

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect
of Decisions on Local Developments
The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND)
Regulations 2013
The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://www.eplanning.scot>**

| 1. Applicant's Details | | 2. Agent's Details (if any) | |
|---|---|-----------------------------|---------------------|
| Title | MR. | Ref No. | 16/87 |
| Forename | WALTER. | Forename | COLIN. |
| Surname | MEDRUM. | Surname | KEIR. |
| Company Name | GOLDEN PHOENIX | Company Name | PLANS PLUS. |
| Building No./Name | NORTH STREET | Building No./Name | MAIN STREET OFFICES |
| Address Line 1 | BISHOPMILL. | Address Line 1 | URQUHART |
| Address Line 2 | EGGW | Address Line 2 | BY EGGW |
| Town/City | MOLAY | Town/City | MOLAY |
| Postcode | IV30 4EF. | Postcode | IV30 8LG. |
| Telephone | - | Telephone | 01343 842635. |
| Mobile | - | Mobile | 07766 315501. |
| Fax | - | Fax | - |
| Email | - | Email | ckplans@aol.com |
| 3. Application Details | | | |
| Planning authority | MOLAY COUNCIL. | | |
| Planning authority's application reference number | 8/01576/APP. | | |
| Site address | <div style="border: 1px solid black; padding: 5px; min-height: 60px;"> THE GOLDEN PHOENIX, NORTH STREET BISHOPMILL, EGGW, IV30 4EF. </div> | | |
| Description of proposed development | <div style="border: 1px solid black; padding: 5px; min-height: 40px;"> CONVERT PART OF BAR TO 3 NO FLATS. </div> | | |

Date of application

12/12/18

Date of decision (if any)

20/2/19

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application)

Application for planning permission in principle

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)

Application for approval of matters specified in conditions

5. Reasons for seeking review

Refusal of application by appointed officer

Failure by appointed officer to determine the application within the period allowed for determination of the application

Conditions imposed on consent by appointed officer

6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

[Empty rectangular box for explanation]

7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

Can the site be viewed entirely from public land?

Is it possible for the site to be accessed safely, and without barriers to entry?

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

NO

8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

SEE SEPARATE SHEET .

Have you raised any matters which were not before the appointed officer at the time your application was determined?

Yes No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

PLAN AND CONDITIONS OF APPROVED HOUSE AT NO 42 NORTH ST.
REVIEW STATEMENT, APPLICATION FORMS
REFUSAL PLANS, REASONS FOR REFUSAL DOCUMENT,
SUPPORTING STATEMENT WITH APPLICATION.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requesting a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature: Name: Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.



design consultants

Phone: 01343 842635
Fax: 01343 842785
Mobile: 07766 315501
Email: ctkplans@aol.com
Web: <http://members.aol.com/ctkplans>

Main Street, Urquhart, Elgin, Moray, IV30 8LG

PLANNING REFERENCE NUMBER 18/01576/APP

CONVERT PART OF BAR AREA TO 3 NO. FLATS RETAINING SMALL BAR AREA AT THE GOLDEN PHEASANT, NORTH STREET, ELGIN.

CLIENTMR WALTER MELDRUM.

REVIEW STATEMENT.

BACKGROUND.

This is a long established public bar in the Bishopmill area of Elgin for nearly 60 years. In its hey day it boasted a large public bar, lounge bar and cocktail bar all of which were used by locals and some from further afield. The Bars survived on bar sales only and there has not been food served here previously. Over the years there have been various factors which have lead to our client having to do something with this fairly large building. The cost of drinking has soared in a public bar and with cheap alcohol available from supermarkets locals have turned their back on their local in an attempt to save money. The virtual zero tolerance on drink driving has also impacted on trade as no one now drives to the pub and drinks. Extremely high rates based on floor area are crippling this business and change has to happen in order for it to survive.

PROPOSAL.

It is proposed to reduce the size of the bar to around a third of its area at present and form 3 No flats out of the remaining floor area. There would be 2 No one bedroom flats and a 2 bedroom unit for the applicant to live in. At present the gates to the rear car parking area have been closed for some years due to the fact that only locals frequent the bar and they all live within walking distance of the business. It was felt that the one bedroom flats may have appealed to single people who may not even have had vehicles but it is conceded that there can be no control over this.



SUPPORTING EVIDENCE

Based on Transportation's assessment for car parking for the remainder of this Public house, a third of the bar area being retained requires 7 spaces to be provided. This means that at its current level the full bar area supports 21 spaces. On site this is actually 18 spaces but none the less represents a REDUCTION of vehicle movements in real terms. The requested car parking has been achieved.

One vital question has to be asked and answered. Why does application number 16/01268/APP NOT APPEAR on the Moray Council web site?

This is an APPROVED application to demolish an old bakers shop, divide the ground and erect a new dwelling house. The reason we have cited this application is because the proposal intensifies the frontage of the plot so that only a 3m wide access is left for vehicles to enter and exit the plot. The plot is beside a major junction controlled by traffic lights and vehicles have to pass over a pedestrian footpath. This situation actually makes the entry and exit to and from this site far worse than the site my client has applied for. This site has **NO VISIBILITY** in either direction before a vehicle is at least 1m over the pavement. There was at least half the width of the plot open when the bakers shop was there but in the report on the handling of this application there were no objections or conditions imposed on the development by Transportation other than during construction. Yet despite a reduction in vehicular movements by turning two thirds of the bar into 3 small flatted units, my client's proposal is refused. As stated previously the 2 bedroom flat will be for the applicant's use leaving only 2 one bedroom flats for rent. **NO ONE DRIVES TO THIS PUBLIC HOUSE.** My client envisages no more vehicles using this access than there has been over the last 10 years where no accidents have been reported. There appears to be a case of double standards being applied here where the house approved under 16/01268/APP can infill the frontage of their site and leave just 3m for access and this can be deemed acceptable (**and kept from public view**) yet have to cross a pavement. It is quite clear that at the Golden Pheasant, you come to an end of the pavement and you are aware that an access exists.

My client is prepared to have "no right turn" signs displayed at the exit point from his premises to ensure traffic always turn left when leaving.



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Phone: 01343 842635
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Web: <http://members.aol.com/ctkplans>

Main Street, Urquhart, Elgin, Moray, IV30 8LG

The questions we have to ask are

What makes this site different to the Golden Pheasant site?

Why is increasing the frontage with buildings, thus narrowing the access to 3m deemed to be acceptable.?

Why were no visibility issues raised during the determination of this application?

Are the circumstances now more or less identical although there is no pavement in front of the Golden Pheasant?

Why is this application hidden from public view?

NOISE POLLUTION.

It is accepted that a sound report had not been obtained prior to the determination of this application. However, we have provided evidence that a sound report was requested but as we had already been informed that the likely outcome of the application was to be a refusal, it seemed ridiculous to expose our client to fees in excess of £5,000 at this time. Should this Review be viewed sympathetically, a sound report will be put in place.

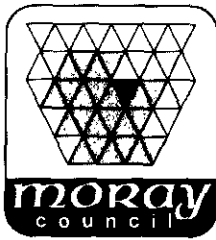
CONCLUSIONS.

To summerise this project is quite simple. Sound tests can and will be provided. In our opinion should the application be looked at favourably a condition can be attached to an consent. The access/exit arrangement has been in situ for around 60 years but not as long as the junction opposite at Brodie Drive. We are not aware of any accidents in this area either at Brodie Drive or at The Golden Pheasant. Another access on to North Street just along the road has been made worse, yet approved.



If the bar is not reduced in size then rates will close this building down. If the business folds we are effectively saying that there is no other use for it as any change of use will require a parking element and will be automatically refused if Transportation remain consistent with their requirements. This is an existing access and in its day there probably was a lot of traffic movement. This does not happen now. The only person to use the parking is the applicant. By him using one of the flats this means that there is no intensification of the access at all. This means we are off setting the bar usage against 2 one bedroom flats.

Without a common sense approach to this project, this building will close and be left derelict with no alternative use due to an existing access. Our client is trying to keep a business going through difficult trading times for the Public House industry and it will be a sad day if this icon has to close over an existing access.



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

REFUSAL OF PLANNING PERMISSION

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

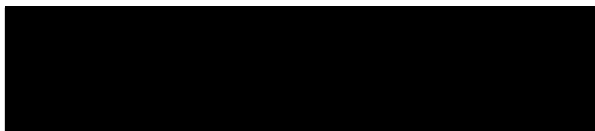
TO Mr Walter Meldrum
c/o Plans Plus
Main Street
URQUHART
By Elgin
Moray
IV30 8LG

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

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: **22 February 2019**



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

The proposal is contrary to the Moray Local Development Plan 2015 because:

1. The proposal 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 proposal will therefore fail to provide safe entry and exit to the site, giving rise to conditions detrimental to the safety of road users. This is contrary to policies T2, H1 and IMP1.
2. A Noise Impact Assessment has not been provided that demonstrates the occupants of the proposed residential units will not be subject to adverse noise emissions detrimental to their residential amenity from nearby sources (road traffic, the remaining public house, it's internal ventilation systems and the car parking area to the rear). This is contrary to policies EP8 and IMP1.

The proposal also fails to comply with the requirements of the Proposed Moray Local Development Plan 2020 (policies PP3, DP1, DP2 and EP14).

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

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

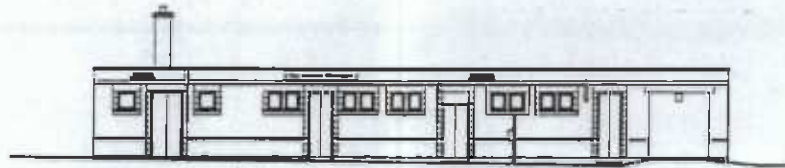
**DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL,
AS AGREED WITH APPLICANT (S.32A of 1997 ACT)**

N/A

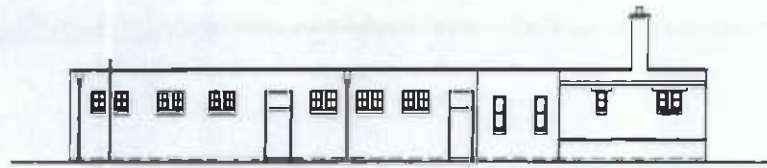
**NOTICE OF APPEAL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

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, 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

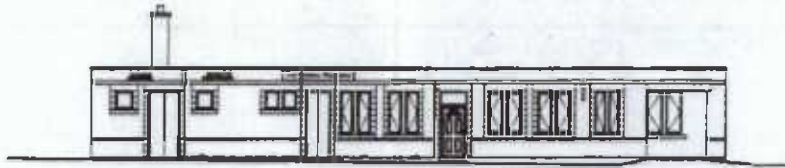
If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has 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.



FRONT ELEVATION SCALE 1-100. (EXISTING)



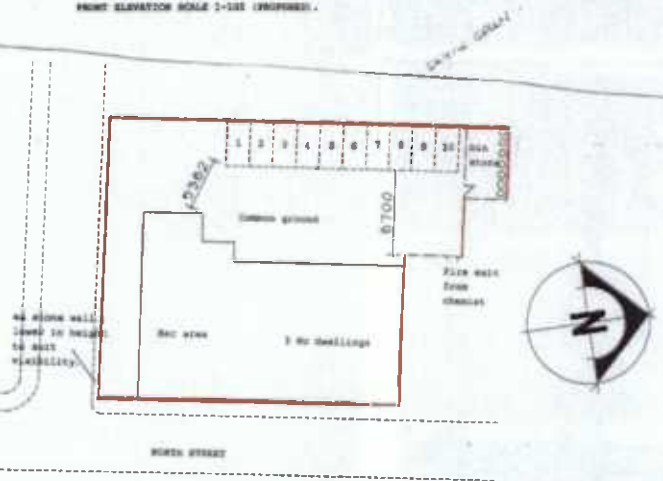
REAR ELEVATION SCALE 1-100. (EXISTING)



FRONT ELEVATION SCALE 1-100. (PROPOSED)



REAR ELEVATION SCALE 1-100. (PROPOSED)



SITE PLAN SCALE 1-250

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

REFUSED

22 February 2019

Development Management
Environmental Services
The Moray Council



LOCATION PLAN SCALE 1-2500

| Planning Ref No. | | |
|-----------------------------|----------|------------|
| Building Number Ref No. | | |
| Structural Engineer Ref No. | | |
| Address and Description | | |
| DATE | REVISION | ISSUED NO. |
| | | |
| | | |
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| | | |
| | | |

Drawn in accordance with BS 1192:2002:2011

The client is responsible for the accuracy of the information provided. Plans Plus (Urquhart) Architectural Design Consultants accept no liability for any errors or omissions in the drawings or for any consequences arising therefrom.

Any drawings for the proposed plans to be prepared in this office shall be subject to the approval of the client prior to commencement of the building programme.

Drawn in accordance with BS 1192:2002:2011

Any work done or omitted shall be subject to the approval of the client prior to commencement of the building programme.

PLANS PLUS (URQUHART)
ARCHITECTURAL
DESIGN CONSULTANTS

1000, Dundee Street, Dundee, DD1 1AA
Tel: 01382 640000 / 07796 610001

| | | |
|-----------------------------|---------------------------|---------------------|
| Project: 1000 Dundee Street | Client: The Moray Council | Project No: 1000/19 |
| Date: 22 February 2019 | Drawn By: [Name] | Scale: As Detailed |

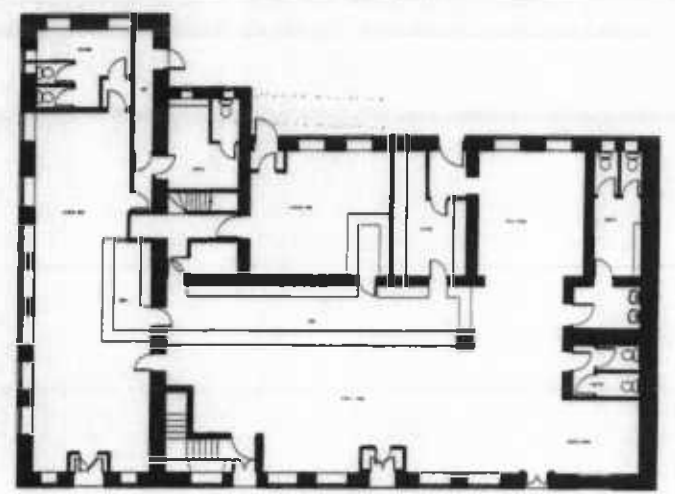
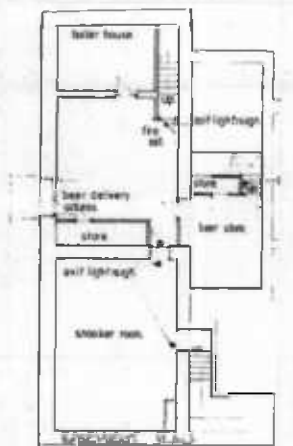
PROPOSED NEW FLOOR PLAN LAYOUT SCALE 1-50.

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

REFUSED

22 February 2019

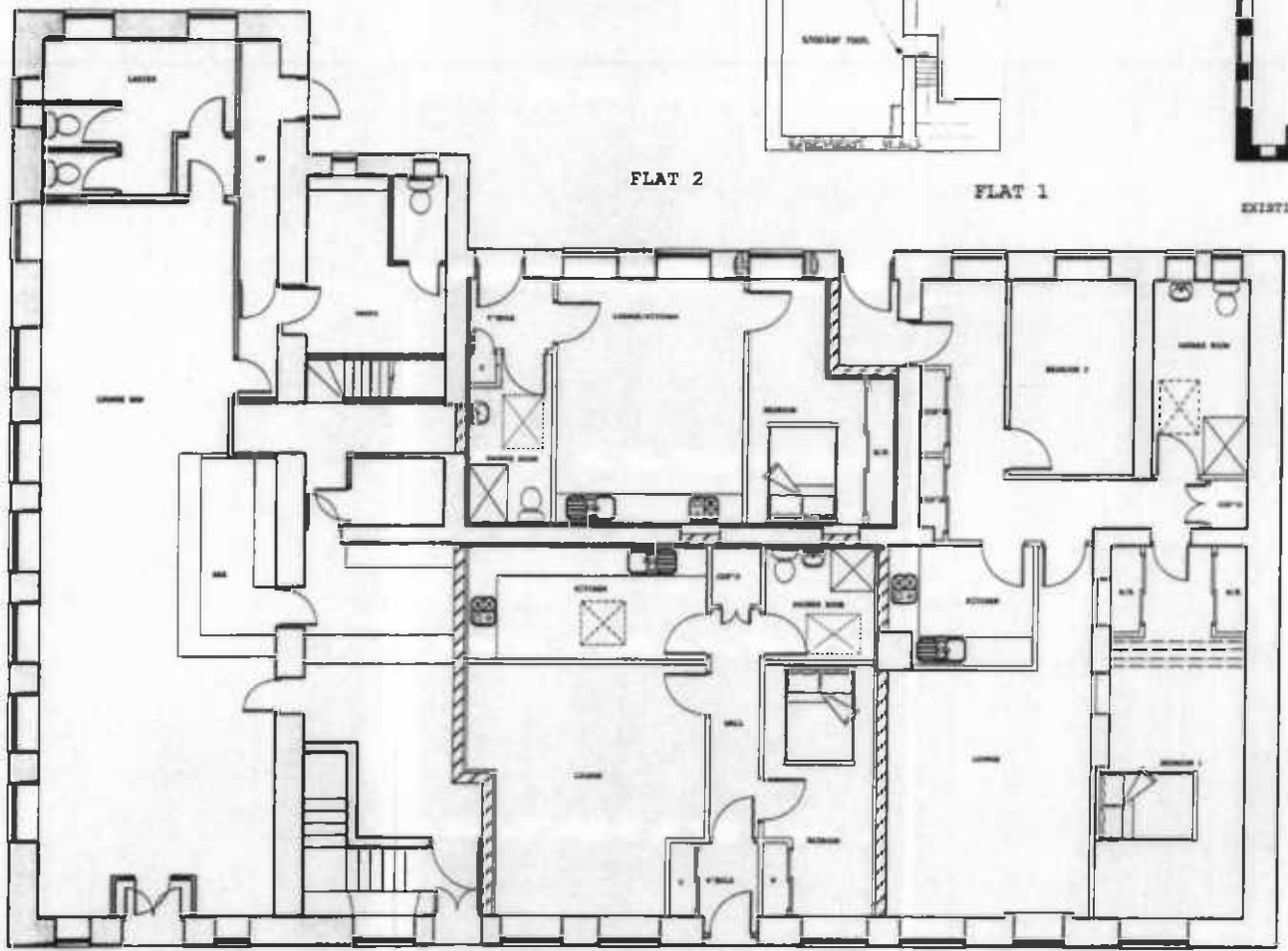
Development Management
Environmental Services
The Moray Council



FLAT 2

FLAT 1

EXISTING FLOOR PLAN LAYOUT SCALE 1-100.



FLAT 3

| | | |
|---|-------------|------------|
| Planner Ref No. | | |
| Authoring Engineer Ref No. | | |
| Approved Engineer Ref No. | | |
| Author and Distribution | | |
| Date | Revised | Amended By |
| | | |
| | | |
| | | |
| | | |
| | | |
| <p>Drawn/Approved as shown on-site (Scale 1:50)</p> <p>Do not alter or reproduce this plan without the written consent of the author. Any reproduction without the written consent of the author is prohibited. The author shall not be held responsible for any errors or omissions in this plan. The author shall not be held responsible for any damage or injury caused by the use of this plan.</p> <p>All drawings in this approval plan to be approved by the client. All drawings in this approval plan to be approved by the client. All drawings in this approval plan to be approved by the client.</p> <p>When drawings are to be used on-site, they must be checked by the client. When drawings are to be used on-site, they must be checked by the client. When drawings are to be used on-site, they must be checked by the client.</p> | | |
| <p>PLANS PLUS (URQUHART) ARCHITECTURAL DESIGN CONSULTANTS</p> <p>1000 GLENVIEW STREET, GLENVIEW, ST. JOHN'S, ABERDEEN, SCOTLAND</p> <p>Tel No 01463 443333 / 01463 443334</p> | | |
| Project/Client Name | Project Ref | |
| | | |
| | | |
| | | |



design consultants

Phone: 01343 842635
Fax: 01343 842785
Mobile: 07766 315501
Email: ctkplans@aol.com
Web: <http://members.aol.com/ctkplans>

Main Street, Urquhart, Elgin, Moray, IV30 8LG

Development Control Manager
Development Services
The Moray Council
High Street
ELGIN

Our Ref CTK/CK/16-87 **(Please quote on all future correspondence)**
Your Ref
Date 11 December 2018

Dear Sir,

**CONVERT PART OF BAR TO 3 NO FLATS RETAINING SMALL BAR AT
THE GOLDEN PHEASANT, NORTH STREET, BISHOPMILL, ELGIN.**

Please find enclosed our application for planning permission for the above. This is a re-application within 12 months of the original decision which we understand does not require a planning fee.

Over the last 20 years there has been a significant downturn in the pub trade leading many licensed premises to close their doors all together. Our client is trying to keep part of the business as a going concern but this is a large building to heat and maintain for the select clientele. It appears that the building can accommodate 3 flatted units and still retain a bar sufficient for our client's needs.

The bar does not have any cooking facilities therefore it is solely used as a drinking premises. Over the years the car park area at the rear has been locked up as the majority of customers walk to the bar. The drink driving laws now make taking the car to the pub a no go option. The car park area can comfortably accommodate 13 spaces, 6 of which would be allocated to the flats and the remainder would be associated with the bar. Areas for bin storage can also be provided.



The majority of the works required would be internal with only windows to the front and the rear of the building requiring cill levels to be dropped. Existing lintels would be retained. Doors would be replaced to reflect a more domestic appearance. The windows would open inwards where facing on to North Street so as not to hurt any passer by should they be opened.

The proposed 2 bedroom flat is to be occupied by the applicant as his main residence and he will continue to run the bar as he does now. Two individuals who frequent the bar have already asked to be considered for the 2 proposed one bedroom flats. Neither of these potential tenants have cars but we appreciate that things could change and there is no control over this situation changing. It does demonstrate however that over the years the decline in the pub game has been significant and with the virtual zero tolerance on drink driving, the parking at the rear of the building has virtually become redundant. The applicant is the sole user of the car park at present. Should this application be approved we would not see this situation changing.

Had an application be made to make this building into a public house, Transportation would have insisted on parking based on the floor area of the proposed bar. This would have meant that the amount of vehicular traffic would far exceed the requirement for the small bar area retained along with the 3 flats proposed. In reality, there is a reduction in the intensification of the vehicular movements from these premises. My client is also prepared to lower the wall to the South of the access even further to increase the visibility to see vehicles approaching from the near side of the road. He is also prepared to have signage to encourage any vehicle to turn left only when exiting the site. The visibility to the North is restricted but is no worse than if you were exiting from Mitchell Crescent or Brodie Drive. This is the character of the area. The most important point is that this is an existing access with a reduced number of vehicle movements due to the change of use.

We would also like to cite precedent. We refer you to planning application 16/01268/APP approved on the 20th September 2016. This was the demolition of an old bakery shop which occupied approximately half the width of the site. Consent was granted for a new dwelling house to be built hard to the rear of the pavement and increase the width of the building to the full width of the plot less 3 meters for the access.



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Phone: 01343 842635
Fax: 01343 842785
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Main Street, Urquhart, Elgin, Moray, IV30 8LG

This means that vehicles exiting the site are travelling between 2 buildings, 3 meters wide, with no visibility to the North or the South of the plot. Visibility was available to an extent but by allowing this dwelling house it has created a situation far worse than exists at present at the Golden Pheasant. On top of this there are the traffic lights at the Morrision Road junction just meters away. As this is a busy junction, vehicles often are waiting across this access/exit yet Transportation deemed this acceptable with no objections raised to the actual access. Any vehicle leaving this site would have to project their vehicle out before anything would come into view. At the Golden Pheasant existing access there is at least visibility to the South side which can and will be improved upon.

It seems strange that two proposals so close to each other have different outcomes. Whilst making visibility worse by allowing a house to be built both hard on the pavement and right across the site, this is not deemed worthy of any objection from Transportation whereas an existing access is being improved and managed it was initially rejected. This is not consistent decision making and the similarities between the two projects are there for all to see. Our proposal improves visibility and reduces the number of vehicle movements whilst an approved application makes visibility worse as stated above and increases the vehicular movements from the site. We say increases because although there was an access to the rear of the shop, patrons always parked on the street. This was the same practice when Taylor the butcher operated from the same building.

WE ask only for consistency in decision making.

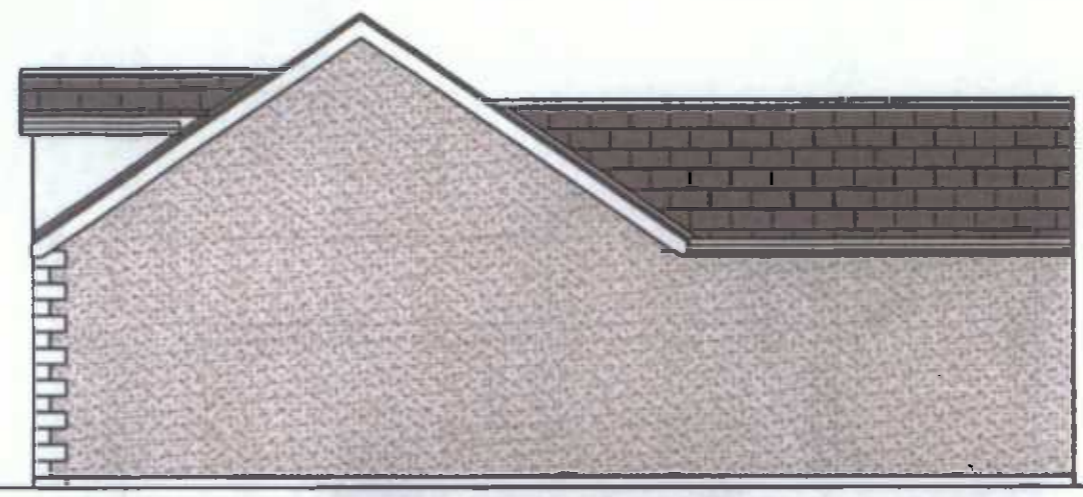
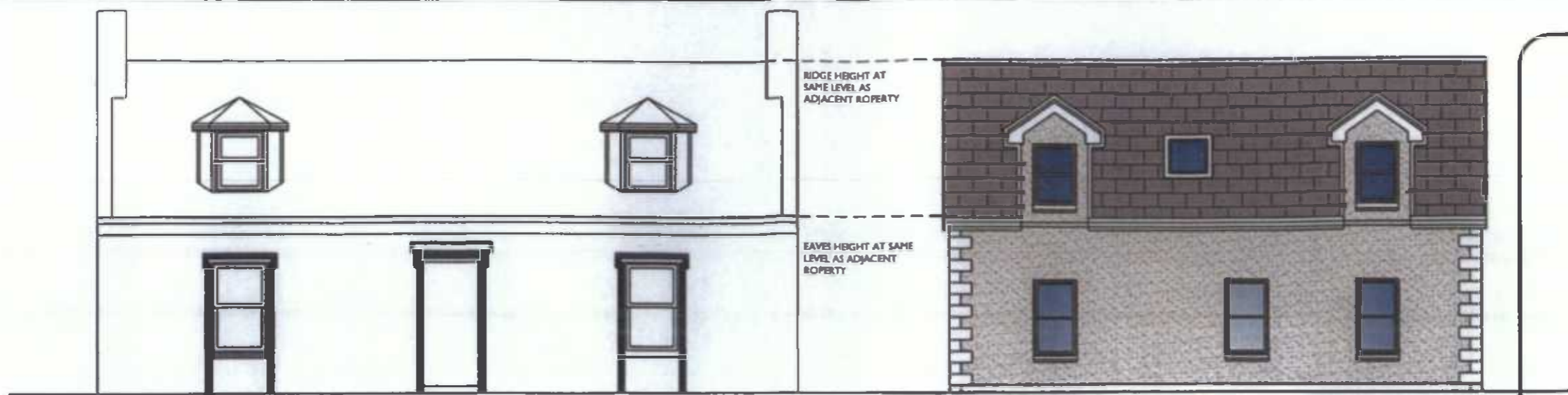
We trust you will give all of the above and enclosed due consideration before determining this application. If you need any further information, please do not hesitate to contact the writer.

Yours Faithfully

Colin T Keir

enc.





STREET VIEW
with dormer style shown

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

APPROVED

20 September 2016

Development Management
Environmental Services
The Moray Council

EXTERNAL FINISHES
ROOF – SLATE FINISH
ROUGHCAST FINISH

| General Notes | | |
|---------------|----------------|------|
| | | |
| | | |
| | | |
| | | |
| | | |
| No. | Revision/Issue | Date |

Client Name and Address

Mr & Mrs D Logie

Project Name and Address

Proposed new dwellinghouse
with all associated works
42A North Street, Elgin

| | | |
|-------|---------|-----|
| Drawn | LOG01 | 2() |
| Date | july 16 | |
| Scale | 1:100 | |

REPORT OF HANDLING

| | | | |
|--------------------------------------|--|-------------------------|--------------|
| Ref No: | 16/01268/APP | Officer: | Derek Wilson |
| Proposal Description/ Address | Demolish bakery and shop unit and erect dwellinghouse with associated works at 42A North Street Elgin Moray IV30 4EF | | |
| Date: | 15.09.2016 | Typist Initials: | LMC |

RECOMMENDATION

| | | |
|--|-------------------|---|
| Approve, without or with condition(s) listed below | Y | |
| Refuse, subject to reason(s) listed below | N | |
| 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 |
|---|---------------|--|
| Aberdeenshire Council Archaeology Service | 31/08/16 | No objections |
| Environmental Health Manager | 16/08/16 | No objections |
| Contaminated Land | 17/08/16 | No objections |
| Transportation Manager | 30/08/16 | No objections with conditions and informatives |
| Scottish Water | | No response at time of report |

DEVELOPMENT PLAN POLICY

| Policies | Dep | Any Comments (or refer to Observations below) |
|---|-----|---|
| EP2: Recycling Facilities | N | |
| PP1: Sustainable Economic Growth | N | |
| PP3: Placemaking | N | |
| H1: Housing Land | N | |
| EP5: Sustainable Urban Drainage Systems | N | |
| EP9: Contaminated Land | N | |
| T2: Provision of Access | N | |
| T5: Parking Standards | N | |
| IMP1: Developer Requirements | N | |

| REPRESENTATIONS | | |
|---|--|----|
| Representations Received | | NO |
| Total number of representations received | | |
| Names/Addresses of parties submitting representations | | |
| Summary and Assessment of main issues raised by representations | | |
| Issue: | | |
| Comments (PO): | | |

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The Proposal

Description

- This is an unused shop and bakery building occupying a site of approximately 500sqm with access to the A941 (North Street) to the east.
- The building is to be demolished and the plot reduced in size to 322sqm. The new house is to be built on part of the existing footprint in an L shape with the frontage to the road being increased. The reduction in depth still allows for on- site car parking as the new house will cover approximately 40% of the new site. The remainder of the site is to become garden ground for No. 51 Blantyre Street.
- The site is not classed as vacant/derelict and the adjacent uses are characterised by a mix of residential and small scale commercial uses. Some traditional buildings have been modified from retail to housing use and the vernacular of stone and slate within low rise buildings with roof dormers has generally been retained.
- No. 42 North Street (immediately south) is a Category C listed building (under ownership of the applicant) and the design of this proposal should reference this.
- The proposal will be a one and a half storey house with front dormers for the two first floor bedrooms. The height has been designed to reference the listed building at No. 42 and ensure a continuous roofline on the streetscape. The principal elevation has only windows to the street and will be wider than the existing shop, using land defined by a wall (to be demolished) and the current building. The established building line to the street will be retained and the main fenestrated gable will address the access and the listed building with the northerly gable blank.
- Vehicle and pedestrian access to the site will remain unaltered.
- The roof will be of slate finish and the walls roughcast. Five photovoltaic panels will be attached to the southerly rear roof. Details of windows and rainwater goods have not been supplied.
- The house will connect to the public water supply system and the public drainage network.

Appraisal

Section 25 of the Town and Country Planning (Scotland) etc. Act 1997 requires applications to be determined in accordance with the current Moray Local Development Plan 2015 unless material considerations indicate otherwise. The planning issues for this proposal are the following:

Analysis

The Moray Local Development Plan (MLDP) 2015 is broadly supportive of development within settlement boundaries with new housing on land not designated for residential or alternative uses being acceptable. The proposal must not adversely impact upon the surrounding environment and adequate servicing and infrastructure must be available. This site is acceptable as a windfall site within the Elgin settlement under Policy H1Housing Land. The principle elevation fronts the street although the door will be accessed from the yard area. Under PP3 this is acceptable as a private

back as it does not compromise clearly defined public and private spaces. The door position is a positive consideration in terms of pedestrian movement on the adjoining footway.

The salvage of re-usable materials from the doughtings is desirable for sustainable design and construction. It is expected that if there is a sufficient useable quantity of stone this will form the facing of the principle elevation. An informative encouraging their re-use is attached to this permission.

The orientation and positioning of the windows will not result in overlooking of neighbouring properties, nor will the height cause loss of amenity due to shadowing. The design of the proposal has taken account of protecting the privacy and amenity of the house from existing buildings which have windows facing on to the site.

The established character in the adjoining area is traditional cottage style houses with some mid-20th Century retail buildings fronting the street. This proposal is sympathetic to the housing and will re-establish a street line in this current fracture and will enhance the established settlement pattern.

In so far as Policy PP1 is relevant, applies and is met, the proposal is supported in terms of its location seeking to safeguard and improve the quality of the surrounding natural and built environment.

Access/Parking

The proposal is to re-use the existing access to the shop yard for the new house. The development is located adjacent to the A941, which is a traffic sensitive route, and in close proximity to a signalised junction. Therefore under Policy T2 a construction traffic management plan (CTMP) is sought to ensure that suitable arrangements are made to manage traffic during the development of the site. This must ensure safe entry and exit including appropriate visibility for all vehicles during and after construction. In addition the development must provide two parking spaces based on the number of bedrooms proposed to comply with the Council's current parking standards, Policy T5. The Transport Manager has not objected to the proposal and it is recommended that conditions regarding vehicle safety via the CTMP, accessing, proceeding, manoeuvring and parking are attached to ensure the development complies with policies.

Adequate provision is made within the rear curtilage of the proposal site for an acceptable system under EP2 Recycling Facilities. No front door on to the pavement is proposed for pedestrians who will use the wider vehicular driveway which allows better visibility.

Drainage and Water Supply

Policy IMP1 requires new development to make acceptable water, drainage and waste management provision including the use of sustainable urban drainage systems for dealing with surface drainage.

Policy EP5 requires a method of dealing with surface water which should avoid pollution and promote amenity. The house will be connected to the public water supply and Scottish Water has not responded within the statutory consultation period raising objections. The house will be connected to the public drainage network with the detailed drainage arrangements being addressed separately through submission of a Building Warrant.

Conclusion

Policy IMP1 requires new development to be sensitively sited, designed and serviced appropriate to the amenity of the area. The proposals, in light of the above comments, are considered to satisfy the requirements of this policy and have no overall adverse impact upon the overall amenity of the surrounding area including any nearby property.

REASONS FOR DECISION

The Council's reasons for making this decision are:-

The development proposal complies with the requirements of the Moray Local Development Plan 2015 and there are no material considerations that indicate otherwise.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

| Reference No. | Description | | | |
|---------------|---|----------------|------------------|----------|
| 16/01085/APP | Demolish bakery and shop unit and erect dwellinghouse with associated works at 42A North Street Bishopmill Elgin Moray IV30 4EF | | | |
| | Decision | Withdrawn | Date Of Decision | 08/08/16 |
| 15/01621/PE | Demolish shop and erect dwellinghouse at 42A North Street Bishopmill Elgin Moray IV30 4EF | | | |
| | Decision | ID/PE Answered | Date Of Decision | 11/03/16 |
| 14/00554/PPP | Demolish existing bakery and shop unit and erect 6 flat development at 42A North Street Bishopmill Elgin Moray IV30 4EF | | | |
| | Decision | Withdrawn | Date Of Decision | 21/05/14 |

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? | | 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)



House Elevations

EXTERNAL FINISHES
ROOF - SLATE FINISH
ROUGHCAST FINISH

STREET VIEW
with dormer style shown

APPROVED
27 December 2014
Development Management
Architectural Services
The Broom Co. Ltd

1:20

Ground Floor Plan

1:40

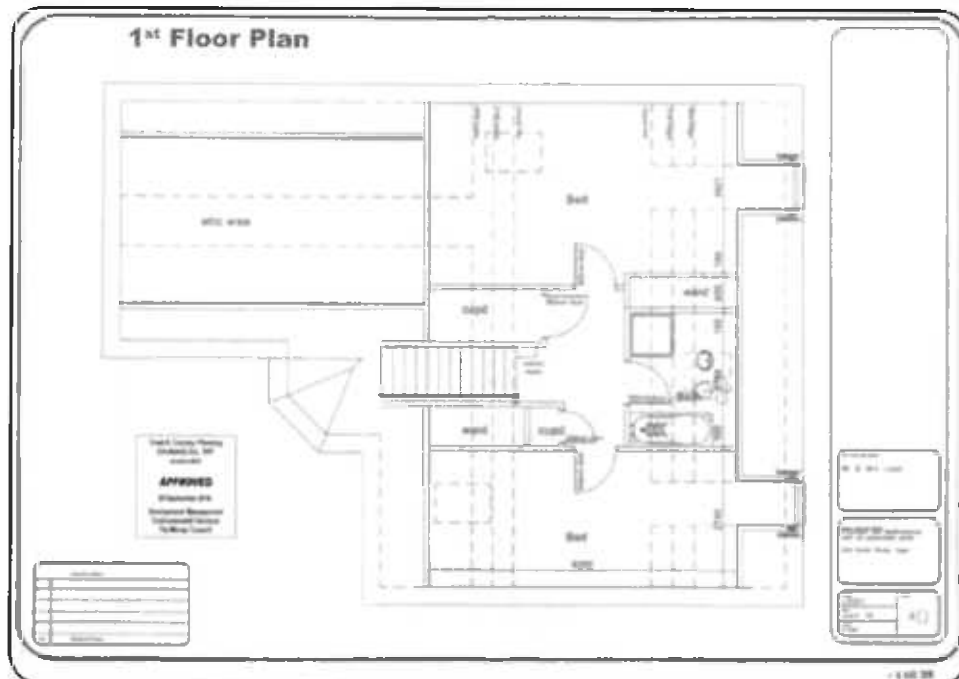
APPROVED
27 December 2014
Development Management
Architectural Services
The Broom Co. Ltd

1:40

Description Act

advised to satisfy themselves to all aspects of accuracy and should not rely unreservedly on the details, accurate, they are not guaranteed, these particulars are not for use as part of any offer or contract





Note 1

For full details, these can be obtained via the Moray Council website. Planning Reference Number 16/01268/APP

Note 2

These particulars are provided for the guidance of enquirers only and while believed to be correct are not guaranteed. All measurements are approximate. The mention of any appliances and/or services in these details have not been tested or checked that they are connected, and does not imply that these are in full and efficient working order.

Note 3

Further particulars may be obtained from the selling agents with whom offers should be lodged.

Entry

By mutual agreement

Offers

All offers should be submitted in writing in normal Scottish Legal form to the selling agent.

FREE MARKET APPRAISAL

We are pleased to offer a Free without obligation Market Appraisal on your own home. We will give advice on the asking price and how we market it professionally. Please call on 01343 549944.

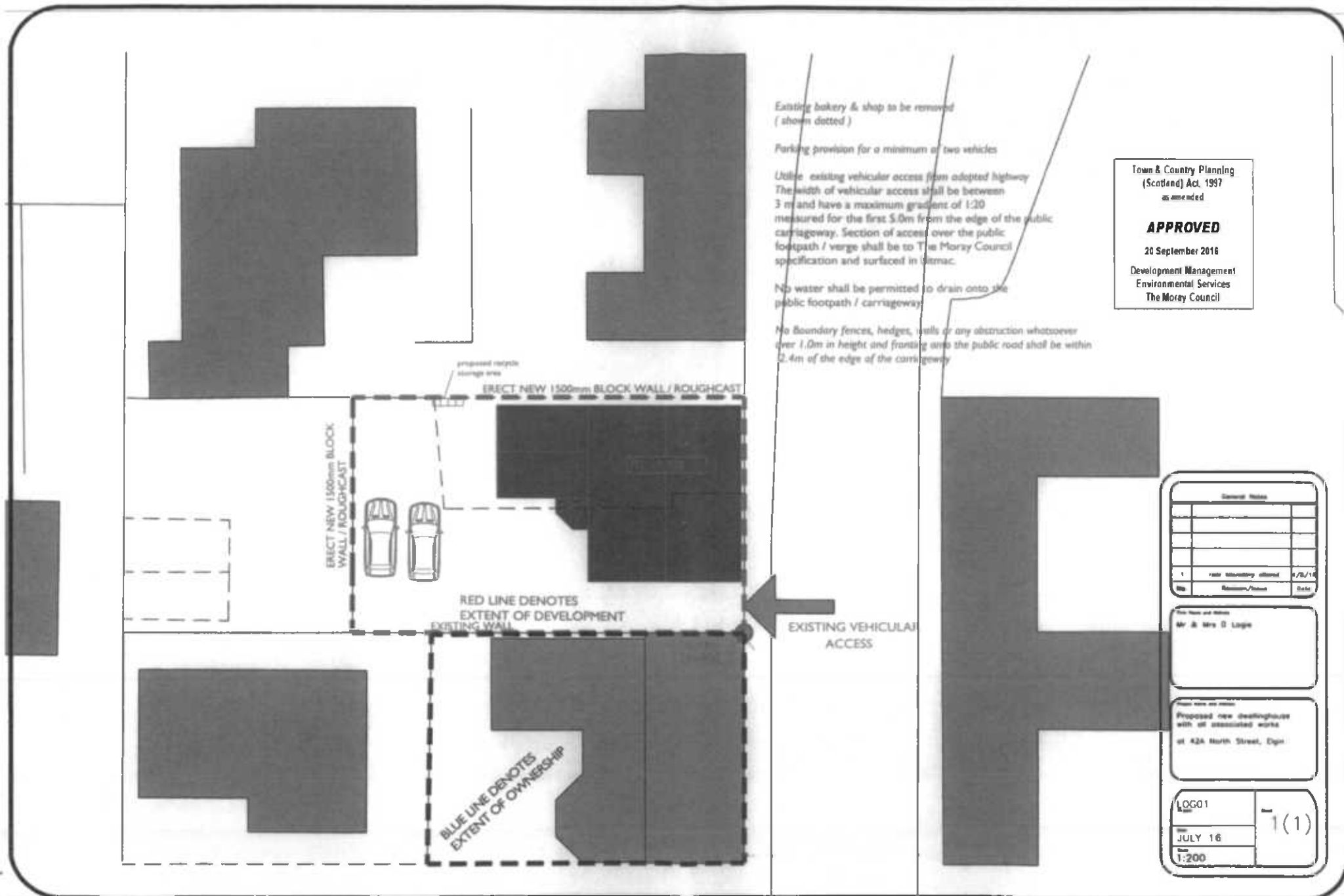
grampian property centre

52 High Street / Elgin / Moray / IV30 1BU

Tel: 01343 549944 / Fax: 01343 552378 / Email: info@gpc-elgin.co.uk / www.gpc-elgin.co.uk

73 High Street / Forres / Moray / IV36 1AE

Tel: 01309 696296 / Fax: 01309 675293 / Email: info@gpc-forres.co.uk / www.gpc-forres.co.uk



Existing bakery & shop to be removed
(shown dotted)

Parking provision for a minimum of two vehicles

Utilise existing vehicular access from adopted highway
The width of vehicular access shall be between
3 m and have a maximum gradient of 1:20
measured for the first 5.0m from the edge of the public
footpath / verge shall be to The Moray Council
specification and surfaced in tarmac.

No water shall be permitted to drain onto the
public footpath / carriageway

No Boundary fences, hedges, walls or any obstruction whatsoever
over 1.0m in height and fronting onto the public road shall be within
2.4m of the edge of the carriageway

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

APPROVED

20 September 2016

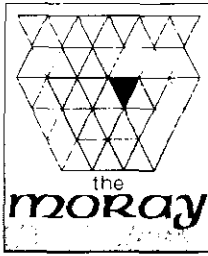
Development Management
Environmental Services
The Moray Council

| General Notes | | |
|---------------|-------------------------|--------|
| 1 | rate laboratory altered | 4/2/16 |
| No | Reason/Person | Date |

Site Name and Address
Mr & Mrs D Logie

Proposed new dealership
with all associated works
at 42A North Street, Egin

| | | |
|---------|-----|------|
| LOG01 | Rev | 1(1) |
| JULY 16 | | |
| 1:200 | | |



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

PERMISSION FOR DEVELOPMENT

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

TO



With reference to your application for planning permission under the above-mentioned Act as amended, the Moray Council in exercise of its powers hereby **GRANT** planning permission for the following development:-

Demolish bakery and shop unit and erect dwellinghouse with associated works at 42A North Street Elgin Moray IV30 4EF

in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, and where appropriate, subject to the condition(s) and reason(s) as set out in the attached schedule.

This permission does not carry with it any necessary consent or approval to the proposed development under the building regulations or other statutory enactments and the development should not be commenced until all consents have been obtained.

Date of Notice: **20 September 2016**



HEAD OF DEVELOPMENT SERVICES

Environmental Services Department
The Moray Council
Council Office
High Street
ELGIN
Moray
IV30 1BX

IMPORTANT NOTE

YOU ARE OBLIGED TO COMPLY WITH THESE CONDITIONS AND NOTES

SCHEDULE OF CONDITIONS

By this Notice the Moray Council has **GRANTED PLANNING PERMISSION** for this proposal subject to conditions as appropriate to ensure implementation of the proposal under the Town & Country Planning (Scotland) Act 1997, as amended. **It is important that these conditions are adhered to and failure to comply may result in enforcement action being taken.**

CONDITION(S)

Permission is granted subject to the following conditions: -

- 1 No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Council as Planning Authority in consultation with the Council as Roads Authority. The Construction Traffic Management Plan shall include the following information:
 - a) duration of works;
 - b) construction programme;
 - c) number of vehicle movements (i.e. materials, plant, staff, components);
 - d) schedule for delivery of materials and plant;
 - e) full details of temporary arrangements to safeguard pedestrian movements along North Street during the construction period;
 - f) full details of any temporary construction access;
 - g) measures to be put in place to prevent material being deposited on the public road;
 - h) traffic management measures to be put in place during works including any specific instructions to drivers;
 - i) parking provision, turning, loading and unloading areas within the site for construction traffic; and thereafter, development shall not proceed except in accordance with these approved details unless otherwise agreed in writing with the Council as Planning Authority.
- 2 The width of the vehicular access shall be a minimum of 3.0 metres and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The part of the access over the public footway shall be to The Moray Council specification and surfaced with bituminous macadam.
- 3 Two car parking spaces shall be provided within the site prior to the occupation or completion of the development, whichever is the sooner. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.
- 4 A turning area shall be provided within the curtilage of the site to enable vehicles to enter and exit in a forward gear.
- 5 No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.

- 6 Unless otherwise agreed with the Council (as Planning Authority) the development shall not commence until samples of the proposed roughcast has been submitted to and approved by the Head of Development Services.
- 7 Unless otherwise agreed with the Council (as Planning Authority) the development shall not commence until details of the design and materials of the proposed windows and rainwater goods have been submitted to and approved by the Head of Development Services.

The Council's reason(s) for imposing the above condition(s) are:-

- 1 To ensure an acceptable form of development in terms of the arrangements to manage traffic during construction works at the site.
- 2 To enable acceptable vehicular access to the development in the interests of road safety.
- 3 To ensure the permanent availability of the level of parking necessary for residents/visitors/others in the interests of an acceptable development and road safety.
- 4 To ensure the provision for vehicles to enter/exit in a forward gear in the interests of the safety and free flow of traffic on the public road.
- 5 To ensure acceptable development that does not create any hazard to road users in the interests of road safe.
- 6 In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
- 7 In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.

REASON(S) FOR DECISION

The Council's reason(s) for making this decision are:-

The development proposal complies with the requirements of the Moray Local Development Plan 2015 and there are no material considerations that indicate otherwise.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

| Reference | Version | Title |
|------------------|----------------|-------------------|
| 1(1) | | Site plan |
| 2() | | Elevations |
| 4() | | First floor plan |
| 4() | | Ground floor plan |
| LP | | Location plan |

IMPORTANT NOTES ABOUT THIS DECISION

DURATION OF THIS PERMISSION

In accordance with Section 58 (i) of the Town and Country Planning (Scotland) Act 1997 as amended, the development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.

If the development has not commenced within this period then this permission shall lapse unless there is a specific condition attached to this permission which varies the stated timescale.

COMMENCEMENT AND COMPLETION OF THE DEVELOPMENT

The following are statutory requirements of the Town & Country Planning (Scotland) Act 1997, as amended. Failure to meet their respective terms represents a breach of planning control and may result in formal enforcement action. Copies of the notices referred to below are attached to this permission for your use.

NOTIFICATION OF INITIATION OF DEVELOPMENT

S.27A of the 1997 Act, as amended requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, as soon as practicable after deciding the date they will start work on the development, give notice to the planning authority of that date. This ensures that the planning authority is aware that the development is underway and can follow up on any suspensive conditions attached to the permission. Therefore, prior to any work commencing on site, the applicant/developer must complete and submit to the Moray Council, as planning authority, the attached Notification of Initiation of Development.

NOTIFICATION OF COMPLETION OF DEVELOPMENT

S.27B of the 1997 Act, as amended requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority. This will ensure that the planning authority is aware that the development is complete and can follow up any planning conditions. Therefore, on completion of the development or as soon as practicable after doing so, the applicant/developer must complete and submit to the Moray Council, as planning authority the attached Notification of Completion of Development.

NOTIFICATION OF COMPLETION OF PHASED DEVELOPMENT

Under S.27B(2) of the 1997 Act, as amended where permission is granted for phased development, the permission is subject to a condition (see Schedule of Conditions above) requiring the applicant/developer as soon as practicable after each phase to give notice of that completion to the planning authority. This will allow the planning authority to be aware that particular phase(s) of the development is/are complete.

When the last phase is completed the applicant/developer must also complete and submit a Notification of Completion of Development.

ADDITIONAL NOTES FOR INFORMATION OF THE APPLICANT

The following notes are provided for your information including comments received from consultees:-

THE BUILDING STANDARDS MANAGER, has commented that:-

A Building Warrant will be required for the proposals. Should you require further assistance please do not hesitate to contact Building Standards, Environmental Services Department, Council Office, High Street, ELGIN IV30 1BX or by telephoning 01343 563243.

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

Planning consent does not carry with it the right to carry out works within the public road boundary.

Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 85 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road. Advice on these matters can be obtained by emailing roadspermits@moray.gov.uk

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

If required, street furniture will need to be repositioned at the expense of the developer. Advice on this matter can be obtained by emailing road.maint@moray.gov.uk. This will be particularly relevant to the lamppost and the road signage immediately adjacent to the proposed front elevation.

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

The applicant shall be responsible for ensuring that surface/ground water does not run from the public road into their property.

The applicant shall free and relieve the Roads Authority from any claims arising out of their operations on the road or extension to the road.

MANAGER (DEVELOPMENT MANAGEMENT) has commented that:-

In the interests of the Council's Vision for Moray the MLDP 2015 promotes sustainable development. Where possible the salvaging and re-using of appropriate materials from the downtakings is encouraged; in this case the wall material of the shop building. It is encouraged that this material (primarily any dressed stone) be reused as facing for the principle elevation of the house thus

retaining consistency of character in the streetscape and avoiding removal of material from the site during the development works.

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

None

**DETAILS WHERE DIFFERENT TIME-PERIOD(S) FOR DURATION OF PLANNING
PERMISSION IMPOSED (S.58/59 of 1997 ACT)**

None

TERMS OF S.75 AGREEMENT RELATING TO THIS APPLICATION
The terms, or summary of terms of the Agreement can be inspected at:-

None

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.scot/eplanningClient

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.

The Moray Council

NOTIFICATION OF INITIATION OF DEVELOPMENT

Section 27A Town and Country Planning (Scotland) Act 1997

Planning Application Reference No: 16/01268/APP

Date issued:

I hereby give notice that works as detailed under the above planning application will
commence on:

Signed: Date:

THE FOLLOWING INFORMATION MUST BE PROVIDED:

1. Name and address of person carrying out the development:

.....
.....
.....

2. The full name and address of the landowner, if a different person:

.....
.....
.....

3. Where a site agent is appointed, their full name and contact details:

.....
.....
.....

4. The date of issue and reference number of the grant of planning permission:

.....
.....

Please return this form, duly completed to: - The Moray Council
Development Management
Development Services
Environmental Services Department
Council Office,
High Street
Elgin IV30 1BX

Or email to: - development.control@moray.gov.uk

IMPORTANT

It is important that the Environmental Services Department is advised when you propose to start work as failure to do so may result in enforcement action be taken.

Please complete and return this form.

The Moray Council

NOTIFICATION OF COMPLETION OF DEVELOPMENT

Section 27B Town and Country Planning (Scotland) Act 1997

Planning Application Reference No: 16/01268/APP

Date issued:

I hereby give notice that works as detailed under the above planning application will be completed on:

Signed: Date:

Please return this form, duly completed to: - The Moray Council
Development Management
Development Services
Environmental Services Department
Council Office
High Street
Elgin IV30 1BX

Or email to: - development.control@moray.gov.uk

IMPORTANT

It is important that the Environmental Services Department is advised when the development has been completed as failure to do so may result in enforcement action be taken.

Please complete and return this form.