

REPORT OF HANDLING

Ref No:	09/01147/FUL	Officer:	Neal MacPherson
Proposal Description/ Address	Proposed new dwellinghouse at Site To Rear Of 12 Alexandra Road Keith Moray		
Date:	9 th April 2010	Typist Initials:	CB

RECOMMENDATION		
Approve, without or with condition(s) listed below		
Refuse, subject to reason(s) listed below	Y	
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	19/06/09	No objections
Transportation Manager	01/07/09	Refuse – see observations
Scottish Water	16/07/09	No objections
Environmental Protection Manager	19/06/09	No objection
Contaminated Land	18/06/09	Informative required

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
Policy 2(a) & Policy 2(b)	n	
Policy 2(k)	n	
H4: Housing Plot Sub Division	Y	Backland site
T2: Provision of Road Access	Y	
T5: Parking Standards	n	
E3: TPOs and Control of Trees	n	
EP9: Contaminated Land	n	
EP10: Foul Drainage	n	
IMP1: Development Requirements	Y	

REPRESENTATIONS

Representations Received YES

Total number of representations received

Names/Addresses of parties submitting representations

Name

Address

Mr & Mrs C McLean

15 Alexandra Road
Keith
AB55 5BX

Summary and Assessment of main issues raised by representations

Issue: The access to the site is hazardous for traffic, which occupies a slight bend in the road. With the previous sub-division of the house there will be more cars sitting on the street. Also with no proper access how would the applicant get construction machinery to the site.

Comments (PO): The proposed intensification of the access is addressed within the grounds for refusal and in the observations section of this report.

Agents response - the development has adequate space for parking and turning, as does the 2 units at the front of the site. Also the drive accesses a 30mph zone further decreasing the risk of accidents.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The main planning issues are:-

Access (T2 and IMP1)

The Transportation Section has raised concerns over the access to the plot, which would run past the retained and extended building at the front of the site. The access will already be used for off street parking for the two units at the front of the site fronting onto Alexandra Road (see history). Allowing two units at the front of this site is upon the historic basis that there were two properties within this building originally now known as 12 Alexandra Road.

The additional traffic beyond the two units fronting onto Alexandra Road that would have an adverse effect on road safety at the access junction and may also result in increased congestion or conflicts between vehicles using the entrance onto Alexandra Road. It is considered that the plot applied for would increase the traffic using the driveway entrance to an unacceptable level with vehicles for a total of 4 properties served by it. This is inclusive of the neighbouring property no 16 which shares the same driveway.

Whilst not identified as a reason for refusal (as the matter is addressed under separate legislation) the Transportation Section have also pointed out that the plot may fail to comply with Building Regulations about driveway widths and lengths for access by fire appliances. This is a matter that would be considered at the Building Warrant stage if one were lodged at some point in the future.

Sub-division issues (H4 and IMP1)

Local plan policy H4 Housing plot sub division specifically resists backland sites, that is sites where the plot has no road frontage of its own on the grounds of protecting rear garden amenity and character. As this site clearly falls within this definition, it conflicts with the above policy.

On the basis of the above, the application is to be refused.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None.

HISTORY

Reference No.	Description		
	Decision		Date Of Decision

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Banffshire Herald	Departure	30/07/09	

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)			