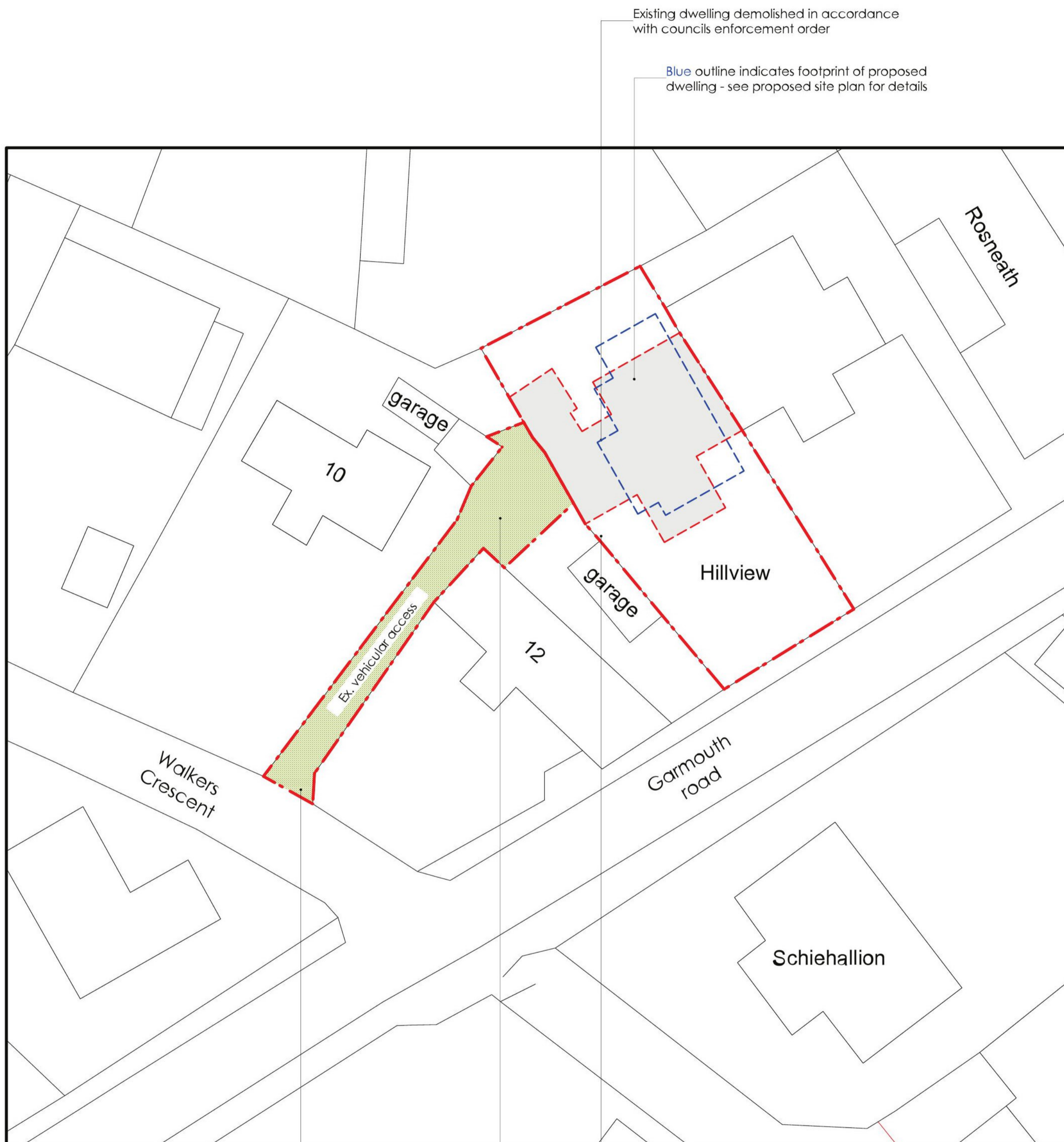


AMENDED PLANS



EXISTING SITE PLAN  
(Scale 1:200)

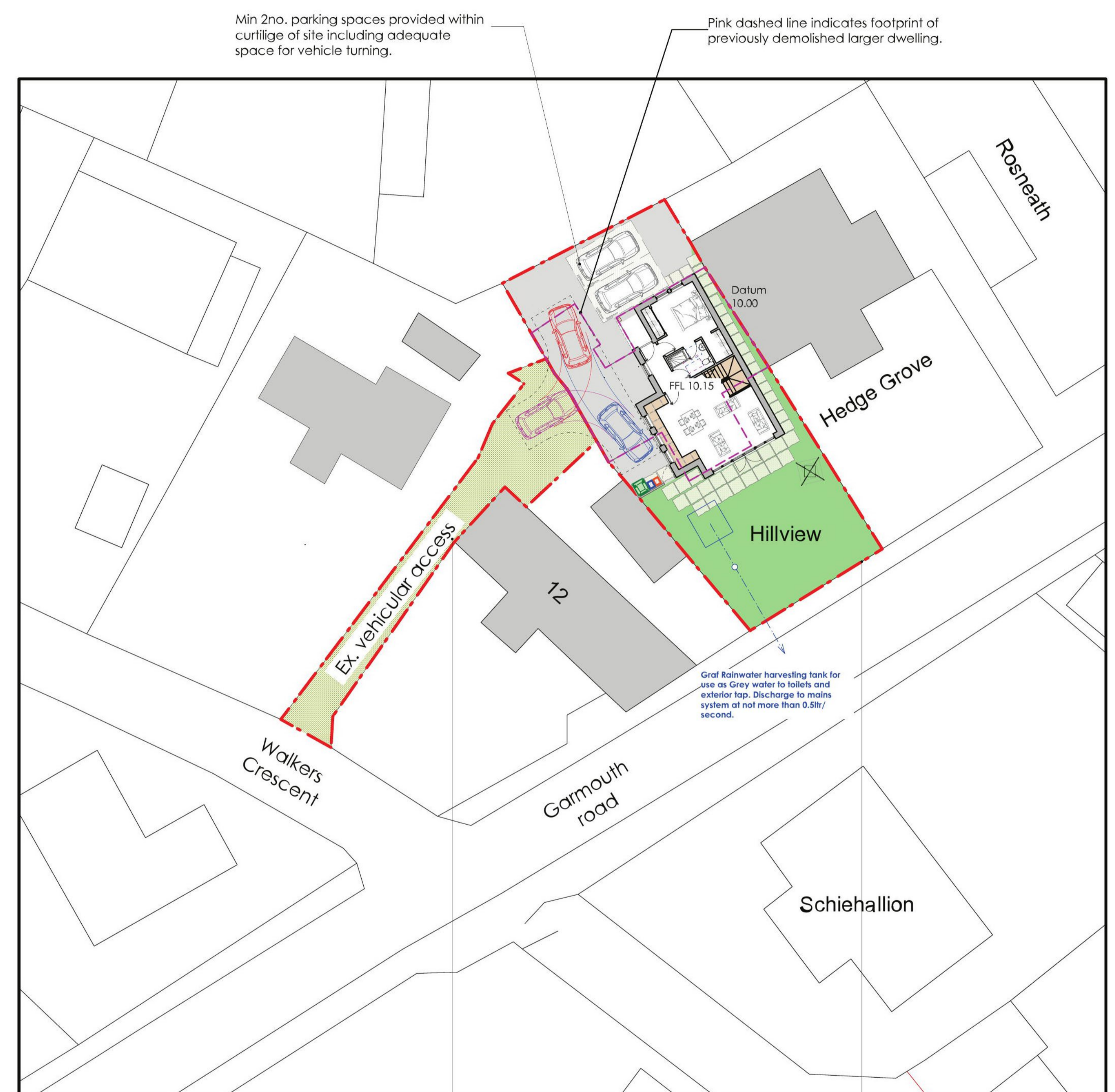
Site area (excluding shared access) 326sqm  
Footprint existing dwelling 117sqm

Existing dwelling demolished in accordance with councils enforcement order  
Blue outline indicates footprint of proposed dwelling - see proposed site plan for details

Red line indicates site referred to within application

Hatched area indicates area of shared ownership and shared driveway route to existing dwelling and 2no. neighbours (10 & 12 Walkers Crescent)

Existing site access to both No. 10 & No. 12 Walkers Crescent and Site access to Hillview pre-demolition. The site access was **accepted** by the Transport manager under application 18/00271/PPP and was not a reason for refusal.



PROPOSED SITE PLAN  
(Scale 1:200)

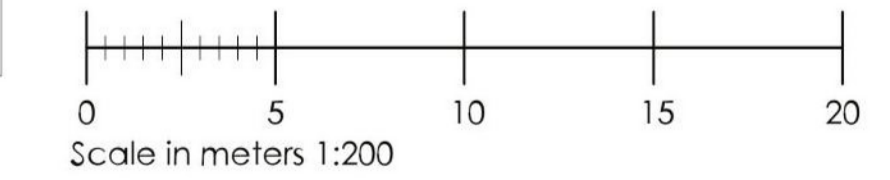
Site area (excluding shared access) 326sqm  
Footprint proposed dwelling 80sqm

Min 2no. parking spaces provided within curtilage of site including adequate space for vehicle turning.

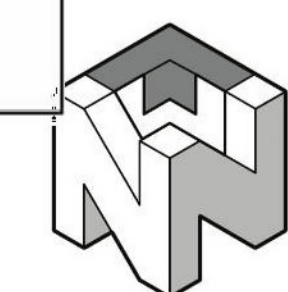
Pink dashed line indicates footprint of previously demolished larger dwelling.

Grat Rainwater harvesting tank for use as Grey water to toilets and exterior tap. Discharge to mains system of not more than 0.5ltr/second.

Red line indicates site referred to within application



Town & Country Planning  
(Scotland) Act, 1997  
as amended  
**REFUSED**  
06 June 2019  
Development Management  
Environmental Services  
The Moray Council



**cmdesign**  
architectural consultants

HEAD OFFICE - MORAY  
51 Barendans, 69 South Guildry Street, Elgin,  
IV30 1GN  
101343 540020  
HIGHLANDS  
4 Bridge Street, Naim, Highlands, IV12 4EJ  
101467 300230  
m 0781 3872818 w cmdesign.biz e office@cmdesign.biz

LOSSIEMOUTH OFFICE  
Eliel, James Street, Moray,  
IV30 6BX  
101343 810175  
DEVON OFFICE  
101392 345566

Mrs D Campbell

PROPOSED REPLACEMENT DWELLING ON EXISTING FOOTPRINT AT HILLVIEW GARMOUTH ROAD, LHANBRYDE

EXISTING AND PROPOSED SITE PLAN

Date:	Amendments:	Rev:
07.03.19	Car Turn table added	A
29.04.19	Revised further to transport comments	B
29.04.19	Revised further to transport comments	C
Drawn By:	Date:	Checked By:
A. CARSWELL	29.01.2018	

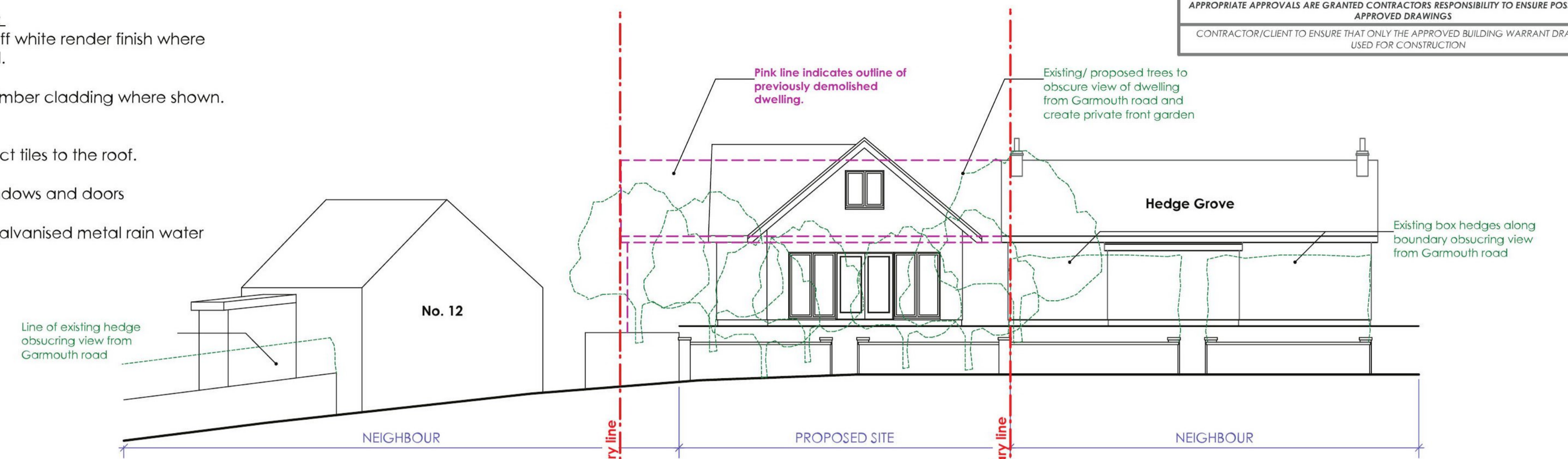
180002.CAMPBELL.01PP C

DO NOT SCALE OFF DRAWINGS. ALL SIZES ARE TO BE CHECKED/CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS/ORDERING OF MATERIALS. NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED CONTRACTORS RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED DRAWINGS  
 CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION

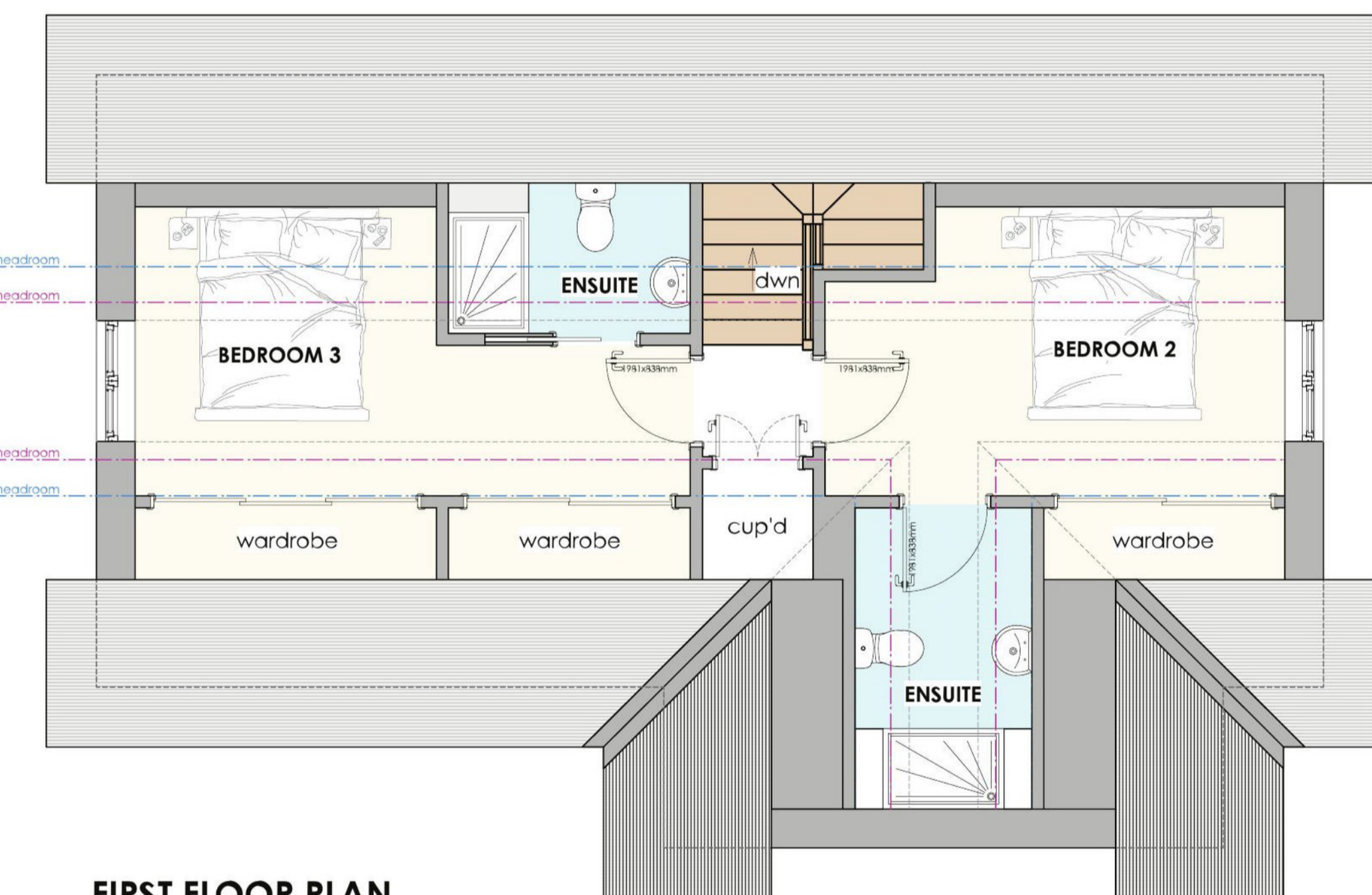


**SIDE ELEVATION**  
(Scale 1:50)

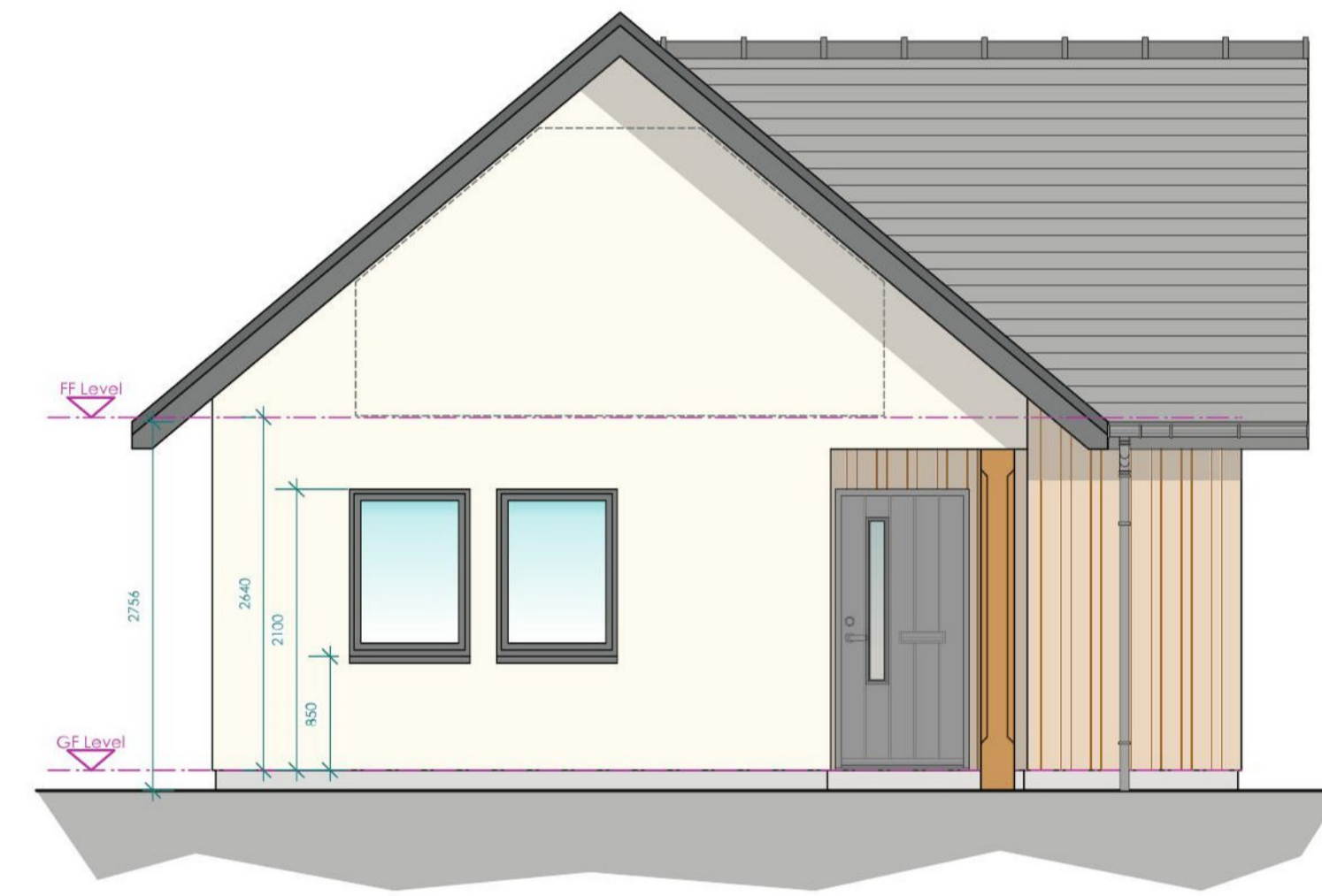
**Materials:**  
 Smooth off white render finish where indicated.  
 Vertical timber cladding where shown.  
 Slate effect tiles to the roof.  
 UPVC windows and doors  
 Lin dab galvanised metal rain water goods



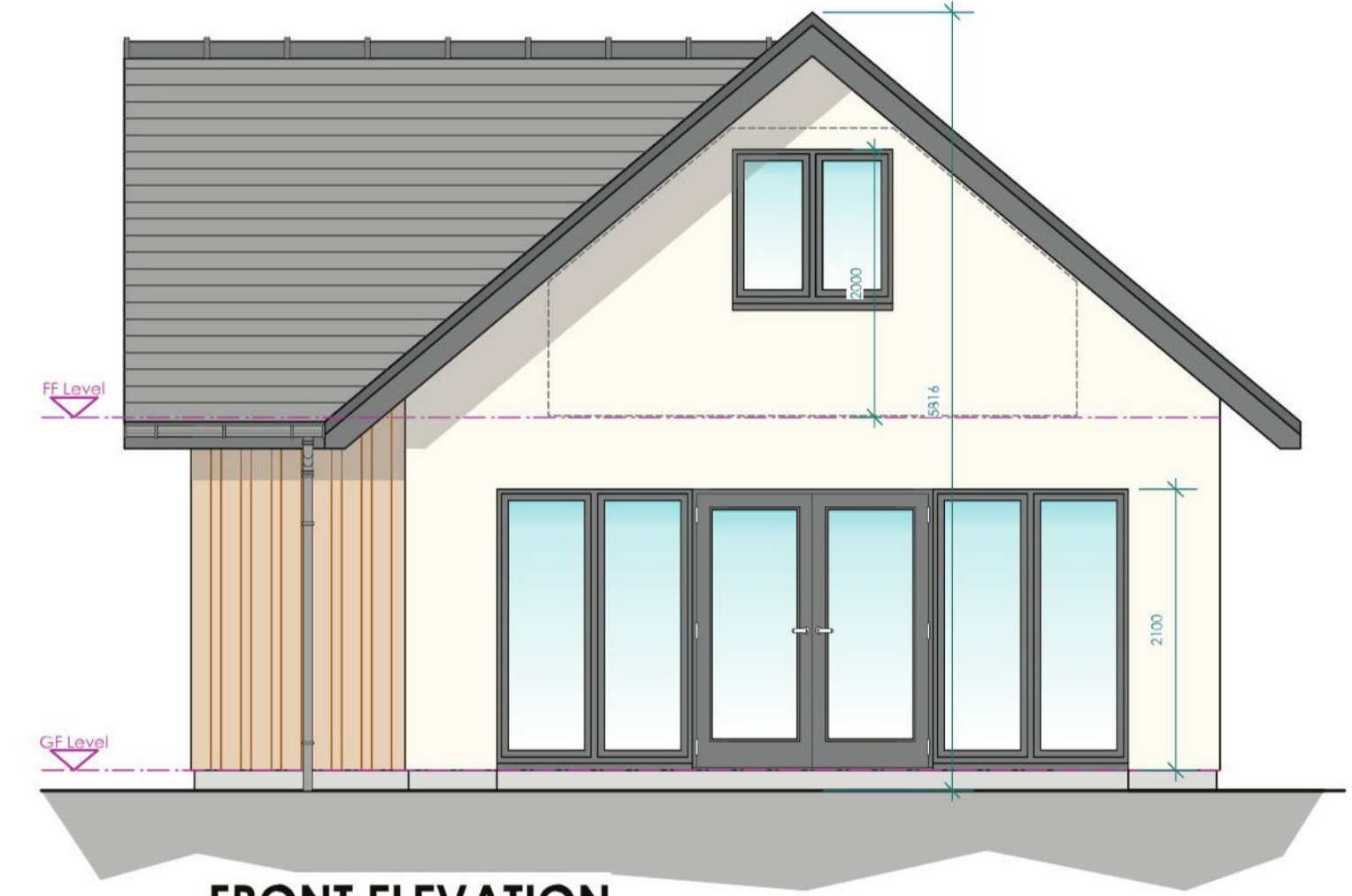
**PROPOSED STREET SCAPE**  
 Approx size of neighbouring dwellings  
(Scale 1:100)



**FIRST FLOOR PLAN**  
(Scale 1:50)



**REAR ELEVATION**  
(Scale 1:50)

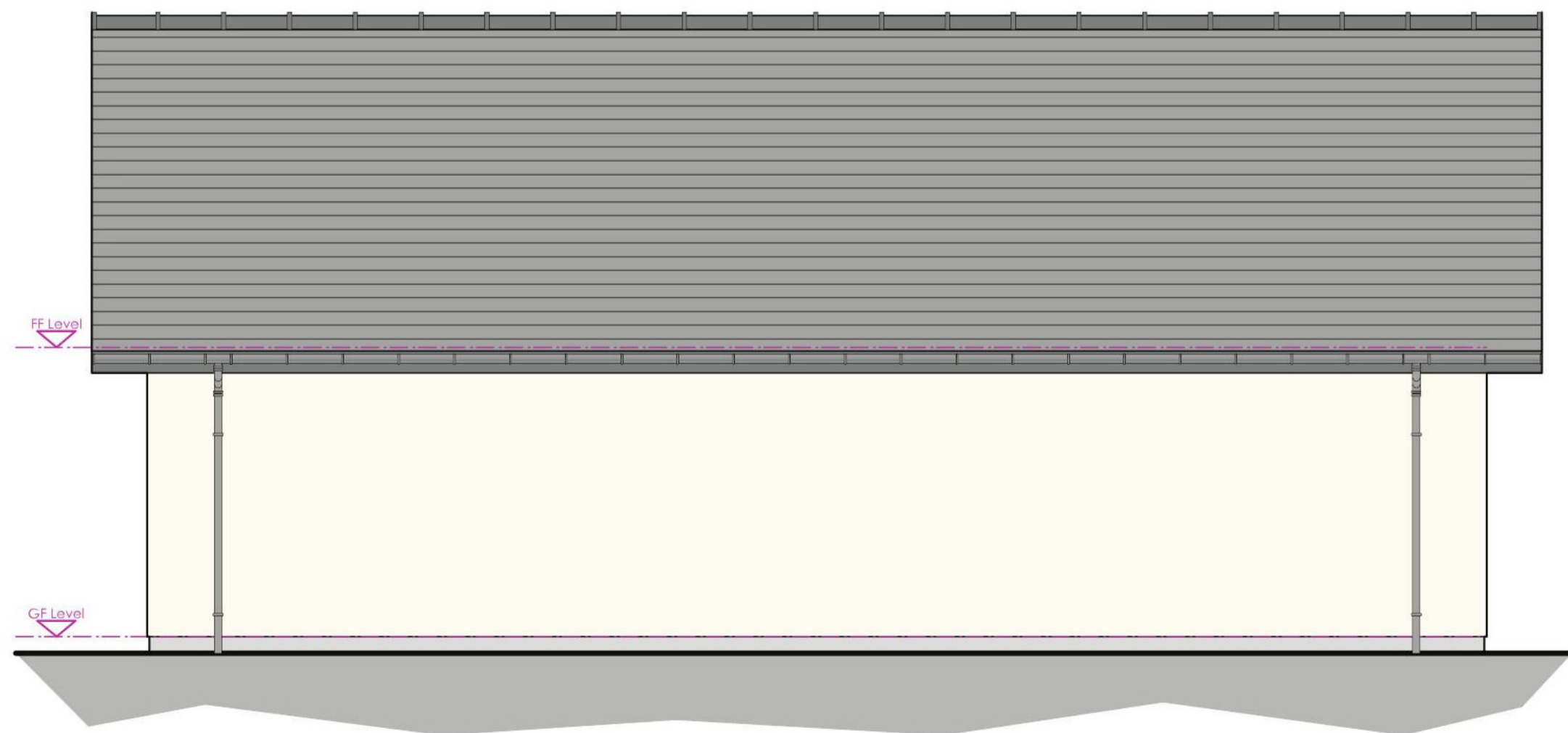


**FRONT ELEVATION**  
(Scale 1:50)



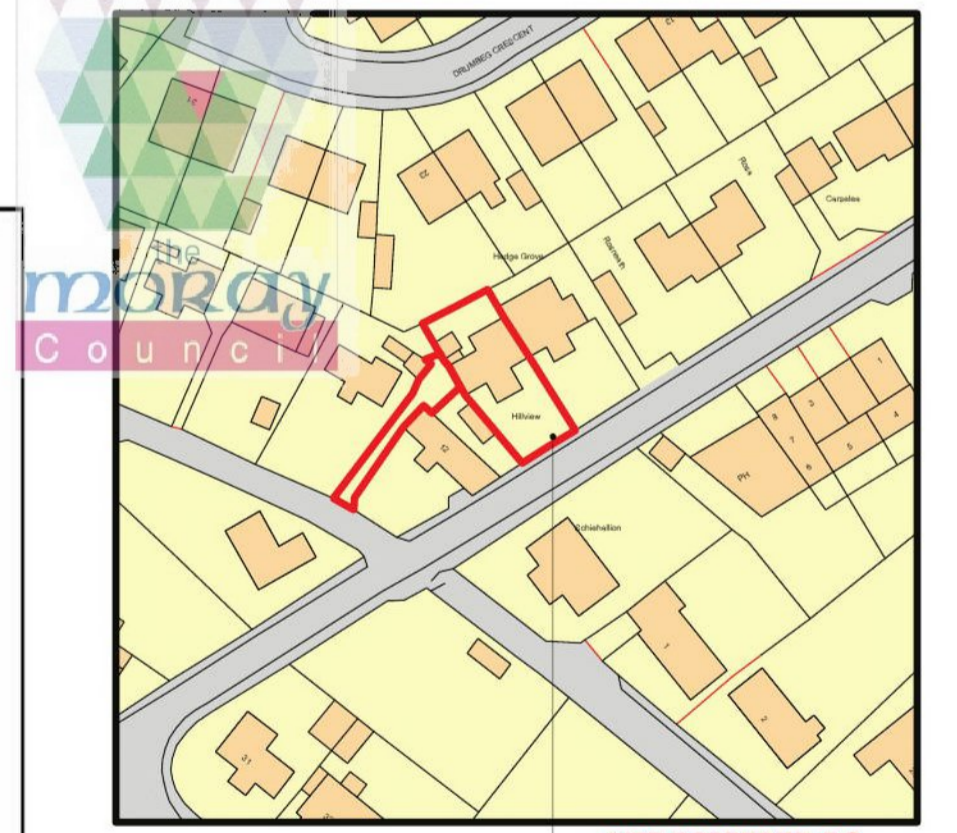
**GROUND FLOOR PLAN**  
(Scale 1:50)

Internal floor area ground floor 65.4sqm  
 Internal floor area first floor 40sqm



**SIDE ELEVATION**  
(Scale 1:50)

Town & Country Planning  
 (Scotland) Act, 1997  
 as amended  
  
**REFUSED**  
 06 June 2019  
 Development Management  
 Environmental Services  
 The Moray Council



**LOCATION PLAN**  
(Scale 1:1250)

SITE REFERRED TO IN APPLICATION

	<b>HEAD OFFICE - MORAY</b> 51 Barendans, 69 South Guildry Street, Elgin, IV30 1GN 101343 540020 <b>HIGHLANDS</b> 4 Bridge Street, Nairn, Highlands, IV12 4EJ 101667 300230 m 0781 3872818 w cmdesign.biz e office@cmdesign.biz	<b>LOSSIEMOUTH OFFICE</b> Elgin, James Street, Moray, IV30 6BX 101343 810175 <b>DEVON OFFICE</b> 101392 345566
	Mrs D Campbell	
	PROPOSED REPLACEMENT DWELLING ON EXISTING FOOTPRINT AT HILLVIEW GARMOUTH ROAD, LHANBRYDE <b>DESIGN PROPOSALS</b> PROPOSED HOUSE DESIGN	
	Date: 07.03.19 Amendments: Design updated Drawn By: A. CARSWELL	Date: 29.01.2018 Checked By:
<b>180002.CAMPBELL.02PP A</b>		

## **REPORT OF HANDLING**

<b>Ref No:</b>	19/00309/PPP	<b>Officer:</b>	Shona Strachan
<b>Proposal Description/ Address</b>	Erect replacement dwellinghouse Hillview Garmouth Road Lhanbryde Elgin		
<b>Date:</b>	04.06.2019	<b>Typist Initials:</b>	LMC

### **RECOMMENDATION**

<b>Approve, without or with condition(s) listed below</b>	<b>N</b>	
<b>Refuse, subject to reason(s) listed below</b>	<b>Y</b>	
<b>Legal Agreement required e.g. S,75</b>	<b>N</b>	
<b>Notification to Scottish Ministers/Historic Scotland</b>	<b>N</b>	
<b>Hearing requirements</b>	<b>Departure</b>	<b>N</b>
	<b>Pre-determination</b>	<b>N</b>

### **CONSULTATIONS**

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Environmental Health Manager	08/04/19	No objection
Contaminated Land	09/04/19	No objection
Transportation Manager	07/05/19	Initially objected to the proposal, the objection was removed following the submission of amended plans. The concluded response confirms, there are no objections subject to conditions and informatives
Scottish Water	09/04/19	No objection but this does not guarantee connection to Scottish Water Infrastructure.
Planning And Development Obligations	12/04/19	None sought in this instance.
Aberdeenshire Council Archaeology Service	08/04/19	No objection
Moray Flood Risk Management	24/05/19	Object on grounds of lack of information on drainage information.  A 'late consultation' was requested following the adoption of the Supplementary Guidance of Drainage and Flood Risk.

<b>DEVELOPMENT PLAN POLICY</b>		
<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
<b>Moray Local Development Plan 2015</b>		
PP1: Sustainable Economic Growth	N	
PP3: Placemaking	N	
H1: Housing Land	Y	The application is contrary to the provisions of this policy and this forms the basis of one of the reasons of refusal for this application.
EP5: Sustainable Urban Drainage Systems	Y	The application is contrary to the provisions of this policy and this forms the basis of one of the reasons of refusal for this application.
EP9: Contaminated Land	N	
EP10: Foul Drainage	N	
T2: Provision of Access	Y	The application is contrary to the provisions of this policy and this forms the basis of one of the reasons of refusal for this application.
T5: Parking Standards	N	
IMP1: Developer Requirements	Y	The application is contrary to the provisions of this policy and this forms the basis of one of the reasons of refusal for this application.
IMP3: Developer Obligations	N	
<b>2020 Proposed Local Development Plan</b>		
PP1 Placemaking		
PP3: Placemaking		
DP1 Development Principles		
DP2 Housing		
EP13 Foul Drainage		
EP14 Pollution, Contamination & Hazards.		

<b>REPRESENTATIONS</b>		
Representations Received	YES	
Total number of representations received: ONE		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
<p><b>Issue:</b> concerns regarding the shared lane between 11 and 12 Walker's Crescent as an access for the property. The lane is much too narrow and the bottom of the lane at Walker's Crescent can be extremely dangerous to exit. The contributor is fearful that this will only get worse as more cars use the lane.</p>		

**Comments (PO):** The comments have been noted. This matter is addressed in more detail in the observations section of the assessment (reference details below).

## **OBSERVATIONS – ASSESSMENT OF PROPOSAL**

### **Legislative Requirements**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires applications to be determined in accordance with the Development Plan i.e. the adopted Moray Local Plan 2015 (MLDP) unless material considerations indicate otherwise.

On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Plan was approved as the "settled view" of the Council and minimal weight will be given to the Proposed Plan, with the 2015 MLDP being the primary consideration.

### **Proposal**

As amended, this application seeks Planning Permission in Principle for a replacement dwellinghouse at Hillview Garmouth Road.

Whilst this application seeks Planning Permission in Principle, the application has been supported by an indicative site plan (as amended) which seeks to show 2 parking spaces within the curtilage of the site as well as turning space within the site. Indicative elevation drawings and related floor plans of a three bedroom house have also been submitted as part of this application.

In order to remove an initial objection from Transportation, the indicative site plan has been amended to demonstrate that parking and turning can be achieved within the site. However, it is noted that the amended site plan reflects the site plan which was refused under application 18/00271/PPP (as issued by decision on 3 May 2018). This means that the current application is the same as the proposal that was submitted under 18/00271/PPP with no material change in circumstance in planning policy terms or in the material consideration of the case (with the exception of the Supplementary Guidance on Flood Risk and Drainage Impact Assessment for new Developments). This means the assessment under 18/00271/PPP remains a valid assessment of the proposal against the provisions of the Moray Local Development Plan 2015 with the addition of assessment of the proposal against the requirements of the drainage and flood risk Supplementary Guidance.

### **Site Characteristics**

Extending to 326.00 sq m, the site is currently an overgrown area of vacant land with a single garage located in the northwest corner of the site. The site and the neighbouring properties to the east and west are located above of the level of the public road, with a steep drop on to the level of the road. The access to the site is via the narrow lane (approximately 2.4m wide) off Walkers Crescent. This lane runs between nos. 11 and 12 Walkers Crescent and enters the site on its western boundary.

The site previously accommodated a substandard house which was demolished in 2015. The previous dwelling on the site was attached to the neighbouring property to the east.

### **Planning History**

An application for a replacement dwellinghouse on the site was initially submitted under 16/00893/PPP, however, this application was withdrawn following concerns over whether the site was of sufficient size to accommodate a house together with the necessary parking and turning and issues over access provision.

Application 17/01519/PPP (as issued by decision on 24 November 2017) was refused was on grounds of overdevelopment, amenity considerations and access and parking concerns, with an objection from the Transportation Service.

Thereafter, the proposal submitted under application 18/00271/PPP sought to address the matters raised in the reason for refusal of 17/01519/PPP and as such the proposal had a revised indicative house design and location when compared to this previous application. The application also sought to demonstrate that two parking spaces and requisite turning could be accommodated within the site. The Transportation accepted the information submitted and raised no objection to the proposal, in terms of the impact of the development upon the public road network. However, during the assessment of this application it was noted that both the driveway and the Walker Crescent are private un-adopted roadways outwith the control of the Roads Authority and as such the assessment of their suitability fell outwith the mandate of the Transportation Manager. Therefore, the decision taken by the Development Management section was to assess the suitability of the access in terms of the impact on amenity under policies T2, T5 and IMP1 and it was concluded that: The existing lane was inadequate to receive additional traffic and would not meet the requirements of Policy T2 and IMP1 which requires an access to be appropriate to the needs of the development. This meant that the application was refused on overdevelopment, amenity, and access considerations.

### **Policy Assessment**

As noted previously, this means that the current application is the same as the proposal that was submitted under 18/00271/PPP with no material change in circumstance in planning policy terms or in the material consideration of the case (with the exception of the Supplementary Guidance on Flood Risk and Drainage Impact Assessment for new Developments). This means the assessment under 18/00271/PPP remains a valid assessment of the proposal against the provisions of the Moray Local Development Plan 2015 with the addition of assessment of the proposal against the requirements of the drainage and flood risk Supplementary Guidance.

### **Policy Assessment**

#### **Principle of New House (H1, IMP1)**

It is accepted that the site up until recently accommodated a semi detached house which was demolished due to its substandard condition. The site is now vacant and the proposal for a new detached house on the site must meet the requirements of current planning policy and house plot requirements.

In this instance, the proposed site which measures 326.00 sq m is small and constrained by its location with a very narrow access track off Walkers Crescent which is also narrow. This means that the site is of insufficient size to provide for a detached house, off street parking and turning for vehicles with adequate levels of amenity which avoids an intrusive impact on neighbouring houses. It is also considered that the necessary layout respecting building lines and need for parking in the north western corner of the site results in cramped, over development of the site which would be to the detriment to the character of the area and residential amenity.

#### **Water and Drainage (EP5, EP10 and IMP1)**

The proposed house is to connect to the public sewer and water supply and it is noted here that Scottish Water has raised no objection to the proposal. However, this does not guarantee connection to Scottish Water infrastructure and any connection would be the subject of separate liaison with the applicant and Scottish Water directly at the appropriate juncture.

Following the recent adoption of the Supplementary Guidance on Flood Risk and Drainage Impact Assessment for new Developments, a late consultation was undertaken with Moray Flood Risk Management MFRM. Following consultation MFRM objected to the application because of lack of drainage information. The consultation response identified the additional information needed to assess the proposal, this included:

- Infiltration / Soil test results to confirm adequate rates / sub-soils for soakaway.
- Attenuation calculations to show SuDS is designed to store capacity from a 1 in 30 year storm period.
- Plan drawing of the SuDS in relation to the site.

This request for additional information was shared with the agent and an appropriate timeframe given to its consideration. The agent confirmed that this lack of information should be included within the reasons for refusal of the application and this matter will be addressed further as part of the appeal process. On the basis that the information has not been submitted allowing consideration of whether full compliance with policy EP5 (and its associated supplementary guidance) can/has been achieved, the proposal departs from this Policy.

### **Access and Parking (T2, T5 and IMP1)**

As noted previously, the Transportation Manager initially objected to the proposal as it was considered that the proposed layout could not full support the required parking provision. Following this objection amended plans were submitted which reflected the site layout as submitted under application 17/01519/PPP which removed the objection from the Transportation Manager.

However, as with the assessment under application 17/01519/PPP, the Transportation Manager has not commented upon the suitability of the access to accommodate additional traffic as both the driveway and the Walker Crescent are private un-adopted roadways outwith the control of the Roads Authority. Therefore, the Development Management Section needs to assess the suitability of the access in terms of the impact on amenity under policies T2, T5 and IMP1.

To this end, it is considered that even if space was made available within the plot to allow for off street parking as illustrated in the amended plan, to allow additional traffic to access Walker Crescent from an already restricted and poor access would be to the detriment of amenity for other roads users and pedestrians in the locality. It is noted that the top end of the lane forming the access is used for off street parking by property to the south and the demolished property subject of this application only had pedestrian access from the lane previously. In making this assessment it is noted that the current occupants of houses also utilising this lane is the subject of public representation and the enduring impact of the development upon the locality requires an assessment of the impact upon other users of lane in perpetuity. The submitted plans shows off street parking and a turning area to be provided at the western end of the plot alongside the indicative house position that understandably seeks to maintain the general building line along the front of Garmouth Road. This effectively sees the parking, turning area and residence position within the western two thirds of the plot, which equates to approximately 220sqm. This area is too small to comfortably accommodate both the parking and house which would be orientated and positioned to experience an adequate degree of amenity. It is noted in the submitted site plan that the turning area will partly lie within the communal access space. Assessed in conjunction with the effect this would have upon the existing properties using this lane for access and parking in the area where vehicles already park, the proposal would fail to provide an appropriate level of new access to the proposal as required under Policy T2 Provision of Access.

However, this is separate to the main policy objection to this proposal on siting and amenity grounds.

### **Developer Obligations (IMP3)**

An assessment has been carried out in relation to Policy IMP3 Developer Obligations of the Moray Local Development Plan 2015. The assessment identifies that no Developer Obligation will be sought in this instance.

### **Conclusion and Recommendation**

The proposal is considered to result in a development which by virtue of the physical constraints of the site would result in a form of development which does comply with the provision of the MLDP 2015 and is therefore recommended for refusal.

## **OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

None

<b>HISTORY</b>			
<b>Reference No.</b>	<b>Description</b>		
18/00271/PPP	Erect replacement dwellinghouse at Hillview Garmouth Road Lhanbryde Elgin Moray		
	<b>Decision</b>	Refuse	<b>Date Of Decision</b> 03/05/18
17/01519/PPP	Erect replacement dwellinghouse at Hillview Garmouth Road Lhanbryde Elgin Moray		
	<b>Decision</b>	Refuse	<b>Date Of Decision</b> 24/11/17

<b>ADVERT</b>		
<b>Advert Fee paid?</b>	<b>Yes</b>	
<b>Local Newspaper</b>	<b>Reason for Advert</b>	<b>Date of expiry</b>
Northern Scot	No Premises Departure from development plan	02/05/19
PINS	No Premises Departure from development plan	02/05/19

<b>DEVELOPER CONTRIBUTIONS (PGU)</b>	
<b>Status</b>	<b>NONE SOUGHT</b>

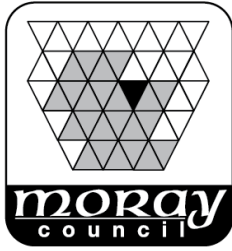
<b>DOCUMENTS, ASSESSMENTS etc. *</b>		
<i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i>		
Supporting information submitted with application?		NO
Summary of main issues raised in each statement/assessment/report		
Document Name:		
Main Issues:		

<b>S.75 AGREEMENT</b>		
Application subject to S.75 Agreement		NO
Summary of terms of agreement:		
Location where terms or summary of terms can be inspected:		



**DIRECTION(S) MADE BY SCOTTISH MINISTERS** (under DMR2008 Regs)

Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			



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

**REFUSAL OF PLANNING PERMISSION**

**[Fochabers Lhanbryde]  
Planning Permission in Principle**

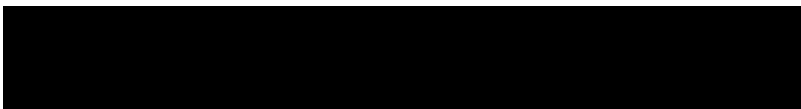
TO Mr & Mrs D Campbell  
c/o C M Design  
St Brendans  
69 South Guildry Street  
Elgin  
Moray  
IV30 1QN

With reference to your application for planning permission in principle 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 replacement dwellinghouse Hillview Garmouth Road Lhanbryde Elgin**

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

Date of Notice: **6 June 2019**



**HEAD OF DEVELOPMENT SERVICES**

Environmental Services Department  
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 Councils reason(s) for this decision are as follows: -

1. The proposal is contrary to policies H1 and IMP1 in the Moray Council Development Plan for the following reason: the site is of insufficient size to provide for a house with adequate levels of amenity which avoids an intrusive impact on neighbouring houses, it is also considered that any reasonably sized house on the site would result in cramped, over development of the site which would be to the detriment to the character of the area and residential amenity and as such the proposal is contrary to the provisions of The Moray Local Development Plan 2015.
2. By virtue of reliance for off street parking and turning to take access onto a narrow confined lane with poor access onto Walker Crescent, close to its junction with Garmouth Road the additional traffic would result in a detrimental impact to the amenity of the locality and to other users of the lane. The existing lane is therefore inadequate to receive additional traffic and would not meet the requirements of Policy T2 which requires an access to be appropriate to the needs of the development.
3. There is currently insufficient information to assess the proposals against the requirements of Policies EP5 and IMP1 and associated Supplementary Guidance Flood Risk and Drainage Impact Assessments for New Development. On the basis that site drainage cannot be confirmed as compliant with the above policies in terms of the provision of surface water disposal and treatment from the site.

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

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

<b>Reference</b>	<b>Version</b>	<b>Title</b>
180002.CAMPBELL.02PP		Elevations floor plans and location plan
180002.CAMPBELL.01PP	C	Existing and proposed site plan

**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, 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](http://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.