

PLANNING APPLICATION: 07/01679/FUL

In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

The Proposal

- Erection of replacement one and a half storey detached dwelling at Strathlene Cottage, Calcots, Elgin.
- Dwelling to be finished in buff stone render and slate effect tiles.
- The existing access would be utilised.
- Public water connection and individual septic tank and soakaway to serve the dwelling.

The Site

- The site is located on the west side of the B9103, approximately 2.5km from the junction with the A96.
- The site currently contains a single storey dwellinghouse, much of which is overgrown by existing trees and conifers.
- The existing dwelling sits in a line adjacent to two other dwellings, several other dwellings lie across the field to the north east.
- The site is rectangular in shape and covers an area of approximately 864m².

Policy / Objections-Representations / Consultations - See Appendix

History

None.

Advertisement

Advertised as a departure from the development plan.

Observations

Determining issues:

Departure from Countryside Around Towns Policy (L/ENV11, Adopted Moray Local Plan 2000 and E10 - Emerging Moray Local Plan 2008)

The site is located within the Elgin Countryside Around Towns (CAT) area and is subject to policy L/ENV11 which seeks to restrict development proposals within the undeveloped countryside area around the town in order to protect its special character and to preserve the distinction with the built-up environment. Such a designation surrounds Elgin and within such areas there is a presumption against development unless it involves the rehabilitation,

conversion, limited extension or change of use of existing buildings. The current proposal is to demolish and replace an existing dwelling, which is not one of the prescribed exceptions to the presumption against development within the CAT designation. However for the reasons identified below it is considered that an acceptable departure can be justified in this case. The reasons are as follows:

1. Policy EP10 contained within the Emerging Local Plan now states that development proposals within the CAT will be refused unless it involves the rehabilitation, conversion, limited extension, replacement or change of use of existing buildings. This policy is now a material consideration and as such allows for the current proposals for a replacement dwelling.
2. This replacement dwelling despite being larger than the dwelling it is proposed to replace, it is not considered to have an adverse impact upon the Elgin CAT and its objectives, and would preserve the distinction with the built up environment and protect its special character.

Flooding (L/ENV21, Adopted Moray Local Plan 2000 and EP7 Moray Emerging Local Plan 2008 & Structure Plan Policy 2(j))

The site of the proposed dwelling is located to the north of 'Bridge of Calcots' on the River Lossie. The site lies entirely within the indicative limits of flooding shown upon the indicative River and Coastal Flood Map (Scotland) for floods within a 1 in 200 year return period (i.e. a 1 in 200 chance of occurring in any one year, or 0.5% annual probability).

The proposal falls to be assessed against policy L/ENV26 (Managed Risk Proposals), policy EP7 and SPP7. The proposal is for the replacement of an existing dwelling, the existing dwelling footprint is believed to be 2/3 of that of the proposed dwelling. The worst case 200-year water level of 5.05m AOD was supplied to the agent by the Moray Flood Alleviation Group. The finished floor levels of the proposed dwelling will be set at 5.90m AOD providing a freeboard of 850mm. The garage set at 5.05m and along with the solum of the house will be allowed to flood.

SEPA have been consulted and state that as the development proposal entails the construction of a replacement dwelling no objections are raised subject to a condition being imposed regarding the finished floor levels. SEPA have also advised that they are satisfied that the proposal in its current form is acceptable on this basis as it is unlikely to lead to additional residents being introduced into an area liable to flood.

SPP7 requires developers and Planning Authorities to take into account of the effects of a flood on access, including by emergency services. In this regard a further condition is to be attached to the consent requiring an emergency response plan to be formalised prior to any work commencing on site. SEPA have also confirmed that they have no objections to this matter being dealt with as a planning condition.

The Moray Flood Alleviation team have also been consulted and have raised concerns about permitting development in areas of flood plain where such development will place a financial burden on the Council regarding the need to rescue or provide other emergency services when the development can be accessed owing to flood water. Concerns have also been expressed about the need for a policy decision where there is a strong economic case for managed withdrawal from a flood plain where there is no economic case for a flood prevention scheme as

is the case with this area of the River Lossie catchement. Despite the above reservations Moray Flood have acknowledged that SEPA have raised no objections and on this basis have also raised no objections subject to the emergency plan being a condition of approval.

Impact of Replacement Dwelling on the character of the surrounding Area (L/HC2 Re-Use of Derelict Sites and Existing Buildings, L/HC5, LIMP2, L/IMP3 & IMP1 of the Emerging Local Plan 2008)

The existing dwelling on the site is a single storey dwelling and fulfils the requirements of level 4 as defined in policy L/HC2. The principle of a replacement dwelling in terms of this policy meets the necessary criteria and the only issues to be considered therefore are the scale and design of the dwelling.

Amended plans have been submitted following negotiations regarding the original height of the proposed dwelling which previously included full two-storey accommodation. The revised drawings now submitted show the majority of the first floor accommodation contained within the roofspace and when combined with the raised floor level to address the flooding issues result in a dwelling with a ridge height of 7m which is considered to be in keeping with the character of the surrounding area. The width of the gables also complies with the gable formulae policy L/HC5. The agent has also confirmed that the applicant is happy to accept a condition being imposed requiring slate effect tiles to be used on the roof in place of the proposed concrete tiles, which are considered to be more sympathetic in the open countryside locations.

The site has become overgrown and the removal and trimming of much of this existing vegetation will be required to accommodate the new dwelling and comply with the conditions recommended by the Transportation Section. In this regard a landscaping condition is to be imposed to ensure that as much existing vegetation is retained as possible. In addition as part of this scheme there will be a requirement for replacement planting to assist with integrating the new dwelling into the surrounding open countryside.

Author/Contact Officer: Beverly Smith
Planning Officer

Ext: 01343 563276

Signature (*Alan Short, Development Control Manager*)

R A STEWART
DIRECTOR OF ENVIRONMENTAL SERVICES

APPENDIX

POLICY

Moray Structure Plan 2007 and/or Moray Local Plan 2000

Policy 1: Development and Community

The policy set out below identifies the strategic community development requirements for the delivery of the structure plan strategy-

The Moray Structure Plan Strategy will be supported by:

- e) the encouragement of low impact, well-designed development in the countryside to support local communities and rural businesses.

Policy 2: Environment and Resources

The Moray Structure Plan Strategy will be supported by: -

- e) providing protection from development to the countryside around the towns of Elgin, Buckie, Keith, Forres and Lossiemouth.
- f) conserving and enhancing the areas built heritage resources and their settings.
- j) promoting schemes to alleviate flooding in a sustainable and sensitive way using natural ecosystems and features where possible and also restricting development within flood risk areas following the guidance set out in the Risk Framework in SPP7: 'Planning and Flooding' and promoting flood risk management schemes to tackle flooding that threatens existing development and considering development proposals against the Flood Risk Framework set out in Table 5.

Policy L/ENV11: Countryside Around Towns (CAT)

There is a presumption against development within the CAT areas identified around Elgin, Forres, Buckie, Keith and Lossiemouth, unless it involves the rehabilitation, conversion, limited extension or change of use of existing buildings.

New business enterprises, unless directly related to low intensity recreational uses or specifically allowed under the terms of other Local Plan policies within these areas (e.g. for mineral extraction), will not normally be appropriate.

Policy L/ENV12: Archaeological Sites

The Council shall seek to protect and preserve, and where appropriate, enhance all important sites of Archaeological interest and their settings. The Council will not permit development which will adversely effect significant Archaeological Sites and when determining applications on or near such sites, the Regional Archaeologist, and other relevant bodies (e.g. The Moray Society) will be consulted to establish a site's significance in national, regional and local terms.

Where, in exceptional circumstances, the preservation of Archaeological features does not prove feasible, the Council shall require the excavation and the recording of a site where the primary aim of preservation has not been achieved.

Where new development is proposed which will effect national or regionally important archaeological sites, developers will be required to carry out an Archaeological assessment prior to commencement of works and fund subsequent intervention.

Policy L/ENV26: Control of Development in Flood Risk Areas

(ii) Managed Risk Proposals

The Council will seek to manage the threat from flooding for developments not considered as 'high risk'. Within this approach there is an acceptance of risk on the basis that developments must adopt appropriate mitigation measures and have the potential to make a contribution to the improvement of flood water management within the area at risk. Applications will only be approved where they can demonstrate that the development;

- a) has been designed to minimise risk of inundation and will not contribute to or increase the risk of flooding elsewhere.
- b) has adopted all reasonable measures to improve the management of flood waters on and adjacent to the site and to assist the protection of properties within the vicinity of the site.
- c) does not impede the flow of flood water or the ability of the floodplain to store water and to flood naturally and takes account of the impact on riparian habitat and wetland.
- d) incorporates building design measures and materials to assist evacuation and minimise damage from inundation.
- e) employs, where possible, the use of Sustainable Urban Drainage Systems in the disposal of surface water run-off to the satisfaction of SEPA and the Council, and provides for their maintenance.
- f) can provide for the maintenance of any approved privately funded flood defence measures, to the satisfaction of the Council, (river engineering works associated with flood protection must also meet the requirements of policy L/ENV25).

The Council will be advised on the acceptability of risk/mitigation measures by its Planning, Roads and Building Standards Services together with SEPA and NOSWA on the basis of the precautionary principle as defined in NPPG7.

Applicants may be required to submit hydrological survey and assessment information in support of their proposals and may be required to make a contribution to flood defences under the terms of policy L/F1.

L/HC2: Re-Use of Derelict Sites and Existing Buildings

The Council will presume to approve applications for residential development involving the re-use of existing buildings, including existing dwellings, farm steadings, mills, etc. where the renovation of the original building is sensitively designed and is to form the core of the new development. In general, most stone buildings in the countryside will be acceptable for re-use

but some buildings, such as cattle sheds, temporary buildings or hill bothies may not be appropriate for re-use or replacement because of visual and environmental impact especially in certain sensitive locations. For the purposes of this policy, "existing buildings" are defined by the accompanying diagram.

In line with the Council's policy on local vernacular buildings (policy L/ENV16) the Council will normally seek restoration of an existing building in preference to demolition and re-development. Where a building is considered to be of some architectural merit locally (e.g. a substantial stone built farm building), and is considered structurally sound for residential use, the Council will resist proposals to replace it, and may insist on renovation and re-development. The Council may refuse a subsequent application if demolition is carried out without prior consultation.

The Council will only accept the principle of replacement of an existing building where there is visible evidence of the structure of the existing building to the equivalent of "level 4" as indicated in Diagram 1, i.e. window sill height - with the full extent and use of the building reasonably established.

Level 4 is defined as a structure which exists at any of the following stages:-

- i) the four walls are complete to at least window sill height - if window sill height cannot be determined, minimum height of all walls should be 700 mm above floor level; or
- ii) any two of the four walls are complete to wall head height; or
- iii) both gables are intact to a minimum height of 2 m above floor level.

Archaeological evidence, excavation, or the production of old maps will not be acceptable as evidence of a derelict site, for the purposes of this policy.

The siting of a new dwelling on a derelict site should be similar to that of the previous building in terms of orientation and distance from the road. Applicants should not presume that approval will be granted for a new dwelling sited at a significant distance from the original building, unless individual site conditions suggest potential improvement. The design of a new house will be subject to Policy L/HC3.

Although this Policy presumes to approve rehabilitation and replacements, there may be locations where re-establishment of a house is not appropriate because circumstances have changed e.g. at main roadsides, in environmentally protected areas or on land now given over to prime farmland.

Where a proposal does not qualify as re-use or replacement it will be considered as a new house in the open countryside and judged accordingly.

L/HC5: Gable/ Roof Pitch Parameters

For purposes of clarification the Council has adopted the following parameters as definitive guidance on the shape and proportions of gables and roof pitches on conventional new houses to be approved under policy L/IMP2 for the countryside and rural communities. The design of new houses will be assessed under the terms of policy L/IMP3 'New Building Design' in Chapter 8.

The overall width of the gable should not be less than the height of wall from ground to eaves level.

The overall width of a gable shall not be more than 2.5 times the height of wall from ground to eaves level.

The pitch of a roof shall be no less than 40° and no greater than 55°.

Definitions:

Ground - "A fixed external point measured 100 mm below the finished floor level of a house with a solid ground floor or 300 mm below the finished floor level of a house with a suspended ground floor."

Eaves - "The point at which the front face of the external wall and the uppermost point of the roofline intersect."

Exceptions to the above will only be considered where designs as assessed under L/IMP3

- i) clearly exhibit architectural innovation (such as those illustrated in the planning policy guidance book),
- ii) do not adopt the conventional gable form (e.g. those designs based on circular or curved forms), or;
- iii) adopt advanced design elements, which maximise energy efficiency.

This policy applies only to new dwellings. It does not apply to other buildings and may not be applicable in Rural Communities where the dominant character is identified as Group 'C' buildings (see Guidance).

Policy L/T4: Provision of Road Access

The Council will require that a suitable and safe access from the public highway is provided.

Policy L/T7: Parking Standards

Proposals for different forms of development must comply with the Council's 'Car Parking Standards' (available from the Council's Roads Service).

Where development (including housing) within the defined town centre cannot reasonably supply parking on site, (or where it is appropriate not to include parking), the developer will require to comply with the Council's system for 'commuted payments' for parking. Housing development in town centres which need not provide residential parking on site, must make provision for vehicular access for deliveries and emergencies.

In housing developments of over 30 houses, provision must be made for communal off-street parking, in addition to in-curtilage in order to permit the parking of large commercial vehicles away from road frontages.

Policy L/IMP2: Development in Rural Areas

The Council will seek to ensure that all proposals for development in the rural area (i.e. all areas in Moray outwith town settlement and rural community boundaries) are compatible in terms of character, amenity and design, integrate sensitively into the environment and, where possible, located within easy walking range of public transport (this latter requirement will particularly apply to large scale developments). The Council will, therefore, pay special regard to matters such as traffic and landscape impact, accessibility, loss of productive or biodiverse land, siting, scale, colour and energy conservation. The Council will consult relevant organisations such as Scottish Natural Heritage, the Scottish Environmental Protection Agency etc. on significant development proposals and 'The Moray Landscape Character Assessment' report as prepared by Scottish Natural Heritage will be utilised to inform decisions on siting and locating within the landscape.

Policy L/IMP3: New Building Design

(i) Design Principles

All building development must be designed to respond adequately to the locality. Applications must meet the following requirements:-

- a) appropriate location in landscape or townscape
- b) careful placement on a site, particularly in relation to character, amenity and energy conservation
- c) appropriate size and form in relation to existing buildings, sky line and landform
- d) appropriate density, layout and orientation in relation to character, amenity, privacy of neighbouring properties and energy conservation
- e) sensitive use of materials and colours in relation to existing setting and environmental impact

Standardised solutions to building design are not encouraged and will not be acceptable unless existing context (the design and character of the existing surroundings) suggests otherwise. Design solutions which seriously compromise the amenity and character of the area will not be permitted.

Highly innovative, experimental solutions will be encouraged but may not be suitable in every situation. In certain circumstances, the Council may request written design statements explaining various aspects of design solution e.g. explaining why a particular approach has been taken, and expect applications to show new buildings in their wider relationship with surrounding properties and the site (plans and elevations/perspective/ photomontages showing adjacent buildings, trees, landform etc)

(iv) Materials

The Council will particularly encourage the use of materials which are sustainable. The use of salvaged or recycled material is encouraged in most circumstances subject to local situation and there is a strong expectation that traditional materials will be used on heritage structures. The Council will discourage the over use of high energy materials (i.e. those which require high

energy levels to make and dispose) where alternatives can be used and is also concerned about the potential long term affects of using Tropical Hardwoods, from non-managed sources.

Emerging Moray Local Plan 2008 - Material Consideration

EP5: Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)

Surface water from development should be dealt with in a sustainable manner that avoids flooding and pollution and promotes habitat enhancement and amenity. All sites should be drained by a SUDS system or equivalent. A Drainage Assessment will be required for developments of 10 houses, or greater than 100 sq metres for non residential proposals. Applicants must agree provisions for long term maintenance to the satisfaction of the Council, SEPA and Scottish Water.

EP7: Control of Development in Flood Risk Areas

Proposals for development in areas considered to be at risk from flooding will only be permitted where a flood risk assessment to comply with the recommendations of National Guidance and to be satisfactory to both SEPA and the Council is provided by the applicant. The assessment must demonstrate that any risk from flooding can be satisfactorily mitigated without increasing flood risk elsewhere. New development should not take place if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere. Due to continuing changes in climatic patterns, the precautionary principle will apply when reviewing any application for an area at risk from inundation by floodwater. The following limitations on development will also be applied to take into account the degree of flooding as detailed in National Guidance;

- a. in areas of little of no risk (less than 0.1%) there will be no general constraint to development.
- b. areas of low to medium risk (0.1% to 0.5%) will be considered suitable for most development. However, these areas will generally not be suitable for essential civil infrastructure such as hospitals, fire stations, emergency depots etc. Where such infrastructure has to be located in these areas or is being substantially extended, they must be capable of remaining operational and accessible during extreme flooding events.
- c. in areas of medium to high risk (0.5% or above)
 - i. in built up areas most development may be acceptable if flood prevention measures exist, are under construction, or are planned.
 - ii. essential civil infrastructure will generally not be permitted.
 - iii. undeveloped and sparsely developed areas are generally not suitable for additional development. Exceptions may arise if a location is essential for operational reasons.

EP9: Contaminated Land

Development proposals on potentially contaminated land will be approved if:

- a. site specific risk assessments are undertaken by the applicant to identify any actual or possible significant risk to human health or safety, or to the environment and that any previous historic uses are not continuing to cause significant pollution to the water environment, and
- b. effective remediation measures are agreed to ensure the site is made suitable for any new use granted consent, and
- c. appropriate measures for the disposal of any contaminated material is agreed with the Council.

The Council will consult SEPA in respect of pollution of controlled waters and licensing issues arising from remediation works.

EP10: Foul Drainage

All development within or close to settlements (as defined in the Local Plan) of more than 2,000 population equivalent will require to connect to the public sewerage system unless connection to the public sewer is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed that investment to address this constraint has been specifically allocated within its current Quality and Standards Investment programme and the following requirements apply:

- i. systems shall not have an adverse impact on the water environment;
- ii. systems must be designed and built to a standard which will allow adoption by Scottish Water;
- iii. systems must be designed such that they can be easily connected to a public sewer in the future. Typically this will mean providing a drainage line up to a likely point of connection.

All development within or close to settlements (as identified in the Local Plan) of less than 2,000 population equivalent will require to connect to the public sewerage system except where a compelling case is made otherwise. Factors to be considered in such a case will include the size and dispersal of the settlement, the size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage problems within the area. Where a compelling case is made, a private system may be acceptable provided it does not pose or add to a risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or the amenity of the general area. Consultation with SEPA will be undertaken in these cases.

Where a private system is deemed to be acceptable (within settlements as above or small-scale development in the countryside) a discharge to land (either full soakaway or raised mound soakaway) compatible with the Technical Handbooks (which set out guidance on how proposals may meet the Building Standards set out in the Building (Scotland) Regulations 2004) should be explored prior to considering a discharge to surface waters.

H7: Re-Use and Replacement of Existing Buildings in the Countryside

The re-use or replacement of existing buildings in the countryside for housing will be acceptable if

- a. There is clear physical evidence of a previous building, using the equivalent of Level 2 as depicted in diagram 1, where the full extent of the building is clearly established.
- b. The proposed house(s) sit on at least part of the footprint of the previous building(s). Exceptions will be made when development on the footprint is demonstrated as being unviable due to site characteristics such as flooding.
- c. To avoid suburban development, the scale, design and layout must reflect the form/layout/appearance of the previous building(s) (for example courtyard developments and linked dwellings). Where appropriate, developments should re-use stonework and salvaged materials.

This policy does not apply to the replacement of temporary structures such as wooden stables and cattle sheds. The Council will seek the conversion or renovation rather than the complete replacement of substantially intact stone and slate buildings, such as churches, mills, granaries and schools.

N.B. where buildings are substantially intact there may be a requirement to provide a survey to identify the presence of bats and assess any potential impact on their roosts.

T2: Provision of Road Access

The Council will require that a suitable and safe road access from the public highway is provided to serve new development and where appropriate any necessary modifications to the existing road network to mitigate the impact of development traffic, and the provision of appropriate facilities for public transport, cycling, and pedestrians. Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.

SPP17 details that there is a presumption against new accesses onto a trunk road and that the Scottish Executive will consider the case for such justifications, where nationally significant growth or regeneration benefits can be demonstrated.

T5: Parking Standards

Proposals for development must conform with the Council's policy on parking standards.

IMP1: Development Requirements

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It must meet the following criteria:

- a. the scale, density and character must be appropriate to the surrounding area,
- b. the development must be integrated into the surrounding landscape,

- c. adequate roads, public transport, and cycling and footpath provision must be available, at a level appropriate to the development,
- d. adequate water, drainage and power provision must be made,
- e. sustainable urban drainage systems should be used where appropriate, in all new developments
- f. there must be adequate availability of social, educational, healthcare and community facilities,
- g. the development should, where appropriate, demonstrate how it will incorporate renewable energy systems and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria,
- h. provision for the long term maintenance of public landscape and amenity areas must be made,
- i. conservation of natural and built environment resources must be demonstrated,
- j. appropriate provision to deal with flood related issues must be made, including the possibility of coastal flooding from rising sea levels and coastal erosion,
- k. pollution, including ground water must be avoided,
- l. appropriate provision to deal with contamination issues must be made, and
- m. the development must not sterilise significant workable reserves of minerals, prime quality agricultural land, or preferred areas for forestry planting.
- n. where appropriate, arrangements for waste management should be provided.

Policy E10: Countryside Around Towns

Development proposals within the Countryside Around Towns (CATs) areas identified around Elgin, Forres, Buckie, Keith and Lossiemouth will be refused unless it:

- a. involves the rehabilitation, conversion, limited extension, replacement or change of use of existing buildings, or
- b. is necessary for the purposes of agriculture, forestry, low intensity recreational use or specifically allowed under the terms of other Local Plan policies within these areas, or
- c. is a designated "LONG" term housing allocation, released for development under the terms of policy H2.

OBJECTIONS-REPRESENTATIONS

Two letters of objections received from:

- Roy and Anne Laing, Lavona, Calcots, Elgin, IV30 8NB

- **Flooding Issues**

We are not clear of the impact on our property of a building that size and development being proposed in an existing flood area on a site that has been badly flooded on three occasions during the last 10 years. Our property has not been flooded to date however the property is proposed in one of the worst affected in the area. The Council have already decided that there is to be no flood alleviation in this area and we ask that caution is therefore exercised when new planning applications are proposed which vary significantly from properties already existing. We ourselves had planning application for an extension which we have put on hold until further details of the Elgin Scheme and how it will affect our area are clearer. Any planning decision made relating to this site which consequently results in our property being detrimentally affected will be considered by us to be the fault of the Council and the Councillors involved.

Applicant's comments: The Flood Alleviation Group and SEPA have been contacted with regard to flooding in this area and the proposed design has taken on their requirements. This was to allow the garage to flood but raise the height of the ground floor to a level above the projected 1 in 200 years flood. The solum of the house will flood which reduces the footprint of the building and subsequently the knock on effect of displaced water.

Comment: See observations section, SEPA's and Moray Flood Teams' consultation reply.

- **Impact on Character of the Surrounding Area**

It may not have sufficient cover to allow the large building to blend in with the surroundings. We are not clear whether this is the case or not.

Applicant's comment: The project is being redesigned to reduce the impact of the new house

Comment: The reduction in the size and height of the dwelling is not considered not to have an adverse impact on the character of the surrounding area.

- **Contaminated Land**

We are aware that there is asbestos in the existing buildings and we would like to be assured that this is being disposed of appropriately.

Applicant's comment: The existing house which is to be demolished will have all materials removed from the site and if as stated there is asbestos then this will be dealt with by the required Health and Safety guidelines.

Comment: Contaminated Land have been consulted and the agent has confirmed that there is no asbestos within the existing dwelling.

- **Overlooking of Adjoining Property**

We are unclear from the drawings presented so far whether any upstairs windows are looking onto our property.

Applicant's Comment: The proposed house has been redesigned after initial comments by neighbours to overall height and windows reduced to one at ground floor level. The distance to the neighbour's house is approximately 13m to the boundary. Their own house is single storey and is orientated east/west, which does not look onto this site.

Comment: No windows from the first floor overlook the adjacent property.

CONSULTATIONS

SEPA - The site of the proposed dwelling is located to the north of 'Bridge of Calcots' on the River Lossie. The site lies entirely within the indicative limits of flooding shown upon the Indicative River & Coastal Flood Map (Scotland) for floods with a 1 in 200 year return period (i.e. a 1 in 200 chance of occurring in any one year, or 0.5% annual probability).

The proposal is for the replacement of an existing dwelling, the existing dwelling footprint is believed to be approximately 2/3 of that of the proposed dwelling. The worst case 200 year water level of 5.05m AOD was supplied to Keith Edwards Architect by the Moray Flood Alleviation Group. The finished floor levels of the proposed dwelling will be set at 5.90m AOD (detailed in drawing A896.07.02), thus providing a freeboard of 850mm. The garage set at 5.05m AOD and along with the solum of the house will be allowed to flood.

SPP7 states that: "elevating buildings on structures such as stilts is unlikely to be acceptable for watercourse or coastal flood risk". However in this instance the development proposal entails the construction of a replacement dwelling and as such SEPA would remove its objection that, should the Planning Authority be minded to approve the application, a planning condition be imposed to ensure that finished floor levels are set no lower than 5.90m AOD (N).

SEPA is satisfied that the proposal in its current format is unlikely to lead to additional residents being introduced into an area liable to flood however SPP7 required developers and Planning Authorities to take into account the effects of a flood on access, including by emergency services.

Moray Flood Alleviation Team - The site is in a functional flood plain. The road outside will still flood at 1:200 years and the application should show how access to the house may be maintained without placing a financial burden on the Moray Council. It is not acceptable to permit development that would require the Council to rescue the homeowner in a flood. In addition, what about access for emergency vehicles in the event the road is flooded.

I consider the Council needs to take a policy decision regarding permitting development in areas of flood plain where such development will place a financial burden on the Council regarding the need to rescue or provide other emergencies services when the development can be accessed owing to flood water. Indeed the owner may be stranded and not able to get to their property in a flood event. I hope they would not expect the Council to provide alternative accommodation until the flood water subsided.

There is a strong economic case for managed withdrawal from a flood plain where there is no economic case for a flood prevention scheme as is the case with this area of the River Lossie catchment. A business case was investigated for the downstream area of the River Lossie and it as found that the benefit: cost ratio was 0.1. A figure of greater than one is needed to justify a scheme. A scheme to protect this area would have cost £35-40 million. I am not happy about allowing development in a functional flood plain but SEPA appear happy with this. I understand that we may eventually finish up paying compensation to these developments if the new owners can show there has been a negative effect on their property by the Elgin Flood Scheme.

No objections to the development subject to the emergency plan being a condition of approval.

Scottish Natural Heritage - No objections subject to informatives being imposed.

Contaminated Land, Development Services - No objections subject to conditions.

Transportation Manager, Direct Services - No objections subject to conditions.

Scottish Water - No objections.

Archaeologist (Aberdeenshire Council) - No objections subject to watching brief condition.

Environmental Health Manager, Development Services - Approve unconditionally.

Environmental Protection Manager, Direct Services - No objections subject to conditions.