

Stewart Davidson

From: Stewart Davidson [stewart@dbparchitects.co.uk]
Sent: 02 May 2013 14:48
To: 'Maurice Booth'
Subject: RE: Meadowlark Application, Forres - 12/01409/PPP

Maurice,

Meadowlark Application, Forres - 12/01409/PPP

Many thanks for your response.
I note you are not available on that day suggested.
However our own plans have now changed and I can make an alternative day / time to suit you if we feel this would be productive.

One of the main points we would like to address your own initial response to the original application. Whilst you still had consultations to undertake at the early stages of the application. Your initial expressed view which was confirmed by email was that "some form of development could be suited to the site". Clearly as the application advanced your opinion has changed from your initial observation. Your opinion and the reasons cited for refusal centre on the policy guidelines. These were of course clearly stated at both the LRB hearing and in your email today.

What we are seeking to do is try and achieve a design that may well be found acceptable. One of the committee at the LRB hearing was in favour of the scheme. It is therefore appropriate for us to review all the comments and come up with an alternative solution.

We require to agree a way forward on our client's behalf before the 6 week court of session referral deadline.
We had thought that given your initial view you would be prepared to review an "alternative" layout using a different form of house type.
That was the strategy we discussed during our one and only telephone conversation.

These were the points that we were seeking to clarify with you at a meeting.

From what I can see there are three options available to our client, either separately or a combination of these:-

1. The first is to accept that the way forward is to progress with a referral to the Court of Session on the basis there is no agreement to be sought with your Department
2. We either meet to discuss these matters, or alternatively submit an alternative "sketch design concept" to you for further comment. Thereafter we can make a decision on how best to proceed taking on board any further comments you may have.
3. Prepare an alternative design on a reduced scale addressing the design issues raised, and seek an approval as a new submission.

We would like you to consider option 2 in the first instance.
The latter option is not really a basis on which to proceed given we would rather have an agreement on the form of any proposal prior to lodgment.
If agreement cannot be achieved then it is at our discretion to proceed or not.

Can I ask you to review the comments and come back to me.

I can re-arrange the diary to fit in with your availability.
If this is not your preferred option then I would be prepared to liaise on an alternative design option by email / phone in the first instance.
Given time constraints in terms of appealing the decision, your further prompt response would be appreciated.

Kind Regards,

Stewart

20/10/2013

stewart@dbparchitects.co.uk

From: Maurice Booth [mailto:Maurice.Booth@moray.gov.uk]
Sent: 02 May 2013 13:50
To: Stewart Davidson
Subject: RE: Meadowlark Application, Forres - 12/01409/PPP

Stewart

Unfortunately I have existing commitments next Thursday and therefore would not be able to attend a meeting on that day.

In terms of considering whether there is merit in preparing a smaller scale development proposal I have considered the matter further following the LRB review and have re-visited the site. The reason for refusal stated "The openness of the area makes a valuable contribution to the setting of the nursing home and to the character of the area and the development would have an adverse impact on the surrounding environment." The issue would be of where there could be scope for a reduced scheme, either to the frontage of the site or to the rear, southern side of the nursing home. Having considered the alternatives for the various parts of the site available and also reductions down to even a single dwelling I am unfortunately of the view that any residential development of the open landscaped area involved would be likely have a detrimental impact in the terms expressed in the reason for refusal.

If any further scheme was again refused you would off course be able to make a further appeal to the LRB.

Maurice Booth
Planning Officer

From: Stewart Davidson [mailto:stewart@dbparchitects.co.uk]
Sent: 29 April 2013 11:00
To: Maurice Booth
Subject: Meadowlark Application, Forres - 12/01409/PPP
Importance: High

Maurice,

MLRB/Case 073/Ack
Planning Application – 12/01409/PPP

Following on from our telephone conversation regarding the refusal of the original Planning submission reference – 12/01409/PPP.
During our previous telephone conversation, we reached a consensus that the best way forward was to prepare and lodge an Appeal to the review body.
This was duly submitted and we now note that the appeal has been determined by the LRB committee by 3 votes to 1.
The formal notice upholding the original decision has now been received.
At that stage we could then decide whether there was merit in preparing a smaller scale development proposal.
This would address the concerns which had been flagged up during the process.

Clearly we now require reviewing a way forward for the client, and deciding whether a further appeal to the Court of Session is to be made.

20/10/2013

Prior to making that decision I have suggested to the client that I arrange to meet with you to discuss the application(s).

This would clearly be with a view to firstly reviewing the reasons for the decision, and Thereafter a decision can be taken concerning the merit in preparing a smaller scale revised submission which would meet with your approval?

On that basis I am actually scheduled to be in Forres on the **9th may 2013** with a colleague on another project. If the date was suitable I would like to arrange to meet up with you either in your office or onsite to discuss the background and the decision.

If there is a way forward we can discuss this, if not then we have been instructed to refer the decision.

If you can let me know if you are available on that day I can diary a time to suit you. We can fit around a time to suit you and plan our other visit accordingly.

I look forward to hearing from you.

Kind Regards,

Stewart

stewart@dbparchitects.co.uk

Stewart Davidson
managing director



Davidson Baxter Partnership Ltd

T: 01592 205761
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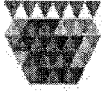
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20/10/2013

APPENDIX 02

 <p>MORAY COUNCIL</p> <p>The Moray Council Council Office, High Street Elgin IV30 1BX</p> <p>Tel: 01343 563 501</p> <p>Fax: 01343 563 263</p> <p>Email: development.control@moray.gov.uk</p> <p>Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.</p> <p>Thank you for completing this application form:</p> <p>ONLINE REFERENCE 000066330-001</p> <p>The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.</p>	
<h3>Type of Application</h3> <p>What is this application for? Please select one of the following: *</p> <p>We strongly recommend that you refer to the help text before you complete this section.</p> <p><input type="checkbox"/> Application for Planning Permission (including changes of use and surface mineral working)</p> <p><input checked="" type="checkbox"/> Application for Planning Permission in Principle</p> <p><input type="checkbox"/> Further Application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)</p> <p><input type="checkbox"/> Application for Approval of Matters specified in conditions</p>	
<h3>Description of Proposal</h3> <p>Please describe the proposal including any change of use: * (Max 500 characters)</p> <div style="border: 1px solid black; padding: 5px;"> <p>The proposal is to develop a section of the unused private land located adjacent to the existing Care Home. The proposal is a re-submission in an amended form following a previous decision. The proposal is now for 5 Bungalows including a new access road and private section of road located off mannachie Road, FORRES</p> </div> <p>Is this a temporary permission? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>If a change of use is to be included in the proposal has it already taken place? (Answer 'No' if there is no change of use.) * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Have the works already been started or completed? *</p> <p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes - Started <input type="checkbox"/> Yes - Completed</p>	
<h3>Applicant or Agent Details</h3> <p>Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) <input type="checkbox"/> Applicant <input checked="" type="checkbox"/> Agent</p>	

Agent Details

Please enter Agent details

Company/Organisation: Davidson Baxter Partnership Ltd

Ref. Number:

First Name: * Stewart

Last Name: * Davidson

Telephone Number: * 01592 205761

Extension Number:

Mobile Number: 07971612056

Fax Number: 01592 642211

Email Address: * stewart@dbparchitects.co.uk

You must enter a Building Name or Number, or both:*

Building Name: The Studio

Building Number: 191A

Address 1 (Street): * Nicol Street

Address 2:

Town/City: * Kirkcaldy

Country: * UK

Postcode: * KY1 1PF

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:

Other Title:

First Name:

Last Name:

Company/Organisation: * Renaissance care (Scotland) Ltd

Telephone Number:

Extension Number:

Mobile Number:

Fax Number:

Email Address:

You must enter a Building Name or Number, or both:*

Building Name: Stuart House

Building Number: 5

Address 1 (Street): * Suite 5, 1st Floor

Address 2: Station Road

Town/City: * Eskmills, Musselburgh

Country: * UK

Postcode: * EH21 7PB

Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1: Address 5:

Address 2: Town/City/Settlement:

Address 3: Post Code:

Address 4:

Please identify/describe the location of the site or sites.

Northing Easting

Pre-Application Discussion

Have you discussed your proposal with the planning authority? * Yes No

Pre-Application Discussion Details

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (Max 500 characters)

The feedback followed a refusal from a previous planning application in principle. The scheme has now been amended to take cognisance of the comments made by the planning officials and the Review Body

Title: Other title:

First Name: Last Name:

Correspondence Reference Number: Date (dd/mm/yyyy):

Note 1. A processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

Please state the measurement type used: Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: (Max 500 characters)

The current use is vacant ground unmaintained lying adjacent to the Residential Care home owned by the applicants. The ground lies on an upper level remote from the private external garden area enjoyed by the residents. The dementia section of the home is served by a private courtyard garden within the curtilage of the property.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? * Yes No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) * Yes No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2008) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

Certificate and Notice under Regulation 15 8 – Town and Country Planning (General Development Management Procedure) (Scotland) Order 1992 (GDPO 1992) Regulations 2008

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding.

Signed: Stewart Davidson

On behalf of: Renaissance care (Scotland) Ltd

Date: 21/06/2013

Please tick here to certify this Certificate. *

Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

c) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

d) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2008) have you provided a Design Statement? *

Yes No Not applicable to this application

e) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

f) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Design Statement in support of the PPP submission (As amended)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan. *

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement *

Yes N/A

Other Statements (please specify). (Max 500 characters)

Not applicable to this submission.

The design statement addresses the amendments made to the previously submitted proposal which was refused consent with that decision having been upheld at the LRB committee by 3 votes to 1 vote.

Declare - For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application.

Declaration Name: Stewart Davidson

Declaration Date: 21/06/2013

Submission Date: 21/06/2013

DESIGN STATEMENT

PROPOSED RESIDENTIAL DEVELOPMENT ON LAND ADJACENT TO MEADOWLARK CARE HOME, MANNACHIE ROAD, FORRES – 5 BUNGALOW PROPERTIES

CLIENT: RENAISSANCE CARE (NO 1) LIMITED

The REVISED AND UPDATED Planning permission in principle submission is lodged on our client's behalf with a view to developing the site for private housing. The previous application reference – 12/01409/FULL was refused consent under delegated powers.

A subsequent appeal to the review body was unsuccessful despite a strong case having been submitted in support of the previous design submission.

This revised planning application is lodged a free submission which in turn addresses the concerns expressed within the previous decision.

The scheme proposed is again indicative and has been prepared to illustrate the feasibility of achieving a small scale development suited to the local environment. The scale and character of the scheme proposed is in-line with the type of family housing surrounding the site on all sides. The house types proposed have been reduced in number, and the proposal now suggests a development of only single storey bungalows as distinct from the previous submission.

There is one less house, the development is reduced in its massing and open space has been retained to the entrance to the site.

The building line has been kept back to ensure the visual amenity is retained to the street scene a point raised within the previous objections.

The new access roadway to the site has been introduced from Mannachie Road once again and restricted in its layout.

The road access retains a "private end" which will effectively become an extended private drive to a number of the properties.

The proposed bungalows are located a significant distance away from the adjacent care home, with a landscape buffer zone located between the residential site and the care home itself.

The Home as previously mentioned is significantly lower in level than the application site.

The category 6 access roadway with a private end section set out both in plan and level to suit the site contours.

The existing tree plantation onsite is retained intact and will be located to the rear gardens of the proposed housing units.

The scale and form of the house types is illustrated for "Information Only" with the types designed as single storey ONLY. The houses sit in harmony with the surrounding developments.

A new landscape scheme will be developed in detail at the Full Planning application stage, to provide a decorative screening zone between the development as proposed and the residential care home.

Home/

Our client's are investing in the Care facility, and the proceeds from the sale of the site for a development of the type proposed will allow the client to carry out substantial alterations and improvements to the Care home.
The scheme is an inward investment project geared to enhancing the care and facilities available to the home.

The external garden areas to the home will also be enhanced with the expansion of the private space from that which exists at present including the private courtyard for the dementia section of the home.

The scheme is proposed as a PPP submission, and a favorable recommendation is being sought from the local authority for this amended scheme.

The key consideration in preparing this revised submission is that the scheme as proposed will not adversely impact on the surrounding environment.

Policy H3 will not be compromised by this development which is a view previously expressed.

The design changes have however gone a way to addressing the concerns regarding the visual amenity when viewing the site from the roadway.

The site continues to be overgrown and the area defined within this application is not public open space.

The land is private ground.

The inherent and incumbent costs associated in the upkeep of the land which is surplus to the care home are not inconsiderable.

The purpose of the submission (revised) is to seek an agreement and approval from Moray council to assist with the continuing development of the site, the Care home and its residents.

The residents will directly benefit from the approval of this application, with plans for upgrading and extension of the home (previously approved) moving forward for implementation.

Stewart Davidson RIBA ARIAS
Davidson Baxter Partnership Ltd for Renaissance care (no 1) Limited

June 2013



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SMARTER FENCES TO SERVE 3 NO. RESIDENTIAL PLOTS.

LOCATION OF NEW FENCE AND GATES TO BE PROVIDED WITH THE SUBMITTAL. EXISTING CONTOURS ARE INDICATED FOR INFORMATION ONLY.

SMARTER FENCES TO SERVE 3 NO. RESIDENTIAL PLOTS. LOCATION OF NEW FENCE AND GATES TO BE PROVIDED WITH THE SUBMITTAL. EXISTING CONTOURS ARE INDICATED FOR INFORMATION ONLY.

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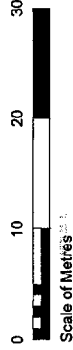
UNDEFINED BOUNDARY
OPEN SPACE

PROPOSED SITE PLAN
DATE: 10/08/2012
DRAWN BY: BGC 081-12
CHECKED BY: PL 005 - E
PROJECT NO.: BGC 081-12
CLIENT: RESSANCE CARE (SCOTLAND) LTD
PROPOSED RESIDENTIAL DEVELOPMENT @ MEADOWLARK, MANACHIE ROAD, MORAY, AB9 8ZT.



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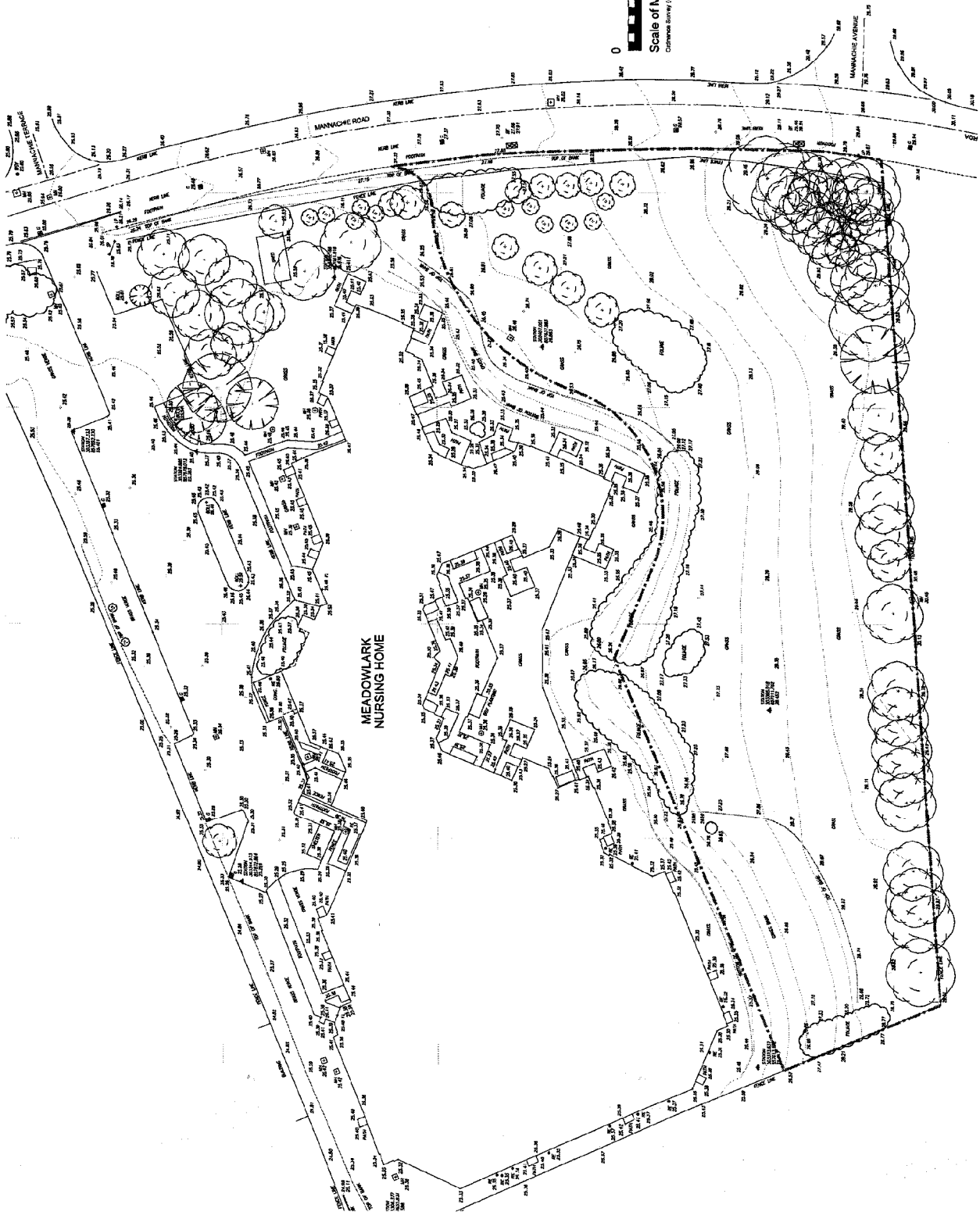
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PROPOSED RESIDENTIAL DEVELOPMENT @
MEADOWLARK, MANICHE ROAD,
GLASGOW, G12 2JZ.
RENAISSANCE CARE (SCOTLAND) LTD
EXISTING SITE PLAN

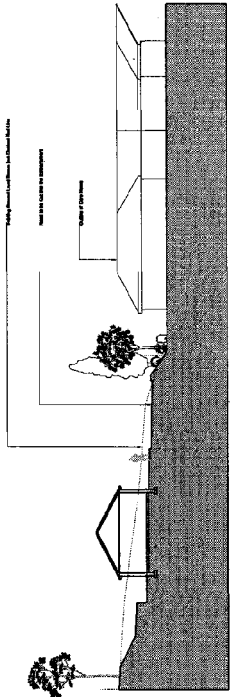
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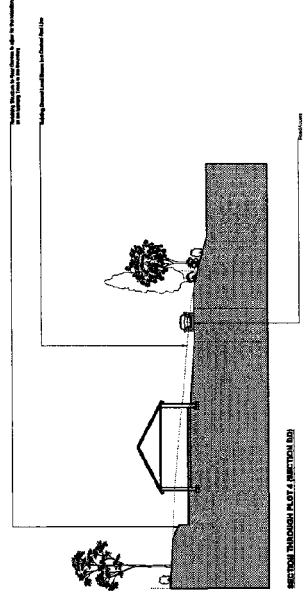
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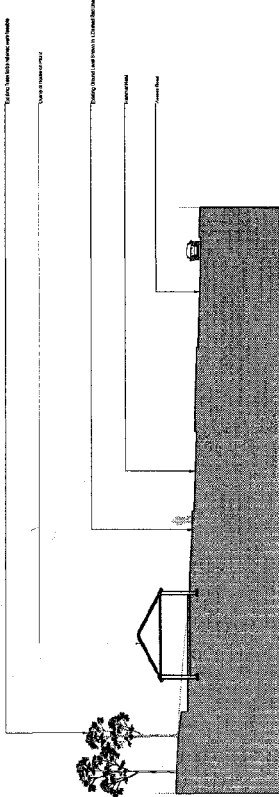
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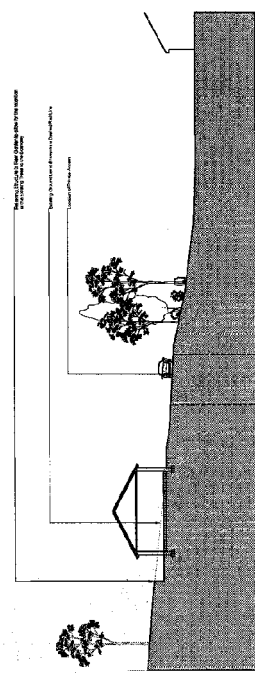
SECTION THROUGH PLATZ 2 (SECTION B8)



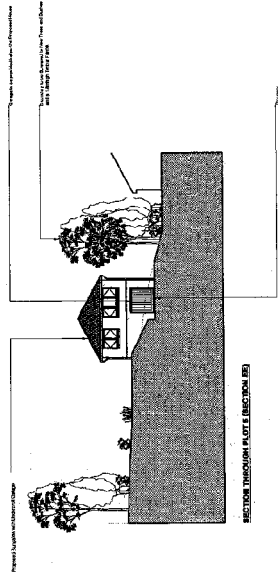
SECTION THROUGH PLATZ 2 (SECTION B9)




SECTION THROUGH PLATZ 1 (SECTION A1)



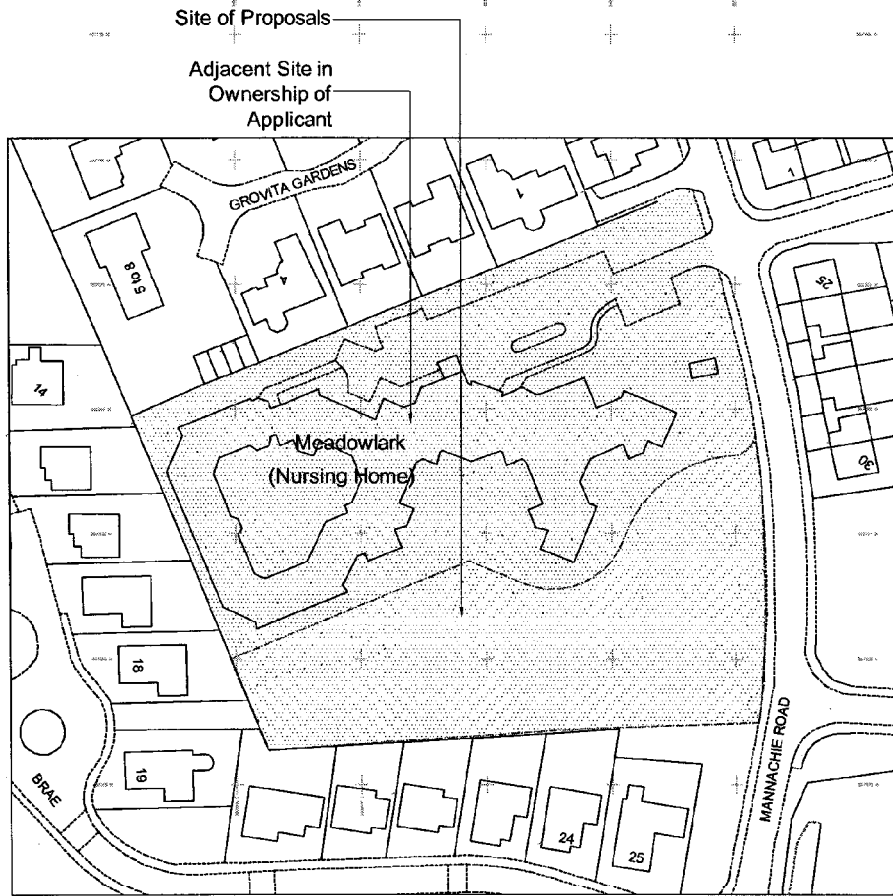
SECTION THROUGH PLATZ 1 (SECTION A2)



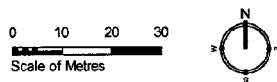
SECTION THROUGH PLATZ 1 (SECTION B1)

Remembrance Care (Scotland) Ltd
 PROJECT
 REMEMBRANCE CARE DEVELOPMENT @
 MADONNAN MANAICHER ROAD,
 FORRES, MOR 2JT.
 CLIENT
 REMEMBRANCE CARE (SCOTLAND) LTD
 PROPOSED SITE SECTIONS
 DRAWING NO.
 DATE
 02/10/2012
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 CHECKED BY
 R. JONES - A
 PROJECT MANAGER


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Project	PROPOSED RESIDENTIAL DEVELOPMENT @ MEADOWLARK, FORRES. IV36 2JT.		
Client	RENAISSANCE CARE (SCOTLAND) LTD	Scale	1:1250 @ A4
Title	LOCATION PLAN	Drawn By	RMCW
Project No.	DBC 946 - 12	Drg No.	PL 001
Davidson Baxter Partnership, 191a Nicol Street, Kirkcaldy, Fife, KY1 1PF. t: (01592) 205761 - f: (01592) 642211.		Date	AUGUST 2012

Proposal Details

Proposal Name	Residential Development proposal
Proposal Description	Proposed development of a section of the Meadowlark Care Home land for the erection of 5 Bungalows including an access road from mannachie Road - Planning permission in principle re-application
Address	MEADOWLARK NURSING HOME, MANNACHIE ROAD, FORRES, IV36 2JT
Local Authority	Moray Council
Application Online Reference	000066330-001

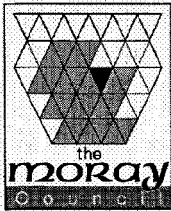
Application Status

Location Plan	complete	
Form	complete	
Main Details	complete	
Certificate of Ownership	complete	
Checklist	complete	
Declaration	complete	
Supporting Documentation	complete	
Email Notification	complete	
Fee	complete	£0.00
Payment Method	incomplete	

Attachment Details

DBC946-13-DS2	Attached	A4
DBC946-13-PL002	Attached	A1
DBC946-13-PL003(Rev E)	Attached	A1
DBC946-13-PL005(Rev: A)	Attached	A1
Location Plan	Attached	A4
Planning Permission	System	A4

APPENDIX 03



DEVELOPMENT MANAGEMENT

Teresa Ruggeri
Systems Technical Assistant
The Moray Council
High Street, Elgin, Moray IV30 1BX
Telephone: 01343 563270 Fax: 01343 563263

Renaissance Care (Scotland) Ltd
c/o Davidson Baxter Partnership Ltd
The Studio
191A Nicol Street
Kirkcaldy
KY1 1PF

E-mail: teresa.ruggeri@moray.gov.uk
Website: www.moray.gov.uk

Your Reference:
Our reference: 13/01158/PPP

1st July 2013

Dear Sir(s)/Madam

**YOUR NEIGHBOURING LAND ADVERTISEMENT FEE
THE TOWN & COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2008**

Ref Number: 13/01158/PPP

**Erect 5 bungalows including a new access road and private section of road located
off Mannachie Road Land Adjacent To Meadowlark Nursing Home Mannachie Road
Forres Moray**

Under the above regulations the planning authority is required to carry out neighbouring notification for planning applications.

Where there is no premise on neighbouring land it is required to advertise the development in the local newspaper. The applicant is responsible for payment of these costs.

Please note that the application cannot be determined until the advertisement fee is paid.

Yours faithfully

**Teresa Ruggeri
Systems Technical Assistant**

Head of Development Services - Jim Grant
Corporate Director: Environmental Services - Richard Hartland

THE MORAY COUNCIL

REMITTANCE ADVICE FOR NEIGHBOUR NOTIFICATION ADVERT FEE

Please detach and return with your cheque (made payable to "The Moray Council"), to the address on the accompanying letter.

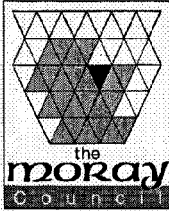
Planning Reference Number: 13/01158/PPP

Neighbour Notification Advert Fee: £100.00

For Office Use Only: Cash Receipting Codes: Neighbour Advert: 72254 0520 9999

The above payment can be made over the phone using either a credit or debit card. Please contact the author of the letter at the number provided above.

1st July 2013



DEVELOPMENT MANAGEMENT

Teresa Ruggeri
Systems Technical Assistant
The Moray Council
High Street, Elgin, Moray IV30 1BX
Telephone: 01343 563270 Fax: 01343 563263

Renaissance Care (Scotland) Ltd
c/o Davidson Baxter Partnership Ltd
The Studio
191A Nicol Street
Kirkcaldy
KY1 1PF

E-mail: teresa.ruggeri@moray.gov.uk
Website: www.moray.gov.uk

Your Reference:
Our Reference: 13/01158/PPP

4th July 2013

Dear Sir(s)/Madam

Erect 5 houses including a new access road and private section of road located off Mannachie Road Land Adjacent To Meadowlark Nursing Home Mannachie Road Forres

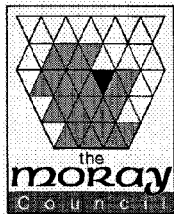
I herewith acknowledge receipt of your payment of £100.00 for the advertisement of the above application.

Yours faithfully

**Teresa Ruggeri
Systems Technical Assistant**

Head of Development Services - Jim Grant
Corporate Director: Environmental Services - Richard Hartland

APPENDIX 05



DEVELOPMENT MANAGEMENT

Andrew Miller
Planning Officer
The Moray Council
High Street, Elgin, Moray IV30 1BX
Telephone: 01343 563300 Fax: 01343 563263

Renaissance Care (Scotland) Ltd
c/o Davidson Baxter Partnership Ltd
The Studio
191A Nicol Street
Kirkcaldy
KY1 1PF

E-mail: andrew.miller@moray.gov.uk
Website: www.moray.gov.uk

Your Reference:
Our reference: 13/01158/PPP

2nd July 2013

Dear Sir(s)/Madam

Town and Country Planning (Scotland) Act 1997

Application Number 13/01158/PPP

Erect 5 houses including a new access road and private section of road located off Mannachie Road Land Adjacent To Meadowlark Nursing Home Mannachie Road Forres Moray

Your application was received as valid on **25th July 2013**. If on **19th September 2013** the Council has not:

- (a) given notice of its decision and;
- (b) you have not agreed in writing with the Council to extend the period (normally two months) allowed for deciding an application then, in most cases you may submit a written notice of review to The Moray Council Local Review Body.
 - (i) within three months of the date upon which the Council's period for deciding the application expires and;
 - (ii) on a form which can be obtained from The Clerk, The Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin, IV30 1BX. This form is also available and can be submitted online or download from www.eplanning.scotland.gov.uk on a form which can be obtained from the Scottish Ministers, Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR. This form may be also be downloaded from www.eplanning.scotland.gov.uk

In this case, no planning fee is required/payable

Please note that when you submit an application, information about the planning application will appear on the planning register and the completed forms and associated documents will be published on the Council's website at <http://public.moray.gov.uk/eplanning>. You can also use this site to track progress of your application. Prior to publication online and in order to comply with the Data Protection Act, 'redaction' software will be applied to documents to avoid (or mask) publication of personal information i.e. signatures, and personal telephone numbers and email addresses. Where

Head of Development Services - Jim Grant
Corporate Director: Environmental Services - Richard Hartland

appropriate, other "sensitive" information within documents will also be redacted prior to publication online.

Please note that other information associated with the application may also be published on the Council's website.

If you have included an email address with the application, the Council would prefer to forward any further communications about the application using that address, unless you indicate otherwise.

If this application was submitted using the online application and appeal service (www.eplanning.scotland.gov.uk), you are deemed to have agreed to the use of electronic communications for all purposes relating to the application and the electronic address provided will be incorporated into the application, unless you indicate otherwise (online Guidance Notes refer).

Your proposals may also require a Building Warrant and if this is the case, you are reminded that no development including change of use should commence until such time as you have received both Planning Permission and a Building Warrant. Other consents may also be required.

Yours faithfully

Andrew Miller
Planning Officer

APPENDIX 06



DEVELOPMENT MANAGEMENT

Maurice Booth
Planning Officer
The Moray Council
High Street, Elgin, Moray IV30 1BX
Telephone: 01343 563274 Fax: 01343 563263

Renaissance Care (Scotland) Ltd
c/o Davidson Baxter Partnership Ltd
The Studio
191A Nicol Street
Kirkcaldy
KY1 1PF

E-mail: maurice.booth@moray.gov.uk
Website: www.moray.gov.uk

Your Reference:
Our reference: 13/01158/PPP

9th July 2013

Dear Sir(s)/Madam

Erect 5 houses including a new access road and private section of road located off Mannachie Road Land Adjacent To Meadowlark Nursing Home Mannachie Road Forres Moray

I refer to the above planning application which is under consideration at present.

In order to maintain progress with the proposal the application has been reassigned to another Officer, Maurice Booth.

Whilst every effort will be made to maintain progress with your proposal, it is possible that delays may occur pending replacement staff being available.

I hope this information is of assistance to you and if you have any particular difficulties which you wish to discuss then please contact, in the first instance, or alternatively Mrs Beverly Smith of this Department.

Yours faithfully

Mrs Beverly Smith
Manager (Development Management)

Head of Development Services - Jim Grant
Corporate Director: Environmental Services - Richard Hartland

APPENDIX 07

Aberdeenshire
Council



Legal and Governance

MEMORANDUM

To: Andrew Miller, Development Management Date: 09 July 2013
From: Sonia MacDonald, Planning Gain Officer Your Ref: 13/01158/PPP
C/o Area Office, The Square, Banchory

Erect 5 Houses including a new access road and private section of road

**Address: Land Adjacent to Meadowlark Nursing Home, Mannachie
Road, Forres, Moray**

13/01158/PPP

**This assessment is carried out in relation to policies contained
within the Moray Local Plan, specifically Policy H9: Affordable
Housing and Special Needs Housing and Policy IMP 3: Developer
Contributions. Copies of these policies can be found on the Council
website at: www.moray.gov.uk/planning**

Affordable Housing

As the application falls below the 10 house threshold identified in Policy H9, no contributions are sought towards affordable housing.

**Community Facilities, playing fields, sports and recreation facilities
and library provision**

Contributions are sought based on the additional households. These contributions will be expended on community, recreational elements and library facilities in the immediate area on a best value basis for the mitigation elements listed above at the discretion of the Council for the benefit of the residents of the development.

Education

Pupils from the development will be zoned to Anderson's Primary and Forres Academy, both schools either have capacity, or can create capacity and therefore no contributions are required in this instance.

A full Planning Gain assessment has been forwarded to the Agent to be considered and the applicant/agent is advised to contact this service directly.

Sonia MacDonald
Planning Gain Officer

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

Planning Application Ref. No: 13/01158/PPP

Erect 5 houses including a new access road and private section of road located off Mannachie Road Land Adjacent To Meadowlark Nursing Home Mannachie Road Forres Moray for Renaissance Care (Scotland) Ltd

**: Environmental Protection Manager
I consider:-**

- | | Please |
|--|-------------------------------------|
| (a) that the application should be refused (<i>please state reasons below</i>) | <input checked="" type="checkbox"/> |
| (b) that the application should be approved unconditionally | <input type="checkbox"/> |
| (c) that the application should be approved, subject to certain conditions (<i>please state conditions and comments below</i>) | <input checked="" type="checkbox"/> |
| (d) that in addition to the above recommendation further information should be passed to the applicant (<i>please state these below</i>) | <input type="checkbox"/> |
| (e) that further information is required in order to consider the application. | <input type="checkbox"/> |

Reasons for refusal

Conditions

Further information to be passed to applicant

Further information required to consider the application

**Contact: Ian M Douglas
email address: ian.douglas@moray.gov.uk
Consultee: Moray Access Manager**

**Date: 16/07/13
Phone No 01343557049**

Return response to consultation.planning@moray.gov.uk

Please note that information associated with the application will be published on the Council's website at <http://public.moray.gov.uk/eplanning>.

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: The Moray Council, Flood Risk Management

Planning Application Ref. No: 13/01158/PPP

Erect 5 houses, new access road and private section of road located off Mannachie Road | Land Adjacent To Meadowlark Nursing Home Mannachie Road Forres Moray

I consider:-

- | | Please |
|--|-------------------------------------|
| (a) that the application should be refused (<i>please state reasons below</i>) | <input type="checkbox"/> |
| (b) that the application should be approved unconditionally | <input type="checkbox"/> |
| (c) that the application should be approved, subject to certain condition (<i>please state conditions and comments below</i>) | <input checked="" type="checkbox"/> |
| (d) that in addition to the above recommendation further information should be passed to the applicant (<i>please state these below</i>) | <input type="checkbox"/> |
| (e) That further information is required in order to consider the application. | <input type="checkbox"/> |

Reasons for refusal

Conditions

The developer should provide a Drainage Impact assessment (DIA) which should include description of existing drainage characteristics such as soil permeability, facilities in the area and concept drawings of the proposed arrangement with the following addressed.

1. Discharge point(s) for the surface water drainage system must be identified, and the approval in principle from Scottish Water in the case of a sewer.
2. If the developer intends to discharges to a watercourse, directly or indirectly, it must be served by a Sustainable Urban Drainage system (SUDs) in accordance with the SUDs manual and SUDs for road where applicable.
3. The post-development discharge rate should not exceed the pre-development discharge rate.
4. Details of the authority/person adopting the SUDs for future maintenance.
5. Where future maintenance will be carried out by private owner details of the SUDs should be included in the title deed.

Further information to be passed to applicant

Further information required to consider the application

6.

Contact: Segun Oke Date 22/07/2013
email address: segun.oke@moray.gov.uk Phone No (01343) 563 772

Consultee: The Moray Council, Flood Risk Management

Return response to: consultation.planning@moray.gov.uk

Please note that information associated with the application will be published on the Council's website at <http://public.moray.gov.uk/eplanning>.

09/07/2013

Moray Council
Development Services Environment Services
High Street
Elgin
IV30 1BX



SCOTTISH WATER

Customer Connections
419 Balmore Road
Glasgow
G22 6NU

Customer Support Team
T: 0141 355 5511
F: 0141 355 5386
W: www.scottishwater.co.uk

Dear Sir/Madam

PLANNING APPLICATION NUMBER: 13/01158/PPP
DEVELOPMENT: Moray Forres Mannachie Road Ad
OUR REFERENCE: 629291
PROPOSAL: Erect 5 houses including a new access road and private section of road located off Mannachie Road

Please quote our reference in all future correspondence

Glenlatterach Water Treatment Works – has limited capacity available for new demand. The Developer should discuss their development directly with Scottish Water.

Forres Waste Water Treatment Works may have capacity to service this proposed development.

The waste water network that serves the proposed development may be able to accommodate the new demand.

In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the Developer will be required to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.

A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.

It is possible this proposed development may involve building over or obstruct access to existing Scottish Water infrastructure. On receipt of an application Scottish Water will provide advice that advice that will require to be implemented by the developer to protect our existing apparatus.

Should the developer require information regarding the location of Scottish Water infrastructure they should contact our Property Searches Department, Bullion House, Dundee, DD2 5BB. Tel – 0845 601 8855.

If the developer requires any further assistance or information on our response, please contact me on the above number or alternatively additional information is available on our website: www.scottishwater.co.uk.

Yours faithfully

Sarah MacLeod

629291_Sir Madam_P2 DOM Capacity Available_Applicant_15-31-08.doc

**MORAY COUNCIL
PLANNING CONSULTATION RESPONSE**

From: Environmental Health - Contaminated Land

Planning Application Ref. No: 13/01158/PPP

Erect 5 houses including a new access road and private section of road located off Mannachie Road Land Adjacent To Meadowlark Nursing Home Mannachie Road Forres Moray for Renaissance Care (Scotland) Ltd

I consider that:

- | | Please x |
|---|--------------------------|
| (a) The Contaminated Land Team do not require any further information and the final consultation response is attached. | X |
| (b) An informative note with the attached information on the final consultation response should be included within any consent granted. | <input type="checkbox"/> |
| (c) The condition indicated on the final consultation response should be included within any consent granted. | <input type="checkbox"/> |

HOLDING COMMENTS

- (d) A contaminated land assessment has been requested and the application should not be approved nor submitted to committee for determination until the final consultation response has been received from the Contaminated Land Team.

Contact: Adrian Muscutt Date.....8/7/2013.....
email address: adrian.muscutt@moray.gov.uk Phone No ...01343 563496
Consultee: Environmental Health - Contaminated Land

Return response to **consultation.planning@moray.gov.uk**

Please note that information associated with the application will be published on the Council's website at <http://public.moray.gov.uk/eplanning>.

Consultation Request Notification - Contaminated Land

Planning Authority Name	The Moray Council
Response Date	16th July 2013
Planning Authority Reference	13/01158/PPP
Nature of Proposal (Description)	Erect 5 houses including a new access road and private section of road located off Mannachie Road
Site	Land Adjacent To Meadowlark Nursing Home Mannachie Road Forres Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133066417
Proposal Location Easting	303408
Proposal Location Northing	857632
Area of application site (Ha)	3400 m2
Additional Comments	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=M OXO21BGAK000
Previous Application	12/01409/PPP
Date of Consultation	2nd July 2013
Is this a re-consultation of an existing application?	No
Applicant Name	Renaissance Care (Scotland) Ltd
Applicant Organisation Name	
Applicant Address	Stuart House 5 Suite 5, 1st Floor Station Road Eskmills, Musselburgh EH21 7PB
Agent Name	Davidson Baxter Partnership Ltd
Agent Organisation Name	
Agent Address	The Studio 191A Nicol Street Kirkcaldy KY1 1PF
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Andrew Miller
Case Officer Phone number	01343 563300
Case Officer email address	andrew.miller@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

Please respond using the attached form:-

FINAL PLANNING CONSULTATION RESPONSE

Please

No further Action

CONDITIONS

- | | |
|--|--------------------------|
| <input type="checkbox"/> Unsuspected | <i>CL01</i> |
| <input type="checkbox"/> Gas Membrane | <i>CL02 + CL03</i> |
| <input type="checkbox"/> Hydrocarbon Membrane | <i>CL04 + CL05</i> |
| <input type="checkbox"/> Asbestos | <i>CL06</i> |
| <input type="checkbox"/> Imported Material Condition | <i>CL07, CL08 + CL09</i> |
| <input type="checkbox"/> Remediation – No Further Investigation
Date..... | <i>CL10</i> |
| <input type="checkbox"/> Remediation – Further Investigation
Site
Name.....
Date..... | <i>CL11 + CL12</i> |
| <input type="checkbox"/> Standby – (No conditions received) | <i>CL13</i> |
| <input type="checkbox"/> Non Standard Condition – {specify} | |

REFUSAL

- | | |
|--|-------------|
| <input type="checkbox"/> Refusal and standby condition | <i>CL14</i> |
| <input type="checkbox"/> Non Standard Reason for Refusal {specify} | |

INFORMATIVES

- | | |
|--|---------------|
| <input type="checkbox"/> <i>Agricultural Note</i> | <i>ICL002</i> |
| <input type="checkbox"/> <i>Single Source</i>
Source.....Distance...
.....
Direction.....Letter.....
..... | <i>ICL003</i> |

Single Source and Agricultural Note ICL004

Source.....Distance...
.....

Direction.....Letter.....
.....

Multiple Sources ICL005

Source.....Distance...
.....

Direction.....Letter.....
.....

Source.....Distance...
.....

Direction.....Letter.....
.....

Multiple Sources and Agricultural Note ICL006

Source.....Distance...
.....

Direction.....Letter.....
.....

Source.....Distance...
.....

Direction.....Letter.....
.....

Non Standard Informative Note – {specify}

Please note that information associated with the application will be published on the Council's website at <http://public.moray.gov.uk/eplanning>.

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Environmental Health Manager

Planning Application Ref. No: 13/01158/PPP

Erect 5 houses including a new access road and private section of road located off Mannachie Road Land Adjacent To Meadowlark Nursing Home Mannachie Road Forres Moray for Renaissance Care (Scotland) Ltd

I consider:-

- | | Please |
|--|-------------------------------------|
| (a) that the application should be refused (<i>please state reasons below</i>) | <input checked="" type="checkbox"/> |
| (b) that the application should be approved unconditionally | <input checked="" type="checkbox"/> |
| (c) that the application should be approved, subject to certain conditions (<i>please state conditions and comments below</i>) | <input type="checkbox"/> |
| (d) that in addition to the above recommendation further information should be passed to the applicant (<i>please state these below</i>) | <input type="checkbox"/> |
| (e) that further information is required in order to consider the application. | <input type="checkbox"/> |
| (f) Other (<i>please state comments below</i>) | <input type="checkbox"/> |

Reasons for refusal

Conditions

Further information to be passed to applicant

Further information required to consider the application

Any other comments

Contact: Kevin Boyle
email address:
Consultee:

Date: 3.7.13
Phone No

Return response to consultation.planning@moray.gov.uk

Please note that information associated with the application will be published on the Council's

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 13/01158/PPP

Erect 5 houses including a new access road and private section of road located off Mannachie Road Land Adjacent To Meadowmark Nursing Home Mannachie Road Forres Moray for Renaissance Care (Scotland) Ltd

I consider:-

- | | Please |
|--|--------------------------|
| (a) that the application should be refused (<i>please state reasons below</i>) | x |
| (b) that the application should be approved unconditionally | <input type="checkbox"/> |
| (c) that the application should be approved, subject to certain conditions (<i>please state conditions and comments below</i>) | <input type="checkbox"/> |
| (d) that in addition to the above recommendation further information should be passed to the applicant (<i>please state these below</i>) | X |
| (e) that further information is required in order to consider the application. | <input type="checkbox"/> |
| (f) Other (<i>please state comments below</i>) | <input type="checkbox"/> |

Conditions

1. Prior to any development works commencing:
 - i) a detailed drawing (scale 1:500 or 1:1000 which shall also include details to demonstrate control of the land) showing the visibility splay 2.4 metres by 70 metres and a schedule of maintenance for the splay area shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority; and
 - ii) the visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and
 - iii) thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.
2. No boundary fences, hedges, walls or any other obstruction whatsoever over 1.0m in height and fronting onto prospective public road shall be within 2.4m of the edge of the carriageway.
3. The width of the vehicular access shall be 5.5m and shall be constructed to The Moray Council standards and specification for Roads Adoption (housing road) with a maximum gradient of 5.5%.
4. A 2.0m wide footway to The Moray Council standards and specification shall be provided on the southern side of the access road with a 2.0m wide service strip on the northern side of the access road.
5. No water shall be permitted to drain or loose material be carried onto the public

footway/carriageway.

6. Drop kerbs shall be provided across the individual accesses to The Moray Council specification.
7. Parking provision shall be as follows:
 - 2 spaces for a dwelling with three bedrooms or less; or
 - 3 spaces for a dwelling with four bedrooms or more.

The car parking spaces shall be provided within the site prior to the occupation or completion of each dwellinghouse, whichever is the sooner. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

8. A turning area to The Moray Council standards and specification shall be provided within the curtilage of the site to enable delivery and service vehicles to enter and exit in a forward gear.
9. The access radii shall be 4.5m and shall be kerbed using 254 x 127mm splayed/half battered precast concrete kerbs to the Moray Council specification.
10. Boundary walls/fences shall be set back from the edge of Mannachie Road to a position behind the required 2.4m x 70m visibility splay.
11. New boundary walls/fences shall be set back from the edge of the prospective public carriageway at a distance of 2.0m.
12. Houses requiring 2 parking spaces shall have a driveway length of 6.0m minimum in front of any garage to permit a second car to park, unless alternative parking arrangements are provided. No part of the driveway shall be included in the public road.
13. Minor access of 'Novel Roads' shall be designed as 'open plan' with no fences, walls or obstructions in or along the front/rear of service verges.
14. Driveways over service verges shall be constructed to accommodate vehicles and shall be surfaced with bituminous macadam.

REASONS

1. To enable drivers of vehicles entering or exiting the site to have a clear view so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road, in accordance with 2008 Moray Local Plan Policy T2.
2. To ensure acceptable development in the interests of road safety, in accordance with 2008 Moray Local Plan Policy T2.
3. To ensure acceptable infrastructure at the development access, in accordance with 2008 Moray Local Plan Policy T2.
4. To ensure acceptable infrastructure at the development access, in accordance with 2008 Moray Local Plan Policy T2.
5. To ensure acceptable development that does not create any hazard to road users in the interests of road safety, in accordance with 2008 Moray Local Plan Policy T2.

6. To ensure acceptable infrastructure at the development access, in accordance with 2008 Moray Local Plan Policy T2.
7. To ensure an acceptable development in terms of parking provision and amenity of the area, in accordance with 2008 Moray Local Plan Policy T5.
8. To ensure acceptable development in the interests of road safety, in accordance with 2008 Moray Local Plan Policy T2.
9. To ensure acceptable development in the interests of road safety, in accordance with 2008 Moray Local Plan Policy T2.
10. To ensure acceptable development in the interests of road safety, in accordance with 2008 Moray Local Plan Policy T2.
11. To ensure acceptable development in the interests of road safety, in accordance with 2008 Moray Local Plan Policy T2.
12. To ensure an acceptable development in terms of parking provision and amenity of the area, in accordance with 2008 Moray Local Plan Policy T5.
13. To ensure acceptable development in the interests of road safety, in accordance with 2008 Moray Local Plan Policy T2.
14. To ensure acceptable development in the interests of road safety, in accordance with 2008 Moray Local Plan Policy T2.

Further information to be passed to applicant

Planning consent does not carry with it the right to construct a new road or any part of a road. In accordance with Section 21 of the Roads (Scotland) Act 1984 Construction Consent for new roads (Includes passing places, modified junctions and footpaths) that will form part of the public road will be required. Advice on this matter can be obtained by emailing transport.develop@moray.gov.uk and reference to the following pages on the Council web site

Checklist: <http://www.moray.gov.uk/downloads/file68812.pdf>
 RCC: http://www.moray.gov.uk/moray_standard/page_65638.html
 Specification: <http://www.moray.gov.uk/downloads/file68813.pdf>

The applicant is obliged to apply for a road opening permit in accordance with Section 85 of the Roads (Scotland) Act 1984. Advice on this matter can be obtained by emailing roads.permits@moray.gov.uk and reference to the following page on the Council web site
 Road Opening: http://www.moray.gov.uk/moray_standard/page_79860.html

Visibility splays relate to the visibility available to a driver at or approaching a junction in both directions. It is related to the driver's eye height, object height above the road, distance back from the main road known as the 'X' distance and a distance along the main road known as the 'Y' distance. The Y distance is related either to the design speed of the road and a corresponding 'stopping sight distance' or in some circumstances may be based on observed '85th percentile vehicle speeds'. Advice on this matter can be obtained by emailing transport.develop@moray.gov.uk and reference to the following pages on the Council web site

Transportation Service Requirements for Small Developments in the Countryside
 Full document <http://www.moray.gov.uk/downloads/file79761.pdf>
 Checklist <http://www.moray.gov.uk/downloads/file68812.pdf>

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

If required, street furniture will need to be repositioned at the expense of the developer. In addition any existing roadside ditch may require a pipe or culvert. Advice on these matters can be obtained by emailing road.maint@moray.gov.uk

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

The applicant shall be responsible for ensuring that surface/ground water does not run from the public road into his property.

The applicants shall free and relieve the Roads Authority from any claims arising out of his operations on the road or extension to the road.

No retaining structures or embankments shall be constructed along the edge of the road, whether retaining the public road or ground adjoining the public road without prior consultation and agreement of the Roads Authority.

The developer must contact the Roads Authority Street Lighting Section at Ashgrove Depot, Elgin – Tel (01343) 557300, Ext 7343 to discuss the proposals, as street lighting will be required for this development.

Contact: DA
email address:
transport.develop@moray.gov.uk
Consultee: TRANSPORTATION

Date 9 July 2013

Return response to: consultation.planning@moray.gov.uk

Please note that information associated with the application will be published on the Council's website at <http://public.moray.gov.uk/eplanning>.

APPENDIX 08



chartered architects
interior designers

Our Ref: DBC946-13-112

07th August 2013

Maurice Booth
Moray Council
Planning Department
Council Office
High Street
ELGIN
IV30 1BX

Dear Sir,

Meadowlark Planning Application Reference – 13/01158/PPP
Land Adjacent to Meadowlark Care Home, Mannachie Road, Forres
For Renaissance care (No 1) Limited

The status of the application has been reviewed using the on-line web portal, and we note the consultation period has now lapsed allowing a decision to be made. We would also be grateful if you can confirm if the application is to be determined by delegated powers, or will the submission be heard at planning committee.

Our preference would be that the application is heard at committee, however we understand your guidelines will apply in this regard.

In the interim we have dealt with a number of matters relating to the submission, the last of which was an agreement with the Planning Gain office.

In respect of the statutory consultations we note that there are no objections from any of the statutory consultees which were welcomed.

The suggested conditions which are to be imposed (where applicable) are acceptable in their content, and our client's are happy with the responses received.

Concerning the letters of objections lodged by the notified neighbors which number four (4) in total.

The number of objections has therefore reduced from the original application.

The original application had (6) objections, which related to a development of 6 Houses, on one and a half storey height proposal.

We have studied the letters of objection on our client's behalf, and we would wish to submit a formal response to the points raised which appear similar in content to those previously presented for Application - 12/01409/PPP.

It is significant that the objections have reduced following the design changes made to the proposals, which were summarized within the "Design Statement" lodged with the design drawing information.

We would wish to respond to the letters of objection as follows:-

The letters were submitted by the following neighbours.

- Mrs. J. Addis – 25 Mannachie Brae, Forres IV36 1BY *
 - D. & H. Hughes – 18 Mannachie Brae, Forres IV36 1BY *
 - Miss. Isobel Fiddes – 20 Mannachie Brae, Forres IV36 1BY
 - Dr. S. Hutchison – 17 Mannachie Brae, Forres IV36 1BY*
- *Mrs. Addis, D & H Hughes and Dr. Hutchison lodged objections to the previous application. (3) Others who previously lodged objections for the 6 House scheme, did not object to the current amended submission which is significant and illustrates concerns have been addressed.

Davidson Baxter Partnership Ltd 191 a nical street, kirkcaldy, fife ky1 1pf
t: 01592 205761 f: 01592 642211 e: admin@dbparchitects.co.uk www.dbparchitects.co.uk

Directors: Stewart I Davidson RIBA, ARIAS, Alan Baxter
Registered in Scotland no. 196493 vat reg no. 743051853



In studying the new objections the content of each objection is almost identical to those previously lodged. To ensure that we have addressed each of the points submitted. On our client's behalf, we have dealt with each of the letters individually. A summary response has been prepared dealing with the specific issues which relate to the points of objection.

The Design statement lodged with the PPP submission set out the basis of the design vision for the site.

The changes which were proposed as part of the revised scheme were also highlighted. For clarity and reference the design changes included the following:-

- A reduction in the site density from 6 Dwellings to 5 Dwellings
- A reduction in the type and massing of the proposed house types restricting the development to a "bungalow" style proposal. These fit in with the housing within the locality and the surrounding environment, although most have attic provision.
- The private road proposed which was approved by transportation has been shortened, and re-configured
- The reduction in the number of dwellings has allowed the visual amenity provision to the entrance to the site to be extended and maintained. The "open space" creates links with the open aspect from the care home, and provides an open space buffer between the road, the adjacent housing and the proposed houses which have been set back within the individual plots.
- The distance and topography of the site allows the houses to be private with the privacy to both the care home and the housing to the rear of the site maintained.
- The existing landscape elements onsite are maintained and improved upon.

The site which has been further defined by the introduction of a boundary fence between the proposed site and the care home itself, and the boundary lines are now in place.

An objection has sought to suggest that this in some way has "hemmed in" the residents of the home. That is clearly not the case given the site topography which we highlighted previously. The site levels and slopes do not allow or lend themselves for the use of the care home residents. The proposed site / house levels lie some > 3.0m higher than the Care home itself. The landscaping proposed between the Home and the site will define the area(s) and introduce a buffer zone within the open space created between the developments.

There is no loss of amenity for the residents of the home. Quite the contrary the level garden spaces adjacent to the Care Home have been increased in area, offering extended open space provision for the residents.

The site which is the subject of the application is presently a "meadow of longer grass", although our client's do intend to periodically attend to the maintenance of the area as distinct from using the services of the local authority which was cost prohibitive.

The contract with Moray Council to cut the grass has been cancelled as a cost saving in the interim.

The client's will ensure the area is maintained as part of their ongoing site maintenance programme.

Concerning Mr. Hughes' remarks which relate to the "fence detailing" adjoining his own fence line. We are unaware of any technical matters which would add "strain" to the existing fence line. If a situation arose where it was apparent that damage had been caused by any work carried out by our client's fencing contractor. Then at that stage our client would be happy to address the matter directly, although we are unaware that any defect has been introduced to the fence detailing.

The main objections set out in the (4) submissions fall into five main headings.

These are generally consistent with the previous set of objections primarily submitted by from Mr. & Mrs. Hughes and Dr. Hutchison.



have set out a response to the main headings once again as follows, taking into consideration the design changes which have been highlighted.

Natural Environment

The site per our previous response is a private site, and is not a classified area of public open space.

The incorporation of open space provision within the locality is a matter for the authority to consider, and we understand there is adequate provision in close proximity to the application site evidenced when considering an overview of the locality plans.

The site requires to be considered on its own merits, and a decision in respect of other larger development sites which an objection refers to is not a consideration for our client's at this stage. We have therefore not commented in this regard.

The site in question is surplus to the client's strategic plans.

The Meadowlark home will be developed improved and enhanced by Renaissance Care.

The site due to its topography is of no value in terms of care provision given access / egress to the area of ground which forms the basis for the application is difficult and unworkable. The home in any event is exactly the size required, and any future improvements will relate to upgrade provisions and a lounge extension which has been approved by the council.

Within the care home itself the residents view from the main lounge to the rear garden spaces which are within the curtilage of the boundaries, and are now larger than existed previously following the introduction of the new boundary fencing.

The proposed form of development does not impact on the local environment.

The design improvements made to the layout from application 01 which include the retention of the open frontage with an open aspect will ensure the feeling of "open space" is maintained as part of the scheme being proposed.

The "Green space" maintained within the proposal combined with the reduction in the massing of the scheme with the use of single storey housing will maintain and enhance the site. The open aspect to Mannachie Road will effectively maintain the building line and create a visually attractive open aspect to the site which will be landscaped.

The Mannachie Road visual amenity will therefore be extremely attractive and enhance the street scene all to the benefit of the locality.

The proposed development does not contravene the planning policy legislation as suggested.

The improvements made to the design address the concerns which were expressed previously and provide the site with a "total" development solution.

Noted within the objection

Loss of Privacy

The neighbouring properties have been fully considered when preparing the site layout, and we have ensured the appropriate amenity provision has been created for each of the proposed houses.

Spacing, privacy and the juxtaposition with the Care Home and the angles of diversion associated with each of the neighbouring properties has been fully considered when plotting the single storey houses.

There is no loss of privacy to those properties which felt the need to object, and indeed there is no impact on either day lighting or visual amenity.

The boundary lines are intact, and a full rear garden area has been provided to each of the proposed bungalows. The houses sit well within an "open setting" located away from neighbouring properties.

The existing site landscaping is also maintained and enhanced within the proposal.



The setting proposed for the development is generous and fully complies with all the relevant planning guidance. The distances between the proposed bungalows and the existing properties which surround the site are compliant with design guidelines. The new build units will not affect, impinge or offer any loss of privacy to those houses which surround the site at present. Indeed the setting of the bungalows proposed in comparison with the adjacent properties offers a greater degree of open aspect and privacy. The layout has been carefully planned and designed to ensure there is space both to the rear and frontages is maintained and suits the proposed setting.

The Houses proposed are single storey bungalows which are suited to all age groups including the elderly. Given the current building regulations the houses will be suitable for ambulant and infirmed disabled customers where appropriate.

The levels have been allocated to the houses, and the site grading and excavations have been set out in the cross sectional data which was appended to the formal application. We would submit that the cross sectional details are appropriate to the setting.

The bungalow levels are set slightly lower than the levels of the Mannachie Brae properties, which effectively means there is no loss of privacy or over looking.

Loss of Amenity / Density Concerns

An objection seeks to suggest that the residents of the care Home have not been considered. Quite the contrary it was incumbent on the practice as designers to ensure that all the site factors were considered and that included a review of the impact on residents and neighbours.

The proposed small scale development has been designed to afford the best possible amenity for the care home residents. The residents when using the main lounge which overlooks the screened garden area is some 38 metres from the nearest bungalow.

Taking into account the bungalows are single storey there is no loss of amenity, and with the introduction of additional landscaping the layout is a vast improvement for both parties.

The proposed development site is unused by the Home, and as a result the proceeds from the sale of the site will be invested to the benefit of the care home residents.

The client's planned strategy for developing and improving facilities and staffing for the Care Facility can then be programmed.

Road Safety & Site Services

Transportation concerns have been fully considered as part of the application process.

The Moray Council transportation section has approved the proposal with conditions which the client has accepted.

Both the water supply and the site mains drainage have been investigated and both are available to service the development proposed.

There have been no technical concerns expressed in relation to the implementation of the service arrangements, which addresses a point noted with the objection raised by Dr. Hutchison.

Any noise and dust concerns which have been expressed within the letters of objection will be mitigated and contained within the development construction phase planning.

Working hours are controlled and operations will be carried out during normal daytime hours.

A development of this type and scale will have minimal impact on the day to day living of nearby residents, with the construction programme envisaged to last only 6 months or thereby

In Summary

The objections generally were similar in their content, and the response(s) address the general



consensus of opinions offered.

We appreciate the input from the residents who felt the need to object, however it is worthy of note that the number of objections has reduced from the original application. This supports the view that the amended scheme design has addressed the design concerns which were raised in relation to the previous application. The Design statement which was submitted along with the design drawing information we submit should be referred to in determining the current application. The statement dealt with the technical and site design considerations associated with the current proposal.

The main consideration in preparing the current submission is that the scheme will not adversely impact on the surrounding environment.

Policy H3 is not compromised by this development proposal, which essentially is a small scale single storey housing development making use of a private area of ground which is surplus to our client's requirements. The site also lies within an established residential conurbation. The benefit for the client is that the inward investment achieved from the sale proceeds, will be reinvested in the existing care home. The home will benefit from the sale of the site, allowing for more substantial improvements to the care facility to continue at a much greater pace. You will be aware that a proposed extension is planned for the main lounge to the home, and this can proceed once the strategic plan to develop the site is completed.

From a design perspective the development sits comfortably within the development site. The proposed development will have a nil or very negligible impact on surrounding properties and the scheme will enhance the local environment. The scheme offers an opportunity for interested parties / purchasers to buy a single storey home within an established community.

We would request that the statement responding to the letters of objection is made available online and due consideration is given to the content of the response which is in clear support of the revised planning submission.

On behalf of Renaissance Care (No 1) Limited



Stewart Davidson RIBA ARIAS
Davidson Baxter partnership limited

August 2013



25 Mannachie Brae

FORNES

IV36 1BY

19th July 2013.

Dear Sir/Madam

Ref 13/01158 /PPP

I refer to letter notifying me that planning permission has been requested by Meadowlark Nursing Home.

I wish to advise that, yet again, I object to the construction of any houses on the land. The reasons outlined in my previous objection still stand with reference to access/egress to the properties and the disruption to, not only the residents of Mannachie Brae, but to the residents of the home who I imagine do not have a say in the matter.

The fact that the home have erected a fence and have left the grass to grow on the area in question does not deviate from the fact at it is, at the moment, a green space and should not be built on.

Yours faithfully,

Mrs J Addis



Development Manager
Environmental Services
Moray Council
Council Office
High Street
Elgin
IV30 1BX



18 Mannachie Brae
Forres
Moray
IV36 1BY

16th July 2013

Dear Sir/Madam

Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2008
Application Number 13/01158/PPP

Application Description – Erect 5 houses including a new access road and private section of road located off Mannachie Road, land adjacent to Meadowlark Nursing Home, Mannachie Road, Forres.

Thank you for your recent letter informing us of the above Planning Application that has been received by your Department.

We were disappointed to learn of this new application given that it is similar to the one made previously that was refused by both the Planning Department and the Moray Local Review Body, only a matter of months ago. Whilst we appreciate that this is an entirely different proposition, we fail to understand how the applicant feels that this development is any more beneficial to the area than the previous one as this also fails to comply with Moray Local Planning Policies IHP1 and H3 as it would have an adverse impact on the surrounding environment, the peace and tranquillity of which is at present enjoyed by local residents of both Mannachie Brae and Meadowlark Nursing Home.

It is significant to note that in the previous application it was stated that the land in question was surplus to the requirements of the Nursing Home and much was made of the financial burden that was placed on the applicant's client having to pay for maintaining the land (cutting the grass etc.). Since the refusal of the application a fence of approx. 6 foot in height has been erected effectively forming a perimeter fence and 'hemming in' the residents denying them the open space the adjacent land provided. The land is now certainly 'unmaintained' and we feel that this is an attempt by the applicant's client to try to force the issue of developing the site as the land is now in danger of becoming overgrown.

With reference to the newly constructed fence, we were disappointed to find that it has been affixed directly to the boundary fence of our property, responsibility for which we believe to be shared. The Nursing Home have not asked our permission or even bothered to inform us of their intention to affix the new fence to the said boundary fence and we are concerned that should the boundary fence be damaged as a result of the new fence being

attached to it (for instance in high winds when additional strain may be put on the original boundary fence) then we will be liable for contributing towards the cost of repair.

Please find outlined below our main OBJECTIONS to the proposed development, many of which are the same as those we noted last time but are still relevant to the current application 13/01158/PPP.

Natural Environment

We believe that the proposal to build on the land adjacent to Meadowlark Nursing Home would be to the detriment of the local natural environment. Much of Forres is now 'built up' with the few open spaces we have left around the town earmarked for the development of new residential accommodation indeed, with the newly proposed development by Springfield Properties of land adjacent to Mannachie Brae, we in Mannachie Brae will be literally surrounded by building developments if these two projects go ahead. Such building sites will significantly detract from the area and produce noise nuisance from both construction and traffic within a confined area, reducing the amount of 'green natural space' available to those who currently live in the area. Recent previous planning applications regarding developing the site for similar purposes (as mentioned earlier) have been refused in view of the Moray Local Planning Policies IMP1 and H3 which we believe are again contravened in this planning application.

Road Safety/ Road Access/ Increased Traffic

Again, as stated in our objections to the previous planning application, we believe the proposed location of access and egress is totally inappropriate as Mannachie Road is already a busy thoroughfare that becomes congested around the vicinity of the Nursing Home at the present time. The road is used by residents from Mannachie Terrace for parking and becomes particularly busy and obstructed when staff from the home travel into work or leave at the end of completing their shifts, this together with the combination of vehicles driven by people visiting friends and relatives in addition to delivery vans frequenting the Home, causes considerable difficulties for neighbouring residents. The experience of driving in this area will be made worse if additional vehicles try to turn into or out of a newly formed junction adjacent to the Home, exacerbating already difficult driving conditions and increasing the risk of accidents.

A further point to raise in relation to road safety involves the poor drainage of surface water on Mannachie Road between Mannachie Avenue and the entrance to Meadowlark which, during times of heavy rain causes water to flow across the road and in the winter months freezes causing a severe problem with ice. The scenario would become much worse if additional vehicles were to try to turn into or out of a newly constructed access road at this point posing the potential for serious accidents.

Drainage and Water Supply

The proposed development would put added demand on the drainage system and may well affect water pressure, something we have already experienced with previous building developments in the area.

We have studied the plans which accompany the deeds to our bungalow and note that there is a water main running under the service strip of grassland between our property and that of our neighbours. Exactly where the water main runs in relation to the land to the rear of our property upon which the applicant wishes to build is unclear, however what is apparent is the fact that any excavation/ building work carried out would affect the said water main and may well have a detrimental effect to those of us resident in Mannachie Brae.

Loss of privacy

The proposed properties are to be located in very close proximity to the boundaries of bungalows in Mannachie Brae which poses a significant loss of privacy to the residents of the existing properties. It is unclear to what height the houses will be built but the fact that they are houses with a garage built underneath would suggest that they will be of greater height than the bungalows already in existence in Mannachie Brae which would cause a significant loss of privacy both to the residents of the bungalows and to the residents of the Nursing Home (even though the applicant states that screening will be provided and the fence has already been put up around the Nursing Home, both will be overlooked due to the difference in height from a multiple storey dwelling houses).

Layout and density of buildings

It is inappropriate to contemplate building 5 houses together with a new access road and a private section of road on the land proposed for development.

In conclusion, as stated in previous objections; the welfare of the residents in Meadowlark Nursing Home should be considered as well as that of the majority of elderly residents in bungalows surrounding the site in Mannachie Brae. The noise, disruption, dust and general nuisance and inconvenience which such a development would cause could severely affect the wellbeing of some already unwell, vulnerable individuals who would suffer from the lack of open space in the vicinity of the proposed area.

Thank you for your consideration of the points we are raising

Yours faithfully


D. & H. Hughes

20, MANNACHIE BRAE,
FORRES,
Moray, IV36 1BT.
8th July, 2013.

f.a.o. Teresa Ruggeri,
Development Management,
Environmental Services,
Moray Council,
Council Office,
High Street,
FRAIN, IV30 1BX.



Dear Miss/Mrs/Miss Ruggeri,


Planning Application No. 13/01158/PPP

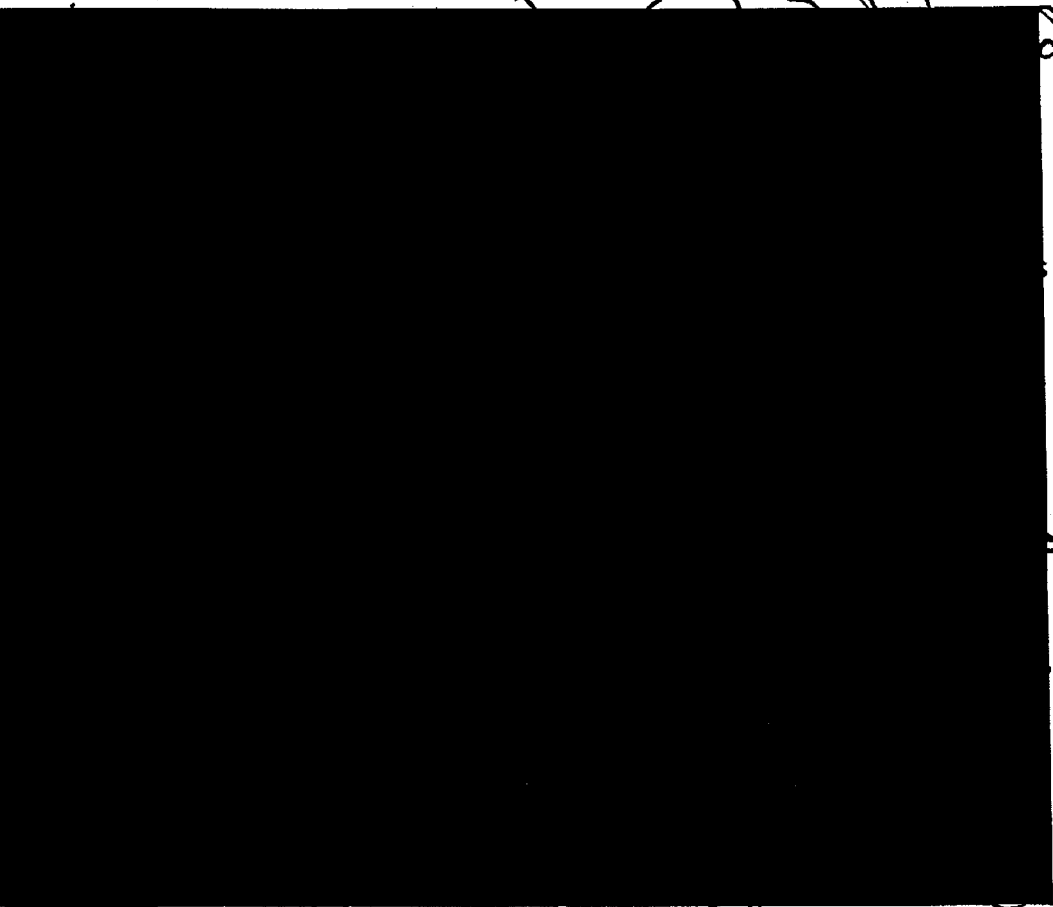
Thank you for sending the information on the above-mentioned Application.

I would like to strongly object to the erection of 5 houses on the land adjacent to the Meadowlark Nursing Home, which I understood belonged to the Home. Now, however, I notice that they have erected a wooden barrier near to the Nursing Home windows, which I think is very sad for the patients, who occupied those rooms at the back of the Home, where they could look onto a good stretch of green grass and beautiful tall trees at the top of the hill,

2/ as well as blossoms followed by fruit on their apple trees down the Manachie Road side of their grounds. Can you imagine how it will be for the residents/patients if the Application is granted, with 5 Houses, Garages, etc. looming over them? Obviously, there cannot be much thought for those people, present or future, nor for the value of green space and the environment.

As for my own position, naturally, although I am a stone's throw from the Nursing Home itself, I have had the privilege of being able to enjoy those same green and pleasant grounds and trees at the bottom of my garden and further along, with all the bird-life (and song) that are enticed there. It is a very important part of our environment in Manachie Brae, especially as so many houses are being built on the other side of our houses here, which was not expected by the residents when the bungalows and Villas were bought.





My house is only yards away from the Home, so what would it be like for anybody actually living even nearer than this? I honestly believe that the site for 5 houses is totally inappropriate for anybody to live; so near to a Nursing Home. Also, on the one hand, we are told that we should be conserving/preserving our environment. This surely must apply to cities, towns and villages, as well as the countryside

4) but I do believe, as I would hope our Moray Council would be in agreement with that the environment of people alongside a bit of nature should be preserved and given much consideration.

I trust that you will take my objections and comments into consideration.
Thanking you in anticipation.
Yours sincerely,


(1156) ISOBEL FIDDES.



Dr S Hutchison
17 Mannachie Brae
Forres
IV36 1BY
9th July 2013

FAO: Teresa Ruggeri
Development Management
Environmental Services
Moray Council
High Street
Elgin IV30 1BX

Letter of objection to the Proposed Development for Residential Housing
Application number : 13/01158/PPP

Further to the resent failed application and also failed appeal decision for a similar development, I wish to object to the planning application noted above for the following reasons:

1) Road Safety

My most significant objection comes from the proposed new access road to the development and whether this involves another entrance road in addition to the present one into the nursing home. The journey up Mannachie Road is quiet hazardous even in daylight because of the limited width particularly around the nursing home. There are often parked vehicles on the left hand side of the road on looking up Mannachie Road from the lower aspect because of limited residential parking to those properties. This has created an almost "one way" traffic system with vehicles passing on the wrong side of the road to pass these cars. There have been several near misses and recently a further "hard braking" incident just prior to the nursing home entrance has left a set of tyre slick marks on the road since the last proposed application had been rejected. These marks are clearly still visible on the road from a vehicle having to brake very hard to avoid either another vehicle passing on the "wrong" side or from a vehicle exiting the home. This could have very serious consequences if local residents were to cross the road or a young child on a bike was cycling up Mannachie Road with all these dangerous exit points from developments.

2) Impact on Natural/Built environment

The housing area around Mannachie Brae was developed and laid out well to enhance the natural environment and utilise use of the green belt area on the extent of the town. The properties were spaced out and offered privacy, a degree of open space and were not congested. This is now in jeopardy with this proposed development as discussed in the previously failed application, but has a bigger impact now that Springfield Property is also intent on extending a large property development at the upper end of Mannachie Brae. Forres is rapidly becoming more and more congested with housing developments and better use of the surrounding land external to the town should be considered for future housing. It would be a disaster to lose yet more natural open space to further developments.

Existing residents of Mannachie Brae, a substantial number of whom are retired, currently benefit from the tranquillity and peace that this area offers. This also applies to the residents within the nursing home. They have already had a fence placed around the home blocking the view of the pleasant open space that the grassland offers and further building houses abutting this would have a negative impact on their quality of life.

As mentioned in my previous objections, the current housing and bungalows at the entrance to Mannachie Brae have been built on the upper slope of a natural bank. Building further housing onto this bank,

particularly by digging into this bank to lay in garages, would not only potentially cause issues with the stability of the grassland and slopes but would significantly affect the drainage.

3) Loss of privacy/overshadowing of current property

As already discussed in the similar failed proposal and appeal, the proposed development of housing whatever the number of houses would considerably lessen the privacy of the houses already in situ as well as possible affecting the stability of the foundations of the upper bungalows.

In the proposed architect's view, even with garages below the houses, would cause an elevation particularly in plot 5 from the proposed development. These houses would be significantly raised above the natural slope and would overshadow the bungalows facing onto the this site.

The boundaries of the new properties extend right up to the current properties and this would mean a loss of privacy, an increase in noise, disruption and inconvenience in a currently peaceful area.

4) Water supply and drainage

It is already noted that the water pressure in this area has had numerous issues with fluctuating pressure levels and an additional demand onto this service would only make matters worse causing further inconvenience to the existing residents.

It has been noticed that in heavy rainfall, as experienced only a fortnight ago, that poor surface water drainage exists particularly near the current road exits onto Mannachie Road. This standing water causes particular hazards to drivers and the loss of yet another natural drainage area of grassland would only compound this issue.

I would appreciate an acknowledgement on receipt of my comments as stipulated in my Neighbourhood Notification letter.

Yours Sincerely,



Dr S Hutchison

Stewart Davidson

From: Jenna McKidd [Jenna.McKidd@moray.gov.uk]

Sent: 21 August 2013 13:46

To: 'stewart@dbparchitects.co.uk'

Subject: 13/01158/PPP - Land adjacent to Meadowlark Nursing Home

Please find attached decision notice and stamped plans for the above application.

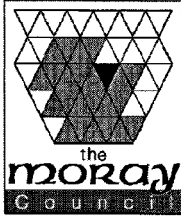
We are committed to providing a high quality planning service and would like to get feedback from you so that the service can be continually improved, taking into account the comments you make. We welcome your views as a customer whether or not you are a developer, planning agent, community representative or someone who has commented on a planning application/ used the planning enforcement service. We would be grateful if you could take the time to complete this short customer satisfaction survey (please click on the link below).

www.surveymonkey.com/s/DevelopmentManagement

*Jenna McKidd
Clerical Assistant/WPO
The Moray Council
Development Services
Moray Council
High Street
Elgin
IV30 1BX*

01343 563441

17/10/2013



**THE MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

**[Forres]
Planning Permission in Principle**

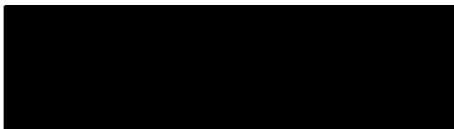
TO Renaissance Care (Scotland) Ltd
c/o Davidson Baxter Partnership Ltd
The Studio
191A Nicol Street
Kirkcaldy
KY1 1PF

With reference to your application for planning permission in principle under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

Erect 5 houses including a new access road and private section of road located off Mannachie Road Land Adjacent To Meadowlark Nursing Home Mannachie Road Forres Moray

and for the reason(s) set out in the attached schedule.

Date of Notice: **20th August 2013**



HEAD OF DEVELOPMENT SERVICES
Environmental Services Department
The Moray Council
Council Office
High Street
ELGIN
Moray IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

By this Notice, the Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

- 1 The proposal would be contrary to policies IMP1 and H3 in the Moray Council Local Plan for the following reason:
 - (i) The openness of the area makes a valuable contribution to the setting of the nursing home and to the character of the area and the development would have an adverse impact on the surrounding environment.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

The following plans and drawings form part of the decision:-

Reference	Version	Title
PL 003	E	
		Location plan
PL 005	A	Proposed site sections

NOTICE OF APPEAL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, The Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from www.eplanning.scotland.gov.uk

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

APPENDIX 10

Stewart Davidson

From: Maurice Booth [Maurice.Booth@moray.gov.uk]
Sent: 10 September 2013 08:33
To: Stewart Davidson
Subject: RE: 13/01158/PPP - Land adjacent to Meadowlark Nursing Home
Stewart

I appreciate your disappointment over the refusal for the above revised proposals. Careful consideration was taken of the various revisions featuring in the amended application but unfortunately the final assessment was that development of the open space in question would be significantly detrimental.

Unfortunately can now only advise that the way forward would be to appeal to the LRB against the decision.

Maurice Booth
Planning Officer

From: Stewart Davidson [mailto:stewart@dbparchitects.co.uk]
Sent: 09 September 2013 12:24
To: Maurice Booth
Subject: FW: 13/01158/PPP - Land adjacent to Meadowlark Nursing Home

Maurice,

Planning Decision 13/01158/PPP (21/08/2013)
Renaissance care (No 1) Limited

Following receipt of the decision notification received by email on the 21/08/2013. We were disappointed to receive the decision having requested feedback on our earlier submissions, which dealt with the objections posted on-line in relation to the PPP submission. However, that said we have now discussed the matter with our clients who wish to proceed with a further appeal against the decision.

Prior to preparing the appeal submission. I write to enquire if you would be prepared to meet with ourselves and the client to discuss your position? I explained to the client that in relation to the previous submission. You intimated that a meeting would serve no purpose given you had made your decision. The refusal has once again been refused on policy grounds which we clearly disagree with as you will know.

Significant design changes had been made to this submission to address previous points of objection. These were felt necessary despite the fact all the statutory bodies had no objection to the proposed development.

I would therefore be grateful if you can confirm if you are available for a meeting to discuss the refusal? If not, then we will simply progress the appeal for submission to the LRB.

I look forward to hearing back from you in due course.

Kind Regards,

Stewart
stewart@dbparchitects.co.uk

From: Jenna McKidd [mailto:Jenna.McKidd@moray.gov.uk]
Sent: 21 August 2013 13:46
To: 'stewart@dbparchitects.co.uk'
Subject: 13/01158/PPP - Land adjacent to Meadowlark Nursing Home

17/10/2013

APPENDIX 11

Stewart Davidson

From: Robert Kilgour [robert@dow-investments.com]
Sent: 23 August 2013 11:43
To: Stewart Davidson
Subject: Fw: Meadowlark
Follow Up Flag: Follow up
Flag Status: Red

Best Regards
Robert D.Kilgour
CEO Dow Investments Plc
Mobile : 07944 434343
www.dow-investments.com

From: Jackie Proctor <JProctor@renaissance-care.co.uk>
Date: Fri, 23 Aug 2013 10:27:20 +0000
To: 'robert@dow-investments.com' <robert@dow-investments.com>
Subject: Meadowlark

Robert

For your information.

The plot of land at the rear of Meadowlark is on a slight slope and as such is not suitable for the residents.

I have worked at the home for over 25 years and during this time this space has not been used. A new fence has been erected which has given us an increased usable area for the residents to walk around or sit to enjoy the garden.

Jacqueline Proctor
Home Manager
Meadowlark Care Centre

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29/09/2013

APPENDIX 12



