

## PLANNING APPLICATION: 08/00162/FUL

*In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications*

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### **The Proposal**

- The proposal is the change of use of council owned ground to private.
- The size of the area is 71m<sup>2</sup>.
- A one-metre high boundary fence is to be erected around the rear of the area and partly along the East Side.

### **The Site**

- The site is on East Back Street directly opposite number 10.
- The site is partly currently used for parking and up to 50% of it is raised, concreted, cobbled and kerbed.

### **Policy / Objections-Representations / Consultations - See Appendix**

### **History**

There is no site history.

### **Advertisement**

Not advertised.

### **Observations**

#### **Impact of Proposal on the Surrounding Area (Emerging Moray Local Plan 2008 - IMP1 and T5)**

The proposal satisfies the requirements of policy IMP1 - Development Requirements and T5 - Parking Standards.

The proposal is creating private car parking spaces for number 5 East Back Street. The proposal conforms to the Council's policy on parking standards. The Transportation Manager has recommended approval.

The proposal is in scale and in keeping of the character of the area and there would be no issues in terms of loss of amenity. The criteria in the policies are met.

### **Recommendation**

Approval.

**Author/Contact Officer:** Emma Clarke  
Planning Officer

**Ext:** 01343 563193

*Signature* ..... (*Alan Short, Development Control Manager*)

***R A STEWART***  
***DIRECTOR OF ENVIRONMENTAL SERVICES***

## APPENDIX

### POLICY

#### **Moray Structure Plan 2007 and/or Moray Local Plan 2000**

##### **Policy L/IMP1: Development in Built-up Areas**

In areas covered by this policy, (i.e. all land within settlement boundaries and rural communities), the Council will, in considering applications for planning permission, try to ensure that proposals for development do not harm the general character of the surrounding area. Applications will therefore take account of the main uses of land and buildings in the vicinity, the mix of such uses and the architectural quality of the area. The main concern of the Council is to ensure that development proposals should neither conflict with nor detract from the character, amenity and design of an area. This policy will not preclude appropriate new development and is not intended solely to maintain the status quo.

In interpreting and clarifying this policy, the Council will take into account the guidelines on Character, Amenity and Design.

##### **Guidelines on Character, Amenity and Design (L/IMP1)**

###### **a. Character**

The character of an area is assessed by the;

- (i) main uses;
- (ii) appropriateness of a diversity of uses; and
- (iii) desirability of introducing a development which may detrimentally alter the existing balance of usage
- (iv) architectural style of the area.

###### **b. Amenity**

The amenity of an area is assessed in terms of both the people who will occupy the development site, and the adjoining occupiers. In short, new developments should be "good neighbours". Where there is an inherent incompatibility of neighbouring developments, or where remedial action cannot be made effective, applications are likely to be refused.

The important aspects of amenity which the Council considers are worth protecting are:-

- (i) **Privacy** - for both the occupants of a proposed development and surrounding neighbours. Loss of privacy can be minimised by re-orientation, reducing the densities of development reducing the size of buildings, and attention to building levels or by design modifications, for example, window proportion and size.
- (ii) **Traffic** - the introduction of increased traffic movement and resulting noise, can significantly detract from the amenities of an area.
- (iii) **General Disturbance** - protection from activities which create unreasonable levels of noise, smells and other discomforts including wheeled bin locations.

- (iv) **Sunlight/Daylight** - adequate levels of sunlight and daylight, and to a lesser extent, outlook, should be safeguarded for surrounding properties and afforded to new developments.

**c. Design**

Design of new development should not only relate to the type of development in the immediate vicinity but also to the wider issues of context and setting. This need not be restrictive to new or innovative architectural expression.

Applicants should, therefore, avoid design proposals which compromise the appearance of design characteristics of the surrounding area.

In considering the appropriateness of a design the Council will have regard to:

- (i) The scale of adjoining development.
- (ii) The materials, finishes and colours used in nearby development.
- (iii) Any features on or near the site worthy of reproduction, protection or enhancement, e.g. trees, hedges, views and other features of public importance.
- (iv) Principles of site sensitive design e.g. that pitched roofs are preferred to flat roofs, pitched dormers to box dormers, vertical windows to horizontal picture windows etc., where these features predominate in an area.

**Policy L/IMP2: Development in Rural Areas**

The Council will seek to ensure that all proposals for development in the rural area (i.e. all areas in Moray outwith town settlement and rural community boundaries) are compatible in terms of character, amenity and design, integrate sensitively into the environment and, where possible, located within easy walking range of public transport (this latter requirement will particularly apply to large scale developments). The Council will, therefore, pay special regard to matters such as traffic and landscape impact, accessibility, loss of productive or biodiverse land, siting, scale, colour and energy conservation. The Council will consult relevant organisations such as Scottish Natural Heritage, the Scottish Environmental Protection Agency etc. on significant development proposals and 'The Moray Landscape Character Assessment' report as prepared by Scottish Natural Heritage will be utilised to inform decisions on siting and locating within the landscape.

**Policy L/IMP3: New Building Design**

**(i) Design Principles**

All building development must be designed to respond adequately to the locality. Applications must meet the following requirements:-

- a) appropriate location in landscape or townscape
- b) careful placement on a site, particularly in relation to character, amenity and energy conservation

- c) appropriate size and form in relation to existing buildings, sky line and landform
- d) appropriate density, layout and orientation in relation to character, amenity, privacy of neighbouring properties and energy conservation
- e) sensitive use of materials and colours in relation to existing setting and environmental impact

Standardised solutions to building design are not encouraged and will not be acceptable unless existing context (the design and character of the existing surroundings) suggests otherwise. Design solutions which seriously compromise the amenity and character of the area will not be permitted.

Highly innovative, experimental solutions will be encouraged but may not be suitable in every situation. In certain circumstances, the Council may request written design statements explaining various aspects of design solution e.g. explaining why a particular approach has been taken, and expect applications to show new buildings in their wider relationship with surrounding properties and the site (plans and elevations/perspective/ photomontages showing adjacent buildings, trees, landform etc)

#### **Policy L/T4: Provision of Road Access**

The Council will require that a suitable and safe access from the public highway is provided.

#### ***Emerging Moray Local Plan 2008 - Material Consideration***

#### **IMP1: Development Requirements**

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It must meet the following criteria:

- a. the scale, density and character must be appropriate to the surrounding area,
- b. the development must be integrated into the surrounding landscape,
- c. adequate roads, public transport, and cycling and footpath provision must be available, at a level appropriate to the development,
- d. adequate water, drainage and power provision must be made,
- e. sustainable urban drainage systems should be used where appropriate, in all new developments
- f. there must be adequate availability of social, educational, healthcare and community facilities,
- g. the development should, where appropriate, demonstrate how it will incorporate renewable energy systems and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria,

- h. provision for the long term maintenance of public landscape and amenity areas must be made,
- i. conservation of natural and built environment resources must be demonstrated,
- j. appropriate provision to deal with flood related issues must be made, including the possibility of coastal flooding from rising sea levels and coastal erosion,
- k. pollution, including ground water must be avoided,
- l. appropriate provision to deal with contamination issues must be made, and
- m. the development must not sterilise significant workable reserves of minerals, prime quality agricultural land, or preferred areas for forestry planting.
- n. where appropriate, arrangements for waste management should be provided.

### **T5: Parking Standards**

Proposals for development must conform with the Council's policy on parking standards.

### **OBJECTIONS-REPRESENTATIONS**

Seven letters of objection/representation were received: -

- Mr Kevin MacPherson, 2A East Back Street, Bishopmill, Elgin, Moray, IV30 4EQ
- Miss Rasheila Patel, 15 East Back Street, Elgin, Moray, IV30 4EQ
- Mr and Mrs B Christie, 4 East Back Street, Elgin, Moray, IV30 4EQ
- Mr and Mrs J Sherrett, 3 North Street, Elgin, Moray, IV30 4EG
- Mr Alan Taylor, 2 East Back Street, Elgin, Moray, IV30 4EQ
- Mr and Mrs J Liddle, 1 North Street, Elgin, Moray, IV30 4EG
- Mr Alan Kynoch, 13A East Back Street, Elgin, Moray, IV30 4EQ

Objections/Representations summarised as follows: -

- Already a severe inadequacy of car parking space in East Back Street and the proposed changes can only have a detrimental impact on the day to day parking situation within the street.
- The proposed area at present affords spaces for three vehicles and the loss of these spaces would lead to a more problematic situation.
- Large vehicles are often in the street and use the proposed area as a turning area which otherwise would block the flow of traffic through the street.
- The public path would be subsequently walled in; this may compromise safety for pedestrians of all ages turning it into a very narrow alley.

**Applicant's Response:** It is incorrect to claim that three parking spaces will be lost. Nearly 50% of the ground to be acquired is raised; concreted, cobbled and kerbed to form a 'landscaped

feature'. The spaces claimed by the objectors, when used, encroach on the access to the applicant's property, hindering and sometimes blocking his entrance.

The cobbles, kerbs and concrete will be removed to provide space for three vehicles and an extended driveway, which will hopefully remain clear.

**Comment:** The proposal will not have detrimental impact on parking on East Back Street, it has been recommended for approval by the Transportation Manager.

There is no wall being erected at the entrance to the driveway therefore it will still be possible for large vehicles to turn here and the applicant has stated that he hopes that large delivery vehicles will use this area thus keeping East Back Street clear.

There are no safety concerns with the narrow alley due to the wall being one-metre in height.

### **CONSULTATIONS**

**Contaminated Land, Development Services** - No objections.

**Environmental Health Manager, Development Services** - No objections.

**Transportation Manager, Direct Services** - No objections subject to conditions.