



Case reference	NA-EDS-022
Application details	166 Drymen Road, Bearsden
Site address	Two Storey Early Learning Centre with associated car parking and access
Applicant	East Dunbartonshire Council
Local Authority Area	East Dunbartonshire Council
Reason(s) for notification	Category 2 (objection by Government Agency) (SEPA)
Representations	2
• Date notified to Ministers	25 September 2019
Date of recommendation	30 October 2019
Decision / recommendation	Clear

### Description of Proposal and Site:

- Planning permission is sought for the erection of a two storey Early Years Centre with associated car parking and access on the site of the former Brookwood Library in Bearsden.
- The facility will provide nursery/early years provision for up to 87 children with an assumed staffing level of 20 care staff and 4 non-care staff.
- The application has been submitted as part of a requirement for increased early years provision, to meet National policy requirements.
- Parts of the application site lie within the medium likelihood (0.5% annual probability or 1:200 year return period) fluvial flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of flooding.

### EIA Development:

- The proposal is an urban development project below the threshold. The Council's view that no EIA is required is reasonable.
- Bats, Trees, Air Quality, Noise and Drainage issues were covered in supporting documentation with the planning application. The site carried no environmental designations, but is located within a Conservation Area.

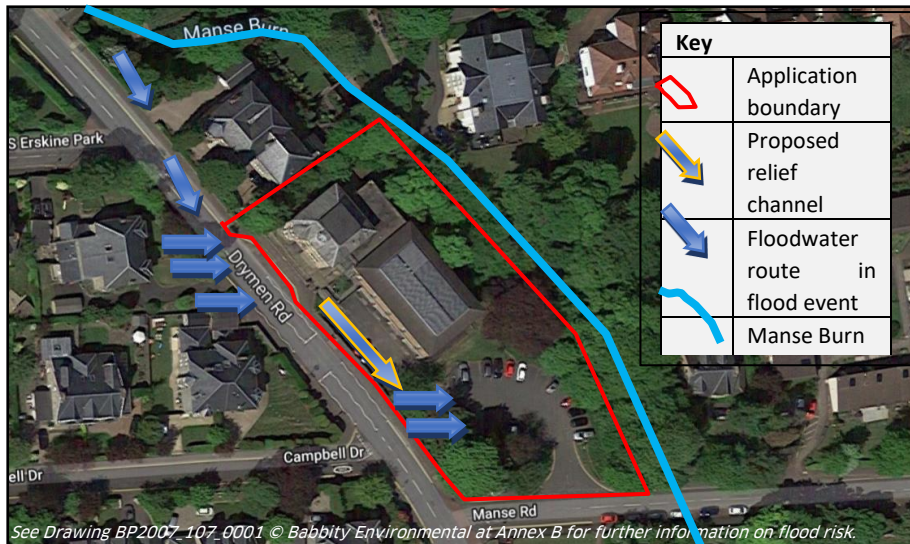


Figure 1 - Site Context © Google earth.

### Consultations and Representations:

- The Scottish Environmental Protection Agency (SEPA) object to this application in principle. An initial objection was made on ground of lack of information / absence of Flood Risk Assessment (FRA). Upon submission of a further revised FRA and associated mitigation, a final consultation response from SEPA was received (dated 20<sup>th</sup> September 2019). This detailed that SEPA object in principle to the proposed development on flood risk grounds. The principle reason for objection was a lack of dry access and egress from the site in the event of an extreme flood event.
- The Council Drainage Officer initially requested further information on the details of the Sustainable Urban Drainage arrangements for the site, and additional levels information. Having received further details, the Council Drainage Officer was content with the drainage information provided for the proposed development.
- The Council Flood Risk Engineer is content with the final position of the applicants engineer to SEPA.
- Following notification of the application, PAD consulted the Scottish Government Flood Risk Management Team (FRMT). FRMT colleagues noted SEPA's concerns about the change of use and the access/egress routes during an extreme flood event as well as the uncertainties associated with the FRA. However, FRMT consider that the Council have assessed the issue of flooding at the site and that they are of the view that proposed mitigation measures are satisfactory. As such it is not considered that the proposal raises issues of national importance that would justify it being called in by Scottish Ministers.
- There are no objections from other statutory consultees.
- Two letters of representations were made by local residents to the planning application. These raised concerns in relation to design of the building; impact on conservation area; impact on trees adjoining the site; flood risk; and effects on air quality.
- Following receipt of the application by PAD, an objection was received from one of the original objectors to the planning application. This raises concerns in relation to potential health issues arising from air pollution in the vicinity.

### Assessment:

1. East Dunbartonshire Council (EDC) are minded to grant planning consent for this proposal against the advice of SEPA and the application has been notified to Scottish Ministers as a result of that objection.
2. SEPA objects in principle to the proposed development on the grounds that it is contrary to Scottish Planning Policy (SPP) and may place buildings and persons at flood risk. SEPA note that the proposed development is a change of use from a former Library to an Early Learning Centre/Nursery and will result in an increase in "vulnerability" as nurseries/educational establishments come under the definition of "most vulnerable uses". Scottish Planning Policy states that such uses are generally not suitable for development in medium to high risk (1:200-year and above) areas, otherwise defined as the functional flood plain. SEPA have concerns regarding safe access and egress from the site during a flood event.
3. A Flood Risk Assessment (FRA) has been undertaken in support of the application and shows that the carpark within the site is expected to flood during the 1:1000-year scenario and to a lesser extent in the 1:200-year. The Council note that It is only in a 1:1000-year event, with an allowance for climate change or in lower return periods with bridge blockage, that the site is shown to flood out with the car park. Whilst the building may be flood free during all assessed scenarios, it becomes surrounded by floodwater when upstream structure blockage is considered or in a 1:1000-year event with an allowance for climate change. This has implications for access/egress.
4. It is understood that the main flood risk posed to the site is not from the section of the burn flowing adjacent to the site. There is a flooding mechanism upstream, where flood waters leave the channel and flow along Drymen Road, which creates a potential to impact to the site. To address this the FRA outlines mitigation in the form of a conveyance swale that would work to capture any flows towards the car park area of the application site.
5. The flood risk modelling detailed within the FRA includes provision for the existing boundary wall positioned along the south-western extent of the site, separating the site from Drymen Road. Within the modelling undertaken, this wall acts as an informal flood defence from flooding originating along Drymen Road and in an extreme flood event (1 in 1000 year).
6. However, any protection offered by informal flood defences, such as the existing stone wall along Drymen Road, cannot be taken into account by SEPA. In addition, SEPA consider that developments that introduce the most vulnerable uses are also not considered acceptable behind a flood protection scheme. Therefore SEPA object in principle to the proposal.
7. The Council's flooding officer is satisfied with the FRA and the mitigation proposed, as in their view the existing wall is to remain in situ and would stop excess flows from entering the site from Drymen Road. The Council concludes that the FRA modelling, including the existing boundary wall and swale mitigation proposed, demonstrate that the site would not be at flood risk and dry access and egress would be achieved.

8. Scottish Government's Flood Policy Team note SEPAs concerns and in-principle objection. However, they set out that the Council has considered all the issues before them and the mitigation proposed, and conclude that the development does not raise any issues of national importance which would warrant its call in by Scottish Ministers.
9. In terms of the objection in respect of Air Quality impacts, this was not a matter triggering notification to Scottish Ministers, and this matter was considered by the Planning Authority in its assessment of the Planning Application. The Planning Authority consulted with the Environmental Health Service of EDC, who had no objection to the development. The application was accompanied by an Air Quality Assessment, which considered the effects of the construction process and vehicle movements associated with the new use on nearby air quality. The Council consider that the site is sustainable as the location should minimise the need to travel by car and therefore minimise the impact on air quality. The Council has commented that regular air quality monitoring is carried out in the area and current data shows that the required levels for air quality in the vicinity of the site, are not being exceeded
10. In determining this application the council has considered the flood risk objection made by SEPA, alongside the flood mitigation proposed and the development plan. The Council has considered that the proposal would reuse a brownfield site in a sustainable location, and that overall it complies with the development plan policy. Overall It is not considered that this particular proposal raises issues of national importance to warrant intervention by Scottish Ministers.

**Decision/Recommendation:**

- It is recommended that this application be cleared back to East Dunbartonshire Council.

# Annex – Plan – Proposed floodwater conveyance ditch

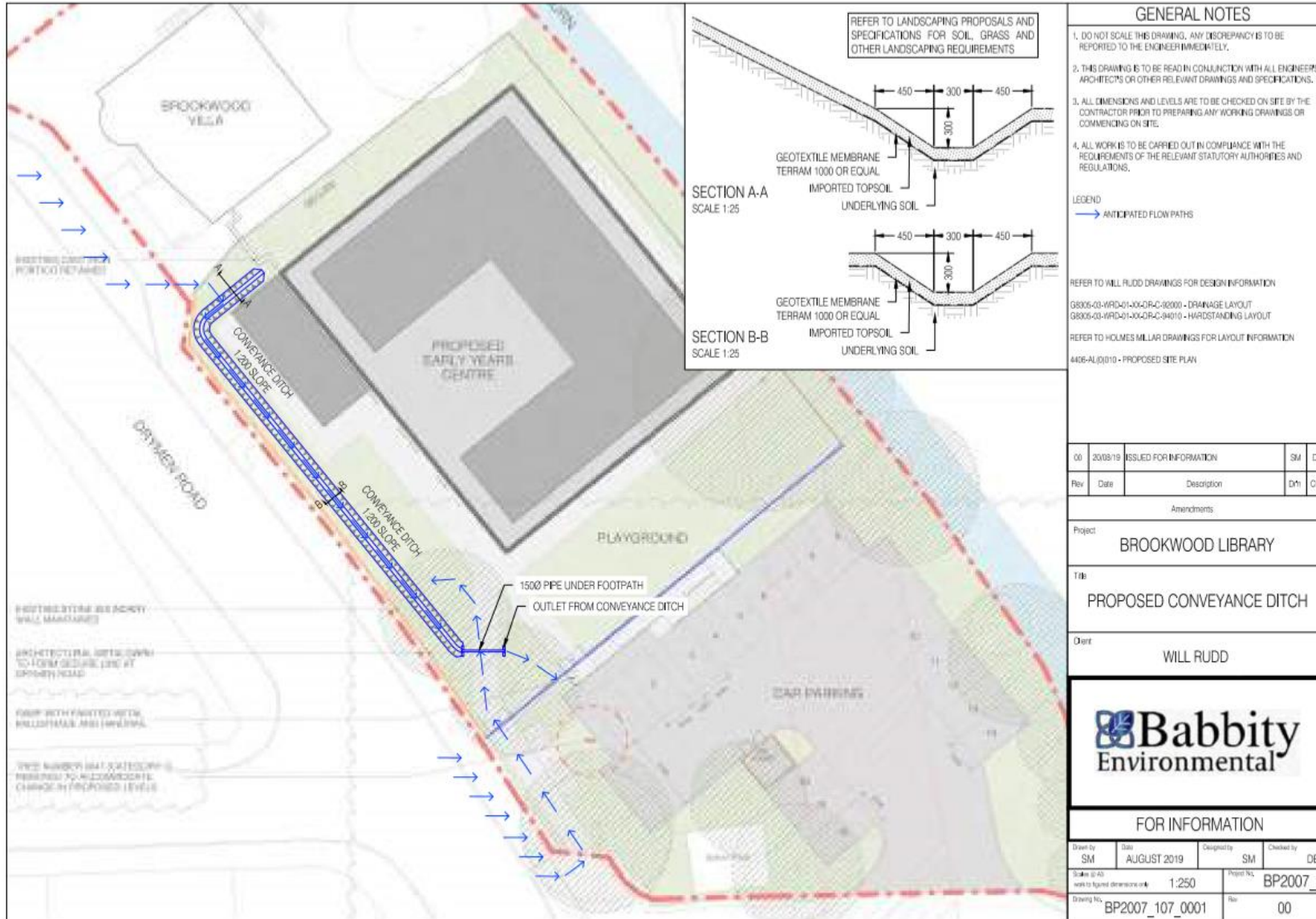


Figure 2 – Proposed Floodwater Conveyance Ditch – Drawing BP2007\_107\_0001 © Babbity Environmental



## Annex – Elevations (as proposed)



Figure 3 -

Proposed Site Elevations - Drawing 4406-AL(0)130 Rev B © Holmes Miller Architects

## Annex – Photos (as existing)





Photo 1 - Existing Library Frontage



Photo 2 - Manse Burn to Rear of Library



Photo 3 - Library Frontage



Photo 4 - Bridge over Manse Burn Adjacent to Library

