

<b>Case reference</b>	NA-FLK-038
<b>Application details</b>	Extension to existing garden centre including coffee shop, office, storage accommodation and ancillary works (amendment to planning permission P/17/0169/FUL)
<b>Site address</b>	Klondyke Garden Centre, Burnside Nursery, Polmont, Falkirk
<b>Applicant</b>	Klondyke Group Ltd
<b>Determining Authority</b>	Falkirk Council
<b>Local Authority Area</b>	
<b>Reason(s) for notification</b>	Objection by Government Agency (SEPA)
<b>Representations</b>	Nil
<b>Date notified to Ministers</b>	4 July 2018
<b>Date of recommendation</b>	19 July 2018
<b>Decision / recommendation</b>	Clear

### Description of Proposal and Site:

- Planning permission (P/18/0104/FUL) is being sought for the redevelopment of a garden centre. The application includes an extension to the existing garden centre, restaurant with outdoor seating area, consolidation of the garden landscape company within the proposed building and display area and increasing parking and landscaping.
- This application is an amendment to a previous planning permission (P/17/0169/FUL) that was granted planning permission on 8 September 2017. The amendment is to remove the second floor office and a small area of the car park to the west of the site.
- The site (figure 1) is an established garden centre, located to the south side of the A9, Falkirk. The site to be developed is greenfield, approx. 1.9ha and lies immediately to the east of the garden centre. Polmont Burn (figure 1) flows in a northerly direction along the site's southern boundary.
- The site is identified in the Falkirk Local Development Plan as an opportunity for business, leisure and tourism development (ED24).

## EIA Development:

- Falkirk Council carried out a screening opinion and concluded that 'the potential impacts are well-defined, relatively localised and are not so as to warrant an EIA'. Therefore no EIA was required.

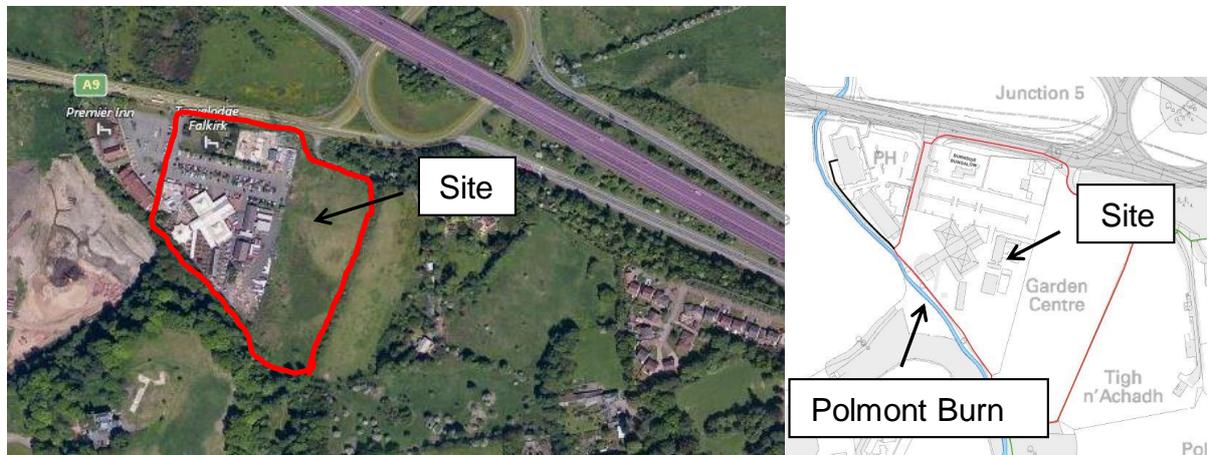


Figure 1 - Site Surroundings and Watercourse Location (bingmaps and submitted flood risk assessment)

## Consultations and Representations:

### SEPA

- The Scottish Environmental Protection Agency (SEPA) object on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy (SPP). SEPA consider that as the site lies within a medium likelihood (0.5% annual probability or 1 in 200 year) flood extent on the SEPA Flood Map, the site may therefore be at medium to high risk of flooding.

### Council's Flooding Team

- The Council's committee report highlights that the flooding risk was assessed by the Council's flooding team who have no concerns regarding this application.

### Scottish Government Flooding Policy Team

- Following notification to Scottish Ministers, the Scottish Government Flooding Policy Team (FPT) were consulted and consider that the proposed development does not raise any issues of national importance that would warrant its call in by Scottish Ministers.

### Other

- There are no other objections from statutory consultees and no representations were made on this application.

**Assessment:**

1. As the Scottish Environmental Protection Agency (SEPA) object on flood risk grounds, the application has been notified to Ministers to ascertain whether there are any issues of national importance which warrant them calling in the application for their own determination.
2. This application is an amendment to a previous planning permission that was granted permission on 8 September 2017. Little weight should be placed on the fact that SEPA did not object to that proposal. This was due to a miscommunication rather than SEPA knowingly not objecting to that application.
3. SEPA object to the current application on the grounds that it may place buildings and persons at flood risk which is contrary to SPP. SEPA have some concerns about possible land raising in the functional flood plain and concerns about some of the data used in the Flood Risk Assessment (FRA) which was submitted in support of the application. As a result, SEPA have asked for clarification on a number of points before they would consider removing their objection.
4. At the last application stage, a FRA and Hydraulic Modelling Report were submitted to support the application. These documents were assessed by the Council's flooding team who raised no issues. Similarly, the Council's flooding team have commented on this current application and have no concerns or objections with the application.
5. The Council in their committee report do acknowledge that the site is considered to be at risk of flooding. But they highlight that they believe the flood risk has been fully assessed at both application stages and that they believe the FRA submitted demonstrates that the flood risk can be managed, allowing for climate change and safe access and egress.
6. Overall, the Council acknowledge SEPA's objection. But they highlight in their committee report that SEPA's concerns do not outweigh the Council's opinions that the application has, been assessed as being in accordance with the Falkirk Local Development Plan, that there is already extant planning permission for the redevelopment of the site and the Council's assessment in relation to flood risk.
7. The Scottish Government Flooding Policy Team do not believe that this application raises any issue of national importance that would warrant intervention by Scottish Ministers.
8. In light of the above information, it is not considered that this proposal raises issues of national importance to warrant intervention by Scottish Ministers.

**Decision/Recommendation:**

- It is recommended that the application be cleared back to Falkirk Council.