



APPENDIX 12

Stewart Davidson

From: Stewart Davidson [stewart@dbparchitects.co.uk]
Sent: 21 December 2012 10:36
To: 'Maurice.Booth@moray.gov.uk'
Subject: Planning Decision - 12/01409/PPP - Land at meadowlark Care Home, Forres
For the Attention of Maurice booth

Meadowlark, Forres
Decision on Application - 12/01409/PPP

Dear Maurice,

Following receipt of the decision notification by email from Jenna McKidd. We are extremely disappointed with the outcome of the application given all of our previous consultations. This is particularly relevant given the reasons stated for the refusal was never suggested to us at the outset. Your earlier email dated the 08/10/2012 suggested that development of the site may indeed be acceptable.

There were technical considerations raised by you within your response which we subsequently addressed with the lodgment of site section data.

Amendments were made to the road access with the assistance of Transportation and the layout was approved.

Following this we responded to the letters of objection and lodged our response at the same time you intimated to us that you were attending site to take a further view on the site.

We requested within our last response dated the 01/11/2012 that you revert to us with any queries which you may have had following receipt of the supplementary information.

The reasons for that were that it would have offered us the opportunity to either respond to any concerns you may have had.

Had we received a response from you in advance of a decision.

This would have given us the opportunity to re-appraise the layout details and withdraw the submission in the interim pending a review.

Thereafter we could have re-lodged the application in a form which may have been acceptable to you. That opportunity is now not open to us and it should have been.

However as it stands we now have a refusal to deal with and clearly we will have to seek our client's further instructions in this regard.

Whilst we note your reasons for refusal which we clearly disagree with your findings particularly given your previous consultations.

Any specific concerns you may have had should have been expressed at the early referral stage, and not left until the decision stage.

In response to your earlier requests, a substantial amount of design work has been undertaken to illustrate that the site is indeed capable of development.

Bearing in mind this is a PPP submission with the layout approved by Transportation.

Design detailing could have been negotiated and an acceptable layout agreed without the need for a refusal.

The site is private land and is surplus to the care Home's requirements.

The proposal clearly set out the subdivision proposals for the site which were "key" to the improvements required to the Home itself.

In the interim we also note the proposed extension to the Home has been approved.

However despite this decision this work on the buildings cannot proceed unless a satisfactory sale of the land can be achieved.

That said we will either have to consider an Appeal, or negotiate a revised submission with you and lodge this as a free go.

Can you consider the above comments and your feedback would be appreciated before we decide how best to proceed.

Yours sincerely,

Stewart Davidson RIBA ARIAS

21/12/2012