



## **ENVIRONMENTAL SERVICES**

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Our reference: DA/LRB193

Your reference: MLRB0193/ACK

Chief Legal Officer  
Per Mr D Westmacott  
Committee Services  
The Moray Council  
High Street  
ELGIN  
IV30 1BX

12 December 2017

Dear Sir

**TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL  
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008  
REQUEST FOR REVIEW: PLANNING APPLICATION 17/01401/APP CHANGE OF USE OF FORMER  
BARBER SHOP TO HOT FOOD TAKE-AWAY AT 1 SPRINGFIELD ROAD ELGIN**

I refer to your letter dated 23 November 2017.

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

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

Yours faithfully



**Diane Anderson**  
**Senior Engineer**

Planning Application ref 17/01401/APP Change of use of former barber shop to hot food take-away at 1 Springfield Road Elgin Moray

### **Response from Transportation, Moray Council**

1. This document is in response to the Notice of Review and the Statement of Case submitted on behalf of Mr Irfan Ashrif and sets out observations by Transportation on the application and the grounds for seeking a review.
2. This review concerns planning application 17/01401/APP for the change of use of former barber shop to hot food takeaway at 1 Springfield Road Elgin.
3. Transportation was consulted for the planning application on 19 September 2017 and site visits were undertaken both during the day and in the early evening. A copy of the consultation response is attached (TMC01).
4. The proposal is for a change of use from a former barber shop to a hot food takeaway within an existing residential area. A Chinese take-away is located immediately adjacent to 1 Springfield Road.
5. There is no off-street parking available at 1 Springfield Road, or at the adjacent existing take-away premises. Many of the surrounding residential properties also have no off-street parking provision.
6. The appellant has submitted photographs of parking behaviour during the day. Copies of photographs taken during Transportation's daytime visit to this location are attached (TMC02) and show multiple vehicles parked in the vicinity of 1 Springfield Road.
7. The appellant's statement confirms that the peak period for customers using the proposed take-away would be between 5pm and 7pm. The previous use of 1 Springfield Road was as a barber shop, which would operate during the day. Transportation considers that the activity and parking demand associated with the proposed take-away to therefore be new vehicular trips/parking demand during this evening period.
8. The peak period for the proposed take-away, 5pm to 7pm, corresponds with the peak period for the existing take-away business and the time that many residents without off-street parking would be returning home from work and seeking an on-street parking space.
9. Observations are that there is insufficient parking space available within the immediate vicinity to accommodate the customers of the existing business during the evening, which leads to indiscriminate parking behaviour with drivers parking too close to the junction of Springfield Road with Nicol Street
10. The appellant's statement refers to two existing take-away premises in Elgin town centre, Dominoes Pizza and Pino Pizza (located in the former toilet block on North Street). Both of these businesses have on-plot parking spaces for their delivery vehicles and are located adjacent to the Ladyhill public car park, where parking spaces would be readily available for customers.

11. Whereas the additional parking demand associated with the proposed take-away would be seeking to park on-street at a location where there is already pressure for on-street parking in the evening. This additional parking demand would be likely to lead to an undesirable increase in on-street parking to the detriment of road safety and the free flow of traffic on the public road.
12. Transportation, respectfully, requests the MLRB to uphold the decision by the appointed officer on the grounds that Moray Local Plan Policy T5: Moray Council Parking Standards is not satisfied.

Transportation  
12 December 2017

Documents

TMC01      Transportation Consultation Response dated 20 October 2017  
TMC02      Photographs from Site Visit on 27 September 2017

## Consultation Request Notification

Planning Authority Name	<b>The Moray Council</b>
Response Date	<b>3rd October 2017</b>
Planning Authority Reference	<b>17/01401/APP</b>
Nature of Proposal (Description)	<b>Change of use of former barber shop to hot food take-away at</b>
Site	<b>1 Springfield Road Elgin Moray IV30 6BY</b>
Site Postcode	<b>N/A</b>
Site Gazetteer UPRN	<b>000133000434</b>
Proposal Location Easting	<b>322093</b>
Proposal Location Northing	<b>861655</b>
Area of application site (Ha)	<b>m<sup>2</sup></b>
Additional Comment	
Development Hierarchy Level	<b>LOCAL</b>
Supporting Documentation URL	<a href="http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=OVSWSJBG0D700">http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=OVSWSJBG0D700</a>
Previous Application	<b>17/00331/APP 06/02357/FUL</b>
Date of Consultation	<b>19th September 2017</b>
Is this a re-consultation of an existing application?	<b>No</b>
Applicant Name	<b>Mr Irfan Ashrif</b>
Applicant Organisation Name	
Applicant Address	<b>3 Reiket Lane Elgin Moray IV30 6HT</b>
Agent Name	<b>Plans Plus</b>
Agent Organisation Name	<b>Plans Plus</b>
Agent Address	<b>Main Street URQUHART By Elgin Moray IV30 8LG</b>
Agent Phone Number	
Agent Email Address	<b>N/A</b>
Case Officer	<b>Lisa Macdonald</b>
Case Officer Phone number	<b>01343 563082</b>
Case Officer email address	<b><a href="mailto:lisa.macdonald@moray.gov.uk">lisa.macdonald@moray.gov.uk</a></b>
PA Response To	<b><a href="mailto:consultation.planning@moray.gov.uk">consultation.planning@moray.gov.uk</a></b>

**NOTE:**

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

Please respond using the attached form:-

## MORAY COUNCIL

### PLANNING CONSULTATION RESPONSE

**From:** Transportation Manager

**Planning Application Ref. No: 17/01401/APP**

**Change of use of former barber shop to hot food take-away at 1 Springfield Road Elgin Moray IV30 6BY for Mr Irfan Ashrif**

I have the following comments to make on the application:-

- |   | <b>Please</b>                       |
|---|-------------------------------------|
| (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 for the change of use of a former barber shop to a hot food takeaway within an existing residential area. A Chinese take-away is located immediately adjacent 1 Springfield Road. There is no off street parking available at 1 Springfield Road, or at the adjacent existing take-away.*

*Observations are that there is insufficient parking space available within the immediate vicinity to accommodate the customers of the existing take-away business, which leads to indiscriminate parking behaviour with drivers parking too close to the junction with Nicol Street.*

*The barber shop at 1 Springfield Road has not operated for a number of years. The use of this building as a barber shop would generate activity during the daytime period. However the proposed take away use would operate during the day and into the evening. Transportation therefore considers that activity associated with a take away use during the evening would be new vehicular trips /parking demand.*

*Transportation considers that the proposed change of use would be likely to lead to an undesirable increase in on-street parking to the detriment to road safety and the free flow of traffic on the public road.*

#### **Reason(s) for objection**

The proposal does not incorporate adequate on-site vehicular parking and manoeuvring facilities to meet the Moray Council Parking Standards and is contrary to Policy T5. The proposal, if permitted, would be likely to lead to an undesirable increase in on-street parking to the detriment of road safety.

**Contact: DA/AG**

**Date 20 October 2017**

**email address: [transport.devlop@moray.gov.uk](mailto:transport.devlop@moray.gov.uk)**

**Consultee: TRANSPORTATION**

**Return response to**

**consultation.planning@moray.gov.uk**

Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://public.moray.gov.uk/eplanning/> (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.

LRB CASE 193

TMC02 – Site photographs (daytime)

