

Planning Objection *Appendix 1
Application 11/02022/PPP
(Demolish Flat and erect 4 no residential units)

Our Ref: 20-01-12

Planning Department
Moray Council

20 January 2012

Dear Sir/Madam,

We write to formally submit objection to **Planning Application Ref: 11/02022/PPP** as neighbours of the proposed application.

Background:

The submitted application is for Heather Lodge “Flat” and we are the owners of Heather Lodge, a semi-detached family home which was previously Heather Lodge Hotel. Heather Lodge “Flat” (is not a flat) and is an extension to our property and is physically joined as one – making our properties “semi-detached”.

The proposed development site is currently a single storey dwelling and garden/recreational space. If not under separate ownership, the site would effectively amount to our garden.

Tytler Street is a Cul-de-sac predominantly consisting of single residential properties populated mainly with families and elderly residents.

The application is as stated “Demolish Heather Lodge Flat and Erect 4 no dwellings”:

It is a material fact that our property is physically joined to the property relating to this application. We believe that a Planning Application in Principle does not provide enough information as required on a range of issues relevant in order for us or any other concerned party to make a fully informed decision and on that basis: **we move to request the application be refused.**

However, with the information currently available we would make the following representations:

(1) SEPA and Scottish Planning Policy (SPP) require that any new development has considerations made against flooding risk and appropriate SUDS arrangements are detailed:

(a) The applicant has noted “don’t know” on the application regarding flood risk; however it is well known that the area is within a flood risk area as documented publically on the SEPA website. In addition to this, a Planning Consultation Response from Moray Flood Alleviation notes the area to be a **Medium to High Flood Risk and has submitted that the application be refused.** It also notes that any application should not be considered until the Flood Alleviation Scheme for the Findhorn has been established. We would further add that we feel any application be refused until such time as an Alleviation Scheme is in place and SEPA have reviewed and published and updated Flood Risk Assessment. **We believe these to be material facts and that the application is contrary to EP7 in that new development should not take place if it were at significant risk from any source and that the application be refused.**

(b) The application makes reference to SUDS arrangements yet there is insufficient information within the application to satisfy us; nor do we have confidence that Moray Council have been supplied with this – which should be available as required by Developer Requirements Sect 9 and EP6. **We move that this is a material consideration and that the application be refused.**

(c) **Policy EP1: Waste Management and Disposal Facilities:**
We move that this application is contrary to Sect 7 of this policy.

(2) **Previous Applications:**

This site has previous applications. Namely Ref: 03/02198/FUL - which was refused. The basis of this refusal is not openly available to view within Moray Council’s On-line Planning tool. However: **We believe the basis of the previous refusal will have material considerations and precedence which should be taken into account by the Planning Department.**

(3) **Vehicles/Parking:** The proposed application submits that there will be 4 dwellings to the rear of our property and 7 parking spaces. **We submit as an objection that;**

(a) The application (Sect 9) states that there are currently 7 parking spaces on this site, so in essence there is inference that an application of 7 parking spaces is simply “like for like”. This is not the case; **we submit that there is hard-standing on the site which is clearly marked as a recreational racket court.**

This does not equate to 7 parking spaces and we would submit it a material fact that 7 spaces is an over-provision. Section 8 of the application clearly states that the area is “garden ground” therefore NOT currently parking spaces.

(b) The over-provision of spaces by 7 cars if taken at the lower end of calculations (i.e. 7 cars = 2 journeys per day) would equate to an additional 5096 per annum vehicle movements into an already constrained cul-de-sac and **we would move to object on the grounds of pedestrian safety, noise and pollution.**

(c) Moray Councils Local Plans for Residential Development stipulate a need to reduce the need for car travel and **we feel it material that and over-provision of parking spaces in contrary to Local Development plans.**

(d) **Moray Council Policy EP12:**

The policy exists in all land uses which through the generation of traffic, for example could result in the deterioration of local air quality. **We believe this application to be contrary to this policy with the increased volume of vehicle movement generated within close proximity to our property/living space.**

(e) The submitted drawings indicate 4 parking spaces to be at a distance of only 1.5m from our property and 1 directly at our rear garden fence. **We find it a material consideration that this is unacceptable in that we will lose privacy at ground level by cars being parked directly against our boundary fence that can see directly into our garden and internal living space. We will be affected by noise and pollution and without appropriate safety barriers this would pose an unacceptable impact risk of injury to our family or damage to our property. Our child’s bedroom sits directly above the marked area and the noise associated with 4/5 (7 total) cars would be an unacceptable position for us.**

(4) Over Development/Over Provision of Accommodation:

The proposed development is out of character to the adjoining property (noted as Heather Lodge and at least 3 other single dwellings on the development boundary). The tendency to produce flats on a Street where there are single residential properties means that there is a clear swing to increase the ratio of flats v single properties:

(a) **Supplementary Planning Guidance: Developer Requirements: We find the development to be contrary to these requirements.** New developments should fit into its surrounding environment and where possible enhance it; it further states that new developments should be compatible with neighbouring uses; creating intimate living areas providing variety by avoiding monotonous, repetitive development. **We find it a material consideration the application is contrary to Developer requirements and that the development should reflect the character of the adjoining property and/or properties and move that it be considered to refuse the application on this basis.**

(b) **Moray Council Policy H3: New Housing in Built-Up Areas; We move that this application is contrary to this policy as it adversely impacts on the surrounding environment and that susceptibility to flooding has been confirmed.**

(c) **Moray Council Policy H4: Sub Division for House Plots:**

This policy exists to protect neighbours from over-development and prevents the development of back land sites on the grounds of character. Further – Local Plans for Residential Development exist to set standards related to the development of new housing which help to maintain the quality of the areas natural and built environment. **We move that the application does not protect the character of our property or other adjoining properties and is contrary to this policy.**

(f) The proposed application notes one block to be sitting within approx two meters of our rear garden and the other to be directly facing/overlooking our side/front garden. These are in direct line of site of our recreational and internal living space. **We feel that the first block is too close to our boundary/recreational space and completely overshadow our property. The loss of privacy from both blocks from ground level and overlooking all or part of our only recreational spaces is unacceptable. The proposed properties would also have line of sight into two of our bedrooms. This would severely impact on our family life and the ability to have private recreational time as well as privacy in our own bedrooms. If this application was approved then we would simply have any privacy compromised completely.**

(g) The noted concern of over-provision of accommodation and subsequent lack of privacy also draws into focus that there is a clear potential for 16 people to reside within what is now a quiet back garden space. **It is material that an additional 16 people on a constrained site would bring an unacceptable risk**

of noise, light pollution and anti-social behaviour. (Noise and light pollution contrary to EP8)

(h) Although welcomed – a 1.5 meter separation after demolition from our property is not satisfactory to enable appropriate routine maintenance especially high-level to our property.

(i) 4 Properties would place an additional 16 bins and recycling containers onto the frontage of our property and place and increased risk of moving pedestrians off the pavement and into traffic.

We feel that **Four** Dwellings on land which is constrained to 0.1 hectare in total in which is currently recreational garden space and forms part of a semi-detached property, **is an over provision of accommodation**. We would give appropriate consideration to a single dwelling like for like if it were to be in keeping with the built environment and other considerations being taken into account.

5. Moray Council People and Places – An Urban Design Guide for Moray:

- (a) We believe that as per the conditions set within this guide in page 21 – a Design Guide has to be submitted and with no current submission the **application is contrary to this guide.**
- (b) Introduction to this guide makes clear that the principle wants to remove the “dominance of the motor vehicle” and further that the guides aims to reduce the reliance upon the car and reinforce the role of our streets as a key way of walking and cycling. **In reference to the over-provision of parking we believe the application to be contrary to the guide.**
- (c) The guide notes benefits of good urban design with “places that are distinctive with their own identity”. **We move that the planned proposal is an over-provision of accommodation is contrary to this aim.**
- (d) The guide notes benefits of good urban design of places “with fewer social problems”. **We move that the application has an unacceptable risk of social problems and is contrary to the guide aims.**
- (e) Further reference is made to the following within the guide:
- An emphasis for the need for new places to be successful places and not “just another development”, which fails to reflect the characteristics of the site and surrounding area.
 - Housing layouts have become dominated by the dependence of the car resulting in the streetscape becoming overwhelmed by car parking.
 - House styles can be bland and repetitive.

We move that the proposed developments do not address these issues and is contrary to its aims.

(f) **Sect 2 Creating Places with Character and Identity:**

- Key principles dictate that Density should be appropriate to the sites context and that new development must reflect and understanding of the context of the surrounding built and natural environment. **We move that the proposal does not fit with these key principles.**
- We believe that the applicant has not submitted a Design Statement and has therefore failed to carry out a “legibility analysis” of the development site as required. This analysis should take into account of neighbouring land uses, materials used in the surrounding area and housing density. **We move that without this the application is contrary to Moray Council requirements.**

6. Wildlife and Trees/Hedgerows:

Supplementary Planning Guidance: Developer Requirements; make clear that trees and hedgerows must be retained, protected and incorporated into the layout and that these should be identified in the site statement and site analysis. It further states that where wildlife is present appropriate measures must be taken to conserve them. **We submit that there are a number of established hedgerows and trees on this site with the applicant referring to these to cut-back/removed. Standing at our property it is very clear that there is a large volume of wildlife and birds nesting/roosting within the trees/hedgerows. We wish any refusal/restrictions to incorporate these concerns.**

Energy Efficiency (ER2):

Guidance states that development should take advantage of any shelter provided by existing landform or trees. **We argue that removal or cutting of the hedgerow/trees would be contrary to this planning guidance.**

7. Demolition/Building Works:

The demolition and building works directly affects our property, land and environment. It is our position that there is not enough physical evidence by way of appropriate plans, risk assessments, drawings, elevations, legally binding agreements or any simple communication to satisfy us of certain concerns and **that on this basis the application is rejected.** These concerns are as noted: *(we refer all aspects of these concerns to relate to us, our property, boundaries, land, fencing and environment).

- Will be protected from demolition and building works.
- Will be made good and to an agreed standard taking into account the current materials and period of our property.
- All services are properly investigated, do not join our own, are properly capped and that all services including gas, electricity, water and waste will be entirely separate from and not affected by demolition and building works.
- Vibration of demolition and building works will not affect or undermine; especially our property and garden wall.
- That site access will not affect or damage in any way.
- That works will be completed within agreed set days, times.
- That asbestos surveys are completed and removal is by an appropriate company and that the scope of works protects us and property from contamination.
- Are protected from dust.
- Failure to comply with agreed conditions or damage to any aspect would incur a penalty.
- That all appropriate Risk Assessments, scopes of work are available to us and work does not proceed until any concerns are addressed.

In summary we object on the following:

1	Over provision of accommodation/over-development.
2	Not in keeping with natural and built environment.
3	Inappropriate materials/finishes
4	Height of proposed development
5	Being Overlooked
6	Loss of privacy both elevated (overlooked) and ground level.
7	Increased noise.
8	Light pollution
9	Pedestrian safety
10	Submitted Plans - Inadequate
11	Contrary to Local Plan
12	Increased vehicle movement
13	Reduction of natural light
14	Pollution
15	Over-provision of parking
16	Drainage/Flooding
17	Precedent
18	Procedures not followed correctly
19	Road safety
20	View affected
21	Poor design

We submit all of the above to be material to our objection and respectfully request that everything is taken into account by Moray Council when deciding upon this application.

Yours sincerely,

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