

REPORT OF HANDLING

Ref No:	23/01973/APP	Officer:	Fiona Olsen
Proposal Description/ Address	Proposed off street car parking space St Hilda 31 West Road Elgin Moray		
Date:	12/01/2024	Typist Initials:	DJP

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Contaminated Land	15/11/23	No Objections
Transportation Manager	17/11/23	No Objections
Transport Scotland	30/11/23	<p>Objection –</p> <p>The proposed new driveway and opening could potentially result in reversing manoeuvres onto the A96 trunk road. This will interfere with the safety and free flow of the traffic on the A96 trunk road.</p> <p>The length of the proposed new driveway, 4.6m, is less than the length generally recommended for parking spaces. This could potentially result in vehicles obstructing the existing footway on the A96 trunk road.</p>

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
NPF1 - Tackling the Climate	N	Complies
NPF2 - Climate mitigation and adaptation	N	Complies
NPF3 - Biodiversity	N	Complies
NPF5 - Soils	N	Complies
NPF13 - Sustainable transport	Y	See below
NPF16 - Quality homes	N	Complies

NPF18 - Infrastructure first	Y	See below
PP1 Placemaking	N	Complies
PP2 Sustainable Economic Growth	N	Complies
PP3 Infrastructure and Services	Y	See below
DP1 Development Principles	Y	See below
EP2 Biodiversity	N	Complies
EP14 Pollution Contamination Hazards	N	Complies

REPRESENTATIONS		
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		
Issue: Seeking clarification on location of proposed driveway Comments (PO): Proposal seeks to remove a section of stone wall to the front of the existing property to form on off-street parking space for a single vehicle.		
Issue: Front wall is listed Comments (PO): Neither the existing property nor the front wall are listed.		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Proposal

The application seeks planning permission to remove a section of wall to the front of an existing dwellinghouse to form an off-street parking space for a single car. The proposal would involve forming a new access onto the A96 Trunk Road to the south of the site.

Site

The site is located at St Hilda, 31 West Road, Elgin.

The existing main property is a semi-detached dwellinghouse which is bound by the A96 Trunk Road to the south of the site. Neighbouring properties lie to the east and west (attached).

Policy Appraisal (MLDP 2020 and NPF4)

Road Safety and Impact on Trunk Road (PP3, DP1, NPF4 Policy 13)

The proposals seek to form an off-street parking space for a single car to the front of an existing dwellinghouse. The development would involve removing a section of garden wall to the front of the dwelling and forming a new access onto the A96 Trunk Road to the south of the site. At present there is no off-street parking at the property.

Policy DP1 (a) states that proposals must provide safe entry and exit from the development and (c)

states that proposals must provide a safe access to and from the road network and address any impacts on road safety.

Policy PP3(b)(i) outlines that development proposals will not be supported where they create new accesses onto trunk roads unless significant economic benefits are demonstrated or such access is required to facilitate development that supports the provisions of the development plan.

NPF4 Policy 13(g) states that development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact.

Transport Scotland have been consulted and have advised that planning permission should be refused due to the following reasons:

- The proposed new driveway and opening could potentially result in reversing manoeuvres onto the A96 trunk road. This will interfere with the safety and free flow of the traffic on the A96 trunk road.
- The length of the proposed new driveway, 4.6m, is less than the length generally recommended for parking spaces. This could potentially result in vehicles obstructing the existing footway on the A96 trunk road.

NPF4 Policy 18(b) requires that the impacts of development proposals on infrastructure should be mitigated.

A Planning Design and Drainage Statement has been submitted in support of the application which outlines that the applicant cannot park a vehicle at home at present and that due to the size of the vehicle owned, it would fit in the space proposed. The statement also outlines that due there being no off-street parking provision at the property, an electric vehicle cannot be charged at the house. Whilst these points are noted and both policy PP3 and NPF4 Policy 13 seek to improve and enhance electric vehicle infrastructure, charging will not always be possible in-curtilage. Also, whilst the applicant notes that their existing car may fit in the proposed parking space, Moray Council Parking Standards outlines that a standard car parking space should measure no less than 2.5m x 5m and as such the proposed space would fail to meet this requirement.

In conclusion, the application will be refused as it proposes a new access onto the A96(T) which is not permitted by policy PP3.

In addition, the proposed parking space would fail to meet the size requirements for a standard parking space as set by Moray Council Parking Standards and if permitted, could result in vehicles obstructing the footway which would fail to comply with policy DP1 which requires that developments provide a safe access to and from the road network and NPF4 Policy 18 which require the impact of proposals on existing infrastructure to be mitigated.

Transport Scotland were also consulted on the application and advise that the application should be refused as the proposals could result in reversing manoeuvres onto the A96(T) which would interfere with the safety and free flow of the traffic on the A96(T). As a result the proposals would also fail to comply with NPF4 Policy 13 which requires development proposals that have the potential to affect the operation and safety of the Strategic Transport Network to be fully assessed.

Siting and Design (DP1, NPF4 Policy 16)

Policy DP1 requires that the scale, density and character of all development be appropriate to the surrounding area, be integrated into the surrounding landscape and not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity. Policy DP1 also states that existing stone walls on buildings and boundaries must be retained. Alterations and extensions must be compatible with the character of the existing building in terms of design, form and

choice of materials and positioning and meet all other relevant criteria of this policy.

NPF4 Policy 16 states that householder development proposals will be supported where they do not have a detrimental impact on the character or environmental quality of the home and surrounding area in terms of size, design and materials and do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

The proposal seeks to remove a section of front garden wall to form off-street parking for a single car. The proposal is small scale and the removal of a small section of wall would be considered acceptable on this occasion and would not be expected to give rise to any loss of amenity. In this regard the proposal is deemed to comply with the siting and design criteria set by policy DP1 and NPF4 Policy 16 however this would not override the aforementioned objections and as such the application will be refused.

Climate Change, Biodiversity and Soils (EP2, NPF4 Policies 1, 2, 3 and 5)

The proposal is a householder development only which would result in minimal impact in terms of climate change and soil disturbance. It is not necessary to seek formal biodiversity enhancement on a householder proposal of this scale and therefore in this regard, the proposal is deemed to comply with NPF4 Policies 1, 2, 3 and 5.

Conclusion

The application will be refused as it proposes a new access onto the A96(T) which is not permitted by policy PP3.

In addition, the proposed parking space would fail to meet the size requirements for a standard parking space as set by Moray Council Parking Standards and if permitted, could result in vehicles obstructing the footway which would fail to comply with policy DP1 which requires that developments provide a safe access to and from the road network and NPF4 Policy 18 which require the impact of proposals on existing infrastructure to be mitigated.

Transport Scotland were also consulted on the application and advise that the application should be refused as the proposals could result in reversing manoeuvres onto the A96(T) which would interfere with the safety and free flow of the traffic on the A96(T). As a result the proposals would also fail to comply with policy DP1 which requires that proposals must provide a safe entry and exit from the development and NPF4 Policy 13 which requires development proposals that have the potential to affect the operation and safety of the Strategic Transport Network to be fully assessed.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY				
Reference No.	Description			
	Decision		Date Of Decision	

ADVERT		
Advert Fee paid?	No	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	Departure from development plan	21/12/23
PINS	Departure from development plan	21/12/23

DEVELOPER CONTRIBUTIONS (PGU)	
Status	N/A

DOCUMENTS, ASSESSMENTS etc. * <i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i>		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Planning Design and Drainage Statement (ref: 23-17)	
Main Issues:	<p>Outlines that applicant cannot park a vehicle at home at present. Also outlines that car is small and would fit in the space provided, drop kerbs would also be provided.</p> <p>Outlines that there is no where to charge an electric vehicle at the property.</p>	

S.75 AGREEMENT		
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)			

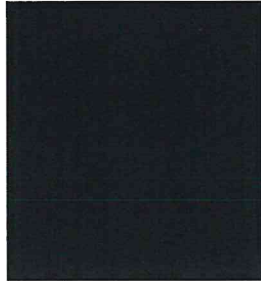


**MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

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

TO

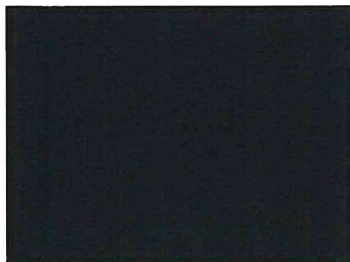


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

Proposed off street car parking space St Hilda 31 West Road Elgin Moray

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

Date of Notice: **17 January 2024**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

Economy, Environment and Finance
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, Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

The proposal seeks to form a new access onto the A96(T) Road to provide off-street parking for one vehicle and is contrary to the Moray Local Development Plan (2020) and National Planning Framework 4 for the following reasons:

1. The proposals seek to form a new access onto the A96(T) road which is not permitted by MLDP2020 Policy PP3.
2. The proposed parking space would fail to meet the size requirements for a standard parking space as set by Moray Council Parking Standards and if permitted, could result in vehicles obstructing the footway which would fail to comply with policy DP1 which requires that developments provide a safe access to and from the road network and NPF4 Policy 18 which require the impact of proposals on existing infrastructure to be mitigated.
3. The proposals could result in reversing manoeuvres onto the A96(T) which would interfere with the safety and free flow of the traffic on the A96(T) and this would fail to comply with policy DP1 which requires that proposals must provide a safe entry and exit from the development and NPF4 Policy 13 which requires developments that have the potential to affect the operation and safety of the Strategic Transport Network to be fully assessed.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
23~17		Elevations and layout plan Location plan

NOTICE OF APPEAL TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

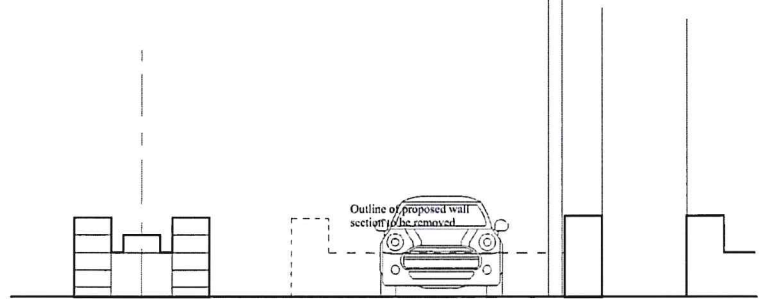
If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town 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.scotland.gov.uk

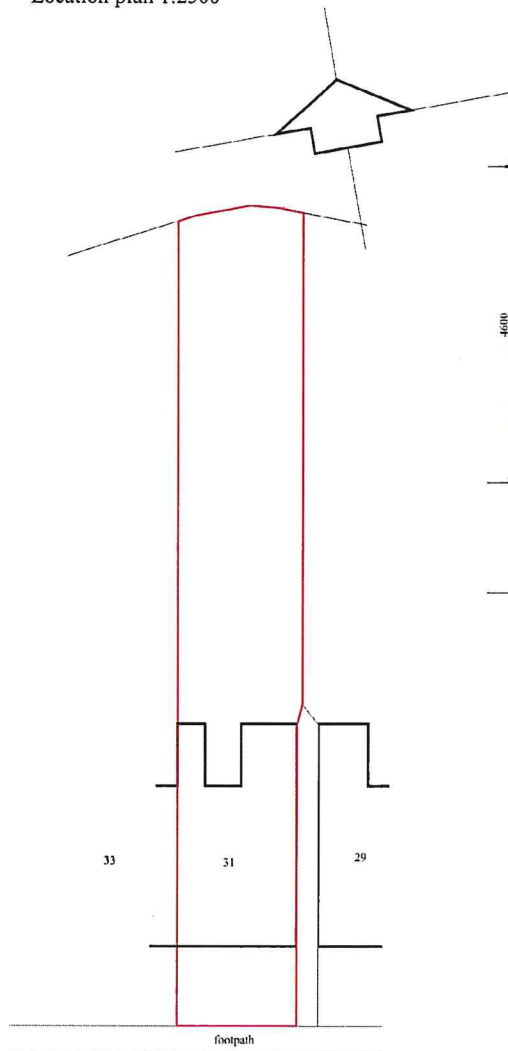
If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has 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.



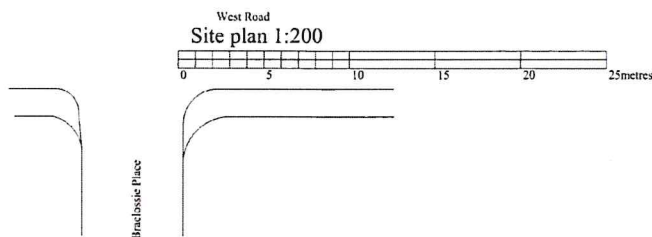
Location plan 1:2500



Front elevation 1:50



Plan view 1:50



Town & Country Planning
(Scotland) Act, 1997
as amended

REFUSED

17 January 2024

Development Management
Environmental Services
The Moray Council

NO WORKS TO COMMENCE ON SITE UNTIL THE RELEVANT PLANNING, BUILDING WARRANT OR GRANT APPROVAL HAS BEEN OBTAINED

CONTRACTORS WILL HAVE DEEMED TO HAVE VISITED THE SITE TO FAMILIARIZE THEMSELVES WITH THE PROJECT PRIOR TO SUBMITTING ANY ESTIMATE FOR BUILDING WORKS

CROWN COPYRIGHT. ALL RIGHTS RESERVED
LICENSE NUMBER 100041145

ANY DEVIATIONS TO APPROVED PLANS TO BE REPORTED TO THIS OFFICE.
CONTRACTORS TO CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCING BUILDING WORKS
GIVEN DIMENSIONS ONLY TO BE USED
DO NOT SCALE PLANS

ANY ROOF TRUSS TYING INTO AN EXISTING ROOF TO BE CHECKED ON SITE BY CONTRACTOR TO ENSURE HEIGHTS MEET CORRECTLY

CLIENT	Ms J Inch	SCALE	1:50	DRAWN BY	IR	DATE	Oct 2023
PROJECT	Proposed new driveway and opening at 31 West Road, Elgin, IV30 1SA					PROJECT No	23-17



**ARCHITECTURAL
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MAIN STREET OFFICES: URQUHART, BY ELGIN, IV30 8LG