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25 July 2010

Clerk to the Local Review Committee
Moray Council
Council Office
High street
Elgin
IV30 1BX

Dear Sir,

Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008
Request for Review: Planning Application 09/01127/OUT – Planning permission in principle to erect two dwellinghouses at land South of Innes Road, Garmouth.

I refer to your letter of 14 July 2010. I provide my response to the three representations on the grounds of review.

Representation by Rob Wallen

- departure from local plan - the proposal is not inconsistent with the Moray Local Plan. The development relates to subdivision of the original plot known as Lilac cottage and that property was within the settlement boundary. This is not a valid objection.
- Mr Wallen asserts - "It [the site] was not part of the garden of Lilac Cottage, but a small field that was left as pasture. Whether or not it was historically in the same ownership as Lilac Cottage I do not know. It is however irrelevant as the key point is that it was a field and not part of the garden grounds of Lilac Cottage. "The land in question has been in my family's ownership for more than 100 years and a copy of the title can be made available. The key point I would make is that the land pertaining to "Lilac cottage" (which, until demolition in 2004, comprised two semi-detached cottages) included the land which is the subject of the application and there was never any fixed boundary separating that land from any other land surrounding the cottages. The whole subjects comprised land extending to nearly 2 acres. The fact that in 2004 the land upon which the two cottages were erected and some surrounding garden ground was split off does not mean that the land which is the subject of the present application was separate: as a matter of fact it was not - it comprised the ground pertaining to the two former cottages. This is not a valid objection.
- road safety - this objection is also invalid since there are no grounds for believing that in a 30 mph restricted zone on a road which at the relevant point does not have sharp bends or restricted visibility a development of only two houses would give rise to difficulties of safety. This is not a valid objection.

Objection by Mr Burridge

- In regard to the comments expressed about a plot known as Lilac Cottage (sold in 2004) plus two other areas of ground, the title is to an area of ground known as Lilac Cottage. Those subjects were purchased by an ancestor more than 100 years along with another area of ground at Dunkirk Road which has no relevance to the present application. Therefore this point by Mr Burridge is irrelevant. **This is not a valid objection.**

- Mr Burrige asserts that the proposed application was for two dwelling houses, the drawing shows four houses plus an access road. The point is irrelevant since the application is only for permission for 2 houses as shown on the plan. The other land shown on the plan remains in my ownership and is not the subject of any application for planning permission. **This is not a valid objection.**

Objection by S Forsyth

- narrow road - this objection is also invalid since there are no grounds for believing that in a 30 mph restricted zone on a road which at the relevant point does not have sharp bends or restricted visibility a development of only two houses would give rise to difficulties of safety. This is not a valid objection.
- water - the fact remains that Scottish Water who are the relevant statutory water authority have no objection, accordingly the concern is not applicable since Scottish Water confirm that the capacity of the local Garmouth facility could cope with an insignificant development of only two houses. This is therefore not a valid objection.
- departure from local plan - the proposal is not inconsistent with the Moray Local Plan. The development relates to subdivision of the original plot known as Lilac cottage and that property was within the settlement boundary. This is not a valid objection.
- ribbon development - this objection is clearly wrong since the settlement of Garmouth already (and has done so for many years) extends to the west of the subjects of the application along the north side of Innes Road for nearly a kilometre and consists of a row of houses some of which are old and some of which are modern. The houses are known as (from west to east)-

The Hillock, Woodview, Culzean, West riding, Dellachaple, The Steading, Crosshill, Lauriston, West park and others several of which occupy large plots.

Accordingly, the erection of two houses that is well within the built up area and is not extending beyond the limit set many years ago does not amount to ribbon development. Mr Forsyth's property West Park is part of ribbon development that took place many years ago so no precedent is capable of being made. This is not a valid objection.

Sincerely yours,

Alan Williams