

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please refer to the accompanying Guidance Notes when completing this application
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR.	Ref No.	16/87
Forename	WALTER	Forename	Colin
Surname	MELDRUM	Surname	Keir
Company Name	THE GOLDEN	Company Name	Plans Plus
Building No./Name	PHOENIX 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	01343 547011	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)			
THE GOLDEN PHOENIX BAR, NORTH STREET, BISHOPMILL, ELGIN MORAY IV30 4EF.			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
4. Type of Application			
What is the application for? Please select one of the following:			
Planning Permission	<input checked="" type="checkbox"/>		
Planning Permission in Principle	<input type="checkbox"/>		
Further Application*	<input type="checkbox"/>		
Application for Approval of Matters Specified in Conditions*	<input type="checkbox"/>		
Application for Mineral Works**	<input type="checkbox"/>		
NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.			
*Please provide a reference number of the previous application and date when permission was granted:			
Reference No:	17/01775/APP	Date:	5/2/18.

**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.)

1003m².

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?

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

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

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements? Yes No

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

- Yes, connecting to a public drainage network
- No, proposing to make private drainage arrangements
- Not applicable – only arrangement for water supply required

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

- Discharge to land via soakaway
- Discharge to watercourse(s) (including partial soakaway)
- Discharge to coastal waters

Please show more details on your plans and supporting information

- What private arrangements are you proposing?
- Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)
- Other private drainage arrangement (such as a chemical toilets or composting toilets)

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water? Yes No

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

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

Yes No

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

11. Assessment of Flood Risk

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

Yes No

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

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

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

12. Trees

Are there any trees on or adjacent to the application site?

Yes No

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

13. Waste Storage and Collection

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

Yes No

If yes, please provide details and illustrate on plans.

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

14. Residential Units Including Conversion

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

Yes No

If yes how many units do you propose in total?

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 Signature]

Name:

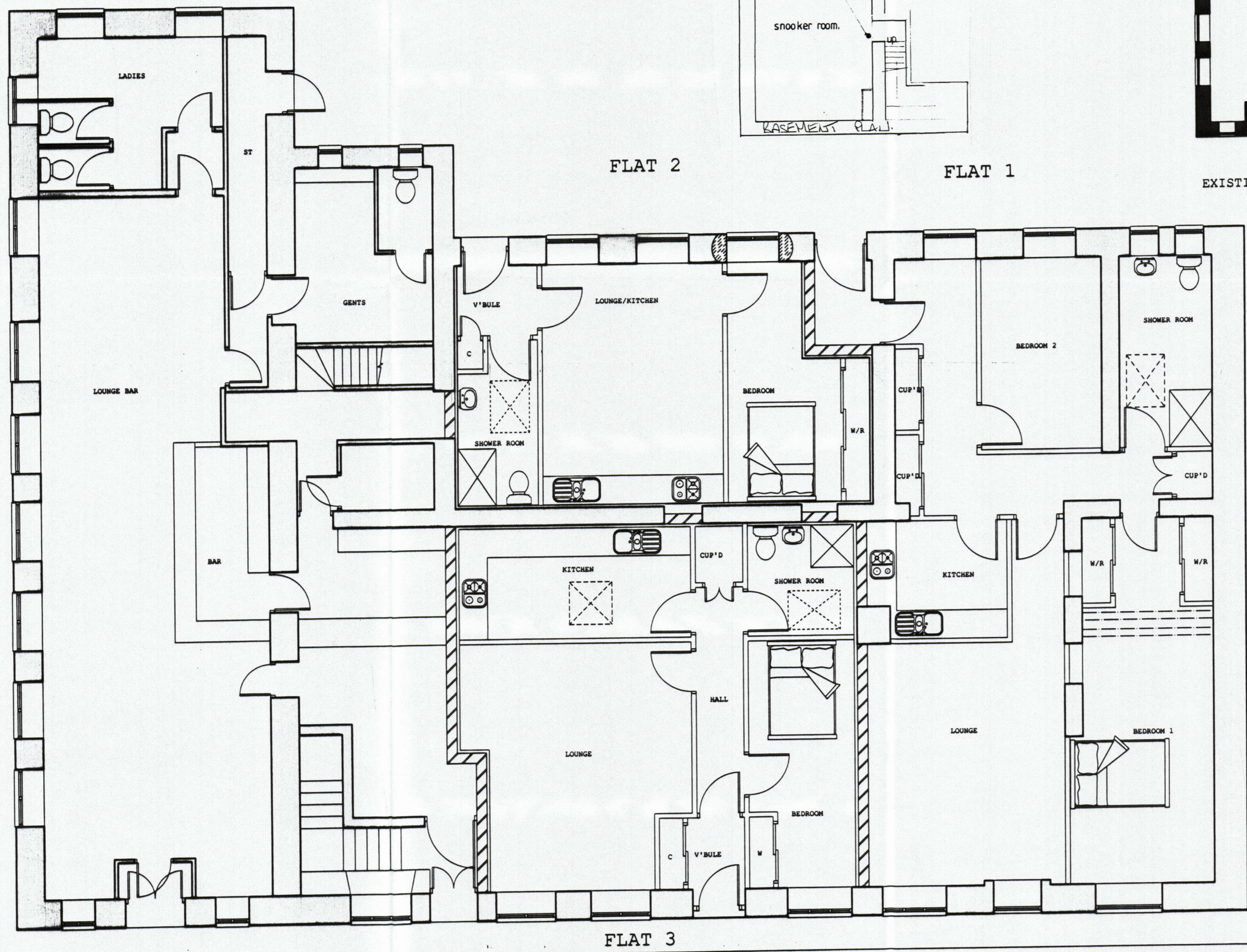
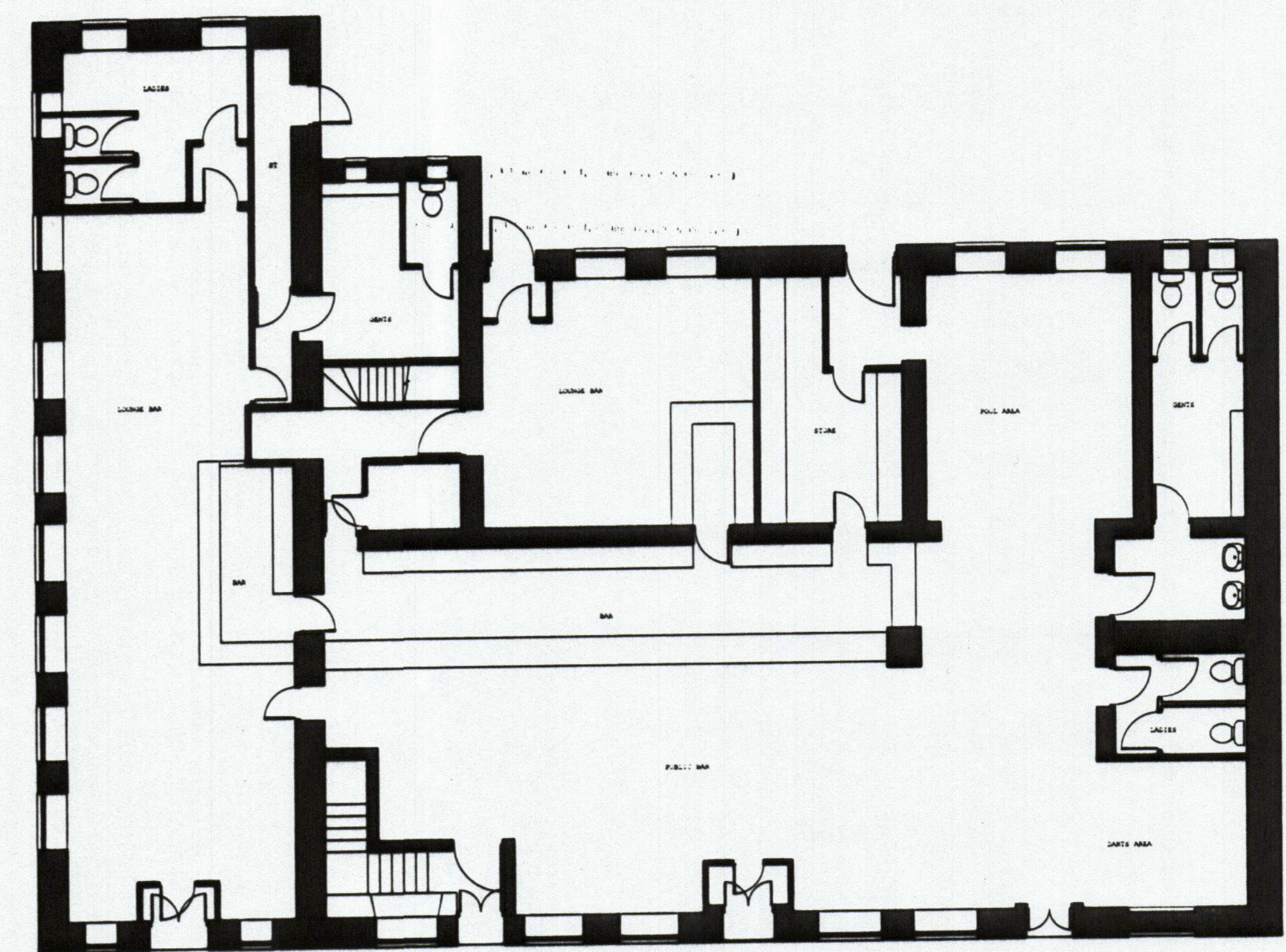
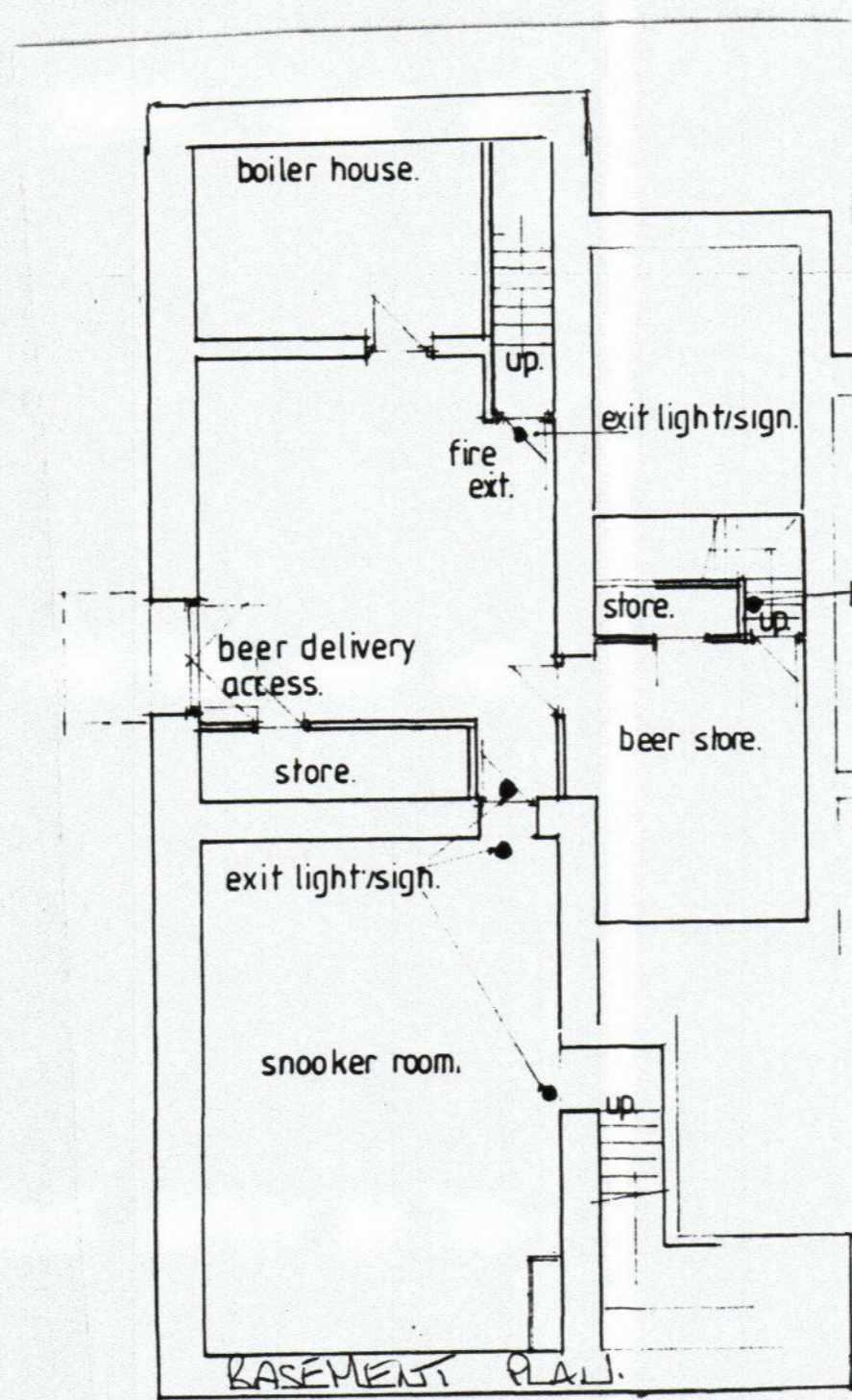
Colin Keir

Date:

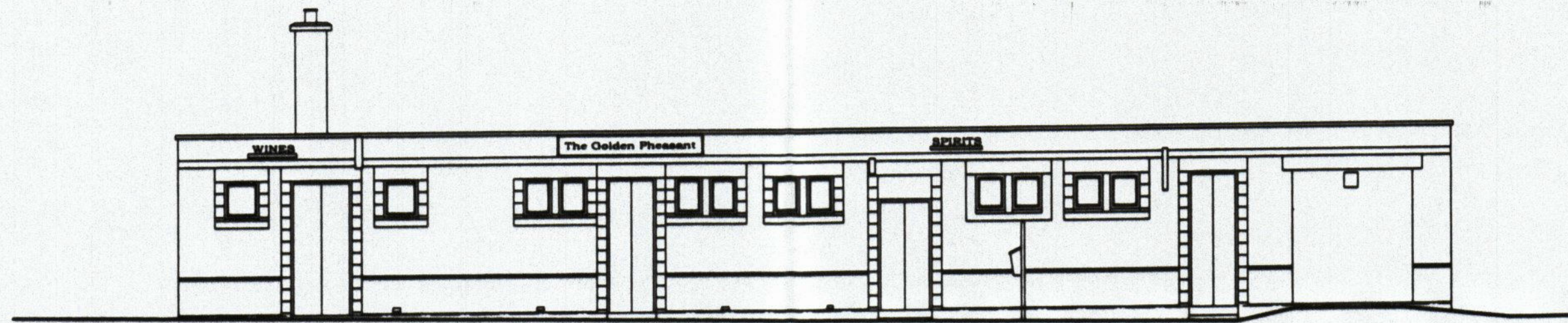
18/12/18

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.

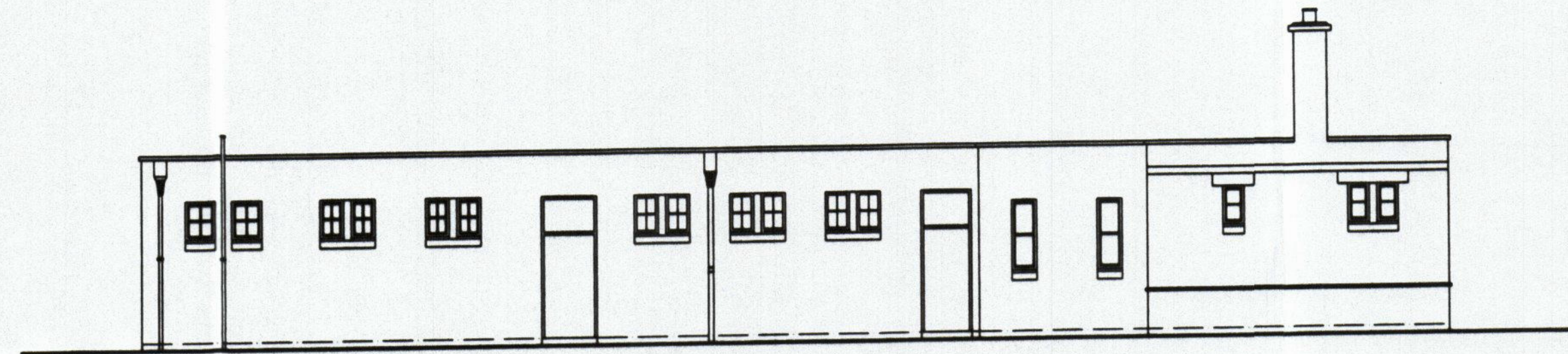
PROPOSED NEW FLOOR PLAN LAYOUT SCALE 1-50.



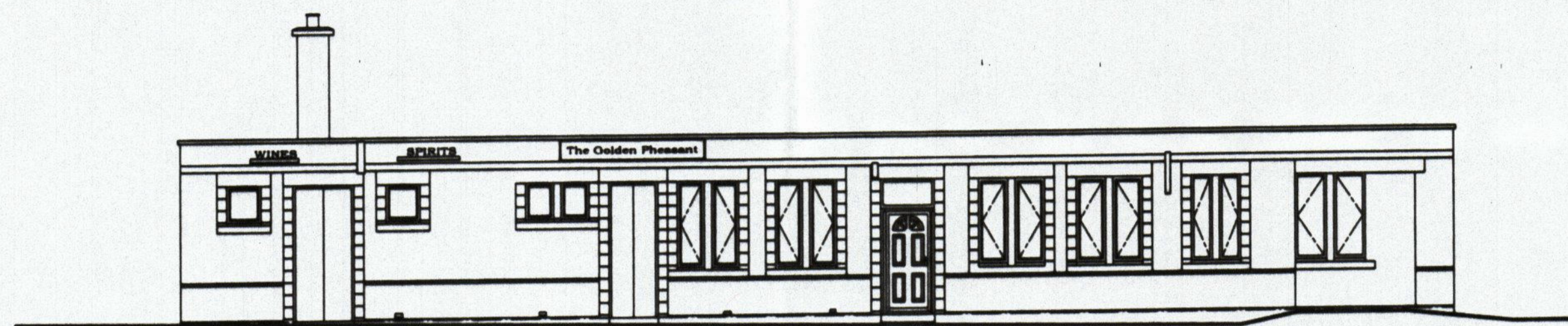
Planning Ref No.		
Building Warrant Ref No.		
Structural Engineer Ref No.		
Revisions and Distributions.		
Date	Revision.	Amended by.
Crown copyright all rights reserved License No. 100041145.		
No works to commence on site until all relevant Local Authority consents have been obtained. No responsibility 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 8LQ. Tel No 01343 842635 / 07766 31550 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/1
Client	MR WALTER MELDRUM.	Scale AS INDICATED.
Drawn By	COLIN T KEIR.	



FRONT ELEVATION SCALE 1-100. (EXISTING)



REAR ELEVATION SCALE 1-100. (EXISTING)

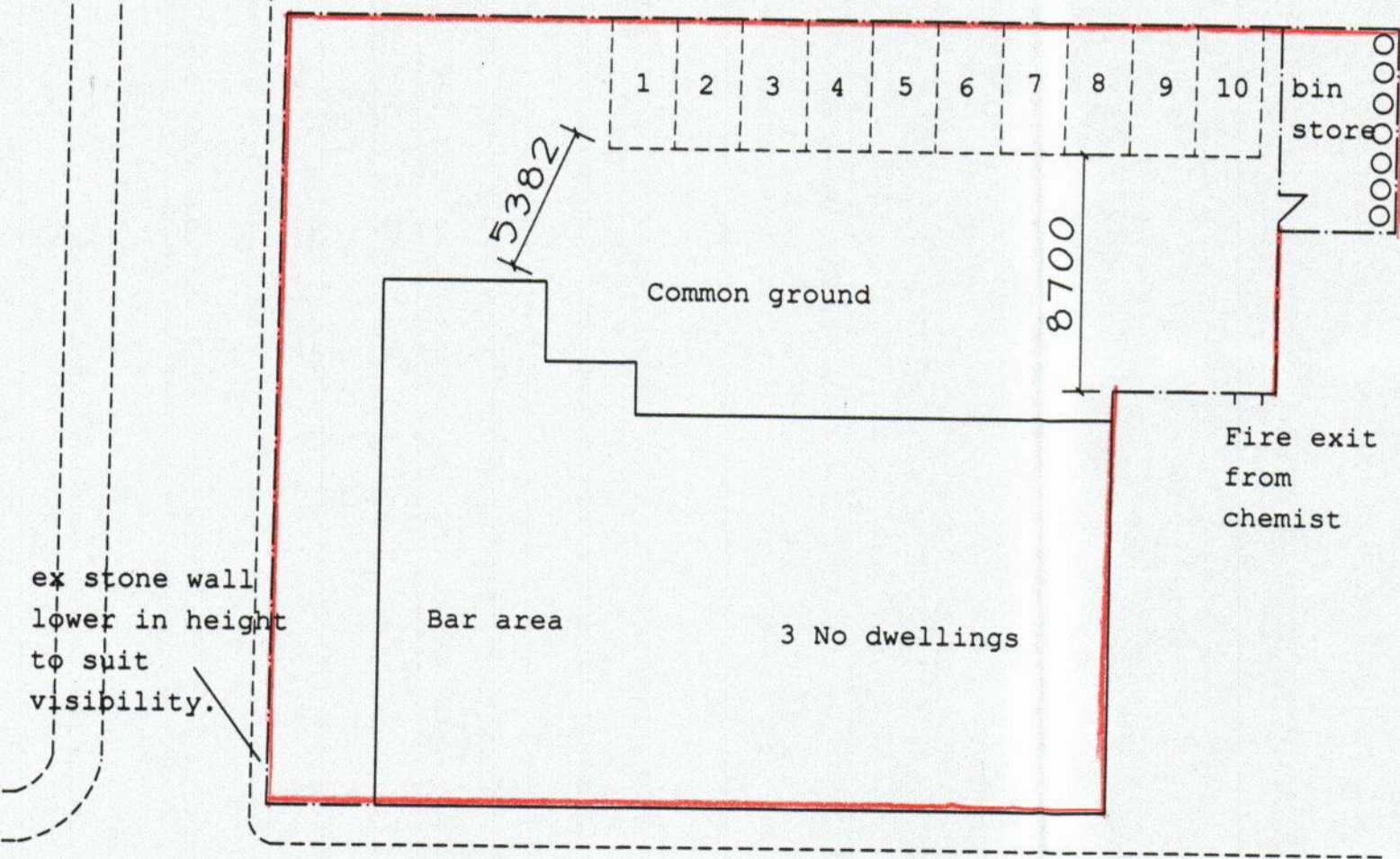


FRONT ELEVATION SCALE 1-100 (PROPOSED)

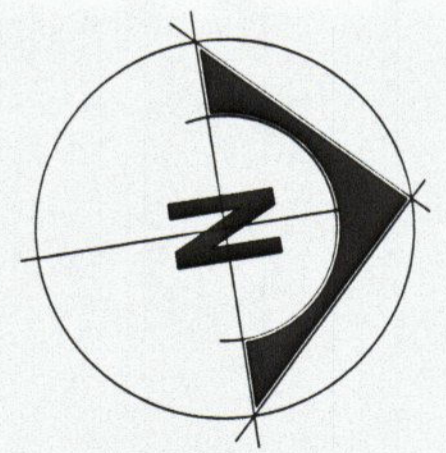


REAR ELEVATION SCALE 1-100. (PROPOSED)

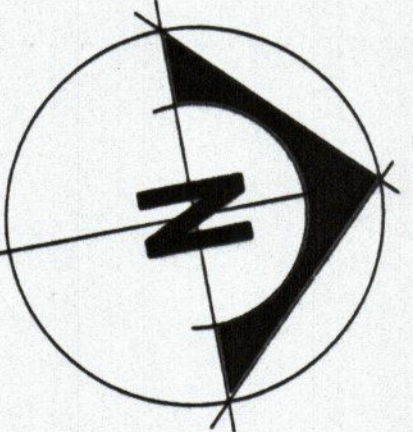
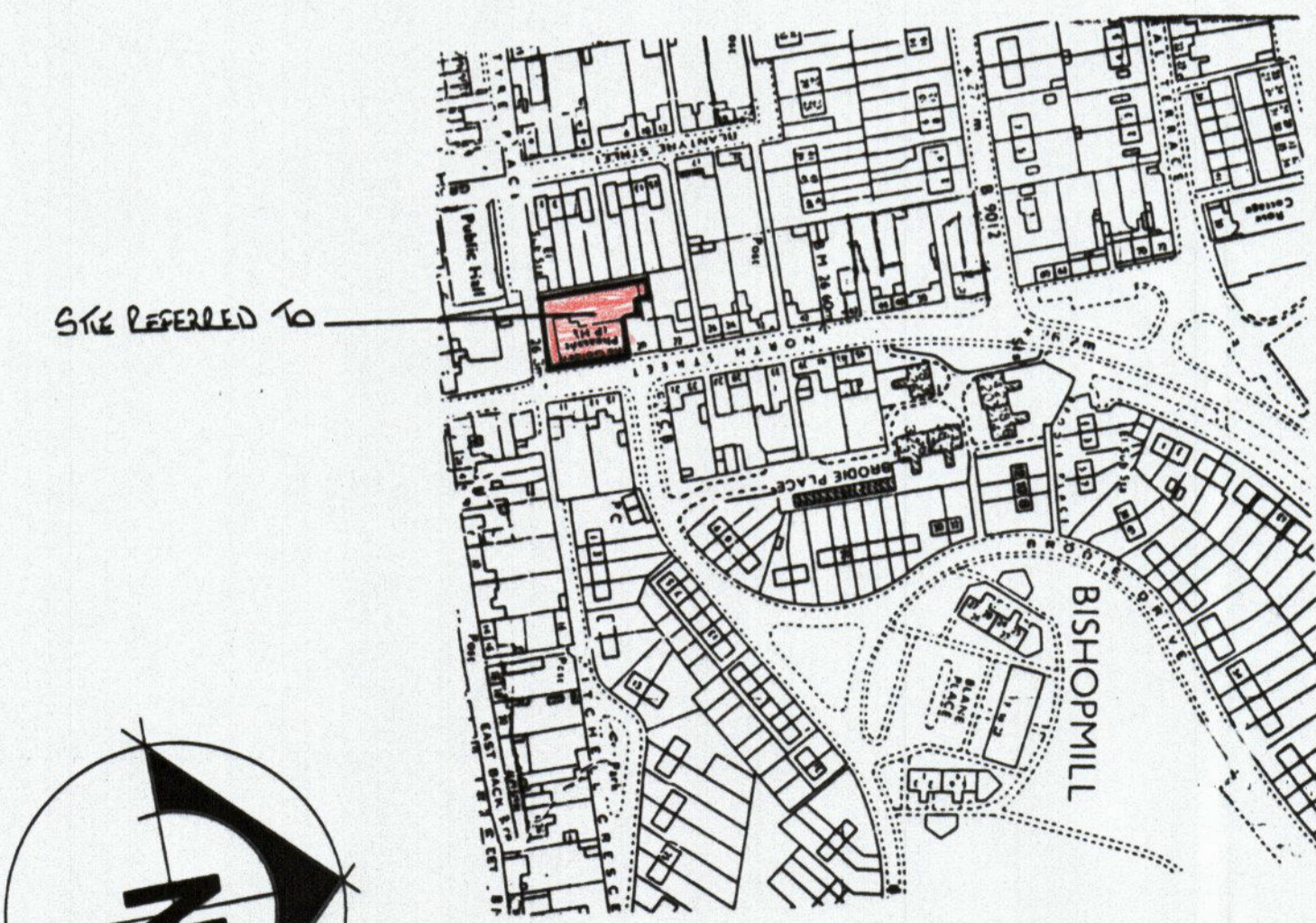
DRINK GREEN



ex stone wall lower in height to suit visibility.



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.
<p>Crown copyright all rights reserved License No. 100041145.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Given dimensions only to be used. DO NOT SCALE DRAWINGS.</p> <p>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.</p>		
<p>PLANS PLUS (URQUHART) ARCHITECTURAL DESIGN CONSULTANTS Main Street Offices, Urquhart, By Elgin IV30 8LG. Tel No 01343 642635 / 07766 315501 ctkplans@aol.com</p>		
Project	CONVERT PART OF PUBLIC HOUSE TO 3 INDIVIDUAL PLATTED UNITS RETAINING BAR FACILITY AT THE GOLDEN PHEASANT, NORTH STREET, BISHOPMILL, ELOCH.	Project No. 16/87/D/2
Client	MR WALTER MELDRUM.	Drawn By COLIN T KEIR.
		Scale AS INDICATED.

From: DeveloperObligations
Sent: Fri, 11 Jan 2019 13:49:37 +0000
To: Andrew Miller
Cc: DC-General Enquiries
Subject: 18/01576/APP Convert part of bar area into 3no flats at The Golden Pheasant, Norh Street, Bishopmill, Elgin
Attachments: 18-01576-APP Convert part of bar area into 3no flats at The Golden Pheasant, North Street, Bishopmill.pdf

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

Hilda Puskas | Developer Obligations Officer (Development Planning & Facilitation) |
Development Services
hilda.puskas@moray.gov.uk | [website](#) | [facebook](#) | [moray council planning facebook](#) | [twitter](#) |
[newsdesk](#)
01343 563265

MORAY
council



Developer Obligations: ASSESSMENT REPORT



MORAY
council

Date: 11/01/2019

Reference: 18/01576/APP

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

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 1 March 2018.

The LDP and SG can be found at http://www.moray.gov.uk/moray_standard/page_100443.html

Summary of Obligations

Primary Education (<i>Contribution towards extension at Bishopmill Primary School</i>)	██████████
Secondary Education	Nil
Transport	Nil
Healthcare (<i>Contribution towards extension at Maryhill Practice and 5 Additional Dental Chairs</i>)	██████████
Sports and Recreation	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:

1 x 2-bed= 0.8 SRUE

2 x 1-bed= 1.2 SRUE

This assessment is therefore based on 2 SRUE.

Developer Obligations Discount for Small Scale Development

A discount of 70% will be applied to the contribution for small scale developments to reflect their small scale nature.



Please note that 1 bed units are not included within any calculations for education infrastructure mitigation as 1-bed units are not assumed to generate any pupils.

INFRASTRUCTURE

Education

Primary Education

This development will generate 0.24 primary pupils (0.8 SRUE x 0.3 primary pupils per SRUE).

The pupils generated by this development are zoned to Bishopmill Primary School. The school is currently operating at 94% functional capacity. Contributions towards education are sought where a primary school is operating at, or above 90% functional capacity. Therefore, a contribution will be sought towards an extension at Bishopmill Primary School on the following basis:

[REDACTED]

[REDACTED]

Contribution towards Primary Education =

[REDACTED]

Secondary Education

The pupils generated by this development are zoned to Elgin Academy. The school is currently operating at 84% 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 2.17 persons -Census 2011).

Maryhill Practice is the nearest GP Practice within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Maryhill Practice is currently 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]





Contribution towards Healthcare= 

Sports and Recreational Facilities

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



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 towards Moray Council infrastructure 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, 2017 and obligations towards NHS Grampian infrastructure are index linked to All in Tender

Price Index (TPI) as published by the Royal Institute of Chartered Surveyors (RICS) from Q2, 2017.



Consultee Comments for Planning Application 18/01576/APP

Application Summary

Application Number: 18/01576/APP

Address: The Golden Pheasant North Street Bishopmill Elgin Moray IV30 4EF

Proposal: Convert part of bar area into 3no flats at

Case Officer: Andrew Miller

Consultee Details

Name: Mr CL Consultations

Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX

Email: clconsultations@moray.gov.uk

On Behalf Of: Contaminated Land

Comments

No Objections

Adrian Muscutt

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Environmental Health Manager

Planning Application Ref. No: 18/01576/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
x |
| (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"/> |

Reason(s) for objection

Having regard to the resubmission application this Section notes that the outstanding requirement for a detailed Noise Impact Assessment in terms of PAN 1/2011 and requested during the previous consultation response with application 17/01775/APP, has not been provided and on this basis as well as the reasons stated in the previous decision notice issued , this Section recommends refusal of the application.

Contact: Douglas Caldwell
email address:
Consultee:

Date: 24.01.2019
Phone No

Return response to	consultation.planning@moray.gov.uk
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://publicaccess.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.

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 18/01576/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 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, 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.

A pedestrian visibility splay is required to allow drivers to see pedestrians as they emerge from their access road or driveways and to allow pedestrians to see the vehicle.

Additional information

The applicants supporting statement for this proposal includes various comments, statements and comparisons with other sites/locations. Transportations key considerations/ concerns with this proposal have been expanded upon below:

- *Transportation's key concern with any 'intensification of use' of this access is the lack of visibility splay to the north, and most importantly the inability for exiting drivers to see pedestrians travelling southbound along the adjacent (narrow) footway. The obstruction to the visibility splay to the north is the building itself. Whilst removal of a section of the existing boundary wall to the south may provide additional access width (which in turn would allow vehicles to exit slightly further away from the building and slightly improve the existing pedestrian visibility splay to the north) there is no scope to provide a pedestrian visibility splay (2.4m x 5.0m taken from the back of the footway). Similarly the width of the access would result in conflict between entering and exiting vehicles, where one of the vehicles would need to reverse (most likely to be the entering vehicle). Again whilst removal of a section of the existing boundary wall to the south may provide additional access width there would be insufficient scope to widen the access to provide enough space for two vehicles to pass each other.*
- *The vehicular visibility splay is also restricted (2.4m x 43m taken from the edge of the carriageway).*
- *The applicant states "**Over the years the car park area at the rear has been locked up as the majority of customers walk to the bar**". This confirms that any trips associated with the proposed flats would be 'new' trips and that this proposal would as a consequence intensify the use of this access.*
- *This particular site location has a significant number of passing vehicles and pedestrians. The footway is narrow, and there are two road junctions immediately adjacent. A signalised pedestrian crossing and bus stop are also present on either side of the access. Because of the number of individual movements/ interacting elements in this vicinity there is significant potential for conflict, particularly with exiting drivers concentrating on finding gaps in the traffic rather than considering the potential for a pedestrian to step in front of them.*
- *In the instance of a pedestrian having to instinctively step out of the path of an exiting vehicle they would be stepping out directly onto the carriageway and potentially into the path of an oncoming northbound vehicle.*
- *A condition could not be applied which would limit the non-car ownership of the residents (non-enforceable).*
- *A condition to restrict exiting vehicles to left turn only would not mitigate against the lack of pedestrian visibility splay. It would also be non-enforceable.*
- *Finally there is sufficient space to accommodate the required number of parking/cycle spaces, and provision of bin storage, to meet the development parking standards.*

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.develop@moray.gov.uk
Consultee: TRANSPORTATION

Date 29 January 2019

Return response to	consultation.planning@moray.gov.uk
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://publicaccess.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.

4th January 2019

Moray Council
Council Office High Street
Elgin
IV30 9BX



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

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

Dear Local Planner

**IV30 Elgin North Street The Golden Pheasant
PLANNING APPLICATION NUMBER: 18/01576/APP
OUR REFERENCE: 771248
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 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

Angela Allison

Angela.Allison@scottishwater.co.uk

REPORT OF HANDLING

Ref No:	18/01576/APP	Officer:	Andrew Miller
Proposal Description/ Address	Convert part of bar area into 3no flats at The Golden Pheasant North Street Bishopmill Elgin		
Date:	22/02/19	Typist Initials:	FJA

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	11/01/19	Obligation sought towards Primary Education (extension at Bishopmill Primary) and Healthcare (extension at Maryhill Practice and 5 additional dental chairs).
Environmental Health Manager	24/01/19	Object on the basis that a Noise Impact Assessment has not been provided to demonstrate the impact of noise from road traffic (including car park), ventilation systems and the public bar upon the occupants of the proposed houses.
Transportation Manager	29/01/19	Object - 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 likely 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.

Scottish Water	04/01/19	No objections but advise a pre-development enquiry is submitted to Scottish Water to assess capacity for water supply. Sufficient capacity in the Moray West WWTW for foul drainage.
Contaminated Land	09/01/19	No objections.

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
PP1: Sustainable Economic Growth	N	MLDP 2015
PP3: Placemaking	N	MLDP 2015
H1: Housing Land	Y	MLDP 2015
EP10: Foul Drainage	N	MLDP 2015
EP8: Pollution	Y	MLDP 2015
T2: Provision of Access	Y	MLDP 2015
T5: Parking Standards	N	MLDP 2015
IMP1: Developer Requirements	Y	MLDP 2015
IMP3: Developer Obligations	N	MLDP 2015
PP3 Infrastructure & Services	Y	Proposed MLDP 2020
DP1 Development Principles	Y	Proposed MLDP 2020
DP2 Housing	Y	Proposed MLDP 2020
EP14 Pollution, Contamination & Hazards.	Y	Proposed MLDP 2020

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):		

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require applications for planning permission to be determined in accordance with the development plan (i.e. the Moray Local Development Plan 2015 (MLDP)) unless material considerations indicate otherwise.

On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Moray Local Development Plan 2020 was approved as the "settled view" of the Council and minimal weight will be given to the Proposed MLDP 2020, with the 2015 MLDP being the primary consideration.

The main planning issues are considered below.

Site

The site comprises part of a public house in a flat roofed single storey sandstone building. It has a parking area to the rear which is accessed to the south side of the building. It is located on North Street in Bishopmill, Elgin, on the northern corner of its junction with Blantyre Place. The surrounding area has a mix of commercial uses and residential, the commercial uses being mainly retail and hot food takeaways situated on North Street.

Proposal

Planning permission is sought for the conversion of part of the public house to form three residential units. The public house currently has two bars, the current lounge bar in the southern part of the building would remain. The remainder of the building would be subject to the conversion, 2 one bedroom houses and 1 two bedroom house. To accommodate the houses, existing windows will be enlarged to the front and rear, though one door opening on the northern side of the front elevation will be turned into a window opening.

The existing vehicular access (from North Street) to the side would be utilised, with 10 parking spaces provided to the rear yard area along with a bin store.

Principle of Development (H1)

The site does not fall within any specific land use designation in the MLDP, therefore the proposal is considered to be "windfall" development. Such development is generally supported by policy H1, however development should not adverse impact on the surrounding environment, adequate servicing and infrastructure should be provided, and the requirements of policy PP2, PP3, and IMP1 should be met. Given the mix of uses in the surrounding area, the change of use of part of the licenced premises to residential is considered to be acceptable. However, as detailed below, the proposal is considered to result in an adverse impact on road safety and fails to provide a suitable level of amenity for the proposed residents of this development. The proposal therefore does not comply with policy IMP1 and subsequently fails to accord with policy H1.

Design (IMP1)

The proposed alterations to the building to accommodate the proposed use are minimal, and these are considered suitable for the original architecture of the building and the character of the surrounding area. The alterations are therefore considered to comply with policy IMP1 in this regard.

Access (T2, H1 and IMP1)

Policy T2 of the MLDP requires all development to be served by a safe and suitable access arrangement. Both policies H1 and IMP1 require development to be served by adequate infrastructure at a level appropriate to development. As described above, access would be taken via the existing access to the side of the building. The current access is on to a road (North Street), which has relatively high volumes of vehicular traffic and pedestrian movements, close to a bus stop, a signalised pedestrian crossing and a number of local shops and takeaways. The access is also

immediately adjacent to a busy junction (Blantyre Place). At present, the access is not intensively used (during site inspection this was closed off by gates) and crosses the pavement.

The Transportation Manager has objected to the application, raising concerns regarding the intensified use of the existing access arrangements. The position of the building (immediately abutting the pavement) as well as the high wall between the site and the junction to the south currently offers insufficient visibility for vehicles exiting the site with regard to visibility of pedestrians and vehicles using North Street. In addition, the width of the current access to the rear is insufficient to enable two vehicles to pass. Should two vehicles meet, one will have to undertake a reversing manoeuvre.

It is noted that this proposal is identical to an application that was previously refused and a subsequent review of that decision dismissed by the Local Review Body (ref 17/01775/APP). The statement accompanying the application raised a number of points, which are addressed as follows:

- *The applicant is willing to lower part of the boundary wall to the south to improve visibility.* Whilst this would improve visibility to the south, the visibility issues to the north still remain. The Transportation Manager has stated that removal of part of the wall would offer a slightly greater width of access however this is still insufficient to enable two vehicles to pass and visibility would be no different should the wall be sufficiently lowered or removed for part of its length closest to the public road.

- *There would be a lower parking requirement applied to the current use (entirely public house) compared with the proposed residential units and smaller public house.*

The supporting statement notes that the area to the rear of the public house is not currently in use as parking, therefore the proposed development of residential units would result in an intensification of use of the existing junction.

A site to the north was recently granted planning permission for the erection of a house with access directly to North Street, with minimal visibility. There is a need for consistency in decisions.

Each application is considered on its own merits and there are different circumstances in this case. The pavement to the frontage is narrow, there are two road junctions immediately adjacent and a signalised pedestrian crossing and bus stop are also present on either side of the access. As a result, there are a number of individual movements/interacting elements in this vicinity with significant potential for conflict, particularly with existing drivers concentrating on finding gaps in traffic rather than considering the potential for a pedestrian to step in front of them.

- *Occupants of the proposed residential units would not have a car.* There is no control over this matter and no condition/agreement can be put in place to limit the car ownership of the occupants.
- *Signage requiring left turn only for existing vehicles can be provided.* This would not mitigate against the visibility requirements for pedestrians nor could a condition be placed requiring such a sign to be put in place (non-enforceable).

Taking account of these considerations, the proposal is considered to be contrary to policies T2, H1 and IMP1, on the basis the proposal would likely give rise to conditions detrimental to the safety of road users.

Parking (T5)

Sufficient parking is shown on the site plan, in line with the Council's parking standards. This is in compliance with policy T5.

Noise (EP8 & IMP1)

The Council's Environmental Health Service has highlighted the potential for the amenity of the occupants of the proposed residential units to be adversely impacted upon from noise generated by road traffic, the remaining public house, internal ventilation systems and the car parking area to the rear. A Noise Impact Assessment was not provided with the application that demonstrates the impact

these noise sources will have on the amenity of the occupants of the proposed residential units is unknown. The proposal is therefore contrary to policies EP8 and IMP1.

It is noted that a Noise Impact Assessment was not provided with the previous application (17/01775/APP) and this formed part of the reason for refusal of that application and the subsequent dismissed review.

Drainage and Water Supply (EP5, EP10)

The development would connect to the public water supply and sewerage system. Scottish Water has not objected to the proposal, and the proposal is considered to comply with policy EP10 with regard to foul drainage.

As the only changes to the building are mainly internal with minor external changes, the proposal will not result in any change to existing surface water drainage arrangements. As such, the proposal does not conflict with policy EP5.

Developer Obligations (IMP3)

In order to mitigate any adverse impact a development may have upon existing infrastructure and facilities, policy IMP3 puts in place the provision to seek developer obligations appropriate to reduce, eliminate or compensate for the impact. Following assessment in accordance with the Council's Supplementary Guidance on Developer Obligations (adopted March 2018), obligations have been sought in this instance to mitigate the impact on Primary Education (extension at Bishopmill Primary) and Healthcare (extension to Maryhill Practice and 5 additional dental chairs). As this application has been recommended for refusal, these obligations were not pursued. Were this application to be approved, then obligations should be sought by means of an appropriate agreement.

Implications of the Proposed Moray Local Development Plan 2020

As noted above under Legislative Requirements, given the minimal weight that is applied to the Proposed Plan, the implications of this are not considered to alter the above assessment. However it is noted that the development would fail to comply with the relevant policies of the Proposed Plan (policies PP3, DP1, DP2 and EP14) on the basis of the foregoing evaluation under the adopted MLDP 2015.

Recommendation

Refusal

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY			
Reference No.	Description		
17/01775/APP	Convert part of bar area into 3no flats at The Golden Pheasant North Street Bishopmill Elgin Moray		
	Decision	Refuse	Date Of Decision

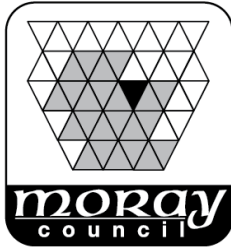
ADVERT		
Advert Fee paid?	N/A	
Local Newspaper	Reason for Advert	Date of expiry

DEVELOPER CONTRIBUTIONS (PGU)	
Status	CONT SOUGHT

DOCUMENTS, ASSESSMENTS etc. *	
<i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i>	
Supporting information submitted with application?	YES
Summary of main issues raised in each statement/assessment/report	
Document Name:	Supporting Statement
Main Issues:	Letter from applicant's agent outlining the main reasoning behind the proposal and the proposal itself, as well as the suitability of the proposed vehicular access arrangements and citing of examples of precedent.

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)			



**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, its 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.

