

Case reference	NA-DAG-027
Application details	COU of shop storage area (on first floor) to flat, installation of railings and escape stair and associated alterations
Site address	2 Nith Place, Dumfries
Applicant	Mr Naqvi
Planning authority	Dumfries & Galloway Council
Reason(s) for notification	Paragraph 2 (objection by Government Agency SEPA)
Objectors	SEPA
Date notified to Ministers	25 August 2016
Date of recommendation	08 September 2016
Decision / recommendation	Clear

Description of Proposal and Site:

- The application proposes change of use of a vacant shop storage area into a flat.
- The property is situated within the Dumfries Conservation Area in an area which is made up of both commercial properties and residential flatted dwellings.
- The building lies within the 1:200 floodplain and is at medium-high risk of flooding.

EIA Development:

- N/A

Consultations and Representations:

- Both SEPA and the Council's Flood Risk Management Team have objected to the proposal on the grounds that the proposed change to a more vulnerable use could place people (residents and rescuers) at flood risk contrary to the requirements of Scottish Planning Policy (SPP) and PAN 69. 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.
- Following notification, Scottish Government's Flooding Policy Team were consulted and do not recommend the application is called in for decision by Scottish Ministers.

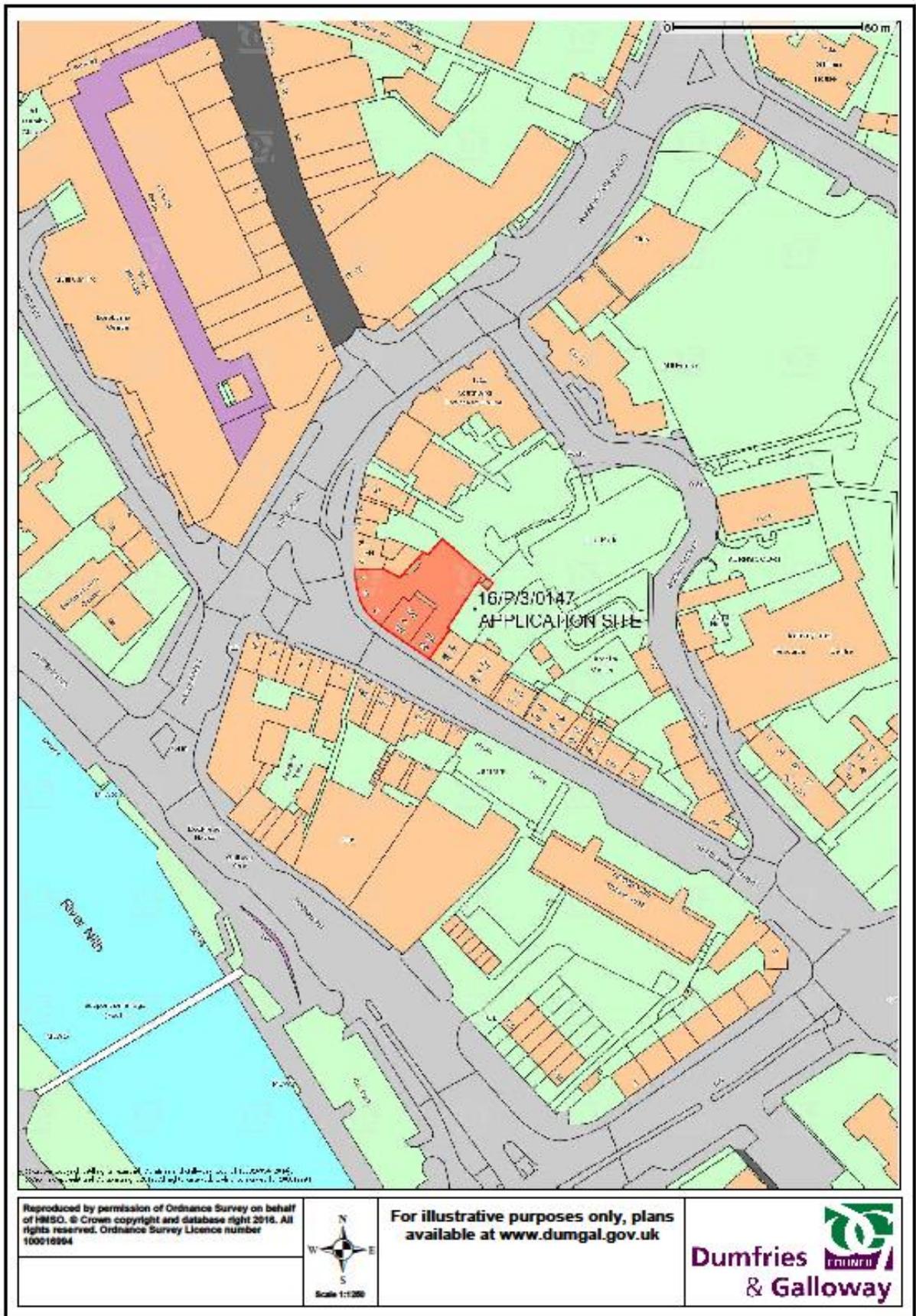
Assessment:

1. The Council are minded to grant planning consent for this proposal in line with their planning officials' recommendation but against the advice of SEPA. The application has been duly notified to Scottish Ministers as a result of that objection. No other external representations were received.
2. The Scottish Government's Flooding Policy Unit have been consulted and do not believe that there is any reason to call it in for decision by Scottish Ministers. The property in question is in an area of medium to high flood risk which has a history of flooding. The proposal, which is for a change of use from commercial (storage) to residential, does not increase the built footprint and thus does not increase the risk of flooding nor does it have a significant effect on the storage capacity of the functional floodplain. However, both SEPA and the Council's Flood Risk Management Team (FRM Team) have objected to the proposal on the grounds that it may place buildings and persons at risk, and put residents and rescuers at increased risk during the flood event.
3. The proposed flat is expected to be safe during flood events (the living space would be 1.6m above the 1:200 year flood level) but SEPA are of the view that no safe access/egress (people of vehicular) would be available during the most severe flooding episodes. A proposed emergency escape route has been included as part of the application however the Council's FRM Team say that it can't be considered as accessible to all potential residents.
4. The Planning Applications Committee have concluded that taking the development plan and all other relevant material planning considerations into account, the proposed development would assist regeneration and improve the vitality and viability of Dumfries Town Centre. With regards to flood risk they consider that the proposed use is unlikely to be at significant risk of flooding and that access and egress arrangements, including those for emergency services are unlikely to be significantly affected. They further consider the proposal is unlikely to be significantly contrary to the requirements of SPP, , or the Local Development Plan or such to override the economic benefit that the proposal would bring.
5. When assessed against SPP, the development plan and all relevant material considerations, in light of the small scale nature of the development, consisting of a change of use in an area which is made up of both commercial properties and residential flatted dwellings, it is considered that the proposal does not raise any issues of national importance that would warrant intervention by Scottish Ministers.

Decision/Recommendation:

- Clear the application back to Dumfries & Galloway Council.

Location Plan



Photographs

Street Views



