



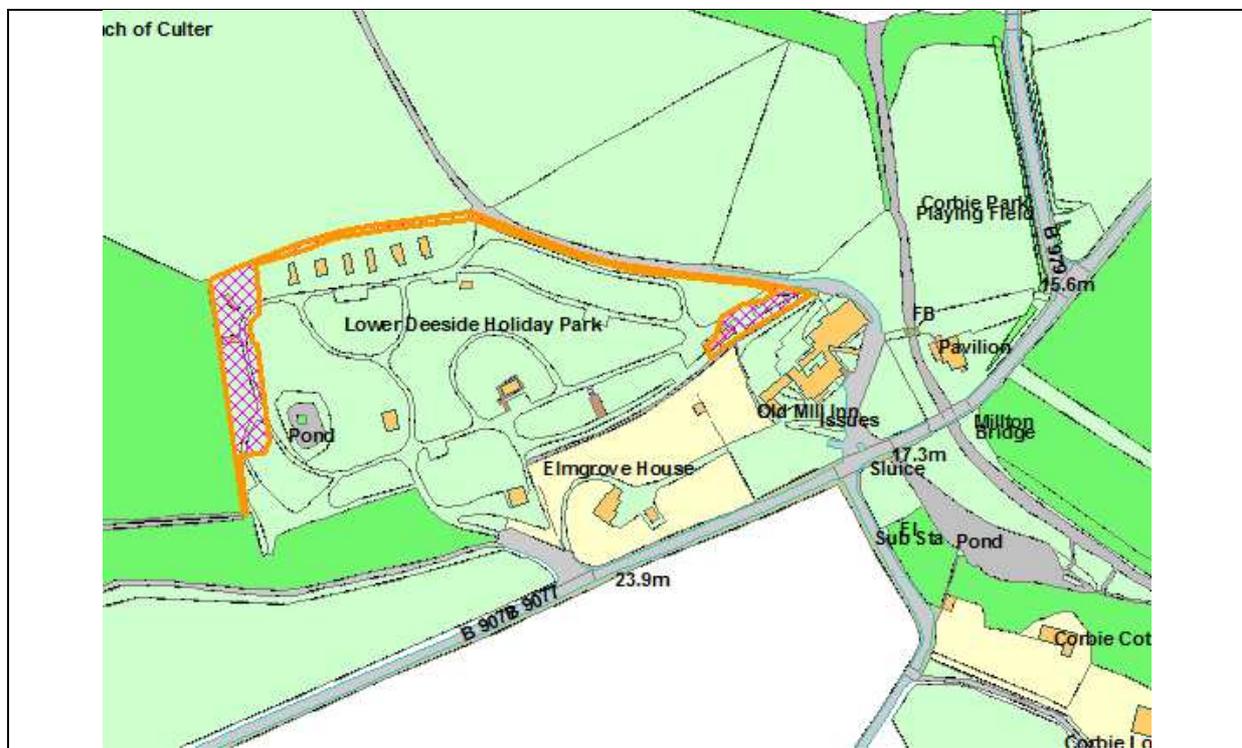
Kincardine & Mearns Area Committee Report 26 July 2016

Reference No: APP/2016/1354

Full Planning Permission for Land Raising and Construction of Flood Defence Wall at Deeside Holiday Park, South Deeside Road, Maryculter, Aberdeenshire, AB12 5FX

Applicant: Wood Leisure Ltd, Wood Leisure Blairgowrie, Hatton Road, Rattray, Blairgowrie, PH10 7AL
Agent: MAK Architecture, 32 Leslie Street, Blairgowrie, PH10 6AH

Grid Ref: E:385551 N:800149
 Ward No. and Name: W17 - North Kincardine
 Application Type: Full Planning Permission
 Representations: 17
 Consultations: 4
 Relevant Proposals Map: Aberdeenshire Local Development Plan
 Designations: Aberdeen South Greenbelt & Aberdeen Housing Market Area
 Complies with Development Plans: No
 Main Recommendation: Refuse



NOT TO SCALE

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1. Reason for Report

- 1.1 The application is being referred to Area Committee because there is an unresolved objection from a statutory consultee (SEPA) and in the opinion of the Head of Planning and Building Standards there is a substantial body of support for the development, taking into account local circumstances.

2. Background and Proposal

- 2.1 This application seeks full planning permission for land raising and construction of a flood defence wall at Deeside Holiday Park, South Deeside Road, Maryculter.
- 2.2 The site is located within the Aberdeen Greenbelt, immediately north of the B9077 and is sited within the River Dee (Special Area of Conservation) flood plain; one which is at risk of low to medium flood risk (1:100 -1:200). The holiday park covers an area of 0.4 hectares and accommodates both static and touring caravans. Previous permission (S030160PF) allowed the site to be enclosed by a bund of approximately 0.5m high and part of it to be land raised by around 1m specifically to the north, east and south. The centre of the site continues to be at existing floodplain levels. An area of mature trees is present in the south western section of the site.
- 2.3 Two properties border the south of the site namely Elmgrove House and the Old Mill Inn, with agricultural land located to the north, north east and west. To the east of the site lies the Crynoch Burn which flows into the River Dee. In addition, a small, straightened burn runs along the southern boundary of the site from west to east, draining into the Crynoch Burn. The burn flows through at least 3 culverts near the site, with a short culvert located within the south west corner of the site.
- 2.4 Storm Frank which occurred during December 2015 and January 2016 caused significant flooding at the site, with many caravans and motor homes being extensively damaged with some even being washed down river. Damage also occurred to the permanent service buildings on site, including the toilet block, games room, laundry and garage, all of which have been condemned and require demolition (the demolition of which was agreed in writing by the Planning Service on 10/03/2016). Furthermore, the flood waters caused parts of the embankment along the south eastern boundary of the site, adjacent to the minor burn, to collapse whilst also causing the western embankment to be significantly eroded.
- 2.5 Following the flood event, the applicant contacted the Planning Service to ascertain whether the proposals to land raise, erect a flood wall around the site and demolish and erect new buildings required planning permission and to establish the likelihood of gaining permission. It was advised that planning permission was not required for the demolition and erection of replacement buildings if of the same design and scale and if sited in the same location, however if different to this, planning permission would be required. The applicant was also advised that planning permission was required for the land raising and erection of flood wall and that such an application would have to be supported by a detailed flood risk assessment.
- 2.6 Prior to the submission of this application, pre-application advice was provided on the proposal, with consultations undertaken with SNH, SEPA and the Council's Flood Prevention Unit. During these initial discussions concern was expressed from SEPA and the Council's Flood Prevention Unit on the potential impact the development could have on flood risk elsewhere. From a planning perspective, no concerns were expressed in terms of layout, siting and design of the proposal,

however the applicant was made aware that it would need to be demonstrated through the flood risk assessment that the development would not result in an adverse flooding impact on properties or areas in the surrounding area.

- 2.7 This application seeks permission for land raising and construction of a flood defence wall around the perimeter of the site. Permission is sought to raise two areas of 3500m² one along the west of the site and the other within the south east corner. The land in these locations will be raised from 14.3m Above Ordinance Datum (AOD) to 15.2m AOD (0.9m high) to match the existing raised land. The raised ground would have a 1 in 10 slope appropriate to allow caravans to gain access atop it. In addition, a flood wall is proposed on top of the existing embankment around the site; along the west boundary, right along north and east boundaries and partly along the south boundary, to the end of the land raised area. The flood wall will be constructed in a pan pile form and would have a crest level of 16.3m AOD, which would result in land 1.1m higher than the existing embankment. The wall would be constructed in profiled plastic and will have timber planks on top of it.
- 2.8 A flood risk assessment and additional supporting flood risk information compiled by EnviroCentre support the application. The flood risk assessment aims to demonstrate that the proposal would not cause an adverse flooding impact elsewhere.

3. Representations

- 3.1 A total of 17 valid representations (17 support) have been received as defined in the Scheme of Delegation. This does not include multiple representations from the same household which equate to 17 letters in total. All issues raised have been considered. The letters raise the following material issues:
- Safeguard site against future flooding

4. Consultations

- 4.1 **Infrastructure Services (Flood Prevention Unit)** initially objected to the application, raising concerns with the FRA since it did not adequately address the flood risk arising from the culvert, which runs through the site. From inspection, this Service notes that there is an existing issue with the culvert, in so far that it is defective, in that it is either located too high in level to effectively drain the small watercourse from Templars Park and/or in a poor condition maintenance wise, that it is effectively blocked. This Service were therefore concerned that the proposal would result in an increase in flood risk elsewhere unless improvements were made to the culvert or perhaps a new bypass channel constructed around the site.

This objection was however subsequently removed following the receipt of additional flood risk information submitted by EnviroCentre, despite no improvement works to the culvert being proposed. As the proposed works are to reduce the flood risk to an existing consented business (with existing defences in place) no compensatory storage would be required. This Service accepts the nominal increase in risk elsewhere that the development will cause from the loss of storage capacity for the River Dee.

- 4.2 **Infrastructure Services (Environment Planner)** has no objections to the application provided that a condition requesting the submission of a construction method statement for assessment prior to the commencement of works is attached to the decision notice.

- 4.3 **Scottish Environment Protection Agency (SEPA)** object to the proposal due to the adverse flooding impact the proposal can have on nearby properties. Whilst no objection is made to repairing the existing bunds around the site, and to the proposed land raising, SEPA object to the proposed flood wall around the whole site. This increase in flood protection would result in a loss of floodplain capacity of around 5% which is considered a substantial loss. Around a dozen residential properties in and around the floodplain would be placed at increased risk as a result of this unless one of the following modifications are made to reduce the proposals impact on the capacity of the floodplain SEPA cannot support the application. The modifications to the application required are as follows:
- a) Removal of the proposed 1.1m flood wall around the site; or
 - b) Provide like for like compensatory flood storage alongside the proposal, on a level for level and volume for volume basis at a suitable location nearby.
- 4.4 **Scottish Natural Heritage** state that the proposal is unlikely to have a significant effect on any of the interests of the River Dee SAC since the site is set back some distance from the river and the ditch/watercourse on parts of the southern boundary of the site do not provide a suitable habitat for salmon or freshwater pearl mussels. While it is possible that otter use the wooded area between the caravan site and the South Deeside Road, any otters in this area would be habituated to activity on the caravan site and traffic on the road. In light of this, SNH do not consider that the proposed work on the site is likely to have a significant effect on any otter using this area.
- 4.5 Although SNH's comments are for the pre-application, the proposal has not changed since then so their comments still stand.

5. Relevant Planning Policies

5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

5.2 Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these

cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

5.3 Aberdeenshire Local Development Plan 2012

Policy 8: Layout, siting and design of new development

SG LSD2: Layout, siting and design of new development

SG LSD8: Flooding and Erosion

Policy 11: Natural Heritage

SG Natural Environment 1: Protection of Nature Conservation Sites

SG Natural Environment 2: Protection of the Wider Biodiversity and Geodiversity

Policy 12: Landscape Conservation

SG Landscape 1: Landscape Character

Policy 14: Safeguarding of Resources and Areas of Search

SG Safeguarding 1: Protection and Conservation of the Water Environment

5.4 Other Material Considerations

None

6. Discussion

6.1 Decision is made in accordance with the Aberdeenshire Local Development Plan (2012) unless material considerations indicate otherwise. What requires to be considered is whether the proposal meets policy and is appropriate in terms of siting, design, and flood risk.

Principle of Development

6.2 The site is located within the Aberdeen Greenbelt and therefore the principle of the development is assessed under Policy 4: special types of rural land and its associated SG STRL type 2: greenbelt. These policies allow for development that is ancillary to the main use. As the proposal is to protect the existing caravan park from flooding, the principle of development is considered acceptable in this case.

Flood Risk

6.3 Policy 8 and LSD8: flooding and erosion, are generally supportive of flood prevention measures provided that it is demonstrated through a Flood Risk Assessment (FRA) that the proposal would not have an adverse flooding impact on surrounding land including nearby properties and the development would not reduce the amount of flood storage available. Specifically with regards to land raising, the above policies will only support such development if the works are associated with a flood alleviation scheme and will not result in the need for flood alleviation schemes elsewhere nor create any islands within the floodplain which could be inaccessible during flooding.

- 6.4 The supporting flood risk assessment prepared by Envirocentre demonstrates that under current conditions the site is protected up to a water level of approximately 15.1m AOD. Under these conditions, the FRA details that over a 50 year period, there is a 100% chance that flood levels can reach this level, however by erecting a flood wall to 16.3m AOD this likelihood is reduced to 20%. The assessment concludes that it is highly unlikely that the proposal would lead to a measurable increase in flood risk upstream or downstream of the site, since the flood storage to be removed from the flood plain is small (5%) compared with floodplains in the surrounding area. Additionally, the reduction in flood storage is very small compared with the volume and rate of flood waters being discharged by the River Dee under extreme flood conditions.
- 6.5 Both SEPA and Infrastructure Services (Flood Prevention Unit) have assessed the FRA, making comments. Taking the Flood Prevention Unit first, initial concerns were raised with the FRA since it did not adequately address the flood risk arising from the culvert, running through the site. From inspection, this Service notes that there is an existing issue with the culvert, in so far that it is defective, in that it is either located too high in level to effectively drain the small watercourse and/or in a poor condition maintenance wise, that it is effectively blocked. This Service was therefore concerned that the proposal would result in an increase in flood risk elsewhere unless improvements were made to the culvert or perhaps a new bypass channel constructed around the site.
- 6.6 In response to these concerns, a supporting flood risk document was submitted by Envirocentre. This document aims to demonstrate that the proposal will not have any effect on the existing flood risk from the culvert. After analysing this document, Infrastructure Services (Flood Prevention Unit) removed their objection. As the proposed works are to reduce the flood risk to an existing consented business (where existing defences are in place) this Service does not feel that compensatory storage is required in this case and accept the nominal increase in flood risk elsewhere from the loss of storage capacity for the River Dee.
- 6.7 Notwithstanding the above, SEPA object to the application on flood risk grounds. SEPA feel that the proposal would cause an adverse flooding impact on nearby properties. Whilst they have no objection to the repairing of the existing bunds around the site, and to the proposed land raising, they object to the erection of the flood wall around the site. This increase in flood protection will result in a loss of floodplain capacity of around 5% which is considered a substantial loss. Although the FRA concludes there to be no measurable increase in flood risk to nearby properties, SEPA do not agree with this conclusion. In their response, SEPA state that there are around a dozen residential properties in and around the floodplain which would be placed at an increased risk as a result of the flood wall erection. These properties have been highlighted by SEPA to include the Old Mill Inn, Elmgrove, Inchferry House, Boat House, Broomvale Inch Ferry, Orchard House, Cobblestock Steading and Maryculter House Hotel. **Appendix 1** indicates the location of these properties in relation to the application site.
- 6.8 SEPA states that unless one of the following modifications are made to reduce the proposal's impact on the capacity of the floodplain they cannot support the application:
- a) Removal of the proposed 1.1m flood wall around the site; or
 - b) Provide like for like compensatory flood storage alongside the proposal, on a level for level and volume for volume basis at a suitable location nearby.

The applicant has been given the opportunity to remove the flood wall but wishes to proceed with the application as submitted. In terms of the compensatory flood

storage, the applicant does not own any other land to provide this mitigation measure and therefore this is not a practical solution.

- 6.9 Based on the above, the land raising is considered to be an acceptable flood alleviation measure, supported by both SEPA and Infrastructure Services (Flood Prevention Unit), one which complies with council policy 8 and LSD8, in so far that the land raising will not result in the need to form other flood alleviation measures and will not result in the creation of an island. However, the other part of the proposal for the erection of the flood wall, fails to comply with the aforementioned policies (Policy 8 and SG LSD8) because it involves the loss of 5% of flood storage and is likely to cause an adverse impact on nearby properties both upstream and downstream of the site.

Siting, Design and Landscape Impact

- 6.10 Policy 8 and SG LSD2 aim to ensure that new developments are sited and designed appropriately and respect the character and amenity of the surrounding area. In terms of the siting and design, there are no concerns with regard to the built form, including re-grading works, given that they are small scale in nature, meaning that it will have a minimal impact on the character and appearance of the surrounding area. The additional land raising would be the same height as the existing, allowing it to blend in well to the existing environment at the park. The flood wall, which will take the form of a pan pile, is considered acceptable in terms of design. The construction materials will respect materials in the surrounding area and will also allow for a maintenance free solution to flood prevention.
- 6.11 In terms of landscape impact, the proposal is considered acceptable. Given the relatively small scale of the built form and regarding works, the proposal is not considered to have an adverse impact on the landscape character and so the application is considered to be compliant with SG Landscape 1.

River Dee Special Area of Conservation

- 6.12 Policy 11 and SG Natural Environment 1 seek to ensure that no developments near or within the River Dee SAC adversely affect the special qualities of the SAC. As the site is located 283m south of the River Dee and the SAC respectively, the proposal is not foreseen to adversely affect the qualities of the SAC. However, if Members are minded to support the application, a condition requesting the submission of a construction method statement prior to any works commencing should be controlled through condition, so that the Planning Service can ensure that the River Dee SAC will be adequately protected during construction.
- 6.13 Given the distance of the site from the river, SNH are content that the proposal will not have an adverse impact on salmon and fresh water pearl mussels. SNH state that whilst it is likely that otter use the wooded area between the caravan site and the South Deeside Road, any otters in this area would be habituated to activity on the caravan site and traffic on the road. Based on this, the proposed work is unlikely to have a significant effect on any otter using this area. In light of the above, the application is considered to comply with SG Natural Environment 2.
- 6.14 As with SG Natural Environment 1, SG Safeguarding 1 only supports developments near watercourses where the development will not adversely affect the water quality, quantity and flow rate of the river as well as its riparian habitat and protected species. As discussed above, the proposal is not considered to have an adverse impact on protected species within the River Dee and given the

site's distance from the river the proposal is not considered to affect the riparian habitat either and so the application is considered acceptable in these aspects. As mentioned previously, the conditioning of a construction method statement will allow for the demonstration that the works will not have an adverse impact on the water quality of the River Dee, thus satisfying this aspect of the policy.

- 6.15 Despite the fact that the proposal will increase flood risk within the surrounding area, there is no evidence to suggest that it will have a notable impact on the quantity and flow rate of the River Dee. Therefore, the Planning Service are satisfied that the quantity and flow rate of the river will be maintained, thus complying with SG Safeguarding 1.

Conclusion

- 6.16 Based on the above assessment, the application fails to accord with Policy 8 and its associated supplementary guidance's namely LSD8 in so far that the proposal will result in an increased flood risk within the surrounding area, affecting the amenity of nearby properties and will lead to a 5% loss of the River Dee floodplain storage capacity. The outstanding objection from SEPA backs up the reason for refusal and in light of this, the application is recommended for refusal.

7. Area Implications

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

8. Equalities and Financial Implications

- 8.1 An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.
- 8.2 There are no financial implications arising from this report.

9. Sustainability Implications

- 9.1 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

10. Departures, Notifications and Referrals

10.1 Strategic Development Plan Departures

None

10.2 Local Development Plan Departures

Policy 8: Layout, Siting and Design
 SG LSD8: Flooding and Erosion
 SG LSD2: Layout, Siting and Design

- 10.3 The application is a Departure from the valid Local Plan and has been advertised as such. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations has expired.

- 10.4 If the application were approved against recommendation, then it would fall within one of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and therefore requires to be notified to the Scottish Ministers prior to determination.
- 10.5 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

11. Recommendation

11.1 REFUSE Full Planning Permission for the following reasons:-

01. The proposed development, if approved, would impede the ability of the flood plain to store water and flood naturally resulting in a significant increase in the risk or severity of flooding of properties in the surrounding area, and would result in the loss of 5% of the River Dee's floodplain storage capacity. The proposal therefore fails to accord with Policy 8: Layout, siting and design of new development and more specifically subsections b) and c) of associated supplementary guidance SG LSD8: flooding and erosion of the Aberdeenshire Local Development Plan 2012.

Stephen Archer
Director of Infrastructure Services
Author of Report: Ruth Cuthbert
Report Date: 8 July 2016