

29 February 2015

Your Ref: DW/LR17 & 14/01773/APP

Our Ref: CSW/1047475

The Moray Council
Council Office
High Street
Elgin
IV30 1BX



For the Attention of Mr Darren Westmacott

Dear Sir

Review - Site South East of Orchard House, Garmouth, Moray – Erection of One Dwelling (Planning Ref: 14/01773/APP)

We lodged an objection on behalf of our clients, Mr and Mrs Nicholson, at Orchard House, Garmouth, Moray, during the course of the most recent application by Mr Smith in October 2014.

Having reviewed the application Review details, we would lodge our comments in the form of a clients' objection as follows:-

1. Flooding

The proposal site is located within the boundaries of the River and Coastal Flood Map (Scotland), produced by SEPA.

As noted by SEPA, the Flood Map has primarily been developed to provide a strategic national overview of flood risk in Scotland and will help Local Authorities and others to understand flood risk when considering where new homes, businesses and other developments should be built. It also supports current Scottish Planning Policy in relation to the Flood Risk Management (Scotland) Act 2009, whereby Planning Authorities will require applicants to provide an assessment of flood risk where development is likely to result in a material increase in the number of buildings at risk of being damaged by flooding.

This/

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This area is noted as a flood plain and floods regularly, which is clearly shown within our clients' photographs forming Appendix 1, taken in August 2014. The photographs show the access point adjacent to the hall and the access track down to the site, all completely flooded over.

The Policy also notes developments should not take place on land that could, otherwise, contribute to managing flood risk. Scottish Policy notes that in applying the 'Risk Framework', Developers and Planning Authorities should also take into account:-

- the characteristics of the site,
- the use and design of the proposed developments,
- the size of the area likely to flood,
- the depth of water, likely flow rate and path, rate of rise and duration,
- existing flood prevention measures – extent, standard and maintenance regime,
- the allowance for freeboard,
- cumulative effects of development, especially the loss of flood storage capacity, cross boundary effects and the need for consultation with adjacent authorities,
- effects of a flood on access including by emergency services, and
- effects of a flood on proposed open space including gardens

Scottish Policy also notes within Flood Protection and Flood Risk Management Measures, that where flood protection measures will be necessary to enable a development to proceed, a thorough justification including an examination of alternative options should be provided. 'Elevated buildings on structures such as stilts are unlikely to be acceptable.'

In the event that the applicant is proposing land raising, either on the site or proposed driveway, Scottish Policy notes that proposals for land raising should:-

- be linked to the provision and maintenance of compensatory flood water storage to replace the lost capacity of the functional flood plain,
- have a neutral or better effect on the probability of the flooding elsewhere, including existing properties,
- not create a need for flood prevention measures elsewhere, and/

- not create islands of development that should adjoin developments areas outwith the functional flood plain

There is no flood prevention scheme for the Garmouth area, as the costs greatly exceed the benefits, as recommended to the Economic Development and Infrastructure Committee on the 24th August 2010.

The proposed storage ponds, indicated on the applicant's plans, are located within areas of ground which have high groundwater and have been affected significantly by ongoing flooding, as recently as 11th August this year (photos within Appendix 1). The ponds will also be susceptible to algae growth and contamination from fertilizers etc. washed off the adjacent golf course.

2. Drainage

Given that the proposed site is within an area identified as a flood plain, we would question the ability to meet the requirements of a surface water drainage system and would request evidence that this is attainable.

3. Design

The proposal is of a modern design, in contrast to the traditional and historical character of the village, specifically the Conservation Area onto which the application site bounds. The design does not reflect any of the existing buildings, in terms of scale, character or construction materials.

4. Loss of Privacy

The proposal will affect our clients' existing privacy and available light. The proposals indicate a height of approximately 6-7m to the top of the mono-pitch section, excluding any site raising which may be proposed. This will overlook our clients' property, casting a shadow over their premises and will block out the sunlight completely during the winter months.

5. Access

Forward visibility is restricted at the access point.

We believe the section of ground between the applicant's boundary and the public road is owned by others and will therefore be outwith the applicant's control, in terms of access maintenance in retaining visibility and/or installing a culvert. This also relates to the 'Conditions' noted in the Transportation Manager's response to the application, dated 19 May 2014 where, in condition 2, it states -

'Any existing ditch, watercourse or drain under the site access shall be piped using a suitable diameter of pipe, as agreed with the Roads Maintenance Manager...'

The applicant will be unable to meet this Condition if this section of ground is owned by others.

In addition, the access point and access road floods on a regular basis, as can be seen in the Photographs.

6. Trees

The application site plan shows the proposed dwelling within a metre of the Western boundary, which bounds onto an existing green space currently categorised as a green corridor embankment, heavily planted with mature trees. The proposed access is shown along the Eastern boundary between Orchard House and the golf course, which is also heavily planted with mature trees. This breaches the guidelines set down within the Moray Development Plan, Trees and Development, Supplementary Planning Guidance August 2008, whereby any development must be outwith the Root Protection Area, which is, at least, one metre outwith the tree canopy spread. The Moray Development Plan also states that roads and parking must be planned outwith the canopy spread unless they are specifically designed to take account of the tree roots and avoid excavation affecting roots.

7. Moray Local Plan 2008

The Moray Local Plan 2008, Settlement Statement for Garmouth, indicates that the application site is within the settlement boundary; however this may be based on a historic allocation for housing in 2005, during the Consultative Draft period of the Local Plan. The allocation was subsequently removed, principally due to issues in relation to flooding and access, but the settlement boundary was left unaltered. This is highlighted within the 2005 and 2008 Local Plan.

There is currently no allocation for housing, either short term or long term for Garmouth. The Settlement Statement further notes that all principal open spaces which contribute to the environmental amenity of Garmouth should be safeguarded from development, which includes the green corridor embankment immediately to the South - West of the proposal site. The proposal will contravene the objectives of the Settlement Statement in that it will affect the scientific value of adjoining designated areas and the built and natural environment which contribute to the historical character of the village.

Policy H1: Housing Land Allocations of the Moray Local Plan 2008, confirms that there are restrictions on development with zero allowances provided at Garmouth. Further, the housing allocation proposed for each settlement, has been determined through an analysis of a range of factors including:-

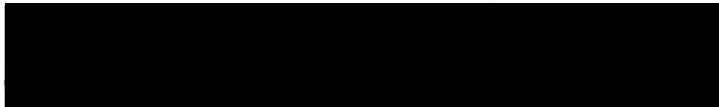
- Technical considerations – waste water, transport, contamination, flooding, ground conditions, availability of services, pollution.
- Amenity considerations – character edges, topography, built and natural environment/heritage.

The New Housing Land Allocations, Table 1 clearly notes that Garmouth has a proposed additional housing allocation of zero. The policy notes that any application over the identified capacity will be dealt with as a 'departure'.

Each of the numbered points above is a valid reason for the refusal of this Planning Application. However, should you require any further information or have any queries, please do not hesitate to contact the undersigned.

We look forward to your response.

Yours faithfully

A large black rectangular redaction box covering the signature of Caroline S Webster.

Caroline S Webster • MRICS

Building Surveyor
Associate
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Enc

Appendices:-

1. Copy of photographs taken by Mr & Mrs Nicholson, showing the site and site access flooding on 11 August 2014

Appendix 1

Copy of photographs taken by Mr & Mrs Nicholson, showing the site and site access flooded on 11 August 2014

