

Planning Development Management Committee

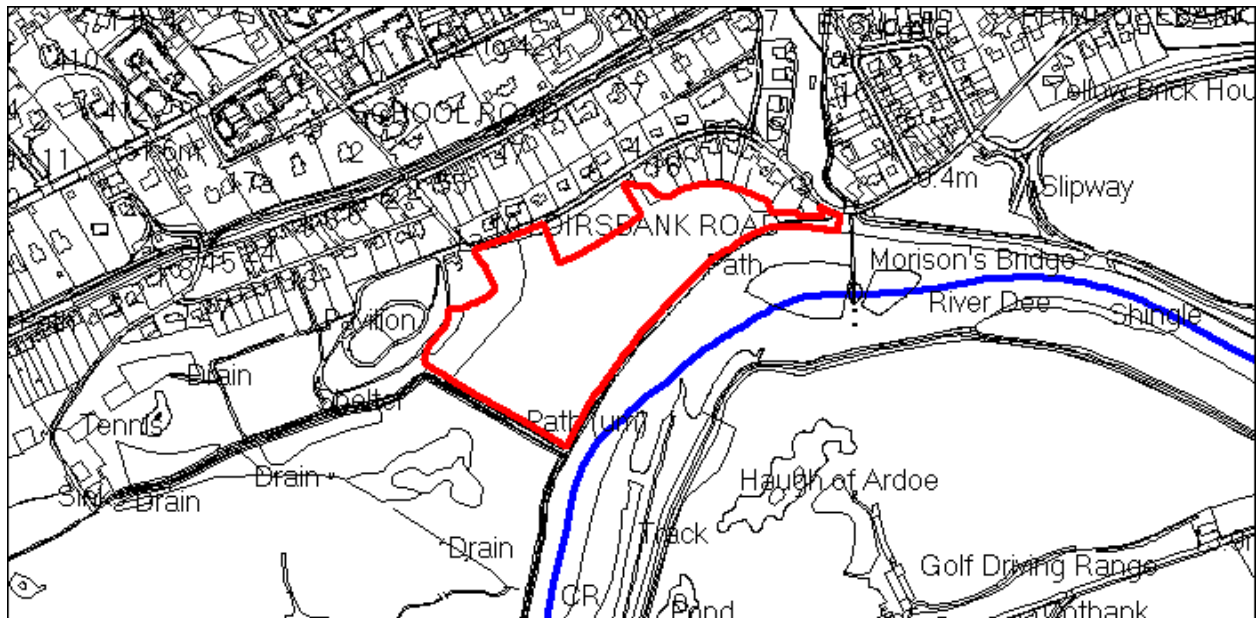
LOIRSBANK ROAD, (LAND TO SOUTH WEST)

EXCAVATION AND GROUND WORKS TO
FORM COMPENSATION STORAGE AREAS

For: Forbes Homes Ltd

Application Type : Detailed Planning Permission
Application Ref. : P111697
Application Date: 16/11/2011
Officer: Lucy Greene
Ward : Lower Deeside (M Boulton/A Malone/M
Malik)

Advert : Dev. Plan Departure
Advertised on: 29/02/2012
Committee Date: 24 April 2014
Community Council : No comments



RECOMMENDATION: Refuse

DESCRIPTION

The application site consists of two areas of the field that bounds Loirsbank Road and slopes steeply down from the road towards the south. The area of land in question is approximately 1.1 in total. The areas are as follows:

- An area of sloping ground at the north west corner of the field and abutting Loirsbank Road. Part of this area contains trees and shrubs of a variety of species and sizes. The area is irregular in shape, but measures approximately 90m by 90m.
- An area of sloping ground abutting the ends of gardens of the houses recently constructed on Loirsbank Road. This area is grassed, is irregular in shape and measures approximately 36m wide by 144m long.

To the south of the areas is the remainder of the field, with the River Dee being approximately to the south; to the east an area that was formerly part of the field is under development for 8 houses, a number of which are now occupied. To the west of the site is an area of natural wildspace, containing trees.

The River Dee is a Special Area of Conservation (SAC), on the opposite side is a golf course and farm land.

RELEVANT HISTORY

An application (ref. 111153) for an agricultural access on the site of this current application was approved in December 2011.

An application for 8 houses on land to the immediate east (ref. 101384) was approved by Committee in August 2010, contrary to Officer recommendation, and these are currently under construction.

Two planning applications (references 091213 and 091214) were withdrawn in October 2009. These proposed 7no. and 6no. houses respectively.

PROPOSAL

The application proposal is for the creation of two compensatory flood storage areas, these would consist of excavated areas in the two locations described above.

The compensatory flood storage is required in connection with the proposed development of four houses on the adjacent site, as per planning application reference 111566, also on the agenda for this committee.

The compensatory storage areas would involve excavation as follows:

- The north west area would be graded from the existing ground level at the south end of the site up to a maximum of approximately 3.5m of excavation in the north west corner, the adjacent ground would be re-graded to create an embankment down from road level to the edge of the storage area. The proposal within this area would involve the removal a

- number of self-seeded trees as well as shrubs and foliage that currently exist within the north west corner of the site.
- The north east area would be graded from the existing ground level at the south western side to a maximum of approximately 3.0m below existing levels on the north east side. A small embankment would be created between the flood area and the ground to the north east.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?111697>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because there are twelve letters of objection. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – No objection.

Environmental Health – No objection.

Enterprise, Planning & Infrastructure (Flooding) - Object due to lack of clarity about impact on floodplain of changing topography within the boundaries of the River Dee and that the proposal is contrary to SPP.

Education, Culture & Sport (Archaeology) – request attachment of a condition requiring an archaeological investigation to take place prior to development.

Scottish Environment Protection Agency (SEPA) - Object in principle to the development. It is confirmed that the updated compensatory storage layout provides for a greater volume of flood water than before and technically compensates for the losses of storage due to the proposed land raising.

Scottish Natural Heritage (SNH) – The proposal could have a significant effect on the River Dee SAC and any consent should be subject to a condition addressing pollution prevention measures. SNH would not object as long as the relevant condition was attached to any consent granted.

Community Council – No comments.

REPRESENTATIONS

Twelve letters of objection have been received. The objections raised relate to the following matters –

1. Flood water would be brought closer to Loirsbank Road and existing properties. The application site is part of the functioning flood plain. Manipulation of the river boundaries is likely to cause the river to swing across flood plain as has happened historically along the river. It should also be noted that SEPA have objected. There would be very little

- 'freeboard' between flood level and the ground floor of the houses, whilst parts of the garden would remain within the flood plain.
2. The information on flood risk assessment is carried out by the applicant's agent and SEPA are reliant on the accuracy and completeness of the information. There is reason to question the accuracy of this.
 3. The excavation is to create platform for development.
 4. The application site is green belt and do not comply with policies justifying development in the green belt.
 5. The proposed area of excavation may make surrounding land unstable, including nearby houses and the aqueduct. Use of heavy plant may cause structural damage to house, as is alleged to have happened with the erection of the eight existing houses.
 6. The excavation proposed may bring properties on the other side of Loirsbank Road into a flooding zone in terms of creating difficulties with insurance.
 7. The proposal is granted would set a precedent for development on flood plains and other sensitive areas.
 8. The proposal would be damaging to the environment and would adversely affect landscape character.
 9. Public safety on roads would become an even greater issue with four additional houses. Parking for Allan Park is often an issue for example, at times of cricket matches, and Loirsbank Road is used for parking.
 10. Disruption during building works.
 11. The proposal would block access to the field and golf club.
 12. The use of matting to stabilise land would effectively sterilise the land for agricultural use.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)

Paragraph 204 includes a risk framework, this states that undeveloped medium to high risk area are generally not suitable for additional development.

Paragraph 159 describes the purpose of the green belt: directing planned growth to the most appropriate locations, to protect the quality, character, landscape setting and identity of towns; and, to give access to open space around towns.

Paragraph 163 describes certain types of development that may be appropriate in the green belt. These do not include mainstream residential development and associated works.

Aberdeen City and Shire Strategic Development Plan (2014)

Paragraph 4.11 states that:

Areas of Aberdeen and Aberdeenshire are already at risk from flooding, but increased risk comes about through changing and more unpredictable weather patterns and rising sea levels. Avoiding flood risk is an important measure to adapt to climate change. We will need to take account of the scale of these changes when we consider what new developments should be built and where they should be located.

Paragraph 4.31 states that:

The green belt around Aberdeen will continue to play a vital role in protecting the character and landscape setting of the City... It must guide development to appropriate places while protecting the most important areas. Accessible green networks within and around Aberdeen and other major settlements will also be important to achieving a high quality environment.

Aberdeen Local Development Plan

Policy NE2 – Green Belt

Presumption against development other than in certain circumstances, none of which are relevant in this case.

Policy NE1 – Green Space Network (GSN)

Aims to protect, promote and enhance the wildlife, recreational, landscape and access value of the GSN. Proposals that would destroy or erode the character of the GSN would not be permitted.

Policy NE5 – Trees and Woodland

Presumption against all activities that result in the loss of trees and woodland that contribute significantly, *inter alia*, to landscape character and local amenity.

Policy NE8 – Natural Heritage – No development permitted unless mitigation steps are taken to prevent adverse impacts on the River Dee SAC.

Policy NE6 – Flooding and Drainage

Development will not be permitted, *inter alia*, if it would either increase the risk of flooding, or be at risk of flooding itself. A flood risk assessment is required.

Policy D6 - Landscape

This policy aims to maintain Aberdeen's unique landscape setting. Development must avoid adversely affecting landscape character; obstructing views of the City's features when seen from publicly accessible vantage points such as roads and pathways.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Green Belt and Green Space Network

The compensatory flood storage areas are required in connection with land raising in connection with the proposal to erect four houses on the area of land adjacent to Loirsbank Road and between the two storage areas. The storage areas are therefore essentially part of the residential development, despite being the subject of a separate planning application.

The storage areas do not therefore fall within any of the uses considered acceptable in terms of green belt policy and are contrary to development plan policy in this respect as well as to policy relating to green belt in the SPP.

The proposal would have an insignificant impact upon the Green Space Network.

Flooding

It is acknowledged that the compensatory flood storage areas would, in technical terms, compensate for the volume of flood water storage lost by the land raising proposed by planning application 111566.

However, SEPA object in principle to this proposal on the basis of the unacceptability of residential development within an area of medium to high flood risk (as defined in SPP).

The Council's flooding advisor also objects to the proposal on similar grounds and on the basis of lack of clarity on the impact on the floodplain of changing topography of the boundaries of the River Dee.

As part of the wider residential development, the proposal does not comply with the policy in SPP.

Trees and Landscape

The proposal would result in the loss of part of an area of trees and shrubs. These appear to be self seeded and although not particularly large or high quality specimens on an individual basis, the area of woodland nevertheless contributes to the landscape setting of the built up area and to visual amenity, particularly when viewed from the riverside. The application for the four houses (reference 111566) does include a proposal for tree planting outwith either application site within the area to the south of the proposed houses and this could be the subject of condition on any consent granted. However, the trees would take many years to mature and would be in a different location, although in time they would also contribute to visual amenity.

There would be an overall negative impact of the development in terms of loss of trees and the contribution of trees and shrubs to the character of the landscape setting. However, taking into account replacement planting, and the fact that an area of woodland would remain, the impact is not considered sufficient to warrant refusal on this basis alone.

Conclusion

In conclusion, the proposed storage areas would be required in association with the residential development proposed in application reference 111566. The proposal does not therefore comply with policy relating to the green belt. In terms of flooding, although the volume of flood water would be accommodated, there are concerns relating impact on the course of the river and significantly, objections in principle to the overall proposal which does not comply with SPP.

Should committee be minded to approve the application, then it would need to be notified to the Scottish Ministers, due to the objection from SEPA. It is also recommended that there be conditions attached, including in relation to materials, landscaping (including outwith the site), and conditions required by statutory consultees. It should be noted that this application proposes compensatory flood storage areas that would be crucial to the implementation of the application for four houses, also on the agenda for this committee. It is recommended that

committee do not approve the application for the four houses without this associated application for compensatory storage on adjacent land. On the other hand, should application 111566 be refused, there would be no requirement for the flood storage area proposed under this application.

RECOMMENDATION: Refuse

REASONS FOR RECOMMENDATION

1. That the proposal would not comply with the risk framework in Scottish Planning Policy in relation to flooding as it is required in association with residential development.
2. That the proposal is contrary to Green Belt Policy NE2 in the Aberdeen Local Development Plan as it does not fall within any of the categories of use that may be considered within the green belt and is required in association with proposed residential development.

Dr Margaret Bochel

Head of Planning and Sustainable Development.