

MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held BY MICROSOFT TEAMS on TUESDAY, 24 JANUARY 2023

Present: Councillor Kieron Green (Chair)

Councillor Daniel Hampsey

Councillor Fiona Howard

Attending: Iain Jackson, Governance, Risk and Safety Manager (Adviser)
Fiona McCallum, Committee Services Officer (Minutes)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CONSIDER NOTICE OF REVIEW REQUEST: 37 - 39 STEVENSON STREET, OBAN, PA34 5NA (REF: 22/0004/LRB)

The Chair, Councillor Kieron Green, welcomed everyone to the meeting.

At the previous meeting on 11 October 2022 the LRB agreed to continue consideration of this application in order to seek advice on whether or not it would be possible to draw up a competent Motion to approve this application as a minor departure to planning policies.

Referring to the paperwork presented at the previous meetings on 29 August and 11 October 2022, Councillor Green advised that his first task would be to establish if the Members of the LRB felt that they had sufficient information before them to come to a decision on the Review.

Councillors Howard and Hampsey agreed that they had sufficient information.

Councillor Green also confirmed that he had sufficient information and advised that he intended moving a motion that it would be appropriate to grant the application and in doing so he acknowledged that he was taking a different view to that expressed by SEPA and the Council's Flood Risk Officer. He made the following presentation:-

While I fully respect the professional judgements advanced by them I believe, on this occasion, that I should follow my own opinion in regard to the weight of consideration to be given in balancing the material planning considerations.

The proposed development is located within the main town centre of Oban and it has been confirmed that it complies with the adopted LPD 2015 in all respects except that it is considered contrary to Scottish Planning Policy 2014, SEPA's Flood Guidance and to Policy LDP 10 and Supplementary guidance SG LDP SERV 7 of the Local Development Plan which require development to be located out with areas of significant flood risk.

The determining factor in the assessment of this planning application therefore rests on a single technical issue and a matter of national and local planning policy with respect of flood risk.

It is noted that:

- It is proposed to reuse the upper floors of an existing listed building to form 4 new flats.
- There is a recognised shortage of permanent residential accommodation in Oban.
- The proposed site has been assessed as having a 1 in 200 year risk of flooding it, placing it just within "medium to high risk area" for annual probability of flooding.

It is further noted that the Council's WDM Asset Management System lists three flooding incidents in Stevenson Street, since 2012, two in 2015 outside 11 Stevenson Street, which is approximately 200 yards from this proposed development and one from 2018 which advises of a possible issue due to the demolition of a building in Stevenson Street but there is no note of any actual flooding having taken place.

It is also noted that there have been two developments in Stevenson Street next to proposed development since 2010, one of these being a hotel, although it is accepted that these they were approved prior to SEPA re-drawing their flood risk areas.

I am aware that there have been several floods at the car park opposite Tesco's which is the best part of 500/600 yards from Stevenson Street, however, the Black Lynn runs alongside the car park approximately 3 feet below the level of the carpark and I am not aware of any occasions where there has been any flooding in Stevenson Street, when the car park has flooded and I am aware that the Black Lynn runs approximately 6/8 feet below the road level in Stevenson Street and there is a retaining wall of another 4 feet that the water would have to get over in order for the Stevenson Street at the location of this development to flood.

I accept that there is a 1:200 year risk of flooding in this area and there could be a risk to the ability to evacuate any occupant of the flats should there be what I would consider as an unusually/almost impossibly high tide and someone being critically ill at the same time, however from a practical/pragmatic perspective based on my comments above around this particular location and my local knowledge of this area, I consider that this development could be approved as a minor departure from Policy.

Having further considered Local Development Plan Supplementary Guidance "ENV 16(a) – Development Impact on Listed Buildings" I am of the view that by:

- mandating the new flats be used for permanent residential accommodation, and
- the use of water resistant materials/construction wherever possible

the proposed development would:

- Secure the best viable use of the listed building.
- Offer a wider public benefit in the provision of town centre permanent residential accommodation significantly outweighing any disadvantages of the development.
- Retain and enhance the special interest, character and setting of the listed building.

Motion

I move that the Scottish Government Ministers be notified, in terms the Town And Country Planning (Notification Of Applications) (Scotland) Direction 2009, of the Council's intention

to grant planning permission for this development as a minor departure to Policy LDP 10 and Supplementary Guidance SG LDP SERV 7 of the Argyll and Bute Local Development Plan 2015, the provisions of Scottish Planning Policy 2014 and the advice of SEPA as a statutory consultee to the planning process subject to the conditions and reasons detailed at page 7 of the agenda pack for the previous meeting of the LRB on 11 October 2022.

It was confirmed by Mr Jackson that this was a competent Motion.

Moved by Councillor Kieron Green, seconded by Councillor Fiona Howard and no one was otherwise minded.

Mr Jackson outlined the procedure that would be followed in terms of notifying the Scottish Ministers of the intention to grant this planning permission for this development as a minor departure to planning policies.

Decision

The Argyll and Bute Local Review Body, having considered the merits of the case de novo, unanimously agreed that the Scottish Government Ministers be notified, in terms the Town And Country Planning (Notification Of Applications) (Scotland) Direction 2009, of the Council's intention to grant planning permission for this development as a minor departure to Policy LDP 10 and Supplementary Guidance SG LDP SERV 7 of the Argyll and Bute Local Development Plan 2015, the provisions of Scottish Planning Policy 2014 and the advice of SEPA as a statutory consultee to the planning process subject to the conditions and reasons detailed at page 7 of the agenda pack for the previous meeting of the LRB on 11 October 2022.

(Reference: Notice of Review and supporting documents, and all other information submitted and presented to previous meetings on 29 August and 11 October 2022, submitted)