

31 Oct 2013

Clerk to the Local Review Body  
The Moray Council  
Council Office  
High Street  
Elgin IV30 6BX

**Letter in response to the request for review for proposed development 13/01158/PPP;  
Reference MLRB 091**

Further to the recent failed application (3<sup>rd</sup> attempt) for development on the site as stated, my objection to the appealed planning application still stands for the reasons stated below which were covered extensively in my previous correspondence (see attached previous letter dated 9/7/13):

1) Road safety:

Worsening congestion onto an already busy Mannachie Road and there are clear tyre marks from a vehicle having to undertake an emergency stop right outside the nursing home exit from this summer which are still present on the road. See attached letter.

2) Impact on Natural/ Built environment:

Loss of green space and overbuilding of current residential areas with loss of natural drainage area. Again see attached letter.

3) Loss of privacy/overshadowing of current property:

The addition of 5 properties or indeed any properties on this bank would inevitably overshadow the properties on the lower slope of Mannachie Brae due to the nature of the bank and even with "single storey" properties above garages (which by definition would be 2 stories), would place the new build higher than the existing bungalows. See attached letter.

4) Water supply and drainage:

The water pressure in this residential area has already been affected by the number of builds in the near vicinity and there have been several times when the pressure has dropped significantly. See attached letter stating original objections.

In addition I would like to pass comment on the planning appeal DBC946-13 over the following comments:

On page 3 paragraph 2 it made reference to the land being surplus to the appellant's requirements but this is **not** a reason to reject a refused property development for the 3<sup>rd</sup> time. Whether the land was surplus or not would not impact on the Council's ability to award a building right.

On page 3 paragraph 3 reference was made to a planned extension to the residents' lounge as demonstration of investment in the area. I have no objections to this extension as it would be beneficial for the residents to have a larger communal area but if this was now to be built and

extended outwards it would be reducing the surrounding views for the residents by facing a stark wooden fence which has since been placed to mark out the plot and would actually not be as aesthetically pleasing had the land been left "open".

On page 3 paragraph 4 reference was made that the site lies within an established residential area and I agree with this comment, but to build further property in close proximity would then impact on the appeal and open nature of the present properties by reducing green space once more and turning the little green belt area we have left in our towns into more closely packed homes with little privacy and aesthetic appeal.

On page 4, mention was made of a newly erected fence which just appeared over a matter of weeks around the nursing home so "boxing in" the residents and allowing the surrounding area to be left without any ground maintenance. This fence was erected without prior discussions with the affected residential homes and attached onto adjacent fences of the adjoining properties. Again the appeal states that the upkeep of the land was "at their own expense" but that is expected for any grassland or gardens belonging to a property. It would seem reasonable that the owner would have to maintain this land at their own expense. It should not be cited as a reason to appeal because of maintenance costs.

Paragraph 5 also mentioned that the land had never been used by the residents during the period of the previous home manager's time working there. Just because land is not physically walked over should not be a reason to allow building of property and appealing a decision as there are numerous areas of parkland in any public park, or areas within a private garden of a house which are never walked across but can still be used to plant shrubs and trees and be used for their aesthetic beauty rather than as walkways.

The appeal also advises that the proposed development does not adversely impact on the surrounding environment on page 5 but for the reasons stated above this is clearly not how the plans appear and privacy, overshadowing and causing further issues with traffic congestion on an already busy road clearly have been accepted as reasons to reject the proposal in the past.

The land has been left to become overgrown and this is not picturesque to view this area currently. The owner of the land has done no maintenance with this strip since it was purchased and cannot cite this as an excuse that this area "is clearly in need of a small scale development" as they have left the land to become overgrown and unsightly themselves.

Mention again of the single storey property was made, but from the designs these are not single storey as they entail garages below the properties so there would still be overshadowing and loss of privacy from the development of properties on the upper slopes of the indicated land.

Mention was made that only a small number of objections were raised and this in turn was principally because not everyone who should have been given the opportunity to make objections had been sent letters. And indeed on one occasion when the first appeal was raised, it was only from the questioning by one neighbour to the council that the previous objectors had not received the same letter that they had, were others made aware. Unless a property/fence directly abuts the grassland, letters were not sent out to nearby properties but the views and issues of congestion would affect more than just the immediate property owners hence the opportunity to respond to the proposed build should be extended to further afield.

In summary, the reasons the proposed build has been rejected twice and a previous appeal had been overturned still stands as valid reasons not to go ahead with further development in an attractive residential area. Whether 6 or 5, or indeed any number of properties are placed onto this land, the underlying issues that this build would create would still remain and the drainage, traffic congestion (by creating another entrance onto Mannachie Road), the loss of privacy and the impact on the natural environment by building into the bank still remain valid points.

The appellant cannot claim the cost of the maintenance as a valid reason to build on the land, nor that the land is currently not used by elderly residents. There are probably many areas of the nursing home property and landscape that are not frequented by the residents and again to state this as a reason to build property on this spot seems ridiculous. The land on most gardens is planted with shrubs and trees particularly on banks and I would not expect most garden owners ever frequent all the corners of their property land.

And also to state that the land is overgrown and "in need of small scale development" as a reason to develop further residential property is a poor excuse as they have done no maintenance to improve the landscaping since it was bought over. At present even with the fence around the nursing home the residents cannot fail to observe the wild overgrown patch across the bank of grass.

I hope these points can be taken towards consideration of upholding the Council's decision to reject the proposed build.

Yours Sincerely,

A solid black rectangular box used to redact the signature of Sallyanne Hutchison.

Sallyanne Hutchison

Dr S Hutchison

9<sup>th</sup> July 2013

FAO: Teresa Ruggeri  
Development Management  
Environmental Services  
Moray Council  
High Street  
Elgin IV30 1BX

**Letter of objection to the Proposed Development for Residential Housing**  
**Application number ; 13/01158/PPP**

Further to the resent failed application and also failed appeal decision for a similar development, I wish to object to the planning application noted above for the following reasons:

**1) Road Safety**

My most significant objection comes from the proposed new access road to the development and whether this involves another entrance road in addition to the present one into the nursing home. The journey up Mannachie Road is quiet hazardous even in daylight because of the limited width particularly around the nursing home. There are often parked vehicles on the left hand side of the road on looking up Mannachie Road from the lower aspect because of limited residential parking to those properties. This has created an almost "one way" traffic system with vehicles passing on the wrong side of the road to pass these cars. There have been several near misses and recently a further "hard braking" incident just prior to the nursing home entrance has left a set of tyre slick marks on the road since the last proposed application had been rejected. These marks are clearly still visible on the road from a vehicle having to brake very hard to avoid either another vehicle passing on the "wrong" side or from a vehicle exiting the home. This could have very serious consequences if local residents were to cross the road or a young child on a bike was cycling up Mannachie Road with all these dangerous exit points from developments.

**2) Impact on Natural/Built environment**

The housing area around Mannachie Brae was developed and laid out well to enhance the natural environment and utilise use of the green belt area on the extent of the town. The properties were spaced out and offered privacy, a degree of open space and were not congested. This is now in jeopardy with this proposed development as discussed in the previously failed application, but has a bigger impact now that Springfield Property is also intent on extending a large property development at the upper end of Mannachie Brae. Forres is rapidly becoming more and more congested with housing developments and better use of the surrounding land external to the town should be considered for future housing. It would be a disaster to lose yet more natural open space to further developments.

Existing residents of Mannachie Brae, a substantial number of whom are retired, currently benefit from the tranquillity and peace that this area offers. This also applies to the residents within the nursing home. They have already had a fence placed around the home blocking the view of the pleasant open space that the grassland offers and further building houses abutting this would have a negative impact on their quality of life.

As mentioned in my previous objections, the current housing and bungalows at the entrance to Mannachie Brae have been built on the upper slope of a natural bank. Building further housing onto this bank,

particularly by digging into this bank to lay in garages, would not only potentially cause issues with the stability of the grassland and slopes but would significantly affect the drainage.

**3) Loss of privacy/overshadowing of current property**

As already discussed in the similar failed proposal and appeal, the proposed development of housing whatever the number of houses would considerably lessen the privacy of the houses already in situ as well as possible affecting the stability of the foundations of the upper bungalows.

In the proposed architect's view, even with garages below the houses, would cause an elevation particularly in plot 5 from the proposed development. These houses would be significantly raised above the natural slope and would overshadow the bungalows facing onto the this site.

The boundaries of the new properties extend right up to the current properties and this would mean a loss of privacy, an increase in noise, disruption and inconvenience in a currently peaceful area.

**4) Water supply and drainage**

It is already noted that the water pressure in this area has had numerous issues with fluctuating pressure levels and an additional demand onto this service would only make matters worse causing further inconvenience to the existing residents.

It has been noticed that in heavy rainfall, as experienced only a fortnight ago, that poor surface water drainage exists particularly near the current road exits onto Mannachie Road. This standing water causes particular hazards to drivers and the loss of yet another natural drainage area of grassland would only compound this issue.

I would appreciate an acknowledgement on receipt of my comments as stipulated in my Neighbourhood Notification letter.

Yours Sincerely,

Dr S Hutchison