

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.