



MORAY LOCAL REVIEW BODY

16 MAY 2024

SUMMARY OF INFORMATION FOR CASE No LR300

Planning Application 23/01973/APP – Proposed off street car parking space at St Hilda, 31 West Road, Elgin

Ward 7 – Elgin City South

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 17 January 2024 on the grounds that:

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

Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

The Notice of the Review, Grounds for Review and any supporting documents submitted by the Applicant are attached as **Appendix 2**.

No further representations were received.



Location plan for Planning Application Reference Number : 23/01973/APP



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
(c) Crown Copyright. The Moray Council 100023422 2024



APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 0300 1234561 Email: development.control@moray.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100651089-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Proposed off street car parking space

Has the work already been started and/ or completed? *

No Yes - Started Yes – Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Plans Plus		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Colin	Building Name:	Plans Plus Offices
Last Name: *	Keir	Building Number:	
Telephone Number: *	01343 842635	Address 1 (Street): *	Main Street
Extension Number:		Address 2:	Urquhart
Mobile Number:		Town/City: *	By Elgin
Fax Number:		Country: *	Moray
		Postcode: *	IV30 8LG
Email Address: *	ctkplans@aol.com		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Joanna	Building Number:	31
Last Name: *	Inch	Address 1 (Street): *	West Road
Company/Organisation		Address 2:	Elgin
Telephone Number: *		Town/City: *	Moray
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	IV30 1SA
Fax Number:			
Email Address: *	ctkplans@aol.com		

Site Address Details

Planning Authority:

Moray Council

Full postal address of the site (including postcode where available):

Address 1:

ST HILDA

Address 2:

31 WEST ROAD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ELGIN

Post Code:

IV30 1SA

Please identify/describe the location of the site or sites

Northing

862694

Easting

320563

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

Yes No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? *

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? *

1

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Colin Keir

On behalf of: Ms Joanna Inch

Date: 08/11/2023

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- Existing and Proposed elevations.
- Existing and proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

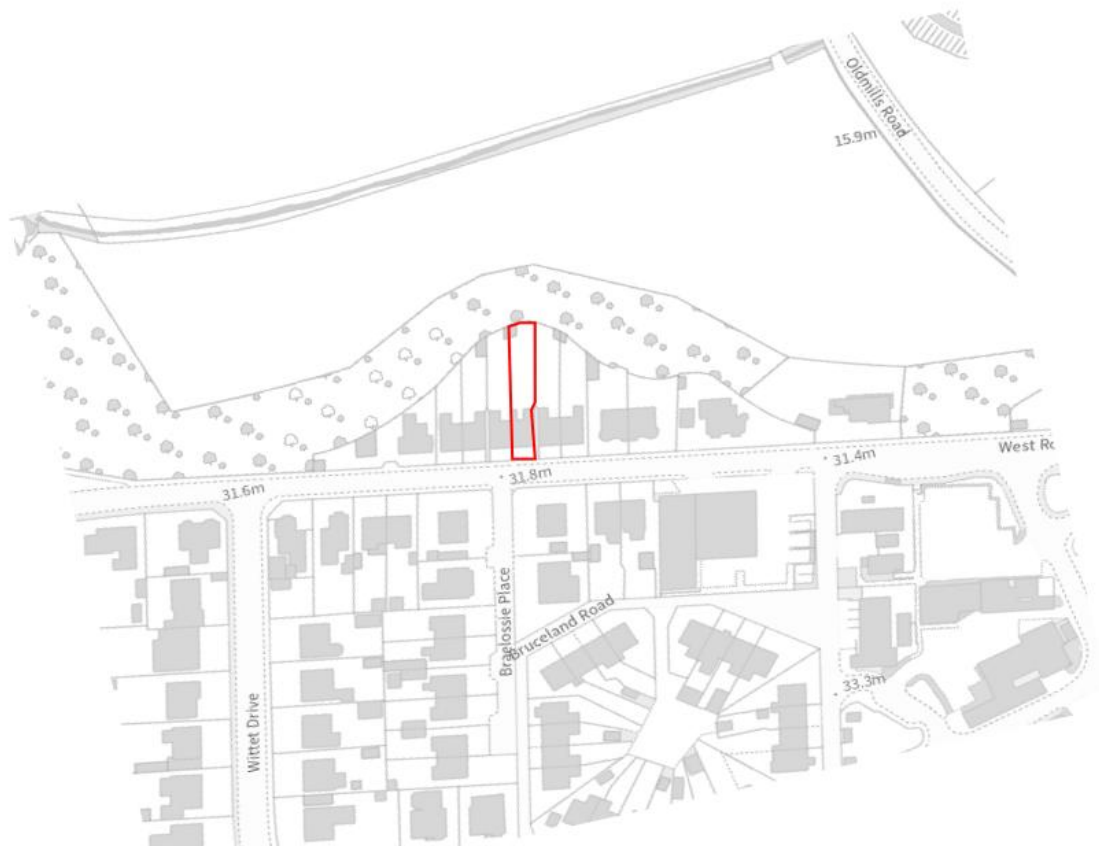
Declaration Name: Mr Colin Keir

Declaration Date: 08/11/2023

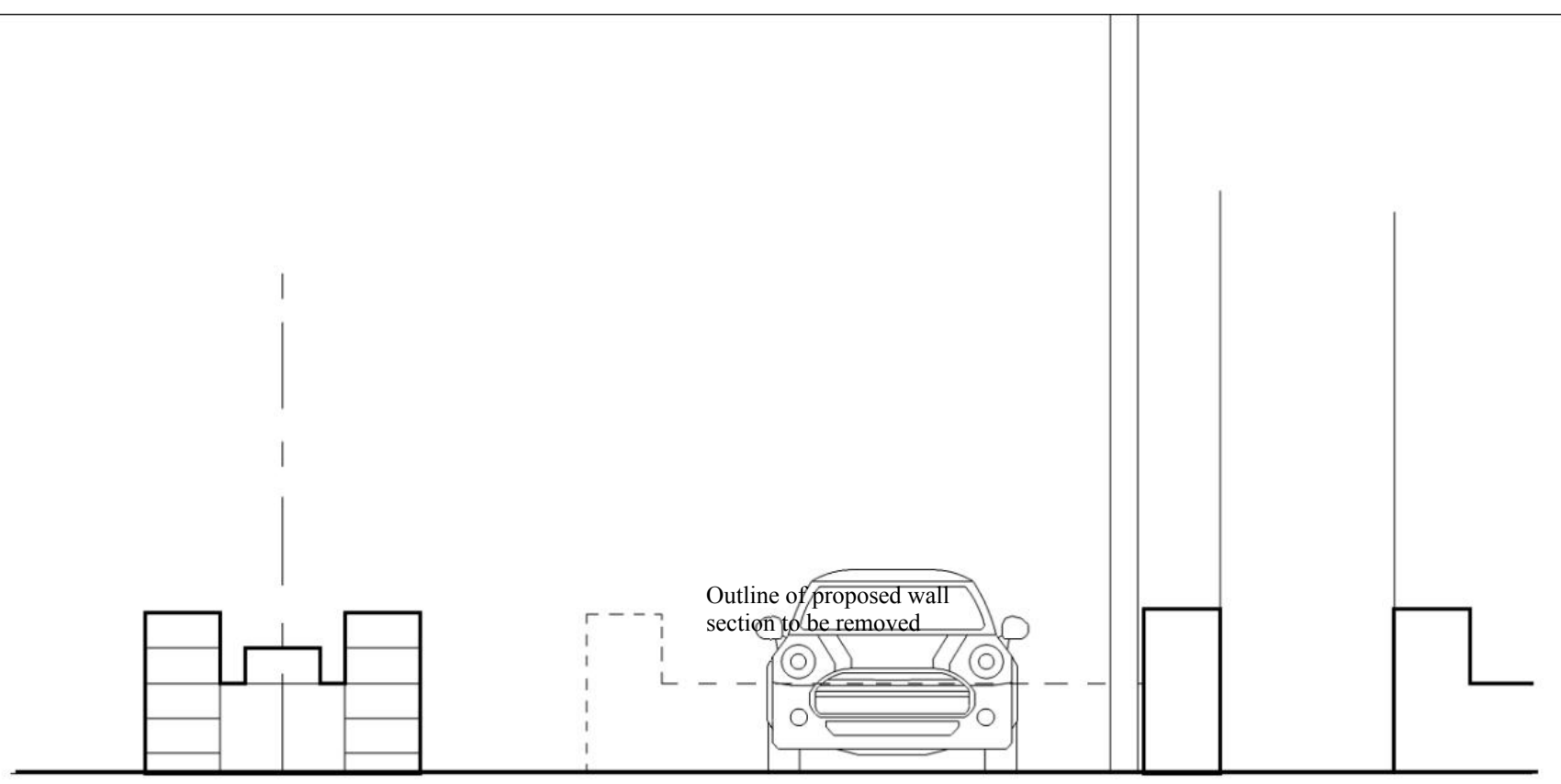
Payment Details

Cheque: Plans Plus, 014887

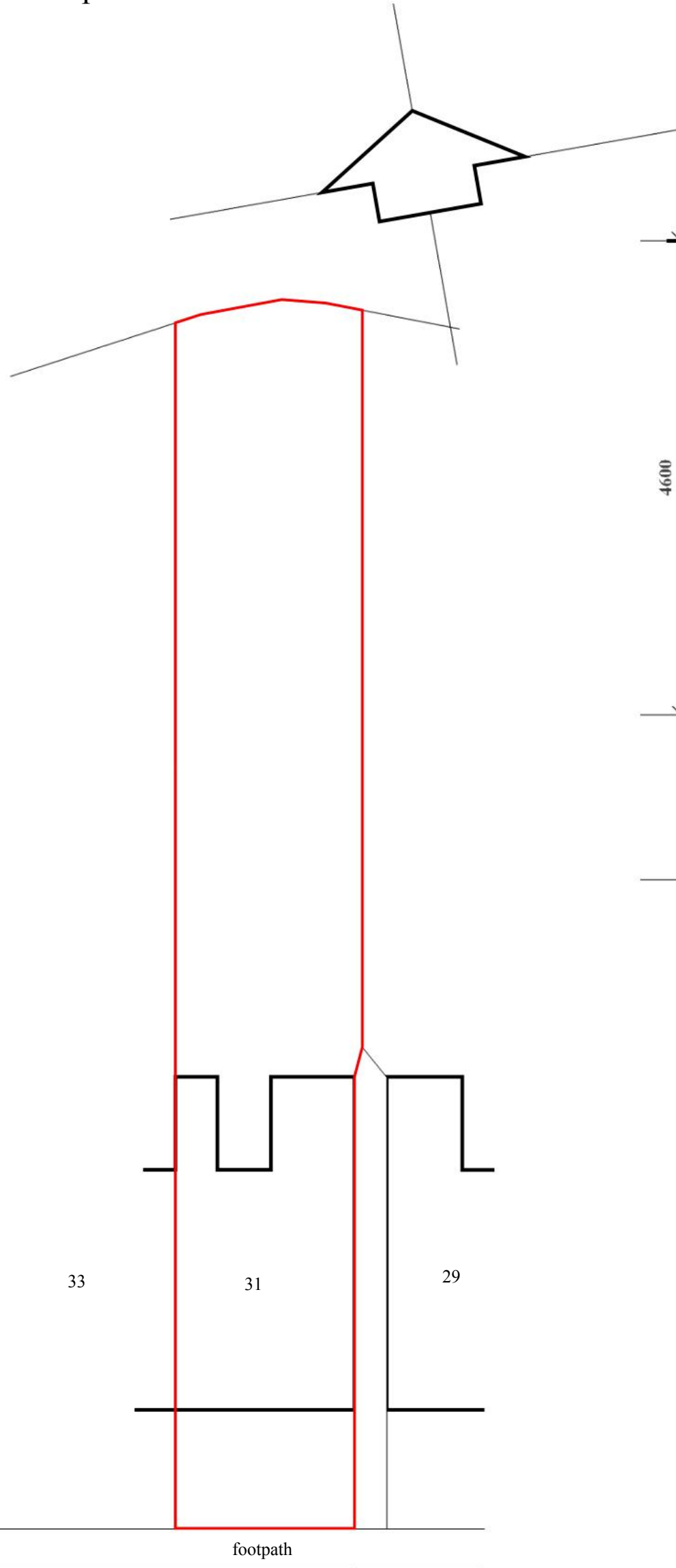
Created: 08/11/2023 15:05



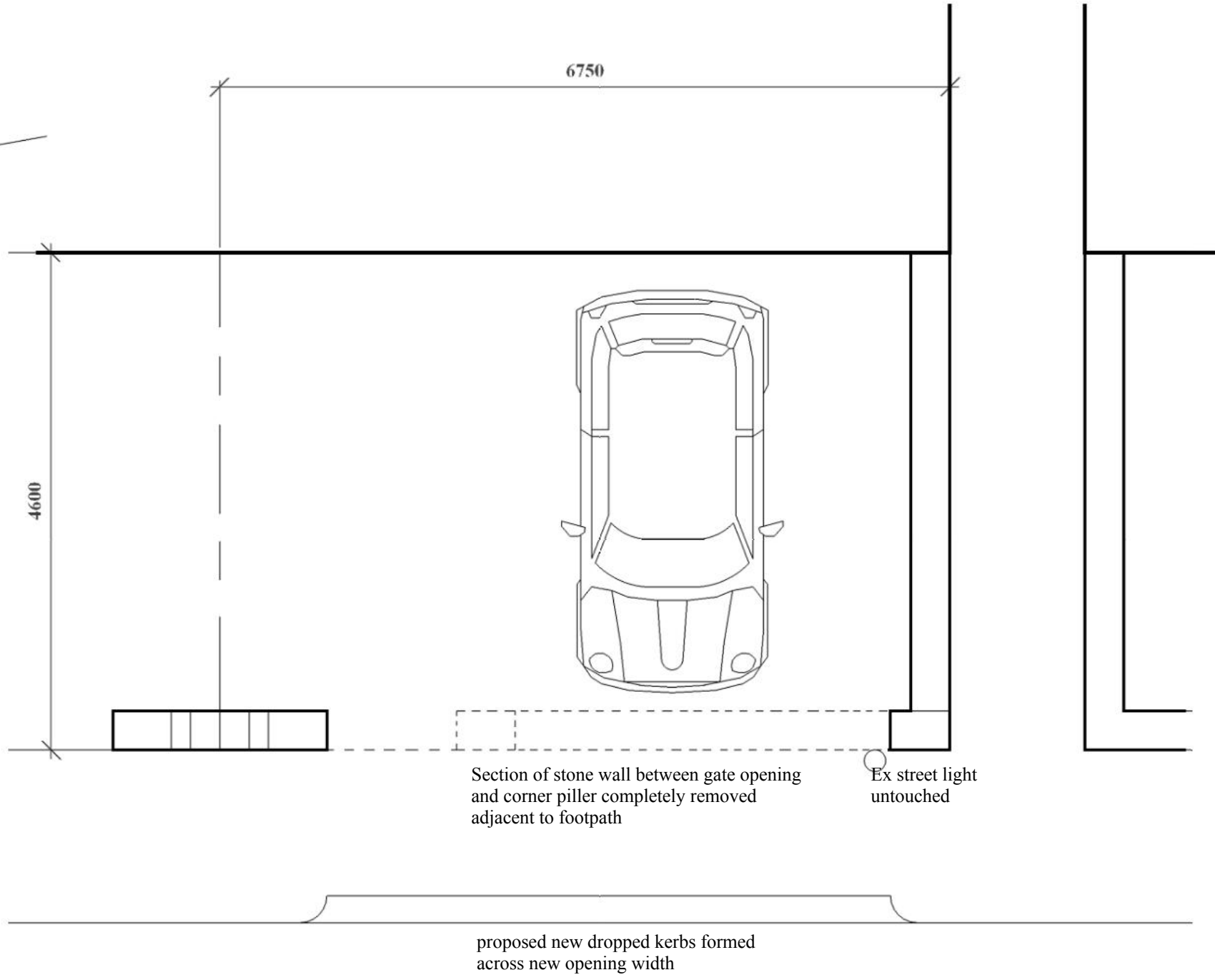
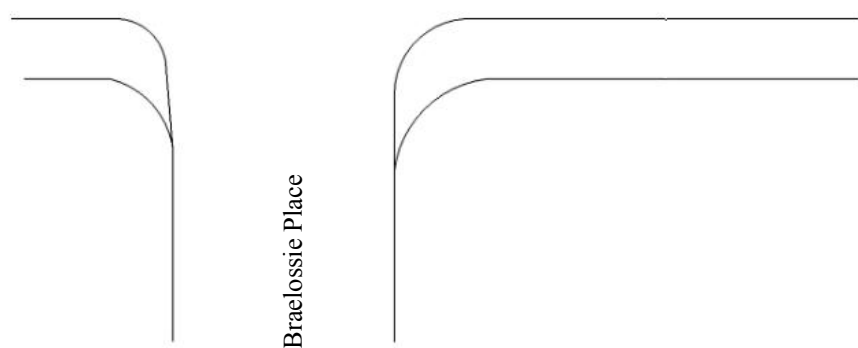
Location plan 1:2500



Front elevation 1:50



West Road
Site plan 1:200



Plan view 1:50

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
DESIGN CONSULTANTS**
TEL No 01343 842635
MOBILE No 07766 315501
EMAIL ctkplans@aol.com
WEB www.plans-plus.co.uk
PARTNERS COLIN & CATRIONA KEIR

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



design consultants

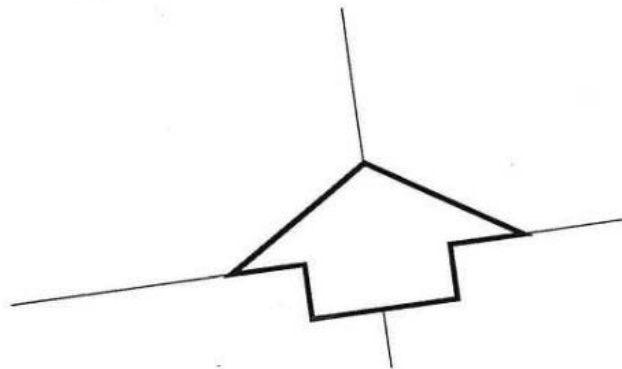
Phone: 01343 842635
Fax: 01343 842785
Mobile: 07766 315501
Email: ctkplans@aol.com
Web: <http://members.aol.com/ctkplans>

Main Street, Urquhart, Elgin, Moray, IV30 8LG

LOCATION PLAN



Location plan 1:2500





design consultants

Phone: 01343 842635
Fax: 01343 842785
Mobile: 07766 315501
Email: ctkplans@aol.com
Web: <http://members.aol.com/ctkplans>

Main Street, Urquhart, Elgin, Moray, IV30 8LG

PLANNING DESIGN AND DRAINAGE STATEMENT

PROJECT :- PROPOSED OFF STREET PARKING SPACE AT 31 WEST ROAD ELGIN.

PROJECT NUMBER 23-17

This is an application to remove a section of stone wall on the a section of the A96 at West Road in Elgin. At present the applicant has nowhere to park her car anywhere near to her home and this off street parking space will prove invaluable to her.

The applicant has a small car which fits comfortably in the space either on an angle or as shown on the plans. The area the car will sit on will be raised to the same level as the pavement. Drop kerbs along the length of the access are proposed as indicated on plan.

Whilst it is acknowledged that the council have policies relating to forming accesses on to trunk roads, these policies are now out-dated when we are trying to encourage the public to move away from using petrol and diesel cars and switch to electric vehicles. There is nowhere available for the applicant to park her electric car nor to charge it. Surely current policies must be flexible where there is an opportunity to change to an electric vehicle.

There are no drainage proposals.



Consultee Comments for Planning Application 23/01973/APP

Application Summary

Application Number: 23/01973/APP

Address: St Hilda 31 West Road Elgin Moray IV30 1SA

Proposal: Proposed off street car parking space

Case Officer: Fiona Olsen

Consultee Details

Name: Mr CL Consultations

Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX

Email: Not Available

On Behalf Of: Contaminated Land

Comments

Approved unconditionally by Adrian Muscutt, CLO on 15.11.23

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	27th November 2023
Planning Authority Reference	23/01973/APP
Nature of Proposal (Description)	Proposed off street car parking space
Site	St Hilda 31 West Road Elgin Moray IV30 1SA
Site Postcode	N/A
Site Gazetteer UPRN	000133015976
Proposal Location Easting	320563
Proposal Location Northing	862694
Area of application site (M²)	
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=S3UGSQBGKYV00
Previous Application	
Date of Consultation	13th November 2023
Is this a re-consultation of an existing application?	No
Applicant Name	Ms Joanna Inch
Applicant Organisation Name	
Applicant Address	St Hilda 31 West Road Elgin Moray IV30 1SA
Agent Name	Plans Plus
Agent Organisation Name	Plans Plus
Agent Address	Main Street URQUHART By Elgin Moray IV30 8LG
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Fiona Olsen
Case Officer Phone number	01343 563189
Case Officer email address	fiona.olsen@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.

Data Protection - Moray Council is the data controller for this process. Information collected about you on this form will be used to process your Planning Application, and the Council has a duty to process your information fairly. Information we hold must be accurate, up to date, is kept only for as long as is necessary and is otherwise shared only where we are legally obliged to do so. You have a legal right to obtain details of the information that we hold about you.

For full terms please visit http://www.moray.gov.uk/moray_standard/page_121513.html

For full Data Protection policy, information and rights please see http://www.moray.gov.uk/moray_standard/page_119859.html

You can contact our Data Protection Officer at info@moray.gov.uk or 01343 562633 for more information.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 23/01973/APP

Proposed off street car parking space St Hilda 31 West Road Elgin Moray for Ms Joanna Inch

I have the following comments to make on the application:-

Please

- (a) I OBJECT to the application for the reason(s) as stated below
- (b) I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal
- (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below
- (d) Further information is required in order to consider the application as set out below

This proposal is to for a new off street car parking space, accessed directly via the A96 (T) West Road. The proposed arrangement does not appear to offer enough depth to accommodate a parked car. However as the site is accessed directly via a trunk road the suitability (or otherwise) of the proposed new access and parking provision would require to be assessed by Transport Scotland as Trunk Road Authority. Although a street lighting column is located in close proximity to the proposed new access (and may require to be re-located) the responsibility for the street lighting at this location also vests with Transport Scotland.

On the basis that the new access does not impact upon Moray Council Roads or infrastructure, Transportation has no comments to make on this proposal. However Transport Scotland should be consulted so that they can assess the impact of the development on their Trunk road network.

Further comment(s) to be passed to applicant

Planning consent does not carry with it the right to carry out works within the public road boundary.

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

Contact: AG

Date 17 November 2023

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

Consultee: TRANSPORTATION

Return response to

consultation.planning@moray.gov.uk

Response On Development Affecting Trunk Roads and Special Roads

The Town and Country Planning (Scotland) Act 1997

**The Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2013 S.I.2013 No 155 (S.25)**

Town and Country Planning (Notification of Applications) (Scotland) Direction 2009

To: The Moray Council	Council Reference:-	23/01973/APP
	TS Reference:-	NE/242/2023

Application made by Ms Joanna Inch per Colin Keir, Plans Plus Main Street Urquhart, Moray IV30 8LG and received by Transport Scotland on 23/11/2023 for planning permission for Proposed off street car parking space located at St Hilda 31 West Road Elgin Moray affecting the A96 Trunk Road.

Director, Trunk Roads Network Management Advice

1. The Director does not propose to advise against the granting of permission
2. The Director advises that planning permission be refused (see overleaf for reasons).
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons).

To obtain permission to work within the trunk road boundary, contact the Route Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-

Area Manager (A96)
0141 272 7100
Transport Scotland, 2nd Floor, George House, 36 North Hanover St, Glasgow G1 2AD

Operating Company:-

North East

Address:-

Amey, Caledonian House, West Kinfauns, Perth

Telephone Number:-

Not Available

e-mail address:-

occr-northeast@amey.co.uk

Response On Development Affecting Trunk Roads and Special Roads

REASON(S) for Refusal

- | | |
|---|--|
| 1 | 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. |
| 2 | 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. |

Transport Scotland Response Date:-

30/11/2023

Transport Scotland Contact:-

Shaun Phillips

Transport Scotland Contact Details:-

Roads - Development Management

Transport Scotland, 2nd Floor, George House, 36 North Hanover St, Glasgow G1 2AD

Telephone Number: 0141 272 7100

e-mail: development_management@transport.gov.scot

NB - Planning etc. (Scotland) Act 2006

Planning Authorities are requested to provide Transport Scotland, Roads Directorate, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Directorate if the recommended advice is not accepted.

From: [REDACTED]
Sent: Wed, 22 Nov 2023 17:38:00 +0000
To: Planning-Comments
Subject: 23/01973/APP

I am writing to you concerning the planning application ref 23/01973/APP. I was looking for clarification on the application as it seems according to the plan they are using a very narrow shared lane between two properties to create a driveway. Will this affect the property boundary front wall as I've concern that the wall is actually listed. I've been made aware that they plan to park in the garden at the front of their property but this isn't what the plan shows.

[REDACTED]

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 an 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:	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.	
	Outlines that there is no where to charge an electric vehicle at the property.	

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.



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 0300 1234561 Email: development.control@moray.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100651089-004

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Plans Plus		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Colin	Building Name:	Plans Plus Offices
Last Name: *	Keir	Building Number:	
Telephone Number: *	01343 842635	Address 1 (Street): *	Main Street
Extension Number:		Address 2:	Urquhart
Mobile Number:		Town/City: *	By Elgin
Fax Number:		Country: *	Moray
		Postcode: *	IV30 8LG
Email Address: *	ctkplans@aol.com		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Ms"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="St Hilda"/>
First Name: *	<input type="text" value="Joanna"/>	Building Number:	<input type="text" value="31"/>
Last Name: *	<input type="text" value="Inch"/>	Address 1 (Street): *	<input type="text" value="West Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Elgin"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Moray"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="IV30 1SA"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="ctkplans@aol.com"/>		

Site Address Details

Planning Authority:	<input type="text" value="Moray Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="ST HILDA"/>
Address 2:	<input type="text" value="31 WEST ROAD"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ELGIN"/>
Post Code:	<input type="text" value="IV30 1SA"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="862694"/>	Easting	<input type="text" value="320563"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Proposed off street car parking space at St Hilda 31 West Road Elgin IV30 1SA

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See separate sheet.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Decision notice Report of handling Location plan Drawing Supporting statement

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

23/01973/APP

What date was the application submitted to the planning authority? *

09/11/2023

What date was the decision issued by the planning authority? *

17/01/2024

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

A site visit will allow members to view the lack of infrastructure in terms of public charging points and to assess if parking off street on West Road is considered dangerous in terms of the Trunk Road designation

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Colin Keir

Declaration Date: 09/04/2024



design consultants

Phone: 01343 842635
Fax: 01343 842785
Mobile: 07766 315501
Email: ctkplans@aol.com
Web: <http://members.aol.com/ctkplans>

Main Street, Urquhart, Elgin, Moray, IV30 8LG

PROPOSED NEW DRIVEWAY AT 31 WEST ROAD ELGIN.

AAPPLICANT :- JOANNA INCH.

PLANNING REFERENCE NUMBER 23/01973/APP.

PLANNING REVIEW.

This was in principal a simple exercise to remove a front garden wall of a property to allow a small electrical vehicle to be charged within the curtilidge of the applicants home. Along with many other people she is trying to be as environmentally friendly as possible and switched to an electric vehicle. The problem arose when she tried to charge the vehicle as she has no off street parking. The simple solution was to remove the front wall and pull in to the garden.

The vehicle in question is small in size and would fit into the 4.6m space that would be provided without impinging on the pavement. Visibility in both directions is good.

The majority of policies have been adhered to in terms of National Planning Framework 4. NP1, NPF2, NPF3, NPF5, NPF13, NPF16 and NPF18 all comply as stated in the Report of Handling by the planning officer. The entire reason for refusal falls down to Trunk Road access (A96).

It then appears that the policies contained within the National Planning Framework 4 all want to encourage a carbon neutral Scotland with Green policies being implemented all over the country. However the Moray Local Plan 2020 is at odds with the national policies as it seeks to deter anyone from trying to create space within their property to allow them to fit an electrical



vehicle charging point. It is accepted that entering or exiting trunk roads can slow traffic down but this is well within a 30 mph speed zone which is slowed down even further by vehicles turning off the A96 to travel along Wittet Drive. The hospital turn off also slows vehicles down in this location.

One of the latest laws to be introduced into Scotland is that it is now illegal to park on a pavement. This does not allow the applicant any opportunity to charge her vehicle. What is going to happen when we are all supposed to be driving electric vehicles? The lack of infrastructure particularly away from major cities means there are very few charging points available and there does not appear to be any available in this location for the applicant to use.

Moray Council must accept that the Local Plan policies are now out of date and conflict with the aims of the National Planning Framework 4 document which is to encourage the use of green energy and the use of electric vehicles. Change has to be implemented at some point and if we are to be encouraged to use electric vehicles, either the infrastructure is put in place for the public to use or the public has to provide the facilities themselves. This should mean overriding Trunk road restrictions and having the vision to install electric vehicle charging points in peoples homes.

There has to be a new approach to trunk road rules and regulations where electric vehicle charging points are concerned. To have every property on a trunk road unable to charge electric vehicles appears to be outdated and in need of reform.

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

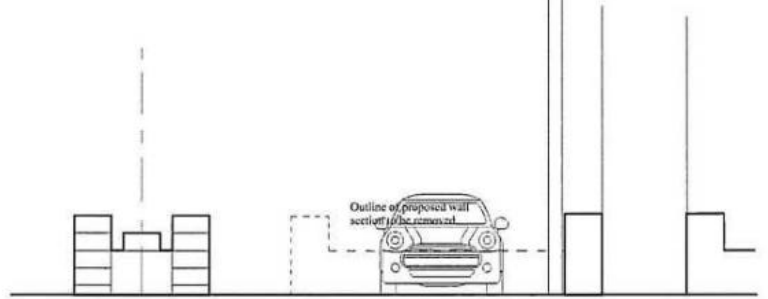
If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town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

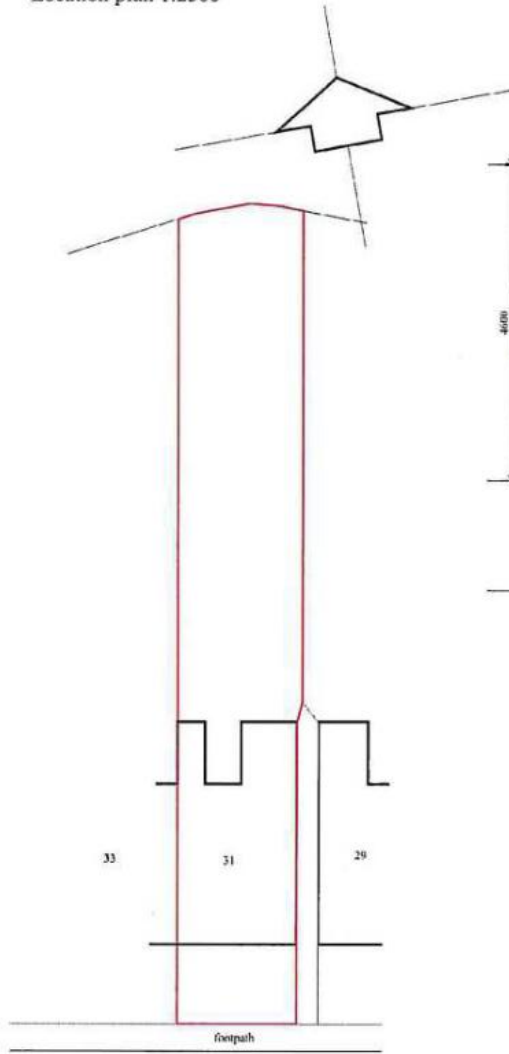
If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has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

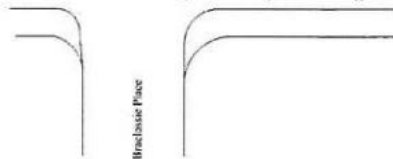
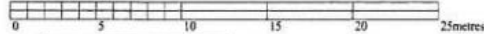
CONTRACTORS WILL HAVE DEEMED TO HAVE VISITED THE SITE TO FAMILIARIZE THEMSELVES WITH THE PROJECT PRIOR TO SUBMITTING ANY ESTIMATE FOR BUILDING WORKS

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

West Road
Site plan 1:200



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
DESIGN CONSULTANTS
TEL No 01343 842635
MOBILE No 07766 315501
EMAIL cdp@plansplus.co.uk
WEB www.plans-plus.co.uk
PARTNERS COLIN & CATRIONA KEIR

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