

# Report of Handling



**Application Number:** 2017/0062/DET  
**Location:** Sawmill Balliemeanoch Strachur Argyll And Bute  
PA27 8DW  
**Proposal:** Erection of office accommodation and formation of  
car parking area.  
**Case Officer:** Julie Gray  
**Target Decision Date:** 19 Apr 2017

<b>1. Introduction</b>
<p><u>Site Description:</u> The application site is located beside the A815 about half a mile South-East of Strachur village. The River Cur runs along the Northern boundary of the site and this has a belt of mature tree planting along its banks, which partially screens the site from the A815. The site contains a building used for the servicing and repair of timber lorries and portacabins used as office accommodation. The land surrounding the building is predominantly used for timber stacking and there is an existing access serving the site from the A815.</p> <p><u>Proposal:</u> Permission is sought for the erection of a single storey office building with a floor area of approximately 260m<sup>2</sup> arranged in a 'cross' formation. The building would be located to the west of the site adjacent to the existing access road. A raised walkway is proposed between the office building and A815.</p> <p>The proposal was previously refused (ref: 2015/0305/DET) on flood risk grounds. The current proposal is exactly as the previous application albeit with the addition of the raised walkway which acts as a raised pedestrian escape route onto the A815.</p> <p>The key issues for consideration are:</p> <ul style="list-style-type: none"><li>• Principle of Development</li><li>• Flood Risk</li></ul>
<b>2. Relevant Planning History</b>
<p>2015/0305/DET -Refuse -29 July 2016 Erection of office accommodation</p>
<b>3. Policy Context</b>
<p><u>Local Development Plan (Adopted 2016)</u> OP1: Strategic Principles OP2: Development Requirements TP3: Impact Assessment and Design Standards of New Development NEP 13: Flood Risk EDP2: Economic Development in the Countryside and Small Rural Communities</p> <p>Rural Activity Area – Strachur South, Cowal</p> <p><u>Other Material Considerations</u></p> <p><u>National Park Aims</u> The four statutory aims of the National Park are a material planning consideration. These are set out in Section 1 of the National Parks (Scotland) Act 2000. Policy NP1 of the National Park Local Plan outlines the Park's overarching policy position on new development with regard to the statutory aims.</p> <p><u>National Park Partnership Plan (2012-2017)</u> Relevant Policies: RD Policy 1: Sustaining our Population</p>

## LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

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	<p>RD Policy 2: Spatial Development Strategy RD Policy 3: Rural Economy</p> <p><u>Supplementary Guidance (draft)</u> Design and Placemaking</p>
4.	<p><b>Environmental Appraisal</b></p>
	<p><u>Environmental Impact Assessment</u> The National Park is identified as a 'Sensitive Area' within the Environmental Impact Assessment (Scotland) Regulations 2011.</p> <p>In this particular instance it has been determined that an EIA is not required as the proposal is not identified within Schedule 2 of the Regulations.</p>
5.	<p><b>Summary of Consultations</b></p>
	<p><u>Scottish Environmental Protection Agency (East Kilbride)</u> <b>Object</b> to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy. The objection will be reviewed if the issues detailed in Section 1 are adequately addressed.</p> <ul style="list-style-type: none"> <li>• Modification of the development to locate the proposed building outwith the functional floodplain in line with Scottish Planning Policy. There may still be the need for adequate flood mitigation measures, which may include compensatory storage.</li> <li>• Further information on the access and egress arrangements.</li> </ul> <p>The full response can be viewed via the National Park public access system.</p> <p><u>ABC Flood Prevention</u> No objection subject to conditions regarding implementation of a local flood alarm system, final floor levels and implementation of a swale.</p> <p><u>ABC Roads</u> No response has been received on the current proposal however given the similarities between the current proposal and that previously refused it is considered that the previous response provided on application ref: 2015/0305/DET is still relevant. This has been noted below:</p> <p><i>Response received 6/11/15.</i> No objection subject to conditions regarding visibility and access road specification.</p>
6.	<p><b>Summary of Representations</b></p>
	<p>None</p>
7.	<p><b>Summary of Supporting Information</b></p>
	<p>Flood Risk Assessment produced by Terrenus Land &amp; Water. The FRA recognises the proposal would be within the functional flood plain and recommends a variety of mitigation measures.</p> <p>All previous correspondence relating to the previous application regarding consultation responses from SEPA and responses from the applicants flood consultant have been submitted. In addition to this, a further response from the flood consultant, dated 20.06.16, which was not received at the time of the assessment of the original application (2015/0305/DET) has been submitted.</p> <p>A covering letter from the agent requesting the Planning Authority take a wider and more pragmatic view of the proposal and contextualise SEPA's objection to protect the interests of present and future generations. The letter notes that:</p> <ul style="list-style-type: none"> <li>• the River Cur has on the irregular occasion flooded the lorry park but not to a level to cause risk to life and property.</li> <li>• The finished floor level has been set above the 'theoretical' flood line.</li> <li>• The revised scheme includes a Flood Early Warning System and elevated pedestrian route to</li> </ul>

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the A815.

- Two business premises occupy the site – to refuse the application would not remove the ‘theoretical’ risk to life and property’ because both companies could remain in their current premises which have been built to a far lower safety standard than those proposed for the new office block.
- The businesses could decide to move to another location which could have a detrimental impact on the local economy and community.

## 8. **Planning Assessment**

### Principle of development

The principle of the proposal is supported by policy EDP2 of the Local Development Plan as the site is located within the Strachur South Rural Activity Area and the proposal will support an existing economic activity.

### Flood risk

The site and proposed development is located within the 1 in 200 year flood risk zone; a full assessment of the suitability of the site for development, in relation to flood risk, is therefore the main point of consideration in the assessment of this application.

### Policy Background

Scottish Planning Policy (SPP) is a statement of Scottish Government policy on land use planning. It states that the planning system should promote flood avoidance: by safeguarding flood storage and conveying capacity, and locating development away from functional flood plains and medium to high risk areas. The Flood Risk Framework within the SPP (para 263) goes on to state that where development is permitted within areas of medium to high flood risk measures to protect against, or manage flood risk, will be required and any loss of storage capacity mitigated to achieve a neutral or better outcome.

Local Development Plan Policy NEP13 ‘Flood risk’ states that:

*Development will not normally be permitted in areas that are:*

*b. Outwith existing settlements and that have been identified as being at medium to high flood risk from any source or in areas known to flood frequently unless:*

- The location is essential for operational purposes (such as navigation and water based recreation uses, agriculture);*
- An alternative lower risk location is not physically available; and*
- A flood risk assessment in compliance with (b) i, ii, iii is approved by the relevant Responsible Authorities, and can demonstrate that the risk can be managed and/or mitigated to achieve a neutral or better outcome.*

In assessing the proposal against Scottish Planning Policy and LDP policy NEP13; the proposed development would be contrary to these policies for the following reasons:

- The site is located outwith an existing settlement and is identified as being at medium to high flood risk.
- The location is not essential for operational purposes as set out in point (i) above.
- There is a potential alternative lower risk location within the site where the office building could be located (as shown in figure 1 below subject to provision of safe access and egress in a flood event).
- SEPA, a statutory consultee for flood risk, has objected to the proposal on flood risk grounds-this is in light of the submitted Flood Risk Assessment and associated supplementary information.

The covering letter sent in support of the application requests that the planning authority contextualise the SEPA objection and take a more pragmatic view of the proposal. Whilst the economic benefit of the businesses to the local economy should not be underestimated, the risk of flooding on the site is an overriding concern in this case. The Planning Authority is not in a position to approve a proposal subject to the objection of a statutory consultee when it may place buildings and person at flood risk.

Additionally, in this case, an alternative location appears to be suitable which is outwith the flood risk area.

### Conclusion

It is considered that, for the Authority to be able to fully support this, or any future application for this

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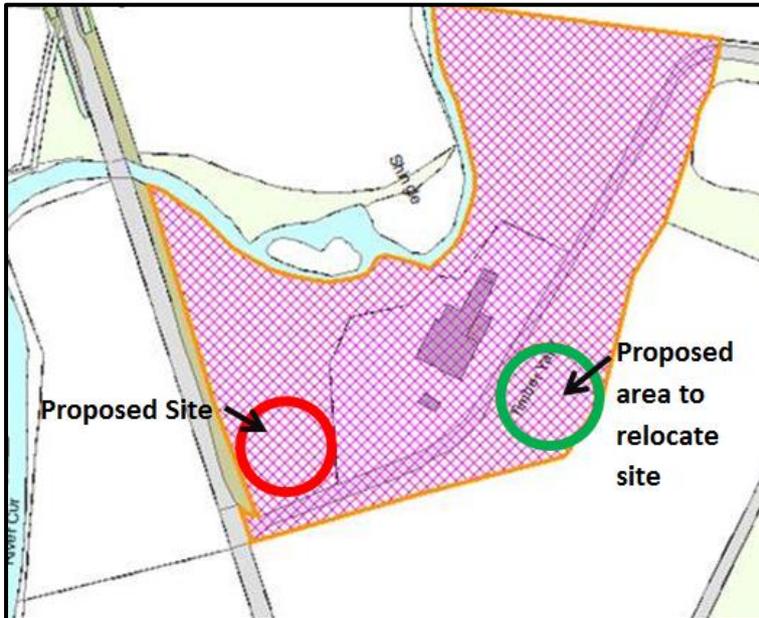
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same proposal a positive Flood Risk Assessment and/or mitigation solutions to the flooding issue must be forthcoming to ensure that all regulatory bodies are satisfied at the outset. This is not the case at present.

The applicant has failed to satisfy SEPA, or the Planning Authority, that the issue of flooding on the application site and resultant risk to property and life can be adequately addressed or mitigated by acceptable solutions, as required by this authority and by SEPA. Therefore, the proposal is contrary to Scottish Planning Policy (Flooding section), and Policy NEP13 of the Local Development Plan.



**Figure 1**

**Recommendation: Refuse**

**Reason for Decision**

The applicant has failed to satisfy SEPA, or the Planning Authority, that the issue of flooding on the application site and resultant risk to property and life can be adequately addressed or mitigated by acceptable solutions, as required by this authority and by SEPA. Therefore, the proposal is contrary to Scottish Planning Policy (Flooding section), and Policy NEP13 of the Local Development Plan.

**List of Plans**

Title	Reference	Date Received
Location Plan/Site Plan		20/02/17
Site Plan Proposed		20/02/17
Proposed Elevations North and West		20/02/17
Proposed Elevations South and East		20/02/17
Proposed Floor Plans		20/02/17

Signed: Julie Gray  
**Development Management Planner**

Dated: 25.04.17

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