

Committee Services Officer
 Clerk to MLRB
 Legal & Democratic Services
 Moray Council
 Elgin IV30 1BX

Wed, 4 May 2016

Your Ref: DW/LR156

Reply to: Planning Application - Notice of Review

15/02106/PPP: Erect Dwelling house on Land adjacent to Bracany, Bracany Park, Longmorn Fogwatt.

Dear Mr Westmacott,

You wrote to us inviting further observations for the review of the Planning Application named above.* May I refer you to my letter submitted to Maurice Booth on 1 Dec 2015 with our objections and questions therein, along with the following:

A few weeks ago, not long after the initial Planning Application was sensibly refused, the Applicant commenced felling around a dozen mature Birch and Scots Pine trees on the land adjacent to Bracany, disturbing Red Squirrel, nesting birds and severely scarring the look of the area. We fully appreciate the owner CAN cut down the trees on his land, as there is no protection order on them and no-one is monitoring the protected wildlife there. However, clearing the site so soon after the Planning Application was turned down just goes to show how the Applicant will ignore anyone else's opinion, in the blind expectation that the Appeal will succeed, with no regard to the permanent damage caused by felling trees in the interim, if the Appeal does not succeed.

I would encourage anyone involved in the appeal decision to visit the site to see for themselves what it's really like, especially as the site plan supplied; ref: 15/27/02a is actually INCORRECT – the property Bracany Annexe is shown with the left side wall of the granny annexe in line with the boundary wall. In fact, the whole annexe is set at more of an angle to the boundary wall, with the frontage turned about 45 degrees clockwise, towards the site in question, thus the conservatory linking the Annexe to Bracany is narrow at the front and wider at the back. This is important as it demonstrates that the windows of the annexe are turned more towards the proposed building than is currently being demonstrated.

Whichever way one looks at it; the site is still far too small for a 1½ storey house, a garage and drive to fit on it. It is too close to all properties around, and this is not in keeping with the rest of our immediate neighbourhood - it is as simple as that, and it matters. Especially to those of us planning to stay here, unlike the Applicant whose house has been up for sale since last year. When we first moved here ourselves, 18 years ago, I was told by a Planning Officer that there was no reason for rural properties to be close enough to see into their neighbours windows. Is there a minimum distance specified between rural properties anymore?

Since the trees were felled, an upset neighbour has already complained that they can now see straight through to our windows and Vis versa. Privacy is something we have all paid a premium for when choosing to live here. Why should our privacy be eroded by yet another new house; bigger than its neighbours and permitted to squeeze in, making us all feel even closer to one another? The proposed building would be too close to Bracany, our house walls and windows, and the lack of parking with the potentially risk that vehicles will block us into our drive, and very possibly damaging our wall at the entrance. Did anyone consider that if a gate was erected; the posts would reduce the access width even

further? What is the advantage of living out here if it becomes much the same as living in a cul-de-sac in a town? There is no further space for another one or two wheelie bins at the communal bin area.

The site is not at all practical; the plan proposes an infill property with a very narrow front and NO rear entrance/exit. I fail to see how a septic tank lorry can get close enough to empty the tank in the proposed remote location - around the back of 2 other neighbouring gardens - is that even acceptable? And this is certainly NOT as the Applicant's appeal statement claimed a "high density development"!

Recently, for roughly 2 months, we and 2 other neighbours that we know of were experiencing a problem with our gas central heating boilers cutting out. Further investigation indicated the cause was low gas pressure, so we notified Scottish Gas. They conducted tests saying we were not the only ones with this problem. The gas supply is from a line originally put in by the nearby Glen Elgin Whisky Distillery. The gas pressure needed adjusting, probably due to the additional properties and a new motor trade business drawing more gas than before from our shared supply. Scottish Gas have made adjustments and resolved the problem. Extra demand in the future would risk the problem reoccurring.

On the other hand, if gas was not the chosen energy supply for the proposed house here, then the alternatives; oil or wood chip deliveries would still involve the problem of regular visits by large vehicles, thereby adding to the parking, turning and the access problems.

In the meantime, if the build went ahead it would still breach development regulations on more than one point? How can the Applicant say: "the land is considered in our opinion to comply with all planning policies?" It doesn't! Since the late 1990's the local planning policy has placed restrictions on any further building development and says no to more soakaways and vehicular access at our junction with the A941. But this has already been overlooked for some properties in Bracany Park and Bracany Gardens in recent years, presumably due to inclusion in pre-existing planning consents? But further development has to stop to avoid hitting the tipping point - where I believe we are right now - and to prevent aggravating the problems we are already starting to experience, such as waterlogged gardens, etc.

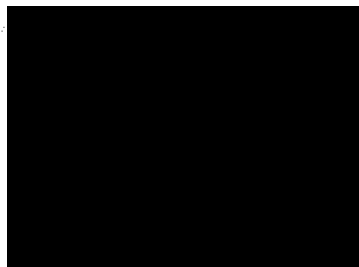
In the past 6-12 months there have been an unusual number of For Sale signs going up in this part of Fogwatt. Why? Very possibly, as a result of undesirable changes in the area. One might guess that people want to 'get out' before the negative aspects start affecting house values.

Finally, I would just like to mention the evidences given by the Applicant regarding police records and the claim that there have been no serious accidents at the junction or near enough to be related to our junction - this is not true. I have photos of previous motor accidents on this bit of road. It is why we campaigned for street lights on the bend and a speed limit, and got them.

Yours Sincerely

Mr Kenneth Roberts

Mrs Michela Roberts



**With regard to the 14 days to reply to this Appeal, I would like to draw your attention to the fact that your letter was dated the 20 April yet it was not delivered until the 26 April, and as we did not read it until 27 April and the Bank Holiday weekend was in the middle so we were away, we have actually only had from 3-5 May in the evening after work, to respond. This is NOT a fair period for a response and is a week shorter than the 21 days for the Planning Application response at Christmas/New Year.*