

Garage at Bundon, Findhorn

Planning Ref. 18/00795/APP

Planning Refusal Review Statement – Garage at Bundon

The planning refusal stated;

'The proposal is contrary to the adopted Moray Local Development Plan 2015 policies EP7 and IMP1 on flood risk grounds where the proposal would lie entirely within the medium likelihood (0.5% annual probability or 1 in 200 years) flood extent of the SEPA Flood Maps. The proposed garage would therefore be at medium to high risk of coastal flooding in a location that would increase flood risk to surrounding properties.'

The planning refusal is based on the consultation response from Moray Flood Risk Management (MFRM) who objected to the planning application on the grounds that 'the site lies entirely within the medium likelihood (0.5% annual probability or 1 in 200 years) flood extent of the SEPA Flood Maps and may therefore be at medium to high risk of coastal flooding and any development at the site would increase flood risk to surrounding properties'.

It is accepted that the site lies within an area which is susceptible to coastal flooding, as stated above. As the flood risk is from coastal waters, the applicant argues that that the development will not increase flood risk to surrounding properties. There is no indication on the SEPA flood map that the flood will be caused by inundation of seawater as the flood risk area is remote from the sea. The flood will occur at very high tide, when sea level will cause ground water to rise through the porous sand of the site. Coastal waters are effectively limitless in volume; the presence of a garage will not divert this water or increase the risk to surrounding properties.

It is further stated that *'Although some types of small scale extensions to existing properties are considered to be outwith the scope of Scottish Planning Policy, in this particular case the proposed garage is a separate, relatively large building which is located away from the property of Bundon. Therefore it does not appear to us that the proposed garage would fall under this definition'*.

The application was for a garage to serve the house of Bundon. The only place within the applicant's property for an outhouse is on the ground to the rear (north-east) of the house. There is a track through the middle of the site across which others have right of access, limiting the position of any garage to that shown on the application. The applicant makes the argument that a domestic garage does not constitute building development as far as flood zoning is concerned in that it forms part of, and is ancillary to, the Bundon development which already exists.

MFRM suggested that a flood Risk Assessment could be provided, and that it should *'demonstrate that the development is not at risk of flooding during a 1:200 year flood event...'*. It is accepted that the proposed garage may be at risk from such an event, but the proposed construction (concrete floor & blockwork walls) will not be adversely affected by flooding. Electrics can be raised high above any likely flood level. The property will be allowed to flood to prevent pressure difference damaging doors etc, if necessary, by installing vents at floor level. Flood waters will therefore be let into the building, and will be let out when flood water subsides. This means that flood water will not be diverted to increase the flood risk to other properties.

The house Bundon sits on a raised sandbank overlooking Findhorn Bay. There are no existing outhouses attached to the property. It is reasonable to expect that the owners of Bundon will require an outhouse to protect their car, any water sport and gardening equipment they may have from the weather and to provide security for these items.

In summary, it is accepted that the site is liable to suffer a 1:200 year flood. The proposed garage is located on the only position available to the applicants. There should not be any loss of flood storage as the garage will have to accept flood water ingress and any flood will come from coastal waters which are effectively limitless. The construction of the garage will be such that any damage will be negligible.

Whilst it is an argument to prevent new development e.g. a new house, it seems to be unreasonable to deny the applicants planning approval for an outbuilding to an existing house on the basis that the site is liable to a 1 in 200 year flood, especially as it will have no bearing on the level of flood affecting others and the outbuilding will not be materially affected.

The MFRM consultation revealed that a flood risk assessment would effectively be pointless as *'there is a strong chance that the application would still be objected to due to flood risk'*.

Notwithstanding this, for completeness, each section required in a flood risk assessment is commented below:

Source of flooding - coastal waters

- Mitigation – The garage shall be free flooding limiting the displaced water to that of the submerged blockwork and concrete floor. This displaced volume will be compensated by the removal of overburden from the Bundon garden immediately adjacent to the proposed garage. There will therefore be no material impact on surrounding properties and the 1:200 year event will effectively be contained on-site.
- Flooding Impact -The garage structure shall be exposed to flooding but resilient to the effects of flooding by design
- Vulnerability – Zero Impact
- Human Health – Zero Impact
- Environment – Zero adverse permanent or long-term impacts
- Environment – Zero pollution sources
- Cultural Heritage – Zero adverse permanent or long-term impacts
- Economic – Due to resilient design of proposed structure – Zero Impact to Property
- Infrastructure – Zero impact to infrastructure
- Rural Land Use – Zero Impact
- Economic Activity – Zero Impact
- Receptors – Even without the overburden removal mitigation measure there would be zero impact to the structure or material impact to flood risk elsewhere

Additional support for approval of the application is provided by SPP par 263 which permits building in areas with a medium to high risk probability of coastal or watercourse flooding (greater than 0.5%; 1:200 years) and Par 264, which states "It is not possible to plan for development solely according to the calculated probability of flooding. In applying the risk framework to proposed development, the following should therefore be taken into account:" (Applicable items are included below)

- a) The Characteristics of the site – The garage site is elevated and limited pooling could occur before reaching the height of the slipway on the Bundon site and draining to the bay.
- b) The design and use of the proposed development – The garage will be designed to free-flood and be resilient to flooding. It will be used for storage of car, gardening equipment, watercraft etc.
- c) The size of the area likely to flood – The flood area is small (see SEPA flood map) and not materially affected by the volume of blockwork and concrete floor required for the garage.
- d) depth of floodwater – this will be less than a metre at the site before draining into the bay
 - Likely flow rate and path – the flow-rate is minimal as the floodwater will rise and pool until it the tide ebbs and the waters will subside back into the sand dunes that form the site.
 - Rate of rise and duration is not applicable to the garage as it shall free-flood and be resilient to flooding
- e) Vulnerability and risk of wave action for coastal sites – Bundon is adjacent to Findhorn Bay and is sheltered from the open sea by sand dunes, approx 230m from the site.
- f) The effects of climate change – considered in the design