

Case reference	NA-ELN-017
Application details	Alterations and change of use of bar restaurant to form house including dormers
Site address	1 Shore Street, Dunbar
Applicant	Mr Nigel Booth
Planning authority	East Lothian Council
Reason(s) for notification	Category 2 (objection by Government Agency Scottish Environment Protection Agency (SEPA))
Objectors	7
Date notified to Ministers	6 June 2016
Date of recommendation	27 June 2016
Decision / recommendation	Clear

Description of Proposal and Site:

- The application proposes the change of use of a restaurant into a dwellinghouse.
- The property is B Listed and is situated within a predominantly residential area in Dunbar Conservation Area.
- The building lies within the 1:200 fluvial floodplain.

EIA Development:

- N/A

Consultations and Representations:

- SEPA object on the grounds that it increases the number of people and properties at flood risk contrary to Scottish Planning Policy (SPP) and Planning Advice Note 69.
- The site lies within the medium likelihood extent of the SEPA Flood Map, which indicates that the site is at medium to high risk of flooding. The probability of flooding to the site is expected to be at least 0.5% (1 in 200) in any year.
- Based on SEPA's Land Use Vulnerability Guidance a change of use from restaurant to residential would be an increase in vulnerability from a "less vulnerable use" to a "highly vulnerable use".
- The community council supports the application and hope that a change of use to a house will enable this important listed building to be saved from further decay.

Assessment:

1. The Council are minded to grant planning consent for this proposal against the advice of SEPA and the application has been duly notified to Scottish Ministers as a result of that objection.
2. There is an existing property on this site but it has a non-residential use. The application proposes a change of use from a non-residential to a residential use, and, therefore, although it does not increase the number of properties at risk it increases the number of residential properties at risk. The proposed finished floor levels are lower than the minimum requirement of 200 year design level plus 600mm freeboard. The site is at risk from a flood event with a return period of 1 in 200 years. That is a 0.5% annual risk of a flood occurring in any one year. Given the location of the proposed development within the functional floodplain and the proposed change to a more vulnerable use SEPA do not consider that it meets the requirements of SPP. SEPA's objection to this application, therefore, is that the residential use is classed as higher risk than the building's former function.
3. The council's flood team advises that the building was historically built and occupied as a dwelling house. The proposal would be for it to return to such use. In terms of flood risk management the proposed development would be an alteration rather than a new development and there would be no increase to the number of properties at risk of flooding. The Council's flood team concurs with the findings of the Scottish Flood Forum's survey report and raises no objection to the proposed development subject to the recommendation of the survey being implemented. It is noted that the mitigation measures recommended in the Scottish Flood Forum survey are included as conditions to the consent. It is also noted that in 2008 planning permission was granted for change of use from a restaurant to a house at this site but that permission has since lapsed.
4. Following notification Scottish Governments Flooding Policy Team were consulted and do not recommend the application is called in for decision by Ministers. The building was originally built and occupied as a dwelling house, and the proposal is simply to return it to residential use. The developer has consulted the Scottish Flood Forum about flood mitigation measures, and there are planning conditions requiring appropriate property level protection measures including flood doors, non-return valves on waste pipes and the removal of airbricks on the ground floor. Furthermore, it seems that this property has not flooded in the past, even when the sea wall collapsed causing minor flooding to neighbouring properties.
5. It is considered that this application raises no issues of national importance that would warrant intervention by Scottish Ministers.

Decision/Recommendation:

Clear the application back to East Lothian Council.