

IH DESIGNS (MORAY)

12 COUNCILLORS WALK,

FORRES IV36 1HA

01309 674368 or 07989499006

25th November 2016

The Clerk,

The Moray Council Local Review Body,

Legal and Committee Services

Council Office, High Street, Elgin IV30 1BX

Dear Sirs

**Site 7no self storage containers on Site To Rear Of 24 26 And 28
High Street Forres Moray for Mr Carlo Miele. Application Ref
16/01305/APP Refusal date - 10th October 2016**

We consider the Application worthy of review and that a precedence was set with the granting of planning consent for an adjacent two storey food factory and subsequently a two storey extension, Planning Ref 15/01455/APP approved on 8th December 2015 for Murdoch the Butchers, Forres.

Reason for Refusal

The proposal is contrary to the provisions of the Moray Local Development Plan 2015 (Policies BE3, ED1, T2, T5, PP1 and IMP1) where:

1. the scale of the proposal it is overdevelopment within the curtilage of the site. The detrimental impact of this overdevelopment would be exacerbated by the site's presence within the conservation area, where a better standard of design and layout is required. "

Here we refer you to additional documents : Adjacent Site Plan, Elevations, Report of Handling and Final Decision.

Overdevelopment is not thought to be an issue as the scale of the proposal is far less intrusive, i.e. a container (2.4m high) just visible above an existing fence than that of a two storey factory and extension approx 6m high.

Both applications note are within the Conservation Area. The statement that refers to a better standard of design and layout should have also been applied to the two storey roughcast extension with a metal roof ! The gable of the two storey extension blanks off the windows of the adjacent timber building at Leys Road car park, no cognisance was made of this at the design stage. Our application on the other hand does not impair the amenity of this building.

Part of the justification for self storage is the Applicant requires space for storing packaging, the same reason for the two storey factory extension.

2. the space limitations for traffic movement and customer/staff parking in and around the site would be inappropriate for the use proposed.

The application site has to a certain extent off street parking although strictly speaking not in compliance with Moray Council standards. As evident from the photographs provided by Transport Manager there is no provision for staff parking, deliveries and collections at the existing factory. They park their vehicles in the turning area ! Was this originally without the requirement for staff parking, loading and unloading etc. Then the factory extension was also approved with no parking / loading provisions ! We contend that the small scale infrequent use of the storage units are not an issue in this instance.

It is noted that 15/01455/APP under policies IMP1, BE3, T2 and T5 received no comments from Planning, however our application did ! The adjoining business has no provision for Provision of Access (T2) or Parking Standards (T5).

Another point to note is that under Town Centre Development R1 again no comment on a two storey factory extension. We have mobile containers which can be moved off site at any time.

Regarding comments this application received only one, i.e. Mr Graham Murdoch of Murdoch's Butchers while 15/01455/APP received **52** and only 1 in support yet still got approval !

The recent photographs supplied by Transport Manager show cars parking in the turning area and outside the existing factory. These vehicles belong to the owner and staff. You will see there isn't a loading bay marked on the road area at the vehicle doors. These photographs only have emphasised the point that the permitted factory extension should not have been approved as there is no off street staff parking or loading / unloading designated areas.

Taking the comparisons between the two applications it would appear that a precedence has been set when the original factory, then the extension were granted planning consent without off street parking / loading etc.

We respectfully request that the Appeal be judged equally with the same criteria in terms of the Policies referred to in both applications.

Yours faithfully.

Ian Holmes.

cc. Mr Carlo Miele