

## REPORT OF HANDLING

<b>Ref No:</b>	10/00462/PPP	<b>Officer:</b>	Iain T Drummond
<b>Proposal Description/ Address</b>	Planning Permission in Principle to erect a dwellinghouse on Site Within Grounds Of Braco Lodge 42 Mayne Road Elgin Moray		
<b>Date:</b>	16 <sup>th</sup> August 2010	<b>Typist Initials:</b>	CB

### RECOMMENDATION

<b>Approve, without or with condition(s) listed below</b>	
<b>Refuse, subject to reason(s) listed below</b>	Y
<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>
Environmental Health Manager	29/04/10	Unconditional approval
Contaminated Land	14/04/10	Unconditional approval
Transportation Manager	04/05/10	Approval with conditions
Environmental Protection Manager		No response received
Scottish Water	12/04/10	Unconditional approval

### DEVELOPMENT PLAN POLICY

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
H3: New Housing in Built Up Areas	Y	
H4: Housing Plot Sub Division	Y	
T2: Provision of Road Access	n	
T5: Parking Standards	n	
EP5: SUDS	n	
IMP1: Development Requirements	Y	
EP10: Foul Drainage	n	

### REPRESENTATIONS

Representations Received	NO
Total number of representations received	
Names/Addresses of parties submitting representations	
Name	Address
Summary and Assessment of main issues raised by representations	

Issue:  
 Comments (PO):None.

**OBSERVATIONS – ASSESSMENT OF PROPOSAL**

Local plan policies H3 and IMP1 outline that new housing within settlement boundaries will be acceptable if it does not adversely impact on the surrounding environment and adequate servicing and infrastructure is available, or can be made available. Policy H4 outlines that where developments involve the subdivision of housing plots in those settlements where there is no specific embargo, will be acceptable if the plot subdivision is less than 50% of the original plot; if the plot is not a backland site; and, if the site provided is at least 400 square metres excluding access. The house style must complement the character of the area as well as the scale and architecture of the parent property.

These requirements constitute the determining issues in relation to this application.

Following consultation with the relevant authorities the site can be safely accessed, has adequate space for parking/turning within the site and can be served via the public sewerage system. There are also no issues with contamination on the site.

With regard to the requirements of policy H4 the site is less than 50% of the original plot and is greater than 400 square metres, however, constitutes backland development. The reasoning behind the restriction of backland development is to preserve the amenity of the neighbouring residents and to ensure the development is inkeeping with the character of the area.

In this case it is accepted that, due to the existing mature boundary enclosures, a single storey house could be constructed within the site without having an adverse impact in terms of overshadowing and privacy levels on the neighbouring properties.

In terms of the impact on the character of the area, the immediate surrounding townscape is characterised by large dwellinghouses in generous garden areas. The subdivision of this plot would result in two relatively small plots which would not be in keeping with the character of the area and it is on this basis that the development is not considered to comply with Local Plan policies H3, H4 and IMP1.

**OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

All material planning considerations have been taken into account in the consideration of this application, however, there are none, which would outweigh the provisions of the Development Plan policies.

<b>HISTORY</b>			
<b>Reference No.</b>	<b>Description</b>		
	<b>Decision</b>		<b>Date Of Decision</b>

<b>ADVERT</b>		
<b>Advert Fee paid?</b>	<b>Yes</b>	
<b>Local Newspaper</b>	<b>Reason for Advert</b>	<b>Date of expiry</b>
Northern Scot	Departure from development plan	06/05/10

<b>DEVELOPER CONTRIBUTIONS (PGU)</b>	
Status	

<b>DOCUMENTS, ASSESSMENTS etc. *</b>	
* 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:		

<b>S.75 AGREEMENT</b>	
-----------------------	--

Application subject to S.75 Agreement		NO
Summary of terms of agreement:		
Location where terms or summary of terms can be inspected:		

<b>DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)</b>	
---	--

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)			