Notice of Review Supporting Statement for the Erection of 2 dwelling houses at Seapark House, Kinloss, Forres, Moray

Background

This Notice of Review submission relates to the refusal of an application for planning permission in principle for the erection of two houses in the grounds of Seapark House, Kinloss. The background, history and future of this site is relevant to this application and therefore requires some brief explanation before we turn to the reasons for refusal and why we consider that the application is supported by planning policy.

Seapark House is a listed property in Kinloss which has been in a derelict state for a period in excess of 15 years and is also on the Buildings at Risk Register. The property dates from around 1800, 1 Architects Limited ("the applicant") purchased Seapark House and the adjoining grounds with the hope of saving this listed building by bringing it back into life and into active use. To achieve this however requires considerable investment, time and commitment. You will see photographs of the current condition of the property in Annex 1. Attempts to repair the roof and thus prevent water degrading the property have proved fruitless, because the damage is so extensive. It is clear that only very substantial works will be effective, and given the massive roof area, these works will be extremely costly.

The applicant has had a previous application for plots in the grounds approved, as part of that application, the planning authority, planning officer/listed building office were made aware of the 'masterplan' for this site, namely that the sale of the house plots (approved) and of these two dwellings (refused) would allow for the funds to be invested in attempting to rescue the listed property.

The applicant has engaged with the planning authority and specifically with the planning and Listed Building Officer for Moray, Mr Craig Wilson, not just from the outset of this application but for a period in excess of three years. Mr Wilson made it clear to the applicant that he had a preference for contemporary buildings on this walled garden site "in order to make a clear distinction between the historical and the new". Far from expressing any concerns whatsoever, Mr Wilson actively engaged in discussion about what would be the most appropriate solution. As a result of those discussions the applicant brought forward the application and at no point throughout the process from initial discussions prior to the application onwards did the planning authority or Mr Wilson raise any concern or request further information from the applicant.

The applicant was pleased that Mr Wilson, as planning officer and experienced Listed Building Officer for Moray was determining the application given his positive approach to the proposal and his knowledge of the applicants plans to save the listed building.

The application site itself is the walled garden which forms part of the larger garden grounds for Seapark House, as can be seen on the site plan at Annex 2. The walled garden area is quite separate from the main garden grounds and it is proposed that it would also have its own entrance so there is no element of detracting from Seapark House.

Given the strength of the application, the positive discussions had with the planning authority and the fact that there were no objections from SEPA or the Moray Flood Team and no public objections it came as a complete surprise to the applicant when the application was refused. Immediately following the refusal of the application the applicant contacted Mr Wilson and other employees of the planning authority by email on 6th December 2017 (copy attached at Annex 7). After two months and no response to that email, regrettably, the

applicant has been left with no choice but to submit this Notice of Review in the hope that Members will see that this proposal accords with and is supported by planning policy.

Reason for Refusal 1

The addition of 2 dwellings and associate infrastructure within the walled garden would lead to a build up of residential development that would detract from the setting of the category B listed building and would be contrary to Policy BE2.

Photographs of the setting are provided in Annex 1 and the site plan in Annex 2 is also relevant. Members will know from their local knowledge and may be shown on Google Maps at the Committee meeting the location and setting of Seapark House.

The applicant in early discussions with the planning officer was never advised that this proposal would be considered to be contrary to Policy BE2, indeed the planning officer, Mr Wilson indicated to the applicant that he was supportive of the proposal in policy terms and was aware that this proposal would enable the saving of the listed building.

In addition to this and by way of demonstrating the nature and direction of these discussions, the advice of the planning officer to the applicant was that a modern design would fit best when set against the B listed building so that they were not competing, the applicant agreed that this makes good architectural and design sense and on this basis the applicant proceeded and the application achieved this. It is also fundamental to note that this application is for planning in principle, therefore the design of the house should be dealt with at a later stage in planning, what the applicant has sought to do in providing images was to work with the Mr Wilson (following his suggestion on complementary design) so as to be open and transparent.

The reason for refusal states that the application is contrary to Policy BE2 but does not actually state why it is contrary to this policy. It is the applicants position that Policy BE2 fundamentally supports this proposal. The purpose of the policy is for the *"protection, maintenance, enhancement and active use of listed buildings".* So many listed buildings are in a derelict state and so few of these buildings will be saved due to the financial requirements and commitment that is needed to be invested to actually retain or save them. This is a somewhat unique instance where this listed building may be capable of being saved and an opportunity that should not be missed.

In this regard, Policy BE2 states:

"*Enabling development may be acceptable when it can be shown that it may be the only way to retain an existing listed building*". The purpose of the Policy is not only to protect and enhance but, where possible, also to save a listed building. If the applicant is not able to fund the saving of the listed building then the building faces an entirely uncertain future, that makes no sense whatsoever when there is an opportunity to save this listed building.

As the planning authority and planning officer are aware, the property was actively marketed by four separate selling agents over a six year period without any interest by any party in taking on the property with a view to saving it, the applicant is the only party who has come forward and has a plan to save this property. Mr Wilson, as the Councils Listed Building

Officer for Moray and the planning officer who determined the application is aware that Seapark House has been on the Buildings at Risk Register for a number of years.

The fundamental purpose of Policy BE2 is to support applications such as this when the opportunity arises to save a listed building.

The reason for refusal also refers to the build up of residential development, for the avoidance of doubt the proposal is limited to two dwellings which are a considerable distance away from the previously approved plots. It should also be noted that the entire site is surrounded by various development, on two sides by a scrap metal yard, on the third side by a large and expanding caravan park, and on the 4th side by a large are of garden ground.

The applicants starting point with the overall development is to attempt to save the listed building, the applicant would not seek to bring forward an application that in anyway would detract from the setting of the listed building.

Reason for Refusal 2

The proposal would cause loss of, and impact upon 'the green space' environmental designation, ENV2 with no justification provided to support the proposal in relation to the relevant criteria identified in Policy E5 and therefore the proposal will detract from the character and appearance of the designation and surrounding area.

The proposal will not adversely impact upon green space. The site is currently an unused and abandoned area of garden ground which will be seen by a site visit or as shown by the photographs in Annex 1. The applicant has been very careful to ensure that the proposal is sited and designed to minimise any perceived adverse impacts. The reason for refusal states that the proposal will detract from the character of the surrounding area when, with respect, we consider that the opposite to be true, the proposal is seeking to breathe life into an area that has been abandoned for a long period of time.

For the avoidance of doubt, the site cannot be seen by any individual from any point within Kinloss, in that sense it is entirely invisible and cannot be considered as contributing green space within the community. The trees on the site are visible from a distance but the applicants proposal does not involve removing those trees.

The proposed development site forms a small part of a larger garden area of the grounds of Seapark House. As is reflective of the rest of the grounds this area is not utilised at present and there is no doubt that this proposal would bring betterment to this site. Any loss of the space would be more than compensated for by the benefits that the proposal would bring to the overall site and surrounding area.

As we have already discussed, the applicants overall aim is to save Seapark House, to achieve this the applicant is not going to bring forward a proposal which would be to the detriment of Seapark House. In addition, the applicant would of course introduce a high level of landscaping into this area and is happy for such a condition to be attached to any permission.

This area is not a recreational park or an area that is used by the public, it is privately owned garden ground and is correctly designated under ENV2 as such. The reality of the situation

is however that it is far from what would be considered as a private garden. It is a disused and abandoned area of ground that is unfortunately reflective of the general condition of Seapark House and the garden grounds, Members will see this from either a site visit or the photographs that are submitted in support of this Notice of Review. This development will actually allow this disused area of land to be brought back into life and will enhance the designation and surrounding area. The development will not only bring life back into the this direct area but if the proposal is approved and allows for the saving of Seapark House there will be significant benefit in bringing an even larger area of ground back into life.

To summarise the proposal accords with Policy E5 and complies with the criteria laid down within the policy.

Reason for Refusal 3

The proposal is also deemed to be contrary to EP7 control of development in Flood Risk Areas due to lack of information in respect of flood risk.

This reason for refusal is entirely unjustified. SEPA have not objected and indeed note that this land is not in a designated "at risk" area. The Moray Flood Team have asked for additional measures which my client is happy to comply with. The application is supported by a Drainage Strategy Report (Annex 5) that includes SUDs recommendations for the overall development. This Strategy is already approved and accepted by Moray Council from the previous planning application ref 15/01605/PPP. The same SUDS system is to be utilised as approved under the aforementioned application. In the handling report for that application it is stated that "*Proposed surface water drainage arrangements (SUDs), including surface water and stormwater detention ponds, have been assessed by the Flood Risk Management Team and SEPA and are acceptable in principle"*.

At no point prior to the refusal being issued have the planning authority approached the applicant to raise any flood or drainage issues whatsoever, there has never been any request for the applicant to provide further information and clearly SEPA and the Flood Risk team were satisfied with what is proposed.

If there are elements of the Strategy which are unacceptable these should have been highlighted and should have been discussed with the applicant, as this has never happened the applicant is entirely in the dark over what the issue is here. To be clear SEPA and the Moray Flood Team do not object, there is a Drainage Strategy Report previously considered and approved by Moray Council for this area.

We subsequently raised this matter with the Council on behalf of the applicant following the refusal and our concern over how this application was handled. In relation to why the applicant was never asked for further information or why the planning authority did not engage with the applicant the response from the Council simply stated "*Whilst I accept that this could have been asked for it was deemed not expedient to do so at the time".*

This reason for refusal is based on no supporting consultee position whatsoever. All necessary information has been supplied and at no point during or after the determination have the planning authority justified their position in this regard. At all times the applicant has sought to try and positively engage in this process.

This proposal is not contrary to Policy EP7 as the necessary information has been supplied, the Drainage Strategy Report has been accepted by Moray Council and both SEPA and the Moray Flood Team have no objections to the proposal.

Reason for Refusal 4

By introducing built development into a natural greenspace, the proposal is considered to be contrary to Policy IMP1 Developer requirements as the scale, density and character of the proposal is not appropriate to the surrounding area.

To be clear, this application is for planning in principle. The applicant at the request of the planning officer provided indicative drawings of what may be considered appropriate following advice from the planning officer that he would wish to see a contemporary solution that made no attempt to mimic or compete with Seapark House. This is what the applicant has done and the proposal achieves what the planning officer had sought. As stated above, this is a small section of a larger garden area. As can be seen from Annex 2, the site plan, the site lies directly to the North of Kinloss Caravan Park.

It should also be highlighted that this reason for refusal is duplicating and overlapping with Reason for Refusal 2 which we have addressed above.

This application directly complies with policy IMP1 as the whole ethos of the application, which was discussed at the outset of this proposal, was to ensure development that was sensitive to its surroundings and doesn't compete with Seapark House. The scale and density has been very deliberately considered and a process gone through to ensure that there was compliance with this policy.

We would again stress, this is an application for planning in principle, the design aspects of any dwelling is a matter which the planning authority will consider in the future planning process and is within the control therefore of the planning authority at the appropriate stage, this reason for refusal is simply not justifiable.

To summarise, if Members consider Annex 2, being the site plan, they will see that Seapark House would sit closer to Kinloss Caravan Park that it does to the proposed dwellings. The scale density and character of what was indicatively proposed was done in conjunction with the planning authority, the proposal has been very carefully considered to ensure that there is no competition between Seapark House and the dwellings. In addition to this, the design and siting of the dwellings can be fully considered and addressed at a later and appropriate stage in the planning process. The applicant is seeking ultimately to save Seapark House, it is not in the clients interests to bring forward a proposal which would be to the detriment of Seapark House. The proposal is therefore not contrary to Policy IMP1.

Summary

We respectfully consider that this application accords with the Moray Local Development Plan and is supported by the Policies therein.

The proposal is fundamentally key if there is any chance whatsoever to saving Seapark House but crucially the proposal stands 'on its own two feet' in planning terms. It complies with and is supported by planning policy, it is a sound and strong application in its own right. The applicant has sought to work with the planning authority and the planning and Listed

Building Officer by providing some suggested design ideas, which the planning and Listed Building Officer had himself suggested, but it should not be forgotten that this is an application in principle. The design and siting of the dwellings would be controlled as the planning process progresses if permission is granted.

The applicant is genuinely disappointed that they find themselves having to appeal this decision and would have far rather that the planning authority sought to engage in discussion on this proposal to allow for an acceptable way forward to have been agreed between all parties.

We would respectfully request that Members grant permission for this proposal.

Annexes attached below.

Annex 1 Photographs

The photographs of Seapark House are shown first, simply to allow Members to appreciate the setting, the location of the building and surrounding development in relation to the site.

Front of Seapark House.

The rear of Seapark House

Condition of roof despite ongoing repairs.

Photographs from the side and front of Seapark House showing proximity of caravan park, petrol station and garage.

Side view of Seapark House.

Interior picture of Seapark House, indicative of the condition of the property.

The following our views of the site itself, Members will see from these photographs that the area is disused and will see in the final photograph the distance and relationship between Seapark House and the site.

The above photograph is taken from the site looking towards Seapark House. Members will see to the left of centre just above the trees, the chimneystacks of Seapark House. Members will see the distance between the site and the House and the screening that would be achievable through good landscaping.

Annex 2 Site Plan – submitted both electronically and in paper format.

Annex 3 Supporting Statement from original planning application – submitted both electronically and in paper format.

Annex 4 Indicative images – submitted both electronically and in paper format.

Annex 5 Drainage Strategy Report – submitted both electronically and in paper format.

Annex 6 Decision Notice – submitted both electronically and in paper format.

Annex 7 email from Applicant to Planning Authority dated 6th December 2017– submitted both electronically and in paper format.

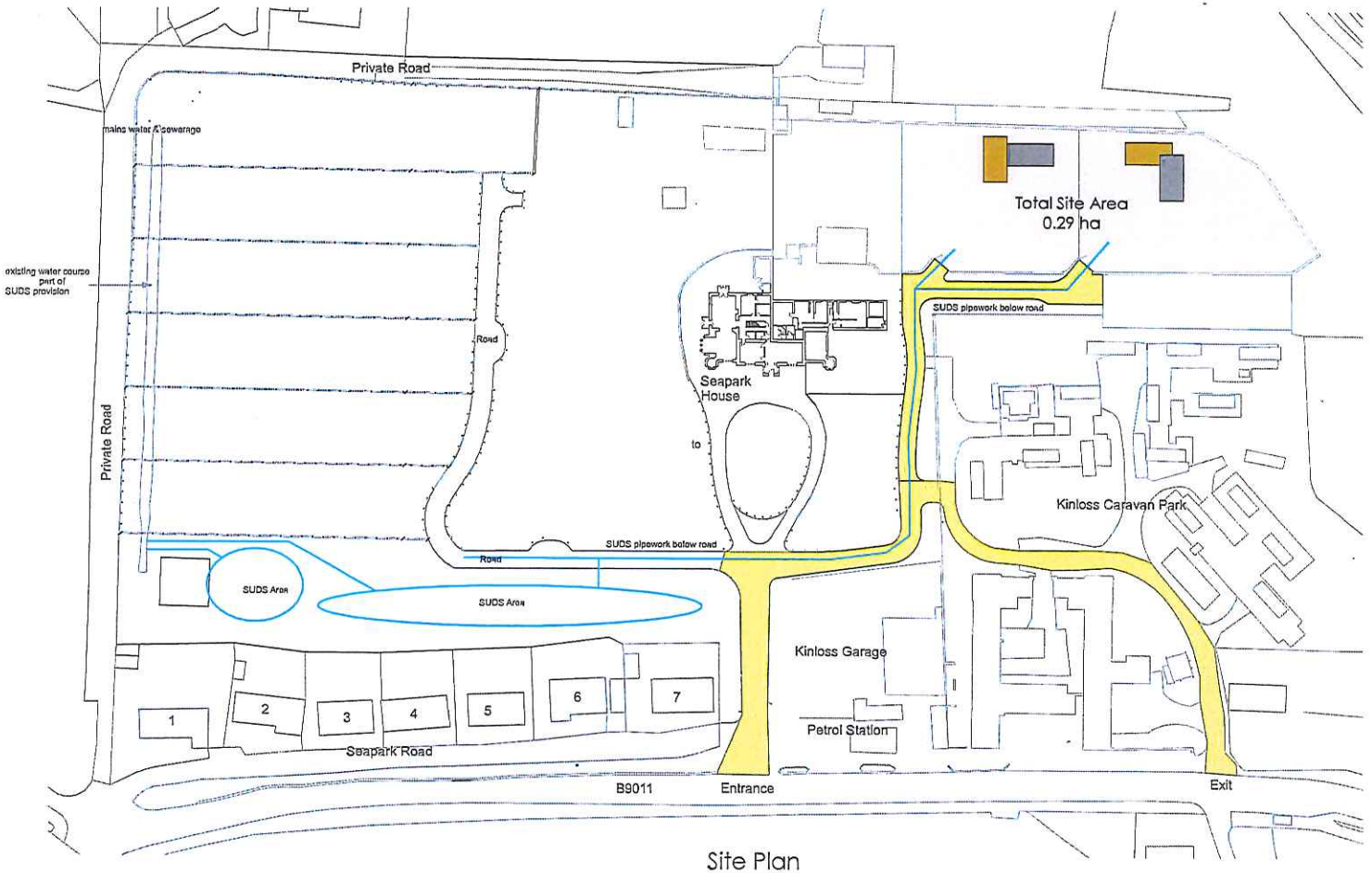
Annex 8 Report on Handling – submitted both electronically and in paper format.

All other documents that were lodged as part of the planning application process are relied upon and will be provided to Members by the planning authority as some of these are not accessible on the eplanning website.

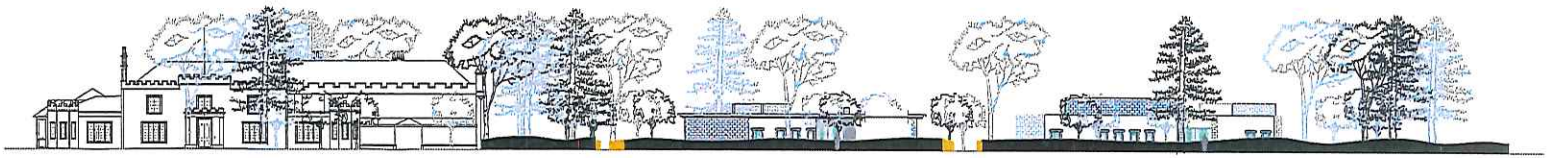
Index of other Documents

1). Planning application and supporting documentation – to be supplied by Moray Council as not all available on eplanning website.

2). Notice of Review Form – submitted both electronically and in paper format.



Site Plan



Typical Elevation

1 Architects

Town & Country Planning (Scotland) Act, 1997 as amended

REFUSED

06 December 2017

Development Management
Environmental Services
The Moray Council

Amex 2

RevID	ChID	Change Name	Date

Scale	Project No	Drawn By
1:1	442	ISM

Client
1 Architects Ltd

Project
Seapark Walled Garden

Layout Name
Site Plan

Drawing Name
Garden Elevs

Drawing No	Revision
1	

Annex 3

1 Architects

Supporting Statement

2 Plots in Walled Garden at Seapark Estate Kinloss.

September 2017

Background

Sea Park, then known as Eunies Crook, was granted to William Ellison and Janet Niven his wife in 1574 by the Abbot of Kinloss and remained in their family until 1800. It then became the property of James Rose until 1829, when he sold it to Frederick Suter; after this it was purchased in 1838 by John Dunbar who made money in shipping; he further enlarged the house, leaving it to his sister Phoebe on his death in 1845. She had married Edward Dunbar and took the name Dunbar Dunbar. During the Dunbar ownership the house and gardens were developed, a small museum established and an organ installed.

The current house dates from approximately 1800, and has been extended at different times, often unsuccessfully in architectural terms. For at least 15 years it has been badly neglected, and now remains in a serious state of disrepair if not dereliction. We are currently assessing with a number of consultants the viability of repairing the roof, so that a sustainable refurbishment plan can be put in place. It is clearly obvious that none of the interior can be saved, so attention is now focused on the roof. If the roof is repairable we may be able to justify a sensitive sub-division into smaller units, but if a completely new roof is required then the house will probably be sold to a private buyer for whom such expenditure may be acceptable. Before any such sale however, the building will need to be made safe and secure, and the grounds will require significant attention.

Planning Status

The walled garden has never been the subject of any previous applications, and is not zoned, being currently part of the garden area for Seapark House. It is however, quite separate from the main garden, and is clearly contained by the walls and railings of the walled garden. Furthermore it is able to have it's own entrance in such a way that it does not significantly detract from the development potential of Seapark House. It is clear that Seapark House will never again be used as a single dwelling, so the walled garden will fall into total disuse and disrepair unless an alternative use is found for it.

Local Residential Demand

Kinloss already has ample housing available on the open market, most of it at low prices. But it has nothing similar to what is proposed here, namely large secluded upmarket plots capable of providing the basis for an eco-driven sustainable-lifestyle housing development. Local selling agents report that there is a consistent demand for such plots in and around residential conurbations like Forres, Findhorn, and Kinloss. In large part this is driven by the constant influx of people to the Findhorn Foundation, where demand for plots has already outstripped the supply possibilities.

We propose to cater for that demand, and by doing so we hope to widen and enrich the range of housing stock in the Kinloss and Findhorn area. This can only be good for local businesses such as the Abbey Inn, the petrol station, and the Spar grocers, all of whom are entirely dependent on local trade. Increased local population also benefits the local churches, schools, and the Moray Council rates revenues.

Design Strategy

This is an outline application only, but we have been asked to indicate some possible results arising from the development. In that respect we have provided indicative elevations showing that 2-storey properties located within the walled garden will not in any way threaten the visual dominance of the main house. In reality any effect will be severely lessened by the heavy woodland cover that separates the house from the walled area. When within the walled garden it is very hard to see any parts of the house because of the dense tree cover. Some of this may be cleared fro development, but much will no doubt remain. The sort of purchasers interested in this site are not likely to want to clear all tree cover.

We have proposed contemporary designs, and we feel that in this setting they will work well as a foil to the main house. It is entirely possible that purchasers may wish to pursue a more traditional design solution, but that of course can be managed by the Planning Department in the Detailed Consent stage.

SUDS

The proposal connects into the main SUDS infrastructure for all of Seapark Estate, designed to the approval of Moray Council and SEPA.

Trees

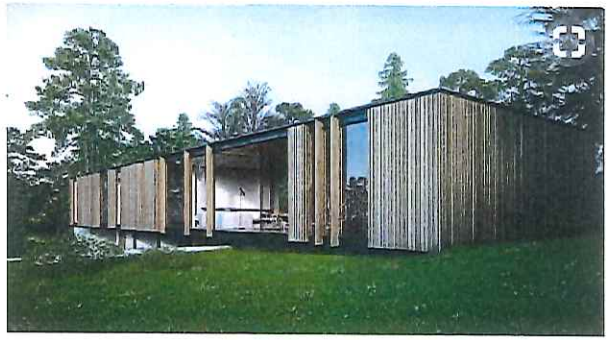
The proposal requires the removal of almost no trees apart from a few conifers for the creation of the new access road through the site. The new access road within the site will be designed to enable tree protection measures to be put in place for any root systems that might otherwise be affected by the roadworks. There are in fact very few trees that will be affected by the roadworks.

Transport

The proposal uses the existing main entrance to take traffic into the site, and uses the caravan park exit for traffic leaving the site. (Although not a planning issue, we can confirm that we have full rights of access over this route). The caravan exit has served a very busy site for many years without problems, and enjoys good visibility in both directions. It also enters the main road at a point close to the traffic lights, where by necessity traffic is moving slowly.

In order to preserve the integrity of this one-way system we have already agreed measures with Moray Council.

1 Architects Ltd
September 2017



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Annex 4

Town & Country Planning
(Scotland) Act, 1997
as amended

REFUSED

06 December 2017

Development Management
Environmental Services
The Moray Council

RevID	ChID	Change Name	Date

Scale	Project No	Drawn By
1:1.67	442	ISM

Client

1 Architects Ltd

Project

Seapark Walled Garden

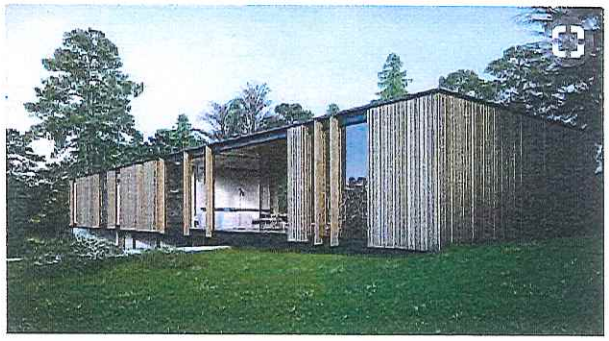
Layout Name

Images

Drawing Name

Images

Drawing No	Revision
442.03	



AR 1 Architects

Town & Country Planning (Scotland) Act, 1997 as amended

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06 December 2017

Development Management
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The Moray Council

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1:1.67	442	ISM

Client
1 Architects Ltd

Project
Seapark Walled Garden

Layout Name
Images

Drawing Name
Images

Drawing No	Revision
442.03	

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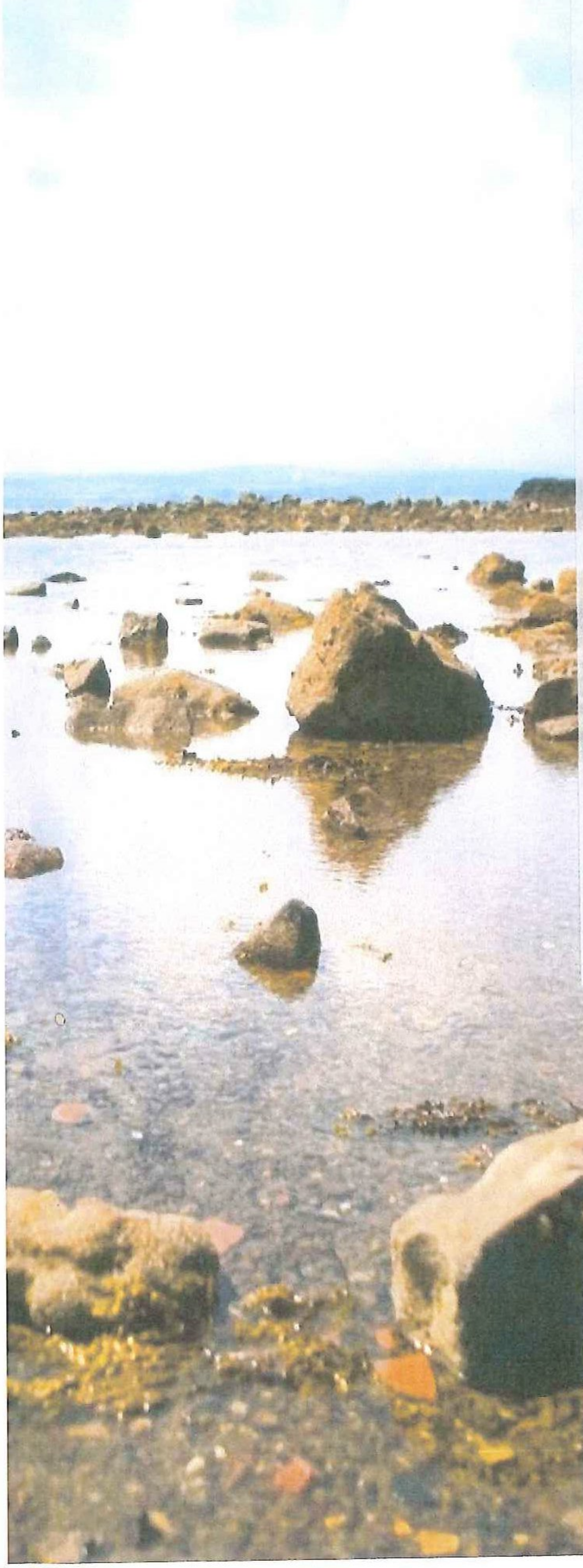

Seapark Estate Development, Kinloss

Drainage Strategy including SUDs recommendations

Final Report

March 2016

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Revision History

Revision Ref / Date Issued	Amendments	Issued to
Final/ 04.04.16	-	A1 Architects

Contract

This report describes work commissioned by 1 Architects Ltd, by an email dated 24/02/2016. The Client's representative for the contract was Ian Sutherland McCook of 1 Architects Ltd. Iain Ferguson and Mark McMillan of JBA Consulting carried out this work.

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Purpose

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Executive Summary

1 Architects propose to develop Seapark Estate in the Kinloss area of Moray for a residential development of eight plots.

A Flood Risk Assessment has previously been produced by JBA Consulting which recommends adopting Finished Floor Levels of the buildings at 4.78 mAOD and the road levels of 4.36 mAOD.

Ground conditions are unlikely to be suitable for infiltration as the primary source of surface water disposal, due to a high water table. To mitigate the increase in surface water rate and volume it is proposed to limit surface water runoff to the existing estimate of the 2 year peak flow estimated to be 2.8 l/s for all storm durations up to the critical 1 in 200 year event including an uplift allowance of 30% to account for possible future climate change; as well as a 10% allowance for development creep (increases to impermeable areas).

It is estimated that between 300 and 515m^3 of formal storm water storage will be required within the site to meet the design requirements.

Each of the plots will be developed on an individual basis and not by a single developer, which introduces a risk that they will not be adequately maintained and would make it impractical to limit flows to greenfield runoff rates. To mitigate the increased risk of multiple SuDS and to allow on site attenuation of flows, it is proposed to provide a conventional storm water sewer system, augmented with SuDS. This storm water sewer will discharge to a detention basin within the common area to the south of the site, providing both treatment and attenuation.

The storm water sewer network and detention basin will be designed and constructed in accordance with Sewers for Scotland 3rd Edition, to facilitate vesting by Scottish Water.

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Abbreviations

AOD	Above Ordnance Datum
FRA	Flood Risk Assessment
SEPA	Scottish Environment Protection Agency
SFS	Sewers for Scotland 3rd Edition (Scottish Water)
SW	Scottish Water
SUDs	Sustainable Urban Drainage Systems

1 Introduction

1.1 Terms of Reference

1 Architects propose to develop Seapark Estate in the Kinloss area of Moray for a residential development. The proposed development is located at NGR 306151, 861590.

The purpose of this report is to develop a drainage strategy for the new development to meet the requirements of Scottish Planning Policy (SPP) and SEPA Policy 41; that is acceptable to the Moray Council and Scottish Water (SW) as the potential adopting authority. The study comprised of the following:

- Review of FRA produced by JBA Consulting, to inform a drainage strategy.
- Estimation of pre and post development impermeable areas.
- Determination of the post development discharge rate.
- Estimation of attenuation volume and sizing of appropriate storage.
- Review of the local drainage patterns and assess development drainage impact.

1.2 Planning Context

The planning context is set by the 'Scottish Planning Policy 2014', 'Planning and Building Standards Advice on Flooding' (PAN 69), 'Planning and Sustainable Urban Drainage Systems,' (PAN61).

The key planning policy principles are:

- New development should adopt a precautionary approach to flood risk from all sources, including coastal, river (fluvial), surface water (pluvial), groundwater, reservoirs and drainage systems (sewers and culverts), taking account of the predicted effects of climate change;
- New development should avoid increasing the risk of flooding by safeguarding flood storage and conveying capacity, and locating development away from functional flood plains and medium to high risk areas;
- New development shall reduce flood risk where possible by assessing flood risk and, where appropriate, undertaking natural and structural flood management measures, including flood protection, restoring natural features and characteristics, enhancing flood storage capacity, avoiding the construction of new culverts and opening existing culverts where possible;
- New development should avoid the increase in surface water flooding through requirements for Sustainable Drainage Systems (SUDs) and minimising the area of impermeable surface.

To achieve this the planning system aims to prevent development which would have a significant probability of being affected by flooding, or would increase the probability of flooding elsewhere. Piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity.

The SEPA Indicative Flood Maps display low, medium and high risk areas as defined in the risk framework of SPP (paragraph 263), for river, surface water and coastal flooding. These maps are a strategic broad scale tool developed by SEPA for use in assessing flood risk. They are based on a 5m resolution grid and do not include detailed modelling of hydraulic structures on watercourses. SPP states that a precautionary approach should be taken to flood risk from all sources and should take account of predicted effects of climate change. SW guidance, SFS, requires that a 30% addition should be made to rainfall data to address the potential impact of climate change.

The planning documents require proposed development to have a neutral, or better effect on flood risk in the area of development and have no adverse effects on flooding out with the development.

2 Site and Development Description

2.1 Existing Site

The proposed site has an area of approximately 3 ha and is bounded to the south by residential properties, to the east by a caravan site, to the north by a sewage works and to the west by a small drainage ditch and access track leading to the sewage works. A series of small drainage ditches are located to the west, including one that runs along the western boundary of the site; these ditches drain into the Kinloss Burn to the north of the development site. The Mean High Water Springs (MHWS) line along the shore of Findhorn Bay is mapped approximately 320 m to the northwest of the site. Site elevations generally range from approximately 2.6 metres above Ordnance Datum (mAOD) to 4.1 mAOD, with the topographical profile of the site generally falling to the west and the drainage ditch that contributes to the Kinloss Burn.

The British Geological Survey geology maps suggest the prevailing ground to be made up of Raised Marine Deposits of Flandrian Age; being comprised of gravel (shingle), sand, silt and clay; commonly charged with organic debris.

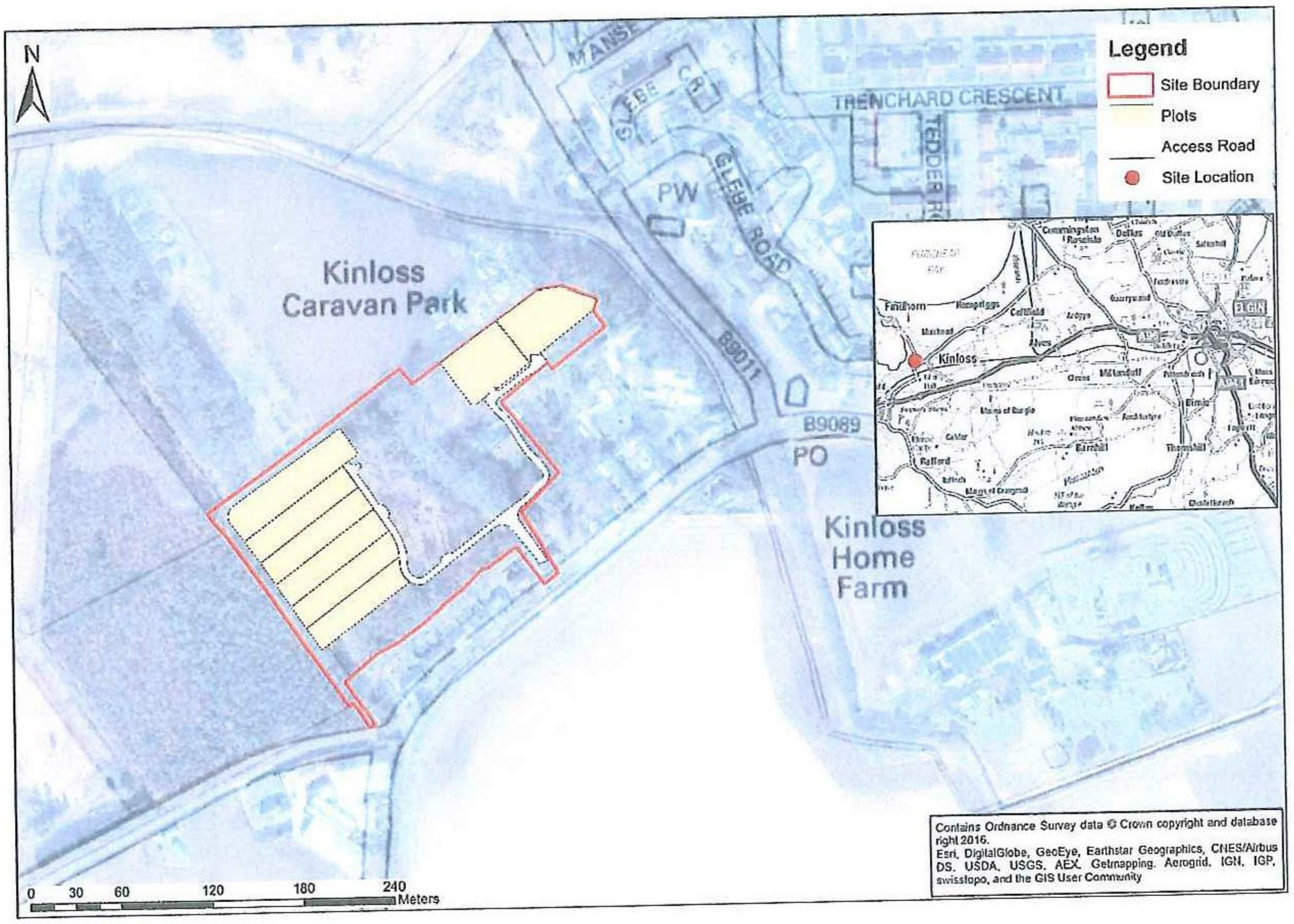

Figure 2-1: Site Location

2.1.1 Existing Drainage Patterns

The site lies within the drainage catchment of the Kinloss Burn, which is to the east of the site. The drainage ditch along the western boundary of the site is a tributary of the Kinloss Burn. The site generally falls to the west and the majority of the existing surface water runoff will runoff in to the drainage ditch on the western boundary. The north-eastern part of the site, to be developed as plots 7 and 8, are likely to flow east overland towards the Kinloss Burn.

2.1.2 Existing Rates of Runoff

To calculate the existing greenfield runoff rate of the areas of the site to be developed, the Institute of Hydrology 124 methodology was used. This methodology is an extension of the Flood Studies Report (FSR) work aimed at providing a better estimate of peak runoff flow rates for small catchments (<25km²) than had previously been developed. It is a correlation equation based on soil type, average rainfall and site area, all of which are easily measured. The peak pre-development discharge rates are summarised in Table 2-1 and the calculations are included in Appendix B.

Table 2-1: Pre-development Peak Runoff Rates

Return Period (years)	Peak Pre-Development Discharge Rates (l/s)	Peak Pre-Development Unit Discharge Rates (l/s/ha)
2	2.79	1.61
5	3.72	2.14
10	4.46	2.57
30	5.81	3.35
50	6.55	3.78
75	7.17	4.14
100	7.65	4.41
200	8.92	5.15

It is recognised that there is an opportunity to reduce the peak runoff from the development site and it is recommended that post development rates are limited to the 2 year greenfield runoff rate of 4.83 l/s to have a positive impact on local flood risk. This will also assist in mitigating any impact of re-routing the runoff from the north-east of the site to the western drainage ditch.

2.2 Proposed Development

The development consists of 8 plots; 6 being along the western site boundary and 2 in the north-east corner of the site. Currently no site grading plan, or general arrangement drawings are available, so certain assumptions have been made.

Due to the large plot size, it was assumed that 30% of the plot would be impermeable following construction; a further 10% of this area has been allow for as development creep i.e. 33% of the total plot area has been allowed as impermeable in the calculations.

3 Flood Risk

A Flood Risk Assessment has previously been undertaken by JBA Consulting for the site, a brief summary is given in Section 3.1.

3.1 Flood Risk Assessment

The site is located within the indicative limits of coastal and surface water flooding shown upon the SEPA Flood Map (2014). Coastal flood risk was assessed accounting for still water level, wave action and climate change. A 1 in 200 year joint probability event (still water and wave action) was estimated to have a level of 3.52 mAOD and 4.18 mAOD after an allowance for climate change. Surface water flooding was assessed using JFLOW and depths of 0.3 m to 0.5 m were estimated for parts of the site.

Flood risk to the site could be mitigated by elevated floor levels and site design. This would likely entail at least partial land raising (e.g. raising an area for housing, but retaining garden areas at a lower level). As the primary sources of flood risk are coastal and surface water (and not fluvial), there should be a minimal effect upon floodplain storage through land raising at this location.

Best practice would be to protect the site from a 1 in 200 year event plus allowances for climate change and 0.6 m freeboard. This could be achieved by elevating floor levels to 4.78 mAOD or alternatively elevating floor levels to 4.36 mAOD with a wall located along the exposed edges of the site to act as a wave break. The exact height and location of this wall would need to be determined, and it would also need to consider local surface water drainage requirements, potentially including pumping. Surface water flooding could be mitigated by re-profiling of the site to ensure that any surface water would run away from properties with attenuation within an appropriate sustainable urban drainage system on site to ensure no increase in flood risk outside of the site. The site was deemed to be at coastal flood risk due to high still water levels, and that this could be exacerbated by wave action. As such two flood mitigation options are presented:

1. Finished floor levels set at the 1 in 200-year plus climate change still water level plus wave effects plus a 0.6m freeboard. This results in a finished floor level of 4.78 mAOD.
2. Finished floor levels set at the 1 in 200-year plus climate change still water level plus a 0.6 m freeboard, with a wall around along the exposed edges of the site to acts as a wave break. This option would result in a finished floor level of 4.36 mAOD. The exact height and location of this wall would need to be determined, and it would also need to consider local surface water drainage requirements, potentially including pumping.

As the primary sources of flood risk are coastal and surface water (and not fluvial), there should be a minimal effect upon floodplain storage through land raising at this location.

Access to the proposed development site is off the existing access road to Seapark House. The access road is located to the south east of the proposed plots, and as such is sheltered from local wave effects. It is therefore recommended that the level for the access road is set at the 1 in 200-year plus climate change still water level plus a 0.6 m freeboard.

Surface water modelling of the catchment shows that there a number of low spots within the site boundary. However, re-profiling of the site to ensure that any surface water would run away from properties and could be attenuated within sustainable urban drainage systems (SuDS) on site should be sufficient to mitigate against any localised risk from surface water while ensuring that flood risk is not increased elsewhere.

3.2 Measures to be adopted in SUDs Strategy to reduce Flood Risk

The proposed development is not located within functional flood plain and will have a negligible impact upon floodplain storage. The development of the site will increase the rate and volume of storm water runoff, which could increase the probability of flooding elsewhere. To mitigate against this, surface water runoff will be managed within the development to;

- Approximate storm water runoff rates and volumes to the site greenfield response over a range of storm frequencies of occurrence (return periods).

- This will be achieved by managing runoff on site by;
    i. Limiting the peak rate of storm water run-off
    ii. Minimising the pollution load to receiving waters from storm water runoff
    iii. Making provision for overland flows and temporary flood storage across the site.

4 Proposed Drainage Strategy

4.1 Receiving Water Body Sensitivity & Level of SUDs Treatment

It is proposed to drain the development to the drainage ditch on the western site boundary. As the development is for less than 50 houses SEPA guidance requires one level of SUDs treatment prior to discharge, whether for normal, or low sensitivity watercourses.

4.2 Surface Water Management

4.2.1 Changes in site characteristics

The development will increase the rate and volume of surface water runoff, which can have deleterious effects to the proposed dwellings and flood risk to others. Changes in the characteristics of the site and the resulting changes in runoff regime will be mitigated by the implementation of a carefully planned development that considers exceedance and robust management using SuDS.

4.2.2 Surface Water Flow and Volume Control

Based on the information from the British Geological Survey, it is considered that the site has moderate to low infiltration potential and is unlikely to be suitable for primary disposal of surface water by infiltration.

To ensure that post development runoff has a neutral or better effect on flood risk to others, runoff will be throttled on site to the estimated 2 year peak greenfield runoff rate of 1.6 l/s/ha. It is considered that a suitable site post-development discharge rate for the development is 2.8 litres per second. The drainage system can be designed so that all flows that exceed this rate are attenuated within the development up to the critical 1 in 200 year storm event plus an uplift of 30% for possible future climate change. An estimate has been derived using MicroDrainage to give an indication of the required storage on site. Table 4-1 gives the range of volumes estimated for the 30 year and 200 year events with an allowance for climate change. The range of volumes are to account for possible efficiencies in the method of flow control and the geometry of the proposed storage facility. By utilising a Hydro-Brake it is likely that the required storage would be closer to the lower band. A most suitable means of attenuating and storing these volumes would be through a detention basin. A plan illustrating the likely size and location of the detention basin is included in Appendix A.

Table 4-1: Estimated Surface Water Storage Volumes

Return Period (years)	Estimated Lower storage volume m^3	Estimated Upper storage volume m^3
30 + 30%CC	165	316
200 + 30%CC	300	515

The flood risk assessment for the site identified areas in the site that would store surface water originating from outside the development in localised depressions. These depressions will be removed as part of the proposed development, which would displace an amount of surface water. The flood risk assessment, using an overland flow model, determined that the displaced volume of surface water would be approximately 140 m^3. Under existing conditions the depressions will fill up during flood events and then drain slowly through a combination of infiltration and evaporation. This depression storage can be provided on site in the south west corner of the site. This is an area where overland flow enters the site and therefore the optimum location to intercept that flow. This storage can be designed with an overflow to allow excess flows to be directed toward the drainage ditch and away from properties. It is expected that stored volumes will discharge from the site from a combination of infiltration and evaporation.

4.2.3 Site Limitations

The site predominantly falls to the western boundary and contributes to the existing drainage ditch. It is likely that the north-east corner of the site (plots 7 & 8) currently flow east and contributes directly to the Kinloss burn. However due to the small scale of the site; it will be necessary to combine these flows with those of the western plots to allow for runoff to be efficiently attenuated.

As discussed elsewhere there is limited potential for infiltration drainage.

Land drainage is likely to be required once the access roads have been raised to account for flood levels. This drainage will facilitate the movement of greenfield runoff and not increase flows, these flows should not be directed into the on-site attenuation facilities, but directed towards the existing land drainage on the western site boundary

4.2.4 Site Opportunities

The proposed road network in the development would allow for an adoptable storm water sewer network within common areas. Likewise, the common ground to the south of Plot 6 could be utilised to provide attenuation and treatment in a detention basin, or similar. The drainage ditch on the western boundary provides a suitable discharge for the sites surface water.

4.2.5 Recommended Layout

Standing advice from SEPA suggests that one level of SUDs treatment is required for a housing development of less than 25 homes. To treat the first flush of runoff from the proposed impermeable area, the SUDs will require a treatment volume of 6.1m^3.

It is recognised that each of the plots will be developed on an individual basis and not by a single developer. This introduces a risk that they will not be adequately maintained and would make it impractical to limit flows to greenfield runoff rates. To mitigate the increased risk of multiple SuDS and to allow on site attenuation of flows, it is recommended to provide a conventional storm water sewer system with each property connecting via its own disconnecting manhole. This storm water sewer will discharge to a detention basin within the common area to the south of the site, providing both treatment and attenuation, see Appendix A.

4.2.6 Operation and Maintenance

It is recommended that the storm water network is located within the common road area, as well as being designed and constructed in accordance with Scottish Water Standards[1] to facilitate adoption by Scottish Water. It is likely that a waiver may need to be sought from Scottish Water to accept reduced cover depths or flow velocities in the storm sewer to minimise the road raising on the site. This should be finalised during detailed design of the sewer system.

It is recommended that the detention basin is located within the common area to the south of Plot 6, as well as being designed and constructed to Scottish Water standards to facilitate adoption by Scottish Water.

A detailed operation and maintenance schedule should be provided as part of the detailed design engineering package.

4.2.7 Risks

The site plan supplied by 1 Architects shows the road constructed to unadoptable standards. There is a risk that Scottish Water may not adopt the drainage infrastructure with it being situated in private land; this may then require factoring arrangements to be put in place to ensure maintenance of the drainage infrastructure. Notwithstanding, design and construction of the infrastructure to Scottish Water standards would lead to reduced maintenance costs and ensure its long term performance.

1 Sewers for Scotland - A technical specification for the design and construction of sewerage infrastructure, Third Edition, April 2015, Scottish Water

5 Conclusions and Recommendations

5.1 Flood Risk

The recommendations of the FRA produced by JBA Consulting should be adopted. This includes setting the Finished Floor Levels of the buildings at 4.78 mAOD and the road levels at 4.36 mAOD.

5.2 Land Drainage

Drainage of any land cut off from its natural flow paths by the land raising should be facilitated by new land drainage; however it should not be incorporated into the development's SuDS.

5.3 Post Development Discharge and Storage

Ground conditions are not suitable for infiltration as the primary source of surface water disposal.

To mitigate the increase in surface water rate and volume it is proposed to limit surface water runoff to the existing 2 year peak flow of approximately 2.8 l/s for all storm durations up to the critical 1 in 200 year event including an uplift allowance of 30% to account for climate change.

It is estimated that between 300 and 515 m^3 storm water storage will be required within the site to meet the design requirements. An additional 140m^3 of storage will be required to account for displaced surface water volumes as a result of developing the site.

5.4 Surface Water Treatment

Standing advice from SEPA suggests that one level of SUDs treatment is required, the SUDs shall require a treatment volume in the order of 6.1m^3. The detention basin will also need to provide a sediment forebay of at least 3m^3.

5.5 Operation and Maintenance

To facilitate maintenance, the storm water drainage infrastructure will be designed and constructed to Scottish Water Standards, for proposed vesting with Scottish Water.

Appendices

A Appendix - Indicative SUDs Drainage Layout

Proposed Outfall to Western Drain

Displaced Stormwater Storage with Overflow

Proposed Detentioan Basin

Remains of Post & Wire Fence

Stone Wall

Wooden Fence

BUNKER

Garage Forecourt
Unable to Survey

Bollards

RUIN

Dance Shrubs

PLOT 1

PLOT 2

PLOT 3

PLOT 4

PLOT 5

PLOT 15

1.000

1.001

1.002

1.003

1.004

1.005

2.000

2.001

2.002

2.003

2.004

STN01
306169.87E
661519.05N
3.57m

305100E

General Notes

1. All dimensions shown are in metres unless otherwise stated and levels in metres to Ordnance Datum.
2. Do not scale from this drawing. All dimensions must be checked/verified on site.
3. This drawing is supplied for information only. It must not be used for construction

Rev.	Modifications	Date	Drawn	Designed	Checked	Approved

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for

1 Architects

Seapark Estate Development
KINLOSS
Schematic SUDs Layout

Scale: NTS	Drawn:	I.Ferguson	18/03/16
	Designed:	I.Ferguson	18/03/16
	Checked:	M.McMillan	21/03/16
	Approved:	R.Dobson	21/03/16

Digital File Name: 2016s4042-SUDS Schematic

Drawing Number:	Rev.:	Sheet No.:	Status:
2016s4042 - 001	A		For Information

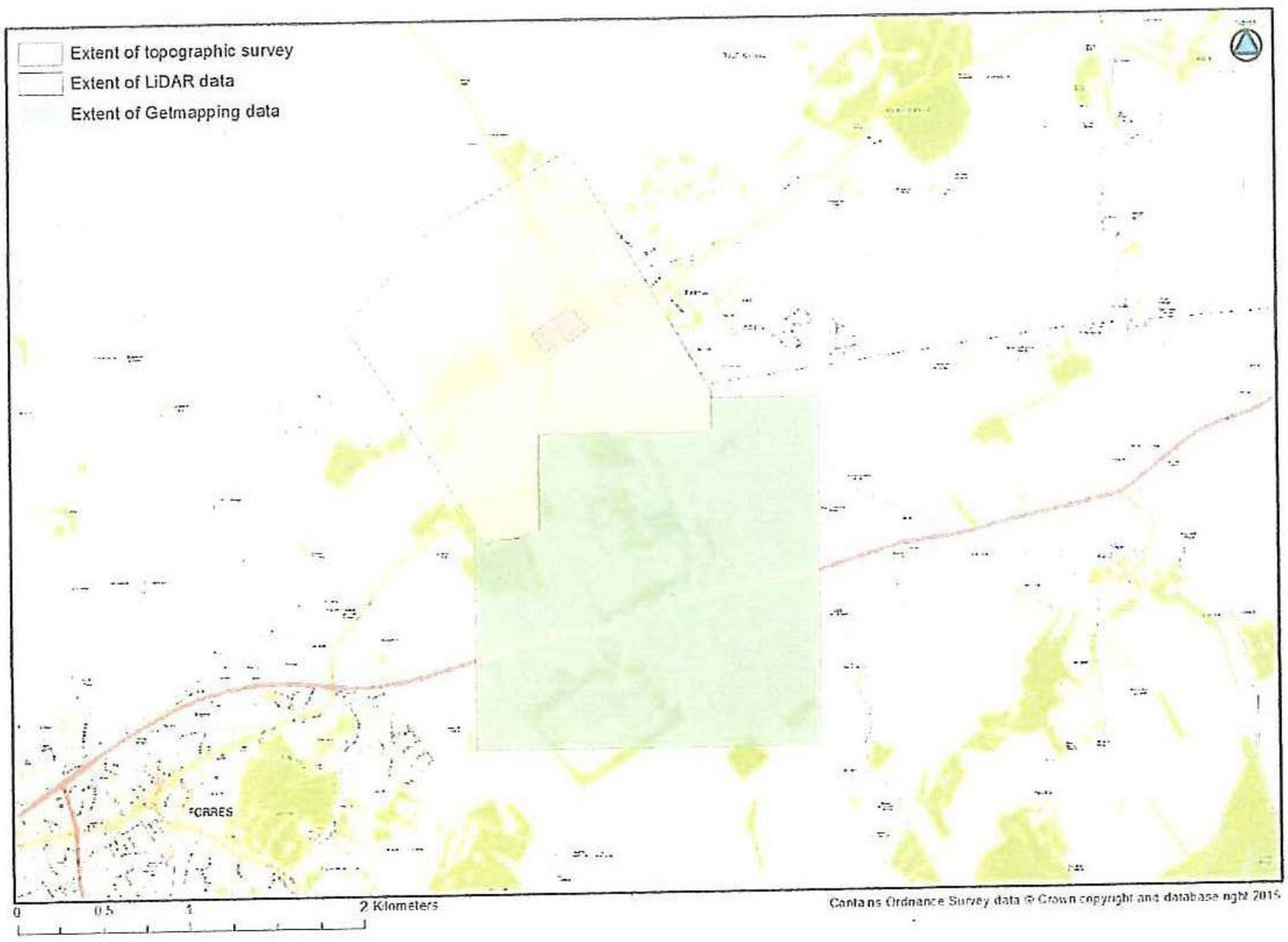

Figure 2-5: Sources of DTM data

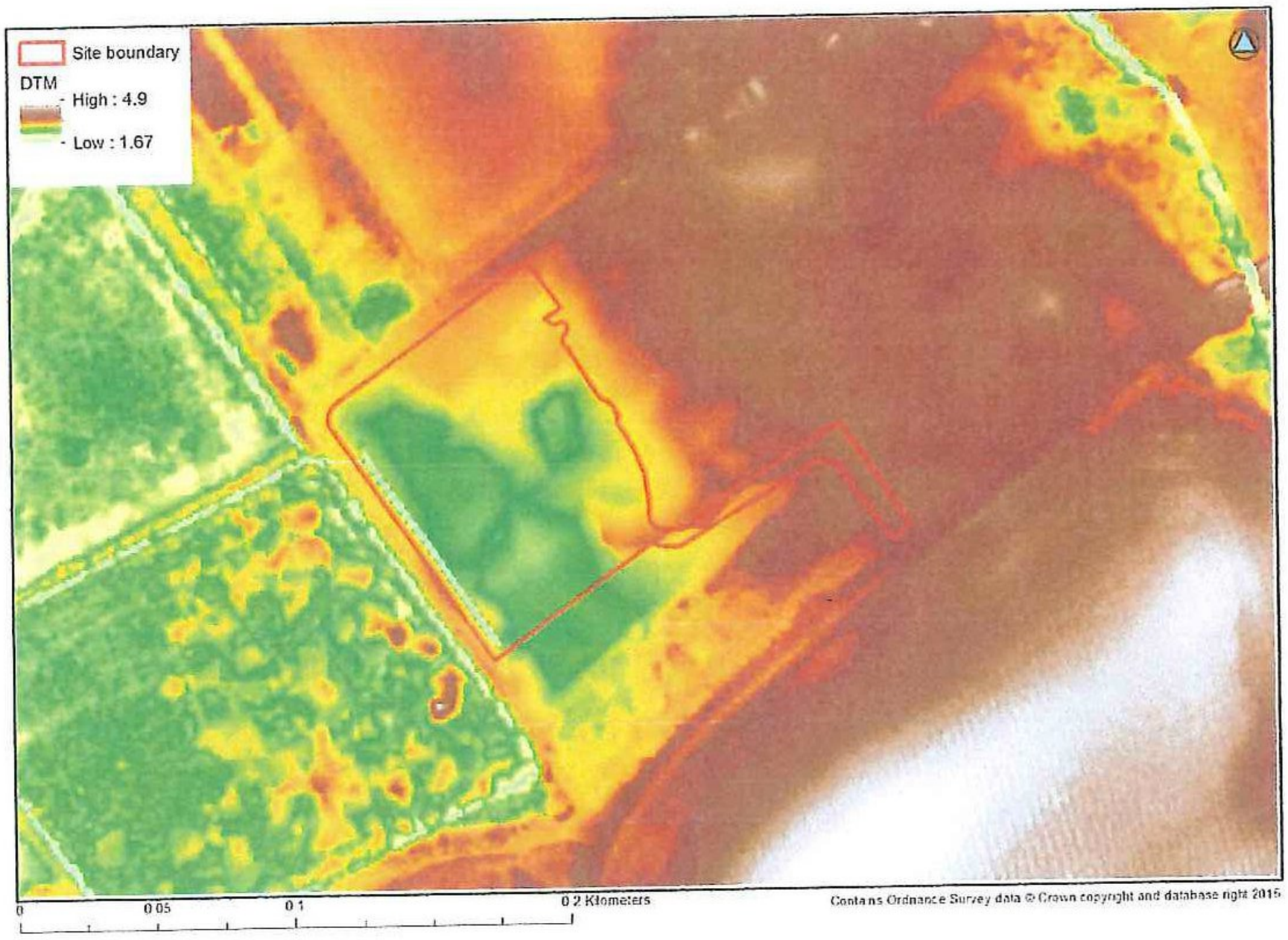

Figure 2-6: DTM in the vicinity of the site

CALCULATION RECORD

Project Code:	2016s4042	Page	1	of	1		
Project Title:	Seapark SUDs						
Subject:	Pre-development Runoff Rates						

	Initials	Date
Designer:	IF	9.03.2016
Checker:	MM	20.03.2016
Approver:	RD	25.03.2016

Office: Glasgow

JBA consulting

Catchment AREA (km^2)	From FEH CD-ROM	0.0173
$SAAR_{4170\ (mm)}$	From FEH CD-ROM	686
SOIL	From FSR WRAP maps	0.300

Enter fraction of catchment covered by each WRAP class:

1	2	3	4	5
	1			

$$Q_{BAR} = 0.00108\ x\ AREA^{0.89} x SAAR^{1.17} x SOIL^{2.17}$$

$QBAR_{rural\ \geq 50ha}$	0.003

Choose your region from the map. Enter a number, or I for Ireland or GB for Great Britain	1

Return period (years)	Design flow (m^3/s)	Specific runoff (l/s/ha)	Runoff (l/s)
2	0.003	1.61	2.79
5	0.004	2.14	3.72
10	0.004	2.57	4.46
30	0.006	3.35	5.81
50	0.007	3.78	6.55
75	0.007	4.14	7.17
100	0.008	4.41	7.65
200	0.009	5.15	8.92

MODIFIED RATIONAL METHOD

$$Q = 2.78\ x\ C\ x\ I\ x\ A\ x\ APF$$

Where

Q	=	Estimated Runoff Rate (l/s)
C	=	Dimensionless Runoff Coefficent
I	=	Rainfall Intensity (mm/hr)
A	=	Total Drainage Area (ha)
APF	=	Antecedent Percipition Factor

C =	
A =	
APF =	

Return Period (years)	Rainfall Intensity (mm/hr)	Runoff (l/s)
2		0
5		0
10		0
30		0
75		0
100		0
200		0

Return Period (years)	IH124 Runoff (l/s)	Modified Rational Runoff (l/s)	Total Runoff (l/s)
2	2.79	0	2.79
5	3.72	0	3.72
10	4.46	0	4.46
30	5.81	0	5.81
75	7.17	0	7.17
100	7.65	0	7.65
200	8.92	0	8.92

Hyetographs were derived for the area and applied as blanket rainfall across the catchment. The hyetographs were derived using a winter storm profile, an urban runoff of 70%, rural runoff of 40% and considered that a 1 in 5-year event could be accommodated by the local drainage systems. The critical storm duration of the catchment was assessed by running the modelling for both 1 and 3 hour events. The potential effect of climate change on surface water flood risk was also assessed, with a 20% uplift value applied, as per SEPA guidance[5].

Surface water flood outlines for a range of return periods are displayed within Figure 2-7, with the 1 in 200-year flood depths for the 3 hour event displayed in Figure 2-8.

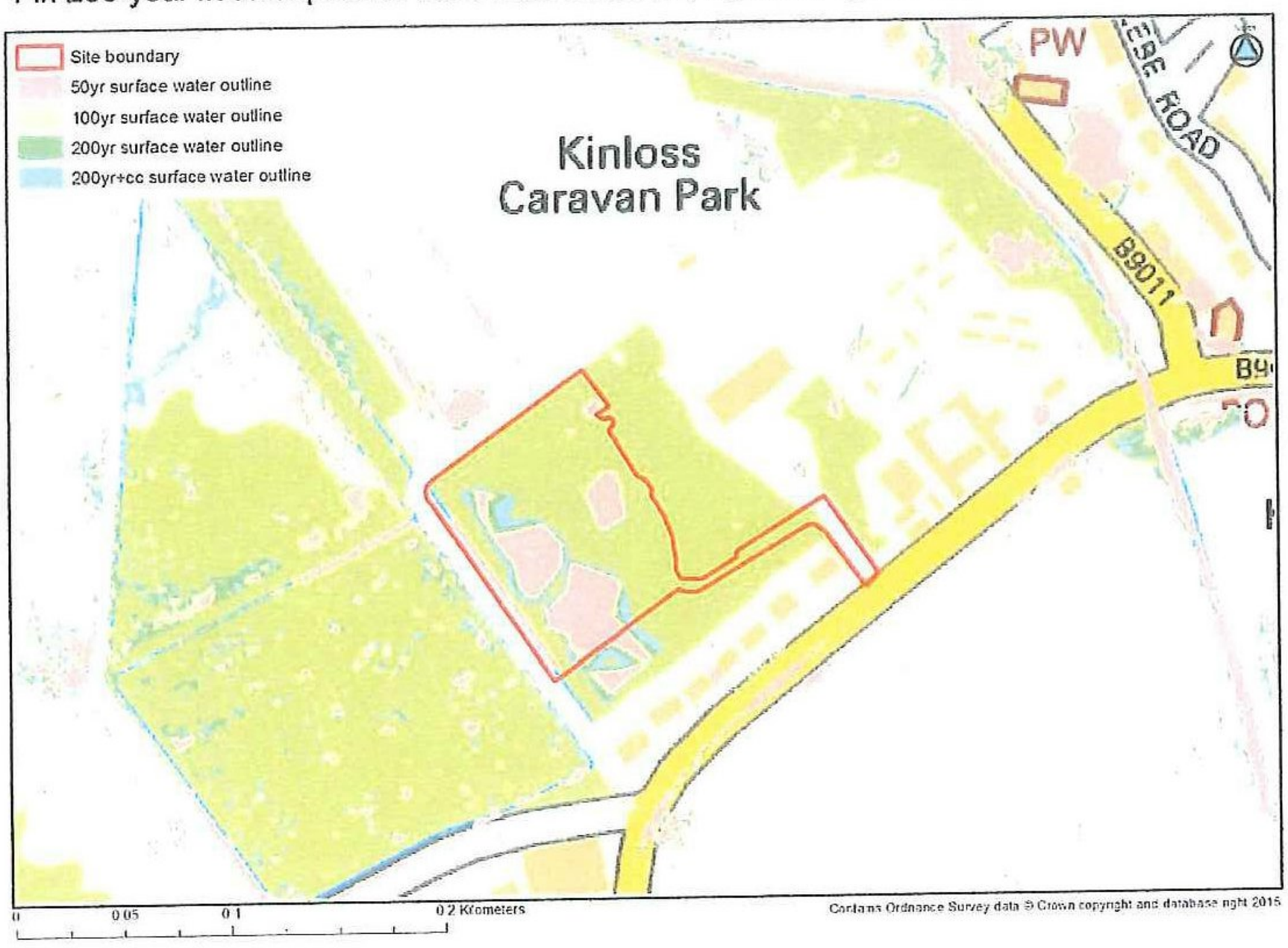

Figure 2-7: Surface water flood outlines for a range of return periods

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

REFUSAL OF PLANNING PERMISSION

[Forres]
Planning Permission in Principle

TO [redacted]

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 2no dwellinghouses at Seapark House Kinloss Forres Moray

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

Date of Notice: **6 December 2017**

[redacted]

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

Ref: 17/01521/PPP

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 Councils reason(s) for this decision are as follows: -

The proposal is contrary to policies BE2, E5, IMP1 and EP7 of the Moray Local Development Plan 2015 for the following reasons:

1. The addition of 2 dwellings and associated infrastructure within the walled garden would lead to a build-up of residential development that would detract from the setting of the category B listed building and be contrary to Policy BE2.

2. The proposal would cause loss of, and impact upon the 'green space' environmental designation, ENV2 with no justification provided to support the proposal in relation to the relevant criteria identified in Policy E5 and therefore the proposal will detract from the character and appearance of the designation and surrounding area.

3. The proposal is also deemed to be contrary to policy EP7 Control of Development in Flood Risk Areas due to lack of information in respect of flood risk.

4. By introducing built development into a natural greenspace, the proposal is considered to be contrary to Policy IMP1 Developer Requirements as the scale, density and character of the proposal is not appropriate to the surrounding area.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference Version	Title
442/03	Images
1	Location plan
1	Site plan

DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL, AS AGREED WITH APPLICANT (S.32A of 1997 ACT)

N/A

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.scot/eplanningClient

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.

From: Sutherland McCook Ian <ian@1architects.com>
Subject: 2 Houses in Walled Garden, Seapark
Date: 6 December 2017 at 14:57:22 GMT
To: Craig Wilson <craig.wilson@moray.gov.uk>
Cc: Beverly Smith <Beverly.Smith@moray.gov.uk>, Jim Grant <jim.grant@moray.gov.uk>

Craig

Craig, you've known about this proposal for over 3 years, so the first signs of serious concern on your part should not be when I receive a Refusal Notice.

I was shocked today to receive a refusal notice for this application, because you have never indicated to me verbally or in writing that you had any concerns about it. You have known from 3 years ago that the intention was to develop these two houses in order to generate funds to rescue the listed building, and at no time in our conversations have you expressed doubts that this could be successfully done.

You asked for indicative elevations way back, and have had them for many months now without making any adverse comment or making any request for additional info. And you had indicated to me very clearly that your preference was for a contemporary solution that made no attempt to mimic or compete with the main house. In conversation you have always given the impression that you recognised the commercial argument driving this proposal, and you have always given the impression that in principle you supported it. You have at no time suggested or implied that we would be in contravention of Policy BE2, and on the contrary you gave the clear impression that you supported it in terms of the precarious condition of Seapark House….."*Enabling development may be acceptable where it can be shown to be the only means of retaining a listed building(s).*"

Nor have you ever once expressed any concerns on this proposal about Policy ENV2. All the supporting documentation for the 6 houses west of Seapark House referred to these 2 houses being developed, particularly in respect of an integrated SUDS provision, but you have never cautioned me that an additional 2 house would be considered over-development. In fact you have never used the term over-development in any of our communications regarding this proposal.

As for flooding, you will note that SEPA expressly stated that they have no concerns, recognising that the land is on higher ground, and not in a designated "at risk" area. Your own flood team have asked for additional measures, and as always we will have no option but to comply. Most of the compliance measures are already covered by the SUDS provision designed by our hydrology consultants and approved by Moray Council, and the additional ones pose no problem. If you were about to refuse based on the need to have us confirm acceptance of these items, you could easily have requested that.

I would appreciate your comments on this Craig. I'm very disappointed and surprised by your actions. As a Listed Buildings Officer I would have expected a more enlightened and flexible approach. Seapark House is not decaying through lack of interest or goodwill…….it's through lack of funds…..as is usually the case. And this decision now completely torpedoes the development of the other 6 houses, because the infrastructural work for these was to be paid from a resale of the walled garden houses that is already in place. We have pre-sold the 2 plots in the walled garden to pay for the infrastructure on the 6 houses, and then the income from the 6 plot sales would fund the recovery of Seapark House. These infrastructure works were ready to commence as soon as the approval came through, and now out of the blue it's a refusal. This whole chain is now broken, which means that Seapark House cannot be restored. Before too long there will be an application for Demolition Consent either by us off by whatever large developer we sell it to….. because the building cannot be recoverable for much longer. And if Robertsons or whoever decides to get demolition consent…….we all know that they will. So Seapark House will be lost, the site will be completely redeveloped for new build apartments, and your decision starts to look very questionable.

I repeat Craig, you've known about this proposal for over 3 years, so the first signs of serious concern on your part should not be when I receive a Refusal Notice. It does not seem to be a competent process.

Regards
Ian

Annex 8

REPORT OF HANDLING

Ref No:	17/01521/PPP	**Officer:**	Craig Wilson
Proposal Description/ Address	Erect 2no dwellinghouses at Seapark House Kinloss Forres Moray		
Date:	06/12/17	**Typist Initials:**	FJA

RECOMMENDATION		
Approve, without or with condition(s) listed below		**N**
Refuse, subject to reason(s) listed below		**Y**
Legal Agreement required e.g. S,75		**N**
Notification to Scottish Ministers/Historic Scotland		**n**
Hearing requirements	**Departure**	
	Pre-determination	

CONSULTATIONS		
Consultee	**Date Returned**	**Summary of Response**
Contaminated Land	10/10/17	No objection or comment
Transportation Manager	19/10/17	No objection subject to conditions and informatives
Moray Flood Risk Management	23/11/17	No objection subject to conditions
Scottish Environment Protection Agency	19/10/17	No objection subject to conditions
Aberdeenshire Council Archaeology Service	20/10/17	Archaeological watching brief condition
Development Plans (Environment)		Object
Scottish Natural Heritage		
Scottish Water	11/10/17	No objection subject to informative
Planning And Development Obligations	27/11/17	No objection subject to contributions to healthcare and sports and recreation

DEVELOPMENT PLAN POLICY		
Policies	**Dep**	**Any Comments (or refer to Observations below)**
PP3: Placemaking		
BE2: Listed Buildings		
BE4: Micro-renew and List Build CA		
BE1: Sch Monuments and Nat Designations		
H3: Sub division for House Plots		
E3: Protected Species		
E4: Trees and Development		

EP7: Control of Develop in FloodRiskArea		
EP5: Sustainable Urban Drainage Systems		
EP9: Contaminated Land		
EP10: Foul Drainage		
T2: Provision of Access		
T5: Parking Standards		
IMP1: Developer Requirements		
IMP3: Developer Obligations		
E5: Open Spaces		

REPRESENTATIONS		
Representations Received		NO
Total number of representations received		
Names/Addresses of parties submitting representations		
Summary and Assessment of main issues raised by representations		
Issue:		
Comments (PO):		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2015 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below.

Section 14 of the Planning (Listed Buildings & Conservation Areas) (Scotland) Act 1997 requires any determination of an application for listed building consent to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Proposal:

- Application for planning permission in principle for 2 dwellinghouses within walled garden of to the northeast of Seapark House, Kinloss.
- Water, foul and surface water drainage arrangements to involve connection to the public water supply, foul and drainage network, and on plot SUDs.
- Submitted documents include an amended indicative site layout plan showing 2 plots within walled garden of Seapark House and a planning supporting statement/cover letter.
- Details of access/egress arrangements for the site also included

The Site

- The application site measures 1400square metres and currently comprises an area of rough ground/informal open space within the walled garden area of Seapark House.
- Current site boundaries include stone garden walls on all 4 sides
- The site sits to the northeast of Seapark House, a Catgeory B listed building

Impact of development on surrounding environment (E5, ENV2 and IMP1)
The site of the proposed development is allocated as ENV2 Private Gardens or Grounds within the Moray Local Development Plan 2015.

When the ENV2 designation is read in conjunction with Policy E5 the latter presumes against development which would cause the loss of, or impact on, areas identified within the settlement statements under the ENV designation as green spaces, will be refused unless a development can demonstrate it is for a public use that outweighs the value of the green space and is sited and designed in such a way as to minimise any adverse impacts on the recreational, amenity and bio-diversity value of the site. This is not the case in this instance, this is purely an application to site 2 dwellinghouses with no obvious or identifiable public benefit and no supporting information has been submitted which examines impact on the recreational, amenity and bio-diversity value of the site. In the absence of supporting information to justify the proposal, it is contrary to Policy E5 and ENV2 and would undermine the aim of the designation and would ultimately lead to the erosion of areas protected by such designations.

Impact of proposal on Listed Building and surrounding environment (BE2 & IMP1)
With listed building consent procedures the main aim, where any new development is proposed, is to protect and preserve the character and special historic or architectural interest of the listed building, whether in seeking to protect key views of the listed building and/or that the works do not adversely impact upon the character, integrity and setting of the Listed Building (policy BE2 refers).

The proposal is for planning permission to site 2 dwellinghouses and associated parking on land to the north east of Seapark House, Kinloss, a Category B Listed Building built circa 1800 in the style of William Robertson. Seapark House dates from 1800 and is Category B listed, essentially a building of national importance. The main 2 storey, 3 bay house we see now dates from around 1830-40 and has single bay wings, each with single storey crenelated octagonal turret-like additions. The house is located on the periphery of Kinloss Village and enclosed by a high stone (rubble) garden wall which defines the curtilage of this property to the south and eastern edge.

It is important to establish that a listed building should remain the focus of its setting. Any development proposal affecting the setting should be subservient in scale and massing to the main subject of listing and be located sufficiently far away as to leave a reasonable level of undeveloped ground surrounding the listed building, which can be classed as its setting.

As a consequence of the previously approved planning permission in principle for 6 house plots to the west of the Seapark House, the addition of 2 further dwellings and associated infrastructure within the walled garden would lead to a build-up of residential development that would detract from the setting of the listed building. Whilst the dwellings could be designed to integrate within the walled garden the cumulative impact of a further 2 dwellings would lead to the erosion of undeveloped open space surrounding the listed building (considered to be its setting) and also impact on key views of the listed building when viewed from the garden areas. Proposal is contrary to Policies BE2 and IMP1.

Impact of proposal on the surrounding environment (H3, EP7, & IMP1)
To ensure compliance with policy H3 & IMP1 the proposal must not adversely impact on the surrounding environment and be sensitively sited, designed and serviced. These requirements are not met where the proposal is located on a floodplain (and information is lacking to mitigate the risk of flooding) and the proposal is located within the ENV2 designation (where no supporting information is provided to justify the location of the development within this green space). Whilst the design of the buildings would be determined with a detailed application the cumulative impact of development on this site combined with the approved 6 plots nearby would ultimately detract from the setting of the listed building. In servicing terms, the arrangements for access and parking are satisfactory (subject to conditions where recommended) but details of infrastructure arrangements to address surface water run-off are lacking, including measures to demonstrate and mitigate the risk of surface water

flooding effects elsewhere within the site.

For these reasons the proposal is considered to be a departure from the above policies.

Drainage and Water (EP10, EP5 and IMP1)
Policies EP10, EP5 and IMP1 require development proposals to be served by satisfactory foul and surface water drainage, adequate water supply and for surface water from such proposals to be dealt with in a sustainable manner that avoids flooding and pollution. Proposed connections to the public water supply and foul drainage network are appropriate and in principle satisfy the above requirements. Scottish Water has not objected to the granting of permission.

Flood Risk Management has not objected but require a Drainage Impact Assessment (DIA) that should describe the proposed drainage arrangements for the development and demonstrate that suitable Sustainable urban Drainage System (SuDS) adopting current best practice can be achieved on site and that properties on and off site are protected against surface water flooding. Design calculations and drawings should be submitted. Any SUDS outlets out to sea would also have to be above the 1 in 200 year flood level.

Developer Contributions (IMP3)
The Developer Obligations unit has advised that contributions will be sought for this development towards healthcare and sports and recreation. The developer has accepted the assessment and confirmed a willingness to pay the contribution.

Access and Parking (T2 and T5)
The site area is sufficient to provide off street parking/turning facilities, and access arrangements as detailed on the amended indicative plan would also satisfy the requirements of policies T2 Provision of Road Access and T5 Parking Standards.

The Transportation Section has assessed these aspects and has again raised no objection to the granting of permission, subject to conditions to facilitate one-way inbound-only operation of the site access to the west of 'Kinloss Garage', a lay-by, parking, drainage and the carriageway safeguarding.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

HISTORY

Reference No.	Description			
15/01376/PE	Proposed development at Seapark Estate Kinloss Forres Moray IV36 3TT			
	Decision	ID/PE Answered	**Date Of Decision**	01/12/15
14/01231/PPP	Erection of 8 residential plots in woodland area to west of Seapark House Seapark House Kinloss Forres Moray IV36 3TT			
	Decision	Withdrawn	**Date Of Decision**	25/06/14

ADVERT		
Advert Fee paid?	**No**	
Local Newspaper	**Reason for Advert**	**Date of expiry**
Forres Gazette	No Premises	07/11/17
PINS	No Premises	07/11/17

DEVELOPER CONTRIBUTIONS (PGU)	
Status	**CONT SOUGHT**

DOCUMENTS, ASSESSMENTS etc. * * *Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc*		
Supporting information submitted with application?		NO
Summary of main issues raised in each statement/assessment/report		
Document Name: Main Issues:		

S.75 AGREEMENT		
Application subject to S.75 Agreement		NO
Summary of terms of agreement:		
Location where terms or summary of terms can be inspected:		

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)			
Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			