

Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 21/02691/PP

Planning Hierarchy: Local Development

Applicant: Lee Wheeler

Proposal: Erection of dwellinghouse and siting of 2 temporary caravans (retrospective), erection of timber storage shed (retrospective) installation of sewage treatment plant, formation of car parking area and associated works

Site Address: Land West Of Strathholm Clachan Tarbert Argyll And Bute

DECISION ROUTE

- Delegated - Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997
- Committee - Local Government Scotland Act 1973
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(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of dwellinghouse
- Retrospective siting of 2 temporary caravans
- Retrospective erection of timber storage shed
- Formation of car parking area and associated works

(ii) Other specified operations

- Installation of sewage treatment plant
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(B) RECOMMENDATION:

The proposal is recommended for approval of Planning Permission subject to conditions and reasons appended below.

(C) CONSULTATIONS:

Roads and Infrastructure Services

No objection subject to conditions appended below – 02.03.2022

Scottish Water

No objection – 14.02.2022

Flood Risk Advisor

Defer Decision – 25.02.2022

Subsequently, additional information was submitted in the absence of an FRA report and as such, the floods officer retains their initial recommendation to defer decision – 08.09.2023

Transport Scotland

No objection – 21.02.2022

Scottish Environment Protection Agency (SEPA)

Initial consultee response was a holding objection – 10.03.2022

Subsequent response following applicant's discussion with SEPA in the absence of any submission of the required FRA, has not resolved the concerns raised. SEPA confirmed holding objection – 13.12.2022

Notwithstanding, the applicant submitted further information to the Planning Authority in support of the application without an FRA report on 24 July 2023. SEPA was again consulted and continue to maintain their holding objection in the absence of an FRA – 20.09.2023

Various correspondences between the agent, planning authority and SEPA regarding the need for an FRA has since taken place. The applicant was given time to provide this information as requested but has failed to do so and confirmed the application should be determined without an FRA as of 11.12.2023

(D) HISTORY:

04/00792/OUT – Erection of dwellinghouse (Outline) – Approved 29.06.04

07/01005/OUT – Erection of dwellinghouse (Outline) (Renewal of above permission) – Approved 26.06.07

10/00979/PP – Erection of dwellinghouse – Approved 26.07.2010

18/01748/PP – Erection of 4 timber holiday let log cabins and installation of sewage treatment plant – Withdrawn 30.11.2018

18/02686/PP – Erection of 2 holiday lodges – Refused 11.07.2019.

19/01738/PP – Erection of 2no holiday lodges – Refused 09.07.2021

(E) PUBLICITY:

Regulation 20 Advert (expiry date: 06.09.2022)

Neighbour notification (expiry date: 08.02.2022)

(F) REPRESENTATIONS:

(i) Representations received from:

Two representations were received for the application – one in objection and the other, a neutral comment from

- JM Wyllie, Smithy Croft Clachan Tarbert Argyll And Bute PA29 6XL
- Margaret Pratt, Birchfield Whitehouse Tarbert Argyll And Bute PA29 6XS (On behalf of the community council)

Representations are published in full on the planning application file and are available to view via the [Public Access](#) section of the Council's website.

(ii) Summary of issues raised:

- A concern was raised in relation to the site having flooded during the last two significant flooding events in 2012 and 2015 resulting in overspill around the site and beyond.
- *[Comment: This point is noted and both SEPA and the Council's flood advisor were consulted on the application. Their response are noted above and are taken into consideration as part of this assessment.]*
- Concern raised related to the lack of passing places along the proposed access to the site being in poor condition. The access is also used by children and the elderly to access a recreational space within the grounds of the old village hall.
- *[Comment: This point is noted, and the local roads engineer was consulted and has raised no objection subject to condition relating to access and parking for the proposal.]*
- Further concern was raised in relation to the potential presence of Japanese knotweed on the site due to inadequate treatment in the past.
- *[Comment: This point is noted. However, there is no substantive evidence regarding the presence of Japanese knotweed which in any event could be addressed by a suitably worded planning condition.]*
- Another concern was raised regarding the use of the retrospective siting of two caravan on the site, being associated with a form of tourist accommodation, due to associated amenity, noise and parking issues.
- *[Comment: This is noted. However, at this time, it is understood the retrospective siting of the caravans are for the purposes of construction. Any future use of the caravans as self-catering/letting units would require the separate planning permission.]*

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Impact Assessment Report:** Yes No (if Yes insert EIA topics below)
- (ii) **An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994:** Yes No (if Yes attach as an appendix)
- (iii) **A Design or Design/Access statement:** Yes No (if Yes insert summary of key issues below)

This Supporting Planning, Design and Access Statement has been prepared to accompany a planning application for the construction of a three bedroom, single storey dwelling (as the applicant's main residence) with associated landscaping within the land West of Stratholm in Clachan.

The location of the site is positioned off the existing track leading from the village hall to Stratholm. The ground levels are relatively steep with approximately 6m difference in ground levels from the water course to the existing trackway.

The overall principle of a dwelling on this site was established with outline planning granted for a single dwelling in 2007, Ref 07/01005/OUT. The outline of the dwelling is out with the SEPA flood zone as indicated on their flood zone maps. It has therefore been assumed that a Flood Risk Assessment is not applicable for this application as the finished floor level of the proposed dwelling is over 5m above the mean level of the watercourse and approximately 24m from the burn running North to South in close proximity to the Eastern boundary.

The site (1035 sq.m) is currently unused land but does have temporary accommodation and toilets for the construction phase of the development positioned on site. The dwelling will be 130 sq.m on a single floor level, which equates to 12.5% of the plot.

Landscaping with the retention of existing trees and shrubs and a balancing pond, to help alleviate problems with any blockage to the burn, and permeable footpaths, ramps and roadways is proposed.

The dwelling is designed to be inserted seamlessly into the hillside with the choice of natural stone wall to the front elevation and off white render to all other remaining elevations, barrel vaulted grass covered roof which minimises any impact on the local landscape to ensure integration when viewed from the A83.

Surface water will be via soakaways positioned close to the garden approx. 5m min from the dwelling, all roadways and footpaths will be

constructed from permeable materials for natural drainage into the ground. Foul water will be taken to a treatment plant treated liquid discharged into the local watercourse.

- (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes No (if Yes list supporting documents below)

(H) PLANNING OBLIGATIONS

- Is a Section 75 agreement required:** Yes No (if Yes insert details of the terms and heads of agreement and, grounds for refusal if not completed within 4 months below)

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- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** Yes No (if Yes insert details of direction below)

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- (J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

- (i) List of all Development Plan Policy considerations taken into account in assessment of the application.**

[National Planning Framework 4 \(Adopted 13th February 2023\)](#)

Part 2 – National Planning Policy

Sustainable Places

NPF4 Policy 1 – Tackling the Climate and Nature Crises

NPF4 Policy 2 – Climate Mitigation and Adaption

NPF4 Policy 3 – Biodiversity

NPF4 Policy 4 – Natural Places

NPF4 Policy 5 – Soils

NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings (*includes provisions relevant to Greenfield Sites*)

NPF4 Policy 12 – Zero Waste

NPF4 Policy 13 – Sustainable Transport

Liveable Places

NPF4 Policy 14 – Design, Quality and Place

NPF4 Policy 15 – Local Living and 20 Minute Neighbourhoods

NPF4 Policy 16 – Quality Homes

NPF4 Policy 17 – Rural Homes

NPF4 Policy 18 – Infrastructure First

NPF4 Policy 22 – Flood Risk and Water Management

[‘Argyll and Bute Local Development Plan’ Adopted March 2015](#)

LDP STRAT 1 – Sustainable Development
LDP DM 1 – Development within the Development Management Zones
LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment
LDP 8 – Supporting the Strength of our Communities
LDP 9 – Development Setting, Layout and Design
LDP 10 – Maximising our Resources and Reducing our Consumption
LDP 11 – Improving our Connectivity and Infrastructure

Local Development Plan Schedules

Area for Action 13/3 – Clachan Village – Traffic management and environmental enhancement.

'Supplementary Guidance to the Argyll and Bute Local Plan 2015' (Adopted March 2016 & December 2016)

Natural Environment

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity Sites (LNCS)
SG LDP ENV 11 – Protection of Soil and Peat Resources

Landscape and Design

SG LDP ENV 14 – Landscape

General Housing Development

SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Resources and Consumption

SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems
SG LDP SERV 2 – Incorporation of Natural Features / SuDS
SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development
SG LDP SERV 6 – Private Water Supplies and Water Conservation

Addressing Climate Change

SG LDP SERV 7 – Flooding and Land Erosion – Risk Framework

Transport (Including Core Paths)

SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes
SG LDP TRAN 6 – Vehicle Parking Provision

(ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.**

- Third Party Representations
- Consultation Responses
- Planning History
- [ABC Technical Note – Biodiversity \(Feb 2017\)](#)
- [ABC draft Technical Note – Argyll and Bute Windows \(April 2018\)](#)

[Argyll and Bute proposed Local Development Plan 2 \(November 2019\)](#) – The Examination by Scottish Government Reporters to the Argyll and Bute Local Development Plan 2 has now concluded and the [Examination Report](#) has been published (13th June 2023). The Examination Report is a material consideration of significant weight and may be used as such until the conclusion of the LDP2 Adoption Process. Consequently, the Proposed Local Development Plan 2 as recommended to be modified by the Examination Report and the published Non Notifiable Modifications is a material consideration in the determination of all planning and related applications.

Spatial and Settlement Strategy

Policy 01 – Settlement Areas
Policy 04 – Sustainable Development

High Quality Places

Policy 05 – Design and Placemaking
Policy 08 – Sustainable Siting
Policy 09 – Sustainable Design
Policy 10 – Design – All Development

Connected Places

Policy 32 – Active Travel
Policy 33 – Public Transport
Policy 34 – Electric Vehicle Charging Points
Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
Policy 37 – Development Utilising an Existing Private Access or Existing Private Road
Policy 39 – Construction Standards for Private Accesses
Policy 40 – Vehicle Parking Provision

Sustainable Communities

Policy 55 – Flooding
Policy 56 – Land Erosion
Policy 57 – Risk Appraisals
Policy 58 – Private Water Supplies and Water Conservation
Policy 60 – Private Sewage Treatment Plants and Wastewater Drainage Systems
Policy 61 – Sustainable Urban Drainage Systems (SUDS)

Homes for People

Policy 66 – New Residential Development on Non-Allocated Housing Sites within Settlement Areas

High Quality Environment

Policy 73 – Development Impact on Habitats, Species and Biodiversity

Policy 79 – Protection of Soil and Peat Resources

Local Development Plan 2 Schedules

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: Yes No (if Yes confirm date of screening opinion and reference below)

(L) Has the application been the subject of statutory pre-application consultation (PAC): Yes No (if Yes provide summary detail of PAC below)

(M) Has a Sustainability Checklist been submitted: Yes No (if Yes provide detail below)

(N) Does the Council have an interest in the site: Yes No (if Yes provide detail below)

(O) Requirement for a pre-determination hearing: Yes No (if Yes insert details below)

(P)(i) Key Constraints/Designations Affected by the Development:

- N/A

(P)(ii) Soils

Agricultural Land Classification: Class 4.20

Peatland/Carbon Rich Soils Classification: Class 1
 Class 2
 Class 3
 N/A

Peat Depth Classification: N/A

Does the development relate to croft land? Yes No

Would the development restrict access to croft or better quality agricultural land? Yes No N/A

Would the development result in fragmentation of croft / better quality agricultural land? Yes No N/A

(P)(iii) Woodland

Will the proposal result in loss of trees/woodland? Yes

(If yes, detail in summary assessment)

No

Does the proposal include any replacement or compensatory planting? Yes

No details to be secured by condition

N/A

(P)(iv) Land Status / LDP Settlement Strategy

Status of Land within the Application
(tick all relevant boxes)

Brownfield

Brownfield Reclaimed by Nature

Greenfield

ABC LDP 2015 Settlement Strategy

LDP DM 1 (tick all relevant boxes)

Main Town Settlement Area

Key Rural Settlement Area

Village/Minor Settlement Area

Rural Opportunity Area

Countryside Zone

Very Sensitive Countryside Zone

Greenbelt

ABC LDP 2015 Allocations/PDAs/AFAs etc:

N/A

ABC pLDP2 Settlement Strategy

(tick all relevant boxes)

Settlement Area

Countryside Area

Remote Countryside Area

Helensburgh & Lomond Greenbelt

ABC pLDP2 Allocations/PDAs/AFAs etc:

N/A

(P)(v) Summary assessment and summary of determining issues and material considerations

The subject of this application is a proposed 3 bedroom single storey detached property. The application site is the immediate vacant land West of Strathholm in Clachan, measuring approx. 1035 sq. m. The site is bounded by vacant land northward; the Clachan burn runs parallel with the A83 along the southern boundary; and the retrospective caravan and timber shed are located north east. The site is accessible from an existing shared private single track access layout connecting the site to the U057 public road located some 300 metres westerly.

Principle

Of relevance, NPF4 Policy 9 sets out that proposals on greenfield sites will not be supported unless the site has been allocated for development or explicitly supported by policies in the Local Development Plan (LDP). NPF4 Policy 14 generally supports development proposals designed to improve the quality of an area whether in urban or rural locations and regardless of scale. NPF4 Policy 15 expects development proposals to contribute to local living including, where relevant, 20 minute neighbourhoods. NPF4 Policy 16 sets out that development proposals for new homes on land not allocated for housing in LDP will only be supported in limited circumstances. NPF4 Policy 17 is set out to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations.

In terms of the adopted Argyll and Bute Local Development Plan (LDP) 2015, the proposed site includes land within a Key rural settlement zone of Clachan wherein Policy LDP DM 1 gives encouragement to sustainable forms of up to and including medium scale development on appropriate sites.

The principle for constructing a dwellinghouse on this plot has been established almost two decades ago under the initial application 04/00792/OUT with the description "Erection of dwellinghouse". This application was granted on 29 June 2004, having been assessed against a precursor LDP. This was subsequently renewed until 2010 for a similar residential property size on the site which was granted under the application 10/00979/PP. Though the 2010 planning permission has lapsed as of 2013, it remains a material consideration to the assessment and determination of the current application. The proposed development by reason of its small scale and location in a key rural settlement is considered acceptable and consistent with Policy LDP DM 1.

By reason of the established residential area and the geographical scale of the wider environment within which the site is located; and its compliance with the existing settlement pattern within rural Argyll coupled with the level and quality of interconnectivity of the proposed development, people can reasonably meet the majority of their daily needs within a reasonable distance of their home. Thus, the proposal also complies with the NPF4 Policy 15; and ABC LDP 2015 Policies LDP DM 1 and LDP 8.

Drawing the above together, the principle of establishing this small scale residential development at the site is considered acceptable, subject to the acceptability of the detailed matters set out below.

Local character and appearance

The application site is located outwith any local or national designation. Even so, the proposal does not give rise to any immediate impact upon the natural or established environment. The local settlement pattern within Clachan village itself is of a well-established residential area with similar property types and sizes on moderate plot sizes. With the proposal not being an exception, it would be located adjacent to the Stratholm – a detached bungalow which sits within a vast plot, thus conforming to the local settlement pattern.

The proposal is for a single storey three bedroom square shaped detached building overlooking the Clachan burn and the mature tree line established between the burn and along the A83. The proposed house is designed to have a curved sedum roof with three rooflights located central. The proposed finishing materials include off white render and natural stone to the walls, grey fascias, sedum roof, and grey framed windows and doors.

In this regard, the scale, massing and finishing materials of the proposal are considered to be in keeping with its immediate surrounding. It would not have materially detrimental effect to visual amenity due to its location which will be significantly screened by the established trees along the river bank. It also does not raise any concerns with respect to residential amenity (overlooking/overshadowing). Furthermore, the dwelling would also not hinder any key viewpoints. Based on the above, the location, massing and design of the proposed dwellinghouse subject to conditions are considered acceptable and would not significantly detract from the immediate neighbouring property or surrounding area.

The proposal is therefore considered consistent with the relevant provisions of NPF4 Policies 14, 16 and 17 and ABC LDP 2015 Policies LDP 3, LDP 9, SG LDP ENV 14 and SG Sustainable.

Flooding

The principal issue with respect to this application lies with flood risk associated with the site. The proposed site partially falls within the functional floodplain, based on the SEPA Flood Maps indicating there is a medium risk of flooding from the Clachan Burn. Consequently, both SEPA and the council's Flood Risk Advisor were consulted and have both raised concerns regarding the risk of flooding resulting from this proposal. The following is extracted from the Flood Risk Advisor's response dated 25th February 2022:

"No information regarding historic flooding has been submitted with the application or provided within the FRA submitted within a previous application at this site (19/01738/PP). However, a member of the Clachan Catchment Project Group has previously informed that there have been 3 major flooding incidents in the last decade (as of October 2019) that have severely affected properties in Clachan. These flood events include both the 2012 and 2015 floods which involved large quantities of flood water to overspill down from the upper ground of Quinhill (to the north of the site). There are photos from the 2012 flood event that show the floodwater overspill on to the site from the gate in the north-east corner, the source of the floodwater is unclear, but it is likely to have been from the small watercourse or from surface water.

The site is partially overlain by the indicative limits of fluvial flooding as per the SEPA Flood Maps (2014). The flood risk noted on the SEPA maps is associated with the Clachan Burn. Updated modelling undertaken by AECOM as part of the 2019 Clachan Flood Study confirms this expected risk. With reference to the supplied cross section of the site, the proposed dwellinghouse is to be located at an elevation approximately 5m high than the banks of the Clachan Burn, with a Finished Floor Level of 24.575mAOD. As such it is not expected that the proposed dwellinghouse is located within the 1:200 year fluvial floodplain associated with the Clachan Burn. The small watercourse to the east of the site has a catchment area of <3km² and is thus too small to have its risk quantified on the SEPA fluvial flood maps (2014). Photographs taken from the 2012 flood event (that shows flooding on the site) are likely associated with this watercourse.

The supplied FRA makes reference to the SEPA fluvial flood extent and an extract of the Clachan flood study (2019), neither of which includes flood risk from the small burn at the eastern boundary of the site. Supplied photographs included in application 19/01738/PP show flooding from the 2012 flood event at the site and the source of this water is unknown (though likely to be either from the small burn and/or surface water). However, the previously submitted FRA has not quantified this risk.

It is therefore recommended that new hydraulic modelling be undertaken to quantify the risk. This should include modelling of the burn (including blockage risk) and may include modelling of surface water.

The property should be located outside of the 1:200-year floodplain with finished floor levels set to the 1 in 200 year flood level plus an allowance for climate change plus 0.6 m freeboard. Per SEPA guidance, a 56% uplift for climate change should be applied."

Consultation responses from SEPA also raised objection to the proposal (and together with the Flood risk advisor) have requested that a flood risk assessment

(FRA) is submitted to accompany the application. It is understood further correspondence took place between SEPA and the applicant following SEPA's initial response dated 9th March 2022. SEPA has since reiterated their objection in an email dated 13th December 2022 as the applicant has failed to provide the required FRA to the planning authority for further review. The applicant, following further correspondence with SEPA who retained their holding objection for the third time on 19th September 2023, confirmed they would like for the application determined as it stands and in the absence of an FRA.

In view of the above, and in the absence of any evidence to suggest that the development will not exacerbate flood risk associated with the site, the proposal is deemed contrary to the provisions of Policy LDP 10 and SG LDP SERV 7 on grounds that it will place persons and property at greater risk of flooding than currently exists. Resultantly, the application is recommended for refusal in that it is contrary to the provisions of the Local Development Plan as it relates to flooding.

Policy 22 of NPF4 sets out that it will be demonstrated by the applicant that:

- All risks of flooding are understood and addressed;
- There is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;
- The development remains safe and operational during floods;
- Flood resistant and resilient materials and construction methods are used;
- Future adaptations can be made to accommodate the effects of climate change.

It is noted that in the absence of the a FRA in relation to potential flood risk posed by an identified minor water course, as requested by both SEPA and the Council's Flood Risk Advisor, the proposal would conflict with NPF4 Policy 22, notably criterion A.

Given the above noted policy requirements would establish whether the principle of development is acceptable insofar as it related to flood risk, it is not considered a planning condition would be able to address the above policy conflict.

Biodiversity

The proposal does not relate to, nor is it within immediate proximity of any nature conservation designation. The site is a vacant land with limited agricultural and biodiversity value. The proposal does not include any detail of proposed biodiversity enhancements that would be delivered by the development however in this instance it is considered that this could reasonably be secured by suspensive condition seeking improvements to be considered and delivered alongside proposals for landscape, boundary treatment and surface treatment for the development. similarly, a condition requiring appropriate soil management practices would also be appropriate. The proposal is considered to be consistent with the relevant provisions of NPF4 Policies 3 and 5A and ABC LDP Policies LDP 3, SG LDP ENV 1 and SG LDP ENV 11.

Water/drainage

The application shows no indication of water supply source to the development but intends to rely on private waste water treatment plant with a soakaway. The treated water will then be discharged into the nearby watercourse as noted in the design and access statement.

The nature of the development falls below SEPA's threshold for consultation on this ground. Consequently, SEPA's Standing Advice on small scale private drainage system has been taken into account solely for this aspect of the development. The applicant is therefore advised to consult SEPA for a Controlled Activities Regulations (CAR) licence to ensure the treatment level meets policy requirements. Consultation with Scottish Water (SW) raised no objection to the application and indicates there are public infrastructure for both water supply and waste water treatment within close proximity to the site. This is however subject to SW's further review and confirming availability of capacity for the proposal.

In view of the above, it is expected that the developer seeks to connect to the public infrastructure where possible prior to seeking private alternatives with the exception of surface water drainage which SW has confirmed they will not be accepting connection for. On this basis, the proposal subject to conditions is considered consistent with the provisions of NPF 4 policy 22C, and 22D and ABC LDP 2015 Policies LDP 10 and SG LDP SERV 1.

Roads

The development seeks to rely on the existing shared private access and provide four car parking spaces. The local Roads and Infrastructure department was consulted and has raised no objection to the application subject to conditions. The proposal is considered to be consistent with the relevant requirements of NPF4 Policy 13, and ABC LDP Policy LDP 11, SG LDP TRAN 2, SG LDP TRAN 4 and SG LDP TRAN 6.

Matters Raised by Proposed Local Development Plan 2 (as modified by Examination)

Proposed Local Development Plan 2 as recommended to be modified by the Examination Report is now a significant material consideration. In this instance it is considered that this application would conflict with LDP2 Policies 55 and 57 based on the issues explained above in relation to flood risk and the absence of a satisfactory site specific flood risk assessment, given the site's location and historic flooding.

Conclusion

The proposal would contribute towards housing supply within an existing key rural settlement and help support construction employment. As such social, environmental and economic benefits are associated with the proposed development. However, the proposal is considered to be contrary with the Development Plan when taken as a whole, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to grant planning permission having regard to s25 of the Act. In such circumstances, planning permission should be refused.

(Q) Is the proposal consistent with the Development Plan: Yes No

(R) Reasons why Planning Permission or Planning Permission in Principle Should be Refused:

Insufficient evidence has been submitted to fully understand and address flood risk associated with the site and surrounding area. As such, the proposal would conflict with the provisions NPF4 Policy 22; ABC LDP policies LDP 10 and SG LDP SERV 7 and pLDP2 policies 55 and 57 on grounds that, in the absence of substantive evidence, it would lead to a greater risk of flooding than currently exists for future occupants of the proposed development, and for others in the area. Specifically, the applicant has failed to provide a flood risk assessment to allow further consideration of these matters. Given that the Council's Flood Risk Advisor and SEPA (a statutory consultee on flooding) have both objected and the applicant has not provided any evidence in response to demonstrate that the development will not be subject to flood risk nor exacerbate flood risk elsewhere, then the development can only be considered to conflict with the aforementioned relevant policy of NPF4, the adopted LDP and pLDP2 as they relate to flood risk.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A

(T) Need for notification to Scottish Ministers or Historic Environment Scotland:
 Yes No (If yes provide detail below)

Author of Report: Tiwaah Antwi **Date:** 12.12.2023

Reviewing Officer: Bryn Bowker **Date:** 24.01.2024

Fergus Murray
Head of Development & Economic Growth

REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 21/02691/PP

1. Insufficient evidence has been submitted to fully understand and address flood risk associated with the site and surrounding area. As such, the proposal would conflict with the provisions NPF4 Policy 22; ABC LDP policies LDP 10 and SG LDP SERV 7 and pLDP2 policies 55 and 57 on grounds that, in the absence of substantive evidence, it would lead to a greater risk of flooding than currently exists for future occupants of the proposed development, and for others in the area. Specifically, the applicant has failed to provide a flood risk assessment to allow further consideration of these matters. Given that the Council's Flood Risk Advisor and SEPA (a statutory consultee on flooding) have both objected and the applicant has not provided any evidence in response to demonstrate that the development will not be subject to flood risk nor exacerbate flood risk elsewhere, then the development can only be considered to conflict with the aforementioned relevant policy of NPF4, the adopted LDP and pLDP2 as they relate to flood risk.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application 21/02691/PP

- (A) Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing? **No**
- (B) The reason why planning permission has been refused:

Insufficient evidence has been submitted to fully understand and address flood risk associated with the site and surrounding area. As such, the proposal would conflict with the provisions NPF4 Policy 22; ABC LDP policies LDP 10 and SG LDP SERV 7 and pLDP2 policies 55 and 57 on grounds that, in the absence of substantive evidence, it would lead to a greater risk of flooding than currently exists for future occupants of the proposed development, and for others in the area. Specifically, the applicant has failed to provide a flood risk assessment to allow further consideration of these matters. Given that the Council’s Flood Risk Advisor and SEPA (a statutory consultee on flooding) have both objected and the applicant has not provided any evidence in response to demonstrate that the development will not be subject to flood risk nor exacerbate flood risk elsewhere, then the development can only be considered to conflict with the aforementioned relevant policy of NPF4, the adopted LDP and pLDP2 as they relate to flood risk.