

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: 11/00689/PPP

Planning Hierarchy: Local

Applicant: National Grid Property

Proposal: Site for the erection of retail store (Class 1) with associated development including access, car parking and landscaping.

Site Address: Land at former Gas Works Argyll Street/Hamilton Street, Dunoon, Argyll

SUPPLEMENTARY REPORT 4

1.0 Summary

At the PPSL Committee on 23rd November 2011 (following a Hearing in the Queen's Hall, Dunoon on 9th November 2011), Members resolved to continue determination of this application for additional flood risk information to be submitted for consideration. The purpose of this further supplementary report is to confirm the receipt of further flood risk information from Dougal Baillie and responses from the Council's Flood Risk Management and SEPA; letter of objection received from GVA Grimley Ltd. on behalf of Morrisons, further objections from James Barr/Kaya regarding flood risk issues and a letter of support from the Old Men's Club, 18 MacArthur Street

2.0 Additional Flood Risk Information from Applicants

Following the Hearing and request for further flood risk information, the applicant's agents Dougal Baillie Associates (DBA) have submitted a Flood Risk and Drainage Impact Assessment Supplementary Report Rev A dated December 2011. The report addresses all of the earlier concerns raised by objectors in respect of flood risk and compensatory storage and concludes that, *"there is no valid reason for this development opportunity not being granted planning permission on the basis of lack of information, clarity or relevant detail on flood risk grounds. It is for this reason that both SEPA and the Council's flood engineer did not object to National Grid's application"*.

The Supplementary Report has been prepared to address proposed Condition 14 contained in Supplementary Planning Report 2 and the conclusions are summarised below:

- *In developing the flood risk management strategy, DBA has undertaken extensive hydrological and hydraulic modeling on the Milton Burn in the vicinity of the site;*
- *Numerous scenarios have been modeled in respect of flood flows, channel roughness, proportion of bridge blockage under both pre-development and post development conditions, including provisions for climate change;*
- *The modeling study confirms that the development nature and scale as currently proposed complements the flood risk management solution recommended which is in the form of a compensatory flood storage area within the development;*
- *It has been demonstrated that the DBA 2011 and Carl Bro2006 studies provide similar results when comparable model parameters are used. Residual water level estimation differences between the two models are predominately because DBA2011 uses more detailed and current topographic data for the model build;*
- *Details pertinent to condition 14 are presented which confirm that the proposed compensatory flood storage area has sufficient capacity and geometric profile to ensure that the proposed development will not be at an unacceptable risk of flooding and more importantly, will not increase the risk of flooding elsewhere. Furthermore, the model parameters selected for comparison of pre-development and post-development simulations are considered conservative therefore a robust approach to the analysis has been adopted;*
- *Not only has it been demonstrated that the development will have no detrimental impact on flood risk for low probability flood events but it is concluded that the development will have a betterment effect on future flood risk by :*
 - Providing significantly greater floodplain storage at low levels than is currently available thus reducing peak water levels during high probability flood events; and*
 - Allowing for greater access to the Milton Burn to enable future maintenance and management of the watercourse corridor.*

On the basis of the contents and findings of the Supplementary Statement, it is anticipated that proposed Condition 14 can be substantially revised or removed.

DBA consider that comments raised from the objectors, based on a comparison of incongruous data from the DBA and Carl Bro reports sought to convince Members that there may be a perceived flood risk issue at the site. This supplementary report demonstrates, beyond doubt, that these claims are spurious.

3.0 Further Consultee Responses

3.1 Response from Flood Risk Management

The revised response from Flood Risk Management (dated 2nd December 2011) is based on a series of discussions with the applicant's flood consultants and additional supporting information contained in the Supplementary Statement.

Based on this additional information, the Council's Flood Risk Management offers **no objection** in principle to the proposals that have been agreed with Dougal Baillie Associates (DBA) and the Council's Design Services and found to be acceptable and consider that the requirements requested under condition 14 of the original planning report have now been suitably addressed.

Flood Risk Management offers the comments below in an attempt to clarify the requirements of condition 14 of the original planning report.

In 2006, Argyll and Bute Council Design Services commissioned a catchment level flood risk assessment for the Milton Burn. The Carl Bro (CB) report produced various solutions for reducing flood risk for the 1 in 100 year plus climate change event. The CB report is the basis for the Council's strategy in carrying out flood alleviation in the Milton Burn. For the current application, DBA submitted their own site specific flood risk assessment. Both CB and DBA reports contained modeling information, storage issues, overland flow routes and blockage scenarios for which Design Services carried out initial comparison. As the CB report was the Council's basis for ongoing flood alleviation work and appeared the most conservative, it was decided to adopt the approach taken in the wording of a potential planning condition. This was not however intended to refute information supplied in the DBA report as it was felt that the CB report used more conservative values that could be used until a detailed application agreed between the applicants' consultants and the Council satisfied both parties' interests. The standards from the CB report intended to be used were 1 in

200 year plus climate change (20% of peak value) for peak flow and for blockage scenarios 50% of cross sectional area for the Hamilton Street Bridge and 25% for the Argyll Street Bridge.

It should be stressed that no compensatory storage was considered as the CB report option was to extend the existing training wall to carry all channel flow and eradicate flooding on the National Grid site.

SEPA did not refer to the CB report but commented on the DBA report directly where the main issues raised was compensatory storage to be provided for the 1 in 200 year flood plus an additional storage volume to be provided for a 50 % culvert blockage at Argyll Street Bridge. Flood Risk Management considers that the condensing of blockage scenarios and compensatory storage may have confused what both SEPA and the Council are trying to achieve.

Flood Risk Management confirms that recent meetings with DBA, following the Hearing, have now addressed any concerns and their findings are contained within the Supplementary Statement.

Flood Risk Management generally agrees with the findings of the Supplementary Statement but offer additional comments that can be summarised below:

- DBA carried out a full topographic survey of a 600m reach of the Milton Burn in March 2011. The CB survey was carried out in 2002 on selected sections whereas DBA applied cross sections to strategic points relevant to the development. It is therefore reasonable to assume that the most accurate and up to date survey information of the site has been provided by DBA;
- The CB proposal to extend the existing training wall up to the Hamilton Street Bridge would stop flooding of the site at least to the 1:200+cc level and if funding had been available would have been constructed by the Council as part of its flood alleviation work. Interestingly, the CB report concluded that construction of the training wall would have no effect on downstream levels or flow;
- It was not possible to provide an accurate comparison between the DBA and CB reports as different parameters and standards were used and the physical layout of the site had changed, in particular:

The DBA survey was carried out recently where a derelict footbridge that had affected flow through the site and considered in the CB report, had since been removed;

- In terms of the roughness co-efficient (Mannings n), the CB report used a conservative value of 0.06 for the whole of the Milton Burn however the DBA report used a value of 0.04 (lower value means that the channel sides and bottom are less rough than that of a higher value).
- Observations of the site by Flood Risk Management and type of post-development banking would agree with the 0.04 value. It is also interesting to note that the Flood Risk Assessment in support of the CWP scheme upstream considers that a baseline in-channel n value of 0.04 is appropriate.
- DBA report applies the estimated value of the peak 1:200 flow throughout the whole section thereby giving a more conservative flow value. Including climate change allowance, the DBA value is 15.5m³/s peak flow as opposed to 14.5 m³/s per second in the CB report. The information supplied by DBA is more detailed regarding the site and gives a more conservative peak flow value and correlates well with the CB report data;
- The bridge block parameters used by DBA assume a 50% value for both Argyll Street and Hamilton Street bridges. It would be the Council's position to reduce the 50% value to 25% at Argyll Street bridge. An inspection of the site, the proposals and the fact that Hamilton Street bridge will always block before Argyll Street bridge due to the gravity sewer pipe cutting across the burn, Design Services have approached SEPA to consider reducing this figure. Should SEPA accept this, the additional 25% storage would improve the flood risk situation of the site;
- DBA propose to use a 'green' compensatory storage solution as opposed to a 'gray' solution with no storage solution proposed by the CB report. The DBA solution meets current thinking on sustainable flood prevention measures, gives post development flood levels close to existing conditions and meets the requirements of Scottish Planning Policy;
- Under the Flood Risk Management Act 2009, the Council has a duty to inspect and access bodies of water, and where it considers that clearance and repair works would substantially reduce the risk of flooding schedule the works to be carried out. The blocking and overflow problems at Hamilton Street bridge are such a situation where the development of the site will allow

easier access to keep this structure clear, whilst the removal of the boundary wall and new access position will allow overflow to safely re-route back into the Milton Burn. It should be noted that the primary overflow route as detailed in the CB report is through the Roads Depot access to the west of the bridge, which sits slightly lower ;

- The CB report recommended building a training wall on the north-east side of the burn to prevent flooding of the adjacent housing. Should this work be carried out, overflow would be directed away from the National Grid access and towards the Roads Depot route;
- For Argyll Street Bridge, the condition imposed by SEPA is for storage due to a 50% blockage. In the CB report, no blockage was considered due to the structure not being sensitive to blockage. Inspections suggest that a 50% blockage scenario for the Hamilton Street bridge and 25% for the Argyll Street bridge would offer a more realistic potential blockage scenario. SEPA have been approached by Design Services and their comments are awaited;
- The development of the site would allow Council staff and equipment easier access to the invert of Argyll Street bridge in carrying out inspection and clearance. Any overflow will be dispersed partially through the new service access across Argyll Street and back into the Milton Burn;
- Regarding comments made in a letter from Kaya dated 28th November 2011 which pre-dated the submission of the DBA Supplementary Statement, it is considered that many of the issues raised have now been addressed. Concerning bends, any increase in water level due to head loss is more liable to cause overflow at the bends/Co-op car park, whether the National Grid site is developed or not. The flooding at this location was identified by CB based upon peak flows with no compensatory storage for bridge blockage. DBA provide storage for bridge blockage which would reduce the flow through the bridge. Information received from Roads and Operations indicates that bridge blockage/flooding has not been a problem at Argyll Street in previous years.

In conclusion, Flood Risk Management considers that the objections received regarding flooding have been raised due to comparison of the CB and DBA reports directly and attempting to apply one to the other. The intention of condition 14. was for the developer to take on board what the Council's previous flood risk assessment (CB report) had raised and that the worst case scenario was properly considered. It should be reiterated that both CB and DBA reports proposed solutions that were potentially

suitable to the Council. Flood Risk Management consider that DBA have complied in addressing all of the points that condition 14 covers and providing necessary information where requested. Accordingly, there is no objection to the proposed 'in principle' development and that the detailed proposals agreed between DBA and Design Services be used for the detailed design stage.

3.2 Response from SEPA dated 15th December 2011

SEPA reiterate that they have **no objection to the proposed development on flood risk grounds** provided that, should the Planning Authority be minded to approve this application, the following planning conditions are imposed:

- Appropriate compensatory storage is provided based on the functional floodplain as defined by the 200 year flood plus 50% culvert blockage scenario.

SEPA state that they have previously commented on this site and recommended planning permission subject to a planning condition in relation to compensatory storage (up to the 200 year plus 50% culvert blockage scenario flood extent) (condition 14) and the following comments are based on the additional flood risk information:

- Comparison of another hydraulic model (2006 Carl Bro) has also been undertaken and based on the information provided (which it is acknowledged has involved some re-parameterisation of the DBA baseline model) no significant differences in simulated levels are apparent. Objectors have raised concern about the modelling undertaken and indicated a number of potential technical issues. For information we would note that we would anticipate some natural variation in modelled output between hydraulic models due to general modelling differences. It is also noted that a relatively conservative modelling approach has been adopted. It is also acknowledged that as outlined above DBA have undertaken some re-parameterisation of the model which should resolve the potential issues raised.
- SEPA acknowledge that this is a planning permission in principle application so it is accepted that some specifics in terms of layout are still somewhat uncertain. However, it is acknowledged that an area within the development has been set aside for compensatory storage and whilst direct level for level storage is not feasible in this instance pre and post development modelling (Table 5.2) has been undertaken indicating that compensatory storage will be viable and compliant with the principles

of Scottish Planning Policy (SPP) given the relatively localised and minor water level increases. In earlier responses it has also been indicated that level for level compensatory storage is not possible and no other flood management options are viable for this site and in this instance the DBA proposal is thought to be the most sustainable solution. With regards to objectors concerns on compensatory storage that whilst direct level for level storage should be adopted where possible in some instances SEPA accepts that this is not feasible and accept robust hydraulic modelling to verify effectiveness as is the case for this development proposal. We would also note that the Flood Prevention Authority (FPA) are satisfied with the flood management proposals.

In line with existing Technical Guidance SEPA would maintain that compensatory storage to the 200 year plus 50% blockage is appropriate and based on the DBA modelling is shown to be feasible. **As such the proposals outlined in planning drawing 11027(49)03 are thought to be viable and we would re-iterate our previously recommended planning condition.**

SEPA also comment that an effective inspection/maintenance regime of the hydraulic structures discussed should also help reduce the risk of significant structure blockage.

Comment: On the basis of acceptance of the flood risk proposals by both SEPA and Flood Risk Management, it is recommended that condition 14 is sufficiently robust in terms of recently submitted flood mitigation measures shown on the recently submitted drawing nos. 11027(49)03 and 11027(49)05 and information contained in the Supplementary Statement.

4.0 Additional Representations

Letter from Morrisons

A letter of objection (dated 28th November 2011) has been received from GVA Grimley on behalf of Morrisons.

The agent comments that town centres remain the focus for new retail development and in this regard Morrisons proposal meets national, strategic and local planning policy objectives where the Morrisons proposal will significantly improve and enhance the overall retail offer within Dunoon.

In the meantime, the proposal by National Grid represents a considerable threat to the significant investment already made and proposed by Morrisons. The agents are

aware that this application has been made on a speculative basis and does not currently have a proposed or preferred operator. The supporting case relies upon similar assumptions as the CWP proposal (ref. 10/00222/PPP) and does not appear to be supported by an up to date evidence base such as a shopper survey. It is also considered that the application should not be presented to committee for determination ahead of a decision on the Morrisons application.

The agents conclude that Morrisons has already made a significant investment in Dunoon Town Centre and is committed to the long term investment and improvement of the town centre. This is reflected in a recent application to extend the store. A key factor in the acquisition and investment in Dunoon was the adopted planning policy framework which, if applied to future development proposals, will ensure that its investment is not compromised by speculative proposals elsewhere.

Comment: The application by Morrisons to extend the existing store (ref. 11/02015/PP) is currently under consideration. Members are requested to note the points of objection made against both the National Grid (and CWP) proposals in terms of the threat to an existing town centre supermarket from speculative proposals.

Letter from James Barr / Kaya on behalf of CWP

A letter of objection from James Barr dated 18th November 2011 with a letter from Kaya Consulting Ltd. dated 18th November 2011 contains further comments on flood risk management and compensatory flood storage.

In this letter, Kaya offer their advice in terms of what they feel should be required in terms of compensatory flood storage but doubt that National Grid would be able to meet these standard requirements without decreasing the footprint of the development.

Comment: This letter was received in advance of the Supplementary Statement from Dougal Baillie Associates and subsequent response from the Council's Flood Risk Management who express no objection to the proposal on the basis of comments made in Section 2.0 above. The Supplementary Report submitted by DBA addresses issues and areas of concern discussed at the Hearing and also addresses issues and suggestions made by Kaya Consulting in their letter dated 18th November 2011.

At the time of writing, no response has been received from SEPA but this will hopefully be received in time to issues a further supplementary or tabled at the PPSL Committee meeting.

A further letter of objection from James Barr dated 12th December 2011 with a letter from Kaya Consulting Ltd. dated 7th December 2011 highlights their concerns in respect of compensatory flood storage and car parking provision.

Car Parking Provision

James Barr considers that the level of car parking provision should be 129 spaces for 3225sqm gross internal floorspace, where the proposed layout is 4 spaces short. The statement by the Council that “a lower figure has been apportioned to the National Grid site due to the opportunity for link trips and physical proximity to the town centre” cannot be borne out as the level of car parking is the same as Morrisons which is a smaller store. Significant weight has been placed on the ability to create linked trips and James Barr consider that the under provision of car parking will not provide the ability to create linked trips from their site.

Comment: Roads have calculated the number of parking spaces based on guidance for part bulk retail but mostly grocery given the gross internal floorspace of the smaller store and that the parking provision lies within an acceptable band. Roads refute the comments made by James Barr for suggested comparisons between Morrison’s car park and the National Grid car park functioning as a town centre car park.

It is also important to clarify that linked trips do not account for only customers using motor vehicles. Linked trips can be made by customers on foot, by public transport, bike or parking their cars in other Town Centre and Edge of Town Centre locations. Indeed, it is the proximity of the National Grid site to Dunoon Town Centre and the Co-op and the fact that it is readily accessible for a variety of transport modes that make it a suitable site to either create or be part of linked trips to Dunoon Town Centre and Edge of Town Centre uses. Such a proposal is therefore consistent with the principles set out in STRAT SI 1 ‘Sustainable Development’ of the Argyll and Bute Structure Plan and Appendix C ‘Access and Car Parking Standards’ (section 1.12 (3)) of the Argyll and Bute Local Plan.

Compensatory Flood Storage

The letter from Kaya dated 7th December 2011 acknowledges that DBA have now produced higher design flood levels which are now more consistent with those produced by the CB report but the model indicates that post-development flood levels within the Milton Burn are predicted to increase by up to 0.19 m adjacent to the development. Although the DBA model produces higher flood levels than considered previously, they have proposed no change in the compensatory flood storage provided on site. Additionally, DBA do not provide sufficient information related to

compensatory flood storage at the site (in the form of level by level storage increments) to address the requirements of condition 14.

Additional details on key issues such as flood levels used in the assessment and compensatory flood storage requirements are provided.

It is concluded that the development will increase flood risk to third parties on the opposite bank of the burn to the development and to properties downstream of the site.

Comment: Both SEPA and Flood Risk Management find the proposed flood mitigation measures acceptable subject to the imposition of condition 14.

Letter from the Old Men's Club, 18 MacArthur Street

A letter of support has been received from the President of the Old Men's Club, 18 MacArthur Street (received 9th December 2011). The Club feel that there has been unnecessary criticism of National Grid as they have supported community projects for many years indirectly through the lease of the ground to the clubhouse that offers much needed facilities for a variety of local community groups to use. Additionally, National Grid visit the premises regularly to maintain and keep the ground and access clear of vegetation. On this basis, The Old Men's Club support National Grid's input to the community of Dunoon.

Comment: Comments noted but raise no new planning issues

5.0 CONCLUSION

The Supplementary Statement submitted by DBA and subsequent responses by SEPA and the Council's Flood Risk Management offer further explanations and detailed information on what was discussed at the Hearing and later comments from Kaya. The direct comparison of two separate reports by Carl Bro and DBA may have lead to some confusion over the wording of condition 14 but the additional information offers assurances that the specific terms of this condition could be met in terms of a future detailed proposal. The Council's Flood Risk Management are completely satisfied with the findings of the Supplementary Statement and consider that the provision of compensatory storage is more than was originally expected in the Carl Bro model which the Council have found acceptable in its flood risk management role for the Milton Burn.

SEPA also have no objections to the proposed flood mitigation measures and reiterate their earlier comments in respect of condition 14.

The statements made by James Barr cannot be substantiated where the level of car parking proposed is considered to be acceptable given the location of the site, size of the store and policy considerations.

Accordingly, there would now appear to be no outstanding issues in respect of flood risk, compensatory flood storage or parking issues for this 'in principle' application and therefore no impediment to Members making their determination on the basis of the information submitted .

6.0 RECOMMENDATION

It is recommended that planning permission be approved as per the original report.

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15th December 2011