

07 SEP 2017 08 SEP 2017

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country 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.	
Forename	KEN	Forename	
Surname	ASHER	Surname	
Company Name		Company Name	
Building No./Name	ROSEMOUNT	Building No./Name	
Address Line 1	5	Address Line 1	
Address Line 2	MAINE ROAD	Address Line 2	
Town/City	ELGIN	Town/City	
Postcode	1030 104	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email	TAD	Email	
3. Application Details			
Planning authority		HOLLY	
Planning authority's application reference number		17/00590/APP	
Site address			
ROSEMOUNT 5 MAINE ROAD ELGIN			
Description of proposed development			
NEW BUILD BUNGALOW IN GARDEN OF ABOVE ADDRESS WITH A NEW EXIT/ENTRANCE ON TO SOUTH STREET			

Date of application

May 2017

Date of decision (if any)

15 June 17

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.

I WOULD LIKE TO ATTEND THE REVIEW MEETING

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:

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 ENCLOSED EMAIL

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 you 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

LETTER ENCLOSED

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:

[Redacted Signature]

Name:

Karen Ashton

Date:

7th Sept 2017

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.

From: [REDACTED]
Sent date: 24/08/17 - 17:54
To: Maurice.Booth@moray.gov.uk
Subject: Proposed new access at Rosemount 5 Mayne Road, Elgin IV30 1NY

Mr. Booth,

I would like to object to the Council's Road Department who have refused permission to build a bungalow in my garden letter dated 16th May 2017 to my agents Tullochs of Cummingston.

First of all I would like to apologise in the time taken to reply to this letter [REDACTED].

The thought or intention was for us to build a bungalow in our garden as our three storey house is getting big for us after enjoying some 35 years in it. The Roads Departments objections are based on traffic use of South Street. We find this a bit incredulous considering the existing entrances/exits already there with our neighbouring properties. Directly across from our house and facing directly into our garden spoiling our privacy in all our windows facing the flats. In spite of our objections to the size of the buildings the approval was passed without going to a full council meeting because there were not enough objectors.

My point about this was that there probably were not the ten objections needed to get a review because there would not have been ten to start with. That building has created at least an additional 14 cars entering and leaving on a daily basis. I am afraid this does not compare to the possibility of my one car coming and going and makes a nonsense of the departments refusal.

As for parking at my back gate yes there are a number of cars there early morning to mid afternoon and they belong to the postal workers. So it is very doubtful that a new access would inconvenience pedestrians or cyclists all day long. If the new access were granted we would be well aware of the users on the pavement and the road. I have never seen an Academy student walking along South Street as they all head down towards Tesco then on to the academy.

Further to others entering and leaving their properties on South Street there are already two direct neighbouring garages on my side of the road. They are clearly marked with no parking and they do not seem to cause problems. Going East on South Street we have a massive office block which is HQ for an Accountancy firm and I believe the Council with a massive car park able to hold all their staff cars. Now there has never in all our thirty odd years been any traffic problems concerned with this building. Going further east there are private houses all with cars parked at their doors thus narrowing the road. But again I have never heard of any problems with this.

South Street is a wide street allowing lorries and cars to use it. There is plenty vision both ways so if you are really concerned about our application for our one car to be coming and going on South Street then you should maybe ban all parking there.

We would like to enjoy our retirement in a smaller house in the west end of Elgin where we have stayed since 1977 when I bought the Park House Hotel and enjoy the central position.

Will you please let me know when the council will consider the review as I would like to attend the meeting.

Regards,

Ken Asher

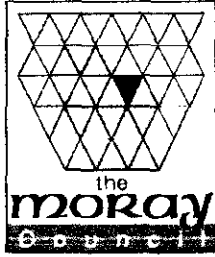
Rosemount

5 Mayne Road

Elgin IV30 1NY

tel. 542907

Email as above



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

REFUSAL OF PLANNING PERMISSION

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

TO

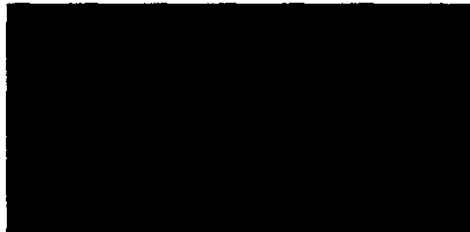


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

Erect dwellinghouse within Garden Ground Of Rosemount 5 Mayne Road Elgin Moray

and for the reason(s) set out in the attached schedule.

Date of Notice: **15 June 2017**



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

The proposal would be contrary to policy T2 in the Moray Local Plan for the following reason:

- (i) The proposal, if permitted, would result in the loss of existing formal on-street parking facilities which would lead to an undesirable increase in indiscriminate parking behaviour giving rise to conditions detrimental to the road safety of road users.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
17/ASH/PP01		Elevations floor plans site and location plan

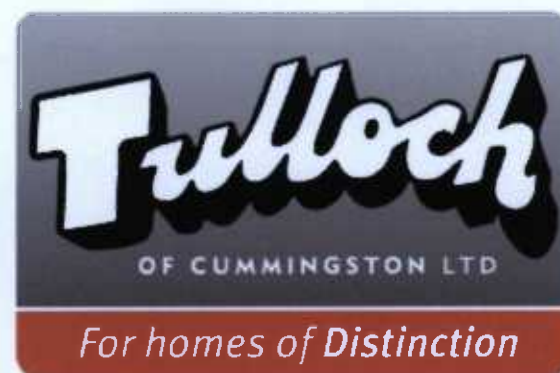
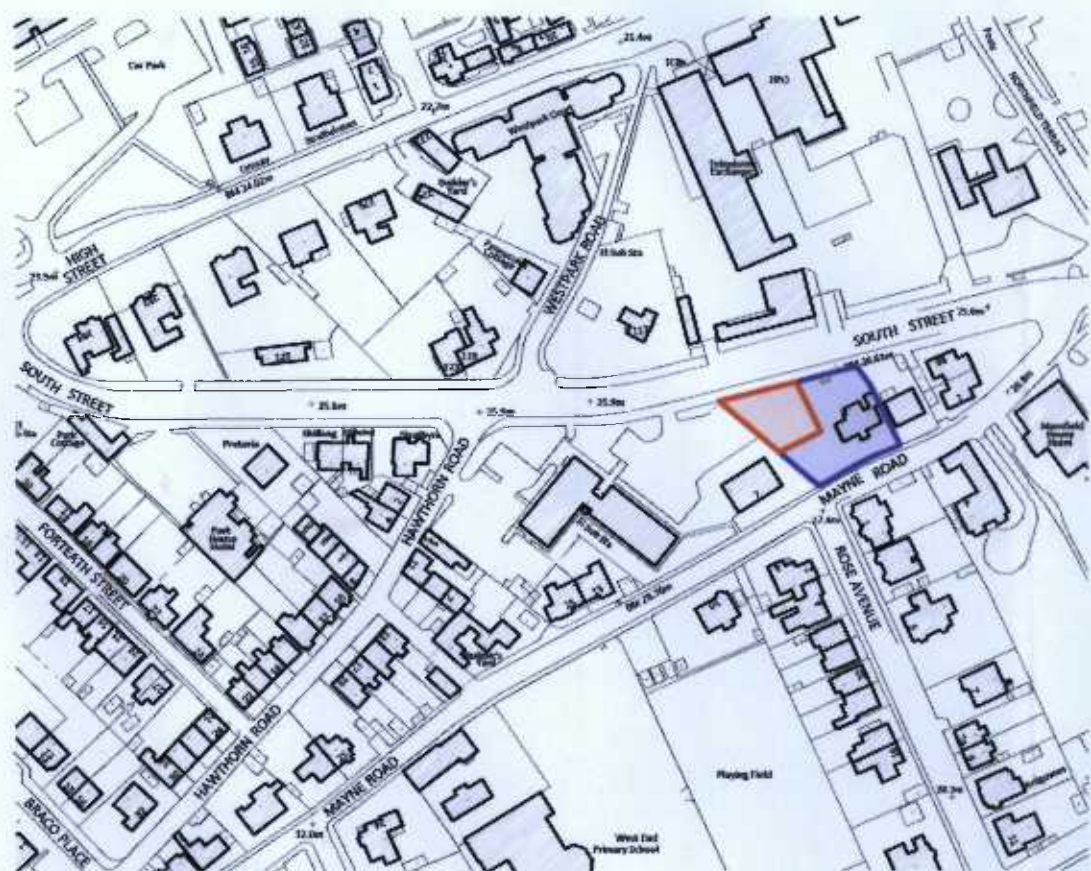
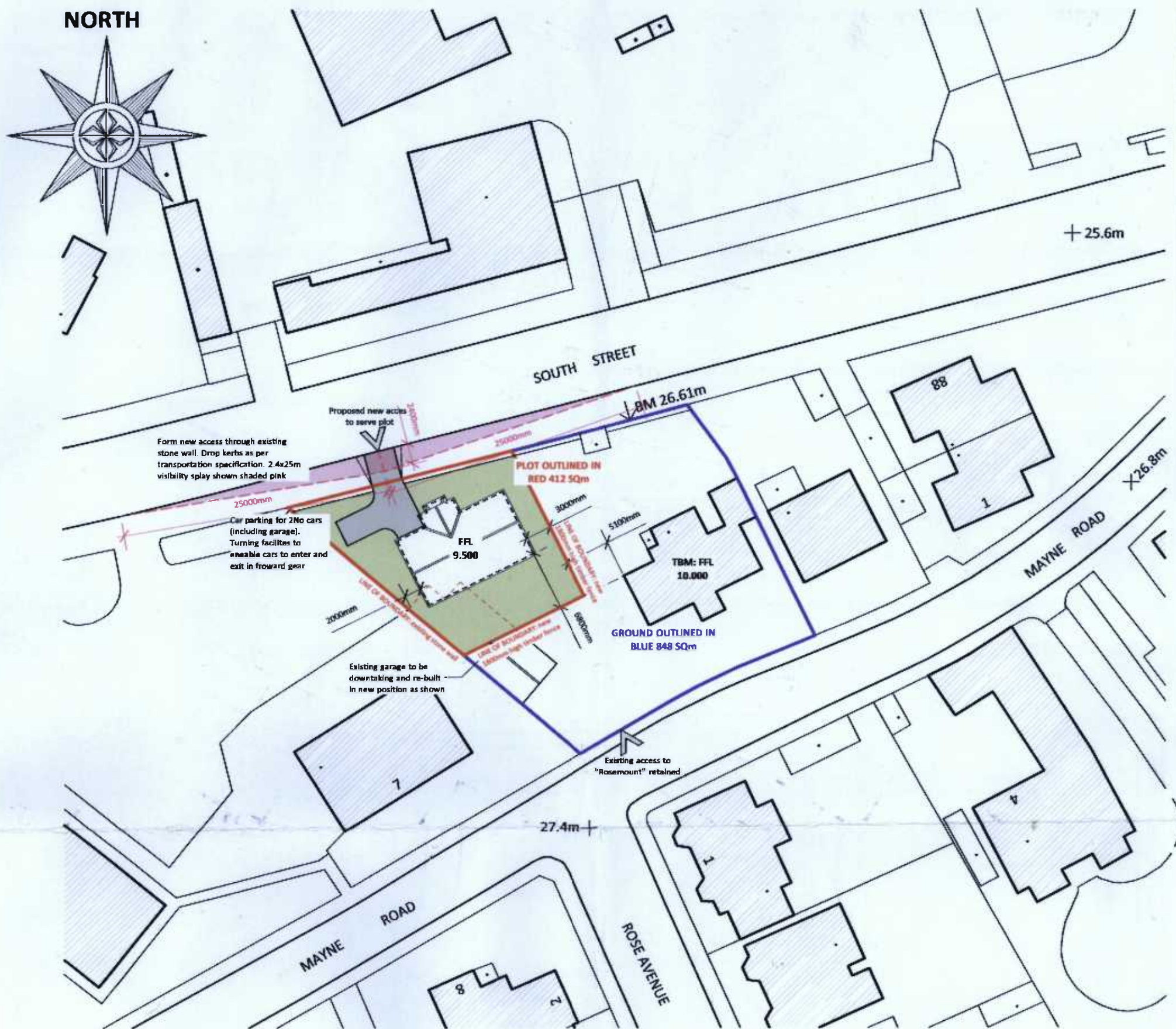
**DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL,
AS AGREED WITH APPLICANT (S.32A of 1997 ACT)**

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, 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.



Tulloch House, Forsyth Street, Hopeman, IV30 5ST

Tel - (01343) 835600

Web - www.tullochofcummingston.co.uk

Project / job description

SUB DIVISION OF GARDEN GROUND AND ERECTION OF DWELLINGHOUSE WITHIN GROUNDS OF "ROSEMOUNT", 5 MAYNE ROAD, ELGIN, IV30 1NY. FOR MR & MRS ASHER

plot no. dng. no. scales

17/ASH/PP01 AS SHOWN

dng. description

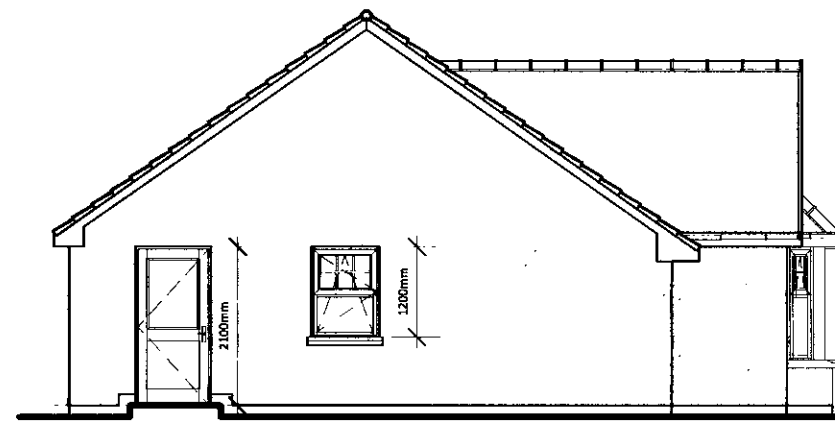
GENERAL ARRANGEMENT

drawn by date

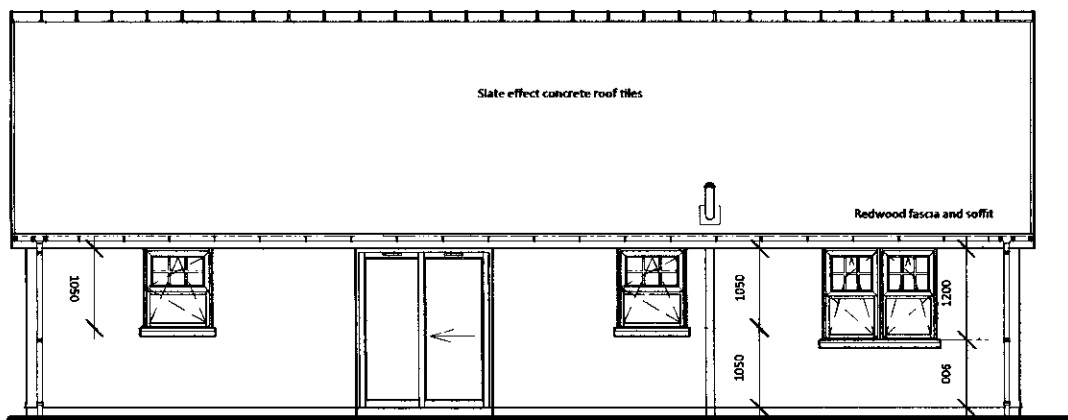
A.J.Sanderson April 2017



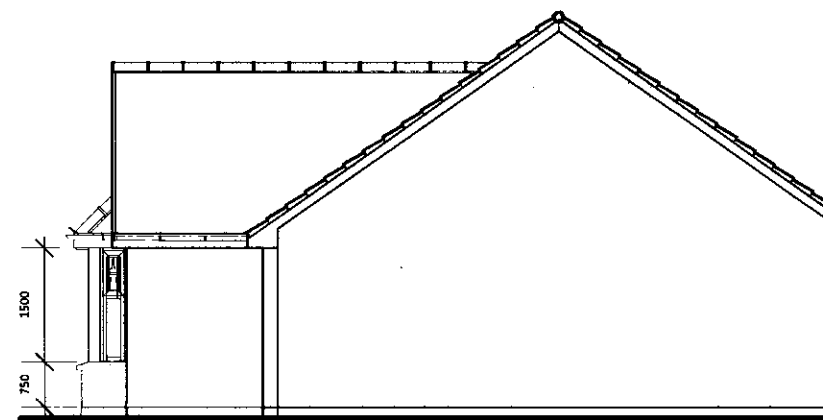
APPROACH ELEVATION 1:100



SIDE ELEVATION 1:100



REAR ELEVATION 1:100



SIDE ELEVATION 1:100

