

Our Ref: DBC946-13-115

26th November 2013

Lissa Rowan
Committee Services Officer
The Moray Council
High Street
ELGIN
IV30 1BX

Dear Ms. Rowan,

Town & Country Planning (Schemes of Delegation and Local Review Procedure (Scotland) Regulations 2008
MLRB Case 091 – Relating to a review of the Planning Decision 13/01158/PPP
Erection of 5 Single Storey Dwellings on land adjacent to Meadowlark Care Home, Mannachie Road, Forres for Renaissance care (No 1) Limited

We write to formally acknowledge receipt of your email dated the 13 November 2013 wherein you kindly enclosed your notification letter and the representation(s) received in relation to the MLRB case 091.

Concerning the letters of representation received from the neighbors which number four (4). Our clients and ourselves have both reviewed the contents within each letter, and on our client's behalf we herein submit a formal response to representations received. The points raised are we note once again similar in content to the objections previously presented for Application – 13/01158/PPP.

The letters to which we wish to respond to are therefore noted as follows:-

- Mrs. J. Addis – 25 Mannachie Brae, Forres IV36 1BY *
- D. & H. Hughes – 18 Mannachie Brae, Forres IV36 1BY *
- Miss. M. S. Thompson – 23 Mannachie Brae, Forres IV36 1BY
- Dr. S. Hutchison – 17 Mannachie Brae, Forres IV36 1BY*

To ensure that we have addressed each of the representations thoroughly we have dealt with each of the representations individually. We would wish to reiterate that the design statement lodged with the PPP submission which was refused consent set out the basis of the design vision for the site. The statement addressed a number of points including the design revisions made to the earlier submission, massing considerations and a full appraisal of the issues relating to the setting of the care home and the surrounding properties.

The changes which were proposed as part of the revised scheme within submission 13/01158/PPP were also high lighted within our summary statement. For clarity we would wish to reiterate these critical design points once again.

These included the following design changes:-

- A reduction in the site density from 6 Dwellings to 5 Dwellings
- A reduction in the type and massing of the proposed house types restricting the development to a "bungalow" style proposal. These tie in with the housing within the locality and the surrounding environment, although most have attic provision.
- The private road proposed which was approved by transportation has been shortened, and re-configured

- The reduction in the number of dwellings has allowed the visual amenity provision to the entrance to the site to be extended and maintained. The “open space” created links with the open aspect from the care home, and provides an open space buffer between the road, the adjacent housing and the proposed houses which have been set back within the individual plots.
- The distance and topography of the site allows the houses to be private with the privacy to both the care home and the housing to the rear of the site maintained.
- The existing landscape elements onsite are maintained and improved upon.

Dealing with each of the representations individually we would make the following comments. To assist in addressing the issues raised we have appended an aerial photograph which assists in identifying the location of each of the neighboring properties who have made individual representations.

Mrs. Joan Addis
25 Mannachie Brae, Forres

The objection makes reference to the “Green space” which lies between the Care Home and 25 Mannachie Road, and its importance in providing privacy to the neighboring properties. We would reiterate that there is no overlooking of houses due to the setting and layout of the proposed bungalows and the existing landscape screening which exists onsite at present. Indeed the restriction to the massing of the proposed houses means that each garden area is completely private and complies with all the necessary planning guidance and technical policies.

The field in question is privately owned and is not public open space, and the setting enjoyed thus far will not be compromised by the proposed development given no public access is allowed to the field in question. The area of land to which the review relates has never been used by the care home or the residents. The Home itself has one main external landscaped space which the residents can enjoy which is a safe area which has level access from the main lounge area. The dementia wing within the care home also has its own dedicated private courtyard / garden to safeguard residents in addition to the secure external area. The upper site which is the subject of the review is surplus to requirements and is totally unusable for the purpose of the home.

Concerning Mrs. Addis's remarks concerning construction traffic and site management. These are technical matters which will be addressed as part of the site set up and site management procedures. As is standard practice these matters are dealt with in consultation with the council's environmental department and the construction phase will comply with the detailed planning conditions imposed with any detailed planning consent. Conditions clearly relate to working hours, noise levels and cleanliness of the site and the surrounding access points.

Mr. & Mrs. D. & Hughes
18 Mannachie Road, Forres

Mr. & Mrs. Hughes have submitted additional comments within their representation and we have addressed these as follows.

1. Firstly, the reduction in the number of objections is a factual statement, and whilst the representation seeks to debate thus matter the fact is the objection numbers have

- reduced. Indeed only three of the four objections were consistent with the previous planning submission. We acknowledge that a number of the residents surrounding the site may be elderly, and every attempt has been made within the design approach to ensure the proposed development is suitable and compatible with the area and the surroundings. The bungalow style has been proposed given that this will suit couples and individuals who are less able. Level access and a development on a single storey are totally appropriate to the locality. WE would also take exception to the terminology used within the representation which relate to suggested "brash" comments made by the appellants who are simply stating their case and intent for the site. It is accepted that everyone is entitled to an opinion, even if they reside some distance from the proposed site. However in "planning terms" the Moray council is obligated to serve notice on those residents who are affected by the proposal and this has been done in accordance with planning guidance. Our client has no issue with that, and indeed is supportive of the policy guidance.
2. Concerning the erection of the new boundary fence to the care home itself. The residents have in no way been "hemmed in" as is suggested within the representation. The fence which existed onsite was in poor order, and provided no security for the residents who were utilising the external spaces. The new fence has been erected to secure the garden areas for the benefit of residents, and also provide them with an increased landscaped area all with level access. The existing screen planting to the existing gradient on the site has also been retained providing residents with a secure site which can be enjoyed without staff becoming concerned about residents who are less able or capable wandering off. The fence defines to the site articulately, and offers evidence that the vacant site is suitable for the purpose proposed which still offering adjoining resident's ample residential amenity.
 3. The identical nature of the representations is a factual statement and an observation. The reason for doing so is to highlight the point that the design statement which relates to the changes made to the development proposal addresses the concerns being expressed by the interested parties. Our client is not seeking to isolate themselves from the community which they continue to serve. Views and opinions are always valuable and are taken into consideration when design proposals are prepared.
 4. The condition of the site is again a consequence of the appellants not requiring the site for the purposes of enhancing the care home. The site is at a level whereby residents of the Home cannot see the site, and it will not benefit the residents in any way. The proposed development will however enhance the environment a point which we are aware the representations may disagree with. However the design statement does address all the technical and policy issues which require to be considered as part of the review and we would rely upon these.
 5. Concerning the point (4) within this representation which relates to the financial argument. The client as with all businesses has felt the impact of the recession whilst continuing to develop and improve their estate. The fact is the sale of the site will benefit the care home and the residents and future plans can be brought forward and implemented.
 6. Concerning points (5) and (6) of the representation. We submit that the previous comments relating to the setting of the site, and the improvement to the locality are all appropriate whilst we note the representation seeks to suggest a different opinion.

In relation to both houses at No:17 and No:18 both houses sit in relatively close proximity to the care home evidenced by the locator plan which is appended to the submission. The proposed development will be a further distance away from the properties in question, given the houses sit beyond the proposal site.

Miss. M. S. Thompson
23 Mannachie Road, Forres

Firstly, concerning the first point noted within this representation which relates to site drainage. The services to the site which include mains drainage and water services have both been investigated as part of the development proposal. The Moray Council departments have vetted the proposed plans and the scheme proposed is compliant with the servicing requirements for the area.

The services information has been lodged as part of the planning submission. The existing site services will be determined and dealt with as part of any subsequent construction phase, and we note no objections to the proposals have been submitted from the statutory consultees.

Concerning the tree points raised by Miss Thompson.

Any felling or pruning would require to be discussed and agreed with The Moray Council. We have no specific comment in relation to the points raised. Clearly however our clients would seek to maintain the trees in question subject to further detailed discussions with the local authority.

Sallyanne Hutchison
17 Mannachie Brae, Forres

Ms. Hutchison has relied upon the extent and scope of the previous objections lodged in respect of the application. We have of course previously responded to these and for clarity we have copied our previous response dated the 07/08/2013 for your information Appendix 02)

In addition to the previous observations and comments expressed within the response letter noted above.

We have read over the representation and wish to deal specifically with the MLRB specific issues raised within this letter dated the 31 October 2013, as follows:-

- I. The proposed extension to the care home with is mentioned in this response is within an area extended and enlarged from the former boundary fence markers. Any views from the proposed extension would be into a private garden space as previously mentioned into a secure and landscaped garden area. The new fence line merely provides security to the residents, and the gardens are to be landscaped in addition to the planting which exists.
- II. It was prudent to note that the representation agreed that the site lies within an established residential area. For that reason the design changes which have been implemented have sought to ensure the juxtaposition of the new properties proposed will sit in harmony with those which exist at present. Sufficient gardens areas have been provide in fact greater in both size and area than those which exist to Mannachie Brae at present. The positioning of the proposed bungalows has been well thought out, maintaining the open aspect to the street scene. This is in addition to the required setting out distances from the existing houses which surround the site which lie behind mature landscaping and screening.
- III. The new fence line was again mentioned within this representation which we have dealt with in an earlier response. What is worthy of mention however is that the fence falls within the acceptable height classification in relation to planning policy, and no prior notification is required in relation to the fence line. The fence falls under the 1.80 meter height requirement.
- IV. The density used within the revised proposal is reduced from the previous planning submission. This relates both to numbers being reduced and massing having been reduced to a "single storey" development.
- V. There are no over shadowing issues associated with the development contrary to the representation suggesting otherwise. Adequate distances have been provided in designing the proposal, and there will be no adverse impact on traffic generation onto Mannachie Road. Transportation Dept at Moray Council have approved the proposal and there is no reason to refuse the submission on these grounds.
- VI. The representation highlights one bungalow having a garage located under the house. That is indeed correct given the site levels and site topography offered the opportunity for the bungalow on plot 05 to have a garage under the floor level. This however does not detract from the house in question being single storey.

- VII. Concerning the notification of neighbours which the representation takes issue with. This is a matter for Moray Council and I am sure that all the appropriate notifications were issued in compliance with the planning policy guidance. This is a response which I am sure can be dealt with by the council directly.

The location of the houses at No:23 & No:25 Mannachie Brae are shown on the locator plan which is attached. The houses lie closer to Mannachie Drive and the open space created to the main site frontage will essentially maintain any open aspect which the properties presently enjoy although obscured by the existing tree plantation on the appellants' site.

The objections generally were similar in their content, and the response(s) address the general consensus of opinions offered.

We again appreciate the views expressed by the neighbours in question however we would found upon the responses provided to the representations in this regard.

The detailed response sets out the Renaissance care case for the Council approving this review, given that the policy guidance has been complied with.

Design changes have been made from the previous submission which has addressed any site specific concerns which have been expressed.

The Design statement which was submitted along with the design drawing information we submit should be referred to in determining the current application.

The statement dealt with the technical and site design considerations associated with the current proposal and also addressed the policy issues which The Moray Council planning office appears to be suggesting is a reason for refusing a perfectly appropriate planning application in principle.

In this regard we would summarise the policy background and compliance as follows:-

The main consideration in preparing the current submission is that the scheme will not adversely impact on the surrounding environment.

Policy H3 is not compromised by this development proposal, which essentially is a small scale single storey housing development making use of a private area of ground which is surplus to our client's requirements.

From a design perspective the development sits comfortably within the development site.

The proposed development will have a nil or very negligible impact on surrounding properties and the scheme will enhance the local environment.

The scheme offers an opportunity for interested parties / purchasers to buy a single storey home within an established community which is suited to the locality.

We would request that the response to the letters of representation is made available to all the parties affected by the proposal and also to the relevant committee members.

For and on behalf of Renaissance Care (No 1) Limited

Stewart Davidson RIBA ARIAS
Davidson Baxter partnership limited

Encl:

Appendix 01 – Site locator plan identifying the locations of the properties who lodged letters of representation

Appendix 02 – Planning application design statement

