

Brylach • Walkers Crescent • Lhanbryde • Morayshire • IV30
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Clerk to the local Review Body
The Moray Council
High Street
Elgin
IV30 1BX

30th December 2009

Dear Sir

**Your ref RR/LRB Case 002
Planning Application 09/00963/OUT Walkers Crescent, Lhanbryde**

Thank you for your letter dated 21st December 2009, informing us that a Notice of Review has been submitted on behalf of the applicant.

We wish it to be noted

- 14 day response time given on the 21st of December covering the Christmas and New Year holiday periods might not be sufficient time to receive full, accurate and fair submissions from all those invited to respond.
- No documents referred to by the appellant have been made available to those invited to respond.

In response to the document enclosed with the letter we wish to make the following points.

2.3 Please note that the access to the site is wholly owned by the owners of 'Brylach', Walkers Crescent.

2.6 As previously stated the rights of access are very clear and we would not approve any excavation of the private access route to the proposed site. As a result, all services to the site would need to be delivered via a different route.

3.1 Since 2005 the Council have erected public footpath signs around Lhanbryde directing pedestrians to local footpaths via the private access track, thus increasing the volume of pedestrians using the said track. Document 02 not enclosed.

4.7 Please clarify if we are discussing one house or two houses on the appeal site as any previous outline planning approval relates to one house.

4.10 a) What research has been carried out to ascertain that no accidents have occurred at this junction?

b) If this junction is deemed to be safe by the council then it is based on current usage. Further development in Walkers Crescent would increase vehicular and pedestrian use, therefore increasing the risk of accident.

4.10/4.11

In addition to the junctions to the public road network at Garmouth Road and St Andrews road there is also a dangerous junction on Walkers Crescent. This has previously been pointed out to the Council as a potential danger spot. Unfortunately the Council were unable to provide any road markings or signage as Walkers Crescent is a private (unadopted) road. Again, more vehicle numbers using the Crescent would increase the risk of accident.

4.13/4.14/4.15

One survey, on one day for 90 minutes surely does not constitute a thorough representation of the pedestrian and vehicular traffic on Walkers Crescent. There are many more than 5 vehicles and 12 pedestrians using Walkers Crescent at present. Such a survey should not be considered as having any relevance to the genuine safety concerns of those residents in and around Walkers Crescent.

Walkers Crescent provides pedestrian links for residents on the west and east side of the village to the school and other local amenities. Pedestrian traffic along Walkers Crescent has also increased since the recent Woodside Drive Development.

4.17 The appellant states that all properties along Walkers Crescent have private parking facilities. This is not the case. Where private facilities do exist, they do not accommodate visitors, tradesmen etc and it is sometimes necessary for vehicles to be parked on the Crescent. The report also states that no vehicles were parked along the length of the Crescent. It may have been that no cars were parked on the Crescent when the photograph was taken but we can assure you, that having lived in Walkers Crescent for more than 20 years this is not always the case.

As an example, our last delivery of oil from Gleaner Oil was made on their fourth attempt. The previous three attempts were unsuccessful due to access being blocked by parked cars at various points on the Crescent.

4.19 Although it is conceded that the owner of the appeal site has right of access across the privately owned track, they have no right to excavate the track therefore any services for the site could not come via this route. Please confirm where any proposed services would be accessed. Furthermore, as current owners of the access track, we would not be prepared to give approval for any resurfacing or upgrading which might be deemed necessary for access into a new residential site.

4.20 The access track **does not** have joint owners but is **wholly owned** by the owners of 'Brylach'. The issue of consent not being forthcoming to excavate/resurface the access track, **must** surely be taken into consideration at this stage as it would have a critical impact on the current proposed development plans.

4.21 According to the plans in our title deeds the track width measures 12 feet (3.66metres). Please clarify "providing of inter-visible passing places are provided at a maximum of 150metres distance". Please note that the track narrows to 11feet at the proposed entrance to the appeal site.

4.22 Visibility of vehicles or pedestrians coming from Brylach or the public footpath bordering the appeal site has not been taken into consideration. Additional vehicles accessing the private track would increase the risk of accident. Furthermore, it is stated the distance of 15metres

should provide a safe stopping distance. This is not the case. An accident, which was reported to the police, has already occurred on this 15metre stretch. Our daughter turned into the private track from Walkers Crescent, driving **very** slowly and was hit by a motor cycle exiting the appeal site.

Please find attached 6 copies of recent correspondence with the roads department concerning this, another incident, and general concerns about road safety on the track and Walkers Crescent.

- 4.23 We assume the proposed lay-by is to be created within the appeal site as permission to create it on the track would not be given. If so, we fail to see how this will improve vehicular access and departure safety.
- 4.24 Again, with 20 years experience of living on Walkers Crescent and in close proximity to the appeal site, we can assure you that the suggestion that only one child uses the Crescent to access the Primary School is ludicrous. Risk of pedestrian accident is also not restricted solely to primary school children. Many residents and visitors of all ages, ranging from toddlers to the elderly use Walkers Crescent and adjoining footpaths to access the local amenities.
- 4.25 Schoolchildren, residents and visitors walk from the Kirklandhill direction round the public footpath bordering Brylach and across the private access track, into Walkers Crescent, to gain access to school and local amenities.
- 4.27 Please refer to the accident detailed at point 4.22. The fence at Balnakyle had no bearing whatsoever on this accident.
- 4.28 As a Private (Unadopted) Road, which visibility standards apply?
- 4.29 It should be noted that the Crescent narrows considerably at the bottom of the private track creating visibility restrictions around the sharp corner.
- 5.2 Increasing vehicular traffic and associated risks on a narrow road used by pedestrians and vehicles does not compliment or improve the character of the area.

- 6.1 From information on the Council website there were 9 representations received from 7 properties. Please advise how many properties received Neighbour Notification letters.
- 6.2 Please advise how Document 12, and the other documents mentioned in the document can be viewed.
- 7.3 It is believed by the appellant that "a single house will not increase the conflict between motor vehicles and pedestrians to the detriment of road safety" but this application consistently refers to two dwelling houses. Please clarify.
- 7.6 As previously stated, one ninety minute survey does not disprove potential pedestrian conflict. The number of residents, cars and non residents using Walkers Crescent would suggest much higher traffic than is stated in the DBA report.
- 7.7 The appellant states that the comments of the Transportation Section with regard to the private access track are not material to the consideration their application. However, **all** practicalities, including any potential plans to excavate or modify in any way the private access track **must** be taken into consideration as they might have a crucial part to play in any development process.

We have noted that the Lhanbryde Community Council is having an inaugural meeting on the 6th of January and feel that this matter is one that should be referred to them.

In conclusion, we feel very strongly that the main concerns have not been addressed by appellant and nor can a safe and acceptable development take place where the proposed access is along Walkers Crescent and across the private access track belonging to 'Brylach'

Yours sincerely

John B Gillespie

Moira Gillespie