plan has been submitted which shows 10 parking spaces and a bin store along with sufficient open space for manoeuvring and exit from the adjoining building. Adequate parking is required for each of the proposed residential units and the retained bar area. However, it is recognised that the nature of the public house operation is such that very few people would drive to it and parking requirements are reduced accordingly. The level of parking proposed is considered to be adequate for the number of residential units proposed and the retained bar area. The Transportation Section no longer objects to this element of the scheme. Should the application be supported a condition could be attached requiring the parking to be timeously provided in order to ensure compliance with policy T5.

Noise (EP8 & IMP1)

There is potential for the amenity of the proposed development to be compromised by road traffic noise, noise from the remaining bar, noise from internal ventilations systems and noise from the car parking area. A Noise Impact Assessment (NIA) was therefore requested in order to demonstrate either that there would be no significant pollution or that any noise pollution could be satisfactorily mitigated. No NIA has been submitted to date therefore the application has failed to demonstrate that the development will not be subject to significant noise pollution that would undermine the amenity of the development.

In failing to address the risk of pollution the proposal is contrary to polices EP8 and IMP1.

Drainage and Water Supply (EP5 & EP10)

The development will be connected to the public sewer and water supply. Scottish Water has no objection.

No changes to the existing surface water drainage arrangements are proposed and no additional built development is proposed therefore additional measures are not considered necessary at this stage.

Developer Obligations (IMP3)

Developer obligations are sought in relation to healthcare provision including the expansion of the Maryhill surgery and additional dental chairs in the area. The developer confirmed that the obligations would be paid should the application be supported.

Recommendation

The development would involve a significant intensification of the use of an existing access where visibility is severely restricted and the access lane is not wide enough to allow two vehicles to pass clear of the public road. This development will therefore fail to provide safe entry and exit to the site contrary to policy T2 and H1 and would give rise to conditions detrimental to road safety which would undermine the amenity of the area contrary to policy IMP1.

In addition the application has failed to demonstrate either that the development would not be subject to significant pollution or that any noise pollution could be satisfactorily mitigated contrary to policies EP8 and 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 | | |
|---------------|-------------|--|------------------|
| | | | |
| | Decision | | Date Of Decision |

ADVERT

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

DEVELOPER CONTRIBUTIONS (PGU)

| | |
|--------|--------------------|
| Status | Obligations Sought |
|--------|--------------------|

DOCUMENTS, ASSESSMENTS etc. *

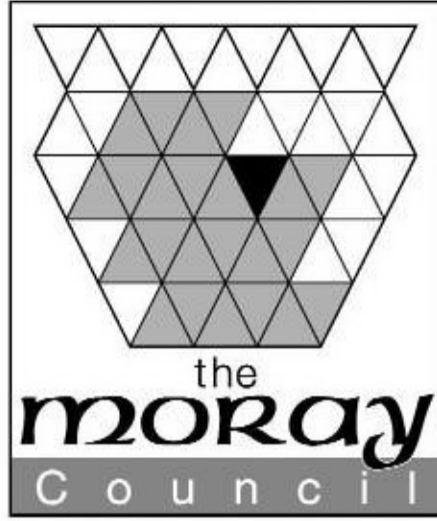
* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc

| | | |
|---|--|----|
| Supporting information submitted with application? | | NO |
| Summary of main issues raised in each statement/assessment/report | | |
| Document Name: | | |
| Main Issues: | | |

S.75 AGREEMENT

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

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

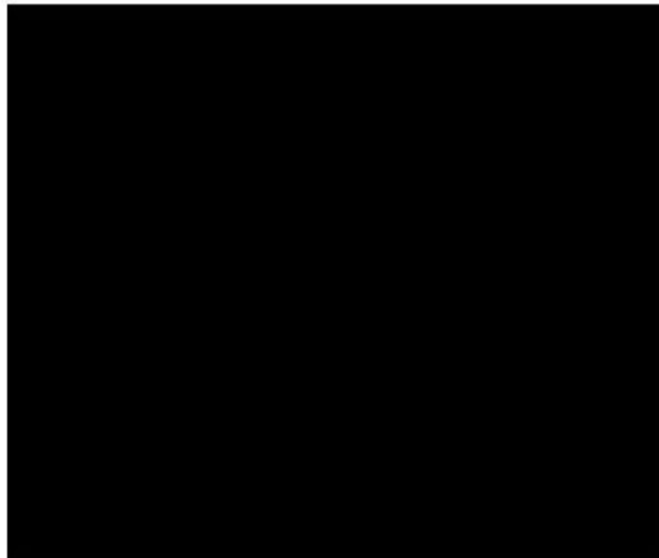


**THE MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

**[Elgin City North]
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:-

**Convert part of bar area into 3no flats at The Golden Pheasant North Street
Bishopmill Elgin**

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

Date of Notice: **5 February 2018**



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 H1, EP8, T2 & IMP1) for the following reasons:

1. The development would involve a significant intensification of the use of an existing access where visibility is severely restricted and the access lane is not wide enough to allow two vehicles to pass clear of the public road. This development will therefore fail to provide safe entry and exit to the site contrary to policy T2 and H1 and would give rise to conditions detrimental to road safety which would undermine the amenity of the area contrary to policy IMP1.
2. The application has failed to demonstrate either that the development would not be subject to significant pollution or that any noise pollution could be satisfactorily mitigated contrary to policies EP8 and IMP1.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

| Reference | Version | Title |
|------------------|----------------|-----------------------------------|
| 16/87/D/2 | A | Elevations site and location plan |
| 16/87/D/1 | | Existing and proposed floor plans |

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

- Parking layout altered.
- Stone wall at access reduced.

**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.