

27TH October 2010

Our Ref. 090011/FORBES/mjh
Your Ref.

Mr Alan Short
Development Control Manager
Development Control
The Moray Council
High Street
Elgin

Dear Mr Short:

**PRE-APPLICATION CONSULTATION FOR THE DEMOLITION AND REBUILDING OF
THE CASTLE INN, CAROLINE STREET, FORRES**

I refer to the above subjects and the enclosed plans and documentation relating to the same.

Taboo Scotland Ltd is a well known and respected entertainment business based in Forres, who own and run entertainment units across the north-east of Scotland. They acquired the Castle Inn a number of years ago and continued to operate it as a Public House for a number of years before they discovered the building had become unsafe to be opened to the public in early 2004 (See enclosed 'Structural Inspection Report' prepared by HGA Consulting Engineers).

This report demonstrated that water had ingressed into the building at various locations and had caused considerable structural weakening of joists and rafters. Additionally, the report noted that the building had also been subject to considerable subsidence, evident by sloping floors and un-square doors.

Consequently, our client decided to review alternative options for the building and initially considered converting the building to a 'House of Multiple Occupancy' and secured planning approval (Council Ref. 04/02337/FUL refers) for this use. Following this approval, our client sought a Building Warrant for the alterations (Council Ref. 04/01634/CUA refers). Unfortunately the applicant had difficulty to conform to the strict Building Regulations and was therefore unable to undertake this redevelopment.

Following this set back and in light of the building continual structural deterioration, the applicant decided it would be beneficial to demolish the building and then considers alternative uses for the site in the future. He therefore, sought Conservation Area Consent to demolish the building (Council Ref. 07/01385/CON refers). Regrettably, this proposal found little favour with the Council and especially Historic Scotland, whom noted that insufficient justification had been provided to warrant the building demolition and, as such, this application was refused.

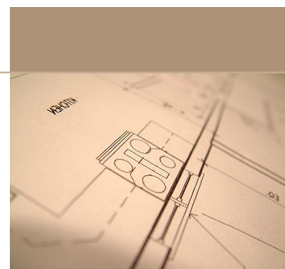
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Following this decision, the applicant approached CM Design to consider how best to redevelopment the building and following a detailed survey, it was proposed to convert the building into three reasonable sized townhouses (as per the enclosed plans). Careful design consideration was given to this proposal in order to ensure that it maintained the historical importance of the building, whilst at the same time providing a suitable new use on what is a difficult site to develop.

Upon the preparation of these drawings, our client approached a well known local Main Contractor (Allan Cormack Joiners) to cost the project. This tender came back at £485,000.00 (plus vat) to carry out the conversion works! (See enclosed tender document) Allan Cormack justifies this considerable cost because of the serious structural defects within the building and the difficult site conditions, namely; the existing building being built hard on all boundaries, including borders with two other residential properties and the two public roads, which would make it extremely problematic and expensive to erect the necessary scaffolding.

In addition, our client also approached Cluny Estate Agents in Forres to gauge the resale value of each townhouse once converted. Steve Beck from Cluny has advised that based on the enclosed plans, each unit could be marketed between £120,000.00 and £160,000.00.

Should our client achieve the upper valuation for each of the three units, the sale of these townhouses would only generate £480,000.00, which is regrettably £5000.00 below the contractors conversion costs and when the cost of the building is factored into these costs, our client is facing a considerable deficit in the rehabilitation of this building.

Moreover, it is common knowledge that contractors quotations can easily increase during the actual construction phase, due to time delays and unforeseen complications, which would result in this project having an even greater deficit.

Upon receipt of this information, our client has again considered alternative uses for this building and has reviewed the option of (temporarily) reopening the public house aspect of the building, albeit with substantial costs of making the building structurally safe. However, following the enactment of the Licensing (Scotland) Act 2005 on 1st September 2009, it has transpired the building has lost its 'Grandfather Rights' in terms of toilet provision, access arrangements and fire regulations due to the period of closure and therefore, the public house could no longer be reopened without major external and internal changes to comply with all the new regulations.

Consequently, our client is currently stuck with a building which is unfit and cost prohibitive to convert to another use and which cannot be reinstated to its former use without major reconstruction/alterations which is again cost prohibitive in a market where 52 public houses are closing every week across the UK.

Based on the above, our client is now eager to try and identify a way we can realise the development potential of this site and this has again laid him to consider the wholesale demolition of the building and its replacement with an architecturally pleasing replacement.

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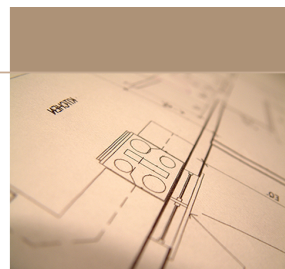
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However, before committing further funds to the preparation of plans for a replacement building, we are seeking pre-application discussions with the Council including the opportunity to discuss potential options for the design and scale of the new building.

Furthermore, our client has intimated that he would be pleased to prepare an environmentally friendly building, utilising sustainable local materials in order to see a high quality bespoke development on this important site.

I look forward to your early response and would ask that you do not hesitate to contact me when you are ready to discuss.

Sincerely,

Matthew Hilton

**Chartered Town Planning Consultant
CM Design**

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Please respond to our Elgin Office

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