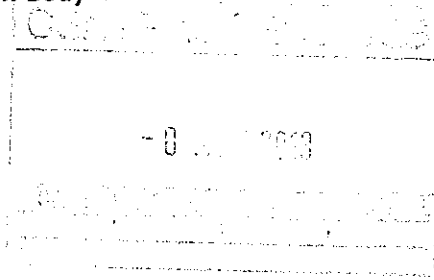


Clerk to the Local Review Body
The Moray Council
Council Offices
High Street
Elgin
Moray
IV30 1BX



18 Mannachie Brae
Forres
Moray
IV36 1BY

7th November 2013

Dear Sir/Madam

Ref: MLRB 091

Re: Request for review of Planning Application 13/01158/PPP, Proposed erection of 5 houses including a new access road and private section of road located off Mannachie Road, land adjacent to Meadowlark Nursing Home, Mannachie Road, Forres.

Further to the recent letter received relating to the above numbered, previously refused Planning Application and request for review, we wish to respond and yet again make it clear that we still object to the proposals being put forward.

Having read the grounds for review and associated documents on the Moray Council's website we wish to again reiterate our earlier objections and enclose a copy of our initial letter which detailed our main concerns. We would like to make the following additional comments in response to those made by the applicant regarding our objection:

1. We note that the applicant (on numerous occasions throughout the grounds for review document) seeks to *presume* that because less written objections were received this time compared with the last previously refused application, that this is indicative of the feelings of local residents and that the current proposals have been more favourably received. We wish to point out to the Local Review Body that this is certainly *not* the case and does not indicate that it is (as the appellant claims) only a 'minority' in the locality who are against the development. Whilst those neighbours nearest to the proposed development site were made aware of the current application, other neighbours and other previous objectors had no knowledge that another attempt to develop the site was being made following the previous refusal and were disappointed to learn of yet another attempt to build houses on the land. Many people residing close to the site are elderly and are becoming weary of the ongoing situation regarding development but because of varying circumstances feel unable to write and make their objections known. Some in the locality were put off from commenting this time due to the brash comments received last time by the appellant who also indicated that objections received from people not living on Mannachie Road or Mannachie Brae were not relevant (this is clearly unjust) as we have commented previously, everyone has a right to put forward views and opinions and should not be 'bullied' or criticised for their thoughts on the matter. It would be interesting to find out how many residents, their families and staff have been consulted about the planning application and how many were in favour of depriving the residents of their previous provision of open

space which has now been taken away from them following the erection of the boundary fence that has recently been put in place and effectively 'hems' them in.

2. To comment that objections were 'almost identical' to those received last time simply highlights the point that *the same* fears and concerns remain and have not been listened to or adequately addressed. Objectors are forced to reiterate their views if they remain the same and will persist in doing so until their voices are heard.
3. By not maintaining the land, the applicant appears to be trying to use the unkempt appearance of the land in question as a 'lever' as they seem to think that neighbours will become so fed up with the overgrown appearance of the site that they will give in and not object to it being built upon.
4. By trying to say that refurbishment of the Home is being hampered by the refusal of planning permission is inappropriate and should not be used as grounds for review. Perhaps the applicants should have considered their finances before embarking upon making such large scale refurbishment plans, they must have been aware that the land(as they say) was 'surplus to their requirements' at the time that they purchased the home, perhaps they have had aspirations of selling it off for development from the outset? It should be made clear that those opposing the development do not wish to stop the residents from benefiting from improved conditions within the home, far from it. In addition it would be preferable that the residents had the benefit of looking out on an adequately maintained open aspect, (as they used to) rather than being confronted by the recently erected wooden fence that is now so closely located to their windows.
5. We beg to differ regarding the point relating to loss of privacy and dispute the comment that the properties will 'sit within an open setting located away from neighbouring properties' this is clearly not the case if the plans are examined closely.
6. The development would certainly have a detrimental impact on the area and adversely affect, it contrary to the claims made by the applicant.

We conclude that in our opinion the proposed development is totally inappropriate and would be grateful if the Review Body could consider the points raised by all objectors and the Planning Department who saw fit to refuse permission, when making their decision.

Yours faithfully



D. & H. Hughes

Copy

Development Manager
Environmental Services
Moray Council
Council Office
High Street
Elgin
IV30 1BX

18 Mannachie Brae
Forres
Moray
IV36 1BY

16th July 2013

Dear Sir/Madam

Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2008
Application Number **13/01158/PPP**

Application Description – Erect 5 houses including a new access road and private section of road located off Mannachie Road, land adjacent to Meadowlark Nursing Home, Mannachie Road, Forres.

Thank you for your recent letter informing us of the above Planning Application that has been received by your Department.

We were disappointed to learn of this new application given that it is similar to the one made previously that was refused by both the Planning Department and the Moray Local Review Body, only a matter of months ago. Whilst we appreciate that this is an entirely different proposition, we fail to understand how the applicant feels that this development is any more beneficial to the area than the previous one as this also fails to comply with Moray Local Planning Policies IHP1 and H3 as it would have an adverse impact on the surrounding environment, the peace and tranquillity of which is at present enjoyed by local residents of both Mannachie Brae and Meadowlark Nursing Home.

It is significant to note that in the previous application it was stated that the land in question was surplus to the requirements of the Nursing Home and much was made of the financial burden that was placed on the applicant's client having to pay for maintaining the land (cutting the grass etc.). Since the refusal of the application a fence of approx. 6 foot in height has been erected effectively forming a perimeter fence and 'hemming in' the residents denying them the open space the adjacent land provided. The land is now certainly 'unmaintained' and we feel that this is an attempt by the applicant's client to try to force the issue of developing the site as the land is now in danger of becoming overgrown.

With reference to the newly constructed fence, we were disappointed to find that it has been affixed directly to the boundary fence of our property, responsibility for which we believe to be shared. The Nursing Home have not asked our permission or even bothered to inform us of their intention to affix the new fence to the said boundary fence and we are concerned that should the boundary fence be damaged as a result of the new fence being

attached to it (for instance in high winds when additional strain may be put on the original boundary fence) then we will be liable for contributing towards the cost of repair.

Please find outlined below our main OBJECTIONS to the proposed development, many of which are the same as those we noted last time but are still relevant to the current application 13/01158/PPP.

Natural Environment

We believe that the proposal to build on the land adjacent to Meadowlark Nursing Home would be to the detriment of the local natural environment. Much of Forres is now 'built up' with the few open spaces we have left around the town earmarked for the development of new residential accommodation indeed, with the newly proposed development by Springfield Properties of land adjacent to Mannachie Brae, we in Mannachie Brae will be literally surrounded by building developments if these two projects go ahead. Such building sites will significantly detract from the area and produce noise nuisance from both construction and traffic within a confined area, reducing the amount of 'green natural space' available to those who currently live in the area. Recent previous planning applications regarding developing the site for similar purposes (as mentioned earlier) have been refused in view of the Moray Local Planning Policies IMP1 and H3 which we believe are again contravened in this planning application.

Road Safety/ Road Access/ Increased Traffic

Again, as stated in our objections to the previous planning application, we believe the proposed location of access and egress is totally inappropriate as Mannachie Road is already a busy thoroughfare that becomes congested around the vicinity of the Nursing Home at the present time. The road is used by residents from Mannachie Terrace for parking and becomes particularly busy and obstructed when staff from the home travel into work or leave at the end of completing their shifts, this together with the combination of vehicles driven by people visiting friends and relatives in addition to delivery vans frequenting the Home, causes considerable difficulties for neighbouring residents. The experience of driving in this area will be made worse if additional vehicles try to turn into or out of a newly formed junction adjacent to the Home, exacerbating already difficult driving conditions and increasing the risk of accidents.

A further point to raise in relation to road safety involves the poor drainage of surface water on Mannachie Road between Mannachie Avenue and the entrance to Meadowlark which, during times of heavy rain causes water to flow across the road and in the winter months freezes causing a severe problem with ice. The scenario would become much worse if additional vehicles were to try to turn into or out of a newly constructed access road at this point posing the potential for serious accidents.

Drainage and Water Supply

The proposed development would put added demand on the drainage system and may well affect water pressure, something we have already experienced with previous building developments in the area.

We have studied the plans which accompany the deeds to our bungalow and note that there is a water main running under the service strip of grassland between our property and that of our neighbours. Exactly where the water main runs in relation to the land to the rear of our property upon which the applicant wishes to build is unclear, however what is apparent is the fact that any excavation/ building work carried out would affect the said water main and may well have a detrimental effect to those of us resident in Mannachie Brae.

Loss of privacy

The proposed properties are to be located in very close proximity to the boundaries of bungalows in Mannachie Brae which poses a significant loss of privacy to the residents of the existing properties. It is unclear to what height the houses will be built but the fact that they are houses with a garage built underneath would suggest that they will be of greater height than the bungalows already in existence in Mannachie Brae which would cause a significant loss of privacy both to the residents of the bungalows and to the residents of the Nursing Home (even though the applicant states that screening will be provided and the fence has already been put up around the Nursing Home, both will be overlooked due to the difference in height from a multiple storey dwelling houses).

Layout and density of buildings

It is inappropriate to contemplate building 5 houses together with a new access road and a private section of road on the land proposed for development.

In conclusion, as stated in previous objections; the welfare of the residents in Meadowlark Nursing Home should be considered as well as that of the majority of elderly residents in bungalows surrounding the site in Mannachie Brae. The noise, disruption, dust and general nuisance and inconvenience which such a development would cause could severely affect the wellbeing of some already unwell, vulnerable individuals who would suffer from the lack of open space in the vicinity of the proposed area.

Thank you for your consideration of the points we are raising

Yours faithfully

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D. & H. Hughes