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Argyll and Bute Council

Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry



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4 October 2022

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held **BY MICROSOFT TEAMS** on **TUESDAY, 11 OCTOBER 2022** at **3:30 PM**, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
3. **CONSIDER NOTICE OF REVIEW REQUEST: 37 - 39 STEVENSON STREET, OBAN, PA34 5NA (REF: 22/0004/LRB)**
 - (a) Further Information from Planning (Pages 3 - 8)
 - (b) Comment from Applicant (Pages 9 - 10)
 - (c) Comment from Statutory Consultee (Pages 11 - 12)

Argyll and Bute Local Review Body

Councillor Kieron Green (Chair)
Councillor Fiona Howard

Councillor Daniel Hampsey

Contact: Fiona McCallum Tel: 01546 604392

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FURTHER INFORMATION

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

22/0004/LRB

**REFUSAL OF PLANNING PERMISSION 19/01858/PP FOR ALTERATIONS TO EXISTING
OFFICES AND FUNERAL FACILITIES AT GROUND FLOOR LEVEL AND ALTERATIONS
AND CHANGE OF USE OF FIRST AND SECOND FLOOR WORKSHOPS AND STORES
TO CREATE 4 FLATS**

37/39 STEVENSON STREET, OBAN

06/09/22

FURTHER INFORMATION

Further information requested by the Argyll and Bute Local Review Body (LRB) held on 29 August 2022 is provided below.

1. A report on the flooding history has been provided by the Council's Infrastructure and Design Team which is contained within Appendix A of this submission.
2. Reasons why permission was granted for the hotel adjacent to the site and the nearby hardware shop with flats above is explained below.

Ranald Hotel (41 Stevenson Street)

Planning Permission 11/00078/PP was first granted on 17 March 2011 for the demolition of the existing building and erection of backpackers accommodation.

A further planning permission reference 11/01644/PP was granted on 26 October 2011 for an amendment to the initial permission to provide 4 additional bedrooms.

Highland Fasteners (23 Stevenson Street)

Planning permission 09/01613/PP was granted on 18 March 2010 for the demolition of the existing building and erection of building to accommodate Use Class 3 (Food and Drink) on the ground floor and 15 studio apartments (Class 9) on the first, second and third floors. This is the permission that has been implemented on site with a change from Class 3 (Food and Drink) on the ground floor to Class 1 (Retail) on the ground floor which is permitted under the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 without the benefit of planning permission.

At the time when planning permission was granted for both of the developments detailed above they did not require a consultation to SEPA to be undertaken due to being outwith the consultation 'trigger zone'.

There have been several updates to SEPAs Flood Maps since the above permissions were granted necessitating consultations to be undertaken for developments within this location due to the proximity to the Black Lynn Burn.

SEPA were contacted for the date of the updates, however, due to the recent Cyber Attack on their system, they were unable to provide a full record of the changes but did confirm that there have been several updates since the above permissions were granted.

3. Conditions and reasons are provided in Appendix B of this submission should the LRB be minded to grant permission.

APPENDIX A**FLOOD HISTORY OF SITE/AREA**

The Council's Infrastructure and Design Team (IDT) advise that a flood study incorporating coastal, fluvial and surface water risks was completed in December 2019. The study was submitted to SEPA for consideration in the national prioritisation of flood schemes process.

The IDT are still awaiting confirmation of the prioritised list of schemes.

In regard to previous flooding at this locus, the IDT provide an extract from the Biennial Flood Report November 2009 listing future FP works. This work was carried out by the Council's Roads Operations Team.

Flood Management Programme 2009/2012

Scheme Name	Value	Description	Priority	Year
<u>Oban, Lorn and the Isles</u>				
Hamish Hoeys, Oban	£10,000	Flooding of road due to outfall pipe to Black Lynn being inadequate	3	11/12

Extract from WDM Asset Management System listing flood incidents on Stevenson Street since 2012

Easting & Northing	Instruction Time	USRN	Location Description	Comments
185979 729934	18/02/15 10:11	Stevenson Street, Oban	Close entrance non accessible at times. URGENT	Entrance to property flooded.
185978 729928	03/09/18 10:47	Stevenson Street, Oban	Ladbrokes, Stevenson Street, Oban	Demolition now , of the old Ladbrokes Building in Stevenson Street has produced and opened up a potential flooding scenario in the area , as the retaining wall that was part of the rear of the building that used to hold back and direct the massive fast flowing waters on the bend at this point of the black lynne , has been demolished , water levels there that sometimes rose above the floor level at rare times of constant down-pours and high tides , so now there is nowhere for any flood water to go but onto Stevenson Street if the site is left open , flooding which is due and predicted

				this year !
185979 729934	05/05/15 14:48	Stevenson Street, Oban	Outside close of 11 Stevenson Street, Oban	Pavement outside property persistently flooding leaving occupants having to jump over a large puddle to enter and vacate their property.

APPENDIX B**SUGGESTED CONDITIONS AND REASONS****1. GENERAL**

The development shall be implemented in accordance with the details specified on the application form dated 03/09/12, supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan and Site Plan	10		September 2019
Plans, Elevations and Section As Existing	11	A	September 2019
Plans, Elevations and Section As Proposed	12	C	September 2019
Openings Schedule	13	A	September 2019
Allan Brothers Window & Door Specifications – 8 PAGES			September 2019
Planning Supporting Statement – 2 PAGES			September 2019

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

Note to Applicant:

- This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
- In order to comply with Sections 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.

Both the Notification of Initiation and Notification of Completion forms referred to above are available via the following link on the Council's website:

<https://www.argyll-bute.gov.uk/planning-and-environment/make-planning-application>

- Please note the advice and guidance contained in the consultation response from Scottish Water details of which is available to view via the following link on

the Council's Public Access System. Should you wish to discuss any of the points raised in the response you are advised to contact Scottish Water direct.

<https://www.argyll-bute.gov.uk/planning-and-environment/find-and-comment-planning-applications>

2. Notwithstanding the effect of Condition 1, the proposed flats at first and second floor level shall only be used for Class 9 permanent residential use and for no other use including any other purpose in Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and the General Permitted Development Order 1992 (as amended).

Reason: To enable the Planning Authority to control any subsequent change of use which might otherwise benefit from deemed permission in order to protect the amenity of the locale.

PROJECT: ALTERATIONS & CHANGE OF USE AT 37-39 STEVENSON STREET, OBAN, PA34 5NA

CLIENT: HAMISH HOEY & SON

SUBJECT: APPELLANTS RESPONSE TO PLANNING DEPARTMENTS FURTHER WRITTEN SUBMISSION DATED 16 SEPTEMBER 2022

DATE: 23 SEPTEMBER 2022

1.0 PURPOSE

1.1 This statement represents the Appellants response to the further information submitted by the Planning Department on 6 September 2022 following the Local Review Body's request for information under reference 22/0004/LRB.

2.0 RESPONSE AND OBSERVATIONS

2.1 ITEM 1 – Flooding History (Detailed in Appendix A of the Planning Departments Submission)

2.1.1 Flood Management Programme 2009/2012

This item relates the roadway directly outside the Appellants premises and application subjects. These works were carried out after recent localised flooding to the roadway. The Appellant has confirmed that the problem has not returned since the additional road gullies were installed. However, this relates to flooding from previously inadequate disposal of rainwater, rather than tidal flooding from the Black Lynn burn.

2.1.2 List of flooding incidents:

18 February 2015: The identified property is located approximately 125metres distant from the application site along the centreline of Stevenson Street. This also relates to localised rainwater disposal rather than flooding from the Black Lynn

5 May 2015: From the map references provided, this and the previous 2015 incident both relate to localised rainwater flooding to the pavement outside the entrance to 11 Stevenson Street.

3 September 2018: There is a suggestion that the demolition of the "Ladbroke's Building" will increase the risk of flooding elsewhere on Stevenson Street by removing a retaining structure to restrict any overflow of the Black Lynn burn. The demolition of this building was covered by a Prior Notification Approval reference 18/01702/PNDM. With no objections to the Prior Notification Submission from any of the Statutory Consultees, the approval was issued in August 2018. This was 12 months before the Appellants application was lodged and presumably under the same or similar version of flood risk predictions. The Appellant considers that the determination of his application should not be influenced by a perceived flood risk governed by whether or not a separate landowner decides to develop his ground. Ironically, the policies that have led to the refusal of this Application may also prevent development of the gap site at the former Ladbroke's Building

2.2 ITEM 2 – Flood Risk

The Appellant has always acknowledged that flood risk predictions have worsened in recent years but does not accept there are insufficient material matters to justify refusing the current application.

2.3 ITEM 3 – Potential Conditions on Approval

It is not the Appellants intention to use the proposed flats for holiday or short let purposes, so any Conditions restricting their use to permanent long term occupation would be accepted.

3.0.../

3.0 SUMMARY

- 3.1 There does not appear to be an established pattern of tidal flooding on Stevenson Street from the Black Lynn burn. The reported incidents relate to previous inadequate disposal of rainwater in storm conditions which now appear to have been successfully addressed with the addition of improved surface water drainage.
- 3.2 The Appellant considers it unreasonable that any perceived flood risk from another site which may or may not be developed to provide flood protection from the Black Lynn should support the basis of refusing his Application.
- 3.3 While the Appellant recognises worsening flood risk predictions, his position remains that the perceived risk of a 1 in 200 year short-term tidal flood incident coinciding with the need for emergency access to 1 of 4 flats should not outweigh the benefits of the opportunity to develop a prominent Listed Building and create much needed town centre housing.
- 3.4 The Appellant welcomes restrictive Conditions to prevent short term or holiday letting of the proposed flats



Committee Services
Argyll and Bute Council
Kilmory
Lochgilphead
Argyll
PA31 8RT

Our ref: 6371
Your ref: 22/0004/LRB
19/01858/PP

By email only to:

localreviewprocess@argyll-bute.gov.uk

SEPA email contact:
planning.north@sepa.org.uk

28 September 2022

To whom it may concern

Town and Country Planning (Scotland) Acts
Planning Application: 22/0004/LRB / 19/01858/PP
Alterations of offices, funeral and workshop facilities to create 4 flats
37/39 Stevenson Street, Oban PA34 5NA
SEPA Reference: 6371

Having reviewed the information provided in emails on 12 and 23 September, SEPA confirm that our response to this application has not changed our stance on flood risk at the site and our previous **objection** still stands.

Flood Risk

We note that SEPA were previously contacted to confirm the dates of updates to our Flood Map. We were unable to provide this information at the time due to the recent cyber-attack. Whilst we do not have the details of what each Map update involved or what changes occurred as a result, the dates of the updates are as follows.

Indicative River and Coastal Flood Map (Scotland) (IRCFM(S)) was released in 2006 which has been superseded by the SEPA Flood Map
Version 1.0 January 2014
Version 1.1 March 2015
Version 1.2 December 2015
Version 1.3 April 2018
Version 2.0 November 2020



Chairman
Bob Downes
Acting Chief Executive
Jo Green
PUBLIC

Angus Smith Building
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Holytown, North Lanarkshire ML1 4WQ
tel 01698 839000 fax 01698 738155
www.sepa.org.uk • customer enquiries 03000 99 66 99

If you have any queries relating to this letter, please contact me by e-mail at planning.north@sepa.org.uk.

Yours faithfully

Nicki Dunn
Senior Planning Officer
Planning Service

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages - www.sepa.org.uk/environment/land/planning/](http://www.sepa.org.uk/environment/land/planning/).