

ANGUS COUNCIL**DEVELOPMENT STANDARDS COMMITTEE – 12 MAY 2015****PLANNING APPLICATION – CRAIGMILL LODGE, STRATHMARTINE, DUNDEE, DD3 0PH****GRID REF: 338385 : 735044****REPORT BY THE HEAD OF PLANNING AND PLACE****Abstract:**

This report deals with planning application No. 15/00038/PPPL for Planning Permission in Principle for the Erection of 3 Dwellinghouses (renewal of planning permission 12/00201/PPPL) for Grants (Craigmills) Caravans at Craigmill Lodge, Strathmartine, Dundee. This application is recommended for conditional approval, subject to a Section 75 Planning Obligation.

1. RECOMMENDATION

It is recommended that this planning application in principle is approved for the reasons and subject to the conditions and planning obligation detailed at Section 10 of this report.

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/ CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Our communities are developed in a sustainable manner
- Our natural and built environment is protected and enjoyed

3. INTRODUCTION

- 3.1 The applicant seeks planning permission in principle for the erection of 3 dwellinghouses at Craigmill Lodge, Strathmartine, Dundee.
- 3.2 The application site, which measures 2998sqm, is located immediately to the west of Craigmill Lodge and is bound to the north by Craigmill Road, to the south by the Dighty Water and to the west by the applicant's caravan sales and service business. The northern and western boundaries of the application site consists of stone walls complemented by additional planting; the east boundary is undefined; and the south boundary consists of substantial planting. Vehicular access to the site is located at the east boundary of the site. The application site sits below the level of Craigmill Road by approximately 6m and is screened from the south due to the substantial landscaping along the south boundary. The site is occupied by a large, disused garage/workshop and its associated hardstanding.
- 3.3 The application seeks planning permission in principle for the erection of 3 dwellinghouses. No details are provided showing elevations or indicative house positions. It is indicated that the finished floor levels of the dwellinghouses would have to be set at 83.4m AOD with the finished ground levels outside the dwellinghouses set at 82.73m AOD for a minimum width of 2m. Vehicular access would be via the existing access at the east boundary of the site.
- 3.4 The application has not been subject of variation.
- 3.5 The proposal has been advertised in the press as required by legislation.
- 3.6 This application requires to be determined by the Development Standards Committee due to the recommendation for approval whilst being subject to an objection from the Community Council.

4. RELEVANT PLANNING HISTORY

- 4.1 Planning permission in principle (ref: 12/00201/PPPL) for the erection of three dwellinghouses at the site was approved subject to conditions on 25 April 2012.
- 4.2 Planning permission (ref: 15/00081/FULL) for the change of use of land to form 6 caravan pitches for holiday use at the site subject of this application was approved subject to conditions by the Development Standards Committee at its meeting of 31 March 2015 (Report 143/15 refers).

5. APPLICANT'S CASE

- 5.1 A Flood Risk Assessment has been submitted in support of the proposal which concludes that the site would be developable with respect to flood risk, as the site is not within the 1 in 200 year flood plain of the Dighty Water. All finished floor levels should be set at, or above 83.4m AOD, providing minimum freeboard of 670mm above the Q200+20% flood level, including blockages. The finished ground levels outside the dwellinghouses should be set above the Q200+20%+ blockage flood level (82.73m AOD) for a minimum width of 2m to enable safe pedestrian access around the dwellinghouses should this magnitude of flood occur. Any new building proposed to be constructed within the flood envelope of the Q200+20%+blockage should be constructed using flood resilient materials and methods.
- 5.2 A letter in support of the proposal indicates as a result of the current economic climate, its impact on the housing market and consequences regarding the sourcing of funds for new build projects from lenders, the applicant was unable to progress the proposal over the last 3 years. The applicant has explored other suitable alternative development opportunities for the site and these are still being considered but notwithstanding this as there has been no material change in the site conditions since the grant of the 2012 planning permission it is considered that the proposal is still in accordance with the Angus Local Plan Review as the redevelopment of the site would result in the reuse of redundant brownfield land.

6. CONSULTATIONS

- 6.1 Angus Council Roads Service has not objected to the proposal in respect of traffic safety or flood risk. In relation to road safety, the Roads Service has confirmed that the proposal would not result in unacceptable impacts on the public road network. They have also considered the submitted information on flood risk and have confirmed no objection subject to a number of planning conditions.
- 6.2 Angus Council Environmental Health Service has been consulted in respect of contaminated land and has offered no objections to the proposal subject to conditions.
- 6.3 Angus Council Education Service has indicated that primary and secondary schools in the area would require to be extended to accommodate the anticipated number of children from this and other planned development in the area. On this basis the Education Service has indicated that a contribution of £11,000 per dwelling is required in order to mitigate the impact of the development on primary and secondary school infrastructure.
- 6.4 Scottish Water has indicated no objections to the proposal.
- 6.5 Strathmartine Community Council has objected to the application. It raises concerns relating to the approval for mass housing at the former Strathmartine Hospital and considers that any further housing along Craigmill Road would contribute to ribbon development, increase further urbanisation of the area and place further strains on the local rural road network. *The full representation from the community council will be circulated to members of the Development Standards Committee and copies are available to view in the local library or on the council's Public Access website.*

7. LETTERS OF REPRESENTATION

No objections have been received.

8. PLANNING CONSIDERATIONS

- 8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 In this case the development plan comprises:-
- TAYplan (Approved 2012)
 - Angus Local Plan Review (Adopted 2009)
- 8.3 The development plan policies relevant to consideration of this application are provided in Appendix 1 and have been taken into account in the preparation of this report.
- 8.4 Angus Council is progressing with preparation of a Local Development Plan to provide up to date Development Plan coverage for Angus. When adopted, the Angus Local Development Plan (ALDP) will replace the current adopted Angus Local Plan Review (ALPR). The Draft Proposed Angus Local Development Plan was considered by Angus Council at its meeting on 11 December with a view to it being approved and published as the Proposed ALDP for a statutory period for representations. The Draft Proposed ALDP sets out policies and proposals for the 2016-2026 period consistent with the strategic framework provided by the approved TAYplan SDP(June 2012) and Scottish Planning Policy (SPP) published in June 2014. The Proposed ALDP, as approved by Angus Council, will be subject to a 9 week period for representation commencing in February 2015. Any unresolved representations received during this statutory consultation period are likely to be considered at an Examination by an independent Reporter appointed by Scottish Ministers. The Council must accept the conclusions and recommendations of the Reporter before proceeding to adopt the plan. Only in exceptional circumstances can the Council choose not to do this. The Proposed ALDP represents Angus Council's settled view in relation to the appropriate use of land within the Council area. As such, it will be a material consideration in the determination of planning applications. The Proposed ALDP is, however, at a stage in the statutory process of preparation where it may be subject to further modification. Limited weight can therefore currently be attached to its contents. This may change following the period of representation when the level and significance of any objection to policies and proposals of the plan will be known.
- 8.5 The site is not allocated for development and lies to contiguous with the Strathmartine Hospital development boundary. The local plan indicates that development boundaries are defined around settlements to protect the landscape setting of towns and villages and to prevent uncontrolled growth. On such sites, Policy S1(c) indicates that proposals will only be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary. The site comprises a disused garage and associated area of hardstanding that most recently has been used for storage as a part of the applicant's adjacent caravan business. The site has an unkempt appearance, and it is noted from the Environmental Health Service that the site is potentially contaminated. In this respect it is considered to be a brownfield site where there is some public interest in securing a redevelopment that would remove potential contaminants and result in some environmental improvement. The site is relatively discreet and lies between existing built development and in this respect its redevelopment would have little significant impact on the setting of the village.
- 8.6 This proposal falls to be considered against Policy SC6: Countryside Housing – New Houses. In terms of Policy SC6 the site comprises a large disused garage and associated hardstanding which meets the definition of brownfield contained in the ALPR. Whilst the disused garage/workshop is not derelict, the redevelopment of the site would tidy up the site and potentially remediate the site from contamination. This is considered to result in environmental improvement. Policy SC6 criterion (c) would allow for the site to be developed for three dwellinghouses subject to compliance with other relevant policies.
- 8.7 Policy SC6 also requires that the relevant criteria of Schedule 2: Countryside Housing Criteria are satisfied. In this respect development of the site would not open up other areas for development. The site is large enough to accommodate three plots within the 800 to 2000sqm plot size criteria applicable within a Category 1 RSU area. Development of the site would likely result in a linear form of development but it would be contained by existing development on both sides and would be reflective of the general pattern of development in the area. The

application is for permission in principle only but three dwellinghouses at this location would be able to have regard to the character of the area and would be capable of providing an acceptable residential environment whilst safeguarding the amenity of others in the area. Matters relating to the design and detailed layout of the proposal would require approval from the Council through the submission of a further application. Impacts on community infrastructure are discussed further below. The site does not give rise to significant issues in terms of the remaining criteria.

- 8.8 In terms of Policy ER27: Flood Risk Consultation and Policy ER28: Flood Risk Assessment, Angus Council Roads Service has been consulted on the Flood Risk Assessment (FRA). In this instance the Roads Service agrees with the recommendations of the FRA and has raised no objections to the proposal subject to the recommendations contained in the FRA being conditioned to minimise flood risk.
- 8.9 Policy S6 of the ALPR indicates that development should, where appropriate, have regard to the relevant development principles set out in Schedule 1. In terms of Schedule 1 the relevant criteria to this proposal are amenity, roads/parking/access, landscaping, drainage and flood risk and waste management. As discussed above a suitably designed and detailed scheme would not have an unacceptable impact on amenity. In respect of roads, parking and access the Roads Service has been consulted on the proposal and has considered the application in terms of the traffic likely to be generated by it and its impact on the public road network. The application site is considered to be capable of providing parking and turning facilities for three dwellinghouses and the Roads Service has offered no objections to the proposed development. The size of the application site allows for appropriate landscaping to be incorporated which would assist in integrating the development into the landscape and this would also be a matter reserved for consideration as part of a subsequent application. In terms of infrastructure, the applicant proposes to connect to the public water supply and drainage systems and Scottish Water has not objection to this. Issues regarding flood risk have been considered above but there is no flood risk reason to refuse permission subject to appropriate planning conditions. Bin storage areas could be accommodated within the curtilage of each dwellinghouse. The proposal does not give rise to any issues in terms of the remaining criteria.
- 8.10 Policy 8 in TAYplan seeks to mitigate any adverse impacts on infrastructure, services and amenities brought about by development, including impacts on schools. Policy Imp1 in ALPR has similar objectives. The Education Service has indicated that Strathmartine Primary School and Forfar Academy would require to be extended to accommodate the anticipated number of children from the development having regard to other planned developments in the respective catchment areas. On this basis a contribution of £11,000 per dwelling would be required in order to mitigate the impact of the development on primary and secondary school infrastructure. Such contribution could be secured by a planning obligation and would be used to increase primary and secondary school capacity in order to accommodate children that can reasonably be expected from the development. On this basis it is considered that impacts on education infrastructure could be mitigated.
- 8.11 Turning to the issue of other material considerations, it is noted that the application site has benefitted from planning permission in principle in the recent past. The policy position relative to the site has not changed significantly in the intervening period. Whilst Council has resolved to grant planning permission in principle for redevelopment of the site of the nearby former Strathmartine Hospital, that application has been called-in for determination by Scottish Ministers. That resolution to grant planning permission in principle does not alter the policy position in relation to this proposal and does not give rise to issues that would merit refusal of this application. It is also noted that planning permission has recently been granted to use the land for the siting of holiday caravans. However, that decision should not prevent the grant of planning permission for an alternative form of development that is otherwise acceptable.
- 8.12 In conclusion, the proposal is considered to comply with the relevant policies of the development plan and there are no material considerations which would justify refusal of the application.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The decision to grant permission/consent, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

EQUALITIES IMPLICATIONS

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

10. CONCLUSION

It is recommended that application be approved for the following reason, subject to the conclusion of a planning obligation and the following conditions:

Reason(s) for Approval:

The proposal will provide for new dwellinghouses on a rural brownfield site in a manner that complies with relevant policies of the development plan. The site has previously been granted permission for a similar development and there are no material considerations that justify refusal of planning permission.

Section 75 Planning Obligation

Subject to conclusion and recording of a valid planning obligation (under Section 75 of the Act) amongst all relevant parties containing the following general terms along with such other or additional terms as may be considered necessary or expedient by the Head of Legal & Democratic Services in consultation with the Head of Planning & Place.

- That a financial contribution of £11,000 per house be provided towards the necessary cost of improving primary school infrastructure in Strathmartine and secondary school infrastructure at Forfar in order to ensure appropriate education capacity for the development.

Conditions:

1. That plans and particulars of the matters listed below shall be submitted for consideration by the planning authority. No work shall begin until the written approval of the authority has been given and the development shall be carried out in accordance with that approval. The matters are:
 - The siting of the building(s);
 - The design and external appearance of the building(s);
 - The means of drainage for the development;
 - A scheme for the assessment of surface water flooding for the development. The scheme shall demonstrate that the development is not at risk and that appropriate contingencies have been put in place to account for exceedance;
 - A scheme for the landscaping of the site. The scheme shall include an indication of all existing trees and hedgerows on the site, those to be retained, removed and/or relocated within the site as well as new planting arrangements;
 - The existing and proposed ground levels and floor levels relative to a fixed ordnance datum;
 - The layout of the site, including access, car parking, turning space, street lighting, surface water drainage and the means of site enclosure.

- Any necessary remediation of the site having regard to previous land use and adjacent land uses. In this respect any further application shall be accompanied by a comprehensive assessment of contaminated land in accordance with a scheme approved by the Planning Authority.

Reason: to ensure that the matters referred to are given full consideration and to accord with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. That the development shall be undertaken in accordance with the conclusions identified in the Flood Risk Assessment: Proposed Housing Development at Craigmills, Strathmartine by Millard Consulting (Doc Ref: 12197/AB/099):

- All finished floor levels shall be set at 83.40m AOD or such higher height as may be approved in writing by the Planning Authority;
- The finished ground level outside each property shall be set above 82.73m AOD i.e. above the Q200 + 20% + blockage flood level, for a minimum width of 2 m to enable safe pedestrian access around the houses;
- A dry vehicular emergency access/egress route shall be maintained throughout a 1 in 200 year flood event;
- The site levels shall not be lowered as part of the proposed development;
- Any new building proposed to be constructed within the flood envelope of the Q200 + 20% + blockage flood level shall be constructed using flood resilient materials and methods.

Reason: in order to reduce the potential of flooding within and outwith the site.

3. That notwithstanding the provisions of any Development Order no dwelling hereby approved shall be enlarged by way of extension at ground floor level and no building or engineering works shall be undertaken within the curtilage of any such dwelling unless first approved through the grant of planning permission following submission of an application to the Planning Authority.

Reason: in order that issues regarding flood risk associated with any development may be considered by the Planning Authority.

NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

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Date: 28.04.2015

Appendix 1: Relevant Development Plan Policies

APPENDIX 1 – RELEVANT DEVELOPMENT PLAN POLICIES

TAYplan Policies

Policy 8: Delivering the Strategic Development Plan

To ensure that quality is designed-in to development and places developer contributions shall be sought for new development:-

To mitigate any adverse impact on infrastructure, services and amenities brought about by development including contributions towards schools, affordable housing, transport infrastructure and facilities (including for road, rail, walking, cycling and public transport), and other community facilities in accordance with the Scottish Government Circular 1/2010.

Angus Local Plan Review 2009

Policy S1: Development Boundaries

- (a) Within development boundaries proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.
- (b) Development proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan.
- (c) Development proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary.

Policy S6: Development Principles

Proposals for development should where appropriate have regard to the relevant principles set out in Schedule 1 which includes reference to amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information.

Schedule 1 : Development Principles

Amenity

- (a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.
- (b) Proposals should not result in unacceptable visual impact.
- (c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

Roads/Parking/Access

- (d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards, and use innovative solutions where possible, including 'Home Zones'. Provision for cycle parking/storage for flatted development will also be required.
- (e) Access to housing in rural areas should not go through a farm court.
- (f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out in Angus Council Advice Note 17 : Miscellaneous Planning Policies. If the track exceeds 200m in length, conditions may be imposed regarding widening or the provision of passing places where necessary.
- (g) Development should not result in the loss of public access rights. (Policy SC36)

Landscaping / Open Space / Biodiversity

- (h) Development proposals should have regard to the Landscape Character of the local area as set out in the Tayside Landscape Character Assessment (SNH 1998). (Policy ER5)
- (i) Appropriate landscaping and boundary treatment should be an integral element in the design and layout of proposals and should include the retention and enhancement of existing physical features (e.g. hedgerows, walls, trees etc) and link to the existing green space network of the

local area.

- (j) Development should maintain or enhance habitats of importance set out in the Tayside Local Biodiversity Action Plan and should not involve loss of trees or other important landscape features or valuable habitats and species.
- (k) The planting of native hedgerows and tree species is encouraged.
- (l) Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.

Drainage and Flood Risk

- (m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22)
- (n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.
- (o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)
- (p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).
- (q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38)
- (r) Development should minimise waste by design and during construction.

Supporting Information

- (s) Where appropriate, planning applications should be accompanied by the necessary supporting information. Early discussion with Planning and Transport is advised to determine the level of supporting information which will be required and depending on the proposal this might include any of the following: Air Quality Assessment; Archaeological Assessment; Contaminated Land Assessment; Design Statement; Drainage Impact Assessment; Environmental Statement; Flood Risk Assessment; Landscape Assessment and/or Landscaping Scheme; Noise Impact Assessment; Retail Impact Assessment; Transport Assessment.

Policy SC6: Countryside Housing – New Houses

- (a) Building Groups – One new house will be permitted within an existing building group where proposals meet Schedule 2 : Countryside Housing Criteria and would round off or consolidate the group.
- (b) Gap Sites – In Category 1 RSU's a single new house will be permitted on a gap site with a maximum road frontage of 50 metres; and in Category 2 RSU's up to two new houses will be permitted on a gap site with a maximum road frontage of 75 metres. Proposals must meet Schedule 2 : Countryside Housing Criteria as appropriate.
- (c) Rural Brownfield Sites – Redevelopment of redundant rural brownfield sites will be encouraged where they would remove dereliction or result in a significant environmental improvement. A statement of the planning history of the site/building, including the previous use and condition, must be provided to the planning authority. In addition, where a site has been substantially cleared prior to an application being submitted, or is proposed to be cleared, a statement by a suitably qualified professional justifying demolition must also be provided. Proposals should be small scale, up to a maximum of four new houses and must meet Schedule 2 : Countryside Housing Criteria as appropriate.

Exceptionally this may include new build housing on a nearby site where there is a compelling environmental or safety reason for removing but not redeveloping the brownfield site.

Large scale proposals for more than four new houses on rural brownfield sites will only be permitted exceptionally where the planning authority is satisfied that a marginally larger development can be acceptably accommodated on the site and it can be demonstrated beyond reasonable doubt that there are social, economic or environmental reasons of overriding public interest requiring such a scale of development in a countryside location.

- (d) Open Countryside - Category 2 RSU's - Development of a single house will be supported where Schedule 2 : Countryside Housing Criteria is met.

Schedule 2: Countryside Housing Criteria

In addition to taking account of the provisions of the General Policies including Policy S6 : Development Principles, and the associated Schedule 1, all countryside housing proposals should meet the following criteria as applicable (except where specific exclusions are set out). Development proposals should :

- a) be on self-contained sites and should not set a precedent or open up further areas for similar applications; (does not apply to proposals for conversion under Policy SC5, rural brownfield sites under Policy SC6(c) or essential worker houses under Policy SC7)
- b) meet the plot size requirements; (does not apply to proposals for conversion under Policy SC5, or new country house proposals under Policy SC8)
- c) not extend ribbon development;
- d) not result in the coalescence of building groups or of a building group with a nearby settlement;
- e) have regard to the rural character of the surrounding area and not be urban in form and/or appearance;
- f) provide a good residential environment, including useable amenity space/private garden ground, and adequate space between dwellings whilst retaining the privacy of adjacent properties. Angus Council's Advice Note 14 - Small Housing Sites provides guidance on minimum standards in relation to private amenity space and distance between dwellings which will be acceptable for proposals involving between one and four dwellings on sites within existing built up areas. In countryside areas it will commonly be expected that these standards should be greater than the minimum having regard to the nature of the location. The extension of property curtilage in relation to proposals for renovation or conversion of existing buildings may be permitted in line with Angus Council's Advice Note 25 – Agricultural Land to Garden Ground.
- g) be acceptable in relation to the cumulative effect of development on local community infrastructure including education provision;
- h) not adversely affect or be affected by farming or other rural business activities (may not apply to proposals for essential worker houses related to the farm or business under Policy SC7);
- i) not take access through a farm court; (may not apply to proposals for essential worker houses for farm workers under Policy SC7);
- j) not require an access road of an urban scale or character. The standard of an access required to serve a development will give an indication of the acceptability of the scale of the development in a rural location, eg where the roads standards require a fully adoptable standard of road construction with street lighting and is urban in appearance it is likely that the development proposals will be too large; and
- k) make provision for affordable housing in line with Policy SC9 : Affordable Housing.

Policy ER22: Public Drainage Systems

Within towns and villages served by public sewers all development proposals requiring drainage must be connected to the public drainage system. Private drainage solutions will not be permitted within areas served by public sewers, even where they are subject to constraint.

Policy ER24: Surface Water Disposal

Sustainable Urban Drainage Systems are preferred in dealing with surface water drainage from all new development. In considering development proposals Angus Council will consult and liaise closely with SEPA, Scottish Water and developers in order to ensure that appropriate methods of surface water run-off collection, treatment, decontamination and disposal are implemented to minimise the risk of flooding and the pollution of water courses, lochs and ground water.

Policy ER27: Flood Risk - Consultation

- (a) Angus Council will routinely consult with SEPA on all development proposals adjacent to or potentially affected by:-
 - (a) the North Esk, south of Edzell;
 - (b) the South Esk;
 - (c) the Brothock Burn, south of Leysmill;
 - (d) the Elliot Water, south of Arbirlot;
 - (e) the catchment of the Dighty Water and its tributaries; and
 - (f) other watercourses and lochs of known potential flood risk.

Angus Council may require developers to submit a flood risk assessment in support of a planning application.

Policy ER28: Flood Risk Assessment

Proposals for development on land at risk from flooding, including any functional flood plain, will only be permitted where the proposal is supported by a satisfactory flood risk assessment. This must demonstrate to the satisfaction of Angus Council that any risk from flooding can be mitigated in an environmentally sensitive way without increasing flood risk elsewhere. In addition, limitations will be placed on development according to the degree of risk from coastal, tidal and watercourse flooding.

The following standards of protection, taking account of climate change, will be applied:-

- In Little or No Risk Areas where the annual probability of flooding is less than 0.1% (1:1000 years) there will be no general constraint to development.
- Low to Medium Risk Areas where the annual probability of flooding is in the range 0.1% - 0.5% (1:1000 – 1:200 years) are suitable for most development. Subject to operational requirements these areas are generally not suitable for essential civil infrastructure. Where such infrastructure has to be located in these areas, it must be capable of remaining operational during extreme flood events.
- Medium to High Risk Areas (see 2 sub areas below) where the probability of flooding is greater than 0.5% (1:200 years) are generally not suitable for essential civil infrastructure, schools, ground based electrical and telecommunications equipment.
 - (a) Within areas already built up sites may be suitable for residential, institutional, commercial and industrial development where an appropriate standard of flood prevention measures exist, are under construction or are planned.
 - (b) Undeveloped or sparsely developed areas are generally not suitable for additional development.

Policy Imp1: Developer Contributions

Developer contributions will be required in appropriate circumstances towards the cost of public services, community facilities and infrastructure and the mitigation of adverse environmental impacts that would not have been necessary but for the development. Such contributions will be consistent with the scale and effect of the development and may relate to both on-site and off-site items that are required to produce an acceptable development in the public interest.