



ENVIRONMENTAL SERVICES

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Our reference: DA/LRB212

Your reference: LR/LR212

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

07 September 2018

Dear Sir/Madam

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

**REQUEST FOR REVIEW: PLANNING APPLICATION PLANNING APPLICATION 18/00542/APP –
OPERATE CHILDMINDING BUSINESS FROM DWELLING AT 6 HOLYROOD DRIVE, ELGIN, IV30 8TP**

I refer to your letter dated 17 August 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

Local Review

LRB Ref 212

Planning Application Reference 18/00542/APP Operate childminding business from dwelling at 6 Holyrood Drive, Elgin, Moray, IV30 8TP

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 Tracy Ritchie childminder and sets out observations by Transportation on the application and the grounds for seeking a review.
2. This review concerns planning application 18/00542/APP to operate childminding business from dwelling at 6 Holyrood Drive, which is within the new 'Duncansfield' development to the south of Elgin. Holyrood Drive forms part of the main access route from the A941 in and out of the 'Duncansfield' development and serves the majority of houses within the development. In future the road will also connect through to the adjacent 'The Range' development to the west, which is currently under construction.
3. 6 Holyrood Drive is a three bedroom house with one single 'on-plot' parking space (driveway) available at the property.
4. Planning application 18/00542/APP sought to increase the maximum number of children cared for at any one time by the childminding business from six to nine. Currently the appellant employs one assistant which would increase to two assistants to care for the increased number of children.
5. The Appellant's statement suggests that the increase in the number of children is reduced. However this is new information, not available at the time of the application, and has not been considered as part of the Transportation response.
6. Transportation received the consultation for planning application 18/00542/APP on 01 May 2018. Site visits were undertaken both during day and at morning peak period. Site Photographs are attached (**TMC01**).
7. 6 Holyrood Drive is a recently constructed house in the 'Duncansfield' development. The approved layout plan for this development showed two parking spaces for the house, one on a driveway and one within a garage. This provision met the Moray Council Parking Standards of two parking spaces for a three bedroom house.
8. In 2014 an informal determination was sought regarding the conversion of the integral garage to an additional room. The Planning department's response to this enquiry highlighted that the requirement to provide parking to the Moray Council Parking Standards at the property would still apply to the property. A copy of the response to the informal determination enquiry is attached (**TMC02**).
9. Moray Council Parking Standards for Day Nursery are 1.2 spaces per staff member (and consideration of a safe pick up/drop off zone). Therefore the proposed increase in the number of children and staff would require additional parking for members of staff, as set out in the Transportation consultation response dated 25 June 2018 (**TMC03**).
10. As there is only one parking space available for use by the house, additional parking provision of three on-plot parking spaces would be required (four in total) for the house and the staff employed by the child minding business.

Local Review

LRB Ref 212

Planning Application Reference 18/00542/APP Operate childminding business from dwelling at 6 Holyrood Drive, Elgin, Moray, IV30 8TP

11. The appellant states that two cars can currently be accommodated within the driveway and a further two cars could be accommodated within the garden ground. However this proposal would compromise the provision of an accessible parking space at the property (which is wider than the standard 2.5 metres) and the provision of a level access route to the front door of the property, both of which are required to meet Building Regulations.
12. There would appear to be scope to provide only one additional parking space within the garden ground to the north of the footpath whilst retaining access to the front door. Additionally there may be road drainage implications associated with provision of additional drop kerbs at this particular location. The provision of two parking spaces would only meet Moray Council Parking Standards associated with the residential dwelling alone.
13. The availability of on-street parking within the vicinity of 6 Holyrood Drive is very limited. The property is in close proximity to three road junctions, Culzean Road/Holyrood Drive, Holyrood Drive/Eilean Donan Way and Holyrood Drive/Crathes Court and there are a number of driveways for adjacent properties.
14. Rule 243 of the Highway Code states:

*'Do not stop or park
.... opposite or within 10 metres (32 feet) of a junction, except in an authorised parking space.....
.... in front of an entrance to a property.....'*
15. The on-street areas in close proximity to the property where this rule would apply are shown on the attached Moray Council Drawing (**TMC04**). Even with the provision of an additional parking space, the lack of provision of on-plot parking for staff, and a dedicated drop off/pick up area will result in an increased demand for on-street parking which would be likely to lead to indiscriminate parking behaviour to the detriment of road safety.
16. Transportation, respectfully, requests the MLRB to uphold the decision by the appointed officer on the grounds that the proposal does not incorporate adequate on-site vehicular parking facilities to meet the Moray Council Parking Standards and is contrary to Policy T5.

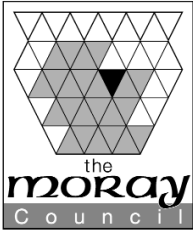
Transportation
7 September 2018

Documents

TMC01	Site Photographs
TMC02	14/00850/ID Planning Consultation response dated 03 July 2014
TMC03	18/00542/APP Transportation Consultation Planning Response 25 June 2018
TMC04	Holyrood Drive On-Street Parking

LR 212 – APPENDIX TMC01





DEVELOPMENT SERVICES

Keith Henderson
Planning Assistant
The Moray Council
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Harris Caprock

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Website: www.moray.gov.uk

Email: gsustins@harris.com

Your reference:

Our reference: 14/00850/ID KH/RS

3 July 2014

Dear Sir

Convert garage to living room at 6 Holyrood Drive Elgin Moray IV30 8TP

I refer to your enquiry regarding planning approval for the above and advise you that on the basis of the information supplied your proposals are permitted development under the Town & Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, Schedule 1, Part 1, Class 2B. As a result no formal planning application requires to be submitted on this occasion.

Please note however that conditions attached to the planning permission for this property also apply and require the provision of parking within the house plot i.e. 2 spaces for a property of up to 3-bedrooms and 3 spaces from a property of 4 or more bedrooms and you should ensure that the requirements for parking continue to be met at all times.

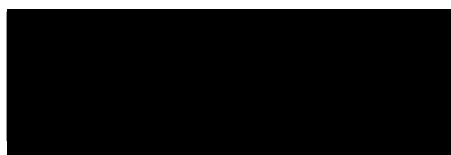
With reference to the above, if your proposals are altered in any way, you should contact Development Control, Development Services, of this Department as soon as possible, in order that the planning position can be confirmed.

Please contact the Building Standards Duty Officer in order to ascertain whether a Building Warrant will be required for these proposals.

A duty officer is available each week day afternoon for consultation at the Access Point, Council Office, Elgin between 2pm and 4pm or telephone the duty officer on 01343 563243. No appointment is necessary.

I have retained a copy of your plans for record purposes.

Yours faithfully



Keith Henderson
Planning Assistant

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	15th May 2018
Planning Authority Reference	18/00542/APP
Nature of Proposal (Description)	Operate childminding business from dwelling at
Site	6 Holyrood Drive Elgin Moray IV30 8TP
Site Postcode	N/A
Site Gazetteer UPRN	000133066811
Proposal Location Easting	322194
Proposal Location Northing	860859
Area of application site (Ha)	350 m²
Additional Comment	See letter regarding operation of business
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=P7GZBRBGLSF00
Previous Application	14/00850/ID 10/02115/APP
Date of Consultation	1st May 2018
Is this a re-consultation of an existing application?	No
Applicant Name	Tracy Ritchie Childminder
Applicant Organisation Name	
Applicant Address	6 Holyrood Drive Elgin Moray IV308TP
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Joe Taylor
Case Officer Phone number	01343 563082
Case Officer email address	joe.taylor@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

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.

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 18/00542/APP

Operate childminding business from dwelling at 6 Holyrood Drive Elgin Moray IV30 8TP for Tracy Ritchie Childminder

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"/>

Note: This further - revised response has been provided on the basis of further information relating to the staffing element for this proposal.

The following parking standards apply to the proposed development:

- *For residential dwellings 2no Parking spaces for a dwelling with 3 bedrooms or less, and 3no parking spaces for a dwelling with 4 bedrooms or more.*
- *For 'Day Nursery' 1.2 spaces per staff member, plus consideration of a pick up/drop off zone.*

The introduction of additional staff for this proposal means that additional parking provision would be required. There is scope within the site to provide one additional parking space. However as this a three bed dwelling with only one current parking space (previous garage was converted to living space) the addition of a new parking space would only bring up the total parking provision to 2 spaces which would meet the requirements for the dwelling but not for the proposed development (ie no additional parking space for staff). There is no scope to provide more than one single additional parking space within the site.

Due to the existing vehicular access arrangements for the adjacent properties (dropped kerbs at driveways) there would appear to be very limited opportunity for suitable on-street parking outside the site, and as a result this proposal would likely result in inconsiderate parking behaviour (parking over the footway/ blocking driveways etc).

Reason(s) for objection

The proposal does not incorporate adequate on-site vehicular parking facilities to meet the Moray Council Parking Standards and is contrary to Policy T5, and as a result would also

be likely to lead to an undesirable increase in on-street parking to the detriment of road safety.

Contact: DA/AG

Date 25 June 2018

email address: transport.develop@moray.gov.uk

Consultee: TRANSPORTATION

Return response to	consultation.planning@moray.gov.uk
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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.

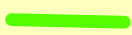
LR 212 APPENDIX TMC 04 - HOLYROOD DRIVE ON STREET PARKING



LEGEND



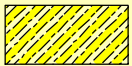
SITE



PARKED VEHICLES PREVENT DRIVEWAY ACCESS



PARKED VEHICLES AFFECT OPERATION OF JUNCTION



EXISTING DRIVEWAYS



GARDEN GROUND



PATHWAY

6 HOLYROOD DRIVE ELGIN

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