

## PLANNING APPLICATION: 09/01707/APP

*In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications*

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### **The Proposal**

- Change of use of public hammer head to form private garden ground with private vehicular access.
- Form 1m high wall on south west and south east sides of the new garden ground.

### **The Site**

- Currently a hammer head off Anton Street which is separated from the neighbouring playing field to the west by a wooden fence. The applicants' property and another residence straddle the hammer head to the north and south.
- A gap exists in the wooden fence at the south west corner of the site, allowing pedestrian access into the playing field to the west.

### **Policy / Objections-Representations / Consultations - See Appendix**

### **History**

None

### **Advertisement**

Under neighbour notification, advertised, as there were no premises on the land adjacent to the site.

### **Observations**

The main planning issues are:

#### **Impact upon highway safety and locality (T2, T7 and IMP1)**

The proposed change of use, affecting a piece of land that is largely unused other than for vehicular access to the rear of the applicants' property, would have no detrimental affect upon the locality. The land will also be kept tidier once in sole ownership and become maintained as part of the applicants garden.

The proposed wall to surround the site will not compromise pedestrian or vehicular visibility, nor detrimentally impact any neighbouring property. As the proposal allows for the retention of a footpath along its southern boundary the access between the playing field and Anton Street would not be compromised.

The proposals are therefore acceptable and comply with development plan policy.

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A handwritten signature in black ink, reading "Donald J. Lunan". The signature is written in a cursive style with a large initial 'D'.

***DONALD LUNAN***  
***PLANNING & DEVELOPMENT MANAGER***

## **APPENDIX**

### **POLICY**

#### **Moray Structure Plan 2007 and/or Moray Local Plan 2008**

##### **Policy T2: Provision of Road Access**

The Council will require that a suitable and safe road access from the public highway is provided to serve new development and where appropriate any necessary modifications to the existing road network to mitigate the impact of development traffic, and the provision of appropriate facilities for public transport, cycling, and pedestrians. Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.

SPP17 details that there will be a presumption against new accesses onto a trunk road, and that the Scottish Executive will consider the case for such junctions where nationally significant economic growth or regeneration benefits can be demonstrated.

##### **T7: Cycling, Walking and Equestrian Networks**

The Council will promote the improvement of the cycling, walking, equestrian and motorised sport path networks within Moray. It will give priority to the path networks and to long distance routes including the Aberdeen to Inverness National Cycle Route and the Speyside Way. Development proposals that adversely impact on the routes and cannot be adequately mitigated will not be acceptable.

Dependant on funding the Council will examine the possibility of an extension of the Elgin to Lhanbryde footpath network.

##### **IMP1: Development Requirements**

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It must meet the following criteria:

- a. the scale, density and character must be appropriate to the surrounding area,
- b. the development must be integrated into the surrounding landscape,
- c. adequate roads, public transport, and cycling and footpath provision must be available, at a level appropriate to the development,
- d. adequate water, drainage and power provision must be made,
- e. sustainable urban drainage systems should be used where appropriate, in all new developments
- f. there must be adequate availability of social, educational, healthcare and community facilities,

- g. the development should, where appropriate, demonstrate how it will incorporate renewable energy systems and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria,
- h. provision for the long term maintenance of public landscape and amenity areas must be made,
- i. conservation of natural and built environment resources must be demonstrated,
- j. appropriate provision to deal with flood related issues must be made, including the possibility of coastal flooding from rising sea levels and coastal erosion,
- k. pollution, including ground water must be avoided,
- l. appropriate provision to deal with contamination issues must be made, and
- m. the development must not sterilise significant workable reserves of minerals, prime quality agricultural land, or preferred areas for forestry planting.
- n. where appropriate, arrangements for waste management should be provided.

### **OBJECTIONS-REPRESENTATIONS**

A letter of objection has been received from Mr Charles Blake by e-mail.

The grounds for objection are as follows;

- As this is a very busy access egress to Merson Park making corridor under the recommended width for pedestrian wheelchairs and cycles access will cause more people to cut through our gardens to access fates football competitions.

Officers response.

- The Transportation Section have not objected to the proposals subject to the conditions recommended.

As the footpath to be retained utilised the existing opening in the fence to the south east corner of the site, the proposal will not inhibit access.

It is speculative to presume that people would cut through neighbouring private properties as a result of this development when a path is being retained in adjacent to the site.

### **CONSULTATIONS**

**Contaminated Land, Development Services** - No objections.

**Transportation Manager, Direct Services** - Approve subject to conditions and informatives.