

REPORT OF HANDLING

Ref No:	09/00963/OUT	Officer:	Maurice Booth
Proposal Description/ Address	Form 2no private house plots at Walkers Crescent (Kirkhillhead) Lhanbryde Moray		
Date:	8/10/09	Typist Initials:	LH

RECOMMENDATION

Approve, without or with condition(s) listed below	
Refuse, subject to reason(s) listed below	√
Legal Agreement required e.g. S,75	
Notification to Scottish Ministers/Historic Scotland	
Hearing requirements	Departure
	Pre-determination

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Environmental Health Manager	03/06/09	No objection
Transportation Manager	12/06/09	Refusal recommended – see observations
Scottish Water	13/07/09	No objection
Contaminated Land	22/06/09	Further information sought
Environmental Protection Manager	08/06/09	No objection

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
H3: New Housing in Built Up Areas		
IMP1: Development Requirements		
T2: Provision of Road Access	Y	See observations
T5: Parking Standards		

REPRESENTATIONS

Representations Received YES

Total number of representations received

Names/Addresses of parties submitting representations

Name

Address

Moira Gillespie

Brylach
Walkers Crescent
Lhanbryde
Morayshire
IV30 8PB

W Taylor

Kirkhillhead

G Russell	Walkers Crescent Lhanbryde Elgin IV30 8PB Shangri-la Walkers Crescent Lhanbryde IV30 8PB
Margeret Russell	Shangri-La Walkers Crescent Lhanbryde IV30 8PB
Ian Ord	88 Woodlands Drive Lhanbryde Elgin Moray IV30 8JU
Ian A Noble	84 Woodlands Drive Lhanbryde Elgin Moray IV30 8JU
Mr S Brown	Balnakyle Walker's Crescent Lhanbryde Elgin Moray IV30 8PB
Catriona Murray And Craig Pattison	Gormond Walker's Crescent Lhanbryde Elgin Moray IV30 8PB
Mrs D Brown	Balnakyle Walker's Crescent Lhanbryde Elgin Moray IV30 8PB

Summary and Assessment of main issues raised by representations

Issue: The access is substandard in width and visibility, the applicant does not have the required access rights. The additional vehicular activity generated by the 2 dwellings proposed would create dangers to pedestrians (especially children) and other users of the access.

Comments (PO): See observations. The Transportation Manager has recommended refusal of the proposal.

Issue: Detrimental impact on rural setting.

Comments (PO): The site is in a defined urban settlement and could reasonably provide for the 2 houses proposed.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The proposal is for 2 houses on a site previously approved for one. Previous applications for 2 houses have been withdrawn. The site is rough ground between Walkers Crescent and Kirkhill, Lhanbryde, measuring 0.19 hectares. To the north of the site there is woodland covered by a TPO.

As a Private (Unadopted) Road, the Council has an obligation to maintain the surface of Walkers Crescent only. Whilst the Transportation Manager has concerns over the impact of development traffic on Walkers Crescent, and the likelihood of remedial works being needed, as a separate responsibility this is not in itself a justification for refusing the application.

The Transportation Manager has advised that the access road (Walkers Crescent) is narrow, there are no footways, and the junctions with the public road network have restricted visibility. The limited private parking provision for properties on Walkers Crescent can lead to overspill of parked vehicles on the road at peak periods. In short, it is not the type of road that can comfortably accommodate any increase in vehicular traffic.

The private driveway serving the site from Walkers Crescent is even more restricted. The useable vehicle width is approximately 3m, it is not surfaced and it is supported on its west side by a historic retaining wall of unknown condition. It is therefore considered suitable as a private driveway only and would normally be expected to serve a maximum of two properties (it already serves “Bryloch” and Balnakyle”).

It is normal for a road serving more than this number of houses to be of adoptable standard. It is questionable whether any vehicles larger than a car could make the turn from the site onto the driveway, which would obviously restrict access to the site for service and emergency vehicles.

Additionally this track is clearly a well-used local pedestrian route (it is signed Core Path) linking Kirkhill to the village services and is also a natural route to the local primary school for children coming from Kirkhill. Increasing the potential for vehicle/pedestrian conflict on this path is not in the best interests of pedestrian safety, and this is obviously of heightened concern when the route is considered to be a regularly used route to a primary school.

Even if it was considered acceptable to allow access via the driveway, a high fence on the boundary of “Balnakyle” restricts visibility at the junction between the drive and Walkers Crescent, increasing concerns regarding vehicle/pedestrian conflict still further at this point. It does not appear likely that this issue could be resolved as the restriction is located within private garden ground outwith the applicant’s control.

Policy T2 requires any new development to be served by a safe and suitable access from the public road. For all of the reasons stated above the increased usage of the access to this site has potential to have a seriously detrimental effect on road safety. The Transportation Manager therefore does not consider it to be a safe or suitable access for even the limited traffic that would be generated by the proposed two-house development.

The Transportation Manager is aware that the Applicant has submitted an email from one of his predecessors indicating that two houses could be acceptable on this site. However, the status of this email is viewed as a dialogue between two council officers regarding a pre-application inquiry. The Transportation Manager takes a different view to that suggested in the email, and cannot support the earlier view that two houses is acceptable in terms of the formal planning process. This current view is also that expressed by the Transportation Officer’s immediate predecessor.

In all other respects it is considered that the site could accommodate 2 suitably designed houses within undue impact on the setting or neighbouring properties.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

The supporting statement by the applicant has been considered but does not alter the above assessment. There are no other material issues considered to impinge on the assessment reached.

HISTORY

Reference No.	Description			
08/00388/OUT	Outline to form 2no private house plots at Walker's Crescent (Kirkhillhead) Lhanbryde Moray			
	Decision	Withdrawn	Date Of Decision	30/05/08
06/02562/OUT	Outline to form 1no private house plot at Walkers Crescent (Kirkhillhead) Lhanbryde Moray			
	Decision	Permitted	Date Of Decision	20/02/07
06/00426/OUT	Outline to form 3no private house plots at Walkers Crescent Lhanbryde Moray			
	Decision	Withdrawn	Date Of Decision	18/10/06

ADVERT

Advert Fee paid?	N/A		
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	Departure	02/07/09	

DOCUMENTS, ASSESSMENTS etc. *

* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc

Supporting information submitted with application?		NO
Summary of main issues raised in each statement/assessment/report		
Document Name:		
Main Issues:		

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)			