

ENVIRONMENTAL SERVICES

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Our reference: LR/LRB272

Your reference: LR272

Chief Legal Officer
Per Ms L Rowan
Committee Services
The Moray Council
High Street
ELGIN
IV30 1BX

08 March 2022

Dear Madam

**TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008**

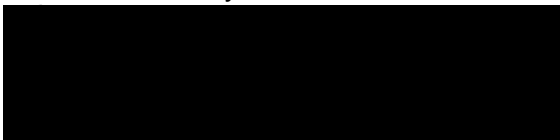
**REQUEST FOR REVIEW: PLANNING APPLICATION 21/00059/APP DEMOLISH EXISTING STORE AND
ERECTION OF DWELLINGHOUSE AT STORE SEATOWN CULLEN**

I refer to your email dated 24th February 2022.

I respond on behalf of the Transportation Manager with respect to our observations on the applicant's grounds for seeking a review of the planning authority's decision to refuse the above planning application.

Transportation has reviewed the appellant's grounds for review and the associated documents, and submits the attached representation with associated documents in response.

Yours faithfully



Diane Anderson
Senior Engineer

Local Review

LRB Ref 272

Planning Application Reference 21/00059/APP Demolish existing store and erect new dwelling at store Seatown Cullen

Response from Transportation, Moray Council

1. This document is in response to the Notice of Review and the Statement of Case submitted by Mr M Wilson and sets out observations by Transportation on the application and the grounds for seeking a review.
2. This review concerns planning application 21/00059/APP to demolish a former store and erect a new dwelling within Seatown Cullen.
3. Transportation received the consultation for planning application 21/00059/APP on 25th January 2021. A copy of Transportations (final) consultation response dated 9th November 2021 is attached (TMC01).
4. The proposed parking is located to the rear of the property and accessed via a private road. However the road to the rear is a busy Moray Council Core Path and it was therefore considered important for all associated parking to be provided fully within the curtilage of the site, and clear of the core path.
5. The initial design proposals did not show any parking provision for the development other than the inclusion of an integral 'double' garage. The proposal was for a 4 bed dwelling and therefore required 3 car parking spaces, based on Moray Council Parking Standards.
6. At this time the Planning Officer indicated that he was minded to refuse the application on the basis of the overall design, and that revised design proposals were being sought.
7. Although a revised design was expected to be provided to reflect the Planning officers concerns, Transportation in the meantime submitted a request for Further Information relating to the parking provision. It was highlighted that the proposed 'double' garage whilst small would be acceptable on the basis that that proposal was for the re-use of an existing building which would have had a previous parking demand associated. Drawings were sought clearly showing parking for three vehicles within the site curtilage.
8. Transportation were asked by Planning Team to submit an updated 'final' response due to the significant amount of time which had passed from the receipt of the application. On the basis that the additional information relating to parking provision had not been forthcoming to date, Transportation issued their final response on 9th November 2021 (TMC01)
9. It is now noted that updated drawings were submitted on the 15th December 2021, after Transportation had issued their 'final' response. The updated drawings showed an amended internal layout with the number of bedrooms reduced from 4 to 3. Parking provision was not shown, other than the previously

Local Review

LRB Ref 272

Planning Application Reference 21/00059/APP Demolish existing store and erect new dwelling at store Seatown Cullen

detailed 'double' garage. Transportation were not made aware of the revised drawings and the application was subsequently refused by Planning on the 16th December 2021.

10. Moray Council Parking Standards require 2no Parking spaces for a dwelling with 2 or 3 bedrooms, and 3no parking spaces for a dwelling with 4 bedrooms or more, and therefore based on the revised drawings (now showing only 3 bedrooms) 2no car parking spaces would be required.
11. Note- Transportation's 'Further information' request was provided on the expectation that revised drawings would be submitted, and at which time the associated parking provision would have been fully assessed, including further comments on the specification/ design of the garage. (Although the dimensions of the double garage were previously confirmed as acceptable the door width is too small to facilitate side by side parking for 2 vehicles, effectively rendering it as only a single garage.)
12. Therefore, for the benefit of clarity, and notwithstanding the fact that Transportation had not been aware of the revised drawings, should the most recently submitted proposal be approved at Local Review (3 bed dwelling) then the proposed double garage would be acceptable as counting towards 2 parking spaces but strictly on the basis that the garage entrance must be widened to a minimum of 4.8 metres.
13. Based on the amended drawings submitted after Transportation's 'final' response, (effectively showing only one parking space provided due to the narrow garage entrance) Transportation considers that the parking shown would not be acceptable, and would be likely to result in parking outwith the site which would obstruct the adjacent core path, and on that basis Transportation respectfully, requests the MLRB to uphold the decision by the appointed officer. In particular on the grounds that policy DP1 'Development Principles' section (ii)- 'Transportation', part 'e)' (parking provision) is not satisfied.

Transportation
08 March 2022

Documents

TMC01 Transportation Consultation Response dated 09 November 2021
TMC02 Site photos

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	8th February 2021
Planning Authority Reference	21/00059/APP
Nature of Proposal (Description)	Demolish existing store and erection of dwellinghouse at
Site	Store Seatown Cullen Buckie Moray AB56 4SJ
Site Postcode	N/A
Site Gazetteer UPRN	000133067088
Proposal Location Easting	350708
Proposal Location Northing	867261
Area of application site (M²)	290
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QN666VBGL5D00
Previous Application	20/00722/PELOC
Date of Consultation	25th January 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Mr M Wilson
Applicant Organisation Name	
Applicant Address	Waterstore House Banchory AB31 5HS
Agent Name	Mantell Ritchie
Agent Organisation Name	
Agent Address	Architects 27 High Street BANFF AB45 1AN
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Iain T Drummond
Case Officer Phone number	01343 563607
Case Officer email address	iain.drummond@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.

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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: 21/00059/APP

Demolish existing store and erection of dwellinghouse at Store Seatown Cullen Buckie for Mr M Wilson

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

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

Moray Council Parking Standards require 2no Parking spaces for a dwelling with 2 or 3 bedrooms, and 3no parking spaces for a dwelling with 4 bedrooms or more. This proposal is for a 4 bedroom dwelling and therefore would require 3no spaces.

The proposed double garage is smaller than would ordinary count as equivalent to 2no parking spaces (minimum internal clear dimensions should be not less than 3 metres by 7 metres), and parking for three vehicles has not actually been shown. Infrastructure to support a future Electric Vehicle (EV) charging unit would also required for this proposal and has also not been shown.

Transportation previously sought further information relating to the provision of 3no car parking spaces, and future Electric Vehicle infrastructure provision. To date no additional information has been received.

Reason(s) for objection

On the basis of the submitted details to date Transportation considers that the proposal, if permitted, would be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policy DP1 'Development Principles' section (ii)- 'Transportation', part 'e)' (parking provision).

Contact: AG

Date 09 November 2021

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

Consultee: TRANSPORTATION

Return response to	consultation.planning@moray.gov.uk
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View of existing store frontage onto C107L Seatown



View of existing store frontage onto C107L Seatown



View of existing store frontage onto Core path



View from existing store frontage onto Core path



View from core path at adjacent property showing route to Beach and Golf course Car Park