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Legal and Democratic Services
Moray Council
High Street
Elgin
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IV30 1BX

Our Ref CTK/CK/16-87

Date 16 April 2019

Dear Sir/ Madam,

**CONVERT PART OF BAR TO 3 FLATS AT THE GOLDEN PHEASANT,
NORTH STREET, BISHOPMILL, ELGIN.
LRB REF 222 AND PLANNING NUMBER 18/01576/APP.**

We are in receipt of your email dated 15th April 2019 and the attached comments from Transportation. There are a number of points contained within their correspondence which we feel are inaccurate and detrimental to our client's Review.

Paragraph 9 a) The Bakers shop and parking referred to was never used as parking. People using the baker and previous butchers shop always parked on the street. It is only since the introduction of the traffic lights at the Morryston Road junction has parking on the street in this location become difficult.

9 b) The bus stop has been in this location for some time we believe. Buses stop here frequently and would no doubt cause visibility to be restricted. Yet, despite this occurring, there are no historic records of accidents due to vehicles accessing or exiting from the Golden Pheasant.

9 c) With respect this is hypothetical. We have to assume that in order for pedestrians to be safe there will always be vehicles parked either side of this blind 3m wide exit/access to the new house. Because of the introduction of new traffic lights at the Morryston Road junctions cars now wait alongside each other with the inside line turning left and the outside line heading



towards Lossiemouth. This is a far more busy and intense junction than the one from Blantyre Place. **Fact.**

9 d) It appears that when the bakers shop is demolished the stone wall and access drive are going to be infilled completely by the house frontage less 3 meters for the drive. This means that vehicles exiting the house plot will only have a 3 meter drive to exit with and a house either side where the frontage is hard to the rear of the pavement. This means that the visibility in both North and South directions is identical to that of the Golden Pheasant access/exit to the North. To the South, the wall can be lowered to achieve visibility whereas the house plot visibility is curtailed in both directions by houses. This point is a red herring because the visibility has actually been made worse by the approved development to the point where visibility is twice as bad than the Review site. **Yet this is acceptable.**

10. Again this is supposition. Worst case scenarios yet the comparison with the house plot uses supposed vehicles always being parked on the street either side of the drive to assist pedestrians. Any pedestrian walking past this new development will not be aware of vehicles exiting the house until the nose of the car is well beyond the rear of the pavement. Yet this is deemed acceptable. When passing the Golden Pheasant, heading south towards town, you come to the end of a pavement which highlights that an entrance exists. This has been here for so long all the locals know about the entrance unlike the hidden entrance we have been referring to to the North.

11/12 Again, can we say with respect that our words are being manipulated to Transportation's own benefit. The car park has been closed to the public but the owner still uses the access for parking his car. Car parking has always been associated with a public house. If we were to apply for a new bar we feel confident that Transportation would insist that there was associated car parking or the application would be refused. 17 spaces were required to service this bar but only 13 are required for the remaining bar and the 3 small scale flats. **FACT. This represents a reduction of potential vehicle movements.**

12/13. Yes this is an existing access and Transportation are trying to imply that there will be an intensification of the access by having the 3 flats. The 2 bedroom flat is for the owner and the two 1 bedroom flats would be made available for rent. The access will be extremely low usage and a considerable reduction to the history of previous use over the years. By permitting the



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house site to the North, the consent has made an access situation far worse than was originally there. It will be tight for one car to negotiate but 2 cars cannot pass here either.

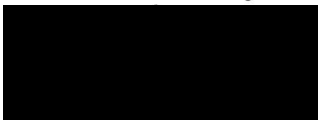
We would like to finish with the following statement which we think is vital to this Review.

Transportation have allowed a house to be approved to the North of our client's site aware that they were creating a tunnel drive with no visibility at the exit point on to North Street. There was an access previously which has been made worse by having the house next to existing houses right at the heel of the existing pavement. In essence, this is more of a danger to pedestrians than at the Golden Pheasant.

The Pheasant has a long established access point with a history of little or no accidents at this location. This proposal is in fact a REDUCTION in vehicle movements with the comment being manipulated to make this appear to be an increase. Going by assumptions made by Transportation, it could be said that the people who rent the 2 one bedroom flats will not have cars.

The enormity of the outcome of this decision is this. Road Safety is important as are people's livelihoods. Refusing this application renders this building redundant. It cannot be used for any other purpose as any change of use would require parking. Parking can be provided but not with this access. Should our client retire he cannot sell the building for anything other than a bar and as we all know, bars are closing regularly due to drink driving laws and high costs of drinking outside the home. The building becomes derelict and valuable rates are lost to Moray Council.

Yours faithfully



COLIN T KEIR

