

8 February 2012

Our Ref. 090011/TABOO/mjh
Your Ref. RR/LRB Case 043

Mr Ron Ritchie
Committee Services
The Moray Council
High Street
Elgin

Dear Sir:

LOCAL REVIEW BODY APPEAL 043: PLANNING APPLICATION 10/02046/APP: CASTLE
INN, 29 CAROLINE STREET, FORRES

I refer to the above Local Review Body appeal and your letter dated 25th January 2012
enclosing the representation received from the Transportation Section of the Council.

The appellant wishes to thank the Review Body for giving him the opportunity to respond
and we do so as follows:

Para. 2: Notes that the appellant has submitted 'new information' as part of the Review.
We strongly dispute this and would contend that the information being portrayed as
'new' by the Transportation Official was included both with the Pre-application
consultation undertaken by the appellant (CMD016), which was submitted to the Council
on the 6th November 2009 and again with the detailed response to the Historic Scotland
Consultation (CMD008) dated 5th July 2011.

We can only assume this information was not passed to the Transportation Section by the
appointed officer at any time during the consideration of the application consideration
process and therefore brings into question the way the Appointed Officer dealt with the
original planning application.

Para. 8: It is a well established principle that when redeveloping/replacing an existing use
which carries an on street parking burden, that burden can be utilised to offset the burden
of the new development.

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Additionally, the assertion by the Transportation Official that the Public House and HMO use have been abandoned and no longer can be utilised as part of this development is discussed in detail, in Paragraphs 40 – 46 of the appellant's Statement of Case and concludes that the on-street parking burden will be reduced by 4.9spaces as a result of this development.

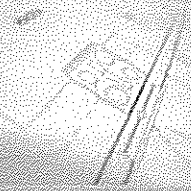
Para. 10: This paragraph directs the reader to paragraph 12 of the Council Parking Standards, which states that *'In the case of town centre developments involving the demolition of certain derelict buildings every effort should be made to provide parking at the level required for comparable new development to form off-road parking areas.'* In doing so, the Transportation Official states that this development *clearly* falls within the definition of a 'certain derelict building' and, as such, efforts should be made to form off road parking.

The Council Parking Standards does not define which *'certain derelict'* buildings this statement applies to and therefore, the appellant fails to comprehend how the Transportation Section can categorically state this policy applies to this development.

The appellant's Statement of Case (paras. 41 – 46) notes that this development will both increase the number of off-street parking spaces from 2 to 5 and result in a reduction in the on-street parking burden of 5 spaces.

Para 13: CM Design also prepared and obtained planning approval for the development at Caroline Street, Forres (Council Ref. 06/02564/FUL refers) noted in the Transportation Section response. We have reviewed our file for this project and can state that no developer contribution was sought or paid for the short fall in parking for this development.

Para. 14: The Transportation Official notes that a 7.6m x 7.6m turning area has not been provided within the site. This requirement has never been raised by the Transportation Section before (refer to their own Consultation Responses TMC01, TMC02 & TMC05)



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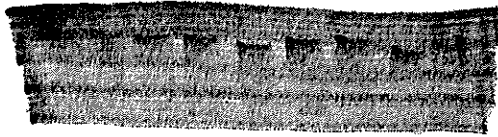
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and should therefore be considered new information, for which there is no reason to introduce at this stage.

Moreover, Paragraph 16 of the Council Parking Standards notes that a minimum width of 6metres should be adopted in parking layouts, Drawing 090011.FORBES.P10a (CMD010) demonstrates that this requirement is conformed with as the circulation distance is proposed to be 6.6metres.

Based on the above and the appellant's previously submitted Statement of Case, we look forward to the Review Body supporting this project.

Sincerely



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CM Design

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