

## **REPORT OF HANDLING**

<b>Ref No:</b>	10/00470/APP	<b>Officer:</b>	Maurice Booth
<b>Proposal Description/ Address</b>	Replace existing house with two houses at 27 Duff Street Hopeman Elgin Moray		
<b>Date:</b>		<b>Typist Initials:</b>	

### **RECOMMENDATION**

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

### **CONSULTATIONS**

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Transportation Manager	20/04/10	No objection
Scottish Water	16/04/10	No objection

### **DEVELOPMENT PLAN POLICY**

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
T2: Provision of Road Access		
T5: Parking Standards		
IMP1: Development Requirements		
H4: Housing Plot Sub Division		<b>As re-developments also involving a vacant adjoining area of land the proposals are not properly considered as subdivision.</b>
H3: New Housing in Built Up Areas		
ER2: Energy Reduction Req in New Dev		
T5: Parking Standards		

### **REPRESENTATIONS**

<b>Representations Received</b>		<b>YES</b>	
<b>Total number of representations received</b>			
<b>Names/Addresses of parties submitting representations</b>			
<b>Name</b>	<b>Address</b>		
Mr Andrew Michael Donegan	Well Cottage Coltfield		

	Alves Elgin Moray IV30 8XB
Mr Paul Armstrong	25 Duff Street Hopeman Elgin Moray IV30 5RZ
John Fraser	21 Duff Street Hopeman Elgin Moray IV30 5RZ
Mrs Helen Fraser	23 Duff Street Hopeman Elgin Moray IV30 5RZ
Mrs Lisa Mackenzie	24 Duff Street Hopeman Elgin Moray IV30 5RZ
Miss Susan Aspland	27 Duff Street Hopeman Moray IV30 5RZ
Mrs Catherine Donegan	Well Cottage Coltfield Alves Elgin Moray IV30 8XB

#### Summary and Assessment of main issues raised by representations

Issue:

Comments (PO):

Public and private rights of way affect the site.

Comments (PO): On the evidence there is no reason that an established public right of way exists across the site. There may be private access that has been taken from the site, but this would be a matter for any private parties involved to address as a separate private legal matter.

Issue : Loss of light to rear (north) gardens due to 2 storey height of the rear wing to the proposed houses.

Comment : The projecting 2 storey part of the proposed houses extends along the rear gardens of the neighbouring houses, and is relatively close to the boundaries to the north. Whilst there would be an enclosing effect it is not considered that taking into account the orientation, relationship and character of the area that there would be an undue loss of light and the restriction in outlook diagonally across the proposal site is not such that there would be an undue amenity impact. There is no local plan policy that the proposals would breach in this respect.

Issue: Potential damage to foundations.

Comment : Any issue in this respect would be a private responsibility and does not impinge on the planning merits of the case.

Issue :

Comment : Replacement of one of the traditional houses on Duff Street will have a detrimental impact on the character of the surrounding area.

Comment : Although of a more modern style the proposed re-development would not have an undue impact on the established character of the area.

Issue : Tenant of the house to be demolished raises concern over being made homeless with her children if planning permission is given.

Comment : This would not be a reason for refusing planning permission.

## **OBSERVATIONS – ASSESSMENT OF PROPOSAL**

The principle of the proposed development is consistent with the established residential character of the area.

In scale and character the houses proposed are acceptable and on balance taking into account the relationship to neighbouring houses, particularly to the rear, it is not considered that there would be a material amenity impact.

In order to avoid a possible issue with loss of privacy in relation to the side facing kitchen windows to the rear a condition is applied requiring the erection of a 1.6 m screen fence along this part of the boundary.

## **OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

There are no other material considerations that would alter this assessment.

## **HISTORY**

Reference No.	Description			
	Decision		Date Of Decision	

## **ADVERT**

Advert Fee paid?	N/A		
Local Newspaper	Reason for Advert	Date of expiry	

## **DEVELOPER CONTRIBUTIONS (PGU)**

Status	
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**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
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Summary of main issues raised in each statement/assessment/report
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Document Name:
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Main Issues:
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**S.75 AGREEMENT**

Application subject to S.75 Agreement		NO
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Summary of terms of agreement:
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Location where terms or summary of terms can be inspected:
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**DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)**

Section 30	Relating to EIA		NO
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Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
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Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
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Summary of Direction(s)
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