



ENVIRONMENTAL SERVICES

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Our reference: DA/LRB205

Your reference: MLRB0205/ACK

Chief Legal Officer
Per Ms L Rowan
Committee Services
The Moray Council
High Street
ELGIN
IV30 1BX

18 April 2018

Dear Madam

TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

REQUEST FOR REVIEW: PLANNING APPLICATION 17/01775/APP CONVERT PART OF BAR AREA INTO 3NO FLATS AT THE GOLDEN PHEASANT NORTH STREET BISHOPMILL ELGIN

I refer to your letter dated 03 April 2018.

I respond on behalf of the Transportation Manager with respect to our observations on the applicant's grounds for seeking a review of the planning authority's decision to refuse the above planning application.

Transportation has reviewed the appellant's grounds for review and the associated documents, and submits the attached representation with associated documents in response.

Yours faithfully

Diane Anderson
Senior Engineer

Local Review

LRB Ref 205

Planning Application Reference 17/01775/APP Convert part of bar area into 3no flats at The Golden Pheasant, North Street, Bishopmill, Elgin

Response from Transportation, Moray Council

1. This document is in response to the Notice of Review and the Statement of Case submitted by Mr Walter Meldrum and sets out observations by Transportation on the application and the grounds for seeking a review.
2. This review concerns planning application 17/01775/APP to convert part of the existing bar area into 3no flats at The Golden Pheasant, North Street, Elgin.
3. Transportation received the consultation for planning application 17/01775/APP on 22 November 2017. A copy of the final consultation response dated 31 January 2017 is attached (TMC01).
4. The existing public house fronts directly onto North Street, which forms part of the Primary Road Network in Elgin. North Street experiences high volumes of passing traffic as well as pedestrian activity; it is both a walking route from local housing to Elgin Town Centre and provides access to a number of local facilities (convenience store, chemist, take-away restaurants etc.). The footway at this location is narrow, approximately 1.4 metres in width, and a bus stop is located on the frontage of the site. Photographs taken during Transportation's site visit are attached (TMC02).
5. To the rear of the public house there is a surfaced parking area, accessed via a gated access approximately 10 metres from the centreline of the North Street/Blantyre Place junction. A photograph taken during Transportation's site visit showing the access is attached (TMC02).
6. Whilst the vehicle to vehicle inter-visibility from this access is restricted by the existing building, Transportation's primary concern at this location is the restricted visibility for vehicles exiting the proposed development onto the footway, i.e. the restricted sightlines between drivers of exiting vehicles and pedestrians.
7. To the south of the access the footway is wide and whilst visibility between drivers and pedestrians is restricted by a wall, the Appellant has previously confirmed that the height of the wall could be lowered. However to the north, the existing building severely restricts the visibility between exiting drivers and pedestrians walking along the narrow footway.
8. The width of the footway and proximity to a road with high volumes of passing traffic can result in pedestrians walking close to the building away from the road, thus further reducing the available sightlines between these two types of road user. A photograph taken during Transportation's site visit showing the view to the north at a distance of 2.4 metres back from the edge of the public carriageway is attached (TMC02).

Local Review

LRB Ref 205

Planning Application Reference 17/01775/APP Convert part of bar area into 3no flats at The Golden Pheasant, North Street, Bishopmill, Elgin

9. The Appellant's statement makes a comparison to the existing North Street/Brodie Drive junction which is in the vicinity of the development, stating that there is similar footway width at this location. However the sightlines between vehicles and pedestrians are of an acceptable standard as the distance between the two buildings fronting onto North Street at Brodie Drive is some 17 metres. Transportation does not agree that the circumstances at the development access and the North Street/Brodie Drive junction are comparable.
10. The width of the access leading to the rear parking area is narrow, with insufficient width for two vehicles to pass each other, over a distance of approximately 18 metres. The potential conflict between a vehicle entering the access at the same time as a vehicle exiting, may result in the entering vehicle reversing back onto the public road to enable the other vehicle to exit.
11. The Appellant states that 'the gates to the rear car parking area have been closed for some years' which highlights that the access has not been in recent use as part of the operation of the public house and that any change in use requiring parking provision would result in additional vehicles using this access.
12. The existence of the access at this location is a matter of fact. However the change of use would result in the intensification of the use of this access which in turn would be detrimental to road safety.
13. Transportation, respectfully, requests the MLRB to uphold the decision by the appointed officer. In particular on the grounds that Moray Local Plan Policy T2 Provision of Access and IMP1 Developer Requirements are not satisfied.

Transportation

18 April 2018

Documents

TMC01 Transportation Consultation Response dated 31 January 2018

TMC02 Site Photographs

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 plays 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.

LRB Ref 205
TMC02 Site Photographs



'Golden Pheasant', North Street – including parking out with parking bays



Access to parking area at rear of 'Golden Pheasant'

LRB Ref 205
TMC02 Site Photographs



Available visibility to north of access at 2.4 metres, from the edge of the carriageway.

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