



MORAY COUNCIL LOCAL REVIEW BODY

Review Decision Notice

Decision by Moray Local Review Body (the MLRB)

- Request for Review reference: Case 063
 - Site address: 76 Bruceland Road, Elgin, Moray
 - Application for review by Mr Keith Vincent, against the decision by an Appointed Officer of the Moray Council.
 - Application 12/00798/APP: Erection of Dwellinghouse at a site adjacent to 76 Bruceland Road, Elgin.
Unaccompanied site inspection carried out by the MLRB on 23 October 2012
 - Date of Decision Notice: 5 December 2012
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Decision

The MLRB agreed to uphold the request for review and grant planning permission, subject to the conditions appended to this decision notice.

1.0 Preliminary

- 1.1 This Notice constitutes the formal decision notice of the Moray Local Review Body (MLRB) as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.
- 1.2 The above case was considered at the meeting of the MLRB on 25 October 2012. The Review Body was attended by Councillors G Coull, (Chair), L Creswell and J MacKay.

2.0 Proposal

- 2.1 This is an application for planning permission to sub divide the curtilage of 76 Bruceland Road, Elgin to erect a single storey dwellinghouse.

3.0 MLRB Consideration of request for review

- 3.1 In regard to the unaccompanied site inspection carried out on Tuesday 23 October 2012 the Planning Adviser advised that members of the MLRB were shown the location of the proposed dwelling and boundaries. Members also viewed drawings showing the design of the dwelling and also viewed a site at Pluscarden Road that was sited by the applicant as a comparable example that had set a precedent for the proposed type of development. She also outlined the reasons for refusal and summarised the points made in response by the applicant in his submissions.
- 3.2 The proposal is for the erection of a dwellinghouse within the grounds of 76 Bruceland Road. The proposal had been previously refused as it was considered contrary to policies H3, H4 and IMP of the Adopted Moray Local Plan. The basis for the refusal was that the design of the dwelling, plot shape and size (specifically the narrow width of the plot) detracted from the character and appearance of the parent property and surrounding area.
- 3.3 In the grounds for review the applicant states that every consideration was given to the positioning of the dwelling. The design is based on the parent property. The plot is rectangular in shape and exceeds the 400 sq m required under the policy and was not backland development. There is also reference to a planning consent for a subdivision at St Ola, Pluscarden Road. This development has been built and the applicant states that this has established a precedent for this type of development.
- 3.4 The MLRB agreed that it had sufficient information to determine the request for review.
- 3.5 Councillor Creswell having visited the site expressed the view that initially she had viewed the proposal as being cramped development, however after having visited a comparator proposal at Pluscarden Road, Elgin she was of the view that the application would not be contrary to policies H3, H4 and IMP1 and for these reasons she moved approval of the appeal.
- 3.6 Councillor J MacKay having visited the site and having looked at the comparator property at Pluscarden Road, Elgin was also of the view that these proposals were of identical design and would not detract but would actually complement and enhance the area. He noted that transportation was satisfied with the proposals and for these reasons he moved approval of the appeal.
- 3.7 Councillor Coull referred members of the MLRB to the map on page 17 of the report and expressed the view that in his opinion the proposal would create a density that currently does not exist on Bruceland Road and for this reason could be distinguished from the comparator site. For this reason he moved that the request for review and the original decision of the Appointed Officer to refuse the application be upheld on the grounds that the proposed development was contrary to policies H3, H4 and IMP1 of the Adopted Moray Local Plan.

- 3.8 Accordingly, the MLRB agreed on a two to one majority that the request for review be upheld and that planning permission is approved as complying with policy subject to standard conditions. The proposed house, when added to the existing properties in this immediate vicinity, would not detrimentally change the character of the countryside and lead to build up of housing outwith a defined settlement or rural community.



Paul Nevin
Legal Adviser to the MLRB

Conditions

1. Prior to the commencement of works, a visibility splay of 2.4m x 45m shall be provided at the access for the development site onto Bruceland Road in both directions, and thereafter maintained free of any obstruction above 1.0m in height (measured from the level of the carriageway).
2. Prior to the commencement of works, a visibility splay of 2.4m x 45m shall be provided from the new vehicular access serving No 76 onto Bruceland Road in both directions, and thereafter maintained free of any obstruction above 1.0m in height (measured from the level of the carriageway). A secondary visibility splay of 2.4m x 5m shall be provided from the new vehicular access serving No 76 onto Bruceland Road in both directions, and thereafter maintained free of any obstruction above 0.6 metres in height (measured from the level of the carriageway) for pedestrian traffic.
3. The width of the vehicular accesses shall be 2.4m – 3.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The part of the access over the public footway/verge shall be to The Moray Council specification and surfaced with bituminous macadam.
4. No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.
5. Drop kerbs shall be provided across the access to The Moray Council specification.
6. Two car parking spaces shall be provided within the site prior to the occupation or completion of the dwellinghouse, whichever is the sooner. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.
7. A turning area shall be provided within the curtilage of the development site to enable vehicles to enter and exit in a forward gear.
8. Parking provision shall be outwith visibility splays.

Reasons

1. To enable drivers to vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit, in the interests of road safety for the proposed development and other road users.

2. To enable drivers to vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit, in the interests of road safety for the proposed development and other road users.
3. To ensure acceptable infrastructure at the development access.
4. To ensure acceptable development that does not create any hazard to road users in the interests of road safety.
5. To ensure acceptable infrastructure at the development access.
6. To ensure an acceptable development in terms of parking provision and amenity of the area.
7. To ensure acceptable development in the interests of road safety.
8. To ensure acceptable development in the interests of road safety.

Informatives

THE BUILDING STANDARDS MANAGER has commented that:-

A Building Warrant will be required for the proposals. Should you require further assistance please do not hesitate to contact Building Standards, Environmental Services Department, Council Office, High Street, ELGIN IV30 1BX or by telephoning 01343 563243.

THE CONTAMINATED LAND SECTION has commented that:-

Your property has been identified as being in the vicinity of the following potential source of contamination:

Electricity sub-station approximately 7 metres to the south as indicated on map group E.

- Map Group A 1868 - 1897 Ordnance Survey Maps
- Map Group B 1898 - 1906 Ordnance Survey Maps
- Map Group C 1930 - 1938 Ordnance Survey Maps
- Map Group D 1959 - 1971 Ordnance Survey Maps
- Map Group E 1969 - 1992 Ordnance Survey Maps
- Map Group F Present Day Ordnance Survey Maps

The Moray Council does not have information to confirm whether or not the ground has been contaminated, however it is recommended that you investigate this matter prior to proceeding with the proposed works. Should contamination be identified you should contact the Environmental Health section immediately and carry out agreed remediation works. For advice on researching/investigating a site, please visit the Council website at www.moray.gov.uk/ContaminatedLand. Alternatively you can contact the Environmental Health Section on 01343 563345 or by email to contaminated.land@moray.gov.uk

THE TRANSPORTATION MANAGER, DIRECT SERVICES, ACADEMY STREET, ELGIN has commented that:-

18th May 2012



**Scottish
Water**

Always serving Scotland

Moray Council
Development Services Environment Services
High Street
Elgin
IV30 1BX

SCOTTISH WATER

Customer Connections
419 Balmore Road
Glasgow
G22 6NU

Customer Support Team
T: 0141 355 5511
F: 0141 355 5386
W:
www.scottishwater.co.uk
E:
connections@scottishwater.co.uk

Dear Sir/Madam

**PLANNING APPLICATION NUMBER:
12/00798/APP DEVELOPMENT: Elgin
Bruceland Road
OUR REFERENCE: 609726
PROPOSAL: Erect house**

Please quote our reference in all future correspondence

In terms of planning consent, Scottish Water does not object to this planning application. However, please note that any planning approval granted by the Local Authority does not guarantee a connection to our infrastructure. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received.

Glenlatterach Water Treatment Works may have capacity to service this proposed development. The water network that serves the proposed development may be able to supply the new demand. Moray West PFI Waste Water Treatment Works may have capacity to service this proposed development.

The waste water network that serves the proposed development may be able to accommodate the new demand.

A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements installed, subject to compliance with the current water byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.

Should the developer require information regarding the location of Scottish Water infrastructure they should contact our Property Searches Department, Bullion House, Dundee, DD2 5BB. Tel – 0845 601 8855.

If the developer requires any further assistance or information on our response, please contact me on the above number or alternatively additional information is available on our website: www.scottishwater.co.uk.

Yours faithfully

Aileen O'Hagan
Customer Connections Administrator

The applicant is obliged to apply for a road opening permit in accordance with Section 85 of the Roads (Scotland) Act 1984. Advice on this matter can be obtained by emailing roads.permits@moray.gov.uk and reference to the following page on the Council web site

Road Opening: http://www.moray.gov.uk/moray_standard/page_79860.html

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.

If required, street furniture will need to be repositioned at the expense of the developer. In addition any existing roadside ditch may require a pipe or culvert. Advice on these matters can be obtained by emailing road.maint@moray.gov.uk

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

The applicant shall be responsible for ensuring that surface/ground water does not run from the public road into his property.

The applicants shall free and relieve the Roads Authority from any claims arising out of his operations on the road or extension to the road.

SCOTTISH WATER has commented that:-

See consultation response dated 18 May 2012 (copy attached)