

Planning Development Management Committee

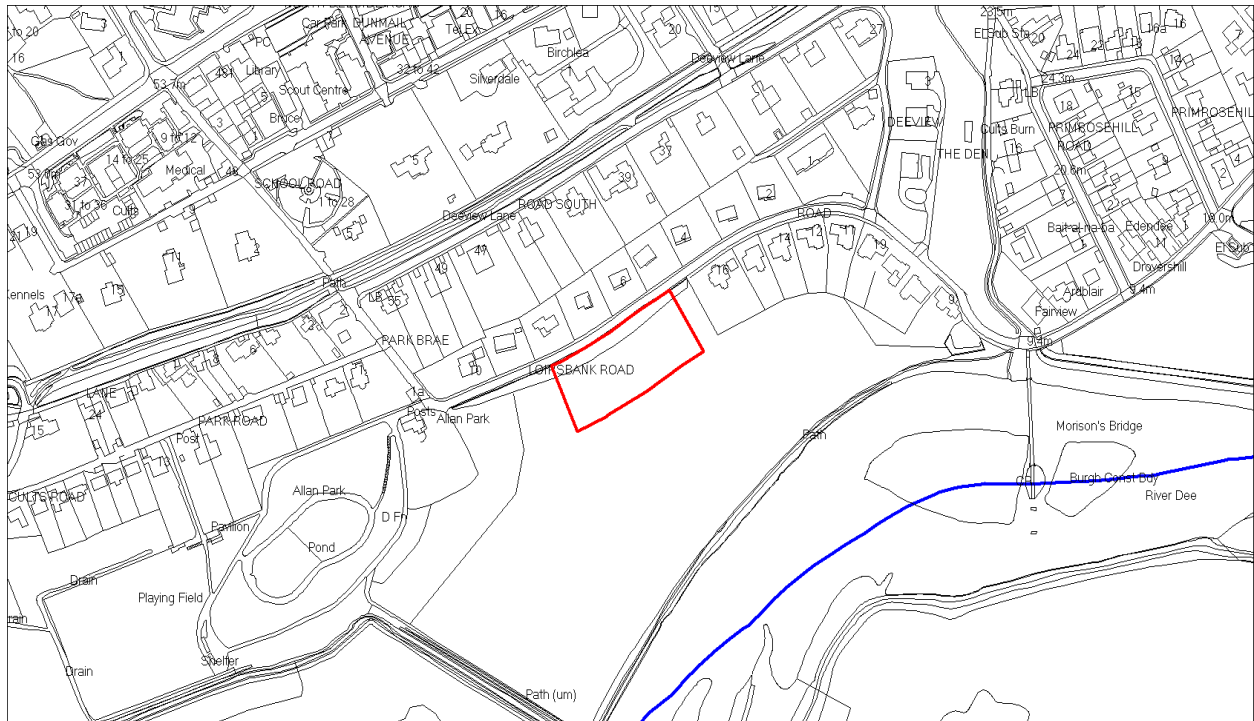
LAND TO SOUTH WEST, LOIRSBANK ROAD,
CULTS

ERECTION OF 4 NO.DETACHED DWELLINGS

For: Forbes Homes Ltd

Application Type : Detailed Planning Permission
Application Ref. : P111566
Application Date: 21/10/2011
Officer: Lucy Greene
Ward : Lower Deeside (M Boulton/A Malone/M Malik)

Advert : Can't notify neighbour(s)
Advertised on: 02/11/2011
Committee Date: 24 April 2014
Community Council : No comments



RECOMMENDATION: Refuse

DESCRIPTION

The application site consists of a part 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 0.47 Ha being approximately an average of 48m in width and 100m in length. To the north of the site is Loirsbank Road, the site is directly opposite nos 6, 7, 8 and 9 Loirsbank Road; to the south is the remainder of the field, with the River Dee being approximately 100m 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, the plot of the westerly most of which is close to the eastern edge of the application site, with a footpath in between. 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Two planning applications (references 091213 and 091214) were withdrawn in October 2009.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 four houses. These would front onto Loirsbank Road with driveways accessed from the public road.

An application has also been submitted, and is on the agenda for this Committee for areas of compensatory flood storage (ref. 111697).

The four houses would consist of two each of two 5 bed roomed house types; the two central houses are larger, providing approximately 385m² of floor space over three levels, whilst the houses at either end would provide floorspace of approximately 335m².

Due to the fall in the land towards the south, these would be one and a half / two storeys in height on the Loirsbank Road elevation and two and a half / three storeys in height on the south elevation. The houses would be elevated in natural granite, timber linings and render with natural slate to the roofs and timber windows. The rear elevations contain a number of full height windows and each would feature balconies at the lower two levels, to take advantage of the southern aspect and views, whilst the front elevations are more typical of a modern house derived from traditional style.

The garden boundary enclosures would be post and wire fences with stretches of hedge, trees would be planted within the gardens and in the area immediately adjacent to the gardens to the south.

The submitted plans show a proposed tree belt and footpath within the area to the south of and outwith the application site.

Land raising would take place within the approximately 35m wide strip of land adjacent to Loirsbank Road, this would result in the 1 in 200 flood line (at 11.57m above ordnance datum(AOD)) being moved southward and the site being terraced. The 1 in 200 year flood line in the proposed scheme would lie within the rear garden. Upper gardens of approximately 8-10m in length would be created, there would then be banking down to the lower garden which would sit below the flood line. Gabion walls would be erected along the flood line and hedging planted on the north side of this. Steps would link the two garden levels.

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?111566>

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 twenty eight letters of representation. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team - This proposal would increase the traffic using the Loirsbank Road / Deeview Road South junction, where visibility has been improved by cutting back vegetation. However, the road markings need to be refreshed to clarify that the priority is on Deeview Road South. Traffic calming of Loirsbank Road would also be required. The four new houses proposed on Loirsbank Road will be more than 400m from bus facilities, the maximum distance stipulated in the Scottish Planning Policy (SPP). A new footway along the frontage of the four proposed properties is required, along with a footpath link to the proposed footpath adjacent to the river. Two car parking spaces will be required within the curtilage of each proposed house. SUDS are proposed however, further clarification is required with regards to the ground water level.

In conclusion, the Roads Section could support this application provided that conditions are imposed.

Environmental Health - No comments

Developer Contributions Team - Suitable contributions have been requested.

Enterprise, Planning & Infrastructure (Flooding) - object due to flood risk to gardens and changing the natural course of the river.

Scottish Environment Protection Agency - object in principle to the development, due to the location of the proposed residential development in the floodplain, it is considered that it does not comply with Scottish Planning Policy. It

is considered that there are no works that can be proposed to make the proposed location acceptable for residential development in terms of flood risk. SEPA note that the cornerstone of sustainable flood risk management is the avoidance of flood risk in the first place. It is noted that the application site lies within the 1 in 200 year flood envelope and may therefore be at medium to high risk of flooding. Photographic evidence is included of a flood event in the field, which would include part of the development site, which is on average an annual occurrence. The agricultural access proposed on part of the site was only considered as an exception to SPP as it was essential for agricultural purposes.

Significantly more landraising and compensatory storage would be required for this proposal. SPP states that medium to high risk areas are generally not suitable for additional development. With the history of frequent localised flooding at this site, the principle of landraising on this sparsely developed land for additional built development of housing is contrary to SPP and SEPA therefore objects in principle.

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 landraising.

Scottish Natural Heritage - Advise that the development could have a likely significant effect on the features of interest of the River Dee SAC. Consequently it is recommended that any planning consent is subject to a condition relating to the prevention of pollution in the River Dee.

Community Council - No comments

REPRESENTATIONS

Twenty eight letters of letters of objection. The objections raised relate to the following matters –

1. That the site is green belt; that the site is under review to return to green belt and this is the best use for the site; the houses are not in the Aberdeen Local Development Plan and should therefore be rejected;
2. Flooding: the proposal goes against government policy on building on flood plains; proximity of houses to flood level;
3. The proposal involves building up the land with a massive amount of water displaced;
4. The flood risk assessment does not take into account land raising at the Aspire golf course, works on the land to the south of the River have caused more rapid flow and greater water displacement;
5. The flood compensation measures are extensive, yet their effectiveness is questionable; there is only 600mm clearance between the finished floor levels of the houses and the inundation level; the gardens and infiltration trenches would be below the inundation levels, rendering them useless during flooding;
6. That the houses currently under construction are completely wrong for the setting and size of site – a lovely area has been ruined;
7. Traffic problems would be exacerbated on narrow roads. Although the transport statement presents the situation as being traffic calmed, the increase in traffic would result in more danger especially for pedestrians and cyclists. As these are luxury family houses, there would be likely to be a number of large cars

- associated with them; the existing situation is that lorries get stuck in Loirsbank Road and cause damage as they reverse out;
8. Developer should be required to widen and repair the road if consent were to be given;
 9. That the existing houses on the north side of the road were designed with large expanses of glazing to take advantage of the view. The extent of glazing means that the occupiers of any future housing and the existing housing would have little privacy;
 10. Disruption and noise due to the need to move earth to the site;
 11. Proposed houses are too high and too close together;
 12. Parking for Allan Park is along Loirsbank Road and this is already very busy at weekends and evenings; the level of on-street parking, together with more houses and driveways could result in restricting access for emergency services;
 13. Additional houses are not required in the area, as houses of this price band remain unsold;
 14. Impact on wildlife habitat of development of corner of field;
 15. As the River Dee is a Special Area Of Conservation, the land should be protected;
 16. There is no farm access road on this application, and therefore no way for the farmer to access the field; and,
 17. Previous unauthorised works by the developer, including felling 30 trees and dumping of material on the site.

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 (ALDP)

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 D1 – Architecture and Placemaking

New development must be designed with due consideration for its context and make a positive contribution to its setting.

Policy D2 – Design and Amenity

This policy states, *inter alia*, that individual houses shall be designed to make the most of opportunities for views and sunlight. Repeated standard units laid out with no regard for location or orientation are not acceptable.

Policy D3 – Sustainable and Active Travel

This policy aims to minimise travel by private car and highlights minimum distances to services set in the Transport and Accessibility Supplementary Guidance.

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.

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.

Supplementary Guidance

Transport and Accessibility Supplementary Guidance

Developments should be linked by the most direct, attractive, safe and secure pedestrian links possible to potential trip sources within 800 metres of the development. Public transport should be available within 400 metres of the origins and destinations of trips within the development.

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.

Principle of Development – Green Belt

The proposal is for mainstream residential development and does not comply with green belt policy in the development plan, the principle of development is therefore unacceptable. There are no material considerations that would justify a decision other than in accordance with the development plan.

It should be noted that the housing demand is being met through the allocated sites within the ALDP and there is therefore no justification to allow this site to be developed.

Landscape and Context

The proposal would be highly visible from the River Dee paths and would add to the recent development to create built form with a high degree of visual impact. Equally, existing views from the public road of the River Dee valley would be blocked and interrupted and the proposal would be out of keeping with the green belt setting and contrary to Policy D6 – ‘Landscape’ in the ALDP and to Policy D1 – Architecture and Placemaking.

The proposal would also be contrary to SPP (in particular paragraph 159) as it would impact negatively upon the character and quality of the landscape setting of the built up area.

Flooding

The proposal involves land raising within the floodplain and the erection of houses. Compensatory flood storage areas would be excavated within the floodplain to accommodate the volume lost. Part of the gardens of the houses would remain within the 1 in 200 year flood plain and would be at risk of flooding. The proposal would not therefore comply with Policy NE6 – ‘Flooding and Drainage’ in the ALDP. However, it should be noted that solely in terms of area of size of garden ground, the area provided outwith the floodplain is sufficient.

In terms of the policy in SPP, as stated in the objection in principle from SEPA, the site lies within an area where there is currently a medium to high risk of flooding and this is a sparsely developed site, the proposal is therefore contrary to SPP. The EP&I Flooding Team also advise in favour of refusing the application due to the gardens being at flood risk and that the overall impact of the proposals would be to alter the course of the River Dee.

SPP states that there is sometimes a role for land raising, and this proposal would be linked to compensatory storage, would not impact detrimentally on flooding elsewhere, would not create a need for flood prevention measures elsewhere, would adjoin a developed area and be set back from the bank of the watercourse. However, paragraph 208 also states that major proposals for land raising should be promoted through the development plan, and (in paragraph 207) that proposals that would require new flood risk management measures should only be promoted through the development plan.

It is considered that the proposal is unacceptable in terms of policy in the ALDP and SPP.

Design and Amenity

The proposed houses would provide for an adequate level of amenity for residents in terms of privacy, sun and daylight, provision of outdoor space and outlook. There are two house types, although all four houses are of similar appearance, with similar massing, elevational treatment and use of materials. The proposed houses would appear to be part of the existing built up area, rather than part of the green belt as per the ALDP zoning, the gabion walls within the gardens are also an alien feature and these would form the boundary, in an elevated position, between the riverside green belt and the built area. The design of the houses would not be of the nature that would be likely to be acceptable within the green belt, although it is acknowledged that they would not be particularly out of keeping with some of the other houses in the nearby residential area. However, the issue of green belt and design are inextricably linked and the overall proposal is unacceptable in principle. Given the setting within the green belt, the houses are contrary to Policy D1 – Architecture and Placemaking.

Green Space Network (GSN)

In terms of the aims of the GSN the proposal would not break linkages between greenspaces and would not be contrary to ALDP policy in this regard.

Transportation and parking

The proposed houses would be acceptable in terms of parking. The Roads Projects Team are satisfied with access providing that traffic calming measures are implemented. The site remains more than 400m from public transport, with the route involving the crossing of the bridge over the Deeside Walkway, where there are no footways.

Natural Heritage

Any impact on the River Dee SAC would be capable of being mitigated by measure to prevent run off from entering the river. This matter could be the subject of condition on any consent granted.

Conclusion

The proposal is unacceptable in principle as it is contrary to the Policy NE1 – 'Green Belt' in the ALDP and policy on flooding in both ALDP and SPP. In terms of its landscape impact and design it also does not relate well to its context within the green belt and River Dee valley.

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), traffic measures in Loirsbank Road and the implementation of the compensatory storage within application 111697. It should be noted that application reference 111697 proposes compensatory flood storage areas that would be crucial to the implementation of this application for the four houses. It is recommended that committee do not approve this

application without the associated application for compensatory storage on adjacent land.

RECOMMENDATION: Refuse

REASONS FOR RECOMMENDATION:

1. That the proposal would consist of housing within an area subject to flooding and is therefore contrary to: Policy NE6 - Flooding and Drainage in the Aberdeen Local Development Plan 2012 and Scottish Planning Policy Risk Framework in relation to flooding.
2. That the proposal is contrary to Green Belt Policy NE2 in the Aberdeen Local Development Plan as it consists of 'main stream' houses within the green belt and does not fall within any of the categories of development that may be acceptable due to their locational requirements.
3. That the proposed houses due to their location, overall design and the cumulative effect when taken together with the houses on the neighbouring site, would be overly dominant within the setting and landscape and would be detrimental to the character of the green belt within the River Dee valley and to visual amenity within the surrounding area. The proposal would be, thereby, contrary to Policy D6 – Landscape, Policy D1 – Architecture and Placemaking

Dr Margaret Bochel

Head of Planning and Sustainable Development.