

REF Planning Application 09/00963/OUT Walkers Crescent, Lhanbryde

**Procedure Notice relative to New Evidence**

Please find enclosed copies of the responses to the Moray Council Local Review Body in accordance with regulation 15 (3) regarding the above from

Mr and Mrs D Taylor  
Kirkhillhead  
Walkers Crescent  
Lhanbryde  
IV30 8PB

and

Mr and Mrs J Gillespie  
Brylach  
Walkers Crescent  
Lhanbryde  
IV30 8PB

11.03.10

Brylach • Walkers Crescent • Lhanbryde • Morayshire • IV30 8PB

telephone 01343 843822 • mobile 077 9311 2431 • email mail@gillespiedesigns.co.uk

Clerk to the Local Review Body  
The Moray Council  
High Street  
Elgin  
IV30 1BX

11<sup>th</sup> March 2010

Dear Sir

**Your ref RR/LRB**

**Planning Application 09/00963/OUT Walkers Crescent, Lhanbryde**

Thank you for your letter dated 8<sup>th</sup> March 2010 detailing a Procedure Notice relative to New Evidence. Please note that all the points made in our letter dated 30<sup>th</sup> December 2009 are still applicable and copies of this correspondence can be viewed at <http://public.moray.gov.uk/eplanning/> and by entering the planning application reference number (09/00963/OUT). Also, a copy of all documents relating to the Notice of Review can be inspected, on request, at the Access Point, Council Office Elgin by contacting the Clerk to the LRB.

Our views on the **substance** of the Procedure Notice relative to New Evidence document are as follows.

1.5 Our understanding is that **Outline Planning** for one house was granted on the site and not Planning Consent.

2.5 I have a letter from Moray Council dated 18<sup>th</sup> July 2007 clearly stating that Walkers Crescent is a private unadopted road. (copy 01 enclosed) *\* (ALSO MENTIONED IN COPY 03)*

3.4 As there are no photographs of the access to the site the in the report, I have attached a selection which illustrate the concerns we have about any further vehicular access via the unmade track. (copy 02 enclosed)

3.9 Are there detailed design drawings available to substantiate this?

4.2 Surely there are a further two accesses to be considered. One with the access track

and Walkers Crescent and the second with the access track and the entrance to the site

4.12 – 4.16 and 5.6 – 5.16

We would reiterate that one survey of 90 minutes does not constitute a full and accurate picture of both pedestrian and vehicular usage of the access track and Walkers Crescent.

5.23 As mentioned in previous correspondence there is a road safety problem in this area and I have enclosed a letter (copy 03) from Moray Council Transportation Service supporting this.

This '**new material**' could have been supplied earlier in the process so surely there is no reason for it to be considered now.

In conclusion, we still feel very strongly that the main concerns have not been addressed by the applicant and nor can a safe and acceptable development take place where the proposed access is along Walkers Crescent and across the private access track belonging to 'Brylach'

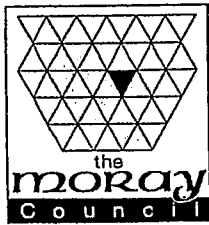
Yours sincerely



John B Gillespie



Moira Gillespie



**Gordon Holland**  
Transportation Manager

Direct Services  
The Moray Council,  
Council Office, Academy Street, Elgin, IV30 1LL

Tel : (01343) 562500 Fax : (01343) 545628 DX-NO 520666  
Web Site: [www.moray.gov.uk](http://www.moray.gov.uk)

Contact: Elaine Penny Direct dial 01343 562515

Our Ref: GRH/EP/PA/332764  
Your Ref:

18 July 2007

Moirra Gillespie  
Brylack  
Walkers Crescent  
Lhanbryde  
IV30 8PB

MOTORBIKE REPAIRED @ ELGIN  
POLICE STATION 29/02/08 @ 11.15.

Dear Mrs Gillespie

I refer to your letter of 5 June 2007. I have discussed your concerns with Grampian Police (Sergeant Wheelan) and we agree that although pedestrians and pedal cyclists are allowed access, motor cyclists are not. ~~Should the issue with motor cyclists continue this is a matter~~ which should be dealt with by Grampian Police and you should refer it to your local office which is Fochabers. It is likely it will be dealt with as a community issue by the Community Wardens.

With reference to Walkers Crescent generally, I am afraid that the road is a private unadopted road and is therefore not the responsibility of the Council (although, budget permitting, we do fix potholes on it). As such, any works requested e.g. traffic calming, is the responsibility of the landowners of the road.

I therefore am unable to help in this situation.

Yours sincerely

  
**Gordon R Holland**  
**TRANSPORTATION MANAGER**

Copy to Councillor Ross  
Sgt C Wheelan, Grampian Police, Elgin



ISO 9001:2000  
FS 33734

Head of Direct Services: Alexander Ritchie  
A Division of the Environmental Services Department: Robert A Stewart, Director

Copy 01



Looking down the unmade track from Brylach  
Entrance to site is on the left between the hedges



Looking up the track from Walkers Crescent  
Entrance to the site is between the car and the hedge



Footpath joins the track between the small hedge and the  
fence post

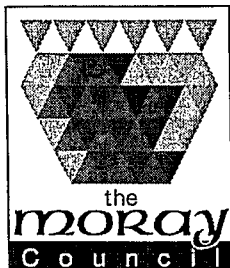


Looking from the site to the track



10.03.10

COPY 02



## Transportation Service

Kevin Price

ENGINEER (TRAFFIC)

The Moray Council, Academy Street, Elgin, IV30 1LL

Telephone: 01343 562573

Fax: 01343 545628

Andy Duff  
Senior Engineer (Traffic)

E-mail: [kevin.price@moray.gov.uk](mailto:kevin.price@moray.gov.uk)

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

Our Ref: ARD/KP/LB - 661560

Your Ref:



2 September 2009

Mrs M Gillespie  
Brylach  
Walkers Crescent  
Lhanbryde  
IV30 8PB

Dear Mrs Gillespie

### ROAD SAFETY, WALKERS CRESCENT, LHANBRYDE

Thank you for your letter dated 23rd June 2009 regarding the above matter, I apologise for the delay in responding to your concerns.

Following a recent site visit and examination of the previous correspondence related this issue, I share your concerns regarding the possible conflicts between pedestrians using the pathway and vehicles entering/exiting your property, especially in light of the planning application that has been submitted in respect of an adjacent plot of land.

\* ~~Having checked the landownership records for the Lhanbryde I can confirm that Walker Crescent and the aforementioned pathway are both private unadopted routes and therefore we are unable to spend public money to provide the safety barrier system that you have described.~~

In an attempt to draw this matter to a close I will endeavour to determine the contact details of the landowner and will reiterate my concerns regarding the safety of vehicles using your driveway and pedestrians/cyclists. I will request that he considers erecting a low cost barrier system that will prevent the problems that you have described, without preventing access for all legitimate users of that path. We are more than willing to provide the landowner with appropriate specifications



ISO 9001 : 2008  
FS 33734

COPY 03

11th March 2010

Kirkhillhead  
1 Walkers Crescent  
Lhanbryde  
Elgin IV30 8PB

Request for Review: Planning Application 09/00963/OUT  
Walkers Crescent, Lhanbryde

We submit our response to Document 05

2. Status of Private/Public Road : Walkers Crescent has been in existence since 1854 when twelve houses were built.

3. Access Width : Obviously cars were not envisaged.

3.7. "streets should fit into the development, rather than the development fitting around a network of standard roads". This thinking would seem to kill the character of Walkers Crescent.

3.9. "The proposed development is entirely in keeping with the character of Walkers Crescent" This statement needs clarification, elaboration and explanation.

4. Junction Visibility

4.12 Observation on 10th Dec. 09, from 7.30am - 9.00am does not give a balanced or true picture. Not everyone goes to work at that time. Not everyone goes to work.

5. Pedestrian Safety

5.4. Take this route at your peril.

5.6. We assure you there is more than one child walking to school.

5.20. No one would suggest that all vehicles would leave Walkers Crescent at the same time that children are walking to school.

5.21. One extra car is one too many

5.23. Living here we appreciate only too well the hazards. Width of roadway, lack of pavements and parked cars do cause safety problems. More importantly, since the Woodlands development many more pedestrians use Walkers Crescent. There are those going to the shops, catching a bus, dog walkers, the elderly, joggers, young mothers with prams and toddlers, and small children playing.  
The Council's reasoning is therefore not flawed.

## 6. Road Construction

6.2 "little surface damage". We would disagree.

6.3 "little evidence that such damage will actually happen". This seems a rash statement.

## 7. Conclusion

7.4 Surely "An appropriate test" cannot be carried out on a development that hasn't taken place.

7.7. We disagree strongly with this statement.

Omissions In our opinion there is a major omission in the Document. No mention has been made of the access to the site. No photograph has been included. Narrowness and proximity to Gormond, Shangri-la and Balnakyle, and the use of Brylach's driveway create even more safety issues.

Who would be responsible for damage to any property in the area?

Another hazard, and one that has been overlooked is driving into Walkers Crescent, via the spur and coming from west.

Following drivers do not believe the driver ahead is turning left; they assume the indication left is for Garmouth Road. Great caution has to be taken.

These are our reasons why the application should be refused.

June Taylor

Daniel Taylor

