

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/02153/PP
Planning Hierarchy: Local
Applicant: Argyll Community Housing Association (ACHA)
Proposal: Erection of 30 residential units (comprising 2 semi-detached dwellinghouses and 28 flats over 4 blocks) with associated access road, parking and communal garden areas.
Site Address: Development Site, McCallum Street, Kinloch Road and Longrow, Campbeltown

SUPPLEMENTARY REPORT NO. 1

A) BACKGROUND

This report seeks to update Members on events subsequent to the Head of Planning & Regulatory Service's report dated 5th April 2011 which was considered by Members at the April meeting of PPSL committee.

As yet permission remains to be formally issued whilst details of a Section 69 agreement necessary to secure funding for off-site play area provision remain outstanding. It has however been brought to light by the agent for the application that the provisions of conditions 5 and 6 relating to flood prevention measures cannot be fully secured having regard to the circumstances of the site and wider locale, and the currently proposed development layout. Accordingly an update to the previously submitted Flood Risk Assessment (FRA) has been provided which specifically addresses these concerns and seeks dispensation for reduced standards. This report seeks Members approval to update these conditions to reflect recent discussions with the developer, to ensure the development can go ahead whilst maintaining a level of flood risk that is acceptable.

B) ASSESSMENT

Condition 5 – Minimum Finished Floor Levels

The original provisions of condition 5 sought to ensure that the minimum finished floor levels (FFL) of blocks C & D and E & F were at least 4.0m AOD. Whilst the applicant has confirmed that blocks C & D will be finished to a FFL of 4.35m AOD they have also alerted planning officers to the fact that blocks E & F cannot be raised from the specified 3.5m AOD on the approved plans to 4.0m AOD within the provisions of the current layout. The reason for this is that increasing the floor level of these blocks would result in a requirement for a wider increase in levels across the site to accommodate Building Standards requirements for level access, and this cannot be readily achieved without significant alteration to the proposed layout in order to be able to accommodate existing levels of adjoining roads and buildings

which lie outwith the scope of the development.

The submitted FRA update seeks to clarify that the risk criteria applied have been set at conservative levels and have scope to be reduced without significantly increasing the actual likelihood of the development being damaged by flooding. In this respect it is noted that the design level of a 1 in 200 year event is 3.04m AOD, in line with SEPA's technical guidance. This has been augmented with a 300mm increase to accommodate potential climate change and a further 600mm freeboard which takes into account the elements of uncertainty, producing a FFL at 3.94m AOD, which was rounded up to 4.0m AOD by the Council's Flood Prevention Officer in his previous recommendations on this matter.

The updated FRA confirms that predicted 300mm for climate change is at the very conservative end of predictions. With that in mind it has been suggested that allowance for uncertainty relating to climate change predictions within the freeboard could be reasonably be reduced to 200mm. It is further advised that the sheltered location of blocks E & F are unlikely to be affected by wave action. This is corroborated by SEPA's previous comments, and as such would permit a further 300mm to be discounted from the freeboard requirement for uncertainty. Similarly it is noted that settlement is not an issue at this location – in this respect the updated FRA advises that the minimum FFL for blocks E & F should be set at 3.54m AOD. It has however been confirmed that the layout of the development can accommodate an increase in the FFL of blocks E & F to 3.7m AOD, within the confines of the site constraints.

The Council's Flood Prevention Officer has confirmed (09.06.11) that this compromise solution is considered to be acceptable provided FFL of 3.7m is achieved for blocks E & F.

Condition 6 – Secure Emergency Access

The original provisions of condition 6 sought to ensure that the site levels were designed to ensure access to the development for emergency vehicles throughout the duration of a design 1 in 200 year flood event – in this respect it was required that an access route of 3.7m AOD be secured within the development design.

The updated FRA confirms that whilst large portions of the development between blocks C & D and E & F achieve this requirement, that elsewhere site levels are constrained by existing infrastructure and buildings and cannot be raised to achieve the minimum requirement of 3.7m AOD. In this respect it is noted that the existing junction of McCallum Street and Longrow begins at 2.6m AOD and is constrained by existing buildings to 2.88m AOD for the first 40m of its length. Similarly, Kinloch Road and its realigned section which bounds the northern edge of the development also includes sections which lie at lower level than that required for continuous access through a design flood event although the lowest point along this route is at 3.0m AOD. It is further noted that a flood event at this location would be exacerbated by tidal action with a difference in design event water level of some 2.5m between high and low tides.

In this respect it has been suggested that a means of emergency vehicular access to be provided to the site off of Kinloch Road between blocks C & D would ensure that emergency vehicles have access to the site during a design flood event with the exception of a 2½ hour period during high tide. It is considered that this is the only viable solution without effecting significant alterations to the wider locale in the form of enhanced coastal flood defences or raising existing public road levels.

It is also worth noting that this development forms a strategic part of the regeneration of Campbeltown as part of the CHORD project, and the levels are a significant improvement on those of the former flats on the site. With these in mind it is considered that the level of proposed risk to allow the development to proceed is acceptable and condition 6 can be amended to reflect the levels outlined above.

The Council's Flood Prevent Officer has been consulted and has confirmed (09.06.11) that the proposed compromise solution is acceptable.

C) RECOMMENDATION

It is recommended that planning permission be granted in accordance with the Head of Planning and Regulatory Services report dated 5th April 2011, subject to the revised provisions of conditions 5 & 6 attached.

Author of Report: David Love

Date: 9th June 2011

Reviewing Officer: Peter Bain

Date: 10th June 2011

Angus Gilmour
Head of Planning & Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION 10/02153/PP

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The development shall be implemented in accordance with the details specified on the application form dated 8/12/2010 and the approved drawing reference numbers:

Plan 1 of 24 (Site Plan as Existing at scale of 1:1000)
Plan 2 of 24 (Park Square Flats Elevations as Existing at scale of 1:100)
Plan 3 of 24 (Park Square Flats as Existing at scale of 1:100)
Plan 4 of 24 (Site Plan as Proposed at scale of 1:200)
Plan 5 of 24 (Park Square Residential Drainage Scheme at scale of 1:200)
Plan 6 of 24 (Bin Store as Proposed at scale of 1:20)
Plan 7 of 24 (Block A Elevations as Proposed at scale of 1:100)
Plan 8 of 24 (Block A Floor Plans as Proposed at scale of 1:100)
Plan 9 of 24 (Block A Roof Plan as Proposed at scale of 1:50)
Plan 10 of 24 (Block A Section A-A as Proposed at scale of 1:50)
Plan 11 of 24 (Block A Section B-B as Proposed at scale of 1:50)
Plan 12 of 24 (Block C Elevations as Proposed at scale of 1:100)
Plan 13 of 24 (Block C Floor Plans as Proposed at scale of 1:100)
Plan 14 of 24 (Block C Roof Plan as Proposed at scale of 1:50)
Plan 15 of 24 (Block C Sections as Proposed at scale of 1:100)
Plan 16 of 24 (Block D Elevations as Proposed at scale of 1:100)
Plan 17 of 24 (Block D Floor Plans as Proposed at scale of 1:50)
Plan 18 of 24 (Block D Roof Plan as Proposed at scale of 1:50)
Plan 19 of 24 (Block D Sections as Proposed at scale of 1:50)
Plan 20 of 24 (Blocks E & F Elevations as Proposed at scale of 1:100)
Plan 21 of 24 (Blocks E & F Comprehensive Plan at scale of 1:50)
Plan 22 of 24 (Blocks E & F Comprehensive Roof Plan at scale of 1:50)
Plan 23 of 24 (Block E Sections as Proposed at scale of 1:50)
Plan 24 of 24 (Block F Section A-A as Proposed at scale of 1:50)

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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

3. Prior to the commencement of works onsite, a contaminated land remediation scheme should be submitted to and approved in writing by the Planning Authority. The agreed remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Planning Authority. Following completion of measures identified in the agreed remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure the site is appropriately remediated of all contaminants and ensure the safety of those working and living on the site.

4. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Planning Authority in accordance with condition 4.

Reason: To ensure that any contaminants found during construction are appropriately dealt with in terms of safety to the environment and people working and living on the site.

5. Notwithstanding the details shown on the approved plans, the minimum finished floor level of ground floor properties within blocks C & D shall be 4.00mAOD and within blocks E & F shall be 3.7mAOD. Prior to the commencement of built development within the site the details of the proposed finished floor levels of each block and, surrounding proposed finished ground levels shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented in accordance with the duly approved details.

Reason: To secure a minimum freeboard for the development over the design 1 in 200 year flood event as recommended by SEPA and the Council's Flood Alleviation Manager to sufficiently mitigate the development against the impact of flooding.

6. Notwithstanding the details shown on the approved plans, the finished levels shall be designed to minimise periods of restricted access for emergency service vehicles to blocks C, D, E and F during a design 1 in 200 year flood event. Prior to the commencement of works on site the details of the proposed finished site levels of vehicular and pedestrian access/egress routes within the development shall be submitted to and approved in writing by the Planning Authority. Such details shall demonstrate the availability of emergency vehicular access and pedestrian access to the development during the design 1 in 200 year flood event having regard to the recommendations of CIRIA Report C624 and the updated Flood Risk Assessment submitted 7th June 2011. Thereafter the development shall be implemented in accordance with the duly approved details.

Reason: To secure safe access and egress for emergency service vehicles to the development in the event of the design 1 in 200 year flood event as recommended by SEPA and the Council's Flood Alleviation Officer to sufficiently mitigate the development against the impact of flooding.

7. That further flood resistant techniques shall be incorporated in the design of Block A as detailed in the Flood Risk Assessment submitted in support of this planning application. Full details of these measures including details of finished floor levels shall be submitted to and approved in writing by the Planning Authority prior to the commencement of the development of this block. Thereafter the development shall proceed in accordance with these details unless otherwise approved in writing by the Planning Authority.

Reason: In order to minimise the impact of flooding on this block during the 1 in 200 year event.

8. Prior to the commencement of development and notwithstanding the details specified on the approved plans, full details of the proposed roof covering shall be submitted to and approved in writing by the Planning Authority; such details shall show the use of natural slate or a high quality slate substitute tile coloured dark blue/grey. Thereafter the development shall thereafter be implemented in accordance with the approved details unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of visual amenity, in order to ensure that the development integrates with its surroundings.

9. Prior to the commencement of development, samples of the proposed external wall finishes shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented in accordance with the duly approved details, unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of visual amenity, in order to ensure that the development integrates with its surroundings.

10. The development shall not begin until details of a scheme of boundary treatment, surface treatment and landscaping works have been submitted to and approved in writing by the Council, as Planning Authority: Details of the scheme to include –

- i) location and design, including materials, of any walls, fences, hedges and gates.
- ii) surface treatment of means of access, communal gardens and hardstanding areas.

All the hard and soft landscaping works shall be carried out in accordance with the scheme approved in writing by the Council as planning authority, within six months of the associated dwelling unit being occupied or brought into use. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting season following the commencement of the development unless otherwise agreed in writing with the Council, as Planning Authority.

Reason: In the interests of visual amenity, in order to integrate the development with its surroundings and maintain the landscape character of the area.

11. Prior to the development commencing full details of the surface water drainage system to be incorporated into the development shall be submitted to and approved in writing by the Council as Planning Authority, and in consultation with the Scottish Environment Protection Agency. Such measures shall show the provision of a Sustainable Urban Drainage System; thereafter the surface water drainage system shall be implemented in accordance with the duly approved details.

Reason: To ensure the provision of a SUDS surface water drainage system to meet the requirements of the development and no such details having been submitted.

NOTE TO APPLICANT

- In order to comply with Section 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.
- 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.
- Please note the advice contained within the attached letter from Scottish Water. Please contact them direct to discuss any of the issues raised.