

Lissa Rowan

From: [REDACTED]
Sent: 06 January 2019 19:29
To: Lissa Rowan
Subject: Notice of Review: Planning Application 18/01280/APP – Proposed 3 Apt Dwelling House at the rear of 96 Moss Street, Keith, AB56 5HE (off “Sodgers Lane”, Keith)

Importance: High

Dear Lissa,

I refer to the above and your letter dated 19th December 2018 (ref LR/LR219) advising that a Notice of Review (NOR) has been served on the Moray Local Review Body (MLRB).

Having viewed the NOR and associated documents online I note the Applicants displeasure that consent has been refused, especially given the positive feedback given to them by the planning department during the Pre-Application Enquiry Process. I must say that I find it strange for the planning authority to encourage departures from their own policy, stating the precedents have been set elsewhere, however, I also note that the report does have the following disclaimer which may have been overlooked by the applicant.

Disclaimer

While we make every effort to ensure that the pre-application advice is accurate and comprehensive as possible, any advice given by officers in response to a pre-application advice request does not constitute a formal decision of The Moray Council as Planning Authority and, whilst it may be a material consideration, cannot be held to bind us in terms of the validation or determination of a subsequent statutory application.

In particular, any advice provided under this service constitutes the professional opinion of the officer(s) concerned and is based on the information provided by the applicant and the planning policies and site constraints prevailing at the time. While every effort will be made to identify all relevant policies and all issues material to the proposal, pre-application advice issued by us in relation to local developments will not normally include input from external organisations or consultees, such as SEPA or SNH, or from local residents, neighbours or community groups.

Such input during the assessment of any formal application may raise new issues or areas of concern and therefore the ultimate determination of any future statutory application could differ from the conclusions reached in this preliminary assessment. We will, however, endeavour to highlight any consultees, external bodies or parties that may be involved in any future application so that applicants can make contact themselves to discuss their proposals.

There may be other consents that are required before you implement this consent from either this council or other bodies but these are not covered by this advice.

Policy H3 was introduced to discourage the very overdevelopment that has occurred in Keith, and in particular the lanes, in the years prior to its introduction. I would also reiterate that this is by no means an insignificant departure from policy as the proposed site is some 36% smaller than the minimum area required and the parent plot is approx. 33% below the minimum area. If this is approved we will have not one but two properties failing to meet the requirements of Policy H3.

I also note in the Applicants response that he has asked the Planning Authority to “ look at 113A Sodgers Lane as a precedent where a fairly recent dwelling house has been constructed which is fairly large, of non-traditional construction and on an extremely small site”. To clarify, the postal address is actually 113A Mid Street and not Sodgers Lane. The dwelling house also has a footprint of approx. 112m2 and sits within a site measuring 510m2 and is therefore not a large house on an extremely small site as incorrectly claimed by the applicant.

I note that the MLRB will take all previous representations made by myself and others into consideration. I also trust that the MLRB will adhere to Policy H3 and uphold its original decision to refuse planning consent.

Yours faithfully

A large black rectangular redaction box covering the signature area.