

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