

PLANNING APPEAL

Our Reference:	DBC946-13 – APPEAL SUBMISSION															
Local Authority:	The Moray Council															
Planning Application Ref:	13/01158/PPP															
Application Proposal:	Erection of 5 houses including new access road incorporating a private section of road on Land Adjacent to Meadowlark Care Home, Mannachie Road, Forres, Moray.															
Appellant:	Renaissance Care (No 1) Limited															
Date Application Validated:	25 th July 2013															
Council Decision Notice Date:	20 th August 2013 - (Appendix DBC946 (A) - 001)															
Reason for Refusal:	<p>The proposal would be contrary to policies IMP1 and H3 in the Moray Council Local Plan for the following reason:</p> <p>(1) The openness of the area makes a valuable contribution to the setting of the care home and to the character of the area and the development would have an adverse impact on the surrounding environment.</p>															
Application Drawings & Supporting Documentation:	<table><tr><td>DBC946-13 – LP</td><td>: Location Plan</td></tr><tr><td>DBC946-13 – PL002</td><td>: Topographic Site Survey Plan</td></tr><tr><td>DBC946-13 – PL003 (Rev E)</td><td>: Proposed Site Plan</td></tr><tr><td>DBC946-13 – PL005 (Rev A)</td><td>: House Type Proposals</td></tr><tr><td>DBC946-13 – DS2</td><td>: Proposed Site Sections</td></tr><tr><td>Design Statement</td><td></td></tr><tr><td>Site Photographs</td><td></td></tr></table>		DBC946-13 – LP	: Location Plan	DBC946-13 – PL002	: Topographic Site Survey Plan	DBC946-13 – PL003 (Rev E)	: Proposed Site Plan	DBC946-13 – PL005 (Rev A)	: House Type Proposals	DBC946-13 – DS2	: Proposed Site Sections	Design Statement		Site Photographs	
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Design Statement																
Site Photographs																
Primary Development Plan Policies:	IMP1: Development Requirements															

1. The Appeal statement for the revised planning application reference – 13/01158/PPP has been prepared by Davidson Baxter partnership Ltd on behalf of the Appellants Renaissance Care (No 1) Ltd. The case has been structured to support a local review submission for the above noted planning application which was regrettably refused by the appointed officer on the 20TH August 2013 following design amendments made from the original submission reference – 12/01409/PPP. Appendix **01** should be referred to in the first instance which contains correspondence to and from the Planning Officer initially seeking a meeting with Moray Council prior to making a further planning application to discuss and agree a suitable way forward. Unfortunately the appellant's efforts to secure that meeting were unsuccessful given the planning officer's unavailability. The views expressed by the officer were unhelpful whilst they set out his stated position in respect of a further application. We would again wish to highlight that whilst due consideration may well have been given by the officer to the suitability of the site for development, this view is contrary to earlier advice which we referred to previously which was obtained during the early consultation period of the first application which was refused consent. The initial opinion offered did suggest "some form of development" would be acceptable on the site, an opinion which the planning officer is now suggesting was incorrect having given further consideration to the case. The appellant's view is that the site and scheme proposed is suitable and fully compliant with all the relevant planning policies, hence the reason for resubmitting an amended design scheme for consideration. The lack of consultation and feedback provided by the planning officer in this case has been unhelpful. Despite the lack of professional feedback, following requests for a review meeting. The design issues raised within application 01 have been addressed and the revised scheme conforms to the policies laid down by the authority. It is the "interpretation" of the relevant policies used for the refusal that we seek a further review on at appeal.

2. The appellant's primary reason for seeking consent to develop the site for housing was again to secure the sale proceeds from the sale of the site following a satisfactory outcome being achieved from the planning process. The funds would then be invested

in the Meadowlark Care Home site to the benefit of the residents in particular. The site is both unused due to site topography and levels, and surplus to the appellant's requirements. Open space provision for the Care home is achieved by two dedicated garden areas. The first is the enclosed dementia garden within a secure courtyard, the other is the secure garden located nearest the proposed development at a level suited for the use of residents. Photographs within appendix **13** can be consulted which assist in illustrating both the dementia and main lounge garden spaces.

3. The proposed sale proceeds obtained would be reinvested in the care home to allow the implementation and the upgrading works for the benefit of both the care home and the residents. The strategy to be adopted by the appellant's following on from a favorable planning decision was to sell on the land to a local developer / builder with a planning permission in principle consent. This in turn would allow the preferred developer to design and agree the detailed elements of the site's design as part of a full planning submission and in accordance with the appropriate planning conditions. The appellant's have invested over £80,000 in the care home since taking over the home over 2 years ago. This continued investment will be helped with the sale of the proposed development site assisting in providing upgrades within the care home, with an extension to the main residents lounge. Plans have been drawn up for this work, and they are of course the subject of an earlier planning consent.

4. The revised and re-submitted planning application in principle was carefully prepared having given due consideration to the refusal conditions from the previous submission 12/01409/PPP. The details are contained within Appendix **02**. Following submission of the application Appendices **3, 4, 5 & 6** are relevant in recording the procedural actions which followed the on-line re-submission of 13/01158/PPP. Having considered the local plan policies which are being cited as the reasons for refusal. The site and its location are more than suitable for a residential use given the site lies within an established residential area. A full topographic survey was previously undertaken for the site to initially establish

the site boundaries and more importantly the site levels which are a significant design factor when considering access for the elderly. The preliminary design work was then undertaken to review all of the design criteria which would enhance and potentially detract from the development of the site. These factors included overlooking, space planning and site topography. As part of the revised "in principle application" the existing boundary lines which were amended by the proposal were introduced onsite replacing a deteriorating fence which offered little protection or security for the residents. The new fence line has been introduced to create a more manageable and creative space out with the main residents lounge. The extended space is used by residents and staff members in good weather, located to the west elevation of the building. The boundary line has been established onsite which leaves the remaining section of the site vacant, and forming the basis of the current amended planning application in principle. The design drawings contained within Appendix **02** illustrate this on the site plan information provided. The land is presently private land and has for some years been maintained by the home at their own expense. The topography of the site with its excessive gradients effectively renders the site unusable for the elderly. The section of site which forms the basis for the application has never been used by residents. The level access to the rear and central courtyard within the Home has served the Home well over the years.

5. Appendix **11** attached is an email confirmation submitted by the Jacqueline Proctor who is the Meadowlark care home manager. Jacqueline has worked at Meadowlark for over 25 Years, and has extensive knowledge of the home and the operational aspects which affect and impact on the day to day running of the home. A question was asked of the Home manager in relation to the use of the "upper section of the site". The home manager has confirmed that the land in question is not suitable for use by residents due to the slope beyond the existing and extended secure garden area. Mrs. Proctor also confirmed the upper portion of the site has never been used by residents over the period she has worked at the Care Home. That conclusion is significant and addresses opinion offered in respect of the "use" of the section of ground. It is therefore submitted by the

appellant that the site is surplus to their requirements and therefore makes sense for the land sale and proceeds from that to be better used to the benefit of the residents and the care home standards of care. Indeed the Manager has confirmed the extended garden facility has increased the useable area for residents to enjoy.

6. The Appellant again disputes the use of policy H3 as a reason for refusal of the revised and amended Planning permission in principle application. The site lies within an established residential area and is also private land. Policy H3 allows development within built up areas where the guidelines for this type and form of development can be satisfied. There are two sections within this guidance which we would wish to address on the appellant's behalf, namely:-

- a. **it does not adversely impact on the surrounding environment, and**
- b. **Adequate servicing and infrastructure is available, or can be made available.**

In respect of guidance note (a) - The site lies within this established residential area, and has historically been maintained by the site owners and laterally as a grassed area by the care home over a number of years. The site is presently overgrown – Appendix **12** and it is clearly an area of ground lying within an established residential area in need of a small scale development. We would reiterate from the previous appeal that there are no public rights of access over or across the land given the site is in private ownership. The section of the site in question is surplus to the appellant's requirements as illustrated and evidenced. The revised layout proposed within the current submission does not impact on the surrounding housing, or impact on the environment. The scheme proposed incorporates an enhanced open space provision to Mannachie Road and also complies fully with all the local authority design guidance for housing developments within a gap site.

In respect of guidance note (b) – Servicing of the site and infrastructure have all been proven as part of the submission and neither poses any difficulty given the site lies in close proximity to all services and road access is immediately adjacent to the site. Transportation has approved the

layout as part of the PPP submission as they did with the previous submission per Appendix 07. The policies conform to SPP3 on the development of urban areas.

7. A design statement was submitted in support of the application which set out the appellant's reasons & strategic plan for the care home and the application site. Please refer to Appendix **02**. The statement sets out our client's strategy in relation to the development of the vacant unused site. The scale and character of the design proposals which accompany the PPP submission were by their nature "indicative". However the proposals were amended and developed following the initial PPP application 12/ 01409/PPP which was refused and then upheld at appeal. The revised design proposals address the minor design criticisms which primarily related to scale and density whilst we submit neither was a real concern. The revised proposal has been changed to a "bungalow style" development proposal. This proposal again reflects the character of the surrounding area. The single storey design proposal has a nil impact on the surrounding dwellings which generally are all single storey and attic types. The revised and reduced density is comparable with the houses which lie to the south and also to the south-west of the site. Garden areas and overlooking issues have all been considered and addressed within the context of Moray Council design guidance.

8. The transportation Department of Moray Council was again consulted in relation to road access positioning and geometry. The revised application with a reduction in the number of dwellings was acceptable in transportation terms. The site access was found to be acceptable subject to conditions which the Appellant has accepted and the conditions can be implemented without any difficulty. The layout of the houses proposed whilst indicative in nature does reflect the character of the area and the reduction in number and massing has addressed previous concerns expressed by both the neighbours and the planning authority. The revised design maintains the previously submitted open aspect towards the access road to Mannachie Road. The open aspect has been enlarged as a consequence of the reduction in house numbers to (5No) the

relevant correspondence with the Transportation Dept is attached within Appendix **07**.

The landscape areas have been designed to alleviate any concerns regarding overlooking. Additional screen plantations have been introduced adjacent to the new boundary fence to totally screen the care home from the proposed development. The visual amenity of the gap site is enhanced with the introduction of the additional landscaping and low density housing sitting comfortably in the setting.

9. The Planning Gain officer with the second and amended submission once again reviewed the submission and an agreement on level of contribution was agreed. Should the appeal be successful then the appellant is happy to comply with the planning gain condition. Please refer to the attachment confirming approval subject to condition within Appendix **07**. Having agreed the contribution level which was acceptable to both parties. The contribution level took into account the re-investment strategy being employed by the appellant in relation to the site proposals.

10. The refusal of the amended application is particularly disappointing given the reduction in the number of properties to 5No with the supplementary design amendments which were incorporated within the layout to create more open space within the layout. We would again refer to an earlier planning advice note which stated "**the principle of some residential development on the site may be considered acceptable**" That said the submission in its amended form as with the first submission was considered without any referral to the appellant's agent. A point expressed within section 01 above, and within Appendix **01**. The planning officer was approached with a view to agreeing a meeting with both the agent and the appellants. That suggestion was refused due to non-availability. The layout proposed illustrates full compliance with all the relevant planning technical considerations which would normally be requested of a development of this type and scale. Garden areas, overlooking and transportation design issues have all been fully considered once again as part of the appellant's revised submission as with Application 01.

11. The Supplementary site sectional information requested by the planning officer as part of the first application has again been lodged as part of the second submission in an amended form. The sections illustrate the nil affect of the viewing angles and levels using the "bungalow" house type .We understood as with application 01 that this information was crucial in assisting in illustrating the level changes within the site, with the information having been requested by the planning authority. The site sections also assist in illustrating how the design deals with the access levels and the house setting out information and how the proposed new house types sit in relation to adjacent properties. This information was prepared and submitted to the Planning office for their due consideration as part of this current submission. We further understand this information was helpful and assisted in illustrating that any perceived overlooking or space relationships had been fully considered. The sections also assisted in illustrating the fact that the "upper site" is totally isolated from the level access areas adjacent to the Care Home itself. The photographic information in Appendix **13** illustrates the secure garden areas in question. The new fence lines and their levels are also now apparent. On that basis the site is unquestionably unusable for the care home, and the impact on the care home of this proposed development is negligible at best. The recreational needs of the residents are fully met with the two garden areas dedicated for their use all with level access from common and private spaces.
12. As part of the current planning submission additional screen landscaping was proposed between the housing site and the care home, all to the benefit of both land uses. The setting of the care home would not be compromised by the introduction of the housing. Quite the opposite the scheme integrates well with the surrounding housing given the additional planting being proposed. The screening and tree plantations add significantly to the surroundings and add value to the general landscaping creating visually attractive spaces between both the Housing, the care Home and the views to and from Mannachie Road.

13. Concerning the letters of objection lodged with Moray Council, we note that the number of objections is less than for application 01. The objections themselves are also fundamentally identical to those submitted for the previous application for (6) Houses. Please refer to Appendix **08** in this regard wherein the letters of objection are responded to by the appellant's agent. The perceived loss of open space has been cited within the correspondence as a possible concern. We would again confirm that the land which forms the basis of the submission is surplus to the requirements of the home. Indeed the site has been a financial incumbency for a number of years given the upkeep costs associated with grass cutting and tree pruning. The upkeep costs have had to be reduced given the land serves no valuable purpose or use for the Home. We would again point out that the gradients between the home and the site mean the land cannot be integrated with the care home or used for recreational purposes by the residents. The land is also private and does not fall within the category of "public open space". Whilst the site is lineal in its nature the site expands to the Mannachie Road frontage offering scope to create an interesting and valuable open aspect to the site and an enhanced visual amenity for the street scene. The amended scheme proposed also creates and maintains open space both between the care home and the proposed housing. The scheme also maintains open space to the street scene. The proposed layout has been designed to ensure that the site is "open" in terms of visual amenity. Maintaining spaces between the housing to the rear of the site whilst maintaining open aspects to the Home and the roadway were all integrated into the design per the original brief. The refusal on the grounds that open space is being lost is an incorrect statement for the reasons outlined above. The decision to refuse the application by delegated powers on the stated policy grounds is inappropriate. The policies have been complied with and the policies cannot be relied upon for valid reasons for refusal. Had the request for a committee decision been accepted? The right of appeal to the Scottish Office addressing this specific concern would have been relevant.

14. The request for a committee decision rather than a delegated decision was made to the Planning Department – Please refer to Appendix **08** (Letter requesting determination). The letter was unanswered and the planning officer proceeded to determine the amended submission without responding to our request for the committee to determine the submission. That factor in addition to the refusal to meet with the appellant / agent per Appendix **01** is in our opinion less than professional given the efforts made to achieve a design which would be acceptable through dialogue and discussion. Taking the preliminary view expressed by the planning officer prior to determination of the previous case 12/01409/PPP. Had a positive response been received, dialogue could have been expanded to discuss and agree a design / scheme which may have been found to be acceptable. Simply to refuse dialogue with the appellant via their agents is not a way in which applications should be dealt with, and no positive outcome can occur as a result of intransigence.
- Therefore the only remaining material consideration that requires to be considered relates to the Local Plan Policy IMP1 (Development Requirements). The policy sets out a series of criteria which must be met for any development to be found acceptable. We propose to address each of these criteria individually to confirm that in the Appellant's opinion the criteria of Policy IMP1 have been met by the design proposals.

A. The scale, density and character must be appropriate to the surrounding area.

The proposal as revised seeks again to develop a vacant, unused and open site which lies within the ownership of the appellants. The housing proposed is relatively small in scale with the massing having been restricted to single storey bungalows. The proportions are more than compliant with the surrounding developments, and indeed sit well into the area of ground screened from adjoining houses by mature landscaping. The density is also compatible with the adjacent houses as evidenced on the locator plan which supports the submission – Appendix **02**. Therefore, the appellant contends that the erection of a reduced number of bungalows (5No) in this case rather

than the six houses previously submitted is a significant step forward in trying to seek an acceptable planning solution. The houses proposed will maintain the visual amenity and they will integrate well into the residential area whilst maintaining their distance from the care home. All these factors are appropriate to the setting of the Home and the surrounding environment. The amended scheme being proposed whilst subject to a further detailed design submission, will not detrimentally affect the character or impact on the setting. The scheme is therefore compliant with Policy IMP1, given all the determining factors have been addressed and resolved.

B. The Development must be integrated into the surrounding landscape.

In considering once more the development in relation to the surrounding landscaping. The site lies within an established residential street and housing area identified as such within the local plan. The site is easily accessible from the adjacent public road and access can be achieved in full compliance with the Transportation Departments requirements. The development will maintain an open aspect to the street with a "buffer zone" maintained between the proposed housing and the care home which lies at a much lower level to the North. This open area has been expanded from the previous submission to address some concerns that were expressed within the letters of objection whilst the previous scheme was also compliant. The design drawings lodged in support of the revised and fresh application indicate extensive planting and landscaping between the site and the Care Home. The established planting between the site and the adjacent homes is also maintained and enhanced as part of the submission.

C. Adequate roads, public transport, and cycling and footpath provision must be available, at a level appropriate to the development.

The proposed development site sits immediately adjacent to Mannachie Road which is a local distributor road which is also a bus route. The development provides a safe and suitable access to the road into an adopted hammerhead access, which leads to a category 6 grade private road access all designed to be fully compliant with Transportation policy guidance. (The response from

the Transportation Department who support the submission subject to conditions is appended within Appendix 07.

D. Adequate water, drainage and power provision must be made.

The statutory services serving the site have been investigated in detail once again as part of this revised submission. All the statutory services are available for the site. The exact location of water and drainage services are identified on the service drawings which are appended in support of the submission – Appendix 07 Please note - There has been no objections submitted by any of the statutory authorities in respect of site servicing.

E. Sustainable urban drainage systems should be used where appropriate, in all new developments

Sustainable drainage design standards will be integrated into the scheme being proposed as is standard practice in developing a site of this type within an established residential area. Full compliance with this guidance is accepted and will be implemented at the detailed design stage developing the principles established to this point.

F. There must be adequate availability of social, educational, healthcare and community facilities

The social, educational and community facilities have all been assessed as part of the Appellant's agreement with the Planning Gain Officer. An acceptable level of contribution has been agreed for the development in compliance with Moray Council's policy on developer contributions. All material consideration(s) have therefore been discussed and agreed and integrated into the revised scheme design proposal for the (5) Bungalows. The healthcare provision has of course been taken care of by Meadowlark Home which serves the local community and the surrounding areas. As we have alluded to in previous statements – The funds from the sale of the land will be

used to implement improvements to the care home onsite as part of the appellant's continuing policy to upgrade and improve their care homes. This in our client's opinion is a central argument in support of the development opportunity. A clear and unequivocal benefit will be achieved to enhance the lives of those within the Care Home. The improvements to the home will be able to be implemented quicker than would otherwise be, and the construction industry locally will also benefit from the development opportunity employing local tradesmen and women.

G. The development should where appropriate, demonstrate how it will incorporate renewable energy systems and sustainable design and construction.

Supplementary guidance will be produced to expand upon some of these criteria.

As part of all the appellant's developments the increased standards required to comply with the Scottish Building Standards will be complied with in full. Sustainable approaches to design can and will where practicable be integrated into the scheme. In addition where appropriate renewable sources of energy can be implemented. Increased insulation standards and eco friendly heating solutions will all form part of a developer's design methodology. Improvements will also be planned for the care Home in terms of energy savings and the incorporation of Green standards in a cyclical regime.

H. Provision of long term maintenance of public landscape and amenity areas must be made

As all the land associated with this proposed will form the basis for a maintenance agreement in association with the preferred local contractor. Open landscaped areas and upkeep of planting and tree maintenance will form part of the long term management strategy for the site. The above noted criteria will apply to both the development site to be sold, and the continuing maintenance regime which our client engages in.

I. Conservation of natural and built environment resources must be demonstrated

Given the location of the proposed development. The potential developer for this scale of development is likely to be a local contractor / developer with knowledge of the local economy. The selling agents acting on behalf – Graham & Sibbald, Inverness have also confirmed levels of interest in the site are from local developers. The scheme would also seek to use local grown and sourced timber and construction materials, compliant with the principles of the “green guide for construction”. This will assist with the conservation of environmental resources, and ensure employment within the local community is maintained.

J. Appropriate provision to deal with flood related issues must be made, including the possibility of coastal flooding from rising sea levels and coastal erosion.

The review site is not prone to any flood risk – evidenced within Appendix 07 which incorporates the response from Moray Council Flood Risk Management.

K. Pollution, including ground water must be avoided

The development proposed will be constructed in such a way which will avoid any ground pollution and or water contamination. As such there will be no conflict with this requirement.

L. Appropriate provision to deal with contamination issues must be made.

The site is Greenfield and as such it is not envisaged that the site should pose any contamination risk.

M. The development must not sterilize significant workable reserves of minerals, prime quality agricultural land, or preferred areas for forestry planting.

The site lies within an established residential area, and is considered to be a suitable development site for a small scale housing use, particularly bungalows which are sought after by a wide age

category. The site is established and is of prime quality land with no known workable mineral reserves.

N. Where appropriate, arrangements for waste management should be provided.

Appropriate areas will be designed within the curtilage of each of the housing plots for storage of waste suitable for eco friendly disposal.

Conclusions & Report Summary

15. Concluding the appellant contends that this statement of case clearly demonstrates that in this instance the proposed amended residential development proposal conforms to the Moray Council Local Plan policy IMP1 (Development Requirements).

16. Policy H3 (New Housing in Built up areas) which was cited as a further reason for refusal within the decision notice – Appendix **09**. The policy H3 is a policy which the application has complied with in full. Advice provided in connection with the development was largely in support of the application evidenced within all the positive referrals contained within Appendix **07**. The client was encouraged with the general level of support from all the statutory consultees until the point where the decision to refuse the application was again made. We would again reiterate our dissatisfaction with the lack of responses received from the Planning Officer concerned with the case, and referred to within Appendix **10**. The request which was made to the planning officer to have the application determined by committee was neither acknowledged nor responded to prior to determination by delegated powers. The request was apparently ignored with no formal response provided. This was clearly not the manner in which to treat such a request, and it is a procedural failure in dealing with this application.

17. The objections received and posted on-line were lodged largely from a small number of neighbours. The number of objectors and objections received from neighbours we did note was less than for the previous (6) Unit scheme. The objections were again addressed separately by way of a response letter dated the 07/08/2013 which we would refer you to per Appendix **08**. Following receipt of the decision notice – Appendix **09**, an email response to the decision was issued by the Agent on behalf of the appellant directly to the Planning officer for further consideration – Appendix **10**. The appellant's disappointment with the decision was set out within the response and we would refer the review panel to the relevant appendices referred to above. The Planning officer's reply in this instance is also included within the email exchange within – Appendix **10**.
18. The form, design, and scope of the revised design proposals are rural in their nature, and comply with the design philosophy and objectives set out within the relevant planning policies referred to in this case submission. The appellant's continuing commitment to provide inward investment to the local community and care for the elderly is to the benefit of the local area and local residents as a whole. The release of this small site which is surplus to the requirements of the care home, and also provides no added value to the care home is essential. The revisions made to the proposed design for the site address the massing and open space concerns which have been expressed by the local community whilst in a smaller number. The layout provides substantial visual open space within the layout particularly from Mannachie Road to achieve a balance between the proposed development whilst maintaining a feeling of open space provision. The juxtaposition of the proposed single storey houses which only number "five" in relation to the adjacent houses has been well designed and fully considered. The proposed density for this site is effectively less than is current in adjoining streets. Due diligence and thought has been given to all the necessary design guidance set out within the Moray Council planning policies. The additional landscaping which has been added to the layout provides the care home with substantial screening from the proposed development. The increased external area created out with the main

residents lounge within the care home also offers the residents a more useable space which is at the same level as the home itself. We would refer specifically to the Care Home Manager's email stating the care home position wherein residents and staff would welcome the development which would integrate the "home" further into the community and add additional security– Appendix **11**. The slopes which exist between the Care Home and the proposed site have been fully surveyed. It is clear from the information provided within this revised submission that the "upper site area" offers no opportunity for the Care Home to expand or utilize the area given the restriction in site level. Our previous technical submissions should be referred to in this regard.

19. The application is an "in principle" application and the appellant is satisfied that the design considerations considered, debated where possible and consulted on have been fully addressed within this revised submission. There has been no technical objections lodged, quite the contrary all the consultations have been supportive of the proposal. Objections have only been received from a small number of neighbors all of which have been considered and responded to – Please refer to Appendix **08**.

20. The objections lodged on-line were fully considered and full responses were issued to the planning officer prior to the officer delegating his decision. We submit that our responses have not been fully considered given the time line between lodgment and decision date. The appellant's responses included further technical considerations which included massing and positioning concerns which have been addressed and found to be technically and aesthetically satisfactory. The planning officer has accepted that the layout has complied with the required garden area requirements and the layout is not considered to be dense or indeed over development of a small site. The application has been refused by delegated powers as was the previous submission for 6 No one and a half storey dwellings. Whilst delegated powers is an accepted method of providing refusal. The Officer's reluctance to have the application heard at committee rather than have an officer refuse the submission is in the appellant's view inappropriate and

unacceptable. We would respectfully request that the LRB consider these factors in making their decision on the case submission.

21. The appellant is happy to accept standard design conditions which would address any specific concerns the council may have in relation to landscaping to ensure the development is perceived as a high quality design solution which sits well within the locality.
22. The appellant therefore respectfully requests that this review submission is considered fully, and duly upheld to allow the appellant to progress the strategic plans for the development of the site. This combined with the added advantages to the Care Home and its residents must be a local concern which requires full consideration. The Home and its residents look forward to the development of the site which is becoming an eyesore and should be integrated into the community in compliance with planning policy guidance. We look forward to receiving a favorable decision in respect of the review in due course.

