

8 Links Parade, Carnoustie

Angus Council Local Review Body appeal against non-determination of planning application

Appellant's response to planning statement regarding NPF4 and Angus LDP


At the outset we express surprise at the fact that the Planning Officer's statement concerns many matters other than the requested information, which was NPF4 and the Local Development Plan. Much of the content has not been available to us previously for comment.

We therefore request the Local Review Body's forbearance that we address everything in the statement and not just the matters which the statement was requested to address.

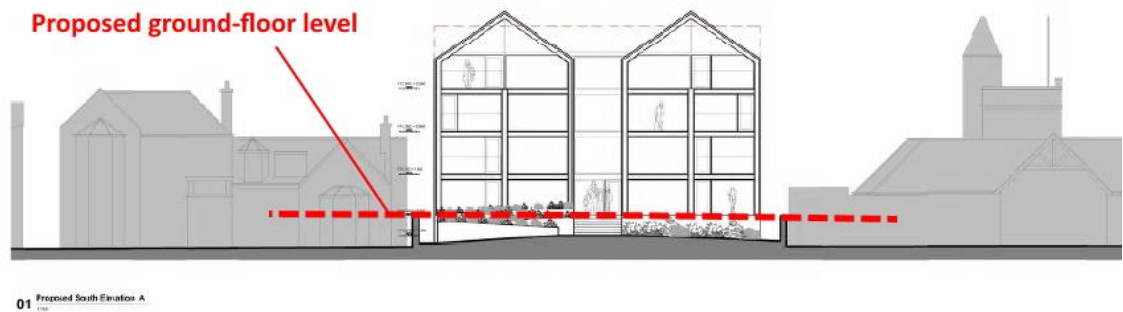
We comment on the statement in the order of its section headings.

Council section heading	Appellant's Response
Proposal	<p>This section is factual, but we elaborate on the comment "<i>The application form indicates that the proposal would connect to the public drainage network and water supply, but does not make provision for sustainable drainage of surface water (SUDS)</i>".</p> <p>We point out that the site is of limited size, being one of a row of plots feued for development in Victorian times, and the footprint of the proposed building matches that of buildings on the other adjoining plots. Space does not allow the provision of on-site drainage attenuation (SUDS).</p>
Amendments, publicity, planning history	The content of these sections is factual, and comment is not necessary.
Applicant's case	While we have no comments on the Planning Officer's summary of our case, we respectfully ask the Local Review Body to read our own Appeal Statement which contains our case in full, with relevant illustrations.
Consultations: SEPA	<p>The following comments are provided by Terrenus Land & Water, flooding consultants.</p> <p>Management of Flood Risk</p> <p>The following flood mitigation and flood resilient design measures are proposed for the development of the site to mitigate against the risk of flooding, either fluvial or tidal.</p> <p>Design Measures:</p> <ul style="list-style-type: none"> • A flood warning system with respect to both tidal and fluvial (Barry Burn) peak water levels is recommended to allow sufficient preparedness and evacuation at the property. • End users will be required to be signed up to the SEPA Floodline for live flood alerts and forecast. • Final Floor Levels for habitation shall be set no lower than 5.24mOD which is inclusive of the peak Tidal T200-year plus CCA water levels and appropriate Freeboard. • Flood Resilient design measures for all development below this level will be applied. Such as: <ul style="list-style-type: none"> ○ Ground floor levels could be used for non-habitable purposes such as reception halls, garages and laundries. ○ Ground floor slab should be solid and not suspended to prevent upward ingress of flood waters. ○ Self-sealing air bricks and air valves to prevent water ingress into the building or wall cavity (if present). ○ Manual or automatic door and window seals – linked to a flood warning system and emergency response procedure. ○ All electrical fuse boxes, sockets, switches, and outlets to be set at or above 4.65mO.D. ○ All utilities to be connected via waterproof connections. ○ Foul sewer connections to be fitted with one-way valves to prevent water ingress. ○ Ground floor materials should be water resistant and easy clean, such as concrete or linoleum. Carpet, wood flooring and laminate should be avoided. ○ PVC Skirting should be used preferentially over wooden or plaster skirting. <p>Climate Change Allowance</p> <p>The original Climate Change allowances were applied by Messrs JBA Consulting Ltd. At the time of the original submissions (April-May 2021) the SEPA guidance on Climate Change Allowances was 35% on Peak Rainfall</p>

	<p>Intensity (PRI) for the East of Scotland. The Peak Rainfall Intensity Allowance applied as the Barry Burn catchment is less than 30km². In the Version 2 of the SEPA Guidance the Peak Rainfall Intensity allowance rose to 39% - an increase of +4% for the Barry Burn. Under the current Version 3 of the Guidance, issued in April 2023, remains at 39%. A 4% increase in peak rainfall intensity on the Barry Burn is unlikely to have significant impact on peak water levels in a fluvial dominated flood scenario. As the original hydraulic modelling was undertaken by JBA, this has not been remodelled, but was correct and appropriate at the time of reporting.</p> <p>Tidal climate change allowances to year 2100 are up-to-date and accurate in the Terrenus Land & Water Ltd reporting. As Tidal flood risk to year 2100 is greatest this was used to inform the design process and associated flood resilience measures. The T200-year plus CCA peak water level is the most conservative for the site.</p> <p>The risk of flooding to the site is dominated by the tidal element rather than the fluvial element of the assessment. The climate change allowances used in the Flood Risk Review and Recommendation letter reports are appropriate and in-line with NPF4 for tidal flood risk. The ‘worst case’ tidal flood risk scenario for flooding was used to inform the design measures and recommendations.</p>
<p>Consultations: Roads (flooding)</p>	<p>The comments are superseded by the revised submitted drawings which raise the ground floor level to ensure that the residents are protected from flooding.</p> <p>The consultation states: <i>“the proposal to erect residential flats on vacant land, therefore increasing the vulnerability on site, is contradictory to the Scottish Planning Policy”.</i></p> <p>We counter this statement by commenting that proposed development on a brownfield site in the middle of a town, designed to protect the occupants from flooding, of a high-quality design, is fully compliant with Scottish Planning Policy.</p> <p>Terrenus Land & Water, flooding consultants point out that “The land use vulnerability classification is like for like with that which went before and does not represent an increase in land use vulnerability classification”.</p> <p>Please also refer to the comments under “Management of Flood Risk” and “Climate Change Allowance” in our response above to the SEPA Consultation.</p>
<p>Community Council, Roads (Traffic), Scottish Water, Network Rail, Environmental Health, Representations</p>	<p>We have no comments on these sections.</p>
<p>Development Plan policies</p>	<p>This section is a listing and we have no comments.</p>
<p>Assessment</p>	<p>The application was registered on 21st October 2022 and had Scottish Government statutory timescales been followed, should have been determined by 21st December 2022. Neither at the time the application was submitted, nor registered, nor should have been determined, was NPF4 a consideration in determining the application. The applicant is therefore having now to consider the application under NPF4 (which came into force on 13th February 2023) due to the extended failure to determine it within statutory timescales.</p>
<p>The principle of constructing residential units on the site</p>	<p>The proposed new residential development will bring back into use a brownfield urban vacant site in a important visitor and tourist location in Carnoustie.</p> <p>The land use vulnerability classification is like for like with that which went before, and therefore does not represent an increase in land use vulnerability to flooding.</p> <p>The number of person(s) at risk from flooding is not considered to be greater than that which was present before within the former Links Hotel. The eight residential units for short- and long-term letting will be in the same risk ‘category’ as that of the former hotel (though unlike the present proposals, the hotel did not embody flood risk protection measures).</p> <p>The site is acknowledged to be at flood risk, but the risk is known, quantified, and mitigated through appropriate design and management. While the development is designed to protect residents from flooding, the proposed flood warning measures will increase the flood awareness and preparedness of the residents and the local community.</p>

	<p>On balance, in the design team’s opinion, the Planning gains from the re-development of a vacant brownfield urban site, in a prime location on Links Parade outweigh the flooding concerns - which in any case have been managed and mitigated in the design, as recommended in the supplied reports.</p>
<p>Conclusions</p>	<p>The Planning Officer’s summary states that the objection to the proposal is that the site is unsuitable for the development because it is currently vacant land within the functional floodplain. We would point out that all surrounding buildings – including the recent Carnoustie Golf Hotel and Spa - are within the functional floodplain and users of these have been protected from flood danger. This proposal has been designed to protect occupiers from the most up-to-date flood level calculations.</p> <p>The summary then states that the proposal would introduce a vulnerable land use which would be subject to an unacceptable level of flood risk. We have pointed out that the proposed use and the previous hotel use are in the same vulnerability categories. Nevertheless we have pointed out that the proposals have been <i>deliberately designed to protect the residents from flood risk</i>.</p> <p>With the design taking specific account of flood levels – including climate change allowance and freeboard – we respectfully suggest that proposals offer the opportunity to achieve redevelopment of this prominent vacant site in an important visitor centre of Carnoustie. <i>The Planning gains from the re-development of a vacant brownfield urban site, in a prime location on Links Parade, outweigh the flooding concerns which in any case have been fully taken account of in the design.</i></p>
<p>Reasons</p>	<p>We respectfully urge the Local Review Body to take account of our case as presented in our Appeal Statement, and to our response contained in this document. This concludes that the development has been designed to protect the occupants from flooding, will not exacerbate flooding in the vicinity, and represents the appropriate development of unsightly vacant land in Carnoustie’s main visitor area.</p>
<p>Appendix 1: Photographs</p>	<p>The photographs provided by the Planning Officer show an extreme flood event, but during this event the site stayed dry and was not inundated with water. This can be seen from these extracts from the photos that the Planning Officer provided, with our comments added in red.</p>  <p>Frontage wall of site can be seen above the water level</p> <p>Adjoining houses not inundated</p> <p>Application Site</p> <p>Golf club house not inundated</p> <p>Vehicle entering one of the houses immediately to the west of the appeal site. The vehicle wheels and ground between them can be seen. Floodwater had not reached the driveway at this house.</p>

The proposed development would be further protected from events such as this by its raised ground floor level. This can best be seen from the following drawing (an annotated version of the submitted elevation drawing sheet. This can be compared to the upper of the two photos.



Appendix 2:
National
Planning
Framework 4
(NPF4)

The proposals comply with NPF4 for the following reasons. (Only parts relevant to the type of development are considered).

By complying with the **Spatial Principles**:

- By making productive use of existing buildings, places, infrastructure and services, by developing town centre vacant land.
- By proposing development of a site that allows ‘local living’ – from where people can easily access services, greenspace, learning, work and leisure.
- By providing ‘compact urban growth’, and thereby reducing the need for urban expansion.

By complying with **Policy 2: Climate mitigation and adaptation**:

- The risk of flooding to the site is dominated by the tidal element rather than the fluvial element of the assessment. The tidal flood risk is the most conservative scenario for flooding and was used to inform the design measures and recommendations.
- As stated above, the Climate Change Allowance applied to the flood risk review for tidal flooding is up-to-date, up to the year 2100. The fluvial climate change allowances were accurate at the time of reporting by Messrs JBA Consulting.
- Overall, the uplift for the fluvial dominated scenario on the Barry Burn will not exceed the T200-year plus CCA peak water levels of the tidal dominated assessment.
- In consideration of the above the climate mitigation and adoption policy principles of Policy 2 have been met, and by the proposed development being fully designed to manage current and future risks from climate change.

By complying with **Policy 9: Brownfield, vacant and derelict land and empty buildings**:

- By being a development proposal that will result in the sustainable reuse of brownfield land, and as such “*will be supported*”.

By complying with **Policy 10: Coastal development**:

- as it development which will not result in the need for further coastal protection measures; nor increase the risk to people of coastal flooding or coastal erosion.
- It is designed to provide protection in the long-term, taking into account projected climate change.

By complying with **Policy 13: Sustainable transport**:

- By being located very close to existing public transport facilities at Carnoustie and Golf Street stations, and to local bus services.

By complying with **Policy 14: Design, quality and place**:

- Compliance with this policy is demonstrated by the Planning Officer’s own comments: “*The design attempts to take cues from the shapes and form of traditional buildings in the surrounding area, but with a modern interpretation including a principal elevation dominated by large areas of glazing. The design is considered to be an improvement on a 4 storey scheme which was previously deemed to be acceptable on the site*”.

By complying with **Policy 15: Local Living and 20 minute neighbourhoods**:

- By being a Development proposal which will contribute to local living, including the “20 minute neighbourhood” including easy walking and cycling access to:

	<ul style="list-style-type: none"> • sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks; • employment; • shopping; • health and social care facilities; • childcare, schools and lifelong learning opportunities; • playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities. <p>By complying with Policy 16: Quality homes:</p> <ul style="list-style-type: none"> • By being a development proposal for new homes on land allocated for housing in LDPs (as being within the Carnoustie settlement boundary), and therefore “will be supported”. <p>By complying with Policy 22: Flood risk and water management:</p> <ul style="list-style-type: none"> • By being redevelopment of an existing building or site for an equal or less vulnerable use, the proposed development is in-line with Policy 22 a) iii - redevelopment of an existing building or site for an equal or less vulnerable use. • The last lawful land use of the site was the former Links Hotel, which is acknowledged to be in the same land use vulnerability classification by SEPA, is no greater risk than the proposed eight residential units. • By being redevelopment of a previously used site in a built-up areas where the LDP has identified a need to bring these into positive use (urban brownfield sites) and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice. • The proposed development would be protected by design and flood resilient measures and is therefore suitable to be built within the known flood plain. • Residents would be protected by the design and flood resilience measures, as well as by the proposed flood warning system, which will benefit the wider community, not just the development site itself. • With minimal land raising, footprint and free movement of flood water the impact of flood risk on others would be mitigated. <p>By complying with Policy 23: Health & Safety:</p> <ul style="list-style-type: none"> • Development design measures, flood resilient design and the requirements for a flood warning system increase the protection and awareness of flood risk to both person(s) and property. The recommended design measures will mitigate against the impacts of flooding and will not have an adverse impact on health. • The proposed development therefore accords with the requirements of Policy 23.
<p>Angus Local Development Plan</p>	<p>Our Design Statement already addressed relevant policies, but we repeat these here for ease of reference, plus other policies listed in the Planning Officer’s Statement.</p> <p>Development Strategy</p> <p>The application site lies within the Development Boundary of Carnoustie, as defined on the “Carnoustie and Barry Proposals Map”, though it is not the subject of any specific policy or proposal. The section of the Plan’s Policy DS1 “Development Boundaries and Priorities” applies in such a situation:</p> <ul style="list-style-type: none"> • <i>“Proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP”.</i> <p>The policy then states:</p> <ul style="list-style-type: none"> • <i>“In all locations, proposals that re-use or make better use of vacant, derelict or under-used brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP”.</i> <p>As the site is not the subject of any specific policy or proposal, its development is subject to the following element of the “Carnoustie and Barry Development Strategy”:</p> <ul style="list-style-type: none"> • <i>“supporting the redevelopment of vacant, underused and brownfield sites within the defined Development Boundary, including Woodside/Pitskelly, Barry Road, Greenlaw Hill and the former Maltings”.</i> <p>By being a site which has been vacant brown-field land for some years and is within the Carnoustie Development Boundary, the Plan therefore gives support for the principle of the development. This remainder of this section proves that the development will be of an appropriate scale and nature and is in accordance with other relevant policies of the ALDP, as required by policy DS1.</p>

Policy DS1: Development Boundaries and Priorities

This policy states that for unidentified sites within development boundaries, proposals will be *supported* where they are of a scale and nature appropriate to the location. Furthermore, the Plan *supports* the reuse of brownfield land in preference to the use of greenfield land.

While the proposed development - like all the surrounding properties including the recent Carnoustie Golf Hotel and Spa, would be being built on flood plain, as previously stated the flood risk is known, managed and mitigated.

Minimising land raising, promoting flood resilient design and the free movement of flood water below the design peak water level will not, as far as is reasonably practicable, increase flood risk to others. The proposed development is anticipated to have a neutral impact on site neighbours in a known area of flood risk.

Policy DS3: "Design Quality and Placemaking"

Our response to the criteria listed in this policy is as follows.

- The statement explained that a principal concept behind the new proposal is to respond to the numerous gable wall conditions seen throughout the surrounding buildings. This allows the proposals to be orientated to the South and to take advantage of the fantastic views out over the Golf Course. The scheme further integrates itself into the built environment by use of a sandstone rainscreen cladding. This strengthens its contextual response to the linear strip of housing in Links Parade, and avoids clashing with the dominant Carnoustie Golf Hotel.
- The proposal embodies the design feature found on many surrounding buildings of gables facing the street. This is a key difference to the approved scheme which has a uniform flat roof and minimal street articulation.
- The new proposal will add a building of character – a contemporary interpretation of the character and materials of surrounding buildings; with a greater sense of identity by having a distinctive yet respectful form.
- The proposal will contribute to natural surveillance of Links Parade by having principle rooms overlooking the street. Similar surveillance will be achieved over the access lane to the rear.
- The development will be situated within easy walking distance of the shops, services and bus stops in the High Street / Dundee Street corridor, and of Carnoustie and Golf Street stations. The proposed 12 parking spaces is the same level of provision as the previous approval and therefore has Council support.
- The development is inherently sustainable by achieving a development of reasonable density on an easily-accessible brownfield site within the town, that has been undeveloped for some years.
- Our response above confirms that the new proposal is in full compliance with policy DS3.

Policy DS4: Amenity:

Compliance with this Policy is confirmed by the Planning Officer's Statement: *"The design is considered to be an improvement on a 4 storey scheme which was previously deemed to be acceptable on the site, a planning permission which has now lapsed"*.

Policy TC2: Residential development

Compliance with this policy is confirmed by the following statements by the Planning Officer:

- *"It is considered that residential use of the site is not incompatible with surrounding land uses. There are no surrounding land uses which would render residential use of the site unsuitable and the site is not protected for any particular use in the local development plan"*.
- *"In terms of the residential environment to be provided, the nature of accommodation provided would create a good living environment"*.

Policy TC16: Tourism Development:

Being within the Development Boundary of Carnoustie, this proposal for high-quality short-term holiday accommodation is in an area where such uses are 'directed' by the Council under the terms of this policy. We consider that the site is especially suited to this use due to its proximity to the Golf Club and Carnoustie Golf Hotel, which we would describe as the focus for visitors to the town. This type of accommodation will increase the range of accommodation available to visitors, and therefore enhance the appeal of Carnoustie as a visitor destination.

Policy PV8: Built and Cultural Heritage

Although included by the Council, this policy is not seen as relevant as the site is not within an area designated for heritage or cultural value.

Policy PV12 : Managing Flood Risk

The proposed development accords with this policy by:

- acknowledging the potential for the site to flood;
- by preparing and submitting a flood risk assessment which assumes 'worst-case' flooding scenarios and includes climate change allowances and freeboard;
- by designing the proposed building to protect the residents from flooding by appropriate ground floor level height and flood-free access and egress.
- As under Policy DS1, minimising land raising, promoting flood resilient design and the free movement of flood water below the design peak water level will not, as far as is reasonably practicable, increase flood risk to others. The proposed development is anticipated to have a neutral impact on site neighbours in a known area of flood risk.

We conclude by respectfully suggesting to the Local Review Body that the development is fully compliant with all relevant parts of NPF4 and the Angus Local Development Plan. Full account of the potential for the site to flood has been taken in preparing the design, and the proposed building would protect its occupants from any risk of flooding, and would not increase the risk of flooding to its surroundings.

PPD

26th June 2023