



## **ENVIRONMENTAL SERVICES**

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

PO Box 6760  
Elgin, Moray IV30 9BX

Telephone: 01343 563782

Fax: 01343 563990

email: [diane.anderson@moray.gov.uk](mailto:diane.anderson@moray.gov.uk)

Website: [www.moray.gov.uk](http://www.moray.gov.uk)

Our reference: DA/LRB199

Your reference: MLRB0199/ACK

Chief Legal Officer  
Per Ms L Rowan  
Committee Services  
The Moray Council  
High Street  
ELGIN  
IV30 1BX

13 February 2018

Dear Sir

**TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL  
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008**

**REQUEST FOR REVIEW: PLANNING APPLICATION 17/01619/APP CHANGE OF USE FROM  
DWELLINGHOUSE TO HOUSE OF MULTIPLE OCCUPATION (HMO) FOR STUDENT  
ACCOMMODATION AT 18 SOUTH GUILDRIY STREET ELGIN**

I refer to your letter dated 30 January 2018.

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**

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## Local Review

LRB Ref 199

**Planning Application Reference 17/01619/APP Change of use from dwellinghouse to House of Multiple Occupation (HMO) for student accommodation at 18 South Guildry Street Elgin**

### Response from Transportation, Moray Council

1. This document is in response to the Notice of Review and the Statement of Case submitted by Discovery Assets and sets out observations by Transportation on the application and the grounds for seeking a review.
2. This review concerns planning application 17/01619/APP for the change of use from dwellinghouse to House of Multiple Occupation (HMO) for student accommodation at 18 South Guildry Street Elgin.
3. Transportation received the consultation for planning application 17/01619/APP on 24 October 2017. A copy of the consultation response (Objection) dated 07 November 2017 is attached (TMC01).
4. The proposed change of use is a HMO with 10 rooms (flats) which could accommodate up to 17 occupants. The Moray Council Parking Standards for HMO are 1 parking space for every room/flat. An extract from the Moray Council Parking Standards is attached (TMC02).
5. The Site Plan submitted to support the planning application showed no provision for off-street parking for the proposed HMO, although the Planning Application Form indicated that there would be 4 parking spaces provided. During the Transportation site visit it was evident that a limited number of parking spaces could be provided on the existing driveway.
6. In response to Transportation's objection on grounds of insufficient on-site parking provision, the appellant submitted a revised layout which indicated the provision of 7 parking spaces within the grounds of the property. However the proposed layout did not take into consideration the proximity of boundary walls and the building to the parking spaces, provide sufficient space for secure cycle parking or make provisions for refuse storage. The revised layout was therefore considered to be unworkable whilst still representing a shortfall in parking provision.
7. Paragraph 8 of The Moray Council Parking Standards (TMC02) sets out an important approach for parking in Moray, which is very relevant to this application:  
*"In general, adequate parking should be provided as part of all new developments to ensure that vehicles are not parked on the carriageway of a road where they may impede traffic flow and constitute a safety hazard. The possibility of putting too much pressure on to limited on-street parking could have an adverse effect on the historic built environment, the living environment of town residents, the attractiveness of towns to tourists, and the safety environment for pedestrians and cyclists."*
8. There is already evidence of inappropriate parking and driver behaviour along South Guildry Street and the surrounding streets, including parking out with the parking bays and parked vehicles blocking accesses to properties. Photographs taken during Transportation's site visit are attached (TMC03).

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## Local Review

LRB Ref 199

### Planning Application Reference 17/01619/APP Change of use from dwellinghouse to House of Multiple Occupation (HMO) for student accommodation at 18 South Guildry Street Elgin

9. During the consideration of the planning application, the appellant made reference to recently constructed student accommodation in Bishopmill, planning permission 16/01264/APP, comparing parking provision at that development to the level of parking required for the proposed HMO.
10. The new student accommodation at Bishopmill is purpose built student accommodation for the University of the Highlands and Islands and includes the provision of a support service/office on site. The parking standard applied to planning application 16/01264/APP is 'Residential school, college, centre' as the development is directly related to an education provider, extract from Moray Council Parking Standards (TMC03). This parking standard would not be applicable to a HMO as there would be no direct link to an education provider or on-site support service.
11. The proposed change of use does not include sufficient on-site vehicular parking and manoeuvring space and would lead to an undesirable increase in on-street parking to the detriment of road safety.
12. Transportation, respectfully, requests the MLRB to uphold the decision by the appointed officer. In particular on the grounds that Moray Local Plan Policy T5: Parking Standards is not satisfied.

Transportation

13 February 2018

#### Documents

TMC01	Transportation Consultation Response dated 7 November 2017
TMC02	Extracts from Moray Council Parking Standards
TMC03	Site Photographs

## Consultation Request Notification

Planning Authority Name	<b>The Moray Council</b>
Response Date	<b>7th November 2017</b>
Planning Authority Reference	<b>17/01619/APP</b>
Nature of Proposal (Description)	<b>Change of use from dwellinghouse to House of Multiple Occupation (HMO) for student accommidation at</b>
Site	<b>18 South Guildry Street Elgin Moray IV30 1QN</b>
Site Postcode	<b>N/A</b>
Site Gazetteer UPRN	<b>000133000798</b>
Proposal Location Easting	<b>321645</b>
Proposal Location Northing	<b>862444</b>
Area of application site (Ha)	<b>500 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=OXYE1TBGJME00">http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=OXYE1TBGJME00</a>
Previous Application	<b>05/03085/FUL 02/01056/ID 93/00989/FUL</b>
Date of Consultation	<b>24th October 2017</b>
Is this a re-consultation of an existing application?	<b>No</b>
Applicant Name	<b>Discovery Assets</b>
Applicant Organisation Name	
Applicant Address	<b>142 Oundle Road Peterborough uk PE2 9PJ</b>
Agent Name	<b>Moray Architectural Services</b>
Agent Organisation Name	
Agent Address	<b>Camp Cottage Dunbar Street Lossiemouth Moray IV31 6RB</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:** 17/01619/APP

**Change of use from dwellinghouse to House of Multiple Occupation (HMO) for student accommidation at 18 South Guildry Street Elgin Moray IV30 1QN for Discovery Assets**

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 for the change of use from a single dwelling to student accommodation. The proposal is to provide 10 bedrooms (catering for 17 students in total), with the additional possibility of one further bedroom in the future.*

*Based on Moray Council Parking Standards (for Houses in Multiple Occupancy) 10no parking spaces would be required. Present parking arrangements appear to show space for 4 vehicles which would be insufficient to accommodate the proposed development. It is understood that this proposal relates to a private development (not directly related to the Moray College), therefore even though a condition could be applied limiting the use of the HMO to 'students' only there would be no way of applying a condition to limit the number of occupants who owned vehicles.*

*There is also already evidence of inappropriate parking and driver behaviour within South Guildry Street and the nearby streets.*

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

This proposal does not incorporate adequate on-site vehicular parking and manoeuvring facilities to the Moray Council Parking Standards. Transportation therefore considers that this proposal, if permitted, would be likely to lead to an undesirable increase in on-street parking to the detriment of road safety, contrary to Moray Local Development Plan policy T5.

**Contact:** DA/AG

**Date** 07 November 2017

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

**Consultee:** TRANSPORTATION

**Return response to**

**[consultation.planning@moray.gov.uk](mailto:consultation.planning@moray.gov.uk)**

PARKING STANDARDS						
Development Type	Larger Settlements		Operational	Other Settlements		Notes
	Max	Min		Max	Min	
<b>Class 9 Houses</b>						
House (4 or more bedrooms)	3 spaces per house		Access layby required for rural location	3 spaces per house		Transport Assessment and Travel Plan required for developments over 50 houses.
House (3 or less bedrooms)	2 spaces per house		Access layby required for rural location	2 spaces per house		Transport Assessment and Travel Plan required for developments over 50 houses.
Flats (up to 2 bedrooms)	1.5 spaces per Flat			1.5 spaces per Flat		
Affordable Housing (3 or more bedrooms)	2 spaces per house					
Affordable Housing Flats (up to 2 bedrooms)	1 space per Flat					
Sheltered Housing	1 space per house					
Houses in Multiple Occupancy	1 space per Flat					

6. The Moray Local Plan identifies a settlement structure based on a hierarchy with Elgin providing the area's administrative, service, business and retail centre. Buckie, Forres, Lossiemouth and Keith are its secondary centres. These parking standards are split into two categories 'larger settlements' (Elgin, Forres, Buckie, Lossiemouth, Keith) and 'other settlements' (All other areas in Moray) for car parking provision.
7. The provision of adequate suitably located on and off road parking is essential to ensure the efficient operation of a new development layout. In the majority of cases the parking provision for a proposed development will be predominantly off-road and take the form of either dedicated spaces for individual use, as in a residential development, or in a car park for the general use of visitors/ customers/ staff for that development.
8. In general, adequate parking should be provided as part of all new developments to ensure that vehicles are not parked on the carriageway of a road where they may impede traffic flow and constitute a safety hazard. The possibility of putting too much pressure on to limited on-street parking could have an adverse effect on the historic built environment, the living environment of town residents, the attractiveness of towns to tourists, and the safety environment for pedestrians and cyclists. The use of minimum and maximum parking standards is intended to express upper and lower limits of an acceptable range outwith of which an assessment of parking would require to be submitted for consideration and approved in support of any application. In the case of any proposal to exceed the National Parking Standards from Scottish Planning Policy (SPP) the application if recommended for approval would also require to be referred to Scottish Ministers.
9. The peripheral and rural situation of Moray means that there is a heavy reliance on travel by road. Whilst it is desirable to create new environments which are less dominated by the motor vehicle, the continuing role of the car and other motor vehicles must also be addressed in development proposals with adequate provision made for parking, service vehicles, pick up/drop off and bus services.
10. However, where accessibility to non-car modes is greatest, the standards aim to provide an incentive for sustainable transport to and from major trip generators by applying a level of constraint i.e. appropriate maximum parking levels. In these situations, developers will be expected to promote means of access to their development for users of non-car modes, in preference to the private car.
11. The larger settlements in Moray have the highest accessibility levels (identified in the Moray Town Centre Health Check report). New 'zero parking' provision is introduced for specific types and scale of development in the larger town centres (as defined within the Local Plan).
12. In the case of town centre developments involving the demolition of certain derelict buildings every effort should be made to provide parking at the level required for comparable new development to form off-road parking areas.
13. Where a proposed development is not specified on the Council's parking standards list, the Council will use the nearest type of land use on the list as a basis for assessing the parking requirements.
14. Assessments of the parking requirement for a particular proposal will be rounded up to the nearest whole parking space.



PARKING STANDARDS						
Development Type	Larger Settlements		Operational	Other Settlements		Notes
	Max	Min		Max	Min	
<b>Class 7 Hotels and hostels</b>						
Hotel (No Conference facilities)	1.2 space per room		1 coach space per 50 rooms Impact of deliveries to site to be assessed	1.2 space per room		Conference and event facilities assessed separately. Coach Management Plan
Bed and Breakfast	1 space per room			1 space per room		Additional spaces required where a public bar is provided
<b>Class 8 Residential Institutions</b>						
Hospital	2 spaces per 5 staff 1 space per 2 beds		Ambulance Impact of deliveries to site to be assessed Pick up/Drop off Public Transport	1 space per 2 staff 1 space per 2 beds		Transport Assessment and Travel Plan required. Public Transport services to the site are required.
Care Home (Elderly/nursing)	1 space per 3 residents		1 space per resident staff Impact of deliveries to site to be assessed			
Care Home (Children)	1.5 spaces per staff 1 space per 3 beds		1 space per resident staff			
Residential school, college, centre	1 space per 5 rooms		1 space per warden Impact of deliveries to site to be assessed			

LRB Ref 199

TMC03 Site Photographs 18 South Guildry Street, Elgin



18 South Guildry Street – including parking out with parking bays



Driveway for 18 South Guildry Street

LRB Ref 199

TMC03 Site Photographs 18 South Guildry Street, Elgin



On-street parking to the north of 18 South Guildry Street



On-street parking to the south of 18 South Guildry Street