



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.

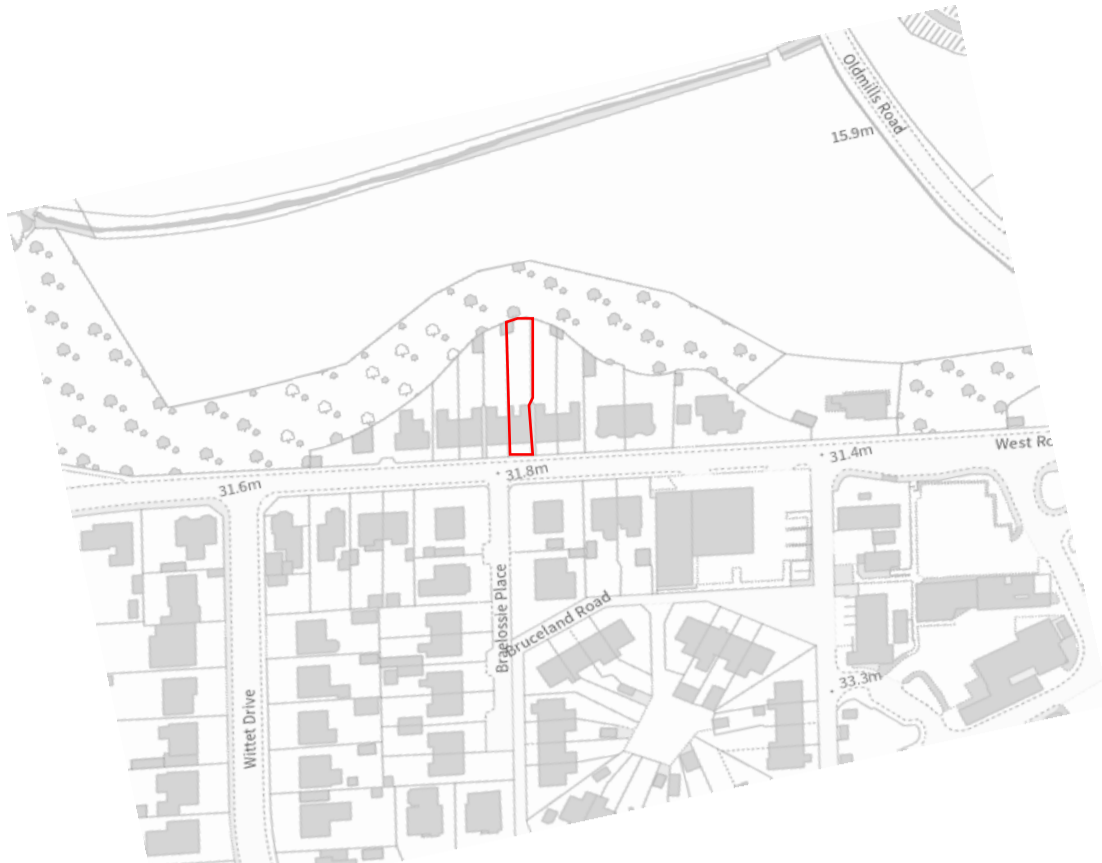
Declaration Name: Mr Colin Keir

Declaration Date: 08/11/2023

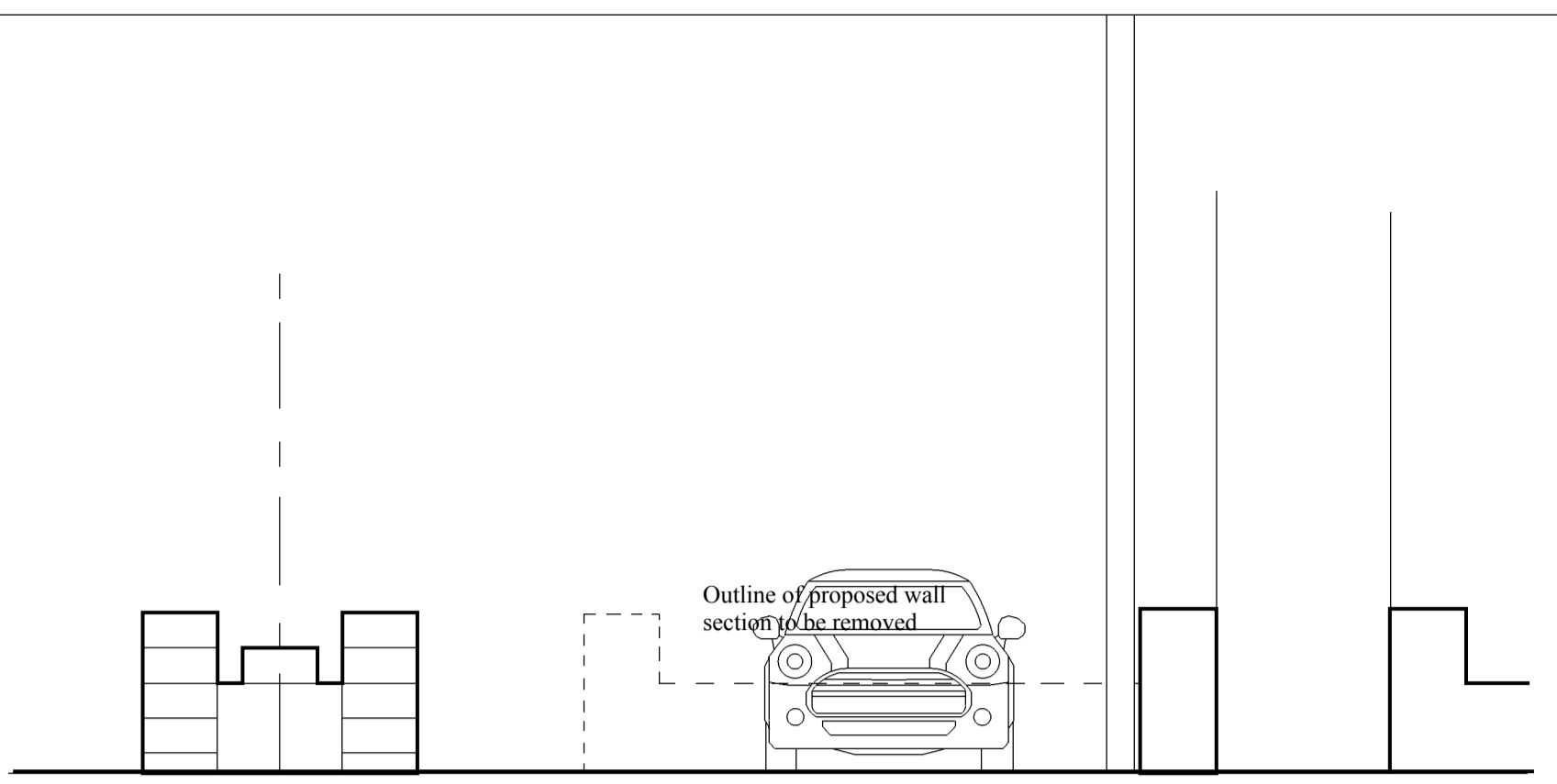
Payment Details

Cheque: Plans Plus, 014887

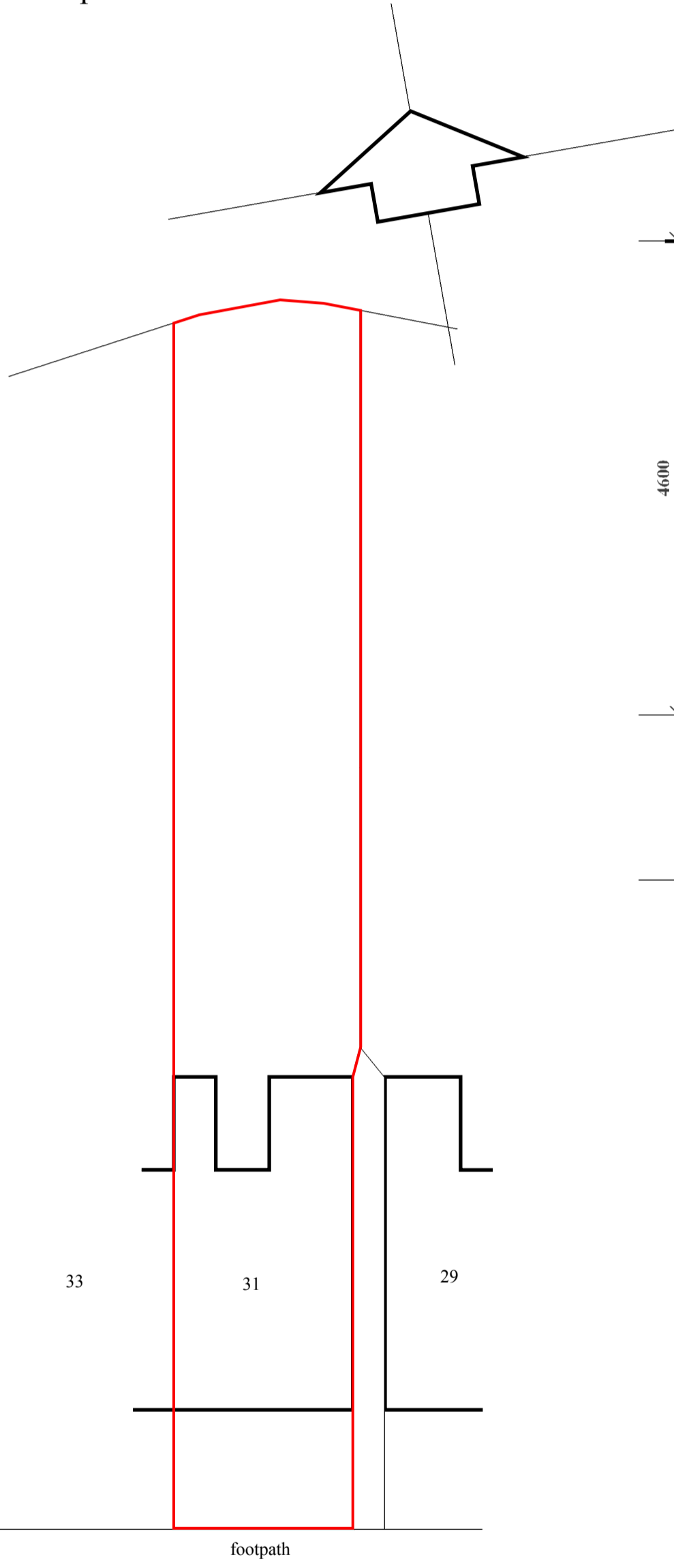
Created: 08/11/2023 15:05



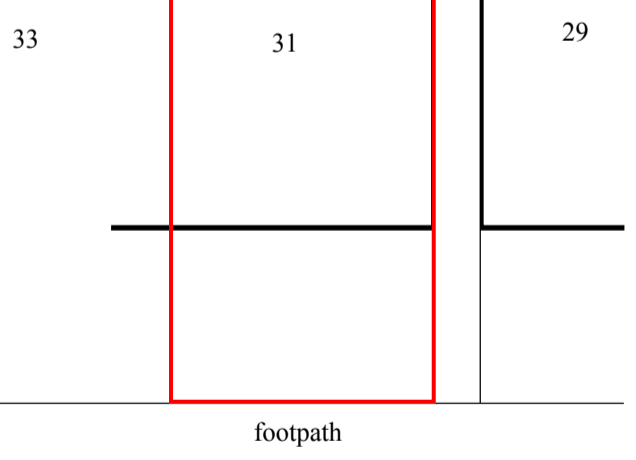
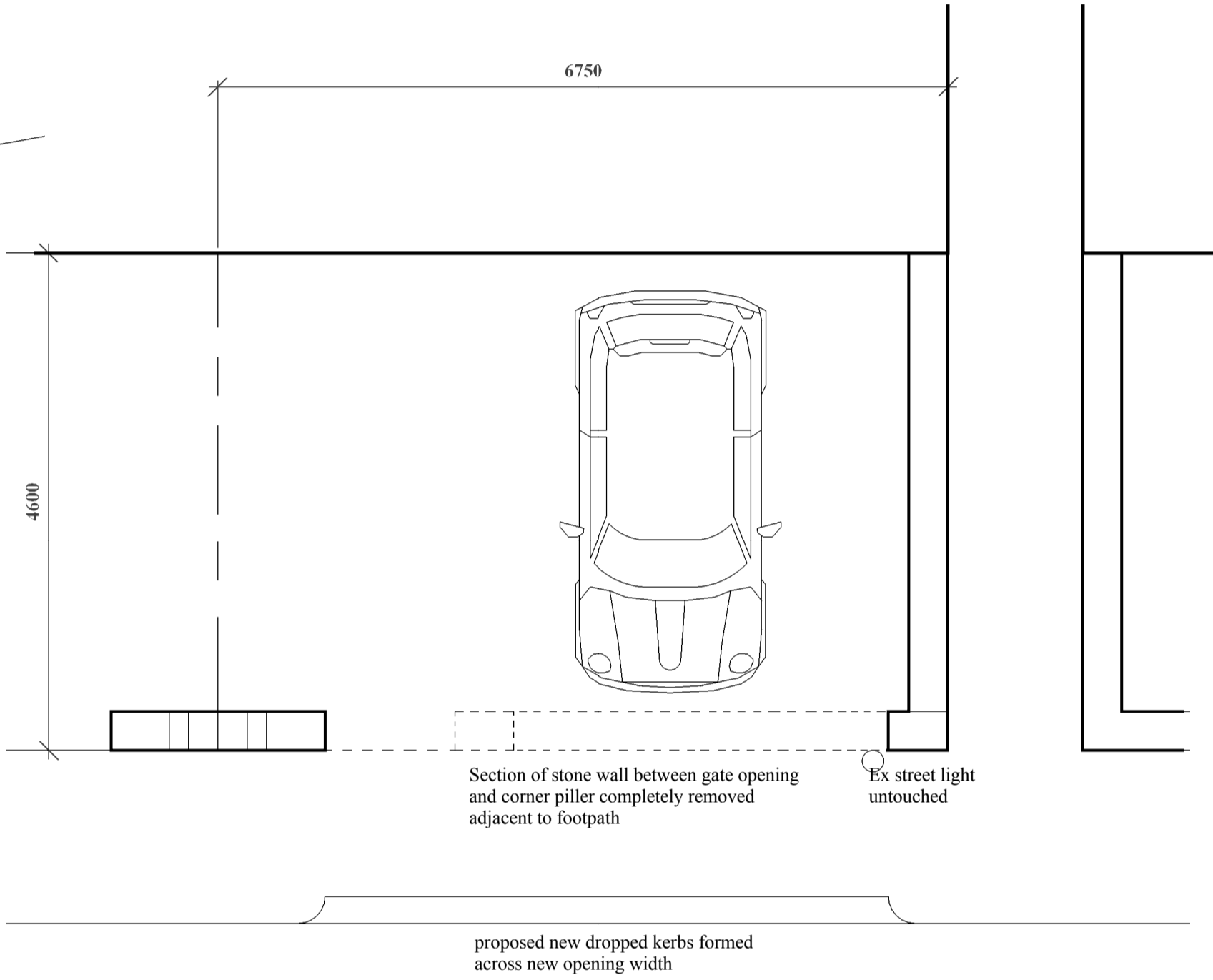
Location plan 1:2500



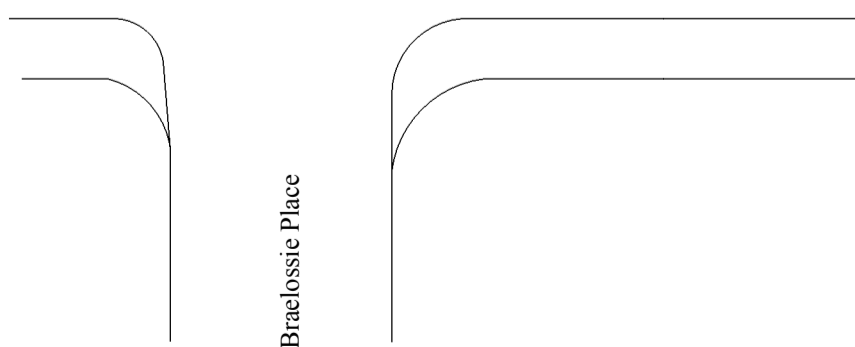
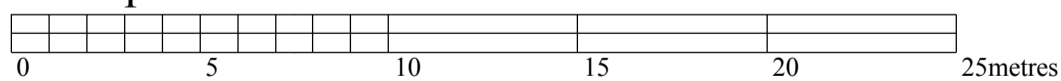
Front elevation 1:50



Plan view 1:50



West Road
Site plan 1:200



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

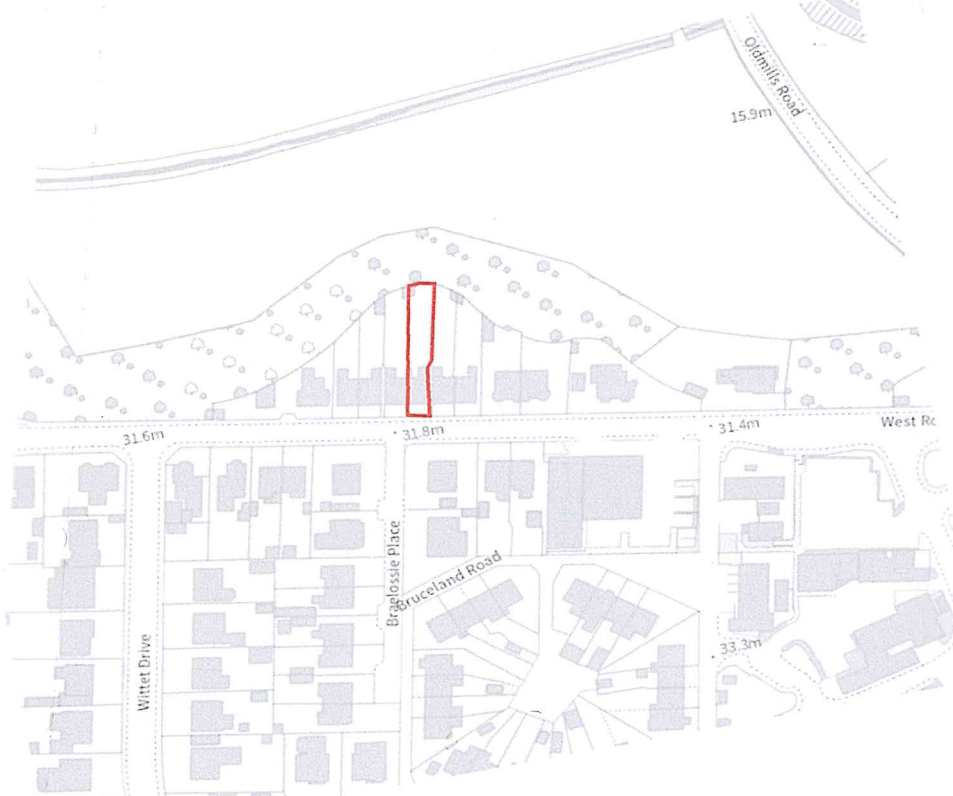


design consultants

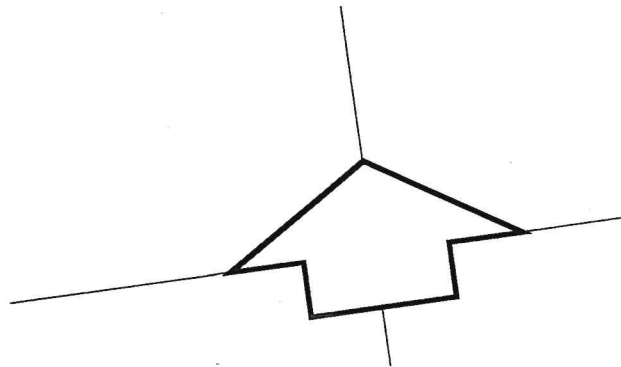
Phone: 01343 842635
Fax: 01343 842785
Mobile: 07766 315501
Email: ctkplans@aol.com
Web: <http://members.aol.com/ctkplans>

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

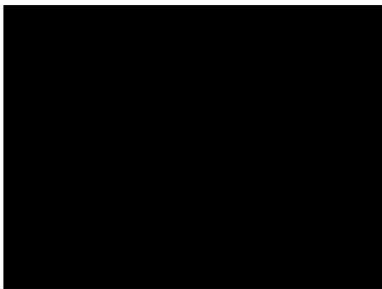


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

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.

